

ESTTA Tracking number: **ESTTA489932**

Filing date: **08/20/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205542
Party	Plaintiff Halliburton Energy Services, Inc.
Correspondence Address	JOEL D LEVITON FISH & RICHARDSON PC 60 SOUTH SIXTH STREET, SUITE 3200 MINNEAPOLIS, MN 55402 UNITED STATES tmdoctc@fr.com, leviton@fr.com, lls@fr.com, rnr@fr.com
Submission	Answer to Counterclaim
Filer's Name	Elizabeth E. Brenckman
Filer's e-mail	brenckman@fr.com, leviton@fr.com, rnr@fr.com, lls@fr.com, tmdoctc@fr.com
Signature	/Elizabeth E. Brenckman/
Date	08/20/2012
Attachments	August 20 Answer.pdf (4 pages)(82807 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HALLIBURTON ENERGY SERVICES, INC.,

Opposer,

v.

BAKER HUGHES INCORPORATED,

Applicant.

Opposition No.: 91205542

Application Ser. No. 85/402,715

Mark: VACS

ANSWER TO COUNTERCLAIM

Through the undersigned counsel, Applicant Halliburton Energy Services, Inc. (“Halliburton”) answers the Counterclaim filed against Registration No. 3,738,313 by Petitioner, Baker Hughes Incorporated (“Petitioner”), as set forth below. The Answer paragraphs are numbered to correspond to the numbered paragraphs of the Counterclaim. The Counterclaim included two paragraphs identified as paragraph 5, which Halliburton identifies as 5(a) and 5(b) below. Concurrently herewith, Halliburton moves to dismiss Petitioner’s Counterclaim for cancellation of Registration No. 3,738,313 based on fraud.

1. Halliburton admits that Petitioner is a Delaware corporation located and doing business in Houston, Texas. Halliburton denies that Petitioner is or will be damaged by Registration No. 3,738,313 and otherwise denies the remaining allegations of paragraph 1 of the Counterclaim.

2. Halliburton admits the allegations contained in paragraph 2 of the Counterclaim.

3. Halliburton admits the allegations contained in paragraph 3 of the Counterclaim.

4. Halliburton denies the allegations contained in paragraph 4 of the Counterclaim.

5(a). Halliburton denies the allegations contained in the first paragraph 5 of the Counterclaim.

5(b). Halliburton denies the allegations contained in the second paragraph 5 of the Counterclaim.

6. Halliburton is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the first three sentences of paragraph 6 of the Counterclaim and, therefore, denies the same. Halliburton denies the allegation that it had knowledge of Petitioner's use of the VACS mark on goods that are identical to Halliburton's goods well before Halliburton began using its mark on goods identical to Petitioner's goods. Halliburton also denies the allegation that its adoption, use, and registration of the VAC TECH mark was intended to cause confusion among customers and potential customers.

7. Halliburton denies the allegations contained in paragraph 7 of the Counterclaim.

8. Halliburton denies the allegations contained in paragraph 8 of the Counterclaim.

9. Halliburton denies the allegations contained in paragraph 9 of the Counterclaim.

10. No response is necessary to paragraph 10 of the Counterclaim.

RESPONSE TO PRAYER AND CONCLUSION

Halliburton denies that it owns U.S. Trademark Registration No. 2,402,208, but nevertheless respectfully requests that the Trademark Trial and Appeal Board dismiss the Counterclaim with prejudice.

Respectfully submitted,

Date: August 20, 2012

/s/ Joel D. Leviton

Joel D. Leviton (Levito@fr.com)
Russell N. Rippamonti (Rippamonti@fr.com)
Elizabeth E. Brenckman (Brenckman@fr.com)
FISH & RICHARDSON P.C.
P.O Box 1022
Minneapolis, MN 55440-1022
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

ATTORNEYS FOR HALLIBURTON
ENERGY SERVICES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the following document:

ANSWER TO COUNTERCLAIM

has been served this 20th day of August, 2012 by U.S. mail, postage prepaid, upon counsel for the Applicant:

ANTHONY F MATHENY
GREENBERG TRAUIG LLP
1000 LOUISIANA STREET, SUITE 1700
HOUSTON, TX 77002

/s/ Maryann White_____

Maryann White