

ESTTA Tracking number: **ESTTA735972**

Filing date: **03/25/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Summit ESP, LLC
Granted to Date of previous extension	03/30/2016
Address	P.O. Box 9616 Tulsa, OK 74157 UNITED STATES
Attorney information	Penina Michlin Chiu Frederic Dorwart Lawyers Old City Hall124 East Fourth Street Tulsa, OK 74103 UNITED STATES pchiu@fdlaw.com Phone:918-583-9922

Applicant Information

Application No	86722768	Publication date	12/01/2015
Opposition Filing Date	03/25/2016	Opposition Period Ends	03/30/2016
Applicant	Baker Hughes Incorporated P.O. Box 4740 Houston, TX 772104740 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2013/12/31 First Use In Commerce: 2013/12/31 All goods and services in the class are opposed, namely: Oil production services in the nature of electronic monitoring of surface tank pressure and temperature and electronic chemical injection for subterranean oil and gas wells

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act section 1,2 and 45; and section 2(f)
Other	Abandonment due to Applicant's failure to police the mark, under 15 U.S.C. Â§ 1127, part (2) of the definition of abandonment

Related Proceedings	Case No. 15-cv-484-TCK-TLW in the United States District Court for the Northern District of Oklahoma
---------------------	--

Attachments	2016-03-25 Notice of Opposition - sentrynet (PMC).pdf(194564 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Penina Michlin Chiu/
Name	Penina Michlin Chiu
Date	03/25/2016

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

SUMMIT ESP, LLC., an)
Oklahoma limited liability)
company,)
)
Opposer,)
)
)
)
v.)
)
)
)
BAKER HUGHES)
INCORPORATED, a Delaware)
corporation,)
)
Applicant.)

Opposition No.: _____

IN THE MATTER OF

Application Serial No.: 86/722,768
Filed: August 12, 2015
Mark: **SENTRYNET**
Class: 42
Published: December 1, 2015

NOTICE OF OPPOSITION

Summit ESP, LLC, an Oklahoma limited liability company (“**Opposer**”) believes that it will be damaged by registration of the mark identified above in International class 42, and hereby opposes same under the provisions of 15 U.S.C. §1063. As grounds for opposition, Opposer asserts that:

1. Opposer is a limited liability company organized under the laws of the State of Oklahoma, having a principal place of business at 835 West 41st Street South, Tulsa, OK 74107.
2. Opposer is a provider of artificial lift assemblies for oil and gas wells throughout the United States, and provides real-time well surveillance services in connection therewith.
3. Opposer is a competitor of Applicant. Like Opposer, Applicant sells products and services in the artificial lift industry in the United States.
4. Opposer advertises its well surveillance and monitoring services under the designation “Sentry Well Surveillance”.
5. The term “sentry” is commonly used in reference to goods and services in the artificial lift industry.
6. Applicant Baker Hughes Incorporated is a corporation organized under the laws of Delaware with a business address of P.O. Box 4740 Houston TEXAS 77210-4740. Applicant filed Application Serial Number 86/722,768 (the “**Application**”) based on Section 1(a) of the

Trademark Act on August 12, 2015 for the mark SENTRYNET (hereinafter referred to as “*Applicant’s Mark*”) for “oil production services in the nature of electronic monitoring of surface tank pressure and temperature and electronic chemical injection for subterranean oil and gas wells,” in Class 42.

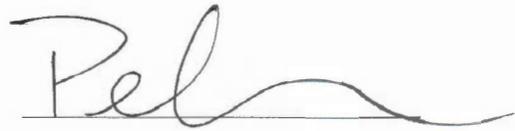
7. On August 21, 2015, only nine days after filing the Application, Applicant sued Opposer in the U.S. District Court for the Northern District of Oklahoma, Case No. 15-cv-484-TCK-TLW. In its complaint, Applicant alleges that Opposer infringes Applicant’s Mark.
8. The applied-for mark SENTRYNET is merely descriptive as applied to the listed services in the Application. SENTRYNET merely describes a characteristic, function or feature of Applicant’s services of “oil production services in the nature of electronic monitoring of surface tank pressure and temperature and electronic chemical injection for subterranean oil and gas wells,” under 15 U.S.C. § 1052(e). The term “sentrynet” describes Applicant’s network of sensors used as sentries, for monitoring oil and gas wells.
9. Applicant’s Mark is not inherently distinctive and has not acquired distinctiveness.
10. Applicant’s Mark is also opposed on the ground that Applicant’s Mark is abandoned due to Applicant’s failure to police Applicant’s Mark, under 15 U.S.C. § 1127, part (2) of the definition of abandonment. Applicant’s Mark, or similar marks, are used by third parties in the artificial lift industry, and Applicant has failed to enforce its rights against such third parties, causing Applicant’s Mark to lose its significance as a mark.
11. Registration of Applicant’s Mark on the Principal Register would be inconsistent with Opposer’s rights and would be damaging to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 86/722,768 be rejected, and that registration of the mark therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 CFR 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Frederic Dorwart, Lawyers, Account No. 506040 in the instance there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: 3/25/2016



Penina Michlin Chiu
John D. Clayman
Frederic Dorwart, Lawyers
Old City Hall
124 East Fourth Street
Tulsa, OK 74103
(918) 583-992
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION was served by first class mail postage prepaid on March 25, 2016 upon Applicant's attorney:

ANTHONY F. MATHENY
Baker Hughes Incorporated
PO Box 4740
Houston, TEXAS 77210-4740

