

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	88152990
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION</b>	
<b>MARK</b>	https://tmng-al.uspto.gov/resting2/api/img/88152990/large
<b>LITERAL ELEMENT</b>	ALTUS MIDSTREAM PIPELINE
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Applicant has revised its identification of services as part of this request for reconsideration in order to further clarify and distinguish Applicant's oil and gas midstream services from the transportation and logistics services covered by Registration No. 4822456 (ALTUS design) and Registration No. 4822457 (ALTUS) which have been cited against this Application. Based on these changes, Applicant respectfully requests that the Examining Attorney withdraw his refusal and allow Applicant's mark ALTUS MIDSTREAM PIPELINE to move forward to registration.	
<b>GOODS AND/OR SERVICES SECTION (039)(current)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	
Transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; power and energy storage, supplying, and transmitting in the nature of storing, supplying, and transmitting oil, gas, condensate, natural gas, and natural gas liquids; gathering of natural gas and natural gas liquids for others, namely, connecting to natural gas sources for the purpose of supplying and transmitting natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (039)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; Midstream services, namely, transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; power and energy storage, supplying, and transmitting in the nature of storing, supplying, and transmitting oil, gas, condensate, natural gas, and natural gas liquids; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck, or rail freight transportation services, technical consulting, surveying or mapping services; gathering of natural gas and natural gas liquids for others, namely, connecting to natural gas sources for the purpose of supplying and transmitting natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services</del>	
<b>FINAL DESCRIPTION</b>	
Midstream services, namely, transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck, or rail freight transportation services, technical consulting, surveying or mapping services	

FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (040)(current)</b>	
INTERNATIONAL CLASS	040
<b>DESCRIPTION</b>	
Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering services in the nature of processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; Processing of natural gas for others, namely, natural gas production services, refining of natural gas, treatment of natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (040)(proposed)</b>	
INTERNATIONAL CLASS	040
<b>TRACKED TEXT DESCRIPTION</b>	
<del>Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering services in the nature of processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; Processing of natural gas for others, namely, natural gas production services, refining of natural gas, treatment of natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services; and natural gas production, refining of natural gas, and treatment of natural gas; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services</del> <u>Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering; Processing of natural gas for others, namely, natural gas production services, refining of natural gas, treatment of natural gas; processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; and natural gas production, refining of natural gas, and treatment of natural gas; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services</u>	
<b>FINAL DESCRIPTION</b>	
Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering; processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; and natural gas production, refining of natural gas, and treatment of natural gas; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services	
FILING BASIS	Section 1(b)
<b>ATTORNEY SECTION (current)</b>	
NAME	Erin S. Hennessy
ATTORNEY BAR MEMBERSHIP NUMBER	NOT SPECIFIED
YEAR OF ADMISSION	NOT SPECIFIED
U.S. STATE/ COMMONWEALTH/ TERRITORY	NOT SPECIFIED
FIRM NAME	BRACEWELL LLP
STREET	701 FIFTH AVENUE, SUITE 6200
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98104
COUNTRY	US
PHONE	206-204-6200
FAX	800-404-3970
EMAIL	docketing@bracewell.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>ATTORNEY SECTION (proposed)</b>	
NAME	Erin S. Hennessy

ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	BRACEWELL LLP
STREET	701 FIFTH AVENUE, SUITE 6200
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98104
COUNTRY	United States
PHONE	206-204-6200
FAX	800-404-3970
EMAIL	docketing@bracewell.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>CORRESPONDENCE SECTION (current)</b>	
NAME	ERIN S. HENNESSY
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CITY	SEATTLE
STATE	Washington
POSTAL CODE	98104
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>CORRESPONDENCE SECTION (proposed)</b>	
NAME	Erin S. Hennessy
FIRM NAME	BRACEWELL LLP
STREET	701 FIFTH AVENUE, SUITE 6200
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COUNTRY	United States
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AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/S. Annie Allison/
SIGNATORY'S NAME	S. Annie Allison
SIGNATORY'S POSITION	Associate Attorney, Bracewell, LLP, WA Bar Member
SIGNATORY'S PHONE NUMBER	206-204-6200
DATE SIGNED	12/27/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Fri Dec 27 17:54:00 EST 2019
TEAS STAMP	USPTO/RFR-XXX.XXX.XXX.XXX -20191227175400216148-881 52990-7009e95b4b4f65c82f2 4897b8aab725965111cee3a5a fd1f8a3510b26c6ebce883-N/ A-N/A-2019122717441511733 4

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### Request for Reconsideration after Final Action

#### To the Commissioner for Trademarks:

Application serial no. **88152990** ALTUS MIDSTREAM PIPELINE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/88152990/large>) has been amended as follows:

#### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

Applicant has revised its identification of services as part of this request for reconsideration in order to further clarify and distinguish Applicant's oil and gas midstream services from the transportation and logistics services covered by Registration No. 4822456 (ALTUS design) and Registration No. 4822457 (ALTUS) which have been cited against this Application. Based on these changes, Applicant respectfully requests that the Examining Attorney withdraw his refusal and allow Applicant's mark ALTUS MIDSTREAM PIPELINE to move forward to registration.

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

##### Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 039 for Transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; power and energy storage, supplying, and transmitting in the nature of storing, supplying, and transmitting oil, gas, condensate, natural gas, and natural gas liquids; gathering of natural gas and natural gas liquids for others, namely, connecting to natural gas sources for the purpose of supplying and transmitting natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with

the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~Transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; Midstream services, namely, transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; power and energy storage, supplying, and transmitting in the nature of storing, supplying, and transmitting oil, gas, condensate, natural gas, and natural gas liquids; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck, or rail freight transportation services, technical consulting, surveying or mapping services; gathering of natural gas and natural gas liquids for others, namely, connecting to natural gas sources for the purpose of supplying and transmitting natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services~~

Class 039 for Midstream services, namely, transmission of oil, gas, condensate, natural gas, and natural gas liquids through pipelines; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck, or rail freight transportation services, technical consulting, surveying or mapping services

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 040 for Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering services in the nature of processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; Processing of natural gas for others, namely, natural gas production services, refining of natural gas, treatment of natural gas; none of the foregoing related to marine transportation logistics services, marine freight transportation, technical consulting, surveying or mapping services

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering services in the nature of processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; Processing of natural gas for others, namely, natural gas production services, refining of natural gas, treatment of natural gas; processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; none of the foregoing related to marine transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services; and natural gas production, refining of natural gas, and treatment of natural gas; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services~~

Class 040 for Oil and gas midstream services, namely, oil, gas, condensate, natural gas, and natural gas liquids gathering; processing and treating of oil, gas, condensate, natural gas, and natural gas liquids; and natural gas production, refining of natural gas, and treatment of natural gas; none of the foregoing related to freight transportation logistics services, including marine, truck or rail transportation logistics services, freight transportation services, including marine, truck or rail freight transportation services, technical consulting, surveying or mapping services

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a

bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

The applicant's current attorney information: Erin S. Hennessy. Erin S. Hennessy of BRACEWELL LLP, is located at

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SEATTLE, Washington 98104  
US

The phone number is 206-204-6200.

The fax number is 800-404-3970.

The email address is [docketing@bracewell.com](mailto:docketing@bracewell.com)

The applicants proposed attorney information: Erin S. Hennessy. Erin S. Hennessy of BRACEWELL LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

701 FIFTH AVENUE, SUITE 6200  
SEATTLE, Washington 98104  
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The phone number is 206-204-6200.

The fax number is 800-404-3970.

The email address is [docketing@bracewell.com](mailto:docketing@bracewell.com)

Erin S. Hennessy submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current correspondence information: ERIN S. HENNESSY. ERIN S. HENNESSY of BRACEWELL LLP, is located at

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SEATTLE, Washington 98104  
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The phone number is 206-204-6200.

The fax number is 800-404-3970.

The email address is [docketing@bracewell.com](mailto:docketing@bracewell.com); [erin.hennessy@bracewell.com](mailto:erin.hennessy@bracewell.com); [annie.allison@bracewell.com](mailto:annie.allison@bracewell.com); [kristine.calhoun@bracewell.com](mailto:kristine.calhoun@bracewell.com); [edgar.winterrowd@bracewell.com](mailto:edgar.winterrowd@bracewell.com)

The applicants proposed correspondence information: Erin S. Hennessy. Erin S. Hennessy of BRACEWELL LLP, is located at

701 FIFTH AVENUE, SUITE 6200  
SEATTLE, Washington 98104  
United States

The phone number is 206-204-6200.

The fax number is 800-404-3970.

The email address is [docketing@bracewell.com](mailto:docketing@bracewell.com); [erin.hennessy@bracewell.com](mailto:erin.hennessy@bracewell.com); [annie.allison@bracewell.com](mailto:annie.allison@bracewell.com); [heather.fox@bracewell.com](mailto:heather.fox@bracewell.com)

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /S. Annie Allison/ Date: 12/27/2019

Signatory's Name: S. Annie Allison

Signatory's Position: Associate Attorney, Bracewell, LLP, WA Bar Member

Signatory's Phone Number: 206-204-6200

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: ERIN S. HENNESSY  
BRACEWELL LLP

701 FIFTH AVENUE, SUITE 6200  
SEATTLE, Washington 98104

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Serial Number: 88152990

Internet Transmission Date: Fri Dec 27 17:54:00 EST 2019

TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XXX-20191227175400

216148-88152990-7009e95b4b4f65c82f24897b

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