

TTAB

Wisner & Associates

INTELLECTUAL PROPERTY LAW

MARK R. WISNER*

OF COUNSEL

MALCOLM H. SKOLNICK, Ph.D.
N. ELTON DRY

* A PROFESSIONAL CORPORATION

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File No. GEOA,127-01



10-27-2003

U.S. Patent & TMOt/TM Mail Rpt Dt. #22

October 21, 2003

BOX TTAB NO FEE
COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3514

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Oct. 21, 2003

Date

Mark R. Wisner, Registration No. 30,603

Re: Opposition No. 91151110, *Halliburton Energy Services, Inc. v. Schlumberger Technology Corporation* – Request for Acceptance of Fee

Dear Sir:

Enclosed for filing in the captioned trademark matter is/are the following document(s):

- REQUEST FOR ACCEPTANCE OF FEE FOR FILING OPPOSITION IN SECOND CLASS (with attached Statement Attesting to Personal Knowledge in Support of Request for Acceptance of Fee for Filing Opposition in Second Class and copies of Transmittal of Fee for Opposition in Second Class, Notice of Change of Correspondence Address, and transmittal letter as mailed on July 18, 2003).

In the event there is a fee for the above filing which has not been enclosed, or any check that is listed as being enclosed is inadvertently omitted, is insufficient, or is unsigned, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,127-01) for the necessary amount. Please return the enclosed self-addressed, postage-prepaid postcard evidencing receipt of the above document(s).

Respectfully submitted,

Mark R. Wisner
Registration No. 30,603

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY CORPORATION

MRW/lm
Enclosure

cc: Carolyn Sue Waldo
Halliburton Energy Services, Inc.
2601 Beltline Road, Building 1-B, RM 121

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

Schlumberger Technology Corporation,

Opposer

v.

Halliburton Energy Services, Inc.,

Applicant

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Opposition No.: 91151110

BOX TTAB NO FEE
ASSISTANT COMMISSIONER
FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3513

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,003

October 21, 2003
Date

**REQUEST FOR ACCEPTANCE OF FEE FOR
FILING OPPOSITION IN SECOND CLASS**

Dear Sir:

Opposer in the captioned opposition proceeding, Schlumberger Technology Corporation, by and through its attorneys, files this request under 37 C.F.R. 1.8(b) that the Board accept the fee for opposing Applicant's application No. 76/209,851 in a second Class. As noted in the Board's June 18, 2003 Order, application No. 76/209,851 was amended to an application for registration in two Classes, but Opposer inadvertently paid for only a single Class when the Notice of Opposition was filed. The Board's June 18, 2003 Order set a July 18, 2003 deadline for paying the fee for opposing in the second Class. However, in an Order mailed September 17, 2003 approving the parties Stipulated Request for Extension of Time, the Board noted that Opposer had not paid the fee for an opposition in two Classes.

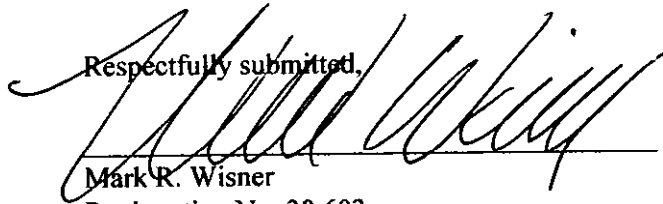
Opposer respectfully requests that the Board reconsider the portion of its September 17, 2003 Order relating to payment of the opposition fee for a second Class and accept that fee in accordance with the provisions of 37 C.F.R. 1.8(b). Opposer mailed the enclosed Transmittal of Fee for Opposition in Second Class ("Transmittal of Fee"), along with a Notice of Change of Correspondence Address and a transmittal letter (copies of which are also enclosed), with a certificate of mailing (and a certificate of service) executed July 18, 2003. This request for acceptance of the fee for opposition in a second Class is being filed promptly after Opposer

became aware that the Office had no evidence of receipt of the enclosed Transmittal of Fee -- any delay in filing this Request is explainable by the fact that the Transmittal of Fee was filed with a Notice of Change of Correspondence Address (also with a properly executed certificate of mailing) and that, in the absence of receipt of that Notice of Change of Correspondence Address, the Board's September 18, 2003 Order was mailed to Opposer's Attorney's old address and was only recently received after being forwarded by the Postal Service.

As set out in the attached Exhibit A, which is the Statement of the below-signed Attorney for Opposer submitted in accordance with the requirements of 37 C.F.R. 1.8(b)(3), the Transmittal of Fee and Notice of Change of Correspondence Address (as well as a transmittal letter) were all mailed with a properly executed certificate of mailing and with a reasonable basis to expect that the correspondence would be mailed on July 18, 2003. 37 C.F.R. 1.8(a)(1)(ii). In preparing this Request for Acceptance of the fee for opposing in a second Class, it was also noted that the Transmittal of Fee was inadvertently not signed by Opposer's Attorney. It is also respectfully submitted that this oversight on the part of Opposer's Attorney should not prevent acceptance of the fee for opposing in a second Class at this time. It is noted, for instance, that in the three documents (the Transmittal of Fee, Notice of Change of Correspondence Address, and transmittal letter) mailed by Opposer's Attorney on July 18, 2003, there were eight signature blanks (certificates of mailing on all three documents, certificates of service on the Transmittal of Fee and the Notice of Change of Correspondence Address, and the signature blanks themselves on all three documents) and that seven of those signature blanks were signed by Opposer's Attorney, including two blanks on the Transmittal of Fee itself. Under these circumstances, it is respectfully submitted that the Transmittal of Fee meets the requirements of the Rules of Practice that every document submitted to the Office be signed by the attorney or agent representing the party in interest in a matter before the Office. 37 C.F.R. 1.4(d). It is also respectfully submitted that it would be unfair to penalize the Opposer for a moment's inattention during the last few frantic minutes of the day while Opposer's Attorney was preparing the Transmittal of Fee and attending to the details of transmitting that document to the Office in the absence of his Legal Assistant, all as set out in the attached Statement of Opposer's Attorney (Exhibit A), by not accepting payment for opposing in a second Class at this time.

For these reasons, early and favorable action in response to this Request of Acceptance of Fee for Opposition in Second Class, entry of Opposer's Transmittal of Fee and Notice of Change of Correspondence Address, and acceptance of the fee for opposing in a second Class, are all respectfully requested. As set out in the Transmittal of Fee, the Commissioner is authorized to charge the fee for opposition in a second Class to Deposit Account No. 50-0965 (GEOA,127-01). The Commissioner is also authorized to charge any fee for the filing of this Request for acceptance to that same Deposit Account.

Respectfully submitted,

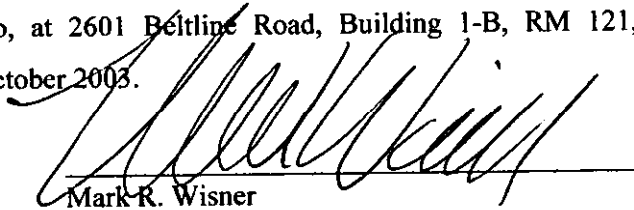


Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this REQUEST FOR ACCEPTANCE OF FEE FOR FILING OPPOSITION IN SECOND CLASS, and all exhibits and attachments referenced therein, has been sent by first class U.S. mail to Applicant, Halliburton Energy Services, Inc., Attn: Carolyn Sue Waldo, at 2601 Beltline Road, Building 1-B, RM 121, Carrollton, TX 75006 on this 21st day of October 2003.



Mark R. Wisner

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



10-27-2003

U.S. Patent & TMO/TM Mail Rpt Dt #22

Schlumberger Technology Corporation,

Opposer

v.

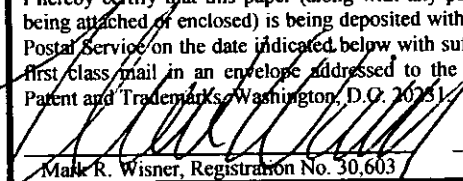
Halliburton Energy Services, Inc.,

Applicant

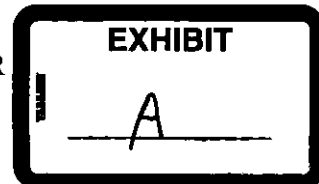
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Opposition No.: 91151110

BOX TTAB NO FEE
ASSISTANT COMMISSIONER
FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3513

CERTIFICATE OF MAILING (37 CFR 1.8a)	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.	
	October 21, 2003
Mark R. Wisner, Registration No. 30,603	Date

**STATEMENT ATTESTING TO PERSONAL KNOWLEDGE
IN SUPPORT OF REQUEST FOR ACCEPTANCE OF FEE FOR
FILING OPPOSITION IN SECOND CLASS**



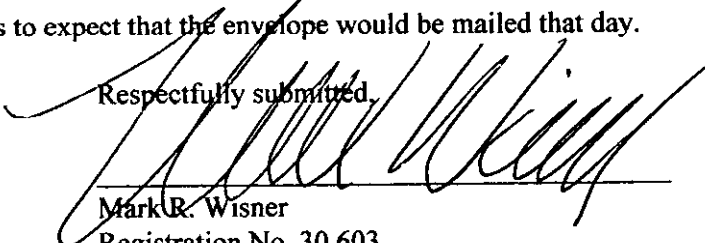
Dear Sir:

I, Mark R. Wisner, Attorney for Opposer in the captioned opposition proceeding, Schlumberger Technology Corporation, hereby make this Statement attesting to my personal knowledge of previous timely mailing in support of Opposer's Request under 37 C.F.R. 1.8(b) that the Board accept the fee for opposing Applicant's application No. 76/209,851 in a second Class:

1. This request for acceptance of the fee for opposition in a second Class is being filed promptly after Opposer became aware that the Office had no evidence of receipt of the enclosed Transmittal of Fee.
2. On July 18, 2003, I prepared a document entitled Transmittal of Fee for Opposition in Second Class ("Transmittal of Fee"), along with a Notice of Change of Correspondence Address and a transmittal letter, with executed certificates of mailing (and certificates of service) dated July 18, 2003, true and correct copies of which are attached to the above-referenced Request under 37 C.F.R. 1.8(b).
3. The Transmittal of Fee, Notice of Change of Correspondence Address, and transmittal letter were all mailed with properly executed certificates of mailing and with a reasonable basis to expect that they would be mailed on July 18, 2003. 37 C.F.R. 1.8(a)(1)(ii). I prepared and mailed these documents to the Office myself since my Legal Assistant was not able to be at work on July 18, 2003. I remember doing so in part because I had trouble printing these

documents such that it was so late in the afternoon when I finished them that I had to take the envelope downstairs to the Postal Service drop box located on the first floor of our building myself rather than relying on the usual routine by which our office clerk collects the mail and takes it downstairs for deposit. Even though it was close because of the printer problem, the envelope was deposited in the mail drop box before the pick-up time (4:00 p.m.) listed on the drop box such that I had reasonable basis to expect that the envelope would be mailed that day.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY
CORPORATION

Date: October 21, 2003

COPY

Wisner & Associates

INTELLECTUAL PROPERTY LAW

MARK R. WISNER*

OF COUNSEL

MALCOLM H. SKOLNICK, Ph.D.
N. ELTON DRY

* A PROFESSIONAL CORPORATION

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Houston, Texas 77027-9012

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E-Mail: mwisner@wt.net



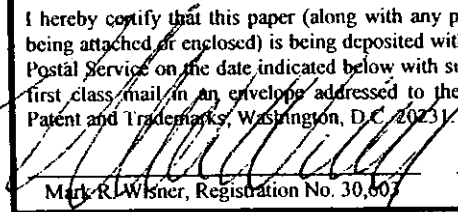
10-27-2003

U.S. Patent & TMOs/TM Mail Rcpt Dt. #22

File No. GEOA,127-01

July 18, 2003

BOX TTAB NO FEE
ASSISTANT COMMISSIONER
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ARLINGTON, VA 22202-3513

CERTIFICATE OF MAILING (37 CFR 1.8a)	
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	July 18, 2003
Mark R. Wisner, Registration No. 30,603	Date

Re: Opposition No. 91151110, *Halliburton Energy Services, Inc. v. Schlumberger Technology Corporation* – Payment of Fee for Opposition in Second Class

Dear Sir:

Enclosed for filing in the captioned trademark opposition proceeding are the following document(s):

- Transmittal of Fee for Opposition in Second Class; and
- Notice of Change of Correspondence Address.

In the event there is a fee for the above-filing that has not been enclosed, or if any check listed as being enclosed is inadvertently omitted, is insufficient, or is unsigned, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,127-01) for the necessary amount. By copy of this letter, we are providing Applicant's Counsel with a copy of this filing by first class mail. Please return the enclosed self-addressed, postage-prepaid postcard evidencing receipt of the above documents.

Respectfully submitted,

Mark R. Wisner
Registration No. 30,603

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY CORPORATION

MRW/lm
Enclosures

cc: Carolyn Sue Waldo
Halliburton Energy Services, Inc.
2601 Beltline Road, Building I-B, RM 121
Carrollton, TX 75006

COPY

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

SCHLUMBERGER TECHNOLOGY
CORPORATION,

Opposer

Opposition No. 91151110

vs.

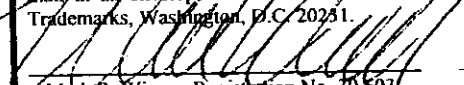
HALLIBURTON ENERGY
SERVICES, INC.,

Applicant

Serial No. 76/209,851

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BOX TTAB NO FEE
ASSISTANT COMMISSIONER
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ARLINGTON, VA 22202-3513

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.	
	July 18, 2003
Mark R. Wisner, Registration No. 30,603	Date

TRANSMITTAL OF FEE FOR OPPOSITION IN SECOND CLASS

Dear Sir:

Although Applicant's Application No. 76/209,851 recites services in Classes 37 and 42, Opposer in the captioned opposition proceeding, Schlumberger Technology Corporation, inadvertently paid an opposition fee for just one Class when it filed its Notice of Opposition. In its decision dated June 18, 2003, the Trademark Trial and Appeal Board set a deadline of thirty days for payment of the fee for opposing this application in both Classes. It is therefore respectfully requested that the Commissioner charge a second opposition fee to the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,127-01).

In the event there are questions, it is respectfully requested that the undersigned Attorney for Opposer be contacted at the number set out below and in the enclosed Notice of Change of Correspondence Address.

Respectfully submitted,

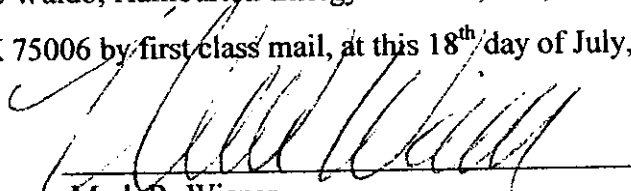
Mark R. Wisner
Registration No. 30,603
Wisner & Associates

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Houston, Texas 77027
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY CORP.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this TRANSMITTAL OF FEE FOR OPPOSITION IN SECOND CLASS, and all exhibits and attachments referenced therein, has been sent to Applicant's counsel, Carolyn Sue Waldo, Halliburton Energy Services, Inc., 2601 Beltline Road, Bldg. 1-B RM 121, Carrollton, TX 75006 by first class mail, at this 18th day of July, 2003.


Mark R. Wisner

COPY

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

SCHLUMBERGER TECHNOLOGY
CORPORATION,

Opposer

Opposition No. 91151110

vs.

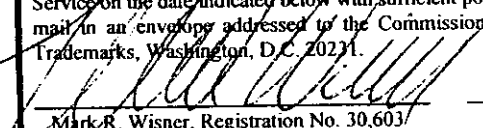
HALLIBURTON ENERGY
SERVICES, INC.,

Applicant

Serial No. 76/209,851

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	July 18, 2003
Mark R. Wisner, Registration No. 30,603	Date

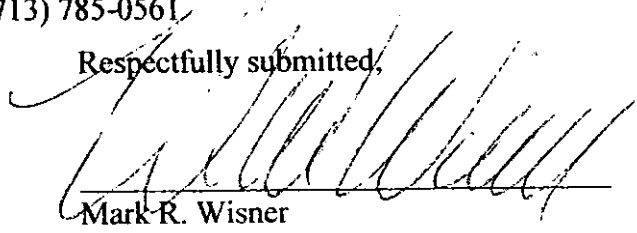
NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS

Dear Sir:

Please note a change of correspondence address in the captioned opposition proceeding. The new correspondence address is:

Mark R. Wisner
Wisner & Associates
1177 West Loop South, Suite 400
Houston, Texas 77027-9012
Telephone: (713) 785-0555
Facsimile: (713) 785-0561

Respectfully submitted,

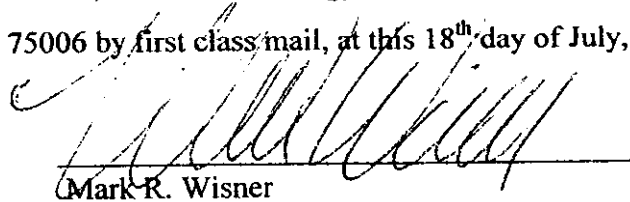


Mark R. Wisner
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Telephone: (713) 785-0555
Facsimile: (713) 785-0561

ATTORNEY FOR OPPOSER,
SCHLUMBERGER TECHNOLOGY CORP.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this NOTICE OF CHANGE OF CORRESPONDENCE ADDRESS, and all exhibits and attachments referenced therein, has been sent to Applicant's counsel, Carolyn Sue Waldo, Halliburton Energy Services, Inc., 2601 Beltline Road, Bldg. 1-B RM 121, Carrollton, TX 75006 by first class mail, at this 18th day of July, 2003.



Mark R. Wisner

COPY

DOCKET NO.: 602A, 127-01
SERIAL NO.: OPP. NO. 9115/110
FILED:
APPLICANT: HALLIBURTON V. SULLUM-
BURGER TECH. CORP.

The Patent & Trademark Office acknowledges receipt of, and has stamped hereon the date of receipt of, the items checked below, which were mailed on 7/13/03

- Affidavit
- Appeal Notice Appeal Brief
- Assignment and Recordation Cover Sheet
- Declaration _____
- Letter, Transmittal
- Notice of Change of Correspondence Address
- Power of Attorney
- Request for Extension of Time to File Statement of Use
- Request for _____
- Response to _____
- Response to Official Action of _____
- Specimens _____
- Statement of Use
- Trademark/Service mark Application (____ pages, including drawing page) – Application Based on Use Intent-To Use
- Check # _____ in the amount of \$ _____
- Check # _____ in the amount of \$ _____
- Other: _____
- Other: _____
- Other: TRANSMITTAL OF FEE FOR OPPO-
SITION IN SECOND CLASS
- Other: _____
- Other: _____

Express Mail # _____