

ESTTA Tracking number: **ESTTA43311**

Filing date: **08/26/2005**

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	Halliburton Energy Services, Inc.
Granted to Date of previous extension	10/19/2005
Address	2601 Beltline Road1-B-121 Carrollton, TX 75006 UNITED STATES

Attorney information	Jeffrey J. Look Look Law Firm PLLC P.O. Box 364 Eudora, AR 71640 UNITED STATES jefflook@trademarkguru.biz Phone:469-371-3082
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Applicant Information

Application No	78452968	Publication date	06/21/2005
Opposition Filing Date	08/26/2005	Opposition Period Ends	10/19/2005
Applicant	Smith International, Inc. Patent Services 16740 Hardy Street Houston, TX 77032		

UNITED STATES

Goods/Services Affected by Opposition

Class 007.

All goods and services in the class are opposed, namely: Power driven drill bits for use in oil and gas drilling

Attachments	XFlo Notice of Opposition.pdf (4 pages)
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Signature	/jeffreyjlook/
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Name	Jeffrey J. Look
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Date	08/26/2005
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3. Opposer is now, and has been, using the mark XTRA-FLO by and through its Baroid division, for oil and gas well metal goods, namely shaker screens used to separate solid materials from drilling fluids. The mark was registered as U.S. Trademark Registration No. 2772438 on October 7, 2003. Opposer first used the mark in commerce in March 2002 and has continued to use the mark in commerce in connection with shaker screens for use in oil and gas drilling operations to this day. Opposer's first use of the XTRA-FLO mark predates the filing date of Applicant's intent-to-use application.

4. Opposer, is now, and has been, using the mark "XN" for use in connection with Earth boring equipment, namely, power drill bits, power coring bits, drilling machines and replacement parts therefor since at least December 2000. The said mark has been registered as U.S. Registration No. 2553846. The application was filed based on intent to use on April 14, 2000, therefore, under Section 7(c) of the Trademark Act, 15 U.S.C. Section 1057(c), Opposer's constructive use priority in the "XN" mark runs from April 14, 2000.

5. Opposer, is now, and has been, using the mark "XS" for use in connection with Earth boring equipment, namely, power drill bits, power coring bits, drilling machines and replacement parts therefor since at least December 2000. The said mark has been registered as U.S. Registration No. 2580844. The application was filed based on intent to use on April 14, 2000, therefore, under Section 7(c) of the Trademark Act, 15 U.S.C. Section 1057(c), Opposer's constructive use priority in the "XS" mark runs from April 14, 2000.

6. Opposer, is now, and has been, using the mark "XL" for use in connection with Earth boring equipment, namely, power drill bits, power coring bits, drilling machines and replacement parts therefor since at least December 2000. The said mark has been registered as U.S. Registration No. 2553845. The application was filed based on intent to use on April 15,

2000, therefore, under Section 7(c) of the Trademark Act, 15 U.S.C. Section 1057(c), Opposer's constructive use priority in the "XL" mark runs from April 15, 2000.

7. Opposer, is now, and has been, using the mark "XT" for use in connection with Earth boring equipment, namely, power drill bits, power coring bits, drilling machines and replacement parts therefor since at least December 2000. The said mark has been registered as U.S. Registration No. 2584417. The application was filed based on intent to use on April 15, 2000, therefore, under Section 7(c) of the Trademark Act, 15 U.S.C. Section 1057(c), Opposer's constructive use priority in the "XT" mark runs from April 15, 2000.

8. Opposer has widely used what it calls its "X" series of marks on oil and gas drilling equipment since long before Applicant's filing of the application subject to this Notice of Opposition. Through Opposer's advertising and promotion of the said "X" series, the marks identified above in Paragraphs 4 through 7 have developed considerable goodwill within the oil and gas industry. Customers of Opposer's services have come to recognize the "X" series as a "family" of marks. Applicant's proposed use of "X-Flo" for oil and gas well drilling bits is similar in commercial impression to the Opposer's X series of marks for virtually identical goods sold within the same trade and industry. As a result, consumer confusion between Applicant's goods sold under X-Flo and Opposer's goods sold under its "X" series of marks is likely to occur.

9. Furthermore, Applicant's X-FLO mark and Opposer's XTRA-FLO mark are highly similar in overall commercial impression. Applicant's goods as identified in its application are closely related, to the goods sold by Opposer under its mark, X-FLO. Specifically, Applicant's drill bits for oil and gas drilling and Opposer's shaker screens are sold to the same potential consumers through the same channels of trade. Because of the high degree of similarity in the overall commercial impression of the marks combined with the fact that both


are in the nature of oil drilling tools for the oil and gas industry, there is a substantial likelihood that consumers or users of Opposer's XTRA-FLO shaker screens and Applicant's X-FLO drill bits could be confused as to the source of the respective products.

Wherefore, Opposer requests that Applicant's pending trademark application Serial No. 78/452968 be denied registration in its entirety based on likelihood of confusion under Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d) and for such other and further relief as is deemed just and proper.

Respectfully submitted,

Date:

8/24/05


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