ESTTA Tracking number: **ESTTA483271**

Filing date: **07/13/2012**

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

Proceeding	91205437
Party	Defendant Schlumberger Technology Corporation
Correspondence Address	MARGARET A BOULWARE BOULWARE & VALOIR 3 RIVERWAY , STE 950 HOUSTON, TX 77056-1927 UNITED STATES
Submission	Answer
Filer's Name	Margaret A. Boulware
Filer's e-mail	mboulware@boulwarevaloir.com, tmarshall@boulwarevaloir.com
Signature	/Margaret A. Boulware/
Date	07/13/2012
Attachments	doc20120713131901.pdf (4 pages)(167248 bytes)

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

In the matter of Application Serial No. 85/409,760
Published in the *Official Gazette (Trademarks)* on February 14, 2012
Mark: RAPID

Halliburton Energy Services, Inc.	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91205437
	§	
	§	
	§	
Schlumberger Technology Corporation	§	
	§	
Applicant.	§	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Schlumberger Technology Corporation, by its attorney, files this pleading pursuant to the Federal Rules of Civil Procedure 15, and answers the allegations set forth in the Notice of Opposition to the mark referenced above and responds as follows corresponding to the numbered paragraphs below.

The introductory unnumbered paragraph is admitted to the extent Applicant filed Application Serial No. 85/409,760 for the mark RAPID. Applicant has insufficient knowledge or information as to the truth of the allegations regarding the principal place of business of Opposer and all other allegations are denied.

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition with the exception that the mark is RAPID, not "Rapid".

2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.

3. Applicant admits the allegations set forth in Paragraph 3 of the Notice of Opposition.

4. Applicant admits to the allegations set forth in Paragraph 4 of the Notice of Opposition with the exception that the mark is RAPID, not "Rapid".

5. Applicant denies the allegations set forth in paragraph 5 of the Notice of Opposition since, among other facts, Applicant has used the mark RAPID since 1995 and has previously received a Registration No. 2,242,680 for the mark RAPID, and continues to use the mark RAPID.

6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies all the allegations in Paragraph 7 of the Notice of Opposition that RAPID is merely descriptive for the services identified in the Application.

8. Applicant has insufficient knowledge or information as to the truth of the broad allegations set forth in Paragraph 8 of the Notice of Opposition, and, therefor, denies the allegations.

9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition and, therefor, denies the allegations.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant admits that it has objected to Halliburton's use of "RAPID" and has certain exclusive rights to use the mark RAPID and denies all other allegations in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

The Applicant's mark is not descriptive and entitled to registration, and in the alternative, due to Applicant's long standing use and recognition of the mark RAPID in connection with the services identified in Application Ser. No. 85/409,760, the mark has become distinctive for those services.

SECOND AFFIRMATIVE DEFENSE

Opposer Halliburton is not entitled to and does not have standing to challenge the registration of the mark RAPID due to its agreement and representation to Applicant that Halliburton would not use "RAPID" in connection with "multilateral completion technology and services" which includes the services in the opposed Application. Opposer is not entitled to trademark rights to RAPID because of its agreement and representations to Applicant. Since Opposer does not have any rights much less exclusive rights to the use of "RAPID", no injury will be suffered by Opposer with the registration of the opposed application.

Applicant does not believe that there are any fees associated with the filing of this document; however, should the Office determine fees are due in connection with this Answer, it is authorized to charge Deposit Account No. 50-3420.

Respectfully Submitted,

Date: July 13th, 2012

Margaret A. Boulware
BOULWARE & VALOIR
Three Riverway, Suite 950
Houston, TX 77056
Tel.: 832-369-7852
Fax: 713-650-6458

Certificate of Service

The undersigned hereby certifies that a true and correct copy of Applicant's Answer to Notice of Opposition was served upon:

Joel D. Leviton
Russell N. Rippamonti
P.O. Box 1022
Minneapolis, MN 55440-1022

by 1st Class mail this 13th day of July 2012.

Margaret A. Boulware
Attorney for Opposer,
Boulware & Valoir
Three Riverway
Suite 950
Houston, Texas 77056
Tel: 832-369-7852
Fax: 713-650-6458