

ESTTA Tracking number: **ESTTA492865**

Filing date: **09/06/2012**

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	Schlumberger Technology Corporation		
Entity	Corporation	Citizenship	Texas
Address	14910 Airline Road Rosharon, TX 77583 UNITED STATES		

Attorney information	Margaret A. Boulware Boulware & Valoir Three Riverway Suite 950 Houston, TX 77056 UNITED STATES mboulware@boulwarevaloir.com, tmarshall@boulwarevaloir.com Phone:8323697852
----------------------	---

Applicant Information

Application No	85509570	Publication date	08/21/2012
Opposition Filing Date	09/06/2012	Opposition Period Ends	09/20/2012
Applicant	Halliburton Energy Services, Inc. 1-B-121 2601 Beltline Road Carrollton, TX 75006 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. All goods and services in the class are opposed, namely: Power-operated oil and gas well completion tool, namely, a sliding sleeve that can be opened to provide a flow path between the production conduit and the annulus commonly used in hydraulic fracturing operations
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85409760	Application Date	08/29/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAPID		

Design Mark	<h1>RAPID</h1>		
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1995/10/06 First Use In Commerce: 1995/10/06 Drilling and construction of multiple branch wells from a parent well		

U.S. Application No.	85410776	Application Date	08/30/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAPIDACCESS		
Design Mark	<h1>RAPIDACCESS</h1>		
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2007/01/25 First Use In Commerce: 2007/01/25 power operated drilling tools for creating multiple branch wells from a parent well, namely, casing adapters, landing and orienting tools, whipstocks, deflection tools, and installation and retrieval tools		

U.S. Registration No.	4185364	Application Date	08/31/2011
Registration Date	08/07/2012	Foreign Priority Date	NONE
Word Mark	RAPIDCONNECT		

Design Mark	RAPIDCONNECT
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 2000/02/03 First Use In Commerce: 2000/02/03 Well construction equipment for creating multiple branch wells from a new or existing parent subterranean well consisting primarily of a retrievable pre-fabricated metal tubular junction containing a mating template and connector that mate downhole thereby establishing a stable integrity between the parent and branch wells and optimized production flow in both the parent and branch wells

Related Proceedings	91201442; 91203935; 91203936; 91203938; 91203939; 91205437
---------------------	--

Attachments	85409760#TMSN.jpeg (1 page)(bytes) 85410776#TMSN.jpeg (1 page)(bytes) 85411399#TMSN.jpeg (1 page)(bytes) Notice of Opposition-RAPIDSHIFT[1].pdf (6 pages)(95332 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	/Margaret A. Boulware/
Name	Margaret A. Boulware
Date	09/06/2012

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

In the matter of application Serial No. 85/509,570
For the mark RAPIDSHIFT
Published in the *Official Gazette (Trademarks)* on August 21, 2012

Schlumberger Technology Corporation,	:	
	:	
Opposer	:	
	:	
V.	:	Opposition No. _____
	:	
Halliburton Energy Services, Inc.,	:	
	:	
Applicant	:	

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22301-1451

Schlumberger Technology Corporation, a Texas corporation, having a place of business at 14910 Airline Road, Rosharon, Texas 77583, (hereinafter “Opposer”), believes that it is being damaged by the registration of the mark shown in the above-identified application for the goods listed in the application and hereby oppose same.

The grounds for opposition are as follows:

1. Opposer is a leading international provider of oil and gas exploration and production services and products to consumers from multi-national petroleum companies to specialty oil and gas companies. Opposer is an industry leader in fracturing equipment and techniques to enhance production in shale formations.

2. In connection with its business, Opposer has used continuously in interstate commerce its mark RAPID and a family of RAPID marks including but not limited to RAPIDSEAL, RAPIDCONNECT, RAPIDACCESS, RAPIDTIEBACK, RAPIDTRIP, RAPIDQUAD, RAPIDEXCLUDE and RAPIDX (hereinafter sometimes referred to “Opposer’s family of RAPID marks”). Applicant’s mark RAPIDSHIFT (hereinafter sometimes referred to as “Applicant’s Mark”) was filed based on intent to use and no state of use has been filed to Opposer’s knowledge. Opposer uses its family of RAPID marks on or in connection with a variety of goods and services for oil and gas production for new and existing wells to enhance production.
3. Opposer is the owner of the family of RAPID marks and has applied for registrations for the following marks:

RAPID, Serial Number 85/409,760 for “drilling and construction of multiple branch wells from a parent well” with a date of first use at least as early as October 6, 1995;

RAPIDACCESS, Serial Number 85/410,776 for “power operated drilling tools for creating multiple branch wells from a parent well, namely, casing adapters, landing and orienting tools, whipstocks, deflection tools, and installation and retrieval tools” with a date of first use at least as early as January 25, 2007;

RAPIDCONNECT, Serial Number 85/411,399 for “well construction equipment for crating multiple branch wells from a new or existing parent subterranean well consisting primarily of retrievable pre-fabricated metal

tubular junction containing a mating template and connector that mate downhole thereby establishing a stable integrity between the parent and branch wells and optimized production flow in both the parent and branch wells” with a date of first use at least as early as February 3, 2000.

4. Opposer’s goods and services utilizing Opposer’s family of RAPID marks have been extensively and continuously offered to relevant purchaser through various channels of trade since at least as early as 1995. Further, Opposer has extensively advertised its products and services and created widespread goodwill under Opposer’s family of RAPID marks throughout the United States. By reason of such widespread use and advertising, the public has come to recognize Opposer’s family of RAPID marks as signifying Opposer’s goods and services. Also, Opposer’s **continuous and exclusive** use of the family of RAPID marks starting in 1995 has made the marks distinctive.
5. Notwithstanding Opposer’s long prior rights in and to its family of RAPID marks, Applicant, on information and belief, on January 5, 2012 filed an application for registration of the mark RAPIDSHIFT for “Power-operated oil and gas well completion tool, namely, a sliding sleeve that can be opened to provide a flow path between the production conduit and the annulus commonly used in hydraulic fracturing operations” in International Class 7.
6. Applicant mark is confusingly similar to Opposer’s family of RAPID marks and continued use by Applicant in connection with its oil and gas completion tools is likely to cause confusion, deception and mistake to Opposer. Opposer has a wide variety of oil and gas exploration and production goods and

services branded with Opposer's family of RAPID marks marketed and sold in the same channel of trade to many of the same consumers as Applicant.

7. Additionally, Opposer is not entitled to a federal registration for RAPIDSHIFT due to its agreement and representation to Opposer made in a written representation on August 22, 2000 that "Halliburton has no intention to use the term 'RAPID' in conjunction with multilateral completion technology and services." Applicant forfeited, waived or otherwise relinquished its right to assert any exclusive use of the term RAPID in multilateral completion technology and services and any other goods and services that would cause likelihood of confusion with Opposer's family of RAPID marks. Therefore, Applicant is not entitled to a federal registration for the mark RAPIDSHIFT.
8. Based upon the foregoing, the registration of mark depicted in Application Serial No. 85/509,570 filed on January 5, 2012 for the Principal Register of the U.S. Patent and Trademark Office, will cause injury and damage to the Opposer.
9. Attorney for Opposer has conferred with attorney for Applicant, Mr. Joel Leviton, regarding the consolidation of the present opposition with previous consolidated oppositions under the parent number Opposition No. 91201442, to which Mr. Leviton agreed. Opposer will file the request for consolidation after Applicant's answer is filed.

Wherefore, Opposer request that Applicant's mark RAPIDSHIFT, Application Serial No. 85/509,570, be denied in its entirety pursuant to 15 U.S.C. § 1063.

Please charge the Notice of Opposition filing fee of \$300 to Deposit Account No. 50-5378. If this fee is not correct or additional fees are necessary, the Office is authorized to charge Deposit Account No. 50-5378 for any charges not covered.

Respectfully submitted,



Date: September 6, 2012

Margaret A. Boulware
Attorney for Opposer,
Schlumberger Technology Corporation

Boulware & Valoir
Three Riverway
Suite 950
Houston, Texas 77056
Tel: 832-369-7852
Fax: 713-650-6458

CERTIFICATE OF SERVICE

I hereby certify that, on this 6th day of September 2012, a true and correct copy of the foregoing “**NOTICE OF OPPOSITION**” was served by e-mail service and United States First Class mail on:

Joel Leviton
Fish & Richardson
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
leviton@fr.com



Margaret A. Boulware