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Filing date: **10/31/2012**

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

Proceeding	91206885
Party	Plaintiff Schlumberger Technology Corporation
Correspondence Address	Margaret A. Boulware Boulware & Valoir Three Riverway Suite 950 Houston, TX 77056 UNITED STATES mboulware@boulwarevaloir.com, tmarshall@boulwarevaloir.com
Submission	Motion for Default Judgment
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Date	10/31/2012
Attachments	Default Judgment 91206885.pdf ( 3 pages )(88388 bytes )

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

In the matter of Trademark Application 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.: 91206885
	:	
Halliburton Energy Services, Inc.,	:	
	:	
Applicant.	:	

**MOTION FOR DEFAULT JUDGMENT AGAINST APPLICANT**

Pursuant to 37 C.F.R. §2.106(a), Federal Rule of Civil Procedure 55(a), as made applicable by Trademark Rule 2.116(a), and TBMP §508, Opposer hereby moves for a default judgment against the Applicant Halliburton Energy Services, Inc. ("Applicant). Applicant has failed to answer or otherwise plead to the Notice of Opposition during the time allowed. Therefore, judgment by default is warranted.

**MEMORANDUM OF LAW**

**I. BACKGROUND**

On September 6, 2012, Opposer Schlumberger Technology Corporation timely filed its Notice of Opposition with respect to Applicant's Application No. 85/509,570 for the mark RAPIDSHIFT. The Board set the due date to file an Answer thereto on October 16, 2012. To date, no Answer or other responsive pleading has been filed by Applicant or served upon the undersigned.

**II. DEFAULT JUDGMENT SHOULD BE ENTERED**

Trademark Rule §2.106(a) states that "If no answer is filed within the time set, the opposition may be decided as in case of default." 37 C.F.R. § 2.106(a). *See also* Fed. R. Civ. P. 55(a). Under these rules, "the failure to answer is all that is necessary to support

[default] judgment.” *Old Grantian Co. v. William Grant & Sons, Ltd.*, 150 U.S.P.Q. 58, 60 (C.C.P.A. 1966).

TBMP §§312.01 and 508 provide that “If a defendant fails to file an answer to a complaint during the time allowed therefor . . . the plaintiff, realizing that the defendant is in default, may file a motion for default judgment.” The same sections further provide that plaintiff’s motion for default judgment serves as a substitute for the Board’s issuance of a notice of default, and “[i]f the defendant fails to file a response to the notice, or files a response that does not show good cause, default judgment may be entered against it.”

Applicant has failed to answer in accordance with Fed. R. Civ. P. 8(b) made applicable to this proceeding by Trademark Rule 2.116(a), thereby failing to answer within the time set by the Board. Accordingly, default judgment should be entered against Applicant.

Service of such motion upon Applicant constitutes notice of the default. Once notified of the default, the defaulting party must establish “good cause” for avoiding entry of judgment by default. TBMP §§312.01, 508.

### III. CONCLUSION

In light of the foregoing, Opposer respectfully requests that default judgment be entered against Applicant.

Date:

Oct. 31, 2012

Respectfully submitted,

Margaret Boulware

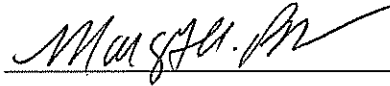
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CERTIFICATE OF SERVICE

I hereby certify that, on this 31<sup>st</sup> day of Oct. 2012, a true and correct copy of Opposer's Motion for Default Judgment was served by United States Certified Mail, Return Receipt Requested, postage prepaid, on:

Joel Leviton  
Fish & Richardson  
3200 RBC Plaza  
60 South Sixth Street  
Minneapolis, MN 55402

Russell V. Rippamonti  
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