

ESTTA Tracking number: **ESTTA683839**

Filing date: **07/15/2015**

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	Sabre Intellectual Property Holdings LLC
Granted to Date of previous extension	07/15/2015
Address	1891 New Scotland Road Slingerlands, NY 12159 UNITED STATES

Attorney information	Alana M. Fuierer Heslin Rothenberg Farley & Mesiti, P.C. 5 Columbia Circle Albany, NY 12203 UNITED STATES amf@hrfmlaw.com, jsk@hrfmlaw.com, sef@hrfmlaw.com, dl@hrfmlaw.com, dock@hrfmlaw.com, kf@hrfmlaw.com Phone:518-452-5600
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Applicant Information

Application No	86238630	Publication date	03/17/2015
Opposition Filing Date	07/15/2015	Opposition Period Ends	07/15/2015
Applicant	WEATHERFORD TECHNOLOGY HOLDINGS, LLC 2000, ST. JAMES PL HOUSTON, TX 77056 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Subcontracting services, namely, organizing third-party contractors on behalf of others; business management of oil field drilling projects
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Rental of land over rigs for the purpose of creating wellbores for the oil and gas industry
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Designing models or plans for acquiring oil and gas in connection with drilling operations

Applicant Information

Application No	86267331	Publication date	03/17/2015
Opposition Filing Date	07/15/2015	Opposition Period Ends	
Applicant	WEATHERFORD TECHNOLOGY HOLDINGS, LLC		

2000, ST. JAMES PL HOUSTON, TX 77056 UNITED STATES
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Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Subcontracting services, namely, organizing third-party contractors on behalf of others; business management of oil field drilling projects
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Rental of land over rigs for the purpose of creating wellbores for the oil and gas industry
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Designing models or plans for acquiring oil and gas in connection with drilling operations


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86511351	Application Date	01/22/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SABRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00 Providing oil and gas well services, namely, using chemical compositions to enhance oil and gas well production, hydraulic fracturing and drilling within wellbores; consultation in oil, gas, and fossil fuel drilling, hydraulic fracturing and stimulation operations; providing surface and subsurface biological control services for the oil and gas industry; clearing and cleaning of wellbores using chemical compositions</p> <p>Class 040. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00 Treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wellbores; oil and gas well fracturing and stimulation treatment services; technical consultancy services in relation to downhole treatment services for oil and gas wellbores; environmental remediation services, namely, treatment of produced water, frac water and drilling waste in the field of oil and gas wells; environmental remediation services, namely, treatment of waste water from hydraulic</p>		

	<p>fracturing in the field of oil and gas wells; advisory and consultancy services in relation to gas production and all of the aforesaid services; consulting services in the field of water and wastewater treatment</p> <p>Class 042. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00</p> <p>Scientific and technological services, namely, scientific research, analysis, testing to produce plans for extracting oil and gas in connection with oil, gas, and fossil fuel production, fracturing, drilling and stimulation; remedial services in the field of oil and gas production to restore a wellbore to higher production levels; technical research in the field of wastewater treatment</p>
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U.S. Application No.	86532054	Application Date	02/11/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SABRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 040. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00</p> <p>Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields</p>		

U.S. Application No.	86532064	Application Date	02/11/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SABRE		



Description of Mark	The mark consists of a rider wearing a hat, holding a sabre raised in one hand, on a horse above the stylized word SABRE.
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Goods/Services	<p>Class 040. First use: First Use: 1998/12/00 First Use In Commerce: 1998/12/00</p> <p>Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields</p>
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U.S. Application No.	86508626	Application Date	01/20/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SABRESTIM		

Design Mark	<h1>SABRESTIM</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Chemical compositions used for the treatment of wells, namely, well remediation, biological control, hydrogen sulfide mitigation, and oil recovery; Chemical compositions used in oil and gas well stimulation operations for the control of bacteria, corrosion, and scale and to enhance oil production</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 Oil and gas well improvement services, namely, using chemical compositions to enhance oil and gas well production; Consultation in oil, gas, and fossil fuel stimulation operations</p> <p>Class 040. First use: First Use: 0 First Use In Commerce: 0 Downhole treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wells; Oil and gas well stimulation services; Technical and consultancy services in relation to downhole services for oil and gas wells</p>
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U.S. Application No.	86532017	Application Date	02/11/2015
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	SABRESMART
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Design Mark	<h1>SABRESMART</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 040. First use: First Use: 0 First Use In Commerce: 0 Environmental remediation services, namely, treatment of produced water, frac fluids and wastewater; advisory and consultancy services in relation to all of the aforesaid services; Providing remediation, water treatment and wastewater reprocessing services, in the nature of recovery of produced water, flow-back water, frac fluids, and make-up water to remove biological, organic and inorganic contaminants; Water recovery services</p>
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Attachments	86511351#TMSN.png(bytes) 86532054#TMSN.png(bytes) 86532064#TMSN.png(bytes) 86508626#TMSN.png(bytes) 86532017#TMSN.png(bytes) 3161008OPP - Transmittal Letter for Notice of Opposition (H0337526xD16FB).pdf(285925 bytes) 3161008OPP - Sabre Notice of Opposition - FINAL (H0337611xD16FB).pdf(223615 bytes) 3161008OPP Exhibit A (H0337071xD16FB).pdf(579290 bytes) 3161008OPP - Exhibit B to Opposition (H0336908xD16FB).pdf(297560 bytes) 316008OPP-Certificate of Service for Opposition (H0337280xD16FB).pdf(9502 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Alana M. Fuierer/
Name	Alana M. Fuierer
Date	07/15/2015

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July 15, 2015

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Sabre Intellectual Property Holdings LLC
Notice of Opposition Against:
Weatherford Technology Holdings LLC
Applications to register SABRE DRILLING marks
HRFM No. 3161.008OPP

Dear Sirs:

We enclose a Consolidated Notice of Opposition against Application Serial Nos. 86/238,630 and 86/267,331, published in the Official Gazette on March 17, 2015, and respectfully request the Board consolidate these proceedings.

Contemporaneously with the electronic filing of this Notice of Opposition, we have submitted an electronic payment in the amount of \$1,800 to cover the filing fee. If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 08-1935.

Please address all future correspondence to the attention of Alana M. Fuierer, Esq. of Heslin Rothenberg Farley & Mesiti, P.C.

Respectfully submitted,



Susan E. Farley
Alana M. Fuierer

AMF/jsk
Enclosures

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

SABRE INTELLECTUAL PROPERTY HOLDINGS, LLC

Opposer,

v.

WEATHERFORD TECHNOLOGY HOLDINGS, LLC

Applicant.

Opposition No.: N/A

Application Serial Nos.:

86/238,630;

86/267,331

In the Matter of Service Mark Application Serial No. 86/238,630

For the mark: SABRE DRILLING

Published in the Official Gazette on: March 17, 2015

In the Matter of Service Mark Application Serial No. 86/267,331



For the mark:

Published in the Official Gazette on: March 17, 2015

CONSOLIDATED NOTICE OF OPPOSITION

Opposer, Sabre Intellectual Property Holdings, LLC (“Sabre” or “Opposer”), is a Delaware corporation having a principle place of business at 1891 New Scotland Road, Slingerlands, New York 12159.

To the best of Sabre’s knowledge, Applicant Weatherford Technology Holdings, LLC (“Weatherford” or “Applicant”), is a Delaware corporation, doing business at 2000 St. James Place, Houston, Texas 77056.

Pursuant to 15 U.S.C. §1063, Sabre believes it will be damaged by registration of the SABRE DRILLING word and design marks as shown in Application Serial Nos. 86/238,630 and 86/267,331 (hereinafter, “SABRE DRILLING marks”), as published in the Official Gazette on March 17, 2015, for identical and/or confusingly similar services.


Sabre applied for and obtained a 90-day extension of time to oppose up to and including July 15, 2015, and hereby opposes such applications.


As grounds for this Consolidated Opposition, Sabre relies upon the rights developed by it and related entities and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

FACTS COMMON TO ALL COUNTS

1. Sabre is the owner of the pending U.S. Service Mark Applications for SABRE (Serial No. 86/511,351), SABRE (Serial No. 86/532,054), SABRE and Design (Serial No. 86/532,064), SABRESTIM (Serial No. 86/508,626), and SABRESMART (Serial No. 86/532,017).

2. Since long before any date on which Applicant could reasonably rely, and well before April 1, 2014, Applicant's constructive date of first use, Sabre, and/or one or more of its related entities, has been continuously using the mark SABRE in commerce in connection with, *inter alia*, decontamination, water treatment, and oil and gas-related services.

3. Specifically, since at least as early as 1996, Sabre has been continuously engaged in the sale and distribution of a wide spectrum of services under the marks SABRE and  including, but not limited to, decontamination and water treatment services.

4. Since at least as early as 1998, Sabre has been continuously engaged in the sale and distribution of a wide spectrum of services relating to the oil and gas industry under the marks SABRE and  including, but not limited to, well treatment, production and fracturing services.

5. Sabre has extensively advertised and promoted the SABRE marks, and Sabre has expended considerable effort and expense in offering quality well treatment and well fracturing services under the SABRE mark.

6. For over sixteen (16) years, and long prior to Applicant's filing of its intent-to-use applications, Sabre has used the SABRE marks, and variations thereof, in interstate commerce throughout the United States in connection with a diverse and wide variety of

services. As a result of Sabre’s substantial and continuous use and promotional efforts, the SABRE marks have come to identify the services of Sabre. By reason thereof, and by reason of the long, continuous, and extensive use of the SABRE marks, and variations thereof, in connection with Sabre’s business activities, Sabre now enjoys valuable goodwill in its said marks and an enviable reputation for said services sold and offered for sale under said marks.

7. Sabre’s SABRE marks have been used, and continue to be used, by the purchasing public to identify the source of Sabre’s services and to distinguish such services from those offered by Sabre’s competitors.

8. Sabre is the owner of all right, title and interest in and to the SABRE marks as used in connection with its services, and the SABRE marks are extremely valuable to Sabre.


COUNT I- PRIORITY OF USE

9. Sabre hereby incorporates by reference the preceding paragraphs as if they were fully set forth herein.


10. In April 2014, long after Sabre began using its SABRE marks in commerce, Applicant filed intent-to-use service mark applications for the SABRE DRILLING marks in connection with a variety of oil and gas services.

11. Specifically, Applicant filed two (2) service mark applications with the United States Patent and Trademark Office (“USPTO”) to register the mark SABRE DRILLING, as follows:

MARK (ITU)	Serial No.	International Class Goods/Services	FILING DATE	Date of First Use
SABRE DRILLING Disclaimer: “Drilling”	86/238,630	<u>IC 035</u> : Subcontracting services, namely, organizing third-party contractors on behalf of others; business management of oil field drilling projects <u>IC 037</u> : Rental of land over rigs for the purpose of creating wellbores for the oil and gas industry <u>IC 042</u> : Designing models or plans for acquiring oil and gas in connection with drilling operations	04/01/2014	N/A

MARK (ITU)	Serial No.	International Class Goods/Services	FILING DATE	Date of First Use
 Disclaimer: “Drilling”	86/267,331	<u>IC 035:</u> Subcontracting services, namely, organizing third-party contractors on behalf of others; business management of oil field drilling projects <u>IC 037:</u> Rental of land over rigs for the purpose of creating wellbores for the oil and gas industry <u>IC 042:</u> Designing models or plans for acquiring oil and gas in connection with drilling operations	04/30/2014	N/A

12. Applicant later filed a third ITU application for the same services:

Mark (ITU)	Serial No.	International Class Goods/Services	Filing Date	Date of First Use
	86/238,630 ¹	<u>IC 035:</u> Subcontracting services, namely, organizing third-party contractors on behalf of others; business management of oil field drilling projects <u>IC 037:</u> Rental of land over rigs for the purpose of creating wellbores for the oil and gas industry <u>IC 042:</u> Designing models or plans for acquiring oil and gas in connection with drilling operations	02/25/2015	N/A

13. Upon information and belief, Applicant did not use its SABRE DRILLING marks in commerce prior to the filing date of Applicant’s intent-to-use applications for SABRE DRILLING.

14. Upon information and belief, Applicant has not amended either application to allege use and, to the best of Sabre’s knowledge, has not yet started to use the SABRE DRILLING marks in commerce.

15. Sabre’s actual date of first use in commerce of its SABRE marks precedes the earliest filing date of Applicant's application for SABRE DRILLING, by at least sixteen (16) years. Thus, Sabre has priority of use in commerce.

¹ On June 4, 2015, the USPTO indicated it would suspend Applicant’s application for the third SABRE DRILLING mark (SABRE DRILLING & windmill design) as filed on February 25, 2015, pending the outcome of Opposer Sabre’s previously-filed applications for its SABRE marks. For this reason, Sabre cannot yet file a Notice of Opposition for Serial No. 86/238,630, but the same grounds for opposition stated herein apply to that pending application as well.

16. Sabre reasonably believes it will be damaged by the registration of Service Mark Application Serial Nos. 86/238,630 and 86/267,331 because such registration would provide exclusive statutory rights to Applicant in violation and derogation of the prior superior rights of Sabre.


COUNT II- LIKELIHOOD OF CONFUSION

17. Sabre hereby incorporates by reference the preceding paragraphs as if they were fully set forth herein.

18. Sabre filed the following use-based service mark applications with the USPTO to register the SABRE marks and variations thereof:²

Mark	Serial No.	International Class Goods/Services (as applied for); Date of First Use	Filing Date
SABRE	86/511,351	<p><u>IC 037:</u> Providing oil and gas well services, namely, using chemical compositions to enhance oil and gas well production, hydraulic fracturing and drilling within wellbores; consultation in oil, gas, and fossil fuel drilling, hydraulic fracturing and stimulation operations; providing surface and subsurface biological control services for the oil and gas industry; clearing and cleaning of wellbores using chemical compositions</p> <p><u>IC 040:</u> Treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wellbores; oil and gas well fracturing and stimulation treatment services; technical and consultancy services in relation to downhole treatment services for oil and gas wellbores; environmental remediation services, namely, treatment of produced water, frac water and drilling waste in the field of oil and gas wells; environmental remediation services, namely, treatment of waste water from hydraulic fracturing in the field of oil and gas wells; advisory and consultancy services in relation to gas production and all of the aforesaid services; consulting services in the field of water and wastewater treatment</p> <p><u>IC 042:</u> Scientific and technological services, namely, scientific research, analysis, testing to produce plans for extracting oil and gas in connection with oil, gas, and fossil fuel production, fracturing, drilling and stimulation; remedial services in the field of oil and gas production to restore a wellbore to higher production levels; technical research in the field of wastewater treatment</p> <p>December, 1996</p>	01/22/2015

² See attached TSDR status attached hereto as Exhibit “A.”

Mark	Serial No.	International Class Goods/Services (as applied for); Date of First Use	Filing Date
SABRE	86/532,054	<p><u>IC 040</u>: Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields</p> <p>December, 1996</p>	02/11/2015
	86/532,064	<p><u>IC 040</u>: Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields</p> <p>December, 1998</p>	02/11/2015

Mark	Serial No.	International Class Goods/Services (as applied for); Date of First Use	Filing Date
SABRESTIM	86/508,626	<p><u>IC 001.</u> Chemical compositions used for the treatment of wells, namely, well remediation, biological control, hydrogen sulfide mitigation, and oil recovery; Chemical compositions used in oil and gas well stimulation operations for the control of bacteria, corrosion, and scale and to enhance oil production</p> <p><u>IC 037.</u> Oil and gas well improvement services, namely, using chemical compositions to enhance oil and gas well production; Consultation in oil, gas, and fossil fuel stimulation operations</p> <p><u>IC 040.</u> Downhole treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wells; Oil and gas well stimulation services; Technical and consultancy services in relation to downhole services for oil and gas wells</p> <p>ITU</p>	01/22/2015
SABRESMART	86/532,017	<p><u>IC 040:</u> Environmental remediation services, namely, treatment of produced water, frac fluids and wastewater; advisory and consultancy services in relation to all of the aforesaid services; water recovery services, namely, environmental remediation in the nature of treatment of produced water, flow-back water, frac fluids, and make-up water to remove biological, organic and inorganic contaminants; water treatment and wastewater reprocessing services. (Class 40).</p> <p>ITU</p>	02/11/2015

19. Despite Sabre's prior use in commerce, on February 6, 2015, the USPTO indicated it would suspend Sabre's January 22nd applications for the above-identified SABRE marks, pending the outcome of Applicant's then-pending applications for the SABRE DRILLING marks.

20. On May 25, 2015, the USPTO indicated it would suspend Sabre's February 11th applications for the above-identified SABRE marks, pending the outcome of Applicant's then-pending applications for the SABRE DRILLING marks.

21. Registration of the SABRE DRILLING marks therefore is inconsistent with Sabre's superior rights in the SABRE marks.

22. Applicant's SABRE DRILLING marks in International Class 035, 037 and 042 are nearly identical and/or confusingly similar, inter alia, in appearance, sound and overall commercial impression to Sabre's SABRE marks. Specifically, the formative of both the

SABRE DRILLING marks and the SABRE marks is “SABRE” and, Applicant has disclaimed “DRILLING.” Therefore, the SABRE DRILLING marks in the applied-for classes evoke the same or highly similar connotation as the SABRE marks.

23. Further, Applicant’s intended services, as recited in Applicant’s application for the SABRE DRILLING marks, are strongly related to those currently offered by Sabre under its SABRE marks.

24. Sabre reasonably believes it will be damaged by the registration of Application Serial Nos. 86/238,630 and 86/267,331 since Applicant’s SABRE DRILLING marks, when used on or in connection with its services, so resembles Sabre’s SABRE marks as to be likely to cause confusion, to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Sabre, or as to the origin, sponsorship, or approval of Applicant’s services by Opposer.

COUNT III- FRAUD

25. Sabre hereby incorporates by reference the preceding paragraphs as if they were fully set forth herein.

26. Upon information and belief, prior to Applicant’s filing date, Applicant and Sabre had entered into agreements with each other and crossed paths for complementary services for the same customers in the same industry.

27. Specifically, Sabre and Applicant both perform their respective oil and gas-related services to the same customers, concurrently, on the same oilfield and on the same wells. When it performs its services in the oilfield, Sabre uses one or more of its mobile units. A representative photo of one of Sabre’s units, which prominently displays the SABRE marks, is attached hereto as Exhibit B.

28. In 2012, Applicant entered into a Nondisclosure Agreement with Sabre in connection with Sabre’s oil and gas-related services, and one or more of Applicant’s

representatives and/or agents engaged in discussions with Sabre on more than one occasion with respect to these services.

29. Applicant therefore had prior knowledge of the SABRE marks prior to filing its intent-to-use applications for SABRE DRILLING.

30. On April 1, 2014, Ms. KaTrina Baker declared, on behalf of Applicant, that at the time Applicant filed its service mark applications for SABRE DRILLING:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; *to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive;* and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. (emphasis added)

31. Because Applicant had actual knowledge of Sabre's prior use of a nearly identical mark in connection with services that are strongly related to those listed in Applicant's application, Applicant could not have reasonably believed that (1) no other person, firm, corporation, or association had the right to use SABRE DRILLING, or a confusingly similar variation, in commerce; and (2) it was entitled to use the SABRE DRILLING marks in commerce.

32. An applicant commits fraud when he/she knowingly makes false, material representations in any sworn declaration submitted to the USPTO with the intent to deceive the Office, including sworn declarations accompanying applications.

33. Had the USPTO been aware of Applicant's false declaration, it would not have allowed Application Serial Nos. 86/238,630 and 86/267,331 to proceed to publication. Therefore,

the false declaration was material to the decision of the USPTO to allow the application to proceed to publication.

34. The fraud committed by Applicant in the filing of Application Serial Nos. 86/238,630 and 86/267,331 bars Applicant from obtaining a registration for SABRE DRILLING.

STANDING

35. Applicant's applications for the SABRE DRILLING marks are an impediment to Sabre's service mark applications of the SABRE marks, despite the fact that Sabre's use of its marks in commerce began more than 16 years earlier.

36. The *prima facie* effect of Applicant's applications is to preclude Sabre from registering its valuable marks and, because Sabre's rights in its SABRE mark are superior to Applicant's asserted rights in its SABRE DRILLING marks, Application Serial Nos. 86/238,630 and 86/267,331 should be refused.

WHEREFORE, Sabre prays this Consolidated Opposition be sustained and that Application Serial Nos. 86/238,630 and 86/267,331 for registration of the SABRE DRILLING marks be refused and denied because Sabre would be injured by the registration of Applicant's SABRE DRILLING applications and the subject applications are improper impediments to Sabre's registration of its earlier-used SABRE marks.

Respectfully submitted,

Dated: July 15, 2015

HESLIN ROTHENBERG FARLEY & MESITI P.C.



Susan E. Farley, Esq.

Alana M. Fuierer, Esq.

5 Columbia Circle, Albany, NY 12203

Telephone: (518) 452-5600 / Facsimile: (518) 452-5579

sef@hrfmlaw.com

amf@hrfmlaw.com

Attorneys for Opposer

Sabre Intellectual Property Holdings, LLC

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

SABRE INTELLECTUAL PROPERTY HOLDINGS, LLC

Opposer,

v.

WEATHERFORD TECHNOLOGY HOLDINGS, LLC

Applicant.

**In the Matter of Service Mark
Applications, Serial Nos.:
86/238,630; 86/267,331**

EXHIBIT “A”

Generated on: This page was generated by TSDR on 2015-07-15 11:15:55 EDT

Mark: SABRE

SABRE

US Serial Number: 86511351

Application Filing Date: Jan. 22, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 06, 2015

Mark Information

Mark Literal Elements: SABRE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Providing oil and gas well services, namely, using chemical compositions to enhance oil and gas well production, hydraulic fracturing and drilling within wellbores; consultation in oil, gas, and fossil fuel drilling, hydraulic fracturing and stimulation operations; providing surface and subsurface biological control services for the oil and gas industry; cleaning and cleaning of wellbores using chemical compositions

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1996

Use in Commerce: Dec. 1996

For: Treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wellbores; oil and gas well fracturing and stimulation treatment services; technical and consultancy services in relation to downhole treatment services for oil and gas wellbores; environmental remediation services, namely, treatment of produced water, frac water and drilling waste in the field of oil and gas wells; environmental remediation services, namely, treatment of waste water from hydraulic fracturing in the field of oil and gas wells; advisory and consultancy services in relation to gas production and all of the aforesaid services; consulting services in the field of water and wastewater treatment

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1996

Use in Commerce: Dec. 1996

For: Scientific and technological services, namely, scientific research, analysis, testing to produce plans for extracting oil and gas in connection with oil, gas, and fossil fuel production, fracturing, drilling and stimulation; remedial services in the field of oil and gas production to restore a wellbore to higher production levels; technical research in the field of wastewater treatment

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1996

Use in Commerce: Dec. 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sabre Intellectual Property Holdings LLC

Owner Address: 1891 New Scotland Road
Slingerlands, NEW YORK 12159
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Aana M. Fuierer

Docket Number: 3161.215

Attorney Primary Email Address: hesroth@hrfmlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALANA M. FUIERER
Heslin Rothenberg Farley & Mesiti P C
5 Columbia Cir
Albany, NEW YORK 12203-5180
UNITED STATES

Phone: 585-288-4832

Fax: 585-288-2010

Correspondent e-mail: hesroth@hrfmlaw.com ami@hrfmlaw.com jsk@hrfmlaw.com cba@hrfmlaw.com sef@hrfmlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2015	NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2015	NON-FINAL ACTION WRITTEN	74784
Feb. 06, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Feb. 06, 2015	NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2015	NON-FINAL ACTION WRITTEN	74784
Feb. 02, 2015	ASSIGNED TO EXAMINER	74784
Feb. 02, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN T RAM	
Jan. 30, 2015	PETITION TO DIRECTOR - MAKE SPECIAL - GRANTED	66600
Jan. 30, 2015	ASSIGNED TO PETITION STAFF	66600
Jan. 26, 2015	TEAS PETITION TO DIRECTOR-MAKE SPECIAL-RECEIVED	1111
Jan. 26, 2015	NEW APPLICATION ENTERED IN T RAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GRIFFIN, JAMES

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: TMEG LAW OFFICE 103 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Feb. 06, 2015

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Mark: SABRE

SABRE

US Serial Number: 86532054

Application Filing Date: Feb. 11, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 25, 2015

Mark Information

Mark Literal Elements: SABRE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1996

Use in Commerce: Dec. 1996

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sabre Intellectual Property Holdings LLC

Owner Address: 1891 New Scotland Road
Slingerlands, NEW YORK 12159
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Alana M. Fuierer

Docket Number: 3161.219

Attorney Primary Email Address: hesroth@hfrmlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALANA M. FUIERER
Heslin Rothenberg Farley & Mesiti P C
5 Columbia Cir
Albany, NEW YORK 12203-5180
UNITED STATES

Phone: 585-288-4832

Fax: 585-288-2010

Correspondent e-mail: hesroth@hfrmlaw.com amf@hfrmlaw.com jsk@hfrmlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 25, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION WRIT TEN	76795
May 18, 2015	ASSIGNED TO EXAMINER	76795
Feb. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN T RAM	
Feb. 14, 2015	NEW APPLICATION ENTERED IN T RAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: ESTRADA, LINDA M

Law Office Assigned: LAW OFFICE 104

File Location

Current Location: TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED

Date in Location: May 25, 2015

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Mark: SABRE



US Serial Number: 86532064

Application Filing Date: Feb. 11, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 25, 2015

Mark Information

Mark Literal Elements: SABRE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a rider wearing a hat, holding a sabre raised in one hand, on a horse above the stylized word SABRE.

Design Search Code(s):
 02.01.02 - Silhouettes of men; Men depicted as shadows or silhouettes of men
 02.09.17 - Riding animals, humans; Humans, including men, women and children, depicted riding horses and other animals
 09.05.10 - Men's narrow-brimmed hats, including fedoras and derbies
 23.01.01 - Sabers; Rapiers; Foils; Epees; Swords

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Decontamination services; Mold remediation services; Bio-hazard and biological decontamination and sterilization services; Bioremediation; Environmental remediation services, namely, treatment of soil, hazardous and medical waste, structures, and water for the prevention, mitigation and remediation of biological, chemical, radiological and nuclear contamination, and consultation services in the aforementioned fields; Environmental remediation services, namely, decontamination of nuclear, hazardous and medical waste, crop and soil fumigation, and consultation services in the aforementioned fields; Application of chlorine dioxide and other chemical reagents in the field of decontamination of hazardous materials, mold remediation, sterilization, bioremediation, and the treatment of food and for preservation of food, and consultation services in the aforementioned fields; Water treatment services; Waste water reprocessing and treatment services; consultation services in the field of decontamination services, mold remediation services, water and wastewater treatment; Hazardous materials emergency response remediation services, namely, containment, sterilization and decontamination of hazardous materials, and consultation services in the aforementioned fields; Sterilization services in the field of medical equipment and facilities, and consultation services in the aforementioned fields; Providing technical information in the aforementioned fields

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 1998

Use in Commerce: Dec. 1998

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sabre Intellectual Property Holdings LLC

Owner Address: 1891 New Scotland Road
 Slingerlands, NEW YORK 12159
 UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Alana M. Fuierer

Docket Number: 3161.220

Attorney Primary Email Address: hesroth@hfrmlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALANA M. FUIERER
 Heslin Rothenberg Farley & Mesiti P C
 5 Columbia Cir
 Albany, NEW YORK 12203-5180
 UNITED STATES

Phone: 585-288-4832

Fax: 585-288-2010

Correspondent e-mail: hesroth@hfrmlaw.com amf@hfrmlaw.com jsk@hfrmlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 25, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION WRIT TEN	76795
May 18, 2015	ASSIGNED TO EXAMINER	76795
Feb. 28, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Feb. 14, 2015

NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: ESTRADA, LINDA M

Law Office Assigned: LAW OFFICE 104

File Location

Current Location: TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED

Date in Location: May 25, 2015

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Mark: SABRESTIM

SABRESTIM

US Serial Number: 86508626

Application Filing Date: Jan. 20, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 06, 2015

Mark Information

Mark Literal Element(s): SABRESTIM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Chemical compositions used for the treatment of wells, namely, well remediation, biological control, hydrogen sulfide mitigation, and oil recovery; Chemical compositions used in oil and gas well stimulation operations for the control of bacteria, corrosion, and scale and to enhance oil production

International Class(es): 001 - Primary Class

U.S. Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(b)

For: Oil and gas well improvement services, namely, using chemical compositions to enhance oil and gas well production; Consultation in oil, gas, and fossil fuel stimulation operations

International Class(es): 037 - Primary Class

U.S. Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

For: Downhole treatment services for oil and gas wells, including introducing chemical compositions for completing, stimulating and allowing production from oil and gas wells; Oil and gas well stimulation services; Technical and consultancy services in relation to downhole services for oil and gas wells

International Class(es): 040 - Primary Class

U.S. Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sabre Intellectual Property Holdings LLC

Owner Address: 1891 New Scotland Road
Slingerlands, NEW YORK 12159
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Alana M. Fuierer

Docket Number: 3161.214

Attorney Primary Email Address: hesroth@hrfm.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALANA M. FUIERER
Heslin Rothenberg Farley & Mesiti P C
5 Columbia Cir
Albany, NEW YORK 12203-5180
UNITED STATES

Phone: 585-288-4832

Fax: 585-288-2010

Correspondent e-mail: hesroth@hrfm.com amf@hrfm.com jsk@hrfm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2015	NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2015	NON-FINAL ACTION WRIT TEN	74784
Feb. 06, 2015	ASSIGNED TO EXAMINER	74784
Feb. 06, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 05, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 23, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GRIFFIN, JAMES

Law Office Assigned: LAW OFFICE 103

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Mark: SABRESMART

SABRESMART

US Serial Number: 86532017

Application Filing Date: Feb. 11, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 25, 2015

Mark Information

Mark Literal Elements: SABRESMART

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Environmental remediation services, namely, treatment of produced water, frac fluids and wastewater; advisory and consultancy services in relation to all of the aforesaid services; Providing remediation, water treatment and wastewater reprocessing services, in the nature of recovery of produced water, flow-back water, frac fluids, and make-up water to remove biological, organic and inorganic contaminants; Water recovery services

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sabre Intellectual Property Holdings LLC

Owner Address: 1891 New Scotland Road
Slingerlands, NEW YORK 12159
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Alana M. Fuierer

Docket Number: 3161.217

Attorney Primary Email Address: hesroth@hrfm.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALANA M. FUIERER
Heslin Rothenberg Farley & Mesiti P C
5 Columbia Cir
Albany, NEW YORK 12203-5180
UNITED STATES

Phone: 585-288-4832

Fax: 585-288-2010

Correspondent e-mail: hesroth@hrfm.com amf@hrfm.com jsk@hrfm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 25, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION E-MAILED	6325
May 25, 2015	NON-FINAL ACTION WRITTEN	76795
May 18, 2015	ASSIGNED TO EXAMINER	76795
Feb. 28, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 27, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 14, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: ESTRADA, LINDA M

Law Office Assigned: LAW OFFICE 104

File Location

Current Location: TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED

Date in Location: May 25, 2015

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

SABRE INTELLECTUAL PROPERTY HOLDINGS, LLC

Opposer,

v.

WEATHERFORD TECHNOLOGY HOLDINGS, LLC

Applicant.

**In the Matter of Service Mark
Applications, Serial Nos.:
86/238,630; 86/267,331**

EXHIBIT ‘B’



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

SABRE INTELLECTUAL PROPERTY HOLDINGS, LLC

Opposer,

v.

WEATHERFORD TECHNOLOGY HOLDINGS, LLC

Applicant.

**In the Matter of Service Mark
Applications, Serial Nos.:
86/238,630; 86/267,331**

CERTIFICATE OF FILING AND SERVICE

I, Alana M. Fuierer, hereby certify that a true and complete copy of the **CONSOLIDATED NOTICE OF OPPOSITION** was electronically filed with the TTAB using the ESTTA system, and served upon Attorneys for Applicant, Weatherford Technology Holdings, LLC, by placing the same in an envelope addressed as follows:

ATTORNEY FOR APPLICANT

Mark A. Oathout
OATHOUT LAW FIRM
3701 Kirby Drive
Suite 960
Houston, TEXAS 77098
Email: mark@oathoutlaw.com

and deposited with Federal Express Overnight delivery on this 15th day of July, 2015.

Dated: July 15, 2015

/s/Alana M. Fuierer

Alana M. Fuierer, Esq.
HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle, Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579
Email: amf@hrfmlaw.com

***Attorneys for Opposer* SABRE INTELLECTUAL
PROPERTY HOLDINGS, LLC**