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

Proceeding	91229937
Party	Defendant Baker Hughes Incorporated
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Date	11/16/2016
Attachments	Answer and Affirmative Defenses.pdf(221695 bytes )

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

In the Matter of Trademark Application Serial No.	86930714
Filed:	March 7, 2016
Mark:	SURESENS
Published for Opposition	May 10, 2016

IPT GLOBAL, LLC,

and

INNOVATIVE PRESSURE TESTING, LLC,

Opposers,

v.

BAKER HUGHES INCORPORATED,

Applicant.

Opposition No. 91229937

**ANSWER AND AFFIRMATIVE DEFENSES**

Pursuant to TBMP §§ 310 and 311, Applicant Baker Hughes Incorporated (“BHI”), acting by and through its undersigned counsel, hereby responds to Opposers IPT Global, LLC and Innovative Pressure Testing, LLC’s (collectively, “IPT”) Notice of Opposition as follows:

To the extent that IPT’s introductory paragraph states factual allegations, BHI is without knowledge or information sufficient to form a belief as to the truth of the allegations related to IPT’s business addresses, and, therefore, denies the same. BHI admits that United States Trademark Application Serial No. 86930714 (“the ‘714 Application”) for the mark SURESENS (“SURESENS Mark”) speaks for itself. BHI denies that IPT will be damaged by the registration of the SURESENS Mark, and denies that IPT is entitled to any relief under the Trademark Act Section 2(d) and under 15 U.S.C. § 1063.

1. BHI admits that the ‘714 Application speaks for itself, and that the TTAB records related to the ‘714 Application speak for themselves.

2. BHI admits that the ‘714 Application speaks for itself.

3. BHI admits that the ‘714 Application speaks for itself.

4. BHI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and, therefore, denies the same.

5. BHI admits that United States Trademark Registrations Nos. 4777912, 4595571, 4941233, 4717129, and 4730267 speak for themselves. BHI denies the remaining allegations contained in paragraph 5 of the Notice of Opposition.

6. BHI states that paragraph 6 of the Notice of Opposition requires a legal conclusion and, therefore, denies the same.

7. BHI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition and, therefore, denies the same.

8. BHI denies the allegations contained in paragraph 8 of the Notice of Opposition.

9. BHI denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. BHI denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. BHI denies the allegations contained in paragraph 11 of the Notice of Opposition.

## **IPT'S REQUEST FOR RELIEF**

IPT's Request for Relief does not state any factual allegations, and, therefore, no response is required. BHI denies that IPT is entitled to any such relief.

## **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

IPT's claims alleged in the Notice of Opposition fail to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

IPT's claims alleged in the Notice of Opposition lack merit and are insufficient to support an opposition against the '714 Application.

### **THIRD AFFIRMATIVE DEFENSE**

IPT will not suffer any damages or harm by BHI's registration and use of its SURESENS Mark as identified in the '714 Application.

### **FOURTH AFFIRMATIVE DEFENSE**

BHI applied for its SURESENS Mark as identified in the '714 Application in good faith.

### **FIFTH AFFIRMATIVE DEFENSE**

IPT's claims are barred by unclean hands, laches, acquiescence, waiver, and/or estoppel.

### **SIXTH AFFIRMATIVE DEFENSE**

IPT's claims are barred because BHI has priority of use of its SURESENS Mark as a result of BHI's prior and continuous use of the SURESENS Mark in the United States from at least as early as 2009.

#### **SEVENTH AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception between BHI's SURESENS Mark as identified in the '714 Application and the marks IPT asserted in the Notice of Opposition because the marks are not confusingly similar.

#### **EIGHTH AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception between BHI's SURESENS Mark as identified in the '714 Application, as well as BHI's marks SUREFLO and SURELIFT, and the marks IPT asserted in the Notice of Opposition because BHI's SURESENS Mark was first used at least as early as 2009, and, therefore, the marks have coexisted for over six years.

#### **NINTH AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception between BHI's SURESENS Mark as identified in the '714 Application and the marks IPT asserted in Notice of Opposition because of the number of third party marks on the United States Patent and Trademark Office's Registry and in common law use including, but not limited to, SURECELL, SURESAFE, and SURELIFE that have coexisted with IPT's asserted marks for varying time periods, including coexistence for over six years.

#### **TENTH AFFIRMATIVE DEFENSE**

BHI reserves its right to amend its Answer to the Notice of Opposition, to amend its Affirmative Defenses, to assert such additional Affirmative Defenses as it deems appropriate and such Counterclaims as may be permitted that may now exist or in the future are available based on discovery and further factual investigation in this proceeding.

**WHEREFORE**, Applicant Baker Hughes Incorporated respectfully requests that the Trademark Trial and Appeal Board dismiss the above-captioned Notice of Opposition in its entirety, that the Board allow United States Trademark Application Serial No. 86930714 for the mark SURESENS to register and that a Notice of Allowance be issued forthwith, and that the Board grant Applicant Baker Hughes Incorporated such other relief as it deems just and appropriate.

Dated: November 16, 2016

Respectfully submitted,

**Baker Hughes Incorporated**

By: /Thomas J. Mango/

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**CERTIFICATE OF SERVICE**

I, Thomas J. Mango, Esq., counsel to Applicant Baker Hughes Incorporated, in Opposition No. 91229937, certify that, on the 16<sup>th</sup> day of November 2016, I served a copy of ANSWER AND AFFIRMATIVE DEFENSES, via electronic mail, by agreement, upon:

Matthew R. Moscicki, Esq.

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