

ESTTA Tracking number: **ESTTA22961**

Filing date: **01/10/2005**

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

<b>Proceeding</b>	92043935
<b>Party</b>	Defendant Smith International, Inc. Smith International, Inc. 16740 Hardy Houston, TX 77032
<b>Correspondence Address</b>	SMITH INTERNATIONAL, INC. 16740 HARDY HOUSTON, TX 77032
<b>Submission</b>	Answer
<b>Filer's Name</b>	Jennifer S. Sickler
<b>Filer's e-mail</b>	jsickler@gardere.com, dfoots@gardere.com, SHenkel@smith.com
<b>Signature</b>	/Jennifer S. Sickler/
<b>Date</b>	01/10/2005
<b>Attachments</b>	answer.pdf ( 4 pages ) exhibit.pdf ( 7 pages )

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

In the Matter of Trademark Registration No.: ..... 2,748,699  
Registered: ..... August 5, 2003  
For the Mark: ..... RHINO

Halliburton Energy Services, Inc.,

Petitioner,

v.

Smith International, Inc.,

Respondent.

§  
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§  
§

CANCELLATION NO. 92043935

To: TTAB  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**ANSWER TO PETITION FOR CANCELLATION**

The Respondent, Smith International, Inc. (“Respondent”), responds to the Petition for Cancellation (“Petition”) as follows:

1. Respondent admits the allegations in Paragraph 1.
2. Respondent admits the allegation in Paragraph 2.
3. Applicant denies the allegation that Petitioner is using the mark RHINO for fixed cutter bits. Respondent is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 3 of the Petition.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 of the Petition.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Petition.

6. Applicant denies the allegations that Petitioner has invested considerable funds, time, and effort in promoting the RHINO mark; denies that the public has come to know, rely upon, or recognize products of Petitioner by the mark RHINO; and denies that Petitioner has established goodwill in the RHINO mark. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 6 of the Petition.

7. Applicant denies the allegations contained in Paragraph 7 of the Petition.

8. Applicant denies the allegations contained in Paragraph 8 of the Petition.

Respondent further denies that the relief requested by Petitioner is appropriate under the facts and applicable law.

#### **AFFIRMATIVE DEFENSES**

1. Nonuse/Lack of Standing – Respondent asserts Halliburton Energy Services, Inc. (“Petitioner”) is not using the trademark RHINO. Therefore, Petitioner has no common law trademark rights in the mark RHINO and no standing to file the Petition. Further, Respondent is the senior user of the mark RHINO (“Respondent’s Mark”).

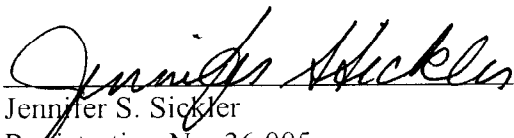
2. Abandonment – In the alternative, Petitioner has abandoned its rights. There is no evidence that Petitioner is currently using, nor intends to use, the mark RHINO. Specifically, **Exhibit A** is an excerpt of Petitioner’s website, including the website index. The website makes no mention of the term/mark RHINO in connection with any product, much less shows use with underreamers or other well tools used in the oil and gas industry.

3. Estoppel – Petitioner is estopped from seeking cancellation of the registration of Respondent’s Mark. Respondent’s Mark was published in the *Official Gazette* on October 3, 2001 (over three years ago). Further, Respondent’s trademark use of RHINO has been extensive in the oil field industry, and Petitioner has failed to contest the Respondent’s trademark application or registration.

4. Laches – Petitioner has unreasonably delayed seeking cancellation of Respondent’s registration of its RHINO Mark, such that Respondent will be prejudiced if its present registration is cancelled. Respondent’s Mark was published on October 3, 2001—over three years ago.

5. Famous Mark – Respondent’s RHINO mark has been advertised and used extensively for over two years. Due to the success of the goods sold under the RHINO mark, Respondent’s Mark has become famous in the oil and gas downhole tool industry and is associated in the minds of consumers with Respondent as a source of underreamers.

Respectfully submitted,

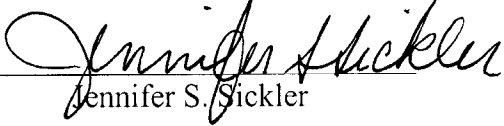
By:   
Jennifer S. Sickler  
Registration No. 36,005  
**ATTORNEY FOR RESPONDENT  
SMITH INTERNATIONAL, INC.**

Date: 1-10-05  
GARDERE WYNNE SEWELL LLP  
1000 Louisiana, Suite 3400  
Houston, Texas 77002-5007  
Phone: (713) 276-5382  
Fax: (713) 276-6382  
Email: [jsickler@gardere.com](mailto:jsickler@gardere.com)

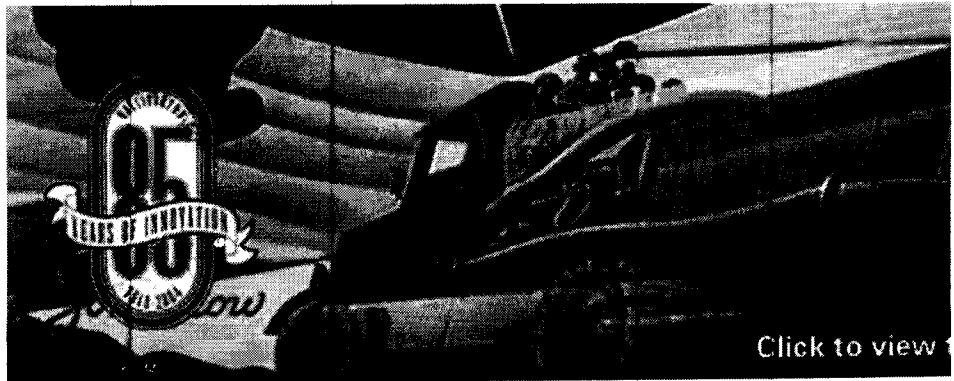
**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Answer to Petition for Cancellation, with Exhibit A, were served by certified mail, return receipt requested, upon counsel of record for Petitioner, on this 10<sup>th</sup> day of January, 2005, as follows:

Carolyn S. Waldo  
Halliburton Energy Services, Inc.  
2601 Beltline Rd., 1-B-121  
Carrolton, Texas 75006

  
Jennifer S. Sickler

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Founded in 1919, Halliburton is one of the world's largest providers of products and services to the oil and gas industries. The Company adds value through the entire lifecycle of oil and gas reservoirs.

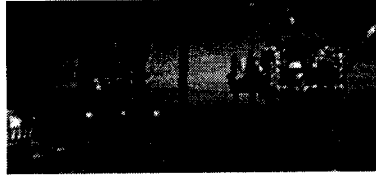
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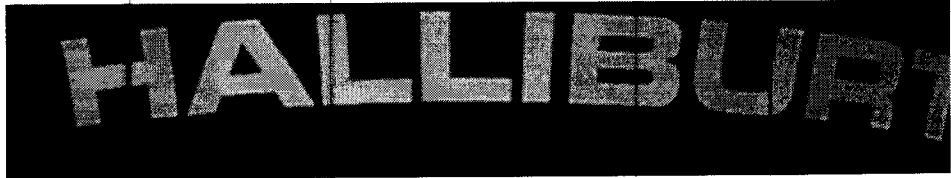
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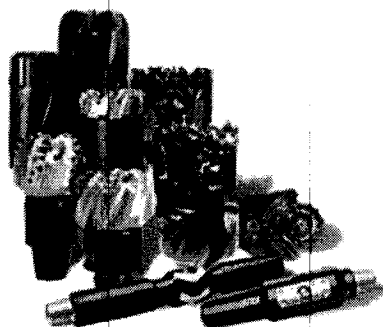
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## Security DBS



Through its Security DBS Product Service Line, Halliburton is a worldwide supplier of roller cone and fixed cutter rock bits, coring equipment and services, and downhole tools.

Security DBS offers a comprehensive service, including applications and

technical support and can help improve total well efficiency through increased reservoir sampling tools backed by our downhole dynamics expertise.

### Roller Cone Bits

Security DBS manufactures a complete line of steel tooth and tungsten carbide insert bits. Our patented Claw™ Tooth and Diamond Tech2000™ hardfacing technology, which incorporates diamond inlays in steel tooth cutting structures, helps extend the life and rate of penetration of our premium steel tooth products. Our new [Energy Balanced® Series](#) are force and volume balanced to create even wear, leading to extended bit life and optimized performance.

### Fixed Cutter Bits

Security DBS is the technological leader in fixed cutter bits worldwide. Our Fixed Cutter bits command the leading market share worldwide. The company's FM2000® line of matrix PDC bits has established itself as the most reliable and consistent PDC choice available, whether the criteria are economics, ROP, durability, or steerability. Our line of steel body PDC bits, FS2000™, incorporates patented Anti-Balling Coating, and has the largest open face volume of any PDC product line on the market. Our new Elite Series Deep Ring Claw™ PDC cutter offers impact resistance approaching that of much thinner diamond layer products, increased cutter wear and impact resistance, and provides extended bit life with improved performance for improved drilling economics.

### Coring

Security DBS is one of the premier full service coring companies worldwide. We manufacture a complete line of core bits for all coring environments. Our coring systems are designed to increase the speed of the coring process and enhance the quality of the core recovered. We offer total core management providing an optimum solution to our customers' reservoir evaluation needs.

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Security DBS produces a number of leading downhole tools. These include the Cuttings Bed Impeller (CBI™), Near Bit Reamer (NBR®), Under Reamer (UR™) and Drill String Torque Reduction Sub (DSTR™).

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