

ESTTA Tracking number: **ESTTA7564**

Filing date: **04/14/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

<b>Opposer Name</b>	Flexicon Corporation
<b>Granted to Date of previous extension</b>	04/14/2004
<b>Address</b>	Flexicon Corporation 2400 Emrick Blvd Bethlehem, PA 18020 UNITED STATES

<b>Correspondence information</b>	John J. O'Malley Attorney Volpe and Koenig, P.C. 30 S. 17th Street Suite 1600 Philadelphia, PA 19103 UNITED STATES jjo@volpe-koenig.com Phone:215-568-6400
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**Applicant Information**

<b>Application No</b>	78207821	<b>Publication date</b>	12/16/2003
<b>Opposition Filing Date</b>	04/14/2004	<b>Opposition Period Ends</b>	04/14/2004
<b>Applicant</b>	Bonerb, Timothy C.		
<b>Address</b>	4741 Central Ave., Suite 118 Kansas City, MO 64112 UNITED STATES		

## Goods/Services Affected by Opposition

Class 020. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Flexible non-metal inserts for use as container liners for handling dry granular materials

<b>Signature</b>	/John J. O'Malley/
<b>Name</b>	John J. O'Malley
<b>Date</b>	04/14/2004

<b>Attachments</b>	Statement of Claim_Page_1.tif ( 1 page ) Statement of Claim_Page_2.tif ( 1 page ) Statement of Claim_Page_3.tif ( 1 page ) Statement of Claim_Page_4.tif ( 1 page ) Registration Certificates for Opposition_Page_1.tif ( 1 page ) Registration Certificates for Opposition_Page_2.tif ( 1 page ) Registration Certificates for Opposition_Page_3.tif ( 1 page )
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**TRADEMARK**

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

In the Trademark Opposition of:

Mark: FLEX-FLO  
Serial No.: 78/207,821  
Filed: January 28, 2003  
Published: December 16, 2003 at TM225

Date: April 14, 2004

Opposition No. \_\_\_\_\_

Flexicon Corporation,  
Opposer

v.

Timothy C. Bonerb,  
Applicant

**STATEMENT OF CLAIM**

Opposer, Flexicon Corporation, a corporation organized and existing under the laws of New Jersey, having its principal place of business at 2400 Emrick Boulevard, Bethlehem, PA 18020-8006, believes that it will be damaged by registration of the mark identified above, and hereby opposes the same. This request is filed within the extension granted to opposer until April 14, 2004.

The grounds for opposition are as follows:

1. Opposer is the owner of a trademark for FLEXICON which it adopted at least as early as 1974 and for which it has obtained the following registrations:

**TRADEMARK**

<b>Mark</b>	<b>Registration No.</b>	<b>Registration Date</b>	<b>Goods/Services</b>
FLEXICON	1,048,025	September 14, 1976	Mechanical conveyors, in Class 07.
FLEXICON	1,682,650	April 14, 1992	Bulk material handling systems; namely, flexible screw conveyors, mechanical conveyors, volumetric feeders for powders and bulk solids, continuous blending units, hoppers and hoppering aids, and bulk bag loading and unloading stations, in Class 07; and  Volumetric metering devices for powders and bulk solids; and automated batch weighing systems for powders and bulk solids comprising the principal components of flexible screw conveyors, hoppers and programmable batch controllers, in Class 09.
FLEXICON.COM	2,724,765	June 10, 2003	For providing a website on global computer networks featuring information in the field of bulk material handling and distribution; engineering services in the field of bulk material handling and distribution machinery and installations thereof, in Class 42.

## TRADEMARK

2. Since adopting the *FLEXICON* mark, Opposer has extensively and continuously used the FLEXICON mark in conjunction with equipment and systems for handling bulk solids and liquids and the goods and services in the above-identified registrations which are attached to this Notice of Opposition.

3. Applicant, Timothy C. Bonerb, seeks to register FLEX-FLO, Serial No. 78/207,821, in International Class 20 for flexible non-metal inserts for use as container liners for handling dry granular materials.

4. Through its efforts and expenditures, Opposer's FLEXICON marks have acquired a good and valuable reputation.

5. Due to Opposer's widespread use and the recognition of its FLEXICON mark in conjunction with its goods and services, Applicant's *FLEX-FLO* mark is substantially similar to the Opposer's mark so that when the mark is used in conjunction with the goods offered by Applicant, it so nearly resembles Opposer's mark that it is likely to cause confusion, mistake or deception with respect to the origin or sponsorship of Opposer's goods and Applicant's goods.

6. Any defect, objection or fault found with Applicant's products marketed under the FLEX-FLO mark would necessarily reflect upon and seriously injure the reputation Opposer has established for its goods and services marketed under the FLEXICON mark.

**TRADEMARK**

7. If the Applicant is permitted to use and register FLEX-FLO for the goods specified in the application, the resulting confusion will harm and damage Opposer.

8. Opposer's mark is famous within its industry.

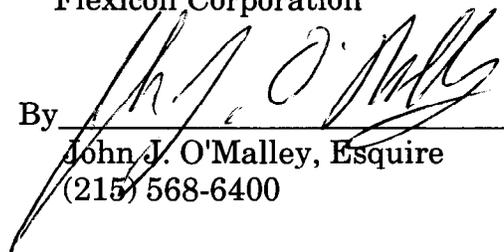
9. Applicant's use of the *FLEX-FLO* mark will cause dilution of the distinctive quality of Opposer's famous mark and registration.

10. For the foregoing reasons, opposer would be damaged by the registration of the *FLEX-FLO* mark by Applicant and respectfully requests that its opposition be granted.

Respectfully submitted,

Flexicon Corporation

By

  
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John J. O'Malley, Esquire  
(215) 568-6400

4-14-04  
Date

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

JJO/ljm

Int. Cl.: 7

Prior U.S. Cl.: 23

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 1,048,025  
Registered Sep. 14, 1976  
Renewal Term Begins Sep. 14, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**flexicon**

FLEXICON CORPORATION (NEW  
JERSEY CORPORATION)  
1375 STRYKER'S ROAD (HARMONY)  
PHILLIPSBURG, NJ 08865269, BY  
CHANGE OF NAME FROM FLEXI-  
CON, INC. (NEW JERSEY CORPORA-  
TION) FAIRFIELD, NJ

FIRST USE 12-0-1974; IN COMMERCE  
12-0-1974.

SER. NO. 73-081,079, FILED 3-22-1976.

FOR: MECHANICAL CONVEYORS, IN  
CLASS 7 (U.S. CL. 23).

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 29, 1996.*

**COMMISSIONER OF PATENTS AND TRADEMARKS**

Int. Cls.: 7 and 9

Prior U.S. Cls.: 23 and 26

**United States Patent and Trademark Office** **Reg. No. 1,682,650**  
Registered Apr. 14, 1992

**TRADEMARK  
PRINCIPAL REGISTER**

**FLEXICON**

**FLEXICON CORPORATION (NEW JERSEY  
CORPORATION)  
1375 STRYKER'S ROAD  
PHILLIPSBURG, NJ 08865**

**FOR: BULK MATERIAL HANDLING SYS-  
TEMS; NAMELY, FLEXIBLE SCREW CONVEY-  
ORS, MECHANICAL CONVEYORS, VOLUMET-  
RIC FEEDERS FOR POWDERS AND BULK  
SOLIDS, CONTINUOUS BLENDING UNITS,  
HOPPERS AND HOPPERING AIDS, AND  
BULK BAG LOADING AND UNLOADING  
STATIONS, IN CLASS 7 (U.S. CL. 23).**

**FIRST USE 12-0-1974; IN COMMERCE  
12-0-1974.**

**FOR: VOLUMETRIC METERING DEVICES  
FOR POWDERS AND BULK SOLIDS; AND  
AUTOMATED BATCH WEIGHING SYSTEMS  
FOR POWDERS AND BULK SOLIDS COMPRIS-  
ING THE PRINCIPAL COMPONENTS OF  
FLEXIBLE SCREW CONVEYORS, HOPPERS  
AND PROGRAMMABLE BATCH CONTROL-  
LERS, IN CLASS 9 (U.S. CL. 26).**

**FIRST USE 12-0-1974; IN COMMERCE  
12-0-1974.**

**OWNER OF U.S. REG. NO. 1,048,025.**

**SER. NO. 74-028,623, FILED 2-13-1990.**

**RAUL CORDOVA, EXAMINING ATTORNEY**

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 2,724,765**

**Registered June 10, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**FLEXICON.COM**

**FLEXICON CORPORATION (NEW JERSEY CORPORATION)  
1375 STRYKER'S ROAD (HARMONY)  
P.O. BOX 5269  
PHILLIPSBURG, NJ 08865**

**FOR: PROVIDING A WEBSITE ON GLOBAL  
COMPUTER NETWORKS FEATURING INFORMATION IN THE FIELD OF BULK MATERIAL HANDLING AND DISTRIBUTION; ENGINEERING SERVICES IN THE FIELD OF BULK MATERIAL HANDLING AND DISTRIBUTION MACHINERY**

**AND INSTALLATIONS THEREOF, IN CLASS 42  
(U.S. CLS. 100 AND 101).**

**FIRST USE 1-1-1997; IN COMMERCE 1-1-1997.**

**OWNER OF U.S. REG. NOS. 1,048,025 AND  
1,682,650.**

**SN 75-926,303, FILED 2-23-2000.**

**MICHAEL SOUDERS, EXAMINING ATTORNEY**