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Filing date: **12/18/2015**

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

Proceeding	91224827
Party	Defendant Timeless Corporation
Correspondence Address	TIMELESS CORPORATION TIMELESS CORPORATION 12250 W 52ND AVE WHEAT RIDGE, CO 80033-2024  brett@timelesstraveltrailers.com;brett@
Submission	Answer
Filer's Name	Justin C. Konrad
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Signature	/Justin C. Konrad/
Date	12/18/2015
Attachments	TIMELESS - ANSWER RE OPPOSITION TO FLXIBLE TM APPLICATION (W0981632x9C613).pdf(189705 bytes )

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

In the matter of Application Serial No. 86/406,691  
Filed on September 26, 2014  
For the Mark **FLXIBLE**  
Published in the *Official Gazette* on September 8, 2015

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DINA CAMIONES, S.A. DE C.V.,	:	
	:	
Opposer,	:	
	:	Opposition No. 91224827
v.	:	
	:	
TIMELESS CORPORATION,	:	
	:	
Applicant.	:	
	:	
	:	

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**ANSWER TO NOTICE OF OPPOSITION**

Timeless Corporation (“*Applicant*”), for its Answer to the Notice of Opposition filed by Dina Camiones, S.A. DE C.V. (“*Opposer*”) on November 12, 2015, answers as follows:

1. Admitted.
2. Applicant is without sufficient information to admit or deny the allegations of this paragraph, and therefore denies the same.
3. Applicant admits that The Flxible Company and its successors ceased manufacturing FLXIBLE buses in 1995, and therefore that the FLXIBLE mark was abandoned by its original owners in 1995. Applicant is without sufficient information to admit or deny the remaining allegations of this paragraph, and therefore denies the same.

4. Applicant denies that it filed its application to register the FLXIBLE mark on the date stated by Opposer. Applicant filed Application Serial No. 86406691 on September 26, 2014. Applicant admits the remaining allegations of this paragraph.

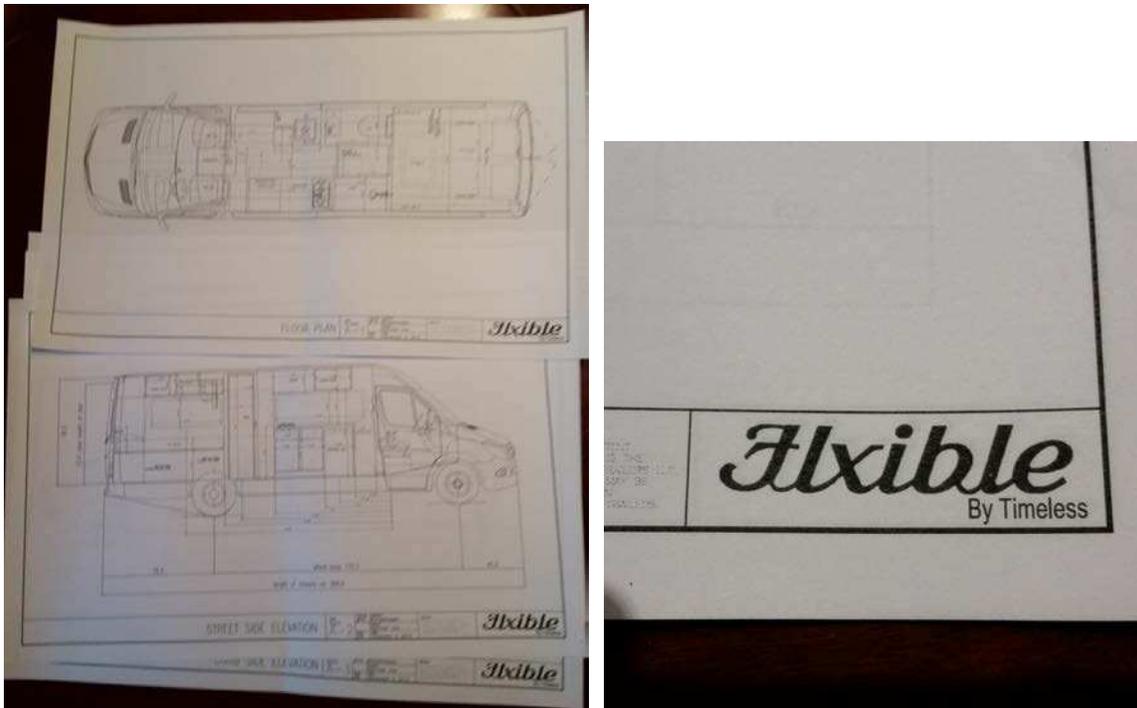
5. Admitted.

6. Applicant admits that Opposer's applications appear to have been suspended but is without knowledge or information sufficient to admit or deny the allegations of this paragraph regarding Opposer's specific communications with the examining attorney and thereby denies the same. Applicant specifically denies that Opposer has standing in this proceeding because, on information and belief, Opposer has not used and does not have a bona fide intent to begin using the FLXIBLE mark in commerce in the United States and, therefore, would not be damaged if Applicant's application matures to registration. .

7. Applicant admits that its website shows the photograph of the bus manufactured by Applicant bearing the FLXIBLE mark cited by Opposer but denies the remaining allegations of this paragraph. Applicant began using the FLXIBLE mark in commerce for the goods identified in Application Serial No. 86406691 at least as early as March 2014, including goods with no connection to vintage Flxible Company products. For example, Applicant manufactured and delivered a custom motor vehicle to a customer on March 24, 2014 for a purchase price of \$143,100.00. This vehicle is identified in multiple locations with a badge stating "Built By FLXIBLE 2014" above Applicant's company website address, as pictured below:



This vehicle is not a restored, customized or converted Flxible Company product and does not contain any parts or elements from such products. Applicant also manufactures custom motor vehicles based on the Mercedes Sprinter platform that are not restored or converted from Flxible Company products, which it designates as “FLXIBLE by Timeless”. Examples of plans for one such vehicle (provided to a customer as part of the sale documentation for the vehicle) are shown below:



8. Applicant denies that its use of the FLXIBLE mark is limited to restoring or customizing vintage buses and that it has not acquired any rights in the FLXIBLE mark. As described in paragraph 7 above, Applicant affixes its FLXIBLE mark on motor vehicle products manufactured by Applicant and point-of-sale documentation for vehicle products that have no connection whatsoever to the products of Flxible Company. Applicant's use of the statements "Built By FLXIBLE 2014" and "FLXIBLE by Timeless" plainly indicate that Applicant, and not the defunct Flxible Company, is the source of the goods.

9. Denied. As described in paragraph 7 above, Applicant manufactures custom motor vehicle products under the FLXIBLE mark and does not merely restore or customize vintage buses. Applicant's sale of such goods labeled as "Built By FLXIBLE" and "FLXIBLE by Timeless" constitutes use in commerce of the FLXIBLE mark and, therefore, entitles Applicant to registration of such mark.

10. Denied.

**APPLICANT'S AFFIRMATIVE DEFENSES**

1. Opposer has failed to state a claim upon which relief can be granted.
2. On information and belief, Opposer does not have a bona fide intent to use the DINA FLXIBLE mark in commerce and therefore will not be damaged by the registration of Applicant's mark. Opposer accordingly lacks standing for this Opposition.

Dated: December 18, 2015

Respectfully submitted,

Hutchinson Black and Cook, LLC

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 18, 2016, a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served by first class mail and email upon:

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/Justin C. Konrad/  
Justin C. Konrad

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