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7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

8 **Trademark: FLEXPRO**)

9 **Serial No.: 88455594**)

10 **Filing Date: May 31, 2019**)

11 **Applicant: Barta-Schoenewald, Inc.**)

Trademark Attorney:
Salima Parmar Oestreicher
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12 **DECLARATION OF RENÉ YMZON**

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14 I, René Ymzon, hereby declare as follows:

- 15 1. I, René Ymzon, am Marketing Manager for Applicant, Barta-Schoenewald, Inc., a
16 California Corporation, doing business as Advanced Motion Controls (hereinafter
17 "Applicant"), the Applicant in U.S. Trademark Application No. 88455594 for FLEXPRO
18 (hereinafter the "Application") and I have personal knowledge of all matters stated
19 herein.
- 20 2. The goods identified in the Application are "Servo-drives for motors, namely, brushed
21 motors, brushless motors, linear motors, stepper motors, vector motors, induction motors
22 and other single or three phase motor systems" in International Class 007, AND "servo
23 drives in the nature of electronic controllers, and electronic servo motor controllers" in
24 International Class 9, hereinafter collectively referred to as "Servo-Drives".
- 25 3. The Servo-Drives offered for sale by Applicant under the FLEXPRO trademark are
26 sophisticated electronic subcomponents which are engineered into machinery to drive
27 electrical current into a motor to cause and control motion. Servo-Drives are used, by
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1 way of example, in machines which precisely control a robot arm or move a load to a
2 position with micrometer accuracy. A Servo-Drive is not capable of doing anything as a
3 stand-alone good. It must be engineered into a far more complicated machine by a
4 machine designer, usually an engineer, for an original equipment manufacturer
5 (hereinafter "OEM"). In the industry, we refer to this type of product as requiring an
6 "engineered solution".

7 4. Applicant's FLEXPLO Servo-Drive customers are sophisticated purchasers who are
8 usually engineers for an OEM. Once a customer contacts Applicant about purchasing a
9 FLEXPLO Servo-Drive, extensive communication is had between Applicant and the
10 customer about the particular engineering requirements of the specific machine being
11 designed for which the FLEXPLO Servo-Drive may become a component. This is a
12 complicated process requiring an understanding of machine engineering by both parties
13 and determining the proper Servo-Drive specifications for a particular machine usually
14 takes several months of communication between Applicant and the purchaser.

15 Applicant's FLEXPLO Servo-Drive customers are highly sophisticated purchasers.

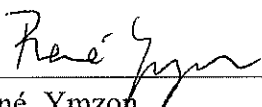
16 5. I am highly familiar with the Servo-Drive industry and know of no manufacturer which
17 sells Servo-Drives, on the one hand, as well as cellular repeaters, cell phone signal
18 boosters, wireless Internet signal boosters, audio-visual cables and wires or general
19 purpose electrical wire and cable. Servo-Drives are sold to machine
20 designers/manufacturers and the other items sold above are sold to general consumers.
21 Because Servo-Drives and these other items are made by different manufacturers, it is
22 unlikely that a customer of one of these items is likely to mistakenly believe that a single
23 manufacturer makes Servo-Drives and any one of these other items. Servo-Drives, on the
24 one hand, and cellular repeaters, cell phone signal boosters, wireless Internet signal
25 boosters, audio-visual cables and wires, or general purpose electrical wire and cable, on
26 the other hand. Servo-Drives and these other above-referenced goods are unrelated in
27 that they function differently, involve very different technologies, serve different
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1 purposes, are sold to different classes of customers, and are manufactured by different
2 entities.

3 6. The minimum cost of a single FLEXPLO Servo-Drive is \$565 plus tax.

4 7. Applicant's Servo-Drives are not sold through the same channels of trade as the goods in
5 the cited Registration and Application. The goods in the cited Registration and
6 Application are consumer products that appear to be available for purchase online, or at
7 retail merchandise stores, such as Lowe's. Applicant's goods are sold to industrial
8 customers, through direct customer contact, in person through product representatives,
9 through email correspondence, over the phone, or at trade shows which are targeted for
10 automated machinery

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13 I declare under penalty of perjury under the laws of the State of California and the laws of the
14 United States that the foregoing is true and correct. This Declaration was executed in the City of
15 Camarillo and the State of California.
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18 
19 René Ymzon
20 Marketing Manager
21 Barta-Schoenewald, Inc.
"Applicant"

Dated: Feb 26, 2020