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

Proceeding	91213057
Party	Defendant Hylete LLC
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Date	12/08/2015
Attachments	Abbe Guddal Exhibits 10-27-15.pdf(2138540 bytes) Abbe Guddal 10-27-15 Signed.pdf(1303118 bytes)



HYLETE.

Group ticket summary

21 Oct, 2014 - 20 Oct, 2015

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Group	Tickets Resolved	On Time Resolution	First Contact Resolution	Average First Response Time	Average Response Time	Average Resolution Time
Brand Experience	0	-	-	1 second	1 second	1 second
Product Management	0	-	-	1 second	1 second	1 second
QA	0	-	-	1 second	1 second	1 second
Sales	1151	81% (939)	38% (445)	4 hours 4 minutes	4 hours 53 minutes	19 hours 29 minutes
Unassigned	5789	83% (4817)	52% (3061)	5 hours 21 minutes	7 hours 9 minutes	17 hours 48 minutes

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CUSTOMER SERVICE

I'm a huge supporter of the HYLETE brand and wear the gear all the time. Quality products all-around. The convertible backpack has changed my life. We hang a HYLETE banner proudly in our CF box.

-Michael M

Thank you for the response.

I really appreciate your gesture. You have certainly retained a HYLETE client! I look forward to receiving my order and as a result of your superior customer service, I will be a return shopper.

-David

Thank you very much for your help, Again you guys (HYLETE) is all about customer service and treating them right. I really appreciate it.

-Kevin

Thanks a bundle. Your customer service has been outstanding!

If I may, I would really like to let your management know what service you have provided and how you have reinforced my admiration of the HYLETE brand. If you would like me to communicate this, please let me know.

Thank you,

-Robert

I truly love how much you guys give back to the community. I'm a huge fan of your apparel, but I'm an even bigger fan of your business model. Thanks for everything, truly proud to be a HYLETE gym!

- Aaron, CrossFit Endeavor

Thank you so much for the great customer service! No other company comes anywhere close the comfort and style of HYLETE. It is great to know that I am dealing with such a reputable and hassle free company! Thank you again for your help. I will continue to spread the word about how awesome HYLETE is! Can't wait to see this company grow!

-Chad

Thank you for everything you have done. You have gone above and beyond again and again. YOU have earned my repeat business in the future. Take care.

-Curtis

I'm so excited!! Talk about excellent customer service.....thank you, thank you, thank you!

-Kelly

Perfect! As always, awesome customer service. Thanks.

-WL

APPLICANTS Exhibit B
Date 10/27/2015 17 PGS
Depo/Case HYBRID V. HYLETE - ABBE GUDDAL
Kb Karla L. Beard, CSR 13036

You do customer support the right way and I really appreciate that!

-Ben

Wow, you all really are amazing. I truly appreciate it and you SO didn't have to do that. I will make sure when my stuff arrives here I post some sweet pictures! Thank you again for providing the best customer service I have ever experienced.

-Cody

Man you guys rock, so easy to deal with. I WILL tell everyone at our box about this great experience with HYLETE!!!!

-Wesley

Thank you so much! I don't think I've ever come across customer service like this, you all rock!

-Robert

You guys are awesome. Best customer service I have ever had. Seriously. Your products are equally awesome as well. They are the only shorts I wear for workouts and competing.

-Rob

Thanks again for your help with this! It's truly inspirational to see such great customer service from a company like HYLETE! Much appreciated!

-Shaun

Thanks so much for taking care of that! Really appreciate the awesome service!! Just another reason to love HYLETE!!

-Vaughan

Thank you again. I appreciate the excellent customer service as this was my first purchase (and now certainly not my last) from HYLETE.

-Nick

Hello, thank you so much for responding to my email. And as always your customer service is top notch and goes above and beyond. Why don't we just go with the \$50 store credit, I've even wanting your guys hoodies since they were released :). I thank you again I really appreciate it!

-Ralphie

Thank you again for your help. I do love the HYLETE brand and I will wait patiently for the 2.0 backpack. Thank you again and I will keep you posted with anything else that comes up. Also share more pictures of our team in our HYLETE gear and training with our HYLETE clothing!

Thank you again,

-Ryan

I love all of the gear and will keep buying more. The return policy is amazing.

-Madison

Thank you so much for the quick reply and the credit (I wasn't expecting one). You just confirmed HYLETE superiority over the competition.

-Simon

Really can't tell you how much I like your products, and appreciate your customer service. Business like that is hard to find.

Thanks again,

-Karl

Thanks for everything Abbe. Got the process figured out. Your guys' customer service is top notch and it goes a long ways. Definitely will be a repeat customer with you guys!

Regards,

-Matt

Thanks so much for that! Y'all's exchange services were the easiest I have ever dealt with. I will definitely be a return customer and will tell my friends about how great y'all are.

-Daniel

Much appreciated Abbe! You guys have a great company over there, we love your stuff. Thank you for all your help. ;)

-Brent

Excellent customer service, even when you can't change the current outcome. Thank you! You can use my response on your website if you would like.... I'm in marketing if you couldn't tell. :-)

Warm regards,

-Jennifer

Although I was unhappy with the product, the customer service I received from you was excellent. I appreciate your promptness and diligence. Thank you so much.

-Corey

Thank you, I'm continually impressed with your customer service.

-Brandon

Thank you so much for all the help! You have the best customer service I've ever worked with. This experience has definitely made me into a loyal customer. My friends are going to hate me and grown tired after I tell them all about your company! HYLETE!!!! Again, thank you!

-David

I really appreciate it. Your excellent customer service is noted and greatly appreciated.

-Shawn

Thank you very much. I appreciate the rapid customer service.

-Maaya

Received my shorts today. They are a great fit!!! Thank you so much for your prompt and helpful service. Other companies could learn a lot about customer service from you!! Thanks again.

-Luke

Thank you :) I've had nothing but great experiences with your customer service so keep it up over there!

-Josh

Thank you for the great customer service, but I decided to keep the tee for myself that didn't fit my husband. I'll be ordering more in the near future. My husband loves the shorts and workout clothing! Thanks again for the great service and friendly website! ;)

-Maria

I just wanted to say thank you for the store credit. I have never experienced such awesome customer service. I had written Hylete off of my preferred brands because of my previous bad experience, but now I will be buying Hylete in the future. I'm already planning on buying a pair of your shorts and the convertible bag as soon as I have the extra cash.

-Paul

I'm very relieved to see that customer service isn't completely extinct. I am very, very pleased. Thank you much.

-Brian

Thank you for getting back to me so fast. I will be placing another order soon. Considering the way you stand by your product makes me proud to wear it at my local box! Thank you again.

-Frank

Wow the quality of your product is impressing, but your customer service is truly amazing. Thank you very much for everything.

-Charles-Olivier

Wow, thank you very much! Really appreciate such nice customer service. Looking forward to wearing and supporting HYLETE!

-Aaron

Thank you so much for the incredible service! HYLETE is my gear of choice. Hope you an awesome 2014!

-Mason

Thank you for your help with this matter. HYLETE is my favorite company for workout gear due to the fit and your great customer service, I don't tag you guys enough in my instagram.

-Joe

Thank you so much for working with me. Do not get that kind of service too often and I really appreciate it!

-Brian

As I was saying...you have encouraged me to not only train harder for competitions, but to also put back into the company what you have invested in me. I'm not one for social media...but I plan on creating a twitter account to Track my WODS and competitions with my new Hylete gear. Once I place and receive my first order, ill make sure to write a testimonial. Thank you so much for your support. My account has been activated; JLM314@aol.com is my username. Talk to you soon.

-Jorge

Thanks for everything. You guys have amazing customer service to go along with awesome products, and you look out for military and law enforcement; what a great combination of traits! I'm gonna work on getting everyone signed up for a service personnel account in the next week or so. Love your company.

-Chris

You and your whole team are awesome. Thank you for the support!

-Nick

I must say that I am very impressed with your customer service, specifically your willingness to send me the second jacket no charge with the understanding and trust that I will return one of the jackets. I think your products are great and you have won me over with your service.

-Rick

Lastly, let me just say how impressed I'm that HYLETE stands behind their products. There are tons of companies out there that product athletic clothing, but when it comes down to it, a great company has faith in what they sell and there external reputation amongst a community.

-Doug

I received the replacement hoodie yesterday. I just wanted to say thanks again. I truly appreciate the exemplary customer service. I will definitely be buying more workout gear from Hylete and continue to recommend it.

-Jeremy

Thank you so much! I love you guys!!

-Chris

Just wanted to let you know I got the new jacket and it's perfect. I just wanted to let you know this has been the first time in a long while a company has gone above and beyond for me, and it really struck me because I don't get too many positive customer service experiences these days. I was planning on just getting the one jacket but thanks to you I'm probably going to be doing a good amount of my Christmas shopping from you guys. I have some family and friends who really need to work out and I'm hoping some sweet gear will inspire them to get moving.

Anyway, thank you again and keep up the great work.

-Brian

I just wanted to say thank you for your awesome products and how you take care of our service members and veterans. The design of your shorts has been a god send for me. I am a diabetic and wear an insulin pump. The placement of the pockets on your shorts is perfect and my pump stays put during my workouts. Now, if you could just scale the HYLETE challenge for us Masters, we might have a chance of keeping up with Jake :-) Again, thank you for your customer service and your great products.

-Greg

Mrs. Abbe Guddal has been extremely helpful in every way. With her help i have ordered the Laundryvnecks promo, the inov-8 shoes promo, and the 2 sweatshirts promo. It is an absolute pleasure to work with your company. Rarely does a customer have the opportunity, to have such a personal relationship with a company.

I have ordered this same vneck tshirt, the breast cancer awareness grey w/ pink, in a size Large. So an exchange is not necessary. Just a simple refund.

Your products are very good quality, and your customer service is above and beyond.

Thank you,

-A customer for life

Thank you for helping me with my issue. You are a fragrant rose!!

-Jim

Good Morning from Alaska!

Just checking back in with you to say a HUGE thank you for all your help!

I just made my first Hylete order (2 shorts and a hoodie) and received word that it shipped yesterday! Also, I was looking through the vendors/sponsors of the competition I will be competing in here in January and Hylete is on the list - that will be one of my first stops! Thank you so much again!

-Hilary

Has anyone ever told you that your basically superwoman? Seriously. Thank you. Keep on being awesome.

-Scott

You have been a pleasure to communicate with and more than accommodating; let me just say that first. I hope your boss knows what a gem he has employed.

-Tony

Wow you guys are super fast with customer service and shipping! Impressive ;)

-Heather

I really appreciate you responding as fast as you did. Second off thank you for the credit for my issue! One of the reasons I purchased in the first place was because of the quality and warranty. Now you have stepped it up even more with the customer service. Not only has HYLETE gained a customer for life but everyone will know what clothing I workout in!! Once again thank you and already put my order in for 2 new pair of 2.0 shorts.

-Mike

Honestly you have made this one of the easiest issues I have ever come across. Thank you so much for the assistance and anything that you might have had to do to make this happen. In fact, if there is a survey or anything I can take to rate you at all, I would be very interested in doing so. Thanks again.

-Josh

Wow! Talk about customer service!! You rock! Thanks for the speedy resolution. I'll be ordering some replacement shorts soon and you will definitely be receiving my business. Thanks again!

-Dennis

Abbe, you're the best . I hope they appreciate you around there. you have the perfect disposition for your role in a young company . I know from my perspective I feel as if I know you and I am important to your company . Being able to build relationships is a art . You do it very well . Thank you

-Terry

I just wanted to let you know this has been the first time in a long while a company has gone above and beyond for me, and it really struck me because I don't get too many positive customer service experiences these days. I was planning on just getting the one jacket but thanks to you I'm probably going to be doing a good amount of my Christmas shopping from you guys. I have some family and friends who really need to work out and I'm hoping some sweet gear will inspire them to get moving.

Anyway, thank you again and keep up the great work.

-Brian

You run an awesome company and I have had nothing but good experiences with your products and service. Between you and I, I'm currently sponsored as a crossfit athlete by Life AsRx, and I wish I would have learned of your company sooner. You give me a better deal through your Train Team than AsRx does as an athlete, and on top of that, the quality of your products are far superior.

-Josh

I received the replacement hoodie yesterday. I just wanted to say thanks again. I truly appreciate the exemplary customer service. I will definitely be buying more workout gear from Hylete and continue to recommend it.

-Jeremy

Thank you :) I've had nothing but great experiences with your customer service so keep it up over there!

- Josh

Thank you so much for all the help! You have the best customer service I've ever worked with. This experience has definitely made me into a loyal customer. My friends are going to hate me and grown tired after I tell them all about your company! HYLETE!!!! Again, thank you!

-David

BACKPACK

That's fine. I'm in no hurry. I have seen one of your back packs at our CrossFit box and it is of outstanding quality. Hang in there for a year... beyond that survival is more certain and I want you guys to be around for the long haul.

All the best

-Andy

You guys know how to make and keep a customer. I thought I was going to have to wait like three weeks or something to get a new bag. I will be ordering the bag with in a few days... already missing the bag due to how much it could hold... Wanted to let you guys know you have earn a customer for life. The best customer service I have ever had.

Quick response, I wasn't expecting an email that soon or a credit to go ahead and buy a new bag. I have already been telling my co-workers about you guys and the cross bag. Thank you once again. A very happy customer.

-Anthony

Thank you so much for allowing me to be part of the HYLETE team! I've seen so many different brands of clothing and after meeting the HYLETE man at Regionals I've been hooked! By far my favorite clothing I've put on and I actually got a back pack and cannot say enough good things about it either! I want to do what I can to have a presence on social media representing HYLETE but wanted to ask for suggestions on what you guys would like to see. I would love to do anything I can to help. Thank you again!

-Patrick

I have bought a bag as a gift and just bought one for me but wouldn't mind giving it as a prize and ordering myself a custom one. More and more HYLETE is popping up in our gym... If we put our logo on your shorts / bag I know more members would want them! We LOVE your brand! Thank you for your team's attention to quality & amazing customer service.

-Cassandra

My name is Michael MacDowell and I'm a long time customer and huge fan of HYLETE products! I opened a CrossFit box, CrossFit Bedford Hills, in New York back in April and have been continuing to wear your gear proudly as do my other coaches. I was so excited to see the new convertible bags finally! And, while red would be my preference, I just couldn't wait so I placed an order for two of them yesterday. We preach HYLETE to all our athletes and wear your products proudly every single day.

-Michael

Let me just add, I love everything about these backpacks. I've showed it off to everyone at my CrossFit box and others that compliment on it. Hopefully, it will bring HYLETE some more sales in the future.

-Kory

I love the design - again, the shoe department outside and being able to carry it like a backpack are my favorite features. I got a lot of compliments - one I remember was in the elevator at the hotel as we were heading to the games. A guy asked me specifically where to get one. I wrote your website on a biz card and told the guy to write my name as a referral (you never know!)

-Eric

Great to hear from you again! Never realized how much convenience the HYLETE bag would really be until these past couple weeks. I was at a CrossFit trainer certification and everybody had like 3 bags with them, it looked a backpack, bag cooler/supplement bag, and shoe bag.

-Trent

The overall appearance of the bag is awesome. It's an eye catcher. It demands attention because it's so different looking than any other gym bag. When you ground it and grab your gear, it grabs everyone's attention as the functionality is highlighted, whether at the gym or at a CrossFit Box.

-Jason

I received my new HYLETE backpack and it is awesome. Really, really love it and the guys at the box are jealous.

-Chuck

It's a great bag. I get tons of compliments. I am happy to help if needed. It's refreshing to see a company care about their customers beyond normal rhetoric. Keep up the good work.

-Terry

Thank you so much for getting back to me! Riding to work this morning was a challenge with one strap, but one must adapt and overcome! And thank you even more for your honesty, I greatly appreciate a company that does not keep its customers in the dark.

As I said in my comment, I absolutely love the bag. I take it with me just about everywhere, and love its comfort, size, features, and adaptability. I am a trainer at CrossFit Discovery Downtown in Charleston, SC and I had sooo many clients ask me about my bag to which I always replied "watch this..." as I transformed my backpack in to a duffle bag. Now I can add that your customer service was great as well!

As far as a replacement goes, I wound up getting the Black and Red Nano 3.0, so the shocking red would be great.

Thanks again for your help!

-Jason

Thank you for the quick response. Other than the shoe locker part my bag is holding up pretty good so I will wait for the 2.0 version. My bag is stuffed full of my CrossFit gear and other than the shoe locker everything else seems strong. I love my backpack! I use it every day and it makes heading to the box so much easier because I have everything I need. You and HYLETE have been so great at responding so quickly. I will wait till the 2.0 backpack comes out and then get it replaced.

Thank you again for your honesty. I trust in you and the HYLETE brand!

-Ryan

I have had my HYLETE backpack for 15 months and LOVE it- Thank you, Love you company and love your gear! Have communicated with Abbe in the past and she is awesome.

-Tony

I look forward to continued business with HYLETE. I am appreciate the quality of products you all have put out. I appreciate your honesty about faults with product. Most companies tend to hide behind excuses. You are an example of what outstanding customer service should be. Thank you.

I look forward to many more years of loyal hylete customer.

-Christian

APPAREL

Good day!

First off, I love, love, love your gear. Finally, shorts and tanks for my workouts: sandbags, stone lifting and bodyweight. Just ordered some more gear, and will definitely give you feedback and suggestions! Your customer service, as well, is exceptional. It will indeed keep me coming back for more!

Your loyal customer,

-Joel

I have been wearing Hylete gear for the past few months now, and I love it! It is the most functional yet, comfortable athletic apparel I have ever worn! That being said I have been telling everyone about your company and the phenomenal products.

The CrossFit box that I work at would be proud to hang a Hylete banner on either their website and in the box itself. I don't know if your company has banners to hang inside the box but, I can promise you it would be hung with pride!

Also, I think that the next product your company should make is athletic pants. The reason I am suggesting this product is because I wear Lululemon "Mission Pants" but, I know if you guys tried to make pants they would blow Lululemon right out of the water! I would prefer to buy my pants through your company. Sweat pants and actual stretchy pants that can be worn while coaching at the box or going to school or a little of both. You guys are the best!

-Alex

The 2.0 shorts are freaking bad-ass. Love em. Great fit, love the waistband. Wore em in a WOD last night and, well, got complements from both (female) coaches.

The Large Above/Knee are perfect for my 5'9" frame. Keep up the good work!

-Dan

Thanks for the message. The fit is great. I actually wore my one pair of Medium Longs this morning this morning to the 5:30 am class. Without giving too much info, it was so hot in the box that I had to take my shirt off this morning (its 95 today...never this hot in September). This is usually reserved for the 20 year olds there, but let's just say I got a ton of compliments and questions about the shorts. And I told everyone how much I liked them and how great one person at the company is. We did a Hero WOD this morning which are always long and challenging...and the shorts did great!

Thank you very much. I appreciate all of the follow up and assistance. Two things I have learned in sales over the years: you have to have a good product and stand behind it, and people will buy from people they like.

Thanks again!

-Scott

I get compliments on you stuff often. Under Armour has become the gear of the fitness poser who wanders aimlessly doing a few curls and taking on "the fat burn program" on the elliptical. Nike is mostly joggers and families storming the outlet mall. Reebok has CrossFit, but merchandise has zero edge (can't escape the 80's) .Lululemon is like the final season of Seinfeld, magic's gone. I found you guys on My Mad Methods, as well as, through Nick Tumminello. He gave me a t-shirt over lunch.

HYLETE people actually love and get after it. I am flattered to be included.

-Terry

First off I just want you guys to know that I truly enjoy your company. I rock HYLETE clothing almost daily to the gym. As one of your sponsored trainers I recommend your clothing to all of my members. My gym is really big on repping American made companies. With your company being one of our favorites we would love to show more support. Any way thanks a lot and I hope to hear from you soon.

-Justin

After my first purchase of HYLETE merchandise, I fell in love with it right away. I've started my HYLETE collection and am proud to say that I'm the only person in my box that wears matching HYLETE workout apparel from top to bottom to gym bag. Thank you for making superior high quality products...

-Gerald

I can't thank you enough for your generosity. It means a great deal and I love your company's apparel, so I will definitely be taking advantage of the credit very soon. Thank you again and I'm honored to serve patriotic organizations like HYLETE.

-Brant, 3rd Special Forces Group

Dear HYLETE Folks,

I just wanted to take a moment to tell you how much I LOVE my cross-training short 1.0. They are by far some of the best built and comfortable shorts that I have ever worn. It's so great to finally find a training short that has the right inseam length in relation to waist size. Most of the shorts in my size either hit me way above the knee (Hasselhoff syndrome) or too far below the knee (gang banger style). You guys are spot on.

As I am down with a neck injury from Brazilian Jiu Jitsu I have only worn them to run, but they were great. The pockets held my iPod and house key close to the hip so it didn't feel like I was running with pockets full of stolen silverware.

I know this won't be my last purchase from you all!

-Gene

Hi, just wanted to thank you guys for your great customer service and great products. I heard what happened to you guys at the CrossFit games and thought it was totally BS. You guys continue to come out with the best CrossFit gear time after time. I just bought the bag can't wait to get it. I just wanted to let you guys know you have a loyal customer in me. Thank you.

-Rico

I was not at the games, however several members from my box (CrossFit Elk Grove) were and they advised me of what happened to you guys at the games. In my opinion that was a travesty. I want you to know that I LOVE your product and wear nothing but HYLETE apparel. I am in law enforcement and the way you guys honor us is amazing. I will forever remain loyal to your company as long as you are around. Thanks for putting out a fantastic product!!!

-Bryan

You're the best. Antsy to get my hands on those new shorts! I'm very impressed with your business model, customer service, products, and website. You have a raving fan!

-Tony

Thank you very much for the timeliness of this transaction. Superior to what was expected. Keep up the fine work. You make incredible products and I'll be a HYLETE guy for life. Thanks again and have a good day.

-Sam

Not that you don't already know but, your shorts are the best thing in CrossFit since sliced bread.

-David

In case no one has told you, you have THE BEST customer experience and customer service I've had in a very long time. Your products are fabulous, and your people make you my "go to" for athletic wear. I will be sure to spread the word of your product and company.

-Joel

I think HYLETE offers the most functional and comfortable clothing of any I've tried.

-Jason

I have really grown to enjoy HYLETE products and your customer service is through the roof which means you guys are a company I can get behind. I'm more than happy to help out with any reviews or anything else you may have a need for. I'm often sporting the HYLETE T-shirts and shorts and I may have a thought or two on those as well. However, I haven't gotten the 2.0 shorts yet because they're not quite in the budget, but when I do get them I'm sure I'll enjoy them as well. The HYLETE brand hasn't seemed to have quite taken off in the Central Florida area, but keep up the good work and I'm sure it will.

-David

I love your clothes. These shorts have absolutely ruined me on buying any others. I use them for working out and they are the only short I have ever found that actually works for me as a swim suit.

-Robert

I like the direction HYLETE is heading. Some great, functional products. Keep up the good work.

-John

Just wanted to drop a line and let you know that your products are top notch. I received many looks, stares, and compliments on my zip hoodie and bag. I definitely plan on ordering in the future.

-J

Today I received the vneck tshirt. All I can say is "wow"- it is one of the most comfortable t-shirts I have ever worn. I can't wait for you guys to restock them in large, so that I may purchase the laundry vneck tshirt promo. I look forward to ordering them as soon as they are available. Again, thank you, you produced a great product- truly. Thank you.

-Paul

I just received my first shipment from your company! I am so unbelievably happy with your product. I have been looking for good quality workout clothes as I do p90x and other such workouts and was a ballet dancer for years, so finding something that fits correctly has been difficult! I have found the company I will order my gear through! I really like the starter kits as they fit everything together you may need into a great price! Thank you again for great products!

-Laura

Just wanted to say thank you! Love the shorts! These are my 1st pair and i will definitely be getting more! Great for running/crossfit/olympic lifting/sparring!

-Brent

My name is Brenden Pence, and I am LOVING what HYLETE gear has to offer. I wanted to express how much the "train compete live" mantra can transcend into a sport like beach volleyball as well. Although I live in Ohio, I train year round (we have 2, going on 3 indoor beach facilities) for beach volleyball. Your gear is so perfectly suited to the rigors of beach volleyball matches and training sessions, and on my "off" days I rock my HYLETE gear in the gym. I would LOVE to get HYLETE more prominent in the beach community- players that love the shorts, tanks, shirts, spandex, etc. PLEASE contact me to talk more about what opportunities could arise to get HYLETE into this nitch- I wear it every day :) Again, we Train Hard, Compete Hard, and We Live It.- Train. Compete. Live. It is our lifestyle.

-Brenden

I wanted to thank you all for your quality gear and assistance in helping athletes follow their dreams. I will continue to represent you all this season.

-Darian

I just wanted to let you know I got the hoodies (the orange is awesome) yesterday. They are awesome. Love your products and unbelievable service. Thanks again,

-Alex

Love your products. They are so well made and designed. I'm a HYLETE fan for life.

- Matt

Awesome apparel. Love the material and it feels great when working out. Customer service is excellent and fast at responding.

-Joseph

I just wanted to write a review of the products that I have. I've been a personal trainer and strength and conditioning coach for 15 years now and these are my favorite workout clothes so far. I started out with the socks because I was needing compression socks for my beat up calves. They are so comfortable that you can basically wear them all day. They breathe nicely but compress enough to keep the calves warm. Next the shirts. These are so light it might be the nicest workout shirt out there. They move so well with your movement, which is nice when you are doing Olympic lifts or gymnastic type movements. Then there are the shorts. Everything the shirt is these are that good and more. They stretch with every squat, jerk and lunge which is so such a nice feature. The last piece is the jacket. I went back and forth on this and the hoodie. Boy am I glad I got the jacket. If the weather 40-60 degrees this will work perfectly as a part of your workout gear or just a cool looking jacket for everyday use. It breathes better than all my other outer gear but keeps me warm enough to keep me happy. I started out with 2 pairs of socks then I ordered the bundle of the jacket, shirt, pants and socks and as soon as I could I bought another pair of shorts and a shirt. I promise I will get at least another pair of shorts and shirts to have 3 outfits for my workouts. Excellent products HYLETE. Oh yeah the customer service out of this world too, especially since customer service has gone so far downhill lately. Happy and new loyal customer

-Travis

Hey guys, still can't tell you how impressed I am with your gear. Just got a v neck from y'all and love it. People are always asking me about your stuff in the gym and I can't give you enough props. Hoodie has been great for the Nebraska winter. Again keep up the great work!

-Tyler

I don't know if you monitor this email address, but I wanted to tell you how impressed I am with your shorts. I purchased two pair of your cross-training short 1.0 and think they're the best shorts I've ever worked out in – and I've been working out for over 35 years now. I'll definitely be back for more!

-John K.

I just wanted to say thank you for your awesome products and how you take care of our service members and veterans. The design of your shorts has been a god send for me. I am a diabetic and wear an insulin pump. The placement of the pockets on your shorts is perfect and my pump stays put during my workouts. Now, if you could just scale the Hylete challenge for us Masters, we might have a chance of keeping up with Jake :-) Again, thank you for your customer service and your great products.

-Greg

Hello. I just wanted to say that I recently placed an order with the company and ordered five items. I received the items today, and tested them out during today's p90x workout. Everything I ordered is simply amazing. The items are light, flexible, breathable, and look freaking great. I will definitely be spending more money on this website in the future. Thank you.

-Derrick

First, let me say you've killed it with the cross training pants! I coach every one of my classes in them and you'll often find me lifting in them. Thank you for a rock star product!

Secondly, can you share any insight on future color options for the pullover hoodies? I just received mine in the mail and love it too. Your ability to make a perfect weight, perfect material, and perfect fit has ensured it's all I train/coach/compete in. Thank you! (Oh, and it was even better when I saw the partnership with inov-8; as they're the only shoe I'll wear... Thank you!!!!)

-Dan

I just wanted to follow-up with you to let you know that I got my Cross-Training 1.0 shorts last week and I REALLY REALLY love them!!! They are a perfect fit and these have a lot of freedom of movement due to the material, and are super comfy. These are now my go-to gym shorts so i'll definitely have to pick up another pair soon. Thanks again for all of your help and support with sizing. You guys rock!!!

-JB

Just received my pants and cannot tell you how much I love them! Will you guys be making a basic gray pant also?! I would be extremely interested. Thanks

-Perry

I do LOVE, LOVE, LOVE the new pants!!! Comfortable doesn't begin to describe them. Perfect for lazy rest days, warming up or even an intense workout. The pockets are bigger than the new shorts so my iPhone fits nicely. The single best part is the Hylete recognizes there are different shapes and sizes of people. I am an avid CrossFitter so clothes fit me differently. I have a relatively small waist but fill out the pants with bigger quads...etc. I'm also 6'2" so I need length. Nice that Hylete offers different inseam up to 36" which is what I purchased. I COULD NOT BE HAPPIER WITH THESE! Can't wait for my styles/colors.

-Michael

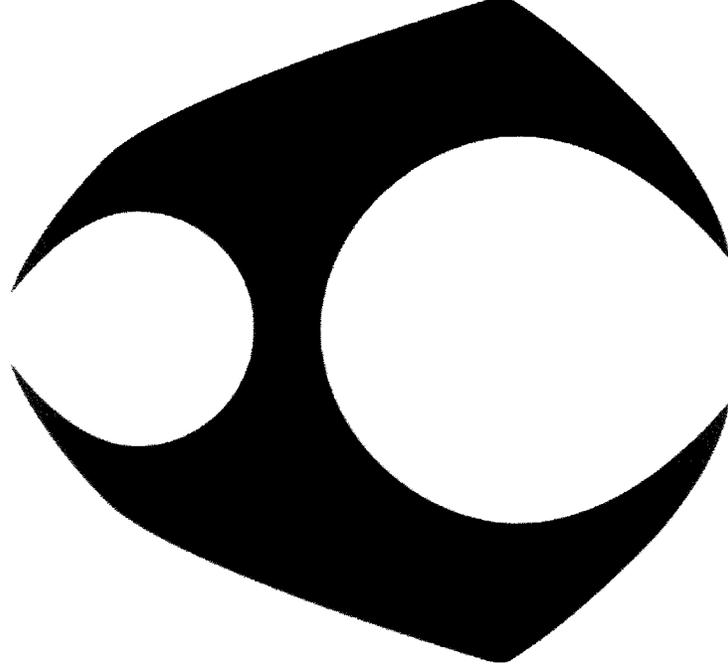
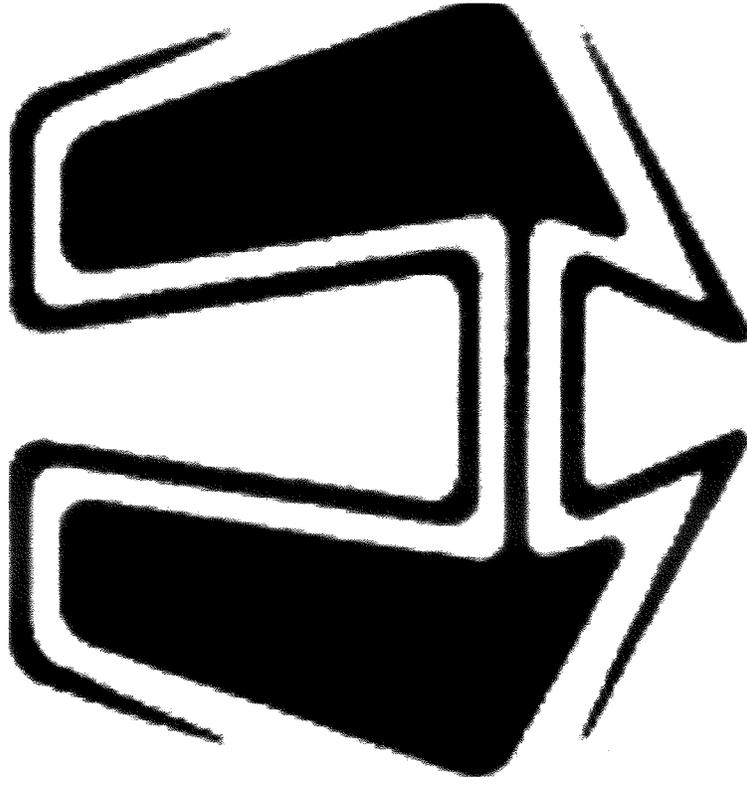
I got the pants in the mail this week...I know they are just pants, but wow they are hands down the best pants I have ever owned.

-Matt

Just received my order today. Im impressed by your products completely! I started out getting a t-shirt off of promotive and loved it. Just got a hoodie, shorts, and another tee. Unfortunately the shorts were a little long along with the tee being a little long (the first tee I got was XL and was a bit snug in the arms). But you continue to impress, I just hit the exchange and printed off the return shipping label, too easy. Thanks alot guys for making things easy, ordering online is always a gamble and knowing you can send

back for an exchange is a huge bonus. Your gears great! Keep up the good work I look forward to acquiring more in the future. Just thought I'd give you guys a pat on the back for a great job you're doing.

-Tyler

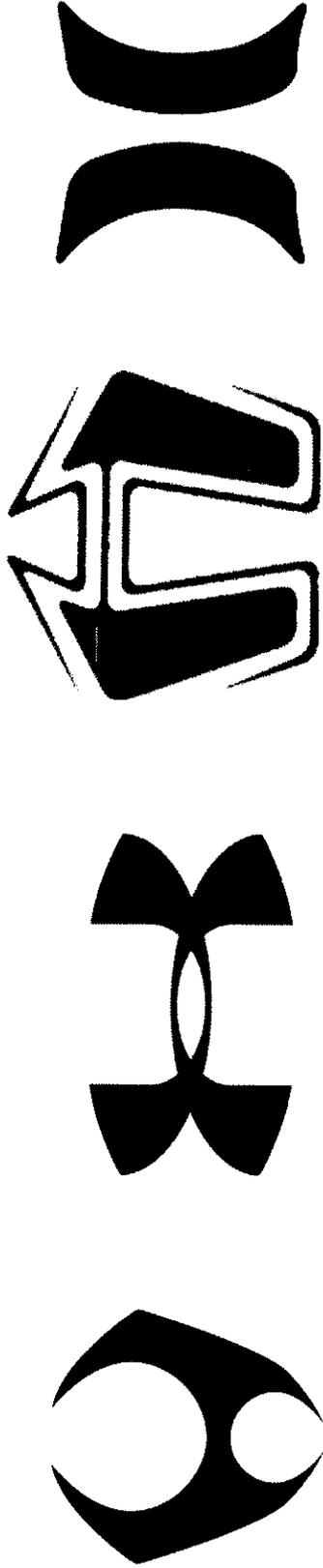


APPLICANTS Exhibit C

Date 10/27/2015 1Pg.

Depo/Case HYBRID V. HYLETE - ABBE GUDDAL

16 Karla L. Beard, CSR 13036



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

HYBRID ATHLETICS, LLC,

Opposer,

v.

HYLETE, INC.,

Applicant.

Opposition No.: 91213057

Application Serial No.: 85/837,045

APPLICANT'S NOTICE OF TRIAL DEPOSITION

PLEASE TAKE NOTICE THAT pursuant to Trademark Rule 2.123 and Federal Rule of Civil Procedure 30, Applicant Hylete, Inc. ("Applicant"), by its attorneys of record, will take the trial deposition by oral examination of Abbe Guddal, Hylete, Inc., 564 Stevens Avenue, Solana Beach, California 92075, to be held at the offices of Hylete, Inc., located at 568 Stevens Avenue, Solana Beach, California 92075, on Tuesday, October 27, 2015, commencing at 1:00 p.m. The deposition will be taken before a notary public or other officer duly authorized to administer oaths, and will be recorded by stenograph. The deposition will continue from day to day until completed.

All counsel of record are invited to attend the deposition and examine the deponent in accordance with applicable rules.

DATE: October 16, 2015

/kyri tsircou/
Kyriacos Tsircou
Tsircou Law, P.C.
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2015, I have sent a copy of APPLICANT HYTELE, INC.'S NOTICE OF TRIAL DEPOSITION to the foregoing, by electronic mail and U.S. Mail, First Class pre-paid postage, to:

Wesley W. Whitmyer
Whitmyer IP Group
600 Summer Street
Stamford, CT 06901
Tel. (203) 703-0800 Facsimile (203) 703-0801
Email:litigation@whipgroup.com

/kyri tsircou/

Kyriacos Tsircou, Esq.

Abbe Guddal
October 27, 2015

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

HYBRID ATHLETICS, LLC,

Opposer,

vs.

Opposition No.
91213057

Hylete, INC.,

Applicant.

Application Serial No.
85/837, 045

DEPOSITION OF ABBE GUDDAL

October 27, 2015

12:55 p.m.

568 Stevens Avenue

Solana Beach, California

REPORTED BY:

Karla L. Beard

CSR No. 13036

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APPEARANCES:

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203.703.0800
mkosma@whipgroup.com

Also Present:

Ron Wilson, II

Abbe Guddal
October 27, 2015

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INDEX TO EXAMINATION

WITNESS: ABBE GUDDAL

EXAMINATION

PAGE

By Mr. Begakis

6

Abbe Guddal
October 27, 2015

INDEX TO EXHIBITS

ABBE GUDDAL

Hybrid Athletics, LLC vs. Hylete, Inc., et al.

Tuesday, October 27, 2015

Karla L. Beard, CSR No. 13036

MARKED	DESCRIPTION	PAGE
Applicant's		
Exhibit A	Color photocopy of screenshot of hylete.freshdesk.com	8
Exhibit B	Document entitled: Customer Service	15
Exhibit C	Color photocopy of screenshot of Black and white photocopy of two logos	25
Exhibit D	Black and white photocopy of four logos	27
Exhibit E	Applicant's Notice of Trial Deposition	30

Abbe Guddal
October 27, 2015

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Solana Beach, California;
Tuesday, October 27, 2015; 12:55 p.m.

ABBE GUDDAL,
having been first duly sworn,
was examined and testified as follows:

MR. BEGAKIS: Okay. I'll start by having everybody else in the room introduce themselves and then we'll get to the witness.

MR. WILSON: Ron Wilson, CEO.

MR. KOSMA: Michael Kosma from Whitmyer IP Group, on behalf of Hybrid Athletics.

THE WITNESS: I am Abbe Guddal. I am a brand experience team manager here at Hylete. Basically, what that means is I just run -- or I monitor or handle our customer service team. At this point, it is just myself and one other person. I talk to hundreds of customers on a weekly basis. And that's what I do.

So any customer-service-related inquiry, issue, whether that is a product question, sizing questions, shipping information, you know, history of the brand, there's an issue with a product they received, we shipped the incorrect product, anything that directly affects the

1 customer, I am in a position to resolve.

2

3

EXAMINATION

4 BY MR. BEGAKIS:

5

Q Okay. When did you start at Hylete?

6

A I first started with Hylete about two and a half
7 years ago.

8

Q Okay.

9

A I was aware of the company before I started
10 working for the company.

11

Q And how were you aware of the company before you
12 started?

13

A Prior to working at Hylete, I was very much
14 involved in the fitness world. I train -- started -- I
15 got into fitness primarily training myself. I grew to
16 love it and then I was -- well, prior to that, I was in
17 the restaurant industry, so I have always been in customer
18 service. And then once I found fitness, I moved out to
19 California and I helped a startup gym open, and that is
20 where I first saw Hylete.

21

Q Okay.

22

A We had -- I had a trainer there that I worked
23 with that brought in a pair of Hylete shorts, and I was a
24 big believer of the shorts, and so that's how I first
25 heard of the company.

Abbe Guddal
October 27, 2015

1 Q And how did you come to work at Hylete?

2 A I know Ron. Ron is my boyfriend. Ron Wilson.
3 He offered me a job after we started dating and the rest
4 is history.

5 Q Great. What was your role when you started with
6 the company?

7 A When I started the company, I was always the
8 customer service. I was always the brand experience
9 manager that is now -- the position has now evolved into
10 the brand experience team manager. I got a promotion, and
11 so now I am in a position where I -- I'm -- I manage the
12 team.

13 Q And how big is the team?

14 A The team is just myself and one other person.

15 Q When did the other person come along?

16 A Alicia, she started January, February I want to
17 say of this year.

18 MR. KOSMA: I'm assuming we are going to have a lot of
19 documents that are being produced for the first time
20 coming to this deposition.

21 MR. BEGAKIS: There are only -- I can tell you there
22 are only two. That included -- there are only two new
23 documents being introduced.

24 MR. KOSMA: I haven't received the documents yet, but
25 any documents that haven't been produced yet, I haven't

1 seen.

2 Objection to the document, the TTAB sanction
3 order.

4 Also, prejudice that it hasn't been produced
5 before, we've never seen it before. And we'll keep the
6 standing objection going forward.

7 MR. BEGAKIS: Okay. And with regards to that standing
8 objection, any evidence document -- documentary evidence
9 that we are introducing that is of public nature, I will
10 say now and have it related to the objection as it stands
11 that those documents are referencing public knowledge to
12 the extent that the documents incorporate public
13 knowledge.

14 (Applicant's Exhibit A was marked for
15 identification by the court reporter.)

16 BY MR. BEGAKIS:

17 Q All right. Ms. Guddal, I am handing you what has
18 been marked Exhibit A.

19 A Yes.

20 Q What is this document?

21 A This is our CRM. It's our customer service
22 manager, if you will. It's -- it manages any kind of
23 interaction that we have with the customer.

24 So typically when a customer contacts us is via
25 our customerservice@hylete.com, which is our e-mail, and

1 sometimes via Facebook as well. The only visibility I
2 have on Facebook is through the comments that are posted
3 on our wall and through a Facebook private message, and
4 that's all that comes into this -- into Freshdesk.

5 MR. KOSMA: I'm just going to pose another objection
6 that the subject of this testimony is through this
7 document and it's both irrelevant and immaterial.

8 BY MR. BEGAKIS:

9 Q Does that mean that when people call with
10 customer service inquiries that that goes into Freshdesk,
11 too, or is it only what you receive?

12 A At this point in time, it is only what we receive
13 via e-mail.

14 Q So you receive --

15 A We have --

16 Q -- calls --

17 A We have the ability to --

18 THE REPORTER: Wait. You're talking over each other.

19 MR. BEGAKIS: Yes.

20 THE WITNESS: Sorry.

21 MR. BEGAKIS: That's my bad.

22 BY MR. BEGAKIS:

23 Q So you do receive calls outside of Freshdesk?

24 A Absolutely. At this point we do not have the
25 calls, you know, implemented into the Freshdesk feed,

1 so -- if you will, but it's a separate software. We have
2 the function to do it, but we haven't done it at this
3 point.

4 Q Would you say the majority of customer service
5 inquiries come through digital means and thus through
6 Freshdesk?

7 A Absolutely. I would say probably at least
8 90 percent or so. We don't -- our call volume is very
9 low, which is why we've always communicated primarily
10 through e-mail.

11 Q All right.

12 MR. KOSMA: John, did you say this document is public
13 or the information here is public?

14 MR. BEGAKIS: I said to the extent that information is
15 public record.

16 MR. KOSMA: This is not a public document?

17 MR. BEGAKIS: No.

18 MR. KOSMA: All right.

19 MR. BEGAKIS: My comment on the record was with
20 regards to the objection as it related to documents
21 referencing public record.

22 BY MR. BEGAKIS:

23 Q Where was I? Okay.

24 So you receive e-mail customer service inquiries
25 and Facebook customer service inquiries, as well; correct?

1 A Yes. Only Facebook messages and comments to our
2 wall. I do not have any visibility of any Facebook
3 comment on a timeline post. Something that we posted as a
4 company, I do not have any visibility of that.

5 Q Or a reply to a comment; correct?

6 A Yes. I only have -- if it's a reply on a wall
7 post, I absolutely can see it. But if it's a reply
8 to -- you know, if we post a promotion -- Hylete posted a
9 promotion on the timeline, we do not have any visibility
10 of the comments that may follow.

11 Q From your experience, looking at the Facebook
12 page and seeing the Facebook page and the comments on it,
13 would you say that the community of individuals who have
14 purchased from Hylete or are fans of Hylete products tend
15 to regulate that online social community and posts that
16 are made to comments?

17 MR. KOSMA: Objection; leading, irrelevant,
18 immaterial, hearsay.

19 THE WITNESS: Yes, I would say that.

20 I oftentimes -- now more than ever I will jump on
21 our Facebook feed and I will try to monitor some of the
22 comments that come in. I don't -- I didn't do it as often
23 before because -- specifically last year and the year
24 before, because we kind of -- we, as a team, all kind of
25 shared that responsibility. And it's kind of hard to

1 manage anyway.

2 And a lot of the times in my experience, from
3 what I see on the comments on those timeline posts, it's
4 more chat room banter and oftentimes may not even be a
5 customer that, you know, really ever purchased, such as,
6 you know, to make follow-ups. And if there is any
7 backlash or any questions, then oftentimes we have our
8 customers that are loyal, legitimate customers, who will
9 respond -- you know, respond for us in the sense that
10 it's -- you know, encouraging them to purchase from us and
11 encouraging or promoting the brand and sharing their
12 support.

13 So if there is -- I try to monitor it more now
14 because -- specifically for products,
15 customer-service-related questions, because there are
16 times where the customer will comment -- which I just
17 noticed more recently -- will comment and it's probably --
18 it's something that one of our other customers cannot
19 answer, whether it's the fabric on the product or which
20 size do you recommend? These are my stats, that sort of
21 thing.

22 MR. KOSMA: I will object to that answer as having no
23 foundation, as well.

24 MR. BEGAKIS: For the record, with regards to her
25 experience as the brand experience manager, the one

1 monitoring all customer service inquiries and comments
2 with regards to the products of Hylete, there is
3 absolutely foundation.

4 BY MR. BEGAKIS:

5 Q Moving on, when you talk about monitoring the
6 Facebook page, does that include deleting posts?

7 A We never delete posts. Since Day 1 that has
8 been -- that has been made very clear by Ron, himself,
9 that is not something we do. We don't -- we're not going
10 to cower to a customer. A customer is entitled -- whether
11 they are a customer or not a customer, they are entitled
12 to their opinion, whether it's negative or positive.

13 The only time -- I personally have never deleted
14 posts. The only time, you know, we may ever consider
15 doing something like that -- it's not our policy to do it,
16 but there may be a time we wouldn't compromise policy, if
17 there is any profanity or if it's offensive to somebody
18 else. But, I mean, we never -- we don't delete posts.
19 That's just not our policy.

20 Q Has that come up recently?

21 A Yes, it has actually. Just yesterday my
22 coworker, who is still kind of learning -- I mean, she has
23 been with us since January or February, but she's still
24 learning the ins and outs of some things and some policies
25 within the company, and she -- it was her first experience

1 with a negative -- it wasn't even really a negative
2 comment on our Facebook. It was somebody that was -- and
3 it was actually a wall post, and we did see it come
4 through Freshdesk.

5 And so she opened the ticket to respond and was
6 initially taken aback by it because she thought it was
7 negative and asked me if I -- if we should delete it. And
8 my first reaction was, No. Absolutely not. We don't --
9 because I want -- even more so because I want our
10 customers -- if I -- if it is a situation where we're
11 going to respond, I want them to see that. I want them to
12 see our response and how we handle something like that.

13 Like I said, everybody is entitled to their
14 opinion, but we will -- if we are in position to respond
15 and we have visibility and respond, we will.

16 I mean -- so in this instance a customer was
17 having issue with a promotion. We have, you know, a ton
18 of promotions that we post on a weekly basis, and our
19 promotions are oftentimes specific to a customer group.
20 And in this case, a customer was on our existing mailing
21 list that we've since had an upgraded account, so he is no
22 longer -- he was still attached to the existing mailing
23 list and he received the wrong promotion.

24 And that was my opportunity to, you know, swoop
25 in and, you know, do the right thing and to correct him,

1 and I did. So -- and he's a happy customer, which is how
2 most of our customers leave.

3 Q Would you say that quite a few of your customers
4 are only happy to provide positive customer feedback?

5 A I would say if not all. Most -- 90 percent of
6 our customers -- 99 percent of our customers have
7 something positive to say at the end of their experience
8 with us. We talk to hundreds of customers weekly, and
9 they all have a positive experience.

10 MR. KOSMA: I will object to the question as leading
11 and the answer as irrelevant.

12 (Applicant's Exhibit B was marked for
13 identification by the court reporter.)

14 BY MR. BEGAKIS:

15 Q Ms. Guddal, I am going to hand you what has been
16 marked into evidence as Exhibit B.

17 Do you recognize this document?

18 A Yes, I do.

19 Q What is this document?

20 A I made this document. Ron had asked me to put
21 this together. It is a list of about 100 or so
22 customer -- positive customer feedback. It's all
23 positive.

24 Q You made this document in relation to what?

25 A Ron had -- I think he had a board meeting and Ron

1 asked that I put together something that would showcase
2 our positive -- our brand experience, which is essentially
3 what I do. I build -- I promote our brand experience and
4 so I put this together.

5 Q Ms. Guddal, if it's all right with you, I'm going
6 to have you read a couple of quotes from this document.

7 MR. KOSMA: I'm just going to object to this document
8 as it was made for the purpose of litigation. This is not
9 a business record. It is -- seems to be some kind of
10 compilation of select choices by Ms. Guddal for the
11 purposes of proceedings.

12 I am also going to object to it as being
13 irrelevant, immaterial, contains hearsay, and there is a
14 lack of personal knowledge.

15 And also, again, with TTAB order sanctions.

16 MR. BEGAKIS: Are you finished?

17 MR. KOSMA: Yes.

18 MR. BEGAKIS: With respect to this document, the
19 record already speaks for itself. Ms. Guddal just said on
20 the record this document was not prepared for litigation,
21 it was prepared for a board meeting. And it certainly is
22 in the context of this business.

23 BY MR. BEGAKIS:

24 Q So, Ms. Guddal, may I ask you to read a few of
25 these?

1 A Yes.

2 Q We will start with the first comment, the first
3 quote from Michael M, if you could read that?

4 A (Reading:)

5 "I'm a huge supporter of the
6 Hylete brand and wear the gear all the
7 time. Quality products all-around.
8 The convertible backpack has changed my
9 life. We hang a Hylete banner proudly
10 in our CF box."

11 Q Down the towards the middle of the first page,
12 "Aaron, CrossFit Endeavor"?

13 A (Reading:)

14 "I truly love how much you guys
15 give back to the community. I'm a huge
16 fan of your apparel, but I'm an even
17 bigger fan of your business model.
18 Thanks for everything, truly proud to
19 be a Hylete gym!"

20 Q The one beneath.

21 A (Reading:)

22 "Thank you so much for the great
23 customer service! No other company
24 comes anywhere close the comfort and
25 style of Hylete. It is great to know

1 that I am dealing with such a reputable
2 and hassle free company! Thank you
3 again for your help. I will continue
4 to spread the word about how awesome
5 Hylete is."

6 Q Page 4, the first quote from David.

7 A (Reading:)

8 "Thank you so much for all your
9 help! You have the best customer
10 service I've ever worked with. This
11 experience has definitely made me into
12 a loyal customer. My friends are going
13 to hate me and grown tired after I tell
14 them all about your company!
15 Hylete!!!! Again, thank you!"

16 Q Two quotes down from Luke.

17 A (Reading:)

18 "Received my shorts today. They
19 are a great fit!!! Thank you so much
20 for your prompt and helpful service.
21 Other companies could learn a lot about
22 customer service from you!! Thanks
23 again."

24 Q If you could go to the next page, the second
25 quote down from Joe.

1 A (Reading:)

2 "Thank you for your help with this
3 matter. Hylete is my favorite company
4 for workout gear due to the fit and
5 your great customer service. I don't
6 tag you guys enough in my Instagram."

7 Q And then two quotes down from Chris.

8 A (Reading:)

9 "Thanks for everything. You guys
10 have amazing customer service to go
11 along with awesome products, and you
12 look out for military and law
13 enforcement. What a great combination
14 of traits! I'm gonna work on getting
15 everyone signed up for a service
16 account in the next week or so. Love
17 your company."

18 Q Go to the next page, the second quote down from
19 Brian.

20 A (Reading:)

21 "Just wanted to let you know that
22 I got the new jacket and it's perfect.
23 I just wanted to let you know this has
24 been the first time in a long while a
25 company has gone above and beyond for

1 me, and it really struck me because I
2 don't get too many positive customer
3 service experiences these days. I was
4 planning on just getting the one jacket
5 but thanks to you I'm probably going to
6 be doing a good amount of my Christmas
7 shopping from you guys. I have my
8 family and friends who really need to
9 work out, and I'm hoping some sweet
10 gear will inspire them to get moving.

11 "Anyway, thank you again and keep
12 up the great work."

13 Q If you turn two pages, the second quote down from
14 Josh...

15 A (Reading:)

16 "You run an awesome company and I
17 have had nothing but good experiences
18 with your products and service.
19 Between you and I, I'm currently
20 sponsored as a crossfit athlete by Life
21 AsRx, and I wish I would have learned
22 of your company sooner. You give me a
23 better deal through your Train Team
24 than AsRx does as an athlete, and on
25 top of that the quality of the products

1 are far superior."

2 Q And then, if you turn that page and two more
3 pages, there should be a -- the word "Apparel" at the top.
4 If you could read the quote from Joel.

5 A (Reading:)

6 "First off, I love, love, love
7 your gear. Finally, shorts and tanks
8 for my workouts: sandbags, stone
9 lifting and bodyweight. Just ordered
10 some more gear and will definitely give
11 you feedback and suggestions! Your
12 customer service, as well, is
13 exceptional. It will indeed keep me
14 coming back for more!

15 "Your loyal customer, Joel."

16 Q And then the next one down from Alex.

17 A (Reading:)

18 "I have been wearing Hylete gear
19 for the past few months now, and I love
20 it! It is the most functional yet
21 comfortable athletic apparel I have
22 ever worn! That being said, I have
23 been telling everyone about your
24 company and the phenomenal products.

25 "The Crossfit box that I work at

1 would be proud to hang a Hylete banner
2 on either their website and in the box
3 itself. I don't know if your company
4 has banners to hang inside the box, but
5 I can promise you it would be hung with
6 pride!

7 "Also, I think that the next
8 product your company should make is
9 athletic pants. The reason I am
10 suggesting this product is because I
11 wear Lululemon "Mission Pants," but I
12 know if you guys tried to make pants
13 they would blow Lululemon right out of
14 the water! I would prefer to buy my
15 pants through your company. Sweat
16 pants and actual stretchy pants that
17 can be worn while coaching at the box
18 or going to school or a little of both.
19 You guys are the best!"

20 Q If you read the next quote down...

21 A (Reading:)

22 "The 2.0 shorts are freaking
23 bad-ass. Love em. Great fit, love the
24 waistband. Wore em in a WOD last night
25 and, well, got complements from both

1 (female) coaches." The Large
2 Above/Knee are perfect for my 5'9"
3 frame. Keep up the good work!"

4 Q Turn the page, next page, and there's a quote
5 from David about halfway down the page.

6 A (Reading:)

7 "I have really grown to enjoy
8 Hylete products, and your customer
9 service is through the roof which means
10 you guys are a company I can get
11 behind. I'm more than happy to help
12 out with any reviews or anything else
13 you may have a need for. I'm often
14 sporting the Hylete T-shirts and
15 shorts, and I may have a thought or two
16 on those as well. However, I haven't
17 gotten the 2.0 shorts yet because
18 they're not quite in the budget, but
19 when I do get them I'm sure I'll enjoy
20 them as well. The Hylete brand hasn't
21 seemed to have quite taken off in the
22 Central Florida area, but keep up the
23 good work and I'm sure it will."

24 Q And if you turn to the next page there's a quote
25 about halfway down the page from Brent.

1 And there's only one more quote after this,
2 Ms. Guddal.

3 A (Reading:)

4 "Just wanted to say thank you!
5 Love the shorts! These are my 1st pair
6 and I will definitely be getting more!
7 Great for running/crossfit/olympic
8 lifting/sparring!"

9 Q One more page over down towards the bottom, a
10 quote from John K.

11 A (Reading:)

12 "I don't know if you monitor this
13 email address, but I wanted to tell you
14 how impressed I am with your shorts. I
15 purchased two pair of your
16 cross-training short 1.0 and I think
17 they're the best shorts I've ever
18 worked out in - and I've been working
19 out for over 35 years now. I'll
20 definitely be back for more!"

21 Q Thank you, Ms. Guddal.

22 MR. KOSMA: John, I want to make sure it's on the
23 record that whole line of testimony I objected to as
24 irrelevant --

25 MR. BEGAKIS: You have objected already.

1 MR. KOSMA: -- and hearsay to that whole line of
2 testimony.

3 MR. BEGAKIS: For the record, you've already objected
4 multiple times, including having a standing objection to
5 all of these documents.

6 MR. KOSMA: I am not trying to interrupt the
7 deposition. I'm letting her finish. I'm not talking over
8 anybody.

9 MR. BEGAKIS: Counsel is indicating that he's not
10 trying to talk over people, but I would posit that he is
11 attempting to.

12 MR. KOSMA: I didn't talk that whole line of
13 questioning. I don't know how that --

14 BY MR. BEGAKIS:

15 Q Ms. Guddal, how would you rate your customer
16 service at Hylete?

17 A I would rate our customer service an A-plus.

18 MR. KOSMA: Objection; irrelevant, hearsay,
19 immaterial.

20 (Applicant's Exhibit C was marked for
21 identification by the court reporter.)

22 BY MR. BEGAKIS:

23 Q Ms. Guddal, I am handing you what has been marked
24 into evidence as Exhibit C.

25 Do you recognize this document?

1 A Yes, I do.

2 Q What is this document?

3 A This is a document of two logos.

4 Q And what two logos?

5 A HYLETE'S logo and Hybrid Athletics logo.

6 Q When was the first time you saw the

7 Hybrid Athletics logo?

8 A The first time I saw the Hybrid Athletics logo
9 was in this office. I was -- I had no knowledge of
10 Hybrid Athletics prior to working at Hylete.

11 This -- the -- my knowledge came from the case,
12 and that was it.

13 Q Did you know of Rob Orlando before?

14 A No.

15 Q Did you know of Hybrid Athletics before?

16 A No.

17 Q In your opinion, do you believe that these marks
18 look similar?

19 A No.

20 MR. KOSMA: I'm going to object as leading,
21 irrelevant, and material.

22 BY MR. BEGAKIS:

23 Q Could you explain to me and for the record what
24 about these marks makes them not look similar?

25 A HYLETE'S logo, in my opinion, is sharper. It's

1 cleaner. It's edgier. It's thinner in a lot of the
2 areas. The areas above and below the "H" are in circular
3 shape. There are particular points that surround -- that
4 make up the perimeter of the Hylete logo that are very
5 defined and unique to Hylete.

6 I think -- excuse me -- our logo, HYLETE'S logo
7 is a little more sophisticated. That's it. It comes to a
8 point both top and bottom.

9 Q Thank you, Ms. Guddal.

10 (Applicant's Exhibit D was marked for
11 identification by the court reporter.)

12 BY MR. BEGAKIS:

13 Q Ms. Guddal, I am handing you what has been marked
14 into evidence as Exhibit D.

15 Do you recognize this document?

16 A Yes.

17 Q What is this document?

18 A It is a document of four different logos.

19 Q What four logos are on this document?

20 A HYLETE'S logo, Under Armour's logo, Hybrid
21 Athletics' logo, and Hurley's logo.

22 Q In your experience in the fitness world, have you
23 seen athletes wearing the Under Armour logo?

24 A Yes.

25 Q Have you seen athletes wearing the Hurley logo?

1 A Yes.

2 MR. BEGAKIS: Take a five-minute break.

3 (Recess taken.)

4 MR. BEGAKIS: Back on the record.

5 BY MR. BEGAKIS:

6 Q Ms. Guddal, going back to your role as brand
7 experience manager, roughly how many customer service
8 inquiries do you get a week?

9 A A week, I would probably say 4- to 500.

10 Q A week?

11 A At least.

12 Q So in a month you are looking at 2,000 --
13 approximately 2,000 customer inquiries a month?

14 A We do have a lot of customers that
15 will -- because when somebody submits a ticket at
16 Freshdesk, we have many customers that will reopen their
17 ticket or existing ticket, so oftentimes it is the
18 same -- we have some of the same customers that contact
19 us. But to give you some perspective, over the weekend we
20 had probably -- we had over a hundred e-mails just on
21 Monday.

22 Q On Monday alone?

23 A Yeah.

24 Q In all of your time working at Hylete and all of
25 the customer service inquiries they received, has a

1 customer or potential customer told you that they thought
2 the Hylete logo has any of these -- strike that.

3 Has any customer service inquiry come in where
4 they expressed confusion between the Hylete logo and the
5 Hybrid Athletics logo?

6 A No.

7 MR. KOSMA: Object as leading and irrelevant.

8 BY MR. BEGAKIS:

9 Q So -- and the answer was "no"?

10 A No.

11 Q Has any customer service inquiry come in, in all
12 of your time at Hylete, from somebody expressing confusion
13 between Hylete and Hybrid Athletics?

14 MR. KOSMA: Objection, leading.

15 THE WITNESS: The only thing we -- that I have ever
16 experienced is one time I had a customer -- I believe it
17 went through a private message on Facebook, and I don't
18 remember exactly what was said. I am sure we can find it,
19 but I don't remember exactly what was said.

20 But the customer basically was confused by the
21 fact that we use the term "hybrid athlete." It was never
22 mentioned "Hybrid Athletics." He -- it was a he -- was
23 confused by the term that we use "hybrid athlete" and
24 didn't seem to think we should be able to use that term.

25 Q What was your response?

1 A My response was -- it's not verbatim, but my
2 response was something along the lines that "hybrid
3 athlete" is used to describe the functional fitness
4 athlete and is a generic term and it's not trademarked.
5 And that was it.

6 Q Thank you.

7 MR. KOSMA: I'm just going to object to that answer as
8 hearsay, irrelevant.

9 (Deposition Exhibit E was marked for
10 identification by the court reporter.)

11 BY MR. BEGAKIS:

12 Q Ms. Guddal, I am handing you what has been marked
13 Exhibit E.

14 Do you recognize this document?

15 A Yes.

16 Q What is this document?

17 A My notice of deposition.

18 Q Is that why you are here today?

19 A Yes.

20 MR. BEGAKIS: No further questions.

21 MR. KOSMA: No questions.

22 (The deposition concluded at 1:32 p.m.)

23 * * *

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Abbe Guddal
October 27, 2015

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DECLARATION UNDER PENALTY OF PERJURY

I, Abbe Guddal, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on Tuesday, October 27, 2015; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this 3rd day of December,
2015, at Solana Beach,
California.

Abbe Guddal

Abbe Guddal

Abbe Guddal
October 27, 2015

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DEPOSITION ERRATA SHEET

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Abbe Guddal

Dated

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF SAN DIEGO)
3

4 I, Karla L. Beard, Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That prior to being examined, the witness in the
7 foregoing proceedings was by me duly sworn to testify to
8 the truth, the whole truth, and nothing but the truth;

9 That said proceedings were taken before me at the
10 time and place therein set forth, and were taken down
11 by me in shorthand and thereafter transcribed into
12 typewriting under my direction and supervision.

13 I further certify that I am neither counsel
14 for, nor related to, any party to said proceedings, nor
15 in any way interested in the outcome thereof.

16
17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name.

19
20 Dated: **NOV 11 2015** _____

21
22
23 _____
24 

25 Karla L. Beard, CSR No. 13036

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