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

Proceeding	91213057
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**Jennifer Null**  
**October 28, 2015**

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

HYBRID ATHLETICS, LLC,

Opposer,

vs.

HYLETE, INC.

Applicant.

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OPPOSITION NO. 91213057  
APPLICATION SERIAL NO.  
85/837,045

TRIAL DEPOSITION OF JENNIFER NULL

October 28, 2015

1:03 p.m.

568 Stevens Avenue  
Solana Beach, California

REPORTED BY:

Renée C. Roberts

CSR No. 6910

1 APPEARANCES:

2  
3 For Opposer:

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23 sarah.munn@crossfit.com

24 ALSO PRESENT:

25 RON WILSON II

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EXAMINATION

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**Jennifer Null**  
**October 28, 2015**

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JENNIFER NULL

Hybrid Athletics, LLC vs. Hylete, Inc.

Wednesday, October 28, 2015

Renée C. Roberts, CSR No. 6910

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**Jennifer Null**  
**October 28, 2015**

1 San Diego, California;

2 Wednesday, October 28, 2015; 1:03 p.m.

3  
4 JENNIFER NULL,

5 having been first duly sworn,

6 was examined and testified as follows:

7  
8 MR. BEGAKIS: All right. So I will start by  
9 having everyone in the room identify themselves, ending  
10 with the witness. And for third parties in attendance,  
11 explain the reason that they're here.

12 MR. WILSON: Ron Wilson, CEO of Hylete.

13 MR. KOSMA: Mike Kosma here on behalf of Hybrid  
14 Athletics. I'm an attorney from the Whitmyer IP Group.

15 At John's request, for the third party to  
16 identify the reason, there's no requirement to, but I do  
17 have Ms. Sarah Munn here, and she's assisting me with  
18 exhibits and helping me out with just logistics of the  
19 deposition.

20 MR. BEGAKIS: I'll acknowledge to counsel that  
21 there is no specific rule, but we would like an  
22 explanation for the reason why she's here. And I  
23 appreciate that.

24 Secondarily, I would like to make it clear for  
25 the record that the witness has a -- well, first of all,



1 Tsircou Intellectual Property Law, counsel for Hylete,  
2 Inc. This is a deposition in which I will ask you  
3 questions. You must answer them truthfully. Although no  
4 judge is present, this is a formal legal proceeding, just  
5 like testifying in court. You are under the same legal  
6 obligations to tell the truth, the whole truth, and  
7 nothing but the truth.

8 If you don't understand any of my questions,  
9 please feel free to say so, and I'm happy to repeat or  
10 rephrase them.

11 Before the deposition can be used in court, you  
12 will have the opportunity to read over and correct any  
13 mistakes.

14 Do you understand this?

15 A. I do.

16 MR. BEGAKIS: I'll be labeling Exhibits 1  
17 through whatever.

18 THE REPORTER: Sure.

19 MR. BEGAKIS: Ms. Null, I have handed you what  
20 has been marked in evidence as Exhibit 1.

21 (Exhibit 1 marked)

22 BY MR. BEGAKIS:

23 Q. Do you recognize this document?

24 A. I do.

25 Q. What is this document?

1           A.     The Notice of Deposition.

2           Q.     Is this why you're here today?

3           A.     Yes.

4           Q.     Ms. Null, where do you live?

5           A.     San Diego, California.

6           Q.     And what is your current job title?

7           A.     It is team commissioner with Hylete.

8           Q.     What education have you received, beginning with  
9 high school?

10          A.     High school diploma from Trinity High School, in  
11 Camp Hill, Pennsylvania. Went to undergrad, started at  
12 Drexel and transferred to Temple University, in  
13 Philadelphia. Graduated with a B.A. in communications,  
14 advertising and journalism. Then I went to San Diego  
15 State and got my MBA in sports business.

16          Q.     Have you always had an interest in fitness?

17          A.     Yes.

18          Q.     When did you first develop an interest in  
19 fitness?

20          A.     So when I was in -- I played soccer throughout  
21 high school, throughout my entire life, and then when I  
22 went to college, started playing rugby. Actually went to  
23 a national championship, won that. Played for six years  
24 after, again for the highest level women's club league in  
25 the U.S. And throughout that time, I was actually taught

1 a lot of things, like Olympic lifting and strength and  
2 any kind of strengthening/conditioning type work for  
3 sport-specific training. And within that time as well,  
4 also learned how to teach other people. So in college,  
5 just had some coaches that were national level coaches  
6 teaching me how to squat, deadlift, Olympic lift,  
7 et cetera.

8 And then I actually moved to Baltimore in 2008,  
9 which is where somebody put CrossFit on my radar, and so  
10 I went out, just like a lot of people, started CrossFit  
11 in 2008, and started with a group that was running  
12 classes outside, in a park, in the middle of winter. So  
13 would go out twice a week and just suffer through  
14 freezing cold winters, you know, squatting, running,  
15 lifting weights, falling off trees, doing handstands,  
16 et cetera. Really enjoyed that. That was South  
17 Baltimore CrossFit. And since they didn't have a space  
18 and I was getting more and more into it while playing  
19 rugby, using this for my rugby training, I then asked  
20 them, you know, what's another gym that I can go to that  
21 actually has a gym space? You know, when you guys get a  
22 space, I'll come back. So he referred me to CrossFit BWI  
23 out of Glen Burnie, Maryland.

24 So I started going there more full time, again  
25 while playing rugby, so using it as a my rugby training,

1 being advised against it by my coach, who was a national  
2 U.S. team coach, as well just saying CrossFit's not great  
3 for sport-specific athletes.

4 So just like any brand-new CrossFitter, you  
5 drink the Kool-Aid. You think it's end all, be all.  
6 You're going to do it all the time. It's going to make  
7 you better. So I explained to my coach, as naive as I  
8 was at the time, that I can do more pull-ups now than I  
9 ever could before, and that's going to help me on the  
10 rugby field. Even though my Olympic lifts were going  
11 down, my power lifts were going down, et cetera.

12 So as we had that battle, I was still playing  
13 for that top-level women's club in the U.S. and my  
14 position got replaced. So I got, you know, replaced by a  
15 player that was trained properly, and I just had a little  
16 bit of a dose of reality.

17 So then actually --

18 Q. When did that happen?

19 A. That was 2000- -- it would have been early 2009.  
20 So it was pretty fast that it happened.

21 MR. KOSMA: I'm going to object to this whole  
22 line of questioning as irrelevant.

23 MR. BEGAKIS: Okay.

24 THE WITNESS: Okay. And so in 2009, I decided  
25 I'd go and get my CrossFit football certification,

1 because it's more of a -- specific to the sport that I  
2 was playing. Rugby and football are very similar in  
3 terms of needs of fitness.

4 BY MR. BEGAKIS:

5 Q. And can you explain what the CrossFit football  
6 certification is.

7 A. Yes, it's a weekend course that you pay a  
8 certain amount of money for, and they just teach you, you  
9 know, some sports-specific things. It's more of a  
10 beginner level teaching. You get a little piece of  
11 paper -- I don't think you can call it a certification,  
12 but you get a certificate of completion, or something  
13 like that, that you can then carry with you in your  
14 CrossFit career. At the time, you actually didn't even  
15 need a Level 1 to do, so --

16 Q. And when did you obtain that?

17 A. That was April of -- I don't remember the month,  
18 but it was 2009.

19 Q. Okay.

20 A. September 2009, actually. At CrossFit Milford  
21 in Connecticut.

22 Q. When did you obtain your Level 1 certification?

23 A. My Level 1 was in 2010, out here in San Diego.  
24 Actually, I don't -- it would have been November time.  
25 It was actually the month before or the week before

1 Thanksgiving, in November of 2010, because I -- just  
2 recently was one of the first weekends I had to recertify  
3 under the five-year rule that they have.

4 Q. So explain in general what the Level 1  
5 certification is and what that does for you.

6 A. It just recently changed. Well, I don't know  
7 how recent it changed, but it changed within the five  
8 years of me getting it the first time. It gets you the  
9 ability to walk into a gym and coach or open a gym.  
10 So --

11 Q. Are you a coach?

12 A. Yes. I've coached since pretty much the day  
13 that I got the certification, at multiple different gyms.  
14 And then actually, South Baltimore opened its facility,  
15 so I helped them open that facility. Moved out here.  
16 Was at CrossFit SoCal for a long time. Had a friend that  
17 just opened a gym about a year-and-a-half ago. Helped  
18 him open that gym.

19 Q. Do you still coach?

20 A. Yes. I coach just a Strongman class,  
21 Strongwomen/Strongman class.

22 Q. So what -- tell me, when did you -- you  
23 mentioned Strongman. When did you get into  
24 Strongman-specific CrossFit stuff?

25 A. So around the time that I got the CrossFit

1 football certification, I also realized that I always  
2 liked the heavy lifting part of CrossFit, so continuously  
3 wanted to do those workouts. And then found Strongman  
4 through a gym in Philadelphia, who runs Strongman or has  
5 Strongman facilities. So pro Strongmen actually go there  
6 to train, so I got to link up with him. Went out to  
7 Pennsylvania, went to a couple of seminars out there.

8 Q. For somebody like myself, who is behind the desk  
9 all day, could you explain what is different about  
10 Strongman exercising than CrossFit -- general CrossFit  
11 exercising?

12 A. Yes. Yeah. So Strongman is more -- it's going  
13 to be heavy, awkward implements that you move, depending  
14 on the event. So there's certain events in a full  
15 Strongman competition, so it would be for reps. So it  
16 would be -- had something extremely heavy for reps,  
17 depending on your weight class. Maybe a relay that's 90  
18 seconds, 120 seconds at the most. You know, you're just  
19 moving heavy, awkward implements.

20 CrossFit can be -- it can be that. And then it  
21 can also be long endurance things or it can be leg or  
22 weights for more reps, higher intensity for longer  
23 amounts of time.

24 Q. When did you first start getting into the  
25 Strongman portion?

1           A.     Around that time that I got the CrossFit  
2     football and then met all of these gyms, just had some  
3     people refer me and say, "I think you'd really get into  
4     this." So just went to those few seminars in those gyms,  
5     so met Steve Pulcinella, met Mike McKenna, Nico  
6     Hulslander, Mike Jenkins, and just learned all -- as much  
7     as I could. Did a couple competitions.

8           Q.     Who were these people that you're --

9           A.     So many. Mike Jenkins is a -- he's passed. He  
10    was a professional Strongman competing in the World's  
11    Strongest Man competition.

12                   For at least three years prior to that, he was  
13    an amateur competitor. Did the Arnold competition. Did  
14    multiple of the other smaller amateur competitions that  
15    are throughout the U.S.

16                   Nico Hulslander also was an amateur Strongman  
17    competitor. This is all that these guys did. They were  
18    not CrossFitters at all.

19                   Steve Pulcinella is the guy that owns the gym.  
20    It's called Iron Sport out of Philadelphia. And they  
21    have every implement, which is rare to find. From stones  
22    to Conan's wheel, Atlas stones, axle bars, farmer's  
23    carries, Husafell stones, if I didn't say that. It's  
24    our -- I mean, more than that.

25                   MR. BEGAKIS: Okay. We'll briefly, very

1 briefly, have CrossFit's counsel step out for a few more  
2 questions. Shouldn't be more than 2 minutes.

3 (Ms. Munn exits)

4 MR. BEGAKIS: Okay.

5 MR. KOSMA: I just want to -- did Ron identify  
6 himself when we first started?

7 MR. WILSON: I did.

8 MR. KOSMA: We kind of circled around. I didn't  
9 know if you did, Ron. Thank you.

10 MR. WILSON: No problems.

11 BY MR. BEGAKIS:

12 Q. So you talk about these Strongman exercises and  
13 implements. Does CrossFit incorporate these into their  
14 competitions?

15 A. They have, yeah. It's become less and less  
16 popular over the years. You know, 2012, it was very  
17 Strongman heavy.

18 Q. When would you say they started implementing  
19 them?

20 A. I actually believe 2012 was the first year that  
21 they had heavy implements of Strongman, heavy events that  
22 were Strongman-specific.

23 Q. And what would be some of these events?

24 A. They'd be heavy axle, clean and jerks, or  
25 thrusters, front squats with the fat bar, the axle. They

1 had a yoke that was introduced in that time frame, and  
2 then sleds.

3 Q. And you mentioned just now that they "used to."  
4 Does CrossFit still incorporate Strongman activities?

5 A. Not as much, no. I think this year the only  
6 thing they did was individual yoke carry for 50 meters.

7 Q. In your opinion, as somebody who's been in  
8 fitness and been involved with CrossFit and Strongman,  
9 what is the dynamic between Strongman competitors and --  
10 well, strike that.

11 When did you first learn of Rob Orlando?

12 A. I would have learned of Rob around that same  
13 time that I was learning the Strongman thing. So  
14 probably 2009 to '10. Late 2009, early 2010.

15 Q. Were you a fan of Rob's?

16 A. Yes. Absolutely. So we'd watch videos and use  
17 his Web site for ideas and other workouts, et cetera.  
18 Yeah.

19 Q. And do you know when Rob stopped competing?

20 A. Rob -- well, I don't -- yes. 2011. I don't  
21 know if you qualify that as competing. He got DQ'ed in  
22 the first event of the CrossFit Games, and he has not  
23 competed since, to my knowledge. Not for CrossFit.

24 MR. KOSMA: Objection. Irrelevant and assumes  
25 facts not in the record. And that's it.

1 BY MR. BEGAKIS:

2 Q. Okay. So in your opinion, as somebody who again  
3 follows -- is involved in CrossFit and follows Strongman  
4 competitions, followed Rob, what is the dynamic between  
5 Strongman competitors who only compete in Strongman and  
6 Rob teaching Strongman?

7 MR. KOSMA: Objection. Leading.

8 THE WITNESS: They -- so, basically, CrossFit  
9 Strongman is seen as kind of a joke in the actual  
10 Strongman world, you know.

11 BY MR. BEGAKIS:

12 Q. And why is that?

13 A. Because the events are easier, and they  
14 basically say they CrossFitized Strongman.

15 Q. And you say "easier" how?

16 A. So they lowered the weights. They use smaller  
17 Atlas stones. They make it so accessible that everybody  
18 can do it.

19 Whereas, a Strongman, you know, you're supposed  
20 to suffer through things. You're supposed to do all the  
21 implements, movements are different, for good reasons.  
22 Like, you know, they teach an Atlas stone different than  
23 what Rob Orlando teaches an Atlas stone, more as a  
24 deadlift, whereas it should be more of a pickup, if that  
25 makes sense.

1 Q. Uh-huh.

2 A. So, basically, the Strongman world kind of  
3 laughs at him. You know, that didn't matter to me, you  
4 know, I'm in the CrossFit -- I was in that hybrid place  
5 of a CrossFitter and somebody that wanted to be  
6 Strongman. But I'd always hear, you know, Mike Jenkins  
7 say Rob was a decent amateur Strongman competitor. And  
8 just be very annoyed that, for some reason, this guy that  
9 was an amateur was able to go out there and say he's an  
10 expert. To the point that Rob offered Mike Jenkins an  
11 internship in his CrossFit seminar, CrossFit Strongman  
12 seminar.

13 MR. KOSMA: I'm going to quickly object as  
14 irrelevant. Immaterial. Hearsay. And lack of personal  
15 knowledge.

16 THE WITNESS: Definitely not hearsay. I had  
17 that conversation specifically with Mike.

18 BY MR. BEGAKIS:

19 Q. Okay. So you mentioned that CrossFit is  
20 programming less Strongman events. In your opinion, why  
21 are they doing that?

22 A. Honestly, I think everybody's getting stronger,  
23 so there's really no reason to actually throw a Strongman  
24 implement at them and test them that way. They're  
25 testing them in multiple other ways, which is just

1 regular barbells that are heavy, that some people can't  
2 lift, and testing that way.

3 So the fact that everybody is now stronger, they  
4 don't need to throw a crazy awkward implement at them to  
5 prove that they're strong anymore.

6 Q. Would you say that there are less CrossFit  
7 athletes interested in learning Strongman activities?

8 A. Yes.

9 MR. KOSMA: Objection. Irrelevant. Hearsay.  
10 And speculation.

11 BY MR. BEGAKIS:

12 Q. And Rob teaches a class specifically for  
13 teaching Strongman activities; correct?

14 A. Yes.

15 MR. BEGAKIS: Okay. We can bring CrossFit's  
16 counsel back in.

17 MR. KOSMA: Thank you.

18 (Ms. Munn enters)

19 BY MR. BEGAKIS:

20 Q. Ms. Null, when did you first learn about JACO?

21 A. I learned about JACO while I was getting my MBA,  
22 towards the end of -- so the MBA is a 16-month program.  
23 And for that first year, you're in class. And then for  
24 that second half -- or I'm sorry, third third, you're in  
25 some kind of internship or paid work.

1           And so towards the end of that year, I started  
2 researching apparel in the CrossFit industry, and that  
3 just so happened to be the year that Reebok got the 2011  
4 sponsorship. And so I was actually interviewing with  
5 Reebok, getting into that.

6           The director of our program actually had dinner  
7 with Matt at the time. And so Matt had mentioned that  
8 they were looking to get -- that JACO as a hybrid  
9 athlete-focused company, was looking -- as they had the  
10 MMA and they had the fight space, they were looking to  
11 branch more into CrossFit. So he mentioned that to our  
12 director, and our director was like, "You need to meet  
13 Jen." He introduced us and I found out about JACO in  
14 October, November of 2011.

15           Q.    And when did you begin working with JACO?

16           A.    The end of January.

17           MR. KOSMA: I'll object to the last answer as  
18 irrelevant and hearsay.

19           THE WITNESS: When I heard of the company?  
20 That's when I heard of it.

21           MR. KOSMA: The conversations that you had with  
22 people.

23 BY MR. BEGAKIS:

24           Q.    When did you start at JACO?

25           A.    The end of January 2012.

1 Q. And what was your role at JACO?

2 A. So my role was to back Matt, who was the  
3 director of sales, also working with strategic partners.  
4 I also -- there was a trainer team, a service elite team  
5 and a competitor team, that I was also in charge of  
6 building as well. As well as reaching out to CrossFit  
7 and functional fitness gyms, you know, throughout the  
8 country, to build JACO as that brand.

9 Q. Who is this individual Matt that you're  
10 referring to?

11 A. Oh, Matt Paulson, who then was the director of  
12 sales at JACO. Now cofounder of Hylete.

13 Q. And is this when you initially met Ron Wilson?

14 A. Yes, I would have met Ron in November of 2011 --

15 Q. And they --

16 A. -- while I was interviewing.

17 Q. And you worked with both of them at JACO?

18 A. Yes.

19 Q. When did you first start working with Rob  
20 Orlando at JACO?

21 A. So pretty much as soon as I got hired. I found  
22 out that there was a little bit of difficulties happening  
23 within the rankings of JACO. So I found out about this  
24 company in Florida that had made a bogus purchase of the  
25 company, and about six weeks later, you know, Ron had

1       been fired from his own company.

2                       During that time, Matt was privy to this  
3       information and was handing me a lot of his more  
4       second-tier strategic partners, so I was given Rob as a  
5       somebody to work with, that I could then fulfill the  
6       contract or the promised, on both ends, contract. So  
7       that was --

8               Q.     What was that agreement that you were working  
9       on?

10              A.     His agreement was \$1,500 a quarter in cash, plus  
11       approximately \$6,000 worth of shorts of MSRP, that he  
12       could sell on top of that, per quarter. So my job was to  
13       make sure that he got those shorts, that we got them from  
14       our factory, sent them to our screen printer, had them  
15       screen print it, and then sent to Rob, so he could sell  
16       for full MSRP on his site.

17                       MR. KOSMA:  Objection.  Irrelevant.

18       BY MR. BEGAKIS:

19              Q.     Explain what you mean by MSRP and -- well,  
20       strike that.

21                       So was --

22              A.     Full retail price.

23              Q.     Full retail price.

24                       So the arrangement was then that Rob was  
25       receiving shorts at cost?

1           A.     Correct.  Yeah.  And so if he wanted more than  
2     those shorts that he could take to his seminars and sell,  
3     he would get cost of the shorts to again resell.  So he  
4     could potentially earn, you know, I would say \$10,000 a  
5     quarter in shorts, that he then screen printed his logo  
6     on.

7           MR. KOSMA:  I'm going to object again as  
8     irrelevant.  Hearsay.  It sounds like lack of personal  
9     knowledge.

10    BY MR. BEGAKIS:

11           Q.     Through your direct work with Rob at JACO in  
12    this role, do you -- tell us how successful Rob was at  
13    selling these shorts.

14           A.     He was very successful with it, to the point  
15    that, you know, as a fan of Rob, you know, I had personal  
16    interest in making sure that he was happy.  As a  
17    self-fulfilling prophecy, really.

18                    So, you know, there was even one point where  
19    something's happening in this mix of the company chaos,  
20    that shorts didn't get to him that he was about to take  
21    to Europe.  So --

22           Q.     Why was he taking them to Europe?

23           A.     To sell at his CrossFit seminars.  He did like a  
24    U.K. tour.

25           Q.     Okay.

1 A. He did a U.K. tour.

2 Q. When was this?

3 A. This was in springtime of 2012. Probably March.  
4 Definitely March.

5 Q. So what happened?

6 A. So I got the shorts, had them overnighted.  
7 Basically overnighted to the U.K., so that he could sell  
8 them. And we did that at our cost because, you know,  
9 obviously it was our error. Whatever happened, I don't  
10 specifically remember. But my sole goal was to make sure  
11 Rob had those shorts, so he could sell them and be happy  
12 and not pissed off at me or JACO.

13 MR. KOSMA: Objection. Irrelevant.

14 BY MR. BEGAKIS:

15 Q. Did this deal that you've referred to between  
16 Rob and JACO, did it get done while you were at JACO?

17 A. Yeah.

18 So to kind of backtrack a little bit, what --  
19 what happened on -- in March, Ron got fired from his own  
20 company. Matt then left the company very quickly after.  
21 Hylete was formed in that time. I was then bumped up  
22 from this sales and marketing position, to director of  
23 sales, to take over Matt's position.

24 Q. Why did you get the position increase?

25 A. Because there was nobody else at the company to

1 do it. This company in Florida is just shady. There's  
2 not much there. They don't really understand how people  
3 work. And I was hired into JACO by Ron and Matt. So,  
4 well, Matt was hired into JACO from Ron. So there's this  
5 string of just people wanting to work with those people  
6 and not wanting to work with this new company that we  
7 already saw bad things happening. There was lying going  
8 on the entire time.

9 So I got bumped up, because there was nobody  
10 else to do it. They weren't expecting people to leave  
11 when Ron was fired.

12 Q. Did that bump come with a pay raise?

13 A. It came with a pay raise. It came with a huge  
14 commission raise, and definite job security, that I was  
15 not going to go anywhere.

16 Q. And so were you able to finalize the agreement  
17 with Rob before --

18 A. So actually -- so part of that, where I was  
19 going with that, was that they would fly me back and  
20 forth to Florida pretty frequently. And the first time  
21 after that happened, that I went to Florida, Rob was  
22 actually there to secure his deal with JACO at the same  
23 time. Matt had already --

24 Q. This deal that you spoke of previously?

25 A. Yes, the 1500. Yeah, they were signing it into

1 all of that fun stuff. And there was definite hardship  
2 there. Anybody that deals with Glenn from JACO, Glenn  
3 was the -- I guess he would be the president of JACO at  
4 the time. I'm not sure what his title came with. But  
5 anybody that deals with him is going to have a hard time.  
6 There's no really good dealings with him. He's shady.  
7 You can't trust him. He will screw you when he gets a  
8 chance.

9 So I was in the office, and Matt had already  
10 left, like I said. Hylete had already been formed and  
11 Rob was there. So at one point, Rob and I got a good  
12 enough rapport that I was in an office, sitting there,  
13 and he came in, we closed the door. And he asked me what  
14 I was doing. And, you know, inquiring, because he was  
15 trying to decide what he wanted to do.

16 Q. And when you say "what he wanted to do," with  
17 regards to what?

18 A. So Matt had already approached Rob about coming  
19 to Hylete and being a brand ambassador for Hylete.

20 MR. KOSMA: I'm going to object to this whole  
21 line of questioning as speculation and hearsay.

22 THE WITNESS: It's not speculation. I was  
23 there. Hearsay, I don't know.

24 So -- so he came in, closed the door, and we had  
25 a conversation. I let Rob know very clearly that I was

1 going to follow Ron and Matt. I said, "I don't like  
2 what's happening here in Florida. I don't trust Glenn as  
3 far as I can throw him, which isn't far." And, you know,  
4 "I was hired in by these guys," you know, "I trust them.  
5 And I know that they're going to build something big and  
6 it's" -- you know, "There's no question in my mind."

7 Ron was the one that designed the entire line of  
8 JACO and the marketing operation that was making that  
9 company skyrocket. So I knew that if Ron wasn't there,  
10 that wasn't going to continue to happen, so why would I  
11 stay at this company that was a sinking ship? I said  
12 that to Rob. Pretty much verbatim is, you know, "I'm not  
13 going to stay here. I don't see this company being here  
14 for longer than two years, and I'm going to follow Ron  
15 and Matt, which is who I originally agreed to work with."

16 Q. What was his response to that?

17 A. He was like, "Man, I don't know." You know, "I  
18 just don't know if I want another change." And it was  
19 just trying to figure out if he wanted to stick with this  
20 deal that was for sure, or trust a new company and go  
21 with that.

22 Q. Approximately when did you have this  
23 conversation?

24 A. It would have been early April 2012. Followed  
25 up by another -- so somehow we both ended up again at

1 that CrossFit BWI, he was doing a seminar there. That  
2 Friday, I went in just to say "hi" to Ryan, who was the  
3 owner of BWI, and I knew that Rob was setting up for a  
4 seminar there, so I wanted to come in and say "hi", you  
5 know, same thing, good rapport. There's nothing bad  
6 between Rob and I. Still a huge fan. And it was just  
7 like, you know, "Have you thought about that anymore?"  
8 He's like, "Yeah, I just don't know. I just don't know."

9 Q. When you say "thought about that," what are you  
10 referring to?

11 A. Oh, being the brand ambassador for Hylete.

12 MR. KOSMA: Again, I'm going to object to this  
13 whole line of questioning and her answers as hearsay and  
14 irrelevant.

15 THE WITNESS: It's not hearsay. I was there  
16 still.

17 BY MR. BEGAKIS:

18 Q. Okay. You can continue.

19 A. Sorry?

20 Q. So you can continue.

21 A. Oh.

22 Q. So with regards to this conversation you had,  
23 this second conversation that you had with Rob.

24 A. Yeah. So it was -- it was just another show  
25 face. "Hey, Rob. We have mutual friends." You know,

1 "I'm still going to Hylete." It's only about two weeks  
2 later. So, "I'm going to Hylete. Hylete still wants you  
3 to come." You know, "I" -- "I like what you're doing."  
4 And that was pretty much it. Just pleasantries.

5 Q. What did -- so what was his response to you  
6 saying "hi"?

7 A. Same thing. You know, gave me a hug. You know,  
8 said, "Matt sent me the tech pack." And so that was  
9 pretty much it. I was like, "Cool. Okay. I'll let you  
10 deal with Matt."

11 Q. Okay.

12 A. Obviously I am still working with JACO at the  
13 time. I couldn't take that on. And --

14 Q. Did he appear upset when he referred to the tech  
15 pack?

16 A. Not at all.

17 MR. KOSMA: Again, I'll object to this as  
18 hearsay and irrelevant.

19 THE WITNESS: Should I say that this is not  
20 hearsay or relevant? I was there.

21 MR. KOSMA: Ms. Null, it's okay. You don't have  
22 to argue with me. It's up to your attorney. But I just  
23 want this on the record. That's all I'm doing. I'm  
24 putting it on the record for my client.

25 MR. BEGAKIS: I've instructed my client as to

1 why you will object.

2 THE WITNESS: It's also on record that it is a  
3 factual conversation that I had with Rob Orlando.

4 BY MR. BEGAKIS:

5 Q. All right. Ms. Null, to your knowledge, did Ron  
6 Wilson know of Rob Orlando during your time at JACO?

7 A. No, not at all. Ron sat in the upper upstairs,  
8 like little loft area of JACO. Did his designing and his  
9 business operations and that's it. The only people that  
10 knew of Rob Orlando would have been Matt and myself.

11 Q. Because of your interfacing with him?

12 A. Because of our interfacing. Our product team  
13 doesn't know who he is. The only reason the design team  
14 would have known who he was was because they had to mock  
15 up his shorts for our screen printer to add his logo.  
16 And that's it.

17 MR. KOSMA: Again, I'm going to object for  
18 speculation. Hearsay. Irrelevant.

19 BY MR. BEGAKIS:

20 Q. To your knowledge, Ms. Null, did Ron Wilson ever  
21 see Rob Orlando's Hybrid Athletics logo during your time  
22 at JACO?

23 A. No. Even less so.

24 MR. KOSMA: Objection. Irrelevant.

25 Speculation. Lack of personal knowledge.

1 BY MR. BEGAKIS:

2 Q. Ms. Null, when did you officially leave JACO?

3 A. I left JACO in early July of 2012.

4 Q. And what did you do after that?

5 A. Started at Hylete that Wednesday at the CrossFit  
6 Games.

7 Q. What was your title when you started at Hylete?

8 A. Title was team commissioner. Same title that I  
9 have now. Job role was to build the train team, compete  
10 team and service team. So very similar structure to what  
11 we had at JACO. Also building those teams as kind of a  
12 grassroots marketing effort. And then also to work with  
13 strategic partners.

14 Q. Has that role increased since that --

15 A. It has, yeah. So I do less of the smaller team  
16 building and more of the strategic partner building. So  
17 I find those people that are considered fitness experts  
18 in the community and make them brand ambassadors of  
19 Hylete.

20 I also work with the NPGL, which is the National  
21 Pro Grid League, to activate that sponsorship that was  
22 just signed. That's a new entity that formed from the --  
23 one of the media guys that was at CrossFit a long time  
24 ago, Tony Budding. And it has an NBC contract, so I  
25 activate that sponsorship.

1 Q. Tell me --

2 MR. KOSMA: Objection --

3 BY MR. BEGAKIS:

4 Q. Tell me --

5 MR. KOSMA: -- speculation, irrelevant, hearsay  
6 as to the contract.

7 BY MR. BEGAKIS:

8 Q. Tell me a little bit about NPGL --

9 A. So --

10 Q. -- from your direct knowledge and working with  
11 NPGL.

12 A. My grassroots of working with the league itself  
13 and the executives in it?

14 Q. Exactly. Yeah.

15 A. So they -- basically, Tony Budding, who started  
16 the NPGL, had this idea while he was with CrossFit,  
17 pitched it to --

18 Q. What was the idea?

19 A. Of this team-based competition, a regional  
20 team-based competition.

21 Q. Is that the same as the CrossFit competitions?

22 A. No.

23 Q. How is it different?

24 A. That's a very long question.

25 MR. WILSON: Take your time.

1 MR. BEGAKIS: Yeah.

2 THE WITNESS: Okay. So basically, I'll just  
3 explain grid and then -- grid would be the short term --  
4 the sport that NPGL is a national governing body of. So  
5 what grid is is there's eight regional teams. They're  
6 all coed. They all have a plus 40 athlete, male and  
7 female. There's a bracketed style competition and then  
8 there are 2-hour matches. So it's basically head-to-head  
9 2-hour match, you know, there's an east and a west. They  
10 go at each other.

11 BY MR. BEGAKIS:

12 Q. Head-to-head between individuals?

13 A. No. Between teams.

14 So every match has 11 races. The races are  
15 short and quick. You get a certain amount of points per  
16 race, you know. And then there's a playoff system. They  
17 do MVP. They do rookie of the year, et cetera.

18 Q. How is that different from CrossFit's  
19 competition?

20 A. So CrossFit's competition is a huge --

21 MR. KOSMA: Objection.

22 THE WITNESS: -- team, so the teams are all  
23 gym-based, so there's multiple teams from every region  
24 that come. It's a -- now it's almost a full week. It's  
25 about five days, five to six days of competition, where

1 they just compete for points. So it's all 40 teams  
2 competing in every of the same workout once a year. Kind  
3 of like the Olympics of CrossFit.

4 BY MR. BEGAKIS:

5 Q. Okay.

6 A. So well, the yearly Olympics of CrossFit.

7 So --

8 MR. KOSMA: I'm going to object to that as  
9 irrelevant and speculation.

10 BY MR. BEGAKIS:

11 Q. Have you ever competed in a CrossFit event?

12 A. Yes. I competed in a couple of the non-CrossFit  
13 sanctioned events, but I also -- I compete every year in  
14 the Open. And the Open is just where everybody involved  
15 in CrossFit can pay \$20 and do workouts every week that  
16 are proscribed by the director of fitness, Dave Castro.  
17 And you rank yourself with everybody that does CrossFit.  
18 From that, they select a regional -- the regional  
19 qualifiers, both for teams and individuals.

20 Q. So you --

21 A. 2011, I actually competed with my team, CrossFit  
22 SoCal.

23 Q. You have knowledge of how CrossFit competitions  
24 work?

25 A. Yes.

1 Q. Is CrossFit corporate associated with the NPGL?

2 A. Not at all.

3 MR. KOSMA: Objection. Speculation.

4 THE WITNESS: No, that's not --

5 MR. KOSMA: Lack of --

6 THE REPORTER: Wait, wait.

7 MR. KOSMA: I'm going to object. The question  
8 asks for speculation. Lack of personal knowledge. And  
9 it's hearsay.

10 THE WITNESS: I'm very sure of the fact that  
11 they're not associated.

12 BY MR. BEGAKIS:

13 Q. Thank you, Ms. Null.

14 What are some other organizations or groups that  
15 Hylete works with, aside from the NPGL?

16 A. We work with a lot of individuals in terms of  
17 groups. Battle Frog is a OCR race, which is an obstacle  
18 course race. Battle Frog specifically has to deal with  
19 the ESPN, so we just signed that contract. I'll also be  
20 working on that. Really large competition, 8,000  
21 competitors every weekend.

22 And then we work with groups like Hammerhead  
23 Fitness and Ultimate Sandbag Training, calisthenics  
24 organization. And then larger individuals, such as Robb  
25 Wolf.

1 Q. Who is Robb Wolf?

2 A. Robb Wolf would be considered the lead Paleo  
3 expert in the nutrition field.

4 Q. Do you attend events with Hylete?

5 A. Yes. Often.

6 Q. How many events a year would you say you attend?

7 A. I attend between 35 and 40 a year.

8 Q. What events did you attend in 2013? What  
9 CrossFit events did you attend with Hylete in 2013?

10 A. Do you want to back up to 2012?

11 Q. Or excuse me. Strike my question.

12 What events did you attend with -- CrossFit  
13 events did you attend in 2012?

14 A. So in 2012, we had a small team and got a  
15 contract to work at all of the -- or to vend at all of  
16 the CrossFit Regionals in -- well, actually nine of the  
17 CrossFit Regionals that were being held that year. Plus  
18 the CrossFit Games. So as a small team, I went to  
19 San Diego the first weekend. Went to San Antonio, Texas  
20 the next weekend. Went to Chicago the weekend after  
21 that. And DC the weekend after that.

22 Q. And what happened at the 2012 San Antonio  
23 Regional?

24 A. We -- so since we were a small team, we had to  
25 hire some local help. And so we got this guy, Keith,

1 from Louisiana to help us.

2 Q. How many direct Hylete team members were there?

3 A. There were two of us.

4 Q. You and one other?

5 A. Me and one other. And then Keith, from  
6 Louisiana.

7 Q. And Keith is not an employee of Hylete?

8 A. No. Keith is not an employee of Hylete. And I  
9 wish we had interviewed Keith prior to us having him help  
10 us. He was not the most people friendly -- he wasn't a  
11 people person, let's say that.

12 MR. KOSMA: I'm going to object to this line of  
13 questioning as irrelevant.

14 BY MR. BEGAKIS:

15 Q. So what happened at the 2012 San Antonio --

16 A. We're set up in the vendor tent. And Keith was  
17 the primary point person up in the front. And Dave  
18 Castro, who is the director of competition for CrossFit,  
19 comes by and just came up and said something to Keith.  
20 And from behind, I looked over and saw that Dave Castro  
21 is having this conversation with this kid Keith. And so  
22 as soon as he walked away, I went up to Keith and said,  
23 "What did he say to you?" He said, "He asked if we had  
24 an affiliation with Rob Orlando." So I went up to Dave.

25 Q. Do you know what Keith said in response?

1 A. I have no idea.

2 Q. Okay.

3 A. So once he told me that he asked that question,  
4 I didn't even think to say, "What did you say?" I went  
5 right up to Dave and said, "Dave, just so you know, we  
6 have nothing to do with Rob Orlando." And he was just  
7 like, "All right. Cool." And walked -- kept walking.

8 MR. KOSMA: Objection to the last portion of  
9 that question, to what Mr. Castro seemed to look like.

10 MR. BEGAKIS: There's been no discussion on the  
11 record about what Mr. Castro looked like. The witness  
12 has only spoken about what --

13 MR. KOSMA: She just said "he seemed like," and  
14 I'm objecting to what he seemed like.

15 BY MR. BEGAKIS:

16 Q. Ms. Null, what was the conversation that you had  
17 with Mr. Castro?

18 A. I tapped him on the shoulder and said, "Just so  
19 you know, Hylete has nothing to do with Rob Orlando."

20 Q. And what did he say in response?

21 A. "Okay. Cool." And walked away. He didn't say  
22 "and walked away."

23 MR. KOSMA: Thank you.

24 MR. BEGAKIS: Ms. Null, I'm handing you what is  
25 being marked into evidence as Exhibit 2.

1 (Exhibit 2 marked)

2 THE WITNESS: Okay.

3 BY MR. BEGAKIS:

4 Q. Do you recognize the document?

5 A. I do.

6 Q. What is this document?

7 A. This is a document with the Hylete logo on the  
8 left side and the Hybrid Athletics logo on the right  
9 side.

10 Q. In your opinion, do you believe that these logos  
11 look similar?

12 MR. KOSMA: Object as irrelevant and to what  
13 Mrs. Null's opinions of the --

14 THE WITNESS: I thought that's what this case  
15 was, a discussion on the logos.

16 MR. KOSMA: I'm just getting my objection in.

17 THE WITNESS: Got it.

18 MR. BEGAKIS: Counsel's objection as to  
19 relevance, to whatever extent that's a legitimate  
20 objection, is noted.

21 BY MR. BEGAKIS:

22 Q. Ms. Null?

23 A. Yes.

24 Q. Can you tell me, in your opinion, do you think  
25 these logos look similar?

1 A. They do not.

2 Q. Why don't you think these logos look similar?

3 A. The Hylete logo's very crisp and clean, very  
4 pointed and direct, very professional. The Hybrid  
5 Athletics logo has an outline around it and it looks to  
6 be designed to be a yoke, which would be a Strongman  
7 equipment or Husafell stone, actually, which is a piece  
8 of Strongman equipment. So it would make a lot of sense.

9 Q. So you think that the Hybrid Athletics logo  
10 looks like a yoke?

11 A. Yes.

12 Q. Do you think that the Hylete logo looks like a  
13 yoke?

14 A. No.

15 MR. KOSMA: Objection. Leading.

16 THE WITNESS: The Hylete logo does not look like  
17 a yoke. If you tried to make that into a yoke, you would  
18 trip yourself or poke yourself in the ankles. You  
19 couldn't do it.

20 MR. KOSMA: John, I don't know how many more --  
21 do you have a few of these?

22 MR. BEGAKIS: Yes.

23 MR. KOSMA: I'll make the objection that this  
24 document is being served for the first time today. It  
25 hasn't previously been disclosed to counsel. It's a

1 violation of the sanction order for the TTAB, and I  
2 highly object to the document. All of these -- whatever  
3 you have, are containing hearsay. Lack of no  
4 authentication. And I believe these were made for  
5 litigation.

6 MR. BEGAKIS: Ms. Null, I have handed you what's  
7 being entered into evidence as Exhibit 3.

8 (Exhibit 3 marked)

9 THE WITNESS: Yes.

10 BY MR. BEGAKIS:

11 Q. Do you recognize this document?

12 A. I do.

13 Q. What is this document?

14 A. This document is put together from an e-mail  
15 conversation that I had with Al Kavadlo.

16 Q. Who is Al Kavadlo?

17 A. Al Kavadlo is a bodyweight calisthenics guru.  
18 Does a lot of seminars for Dragon Door. Runs his own  
19 seminars. Has been in multiple publications.  
20 Bodybuilding.com. And is seen as the calisthenics guru  
21 throughout the U.S.

22 Q. Is he a well-known person in the fitness  
23 community?

24 A. Yes. Has been published in New York Times  
25 multiple times. Has a pretty big Facebook following,

1 Instagram following.

2 Q. And what type of e-mail did you send to him?

3 A. So I sent him an e-mail with a couple of  
4 questions regarding these logos above, which was an  
5 attachment in the e-mail. I asked him if he knows of Rob  
6 Orlando.

7 Q. And when you talk about the logos, what logos  
8 are you referring to?

9 A. The Hylete logo and the Hybrid Athletics logo.

10 Q. You sent him an e-mail with those two logos?

11 A. Correct.

12 Q. What else?

13 A. Just a couple of questions that I asked him. I  
14 asked him if he -- "Do you know of Rob Orlando?" He  
15 responded -- Al responded, "I've never heard of Rob  
16 Orlando."

17 I asked him, "Do you know Hybrid Athletics?" He  
18 said, "I've never heard of Hybrid Athletics."

19 I then asked him -- or just said to him, "We  
20 also need to confirm that you have seen the other  
21 attachment to this email," parentheses "(logos side by  
22 side) and confirm that in no way do you believe they are  
23 confusingly similar." And Al said, "I've seen both logos  
24 and don't think they look all that much alike. I hope  
25 you guys beat this frivolous lawsuit!"

1 Q. Was Mr. Kavadlo compensated for providing this  
2 response?

3 A. Not at all.

4 MR. KOSMA: Obviously same objections.

5 MR. BEGAKIS: That's the purpose of making a  
6 standing objection.

7 Ms. Null, I'm handing you what's being marked  
8 into evidence as Exhibit 4.

9 (Exhibit 4 marked)

10 BY MR. BEGAKIS:

11 Q. Do you recognize this document?

12 A. Yes.

13 Q. What is this document?

14 A. This is an e-mail -- the -- basically what I  
15 pulled from an e-mail conversation that I had with Becca  
16 Day.

17 Q. Who is Becca Day?

18 A. Becca Day is a Pro Grid League -- National Pro  
19 Grid League athlete. She is one of the strongest women  
20 in the league. And has a very strong reputation for her  
21 strength.

22 Q. Is she well-known in the fitness community?

23 A. She's well-known in the CrossFit community.

24 Q. When you sent her an e-mail, did that e-mail  
25 contain -- what logos did the e-mail contain?

1           A.    I sent her the e-mail with a couple of questions  
2 and the attachment of the Hylete logo next to the Hybrid  
3 Athletics logo.

4           Q.    Could you please read for the record the  
5 questions that you posed and the answers that were  
6 provided.

7           A.    Yes.  "Do you know" -- first question I asked  
8 was, "Do you know Rob Orlando?  If so elaborate."  Becca  
9 said, "I do not know Rob Orlando personally.  However, I  
10 do know of him through the fitness industry."

11                   The second question I asked is, "Do you know  
12 Hybrid Athletics?  If so elaborate."  She responded with,  
13 "I have never been to Hybrid Athletics facility; just  
14 followed the gym via social media."

15                   I then asked her, "We also need to confirm that  
16 you have seen the other attachment to this email (logo  
17 side by side) and confirm that in no way do you believe  
18 they are confusingly similar."  She wrote, "After  
19 reviewing both logos side by side, they're similar as far  
20 as a vague outline, but the right logo (non Hylete) looks  
21 like a bootleg UnderArmor symbol.  I wouldn't get the  
22 Hylete logo confused with the other logo if that helps."

23           Q.    And was Ms. Day compensated for providing these  
24 responses?

25           A.    She was not.

1 Q. Does she have any association with Hylete?

2 A. She's a sponsored athlete of Hylete.

3 Q. Via NPGL?

4 A. Correct. Yes.

5 MR. BEGAKIS: Ms. Null, I'm handing you what's  
6 being marked into evidence as Exhibit 5.

7 (Exhibit 5 marked)

8 BY MR. BEGAKIS:

9 Q. Do you recognize this document?

10 A. I do.

11 Q. What is this document?

12 A. This is an e-mail exchange I had with Robb Wolf.  
13 As mentioned previously, Robb Wolf is the leader in the  
14 Paleo nutrition movement. He has written multiple New  
15 York Best Times seller books, also was a biochemist and  
16 runs multiple nutrition seminars. Runs a very crazy,  
17 successful podcast and is also the -- is always seen as  
18 the Paleo expert.

19 Q. Is Mr. Wolf well-known in the fitness community?

20 A. Very well-known. Over 100,000 Facebook  
21 followers, over 100,000 Twitter followers, and --

22 Q. What is Mr. Wolf's affiliation with Hylete, if  
23 any?

24 A. Robb is one of the top affiliates for Hylete.  
25 So when I say "top affiliates," I mean brand ambassador.

1 Somebody that wears the product and pushes the product.  
2 And then, in turn, brings in new customers for Hylete.  
3 He's very successful.

4 Q. What was the contents of the e-mail that you  
5 sent to him?

6 A. So again, I sent Robb an e-mail with the  
7 attachment of the Hylete logo on the left, with the  
8 Hybrid Athletics logo on the right, and then asked him a  
9 few questions to follow that.

10 Q. Could you please read those questions --

11 A. Sure.

12 Q. -- and answers.

13 A. The first question I asked, "Do you know Rob  
14 Orlando?" Robb said -- Robb Wolf said, "I know who Rob  
15 is. I've been involved with the CrossFit scene since its  
16 inception back in 2001."

17 I then asked him, "Do you know Hybrid  
18 Athletics?" He responded, "Only peripherally. I have  
19 followed some of their online writing."

20 I then asked him, "We also need to confirm that  
21 you have seen the other attachment to this email (logo  
22 side by side) and confirm that in no way you believe they  
23 are confusingly similar (apart from potentially both  
24 being stylized 'H's'.)" "I have seen these logos and do  
25 not find them confusingly similar."

1 MR. BEGAKIS: Okay. Ms. Null, I'm handing you  
2 what is being marked into evidence as Exhibit 6.

3 (Exhibit 6 marked)

4 BY MR. BEGAKIS:

5 Q. Do you recognize this document?

6 A. I do.

7 Q. What is this document?

8 A. This is pulled from an e-mail that -- e-mail  
9 conversation that I had with Chris Elmore, who is the  
10 founder of WodTalk Magazine and Metcon Media as well.

11 Q. What affiliation, if any, does Mr. Elmore have  
12 with Hylete?

13 A. He would be our other top affiliate.

14 Q. Is Mr. Elmore well-known in the fitness  
15 community?

16 A. Mr. Elmore is not. No. His magazine and  
17 business, however, is.

18 Q. Okay. And what were the contents of the e-mail  
19 that you sent to him?

20 A. So I sent him an e-mail with the same attachment  
21 of the Hylete logo on the left side and the Hybrid  
22 Athletics logo on the right side. And asked him the  
23 following questions: First, "Do you know Rob Orlando?"  
24 Chris answered, "Yes. We have featured stories about Rob  
25 and some of his business in our magazine in the past."

1           Second question, "Do you know Hybrid Athletics?"  
2           His response, "Yes."

3           My third question, "We also need to confirm that  
4           you have seen the other attachment to this email (logos  
5           side by side) and confirm that in no way do you believe  
6           that they are confusingly similar." His response, "I  
7           have seen both companyies logos in the past and do not  
8           feel they are similar enough to be confusing."

9           MR. BEGAKIS: Can we take just a 5-minute break?

10          MR. KOSMA: Yeah.

11          (Recess)

12          BY MR. BEGAKIS:

13          Q.     Okay. Ms. Null --

14          MR. KOSMA: Are we done with the surveys?

15          MR. BEGAKIS: One more.

16          MR. KOSMA: One more?

17          MR. BEGAKIS: Yeah.

18          MR. KOSMA: When we're done with that, I want to  
19          get my objection on the record one more time.

20          MR. BEGAKIS: Okay. Ms. Null, I'm handing you  
21          what is being marked into evidence as Exhibit 7.

22          (Exhibit 7 marked)

23          BY MR. BEGAKIS:

24          Q.     Do you recognize this document?

25          A.     Yes.

1 Q. What is this document?

2 A. This is a document of a e-mail conversation that  
3 I had with Danny Nichols.

4 Q. Who is Danny Nichols?

5 A. Danny is a National Pro Grid League professional  
6 athlete, multi-CrossFit games, Regionals games and  
7 Regionals competitor. Trains with OPEX, which is not an  
8 acronym, out of Phoenix, Arizona. And was the National  
9 Pro Grid League's MVP this year, as one of the strongest  
10 men in the league.

11 Q. Is he well-known in the fitness community?

12 A. Yes, very well-known.

13 Q. What, if any, affiliation to Hylete does he  
14 have?

15 A. He's a sponsored athlete of Hylete.

16 Q. What was the contents of the e-mail that you  
17 sent him?

18 A. I sent him an e-mail with the attachment  
19 containing the Hylete logo on the left and the Hybrid  
20 Athletics logo on the right, with a couple of questions  
21 as well. The first question being, "Do you know Rob  
22 Orlando? If so elaborate." His response, "Yes, know of  
23 him. Never met him though. Cross fits strongman seminar  
24 lead."

25 Second question, "Do you know Hybrid Athletics?"

1 If so elaborate." Danny's response, "Yes. Don't know  
2 anything about it. Just heard the name before."

3 Third question I asked him, "We also need to  
4 confirm that you have seen the other attachment to this  
5 email (logos side by side) and confirm that in no way do  
6 you believe they are confusingly similar." Danny's  
7 response, "They don't resemble each other at all. They  
8 are totally different in every way from top to bottom.  
9 It seems crazy that there would even be a question in  
10 this matter. Almost makes me think CrossFit has a part  
11 in it. A dog is a dog, but there are different types of  
12 dogs. It's like saying a miniature poodle is the same as  
13 Great Dane."

14 MR. BEGAKIS: Counsel, we're finished bringing  
15 these exhibits.

16 MR. KOSMA: Okay. Just Exhibits 4 through 7,  
17 the line of questioning, I'm going to object to them as  
18 again not being previously disclosed. Violating the TTAB  
19 sanction order. They're irrelevant. The questioning of  
20 the documents is all hearsay. There's no foundation.  
21 Speculation. And it violates the original document rule.  
22 BY MR. BEGAKIS:

23 Q. Ms. Null, when did you obtain the responses that  
24 are contained in the Exhibits 4 through 7?

25 A. Primarily over the last week-and-a-half. There

1 are a few that I received two weeks ago.

2 Q. Okay.

3 MR. KOSMA: Same objections.

4 MR. BEGAKIS: Probably be easier if you just say  
5 that.

6 Ms. Null, I'm handing you what's being marked  
7 into evidence as Exhibit 8.

8 (Exhibit 8 marked)

9 BY MR. BEGAKIS:

10 Q. Do you recognize this document?

11 A. I do.

12 Q. What is this document?

13 A. This is a couple -- Rob Orlando's top YouTube  
14 videos.

15 Q. How many views does the first YouTube video on  
16 that page have?

17 A. 290,401 views.

18 Q. How many views does the second video listed on  
19 that page have?

20 A. 272,136.

21 Q. When did the first video listed -- when was it  
22 published?

23 A. Two years ago, so 2013.

24 Q. When was the second video published?

25 A. Four years ago, 2011.

1 Q. Ms. Null --

2 A. Oh, originally, I'm sorry. Originally published  
3 in 2010, the second video.

4 Q. The second video?

5 A. Yeah.

6 Q. Ms. Null, looking at the screen shot of the  
7 first video --

8 MR. KOSMA: I object. Assumes facts not in  
9 evidence. This is not a screen shot. I don't even know  
10 what this is. It seems to be something that was made.  
11 The authentication -- no authentication. And I'm going  
12 to object under the original document rule.

13 BY MR. BEGAKIS:

14 Q. I will rephrase my question.

15 Looking at this document, and the freezed image  
16 of the YouTube video that's displayed on this document --

17 MR. KOSMA: Again objection. Assumes facts not  
18 in evidence.

19 BY MR. BEGAKIS:

20 Q. Can you tell me or can you see what type of  
21 shorts Mr. Orlando's wearing?

22 A. Yes. Rob's wearing the JACO short with the  
23 Hybrid Athletics logo screen printed on the left leg.

24 Q. And can you tell what type of shirt he's  
25 wearing?

1           A.     Yeah.  He's wearing a -- from seeing the video  
2 before, he's wearing a JACO Hybrid Training shirt, solely  
3 branded with JACO Hybrid Training.

4           Q.     Not the Hybrid Athletics logo?

5           A.     Correct.  That's not on that shirt.

6           MR. KOSMA:  I'm also going to object that you  
7 can't even see Rob's legs in the second picture.

8           THE WITNESS:  We didn't talk about the second  
9 picture.

10          MR. BEGAKIS:  That's very true.  Thank you for  
11 being a good sport, Ms. Null.

12          THE WITNESS:  That's what I'm here for.

13          MR. KOSMA:  Same objections.

14          MR. BEGAKIS:  Ms. Null, I'm handing you what's  
15 been marked in evidence as Exhibit 9.

16                   (Exhibit 9 marked)

17 BY MR. BEGAKIS:

18          Q.     Do you recognize this document?

19          A.     I do.

20          Q.     What is this document?

21          A.     This is the picture of a Atlas stone, with the  
22 Hammerhead Fitness logo on it.

23          Q.     Can you describe what the Hammerhead Fitness  
24 logo looks like.

25          A.     Yes.  It's a stylized H, with a circle around

1 it, and "Hammerhead Fitness" written underneath. And  
2 some cracks around the circle.

3 Q. Based on your knowledge of Mr. Orlando, does he  
4 sell Atlas stones?

5 A. He sells Atlas stone molds, yes.

6 Q. Branded with his logo?

7 A. That have an indent of the Hybrid Athletics logo  
8 indented, so when the stone is made by the customer, it  
9 has that same indentation of the H.

10 Q. So it's safe to say that there's Atlas stones  
11 out there that don't have --

12 A. Oh, yeah.

13 Q. -- the Hybrid Athletics logo on them?

14 A. Yes. Plenty.

15 Q. And this would be evidence of that?

16 A. Yeah. This is at least one.

17 MR. KOSMA: I'm going to object to this line of  
18 testimony as irrelevant. Hearsay. Speculation. And  
19 that this document has been served for the first time.

20 MR. BEGAKIS: I guess we're not going to go with  
21 brevity then.

22 MR. KOSMA: I mean, same objection to the TTAB  
23 sanction order on all of these, obviously.

24 MR. BEGAKIS: Ms. Null, I'm handing you what's  
25 being marked into evidence as Exhibit 10.

1 (Exhibit 10 marked)

2 BY MR. BEGAKIS:

3 Q. Do you recognize this document?

4 A. I do.

5 Q. What is the this document?

6 A. This is a picture of some Hyperwear SandBells.  
7 Kind of like a kettlebell, but made of sand. But it's  
8 a -- Hyperwear is a company that makes strengthening,  
9 conditioning and Strongman equipment for fitness gyms  
10 throughout the country.

11 Q. Is there an H logo displayed on this product?

12 A. There is an H logo. It's a stylized H, with a  
13 circle around it.

14 MR. KOSMA: I'll object to the answer as  
15 irrelevant. Same objections.

16 MR. BEGAKIS: Ms. Null, I'm handing you what  
17 what's being marked into evidence as Exhibit 11.

18 (Exhibit 11 marked)

19 BY MR. BEGAKIS:

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. What is this document?

23 A. This is a picture of a weight vest made, again,  
24 by Hyperwear, who makes, you know, strengthening,  
25 conditioning equipment for fitness gyms.

1 Q. And do you see a logo affixed to this product?

2 A. Yeah. In the top back of the neck, there is the  
3 H logo, with a circle around it.

4 MR. BEGAKIS: Ms. Null, I'm handing you -- we're  
5 going to -- assert the same objections?

6 MR. KOSMA: Sure. So I'll object to this  
7 document then, as well as the other ones. They violate  
8 the TTAB sanction order. Irrelevant. Speculation. Lack  
9 of foundation. Lack of authentication. And we can go  
10 from there.

11 THE WITNESS: We'll just take those.

12 MR. BEGAKIS: For now.

13 Ms. Null, I'm handing you what's being marked  
14 into evidence as Exhibit 12.

15 (Exhibit 12 marked)

16 BY MR. BEGAKIS:

17 Q. Do you recognize this document?

18 A. Yes.

19 Q. What is this document?

20 A. This is a document of -- it's a Hyperwear  
21 advertisement of a guy using what looks to be a SandBell,  
22 again, by Hyperwear, the company that makes  
23 strengthening, conditioning equipment for fitness  
24 facilities throughout the U.S.

25 Q. Do you see a logo affixed to this product?

1           A.    I do.  It is an H, with a circle around it, with  
2 an outline.

3           Q.    Thank you, Ms. Null.

4           MR. BEGAKIS:  Ms. Null, I'm handing you what's  
5 being marked into evidence as Exhibit 13.

6                   (Exhibit 13 marked)

7 BY MR. BEGAKIS:

8           Q.    Do you recognize this document?

9           A.    Yes.

10          Q.    What is the this document?

11          A.    This is a document with the Hylete logo, the  
12 Under Armour logo, the Hybrid Athletics logo, and the  
13 Hurley logo, all side by side.

14          Q.    Ms. Null, how many years have you been involved  
15 in fitness?

16          A.    15 plus.

17          Q.    Ms. Null, roughly how many gyms have you been  
18 to?

19          A.    Oh, at least 200.

20          Q.    Ms. Null, how many CrossFit events have you been  
21 to?

22          A.    At least 200.

23          Q.    And other fitness events?

24          A.    Yes.

25          Q.    Ms. Null, in all of your experience in the

1 fitness community, have you ever seen an athlete wearing  
2 the Under Armour logo?

3 A. Yes.

4 Q. In all of your experience in the fitness  
5 community, have you ever seen an athlete wearing the  
6 Hurley logo?

7 A. Yes.

8 Q. Ms. Null, I just have one --

9 MR. KOSMA: I'll object to those answers as  
10 irrelevant.

11 MR. BEGAKIS: Okay.

12 BY MR. BEGAKIS:

13 Q. Ms. Null, you discussed, earlier, CrossFit's  
14 declining in program in Strongman events?

15 A. Yes.

16 Q. Has that been occurring a lot recently?

17 A. It definitely has had a strong decline since  
18 2012.

19 Q. Roughly around what time would you say that Rob  
20 Orlando's popularity has been declining?

21 A. Since 2011, since he DQ'ed at the games. 2012  
22 he was still quasi relevant, as he was in Athlete  
23 Village, teaching athletes how to pick up an axle bar  
24 with a Continental Clean. As well as carry a yoke that  
25 the athletes had never used before.

1 MR. KOSMA: I'm going to object --

2 THE WITNESS: That being the last time that  
3 they -- that he, you know, ever was seen as an expert  
4 with these top athletes.

5 MR. KOSMA: I'm going to object to Ms. Null's  
6 answer and question as irrelevant. Hearsay.  
7 Speculation.

8 BY MR. BEGAKIS:

9 Q. Ms. Null, based on your unique knowledge --

10 MR. KOSMA: And lack of personal knowledge.  
11 Sorry.

12 MR. BEGAKIS: You did that on purpose.

13 BY MR. BEGAKIS:

14 Q. Ms. Null, based on your knowledge, uniquely  
15 being positioned in the CrossFit and Strongman  
16 communities, do you believe that Mr. Orlando's decline in  
17 popularity is a result of CrossFit not carrying as many  
18 Strongman events?

19 A. Yeah. Oftentimes the workouts that are  
20 published and put out for CrossFit, athletes will have  
21 never seen those pieces of equipment before. And so the  
22 first thing they do is find out where they can buy one  
23 for their gym. If there's no need to have to go buy an  
24 axle or train with it, because it's not programmed in the  
25 games or any other relevant competition, there's no need

1 for a gym to buy one.

2 The sport of Strongman is also declining, which  
3 is also going to hurt Rob within that space, in terms of  
4 his business and selling his yokes, stone mold -- stone  
5 molds and farmer's carries.

6 MR. KOSMA: I'll object as irrelevant. Hearsay.  
7 Lack of personal knowledge. Speculation. No foundation.

8 BY MR. BEGAKIS:

9 Q. Ms. Null, just one final question. Do you  
10 believe that Mr. Orlando's popularity is declining?

11 A. Absolutely.

12 MR. BEGAKIS: Thank you. No further questions.

13 MR. KOSMA: Irrelevant. Hearsay. No  
14 foundation. Speculation.

15 MR. BEGAKIS: Okay. Go off the record.

16 (Recess)

17 MR. KOSMA: We have no further questions.

18 MR. BEGAKIS: None either.

19 THE REPORTER: I'm going to incorporate the same  
20 stipulation onto this one?

21 MR. BEGAKIS: Yes.

22 (Stipulation redacted from the deposition of  
23 Matt Paulson, taken October 29, 2015:

24 "MR. BEGAKIS: So we'll stipulate to have the  
25 depositions sent to us for signatures.

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"MR. KOSMA: That's fine.

"MR. BEGAKIS: And all future depositions that  
are going to be conducted.")

(The deposition concluded at 2:26 p.m.)

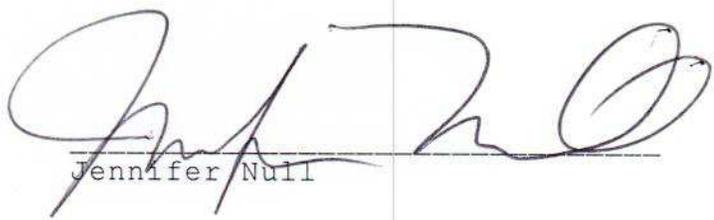
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DECLARATION UNDER PENALTY OF PERJURY

I, Jennifer Null, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on October 28, 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 2 day of December, 2015  
at HYLETE HQ, Solana Beach, CA, California.



Jennifer Null

DEPOSITION ERRATA SHEET

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Page No. 22 Line No. 4

Change: replace the word "elite" with "league"

Reason for change: wrong word was recorded

Page No. 30 Line No. 20

Change: change "relevant" to "irrelevant"

Reason for change: wrong word was recorded

Page No. 33 Line No. 12

Change: change "grassroots" to "experience"

Reason for change: wrong word recorded

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_

Change: \_\_\_\_\_

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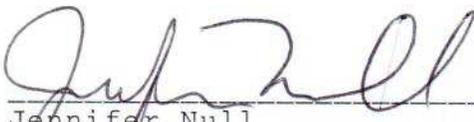
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Jennifer Null

12/2/15  
Dated

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I, Renée C. Roberts, a Certified Shorthand Reporter, do hereby certify:

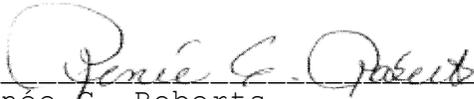
That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

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

In witness whereof, I have hereunto subscribed my name.

Dated: November 2, 2015

  
Renée C. Roberts  
CSR No. 6910





Jennifer Null  
October 28, 2015

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<b>winters</b> 10:14	15:12 16:16 28:14	2013 37:8,9 52:23	<hr/> <b>9</b> <hr/>
<b>wish</b> 38:9	52:23,25 58:14	2015 1:13 4:4 6:2	9 4:23 54:15,16
<b>witness</b> 3:3 6:10,25	<b>yoke</b> 17:1,6 41:6,10	61:23 63:5 65:20	90 14:17
7:4,12 11:24 18:8	41:13,17,17 59:24	203.703.0800 2:5	90071 2:10
19:16 21:19 27:22	<b>yokes</b> 61:4	272,136 52:20	91213057 1:6
29:15 30:19 31:2	<b>York</b> 42:24 46:15	28 1:13 4:4 6:2	92075 2:16
34:2,22 36:4,10	<b>YouTube</b> 4:21 52:13	63:5	
39:11 40:2,14,17	52:15 53:16	29 61:23	<hr/> <b>3</b> <hr/>
41:16 42:9 54:8		290,401 52:17	3 4:10 42:7,8
54:12 57:11 60:2			323.660.9916 2:11
65:6,17	<hr/> <b>Z</b> <hr/>		35 37:7
<b>WodTalk</b> 4:18 48:10	<hr/> <b>0</b> <hr/>		36th 2:10
<b>Wolf</b> 4:16 36:25	<hr/> <b>1</b> <hr/>		<hr/> <b>4</b> <hr/>
37:1,2 46:12,13	1 4:8 7:5 8:16,20		4 4:13 44:8,9 51:16
46:19 47:14	8:21 12:15,22,23		51:24
<b>Wolf's</b> 46:22	13:4		40 4:9 34:6 35:1
<b>women</b> 44:19	1,500 23:10		37:7
<b>women's</b> 9:24 11:13	1:03 1:14 6:2		42 4:10
<b>won</b> 9:23	10 4:24 17:14 55:25		44 4:13
<b>work</b> 10:2 20:25	56:1		444 2:16
23:5 24:11 26:3,5	<b>10,000</b> 24:4		46 4:15
26:6 28:15 32:12	100,000 46:20,21		
32:20 35:24 36:16			
36:22 37:15			
<b>worked</b> 22:17			
<b>working</b> 21:15 22:3			

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

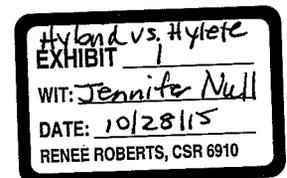
**APPLICANT'S NOTICE OF TRIAL DEPOSITION**

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 Jennifer Null, 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 Wednesday, October 28, 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



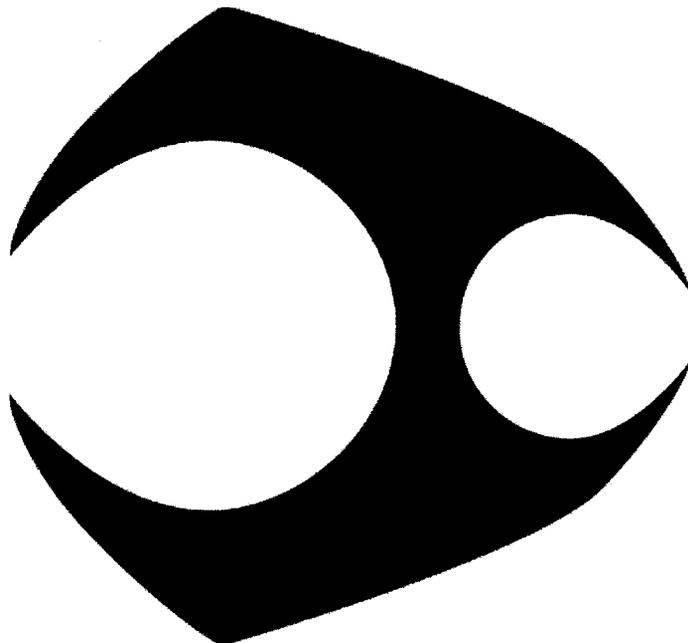
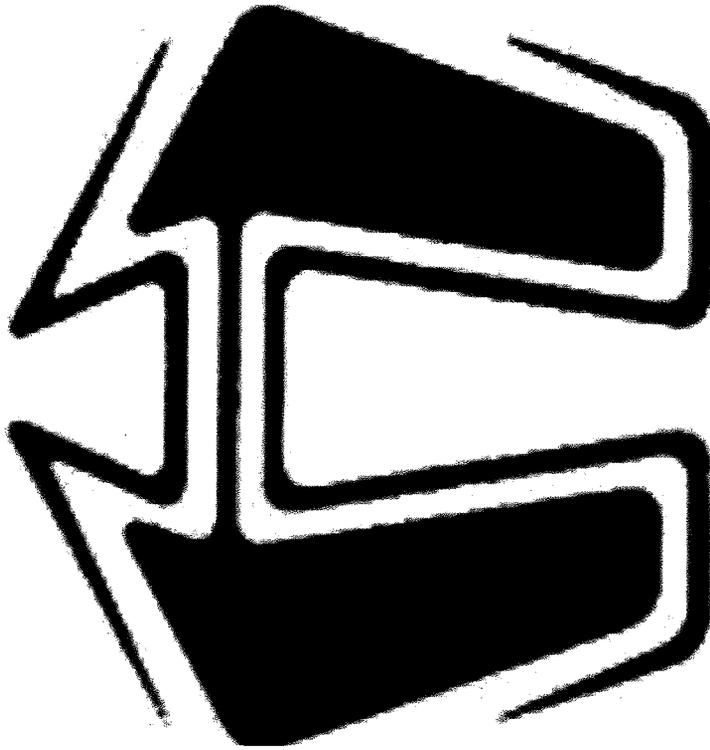
**CERTIFICATE OF SERVICE**

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

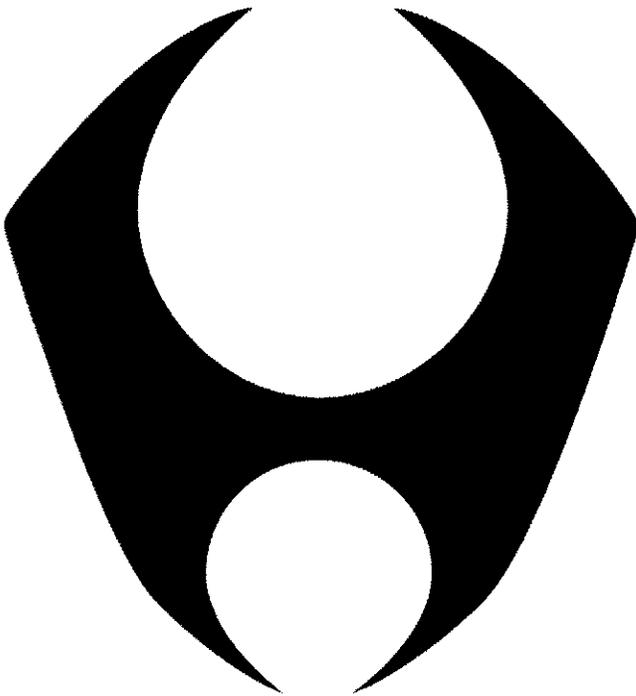
/kyri tsircou/

Kyriacos Tsircou, Esq.



Hybrid vs Hylete  
EXHIBIT 2  
WIT: Jennife Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910

Al Kavadlo - leading experts in bodyweight strength training and calisthenics and regular contributor to Bodybuilding.com



1) Do you know Rob Orlando?

*I've never heard of Rob Orlando*

2) Do you know Hybrid Athletics?

*I've never heard of Hybrid Athletics*

3) We also need to confirm that you have seen the other attachment to this email (logos side by side) and confirm that in no way do you believe they are confusingly similar

*I'm seen both logos and don't think they look all that much alike. I hope you guys beat this frivolous lawsuit!*

Hybrid vs 3 Hybrid EXHIBIT
WIT: Jennifer Mull
DATE: 10/28/15
RENEE ROBERTS, CSR 6910

## Al Kavadlo – Bio

Al Kavadlo is one of the world's leading experts in bodyweight strength training and calisthenics. Al has been featured in The New York Times and is a regular contributor to Bodybuilding.com and TRAIN magazine. The author of five books, including Zen Mind, Strong Body and Pushing The Limits!, Kavadlo is also known for his appearance in the popular Convict Conditioning book series. Famous for smiling while performing some of the most difficult bodyweight exercises imaginable, Al has racked up millions of views on his YouTube channel. His no-nonsense approach to fitness and unbridled enthusiasm for calisthenics is tough to ignore! As lead instructor for the Progressive Calisthenics Certification (PCC), Al gets to bring his unique coaching style to fitness trainers and enthusiasts around the globe.

# Al Kavadlo – Facebook Page - 28.4K Likes

https://www.facebook.com/al.kavadlo?fref=ts

Google Apps New Tab HYLETE - Dashboar... index.html

Al Kavadlo

NEW FROM AL KAVADLO

## ZEN MIND, STRONG BODY

Al Kavadlo  
Public Figure

ALSO AVAILABLE FROM AL KAVADLO AND DRAGON DOOR

STRETCHING YOUR BOUNDARIES

PUSHING THE LIMITS!

Shop Now

Recent

- 2015
- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

Sponsored #1

28,432 people like this  
Christian Wilhelm and 3 other friends

Invite friends to like this Page

ABOUT

Al Kavadlo, CSCS is one of the world's leading experts in bodyweight strength training and calisthenics. Al has been featured in The New York Times and is...

READ MORE

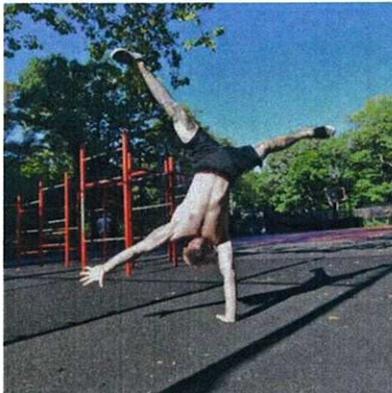
<http://www.AlKavadlo.com>

APPS

VidEars

Al Kavadlo 4 hrs

Who's working on their handstand today? 🤸



promo code: 2VERTEXVIP  
www.hylete.com  
any 2 vertex shorts - \$50 (a \$140 value)

Open a new Business Sa...  
CapitaOne360.com/Buain...  
What would your business do with 1% for the first 12 months? Find out what a new Business...

# Al Kavadlo Instagram – 6,944 Followers

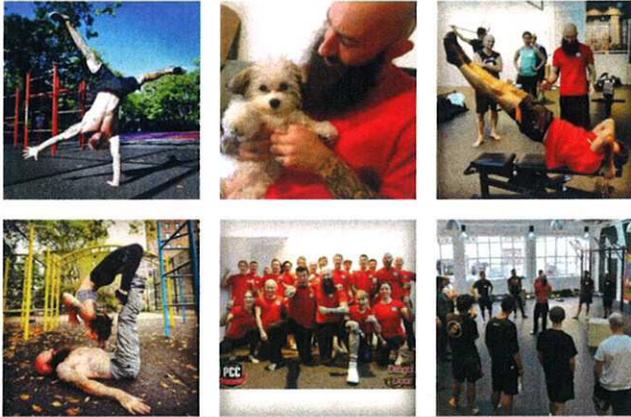
https://instagram.com/al\_kavadlo/  
Google Apps New Tab HYLETE - Dashboar... index.html

Instagram Search trainhylete

 al\_kavadlo FOLLOWING

Al Kavadlo Author of Zen Mind, Strong Body, Pushing The Limits! Raising The Bar and more! Columnist for Bodybuilding.com and TRAIN magazine! PCC Lead Instructor [www.AIKavadlo.com](http://www.AIKavadlo.com)

245 posts 6,944 followers 31 following



The image grid contains six photos: 1. Al Kavadlo performing a handstand on a wooden platform outdoors. 2. Al Kavadlo holding a small, fluffy dog. 3. Al Kavadlo performing a handstand on a bench in a gym. 4. Al Kavadlo performing a handstand on a wooden platform outdoors. 5. A group of people in red shirts posing for a photo. 6. Al Kavadlo training a group of people in a gym.

# Al Kavadlo YouTube – 42,082 Subscribers

- YouTube
- Home
- My Channel
- Subscriptions 2
- History
- Watch Later 2
- PLAYLISTS
- Liked videos
- SUBSCRIPTIONS
- Frederica Ginsburg 2
- Browse channels
- Manage subscriptions



Al Kavadlo

Subscribe 42,082

Home Videos Playlists Channels About



**Explosive Calisthenics**  
34,324 views · 7 months ago  
Get the book Explosive Calisthenics here:  
<http://www.dragondoor.com/b>  
Connect with Al!  
Facebook: <https://www.facebook.com/al>  
Blog: <http://www.AlKavadlo.com>  
Twitter: <https://twitter.com/AlKavadlo>

Featured Channels

 Danny Kavadlo  
Subscribe

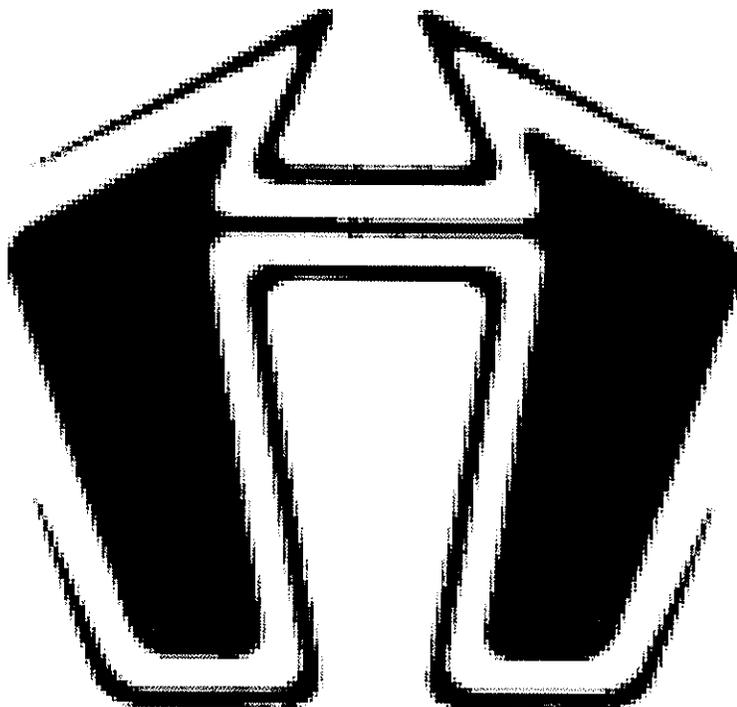
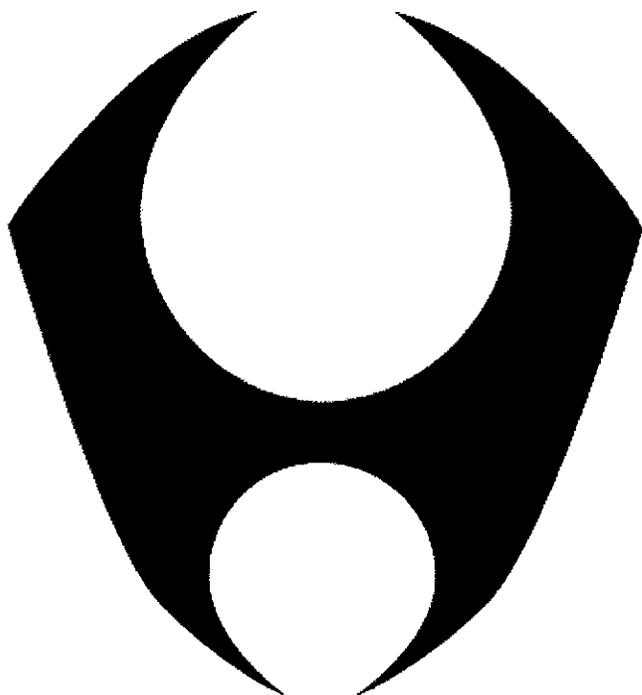
Related channels

 RedDeltaProject  
Subscribe

 OfficialBarstarzz  
Subscribe

 Calisthenicmoveme...  
Subscribe

Becca Day – National Grid League Professional Athlete



1) Do you know Rob Orlando? If so elaborate.

*I do not know Rob Orlando personally. However, I do know of him through the fitness industry.*

2. Do you know Hybrid Athletics? If so elaborate.

*I have never been to Hybrid Athletics facility; just follow the gym via social media.*

3. We also need to confirm that you have seen the other attachment to this email (logos side by side) and confirm that in no way do you believe they are confusingly similar

*After reviewing both logos side by side, they're similar as far as a vague outline, but the right logo (non Hylete) looks like a bootleg UnderArmor symbol. I wouldn't get the Hylete logo confused with the other logo if that helps.*

Hybrid vs Hylete
EXHIBIT 4
WIT: <u>Jemife Mull</u>
DATE: <u>10/28/15</u>
RENEE ROBERTS, CSR 6910

# Becca Day – Facebook Page – 2,215 Followers

Becca Day

Home



Becca Day

Add Friend Follow Message

Timeline About Friends Photos More

DO YOU KNOW BECCA?

To see what she shares with friends, send her a friend request

1 Facebook Post

CrossFit L-1, L-2, Olympic Weight Lifting, at CrossFit Federal Hill

Lives in Dallas, Texas

From Memphis, Tennessee

Followed by 2,215 people

FRIENDS 30,000



Becca Day says that she probably got that

2,215

Sponsored 95

A Biker For Any Occasion  
www.trak-armor.com  
Our quilted chore jacket in navy is not too heavy. It has the weight of a jacket, but the...

promo code: ZVERIEXPDM  
www.zverie.com  
any Z verie shorts - \$50 (a \$140 value)

Becca Day

2015

2014

2013

2012

2011

2010

2009

2008

customers (27).csv

# Becca Day – Instagram Page – 30,000 followers

https://instagram.com/beastlikebecca/

Google Apps New Tab HYLETE - Dashboard index.html

Instagram

Home

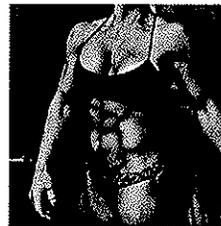
trainhylete



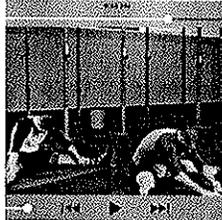
beastlikebecca

Becca Day **Brewer** #23 in the NPGL, CrossFit coach/competitor, RPSStrength athlete promo code "becca10" hylete pro: Hylete.com/Day

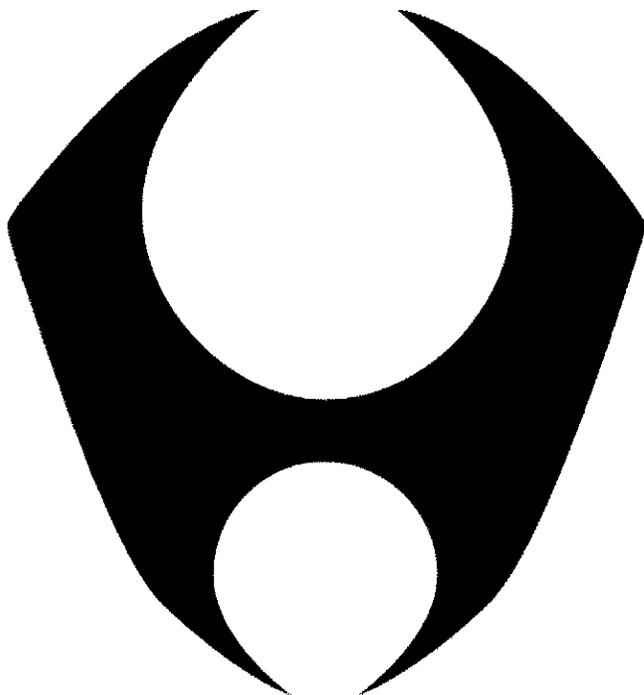
712 posts 30k followers 363 following



neighbors favorite



Robb Wolf - author of The Paleo Solution, is a former research biochemist and one of the world's leading experts in Paleolithic nutrition. Wolf has transformed the lives of tens of thousands of people around the world via his top ranked iTunes podcast and wildly popular seminar series.



1) Do you know Rob Orlando?

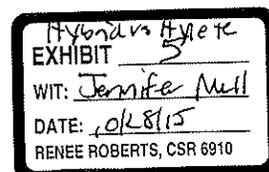
*I know who Rob is. I've been involved with the CrossFit scene since it's inception back in 2001.*

2) Do you know Hybrid Athletics?

*Only peripherally. I have followed some of their online writing.*

3) We also need to confirm that you have seen the other attachment to this email (logos side by side) and confirm that in no way do you believe they are confusingly similar (apart from potentially both being stylized 'H''s)

*I have seen these and do not find them to be confusingly similar.*



# Robb Wolf – Facebook Page – 61,374 Likes;

The image is a screenshot of the Facebook page for Robb Wolf. At the top, the navigation bar shows the Facebook logo, the page name "RobbWolf.com", and navigation options like "Home" and "20+". The page header features a large background image of a field with a person in the foreground. Below this is the profile picture of Robb Wolf, the page name "RobbWolf.com" with a verified badge, and the word "Author".

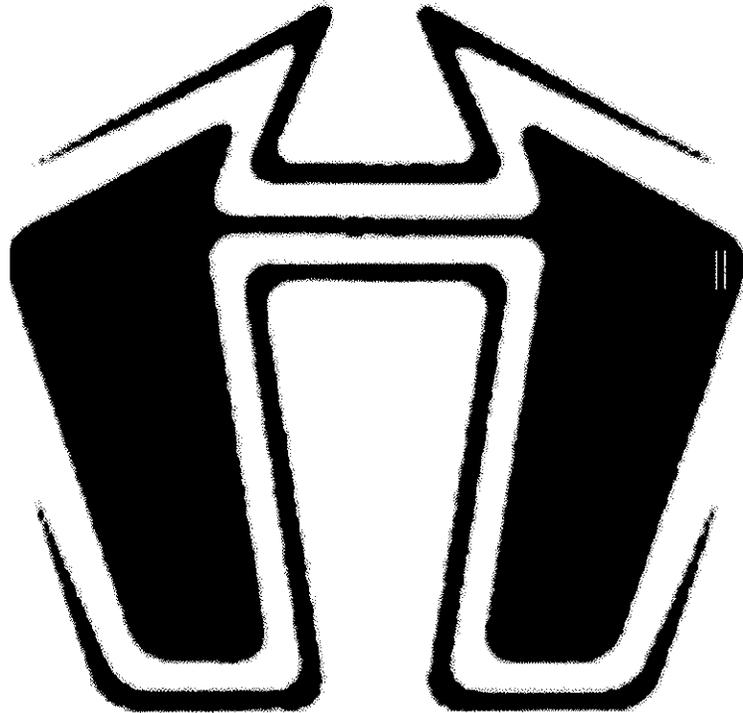
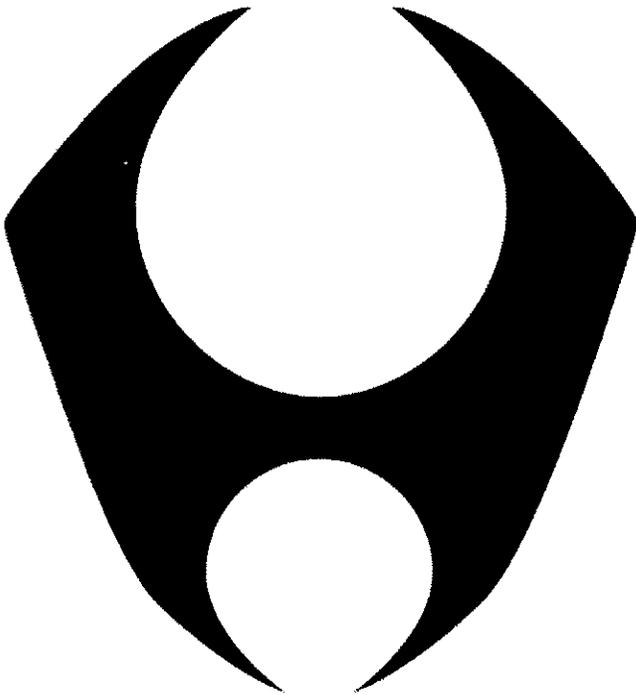
The main content area is divided into sections. On the left, there is a "Timeline" section showing that 61,374 people like this page, including Christina Sloyer and 8 other friends. Below this is an "ABOUT" section with a link to the website "http://www.robwolf.com/". A "PHOTOS" section displays a grid of images, including a book cover titled "THE CORE SUMMER" and a person's face.

In the center, there is a post from RobbWolf.com. The post text reads: "Remember the news headlines saying non-celiac gluten sensitivity does not exist? Y'all do, right? Dr. Michael Ruscio unpacks that and a host of other topics. Here is an interesting tid-bit: How many studies have looked closely at NCGS? Answer: Five (good studies ) How many of those indicated NCGS is a real thing? Four of the five". Below the text is a video thumbnail showing a man's face with the text "the" and a green logo.

On the right side, there is a "Create Page" button, a "Recent" list of years from 2010 to 2015, and a "Sponsored" section featuring a t-shirt with the word "STRENGTH" and a promo code "2VERTEXVIP" for \$140.

At the bottom left of the screenshot, there is a URL: "robwolf.com/2015/10/20/episode-252-dr-ruscio-non-celiac-gluten-sensitivity".

Chris Elmore – Founder of WodTalk magazine



1) Do you know Rob Orlando?

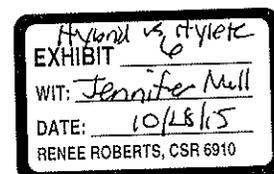
*Yes. We have featured stories about Rob and some of his business in our magazine in the past.*

2) Do you Hybrid Athletics?

*Yes.*

3) We also need to confirm that you have seen the other attachment to this email (logos side by side) and confirm that in no way do you believe they are confusingly similar

*I have seen both companies logos in the past and do not feel they are similar enough to be confusing.*



# Wod Talk – Facebook Page – 135,848 Followers

The screenshot shows the Facebook page for WOD Talk. At the top, the browser address bar displays <https://www.facebook.com/WODTalk>. The page header features a navigation bar with the WOD Talk logo and a search bar. Below the header is a large banner for the "GRID LEAGUE" with the tagline "HOW TO PLAY ANYWHERE" and three athletes. The WOD Talk logo and "Media/News/Publishing" are also visible. Navigation tabs include "Timeline", "About", "Photos", "Giveaway", and "More". The page shows 135,848 likes and a post from October 17 at 12:34pm about Breaking Addictions CrossFit Club. The right sidebar contains a "Recent" list, a "Sponsored" section, and a "Giveaway" button.

**GRID LEAGUE**  
HOW TO PLAY ANYWHERE

WOD Talk  
Media/News/Publishing

Timeline About Photos Giveaway More

135,848 people like this  
Steph M. Hammerman and 27 other friends

Invite friends to like this Page

ABOUT

Ask for WOD Talk's address  
(714) 900-2304  
<http://www.wodtalk.com/>

WOD Talk  
October 17 at 12:34pm · [Public](#)

Breaking Addictions CrossFit Club is helping to change the community of Derry, NH. Read more here: <http://goo.gl/Q3OLN>

Generate 200% more sales. [Get more info](#)  
WOD Talk generates 200% more sales than paid ads. Become a referral god now.

12.75 oz. Raw Denim 565 L...  
[Shop now](#)  
DUTLO: Luxury essentials with no retail mark up. Introducing our Sunny-Glim Raw Jeans...

Giveaway

## WodTalk – Instagram Page – 7,398 followers

https://instagram.com/wodtalk/

Google Apps New Tab HYLETE - Dashboar... index.html

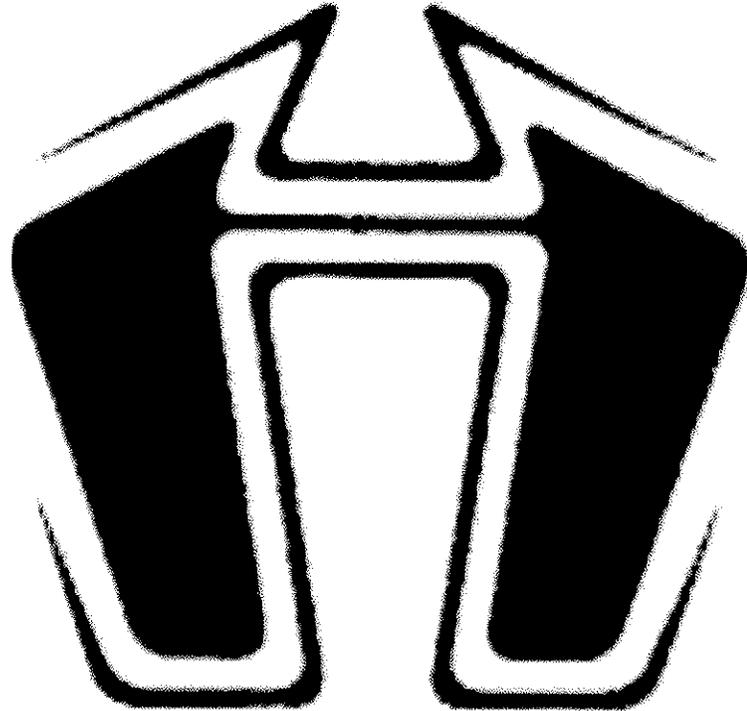
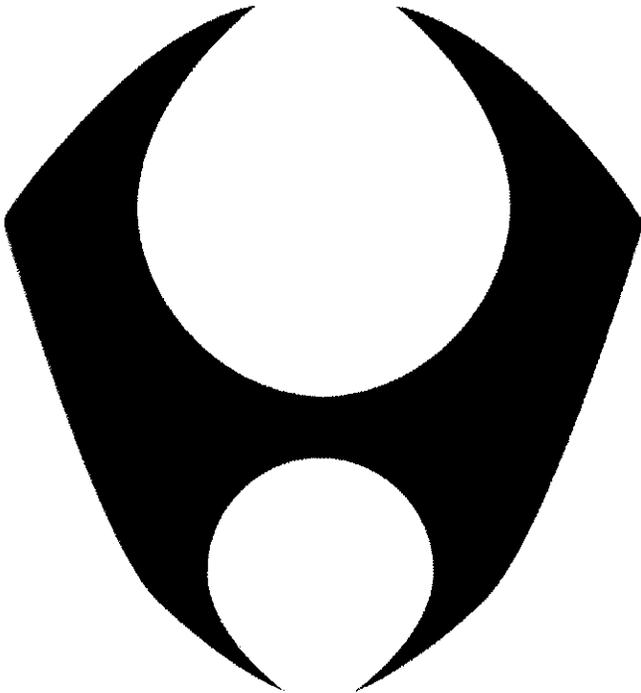
Instagram Search trainhylete

wodtalk FOLLOWING

WOD Talk The Functional Fitness Magazine for the CrossFit community!  
www.wodtalk.com

314 posts 7,398 followers 2,039 following

Danny Nichols – National Grid League Professional Athlete



1) Do you know Rob Orlando? If so elaborate.

*Yes, know of him. Never met him though. Cross fits strongman seminar lead.*

2) Do you know Hybrid Athletics? If so elaborate.

*Yes. Don't know anything about it. Just heard the name before.*

3) We also need to confirm that you have seen the other attachment to this email (logos side by side) and confirm that in no way do you believe they are confusingly similar

*They don't resemble each other at all. They are totally different in every way from top to bottom.*

*It seems crazy that there would even be a question in this matter. Almost makes me think Crossfit has a part in it. A dog is a dog, but there are different types of dogs. It's like saying a miniature poodle is the same as Great Dane.*

Hybrid Athletics EXHIBIT
WIT: Jennifer Mull
DATE: 10/28/15
RENEE ROBERTS, CSR 6910

# Danny Nichols – Facebook Page – 1,192 Followers

**Danny Nichols**  
Athlete

1,192 people like this

Timeline About Photos Likes Videos Like Message

**ABOUT**

The official Facebook page of Danny Nichols

**PHOTOS**

**Sponsored**

25% Off

Our Family & Family Eva from ATOM.com. Use the code FDFAMILY to get 25% off all regular priced styles.

Switch up to Visa® Vantage®. Get up to \$100 in rewards when you switch up to Visa® Vantage®, then don't let your switch be a chance to win.

customers (2) see

# Danny Nichols – Instagram Page – 7,032 followers

https://www.instagram.com/dannynichols33

Google Apps | New Tab | 10/11/17 | Dashboard | Underlines

Instagram

Go home



dannynichols33



Danny Nichols (NY Knicks) | 6'10" | Forward | New York Knicks | [View Profile](#) | [View Posts](#) | [View Photos](#) | [View Videos](#) | [View Reels](#) | [View Highlights](#)

82 posts · 7,032 followers · 374 following



1/27/17

5



### CrossFit - Press Workout with Rob Orlando

by CrossFit®

2 years ago • 290,401 views

CrossFit -- (<http://www.crossfit.com>) "Press Workout" with Rob Orlando.

HD



### Rob Orlando at the Vikingfest Strongman Competition

by CrossFit®

4 years ago • 272,136 views

Originally published March 18, 2010 230lb axle clean and press for reps, 540lb 18" axle deadlift for reps, 25lb crucifix hold for time ...



### CrossFit - One Arm "Fran" by Rob Orlando

by CrossFit®

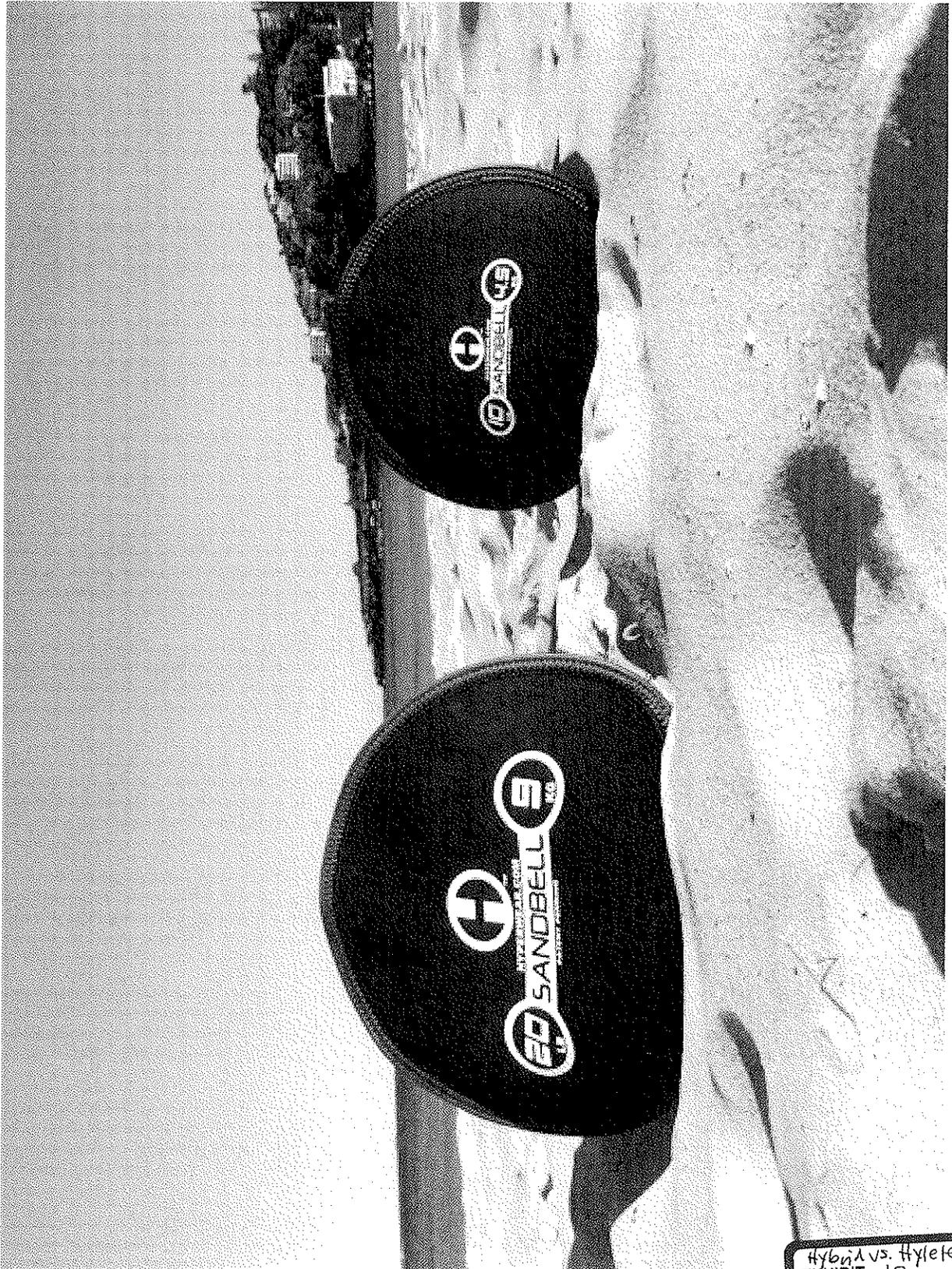
4 years ago • 215,654 views

"Fran" 21-15-9 Thrusters (95#) Pull ups.

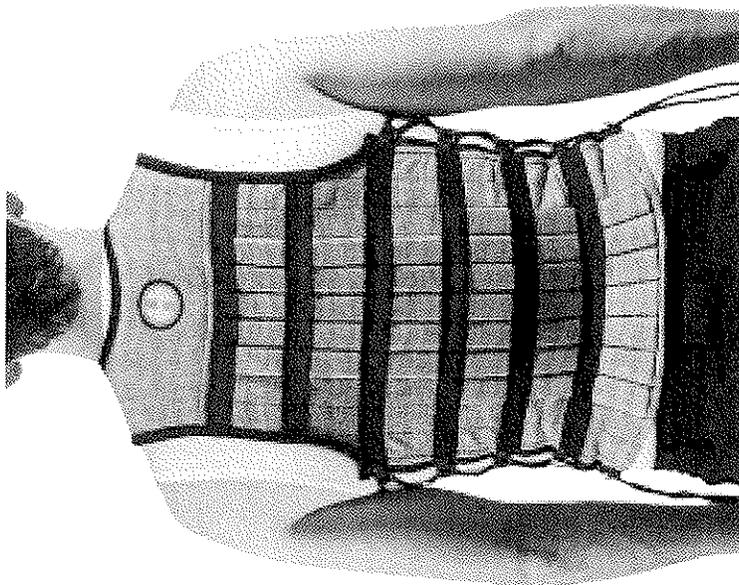
Hybri2 vs. Hylete  
EXHIBIT 8  
WIT: Jennifer Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910



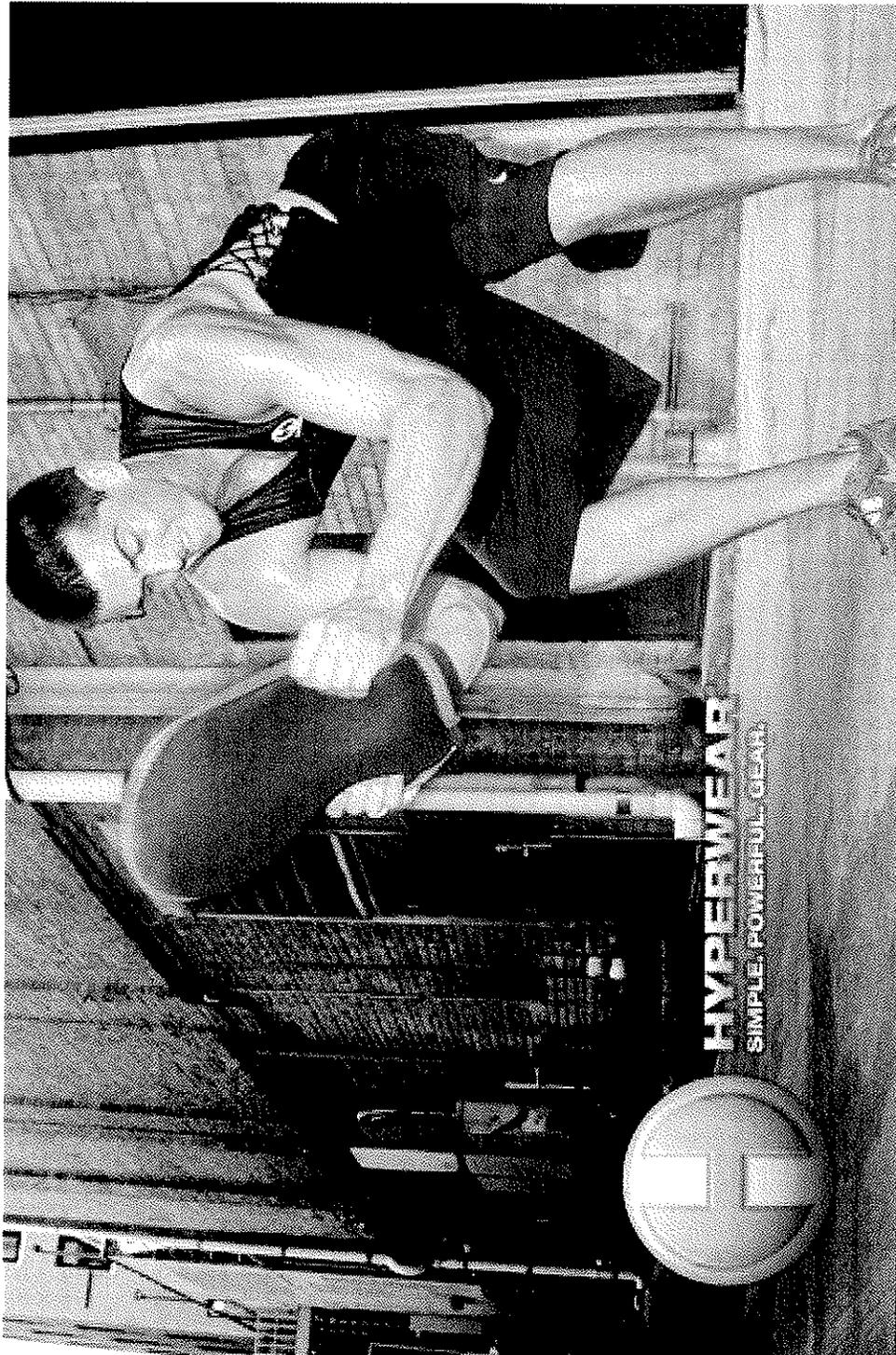
Hytonid vs. Hyleic  
EXHIBIT 9  
WIT: Jennife Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910



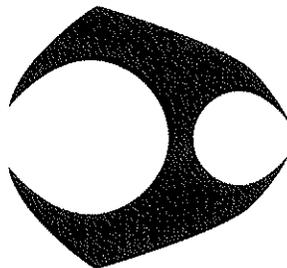
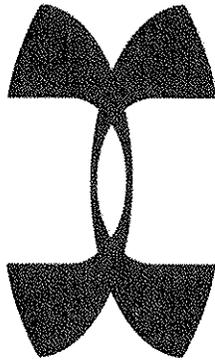
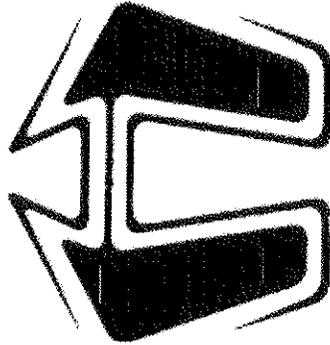
Hybrid vs. Hylete  
EXHIBIT 10  
WIT: Jennifer Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910



Hyndas Hylefe  
EXHIBIT 11  
WIT: Jennife Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910



Hylon vs. Hylete  
EXHIBIT 12  
WIT: Jennifer Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910



Hybnd vs Hylete  
EXHIBIT 13  
WIT: Jennifer Null  
DATE: 10/28/15  
RENEE ROBERTS, CSR 6910