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

Proceeding no.	91239678
Party	Plaintiff Monster Energy Company
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Signature	/Alexander D. Zeng/
Date	03/07/2022
Attachments	2022-03-07 Testimony Declaration of Rodney Sacks - PUBLIC - REDACTED - HANBEV.7286M.pdf(1506306 bytes)  Sacks Ex. 01 - MEC002794 magazine articles.pdf(3965144 bytes)  Sacks Ex. 02 - MEC002201 MEC beverage products_Part1.pdf(5739114 bytes)  Sacks Ex. 02 - MEC002201 MEC beverage products_Part2.pdf(5760797 bytes)  Sacks Ex. 02 - MEC002201 MEC beverage products_Part3.pdf(4506802 bytes)  Sacks Ex. 03 - MEC002800 magazine articles.pdf(4955653 bytes)  Sacks Ex. 04 - Reg. No. 6451182.pdf(836247 bytes)  Sacks Ex. 05 - CA Reg. No. 108124.PDF(973914 bytes)  Sacks Ex. 06 - cover sheet.pdf(45330 bytes)  Sacks Ex. 07 - cover sheet.pdf(45339 bytes)  Sacks Ex. 08 - MEC005677 Halloween images and events.pdf(2618767 bytes)  Sacks Ex. 09 - MEC005666 Halloween spreadsheet.pdf(620594 bytes)  Sacks Ex. 10 - MEC005667 Halloween spreadsheet.pdf(932736 bytes)  Sacks Ex. 11 - MEC002469 Warped Tour.pdf(288681 bytes)  Sacks Ex. 12 - MEC002467 Ozz Fest.pdf(531156 bytes)  Sacks Ex. 13 - MEC011701 Rock Allegiance.pdf(1228154 bytes)  Sacks Ex. 14 - cover sheet.pdf(7638 bytes)  Sacks Ex. 15 - MECA015431_image Monster gear.pdf(1201134 bytes)  Sacks Ex. 16 - cover sheet.pdf(7638 bytes)  Sacks Ex. 17 - POS items at Monster events.pdf(3844604 bytes)  Sacks Ex. 18 - NASCAR store.pdf(6174344 bytes)

HANBEV.7286M TRADEMARK

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

MONSTER ENERGY COMPANY,	Opposition No. 91239678 (parent)
Opposer,	Serial No.: 87/333442 Mark: MAD MONSTER PARTY
v. EBEN MCGARR,	) Serial No.: 87/333464 ) Mark:
Applicant.	MAD MONSTER PARTY
	Opposition No. 91244601 Serial No.: 87/328584 Mark:
	MAD MONSTER

### **TESTIMONY DECLARATION OF RODNEY SACKS**

- I, Rodney Sacks, declare as follows:
- 1. I am the Chairman and Co-Chief Executive Officer of Monster Beverage Corporation and its subsidiaries including Monster Energy Company. Monster Beverage Corporation is a publicly traded company and its subsidiaries have over 3,000 employees. Monster Energy Company ("Monster") is the Opposer in the above-identified Opposition proceeding. I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. From 1990 to December 31, 2020, I acted as the Chairman and Chief Executive Officer of Monster. Beginning on January 1, 2021, I became Chairman and Co-Chief Executive Officer of Monster. In those capacities, I have been responsible for, and remain actively involved, on a full-time basis (both directly and indirectly), in all aspects of the business including, but not limited to, product and business development, manufacturing and operations of the business, and pricing, packaging, marketing, promoting and distributing the company's products. I am intimately involved in all business decisions relating to the development of new products, the launching and sale of products, including marketing and licensing of Monster's trademarks, as well as expansion plans and overall U.S. and international growth strategy for Monster. I am also responsible for deciding which trademark applications to file and for dealing with all issues relating to trademark protection and enforcement.

#### MONSTER ENERGY COMPANY HISTORY

3. Monster is a leader in the energy drink market and has developed a famous brand.

Monster began using its MONSTER<sup>TM</sup>, MONSTER ENERGY<sup>®</sup>, MONSTER energy<sup>®</sup>, and M MONSTER ENERGY<sup>®</sup> marks in 2002 when it launched its MONSTER line of drinks, and has continued to use MONSTER-inclusive marks in connection with beverages, apparel, accessories, and numerous other products and services since that time.

4. Monster has been acknowledged over the years as a leader in the industry receiving recognition and awards including, but not limited to: "Beverage Company of the Year" by *The Beverage Forum* in 2004 and again in 2006 and "Large Beverage Company of the Year" in 2009; *Forbes*' "Top 200 Best Small Companies" in 2000, 2004, 2005, 2006, and 2007, ranking Monster as the #1 Best Small Company in 2005 and 2007, and the #2 Best Small Company in 2006; *Fortune* Magazine's "100 Fastest Growing Companies" in 2005, 2006, 2007, and 2008, ranking Monster

as the #2 Fastest Growing Company in 2006 and 2007; Business Week's "Hot Growth Companies" in 2005, 2006, and 2008, ranking Monster as the #2 Hot Growth Company in 2006 and the #1 Hot Growth Company in 2008; the Annual Packaging Global Design Award in 2002; "Liquid Refreshment Company of the Year" by Beverage World in 2012; "One of the Most Innovative Companies" by Forbes in 2014 and 2015; and brand of the year in 2017 at a sports media awards ceremony by online publisher Cynopsis. Monster's executive team has also received significant acclaim for its accomplishments, including: Beverage Forum's 2012 Lifetime Achievement Award, which was presented to me and Monster's Vice Chairman and President, Hilton Schlosberg and Beverage Industry's 2011 Executive of the Year award, which was presented to me. Also, some of Monster's products have won awards —the Juice Monster® Mango Loco® product has won Nielsen's "Breakthrough Innovation" award in 2020. Also, since at least 2021, the National Inventor Hall of Fame has included the Monster Claw Icon mark among its collection of famous trademarks. Attached hereto as Exhibit 1 are true and correct copies of excerpts from articles in Beverage Aisle (October 15, 2003), Beverage Industry (September 2004 and December 2007), Business Week (June 5, 2006), and Bevnet (November 6, 2020) regarding Monster's success. These articles are kept in Monster's business records as part of its regularly conducted business.

- 5. Monster's brands, including its famous MONSTER<sup>TM</sup> and MONSTER ENERGY<sup>®</sup> brands used in connection with the MONSTER<sup>TM</sup> and MONSTER ENERGY<sup>®</sup> line of beverages, are well-known throughout the United States and internationally.
- 6. Monster's family of MONSTER-inclusive marks has grown to include, for example, the following: MONSTER<sup>TM</sup>, MONSTER ENERGY<sup>®</sup>, JAVA MONSTER<sup>®</sup>, M MONSTER

MANDTER ® among other

ENERGY®, LO-CARB MONSTER ENERGY®, and MONSTER®

among others (hereinafter

collectively, the "MONSTER Marks"). As shown in some of the exemplary exhibits below (e.g., point-of-sale catalogs, federal trademark registrations), many of Monster's MONSTER-inclusive marks share the similar characteristics and are advertised and sold alongside each other.

7. All of Monster's beverage products bear the MONSTER Mark. Monster's MONSTER Marks are frequently displayed together in advertising and promotional materials and on product shelves.

#### MONSTER ENERGY PRODUCT DEVELOPMENT AND LAUNCH

- 8. In April 2002, Monster launched its MONSTER ENERGY® drink. Since then, Monster's beverage line has expanded and been tremendously successful. Sales have increased every year since the brand's launch. Worldwide retail sales of Monster's drinks now exceed 5 billion cans per year. Each can of the MONSTER ENERGY® beverages bears one or more of the MONSTER Marks.
- 9. Since 2002, Monster has consistently used its MONSTER Marks to identify its beverage product line. Monster's product line includes or has included beverages such as: original Monster Energy® and Lo-Carb Monster Energy®; Monster Assault®; Juice Monster® Khaos®; Juice Monster® Ripper®; Juice Monster® Pipeline Punch®; Monster Energy® Import; Punch Monster® Baller's Blend™; Punch Monster® Mad Dog™; Monster Energy Unleaded®; Monster Energy Absolutely Zero®; Monster Energy Zero Ultra®; Monster Energy Ultra Blue®; Monster Energy Ultra Red®; Monster Energy Ultra Black®; Monster Energy Ultra Citron®; Monster Energy Ultra Sunrise®; Monster Cuba-Lima®; Ubermonster® (a bio-activated non-alcoholic energy brew produced using brewing technology which converts sugar into organic acids); Monster Rehab®, which has been rebranded to Rehab® Monster™ a line of non-carbonated energy drinks, which includes Rehab® Monster™ Lemonade, Rehab® Monster™ Strawberry Lemonade, Rehab®

Monster<sup>™</sup> Peach Tea, Rehab<sup>®</sup> Monster<sup>™</sup> Orangeade and Rehab<sup>®</sup> Monster<sup>™</sup> Raspberry Tea);
Java Monster<sup>®</sup> (a line of dairy based coffee plus energy drinks; Muscle Monster<sup>®</sup>, which is a line of energy shakes; Monster Energy Extra Strength Nitrous Technology<sup>®</sup>, which is a line of energy drinks with a blend of nitrous oxide and carbon dioxide to create a smoother energy drink; Caffé Monster<sup>®</sup>; Espresso Monster<sup>®</sup>; Monster Maxx<sup>®</sup>; Monster Hydro<sup>®</sup>; and Monster Dragon Tea<sup>®</sup>, among others (referred to collectively as "MONSTER<sup>™</sup> line of drinks"). Attached hereto as Exhibit 2 are true and correct copies of images of representative samples of Monster's beverage products. These images are kept in Monster's business records as part of its regularly conducted business.

- 10. Monster's packaging for each drink varies slightly, but the MONSTER brand remains consistent throughout the product line and the MONSTER Marks are prominently featured on the front of the beverage containers.
- 11. Monster does not use the word "energy" immediately following MONSTER on all of its products. For example, the PUNCH MONSTER®, LOCA MOCA JAVA MONSTER®, MUSCLE MONSTER®, JAVA MONSTER®, CAFFE MONSTER®, ESPRESSO MONSTER®, MONSTER MAXX®, and MONSTER™ DRAGON TEA products bear the MONSTER mark without the term "energy" immediately following "MONSTER." In addition, Monster uses MONSTER as the last word on some of its products. For example, the PUNCH MONSTER®, MUSCLE MONSTER®, JAVA MONSTER®, CAFFE MONSTER®, REHAB® MONSTER®, and ESPRESSO MONSTER® products bear the MONSTER mark as the last word of the product name.
- 12. The general consuming public associates Monster's famous MONSTER mark with our brand, and often refers to Monster by that mark alone. In fact, articles, press releases, and other media will frequently refer to our brand as simply MONSTER. For example, an article from

Fortune Magazine lists Hansen (Monster's former name) as the number 2 ranking company on its list of the 100 fastest growing companies, and the article attributes the success to the "Monster brand energy drink." Similarly, a Fortune Magazine article profiling the brand and company in 2005 refers to Monster as "MONSTER" throughout the article. An article published by *Beverage* Industry, titled "Creating a Monster" refers to the brand and company as just "MONSTER" throughout the article. Attached hereto as Exhibit 3 are true and correct copies of excerpts from articles in Fortune (September 5, 2005 and September 18, 2006) and Beverage Industry (December 2007). To protect its MONSTER trademark, Monster has obtained U.S. Trademark Registration No. 6,451,182 for the mark MONSTER in stylized form in connection with "non-alcoholic beverages, namely, soft drinks, energy drinks, sports drinks, and fruit juice drinks." The mark was registered on August 17, 2021. Monster has also obtained California Trademark Registration No. 108,124 for the mark MONSTER in connection with "[f]ruit Juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, aerated water, soda water, and seltzer water." The California registration issued April 24, 2002. Monster has maintained this California registration. Attached hereto as Exhibit 4 is a true and correct copy of a Registration Certificate of U.S. Trademark Registration No. 6,451,182. Attached hereto as Exhibit 5 is a true and correct copy of Monster's California Trademark Registration.

13. To date, Monster continues to use its MONSTER trademark without the word "energy" in connection with its goods and services. For example, Monster recently launched a product called MONSTER HYDRO<sup>®</sup>. On the back of the can, Monster prominently features its MONSTER mark without the word "energy." Monster also sells and distributes apparel that displays the MONSTER mark alone.

- 14. By 2003, Monster's beverages were being sold in all 50 states in gas stations, convenience stores, grocery stores, gyms, health food stores, independent stores, mass merchandisers such as Costco, Wal-Mart, and Target, and drug stores such as CVS and Walgreens. Monster's MONSTER line of drinks are now sold by over 380,000 retail stores all over the country. Monster's MONSTER line of drinks are also sold by on-premise retailers such as restaurants, coffee shops, sports venues, gyms, bars, and theme parks. Monster's MONSTER line of drinks are also sold online, including on amazon.com, Walmart.com, and monsterarmy.com.
- 15. Today, Monster sells and/or is aware of third party sales of the MONSTER drinks to consumers throughout the United States, and over one hundred and fifty nations and territories throughout the world.

#### MONSTER'S SPONSORSHIP OF AND/OR ATTENDANCE AT EVENTS

Marks by, for example, sponsoring and participating in live events such as auto exhibitions, sporting events, parties, conventions, trade shows, and Halloween and horror events. For example, Monster has sponsored or participated in events such as the July 2007 Evel Knievel Days in Butte, Montana, the November 2007 Baja 1000 Finish Line Party in Baja, California, the November 2009 Monster Energy Foundation Room SEMA Party in Las Vegas, Nevada, the August 2007 X-Games After Party in Los Angeles, California, the July 2009 Kicker Big Air Bash in Las Vegas, Nevada, the July 2010 Jack FM Pool Party, the October 2010 Jimmy Buffet Street Party in Las Vegas, Nevada, the November 2010 SEMA Auto Show Party in Las Vegas, Nevada, the December 2010 Fiesta Bowl Block Party in Tempe, Arizona, the February 2011 JJ Love Pajama Party at Rohnert Park, California, the April 2012 Harley Davidson Women's Garage Party in Long Island City, New York, the 2012 Rehab Las Vegas Pool Parties in Las Vegas, Nevada, the 2018 Monster

Supercross Pit Parties, the Water Club Pool Party in Sunny Isles, Florida, and numerous college parties (e.g., Texas A&M Pool Party in August 2010, University of Oregon Greek Week Block Party in Eugene, Oregon on May 6, 2010). Attached hereto as Exhibit 6 are true and correct copies of photos and promotional materials of the aforementioned parties and events that Monster has sponsored or attended. These photos and promotional materials are kept in Monster's business records as part of its regularly conducted business.

- 17. Monster has also sponsored or participated in conventions, trade shows, and fashion shows such as the November 2010 The Boys of Illinois Listening Party, the Entrée Lifestyle Party in Brooklyn, New York, January 2011 Alive Magazine Bridal Event in St. Louis, Missouri, the October 2011 Mercedes Benz Posh Couture Fashion Show in Houston, Texas, the November 2011 Rock N Roll Craft Show in St. Louis, Missouri, the June 2011 Contamination Sci-Fi Convention in St. Louis, Missouri, the November 2011 DUB Expo Auto Show in Las Vegas, Nevada, the December 2012 State Beauty Supply Volume Hair Show in Las Vegas, Nevada, and the Dub Show Tour (e.g., November 2011, November 2012, and November 2013) in Las Vegas, Nevada. Attached hereto as Exhibit 7 are true and correct copies of photos and promotional materials of the aforementioned conventions, trade shows, and fashion shows sponsored or attended by Monster. These photos and promotional materials are kept in Monster's business records as part of its regularly conducted business.
- 18. Since 2008, Monster has been the title sponsor of the Dub Show Tour. The Dub Show Tour is a custom car show and concert series that consists of approximately 12 events each year. As a sponsor, Monster promotes The Dub Show Tour by distributing posters and online advertising materials (see Exhibit 7), among other ways. Since at least 2011, Monster has been the

title sponsor of the Monster Energy® DUB Expo VIP Social, a party that takes place in Las Vegas in conjunction with the Specialty Equipment Market Association ("SEMA").

19. Monster also sponsors or has sponsored Halloween and horror-related events, including the October 2012 Oblivion Haunted House event in Menasha Wisconsin, the October 2013 Museum of Fear in Lafayette, Louisiana, the October 2016 Halloween Hell Ride in Los Angeles, California, and other events (e.g., the October 2019 New York City, NY Dia de los Muertos parade). Monster's MONSTER Marks were prominently displayed at these events. Attached hereto as Exhibit 8 are true and correct copies of photos and promotional materials showing the aforementioned Halloween and horror related events that Monster has sponsored and/or attended. These photos and promotional materials are kept in Monster's business records as part of its regularly conducted business. Attached hereto as Exhibit 9 is a true and correct copy of a spreadsheet showing Halloween events from 2017 to 2020 that Monster sponsored or attended. This document is kept in Monster's business records as part of its regularly conducted business. Monster also distributes its products bearing the MONSTER Marks at many Halloween or horror related events. Attached hereto as Exhibit 10 is a true and correct copy of a spreadsheet showing Monster's product sampling activities at Halloween or horror related events from 2017 to 2020. This document is kept in Monster's business records as part of its regularly conducted business.

#### MUSIC FESTIVALS AND MUSICIANS

20. Monster has also sponsored numerous concerts and other live events where its MONSTER Marks have been prominently displayed. MONSTER drinks were also the official energy drink of the Vans Warped Tour for 2003, 2004, 2005, 2006, and 2007. Monster continued to sponsor the Vans Warped Tour as a Partner from 2008-2018. Until it ended, the Vans Warped Tour was the most popular, longest running action sports/music festival in the U.S., and consisted

of fifty (50) concerts over the summer in major cities throughout the U.S. and Canada. The attendance at the 2004 tour was reported to have exceeded 500,000, and attendance at the 2005 Tour was estimated at more than 600,000. About 600,000 tickets are estimated to have been sold for the 2006 and 2007 Tours, respectively, each of which generated tens of millions of media impressions. In 2016, Monster announced the "MONSTER ENERGY PARTY ZONE" at the Vans Warped Tour, which included side-by-side stages prominently displaying Monster's MONSTER Marks. Attached hereto as Exhibit 11 is a copy of a 2007 promotion for Monster and the Vans Warped Tour. This promotional material is kept in Monster's business records as part of its regularly conducted business.

- 21. Monster also sponsored the OzzFest Concert Tour, which consists of twenty-six (26) concert dates during the summer in major cities throughout the United States. The attendance of the 2005 OzzFest exceeded 450,000 visitors, with similar attendance in 2006 and 2007. Promotional materials displaying the MONSTER Marks were prominently displayed at each of the respective tour venues and concerts. Attached hereto as Exhibit 12 is a true and correct copy of a 2007 promotion for Monster and OzzFest. This promotional material is kept in Monster's business records as part of its regularly conducted business.
- 22. Monster also promotes and sponsors several other music festivals including Monster Energy Carolina Rebellion, Rock on the Range, Kansas City Rockfest, Stagecoach, Aftershock Festival, and Monster Energy Rock Allegiance, among others. Monster has sponsored the Outbreak Tour since 2011. In 2020, Monster sponsored the virtual Outbreak Tour which consisted of nine virtual concerts during May and June 2020. Monster's sponsored concerts and music festivals have been attended by thousands of fans and receive further exposure on the Internet, on television, and in magazines and newspapers. Monster's MONSTER Marks are

prominently displayed at these concerts and music festivals. Additionally, many of these festivals include performances from musicians associated with the horror genre, such as Rob Zombie, Five Finger Hollywood Undead, Death Punch, Korn, and Marilynn Manson. Attached hereto as Exhibit 13 is a true and correct copy of a June 2015 announcement showing Rob Zombie's and Korn's participation in Monster's Rock Allegiance music festival. This document is kept in Monster's business records as part of its regularly conducted business.

- 23. Monster also sponsors or sponsored several musicians and bands including Bun B, Anthrax, Royce DA 5'9", Cole Swindel, Poppy, Tech N9ne, Scarlxrd, Travis Barker, Slash, Jonathan Davis of Korn, Five Finger Death Punch and Guapdad 4000, among others. Many of these artists, such as Jonathan Davis and Five Finger Death Punch, are associated with the horror genre. Monster's MONSTER Marks are prominently featured during the concerts of its sponsored musicians and/or bands.
- 24. In 2021, Monster began sponsoring Post Malone. Post Malone is one of the most popular musicians in hip hop music, and his music repeatedly breaks records. In 2016, Post Malone set the record for the most weeks a single has spent at the top of the US *Billboard* Hip Hop Chart (77 weeks); in 2018, he broke Spotify's first day streaming record (78.8 million streams), and in 2019 broke the *Billboard* Hot 100 record for weeks in the top ten (39). Malone has one three American Music Awards, 10 *Billboard* Music Awards, and has received six Grammy Award nominations. In August 2020, Malone also became the first ever solo artist to top both the US *Billboard* Rap Airplay and Adult Contemporary Charts.

#### MONSTER APPAREL AND MERCHANDISING

25. Monster uses and licenses its MONSTER Marks on a wide range of other products, such as, for example, shirts, sweatshirts, jackets, beverage ware, cups, steel water bottles, sports

bags, backpacks, koozies, towels, umbrellas, t-shirts, pants, belts, bandanas, sweatbands, gloves, headgear, clocks, boom boxes, bottle openers, protective gear, keychains, surfboards, cooking utensils, BBQ tool sets, neon signs, coasters, buckets, golf accessories, video games, stickers, helmets, snowboards, wakeboards, skateboards, jewelry, banners, electric coolers, calendar books, channel strips, posters, pens, gloves, bracelets, watches, diecast cars, remote control replica cars, yoga mats and calendars. True and correct copies of excerpts from the 2009 point-of-sale catalog containing images of bags, table tents, beverage ware, clothing, stickers, lanyards, bracelets, and other goods bearing the MONSTER Marks is attached hereto as Exhibit 14. The point-of-sale catalog is kept in Monster's business records as part of its regularly conducted business.

- 26. Since 2002, Monster has sold and/or distributed millions of articles of clothing and accessories in connection with its MONSTER Marks. Monster has sold and/or distributed clothing and accessories through giveaways, its MONSTER ARMY program, its Monster Gear program, and its distribution of products to retailers and distributors, among other channels.
- 27. There is a huge demand for t-shirts, hats, jackets, sweatshirts, bags, and other clothing, gear, and merchandise bearing the MONSTER Marks. Thus, Monster has entered into license agreements with several clothing manufacturers, giving them license to produce and sell clothing and other merchandise that bears the MONSTER Marks. These agreements impose on the licensee obligations to maintain the high standards associated with the MONSTER Marks, subject to periodic inspection by Monster. Each of the apparel and merchandise licensees sells the apparel and merchandise with the MONSTER Marks to retailers worldwide. Monster licenses or has licensed its MONSTER Marks for use on clothing and accessories to companies including NASCAR, Fox Head, Inc., 43 Racing LLC, Kyle Busch Motorsports, Clinton Enterprises, Hoonigan Industries LLC, Pro Circuit Product, Inc., Castle Sales Company, John Force Racing,

Jim O'Neal Distributing Inc., Alpinestars S.p.a., Grenade, Inc., JMJE, Inc., Slednecks, Inc., One Industries, La Jolla Sport USA, Inc., Speez Racing LLC, Mammoth Mountain Ski Area LLC, Famous Stars & Straps, Inc., Zumiez, Inc., Black Box Distribution, LLC and Bicycle Kid, Inc., among others. Monster's licensees have paid Monster over in royalties on worth of licensed apparel and accessories. Further, a number of the race teams and athletes connected or sponsored by Monster do not pay a separate royalty fee for using Monster's MONSTER Marks on apparel and accessories sold to consumers through various channels, including, but not limited to, trackside and online. The value of being able to sell apparel and other accessories bearing the MONSTER Marks is an integral part of the total sponsorship package with such teams and athletes and has substantial commercial value.

- 28. Since at least 2004, Monster has also marketed and promoted its clothing and accessories bearing the MONSTER Marks through its amateur athlete development program called The MONSTER ARMY<sup>®</sup>. More than 376,000 amateur athletes in various extreme sports have applied to be part of the MONSTER ARMY<sup>®</sup> through the www.monsterarmy.com website. The www.monsterarmy.com website has consistently featured Monster's MONSTER Marks.
- 29. Monster's MONSTER ARMY<sup>®</sup> website features an online store that sells clothing and other merchandise bearing the MONSTER Marks to amateur athletes that are part of the MONSTER ARMY<sup>®</sup> program. The amateur athletes who are part of the MONSTER ARMY<sup>®</sup> athlete development program may login to Monster's MONSTER ARMY<sup>®</sup> website to order clothing and other merchandise bearing the MONSTER Marks.
- 30. Monster supports members of the MONSTER ARMY<sup>®</sup> in many different ways, but often includes assistance with gear, training, and travel. Members of the MONSTER ARMY<sup>®</sup> also typically wear MONSTER-branded gear. The gear varies by athlete and sport. For example,

custom items are made under a license agreement for athletes in certain sports that require protective gear, and these items are for team and athlete use only. These athletes also frequently are given hats, t-shirts, stickers, and/or embroidered patches with MONSTER Marks. The athletes will wear or apply these items to their sports equipment and gear in order to promote the MONSTER brand during competition.

- 31. In addition, Monster has run a MONSTER GEAR program where consumers can get authentic Monster Energy® Team Gear, such as t-shirts, hats, sweatshirts, and sticker kits and decals bearing the MONSTER Marks, when they purchase MONSTER drinks and mail in the can tabs. Monster started the MONSTER GEAR program in July 2011 and ran it through 2013 on the website gear.monsterenergy.com. Monster also ran a similar gear program to promote its JAVA MONSTER products on the website javagear.monsterenergy.com. In addition, Monster often has promotions on its websites where customers can receive MONSTER-branded clothing and accessories bearing the MONSTER Marks. For example, in 2019 and 2020, Monster ran similar promotions to its MONSTER GEAR program on the website vault.monsterenergy.com where consumers could get authentic Monster Energy® gear, such as towels, socks, and flags bearing the MONSTER Marks, when they purchase MONSTER drinks and mail in the can tabs. Attached hereto as Exhibit 15 is a true and correct copy of a promotional material for a Monster giveaway event. This promotional material is kept in Monster's business records as part of its regularly conducted business.
- 32. Monster has sold and/or distributed accessories and clothing through its POS program offered to retailers and distributors, among other channels. Since 2010, Monster has expensed in excess of million of point-of-sale promotional marketing items, which prominently display the MONSTER Marks, including, apparel, beverage ware, stickers, posters,

display headers, static-cling stickers, signs, inflatables, display cards, and koozies. These types of promotional materials have been distributed to more than three hundred thousand retail stores nationwide. Monster also uses members of the Monster Ambassador Team ("MATs") to hand out certain point-of-sale items at Monster-sponsored events. Attached hereto as Exhibit 16 are true and correct copies of excerpts from Monster's 2009, 2011, 2012, 2014, 2015, 2016, 2017, and 2018 point-of-sale catalogs showing apparel, beverage ware, and accessories bearing the MONSTER Marks being offered for sale or distribution to distributors and retailers. These catalogs are kept in the course of Monster's regularly conducted business.

33. Monster has used its MONSTER Marks on stickers at least as early as January 2004. Some exemplary images of Monster's stickers are shown below.









34. Some of Monster's advertisements, sales sheets, posters and POS items prominently feature the word MONSTER alone. Some examples are shown below.









- 35. Monster's accessories, clothing, and beverage products bearing its MONSTER Marks are sold and given away at sporting events, music festivals, concerts, and other events or public locations. Attached hereto as Exhibit 17 are true and correct examples of point-of-sale items distributed at Monster-sponsored events. These images are kept in Monster's business records as part of its regularly conducted business.
- 36. Monster's apparel and accessories bearing its MONSTER Marks have been sold directly to consumers in all 50 states. Monster's clothing, bags, beverage ware, and accessories have been and continue to be sold to the public through retail stores and websites. For example, clothing, beverage ware, and bags bearing Monster's MONSTER Marks are available for purchase on the nascar.com website. Attached hereto as Exhibit 18 are true and correct copies of printouts from NASCAR's website showing co-branded Monster and NASCAR products being offered for sale and printouts from the Supercross Superstore's website showing co-branded Monster and Supercross products being offered for sale. These printouts are kept in Monster's business records as part of its regularly conducted business. Further, clothing and accessories bearing Monster's MONSTER Marks are or have been offered for sale on the following websites: supercrosssuperstore.com, store.vaughngittin.com, store.nascar.com, rowdybusch.com, shop.johnforceracestation.com, stewarthaasracing.com, clintonenterp rises.com, hoonigan.com, and procircuit.com. Monster's licensees for clothing and accessories bearing the MONSTER Marks have sold Monster's clothing and accessories at nationwide retailers such as, for example, PacSun, Tilly's, Jax, Zumiez, and Zappos.
- 37. Beverages, clothing, apparel, and accessories bearing Monster's MONSTER Marks are relatively inexpensive. A 24-pack (16 oz) of Monster's energy drinks typically retails for approximately \$34. A t-shirt bearing the MONSTER Marks can sell for about \$20-\$25. A bag

sells for about \$25. A cup bearing the MONSTER Marks can sell for as little as \$5. Thus, consumers do not usually spend a lot of time on their purchase of clothing, beverage ware, and accessories.

#### MONSTER ENERGY® SALES AND REVENUE

Since 2002, Monster has sold more than 40 billion cans of its MONSTER line of 38. drinks worldwide. Currently, by unit volume and dollar value, MONSTER energy drinks are among the top two best-selling energy drinks in the United States and the second best-selling worldwide by dollar value. For the five week period ending January 1, 2022, Monster (brand) held a 31.9% share of the measured Total Non-Alc (TNA) energy drink market by dollar value in the United States. Currently, Monster sells more than 5 billion cans per year worldwide, more than 2.5 billion of which are sold in the U.S. alone. Sales of Monster's MONSTER line of drinks have generated over US\$80 billion in estimated total retail revenues internationally, and estimated retail sales of Monster's MONSTER line of drinks are now approximately US\$10 billion per year worldwide, representing more than 90% of Monster's revenue. Sales of Monster's MONSTER line of drinks have increased every year since the launch in 2002. Monster's gross sales for the year ending December 31, 2021 increased to US\$6.46 billion from US\$5.37 billion in 2020, from US\$4.87 billion in 2019, from US\$4.43 billion in 2018, from US\$3.86 billion in 2017, from US\$3.49 billion in 2016, from US\$3.11 billion in 2015, from US\$2.83 billion in 2014, from US\$2.59 billion in 2013, from US\$2.37 billion in 2012, and from US\$1.95 billion in 2011, the vast majority of which sales occurred in the U.S. Additionally, in the U.S. alone, Monster's gross sales of its Monster line of beverages for the year ending December 31, 2021 increased to US\$3.52 billion from US\$3.06 billion in 2020, from US\$2.9 billion in 2019, from US\$2.85 billion in 2018, from US\$2.55 billion in 2017, from US\$2.39 billion in 2016, from US\$2.2 billion in 2015, from

US\$2.01 billion in 2014, from US\$1.85 billion in 2013, from US\$1.72 billion in 2012, and from US\$1.43 billion in 2011. Attached hereto as Exhibit 19 are true and correct copies of excerpts from Monster Beverage Corporation's Form 10-K filings with the Securities and Exchange Commission from 2002 through 2020. MONSTER is now one of the most recognized brands in the world today.

#### OVERVIEW OF ADVERTISING, MARKETING AND PROMOTION

- 39. Products bearing the MONSTER Marks are the subject of substantial and continuous advertising, marketing, and promotion. Since 2002, Monster has spent at least approximately US\$9.4 billion in promoting its MONSTER brand throughout the world, the vast majority of which occurs in the U.S. From 2002 to 2016, Monster spent over US\$4.6 billion in promoting its MONSTER brand worldwide. In 2016 alone, Monster spent over US\$700 million worldwide in advertising and promoting its MONSTER brand. And in 2019 and 2020, Monster spent over US\$1 billion worldwide each year on advertising, marketing, and promoting its MONSTER brand.
- 40. Monster has widely advertised, marketed, and promoted its products bearing the MONSTER Marks through the sponsorship of athletes and athletic competitions around the world (which includes vast conventional and digital media coverage). In addition to the actual contractual amounts paid to sponsor athletes and racing teams, Monster expends substantial amounts in supporting the sponsored athletes, teams, and sports through point of sale materials, sweepstakes and give-a-ways, wrapping/branding the athletes' vehicles, paying for the athletes travel expenses and by providing them with MONSTER-branded apparel, free products for sampling stations, and action sports gear bearing the MONSTER Marks. Further, Monster hires employees and outside companies to attend every event to support and monitor the sponsored athletes and teams and to

provide hospitality and sampling of products to consumers. Apparel and merchandise bearing the MONSTER Marks is available for sale and distributed in retail outlets, in magazines, on the MONSTER ENERGY® and other Internet websites, through social media such as its Facebook page, in publications, through the sponsorship of music festivals and musicians, and through the distribution of point-of-sale and promotional materials.

41. Monster allocates a large proportion of its marketing, advertising, and promotional budget on athlete endorsements and sponsoring athletic competitions and other events in order to reach our primary target market of young adults aged 18 to 34 years old, primarily males. However, the demographic of Monster consumers has expanded over time and MONSTER energy drink are increasingly being consumed by more females as well as older persons. Monster spends approximately on athlete and event sponsorships and the MONSTER Marks are prominently featured through these sponsorships. Monster expends substantial amounts in supporting the sponsored athletes, teams, and sports through point of sale materials, sweepstakes, give-a-ways, wrapping/branding the athletes' vehicles, paying for the athletes' travel expenses and by providing them with MONSTER-branded apparel, free products for sampling stations, and action sports gear bearing the MONSTER Marks. Such marketing and promotional activities include but are not limited to sponsorship of Professional Fighting, including the Ultimate Fighting Championship ("UFC"); Bodybuilding; Powerlifting; Basketball; Baseball; Hockey; NASCAR; Road Racing World Championship Grand Prix ("MotoGP") events, the Monster Energy Yamaha Tech 3 Moto GP racing team (as the title sponsor); the Yamaha Factory Racing MotoGP Team (as its official energy product sponsor) with its renowned Moto-GP racers Valentino Rossi (nine-time MotoGP Grand Prix World Champion; seven-time champion in the premier class) and Jorge Lorenzo (five-time MotoGP Grand Prix World Champion; three-time in the premier class); the Mercedes AMG PETRONAS F1 racing team (formerly the Mercedes GP PETRONAS Formula One racing team) that competes in the FIA Formula One World Championship Series ("F1") with its current team drivers Sir Lewis Hamilton and Valtteri Bottas; the Yamaha MX1 and MX2 motocross teams; the AMA Supercross Series (as the title sponsor for all 16 series races); and sponsorship and promotion of music festivals, music events, and musicians.

42. By sponsoring athletes and events, widespread exposure of the MONSTER Marks is created. The Monster-sponsored athletes' exploits are followed avidly by those attending events, and by many more viewers who watch the television and webcasts of these events and follow the sports. The sponsored athletes, teams, and musicians create enormous public exposure and awareness of the MONSTER Marks.

#### SPONSORSHIP OF ATHLETES, TEAMS, AND SPORTING EVENTS

- 43. Viewers of Monster-sponsored sports events are exposed to the MONSTER Marks throughout the entire duration of these events; especially those viewers in close proximity to the action, for example (and depending on the event) on banners located at the event venues, on the press backdrop, the podium backdrop, athlete uniforms, and athlete equipment. In addition to exposure on television, the MONSTER Marks receive exposure on the Internet and in printed publications covering the events.
- 44. In October 2020, Nielsen and Hookit listed my company 4th in their list of the Top 50 Most Marketed Brands in Sports. In compiling this list, Nielsen and Hookit performed thorough audits of all online posts from professional athletes, teams, and leagues over the course of 12 months weighing the awareness and revenue generated by 25,000 sporting organizations for over 7,000 brands. For the 50 Most Marketed Brands alone, which included Monster, these

partnerships generated over \$3 billion in sponsorship value, which accounts for 49% of the total value generated by all brands with a presence in sports.

45. Further, Monster uses its employees and outside companies to provide hospitality at these events. Monster uses trucks that have been "wrapped" with MONSTER Marks and other promotional vehicles at events where Monster offers samples of Monster products to consumers. Monster uses Monster Ambassador Team members to give out free samples of MONSTER drinks and MONSTER-branded merchandise. MAT members have conducted promotional giveaways of beverages and/or other items bearing the MONSTER Marks at NHL event locations, NBA game locations, and NBA event locations. For example, the Boston MAT team has conducted promotional giveaways of beverages bearing the MONSTER Marks at the TD Garden in Boston where the Boston Bruins NHL team plays and Boston Celtics NBA team plays. Below are images showing the Boston MAT team's activity during the week of January 9, 2003. These images are kept in the normal course of Monster's regularly conducted business.





46. The New York MAT team has conducted promotional giveaways of beverages bearing the MONSTER Marks at the Barclays Center in New York City where the New York Islanders NHL team plays and the Brooklyn Nets NBA team plays. Below are images showing the New York MAT team's activity during the weeks of September 22, October 6, November 17,

and December 15, of 2014. These images are kept in the normal course of Monster's regularly conducted business.



47. The Los Angeles MAT team has conducted promotional giveaways of beverages bearing the MONS. TER Marks at the Staples Center where the L.A. Kings NHL team plays, the L.A. Lakers and L.A. Clippers NBA teams play, and the L.A. Sparks WNBA team plays. The Baltimore MAT team has conducted promotional giveaways of beverages bearing the MONSTER Marks at the former Verizon Center (now Capital One Arena) where the Washington Capitals NHL team plays and the Washington Wizards NBA team plays. The Dallas MAT team has conducted promotional giveaways of beverages bearing the MONSTER Marks at the American Airlines Center where the Dallas Stars NHL team plays and the Dallas Mavericks NBA team plays. The Miami MAT team has conducted promotional giveaways of beverages bearing the MONSTER Marks at the American Airlines Arena. The Houston MAT team has conducted

promotional giveaways of beverages bearing the MONSTER Marks at the Toyota Center where the Houston Aeros American Hockey League team plays and the Houston Rockets NBA team plays. Below are images showing the Houston MAT team's activities during the week of January 21, 2013. These images are kept in the normal course of Monster's regularly conducted business.







48. Monster's sponsorship of sporting events also involves the MONSTER Marks being prominently displayed at the events on banners, posters, signs, and on clothing and accessories sold at the events, on transport, support and hospitality tractor trailers, and on motor homes and promotional vehicles that tour the circuit for various sports. Images showing Monster's sponsorship of a January 2009 and a January 2018 Monster Energy AMA Supercross event are shown below, respectively. These images are kept in the normal course of Monster's regularly conducted business.





- 49. In addition to sponsoring events themselves, Monster also sponsors sports teams and professional athletes. When Monster sponsors an athlete, both sides agree that the athlete's clothing, gear, and equipment will display certain elements of Monster's brand. For example, when Monster sponsors a motorsports athlete, the athlete's vehicle will often be wrapped in black and green with MONSTER branding. If the athletes are motorcycle riders, their helmets will often feature MONSTER branding, and they may also bring a MONSTER beverage or water bottle with them on stage if they win the race.
- 50. By sponsoring athletes and events, widespread exposure of the MONSTER Marks is created. The Monster-sponsored athletes' exploits are followed avidly by those attending the events, and by many more viewers who watch the television and webcasts of these events and follow the sports. The sponsored athletes, teams, and musicians create enormous public exposure and awareness of the MONSTER Marks.
- 51. Monster sponsors over 500 sports athletes in connection with its MONSTER brand. These athletes compete in events such as the Summer and Winter X Games, Monster Energy® AMA Supercross Series, Road Racing World Championship Grand Prix ("MotoGP") series, and Rally Car events, among many other events. Athletes that Monster sponsors promote the MONSTER brand by wearing clothing and accessories, which prominently display Monster's

MONSTER Marks and such clothing and equipment are seen by millions of viewers. Attached hereto as Exhibit 20 is a true and correct copy of a representative image of Shawn Ward, a Monster-sponsored athlete, wearing clothing bearing the MONSTER Marks at a 2009 Pro Surf Tour event. This image is kept in the normal course of Monster's regularly conducted business.

52. For example, Monster began sponsoring Tiger Woods in 2016. Tiger Woods is one of the most successful and famous golfers in the world. In his storied career, Woods has won fourteen major championships, including the prestigious Masters Tournament, the U.S. Open, The Open Championship, and the PGA Championship. Following a 15-month absence from competition due to injury, Woods competed in the Hero World Challenge in Albany, The Bahamas on December 1-4, 2016. In 2018, Woods competed in the Valspar Championship and the PGA Championship, where he placed second. In September 2018, Woods finished in first place at the Tour Championship, held in Atlanta, Georgia. As a Monster-sponsored athlete, Woods uses a MONSTER-branded golf bag as shown below. The below image of Tiger Woods during the 2019 season is kept in the normal course of Monster's regularly conducted business.



- 53. Woods' high profile return to competition and the subsequent broad, national and international media coverage of this event, as well as future golf tournaments Woods will compete in, ensures the attendees and viewers' exposure to the MONSTER Marks.
- 54. Monster has sponsored world champion MotoGP motorcycle racers Valentino Rossi since January 2009 until the end of his racing career in November 2021, and Jorge Lorenzo since January 2013. Rossi and Lorenzo are two of the most popular and successful motorcycle racers of all time, with nine (seven in the premier class) and five (three in the premier class) Grand Prix World Championships, respectively. Each MotoGP season consists of 18 events, all of which receive massive national and international media exposure. At each event, Rossi and Lorenzo wear sports gear bearing MONSTER branding. In 2011, Rossi was awarded the Laureus Academy "Comeback of the Year Award."
- 55. Monster sponsored the return of the Mercedes AMG PETRONAS F1 racing team to Formula One in 2010, and has sponsored the team since 2010. Since the return of the Mercedes team to F1, the team has become one of the most successful teams in recent Formula One history, having achieved consecutive Drivers' and Constructors' Championships from 2014 to 2017. In 2014, Mercedes managed 11 one-two finishes beating McLaren's 1988 record of 10. The record was extended the following year with 12 one-two finishes. Mercedes also collected 16 victories in 2014 and 2015 apiece breaking McLaren's 1988 and Ferrari's 2004 record of 15. In 2016, they extended this record with 19 wins.
- 56. Since 2010, the MONSTER Marks have received significant exposure from sponsorship of the MERCEDES AMG PETRONAS F1 racing team. As part of the sponsorship, the MONSTER Marks are prominently featured on the helmets of the team's drivers and on the silver race suits.

- 57. Team drivers Sir Lewis Hamilton and Valtteri Bottas' strong performances during the racing seasons, and their ensuing appearances on the podium, lead to extensive exposure of the MONSTER Marks in television coverage, and for the hundreds of thousands of spectators present at the race circuits, and the many others that view the events and event coverage on television and the Internet. Monster's sponsorship of the MERCEDES AMG PETRONAS Formula 1 team has given tremendous worldwide exposure to Monster's MONSTER Marks.
- 58. Monster has also individually sponsored and partnered with Mercedes F1 driver Sir Lewis Hamilton since 2013. Lewis Hamilton is the most successful F1 driver of all time. He has a joint-world record 7 F1 championships, and holds the records for the most wins (103), pole positions (103), and podium finishes (182) in F1 history. In September 2021, Hamilton became the first driver in history to win 100 F1 Grand Prix races.
- 59. Formula 1 is one of the world's most popular sports. The entire F1 race series receives extensive television coverage worldwide. Based on information from REPUCOM (formerly IFM Sports Marketing Surveys), F1 Racing season has a global television audience of 1-2 billion viewers per year.
- 60. In the NFL, Monster began sponsoring professional football player Rob Gronkowski in 2015, which included releasing a new MONSTER beverage called "Gronk." Gronkowski spent the majority of his NFL career playing for the New England Patriots and is a three-time Super Bowl champion (XLIX, LI, LIII), a five-time Pro Bowl, four-time First Team All-Pro selection, and was the highest ranked tight end in the NFL Top 100 Players five times. Gronkowski signed with the Tampa Bay Buccaneers in 2020. The Buccaneers won Super Bowl LV in 2021 in Tampa Bay, Florida. Attached hereto as Exhibit 21 is a true and correct copy of a

Monster social media post showing Gronkowski wearing MONSTER-branded apparel (see below). This post is kept in the normal course of Monster's regularly conducted business.



- 61. The UFC is the world's premier and largest mixed martial arts organization, which features the top ranked fighters in the sport. UFC events are available for viewing worldwide through pay-per view television. Beginning in 2019, UFC partnered with ESPN to broadcast its events through pay-per-view on ESPN+ and on the ESPN family of networks. Since that time, UFC events have averaged approximately 1 million viewers worldwide. In 2020, the UFC held 41 events in various countries. In 2021, the UFC held 43 events in various countries.
- 62. Since 2015, Monster has sponsored the UFC as its official energy drink partner worldwide (excluding in Brazil). MONSTER Marks appear on the UFC's Octagon center canvas and the fighter gate vertical bumpers for all live UFC events (excluding those which take place in Brazil).
- 63. In addition to sponsoring the UFC, Monster sponsors specific UFC fighters in their individual capacity. When competing, at media events, or both, the sponsored UFC athletes almost always wear clothing that prominently display the MONSTER Marks.

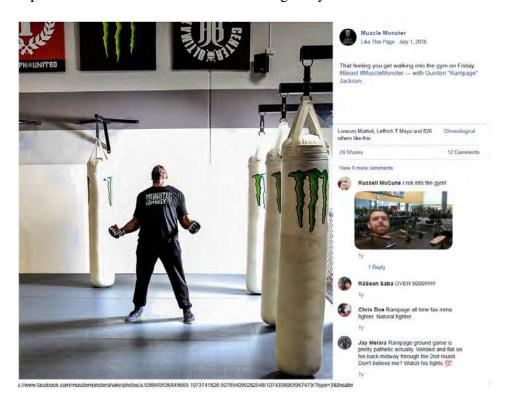
- 64. In 2017, Monster ran a promotion with the UFC and 7-Eleven where customers could win a VIP experience for two persons at the UFC 2017 event.
- 65. From 2015 through 2019, Monster sponsored professional MMA fighter Conor McGregor. McGregor is a former featherweight and lightweight champion in the UFC, and is the second fighter in UFC history to hold titles in two weight classes simultaneously. McGregor is also the biggest pay-per-view draw in MMA history. Further, McGregor's boxing match against boxing legend Floyd Mayweather Jr. in 2017 drew 4.3 million pay-per-view buys in North America, the second most in history. Attached hereto as Exhibit 22 is a true and correct copy of a social media post showing McGregor wearing apparel bearing the MONSTER Marks (see below). This post is kept in the normal course of Monster's regularly conducted business.



66. In August 2017, an advertisement featuring Monster sponsored athlete Conor McGregor was aired. In this advertisement, McGregor can be seen drinking from a water bottle bearing the MONSTER Marks, using equipment bearing the MONSTER Marks, and using towels bearing the MONSTER Marks. This advertisement has been viewed online over 15 million times. Attached hereto as Exhibit 23 is a true and correct copy of an image from the advertisement

showing McGregor using a water bottle bearing the MONSTER Marks. This advertisement is kept in the normal course of Monster's regularly conducted business.

67. Since 2014, Monster has sponsored Rampage Jackson, a former light heavyweight champion in the UFC. Jackson also won a light heavyweight title in Bellator MMA and fought in Pride (a Japanese MMA league). Jackson has appeared in several television shows and films, including playing the role of B. A. Baracus in the 2010 film, The A-Team. Attached hereto as Exhibit 24 is a true and correct copy of a social media post showing Jackson wearing MONSTER branded apparel and accessories and training in Monster-sponsored facilities (see below). This post is kept in the normal course of Monster's regularly conducted business.



68. Since 2016, Monster has sponsored Jon Jones, former UFC light heavyweight champion. Jones was ranked as the #1 light heavyweight fighter in the world by various media outlets for a number of years, and was also ranked the #1 pound-for-pound fighter in the world by

multiple publications. Jones currently holds the record for most wins in a title bouts with 14. Jones also successfully defended his lightweight title eight consecutive times.

- 69. Since 2015, Monster has sponsored Daniel Cormier, a former heavyweight and light heavyweight champion in the UFC. Cormier is the second fighter in UFC history to hold titles in two weight classes simultaneously, and is the first fighter in UFC history to defend both titles.
- 70. Since 2015-2017, Monster has sponsored "Rowdy" Ronda Rousey, former UFC women's bantamweight champion. Rousey is the only woman to win a championship in both the UFC and WWE. Additionally, she is the only woman to headline a pay-per-view event for both companies. Rousey has also appeared in multiple major motion picture films.
- 71. Since 2018, Monster has sponsored UFC fighter Rose Namajunas who was the straweight UFC champion in 2017 and 2018, and then again in 2020 and 2021, and is the current reigning champion in the strawweight class.
- Across several sports, Monster-sponsored teams include the ProCircuit Kawasaki Motocross/Supercross Team, the Monster Energy® Kawasaki Factory Team, the Yamaha Factory MotoGP Team with its renowned racers Valentino Rossi and Jorge Lorenzo, the MONSTER Yamaha Tech 3 MotoGP Team, the Yamaha MX1 Team, the Yamaha MX2 Team and the Mercedes AMG Petronas F1 Team. The worldwide popularity of Formula One and MotoGP racing gives Monster exposure of its MONSTER Marks as the team and riders sponsored by Monster prominently promote the MONSTER Marks through their uniforms, gear, and helmets at events and through event broadcasts on television.
- 73. Monster also sponsors numerous events in connection with its MONSTER Marks. For example, Monster has sponsored the X Games and the Winter X Games which are annual events for extreme sports. Most recently, Monster sponsored the 2022 Winter X Games in Aspen,

Colorado. The X Games and Winter X Games take place in the U.S. Monster sponsors athletes who compete in the X Games wearing Monster apparel and using equipment and helmets bearing the MONSTER Marks.

- 74. In 2014, Monster became the presenting sponsor of the Winter and Summer X Games. Through this sponsorship, one or more of the MONSTER Marks have been prominently featured throughout the 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021 Winter X Games and the 2014, 2015, 2016, 2017, 2018, 2019, and 2021 Summer X Games in course branding for all events, on commercials for each event, during the commercial-free portion brought to viewers by Monster, and integrated throughout each event's TV broadcast and Internet coverage. Monster also sponsored the 2016 Winter X Games at which Coors, an alcoholic beverage company, was also a sponsor.
- 75. Over the years, hundreds of millions of viewers are estimated to have watched the television broadcasts of the X Games and Winter X Games on major media outlets such as the ABC and ESPN television networks. The 2007 X Games received 13 hours of coverage on the NBC and ESPN networks and was broadcast in 190 countries. The 2008 Winter X Games received 17 hours of coverage on the NBC and ESPN networks and was also broadcast in 190 countries. For the 2010 X Games 16, ESPN Mobile TV carried 28 hours of live coverage and X Games 16 was delivered to more than 382 million homes and telecast live to 175 countries and territories. Also in 2011, ESPN aired 29 hours of X Games content on ESPN digital platforms, which helped generate record multimedia growth and the largest digital audience ever for an X Games event. In addition, 37 million people watched the 25 hours of live X Games coverage on ESPN and ESPN2, up 6% from 2010. The 2012 X Games 18 included 29 hours of content on ESPN, all produced in High Definition, 21 hours aired live on ESPN3D viewed by 37 million individuals worldwide, and

36% more Mobile Web visitors than 2011. According to data published on ESPN's website (the owners and operators of the X Games), the 2013 Winter X Games set new records for attendance and television ratings with approximately 114,500 spectators attending the 4-day event in Colorado and approximately 117,000 attending in France. The 2014 X Games were televised in more than 215 countries and territories and viewed in more than 410 million homes. The 2015 Winter X Games telecasts reached about 30.5 million viewers worldwide. The 2019 Summer X Games averaged over 415,000 daily television viewers in the U.S. The 2019 and 2021 Winter X Games each averaged over 600,000 daily television viewers in the U.S., and the 2020 Winter X Games averaged approximately 549,000 daily television viewers in the U.S. Since 2010, ESPN's Facebook page featured a daily X Games photo gallery, video content, athlete chats, and daily morning and afternoon shows. Event "wrap ups" were also featured www.espneventwrapups.com. All of these viewers received a healthy exposure to the MONSTER Marks because Monster-sponsored athletes or Monster-branded material, such as gear, banners, and other material, were featured prominently during the media coverage of the X Games.

76. In many years, the Winter X Games has been ESPN's highest-rated and most viewed event, with more than 35 million viewers on ABC Sports, ESPN, and ESPN2. For the 2019 and 2021 Winter X Games, there were more than 600,000 unique viewers at xgames.com, more than 540,000 unique viewers for the 2020 Winter X Games, and more than 360,000 unique viewers for the 2020 Winter X Games. Virtually, there were approximately 326,000 daily unique visitors to XGames.com during the 2013 four-day event, and users spent a total of 25.6 million minutes on the site. The X Games Facebook page gained more than 54,000 fans during the four days of the 2013 Winter X Games, and currently has more than 5 million fans. More than 212,000 people engaged with the X Games Facebook page each day during the 2013 Winter X Games. In excess

of 15 million viewers are estimated to have watched the television broadcasts of each of the 2006, 2007, 2008, 2009 ESPN Winter X Games on ABC Sports, ESPN, and ESPN2. A similar number of viewers are estimated to have watched the television broadcasts of each of the 2005, 2006, 2007, 2008, and 2009 Summer X Games. Monster-sponsored athletes, with MONSTER-branded gear and equipment, participated in all of these games.

77. Monster-sponsored athletes were awarded medals in a number of X Game events, further promoting the MONSTER brand and the MONSTER Marks, which are displayed on the athlete's gear during competition. At the 2022 Winter X Games in Aspen, Colorado, Monstersponsored athletes won 23 medals, including 5 gold, 7 silver, and 11 bronze medals. At the 2021 Summer X Games, Monster-sponsored athletes won 20 medals, including 7 gold, 8 silver, and 5 bronze. At the 2021 Winter X Games in Aspen, Colorado, Monster-sponsored athletes won 14 medals, including 7 gold, 4 silver, and 3 bronze medals. At the 2020 Winter X Games in Aspen, Colorado, Monster-sponsored athletes won 22 medals, including 10 gold, 5 silver, and 7 bronze. At the 2020 X Games in Norway, Monster-sponsored athletes won at least 7 gold medals, 2 silver medals, and 3 bronze medals. The 2020 X Games in Minneapolis, Minnesota were cancelled due to COVID-19. At the 2019 Summer X Games in Minneapolis, Minnesota, Monster-sponsored athletes won 13 medals, including 3 gold, 5 silver, and 5 bronze. At the 2019 Winter X Games in Aspen, Colorado, Monster-sponsored athletes won 18 medals, including 5 gold, 8 silver, and 5 bronze. At the 2018 Summer X Games, Monster sponsored athletes won 10 medals across skateboarding, BMX, and Moto X disciplines by claiming 3 gold, 3 silver and 4 bronze medals. During the 2018 Winter X Games, Monster sponsored athletes won 17 medals, including 10 gold, 3 silver and 4 bronze. At the 2017 Summer X Games, Monster sponsored athletes won 14 medals, including 4 gold, 7 silver and 3 bronze. At the 2017 Winter X Games, Monster sponsored athletes

won 10 medals, including 3 gold, 3 silver and 4 bronze. At the 2016 X Games, Monster-sponsored athletes won 19 medals—6 gold, 8 silver, and 5 bronze. At the 2016 Winter X Games, Monster-sponsored athletes won 13 medals—7 gold, 5 silver, and 1 bronze. At the 2015 Summer X Games, Monster-sponsored athletes won 19 medals—7 gold, 4 silver, and 8 bronze. At the 2015 Winter X Games, Monster-sponsored athletes won 11 medals—2 gold, 6 silver, and 3 bronze, and including Monster-sponsored athlete Tucker Hibbert's 100th Pro National Snocross victory. At the 2015 Summer X Games, Monster-sponsored athletes won 19 medals—7 gold, 4 silver, and 8 bronze. At the 2014 Winter X Games, Monster-sponsored athletes won 15 medals, including 5 gold medals. At the 2014 Summer X Games, Monster-sponsored athletes won 9 medals, including 3 gold medals. At the 2013 Winter X Games, Monster-sponsored athletes won 16 medals, including 3 gold medals.

- 78. Monster-sponsored extreme athletes who participated in the X Games and were awarded medals further promoted the MONSTER Marks. In addition, Monster-sponsored athletes appeared on television, resulting in the prolific exposure of the MONSTER Marks.
- 79. Monster has also sponsored Olympic athletes. At the 2021 Olympic Summer Games in Tokyo, Monster-sponsored athletes Nyjah Huston (United States), Aori Nishimura (Japan), Aurelien Giraud (France), Matt Berger (Canada), as well as Rayssa Leal, Kelvin Hoefler and Giovanni Vianni (Brazil) competed in Skateboarding, one of the newest sports at the Games. Monster Energy's Kelvin Hoefler made history when he won Brazil's first Olympic medal for these Olympic games in men's Street Skateboarding taking home silver. Monster Energy's Rayessa Leal won the silver medal in women's Street Skateboarding and took the Olympics by storm as one of the youngest medalists in Olympic history. At the 2022 Olympic Winter Games in Beijing, Monster-sponsored athletes won 16 total medals including: Birk Ruud, Colby

Stevenson and Henrik Harlaut won gold, silver and bronze medals respectively in the men's skiing big air competition; Chloe Kim won gold in Women's half-pipe; Ayumu Hirano won gold in the men's half-pipe; Max Parrot and Su Yiming China won gold and silver respectively in men's snowboard slopestyle, and the same two won gold and silver in the men's snowboard big air.

- 80. Monster is also heavily involved in NASCAR. Since at least as early as 2004, Monster has sponsored NASCAR drivers. In 2004, Monster sponsored NASCAR driver Gene Woods. Monster promoted its sponsorship of Gene Woods on its website.
- 81. Since 2011, Monster has sponsored legendary NASCAR driver Kurt Busch, who competes in the NASCAR Cup Series ("NCS") and holds several records in NASCAR racing. His storied NCS career consists of 331 top-ten finishes and over 30 victories, including the 2004 NASCAR Sprint Cup Championship, the Coca-Cola 600 (2010), and the Daytona 500 (2017). In 2021, he is competing in his 22<sup>nd</sup> year of NCS competition. He finished the 2020 season by making his eighth consecutive and 14<sup>th</sup> overall NASCAR Playoff appearance. He has won poles and races on every type of track on the NASCAR schedule and has competed in and won races in all three NASCAR series (NCS, NASCAR Xfinity Series, and NASCAR Truck Series). In 2019, he made the move to Chip Ganassi Racing to become the driver of the No. 1 Monster Energy Chevrolet Camaro ZL1 in the NCS. In August 2021, 23XI Racing announced that Busch will join the organization to pilot the No. 45 Monster Energy Toyota Camry car beginning with the 2022 NASCAR Cup Series season. Below is an image showing Kurt Busch wearing a racing uniform prominently displaying the MONSTER mark. The image is kept in the normal course of Monster's regularly conducted business.



- 82. As another example, from 2011-2019, Monster sponsored NASCAR driver Kyle Busch, who is the brother of Kurt Busch. Kyle Busch was the winner of the prestigious 2015 and 2019 NCS championships. He also holds or has held several records in NASCAR racing, including most total wins across the three top NASCAR series and accumulating more than 50 wins in each of those series.
- 83. As another example, Monster has been the long-time sponsor of Ricky Carmichael who transitioned from one of the world's greatest Supercross and Motocross racers to a NASCAR truck driver. With respect to NASCAR, Monster sponsored Ricky Carmichael from 2009-2010 when he competed in the NASCAR Truck Series and the then-titled NASCAR Nationwide Series. Other NASCAR series drivers sponsored by Monster include or have included Robby Gordon (sponsored from 2007-2009), Sam Hornish Jr. (sponsored in 2014 and 2016), Boris Said (sponsored in 2015 and 2016), Hallie Deegan (sponsored from 2019 to present), Bobby Labonte (sponsored for race in 2016), Denny Hamlin (sponsored for race in 2015), Owen Kelly (sponsored for a race in 2011), Drew Herring (sponsored in 2015), Eric Jones (sponsored for race in 2015),

Aric Almirola (sponsored in 2015), Matt Tift (sponsored in 2015), Ty Gibbs (sponsored from 2019 to present), and Riley Herbst (sponsored from 2019 to present).

- 84. Monster has also sponsored teams who compete in various classes of NASCAR racing. For example, Monster has sponsored the Joe Gibbs Racing team, a group of NASCAR racing teams of which Kyle Busch is a member. Through Monster's sponsorship of NASCAR drivers and racing teams, Monster prominently promoted its MONSTER Marks and products through the drivers' race suits, helmets, cars and the crew's gear both at events and event broadcasts on television.
- 85. NASCAR is one of the most popular sports in the U.S. and receives extensive coverage in television, print media, and on the Internet. Monster also promotes its sponsored NASCAR drivers on Monster's websites and social media. Because of Monster's NASCAR sponsorships, both Monster's customers and the fans of the drivers associate Monster's brand with NASCAR and motorsports generally.
- 86. From 2017 to 2019, Monster was the title sponsor of NASCAR's premier series, which was called the MONSTER ENERGY NASCAR Cup Series. The series included 36 races which took place in cities across the United States. Monster's sponsorship of the MONSTER ENERGY NASCAR Cup Series received tremendous media exposure.
- 87. During Monster's title sponsorship of NASCAR, the MONSTER Marks appeared on the windshield of every car that races at the events, on the quarter panel of each sponsored race vehicle, on the pace cars, and on the uniforms of all drivers. In addition, the MONSTER Marks were incorporated into the series logo.
- 88. In addition to the sponsorship of the NASCAR series, Monster licenses its trademarks, including the MONSTER Marks, to NASCAR for use on a wide variety of products,

including beverage ware and tumblers, hats, clothing, flags, die cast cars, stickers, decals, keychains and lanyards, among other products.

- 89. In 2008, Monster became the title sponsor of the MONSTER ENERGY AMA Supercross Series. Monster has continually sponsored the event since that time. Supercross is a motorcycle racing sport involving off-road motorcycles on an artificial dirt track with steep jumps and obstacles. The MONSTER ENERGY AMA Supercross Series consists of 16 events held throughout the US and in Toronto, Canada. MONSTER Marks receive tremendous exposure at each of the MONSTER ENERGY AMA Supercross Series events, including:
  - Posters, banners, and hanging curtains containing the MONSTER Marks at the entrance to the events;
  - Banners bearing the MONSTER Marks line a substantial part of the entire track;
  - The pit area includes a huge display of the MONSTER Marks and samples of the MONSTER drinks are given out;
  - Monster-sponsored riders wear the MONSTER Marks on their uniforms, bikes, helmets, and consume MONSTER drinks at the events; and
  - The MONSTER Marks appear on the clothing of the ushers who lead the winners of the awards to the stage.
- 90. In fact, the majority of the promotional materials at each of these events display the MONSTER ENERGY® Mark. Additionally, since 2008, as part of Monster's sponsorship of the MONSTER ENERGY AMA Supercross series, a section of the track has been called the "MONSTER ALLEY."
- 91. Each year since 2007, the Supercross events have been broadcast on television. In 2020, the Monster Energy AMA Supercross series had 8 million broadcast viewers. In 2019, the

Monster Energy AMA Supercross series was the number 3 rated sports program on NBCSN. In 2018, the Monster Energy AMA Supercross event in Salt Lake City had over 836,000 viewers on FOX Sports and was the most ever for a race on any FOX network. In 2017, the broadcast of the Monster Energy AMA Supercross event in St. Louis on FOX Sports 1 was the number one broadcast amongst all sports broadcast in prime time. The 2014 five-episode documentary series titled "Monster Energy Supercross Behind the Dream" originally aired in the spring of 2014 and is now available for download on iTunes. The 2013 AMA Supercross Championship season featured 13 live broadcasts on FOX Sports 1. The 2011 and 2012 seasons were broadcast on SPEED and CBS Sports, including eight live broadcasts on SPEED in 2011. In 2012, there was a total of 99 broadcast hours on CBS and SPEED. The nine one-hour broadcasts on CBS in 2012 had an average viewership of 738,889 households per broadcast, and the six one-hour broadcasts on SPEED in 2012 reached 196,063 households per broadcast. SPEED also aired 28 three-hour broadcasts (including repeats) which had an average of 238,600 homes per original live broadcast. CBS Sports also aired three one-hour specials featuring Monster-sponsored athlete Ricky Carmichael and other athletes. Television viewership ratings on SPEED were up more than 24% in 2011 and the nine hours of coverage on CBS Sports had a 21% increase in ratings, with more than 20 million viewers watching the Supercross events on television in 2011. I was informed by the event promoter, Feld Motor Sports, that the Monster Energy Supercross was broadcast in 181 countries in 2011. The 2012 AMA Supercross Championship season featured 11 live broadcasts on SPEED.

92. I am informed that live event attendance of the Supercross series has been as follows: (a) 778,994 in 2007; (b) 751,970 in 2008; (c) 739,585 in 2009; (d) 741,259 in 2010; (e) 774,191 in 2011; (f) 786,636 in 2012; (g) 803,480 in 2013; (f) 831,365 in 2014; (g) 779,427 in

2015; (h) 805,624 in 2017; (i) 785,019 in 2018; and (j) 821,000 in 2019;. Monster continues to sponsor the MONSTER ENERGY AMA Supercross Series, and I am informed and believe the attendance numbers have continued to grow along the same trajectory. I have attended the AMA Supercross, and fans who attend these events cannot avoid seeing the MONSTER Marks, which dominate the signage at each event. In addition, millions of viewers around the globe follow the series and receive similar exposure to the MONSTER Marks. Motocross fans can view photo of the events and video footage at www.amamotocross.com www.supercrossonline.com. In 2009 and again in 2010, there were more than 6.5 million page views of www.supercrossonline.com including more than 1.5 million unique visitors. In 2011, those numbers grew to more than 11 million page views and more than 2.3 million unique visitors, in 2012, to more than 11.5 million page views and more than 3 million unique visitors, in 2013, to more than 16.5 million page views and more than 5.1 million unique visitors, in 2014, to more than 14 million page views and more than 3.6 million unique visitors, and in 2015, to more than 13 million page views and more than 2.7 million unique visitors. In 2018, there were more than 8.15 million page views and more than 1.92 million unique visitors. In 2019, there were more than 8.1 million page views. In 2020, there were more than 7.2 million page views and more than 2.1 million unique visitors. In 2021, there were more than 6.4 million page views and more than 1.6 million unique visitors. In addition, Supercross Live! was launched in 2013 to view live footage from the events and had more than 900,000 live views in 2013 with more than 490,000 unique visitors.

93. The www.supercrossonline.com website provides a live audio webcast of each event and is accessible to fans from around the world. As previously mentioned, the www.supercrossonline.com website looks like a MONSTER-branded website.

- 94. Monster has also been a major sponsor of the Outdoor National Motocross Series in the USA.
- 95. As a sponsor of the above events, the MONSTER Marks have received and continue to receive tremendous exposure at the events and on television channels and press covering and reporting these events. For instance, in 2019 alone, Monster's sponsorship of Supercross resulted in exposure of the MONSTER Marks on banners, trailers, athletes' gear, and other promotional materials, to over 800,000 attendees and more than 6.4 million viewers on NBC, NBCSN, and USA broadcasts.
- 96. In 2018, there were more than 1 billion impressions of the Monster Energy AMA Supercross events through television, websites, social media, and publications. In 2019, there were more than 1.4 billion impressions. In 2020, there were more than 1.5 billion impressions.
- 97. MotoGP is the premier motorcycle racing World Championship. It consists of an 18-race or 19-race series taking place in 14 countries on 4 continents (13 countries in 2014) with pan-global television coverage.
- 98. Monster has been involved in MotoGP, either through the sponsorship of individual racers or racing teams, since at least 2007.
- 99. Monster sponsored the MONSTER Yamaha Tech 3 Team which competes in the MotoGP World Championship events until 2018. Beginning in 2019, Monster became the title sponsor of The Yamaha Factory Team, which subsequently races as the Monster Energy Yamaha MotoGP Team. In January 2021, Monster also began a multi-year sponsorship of Team Suzuki Ecstar MotoGP.
- 100. In 2010, then current MONSTER Yamaha Tech 3 team rider Ben Spies achieved his 8th top-five finish and secured Rookie of the Year. Colin Edwards, also a member of the

MONSTER Yamaha Tech 3 team, had a top-10 finish at one of the 2010 events. The Monster-sponsored Tech 3 MotoGP Team of Colin Edwards and Cal Crutchlow was the best non-factory team in 2010, with Cal Crutchlow winning MotoGP Rookie of the Year honors. In 2016, Cal Crutchlow was the first Brit to win a premier class race in 35 years.

- 101. Monster-sponsored athlete Valentino Rossi is a nine-time MotoGP World Champion (seven times in the premier class) and placed second in 2014 and 2015, and third in 2010. Monster has also sponsored Rossi as an individual professional athlete since 2009 until the end of his racing career in November 2021. Monster-sponsored athlete Jorge Lorenzo is a five time MotoGP World Champion (three times in the premier class) and placed second in 2009, 2011, and 2013, third in 2014, and first in 2015. Monster sponsored MotoGP athletes, Sam and Alex Lowes, both won championships in 2013.
- 102. Monster-sponsored athlete Jonathan Rea became the six-time world champion of Superbike in 2020. Joan Mir, also a Monster-sponsored athlete, is the 2020 world champion in MotoGP. Franco Morbidelli, another Monster-sponsored athlete, won three races on a satellite team during the 2020 MotoGP season.
- 103. The MotoGP.com Official Website displays extensive information about all of the MotoGP events, including pictures of Monster-sponsored athletes wearing MONSTER-branded gear. MotoGP also has a Facebook page (facebook.com/MotoGP) that includes pictures and videos of Monster-sponsored athletes wearing gear and riding vehicles bearing the MONSTER Marks.
- 104. As a sponsor of one of the MotoGP events, Monster receives a report of the MotoGP Audience Data. According to the data provided to me for the MotoGP World Championship Events:

- For the period of 2009 through 2016, 207 countries received live TV broadcasts of the MotoGP events, reaching between 226 and 369 million homes via cable/satellite TV Networks, including homes in the United States;
- In 2017-2021, more than 200 countries received live TV broadcasts of MotoGP events, reaching between approximately 427 and 433 million homes via cable/satellite TV Networks, including homes in the United States; and
- Significant portions of the qualifying practices and the race day events for all
   MotoGP events were aired live in many countries reaching millions of viewers.
- 105. Viewers of MotoGP Events are exposed to the MONSTER Marks throughout the entire weekend event in close proximity to the race action, including on banners lining the track, on the press backdrop, the podium backdrop, the starting bridge and grid wall, and athlete uniforms and equipment. In addition to exposure on television, the MONSTER Marks receive further exposure on the Internet and in printed publications covering this event. In addition, MONSTER-branded apparel has been sold through the MotoGP online store since 2015.
- events, teams, and athletes. Monster's sponsorship of athletic events results in prominent exposure of its MONSTER Marks to millions of television viewers as these marks are displayed on billboards, banners, trailers, athletes' gear and other promotional materials.
- 107. In addition to television exposure, Monster sponsored athletes have been the focus of hundreds of action sports magazines and articles, which feature the athletes' gear and accessories that prominently display the MONSTER Marks. Athletes sponsored by Monster are routinely featured promoting the MONSTER Marks through their clothing, accessories and/or equipment in national magazines such as *People, Men's Fitness, Cycle News, Dirt Rider, Racer X*

Illustrated, Transworld Motocross, Modified, Wakeboarding, Dirt, Modified Mag, Heavywater, Surfer, Surfing, and Transworld Surf. Attached hereto as Exhibit 25 are true and correct copies of excerpts from the June 2005 Transworld Motocross, September 2009 Modified Mag, and January 2008 Cycle News magazines showing images of sponsored athletes wearing MONSTER gear. These images are kept in the normal course of Monster's regularly conducted business.

# MONSTER'S STADIUM / VENUE AND TEAM SPONSORSHIPS

108. Monster also sponsors a number of venues for major sporting events. These sponsorships include display of the MONSTER Marks inside arenas and stadiums during events to be viewed by attendees and television and Internet audiences. For example, Monster prominently displays some of its MONSTER Marks in the outfield of the Los Angeles Angels' baseball stadium, and thus the marks are seen by attendees as well as television viewers of about 80-90 games per year. Attached hereto as Exhibit 26 is a true and correct copy of a photograph of the MONSTER Mark displayed at Angels' stadium which started in at least 2008 and currently continues. This image is kept in the normal course of Monster's regularly conducted business.

109. Monster also had sponsorship rights with the Arizona Cardinals NFL football team in 2010, which included the right to display the MONSTER Marks at the Arizona Cardinals' stadium and the right for Monster to identify itself as a "Proud Partner of the Arizona Cardinals." In 2009, Monster had sponsorship rights with the San Diego Chargers NFL football team, which included the right to display the MONSTER Marks in various media at the San Diego Chargers' stadium. In 2008 and 2009, Monster entered into a sponsorship agreement with Major League Lacrosse ("MLL") which included the right to display prominently the MONSTER Marks at various events in the fan zone.

- 110. Monster has sponsored athletes, arenas, and events in connection with professional hockey. The MONSTER Marks have been prominently displayed on the Zamboni during Anaheim Mighty Ducks NHL hockey games at the Honda Center arena as early as 2005. Attached hereto as Exhibit 27 is a true and correct copy of September 2009 printout of a MONSTER Mark displayed on a Zamboni at the Honda Center. This printout is kept in the normal course of Monster's regularly conducted business.
- 111. Monster currently sponsors the Anaheim Ducks, New Jersey Devils, Boston Bruins, and Montreal Canadiens NHL teams. Through these sponsorships, the MONSTER Marks are displayed on the boards (low walls that form the boundaries of the rink) as well as virtual glass and are visible to all those in attendance as well as the large television audience watching NHL games. The MONSTER ENERGY® drink has been designated as the exclusive "Official Energy Drink" of both the Honda Center and the TD Gardens NHL arenas.
- 112. Monster also had an On-Premise Partnership Marketing Agreement with the Wells Fargo Center where the Philadelphia Flyers NHL team plays, and Monster was the "Official Energy Drink of the Wells Fargo Center" for the 2014/2015, 2015/2016, and 2016/2017 seasons. Through this agreement, the MONSTER Marks received LED exposure in the inner bowl of the Wells Fargo Center during pregame and intermission of all Philadelphia Flyers' home games. Further, Monster had outdoor Kiosks for its products, which prominently displayed the MONSTER Marks at the Wells Fargo Complex, and NHL fans saw these Kiosks when they attended events at the Wells Fargo Complex.
- 113. Monster has also previously sponsored the MONSTER ENERGY® Noise Meter at Detroit Pistons' NBA basketball games at the Palace of Auburn Hills. The MONSTER Marks were prominently displayed on the noise meter shown on the large screen at the games, and the

noise meter was shown approximately 3-4 times per game. Attached hereto as Exhibit 28 are true and correct photographs of the MONSTER Marks displayed at the Palace of Auburn Hills which took place from at least March 5, 2003 to September 30, 2004. These photographs are kept in the normal course of Monster's regularly conducted business.

- 114. On July 17, 2018, Monster sponsored the 50K Charity Challenge Celebrity Basketball Game at the historic Pauley Pavilion on the UCLA campus. Notable participants and attendees included Blake Griffin (NBA), Andre Drummond (NBA), Maria Menounos (TV host), Floyd Mayweather (boxer), Lindsay Arnold (Dancing with the Stars), Terrell Owens (NFL), Colton Underwood (NFL/The Bachelorette), Nick Viall (The Bachelorette), and Kendra Wilkinson (reality TV personality). The MONSTER Marks were featured in marketing materials and also inside the stadium on banners as well as on the players' jerseys.
- 115. In 2021, Monster's beverage was named as the official energy drink of the BIG3 basketball league. The BIG3 is a three-on-three professional basketball league founded by Ice Cube featuring NBA All-Stars, Hall of Famers and World Champions.

# MONSTER'S WEBSITE AND SOCIAL MEDIA

- 116. Monster has made extensive use of the Internet and recent advances in social media to promote its brand.
- 117. Monster maintains websites at www.monsterenergy.com and www.monsterarmy.com. Both websites prominently display the MONSTER Marks. Monster launched its Monster Energy® website www.monsterenergy.com on August 19, 2003. Attached hereto as Exhibit 29 are true and correct copies of printouts from Monster's website located at www.monsterenergy.com showing Monster's line of beverage products. These printouts are kept in the normal course of Monster's regularly conducted business. The website prominently displays

the MONSTER Marks and receives thousands of unique visitors each month. The www.monsterenergy.com website hosted over 1.7 million unique visitors in 2008 alone. In total, the www.monsterenergy.com website hosted 32 million page views between 2010 through 2012. In May 2011, the website was viewed over 479,000 times. These reports are kept in the normal course of Monster's regularly conducted business. In 2016, the website was viewed over 4.8 million times, and the number of views increased to over 8.6 million in 2019, with over 3.7 million views in the U.S. In 2020, the website hosted 28 million page views, with more than 8 million visitors from the U.S. Attached hereto as Exhibit 30 are a true and correct copies of Google Analytics reports kept by Monster in the normal course of its business showing the number of viewers of the monsterenergy.com website in March 2011 and between the years 2010-2012. In 2021, the website hosted 13 million page views. The printouts are kept in the normal course of Monster's regularly conducted business. From October 2008 to December 2021, the website has had over 52 million views.

- 118. The Monster's Facebook page is among the most "liked" Facebook pages. In December 2021, there were more than 25 million "likes." In June 2019, there were more than 26 million "likes." In June 2010, there were more than 1.3 million "likes." The page features goods (e.g., apparel, sporting goods) that prominently display the MONSTER Marks. Attached hereto as Exhibit 31 is a true and correct copy of a printout from the Waybackmachine showing Monster's Facebook page dated June 14, 2010 and a true and correct copy of a printout from Monster's Facebook page dated June 5, 2019. These printouts are kept in the normal course of Monster's regularly conducted business.
- 119. Socialbakers, which was previously known as Facebakers, is an organization that tracks brand popularity on Facebook. Their ranking of the brands is based on the number of

followers from each companies' Facebook page. According to Socialbakers, Monster was the 10th most followed brand on Facebook in 2018. At that time, Monster had over 26 million followers. As of August 2019, Monster had become the 8th most popular brand on Facebook according to Socialbakers. In 2020 and 2021, Monster had become the 8th most popular brand on Facebook according to Socialbakers. Attached hereto as Exhibit 32 is a true and correct copy of a printout from the Socialbakers website ranking the top social media brands on Facebook in February 2018. The printout is kept in the normal course of Monster's regularly conducted business.

- 120. Monster's Twitter account prominently displays the MONSTER Marks and currently has over 3 million followers. Attached hereto as Exhibit 33 is a true and correct copy of a printout of Monster's Twitter page dated June 5, 2019. This printout is kept in the normal course of Monster's regularly conducted business.
- 121. Monster's Instagram account prominently displays the MONSTER Marks and currently has approximately 7.8 million followers. In 2019, Monster's Instagram account had over 5 million followers. Attached hereto as Exhibit 34 is a true and correct copy of a printout from Monster's Instagram page dated June 5, 2019. This printout is kept in the normal course of Monster's regularly conducted business.
- 122. In April 2020, Monster created the #CrushQuarantine social media campaign. Monster encouraged its community of athletes, ambassadors, and fans to create a short video showing how they #CrushQuarantine. Many of the videos prominently featured Monster's beverages, apparel, and accessories bearing the MONSTER Marks. The #CrushQuarantine campaign had over 1.3 billion impressions on social media.
- 123. Monster also delivers content to consumers through various YouTube channels, including its Monster Energy® channel at youtube.com/monsterenergy and The Monster Army®

channel at youtube.com/monsterarmy. Since its launch, the Monster Energy® YouTube channel has received more than 521 million views worldwide and currently has over 3 million subscribers. Monster's YouTube channel displays the MONSTER Marks. During just the first 8 months of 2021, Monster received more than 34 million views of the videos on its YouTube channels from all over the world, which translates to more than 1.67 million hours of watch time and more than 353 million impressions. During that period, the channels received an average of over 129,000 daily views. Attached hereto as Exhibit 35 is a true and correct copy of printout from Monster's Monster Energy® YouTube page dated June 5, 2019. This printout is kept in the normal course of Monster's regularly conducted business.

- 124. The Monster Energy® TikTok account (at https://www.tiktok.com/@monsterenergy?source=h5\_m) has more than 950,000 followers from around the world, including Canada, and nearly 7 million likes.
- 125. In 2020 alone, Monster's various social media channels had over 236 million fan engagements. These same channels generated over 11 billion impressions. Additionally, Monster's highly popular videos that are published on Monster's various social media channels were viewed over 1 billion times. All of Monster's popular social media channels prominently display the MONSTER Marks.
- 126. Monster's MONSTER Marks are also promoted over the Internet by third parties' display of Monster's products, sponsored athletes, and vehicles with the MONSTER Marks on various websites. Some of these websites include: rock.com, surfline.com, ozzfest.com, warpedtour.com, procircuit.com, projektrevolution.com, Kawasaki.com, robbygordon.com, supercrossonline.com, kenblockracing.com, linkinpark.com, transworldmotocross.com,

factoryeffex.com, oneindustries.com, vitalmx.com, motogp.com, and billabong.com. These websites collectively receive hundreds of thousands of visitors per month.

# MONSTER'S E-SPORTS SPONSORSHIPS

127. Since 2011, Monster has also sponsored E-sports (competitive video gaming) events and teams. These events are live broadcast around the world and are viewed by millions of people. Specifically, it is estimated that over 71 million people watched an E-Sports event on-line in 2013. Globally, e-sports reach an audience of over three hundred million people. As part of these sponsorships, the Monster-sponsored E-Sports teams display MONSTER Marks on their uniforms and have a can of one of MONSTER drinks by their keyboards. Monster has sponsored teams such as Team Evil Geniuses (since 2011), Alliance (since 2013), Team EnVyUs (since 2014), Fnatic (since 2015), ViCi Gaming (since 2016), and Team Liquid (since 2016). Additional teams that Monster has sponsored are Natus Vincere, PSG.LGD, Renée, Scot, Jericho, and Wizzite. Attached hereto as Exhibit 36 are true and correct copies of printouts of the Monster Energy Gaming website dated February 22, 2022. These printouts are kept in the normal course of Monster's regularly conducted business.

128. The Monster-sponsored teams are some of the most successful e-sports teams of all time. For example, Alliance won The International 3 (the 2013 International DOTA 2 Championships) taking home around US\$1.5 million in prize money. As another example, Evil Geniuses won The International 5 (the 2015 International DOTA 2 Championships) and were awarded over US\$6.6 million in prize money — the largest prize awarded in e-sports at that time. The International is the pinnacle event for DOTA 2 and has the largest prize pool for any single competitive gaming event, which is partially crowd-funded by players buying content within the game. DOTA 2 is also unique in that it allows teams to design their own team flag which is used

in the game. The team flags frequently feature the team's sponsor's trademarks. In 2013, when Alliance won The International 3, their team flag in the game featured the MONSTER Marks. In 2020, Monster-sponsored teams won 57 major E-Sports tournaments.

- 129. Since 2014, Monster has partnered with DreamHack, one of the world's largest esports and gaming festivals. DreamHack is the biggest computer festival in the world where participants bring their own computers and connect them to the Internet to form one big local gaming network. DreamHack arranges a large number of competitions; from gaming tournaments to competitions in advanced programming and design. In 2017, DreamHack welcomed more than 250,000 visitors to its live events and its online E-Sports broadcasts received more than 375 million views. As of January 2020, DreamHack's YouTube page has over 176,000 subscribers. The DreamHack events have been held globally, including in Austin, Las Vegas, Atlanta, and Denver. Monster has been the main sponsor of the DreamHack Open since 2014, and in 2018, Monster became the Global Strategic Partner to DreamHack, supporting all of DreamHack's festivals and major e-sports tournaments as the Main Sponsor.
  - 130. In 2020, Monster-sponsored teams won 57 major E-Sports tournaments.

# MONSTER'S HOSPITALITY AND BAR SERVICES

Monster's VIP and hospitality areas at many of the events sponsored or attended by Monster to attendees of these events. The restaurant and bar services include, depending upon the particular event, providing beverages and/or food. Monster's MONSTER Marks are displayed in connection with these restaurant and bar services. Cups that the beverages are poured into, bar mats, waist aprons, and bottle openers bear Monster's MONSTER Marks as does the actual bar itself at VIP and hospitality areas. Restaurant or bar services have been offered by Monster at events held in

various states across the U.S. including, but not limited to, Arenacross events, NASCAR events, the MONSTER ENERGY® Cup, SXSW, the Arnold Classic, the MONSTER ENERGY® DUB Show Tour, the X Games, Supercross events, and the Warped Tour, among others. Attached hereto as Exhibit 37 is a true and correct photograph of Monster's restaurant or bar services offered at an Arenacross event in 2009. Attached hereto as Exhibit 38 is a true and correct photograph of Monster's restaurant or bar services offered at the Warped Tour in 2010. Attached hereto as Exhibit 39 is a true and correct photograph of Monster's restaurant or bar services offered at SXSW in 2013. Attached hereto as Exhibit 40 is a true and correct photograph of Monster's restaurant or bar services offered at the Summer X-Games in 2015. Attached hereto as Exhibit 41 are true and correct photographs showing some additional examples of Monster's restaurant or bar services offered at events sponsored or attended by Monster.

# THE MONSTER TRAIN-LAS VEGAS

- 132. In 2003, Monster signed a US\$10 million deal to sponsor the MONSTER train, the first multi-car train on the Las Vegas monorail. The train was named after Monster's MONSTER drink and prominently featured the MONSTER Marks. The Las Vegas monorail is and was a heavily used mode of public transportation, connecting the casinos on the famous Las Vegas strip. Monster (then Hansen) was granted exclusive rights to sell MONSTER drinks at all seven monorail stations from large enclosures illustrated with extreme sport Monster-sponsored athletes. One of the reasons Monster sponsored the Las Vegas monorail was because Las Vegas is a tourist destination for people from all over the world (including all over the U.S.). Sponsoring the Las Vegas monorail was likely to expose the MONSTER Marks to a large number of consumers.
- 133. Monster's sponsorship of the Las Vegas monorail resulted in extensive publicity in national print, television, and Internet media in June and July of 2003 which promoted the

MONSTER drinks and MONSTER Marks. Attached hereto as Exhibit 42 are true and correct copies of articles about the MONSTER train which ran in *Beverage Industry*. Attached hereto as Exhibit 43 is a true and correct copy of an article about the MONSTER train which ran in *The Wall Street Journal* (June 3, 2003). In addition, television and radio reports about the train in June and July 2003 promoted MONSTER drinks and trademarks to approximately 50 million people in New York, Los Angeles, Chicago, Philadelphia, San Francisco, Boston, Dallas, Atlanta, Washington, D.C., and elsewhere. Data provided by Reach Communications Group, LLC showed that over 70 million people read articles published on the internet alone featuring the MONSTER train. Attached hereto as Exhibit 44 is a true and correct copy of an August 2003 report from Reach Communications Group, LLC which lists each of the articles published on the internet alone featuring the MONSTER train and the number of readers of those articles. This report is kept in the normal course of Monster's regularly conducted business.

134. The MONSTER train was also visible from thousands of hotels rooms. Visitors to Las Vegas who have taken the Las Vegas monorail or have stayed in any of the thousands of hotel rooms that look out towards the train will have come across the MONSTER Marks.

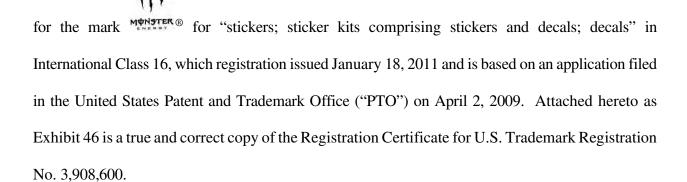
# MAGAZINE ARTICLES FEATURING MONSTER

Wire, Adweek, Beverage Forum, Beverage World and Business Week, among others, have publicized Monster's MONSTER Marks by publishing stories about the MONSTER brand. Many of these articles refer to Monster as "Monster," which is consistent with how the MONSTER brand is recognized in the marketplace. These articles are not paid advertisements as part of Monster's marketing strategy, but indicate that Monster's marketing has made the MONSTER brand famous enough to be covered by these publications. Attached hereto as Exhibit 45 are true and correct

copies of excerpts from articles in *Beverage Aisle* (October 15, 2003), *Beverage Industry* (September 2004 and December 2007), and *Business Week* (June 5, 2006) featuring the MONSTER brand.

# TRADEMARK REGISTRATIONS

- 136. Monster owns numerous trademark registrations in the U.S. for its MONSTER Marks for use in connection with clothing, bags, beverages, nutritional supplements, beverages, and promoting goods and services in the sports, motorsports, electronic sports, and music industries.
  - 137. Monster is the owner of incontestable U.S. Trademark Registration No. 3,908,600



138. Monster is the owner of incontestable U.S. Trademark Registration No. 4,721,433 for the mark MONSTER ENERGY® for "promoting goods and services in the sports, motorsports, electronic sports, and music industries through the distribution of printed, audio and visual promotional materials; promoting sports and music events and competitions for others" in International Class 35, which registration issued April 14, 2015. Attached hereto as Exhibit 47 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,721,433.

139. Monster is the owner of incontestable U.S. Trademark Registration No. 3,908,601

for the mark for "clothing, namely, t-shirts, hooded shirts and hooded sweatshirts, sweat shirts, jackets, pants, bandanas, sweat bands and gloves; headgear, namely, hats and beanies" in International Class 25, which registration issued January 18, 2011 and is based on an application filed in the PTO on April 2, 2009. Attached hereto as Exhibit 48 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,908,601.

140. Monster is the owner of U.S. Trademark Registration No. 3,923,683 for the mark

International Class 18, which registration issued February 22, 2011 and is based on an application filed in the PTO on April 2, 2009. Attached hereto as Exhibit 49 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,923,683.

141. Monster is the owner of incontestable U.S. Trademark Registration No. 3,914,828



for the mark for "sports helmets" in International Class 9, which registration issued February 1, 2011 and is based on an application filed in in the PTO on April 2, 2009. Attached hereto as Exhibit 50 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,914,828.

142. Monster is the owner of incontestable U.S. Trademark Registration No. 4,332,062



for the mark <sup>®</sup> for "silicone wrist bands; silicone bracelets; jewelry, namely, bracelets and wristbands" in International Class 14, which registration issued May 7, 2013, is based on an application filed in the PTO on October 5, 2012. Attached hereto as Exhibit 51 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,332,062.

143. Monster is the owner of U.S. Trademark Registration No. 4,660,598 for the mark



<sup>®</sup> for "lanyards; lanyards for holding whistles, keys, eyeglasses, sunglasses, mobile telephones, badges, identification cards, event passes, media passes, photographs, recording equipment, or similar conveniences" in International Class 22 which registration issued December 23, 2014, is based on an application filed in the PTO on August 26, 2013. Attached hereto as Exhibit 52 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,660,598.

- 144. Monster is the owner of incontestable U.S. Trademark Registration No. 3,044,315 for the mark MONSTER ENERGY® for "nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 5, which registration issued January 17, 2006 and is based on an application filed in the PTO on May 23, 2003. Attached hereto as Exhibit 53 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,044,315.
- 145. Monster is the owner of incontestable U.S. Trademark Registration No. 4,036,680 for the mark MONSTER ENERGY® for "nutritional supplements in liquid form" in International

Class 5, which registration issued October 11, 2011 and is based on an application filed in the PTO on September 11, 2007. Attached hereto as Exhibit 54 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,036,680.

- 146. Monster is the owner of incontestable U.S. Trademark Registration No. 4,036,681 for the mark MONSTER ENERGY® for "non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy" in International Class 32, which registration issued October 11, 2011 and is based on an application filed in the PTO on September 11, 2007. Attached hereto as Exhibit 55 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,036,681.
- 147. Monster is the owner of incontestable U.S. Trademark Registration No. 3,057,061 for the mark MONSTER ENERGY® for "fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued February 7, 2006 and is based on an application filed in the PTO on April 18, 2002. Attached hereto as Exhibit 56 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3057,061.
- 148. Monster is the owner of incontestable U.S. Trademark Registration No. 4,634,053 for the mark MONSTER ASSAULT® for "nutritional supplements in liquid form; vitamin fortified beverages" in International Class 5 and "non-alcoholic beverages, namely, energy drinks, energy drinks flavored with juice, sports drinks, all enhanced with vitamins, minerals, nutrients, proteins, amino acids, and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued

November 4, 2014, is based on an application filed in the PTO on November 15, 2013. Attached hereto as Exhibit 57 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 4,634,053.

- 149. Monster is the owner of incontestable U.S. Trademark Registration No. 3,959,457 for the mark JAVA MONSTER® for "beverages, namely, soft drinks; non-carbonated energy drinks; non-carbonated sports drinks; soft drinks and non-carbonated energy drinks, all enhanced with vitamins, minerals, nutrients, amino acids, and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued May 10, 2011 and is based on an application filed in the PTO on December 8, 2005. Attached hereto as Exhibit 58 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,959,457.
- 150. Monster is the owner of incontestable U.S. Trademark Registration No. 3,044,314 for the mark M MONSTER ENERGY® for "nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 5, which registration issued January 17, 2006 and is based on an application filed in the PTO on May 23, 2003. Attached hereto as Exhibit 59 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration No. 3,044,314.
- 151. Monster has been very careful to protect its MONSTER brand in the entertainment, clothing, accessories, paper goods, and beverage ware marketplace. Monster enforces and protects its trademark rights against third parties infringing or diluting our trademarks by sending cease and desist letters, submitting notice and takedowns, opposing registration of conflicting trademarks, and initiating litigation as necessary.

- 152. Monster has filed over 200 opposition proceedings and over 25 lawsuits in federal or state court against individuals or companies using marks confusingly similar to trademarks owned by Monster. Monster also has an entire team dedicated to monitoring the Internet for use of its trademarks or marks confusingly similar to its marks.
- 153. Eben McGarr ("Applicant") is applying for the marks shown below (collectively, "Applicant's Marks"):
  - International Class 16 based on alleged use of the mark in interstate commerce since April 8, 2011;
  - MAD MONSTER PARTY for "Organizing exhibitions for educational and entertainment purposes services, namely, organizing and conducting conventions in the fields of horror and popular culture" in International Class 41 based on the alleged use of the mark in interstate commerce since June 1, 2010; and
  - Organizing exhibitions for educational and entertainment purposes services, namely, organizing and conducting conventions in the fields of horror and popular culture" in International Class 41 based on the alleged use of the mark in interstate commerce since June 1, 2010.
- 154. The alleged dates of first use in interstate commerce of Applicant's Marks are long after Monster began using its MONSTER marks in 2002.
- 155. The word "MAD" in Applicant's Marks does nothing to distinguish the marks, because "MONSTER" is still the dominant part of the word. Monster believes consumers are

likely to be confused by Applicant's Marks because consumers seeing Applicant's Marks in connection with entertainment services and magazines will believe this is just another Monster-sponsored, licensed or affiliated product or service. Monster also engages in extensive co-branding for its entertainment services, stickers, clothing, accessories, and beverage ware. Consumers may believe that Applicant's products are co-branded products with Monster.

- 156. Further, Applicant and Monster both offer clothing, bags, beverage, beverage ware, cooking utensils, accessories, and entertainment services (e.g., sci-fi conventions and Halloween events) in connection with their MONSTER-inclusive marks. Monster's sponsored athletes are frequently shown on television and social media wearing clothing and using bags and beverage ware bearing the MONSTER Marks. This increases the likelihood consumers may believe clothing, bags, or beverage ware bearing Applicant's Marks are affiliated or sponsored by Monster.
- 157. Any mistaken association between Applicant's products and services used in connection with Applicant's Marks with Monster and its authorized products and services will harm Monster. The mistaken association will directly affect Monster's control over its business reputation and goodwill. Consumer confusion between Monster's authorized clothing, bags, beverages, beverage ware, cooking gear, accessories, entertainment services, and other goods and services bearing its MONSTER Marks and clothing, bags, with entertainment services, magazines, bags, beverages, beverage ware, cooking gear, and/or accessories in connection with Applicant's Marks will cause irreparable harm to Monster's reputation for high-quality products.

I decla	are under penalty of	perjury under the	laws of the Ur	nited States of	America that the
foregoing is t	rue and correct.				

Executed on Mar 4, 2022	at Laguna Beach, California.
	Feature Science (I) 24/24 (2/24 PM2)
	Rodney Sacks

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **TESTIMONY DECLARATION OF RODNEY SACKS** has been served on Applicant's counsel of record on March 7, 2022 via electronic mail to:

Peter C. Beirne LAW OFFICE OF PETER C. BEIRNE peter@petercbeirne.com

Signature:	Popularan	
Name: Dore	een P. Buluran	
Date: Marc	h 7, 2022	

54190361

# **EXHIBIT 1**



< Category Roundup—Energy Drinks

BY KEVIN O'ROURKE

THE ENERGY DRINK CATEGORY IS A LOT MORE THAN JUST BULLS, THERE ARE ROCKSTARS, MONSTERS, STINGERS, TOO.



nergy drinks, once a mere offshoot of the sports drink category, have grown up. And the Gen-Ysters that have grown up with them are hooked. A \$12 million segment in 1997, energy drinks grew to

nearly a half-billion-dollar entity in 2002, with sales increasing 45.9 percent vs. a year ago. But, what was once all Red Bull is now filled with color characters. Here is a rundown of the energy drink players.

# MONSTER

The folks at Monster Beverage Co., division of Hansen's Natural Beverage Company, have intro-duced a low-carbohydrate, lower-calorie version of its Monster Energy Drink, Offered in the same trade-

mark black 16-ounce can, the light version features monster claw marks in blue rather than the original green.



# SOBE NO FEAR

SoBe Beverages offers SoBe No Fear-an energy supplement with a new taste that delivers the extra kick you need to get your second, third, or fourth wind. And SoBe No Fear is

"supersized" in 16-ounce cans, just to make sure you get the extra kick you need.



## INVIGOR8

Campbell's and V8 enter the energy drink segment in the new age beverage category for the first time with the introduction of Invigor8. Campbell's continues its history of innovation it began with V8 Splash,

as Invigor8is the only nationally distributed energy drink on the market featuring 100 percent juice and no added sugar. Invigor8 will debut in two varieties—Energy Boost and Nutrition Boost-each of which will feature the brand's unique blend of 100 percent juice, with B<sub>3</sub> (niacin), B<sub>6</sub>, B<sub>12</sub> and antioxidant vitamins A & C. Energy Boost contains caffeine and guaraná in a light and fruity strawberry/grapefruit flavor. Nutrition Boost, an excellent source of vitamin £ and a good source of calcium and potassium, comes in a refreshing peach/pineapple flavor. Invigor8 will be available in an 8-ounce single-serve can and a multi can 4-pack, with a suggested retail price of \$1.99 per single-serve and \$6.99 per 4-pack.



# PIMPJUICE

Rapper Nelly has teamed with Fillmore Street Brewing Co. in his native St. Louis to introduce Pimp Juice, a non-carbonated energy drink atypical to the usual soda-like energy drinks. It consists of 10 percent apple

juice, with 100 percent vitamin C, B<sub>6</sub>, B<sub>12</sub>, riboflavin, niacin, and panothenic acid.



# LIQUID ICE

Another rapper, Ice-T, star of NBC's Law & Order: SVU, has joined with Multimedia Inc. to launch Liquid Ice Energy Drink, a lightly carbonated drink jammed with nutrients, including the energy-producing enzyme

Co-Q10, which promotes healthy metabolic fuel efficiency in cells. Liquid tce is available in 8.3-ounce cans, and is being tested in the New York metro area. It will retail for \$1,99-



# OMEGA

Fuze Beverage has introduced Omega, with 100 percent real juice, and no high fructose corn syrup, packed with taurine, ginseng, L-carnitine, B vitamins and other power ingredients. Omega is available in 16-

ounce cans and contains a lower calorie count than other energy drinks in the category.



# IMPULSE EXTREME SUGAR FREE

Impulse Beverage Co. has launched Impulse Extreme Sugar Free, with triple the energy without

the sugar, the drink relies on a healthy dose of caffeine, taurine, B vitamins and carbohydrates to fuel physical energy and mental alertness. Each serving contains 100 percent of the RDA of vitamin C, a powerful anti-oxidant. Impulse Extreme offers only 5 calories per serving.



# PURE POWER

The Love Factor Inc. has introduced Pure Power Energy Drink, a delicious and dynamic drink has been formulated with ingredients designed "to provide a reawaken of mental zest and physical vitality for sports, play,

work, study or whenever an extra boost is needed."



# HYPE ENERGY DRINK

This summer, the folks at Hype introduced two new line extensions, and changed the name of its original from Hype Classic to Hype Energy. The new products are Hype Lite, with only 9.9 calories per 100ml, and

Hype x2 in a 500ml can-double the size of its other products. Hype contains the usual suspects of guaraná, caffeine, taurine and ginseng, as well as vitamins B<sub>1</sub>, B<sub>2</sub>, B<sub>3</sub>, B<sub>5</sub>, B<sub>6.</sub>B<sub>12.</sub> E, C, folic acid and biotin.



# YJ STINGER

New from NVE Pharmaceuticals, maker of Stacker 2 diet supple-ments, comes YJ Stinger, "the extreme energy drink." YJ Stinger comes in three flavors—Pounding

Punch, Enraged Raspberry, and Sinful Citrus. A lightly carbonated potion, YJ Stinger is being distributed nationally.



# WIRED

Unique Beverages has taken the "supersize" concept a step further and are giving consumers by offer-ing Wired in 20-ounce bottles. Both Wired and Sugar Free Wired are available in 20-ounce resealable

and 1-liter bottles, as well as 16-ounce cans. Wired 20-ounce retails at the same price as most other 8-ounce energy cans, while the 1-liter package carries a suggested retail tag of \$2.99.



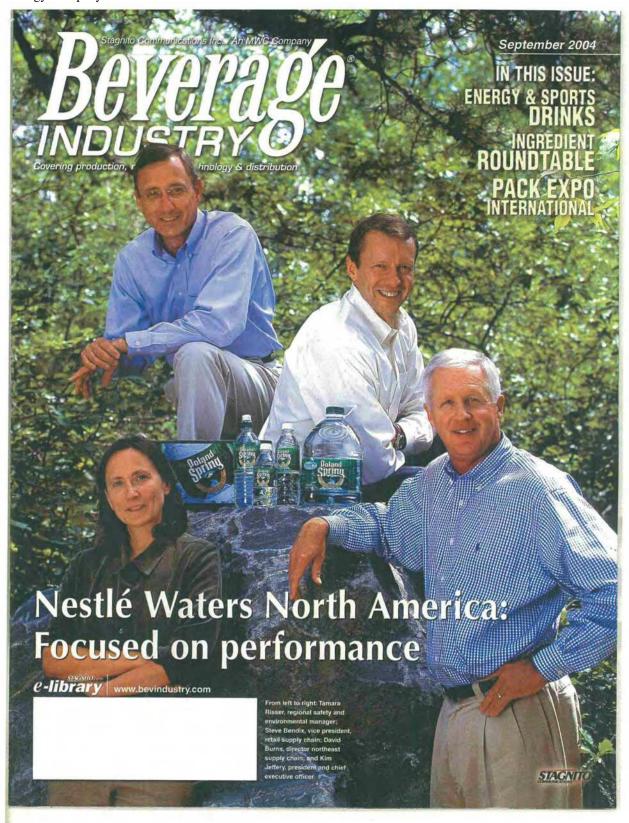
# ROCKSTAR

Rockstar Energy Drink is formulated to provide the body with the perfect balance of vitamins and herbs to fully energize those who choose to work hard and play

harder. Engineered with active ingredients such guaraná, milk thistle, inos-Itol, Siberian ginseng, gingko biloba, L-carnitine and taurine, the line is also available in a low-cal incarnation. Diet Rockstar offers no calories or carbohydrates from sugar. It is sweetened with a balanced blend of Splenda and Ace-K. ba

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# CATEGORY FOCUS

# Sports, energy drink-makers take on giants

nee upon a time, "sports drinks" meant one thing: Gatorade. But while the Gator still enjoys a mammoth 80-plus share in the category, other entries continue to hang in there. An increasingly active consumer base, combined with the maturation of the category's credibility, has made it a profitable place to be... even for those bringing up the rear.

Andy Horrow, director of equity communications and professional marketing at Gatorade, says, "Being so dominant in the sports drink category has allowed us to ensure that the category remains highly credible."

He believes that marketing Gatorade as a highly functional and scientifically proven sports drink has driven competitors to elevate functionality to a higher level as well. Remember, he says, "Gatorade was created for and remains a function-

# Sports drinks for kids

A ard-working athletes like Michael Jordan and Mie Hamm chugging a sports drink are a famillar sight. But kids work pretty hard, too, and the latest trend in the category puts the ball in their court.

Keeping in mind that younger altifates can't always drink a 20-ounce bottle. Galorade Alt-Stars was designed in smaller bottles that would it a young altifate's grip — and with flavors that would it their tastebuds.

AllStars is formulated the same as all Galorade flavors — a 6-persent carbohydrate and electrolyte blend. The difference between it and other Galorade products lies mainly in the taste profile, and the company says it tests more than 50 varieties of the same flavor before a decides on the winning taste.

Espri Sun Sport, Introduced in 2003, is also specifically designed for Aids. An all-natural sports drink that contains electrolytes and is packaged in a kid-triandly fell pouch, Capri Sen Sport is svallable in five flayors.

Also "sportling" an athletic pedigree, Capri Sun Sport is the official beverage of the American Youth Sector Association (AYSO), Little League Baseball and the Youth Baskethall of America (YBOA), and the official sports drink of Pop Warmer Fontball.

al and critical piece of equipment for athletes. If athletes aren't hydrated, they can risk their well being and performance. We've led the way in functional marketing, and [we] like when at least some of our competitors put the needs of an athlete first in marketing their sports drinks."

There are six sublines of Gatorade beyond the original flavors (Lemon Lime, Orange, Fruit Punch), which remain the biggest sellers, Frost, Fierce, Ice, Xtremol, X-Factor and All-Stars (see sidebar) cater to different preferences. "Some consumers prefer a lighter, crisper taste, some prefer a bold, intense taste," Horrow explains, Some don't like colors." Gatorade X-Factor debuted this year, and "has blown away our expectations." he says, "driving a good deal of incremental volume for the brand."

Gatorade's nearest competitor, Powerade, is by no means cowering

in the corner, preferring instead to concentrate on its own success in innovation. "We have been growing robustly for several years, and we see continued growth in the future." affirms spokesperson Scott Williamson. "The category as a whole continues to grow as does our place within it. Our growth is driven by innovation, and we have been an innovative force within the category for some time." He cites that Powerade was the first to introduce non-traditional flavors and colors, offer a sports cap and include B vitamins.

Powerade is now leveraging its relationship with the NBA's LeBron James, and has introduced Flava23, the first sports drink actually designed by a superstar athlete, and the first to be launched in conjunction with a related comic book. James, Williamson says, was "involved in every aspect of the creation of Flava23, from choosing its Sourberry' flavor profile to selecting the signature burgundy color." He also helped to develop the package graphics, which feature a stylized omic version of James soaring through the air.

Smaller players have also thrown their hats into the ring, undaunted by the giants. Strength Systems USA, for example, offers Protein Ice in five flavors (Apple-Melon Splash, Arctic Grape, Fruit Punch Freeze and IceBiue Raspberry) that contain 40 grams of ultra-filtered whey protein isolate with no sugar, carbs, aspartame, Iactose or fat. The company's Quick Loss "Fat Burning, Thirst Quenching Drinks" in Tropical Breeze, Passion Fruit, Strawberry Kiwi and Mandarin Orange flavors are designed to boost energy and enhance metabolism to burn fat more efficiently.

Running with the Bull
Like sports drinks, the energy drink
category is dominated by one product — Red Bull — but that hasn't
stopped smaller companies from
grabbing their share of the remaining half of the pie. Innovators and
mavericks alike have had success in
this category, with high profit mar-

gins making it an attractive proposition.

Rockstar literally exploded onto the scene a few years ago, giving the Austrian elixir a run for its money.

continued on page 20



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September 2004

# CATEGORY FOCUS

continued from page 18
But the company's biggest coup to
date, says Executive Vice President of
Sales Joe Cannata, is its latest distribution agreement — landing CocaCola Consolidated (CCBCC),
Charlotte, N.C., Coca-Cola's secondlargest distributor.

"It's a really big deal for a company like ours, especially when you

op Sports drinks by brand

consider Coke has its own energy drink in KMX," he enthuses. "But CCBCC decided to go with the strongest non-Red Bull brand, and that was us."

The Las Vegas-based company introduced a diet version last year, and recently came out with Rockstar Energy Cola. Explains Cannata, "We've already built Rockstar and

Diet Rockstar to the point where our market share's growing and we're giving Red Bull a fight. We wanted to expand our portfolio, but not by confusing people by putting the same drink in a different can."

Rockstar figured a cola made sense, realizing that people drink energy drinks for functionality, but don't necessarily like the taste. "We wanted to offer the consumer an energy drink in a traditional, familiar flavor," he says, "and energy drink don't exactly go well with food, but cola is something people drink with food every day."

He figures it will keep

people in the category longer, and also bring in some that are outside the usual youthful demographic, perhaps older people looking for an alternative to coffee. And on-premise, Rockstar Energy Cola mixes well with darker spirits.

Another strong contender is Hansen's, whose myriad product offerings include Monster, Lost and Energade. Senior Vice President Mark Hall isn't running scared, either. "It's no harder competing with Red Bull than it is for Miller to

compete with A-B, which has the same share," he insists. "They are by no means unassailable, and actually we're finding lots of fertile ground."

It's a young category, he reasons, and it's growing—
a lot of new users are coming into the category who don't necessarily see Red Bull as the end-all. It's also a youthful demographic.
"That doesn't mean that they're all young in age, but they're young at heart and in mind," says Hall. "This consumer likes the edgier designs, so some of our current offerings are being retrofitted to [reflect that]."

Hansen's noticed that one area it wasn't totally hitting was the youngest end of the spectrum; the youngest males. "They were gravitating toward other entries, so we came out with Lost continued on page 22

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# CATEGORY FOCUS

continued from page 20 Energy Drink," he says. "We licensed the name from an edgy surfboard/clothing manufacturer, and it's our second-best seller now."

Hall says it's not about making another flavor of a current product, but about line-extending energy drinks with personalities. The Hansen's name isn't even on Monster and Lost, and it's similarly restaging Energade because "Hansen's means healthy, good-for-you, soccer moms and kids, and that really doesn't play in this category."

But mom's territory — the supermarket — is coming on strong in this c-store-dominated category, so Hansen's designed multipacks (currently Monster and Monster Lo-Carb with more to follow) to meet that demand.

And more than sports drinks, this category has room for the smaller garden. Go East, positioned as "The Athlete's Energy Drink," set itself apart by using Australian honey instead of high fructose corn syrup, lower sugar and sodium content, and no preservatives.

Vice President of Communications Heather Hill says, "Go Fast is not just another beverage using sports as a marketing tool, but was founded by athletes in the extreme sports scene. She believes it's "maintained it: authenticity in the sports realn tapping into the heartbeat of its consumers, and employing people who truly live and speak the brand, and who can relate directly to the consumers' passions and interests." Go Fast recently launched Go Fast Light, which tastes similar to the original but is sweetened with honey and Splenda and contains 20 calories and I carb per serving.

As an independent brand focusing on a quality product, notes Hill, "the ingredients we are more expensive, the marketing/sales support required to be successful is very expensive and with so many 'overnight' entrants, the category can get diluted."

This sentiment is echoed by Rockstar's Cannata, who says a lot of those "overnights" will be gone in a year or two. "They're already practically giving away their product as it is," he points out. "They're in it to make a little money in the short-term, fill their coffers and get out. But they're compromising the integrity of the category's pricing," BI





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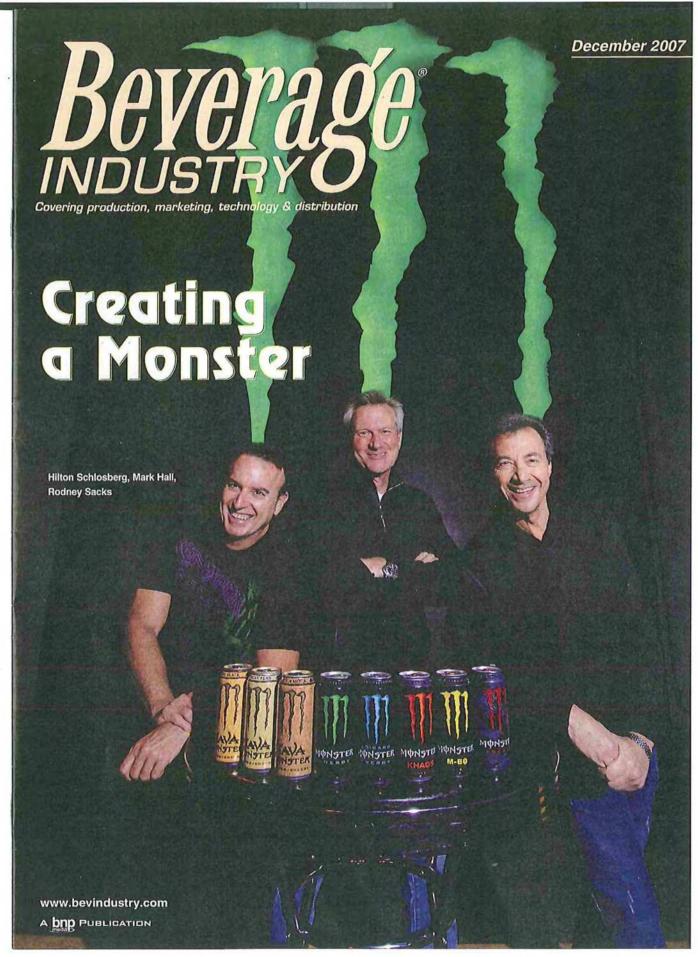
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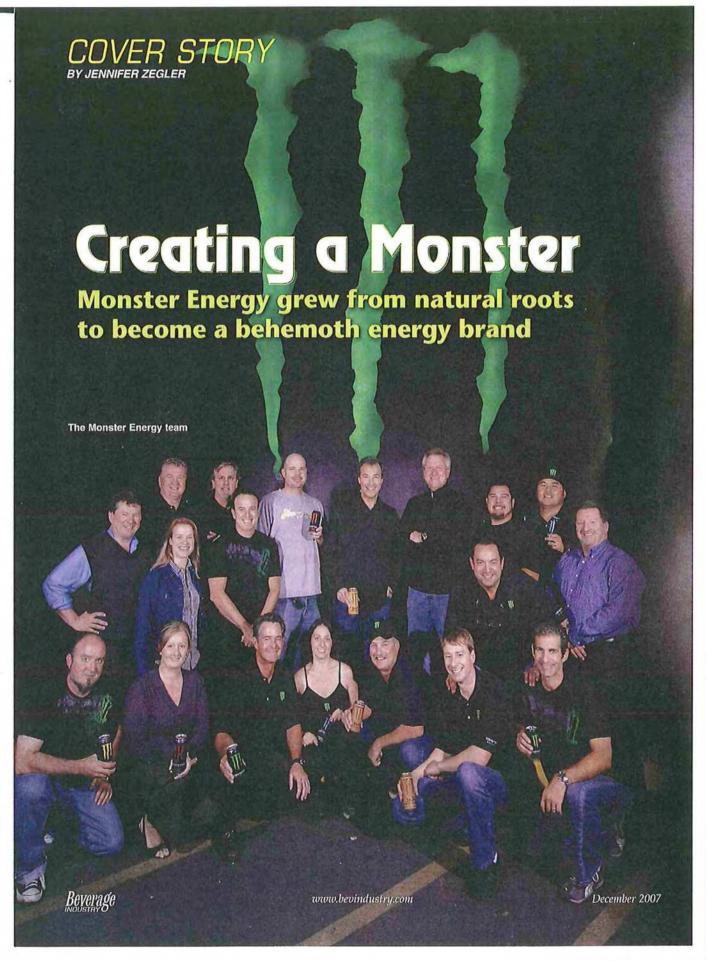
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September 2004





he phrase monster conjures up the childhood mystery figure under the bed, or perhaps, one of the many Hollywood horror movie versions. More recently, the neon green claw logo that represents Monster energy drink has ranked close behind the boogeyman or Frankenstein. Like those Hollywood figures, the claw logo has become an identifiable symbol for the No. 2 selling brand in the fast-growing energy drink category, which has become a force all its own.

"Monster is aggressive, cool, sinister, dark, mysterious and fun," says the brand's positioning statement. "Monster is about action sports, punk rock music, partying,

girls and living life on the edge."

The brand keeps the category interesting by adding more products and SKUs to its lineup.

Made by Hansen
Natural Corp., Corona,
Calif., Monster now features eight incarnations and a variety of packaging options. Its latest creation

— Java Monster — blends coffee flavors and its proprietary energy blend

for a category-blurring beverage.

"One of the main differences we
believe we found with Monster was
that instead of just creating a brand,

another drink, we created a whole different personality and an image around the brand," says Rodney Sacks, chairman and chief executive officer of Hansen Natural Corp. "I think our primary focus is to keep that personality true to itself and in the forefront of consumers' minds. And that has meant, in many cases, continuing to adapt to changes in consumer preferences, sports and interests. As they change, we've tended to immediately follow

#### om natural roots

in those areas."

reating this Monster was not an ousy task. In the late 1990s, the juice, smoothie and soft drink maker was

an early figure in the budding energy drink category with its Hansen's Energy drink. After a few incarnations, including functional endurance, de-stress and anti-oxidant blends, the company re-evaluated how Hansen's Energy fit in with Hansen Natural's portfolio.

"Hansen was a brand that was well established," Sacks says. "It stands for natural, trusted, good-foryou beverages, and has had that reputation for 70 years. So when we came out with Hansen's Energy, we wanted to keep everything under one umbrella and that trademark. The consumer for Hansen's Energy was a younger, aggressive male consumer. What we struggled with was being able to make the brand meaningful and cool to young male consumers while the brand stood for and marketed itself as homey and family-oriented with good-for-you values."

Realizing the disconnect between the natural line and energy brands, Sacks along with Hilton Schlosberg, vice chairman of the board of directors, worked with Mark Hall, current president of Monster Beverage Co., to branch out from the Hansen's trademark and develop an energy drink that could effectively go after the proper demographic.

"We walked that tightrope for many years and eventually came to the decision that if we were going to make a real impression in this category, we needed to create a brand that really spoke for, looked like and conveyed what the category really wanted, what young, male consumers really wanted and felt like," Sacks says. "It's their lifestyle. So when Monster was born we were able to do things such as go into extreme sports. It just never was possible before."

Monster continues to market to that target demographic of young, 18-to 30-year-old males who are into action sports, rock music and in need of energy. The demographic is kept in mind as the brand launches new variations from its initial green Monster Energy drink. The product premiered in a 16-ounce can and the "green" lineup, as it is known in the company, has since grown to include a 24-ounce resealable "cap can" and 32-ounce can.

The 24-ounce "cap can" offers more Monster with the advantage of resealability, which is well-suited for the consumer on the move. Additionally, the package features an added spectacle of a smoking effect when the can is opened. The package launched last year with the intention of going national, but the demand outstripped the supply so sales were restricted to California, explains Geoff Brenumer, Monster brand manager.

"It became our second best selling SKU at retail, given equal distribution, with our regular green Monster 16-ounce as No. 1," Bremmer says. "What's most exciting about that is our distribution on 24-ounce is not anywhere near the 16-ounce green can yet — it's only half as much."

Also new to the green lineup is the 32-ounce can, which Bremmer says is basically a four-pack of 8ounce cans in one container. The 32-ounce can retails for \$3.99 and recently began shipping.

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Beverage

#### COVER STORY

The first line extension for the brand was Monster Lo-Carb, which is a lower calorie formulation of green Monster, and a personal favorite of Hall, who says he drinks two a day. Unlike many lower carbohydrate formulations, Monster Lo-Carb contains glucose, which is part of Monster's energy blend. According to the company, the inclusion of glucose in this "blue" variety allows for faster delivery of energy benefits.

Within all of its innovation, Monster seeks to expand energy drinks to more usage occasions. Such was the case with Monster Assault, which combines energy with a soft drink flavor, Bremmer



Geoff Bremmer, Monster brand manager, shows the 16-, 24- and 32-ounce cans in its "green" Monster lineup to Beverage Industry's Jennifer Zegler.

Hansens

sponding water influent from part for

"People drink an energy drink maybe at 3 in the afternoon after a long day, before they go out at night or in the morning to get them going, but it's usually for a functional reason," he says: "People drink a cola while they're eating lunch or dinner. The thought on Monster Assault was, 'Let's blend the effectiveness of an

energy drink with the refreshment of a soft drink."

From there, the brand continued its hybridization with energy and juice products Monster Khaos and M-80. These "plus juice" products not only added health benefits, but also opened the product to morning drinking occasions. While Khaos has a dominant orange flavor and M-80 features more tropical notes, Monster does not base product names on flavors.

"There are no flavors of Monster; there are only different personalities," Hall says. "We have a juice item, Khaos, but when they say, 'What does it taste like?' Our answer is it tastes like 'It.' We don't name the flavors. If I gave it to 10 people, they'd all say something, but they cannot exactly describe what it is. They wouldn't say, 'Oh, it's orange.'"

Additionally, to back up its claims of efficacy, Hansen has a doctor of pharmacology on staff who assists during new product development. If Monster wants to add a new ingredient to its energy blend, it consults with the professor, who evaluates the literature both on the ingredient and its interaction with the existing ingredients, Hall says. The professor also is on hand to answer technical inquiries the brand receives from consumers.

#### On-premise push

The multiple Monster "personalities" are gaining exposure in the on-premise segment. In May 2006, Hansen and Anheuser-Busch Inc.,

\*

#### Natural innovation

While Monster makes up more than 80 percent of Hansen Natural Corp.'s sales, according to Rodney Sacks, chairman and chief executive officer, the company remains innovative on the Hansen's Natural side of the business. The natural beverage business was the company's base when Sacks and his partners purchased the juice and natural soda company in 1992.

"Hansen's continues to be a very important and, I think, strategically placed brand in the beverage industry today," Sacks says. "It's a brand that's probably one of the only, if not the only brand,

that has real credibility and heritage. Most of the new age brands that are trying to be healthier are brands that are inventions of bigger companies. Hansen's is a brand that started 70 years ago by selling natural, fresh juices to film studios in Southern California. It has continued to enjoy a premium, trusted Image and we've continued to build on that."

Hansen's Natural brand is extending Hansen's Natural Soda line with fruit flavors in both regular and sugar-free versions. In contrast to the Monster image, Hansen's new sparkling line is packaged in sleek 10.5-ounce cans with understated packaging. The new line will be sold in four-packs in flavors such as Dragoniruit and Blueberry Pomegranate.

"We're launching a whole new line of products that we believe will resonate well with health-conscious consumers, particularly those who are now expressing concern at the levels of [high] fructose corn syrup in sodas, carbonated products and juices," Sacks explains. "We think we have some great new products that are continuing to innovate and drive the Hansen's business from that side."

As the natural trend encapsulates all areas of the food and beverage industry, the company with the term in its name feels confident in its roots.

"We believe that the Hansen's Natural business is really well positioned going forward to take advantage of this health wave that is sweeping the country," Sacks says.

Beverage

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St. Louis, formed a distribution deal in which select Anheuser-Busch wholesalers will have the rights to distribute Monster, Lost and Rumba energy drinks. Over the course of the year, the distribution rights were transitioned in certain territories from Hansen's network of beer and liquor distributors as well as soft drink bottlers to the Anheuser-Busch system.

Since the agreement, Monster has been working with Anheuser-Busch's distribution network to expand Monster's on-premise availability as well. The company hopes to bring the entire Monster portfolio, including its latest Java Monster lineup, into restaurants, bars and nightclubs. Bremmer says Monster, Lo-Carb, Khaos, M-80, Assault and Java Monster are all good for mixing.

"There is a lot more a bar owner can do with our portfolio and boost their profits through our brands," he says.

#### Marketing Monster

Much of Monster's status is intertwined in how the brand is marketed. Equally important is how it is not marketed; Monster does no mass media marketing, including television ads or billboards. Instead, it focuses on sponsoring athletes, artists, personalities, tours and events to target its young male demographic.

The company's Southern California roots influence Monster's partnerships, Bremmer says.

"We're based near Orange County, Calif., which is the mecca of action sports: surfing, skating and snowboarding," he says. "Many of the apparel and sports brands like Oakley, Billabong, Burton and Quiksilver; if they are not based in Orange County, they've set up an office here. Corona also is the hotbed of motor sports with many of our sponsored race teams just down the street."

The neon green claw logo has long been a staple at punk rock summer festival The Warped Tour or during action sports competitions such as the X-Games. When Monster was getting its start, Hall and his team offered on-the-spot sponsorships to X-Game athletes. Now the brand is ingrained in the action sports tournament. At this summer's X-Games, Monster athletes

scored a total of 14 medals.

Monster has grown along with its athletes. BMX riders (and occasional MTV hosts) Dave Mirra and T.J. Lavin are sponsored by Monster. Racecar driver Robby Gordon is sponsored and will be featured in an upcoming promotion for the brand. It also keeps an eye on up-and-coming athletes, such as Riley Hawk, the son of skateboarding star Tony Hawk.

Monster also works with music artists and tours. This year,
OzzFest, which is put on by Black
Sabbath member Ozzy Osbourne and his wife Sharon, decided to give back to its fans by removing the entry fee for its tour stops.
Instead of paying high prices for tickets to the heavy metal tour, fans could only get tickets through OzzFest's Web site or through a Monster four-pack promotion.

"The batch through OzzFest sold out within one day, so [Monster] was the only place left to get tickets to OzzFest," Bremmer explains. "It was such a huge success that we had over 20,000 ticket redemptions. It went so well we're bringing back a similar promotion this year."

Additionally, Monster has a Hispanic initiative, which sponsors Spanish rock bands and more than 40 events a year. The brand also has a presence on college campuses with Monster ambassadors located on nearly 150 campuses across the country. Furthermore, the brand has approximately 25 street teams in nationwide markets to give out energy "where its consumers need it the most," Bremmer says. The teams may visit beaches, skate parks, record stores and other local hangouts to sample Monster products.

For the virtually minded consumer, Monster integrated itself into "Dave Mirra's BMX Challenge," a video game for Nintendo's Wii game system. In the game, Mirra wears a Monster logo shirt and the game's energy monitor is shaped as Monster's green claw logo. As the player lands BMX

## Preparing for segmentation

Anticipating the trends is one way to stay ahead of the pack. In the energy drink category, Monster thinks the next wave will be price segmentation.

"We anticipate the energy category might be affected by the segmentation we're seeing in the beer market, where there are premium, mid-grade and low-tier products," says Geoff Bremmer, Monster brand manager. "Right now, virtually all energy drinks are at the same price point. We think within the energy drink category, segmentation will start to rise with different packaging sizes and brands to create segments that open the category."

In preparation for segmentation, Hansen Natural Corp. offers several allied brands, including Lost, Rumba, Unbound, Joker and Ace energy drinks. The Monster brand occupies the premium tier. The Lost brand, which was an early partnership for Hansen's with the surfboard manufacturer of the same name, is distributed exclusively by Anheuser-Busch, with which Hansen's formed a partnership in 2006. Rumba energy drink, which is made with juice, also is featured in the distribution partnership.

In a lower-priced tier, are Joker, Unbound and Ace energy drinks. Joker was developed through a partnership between Hansen's and convenience store chain Circle K and was expanded into national direct store distribution for a lower price. That also was the case with Unbound, which was created for AM/PM convenience store chain and since been expanded nationally. Both Joker and Unbound are often run on two for \$3 promotions, while Monster retails for \$2.29, Bremmer says.

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Beverage NOUSTRY S

#### COVER STORY

tricks, the energy 'M' fills up, and when it's filled to the brim, the player gets an extra burst of energy for its virtual BMX rider.

#### Adding new Monsters

In order to stay fresh in a fastgrowing category, innovation is necessary. While Monster has been at the forefront of hybrid energy products, the brand continues to push the envelope with new

"If you're going to try to get ahead of the pack, in growth, in positioning, you have to be different," Sacks explains. "And to be different you've got to be creative and you've got to be ahead of the curve, which is a colloquial expression everybody uses, but you really need to come out with products that are different and do so ahead of the other people. And then what happens is that everybody copies very quickly, so you find yourself having to continue to innovate and be different."

In June, Monster dared to be different with the launch of Java Monster, a line of coffee/energy drinks. Unlike its brethren, Java Monster features a dairy base with coffee, mocha and vanilla latte flavors. The product features less caffeine than traditional coffeehouse coffee, but with the added effects from the amino acids, B vitamins, taurine and ginseng in its energy blend. Instead of stocking Java Monster alongside energy drinks, Monster is marketed and merchandised as a ready-to-drink coffee beverage.

Not only does the company hope Java Monster brings more efficacy to the RTD coffee category, but also some masculinity. The company is positioning the product as "coffee for real guys," Hall says. It's an RTD coffee product that can

be confidently brought on to the job site, Bremmer adds.

Despite its masculine positioning, Monster took a careful

approach to the package design of Java Monster, Instead of the Monster logo in metal, the 'M' logo is burned into wood for a homey coffee feel that does not take too much away from Monster's masculine image, Hall explains. Through both the packaging and the product, Java Monster has brought in new consumers.

"The simple vision of Java Monster was to take the energy needs of those consumers who are either afraid, inexperienced or put off by the whole marketing and concept of energy drinks and fulfill their energy needs with a Monster branded product," Hall says. "We were very conscious in the design that we were able to transfer some of our equity over without screwing up who we are and our core imagery."

The line launched in Big Black, Loca Moca and Mean Bean flavors and has been transcending demographics to attract males and females in broad age ranges when it's been on store shelves. In the first months of the launch, production of Java Monster could hardly keep up with demand.

"It's blown away our forecast," Bremmer says. "We reached the point where we weren't able to fill our orders. A lot of our initial plans were to sample the product using our street teams during the morning shift and really get the product out there, but we weren't able to fill our orders, let alone give the product to our sampling teams. So for 2008 we will be able to do a lot



of the things we had planned for

Not only does the company plan on added visibility for the line, it hints at Java Monster

extensions.

"There are a number of SKUs we're going to launch because we really do feel we can command the shelf space," Sacks says. "We think it's important, creative and shouldn't cannibalize the existing energy category. It really should be placed in the coffee door with morning products, with juices and competitive coffee products. We believe that it's going to be incremental because it will draw more consumers into that coffee/energy category and the energy category as such."

Monster hopes the newcomers who are picking up Java Monster will be inspired to try Monster's carbonated varieties.

"The cross-pollenation has been really good," Sacks says. "That's where we are at the moment, but we'll think of new things by the middle of next year, I have no doubt. We'll continue to try to innovate and look at where we should be."

Both Sacks and Hall say the energy category is not just a fad, and even venture to say that energy drinks are the new soft drinks.

"We believe that the energy drink category as a category is here to stay, but there are going to be refinements within that category to keep it interesting, make it interesting for consumers and help broaden it to more consumers," Sacks says. "We think Java Monster is broadening it to the existing consumer and bringing in additional consumers: the morning consumer, the coffee drinker, the orange juice drinker and more." BI

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#### PLANT FOCUS

# Energy exchange

## Production of Monster Energy drink calls for a network of co-packers and distributors

In order to produce the 35 million cases of Monster energy drinks that are sold each year, Hansen Natural Corp., Corona, Calif., has created several partnerships. The company has a network of regional co-packers and distribution warehouses for production and storage of its carbonated, juice-based and dairy-based line of energy drinks. The variety of formulations are a boon to Monster's portfolio, but have required additional partnerships with appropriate co-packers.

"Our network has continued to grow at a rapid rate," says Gareth Bowen, senior vice president of operations. "Monster alone in 2006 utilized six co-packers, and in 2007 we've used 11 co-packers. It provides benefits in that we're able to have more national distribution. It makes it easier to meet orders on time and to ship shorter distances."

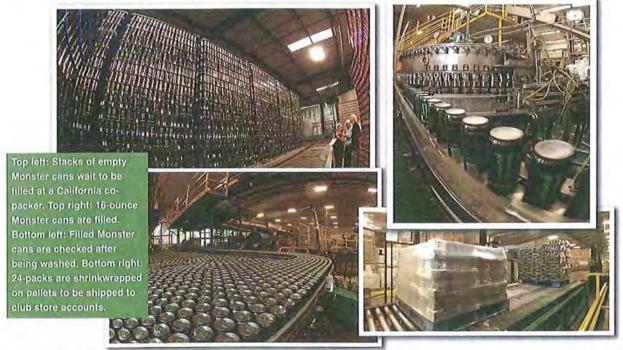
A co-packer near Hansen's Corona, Calif., headquarters produces Monster's "green," Lo Carb and Assault varieties. The plant receives empty Monster cans by truck in full pallets, which are stored onsite until needed. As with all its co-packers, Hansen's provides plants with the necessary materials and ingredients.

Produced on a traditional carbonated soft drink line, green Monster cans wind through the filler, which loads the cans with regular Monster and then caps and seals the packages. The cans are then checked for fill level and caps are washed. Once the products are checked again and dried, they travel up a vertical ramp to the case packer.

During Beverage Industry's visit, the line was packing 24-can club packs of 16-ounce regular green Monster. From the case packer, the club packs travel to the shrinkwrapper. Plant workers ensure the pallet is display ready for retailers.

Once the pallets are shrink-wrapped and loaded onto a truck, they are transported from the copacker to Hansen's distribution facility in Corona. The 400,000-square-foot distribution facility is located down the street from the company's headquarters.

The Corona warehouse stores pallets of Monster, Hansen's allied



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energy drink brands, fruit beverages and some private label products. The brands' point of sale materials, additional merchandise and event trucks also are stored at the facility. In addition, the Corona warehouse is capable of repacking cases. During Beverage Industry's visit, employees were repacking 24-packs of Monster Lo-Carb to create 12-packs that featured a special flyer.

While the aisles in the distribution center are filled with Monster's multiple varieties, Geoff Bremmer, Monster brand manager, points out pallets of popular new introductions, such as green Monster 24-ounce resealable "cap cans" and Java Monster. The products generally were out of stock so once the pallets were received in the warehouse, they were immediately shipped to fulfill orders.

"With Java Monster, the demand has been so great we haven't been able to fill all orders," says Bowen. "It blew away all our initial forecasts and made us scramble to find additional capacity. In November, Java Monster was produced at six times our initial projections."

Similar stock issues were experienced with Monster's four-packs that had traditional retailers asking for more at the end of the summer, Bowen says. The four-packs as well as eight-packs are allowing for improved velocity in grocery stores, while the convenience sector remains the brand's main focus.

"Convenience stores are our first target because it's such an important part of our business, and convenience stores are often more open to new products," Bremmer says.

According to Bremmer, the convenience channel makes up about 70 percent of Monster's sales. Monster works with its network of independent distributors to ensure its products are always on store shelves. The success of green Monster has opened the door for Monster's innovations, he says.

"Our flagship Monster SKU sales continue to grow in the channel," Bremmer says. "We're putting in more SKUs, and velocity sales per outlet on Monster green 16-ounce continue to rise. Generally sales for the flagship product of most brands is the most critical and sales for our

Left: Multi-packs of Monster Lo-Carb are repackaged at Hansen's Corona, Calif., distribution facility. Below; Geoff Bremmer, Monster brand manager, and Beverage Industry's Jennifer Zegler, walk between stacks of Monster's large stock of energy drinks at the distribution center.

flagship have never dipped. The product continues to grow despite line extensions and multi-packs."

The company maintains a nationwide network of convenience storefocused representatives, which it calls trade development managers. Monster employs 100 trade development managers nationwide who take the time to go into local stores set shelves, sell SKUs and bring in pointof-sale items.

"The trade development managers are experts in their own local area," Bremmer says. "It's a time-consuming and important task. Not every merchandiser can accommodate every SKU and put up P.O.S. inside and outside the store. The trade development managers are in the market and have the time, so if they need to take apart a shelf and reorganize it, they'll do it. It's a service level that our company has provided from the start."

To make sure the product is consistent across its network of co-packers in Southern California, Texas, Florida, the Carolinas, Minnesota and Missouri, samples of Monster are shipped from the co-packer to Hansen's Quality Control Department. In its facility, which is adjacent to the Corona warehouse, Hansen employees test the blended products.

Since May 2006, Hansen has had a distribution arrangements with many Anheuser-Busch distributors for Monster and two other affiliated

> energy drinks. The Anheuser-Busch network is now one of Hansen's primary distributors, but it is not an exclusive agreement, Bowen says. The company still has licensing agreements with various distributors in many territories by brand and by channel.

"We strive to streamline the supply chain and utilize services they offer so the product is in the right place to maximize sales," Bowen says. **BI** 



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#### **SPECIAL REPORT**

## **Hot Growth Companies**

TO WIN A POSITION IN THIS TABLE, a company must excel in three ways. The selection process begins by ranking companies according to their three-year results in sales growth, earnings growth, and return on invested capital. The ranks in the table are calculated from these numbers. A company's composite rank is the sum of 0.5 times its rank in return on total capital plus 0.25 times its sales- and profit-growth ranks.

COMPANIES WERE DRAWN from Standard & Poor's Compustat database of more than 10,000 publicly traded corporations. To qualify, a company must have annual sales of more than \$50 million and less than \$1.5 billion, a current market value greater than \$25 million, a current stock price of at

least \$5, and be actively traded. Banks, insurers, real estate firms, and utilities are excluded. So are companies with significant declines in current financial results or in stock price, as well as companies where other developments raise questions about future performance.

**SALES AND EARNINGS** are the latest figures available through the most recent 12 months. Earnings include net income from continuing operations before gains or losses from extraordinary items.

INCREASES IN SALES AND PROFITS are calculated using the least-squares method. If results for the earliest year are negative or not available, the average is for two years.

RETURN ON CAPITAL is earnings expressed as a percent of total debt and equity. For ranking purposes, the maximum allowable annual return on invested capital is 100%. If companies have made substantial accounting restatements, long-term returns may be averaged for two years instead of three years.

TIME PERIODS VARY according to the month of a company's fiscal yearend. Profitability and growth are calculated based on the most recently available data.

STOCK PRICE DATA are as of Apr. 28, 2006.

A o indicates that a company also appeared in last year's rankings (BW—June 6, 2005).

	COMPANY (STOCK SYMBOL)		CURRENT RESULTS		E-YEAR A	VERAGES	INVESTMENT DATA			
			EARNINGS \$ MIL.	INCRE SALES	ASE (%) PROFITS	RETURN ON CAPITAL	52-WEEK HIGH-LOW		P-E RATIO	MARKI VALU \$ MIL
1	VAALCO Energy (EGY) Houston 713 623-0801 Finding and pumping oil off of Africa's Atlantic Coast	93.0	33.7	98.9	297.5	35.2	8-3	7	12	409
2	Hansen Natural (HANS) Corona, Calif. 909 739-6200 • Keeps hipsters hydrated with juices, sodas, teas, and energy drinks	408.6	75,0	56.7	180.9	31.9	146 - 29	129	42	289
3	Palomar Medical Technologies (PMTI) Burlington, Mass. 781 993-2300 • Lasers and lamp systems used for medical and aesthetic procedures	81.6	20.2	44.8	600.1	31.2	43 - 21	42	41	73
4	W&T Offshore (WTI) Houston 713 626-8525 ● Explores and exploits oil and gas reserves, mostly in the Gulf of Mexic		205.6	42.5	298.4	30.7	47 - 19	43	14	281
5	NAVTEQ (NVT) Chicago 312 894-7000 Its map database guides vehicle navigation systems and Web sites	514.1	169.7	44.1	115.0	52.7	56 - 34	42	23	382
6	Under Armour (UARM) Baltimore 410 454-6428 Develops and markets its brand of microfiber athletic apparel	310.6	25.9	78.3	100.1	32.3	42 - 21	37	75	170
7	VASCO Data Security Intl. (VDSI) Oakbrook Terrace, III. 630 932-8844 Designs and supports user authentication and online security systems	56.8	8.3	41.2	218.1	21.3	12 - 7	9	43	33
8	Programmer's Paradise (PROG) Shrewsbury, N.J. 732 389-8950 Direct wholesaler of software and hardware for IT professionals	142.8	2.9	30.2	372.7	20.6	14 - 8	13	19	5
9	LCAVision (LCAV) Cincinnati 513 792-9292 When you need to read the bottom line, its laser eye surgery helps	215.6	35,4	47.0	108.7	19.8	58 - 33	56	34	116
10	Blue Nile (NILE) Seattle 206 336-6700 Peruse more than 50,000 diamonds at this online megastore of bling	209.7	12.9	40.2	69.5	39.1	44 - 25	35	50	60
11	Volcom (VLCM) Costa Mesa, Calif. 949 646-2175 Makers of youth apparel related to boardsports	169.9	27.5	41.7	58.3	63.1	41 - 24	36	30	86
12	American Science & Engineering (ASEI) Billerica, Mass. 978 262-8700 Develops advanced X-ray systems sold primarily to governments	149.8	34.4	32.2	324.1	18.1	94 - 36	86	23	74
13	ASV (ASVI) Grand Rapids, Minn. 218 327-3434 • Rubber-tracked construction vehicles for all seasons	256.8	29.3	75.9	165.3	14.2	35 - 16	25	24	67
14	PeopleSupport (PSPT) Los Angeles 310 824-6200 Outsourcers of customer care, tech support, and sales	71.1	22.9	46.6	69.1	29.2	12 - 7	11	9	19
15	Imperial Industries (IPII) Pompano Beach, Fla. 954 917-7665 Producer and distributor of wall-finishing materials like stucco	75.7	3,7	26.4	130.9	21.8	31 - 7	25	18	6
16	Cognizant Technology Solutions (CTSH) Teaneck, N.J. 201 801-0233 • Offshore outsourcing for tech services	989.6	181.5	57.2	69.4	21.5	65 - 41	64	51	886
17	Multi-Fineline Electronix (MFLX) Anaheim, Calif. 714 238-1488  Manufactures flexible printed circuits and circuit assemblies	458.8	49.7	52.0	117.4	15.5	67 – 14	58	30	142
18	Hittile Microwave (HITT) Chelmsford, Mass. 978 250-3343 Its integrated circuits show up in items from cable moderns to satellite	90.7	25.7	38.1	73.1	25.4	39 - 18	39	46	11

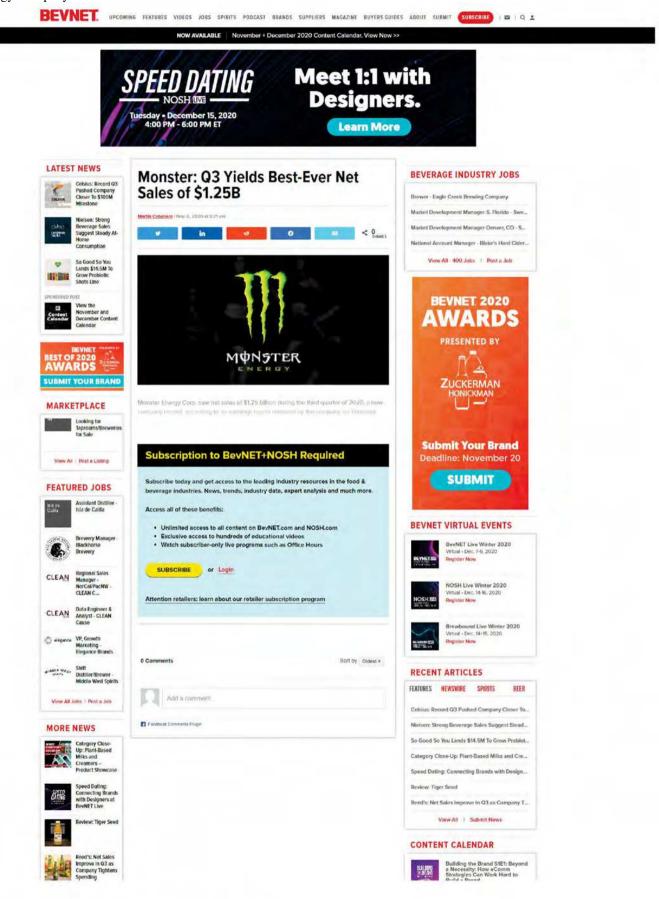
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	HOT GROWTH COMPANIES  COMPANY (STOCK SYMBOL)		NT RESULTS	THRE	E-YEAR A	VERAGES	IN	VESTME	NT DA	TA
		SALES \$ MIL.	EARNINGS \$ MIL.	INCRI	EASE (%) PROFITS	RETURN ON CAPITAL	52-WEEK HIGH - LOW	PRICE	P-E RATI	
19	OmniVision Technologies (OVTI) Sunnyvale, Calif. 408 542-3000 Produces image sensor chips for digital cameras and security syste	463.1	84.3	57.4	71.2	19.5	31 - 12	29		153
20	NutriSystem (NTRI) Horsham, Pa. 215 706-5300 Customers lose weight with meals sent straight to their door	321.8	40.1	94.4	101.0	14.5	71 - 9	68	63	24:
21	Resources Connection (RECN) Costa Mesa, Calif. 714 430-6400 Provides accounting and finance professionals who work on a proje	618.0 ct basis	60.6	46.9	74.3	18.7	32 - 17	27	23	129
22	EFJ (EFJI) Irving, Tex. 972 819-0700 ● Maker of analog and digital wireless radio systems	81.0	14.2	33.5	151.7	15.7	12 - 6	10	18	21
23	InfoSonics (IFO) San Diego 858 373-1600 Distributes cell phones and accessories to the U.S. and Latin Ameri	<b>175.9</b> ca	3.8	42.5	63.2	22.6	24 - 2	13	24	
24	Amedisys (AMED) Baton Rouge, La. 225 292-2031 Provider of home health care and hospice services	438.3	30.3	44.9	230,7	13.4	48 - 28	33	18	5
25	LifeCell (LIFC) Branchburg, N.J. 908 947-1100 Makes products from human tissue for use in surgery	105.2	14.0	41.1	72.3	20.0	28 - 12	27	66	8
26	RPC (RES) Atlanta 404 321-2140 Provides oilfield equipment and services	471.3	81.5	26.8	147.1	17.3	36 - 9	28	22	178
7	PetMed Express (PETS) Pompano Beach, Fla. 954 979-5995 Online and catalog pharmacy for dog, cat, and horse owners	137.6	12.1	31.8	50.1	36.0	20 - 6	16	32	31
8	NeuStar (NSR) Sterling, Va. 571 434-5400 Clearinghouse services help route 2 billion phone calls daily	260.8	59.1	39.5	51.8	30.6	36 - 24	35	46	239
9	Netflix (NFLX) Los Gatos, Calif. 408 540-3700 Online DVD rental house offers movies via mail without late fees	753.9	55.2	66.7	154.0	12.7	33 – 11	30	35	16
0	Ceradyne (CRDN) Costa Mesa, Calif. 714 549-0421 • Its ceramics are used in orthodontic braces, as well as body armor	434.8	65.4	84.7	157.8	12.0	64 - 19	53	21	142
1	MEMC Electronic Materials (WFR) St. Peters, Mo. 636 474-5000 Develops advanced wafers for semiconductor manufacturers	1212.0	345.3	19.2	70.3	37.7	44 - 11	41	26	89
2	Empire Resources (ERS) Fort Lee, N.J., 201 944-2200 Produces semifinished aluminum for industrial customers	378.0	9.7	29.5	56.6	27.7	50 - 4	46	47	44
3	Gevity HR (GVHR) Bradenton, Fla. 941 741-4300 Can become your company's human resources department	624.6	37.4	19.4	101.5	20.5	30 - 16	26	19	67
4	Berry Petroleum (BRY) Bakersfield, Calif. 661 616-3900 • Finds some natural gas, but pulls mostly crude out of the earth	434.2	113.1	46.4	60.3	18.6	80 - 41	74	15	162
5	Endo Pharmaceuticals Hidgs. (ENDP) Chadds Ford, Pa. 610 558-9800 Maker of Percocet and other pain medications	887.5	209.0	24.5	89.0	19.2	34 - 19	31	20	417
6	Cimarex Energy (XEC) Denver 303 295-3995 • Exploration and production of oil and natural gas on the Gulf Coast	1332.4	328.3	81.2	98.0	13.0	48 - 33	43	9	353
7	Alliance Resource Partners (ARLP) Tulsa 918 295-7600 • Its mines produce coal for utilities	881.4	169,1	17.7	63.6	37.8	48 - 32	42	14	154
8	VSE (VSEC) Alexandria, Va. 703 960-4600 • Engineering and technical help for government systems and equipm	277.5 ent	6.4	30.7	107.1	15.3	52 - 28	33	12	7
9	Chico's FAS (CHS) Fort Myers, Fla. 239 277-6200 Comfortably relaxed clothing brings baby boom women into its store	1404.6	194.0	38.3	42.5	24.8	49 - 26	37	35	673
0	Build-A-Bear Workshop (BBW) St. Louis 314 423-8000 Stores invite you to stuff, dress, and accessorize plush toys	374.4	27.7	30.0	73.9	17.8	33 - 19	32	24	65
	St. Mary Land & Exploration (SM) Denver 303 861-8140 • Explores and exploits North America's oil and natural gas reserves	789.1	167.4	50.6	67.3	15.5	46 - 22	42	17	240
-	Hurco (HURC) Indianapolis 317 293-5309 Industrial software and equipment for machining and metal work	127.2	16.4	22.2	496.6	14.0	37 - 10	31	12	19
	Unit (UNT) Tulsa 918 493-7700 It explores and produces oil and natural gas in North America	990.3	256.6	68.2	122.1	11.5	62 - 35	58	10	266
	Barrett Business Services (BBSI) Vancouver, Wash. 800 828-0700 Human resource manager for small to midsized companies	240.4	12.9	31.2	144.8	13.1	29 - 13	26	22	29
5	Encore Wire (WIRE) McKinney, Tex. 972 562-9473 Manufactures and distributes electrical copper wire and cable	872.9	65.2	40.2	106.0	13.3	44 - 9	42	15	97
6	Ansoft (ANST) Pittsburgh 412 261-3200 Software for electronic engineering and design	74.1	14.3	16.9	136.2	17.8	44 - 21	44	40	52
7	Sonic Solutions (SNIC) Novato, Calif. 415 893-8000 Software tools for creating movies and music	143.8	18.6	63.4	77.1	13.0	22 - 14	18	26	440
В	Reliv International (RELV) Chesterfield, Mo. 636 537-9715 • Its distributors sell nutritional supplements and skin-care products	115.8	7.9	22.2	42.1	33.8	19 - 8	11	23	174

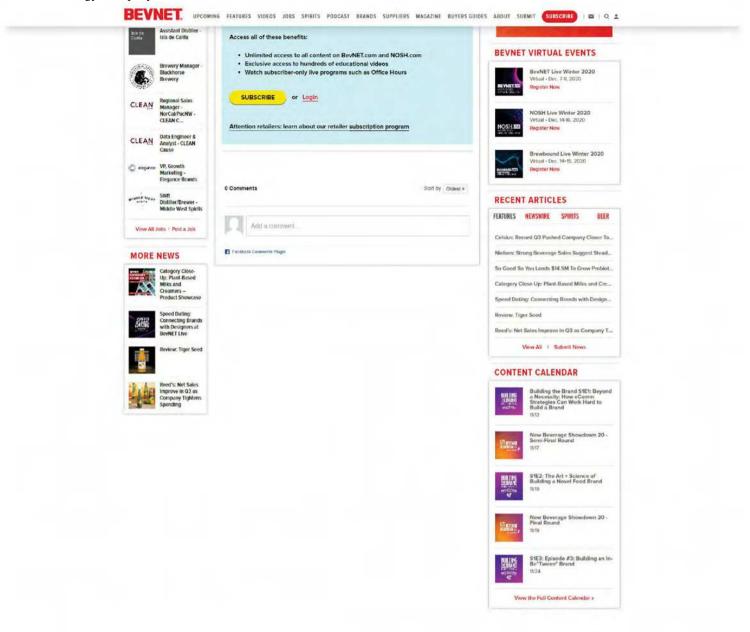
	HOT GROWTH COMPANIES  COMPANY (STOCK SYMBOL)		NT RESULTS	(A)	ESTME	NT DA	TA			
			EARNINGS	INCREASE (%)		RETURNON	STOCK PRICE 52-WEEK		P-E N	
49	Quality Systems (QSII) Irvine, Calif. 949 255-2600 •	\$MIL 109.2	\$MIL 20.5	25.8	PROFITS 43.9	CAPITAL 22.2	46 - 22	RECENT 34	RATI 44	
50	Develops and markets software systems to manage medical practice LoJack (LOJN) Westwood, Mass. 781 251-4700	24-32-104	10.7	177	100.0	- LANCE	00 11		-	
30	Hidden transmitters help police recover stolen vehicles	198.5	18.7	17.7	106.3	17.7	29 - 14	22	23	4
51	Dynamic Materials (BOOM) Boulder, Colo. 303 665-5700 Specialized metal production including explosion-welded clad plates	87.0	12.9	21.6	87.7	16.3	43 - 12	38	36	4
52	Diodes (DIOD) Westlake Village, Calif, 805 446-4800  Manufactures and supplies discrete semiconductors	239.8	35,4	24.1	85.4	15.6	43 - 18	41	30	10
53	Leucadia National (LUK) New York 212 460-1900 Holding company in markets from timber to manufacturing	1306.4	1312.0	78.0	98.1	10.9	62 - 34	61	5	65
54	Argon ST (STST) Fairfax, Va. 703 322-0881 Develops and sells intelligence, defense, and communications system	283.1	22.0	107.1	118.0	9.5	37 - 26	33	32	7.
55	ValueClick (VCLK) Westlake Village, Calif. 818 575-4500 Online marketing connects advertisers, publishers, and consumers	369.9	41.8	70.7	103.4	10.8	21 - 9	17	38	17
66	eCollege.com (ECLG) Chicago 312 706-1710 Brings registration, tests, even classrooms into cyberspace	106.5	6.4	69.7	223.1	8.5	22-9	21	73	46
57	Ventiv Health (VTIV) Somerset, N.J. 800 416-0555 Helps drug companies staff and run clinical trials	609.1	44.0	39.1	114.0	10.9	34 - 16	30	20	83
8	Packeteer (PKTR) Cupertino, Calif. 408 873-4400 Connects businesses to make the most of their wide area networks	117.1	20.1	27.1	68.0	14.1	16 - 7	13	23	4
9	Digital River (DRIV) Eden Prairie, Minn. 952 253-1234 Outsourcing e-commerce, it helps online businesses grow	243.9	56.7	42.6	78.1	11.0	48 - 22	44	31	152
	TTM Technologies (TTMI) Santa Ana, Calif. 714 327-3000 Contract maker of printed circuit boards for equipment manufacturer	254.0	35.2	38.6	126.9	9.8	17 - 6	16	19	67
51	Sun Hydraulics (SNHY) Sarasota, Fla. 941 362-1200 Produces screw-in hydraulic cartridge valves and manifolds	121.9	13.5	23.0	105.5	12.3	33 - 17	21	17	23
2	Coldwater Creek (CWTR) Sandpoint, Idaho 208 263-2266  Catalogs, an extensive Web site, and over 170 stores of women's appa	788.2	46.8	18.1	76.4	14.4	30 - 11	28	56	257
3	Parlux Fragrances (PARL) Fort Lauderdale, Fla. 954 316-9008 Produces and distributes fashionable name-brand perfumes	155.5	17.6	28.6	50.0	14.9	38 - 15	27	16	24
4	CNX Gas (CXG) South Park, Pa. 412 854-6719 Developing natural gas and coalbed methane out of the Appalachians	655.2	121.5	61.9	58.5	11.5	31 - 20	29	36	429
5	Altera (ALTR) San Jose, Calif. 408 544-7000   Makes programmable chips	1151.7	273.8	17.1	48.0	19.2	23 - 16	22	30	785
6	Ventana Medical Systems (VMSI) Tucson, Ariz. 520 887-2155  Diagnostic systems and lab equipment used in fighting cancer	208.2	25.9	23.8	96.8	12.2	49 - 34	49	69	165
7	Gen-Probe (GPRO) San Diego 858 410-8000 Its tests quickly detect germs and diseases	323.4	61.2	25.8	62.6	13.5	56 - 35	53	46	275
8	Trimble Navigation (TRMB) Sunnyvale, Calif. 408 481-8000	805.4	93.2	18.9	99.1	12.4	50 - 27	47	29	255
9	Global positioning technology, software, and integration  Radyne (RADN) Phoenix 602 437-9620	120.7	11.6	18.8	61.0	15.2	17 - 7	15	24	27
0	Equipment for Internet, cable, and satellite broadcasting Helix Energy Solutions (HELX) Houston 281 618-0400	931.5	182.8	38.1	132.4	8.9	46 - 21	39	18	304
1	Energy services company finds oil and operates offshore wells  Providence Service (PRSC) Tucson 520 747-6600	156.7	10.0	52.8	88.7	8.7	35 – 23	31	31	30
Same	Provides case management and other services for government program Miller Industries (MLR) Ooltewah, Tenn. 423 238-4171	ns 368.4	22.5	19.6	86.3	12.1	29 - 10	27	14	30
-	Manufactures auto bodies for towing and recovery vehicles Headwaters (HW) South Jordan, Utah 801 984-9400	1174.1	146.9	99.8	71.4	8.6	46 - 30	34	11	141
122	Makes construction materials, as well as synthfuel used by utilities  Hydril (HYDL) Houston 281 449-2000	412.0	80.9	17.7	44.0	16.1	90 - 46	80		189
	Makes tubes and pressure systems for petroleum drilling aQuantive (AQNT) Seattle 206 816-8800		1000		2.4.2.70			ALIA-		
1	Online marketing, Web site design, and consulting	335.6	36.4	24.5	72.8	11.9	30 - 11	25		1877
	Commercial Vehicle Group (CVGI) New Albany, Ohio 614 289-5360 Makes cabs for heavy trucks and commercial vehicles	831.4	51.9	35.8	116.7	8.7	25 - 17	20	8	42
1	Brigham Exploration (BEXP) Austin, Tex. 512 427-3300 Uses 3-D seismic technology to explore for oil and natural gas	106.1		40.2	110.1	8.6	15 - 7	9	14	424
	Guess? (GES) Los Angeles 213 765-3100  Jeans—and all kinds of apparel for men, women, and children	928.5	66.0	17.4	184.1	10.5	47 - 14	40	27	1800

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	COMPANY (STOCK SYMBOL)			CURRENT RESULTS					STOCK PRICE			MARKE
				\$ALES \$MIL	EARNINGS \$ MIL.	SALES	PROFITS	RETURN ON CAPITAL	52-WEEK HIGH-LOW	RECENT	RATIO	\$ MIL.
9	NETGEAR (NTGR) Santa Clara, ( Designs networking supplies fo	Calif. 408 907-8000 •	iess	467.9	35.6	24.2	62.2	12.2	26 - 16	22	21	741
0	Labor Ready (LRW) Tacoma, Wa Annually places 600,000 temp	sh. 253 383-9101		1289.9	64.1	13.2	77.9	12.9	28 - 17	26	11000	1423
1	PPD (PPDI) Wilmington, N.C. 9 Helps companies develop new	10 251-0081		1092.4	137.7	19.1	54.3	13.8	41 - 22	36	31	4161
2	Korn/Ferry International (KFY) Lo Companies helps/find their ne	s Angeles 310 552-1834		529.9	50,8	18.0	206,8	9.5	21 - 14	21	18	87
3	DSW (DSW) Columbus, Ohio 6: Name-brand shoes for women	4 237-7100		1144.1	37.2	21.1	72.4	11.8	33 - 18	31	31	137
4	Rofin-Sinar Technologies (RSTI) P Designs, develops, and market	lymouth, Mich. 734 455	5-5400	383.6	43.7	19.7	98.0	10.8	57 – 29	56	20	85
	ADTRAN (ADTN) Huntsville, Ala Develops and supplies produc	256 963-8000	elecom system	517.3	102.2	14.1	55.6	14.2	33 - 20	25	19	192
6	MSC Industrial Direct (MSM) Mel	ville, N.Y. 516 812-2000		1167.1	124.1	11.6	46.5	14.1	56 - 27	52	28	348
37	Direct marketer and supplier of MICROS Systems (MCRS) Colum	bia, Md. 443 285-6000	0	659.1	60.2	18.0	62.5	11.9	55 - 38	42	28	162
8	Software, hardware, and system Concur Technologies (CNQR) Rec	dmond, Wash, 425 702-	8808	81.0	5.4	14.9	136.3	9.3	19-8	16	104	55
39	Streamlines corporate expens Kforce (KFRC) Tampa 813 552-	5000		831.7	25.3	17.7	108.8	9,3	15-7	- 14	22	54
00	Helps find specialized employ  Lamson & Sessions (LMS) Cleve	land 216 464-3400		530.8	34.4	15.9	74.8	10.9	33 - 9	25	11	39
91	Makes and sells electrical and Stratasys (SSYS) Eden Prairie, I	Minn. 952 937-3000 •	1 PVC pipe	86.2	10.2	28.7	50.3	10.5	36 - 20	33	34	33
92	Makes and sells rapid prototype AngioDynamics (ANGO) Queens	bury, N.Y. 518 798-1215	•	72.2	6.5	23.3	72.8	9.1	31 - 17	31	62	38
	Develops medical instruments  AMCOL International (ACO) Arlin	for angiographic proce gton Heights, III, 847 39	dures 94-8730 •	556.6	39.0	21.9	42.6	11.8	32 - 16	29	23	85
	Clays for building materials, c	osmetics, even kitty litte b. Tex. 972 673-2000	er	623.6	180.2	24.3	52.7	9.8	37 - 14	33	22	373
	Finds and develops oil and na Lufkin Industries (LUFK) Lufkin.	tural gas fields near the Tex. 936 634-2211		524.2	52.3	29.8	70.7	8.6	70 - 25	64	18	94
	Builds and maintains oil field  Lifetime Brands (LCUT) Westbu	pumping systems, gear ry, N.Y. 516 683-6000		339.2	14.0	31.3	51.4	9.0	30 - 16	30	25	38
	Produces cutlery, bakeware, fi II-VI (IIVI) Saxonburg, Pa. 724	atware, and kitchen gad	lgets	224.6	26.2	19.3	50.5	10.7	22 - 13	22	25	63
	Makes laser lenses, infrared o	ptical components, and	radiation sens	603.1	44.6	20.9	55.7	9.6	15 - 10	14	31	126
	Online marketer helps develo	p brands and customer	relationships	1116.3		23.3	42.7	9.7	33 - 18	32	21	120
	Old Dominion Freight Line (ODFL Less-than-a-truckload shippin	ng across the U.S., Cana	da, and Mexico	0	41 580,50	0.004.02	50.1		40 - 27		10	17
00	Brady (BRC) Milwaukee 414 3 Makes safety signs, identifica	58-6600 tion labels, and precisio	n die-cut parts	883.4	92.5	16.9	50.1	9.4	40-21	30		
OTeir	LPHABETICAL INDEX F COMPANIES ne number that follows ach company name dicates its ranking the table  ADTRAN85 AMROL International 93 Amedisys 24 American Science & Eng. 12 AngioDynamics 92 Arsoft 46 a Quantive 75 Argon ST 54 Berry Petroleum 34 Berry Petroleum 34 Berry Petroleum 34 Biba Nile 10 Brigham Exploration 77 Build A-Bear Workshop 40 Ceradyne 30 Chico's F78 3 9  ADTRAN85 AMROL International 93 Chico's F78 5 9 Codwater Creek 62 Commercial Vehicle. Concur Technologia Denbury Resources Digital River 59 Digitas 98 Diodes 52 DSW 83 Dynamic Materials eCollege.com 56 Encore Wire 45 Endo Pharmaceuti Gert Probe 67 Ceridyne 30 Ches's F78 3 9		2 le Group 76 es 88 s 94	Headwaters 73 Helix Energy Solutions 70 Hittite Microwave 18 Hurco 42 Hydril 74 III-V1 97 Imperial Industries 15 InfoSonics 23 Kforce 89 Komr/Ferry International: Labor Ready 80 Lamison & Sessions 90 LCA-Vision 9 LCA-Vision 9 Leucadia National 53 LifeCell 25 Lifetime Brands 96 LoJack 50 Lufkin Industries 95 MEMC Electronic Materia		### 18   Multi-Fineline Electronix 17						

74 | BusinessWeek | June 5, 2006



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## **EXHIBIT 2**







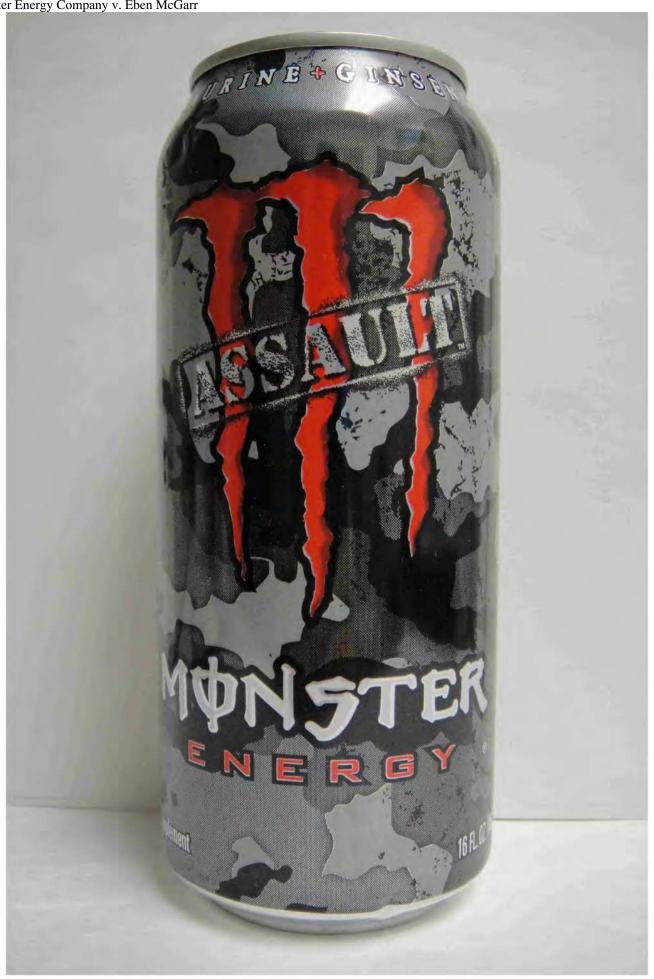








































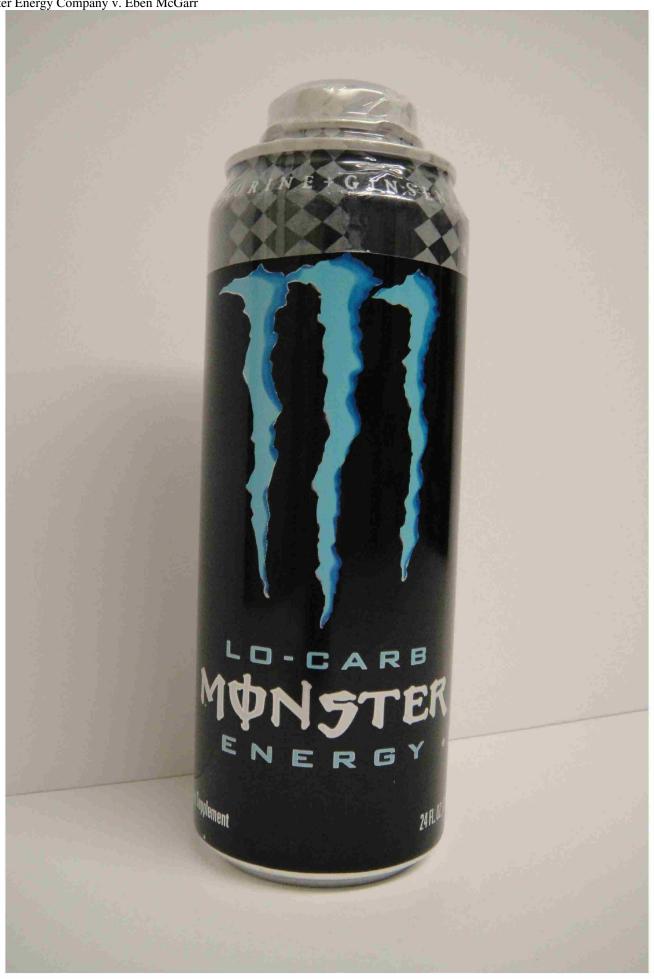






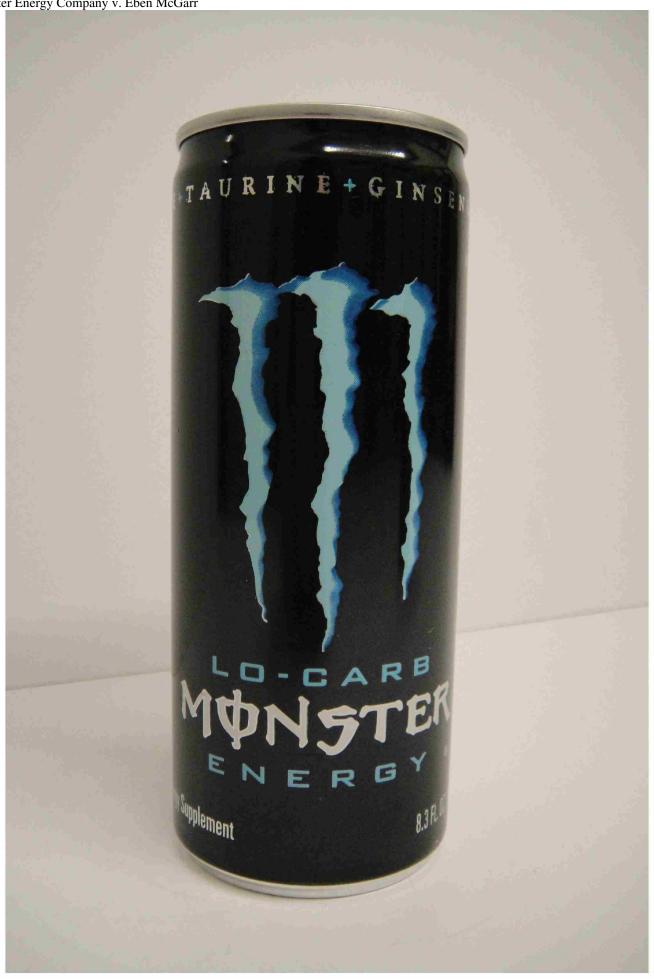




















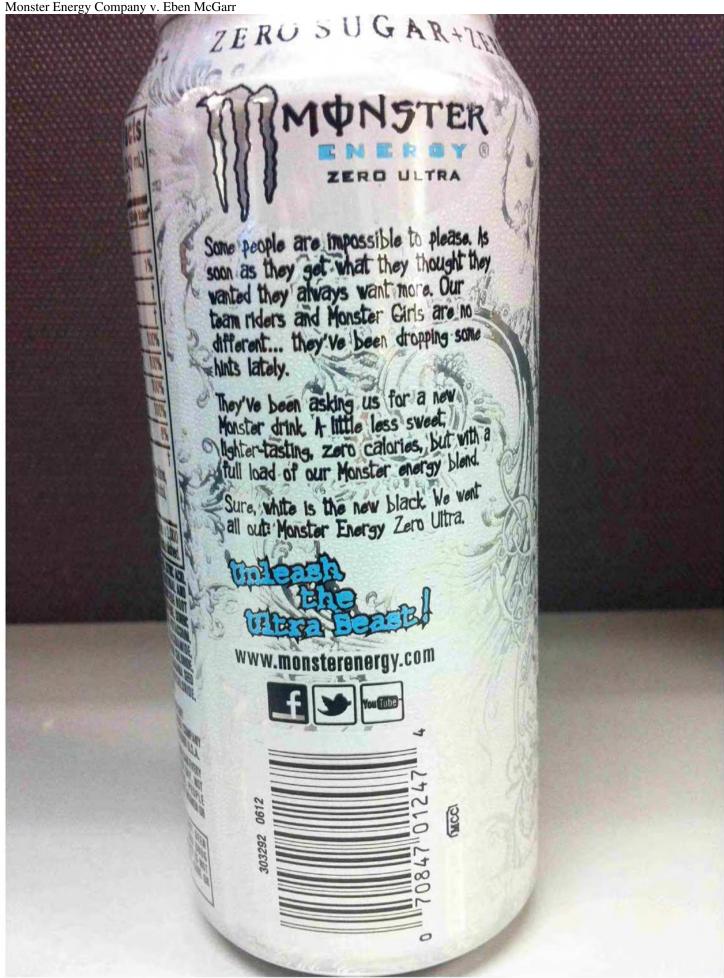






























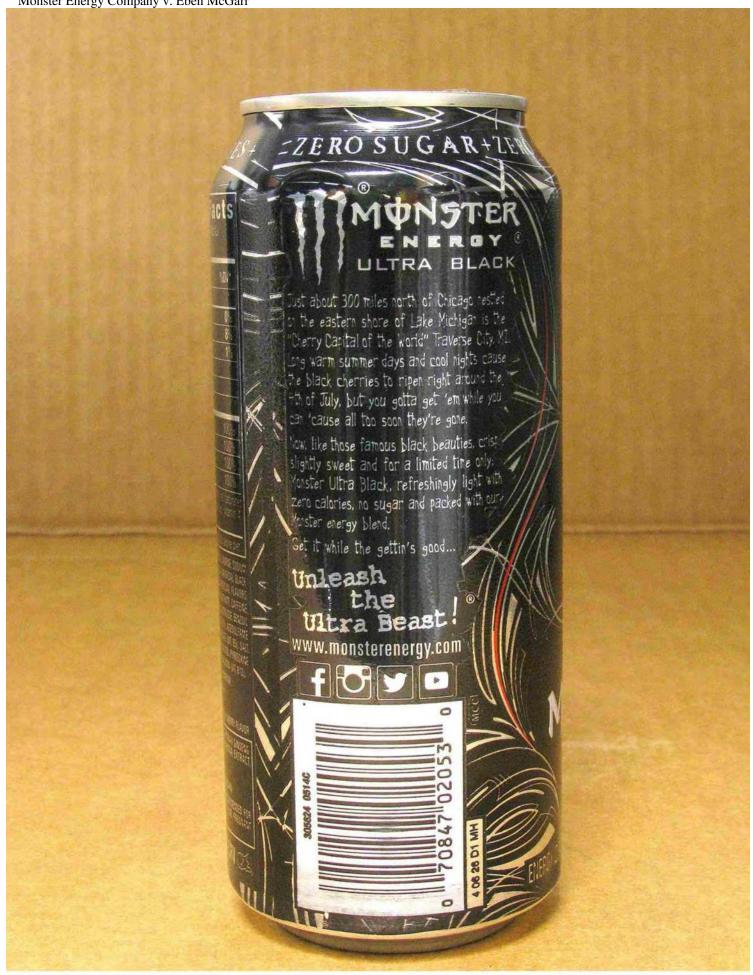










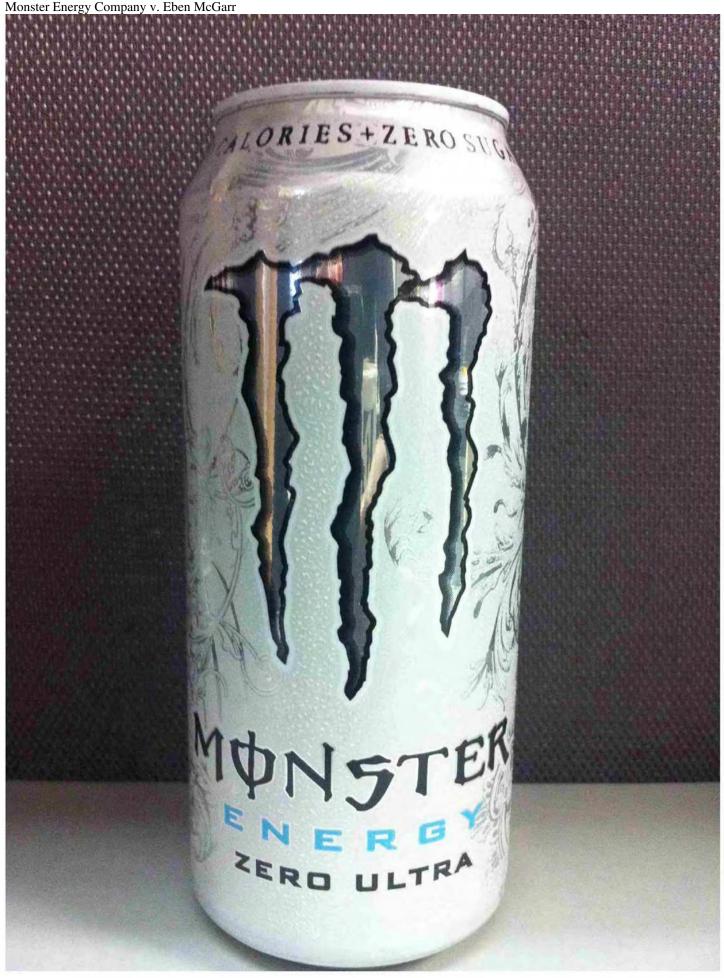


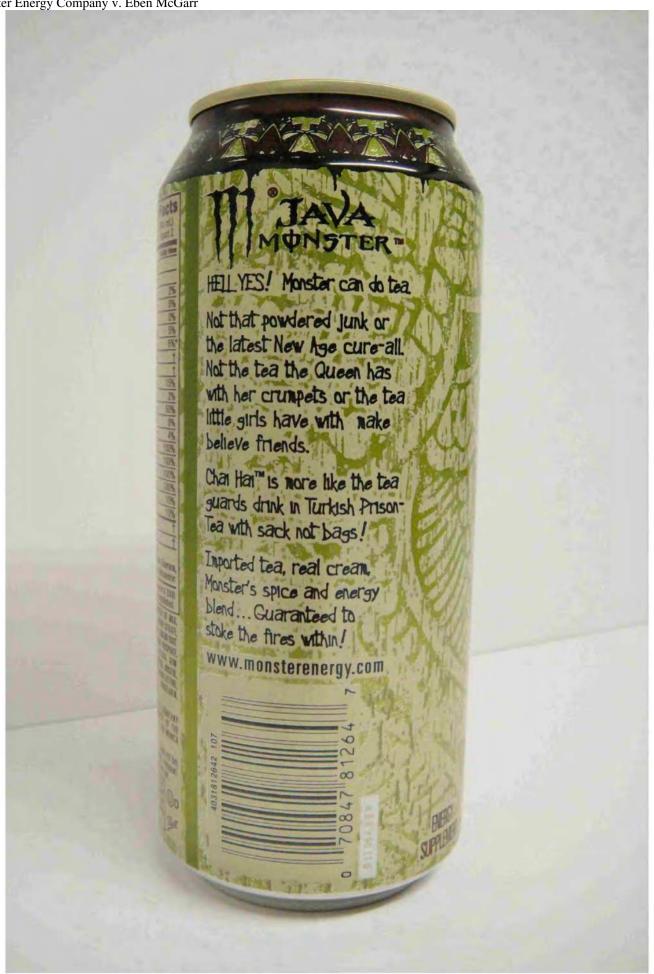
TTAB Opposition No. 91239678 (Parent) Monster Energy Company v. Eben McGarr







































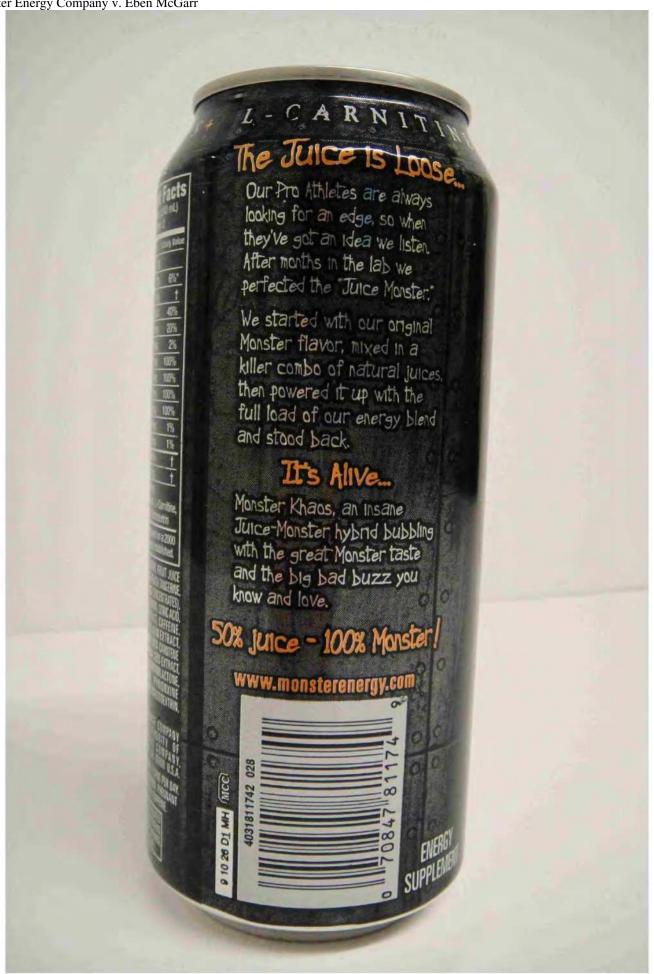










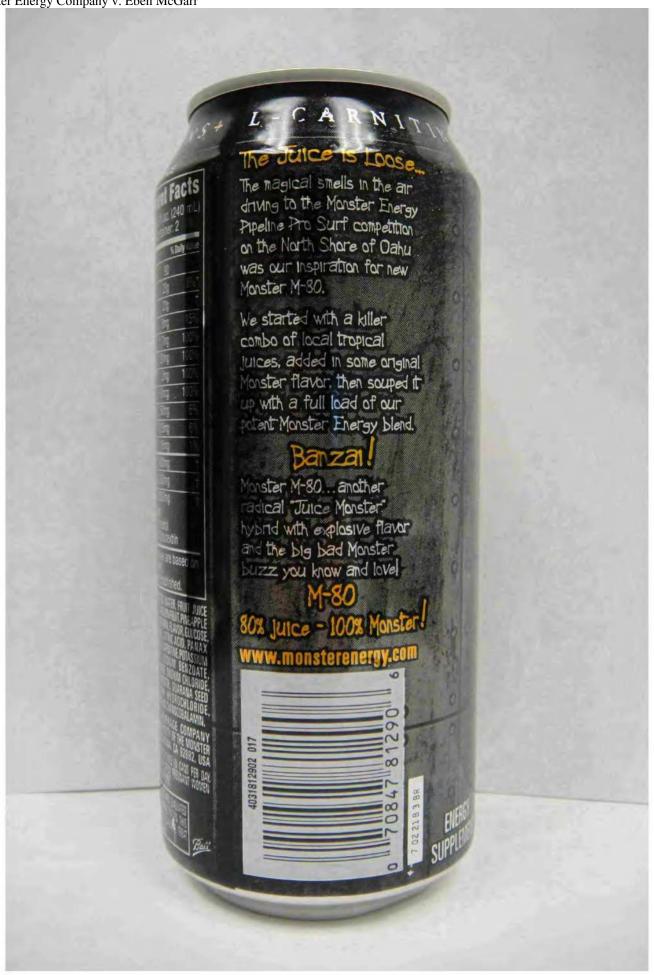




































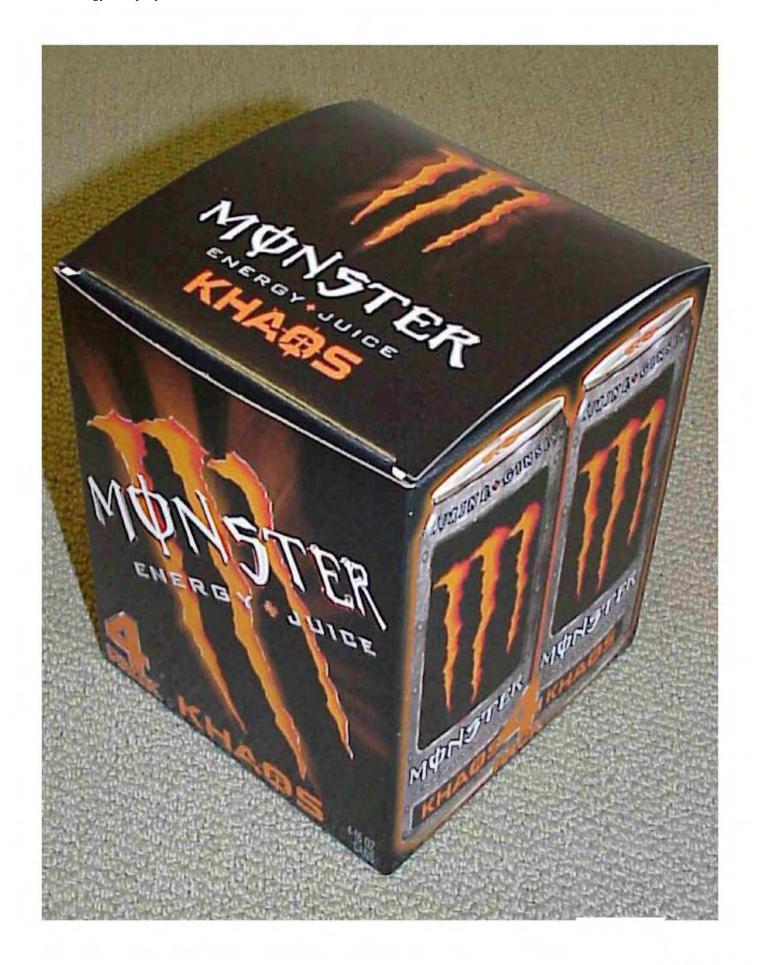


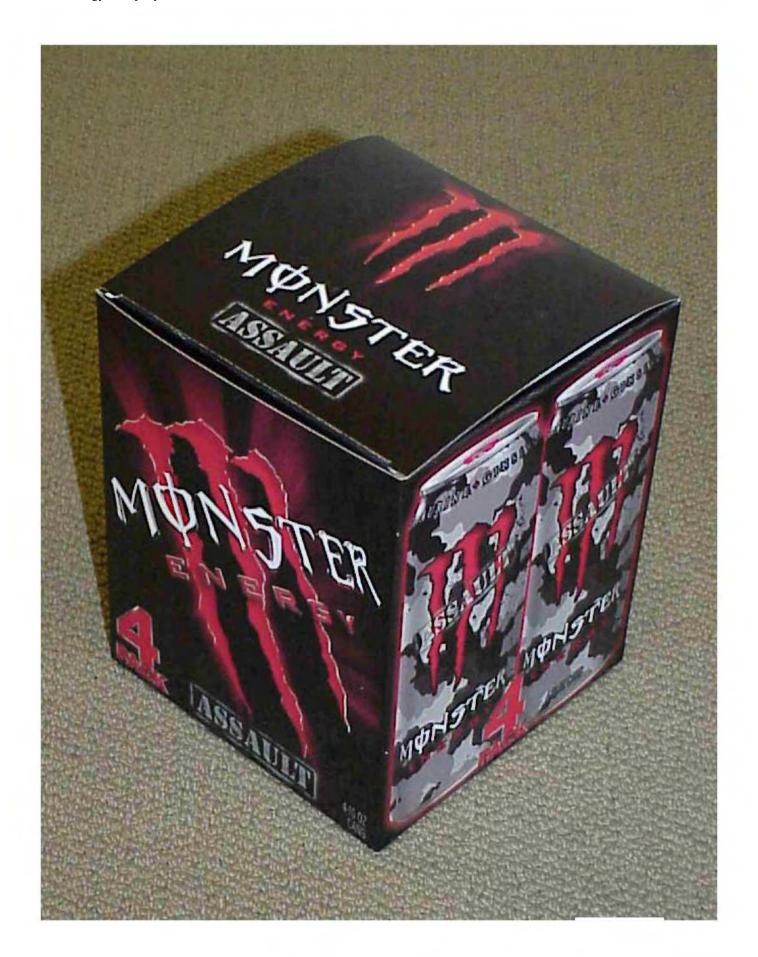


























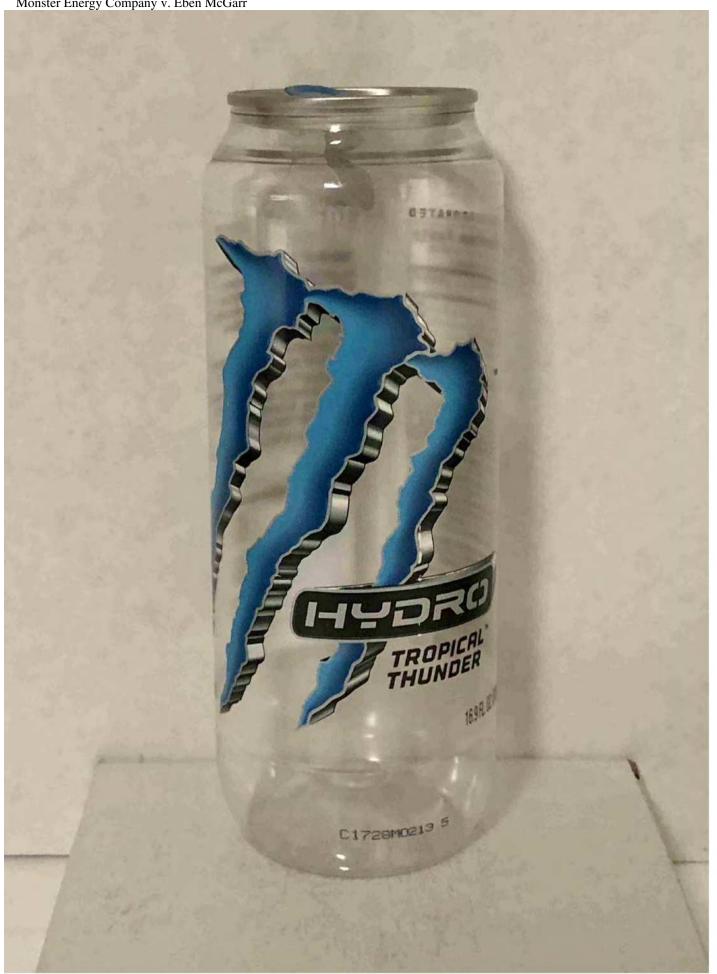












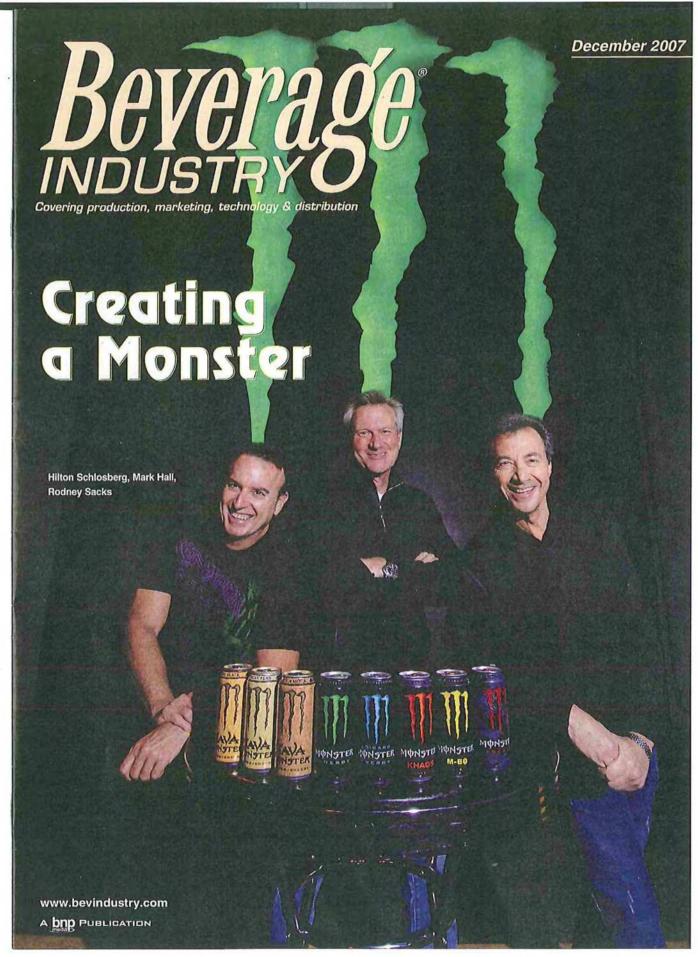


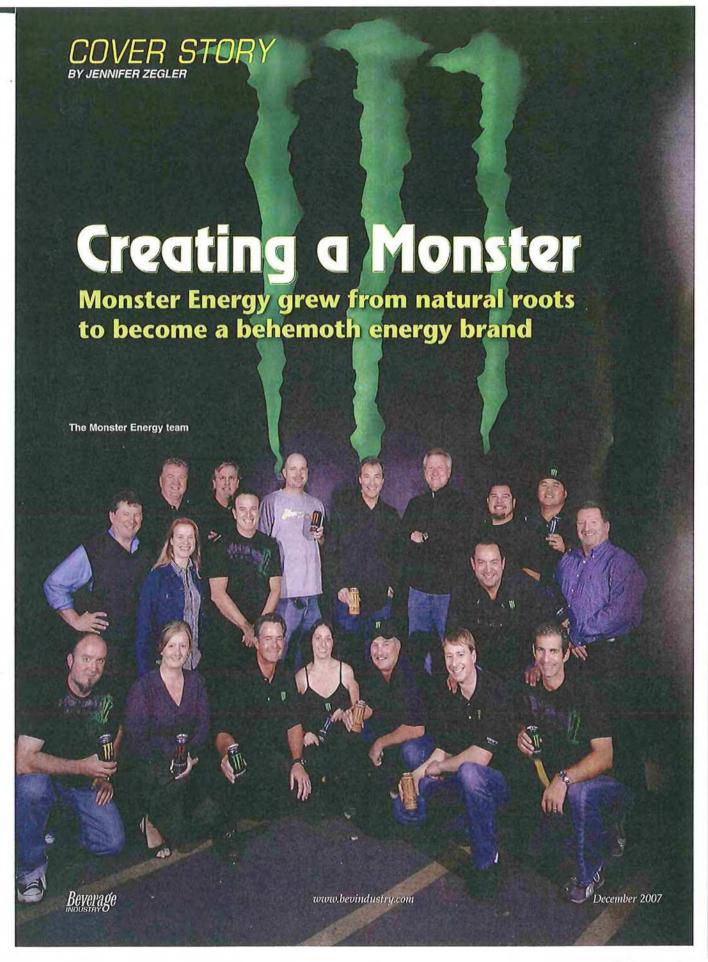






## **EXHIBIT 3**





he phrase monster conjures up the childhood mystery figure under the bed, or perhaps, one of the many Hollywood horror movie versions. More recently, the neon green claw logo that represents Monster energy drink has ranked close behind the boogeyman or Frankenstein. Like those Hollywood figures, the claw logo has become an identifiable symbol for the No. 2 selling brand in the fast-growing energy drink category, which has become a force all its own.

"Monster is aggressive, cool, sinister, dark, mysterious and fun," says the brand's positioning statement. "Monster is about action sports, punk rock music, partying,

girls and living life on the edge."

The brand keeps the category interesting by adding more products and SKUs to its lineup. Made by Hansen Natural Corp., Corona, Calif., Monster now features eight incarnations and a variety of packaging options. Its latest creation—Java Monster—blends coffee flavors and its proprietary energy blend

for a category-blurring beverage.

"One of the main differences we believe we found with Monster was that instead of just creating a brand, another drink, we created a whole

different personality and an image around the brand,"
says Rodney Sacks, chairman and chief executive officer of Hansen Natural Corp. "I think our primary focus is to keep that personality true to itself and in the forefront of consumers' minds. And that has meant, in many cases, continuing to adapt to changes in consumer preferences, sports and interests. As they change, we've tended to immediately follow

### om natural roots

in those areas."

reating this Monster was not an asy task. In the late 1990s, the juice, smoothie and soft drink maker was an early figure in the budding energy drink category with its Hansen's Energy drink. After a few incarnations, including functional endurance, de-stress and anti-oxidant blends, the company re-evaluated how Hansen's Energy fit in with Hansen Natural's portfolio.

"Hansen was a brand that was well established," Sacks says. "It stands for natural, trusted, good-foryou beverages, and has had that reputation for 70 years. So when we came out with Hansen's Energy, we wanted to keep everything under one umbrella and that trademark. The consumer for Hansen's Energy was a younger, aggressive male consumer. What we struggled with was being able to make the brand meaningful and cool to young male consumers while the brand stood for and marketed itself as homey and family-oriented with good-for-you values."

Realizing the disconnect between the natural line and energy brands, Sacks along with Hilton Schlosberg, vice chairman of the board of directors, worked with Mark Hall, current president of Monster Beverage Co., to branch out from the Hansen's trademark and develop an energy drink that could effectively go after the proper demographic.

"We walked that tightrope for many years and eventually came to the decision that if we were going to make a real impression in this category, we needed to create a brand that really spoke for, looked like and conveyed what the category really wanted, what young, male consumers really wanted and felt like," Sacks says. "It's their lifestyle. So when Monster was born we were able to do things such as go into extreme sports. It just never was possible before."

Monster continues to market to that target demographic of young, 18-to 30-year-old males who are into action sports, rock music and in need of energy. The demographic is kept in mind as the brand launches new variations from its initial green Monster Energy drink. The product premiered in a 16-ounce can and the "green" lineup, as it is known in the company, has since grown to include a 24-ounce resealable "cap can" and 32-ounce can.

The 24-ounce "cap can" offers more Monster with the advantage of resealability, which is well-suited for the consumer on the move. Additionally, the package features an added spectacle of a smoking effect when the can is opened. The package launched last year with the intention of going national, but the demand outstripped the supply so sales were restricted to California, explains Geoff Brenumer, Monster brand manager.

"It became our second best selling SKU at retail, given equal distribution, with our regular green Monster 16-ounce as No. 1," Bremmer says. "What's most exciting about that is our distribution on 24-ounce is not anywhere near the 16-ounce green can yet — it's only half as much."

Also new to the green lineup is the 32-ounce can, which Bremmer says is basically a four-pack of 8ounce cans in one container. The 32-ounce can retails for \$3.99 and recently began shipping.

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The first line extension for the brand was Monster Lo-Carb, which is a lower calorie formulation of green Monster, and a personal favorite of Hall, who says he drinks two a day. Unlike many lower carbohydrate formulations, Monster Lo-Carb contains glucose, which is part of Monster's energy blend. According to the company, the inclusion of glucose in this "blue" variety allows for faster delivery of energy benefits.

Within all of its innovation, Monster seeks to expand energy drinks to more usage occasions. Such was the case with Monster Assault, which combines energy with a soft drink flavor, Bremmer



Geoff Bremmer, Monster brand manager, shows the 16-, 24- and 32-ounce cans in its "green" Monster lineup to Beverage Industry's Jennifer Zegler.

Hansens

sponding water influent from part for

"People drink an energy drink maybe at 3 in the afternoon after a long day, before they go out at night or in the morning to get them going, but it's usually for a functional reason," he says: "People drink a cola while they're eating lunch or dinner. The thought on Monster Assault was, 'Let's blend the effectiveness of an

energy drink with the refreshment of a soft drink."

From there, the brand continued its hybridization with energy and juice products Monster Khaos and M-80. These "plus juice" products not only added health benefits, but also opened the product to morning drinking occasions. While Khaos has a dominant orange flavor and M-80 features more tropical notes, Monster does not base product names on flavors.

"There are no flavors of Monster; there are only different personalities," Hall says. "We have a juice item, Khaos, but when they say, 'What does it taste like?' Our answer is it tastes like 'It.' We don't name the flavors. If I gave it to 10 people, they'd all say something, but they cannot exactly describe what it is. They wouldn't say, 'Oh, it's orange.'"

Additionally, to back up its claims of efficacy, Hansen has a doctor of pharmacology on staff who assists during new product development. If Monster wants to add a new ingredient to its energy blend, it consults with the professor, who evaluates the literature both on the ingredient and its interaction with the existing ingredients, Hall says. The professor also is on hand to answer technical inquiries the brand receives from consumers.

## On-premise push

The multiple Monster "personalities" are gaining exposure in the on-premise segment. In May 2006, Hansen and Anheuser-Busch Inc.,

\*

# Natural innovation

While Monster makes up more than 80 percent of Hansen Natural Corp.'s sales, according to Rodney Sacks, chairman and chief executive officer, the company remains innovative on the Hansen's Natural side of the business. The natural beverage business was the company's base when Sacks and his partners purchased the juice and natural soda company in 1992.

"Hansen's continues to be a very important and, I think, strategically placed brand in the beverage industry today," Sacks says. "It's a brand that's probably one of the only, if not the only brand,

that has real credibility and heritage. Most of the new age brands that are trying to be healthier are brands that are inventions of bigger companies. Hansen's is a brand that started 70 years ago by selling natural, fresh juices to film studios in Southern California. It has continued to enjoy a premium, trusted Image and we've continued to build on that."

Hansen's Natural brand is extending Hansen's Natural Soda line with fruit flavors in both regular and sugar-free versions. In contrast to the Monster image, Hansen's new sparkling line is packaged in sleek 10.5-ounce cans with understated packaging. The new line will be sold in four-packs in flavors such as Dragonfruit and Blueberry Pomegranate.

"We're launching a whole new line of products that we believe will resonate well with health-conscious consumers, particularly those who are now expressing concern at the levels of [high] fructose corn syrup in sodas, carbonated products and juices," Sacks explains. "We think we have some great new products that are continuing to innovate and drive the Hansen's business from that side."

As the natural trend encapsulates all areas of the food and beverage industry, the company with the term in its name feels confident in its roots.

"We believe that the Hansen's Natural business is really well positioned going forward to take advantage of this health wave that is sweeping the country," Sacks says.

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St. Louis, formed a distribution deal in which select Anheuser-Busch wholesalers will have the rights to distribute Monster, Lost and Rumba energy drinks. Over the course of the year, the distribution rights were transitioned in certain territories from Hansen's network of beer and liquor distributors as well as soft drink bottlers to the Anheuser-Busch system.

Since the agreement, Monster has been working with Anheuser-Busch's distribution network to expand Monster's on-premise availability as well. The company hopes to bring the entire Monster portfolio, including its latest Java Monster lineup, into restaurants, bars and nightclubs. Bremmer says Monster, Lo-Carb, Khaos, M-80, Assault and Java Monster are all good for mixing.

"There is a lot more a bar owner can do with our portfolio and boost their profits through our brands," he says.

# Marketing Monster

Much of Monster's status is intertwined in how the brand is marketed. Equally important is how it is not marketed; Monster does no mass media marketing, including television ads or billboards. Instead, it focuses on sponsoring athletes, artists, personalities, tours and events to target its young male demographic.

The company's Southern California roots influence Monster's partnerships, Bremmer says.

"We're based near Orange County, Calif., which is the mecca of action sports: surfing, skating and snowboarding," he says. "Many of the apparel and sports brands like Oakley, Billabong, Burton and Quiksilver; if they are not based in Orange County, they've set up an office here. Corona also is the hotbed of motor sports with many of our sponsored race teams just down the street."

The neon green claw logo has long been a staple at punk rock summer festival The Warped Tour or during action sports competitions such as the X-Games. When Monster was getting its start, Hall and his team offered on-the-spot sponsorships to X-Game athletes. Now the brand is ingrained in the action sports tournament. At this summer's X-Games, Monster athletes

scored a total of 14 medals.

Monster has grown along with its athletes. BMX riders (and occasional MTV hosts) Dave Mirra and T.J. Lavin are sponsored by Monster. Racecar driver Robby Gordon is sponsored and will be featured in an upcoming promotion for the brand. It also keeps an eye on up-and-coming athletes, such as Riley Hawk, the son of skateboarding star Tony Hawk.

Monster also works with music artists and tours. This year,
OzzFest, which is put on by Black
Sabbath member Ozzy Osbourne and his wife Sharon, decided to give back to its fans by removing the entry fee for its tour stops.
Instead of paying high prices for tickets to the heavy metal tour, fans could only get tickets through OzzFest's Web site or through a Monster four-pack promotion.

"The batch through OzzFest sold out within one day, so [Monster] was the only place left to get tickets to OzzFest," Bremmer explains. "It was such a huge success that we had over 20,000 ticket redemptions. It went so well we're bringing back a similar promotion this year."

Additionally, Monster has a Hispanic initiative, which sponsors Spanish rock bands and more than 40 events a year. The brand also has a presence on college campuses with Monster ambassadors located on nearly 150 campuses across the country. Furthermore, the brand has approximately 25 street teams in nationwide markets to give out energy "where its consumers need it the most," Bremmer says. The teams may visit beaches, skate parks, record stores and other local hangouts to sample Monster products.

For the virtually minded consumer, Monster integrated itself into "Dave Mirra's BMX Challenge," a video game for Nintendo's Wii game system. In the game, Mirra wears a Monster logo shirt and the game's energy monitor is shaped as Monster's green claw logo. As the player lands BMX

# Preparing for segmentation

Anticipating the trends is one way to stay ahead of the pack. In the energy drink category, Monster thinks the next wave will be price segmentation.

"We anticipate the energy category might be affected by the segmentation we're seeing in the beer market, where there are premium, mid-grade and low-tier products," says Geoff Bremmer, Monster brand manager. "Right now, virtually all energy drinks are at the same price point. We think within the energy drink category, segmentation will start to rise with different packaging sizes and brands to create segments that open the category."

In preparation for segmentation, Hansen Natural Corp. offers several allied brands, including Lost, Rumba, Unbound, Joker and Ace energy drinks. The Monster brand occupies the premium tier. The Lost brand, which was an early partnership for Hansen's with the surfboard manufacturer of the same name, is distributed exclusively by Anheuser-Busch, with which Hansen's formed a partnership in 2006. Rumba energy drink, which is made with juice, also is featured in the distribution partnership.

In a lower-priced tier, are Joker, Unbound and Ace energy drinks. Joker was developed through a partnership between Hansen's and convenience store chain Circle K and was expanded into national direct store distribution for a lower price. That also was the case with Unbound, which was created for AM/PM convenience store chain and since been expanded nationally. Both Joker and Unbound are often run on two for \$3 promotions, while Monster retails for \$2.29, Bremmer says.

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tricks, the energy 'M' fills up, and when it's filled to the brim, the player gets an extra burst of energy for its virtual BMX rider.

### Adding new Monsters

In order to stay fresh in a fastgrowing category, innovation is necessary. While Monster has been at the forefront of hybrid energy products, the brand continues to push the envelope with new entries.

"If you're going to try to get ahead of the pack, in growth, in positioning, you have to be different," Sacks explains. "And to be different you've got to be creative and you've got to be ahead of the curve, which is a colloquial expression everybody uses, but you really need to come out with products that are different and do so ahead of the other people. And then what happens is that everybody copies very quickly, so you find yourself having to continue to innovate and be different."

In June, Monster dared to be different with the launch of Java Monster, a line of coffee/energy drinks. Unlike its brethren, Java Monster features a dairy base with coffee, mocha and vanilla latte flavors. The product features less caffeine than traditional coffeehouse coffee, but with the added effects from the amino acids, B vitamins, taurine and ginseng in its energy blend. Instead of stocking Java Monster alongside energy drinks, Monster is marketed and merchandised as a ready-to-drink coffee beverage.

Not only does the company hope Java Monster brings more efficacy to the RTD coffee category, but also some masculinity. The company is positioning the product as "coffee for real guys," Hall says. It's an RTD coffee product that can be confidently brought on to the job site, Bremmer adds.

Despite its masculine positioning, Monster took a careful

approach to the package design of Java Monster. Instead of the Monster logo in metal, the 'M' logo is burned into wood for a homey coffee feel that does not take too much away from Monster's masculine image, Hall explains. Through both the packaging and the product, Java Monster has brought in new consumers.

"The simple vision of Java Monster was to take the energy needs of those consumers who are either afraid, inexperienced or put off by the whole marketing and concept of energy drinks and fulfill their energy needs with a Monster branded product," Hall says. "We were very conscious in the design that we were able to transfer some of our equity over without screwing up who we are and our core imagery."

The line launched in Big Black, Loca Moca and Mean Bean flavors and has been transcending demographics to attract males and females in broad age ranges — when it's been on store shelves. In the first months of the launch, production of Java Monster could hardly keep up with demand.

"It's blown away our forecast,"
Bremmer says. "We reached the
point where we weren't able to fill
our orders. A lot of our initial plans
were to sample the product using
our street teams during the morning shift and really get the product
out there, but we weren't able to
fill our orders, let alone give the
product to our sampling teams. So
for 2008 we will be able to do a lot



of the things we had planned for 2007."

Not only does the company plan on added visibility for the line, it hints at Java Monster

extensions.

"There are a number of SKUs we're going to launch because we really do feel we can command the shelf space," Sacks says. "We think it's important, creative and shouldn't cannibalize the existing energy category. It really should be placed in the coffee door with morning products, with juices and competitive coffee products. We believe that it's going to be incremental because it will draw more consumers into that coffee/energy category and the energy category as such."

Monster hopes the newcomers who are picking up Java Monster will be inspired to try Monster's carbonated varieties.

"The cross-pollenation has been really good," Sacks says. "That's where we are at the moment, but we'll think of new things by the middle of next year, I have no doubt. We'll continue to try to innovate and look at where we should be."

Both Sacks and Hall say the energy category is not just a fad, and even venture to say that energy drinks are the new soft drinks.

"We believe that the energy drink category as a category is here to stay, but there are going to be refinements within that category to keep it interesting, make it interesting for consumers and help broaden it to more consumers," Sacks says. "We think Java Monster is broadening it to the existing consumer and bringing in additional consumers: the morning consumer, the coffee drinker, the orange juice drinker and more." BI

Beverage

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December 2007

# PLANT FOCUS

# Energy exchange

# Production of Monster Energy drink calls for a network of co-packers and distributors

In order to produce the 35 million cases of Monster energy drinks that are sold each year, Hansen Natural Corp., Corona, Calif., has created several partnerships. The company has a network of regional co-packers and distribution warehouses for production and storage of its carbonated, juice-based and dairy-based line of energy drinks. The variety of formulations are a boon to Monster's portfolio, but have required additional partnerships with appropriate co-packers.

"Our network has continued to grow at a rapid rate," says Gareth Bowen, senior vice president of operations. "Monster alone in 2006 utilized six co-packers, and in 2007 we've used 11 co-packers. It provides benefits in that we're able to have more national distribution. It makes it easier to meet orders on time and to ship shorter distances."

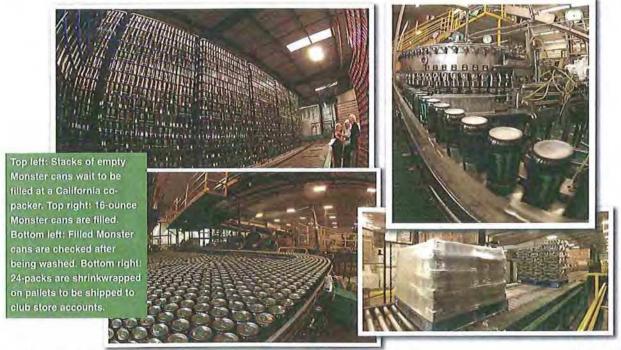
A co-packer near Hansen's Corona, Calif., headquarters produces Monster's "green," Lo Carb and Assault varieties. The plant receives empty Monster cans by truck in full pallets, which are stored onsite until needed. As with all its co-packers, Hansen's provides plants with the necessary materials and ingredients.

Produced on a traditional carbonated soft drink line, green Monster cans wind through the filler, which loads the cans with regular Monster and then caps and seals the packages. The cans are then checked for fill level and caps are washed. Once the products are checked again and dried, they travel up a vertical ramp to the case packer.

During Beverage Industry's visit, the line was packing 24-can club packs of 16-ounce regular green Monster. From the case packer, the club packs travel to the shrinkwrapper. Plant workers ensure the pallet is display ready for retailers.

Once the pallets are shrink-wrapped and loaded onto a truck, they are transported from the copacker to Hansen's distribution facility in Corona. The 400,000-square-foot distribution facility is located down the street from the company's headquarters.

The Corona warehouse stores pallets of Monster, Hansen's allied



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energy drink brands, fruit beverages and some private label products. The brands' point of sale materials, additional merchandise and event trucks also are stored at the facility. In addition, the Corona warehouse is capable of repacking cases. During Beverage Industry's visit, employees were repacking 24-packs of Monster Lo-Carb to create 12-packs that featured a special flyer.

While the aisles in the distribution center are filled with Monster's multiple varieties, Geoff Bremmer, Monster brand manager, points out pallets of popular new introductions, such as green Monster 24-ounce resealable "cap cans" and Java Monster. The products generally were out of stock so once the pallets were received in the warehouse, they were immediately shipped to fulfill orders.

"With Java Monster, the demand has been so great we haven't been able to fill all orders," says Bowen. "It blew away all our initial forecasts and made us scramble to find additional capacity. In November, Java Monster was produced at six times our initial projections."

Similar stock issues were experienced with Monster's four-packs that had traditional retailers asking for more at the end of the summer, Bowen says. The four-packs as well as eight-packs are allowing for improved velocity in grocery stores, while the convenience sector remains the brand's main focus.

"Convenience stores are our first target because it's such an important part of our business, and convenience stores are often more open to new products," Bremmer says.

According to Bremmer, the convenience channel makes up about 70 percent of Monster's sales. Monster works with its network of independent distributors to ensure its products are always on store shelves. The success of green Monster has opened the door for Monster's innovations, he says.

"Our flagship Monster SKU sales continue to grow in the channel," Bremmer says. "We're putting in more SKUs, and velocity sales per outlet on Monster green 16-ounce continue to rise. Generally sales for the flagship product of most brands is the most critical and sales for our

Left: Multi-packs of Monster Lo-Carb are repackaged at Hansen's Corona, Calif., distribution facility. Below: Geoff Bremmer, Monster brand manager, and Beverage Industry's Jennifer Zegier, walk between stacks of Monster's large stock of energy drinks at the distribution center.

flagship have never dipped. The product continues to grow despite line extensions and multi-packs."

The company maintains a nationwide network of convenience storefocused representatives, which it calls trade development managers. Monster employs 100 trade development managers nationwide who take the time to go into local stores set shelves, sell SKUs and bring in pointof-sale items.

"The trade development managers are experts in their own local area," Bremmer says. "It's a time-consuming and important task. Not every merchandiser can accommodate every SKU and put up P.O.S. inside and outside the store. The trade development managers are in the market and have the time, so if they need to take apart a shelf and reorganize it, they'll do it. It's a service level that our company has provided from the start."

To make sure the product is consistent across its network of co-packers in Southern California, Texas, Florida, the Carolinas, Minnesota and Missouri, samples of Monster are shipped from the co-packer to Hansen's Quality Control Department. In its facility, which is adjacent to the Corona warehouse, Hansen employees test the blended products.

Since May 2006, Hansen has had a distribution arrangements with many Anheuser-Busch distributors for Monster and two other affiliated

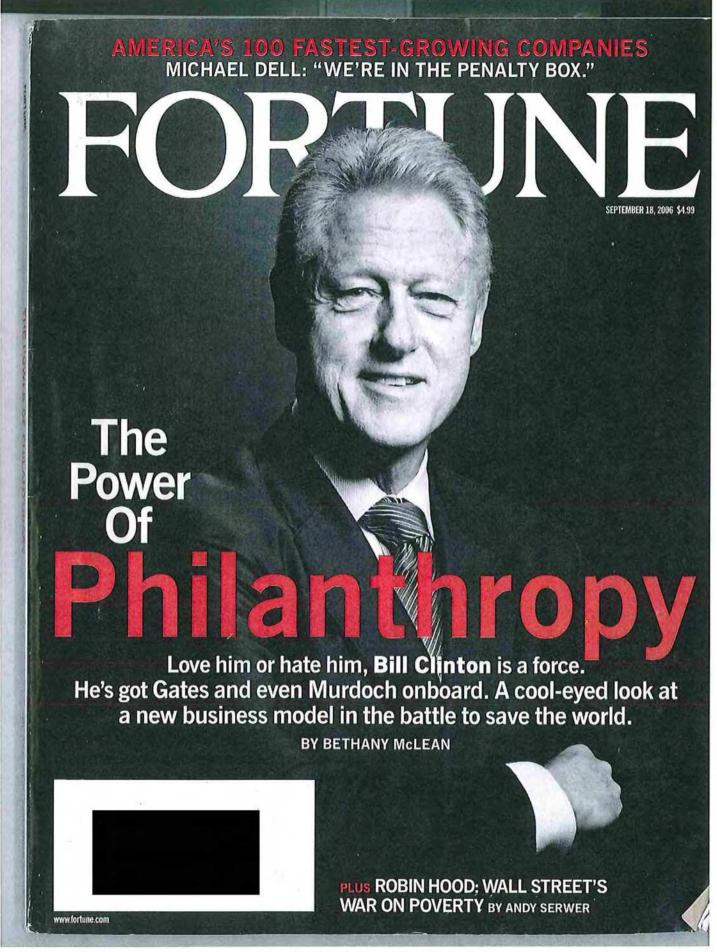
> energy drinks. The Anheuser-Busch network is now one of Hansen's primary distributors, but it is not an exclusive agreement, Bowen says. The company still has licensing agreements with various distributors in many territories by brand and by channel.

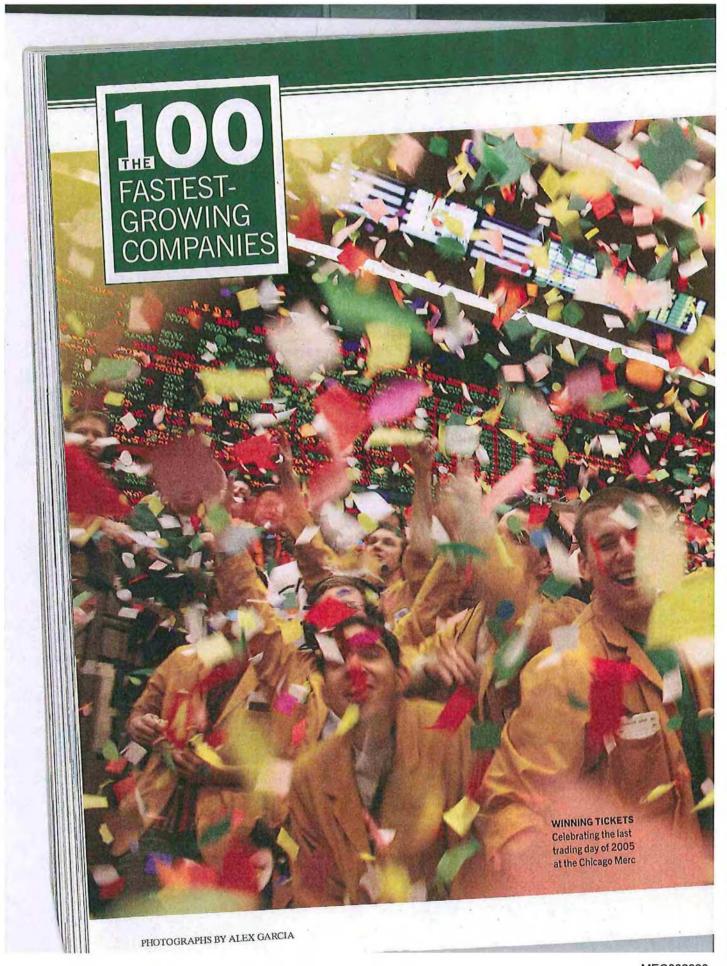
"We strive to streamline the supply chain and utilize services they offer so the product is in the right place to maximize sales," Bowen says. **BI** 



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# The Joy of Growth

The latest edition of our annual ranking of hot companies shows the power of petroleum—and vanity. BY JENNY MERO

THE PETRO-FICATION OF OUR 100 Fastest-Growing Companies list continues apace. Each year our ranking provides a snapshot of America's economy, and this year the picture is drenched in oil. Last year 18 energy firms cracked the top 100—up from four in 2000. Oil prices have soared ever higher, and now more than a third of our roster—34 companies—are in the energy biz. Among them is our No. 1, Vaalco Energy of Houston, an exploration and production company that saw profits soar at an astonishing rate of 147% annually over the past three years, while its stock returned a total of 906%.

But oil is hardly the whole story. Computer and biotech firms make their usual strong showing, and there are some surprising names, like the Chicago Mercantile Exchange, No. 81. Powered by its popular Eurodollar contract and other financial products, the 108-year-old Merc has been burning up the track since it went public in 2002, with its stock gaining 619% in three years. Catering to Americans' obsession with how they look (and how well they see) has been remarkably lucrative: LCA-Vision, a laser-surgery provider, lands at

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# The Top 10

- 1. Vaalco Energy
- 2. Hansen Natural
- 3. Armor Holdings
- 4. Southern Copper
- 5. LCA-Vision
- 6. Palomar Medical Technologies
- 7. Amedisys
- 8. Edge Petroleum
- 9. Maverick Tube
- 10. Nucor

No. 5, followed closely by Palomar Medical Technologies, which makes laser devices used in cosmetic skin treatments. Giving more evidence that the housing bubble is rapidly deflating, only two homebuilders made the cut: Toll Brothers at No. 98, and Meritage Homes at No. 99. Last year there were four homebuilders and two land developers on the list. As the homebuilders demonstrate, sustaining explosive growth is nearly impossible. But for those keeping score, retailer Chico's (No. 100), IT services provider Cognizant (No. 31), and Meritage tie for the longest current streak on the list, with four consecutive years.

Apple and Google are two of the fastest growers around these days. And the Silicon Valley stars are becoming increasingly close. Google CEO Eric Schmidt recently joined Apple's board, suggesting a broader alliance between the two staunch Microsoft foes, which also happen to be the two most prolific Silicon Valley innovators of recent years. The companies have something else in common: Neither one is on our list. Thanks to robust growth led by the iPod, Apple was slated to make its very first appearance. But the company has announced that it will probably have to restate earnings because of questions about the timing of stock option grants, so we had to drop it. Google just needs more time: It has been a public company for only two years, and our threshold is three. We're eager to see where it lands in next year's honor roll.



PARTIED OUT Sooner or later, every fast grower has to take a breather.

WE BEGIN THIS YEAR'S GUIDE to America's elite performers on the following page with the list itself. From there you can move to "Playing With Fire," where we give investment advice on the ten largest companies (by market cap) on the list—plus Apple and Google. The Big Ten include familiar giants—biotech firm Genentech (No. 79), making its third run on the list, as well as Internet-portal powerhouse Yahoo (No. 19) and energy stalwart ConocoPhillips (No. 75), which both appear for the second consecutive time. The booklet that follows offers a look back at five outfits, including Amgen, Papa John's, and Adobe, that once lived life in the fast lane and, while no longer on our list, have made a successful transition to more moderate but sustainable growth.

FEEDBACK jmero@fortunemail.com

TURN THE PAGE AND OPEN THE FOLDOUT TO SEE OUR LIST OF





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# The Class of '06

# Welcome to our annual ranking of supercharged performers.

DURING THE 16 TIMES that FORTUNE has compiled our list of the 100 Fastest-Growing Companies, we've learned a few things. One is that sustaining growth at these levels ain't easy. Only 43 of the 100 companies from last year's list made the grade again this year. Another is that being in the right place at the right time can be just as important as how you run your business. The latest example: In 2005, oil prices averaged \$52 a barrel, up from \$38 a barrel in 2004. Voilà! Almost a third of the

companies on this year's list are in the energy sector, including No. 1, Vaalco Energy.

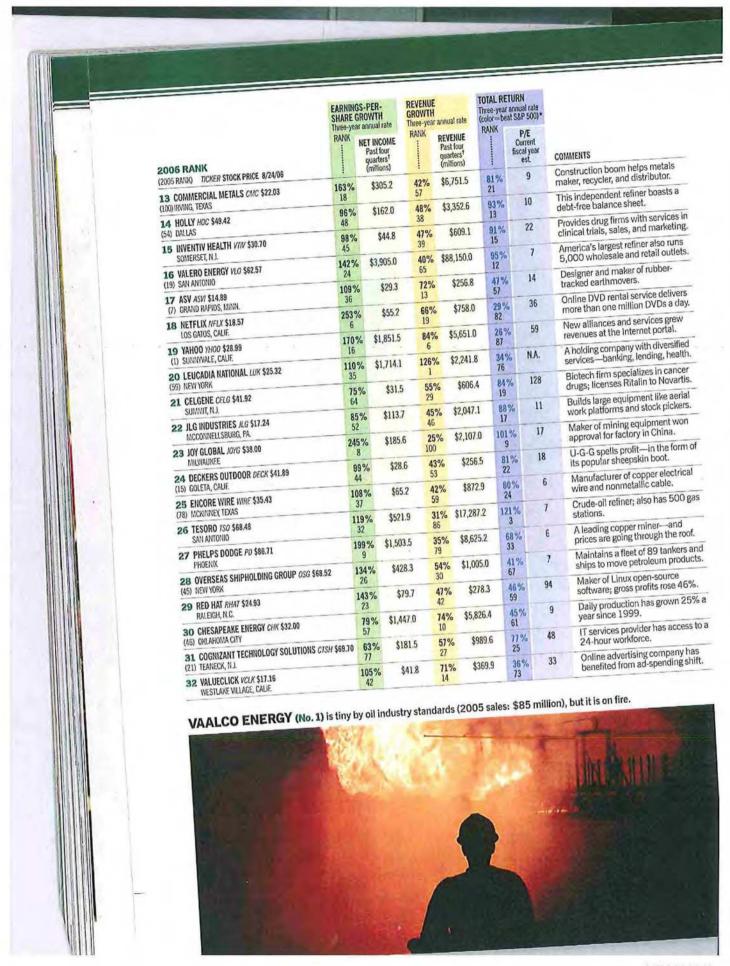
To compute the rankings, we use data from Zacks Investment Research and give equal weight to three factors: profit and sales growth (for three years through the first quarter of 2006) and three-year total return (through June). For additional details, see fortune.com.

BY L. MICHAEL CACACE (SENIOR LIST EDITOR), DOUGLAS ELAM, EUGENIA LEVENSON, Jenny Mero, anastasia serdyukova, christopher tkaczyk, richard K. Tucksmith

	SHARE Three-ye	IGS-PER- GROWTH ear annual rate			TOTAL RETURN Three-year annual rate (color=beat S&P 500)*			
2006 RANK (2005 RANK) TICKER STOCK PRICE 8/24/06	RANK	Past four quarters <sup>†</sup> (millions)	RANK	REVENUE Past four quarters† (millions)	RANK	P/E Current fiscal year est.	COMMENTS	
1 VAALCO ENERGY EGY \$8.16 HOUSTON	147% 21	\$32.9	81% 8	\$93.0	116% 4	11	No secret here: Expensive oil translates into a gusher of sales.	
2 HANSEN NATURAL HANS \$29.78 (37) CORONA, CALIF.	177% 13	\$75.0	61% 22	\$408.6	344% 1	27	Beverage maker gets its buzz from Monster brand energy drink.	
3 ARMOR HOLDINGS AH \$51.37 (47) JACKSONVILLE	250% 7	\$142.9	89% 4	\$1,717.4	60 % 37	14	Global strife stokes the market for this supplier of body armor.	
4 SOUTHERN COPPER <sup>1,2</sup> PCU \$89.42	173% 14	\$1,523.3	51% 33	\$4,287.8	96% 11	7	Bright copper prices boost growth; operations in Peru and Mexico.	
5 LCA-VISION LCAV \$42.44 CINCINNATI	154% 20	\$35.4	51% 34	\$215.6	108% 6	23	The eyes have it: LASIK surgery provider operates 55 U.S. centers.	
6 PALOMAR MEDICAL TECHNOLOGIES PMTI \$37.26 BURLINGTON, MASS.	122% 28	\$20.2	46% 43	\$81.6	112%	28	Light and laser devices for hair removal, acne, and varicose veins.	
7 AMEDISYS AMED \$40.06 BATON ROUGE	121 % 30	\$30.3	49% 36	\$438.3	89% 16	17	Home-nursing-care and hospice specialist is buying smaller firms.	
8 EDGE PETROLEUM EPEX \$18.90 (40) HOUSTON	139 % 25	\$35.5	81% 7	\$133.2	52% 50	16	Independent has 81% drilling success rate and record reserves.	
9 MAVERICK TUBE MVK \$84.36 (26) CHESTERFIELD, MO.	350 % 3	\$212.0	<b>52%</b> 32	\$1,917.5	49 % 55	10	Maker of pipes for oil and gas wells is set to merge with Tenaris.	
10 NUCOR NUE \$49.75 (63) CHARLOTTE	172% 15	\$1,334.8	44% 48	\$12,923.5	68% 32	9	Rising global demand helps nation's biggest steelmaker,	
11 FRONTIER OIL FTO \$35.60 HOUSTON	678% 1	\$295.7	30% 87	\$4,320.7	108% 7	10	Independent oil refiner and marketer enjoys run-up in prices.	
12 JUPITERMEDIA JUPAI \$6.59 DARIEN, CONN.	374%	\$82.0	48% 37	\$136.3	48% 56	22	Digital-content provider draws 65% of sales from stock photos.	

N.A. Not available. \*The S&P 500 returned 11.2% annually over the same period. †Through the quarter ended March 31, 2006. †Grupo México, Mexico City, owns 75% of the company. \*The company changed name from Southern Peru Copper, Oct. 31, 2005.

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NETFLIX (No. 18) Workers fill orders for movies-to-go at a Netflix distribution facility in Sunnyvale, Calif.

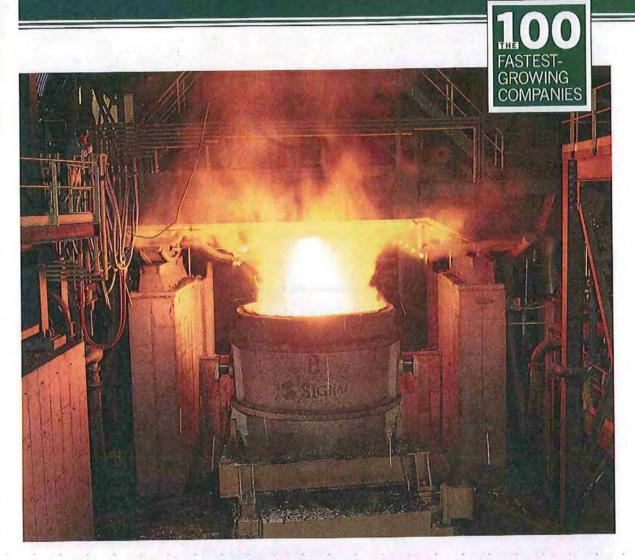
2006 RANK (2005 RANK) TICKER STOCK PRICE 8/24/06	EARNINGS-PER- SHARE GROWTH Three-year annual rate RANK		REVENUE GROWTH Three-year annual rate RANK		(color=1	RETURN ar annual rate beat S&P 500)*	
	RANK	Past four quarters† (millions)	KANK	REVENUE Past four quarters† (millions)	RANK	P/E Current fiscal year est.	COMMENTS
33 COMPUCREDIT CCRT \$27.05 (2) ATLANTA	116% 33	\$152.8	47% 41	\$1,022.0	47 % 58	7	Supplies financial products and services to high-risk borrowers.
34 PSYCHIATRIC SOLUTIONS PSYS \$31.94 FRANKLIN, TENN.	33% 100	\$36.0	80% 9	\$832.9	81 % 23	29	Provides in-patient behavioral- health services in 27 states.
35 SOUTHWESTERN ENERGY SWW \$35.10 HOUSTON	81 % 55	\$173.5	39% 69	\$742.0	103% 8	33	Natural-gas production, marketing, transport, and distribution company
36 EURONET WORLDWIDE EEFT \$23.70 (34) LEAWDOD, KAN.	57 % 78	\$31.9	89% 5	\$560.9	53% 49	24	ATMs in more than 80 countries, plus calling and debit cards.
<b>37 UNIT </b> <i>UNT</i> \$54.45 TULSA	98% 47	\$256.6	67% 18	\$996.8	40% 68	8	Three acquisitions in 2005 added gas reserves and nine new rigs.
38 RPC RES \$20.72 ATLANIA	197% 10	\$81.4	28% 95	\$471.4	72% 28	13	Provides equipment to oil drillers in the U.S. and the Gulf.
<b>39 XTO ENERGY</b> <i>XTO</i> \$46.72 (74) FORT WORTH	67% 72	\$1,453.5	64% 21	\$4,104.9	57 % 42	11	Most of its reserves are natural gas it also produces 45,000 b/d of oil.
40 SWIFT ENERGY SFY \$44.45 HOUSTON	107% 38	\$127.4	42% 58	\$463.8	57 % 39	9	Another oil play, with interests in the Gulf, Texas—and New Zealand
41 BUILDING MATERIALS HOLDING BMHC \$25.44 San Francisco	130% 27	\$136.4	39% 68	\$3,223.8	57% 41	6	Provider of construction services rides the housing boom.
42 LIFECELL LIFC \$28.86 (16) BRANCHBURG, NJ.	77 % 62	\$14.0	43% 54	\$105.2	82% 20	48	Organ and tissue provider for transplant patients.
43 PATTERSON-UTI ENERGY PTEN \$27.49 SNYDER, TEXAS	270% 4	\$473.8	47% 40	\$1,987.6	21 % 95	7	Some 400 land-based rigs produce oil and natural gas in U.S., Canada.
44 UNITED STATES STEEL X \$58.92 PITTSBURGH	182% 12	\$707.0	28% 93	\$13,980.0	64% 35	6	Major steel producers in a world that cannot get enough steel.
45 PRIMEENERGY PNRG \$69.08 STAMFORD	106 % 41	\$27.7	28% 94	\$82.6	101% 10	N.A.	Another oil play; 1,500 wells in 13 states and the Gulf of Mexico.
46 STEEL DYNAMICS STLD \$50.60 (31) FORT WAYNE	66% 73	\$237.1	45% 44	\$2,280.0	69% 30	7	Acquired Roanoke Electric Steel; fifth-largest maker of carbon steel,
47 CHILDREN'S PLACE RETAIL STORES PLCE \$54.93 SECAUCUS, N.J.	167% 17	\$65.6	39% 70	\$1,668.7	44 % 63	20	Kids' specialty retailer also operates 320 Disney stores.
48 GRANT PRIDECO GRP \$41.75 HOUSTON	196% 11	\$244.8	28% 96	\$1,472.3	56% 45	13	Drill-parts company benefits from new technologies, higher demand.
49 PENN VIRGINIA PVA \$70.75 (85) RADNOR, PA.	45% 87	\$79.2	72% 12	\$788.5	50 % 53	22	Oil and gas producer has substantial coal reserves as well.
50 HELIX ENERGY SOLUTIONS GROUP HLX \$37.45 HOUSTON	121% 31	\$182.8	37% 76	\$931.6	55% 48	11	Marine contractor and operator of oil and gas properties.
51 RELIANCE STEEL & ALUMINUM RS \$30.72 LOS ANGELES	122% 29	\$230.9	29% 90	\$3,543.1	60 % 38	7	Construction and commodities booms are boosting revenues.
52 WORLD FUEL SERVICES INT \$34.90 MIAM	34% 97	\$47.2	71% 15	\$9,493.4	56% 46	18	Sells fuel and related services for planes, ships, and ground vehicles.

	EARNINGS-PER- SHARE GROWTH Three-year annual rate		REVENUE GROWTH Three-year annual rate		TOTAL RETURN Three-year annual rate (color==beat S&P 500)*		
2006 RANK (2005 RANK) TICKER STOCK PRICE 8/24/06	RANK	NET INCOME Past four quarters <sup>†</sup> (millions)	RANK	REVENUE Past four quarters <sup>†</sup> (millions)	RANK	P/E Current fiscal year est.	COMMENTS
53 EOG RESOURCES EOG \$67.41 HOUSTON	93% 49	\$1,483.6	<b>42%</b> 56	\$4,016.6	50 % 54	13	One of nation's largest independent oil and natural-gas companies.
54 LAM RESEARCH LRCX \$40.63 FREMONT, CALIF.	256% 5	\$280.1	32% 84	\$1,470.3	37 % 70	11	Supplies wafer-processing equip- ment to semiconductor industry,
<b>55 ONEOK</b> <i>OKE</i> \$37.54 TULSA	67% 70	\$568.4	118%	\$13,887.5	25% 88	17	The diversified energy company is thriving.
<b>56 GILEAD SCIENCES</b> GILD \$63.70 (29) FOSTER CITY, CALIF.	84% 53	\$919.5	59% 24	\$2,290.9	29 % 83	28	Profiting from demand for its bird flu pill, Tamiflu.
57 AMERICAN CAPITAL STRATEGIES ACAS \$37.79 (91) BETHESDA, MO.	106% 40	\$415.3	58% 25	\$626.8	21% 96	12	Midsized-company buyout firm has increased dividends for eight years.
58 TTM TECHNOLOGIES TTM! \$12.07 (83) SANTA ANA, CALIF.	143% 22	\$35.2	35% 80	\$254.0	46 % 60	13	Makes circuitboards for products like aircraft navigation systems.
59 BERRY PETROLEUM BRY \$32.09 (97) BAKERSFIELD, CALIE.	65% 75	\$113.1	45% 45	\$436.3	57 % 44	12	Lifted sales and profits by adding natural gas and light oil to portfolio
60 SANDISK SNDK \$53.01 (8) MLPITAS, CALIF.	69% 68	\$347.0	59% 23	\$2,478.4	36% 74	28	Designs and markets flash- memory data-storage products.
61 RESOURCES CONNECTION RECN \$23.29 COSTA MESA, CALIE.	81% 54	\$60.6	55% 28	\$618.0	28 % 85	22	Provides accountants and advice to businesses with compliance issues.
<b>62 AUTODESK</b> ADSK \$33.25 SAN RAFAEL, CALIF.	115% 34	\$328.9	26% 98	\$1,523.2	63 % 36	29	Engineering and architecture firms use its design-software products.
63 VINEYARD NATIONAL BANCORP WBC \$26.69 (4) RANCHO CUCAMONGA, CALIE.	46% 84	\$18.7	70% 16	\$127.5	38 % 69	13	Bank holding company has a specialty in small-business lending.
64 LUFKIN INDUSTRIES LUFK \$63.20 LUFKIN, TEXAS	75% 63	\$52.3	32% 83	\$524.2	72% 27	15	Oil-pump maker is 104 years old; sales jumped 38% in 2005.
65 SUNOCO SUN \$77.08 PHLADELPHIA	86% 50	\$937.0	33% 81	\$35,148.0	57% 43	9	Diversified oil firm handily beat the majors' stock performance.
66 YRC WORLDWIDE YRCW \$35.95 OVERLAND PARK, KAN.	78% 58	\$280.4	57% 26	\$9,437.8	22% 92	6	Global transportation company has branched out into logistics.
67 URBAN OUTFITTERS URBN \$15.11 (39) PHILADELPHA	66% 74	\$130.8	40% 62	\$1,092.1	57% 40	22	Ultra-trendy clothing chain has tripled revenues since 2002.
68 RANGE RESOURCES RRC \$27.77 FORT WORTH	34% 98	\$144,7	41% 60	\$617.2	87 % 18	21	Oil company is making major investments in shale.
69 GARDNER DENVER GDI \$36.15 QUINCY, ILL.	38% 96	\$87.2	50% 35	\$1,375.0	56% 47	16	Acquisitions have pumped up growth at this producer of pumps.
70 WILSHIRE BANCORP WIBC \$19.25 (79) LOS ANGELES	45% 85	\$29.5	40% 64	\$130.1	68% 31	-17	Provides loans through the Small Business Administration.
71 SCHNITZER STEEL SCHN \$32.07 (17) PORTLAND, ORE.	98% 46	\$130.6	41% 61	\$1,230.3	34% 75	8	Turns scrap metal into finished steel; also recycles auto parts.
72 COMMERCIAL CAPITAL BANCORP CCB/ \$15.88 IRVINE, CALIF.	41% 93	\$65.1	91%	\$301.1	28% 86	13	California lender works with medium-sized companies.

TOLL BROTHERS (No. 98) Starter castles like this one have built growth, but the housing market is slumping.



	2006 FASTEST GR							
		EARNINGS-PER- SHARE GROWTH Three-year annual rate				TOTAL RETURN Three-year annual rate (color=beat S&P 500)*		
	2006 RANK		Past four quarters <sup>†</sup> (millions)		REVENUE Past four quarters <sup>†</sup> (millions)	RANK	P/E Current fiscal year est.	COMMENTS
	(2005 RANK) NICKER STOCK PRICE 8/24/06 73 DYNAMIC MATERIALS <sup>3</sup> BOOM \$32.88	42%	\$14.2	30% 88	\$87.0	208%	21	Dynamic's cladding process strengthens weak metal.
	BOULDER 74 OMNIVISION TECHNOLOGIES OVTI \$17.29	92 74%	\$84.3	65%	\$463.1	11%	14	Image-capturing devices find their way into phones and surveillance cameras.
	MON SIMMANIF CALIF.	65 107%	\$13,908.0		190,008.0	37 % 72	6	Higher oil prices mean brisk growth for nation's second-largest refiner.
	(41) HOUSTON  76 RUSH ENTERPRISES RUSHB \$15.45	39 71%	\$48.5	75 38%	\$1,960.6	52 % 51	N.A.	Sells and rents construction equipment and parts, including John Deere trucks.
	NEW BRAUNFELS, TEXAS	66 78%	\$56.7	72 45%	\$243.9	28%	33	Builds and manages websites for publishers, manufacturers, and retailers.
	77 DIGITAL RIVER DRIV \$47.00 EDEN PRARIE, MINN.	59 77%	\$847.2	47	\$12,453.5	30%	15	Refiners' gas stations are located mostly in Wal-Mart Supercenters.
	78 MURPHY OIL MUR \$49.53 EL DORADO, ARK	61	\$1,415.8	50 38%	\$7,157.8	31%	44	The biotech's market cap has increased tenfold, to \$100 billion, since 1999.
	79 GENENTECH <sup>1</sup> DVA \$80.18 (30) SOUTH SAN FRANCISCO	43	\$36.2	73 33%	\$973.8	79 45%	11	A leader of the "double-stack inter- modal" pack—i.e., railroad freight cars.
	BO GREENBRIER COS. GBX \$26.40 LAKE OSWEGO, GRE.	51	\$327.4	82 28%	\$969.7	62 93%	40	Total volume exceeded one billion contracts for the first time in 2005.
	81 CHICAGO MERCANTILE EXCH. HLDGS. CME \$445.50 CHICAGO	00	\$35.4	97 26%	\$239.8	14 69%	24	Manufactures and sells semiconductors for computer and car industries.
	82 DIODES DIOD \$38.42 WESTLAKE VILLAGE, CALIF.	68% 69	.,	99	\$148.7	29 24%	15	Digital-media company owns CD-burning software Easy Media Creator and Toast.
N.	83 SONIC SOLUTIONS SWIC \$14.63 (14) NOVATO, CALIF.	43 % 90	\$19.9	17		90	34	the eveloping and software manage
	84 QUALITY SYSTEMS QS/ \$39.39 (86) IRVINE, CALIF.	47% 82	\$23.3	28% 92		26		records in medical and dental offices.  Net profits doubled; company helps U.S. oil and gas companies develop deposits.
	85 TETRA TECHNOLOGIES 777 \$27.44 THE WOODLANDS, TEXAS	64% 76	\$51.9	29% 91		34		Provides products and services to the
	86 HEADWATERS HW \$21.73 (58) SOUTH JORDAN, UTAH	41% 94	\$146.9	72% 11		21 % 97		energy and construction industries.  Twonty thousand midsized businesses
	87 EPICOR SOFTWARE EPIC \$12.23 IRVINE, CALIF.	155% 19	\$50.6	32% 85		98		have its enterprise software.  High prices led to record revenues at this
	88 ST. MARY LAND & EXPLORATION SM \$40.72 (70) DENVER	45 % 88	\$167.4	44% 51	\$789.4	64		oil and gas company.  Oil and gas company with interests in the
	89 PIONEER NATURAL RESOURCES PXD \$42.37	78% 60	\$993.1	43% 55	\$2,238.8	21 % 94	20	Americas and Africa.  Strong demand in housing and
	90 CORUS BANKSHARES CORS \$21.39	46 % 83	\$152.5	44% 49	6 \$555.8	33° 77	6 7	commercial real estate fueled growth.  Satellite-based communications-equip-
	91 COMTECH TELECOMMUNICATIONS CATTL \$31.63	81 % 56	6 \$44.2	369 77	<b>\$376.0</b>	33 7 78	6 18	ment maker is on a three-year growth run.  Tripled proven reserves with \$2.1 billion
	MELVILLE, N.Y.  92 CIMAREX ENERGY XEC \$38.17	42 % 91	<b>\$395.1</b>	53°2	% \$1,315.9	22° 91	<b>%</b> 9	acquisition of Magnum Hunter.
	93 NATIONAL OILWELL VARCO NOV \$66.72	349	% \$371.6	439		42°	% 19	ing and well services for oil and gos in this
	HOUSTON 94 QUANEX IIX \$34.60	529		1022	% \$1,948.4	50 52	% 8	homebuilding and auto mandidetoring
	HOUSTON  95 OIL STATES INTERNATIONAL DIS \$31.62	43	% \$149.		% \$1,695.9	1000	%	tools and services to the industry.
	HOUSTON  96 SEACOR HOLDINGS CKM \$86.73	89 67	% \$202.	2 36	% \$1,112.7	-	% 1	ering to delivering personner on a re-
	FORT LAUDERDALE  97 ENERGY PARTNERS EPL \$18.25	71	% \$67.		1% \$415.	- 1000	% 1	operations.
	(76) NEW ORLEANS  98 TOLL BROTHERS TOL \$25.42		% \$859		0% \$6,144.	1172	1%	One of the largest builders of luxury homes in the country.
	HORSHAM, PA.	79			0% \$3,297.	.2 2	1%	Major homebuilder in the fast-growing markets of the South and West.
	99 MERITAGE HOMES MIH \$40.20 (89) SCOTTSDALE	80		6.0 3	7 8% \$1,404		1%	Retailer of clothing for grownup womer appears for the fourth straight year.
	100 CHICO'S FAS CHS \$17.95 (51) FORT MFRS, FLA. 3Groupe SNPE, Paris, owns 52% of the compa	9	5	7	1	1	i	appears for the fourth straight year.



# **Playing With Fire**

How investors should handle the ten biggest stocks on our list of fast-growing companies. (Plus, our take on Apple and Google.) BY DAVID STIRES, JON BIRGER, AND JOHN SIMONS

RON BARON DOESN'T SUFFER DOOMSAYERS gladly. Sitting in his sun-drenched office overlooking New York City's Central Park on an August afternoon, the 63-year-old founder of Baron Capital Group grudgingly concedes that all is not rosy in the world, given war in the Middle East, stratospheric gas prices, and the slumping housing market. But

after some consideration, the fashionably tanned money manager and avid art collector brushes those concerns aside like crumbs on his Giacometti coffee table. "I invest in dreams," he says, reclining in an antique rocking chair. "These are exciting times!"

You need that kind of optimism to invest in fastgrowing companies. For Baron, hot names and hot IT'S A BLAST Thanks to booming global demand for steel, Nucor's mills, like this one in Crawfordsville, Ind., have been running full out.

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trends have been the path to tremendous profits. Others see growth investing in more skeptical terms. "Wonders can be accomplished with the right individual selections, bought at the right price," legendary value investor Benjamin Graham wrote of growth stocks in his 1949 classic, The Intelligent Investor. "But the average investor can no more expect to accomplish this than to find money growing on trees."

Readers who use FORTUNE's annual Fastest-Growing Companies list as a source of investment ideas are well acquainted with the twin pillars of opportunity and risk that characterize growth stocks. Hansen Natural, this year's No. 2 player, saw its shares shoot up 170% since it appeared on the list last year. But not all go-go names have been as rewarding. The selection

of stocks we cited last year in "Seven to Bet On" (see fortune.com) saw earnings grow a remarkable 55%, on average, over the past four quarters. Yet because investors have such high hopes for these red-hot stocks, those gaudy numbers actually disappointed—and our recommended group is down an average of 10%.

To help investors analyze this year's list, we decided to borrow from the teachings of one of the first and most successful growth investors, T. Rowe Price, who founded the investment firm that bears his name in 1937. He suggested finding "fertile fields for growth" and then buying the leading companies in each field. With that in mind, we decided to drill down into the prospects of the ten largest firms on this year's Fastest-Growing list (by market capitalization as of June 30).

# What About Apple and Google?

These two marquee fast-growers aren't on our list. Are they buys?

AS YOU PERUSE the Fastest-Growing list, you'll notice two glaring omissions: Google and Apple. The explanations for their absence are simple: A company has to have been trading for at least three years to qualify for the list, and Google went public in August 2004. And Apple has told investors to ignore its recent financial results, pending the conclusion of an internal investigation into how stock options were granted. But a story on growth investing wouldn't be complete without considering the two hottest companies on the planet, so here we go.

The big question for Google is how long it can maintain its blistering growth rate. Boasting the most widely used

Internet search engine by far, the company captures a huge chunk of the advertising dollars migrating to the Internet as more people spend more time and money online. But to stay on top, it will have to continue to innovate faster and better than competitors such as Yahoo-and founders Larry Page and Sergey Brin haven't always hit home runs. Google hasn't been successful in integrating

new offerings such as blogging and photo-sharing services. Meanwhile big efforts such as Google Earth digital mapping do little to generate additional revenue for the company.

Investors clearly believe the growth will continue. Shares trade at 50 times the past 12 months' earnings, about three times the market multiple. It seems unnecessary to point out that the stock is expensive. It's more interesting to wonder

how cheap it might become if the company ever misses a quarter and the momentum investors bail out. That could be a great time to buy.

Apple's situation is more complicated. On June 29, the corporation became the ritziest name ensnared in the stockoptions accounting scandal that has now touched more than 100 companies. Apple announced that an internal review had uncovered "irregularities" in the way certain employee stock options were handled between 1997 and 2001. Then it said in early August that it had found additional irregularities, and that all earnings and press releases since Sep-

tember 2002 should no longer be relied upon.

Investors and analysts aren't fazed by the restatements, saying they concern past practices. In fact, the stock is up 20% since late June and retains its premium multiple of 33 times the past 12 months' earnings. Apple's iPod continues its runaway

success—sales are growing 30% a year-and lately it's been driving increased purchases of Ap-

ple personal computers. It's worth noting that federal prosecutors recently charged three former executives at Comverse Technology with fraud related to alleged manipulation of stock option grant dates. There is no indication that the same will happen at Apple-or that CEO Steve Jobs is personally implicated. Still, until the matter is resolved, this Apple is best left unpicked. - David Stires





TECH WONDERS Jobs (left), Brin, and Page

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You can increase your odds of success by sticking with firms that have weathered several cycles.

We describe what made them hot enough to compete with small players and earn a spot on our list, and we illuminate their strengths and weaknesses to help discern the outlook for their stocks.

Before we dig in, a few explanations. T. Rowe Price looked for companies increasing sales and earnings faster than inflation—as all of our list members are. But he took an unusually patient approach in his investing, holding many of his positions for more than 30 years. The key for him was finding companies that grew from the peak of one business cycle to the peak of the next one. That meant tolerating sometimes precipitous declines in sales and earnings within a cycle—a period that typically lasts for several years-while awaiting the next boom. Today's world changes so quickly that such multi-decade commitments are impractical. But sticking with the very biggest firms on our Fastest-Growing list, most of which have weathered several cycles, does increase your chances for long-term profits.

This year's group, and our Big Ten names in particular, are heavily populated by energy and natural resource companies, which are not the usual highgrowth fare. Growth stocks tend to trade at high multiples of earnings—high price/earnings ratios—even when their profits are soaring, as investors bid up stock prices in hopes of even faster growth ahead. Hansen Natural is a terrific example: Its shares, at a recent \$29, trade at 27 times this year's projected earnings-almost twice as expensive, for each dollar of earnings, as the broader Standard & Poor's 500-stock index. That's why some famous growth investors, including Peter Lynch, evaluate these kinds of stocks using price/earnings-to-growth, or PEG, ratios. (This measure is calculated by dividing a stock's P/E ratio by the

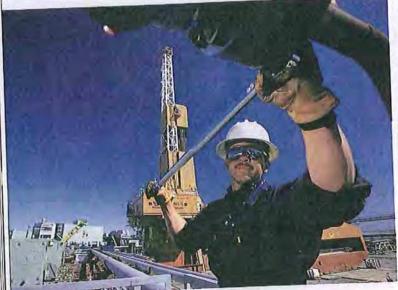
rate at which analysts expect its earnings to grow over the next several years.) Ideally, Lynch preferred to buy stocks with PEG ratios of one or less.

Cyclical stocks, like energy and metals firms, call for a different approach. When times are good, they see their earnings soar, lowering their P/Es. But that doesn't necessarily make such cyclicals a bargain. Indeed, cyclicals are often most attractive when their P/Es are high, indicating that earnings are low and poised to rebound.

Whether you're buying growth stocks or cyclicals, it's crucial to recognize the assumptions you are making with each stock and to build in some margin of safety. Some of our Big Ten names, for instance, may already be in your portfolio-a major oil company like, say, ConocoPhillips. If so, congratulations: You're probably sitting on huge winnings (the stock has returned 150% over the past three years). But it may also make sense to take some of those winnings off the table -to safeguard some of those profits-in case this cyclical business is at its peak. Similar arguments could be made for investors in Genentech, another of our big names. We'll try to address the outlook for buyers and existing shareholders in the sections that follow.

One final note: Our Big Ten list would probably have been a Big 12 were it not for a couple of anomalies: First, because Google has been a public company for only two years, it doesn't qualify for our Fastest-Growing list. Second, Apple would have ranked near the very top of the list. But ensnared in the burgeoning options-backdating scandal, the company has said that its reported earnings for the past three years should not be relied upon. Since Apple and Google meet the general qualifications and spirit of our list, we've decided to assess them in the sidebar on page 152. And now, on to the stocks, starting with the largest. (For each one, we've listed its rank on the Fastest-Growing list, along with its ticker symbol and current market value.)

**TIGHTEN UP Keeping** the oil moving at ConocoPhillips's Alpine field on Alaska's North Slope



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# CONOCOPHILLIPS

Rank 75 Ticker COP Market value \$108 billion

WHY IT'S HOT High oil prices. ConocoPhillips is the nation's second-largest refiner and third-largest American oil company overall (behind Exxon-Mobil and Chevron).

CHALLENGES AND OPPOR-TUNITIES Almost 80% of Conoco's oil and gas reserves are in mature re-



gions in North America and Europe, so CEO Jim Mulva needs to push into more resource-rich regions, such as Russia and the Middle East. This year Mulva

ALL CHARTS: QUARTERLY DATA THROUGH JUNE 30, 2006. SQURCE: BLOOMBERG

Genentech's success rests largely on four blockbuster drugs that combat various forms of cancer.

RICH BREW

A fermentation tank

at a Genentech lab

is spending \$18 billion to finance new drilling projects, upgrade investment-starved refineries, and make acquisitions, including increasing Conoco's stake in Russian oil producer Lukoil. But this can be risky—witness the charge Conoco had to take when Venezuela unexpectedly slapped higher taxes on foreign oil companies. And growing by acquisition is getting pricey. Critics say Mulva overpaid when he bought energy giant Burlington Resources last year for \$35 billion, a deal that added \$19 billion in debt.

STOCK OUTLOOK With a price/earnings ratio of six (based on the previous 12 months' earnings), the stock sells at a significant discount to its peers. The gap stems in part from Mulva's willingness to embrace risky exploration projects. But so far Mulva's bets have paid off, making Conoco shares look awfully attractive.

GENENTECH

Rank 79 Ticker DNA Market value \$84 billion

WHY IT'S HOT Think of Genentech as the cancer company: Its success rests largely on four blockbuster drugs that combat various forms of the disease. Top treatments include Avastin for colorectal, lung, and breast cancers; Herceptin for "Her-2" breast cancer; Rituxan, for non-Hodg-



kin's lymphoma; and Tarceva for lung and pancreatic cancer. Notes Citigroup analyst Elise Wang, for instance: "No other biotech or pharmaceutical company has ever been in a position to be launching four \$1 billion-plus products simultaneously."

CHALLENGES AND OPPORTUNITIES Genentech turns 30 this year. With its \$84 billion market capitalization, it is larger than rival Amgen, as well as such old-line drugmakers as Wyeth, Schering-Plough, and Eli Lilly. Therein lies Genentech's real test: to run among the giants without contracting the malaise plaguing Big Pharma. Can Genentech continue to foster a free-flowing creative spirit among its scientists while becoming more like Big Pharma in areas like sales and marketing?

In late June the FDA approved the company's newest drug, Lucentis, a treatment for age-related macular degeneration. Although investors were underwhelmed, the drug could top Pfizer's already established Macugen in the market. Clinical tests suggest Lucentis is more effective at restoring vision and reversing the disease. The next two years are critical for Genentech, as the company will need to prove that its R&D boom wasn't a fluke. Researchers plan to test existing drugs for additional uses, while moving three new drugs (for cancer, arthritis, and diabetes) into Phase II, or human, testing by the end of this year. STOCK OUTLOOK Take a deep breath. Genentech sports a high-octane P/E of 61 (based on this year's earnings), yet its earnings growth is likely to slow from its current breakneck annual pace of roughly 50% this year to a more moderate 33% in 2007 and 25% by

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excels at refining the cheaper "heavy sour" crude.

# **VALERO ENERGY**

Rank 16 Ticker VLO Market value \$37 billion

why it's hot Recognizing the yawning gap between the cost of building a new refinery and how the market was pricing existing ones, Valero founder Bill Greehey went on a buying spree in the late 1990s, building Valero into the nation's largest independent refiner. It proved to



be a brilliant strategy. No new refineries have been constructed in the U.S. for 30 years, and the existing facilities are operating at or near full capacity.

CHALLENGES AND OPPORTUNITIES With gasoline prices around \$3 a gallon and interest rates rising, cash-strapped consumers may finally cut back on their driving. Yet while Valero can't produce much more gasoline than it's now making, it's in a good position to make more money on each gallon sold. That's because Valero specializes in refining "heavy sour" crude at a time when heavy oil trades at a discount to the easier-to-refine "light sweet" variety.

STOCK OUTLOOK At its recent \$60, Valero stock trades at a P/E of only seven (vs. nine and 12 for rivals Sunoco and Frontier Oil). One reason for that discount is that

stock outlook At its recent \$60, Valero stock trades at a P/E of only seven (vs. nine and 12 for rivals Sunoco and Frontier Oil). One reason for that discount is that investors think Valero could do a better job controlling costs. Chi Chow, an analyst with oil and gas investment firm Petrie Parkman & Co., thinks incoming CEO Bill Klesse will prove more shareholder-friendly than Greehey by keeping down costs better, selling underperforming assets, and undertaking more share buybacks. Were the market to reward Valero with a P/E of just nine, that would translate to a stock price of \$82 (a 37% gain) based on projected 2006 earnings.

# GILEAD SCIENCES

Rank 56 Ticker GILD Market value \$29 billion

why it's hot Gilead's success in the HIV market has rocketed the company into the No. 3 spot among biotechs. Gilead has launched five drugs in six years, including Atripla, a revolutionary combination pill that allows HIV patients to take three treatments at once.



CHALLENGES AND OPPORTUNITIES HIV is a very narrow market, and it accounts for 70% of Gilead's \$2 billion in sales. The company also receives royalties on Roche's sales of Tamiflu, which is being stockpiled as a treatment for bird flu. Much of those profits could evaporate if the threat of that disease fades.

Gilead is testing Viread, currently used as an HIV treatment, to see whether it can help healthy people avoid contracting the disease. But the company needs to expand beyond that one market. With \$2.5 billion in cash and marketable securities on the books, CEO John Martin has money to spend on acquisitions. Most recently he paid \$365 million in August for privately held Corus Pharma, which is developing an inhaled antibiotic used to treat lung infections in patients with cystic fibrosis. Analysts speculate a bigger deal may be near-perhaps one that takes Gilead into the highly lucrative cancer market, STOCK OUTLOOK Biotech is one of the few areas of the market where a P/E of 30 is considered cheap. But Gilead's relatively low multiple reflects the concern that investors have for the company's thin pipeline. Gilead's HIV franchise is indeed potent. But until Martin comes up with another growth driver, the stock is no bargain.

# PHELPS DODGE

Rank 27 Ticker PD Market value \$18 billion

why tr's hot It's all about supply and demand. In our 2006 Investor's Guide we forecasted higher copper prices and picked Phelps Dodge, the world's second-largest copper producer, as a top investment. Well, copper prices are up 70% this year, while Phelps shares boast

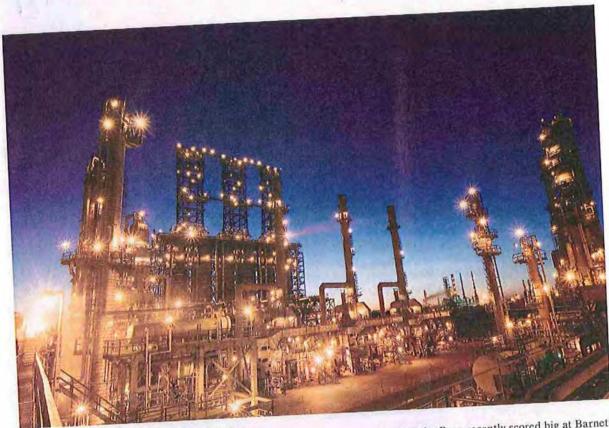


a 23% total return. Global economic growth, particularly in China and India, has spurred demand for commodities, and as industrial metals go, copper is fairly indispensable: It's used mainly for electrical wiring, and there's no good substitute.

challenges and opportunities Of late, the ups and downs in Phelps stock have been driven less by the copper business and more by the market's reaction to Phelps's attempted acquisition of Canadian mining companies Inco and Falconbridge. Analysts and investors weren't wild about the complicated deal, and Phelps stock rallied when Falconbridge was ultimately acquired by another suitor. (Prudential mining analyst John Tumazos thinks Phelps would rally again if the Inco deal also falls through.) Offsetting declining copper demand from U.S. residential construction has been increased demand from commercial construction as well as solid demand growth from Europe and China.

STOCK OUTLOOK Tumazos has a \$100 price target for Phelps (now \$89), based on an ultra-conservative \$1.25-a-pound copper price estimate for 2007. Tumazos says that if copper stays around \$3.60, "price targets in the \$150 to \$200 range are possible."

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BRIGHT PROSPECTS Valero acquired its Port Arthur facility when it bought Premcor in 2005, becoming the nation's largest refiner.

# **EOG RESOURCES**

Rank 53 Ticker EOG Market value \$16 billion

WHY IT'S HOT As an independent producer of natural gas, EOG Resources (formerly Enron Oil & Gas, which split from parent Enron unscathed in 1999) has one of the most attractive niches in the energy business: supplying natural gas to the thirsty American market. And as



a low-cost operator, EOG boasts some of the highest margins in the industry.

CHALLENGES AND OPPORTUNITIES EOG doesn't have any refining or retail operations. This approach has its advantages, but it leaves the company vulnerable to unexpected commodity price swings. Although natural gas prices remain high, they have dropped by half over the past year. And since CEO Mark Papa shuns acquisitions, EOG is left to bolster reserves by drilling alone. The big opportunity is in shale. Like its peers, EOG is using new exploration techniques such as horizontal drilling to extract natural gas from nontraditional areas, including the notoriously hard-to-pene-

trate shale. Papa recently scored big at Barnett Shale, a prodigious patch near Fort Worth, where EOG is one of the industry's largest leaseholders, with more than 500,000 acres. He's now applying the new techniques at several other large shalebased plays in North America that could significantly increase reserves.

STOCK OUTLOOK If Papa can make good on his vow to increase annual production 7% to 11% for the next few years, holding EOG shares should be a gas.

## CELGENE

Rank 21 Ticker CELG Market value \$15 billion

WHY IT'S HOT Celgene, a barely profitable biotech with \$540 million in sales, recently won FDA approval for Revlimid to treat two blood diseases, including multiple myeloma, the second-most-common blood cancer in the U.S. (It afflicts 50,000 people.)



CHALLENGES AND OPPOR-

TUNITIES CEO Sol Barer needs to get his hot new drug Revlimid off to a strong launch-and then

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For the natural gas producer EOG, the next big opportunity is in shale.

crank out some new products, stat. The problem is that the drug has a dubious past. Revlimid is derived from thalidomide, a therapeutic that is known to have caused thousands of birth defects in the 1950s. Any safety or regulatory setbacks could be devastating for shareholders. Assuming that Revlimid remains safe, Barer can use the profits it generates to fund R&D and make acquisitions. Analysts are projecting the drug will generate a staggering \$2.5 billion in sales within a few years. And even that estimate could prove low, because Barer is testing the drug on other diseases, from non-Hodgkin's lymphoma to lymphocytic leukemia. Celgene also has promising candidates for treating asthma, psoriasis, and other diseases, although they're deeper in the pipeline. STOCK OUTLOOK Shares have tripled in the past two

stock outlook Shares have tripled in the past two years and now sell for a whopping 120 times this year's estimated earnings, making Celgene one of the most expensive stocks on the market. Certainly some of the excitement over Revlimid is warranted, but at its current multiple, Celgene makes even Google—trading at 42 times estimated 2006 earnings—look cheap.

### CHICAGO MERCANTILE EXCHANGE

Rank 81 Ticker CME Market value \$15 billion

WHY IT'S HOT A quick look at the Chicago Mercantile Exchange's stock chart tells you all you need to know about the state of high finance these days. The boom in options and futures trading has pushed the price of Merc shares from \$42 when it went public in late



2002 all the way up to \$437 today.

CHALLENGES AND OPPORTUNITIES The Merc's earnings growth has been tied to rising trading volumes, and those volumes are impossible to predict, because they hinge on market conditions. For example, reduced volatility in foreign exchange or interest rates could dry up trading business from hedge funds and other big investors.

The most exciting growth opportunity for the Merc is a joint venture with Reuters announced in May. The two companies intend to create a centralized foreign exchange marketplace for over-the-counter currency transactions. The Merc already trades currency futures, but futures represent a relatively small share of currency trading, which at \$2 trillion a day is the largest financial market in the world. Most currency transactions are cash trades—not futures—and the cash business has traditionally been decentralized among the big banks. But

FEEDBACK dstires@fortune.com, jbirger@fortune.com, and jsimons@fortune.com

with more and more hedge funds getting into the foreign exchange market, Reuters and Merc think there's demand for a centralized trading post.

stock outlook The Merc's highflying share price makes us wonder whether there's a cheaper way to get exposure to the booming market for futures, options, and other financial esoterica. Goldman Sachs, for example, has transformed itself from a traditional investment bank devoting most of its resources to underwriting securities and advising on mergers into arguably the most sophisticated trading machine on Wall Street. Goldman's earnings growth over the past four quarters exceeds the Merc's—88% to 31%—and yet Goldman's P/E is nine, compared with 48 for Chicago.

### NUCOR

Rank 10 Ticker NUE Market value \$15 billion

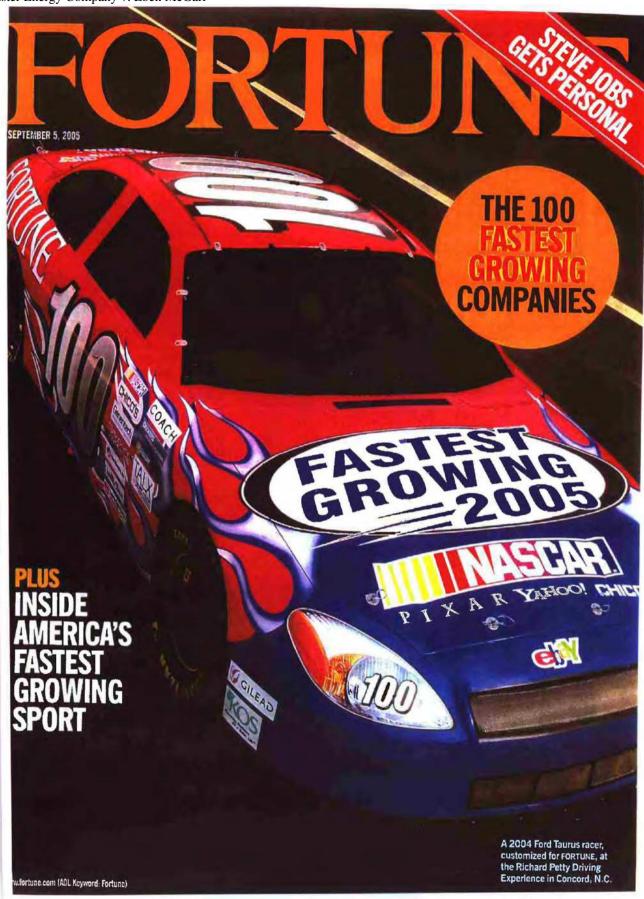
why it's hot The steel industry is in the midst of a historic boom, and Nucor is now the largest steel producer in the U.S., with \$12.7 billion in sales. President Bush's onerous tariff on imported steel helps too.



CHALLENGES AND OPPOR-TUNITIES CEO Dan Di-Micco needs to prepare

for the inevitable downturn in this notoriously cyclical industry by reducing debt and building cash reserves. That will allow him to scoop up assets from struggling competitors if a slump hits. With the world's ten largest steel companies accounting for only a quarter of the output, the industry is enormously fragmented, which means acquisition candidates abound. One big advantage for DiMicco is that Nucor has the girth to dictate pricing, allowing him to pass on higher raw-material and energy costs to customers. And in an industry known for belching smokestacks, he's introducing a bit of high-tech gadgetry. At one plant in Indiana, DiMicco is using a patented system that cuts the number of steps required to make certain steel products. If his team can apply that to more grades of steel, it could cut Nucor's costs dramatically-and even reshape the industry.

STOCK OUTLOOK Shares have more than doubled in the past year. But they still trade for just 11 times the past 12 months' earnings, which puts them near the low end of their historical range. Investors are clearly concerned about whether the steel boom can continue, which means the stock is attractive if the boom goes on longer than expected. The flip side: Even Nucor's seemingly modest valuation may prove lofty in a sharp downturn.





# **Growth in Surprising Places**

BY COREY HAJIM While most companies on our annual Fastest-Growing list cluster in a handful of hot sectors—tech, pharma, and this year energy and real estate—some find growth in even the most unlikely corners of the economy. For this special section, we've singled out five such overachievers: businesses that made our 2005 list without riding today's hot trends. These surprising companies are putting up sizzling numbers—and trouncing the competition—thanks to products like batting cages, armored Humvees, energy drinks, frialators, and vodka. Read on for the secrets of their success.

# **HANSEN NATURAL 'Unleash the beast!'**

# At a Glance

HANSEN NATURAL (HANS) Corona, Calif.

CEO: Rodney Sacks

Sales: \$227 million

Market cap: \$955 million

Employees: 300

Key products: Monster energy drinks Not too long ago, Hansen Natural was a sleepy alternative-beverage company built around a bohemian lineup of blends like Mandarin Lime soda. Then CEO Rodney Sacks noticed people gulping down so-called energy drinks during several trips abroad, and everything changed. He decided to take a shot at the "functional drink" market.

Hansen's first effort—a smoothie with ginseng, taurine,

and vitamins—quickly became one of the company's hot sellers. Yet Sacks wasn't satisfied. His core customer (affluent,

female, and health-conscious) was very different from the typical energy-drink consumer: male, irreverent, and interested in extreme sports. To truly compete with industry leader Red Bull—without alienating Hansen loyalists—he would have to conceive a whole new brand.

When the company launched an energy brew in 2002, the Hansen name wasn't on it: Monster, it was called, and it came in a black can with a clawlike logo. It had an edgy slogan ("Unleash the beast!") and sponsored events like surfing competitions and music tours as well as a motocross team. The strategy worked. Monster has become a monster in the energy-drink biz: In the most recent fiscal year the drink helped fuel a 244% increase in Hansen's profits. New Hansen brews to watch: Monster Lo-Carb, Assault, Joker, and Rumba.



# **EXHIBIT 4**

# United States of America United States Patent and Trademark Office

# **M**\$\psi\$\fer

Reg. No. 6,451,182

Registered Aug. 17, 2021

Int. Cl.: 32

**Trademark** 

**Principal Register** 

 $Monster\ Energy\ Company\ \ (DELAWARE\ CORPORATION)$ 

1 Monster Way

Corona, CALIFORNIA 92879

CLASS 32: Non-alcoholic beverages, namely, soft drinks, energy drinks, sports drinks, and fruit juice drinks

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002

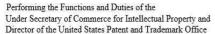
The mark consists of the stylized term "MONSTER" with a slash mark through the letter "O".

OWNER OF U.S. REG. NO. 3057061, 3134841, 4036681

SER. NO. 87-719,840, FILED 12-13-2017



Om Hulflell





### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

# WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

# Requirements in the First Ten Years\* What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

# Requirements in Successive Ten-Year Periods\* What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

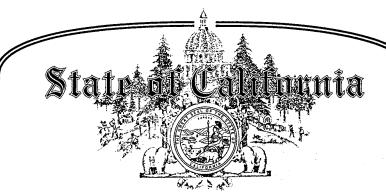
\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <a href="http://www.uspto.gov">http://www.uspto.gov</a>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <a href="http://www.uspto.gov">http://www.uspto.gov</a>.

Page: 2 of 2 / RN # 6451182

# **EXHIBIT 5**



# SECRETARY OF STATE

# Trademark Reg. No. 108124 Class No. Int. 32 CERTIFICATE OF REGISTRATION OF TRADEMARK

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the TRADEMARK described below has been duly registered in this office on behalf of:

Name of Applicant:

Hansen Beverage Company

**Business Address:** 

1010 Railroad Street, Corona, CA 92882

Date first used in California:

March 27, 2002

Date first used anywhere:

March 27, 2002

**Description of Trademark:** 

MONSTER

**Description of Goods on which the Trademark is used:** Fruit Juice drinks, soft drinks, carbonated soft drinks and soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, aerated water, soda water and seltzer water.

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached

Date of Registration:

April 24, 2002

Term of Registration Extends to and Includes:

April 24, 2012



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 26th day of April, 2002

BILL JONES

Secretary of State

NP-24 A (Rev. 1-96)

OSP 99 21639



# EXHIBIT 6 CONFIDENTIAL FILED UNDER SEAL

# EXHIBIT 7 CONFIDENTIAL FILED UNDER SEAL

# **EXHIBIT 8**





MEC005678

Exhibit 8 Page 2 of 16



ECOOSS/8



MEC005680







MEC005683

MEC005684



MEC005685



# Halloween Hellride 2016

OCT 31 2016



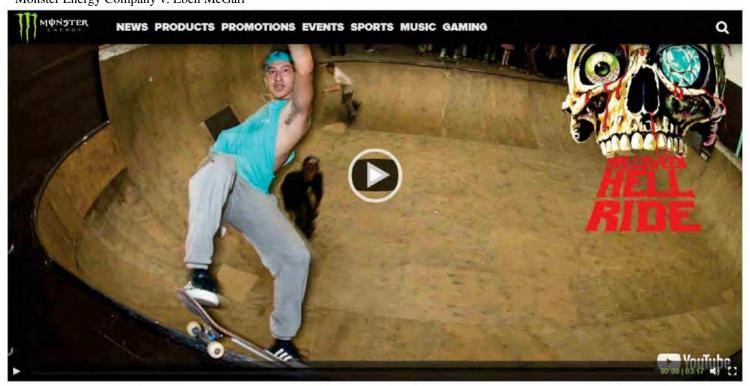




ur annual bowl bash at the Diamond Mine never disappoints. Cheers to Ben Hatchell for taking home the top spot. .



Document title: Halloween Hellride 2016 Capture URL: https://www.monsterenergy.com/us/en/news/halloween-hellride-2016 Capture timestamp (UTC): Wed, 10 Mar 2021 19:25:24 GMT



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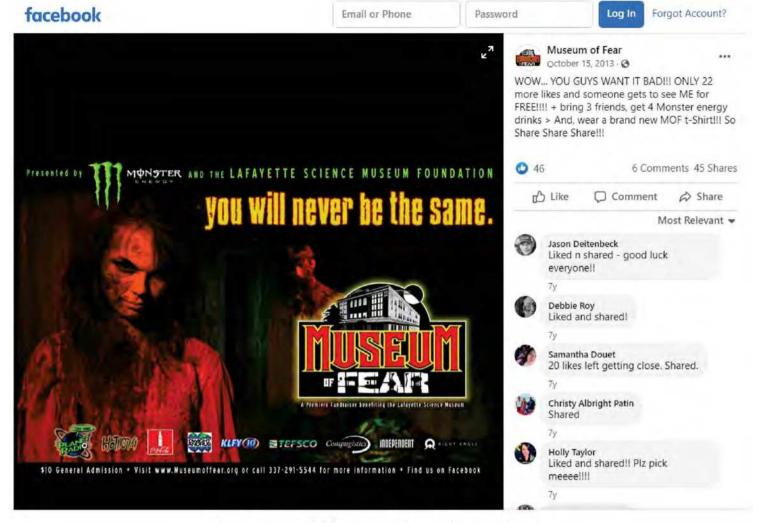
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Document title: Halloween Hellride 2016
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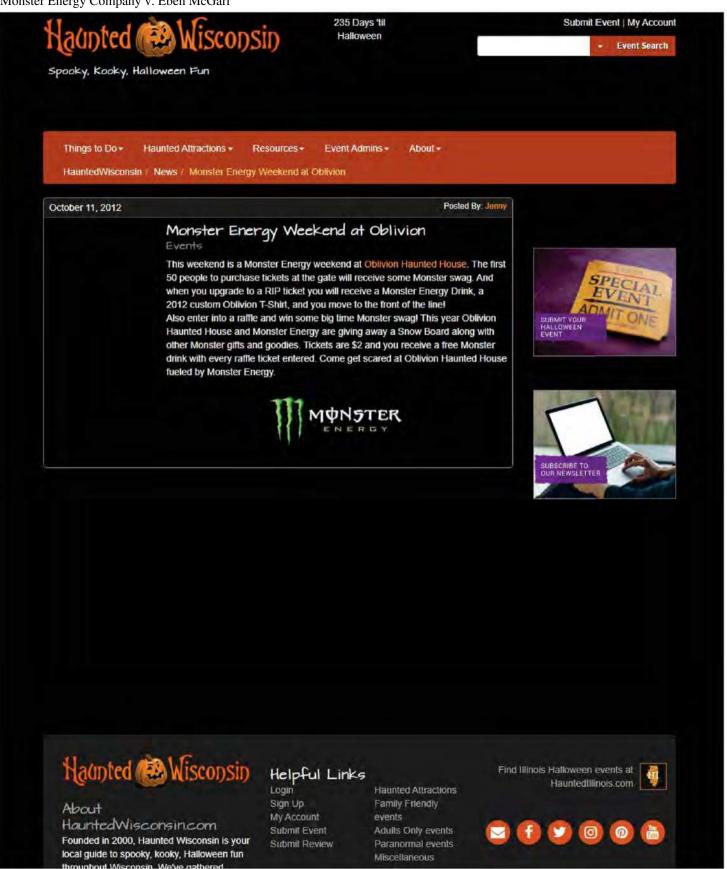
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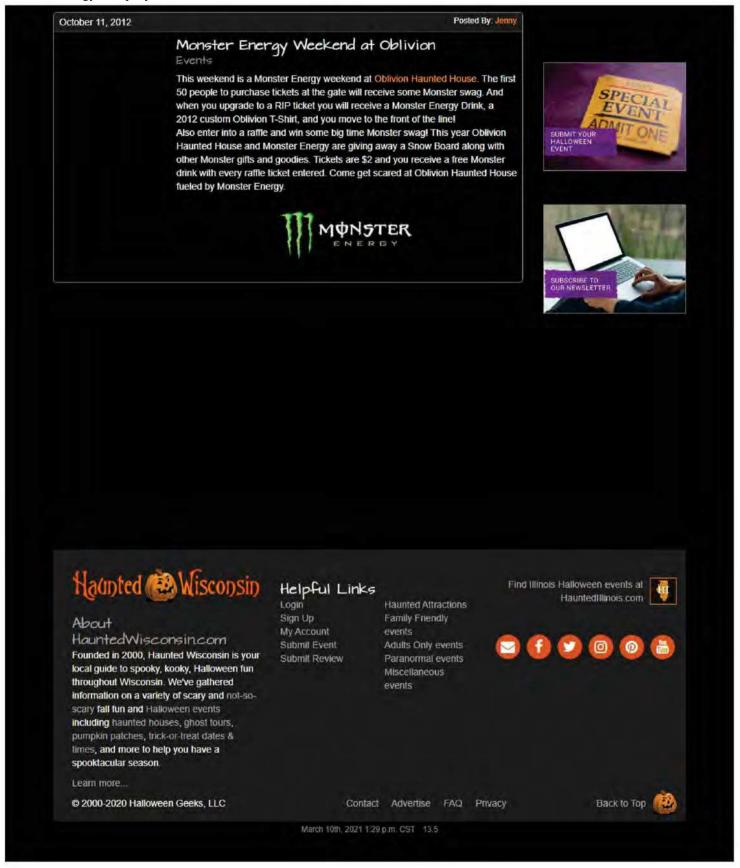


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# **EXHIBIT 9**

# DOCUMENT PRODUCED IN NATIVE FORMAT

# TTAB Opposition No. 91239678 (Parent) Monster Energy Company v. Eben McGarr

WIOHSTCI EII	cigy C	ompany v. Euc		Provided Dr. (SAST) and if Colf Colonial all	Chiffs Town	I Chiffe Town Boate II	Daniel Com	Cost (If applicable) Shift Start Time	Chiffy Ford Time House And Adv	T- Chift Harris C		ASSTITUTE C	Architector at the All Architector	A411 Out A4	Obs. Commission
Baltimore	Week 42	Sunday, October 22, 2017	CarnEvil/ Halloween Stores	Requested By (MAT Lead If Self-Scheduled) Savannah Cover	MAT MAT	Shift Type Detail Event	Mutant	Cost (If applicable) Shift Start Time 12:00Pm	Shift End Time # of Ma 8:30Pm	2 16 N		Jessica/ Ste		70003	70117 Baltimore
Birmingham	Week 42	Friday, October 20, 2017	haunted house tour	MAT Lead	MAT	Guerrilla	Monster En		1130	3 24 N		sandi, morg		122686	122804 bham
Birmingham	Week 43	Wednesday, October 25, 2017	arx mortis haunted house		MAT	Event	mutant	330	1130	4 30 N		grayson, er		123191	123471 killen
Boston	Week 41	Sunday, October 15, 2017		MAT Lead	MAT	Event	Monster En	nergy 0.291666667	0.083333333	2 13 N	1AT	Josh/Alex C		8	26 Revere, MA
Charlotte	Week 42		Halloween Stores/Local Bus	MAT LEAD	MAT	Guerrilla	Mutant	9:00AM	5:30PM	2 16 N	lutant	Jessica/Mic	Γ-Truck	105119	105261 Charlotte, NC
Charlotte	Week 42	Thursday, October 19, 2017	Haunted Trails- Belmont, M	MAT LEAD	MAT	Guerrilla	Mutant	5:00PM	10:00PM	3 15 N	lutant	Sierra/Jessi	Γ-Truck	105567	105627 Belmont/Mt. Holly, NO
Charlotte	Week 44	Tuesday, October 31, 2017	Guerrilla Sample- Uptown C	MAT LEAD	MAT	Guerrilla	Mutant	9:00AM	4:30PM	3 21 N	lutant	Sierra/Miss	Γ-Truck	107294	107328 Charlotte, NC
Chicago	Week 40	Saturday, October 7, 2017	Statesville Haunted House	AnneMarie McKeown	MAT	Drop	Monster En	nergy 4:30pm	12am	2 6 N	1AT	Hanna and	Γ-Truck	45914	46041 Lockport
Chicago	Week 41		Halloween stores & evening		MAT	Guerrilla	Monster En	nergy 4pm	11:30pm	2 14 N	1AT	Hanna and	Γ-Truck	46506	46525 Chicago
Chicago	Week 41		Amhurst Haunted House	AnneMarie McKeown	MAT	Guerrilla	Mutant	8am	5pm	2 N	lutant	Logan and	/ -Van	92000	92157 Valparaiso, IN
Chicago	Week 41	Sunday, October 15, 2017	Halloween shops	AnneMarie McKeown	MAT	Guerrilla	Monster En	nergy 12pm	8:30pm	2 16 N	1AT	Jennifer an	Γ-Truck	46944	47010 Chicago
Columbus	Week 43	Wednesday, October 25, 2017	Halloween Store Sampling/	Amanda Corwin	MAT	Guerrilla	Mutant	9:00am	5:30pm	2 16 N	lutant	David, Micl	M - Mutant Truck	3797	3895 Columbus, Ohio
Dallas	Week 42		Haunted House Sampling		MAT	Guerrilla	Mutant	0.166666667	0.458333333	2 13 N	lutant	Lauren, Ha	Γ-Truck	85283	85341 Dallas/Fort Worth
Denver	Week 43		Haunted Houses Guerrilla S		MAT	Guerrilla	Monster En	nergy 5:30p	10:30p	2 10 N	1AT	Danielle, Er	Γ-Truck	99846	99903 Denver
Denver	Week 44		Colorado Springs Haunted H		MAT	Guerrilla	Monster En		12a	2 13 N		Gwen, Ton		100260	100420 Colorado Springs
Denver	Week 44		Denver Haunted Houses	MAT Lead	MAT	Guerrilla	Monster En	nergy 5p	12a	3 19.5 N	1AT	Andrea, To	Γ-Truck	100421	100527 Denver
Detroit	Week 42	Thursday, October 19, 2017		Laura Vrabel	MAT	Guerrilla	Mutant	0.66666667	0.979166667		lutant		M - Mutant Truck	22556	22686 Metro Detroit
Detroit	Week 42		Haunted Farm of Terror Hai		MAT	Event	Mutant	0.708333333	0.979166667		lutant		M - Mutant Truck		Lexon Twp
Detroit	Week 43	Wednesday, October 25, 2017	Created & Delivered 100 Git	Laura Vrabel	MAT	Drop	Multiple Br		0.666666667	2 12 N			M - Mutant Truck	23029	23134 Royal Oak/ Ferndale
Detroit	Week 43	Friday, October 27, 2017	Wayne County Halloween S	Laura Vrabel	MAT	Guerrilla	Monster En		0	2 12 N		Melody, Fa		86405	86471 Wayne
Detroit	Week 43	Friday, October 27, 2017	Hush Haunted Attraction	Laura Vrabel	MAT	Event	Monster En		0		1AT	Melody, Fa			Westland
Houston	Week 42		Haunted Houses sampling,		MAT	Guerrilla	Monster En		0.5	2 13 N		Chris, Amy		73790	73894 South & Southeast Hou
Houston	Week 42		Haunted House sampling		MAT	Guerrilla	Mutant	0.25	0.5		lutant	Christy, Dar		73956	73991 South Houston
Houston	Week 43		Haunted Houses sampling,		MAT	Guerrilla	Rehab	0.25	0.5	2 11 N		Christy, Bri		74824	74957 Central Houston, Down
Houston	Week 44		Haunted Houses sampling,		MAT	Guerrilla	Mutant	0.25	0.458333333		lutant	Nick, Tosha		75107	75161 Downtown, Southeast
Houston	Week 44		Haunted Houses, Warehous		MAT	Guerrilla	Mutant	0.25	0.458333333	2 10 N		Nick, Tosha		75395	75433 Central Houston, Down
Las Vegas	Week 40	Wednesday, October 4, 2017 Wednesday, October 11, 2017		MAT Lead	MAT	Guerrilla	Mutant	4p	9p		lutant	Andy / Kris		77841	77878 Central Las Vegas
Las Vegas	Week 41	Tuesday, October 11, 2017		MAT Lead	MAT	Guerrilla	Mutant	9a	430p	2 14 N		Andy / Dan		78087	78130 Central Las Vegas
Long Island	Week 44			MAT Lead	MAT	Guerrilla	Monster En			2 16 N	IAI	Dana & Nat		74669	74744 NYC
New Orleans	Week 2		Jackson Square, Halloween		MAT	Guerrilla	Monster En		0.083333333	2 13		Jada & Brit		79943	79980 New Orleans
New Orleans	Week 2		Canal Place, Halloween Exp French Quarter Halloween f		MAT	Guerrilla	Mutant Manster En	0.08333333	0.395833333 0.416666667	3 21 3 15 N	IAT	Felecia, Au:		79980 2439	80026 New Orleans 2472 New Orleans
New Orleans New Orleans	Week 43				MAT	Guerrilla	Monster En	nergy 0.208333333 0.145833333	0.416666667	3 15 N		Jose, Josey			
New Orleans New York	Week 44 Week 44	Tuesday, October 31, 2017 Tuesday, October 31, 2017	Halloween in the French Qu	MAT Lead MAT Lead	MAT	Guerrilla	Mutant Monster En		0.5	3 24 N 4 28 N		Jose, Ambe		2503 35079/41071 35	2536 New Orleans 5093 / 41088 New York, NY
New York NY Metro	Week 42	Friday, October 20, 2017		MAT Lead	MAT	Event	Monster En		0.4375	4 28 N 2 16.25 N		Chris & Ste		9938	9995 Mt. Pleasant Avenue
NY Metro	Week 42	Saturday October 21, 2017	Brighton Asylum Haunted H		MAT	Event	Monster En		0.447910007	2 16.23 N		Rebecca &		10032	10073 Passaic, NJ
NY Metro	Week 44	Tuesday October 31, 2017	NYC Halloween Parade	MAT Lead	MAT	Guerrilla	Monster En		0.4375	2 16 N		Steven N &		10624	10652 New York, NY
Philadelphia	Week 41		Temple, area haunted hous		MAT	Guerrilla	Mutant	12:00PM	8:30PM	2 24 N		Davone, At		53524	53573 Center City/South Phills
Philadelphia	Week 42		Flyers Game/Haunted Hous		MAT	Guerrilla	Rehab	4:30PM	9:30PM	2 10 N		David, Atef		54402	54443 South Philly, Center City
Philadelphia	Week 42		Sixers Game/Haunted Hous		MAT	Guerrilla	Mutant	3:00PM	9:30PM		lutant	David, Atei		54522	54555 South Philly, Center City
Phoenix	Week 28		Salt River Recreation - Spoo		MAT	Event	Rehab	9a	3:30p	2 12	ididire	Layal/Cand		8151	8213 Mesa/Tempe
Phoenix	Week 42		Phoenix Coyotes vs. Dallas S		MAT	Guerrilla	Monster En		11p	2 11 N	1AT	Connor/Tyl		13462	13529 Glendale/Phoenix
Phoenix	Week 44		Drop to East Valley DUI Tasi		MAT	Drop	Multiple Br		2:15p	2 1.5 N		Max/Ty Z.			Tempe
Portland	Week 42		Fearlandia Haunted House		MAT	Event	Monster En			2 8 N		Molly Dess	-Truck	66911	66964 Tigard
Sacramento	Week 44	Monday, October 30, 2017	Slaughter House Haunted H	Erica Arashiro	MAT	Event	Monster En		12:00AM	2 16 N		Stefanie Ve		56155	56427 Reno
Sacramento	Week 44	Tuesday, October 31, 2017	Slaughter House Haunted H	Erica Arashiro	MAT	Event	Monster En		6:30PM	2 6 N		Connor Gre		56490	56770 Reno
Salt Lake City	Week 41	Friday, October 13, 2017	SLC Haunted Houses	Chris Jennings	MAT	Guerrilla	Mutant	5:00pm	10:00pm	2 10 N	lutant	James, Elea		80877	80919 Salt Lake City
Salt Lake City	Week 41	Saturday, October 14, 2017		Chris Jennings	MAT	Event	Monster En		3:30pm	2 14 N		Carson, Ele	-Truck	80919	80950 Salt Lake City
Salt Lake City	Week 42		South Valley Haunted Hous		MAT	Guerrilla	Monster En		10:00pm	2 11 N		Briana, Elea		81472	81566 American Fork
Salt Lake City	Week 44	Monday, October 30, 2017		Chris Jennings	MAT	Guerrilla	Mutant	5:00pm	10:00pm	2 10 N	lutant	Cheyne, Ch		82482	82524 Salt Lake City
Salt Lake City	Week 44	Tuesday, October 31, 2017		Mark Evans	Sales	Event	Monster En		11:00pm	2 11 N	1AT	Jenni, Briar		26756	26846 Provo
San Diego	Week 43	Thursday, October 26, 2017	Glamis Halloween	Andrew Conrad	Events Tea	Travel	Monster En	nergy 12:00pm	9:00pm	2 16 E	vents	Jesse Partic	Γ-Truck	66264	66407 Glamis
San Diego	Week 43	Friday, October 27, 2017	Glamis Halloween	Andrew Conrad	Events Tea	Event .	Multiple Br		7:00pm	2 20 E		Jesse Partic	-Truck	66407	66478 Glamis
San Diego	Week 43	Friday, October 27, 2017	Halloween Bike Night	MAT Lead	MAT	Event	Mutant	6:00pm	11:00pm	2 10 N	lutant	Nailah Edm	/ -Van	26714	26764 Morena, PB
San Diego	Week 43	Saturday, October 28, 2017	Glamis Halloween	Andrew Conrad	Events Tea	a Event	Multiple Br	ands 7:00am	7:00pm	2 20 E	vents	Jesse Partic	Γ-Truck	66478	66596 Glamis
San Diego	Week 43	Sunday, October 29, 2017	Glamis Halloween	Andrew Conrad	Events Tea	Event	Multiple Br	ands 7:00am	7:00pm	2 20 E	vents	Jesse Partic	Γ-Truck	66596	66787 Glamis
San Diego	Week 44	Tuesday, October 31, 2017	Halloween Guerrilla Samplii	MAT Lead	MAT	Guerrilla	Mutant	5:00pm	12:00am	2 13 N	lutant	Jesse Partic	Γ-Truck	66907	67000 Downtown/Beach Cities
San Francisco	Week 43	Thursday, October 26, 2017	Haunted House Product Dro	Natalie Cassidy	CAT	Collegiate	Monster En	nergy				Natalie C			Rohnert Park
San Francisco	Week 43	Sunday, October 29, 2017	Blind Scream Haunted House	Natalie Cassidy	CAT	Collegiate	Monster En	nergy				Natalie C			South San Francisco
St. Louis	Week 41	Wednesday, October 11, 2017		Alana Elsey	MAT	Guerrilla	Monster En	nergy 2:00pm	9:30pm	2 7 N	1AT	Alaina & Ja	Γ-Truck	96105	96223 Ellisville, Chesterfield, S
Syracuse	Week 41		Steampunk Haunted House	Megan DeWolf	MAT	Drop	Mutant	0.4375	0.3125	2 17 N	lutant	Amanda/Sh	Γ-Truck	70205	70533 East Durham, NY
Syracuse	Week 41	Saturday, October 14, 2017		Megan DeWolf	MAT	Event	Mutant	0.1875	0.458333333	2 12 N		Amanda/Ty		70750	70926 Vestal, NY
West Palm Beach	Week 43	Wednesday, October 25, 2017		Harmony Booker	MAT	Event	Monster En		10:00m	2 16 N		Janna D, Di		48816	48881 Boca Raton, FL
Atlanta	Week 43	Wednesday, October 25, 2017			MAT	Guerrilla	Mutant	0 0.083333333	0.395833333		lutant	Braden (Ty		106912	106966 Atlanta
Atlanta	Week 43	Friday, October 27, 2017	Product Drop at Phi Kappa I	Jimmy Eaves	MAT	Collegiate	Monster Er	0 0.083333333	0.395833333	2 N	1AT	Michelle Ro	/ -Van	74888	74925 Atlanta
			Haunted Farm of Torre-									Earab			
Detroit	Week 42	Friday, October 20, 2017	Haunted Farm of Terror Haunted House	Laura Vrabel	MAT	Event	Mutant	17:00	23:30	2	Mutant	Farah, Brandon S	VI - Mutant Truck		Lexon Twp
Solidit	** OCK 42	1 Huay, October 20, 2017	- raci ilou i iouse	Caura viaudi	IVIZS I	_701K	Monster	17.00	20.00	-	iviutdi it	Eleanor,	· ····utant much		Lexui i wp
Salt Lake City	Week 43	Friday, October 27, 2017	Terror in the Mall	Chris Jennings	MAT	Event	Energy	6:00pm	12:30pm	1 6.00	MAT	Chris	Γ-Truck	82,154	82,246 Provo
							- "								
												Lafayette			
												Watkins/A			
			Zeta Tau Alpha Zombie									nthony Lewis/Bra			
Atlanta	Week 42	Friday, October 20, 2017		Jimmy Eaves	MAT	Collegiate	Mutant	\$ - 0.083333333	0.4375	3 24.00	Mutant	den Evans	Γ-Truck	106,523	106,734 Milledegeville
			Jacob Javit Center Area											-7-	
			Comic Con Day 2 / Blood				Monster					Jared &			
New York	Week 40	Saturday, October 7, 2017	Manor	MAT Lead	MAT	Guerrilla	Energy	2:00	9:30	2 14.00	MAT	Grace	Γ-Truck	34,747	34,762 New York, NY
New York	Week 41	Eriday Ostobor 19 0017	Product Drop: Blood Manor	MAT Load	MAT	Drop	Multiple Brands	0:00				Jodhan & Jared			New York, NY
INOW TUIN	vv ⊎ek 4 i	riiuay, October 13, 2017	i roduct prop: Blood Manor	IMP I EddU	IVIAI	Dioh	Monster	0:00				Jared Jodhan &			INEW TORK, INT
New York	Week 41	Saturday, October 14, 2017	Blood Manor	MAT Lead	MAT	Event	Energy	7:00	10:00	2 5.00	MAT	Anisa	Γ-Truck		New York, NY
		,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,								5.50		Jared &			
			Union SQ / LES / Blood	l	l		Monster		I			Melissa			
	Week 42	Friday, October 20, 2017	Manor	MAT Lead	MAT	Guerrilla	Energy	3:00	11:30	2 16.00	MAT	Blanc	Γ-Truck	34,955	34,973 New York, NY
New York												Jared &			
New York							Monster					Melissa			
New York			SOHO Area / MSG/ Blood												
	Week 42	Saturday, October 21, 2017	SOHO Area / MSG/ Blood Manor	MAT Lead	MAT	Guerrilla	Energy	2:00	10:30	2 15.00	MAT		Γ-Truck	34.973	34,993 New York, NY
New York	Week 42	Saturday, October 21, 2017	Manor	MAT Lead	MAT	Guerrilla	Energy	2:00	10:30	2 15.00	MAT	Blanc Tracey &	Γ-Truck	34,973	34,993 New York, NY
New York		,	Manor  Knicks Game / Blood				Monster					Blanc Tracey & Melissa			
	Week 42	Saturday, October 21, 2017  Monday, October 30, 2017	Manor  Knicks Game / Blood	MAT Lead MAT Lead	MAT	Guerrilla Guerrilla		4:00	10:30	2 15.00	MAT	Blanc Tracey &	Γ-Truck Γ-Truck	34,973 35,065	34,993 New York, NY 35,079 New York, NY
New York		,	Manor  Knicks Game / Blood				Monster					Blanc Tracey & Melissa Bersen			
New York	Week 44	Monday, October 30, 2017	Manor  Knicks Game / Blood Manor	MAT Lead	MAT	Guerrilla	Monster	4:00	10:30	2 12.00	MAT	Tracey & Melissa Bersen Jodhan &	Γ-Truck	35,065	35,079 New York, NY
lew York		Monday, October 30, 2017	Manor  Knicks Game / Blood	MAT Lead		Guerrilla Guerrilla	Monster Energy					Blanc Tracey & Melissa Bersen Jodhan &	Γ-Truck	35,065 35,118	

Issue/Consumer Complaint	ergy Company v. Eben McC																the second second second second
	t Highlights (Include locations of sampling any specific not This was a shift were the team sampled to halloween sto							Khaos	Ripper	Assault	Mango Loco NEW	Rehab Tea + Lemo	nade Raspberry	Orangeade I	Pink Lemonade Peach Tea	Zero Ultra Ultra Black	Ultra Blue Ultra Red Ultra Sun
	great shift, insanitarium wants us back soon	es and then went	10 carrievii		i iuii aliu a re	ally cool eve	ent										
	great shift, we have to go back next year!	5 - Great!!!	10														
	Halloween Witch Ride (Motorcycle) was held in Revere. T		. 9			7										8	
	Halloween stores, local businesses	3 - Average															
	Haunted Trails, houses!	3 - Average															
	Uptown guerrilla sampling-construction workers, local bu	isi 3 - Average															
	Team dropped cases with staff at Haunted House - 17250	Weber Rd, Lockp	( 1														
	Team stopped at Navy Pier 600 E Grand, Chicago Costum	e 1120 W Fullerton	1 12														
	Team sampled staff and customers																
	Team sampled Party City on Belmont, Toughy and Lincoln	/ Spirit Hallowee	r 8													7	,
	Team sampled Halloween City, Spirit Halloween & Hallow	veen Express store	s in Hilliard/	Dublin. Sam	pled CSCC and	d OSU Camp	ous. Team samp	led loose prod	duct from sto	rage befor	re opening cases. Samp	led appox 8 total cases o	f loose product				
	Haunted House Guerilla Sampling - Moxley Manor, Hangr	nans, Cutting Edge	e, Moxley Ma	anor was ver	y friendly and	invited the	team to stay fo	r several hou	rs.								
	City of the Dead was the best house they sampled					6										6	
	Exit sampled houses, some better than others					6											
	Haunted Houses were slow or closed, so they sampled su															9	
	Sampled Spirit Halloween, Party City, Spirit Halloween, Ha	alloween City (lake	eside circle),	Halloween (	ity (Ford Roa	d), Hallowee	en City (5 Mile F	ld)									
	Arranged with Shari, great feedback	4 - Above Avg															
	Delivered 100 Gift Bags for Detroit Comics Halloween Fes	t	1														
	Sampled Halloween City																
	Hush Haunted Attraction- Tent setup	4 - Above Avg									5					6	
on	Haunted Houses sampling: Creepy Hallow, Phobia, Screar	n Fest; Houston As	10														
	Haunted House sampling																
own, East Houston	Haunted Houses: Scream Fest, Phobia, Houston Terror, N										anla wara as	hat Mutant b	14		14		
ouston, South Houston	Houston Scream Fest Haunted House, Phobia Haunted Ho	South Constant	kets vs Phila	ueipnia 76e	s exit sample	at Toyota C	enter: Feam sa	na Mountain E	ew was set i	up and peo	opie were commenting	nat Mutant was better a	nu it was cold!				
own Houston	Houston Scream Fest Haunted House, Lil Wayne & Travis	Scott Concert at W	varenousé L	ive, Houstor	MSTOS VS LA	Doagers Wo	niu Series Wato	ii rarty at Mir	iute Maid Pa	ik exit sam	iipiing (rain during shift						
	Halloween City South, Spsirit Halloween, Party City Spirit Halloween LV Westland and surrounding area																
	sampled pedestrians at the NYC Halloween parade		10														
	22pico pedestriaris de trie ivi e rianoween parade		10			8										8	
	6 Mutant & 4 Red Dawn Sampled																
	10 Mango Loco & 10 Sunrise & 1 Reg sampled										12						
	12 Mutant, 9 Red Dawn & 8 W. Lightning Sampled																
	Sampling on 6th Ave & 15th St., 6th Ave & 16th St., 6th A	ve & 17th St., 7th	, 18								12						
	Team set-up and sampled at the BANE Haunted house at																
	Team set-up and sampled at the Brighton Aslum Haunted							15								15	i
	Team sampled along the NYC Halloween Parade route in		6								9					9	)
	temple homecoming events, area haunted houses																
	Flyers tailgates, Terror Behind the Walls, Fright Factory													8	8	3	
	Sixers home opener/Fright Factory																
													9		g	)	
	Sampled around Westgate & Gila River Arena for the Pho	enix Coyotes vs. D	, 7													7	
	Kathleen Stamatis met team at the warehouse to pick up	the product drop	2	1				1								1	1
	Fearlandia Haunted House event sampling in Tigard.										3						
	Slaughter House Haunted House in Reno	5 - Great!!!									8					12	
	Slaughter House Haunted House in Reno	4 - Above Avg						4									4
	Salon Dante, Hawaiian Grill, Totatl Tech, Subway, Five Gu		ort Clips, Cas	tle of Chaos	Nightmare o	n 13th, Fear	Factory										
	Tent sampling at the Finish line for the SLC Haunted Half		8														
	Mad Green, Haunted Forest, Strangling Brothers, Night St		1								5						5
	AT&T, Zagg, Jersey Mikes, Costa Vida, Mo Bettah, Even St	evens, Nightmare															
	Tent Sampling at Guru's Halloween Event		15														
	Travel Day from San Diego to Holtville for Hotel check-in																
	MAT Request from Andrew Conrad for Can-Am Glamis Ha		7					4							6	5	
	MAT Event at Morena Harley Davidson for Halloween Bik		_					_									
	MAT Request from Andrew Conrad for Can-Am Glamis Ha		7					7							8	3	
	MAT Request from Andrew Conrad for Can-Am Glamis Ha		1												1		
	Guerrilla Sampling Downtown and Beach Cities for Hallov	/€ 5 - Great!!!															
	Drop- 1500 Valley House Dr. for haunted house event		4								4						
Louis Olivetto	Product Drop- SOMO Village for Blind Scream Haunted He	ruse sampling	4								4					3	
Louis, Olivette	Party City, Halloween City  Unable to sample at Steampunk Haunted weekends at Bl	ackthorne Pecert														3	
Yes	tent set up- 204 Stage Rd **many children**	1 - Poor	aonateu 9 C	u-c3													
103	table sampling at FAU campus halloween party	2 - F 00I	12													12	
	Guerilla Sampled to Halloween Stores and Concert Tailag	te at the Masoura														12	
	Contact: Gordon Li- 404-488-6703	circ iviasquild	ue 4														
		1															
		I															
	Arranged with Shari, great feedback	4 - Above Avg															
	Tent Sampling at Terror in the Mall event	5 - GreatIII	10													.	1 1 1
	Tent Sampling at Terror in the Mall event	5 - Great!!!	10														
	Tent Sampling at Terror in the Mall event	5 - Great!!!	10														
	Tent Sampling at Terror in the Mall event	5 - Great!!!	10														
	Tent Sampling at Terror in the Mall event	5 - Great!!!	10														
			10														
	Tent Sampling at Terror in the Mall event  Contact: Robin - 901-569-4556	5 - Great!!! 2 - Ok	10														
	Contact: Robin - 901-569-4556 Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12:	2 - Ok	10								18					18	
	Contact: Robin - 901-569-4556	2 - Ok	10								18					18	
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.	2 - Ok	10					1			18		1			18	
	Contact: Robin - 901-569-4556 Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12:	2 - Ok	10					1			18		1		1	18	
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.	2 - Ok	2 3					1			18		1		1	18	
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave. 14th & 3rd Ave.	2 - Ok	2 3					1			18		1		1	18	
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th	2 - Ok	2 3					1			18		1		1	18	
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave. 14th & 3rd Ave.	2 - Ok	2 3					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 163 Varick Irving PL, Irving PL & 15th St.	2 - Ok	2 3					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave 8, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 163 Varick Irving PL, Irving PL, & 15th St.  Broadway & E 10th St., Broadway & Astor PL, Broadway &	2 - Ok	2 3					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 163 Varick Irving PL, Irving PL & 15th St.  Broadway & E 10th St., Broadway & Astor PL, Broadway & Bond St., Broadway & Princes St., 7th Ave & 33rd St., 7th	2 - Ok	2 3 3 16					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 16th Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 16th Varick Interpretable of 15th St.  Broadway & E 10th St. Broadway & Astor PL. Broadway & Bond St., Broadway & Astor PL. Broadway & Bond St., Broadway & Astor PL. Broadway & Ave & 31st., 8th Ave & 32nd St., 153 Varick St.	2 - Ok	2 3 3 16					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave, 14th & 6th Ave, 14th & 10th Ave, 163 Varick Irving PL, Irving PL, & 15th St.  Broadway & E 10th St., Broadway & Astor PL, Broadway & Bond St., Broadway & Princes St., 7th Ave & 33rd St., 7th Ave & 31st., 8th Ave & 32nd St., 163 Varick St.	2 - Ok	2 3 3 16					1			18		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave 14th & 6th Ave, 14th & 10th Ave, 16th Varick St.  Sampling on 14th & 10th Ave, 163 Varick Integret, 16th St.  Broadway & E 10th St. Broadway & Astor PL. Broadway & Bond St., Broadway & Astor PL. Broadway & Bond St., Broadway & Broadway & Astor PL. Broadway & Plance St., 7th Ave & 33rd St., 163 Varick St. St. Sampling on 31st & 7th Ave, 30th & 7th Ave, 31st. & 8th Ave, 163 Varick St. (Bood Manor)	2 - Ok th 8.8	2 3 16					1			18 2		1		1		
	Contact: Robin - 901-569-4556  Sampling on Hudson Blvd E & 34th St, 11th & 34th St. 12t & 34th, 163 Varick St.  Completed a Product drop to Blood Manor 163 Varick St.  Completed a MAT Event at 163 Varick St.  Sampling on 14th & Ave B, 14th & 1st Ave, 14th & 3rd Ave, 14th & 6th Ave, 14th & 10th Ave, 163 Varick Irving PL, Irving PL, & 15th St.  Broadway & E 10th St., Broadway & Astor PL, Broadway & Bond St., Broadway & Princes St., 7th Ave & 33rd St., 7th Ave & 31st., 8th Ave & 32nd St., 163 Varick St.	2 - Ok th	2 3 16					1			18		1		1		

er Energy Company v. Eben McGarr Mean Bean Loca Moca Vanilla Light Kona Blend Irish Blend Salted Caramel Caffe Monster Caffe Monster2 Caffe Monster3 Chocolate Vanilla 40G										
Mean Bean Loca Moca Vanilla Light Kona Blend Irish Blend Salted Caramel Caffe Monster Caffe Monster2 Caffe Monster3 Chocolate Vanilla 40G	40G4 Mutant Green	Mutant Red 5	White Lightning	MUTANT_NEW M	UTANT_NEW5 F	Hydro Hyd	ro6 Hydro7	NOS Original	NOS Sugar Free	NOS
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Market	Week	Date	Event / Sampling Name	Requested By (MAT Lead If Self-Scheduled)	Shift Type	Shift Type Detail
New Orleans	Week 2		Halloween Expo at convention center & Jax	MAT Lead	MAT	Guerrilla
New Orleans	Week 2		Halloween Expo, Fulton St. Pelicans game	MAT Lead	MAT	Guerrilla
New Orleans	Week 2		Halloween Expo & Royal St.	MAT Lead	MAT	Guerrilla
New Orleans	Week 2		Halloween Expo, Harrah;s & Fulton St.	MAT Lead	MAT	Guerrilla
Detroit	Week 39	Saturday, September 29, 2018	Scream Machine Haunted House	Laura Vrabel	MAT	Event
Denver	Week 39	Friday, September 28, 2018	DROP REQUEST - Haunted Mines Haunted House	MAT Lead	MAT	Drop
Denver	Week 39	Friday, September 28, 2018	DROP REQUEST - HellScream Haunted House	MAT Lead	MAT	Drop
Charlotte	Week 42	Thursday, October 18, 2018	Guerrilla Sampling Shift - Halloween Movie Opening Day	Blake Black	MAT	Guerrilla
Baltimore	Week 44		Guerrilla Sampling Shift- Halloween Stores and Female Focused	Savannah Cover	MAT	Guerrilla
Syracuse	Week 44	Tuesday, October 30, 2018		Megan DeWolf	CAT	Event
New York	Week 44	Wednesday, October 31, 2018		MAT Lead	MAT	Guerrilla
Boston	Week 43	Thursday, October 25, 2018		MAT Lead	MAT	Guerrilla
NY Metro	Week 41	Friday, October 12, 2018		MAT Lead	MAT	Event
NY Metro	Week 43		Halloween Store/ Mango Focus	MAT Lead	MAT	Guerrilla
NY Metro	Week 43	Saturday, October 27, 2018		MAT Lead	MAT	Guerrilla
			Williamsburg/ NYC Halloween parad		MAT	
NY Metro	Week 44			MAT Lead		Guerrilla
NY Metro	Week 44	Wednesday, October 31, 2018		MAT Lead	MAT	Guerrilla
Long Island	Week 44	Wednesday, October 31, 2018		MAT Lead	MAT	Guerrilla
Salt Lake City	Week 42		SLC Haunted Half Marathon	Chris Jennings	MAT	Event
Salt Lake City	Week 43		Provo Haunted Half Marathon	Chris Jennings	MAT	Event
San Francisco	Week 43		MAT Event- Great America Halloween Haunt	Ricardo Ortiz	Sales	Event
San Francisco	Week 44		Guerrilla Sampling- Spirit Halloween	Melanie Bradley	MAT	Guerrilla
San Diego	Week 43	Thursday, October 25, 2018		Charles Whittelsey	Events Tea	a Travel
San Diego	Week 43	Friday, October 26, 2018	Glamis Halloween	Charles Whittelsey	Events Te	a Event
San Diego	Week 43	Saturday, October 27, 2018	Glamis Halloween	Charles Whittelsey	Events Tea	a Event
San Diego	Week 43	Sunday, October 28, 2018	Glamis Halloween	Charles Whittelsey	Events Tea	a Event
Chicago	Week 44	Tuesday, October 30, 2018	Chicagoland Halloween/Costume businesses	Chris Martin	MAT	Guerrilla
Chicago	Week 44		Basement of the Dead haunted house	Chris Martin	MAT	Event
Chicago	Week 44		Dead Rising haunted house	Chris Martin	MAT	Guerrilla
Columbus	Week 42		Columbus Blue Jackets Entrance Sampling/Halloween Stores	Nicole Arntz	MAT	Guerrilla
Detroit	Week 41		Scarefest Scream Park Haunted House	Laura Vrabel	MAT	Event
			Slaughterhouse Haunted Attraction	Natalie Johnson	FMM	
Minneapolis	Week 43					Event
Minneapolis	Week 43		Slaughterhouse Haunted Attraction	Natalie Johnson	FMM	Travel
Minneapolis	Week 44		Halloween Stores & Timberwolves Exit Sampling	Alana Elsey	MAT	Guerrilla
Minneapolis	Week 44	Wednesday, October 31, 2018		Matt Schultz	MAT	Event
St. Louis	Week 41	Friday, October 12, 2018		Ricky Lowrey	MAT	Guerrilla
St. Louis	Week 43		Haunted Houses & Blues Exit Sample	Ricky Lowrey	MAT	Guerrilla
St. Louis	Week 44	Tuesday, October 30, 2018		Ricky Lowrey	MAT	Guerrilla
St. Louis	Week 44		Columbia College Halloween Event	Ricky Lowrey	MAT	Event
St. Louis	Week 44	Wednesday, October 31, 2018		Ricky Lowrey	MAT	Collegiate
Birmingham	Week 40	Sunday, October 7, 2018	haunted house prep	MAT Lead	MAT	Guerrilla
Jacksonville	Week 44	Tuesday, October 30, 2018	Restaurants/Haunted Houses	MAT Lead	MAT	Guerrilla
Denver	Week 40	Friday, October 5, 2018	MAT EVENT - HellScream Haunted House Sampling	MAT Lead	MAT	Event
Houston	Week 41	Wednesday, October 10, 2018		John Tyson	MAT	Drop
Houston	Week 42	Wednesday, October 17, 2018		John Tyson	MAT	Drop
Denver	Week 42		MAT EVENT - Haunted Mines	MAT Lead	MAT	Event
Tulsa	Week 43		Guerrilla - Halloween Stores	April May	MAT	Guerrilla
Houston	Week 43		Drop: Phobia Haunted Houses	John Tyson	MAT	Drop
Denver	Week 43		MAT EVENT - HellScream Haunted House Sampling	MAT Lead	MAT	Event
			DROP REQUEST - YouFit Aurora Halloween Party			
Denver	Week 44			MAT Lead	MAT	Drop
Houston	Week 44		Guerrilla sampling: Lil Xan Tour cancelled, Haunted Houses	John Tyson	MAT	Guerrilla
Columbus (MUTANT)	Week 41		13th Floor Haunted House - Product Drop	Dean Lawson	Mutant	Drop
Minneapolis (MUTANT)	Week 43		Monster Support; Sluaghter House Haunted House Event	Matt Schultz	Mutant	Event
Minneapolis (MUTANT)	Week 43		Monster Support; Sluaghter House Haunted House Event	Matt Schultz	Mutant	Event
Minneapolis (MUTANT)	Week 44	Wednesday, October 31, 2018		Matt Schultz	Mutant	Event
Richmond (MUTANT)	Week 43		Longwood University - Halloween Event: Late Night At the Rec	Harmony Booker	CAT	Event
Birmingham	Week 44	Thursday, November 1, 2018		MAT Lead	MAT	Guerrilla
St. Louis	Week 44		Local Mexican Restaurants & Haunted Houses	Ricky Lowrey	MAT	Guerrilla
Tulsa	Week 44	Thursday, November 1, 2018	Guerrilla - Haunted Houses	April May	MAT	Guerrilla
Houston	Week 44	Friday, November 2, 2018	Guerrilla sampling: Nicki Minaj & Future concert, Discovery Green, Haunted Houses	John Tyson	MAT	Guerrilla
Salt Lake City	Week 43	Friday, October 26, 2018		Chris Jennings	MAT	Event
				T -	T	
New Yor	rk Week 50	Wednesday, December 12, 2018	Product Drop Blood Manor	MAT Lead	MAT	Drop
			Ershibit O Daga 6 of 40	T	<b>D</b> 1	

Product Supplied f		Focus Period Cost (If applica		Shift End Time		ift Hours COST CENTER	MAT's on Shift (List All MAT Names)
	Rehab		0.3125			14 Monster	Layla & Shayna
	Mutant		0.16666666	0.5	4	30 Mutant	Felecia, Lauren, Nicole & Rehan
	Monster Energy		0.3125			21 Monster	Layla, Ariel & Jose
	Monster Energy		0.145833333			12 Monster	Shayna & Josey
	Monster Energy		5:00pm	11:30pm	2	12 Monster	Brandon, Kevin
	Multiple Brands		6p	6:30p	1	0 Monster	Johnny
	Multiple Brands		6:30p	7p	1	0 Monster	Johnny
	Monster Energy		3:30PM	10:00PM	2	12 Monster	Matt O/Miosha
	Java Monster	caffe	10:00Am	3:00Pm	2	10 Monster	Phillip/ Justin
	Monster Energy	Mango Loco	2:45PM	10:45PM	2	15 Monster	Daniela/Nicole
	Monster Energy	Mango Loco	3:00pm	9:30pm	2	6 Monster	Jared & Dillon
	Monster Energy	Mango Loco	0.520833333			18 Monster	Joey/Jackie/Mike
	Monster Energy		0.187			14 Monster	Dillon & Steven N.
	Monster Energy	Mango Loco	0.458333333			16 Monster	Jean & Lauren
	Monster Energy	Mango Loco	0.604166667			16 Monster	Steven W. & Rebecca
	Monster Energy	Mango Loco	0.604166667			16 Monster	Lauren & Rebecca
	Monster Energy	Mango Loco	0.625			6 Monster	Dillon
	Monster Energy	Mango Loco	2:00pm	10:00pm	2	15 Monster	Sheya & Pete
	Monster Energy		7:00am	12:00pm	2	10 Monster	James, Carson
	Monster Energy	Mango Loco	7:00am	12:00pm	2	10 Monster	Cheyne, Charli
	Monster Energy	Mango Loco	3:00pm	11:30pm	2	8 Monster	Jonathan S, Melanie B
	Monster Energy		11:00am	5:30pm	2	12 Monster	Nadine L, Clark H
	Monster Energy		10:00AM	7:00PM	2	16 Events	Estefania Cerda, Zac Fletcher
	Monster Energy		8:30AM	5:30PM	2	16 Events	Estefania Cerda, Zac Fletcher
	Monster Energy		8:30AM	5:30PM	2	16 Events	Estefania Cerda, Zac Fletcher
	Monster Energy		8:30AM	5:30PM	2	16 Events	Estefania Cerda, Zac Fletcher
	Monster Energy	Mango Loco	9:30a	4:00p	2	12 Monster	Darren, Juan
	Monster Energy	Mango Loco	4:30p	12:00a	2	10 Monster	Hanna, Ron
	Monster Energy	Mango Loco	4:30p	12:00a	2	4 Monster	Hanna, Ron
	Monster Energy		5:00pm	10:00pm	2	10 Monster	Dakota, Alex
	Monster Energy		4:30pm	12:00am	2	14 Monster	Melody, Kevin
	Monster Energy	Mango Loco	12:30p	11:30p	2	10.5 Monster	Morgan & Ella (Mutant)
	Monster Energy		8:00a	1:00p	2	5 Monster	Morgan & Ella (Mutant)
	Monster Energy	Mango Loco	5:00p	11:00p	2	11 Monster	Morgan & Sarah
	Monster Energy	Mango Loco	5:00p	12:00a	2	Monster	Kenya & Kylie (Mutant)
	Monster Energy		530pm	1130pm	2		Nichole & Ruzen
	Monster Energy	Mango Loco	6pm	11pm	2	10 Monster	Karl & Nichole
	Monster Energy	Mango Loco	6pm	11pm	2	10 Monster	Casey & Nichole
	Monster Energy	Mango Loco	930am	6pm	2	16 Monster	Karl & Jaime
	Monster Energy	Mango Loco	930am	6pm	2	Monster	Karl & Jaime
	Monster Energy		0.520833333	0.291666667	4	27 Monster	trey, jenny, danielle & fino
	Monster Energy	Mango Loco	2pm	10pm	2	14 Monster	Michael/Sam
	Monster Energy		5p	12a	2	13 Monster	Christine, Dom
	Monster Energy		8:00AM	4:30PM	2	Monster	Christy, Ashley
	Multiple Brands		8:00AM	3:00PM	2		Renee, Christy
	Monster Energy		7p	11:30p	2	8 Monster	Adam, Dom
	Monster Energy	Mango Loco	9:30AM	6:00PM	2	16 Monster	Bonnie, Chelse
	Monster Energy		5:00PM	11:00PM	2		Daniela, Deandre
	Monster Energy		7:30p	11:30p	2	8 Monster	Gwendolyn, Nick
	Hydro		12p	1p	1	0 Monster	Sean
	Monster Energy	Mango Loco	5:00PM	9:00PM	2	8 Monster	Cindy, De'Andre
	Mutant		6:00pm	11:00pm	2		Rachel, Justine
	Monster Energy		12:30pm	11:30pm	1	10.5 Monster	Ella
	Monster Energy		8:00am	1:00pm	1	5 Monster	Ella
	Monster Energy		5:00pm	12:00am	2	13 Monster	Kylie & Kenya
	Mutant		5:00pm	12:00am	1	6.5 Mutant	Didier
	Monster Energy	Mango Loco	0.229166667	0.4375	5 2	10 Monster	morgan & kelsey
	Monster Energy	Mango Loco	6pm	11pm	2		Nichole & Brittany
	Monster Energy	Mango Loco	5:00PM	9:00PM	2	8 Monster	Emily, Anthony
	Monster Energy	Mango Loco	4:00PM	11:00PM	2	13 Monster	Daniela, Tosha
	Monster Energy	Mango Loco	6:00pm	12:30am	2	12 Monster	James, Carson

		eage End City / Area Sampled Issue/ Consumer Complaint	Highlights (Include locations of sampling any specific not Event Rating Original Lo-Carb Ab. Zero Gronk Assaul
-Truck	6415	6450 New Orleans	4 T/L & 4 Peach tea sampled
-Truck	6450	6483 New Orleans	3 Mutant & 3 Red Dawn Sampled
-Truck	6483	6517 New Orleans	6 Gronk & 4 Sunrise sampled 8
-Truck	6517	6546 New Orleans	7 Pipeline & 6 Zero Ultra Sampled
-Van	2500	2565 Taylor	Scream Machine Haunted House 23131 Ecorse, Taylor. Co. 5 - Great!!! 10
-Van	65060	65070 Colorado Springs	Drop for staff at a popular Colorado Springs haunted house. In exchange, w 2
-Van	65070	65080 Colorado Springs	Drop for staff at a popular Colorado Springs haunted house. In exchange, v 2
-Truck	30129	30191 Charlotte, NC	Guerrilla sample local movie theatres for the new movie H 3 - average 6
-Truck	82346	82399 Baltimore	The team went to halloween stores and female focused stores everyone was so happy to see the team and needed the energy(Sar
2 - Truck 2	9905	10031 Watertown, NY	tent set up- 1220 Coffeen St 3 - Average
2 - Truck 2	44931	44941 New York, NY	Sampling on W 12thSt. & 6th Ave
-Truck	50208	50269 Boston, MA	Team was going to sample Haunted House and Halloween stores. Both haunted house the team went to turned us away and didn
'-Van	1008	1074 Livingston, NJ	Team set-up and sampled at a NJ Haunted House. 6
-Truck	21735	21777 Queens, NY	Team sampled near some local Halloween stores with the mango loco push.
-Truck	21814	21878 Livingston, NJ	Team set-up and sampled at Bane Haunted House haunted attraction.
-Truck	22024	22039 Brooklyn, NY & NYC	Team sampled in Williasmburg near a Day of the Dead party & in NYC for the Halloween parade.
		NYC	Dillon worked with the NYC team to sampled the halloween parade.
-Truck	90783	90861	sampled foot traffic for the Halloween Parade
-Van	39447	39456 Salt Lake City	Tent Sampling at Salt Lake Haunted Half Marathon 4 - Above Avg
-Van	39647	39734 Provo	Tent Sampling at Provo Haunted Half Marathon 3 - Average
-Truck	76174	76247 Santa Clara	MAT Event- 4701 Great American Pkway for Halloween Ha 4 - Above Avg
-Truck	76460	76592 Berkeley/Emeryvilla/San Bruno	Guerrilla Sampling- Spirit Halloween in Berkeley for staff and customers, Spirit Halloween in Emeryville for employees and custom
-Truck	86565	86682 Glamis	Halloween Weekend in the Desert with the Events Team and Can-Am
-Truck	86688	86758 Glamis	Halloween Weekend in the Desert with the Events Team and Can-Am
-Truck	86758	86827 Glamis	Halloween Weekend in the Desert with the Events Team and Can-Am
-Truck	86827	86957 Glamis	
-Truck	69475	69523 Chicago, IL	Team sampled the following Halloween/Costume businesses: Chicago Costume(1120 W. Fullerton), Halloweenland(1730 Fullerton
-Van	17584	17701 Aurora, IL	42 W. New York St., Aurora, IL 60506; Team setup in front 5 - Great!!!
-Van	17584	17701 Crestwood, IL	13624 S. Cicero Ave, Crestwood, IL 60445; Team dropped product for next day's gift bags.
-Truck	104921	104993 Columbus, Ohio	Team sampled to Columbus Blue Jacket fans before the game. Team then s 7
-Van	3609	3684 Lenox Twp	Scarefest Scream Park 34111 28 Mile Rd, Lenox Twp 5 - Great!!!
-Van	31757	32020 Des Moines, IA	97 Indiana Ave; team sampled haunted attraction from 7-11p
-Van	32020	32270 Des Moines, IA	Travel back from event
-Truck	64801	64908 Minneapolis, MN	Team sampled Minneapolis area Halloween Stores, Halloween Express, Spirit of Halloween, Party City on Elm Creek Blvd, Spirit of
-Van	32280	32314 Minneapolis, MN	Haunted Basement Event 2010 Hennepin Ave E, Minneapc 4 - Above Avg
-Truck	4520	4569 St. Louis	S Brentwood Blvd, Creepyworld S Old Hwy 141, Lemp Mansion Demenil Place, The Darkness S 8th St (NOS Midnight Madness Ever
-Truck	5916	5965 St. Louis	Creepy World, Lemp Mansion, Darkness, Soulard Area, 16th & Clark Enterp 12
-Truck	6291	6340 St. Louis	Crowds and Staff at Creepy World, Lemp Brewery, and The Darkness
-Truck	6340	6572 Columbia	1001 Rogers Street- Columbia College Bookstore
-Truck	6340	6572 Columbia	Richmond St & Rollins, Kappa Delta, Delta Sigma, Alpha Delta Phi, Kappa Sigma, Providence & Stewart St
-Truck	28463	28508 pelham	good shift 19
-Truck	85704	85766 Riverside/Eastside	Riverside, Adams, Main, 13th floor, Warehouse 31
-Van	65496	65641 Colorado Springs	A little windy, but sampled foot traffic as they headed into the haunted hou 4
-Truck	2805	3097 Rosharon	Drop: Phobia Haunted House staff 10
-Truck	3254	3307 South Houston	Drop: Phobia Haunted House staff 5
-Van	66700	67787 Colorado Springs	Great event for us - Perfect location and steady stream of people before the 16
-Truck	86179	86278 Tulsa, OK	Spirit Halloween BA, Spirit Halloween 71st, Party City 71st, Top Hat, Party City 41st, Ehral's, Halloween Loco, Spotlight Halloween,
-Truck	3851	3905 South Houston	Drop: Phobia Haunted House staff 5
-Van	67100	67204 Colorado Springs	One of their busiest nights, so a huge stream of people and lots of happy pe 10
-vaii	07100	Arvada	Dropped product and barrel cooler for evening event.
-Truck	4044	4148 Central Houston, South Houston	Guerrilla sampling - Outbreak Tour Total Xanarchy (Lil Xan) Tour was cancel 1
	30514		, ,
- Mutant Truck	30314	30558 Columbus, OH	Team did a product drop to 13th floor haunted house - 2605 Northland Plaza Dr, Columbus, OH.
- Mutant Truck		Des Moines, IA	Monster Support Event, Slaughterhouse Haunted House, Des Moines, IA.
- Mutant Truck	22222	Des Moines, IA	Monster Support Event, Slaughterhouse Haunted House, Des Moines, IA.
-Van	32280	32314 Minneapolis, MN	Haunted Basement Event. 2010 E Hennepin Ave Building #9, Minneapolis MN. Full tent setup, side rails, back drop, table, table sl
-Van	67552	67699 Farmville, VA	Mut team and MUT lead went to Longwood University for a MAT request event made by Harmony Booker to sample and have a
-Truck	29973	30036 birmingham	
-Truck	6822	6860 St. Louis	Washington Ave, S Kinghighway, Hampton Ave, Chippewa, Manchester Rd
-Truck	87085	87120 Tulsa, OK	Hex House
		4050 5	Consultant Ministry Ministry Control of Tours Control Disease Control Disease Print de la Manuel Control Disease Control Disea
-Truck	4198	4259 Downtown Houston, South Houston	Guerrilla sampling: Nicki Minaj & Future concert at Toyota Center, Discovery Green presents Dia de los Muertos Festival, Haunted
	4198 39496	39647 Provo	Table Sampling at Terror in the Mall Event 4 - Above Avg
-Truck			

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eam. o at Longwood's Haunted House event a	t the Health and Fit	nace Cantor 201 L	High Stroot Fo	rmville VA 220	ng								
p at Longwood's Hauffled House event a	10	ness center, 301 h	ngn street, Fa	minville VA 239	UJ						8		
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Monster Energy Company v. Eben McGarr

Ultra Sunrise Ultra Violet Mean Bean Loca Moca Swiss Chocolate Kona Blend Irish Blend Salted Caramel Caffe Salted Caramel Caffe Mocha Caffe Vanilla Espresso Vanilla Espresso & Cream Chocolate Vanilla 



pposition No. 91239678 (	rarent) McGarr								
Energy Company v. Eben Blue Ice Hydro Zero Sugar I	IVICOAIT IOS Original NOS Sugar Fr	ee NOS Grape	NOS Cherry NO	OS Nitro Mango	NOS Rowdy	Full Throttle Citrus	Full Throttle Orange	Full Throttle Blue Agave	MAXX SUPER DRY / >
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Energy Compan	ny v. Eben McGarr CLIPSE Total Monster Cases									
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Exhibit 9 Page 14 of 40

March   Marc		neigy	Company v. Eo									
Column   C	Market	Week	Date Friday September 20, 2019	Event / Sampling Name				Account Name	Was Product Supplied for you?			Cost (If applicable)
Column   C												
March   Marc			Tuesday, October 29, 2019	Halloween Stores								
March		Week 44	Wednesday, October 30, 2019	Halloween Stores	MAT Lead	MAT	Guerrilla			Monster E	nergy	
Column   C											nergy	
1946			Tuesday, October 31, 2019	REIGN Request - NPD Day Halloween Event					Yes			
Color   Colo			Wednesday, October 30, 2019	Rankier Anartments- Hanny Halloween								
Company   Comp												
Company   Comp		Week 44			Chris Martin	MAT	Guerrilla			Monster E	nergy	
March   Marc												
March   Marc												
Section												
March   Marc												
March   Marc											neigy	
March   Marc												
March   Marc	St. Louis	Week 44	Thursday, October 31, 2019	Haunted Houses and Area Business	Ricky Lowrey	MAT	Guerrilla			Monster E	nergy	
March   Marc												
Deck   Prof.   Prof.   Control   Prof.   Control   Prof.   Control   Prof.   Control   Prof.   Control   Prof.   Control   Prof.   P			Friday, October 4, 2019	Bourbon St., Jackson Square & The Mortuary Haunted House								
Description			Eriday October 18, 2019	Bourbon St. & The Mortuary Haunted House								
Line			Thursday, October 31, 2019	Guerrilla Shift - Halloween								
March   Marc			Thursday, October 24, 2019	Guerrilla - Halloween Stores								
Michael   Michael   Prof. (2002)   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200   200		Week 44			April May		Guerrilla					
March   Marc	Houston	Week 41	Friday, October 11, 2019	Drop: Phobia Haunted House	MAT Lead	MAT	Drop			Multiple B	rands	
March   Marc												
March 19   March 19   Prof. Comp.												
March   Marc												
March   Ward   Free												
Geography   Content   Co			Thursday, October 17, 2019	Nashville Halloween Stores								
March   March   Thomas   The Print   The Print   March   Mar			Thursday, October 31, 2019	NYC Halloween Parade								
March   Rever   16		Week 44	Thursday, October 31, 2019	NYC Halloween Parade			Event					
Month   Mont												
New York   A   Transport Control   Transport												
Part												
Service   West 41   Transport Control   2 cities   Michael State   PAM   Event   Montant Federal												
Section   World   Comment   Commen												
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Section   Week of   Strategy Control 24, 2019   M. Feet   Section   Week of   Section   Sectio	Seattle	Week 42			Michael Shaw	FMM	Event			Monster E	nergy	
Seate   Work of   Control   Contro												
Seatle   Week of   Temple   Control   Contro												
Searties   Week   M.   Profession   Profes												
Main   March			Wednesday, October 30, 2019	MAT Event - Star 101.5 Haunted Morgue								
Philosophis   Week 6   Search   Searc			Sunday, November 3, 2019	NYC Halloween								
Proceint   Week 4    Treatilety Obtation 29, 2019 [control s-tallowers]   Montage Ferragy			Monday, November 4, 2019	NYC Halloween								
Processor   Verset 4.4   Profits(s)_CORDEN_DESIDE_CORNEL_T-Statistics (Control of the Control	Long Island		Saturday, November 2, 2019	Cousins Paintball Halloween Hunt	MAT Lead	MAT	Guerrilla			Multiple B	rands	
Demore   Veel 4, 1												
Demons			Wednesday, October 30, 2019	Guerrilla - Halloween								
Denver   Veel 42   Salurday, Cockbor 19, 2019 SLES (EQUEST - Hupsarded Bree Feet   Nyle Dummed  Seles   Event   Montee Energy												
Derworn   Week 42   First   Continued First   State												
Enter   Week 43   Suitary Collable 25, 2019   MAT EVENT - Healthoff Minor   MAT Event   Monster Energy												
Salt Lake (Cty)  Week 42  Finds (Cobbor 12, 2019) Beauther Houses  MAT Lead  MAT  Event  Monotate Energy  Monota	Denver	Week 43	Friday, October 25, 2019	MAT EVENT - HellScream Haunted House	MAT Lead	MAT	Event					
Stit Lake City   Week 43												
Salt Lake City Week 4.9 Montary, October 21, 2019 S.C. Haunted Houses MAT Lead MAT Guernilla Montare Energy Chicago Week 4.6 Fishing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy Chicago Week 4.7 Fishing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy St. Louis Week 4.7 Sharing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy St. Louis Week 4.7 Fishing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy St. Louis Week 4.7 Fishing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy St. Louis Week 4.7 Fishing, November 12, 2019 State-will et Haunted Prison Chris Martin MAT Event Montare Energy St. Louis Week 4.8 Fishing, November 12, 2019 State												
Cinciago Week 44 Friday, November 1, 2019 Basement of the Dead Haunted House Chris Martin MAT Event Monster Energy Chicago Week 45 Friday, November 1, 2019 Statesulle Haunted Priscon Chris Martin MAT Event Monster Energy M												
Friday   New Add   Friday   Noember 1, 2019   State-stiller   Haumed Prison   Chris Martin   MAT   Event   Monster Energy												
Chicago Week 44 Salturday, November 2, 2019 Haunced Hills Hospital Chris Martin MAT Event Monster Energy St. Louis Week 43 Seturday, November 2, 2019 St. Nightlife, Firfday Delmar, 8. Haunted Houses Ricky Lowrey MAT Guerrilla Monster Energy Houston (NOS) Week 43 Seturday, Cotober 26, 2019 NAT Event 12th Annual Halloween Car Show Andrew Graves MAT Event NOS  Philadelphia Week 35 Thursday, September 19, 2019 Terror Behind the Walls Drop James Rolfe FiMM Drop Maria Structure												
St. Loils Week 43 Fidday, November 1, 2019 ST. Nightlife, First Friday Delmary, & Haunted Houses McM Andrew Graves McM Event No.S  Philadelphia Week 38 Thursday, September 19, 2019 Terror Behind the Walls Drop James Rolle Friday. October 29, 2019 Event - Opening Night of the Lake Joy Trail of Terror Haunted House Jimmy Eaves MAT Event Monster Energy Society Week 43 Friday, October 25, 2019 Terror in the Mall Terror In the Mall Monster Energy Society Week 43 Friday, October 25, 2019 Terror in the Mall Terror In the Mall Monster Energy Society So												
Note			Friday, November 1, 2019	STL Nightlife, First Friday Delmar, & Haunted Houses								
Philadelphia Week 38 Thursday, September 19, 2019 Terror Behind the Wals Drop James Rolle FMM Drop Brands  Atlanta Week 40 Friday, October 4, 2019 Event - Opening Night of the Lake Joy Trail of Terror Haunted House Jimmy Eaves MAT Event Energy 300  Atlanta Week 43 Friday, October 25, 2019 Terror in the Mall MAT Lead MAT Event Energy 300  Atlanta Week 7 Friday, February 15, 2019 Event - Lake Joy Trail of Terror Manufed House Jimmy Eaves MAT Event Energy 300  Atlanta Week 7 Friday, February 15, 2019 Event - Lake Joy Trail of Terror Manufed House Jimmy Eaves MAT Event Energy 300  Atlanta Week 42 Saturday, October 19, 2019 Zombie Run, Carral Place & Jax Brewery MAT Lead MAT Querrita Energy 500  Atlanta Week 43 Saturday, October 26, 2019 Event - Combie Sk Run at Clayton State Jimmy Eaves MAT Collegiste Reign Filmess Event Monster Energy 500  Long Island Week 44 Saturday, November 2, 2019 Runing Dead Zombie Sk Run at Clayton State Norsetr Energy 500  Syracuse Week 42 Saturday, October 19, 2019 Run of the Dead Noce Latvis Monster Energy 500  Noce Latvis MAT Event Energy 500  Noce Latvis Energy 500  Noce Latvis Energy 500  Noce Latvis Energy 500  Noce Latvis MAT Event Energy 500  Noce Latvis Energ	Houston (NOS)	Week 43	Saturday, October 26, 2019	NAT Event - 12th Annual Halloween Car Show	Andrew Graves	MAT	Event					
Atlanta Week 40 Friday, October 4, 2019 Friday, October 4, 2019 Friday, October 25, 2019 Friday,	Dhiladalah	:- Wook 20	Thursday Contember 10, 2010	Torrar Rabind the Walls Dren	James Belfe	EMM	Drop					
Atlanta Week 40 Friday, October 4, 2019 Event - Opening Night of the Lake Joy Trail of Terror Haunted House Jimmy Eaves MAT Event Energy 300  Atlanta Week 7 Friday, Cctober 25, 2019 Terror in the Mall Monster Energy 300  Atlanta Week 7 Friday, February 15, 2019 Event - Lake Joy Trail of Terror Jimmy Eaves MAT Event Energy 300  Atlanta Week 82 Saturday, October 19, 2019 Zombie Run, Canal Place & Jax Brewery MAT Lead MAT Guernila Energy Monster Energy Mo	Philadelphi	IS AAGEN 20	mursday, September 19, 2019	Terror Berlind the Walls Drop	James noile	FIVIIVI	ыор			Dianus		
Atlanta Week 40 Friday, October 4, 2019 Event - Opening Night of the Lake Joy Trail of Terror Haunted House Jimmy Eaves MAT Event Energy 300  Atlanta Week 7 Friday, Cctober 25, 2019 Terror in the Mall MAT Lead MAT Event Energy 300  Atlanta Week 7 Friday, February 15, 2019 Event - Lake Joy Trail of Terror Jimmy Eaves MAT Event Morester Energy Morest												
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	Long Islan	nd Week 44								Monster Energy	Titless Event	
Erbibit 0 Dags 15 of 40  Testimony Declaration of Declaration	Long Islan	Week 44 Week 42	Saturday, October 19, 2019	Run of the Dead	Nicole Latvis	MAT	Event			Monster Energy Monster	Titless Event	

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Monster Energy	Company v.	Eben M	<b>IcGarr</b>

ster Ene	ergy Com	pany v	. Eben	McGari						
hift Start Time 1a	Shift End Time	# of MATs		COST CENTER	MAT's on 5 Vehicle(s) - List All Needed Alison, Chr T -Truck					Consumer Complaint Highlights (Include locations of sampling any specific not Event Rating Original Lo-Carb Ab. Zero Mule NEW PRODUCT 2
.a ım	2:30p	3		Monster		48182		Colorado Springs	Swire	Drop for largest haunted house in CO Springs. Will be setting up sampling 2
m	330pm 330p			Monster Monster	Rita/Matt ( T -Truck Rvan / Sasl T -Truck	61119 26215		Charlotte, NC Central Las Vegas	Consolidated	Halloween stores in Charlotte, NC - Spirit Halloween, Hall 4 - Above Avg 8
	330p	2		Monster	Andy / Sast T - Truck	26215		Central Las Vegas	Reyes	Spirit Halloween LV Silverado 9833 S. Eastern Ave, Spirit Halloween LV9 LV Blvd., 7680 S. Las Vegas Blvd. / UNLV Area / Strip Area / Silverado Spirit Halloween LV7MarylnPky, 4000 Maryland Pky Suite B /Spirit Halloween LV3Tropicana, 5120 S Fort Apache Rd / Spirit Halloween LV5Su
	1030p	2		Monster	Ryan / Ren T -Truck	26392		Central Las Vegas	Reyes	Spirit, nalioween LV7/waryinrky, 4000 waryidanid rky Suite B75pirit nalioween LV3/ropicana, 31203 Ford Apacite Rd 75pirit nalioween LV3Su Freakling Bros The Trilogy of Terror-4245 S Grand Canyon Dr / 16th Street House Of Hell, 1230 S. 16th Street / LV Strip Area
М	430PM	2		Reign	Chris/Shire RE - REIGN vehicle	83463		Corona	Reyes	Treaking this the thingy of ferror 2243 Station Carryon 57 / Gentill
)pm	930pm	1		Monster	Hanna, Chr T2 - Truck 2	29674		Chicago, IL	Great Lakes/R	
ppini	ээории	-	2.3	WOUSEC	Hama, Chi 12 Hack 2	25074	25,20	Champaign, IL	Great Lakes/R	
								Urbana, IL	Great Lakes/R	
ım	4pm	2	5.5	Monster	Charlie, Sh T2 - Truck 2	29720	29746	Chicago, IL	Great Lakes/R	
0pm	1030pm	2		Monster	David, Bri T -Truck	6411		Columbus, Ohio	Consolidated	Team sampled to Spirit Halloween 1888 Hilliard Rome Rd., Spirit Halloween 6020 Sawmill Rd., Spirit Halloween 3610 W. Dublin Granville Rd.,
ipm	12am	2		Monster	Becca & M V -Van	49055		Des Moines, IA	Atlantic	97 Indiana Ave - tent setup
n	2pm	2		Monster	Becca & M V -Van	49090		Des Moines, IA	Atlantic	Team traveled home from Des Moines and unloaded the vehicle
pm	8pm	2	12	Monster	Morgan & T -Truck	89904	90054	Eden Prairie, Blooming	t Great Lakes/R	
m	11pm	3	15	Monster	Jaime, Mat T -Truck	26852		St. Louis	Heartland	Johnnie Brocks, Party Cirty (Lemay Ferry), Spirit Halloween (Lindbergh), Kirkwood & S Linbergh, 16th & Clark near enterprise center- Training
n	11pm	2		Reign	Matt & Kev V -Van	27860	27908	St. Louis	Heartland	Creepy World, The Darkness, 16th & Clark Near Enterprise Center
n	11pm	2	10	Reign	Kevin & Lir V -Van	27976	28028	St. Louis	Heartland	Creepy World, The Darkness, Lemp, 16th & Clark Near Enterprise Center
n	11pm	2	10	Monster	Matt & Ke\ T -Truck	27741	27841	St. Louis	Heartland	Cobb Factory, Creepyworld, Kirkwood (Texas Roadhouse, BWW, Chipotle, Helen Fitzgerald's)
1	10pm	3	15	Reign	jenny, step T -Truck			birmingham	United	
pm	11pm	3		Monster	Josey, Layl: T -Truck	29833		New Orleans	United	Mortuary was somewhat slow.
pm	11pm	2		Monster	Jessica, BraT -Truck	30955		New Orleans	United	Attempted to sample near Voodoo Fest but limited parking due to construction
)p	12:00a	2		Monster	Kanesha, GT -Truck	31675		Fort Worth	CCSWB	15
)p	12:00a	2		Monster	Britney, Ga T -Truck	32084		Dallas	CCSWB	
PM	8:30PM	2		Monster	Chelse, De T -Truck	8729		Tulsa, OK	CCSWB	Destiny from the NOS Team helped as a MAT. 5 Monster hours will be on Korteza's grid and payroll.
DPM	12:30AM	4		Monster	Josiah, Isai T -Truck	10314		Oklahoma City, OK	CCSWB	Training Shift for Chris
n	10pm			Reign	Halla, Way RV - REIGN/Van	30512		South Houston	CCSWB	X 10
1	10pm	2			Halla, Way RV - REIGN/Van	31073		South Houston	CCSWB	X 10
om	1130pm	2		Monster	Linzy, Tayle T -Truck	27102		Angleton, Rosharon, Sc		X
om	1130pm	2		Monster	Robert, Tay T -Truck	27487 27487		South Houston	CCSWB	X 40
)pm	1130pm	2		Moneter	Robert, Ta T -Truck			South Houston Downt	CCSWB	X 10
om	11pm	2		Monster	Robert, Ma T -Truck	27764		South Houston, Downt		A The transfer of the control of the
	1130pm			Monster	Deviii Joili V Vali	21208		Kathleen, Ga	United	The team did a set-up sampling at the opening night of a I 4 - Above Avg 10
am Opm	430pm 11:00pm	2		Monster Monster	Caroline, A T -Truck Sheya & Jo T2 - Truck 2	8742 2353		Nashville NYC	Consolidated Liberty	Sampled Party City (Lebanon Pike), Spirit Halloween (Hermitage), Party City (Madison), Spirit Halloween (Madison), Halloween Express (Madison), the team campled NVC halloween Parade attended a campled all product.
lpm lpm	11:00pm 11:00pm	2		Monster	Steven W. & Chris	2303	2426	NYC	Liberty	the team sampled NYC halloween Parade attendees - sampled all product!  NYC Halloween parade
lpm	11:00pm 11:00pm	2		Monster	Rebecca & Gina			NYC	Liberty	NYC Halloween parade NYC Halloween parade
)pm	10:00pm	2		Monster	Asaad & ag T -Truck	35049	35065		Liberty	NTC nanowen parate Team guerills sampled near the parade
piii	130pm	2		Monster	Rvan/Mike V -Van	30984		Revere, MA	CCNNE	Team sampled at MDA Halloween Witch ride at Revere Harley Davidson fr 9
PM	11:00PM	2		Monster	Grace, Trac T -Truck	50504	50550	New York, NY	Liberty	NYC Halloween Parade
1	430pm	3		Monster	Peter Chan T - Truck	6661	6686	Vancouver, WA	Swire	The following the first state of
	10pm	2		Monster	Mandy & C T -Truck	95019		Seattle	Swire	
1	10pm	2		Monster	Tori & Mar T -Truck	95127		Seattle	Swire	
PM	10:30PM	2		Monster	Rose & Am T -Truck	95413		Seattle	Swire	
)pm	9:30pm	2		Monster	Rose & Ma T -Truck	95573		Seattle	Swire	
pm	930pm	2	6	Monster	Maddy & C T -Truck	46034	46059	Seattle	Swire	
pm	10pm	1	6	Monster	Kaylee T -Truck	96059	96078	Seattle	Swire	
n	10pm	2	10	Monster	Chris & Ma V -Van	63256	63286	Georgetown	Swire	
pm	10pm	2	7	Monster	Chris & Cri: T -Truck	96442	96489	Georgetown	Swire	
DAM	4:30PM	1	8	Monster	Aaron			NYC	Liberty	Aaron DJ'ed for NYC Halloweend parade
DAM	4:30PM	1	8	Monster	Aaron			NYC	Liberty	Aaron DJ'ed for NYC Halloweend parade
Dam	3:30pm	2	14	Monster	Jenni & Vic T2 - Truck 2	2475		Calverton	Liberty	great event - attendees were excited to have the team at the event and give them that extra boost of energy needed for hunting
	1130p	2		Monster	Derek/Kati T -Truck	48285		Phoenix	Swire	Team sampled to multiple Halloween themed stores then sampled to hau 1
	1130p	2		Monster	Aimee/Aly: T -Truck	48380		Tempe	Swire	Team sampled to Halloween stores then sampled to Sanctum of Horror an 1
p	11:30p	2		Monster	Kat, Adam V -Van	84815		Colorado Springs	Swire	GREAT EVENT! Staff was incredibly happy to have us on hand and everyor 1
	11:30p	2		Monster	Alison, Dor V -Van	85005		Colorado Springs	Swire	Sampled to people in line for haunted house. Early on there were a lot of 1
	6:30p	2		Monster	Sofia, Chris V -Van	86011		Colorado Springs	Swire	A lot of good costumes and people not drinking who were excited for a no 1
Ор	10:30p	2		Monster	Mandy, Ad T -Truck	50844		Colorado Springs	Swire	See row 287 for details
)p	11:15p	2		Monster	Sofia, Evan V -Van	86826		Colorado Springs	Swire	Sampled at the entrance of haunted house. Busy night with many people 1
	1:15a	2		Monster	Danielle, A V -Van	87077		Colorado Springs	Swire	GREAT EVENT! Busiest night in their schedule, so lots of people having a g 6
1	930pm	2		Monster	Ashley, Rei T -Truck	54375		Salt Lake City	Swire	•
า	1030pm	2		Monster	Reed, Jenn T -Truck	54978		Murray	Swire	7
	9pm	2		Monster	James, Ree T -Truck	54989		Salt Lake City	Swire	ADM New York Co. Assessed II COCOC
	1230am	2		Monster Monster	Hanna, Kel V -Van	45712		Aurora, IL	Great Lakes/R	
	1230am 11pm	2		Monster	Hanna, Kel V -Van	45712 45818		Crest Hill, IL Lake Station. IN	Great Lakes/R	
	11pm 11pm	2		Monster	Layal, Kelly V -Van Matt & Jair T -Truck	45818 27841		St. Louis	Heartland	Loaded Van for Basspro Marathon Event, Delmar Loop, Cobb Factory, the Grove
1	430PM	2		NOS/FT	Vivi / Joe NV - NOS/VAN	27841 3592		North Houston	CCSWB	On Saturday's morning shift, the NATs activated a tent set 2 - Ok
	-501 W		14		TITLE IN THOSPAN	3392	3014		CCSVVD	Ornadurady similaring simil, the Next's advanted a tent's set 2 Ok
				Reign	<u> </u>			Philadelphia, PA	Liberty	event. 5
					Devin					
					Sonnier/L					The transfer of the control of the c
3pm	1130pm	2	16.00	Monster	afayette Watkins V -Van	21,208	21 /51	Kathleen, Ga	United	The team did a set-up sampling at the opening night of a Haunted House. Contact - Robin - 478-338-4062 4 - Above Avg
Opili	Зоріп	-	.0.00	1110110101	James,	21,200	١,٣٥١		5.1100	TRANSCOTO TO THE PROPERTY OF T
	1				Jenni.			1	1 1	8
7pm	130am	2	12.00	Monster	Chris V -Van	51,980	52,071	Provo	Swire	
					Cristina Maria II a fa					
					Marin/Lafa vette					
					Watkins/T					8
					ara-Lynn					The Team did a set up sampling at a Valentines Day
4pm	12am	3	22.50	Monster	Mills T -Truck	24,424	24,655	Kathleen, Ga	United	Haunted Trail 4 - Above Avg
					Benny &					
7am	230pm	2	14.00	Monster	Amber T -Truck	30,761	30,790	New Orleans	United	Zombie run was part of Krewe of Boo parade
					Casay					
					Casey Donato/Te					The team did a full set-up sampling at the Zombie 5K Run
	130pm	2	14.00	Reign	nzie Burns V -Van	23,331	23,400	Morrow, Ga	United	at Clayton State. Contact - Justin - 404-277-9493  4 - Above Avg
6am		_			Dana &					
6am 7:00am	1:30pm	2	12.00	Reign	Sheya V -Van	60,572	60,628	Patchogue	Liberty	great event - attendees were excited to try Reign
7:00am	1:30pm	2			Allie,			· ·		
		2	12.00 12.00	Reign Monster	Sheya V -Van Allie, Amanda T2 - Truck 2	60,572 40,548		Patchogue Liverpool, NY	CCNNE	great event - attendees were excited to try Reign tent set up - 7192 Oswego Road 2
7:00am	1:30pm	2			Allie,		40,571	· ·		

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Market	Week	Date
Phoenix (NOS)	Week 43	Thursday, October 22, 2020
Charlotte (NOS)	Week 43	Saturday, October 24, 2020
Houston	Week 42	Friday, October 16, 2020
Houston	Week 43	Friday, October 23, 2020
Baltimore	Week 44	Friday, October 30, 2020
New Orleans	Week 3	Friday, January 17, 2020
New Orleans	Week 3	Saturday, January 18, 2020
San Francisco	Week 44	Thursday, October 29, 2020
Chicago	Week 42	Friday, October 16, 2020
Chicago	Week 42	Saturday, October 17, 2020
Chicago	Week 43	Friday, October 23, 2020
Chicago	Week 44	Friday, October 30, 2020
Chicago	Week 44	Saturday, October 31, 2020
Columbus	Week 43	Thursday, October 22, 2020
Columbus	Week 44	Tuesday, October 27, 2020
Detroit	Week 43	Thursday, October 22, 2020
Detroit	Week 44	Friday, October 30, 2020
Detroit	Week 44	Saturday, October 31, 2020
Kansas City	Week 44	Tuesday, October 27, 2020
Minneapolis	Week 44	Thursday, October 29, 2020
Minneapolis	Week 44	Friday, October 30, 2020
St. Louis	Week 44	Tuesday, October 27, 2020
NY Metro	Week 41	Tuesday, October 6, 2020
NY Metro	Week 42	Tuesday, October 13, 2020
Orange County	Week 44	Monday, October 26, 2020
Orange County	Week 44	Friday, October 30, 2020

#### **Event / Sampling Name**

Product Drop - Halloween Night Drive at Scarizona

NAT Event - Randys Auto Halloween Cruise in- Gastonia, NC

Guerrilla: REDRUM Fear Park, Creepy Hollow Haunted House, Phobia Haunted Houses

Guerrilla: 13th Floor Haunted House, The Haunted Trails, Purgatory Scream Park, Houston Scream Fest

Guerrilla Sampling Shift - Halloween Stores and Local Businesses

Halloween Expo, Bourbon St. & Frenchman St.

DQ & Halloween Expos at Convention Center, Pelicans Game

Product Drop- Extreme Express Car Wash Haunted House

13th Floor Haunted House drop

Haunted Hills Hospital

Disturbia Haunted House drop

Haunted House drops

Dungeon of Doom Haunted House

Cincinnati Halloween Stores

Columbus Halloween Stores

Haunted Houses and Halloween Sampling

Haunted House Sampling

Halloween Business Sampling

Spirit Halloween Staff Sampling

Halloween Stores

Haunted Houses Drop

Halloween Stores & Haunted Houses

Drop: Spirit Halloween

Drops: Halloween Costume Stores

17th Door Haunted Maze

17th Door Haunted Maze

Requested By (MAT Lead If Self-Scheduled)	Shift Type (Pick From List)	Shift Type Detail Account Name
Dylon Williams	CEM	Drop
Nikki Volpe	CEM	Event
MAT Lead	CEM	Guerrilla
MAT Lead	CEM	Guerrilla
Jessica Pinkham	CEM	Guerrilla
MAT Lead	CEM	Guerrilla
MAT Lead	CEM	Guerrilla
Melanie Bradley	CEM	Drop
Chris Martin	CEM	Drop
Chris Martin	CEM	Event
Chris Martin	CEM	Guerrilla
Chris Martin	CEM	Guerrilla
Chris Martin	CEM	Event
Nicole Arntz	CEM	Guerrilla
Nicole Arntz	CEM	Guerrilla
Brandon Sellick	CEM	Guerrilla
Brandon Sellick	CEM	Guerrilla
Brandon Sellick	CEM	Guerrilla
Hannah Nelson	CEM	Guerrilla
Morgan Lachermeier	CEM	Guerrilla
Morgan Lachermeier	CEM	Drop
Ricky Lowrey	CEM	Guerrilla
MAT Lead	CEM	Drop
MAT Lead	CEM	Drop
Allen Hedger	CEM	Guerrilla
Linda Tran	CEM	Guerrilla

Was Product Supplied for you?	Brand Focus (Pick From List)	Focus Period	Cost (If applicable)	Shift Start Time
	NOS			11am
	NOS			3pm
	Multiple Brands			5pm
	Multiple Brands			5pm
				9am
	Monster Energy			4pm
	Monster Energy			11am
				12pm
	Monster Energy			130pm
	Monster Energy			2pm
	Monster Energy			1pm
	Monster Energy			1pm
	Monster Energy			330pm
	Monster Energy			900am
	Monster Energy			900am
	monster energy			2pm
	monster energy			5pm
	monster energy			10am
	Multiple Brands			2pm
	Ultra			530pm
	Ultra			
	Monster Energy			5pm
				10am
				10am
	Reign			5pm
	Reign			4pm

Shift End Time	# of MATs	Shift Hours	COST CENTER	MAT's on Shift (List All MAT Names)	Vehicle(s) - List All Needed
1pm		2	4 NOS/FT	Rachel Beeder, Andrew Ruiz	N - NOS Jeep
1030pm		2	14 NOS/FT	Mimi/Kevin (Nikki)	NV - NOS/VAN
11pm		2	11 Monster	Cindy, Halla	T -Truck
1130pm		2	12 Monster	Dallas, Linzy	T -Truck
530pm		2	16 Monster	Jessica / jacob	T -Truck
1130pm		3	21 Monster	Layla, Rehan & Tabitha	T -Truck
730pm		4	32 Monster	Rehan, Tabitha, Jayme & Fernando	T -Truck
12pm		1	0 Monster	Melanie B	
8pm		2	6 Monster	Hanna, Lisa	T -Truck
11pm		2	17 Monster	Lisa, Darren	T -Truck
730pm		2	6 Monster	Lisa, Darren	T -Truck
830pm		2	7 Monster	Hanna, Lisa	V -Van
1030pm		2	13 Monster	Lisa, Jacob	V -Van
530pm		2	16 Monster	David, Sara	T -Truck
400pm		2	13 Monster	David, Bri	T -Truck
9pm		2	13 Monster	Rachel, Chandler	RE - REIGN vehicle
12am		2	13 Monster	Rachel S, Chandler	V -Van
4pm		2	11 Monster	Jared, Chandler	RE - REIGN vehicle
8pm		2	11 Monster	JoJo & Sammy	T -Truck
1030pm		2	10 Monster	Leah & Alex	V -Van
				Morgan	
10pm		2	10 Monster	Lindsey & Lauren	T -Truck
3pm		2	10 Monster	Lauren & April	T2 - Truck 2
3pm		2	10 Monster	Lauren & April	
10pm		2	10 Monster	Ana, Meghan	RE - REIGN vehicle
11:30pm		2	14 Monster	Linda, Jenny	RE - REIGN vehicle

Mileage Start	Mileage End City / Area Sampled	Bottler Issue/	Consumer Complaint
22625	22647 Mesa, AZ	Swire	
4754	4810 Gastonia, NC	Consolidated	
38509	38594 Richmond, Rosharon, Houston	CCSWB	
38626	38734 Houston	CCSWB	
16950	17049 Rockville	Consolidated	
33136	33168 New Orleans	United	
33168	33197 New Orleans	United	
	San Jose	Reyes	
881	941 Melrose Park, IL	Great Lakes/Reyes	
941	1022 Lake Station, IN	Great Lakes/Reyes	
1308	1373 Downer's Grove, IL	Great Lakes/Reyes	
55678	55783 Aurora, IL	Great Lakes/Reyes	
55783	55878 Zion, IL	Great Lakes/Reyes	
22893	23170 Cincinnati, Ohio	Consolidated	
23393	23457 Columbus, Ohio	Consolidated	
14724	14807 Roseville, MI	Great Lakes/Reyes	
38476	38605 Westland, MI	Great Lakes/Reyes	
15022	15137 Livonia, MI	Great Lakes/Reyes	
34108	34212 Kansas City	Heartland	
55421	55509 Crystal, Coon Rapids, Blaine, Rosevill, St. Paul, Bloom	ngton Great Lakes/Reyes	
	Chaska	Great Lakes/Reyes	
34216	34315 St. Louis	Heartland	
3912	3949	Liberty	
		Liberty	
91540	91595 Fullerton	Reyes	
91704	91732 Fullerton	Reyes	

TTAB Opposition No. 91239678 (Parent) Monster Energy Company v. Eben McGarr

#### Comments (Include any issues, or other relevant info from your shift)

NATs made a drop to Scarizona in Mesa. This is a huge Halloween drive through attraction. Made donation to the staff.

NAT Event - Randys Auto Halloween Cruise in- Gastonia, NC- Teams first event in months. Team followed safety protocals. Event was a great turn out, everyone was happen During this Local consumer engagement shift, the team did a Haunted House sampling across the southwest area of Houston. Stops included REDRUM Fear Park, Creepy During this Local consumer engagement shift, the team did a Haunted House sampling across the North area of Houston. Stops included 13th Floor Haunted House, The I Jessica and Jacob guerrilla sampled to local businesses in Rockville with a focus on halloween stores.

#### Jamey & Tabitha trained.

Dropped off cases to Extreme Express Car Wash for their haunted drive-through car wash. Product was used for staff

13th Floor Haunted House - 1940 George St, Melrose Park, IL 60160.

4700 Central Ave, Lake Station, IN 46405.

Disturbia Haunted House - 1213 Butterfield Rd, Downers Grove, IL 60515

The team dropped product for staff at the following haunted houses: Massacre Haunted House (299 Montgomery Road, Montgomery, IL 60538); Basement of the Dead I 600 29th St, Zion, IL 60099.

Team sampled to Halloween stores; Spirit Halloween 3000 Mall Rd., Spirit Halloween 82 Carothers Rd., Halloween Express 4394 Eastgate Sq. Dr., Spirit Halloween 4595 Express 4394 Eastgate Sq. D

Team sampled the following Halloween locations; Party City on Middle Belt, Spirit Halloween on 7 mile, Spirit Halloween on Ford Road, Spirit Halloween on Michigan Ave Sampled staff at the following locations: 15340 W 119th St, Olathe, KS 66062, 11620 W 95th St, Overland Park, KS 66214, 8500 W 135th St, Overland Park, KS 66213, 101 Spirit Halloween - Crystal (143 Willow Rd), Coon Rapids (12737 Riverdale Blvd NW, Blaine (640 County Rd 10 NE), Roseville (1675 HWY 36 W), St. Paul (733 Grand Ave), B Drop to Scream Town & Abandoned Hayride staff at 7525 US-212

Spriit Halloween St. Charles, Spirit halloween Manchester, Creepyworld, Party City Fenton, Part City Sunset Hills, The Darkness, Party City Lemay

Spirit Halloween: Rego Park, New Hyde Park, Fresh Meadows, Astoria

Halloween Adventure, Party City: Ozone Park, Richmond Hill, College pt, LIC

Tried to sample to Maze goers at 17th door team could not access parking lot

Did a guerilla sample at the 17th Door Experience in Fullerton, CA. Sampled by the Reign jeep and handed out cold cans to people as they were heading back to their cars

Event Rating	Original	Lo-Carb	Zero Sugar	Mule	Column1	Pipeline Punch	Mango Loco	
5 0								
5 - Great!!!								_
						nice, the team was able to		5
the team was able	to pass out drinks a	and get them ene	rgized for the upcomi	ng scares. With	the managers of	f each being nice, the team	was a	5
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Khaotic	Pacific Punch	Papillon	Rehab Tea + Lemonade	Raspberry	Orangeade	Peach Tea	Dragon Tea - White Tea
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		5					

Dragon Tea - Yerba Mate	Dragon Tea - Green Tea	Zero Ultra	Ultra Watermelon	Ultra Blue	Ultra Red	Ultra Sunrise	Ultra Violet
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<b>Ultra Paradise</b>	Ultra Fiesta	Ultra Rosa	Mean Bean	Loca Moca	Vanilla Light	Kona Blend	Irish Blend	Salted Caramel	Swiss Chocolate
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Farmer's Oats	Java 300 - Vanilla	Java 300 - Mocha	New Java	New Java2	Chocolate	Vanilla	REIGN Lemon HDZ	REIGN Melon Mania
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REIGN Sour Apple	REIGN Carnival Candy	REIGN Razzle Berry	REIGN Peach Fizz	REIGN Orange Dreamsicle	REIGN Mang-O-Matic
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REIGN Strawberry Sublime	REIGN Inferno True Blue	REIGN Inferno Red Dragon	REIGN INFERNO Jalapeno Strawberry	REIGN Lilikoi Lychee

NEW REIGN	Hydro -	Mean Green	Hydro	Manic Melon	Hydro	Tropical Thunder	Hydro	Purple Passion	Hydro	Blue Ice

Hydro	Zero Sugar	Hydro SuperSport Blue Streak	Hydro SuperSport Red Dawg	NEW HYDRO	NOS Original	NOS Sugar Free	NOS Grape

NOS Cherry	NOS Nitro Mango	NOS Punch	NOS Sonic Sour	NOS Turbo	NEW NOS	Full Throttle Citrus	Full Throttle Blue Agave
			3		3		
			5		5		

<b>MAXX Super Dry</b>	MAXX Mango Matic	MAXX Rad Red	Seltzer	Seltzer3	Seltzer4	Other	Other5	Other6	<b>Total Monster Cases</b>
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									0
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Total Juice Cases	Total Tea Cases	Total Ultra Cases	Total Java Cases	Total Muscle Cases	Total Reign Cases	Total Hydro Cases
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Total NOS Cases	Total FT CASES	Total Maxx Cases	<b>Total Seltzer Cases</b>	Total OTHER Cases	Total Cases
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#### Halloween Events/Initiatives - Central Region

Market	Date	Event	University	Cases Sampled
Chicago	Wednesday, October 31, 2018	Halloween Happy Hour @ One North	University of Illinois at Urbana-Champaign	8
Chicago	Thursday, October 31, 2019	The Wicked Ball	Columbia college	12
Chicago	Thursday, October 31, 2019	Happy Halloween	University of Illinois at Urbana-Champaign	12
Chicago	Thursday, October 31, 2019	Halloween Party	University of Illinois at Urbana-Champaign	12
Chicago	Thursday, October 31, 2019	Boo Hoooooo Halloween Day	University of Illinois at Urbana-Champaign	12
Minneapolis	Monday, October 28, 2019	Halloween Party at the Venue	University of Minnesota	10
Minneapolis	Monday, October 28, 2019	Birman Place Pumpkin Carving Extravaganza	University of Minnesota	10

#### Halloween Events/Initiatives - West Region

Market	Date	Event	University	Cases Sampled
Seattle	Saturday, October 31, 2020	halloween - Drop	UW	3
Seattle	Saturday, October 31, 2020	halloween - Drop	UW	1
Seattle	Saturday, October 31, 2020	halloween - Drop	UW	6
	<u> </u>	·	<u>-</u>	

#### Halloween Events/Initiatives - Northeast Region

Market	Date	Event	University	Cases Sampled
Philadelphia	Fri 10/27/2017	Rowan University - Pumkin' Chunkin'	Rowan University	25
Philadelphia	Sat 10/28/2017	West Chester University - Homecoming	West Chester University	40
		St. Joe's - Relay for Life Fundraiser -		
Philadelphia	Fri 10/20/2017	Costume Contest	St. Joe's University	15
Philadelphia	Sat & Sun, 10/28-10/29/2017	Penn State University - Homecoming	Penn State University	120
Philadelphia	Fri 10/26/2018	Rowan University - Pumkin' Chunkin'	Rowan University	30
		Temple Un University Crossings Halloween		
Philadelphia	Wed, 10/31/2018	Social	Temple University	18
Philadelphia	Fri 11/2/2018	Drexel Un PKE Greek Costume Social	Drexel University	10
Philadelphia	Sat 11/3/2018	West Chester Un Halloween Parade	West Chester University	32
Philadelphia	Sat 10/26/2019	Rowan University - Pumkin' Chunkin'	Rowan University	23
Philadelphia	Sat 10/26/2019	West Chester Un Halloween Parade	West Chester University	35

Halloween Events/Initiatives - Southeast Region

N/A







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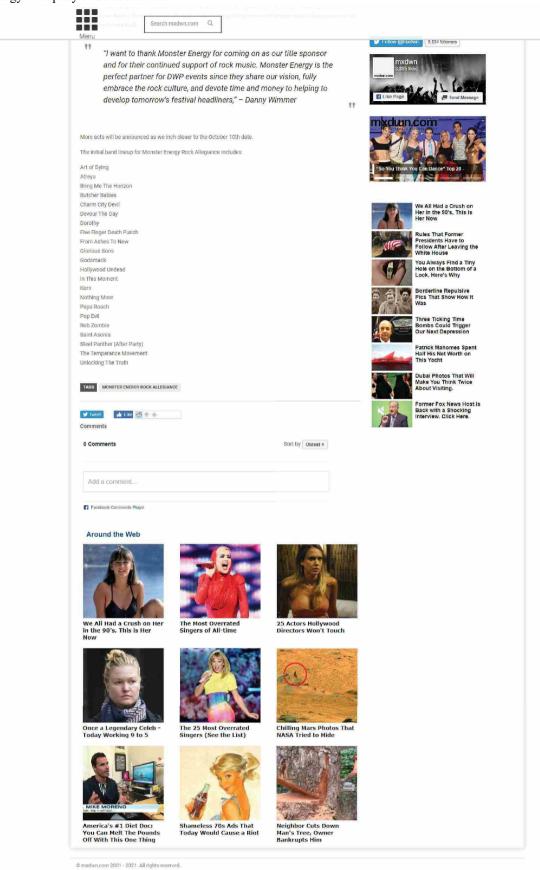


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Capture timestamp (UTC): Fri, 14 May 2021 18:46:15 GMT

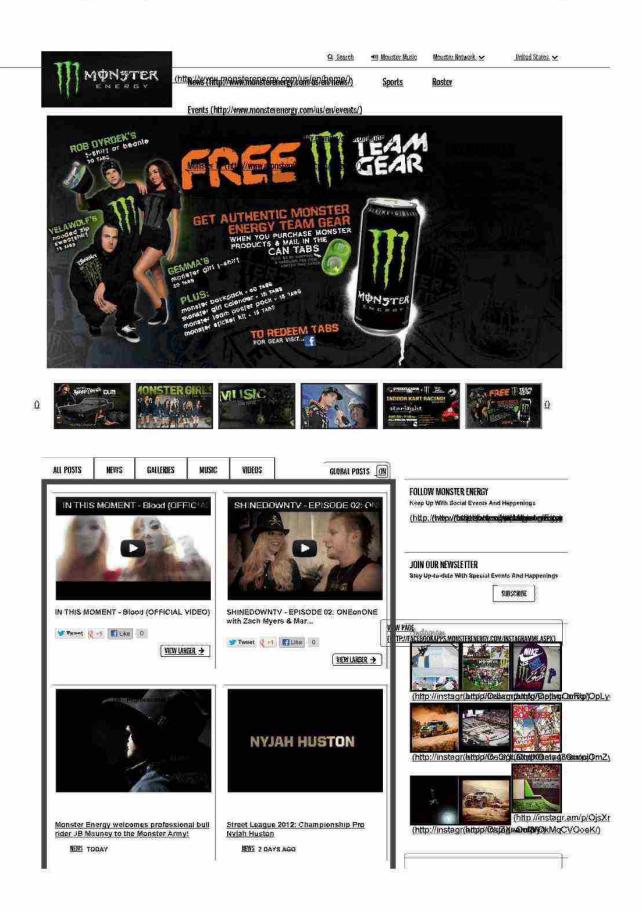
Page 2 of 2

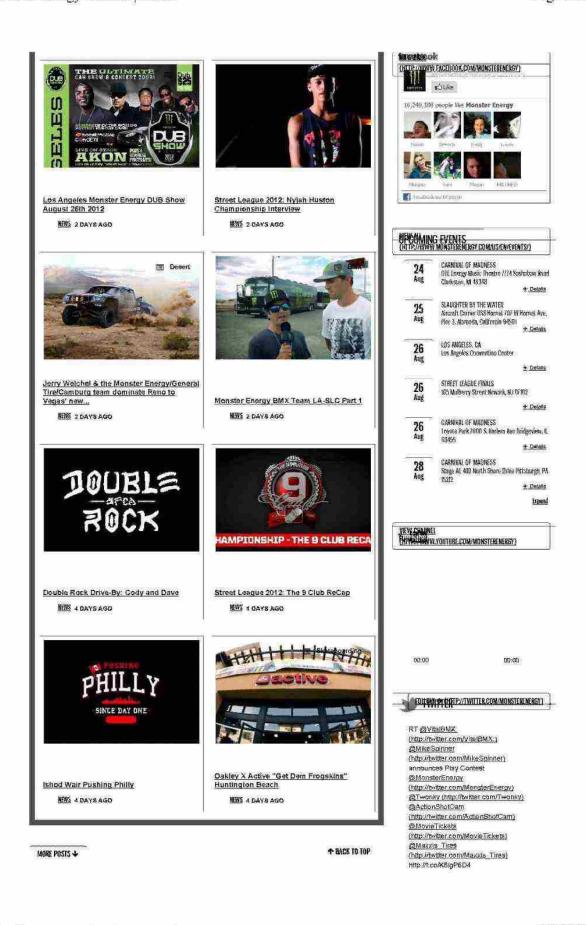
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#### FILED UNDER SEAL









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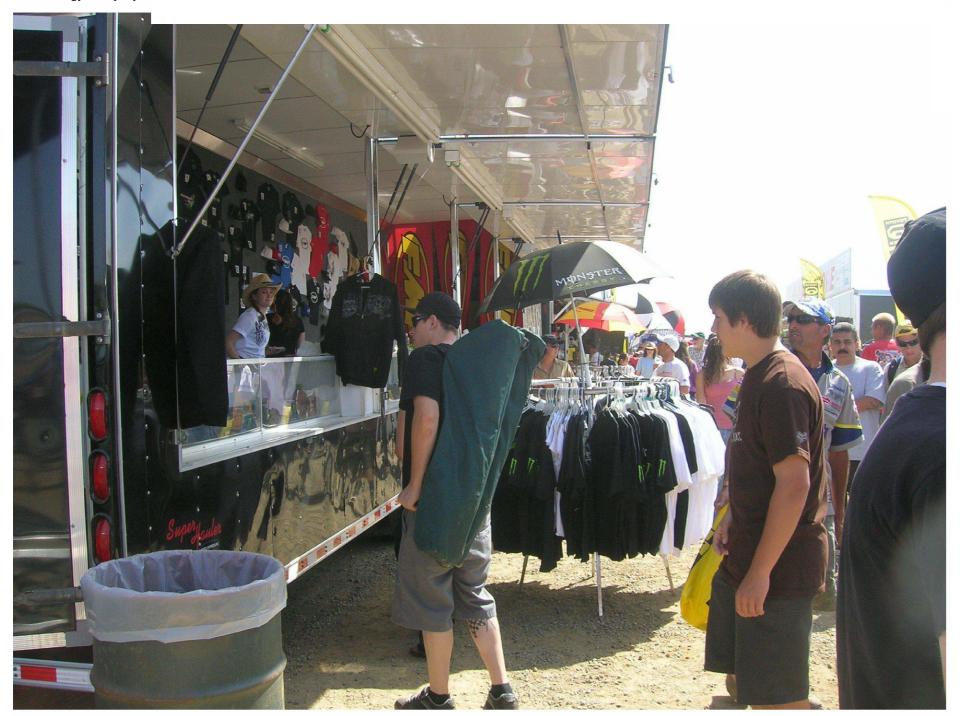
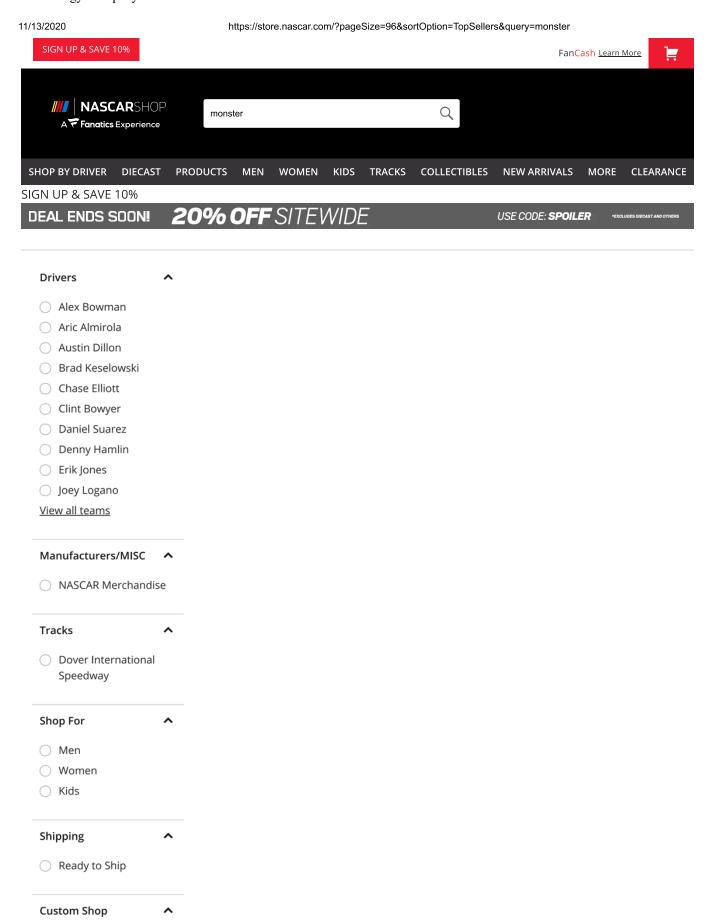


Exhibit 17 Page 2 of 3



Exhibit 17 Page 3 of 3

# EXHIBIT 18



https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster

Custom

1 - 96 of 180

**Top Sellers** 

96 Items





#### Ready to Ship

#### \$25.59 with code

Regular: \$31.99

Men's Kurt Busch New Era Black Monster Energy 9FIFTY Snapback Adjustable Hat



Most Popular in Kurt Busch



# Ready to Ship

#### \$25.59 with code

Regular: \$31.99

Men's Kyle Busch New Era Black 2019 Monster Energy NASCAR Cup Series Champion Victory Lane 9FORTY Adjustable Hat



Most Popular in Hats



#### \$39.99 with code

Regular: \$49.99

Kyle Busch Fanatics Authentic Framed 15" x 17" 2019 Monster Energy NASCAR Cup Series Champion Collage



Most Popular in Collectibles



# \$79.99 with code

Regular: \$99.99

Kyle Busch Fanatics Authentic Framed 20" x 24" 2019 Monster Energy NASCAR Cup Series Champion Collage



Most Popular in Collectibles

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



#### \$47.99 with code

Regular: \$59.99

Chase Elliott Fanatics Authentic 2018 First Monster Cup Victory 1:24 Die Cast Display Case with Sublimated Plate



#### \$47.99 with code

Regular: \$59.99

Furniture Row Racing Martin Truex Jr Fanatics Authentic 2017 Monster **Energy NASCAR Cup Series Champion** 

1:24 Die Cast Display Case with

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster

**Sublimated Plate** 



Most Popular in Collectibles



Ready to Ship

#### \$69.99

Dale Earnhardt Jr. Action Racing 2017 #88 Axalta Homestead 1:24 Monster Energy NASCAR Cup Series Die-Cast Chevrolet SS



Most Popular in Collectibles



#### \$23.99 with code

Regular: \$29.99

Chase Elliott Fanatics Authentic 10.5" x 13" First Monster Cup Victory Sublimated Plaque



#### \$17.59 with code

Regular: \$21.99

Youth Kyle Busch For Bare Feet 2019 Monster Energy NASCAR Cup Series **Champion Socks** 



#### \$39.99 with code

Regular: \$49.99

Furniture Row Racing Martin Truex Jr. Fanatics Authentic Framed 15" x 17" 2017 Monster Energy NASCAR Cup Series Champion Collage



#### \$39.99 with code

Regular: \$49.99

Kyle Busch WinCraft 2019 Monster **Energy NASCAR Cup Series Champion** Personalized Deluxe 3' x 5' Flag



# \$22.39 with code

Regular: \$27.99

Men's Kyle Busch Joe Gibbs Racing Team Collection White Two-Time Monster Energy NASCAR Cup Series Champion Trophy Long Sleeve T-Shirt

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



#### \$31.99

Men's Kurt Busch New Era Black/Gray 2020 NASCAR Cup Series Playoffs Monster 9FORTY Adjustable Snapback Hat



#### \$43.99 with code

Regular: \$54.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Wireless Keyboard



#### \$47.99 with code

Regular: \$59.99

Joey Logano Fanatics Authentic 2018 Monster Energy NASCAR Cup Series Champion 1:24 Die Cast Display Case with Sublimated Plate



#### \$35.99 with code

Regular: \$44.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion 10-Watt Wireless Charger



#### \$103.99 with code

Regular: \$129.99

Joey Logano Fanatics Authentic Framed 20" x 24" 2018 NASCAR Monster Energy Cup Series Champion Collage



#### \$23.99 with code

Regular: \$29.99

Kyle Busch Fanatics Authentic 10.5" x 13" 2019 Monster Energy NASCAR Cup Series Champion Sublimated Plaque



https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



Chase Elliott Fanatics Authentic First

Monster Cup Victory 1:24 Die Cast

Display Case with Sublimated Plate

\$39.99 with code

Regular: \$49.99



\$31.99 with code

Regular: \$39.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Wireless Earbuds



Most Popular in Accessories



\$24.99

Men's Kyle Busch Heather Gray 2018 Monster Energy NASCAR Cup Series Playoffs Emoji T-Shirt



# Ready to Ship

#### \$54.99

Kevin Harvick Action Racing 2018 #4 Busch Beer 1:24 Monster Energy NASCAR Cup Series Die-Cast Ford **Fusion** 



#### \$23.99 with code

Regular: \$29.99

Joey Logano Fanatics Authentic 10.5" x 13" 2018 NASCAR Monster Energy Cup Series Champion Sublimated Plaque



Most Popular in Collectibles



Ready to Ship

# Reduced: \$35.00

Regular: \$69.99

Ty Dillon Action Racing 2017 #13 GEICO 1:24 Monster Energy NASCAR Cup Series Die-Cast Chevrolet SS





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\$19.99 with code

Regular: \$24.99

Men's Kurt Busch Checkered Flag Heather Gray Monster Energy Pit Stop T-Shirt



\$7.99 with code

Regular: \$9.99

Kyle Busch WinCraft 2019 Monster Energy NASCAR Cup Series Champion 2-Pack Perfect Cut Decal Set



Most Popular in Auto Accessories



\$22.39 with code

Regular: \$27.99

Men's Kyle Busch Joe Gibbs Racing Team Collection White 2019 Monster **Energy NASCAR Cup Series Champion** Circle Long Sleeve T-Shirt



\$103.99 with code

Regular: \$129.99

Furniture Row Racing Martin Truex Jr. Fanatics Authentic Framed 20" x 24" 2017 Monster Energy NASCAR Cup Series Champion Collage



\$63.99 with code

Regular: \$79.99

Men's Kyle Busch Antigua Black 2019 Monster Energy NASCAR Cup Series Champion Leader Quarter-Zip Pullover Jacket



\$64.99

Men's Joey Logano Fanatics Branded Heather Gray 2018 Monster Energy **NASCAR Cup Series Champion** Winner's Circle Pullover Hoodie

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



### \$18.39 with code

Regular: \$22.99

Women's Kyle Busch Black 2019 Monster Energy NASCAR Cup Series Champion Official T-Shirt



# Ready to Ship

#### \$69.99

Kevin Harvick Action Racing 2017 #4 Busch 1:24 Monster Energy NASCAR Cup Series Die-Cast Ford Fusion



#### \$17.59 with code

Regular: \$21.99

Men's Kyle Busch Joe Gibbs Racing Team Collection White 2019 Monster Energy NASCAR Cup Series Champion Circle T-Shirt



#### \$39.99 with code

Regular: \$49.99

Chase Elliott Fanatics Authentic Framed 15" x 17" First Monster Cup Victory Collage



#### \$24.99

Men's Chase Elliott Heather Gray 2018 Monster Energy NASCAR Cup Series Playoffs Emoji T-Shirt



#### \$29.99

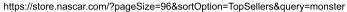
Men's Kyle Busch New Era Blue Two-Time Monster Energy NASCAR Cup Series Champion Knit Hat

Most Popular in Hats

11/13/2020



**\$69.99**Women's Joey Logano Fanatics
Branded Heather Gray 2018 Monster
Energy NASCAR Cup Series Champion
Tri-Blend Pullover Hoodie





**\$24.99**Men's Kevin Harvick Heather Gray
2018 Monster Energy NASCAR Cup
Series Playoffs Emoji T-Shirt



**\$24.99**Men's Brad Keselowski Heather Gray
2018 Monster Energy NASCAR Cup
Series Playoffs Emoji T-Shirt



Regular: \$39.99

Joey Logano Fanatics Authentic 12" x 15" 2018 NASCAR Monster Energy Cup Series Champion Sublimated Plaque



Men's NASCAR Antigua Black Monster Energy NASCAR Cup Series Leader

Quarter-Zip Pullover Jacket

Regular: \$79.99



Regular: \$39.99

Furniture Row R

\$31.99 with code

Furniture Row Racing Martin Truex Jr Fanatics Authentic 2017 Monster Energy NASCAR Cup Series Champion Desktop Display

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



#### \$27.99 with code

Regular: \$34.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Wireless Mouse

Most Popular in Home Office & School



#### \$39.99 with code

Regular: \$49.99

Joey Logano Fanatics Authentic 2018 Monster Energy NASCAR Cup Series Champion Engraved 1:24 Die Cast Display Case



Most Popular in Collectibles



Ready to Ship

#### Reduced: \$12.99

Regular: \$24.99

Women's Monster Energy Cup New Era Black Shadow Sleek 9TWENTY Adjustable Cap



Most Popular in Hats



#### \$19.99 with code

Regular: \$24.99

Men's William Byron Black 2019 Monster Energy NASCAR Cup Series Playoffs T-Shirt



#### \$11.99 with code

Regular: \$14.99

**Dover International Speedway** WinCraft Monster Mile Travel Mug



Most Popular in Cups, Mugs & Shots



#### Ready to Ship

### \$23.99 with code

Regular: \$29.99

Kyle Busch WinCraft 2019 Monster **Energy NASCAR Cup Series Champion** Acrylic License Plate





https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



\$27.99

Men's Joey Logano Fanatics Branded White 2018 Monster Energy NASCAR Cup Series Champion Banner T-Shirt



\$47.99 with code

Regular: \$59.99

Men's NASCAR Antigua Black Monster Energy NASCAR Cup Series Daynasty Woven Shirt



\$24.99

Men's Dover International Speedway Fanatics Branded Navy The Monster Mile T-Shirt



# \$23.99 with code

Regular: \$29.99

Furniture Row Racing Martin Truex Jr Fanatics Authentic 10.5" x 13" 2017 Monster Energy NASCAR Cup Series Champion Sublimated Plaque



\$27.99 with code

Regular: \$34.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion iPhone Rugged Case



# \$49.99

Men's Dover International Speedway Fanatics Branded White The Monster Mile Classic Car Long Sleeve T-Shirt

https://store.nascar.com/?pageSize=96&sortOption=TopSellers&query=monster



\$15.99 with code

Regular: \$19.99

Youth Dover International Speedway Navy Monster Mile T-Shirt



\$35.99 with code

Regular: \$44.99

Men's Kyle Busch Joe Gibbs Racing Team Collection Heather Gray/Black 2019 Monster Energy NASCAR Cup Series Champion Raglan Long Sleeve T-Shirt



\$2.39 with code

Regular: \$2.99

Kyle Busch WinCraft 2019 Monster **Energy NASCAR Cup Series Champion** 3" Round Decal



Most Popular in Auto Accessories



\$39.99 with code

Regular: \$49.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion 6000 mAH Powerbank



\$39.99 with code

Regular: \$49.99

Joey Logano Fanatics Authentic Framed 15" x 17" 2018 NASCAR Monster Energy Cup Series Champion Collage



Almost Gone!

Reduced: \$110.99

Regular: \$169.99

**Autographed Daniel Suarez Fanatics** Authentic Action Racing 2017 #19 1:24 Monster Cup Series Galaxy Die-Cast Toyota Camry





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Reduced: \$21.99 Regular: \$29.99

Men's Martin Truex Jr Fanatics Branded Heather Gray 2017 Monster **Energy NASCAR Cup Series Champion** Banner Long Sleeve T-Shirt



\$15.99 with code

Regular: \$19.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Single Rocker Light Switch Plate



Most Popular in Accessories



\$31.99

Women's Joey Logano Fanatics Branded White 2018 Monster Energy NASCAR Cup Series Champion Banner V-Neck Long Sleeve T-Shirt



\$79.99 with code

Regular: \$99.99

Men's Monster Energy NASCAR Cup Series JH Design Heather Gray/Black Reversible Fleece Varsity Jacket



\$23.99 with code

Regular: \$29.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Galaxy **Bump Case** 



\$79.99 with code

Regular: \$99.99

Chase Elliott Fanatics Authentic Framed 20" x 24" First Monster Cup Victory Collage





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\$24.99 Men's Clint Bowyer Heather Gray 2018 Monster Energy NASCAR Cup Series Playoffs Emoji T-Shirt



\$79.99 with code Regular: \$99.99 Men's NASCAR JH Design Black Monster Energy NASCAR Cup Series

Workwear Jacket



\$24.99 Men's Denny Hamlin Heather Gray 2018 Monster Energy NASCAR Cup Series Playoffs Emoji T-Shirt



Reduced: \$11.99

Regular: \$24.99

Men's William Byron Checkered Flag Navy 2018 Monster Energy NASCAR Cup Series Race Schedule T-Shirt



Most Popular in T-Shirts



\$24.99 Men's Dover International Speedway White High Speed Monster Mile T-Shirt



Reduced: \$12.99

Regular: \$29.99

Men's Martin Truex Jr New Era Graphite 2017 Monster Energy NASCAR Cup Series Champion Victory Lane 9FORTY Adjustable Hat

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\$25.59 with code

Regular: \$31.99

Men's NASCAR Fanatics Branded Charcoal Monster Grease Stain T-Shirt



\$63.99 with code

Regular: \$79.99

Women's Kyle Busch Antigua Black 2019 Monster Energy NASCAR Cup Series Champion Leader Quarter-Zip Pullover Jacket





#### \$23.99 with code

Regular: \$29.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion iPhone Bump Case



#### \$23.99 with code

Regular: \$29.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion USB Charger



#### \$19.99 with code

Regular: \$24.99

Men's Martin Truex Jr Black Bass Pro Shops 2019 Monster Energy NASCAR Cup Series Playoffs T-Shirt



Ready to Ship

#### \$24.99

Kyle Busch WinCraft 2019 Monster **Energy NASCAR Cup Series Champion** Metal License Plate Frame



Most Popular in Auto Accessories

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**\$24.99**Men's Ryan Blaney Heather Gray 2018
Monster Energy NASCAR Cup Series
Playoffs Emoji T-Shirt



\$103.99 with code

\$103.99 with coo Regular: \$129.99

Men's NASCAR JH Design Black Monster Energy NASCAR Cup Series Wool Varsity Jacket







Reduced: \$13.99

Regular: \$24.99

Men's Aric Almirola Stewart-Haas Racing Team Collection Black 2018 Monster Energy NASCAR Cup Series Race Schedule T-Shirt



\$22.39 with code

Regular: \$27.99

Women's Kyle Busch Joe Gibbs Racing Team Collection White 2019 Monster Energy NASCAR Cup Series Champion Circle Long Sleeve T-Shirt



\$23.99 with code

Regular: \$29.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion 2500 mAh Powerbank



\$51.99 with code

Regular: \$64.99

Men's Dover International Speedway Antigua Black Monster Quest Striped Jersey Polo





**\$49.99**Men's Dover International Speedway
Fanatics Branded Charcoal The
Monster Mile Long Sleeve T-Shirt



\$23.99 with code
Regular: \$29.99

Kyle Busch WinCraft 2019 Monster Energy NASCAR Cup Series Champion Personalized 11" x 17" Wood Sign



**\$19.99 with code**Regular: \$24.99

Men's Brad Keselowski Black 2019 Monster Energy NASCAR Cup Series Playoffs T-Shirt



**\$24.99**Men's Dover International Speedway
Ash The Monster Mile T-Shirt



**\$59.99**Men's Dover International Speedway
Black Monster Mile Pullover Hoodie



Men's Erik Jones Heather Gray 2018 Monster Energy NASCAR Cup Series

Reduced: \$14.99

Playoffs Emoji T-Shirt

Regular: \$24.99

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\$19.99 with code

Regular: \$24.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion Double Toggle Light Switch Plate



\$27.99 with code

Regular: \$34.99

Kyle Busch 2019 Monster Energy NASCAR Cup Series Champion iPhone Glitter Case



\$59.99

Men's Dover International Speedway Fanatics Branded Navy The Monster Mile Pullover Hoodie



# \$19.99 with code

Regular: \$24.99

Men's Chase Elliott Black 2019 Monster Energy NASCAR Cup Series Playoffs T-Shirt



\$63.99 with code

Regular: \$79.99

Women's NASCAR Antigua Black Monster Energy NASCAR Cup Series Leader Full-Zip Jacket

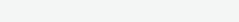


# \$31.99

Men's Joey Logano Fanatics Branded White 2018 Monster Energy NASCAR Cup Series Champion Banner Long Sleeve T-Shirt



1



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