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Filing date: **12/18/2020**

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

Proceeding	92067794
Party	Defendant The Burton Corporation
Correspondence Address	CATHLEEN E STADECKER DOWNS RACHLIN MARTIN PLLC 199 MAIN STREET PO BOX 190 BURLINGTON, VT 05402-0190 UNITED STATES Primary Email: tmip@drm.com 802-863-2375
Submission	Testimony For Defendant
Filer's Name	Cathleen E. Stadecker
Filer's email	tmip@drm.com
Signature	/cathleen e stadecker/
Date	12/18/2020
Attachments	Wakeling Declaration - FINAL Redacted.pdf(895920 bytes )

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

In the Matter of Reg. No. 2,207,535 issued on December 1, 1998  
and Reg. No. 3,598,502 issued on March 31, 1999

Joshua S. Schoonover,	:	
	:	
Petitioner,	:	Cancellation No. 92067794 (parent)
	:	Cancellation No. 92069499
-against-	:	
	:	
The Burton Corporation	:	
	:	
Registrant.	:	
	:	

**TESTIMONY DECLARATION OF MARK D. WAKELING**

I, Mark D. Wakeling, declare as follows:

1. My name is Mark D. Wakeling. I am over the age of 18 and understand the obligations of an oath. I make this Declaration in opposition to the pending Petition to Cancel U.S. Reg. 2,207,535 for the mark FORUM. This Declaration is based upon my personal knowledge.

2. I have been employed by The Burton Corporation (“Burton”) since September 2011, when I became North American Sales Director for “The Program,” which was then the company name for FORUM, SPECIAL BLEND, and FOURSQUARE. In that capacity, I was responsible for all sales of The Program brands, including FORUM. I held this position until August 2012, when I became U.S. Sales Director at which time I had broader responsibilities but still retained oversight over the FORUM brand. Since May 2018, I have been the Business Unit Director for Anon.

3. I understand that in this proceeding, Petitioner contends that after approximately 2012, Burton intended to cease, and did cease, commercial use of FORUM. Based on my personal knowledge and involvement with the FORUM brand, I disagree with this contention. It was never my understanding that Burton intended to cease commercial use of FORUM. Rather, I considered FORUM to be a valuable brand that could and would be utilized if the timing and situation were appropriate, particularly on a Special Make Up (SMU) basis.

4. During Burton's fiscal years 2013 through 2017, Burton continued to sell FORUM products and I was personally involved in doing so. Indeed, one of my responsibilities during this period as U.S. Sales Director was to sell FORUM inventory in the United States channel.

5. For example, I completed a substantial six-figure sale of FORUM products to The House Outdoor Gear ("The House") in 2014. Attached hereto as **Exhibit 1** (BUR\_00260-64) is a true and correct copy of Burton's invoice for this sale (Order #1426671) to the House, dated January 7, 2014. This invoice was created in the regular course of Burton's business.

6. Two other examples of post-2012 sales of FORUM products were made to Sound Barrier, one of Burton's Vermont-based partners, in 2013 and 2015. Attached hereto as **Exhibit 2** (BUR\_00255-59) is a true and correct copy of Burton's invoice for a sale (Order #1367919) to Sound Barrier, dated November 19, 2013. This invoice was created in the regular course of Burton's business. Also attached hereto as **Exhibit 3** (BUR\_00265-67) is a true and correct copy of Burton's invoice for a sale (Order #1687785) to Sound Barrier, dated February 26, 2015. This invoice was created in the regular course of Burton's business.

7. Exhibit 1, Exhibit 2, and Exhibit 3 are just three representative examples of numerous sales of FORUM products during Burton's fiscal years 2013 through 2017 that I was

personally involved in and helped complete. Exhibit 1, Exhibit 2, and Exhibit 3 reflect sales of FORUM snowboards (including “Youngblood” and “Destroyer”), bindings, boots, and other products under the FORUM brand.

8. In addition to selling FORUM products for several years after 2012, Burton also evaluated potential opportunities to license FORUM.

9. In April 2016, I engaged in discussions with [REDACTED] to license FORUM from Burton. My discussions with [REDACTED] developed to the point that it conveyed a licensing proposal to me via email dated April 7, 2016. My point of contact at [REDACTED] proposed that Burton exclusively license FORUM for use with sporting goods categories including snowboards, boots, and bindings; clothing and outerwear; bicycles and bicycle gear; footwear; eyewear; watches; and headphones and earbuds. Attached hereto as **Exhibit 4** (BUR00035-36) is a true and correct copy of my email correspondence on April 7, 2016, which I undertook during the regular course of business using my work email account.

10. While Burton decided not to enter into a licensing deal with [REDACTED] on this occasion, in 2018, Burton entered into a deal with [REDACTED] to sell FORUM snowboards (“Destroyer” and “Youngblood”) on a limited release in the winter of 2019.

11. I corresponded with [REDACTED] on March 29, 2018 concerning the terms of this deal. Attached hereto as **Exhibit 5** (BUR00037-38) is a true and correct copy of my email correspondence on March 29, 2018, which I undertook during the regular course of business using my work email account.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of December, 2020.

A handwritten signature in cursive script, reading "Mark D. Wakeling", positioned above a horizontal line.

Mark D. Wakeling

# EXHIBIT 1

<b>Ship To :</b> <b>52006</b>
ACTIVE SPORTS dba THE HOUSE 523 SHOREVIEW PARK RD SHOREVIEW MN 55126 USA
<b>Sold To :</b> <b>15565</b>
THE HOUSE ACTIVE SPORTS 200 S OWASSO BLVD RD SAINT PAUL MN 55117

<b>Order #1426671</b>
<b>Order Date: 01/07/2014</b>
<b>Cancellation Date: 00/00/0000</b>
Order Type:            ZOR
PO Number:            Forum_PYCO
Customer Number:    15565
Comment:

<b>Terms and Conditions</b>
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Payment Due Date:	30 Days Net	Terms of Delivery: FOB
Shipment Method:	Fed-Ex collect	Requested Delivery Date: 01/07/2014

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
10581000102-S	PAA	AURA WHITE LIMEADE-S Discount:	15	72.00 40%	1,080.00 432.00-
10581000651-M	PAA	AURA PINK LEMONADE-M Discount:	15	72.00 40%	1,080.00 432.00-
10582000006-M	PAA	RECON BRUISER-M Discount:	5	72.00 40%	360.00 144.00-
10582000302-L	PAA	RECON BLIMEY-L Discount:	7	72.00 40%	504.00 201.60-
10583000006-S	PAA	MINI RECON BRUISER-S Discount:	18	72.00 40%	1,296.00 518.40-
10583000302-S	PAA	MINI RECON BLIMEY-S Discount:	19	72.00 40%	1,368.00 547.20-
10585000301-M	PAA	FACTION GRASSLAND-M Discount:	32	102.00 40%	3,264.00 1,305.60-
10585000801-M	PAA	FACTION WARNING SIGNS-M Discount:	27	102.00 40%	2,754.00 1,101.60-
10586000101-M	PAA	REPUBLIC SKINNER-M Discount:	43	120.00 40%	5,160.00 2,064.00-
10586000251-M	PAA	REPUBLIC WAXER-M Discount:	45	120.00 40%	5,400.00 2,160.00-
10587000402-S	PAA	JOURNAL DEEP SEA-S Discount:	38	120.00 40%	4,560.00 1,824.00-
10588000502-M	PAA	KEEPER PANDER-M Discount:	20	102.00 40%	2,040.00 816.00-
10614000000-146	EA	CONTRACT NO COLOR-146	18	204.00	3,672.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		40%	1,468.80-
10614000000-148	EA	CONTRACT NO COLOR-148	19	204.00	3,876.00
		Discount:		40%	1,550.40-
10614000000-150	EA	CONTRACT NO COLOR-150	35	204.00	7,140.00
		Discount:		40%	2,856.00-
10614000000-152	EA	CONTRACT NO COLOR-152	29	204.00	5,916.00
		Discount:		40%	2,366.40-
10615000000-152	EA	DESTROYER NO COLOR-152	7	270.00	1,890.00
		Discount:		40%	756.00-
10615000000-154	EA	DESTROYER NO COLOR-154	32	270.00	8,640.00
		Discount:		40%	3,456.00-
10615000000-156	EA	DESTROYER NO COLOR-156	15	270.00	4,050.00
		Discount:		40%	1,620.00-
10615000000-158	EA	DESTROYER NO COLOR-158	11	270.00	2,970.00
		Discount:		40%	1,188.00-
10616000000-152	EA	HOLY MOLY II NO COLOR-152	39	300.00	11,700.00
		Discount:		40%	4,680.00-
10616000000-155	EA	HOLY MOLY II NO COLOR-155	46	300.00	13,800.00
		Discount:		40%	5,520.00-
10616000000-158	EA	HOLY MOLY II NO COLOR-158	36	300.00	10,800.00
		Discount:		40%	4,320.00-
10617000000-515	EA	KITCHEN SINK NO COLOR-151.5	13	276.00	3,588.00
		Discount:		40%	1,435.20-
10617000000-545	EA	KITCHEN SINK NO COLOR-154.5	28	276.00	7,728.00
		Discount:		40%	3,091.20-
10617000000-575	EA	KITCHEN SINK NO COLOR-157.5	48	276.00	13,248.00
		Discount:		40%	5,299.20-
10617000000-605	EA	KITCHEN SINK NO COLOR-160.5	24	276.00	6,624.00
		Discount:		40%	2,649.60-
10618000000-148	EA	STREETS NO COLOR-148	12	168.00	2,016.00
		Discount:		40%	806.40-
10618000000-152	EA	STREETS NO COLOR-152	39	168.00	6,552.00
		Discount:		40%	2,620.80-
10618000000-156	EA	STREETS NO COLOR-156	5	168.00	840.00
		Discount:		40%	336.00-
10619000000-152	EA	YOUNGBLOOD GPOPS NO COLOR-152	22	252.00	5,544.00
		Discount:		40%	2,217.60-
10619000000-154	EA	YOUNGBLOOD GPOPS NO COLOR-154	34	252.00	8,568.00
		Discount:		40%	3,427.20-
10619000000-156	EA	YOUNGBLOOD GPOPS NO COLOR-156	18	252.00	4,536.00
		Discount:		40%	1,814.40-
10840000000-515	EA	HONEY POT NO COLOR-151.5	14	234.00	3,276.00
		Discount:		40%	1,310.40-
10840000000-545	EA	HONEY POT NO COLOR-154.5	50	234.00	11,700.00
		Discount:		40%	4,680.00-
10840000000-575	EA	HONEY POT NO COLOR-157.5	24	234.00	5,616.00



Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		40%	2,246.40-
10841000000-151	EA	DECK NO COLOR-151	13	234.00	3,042.00
		Discount:		40%	1,216.80-
10841000000-154	EA	DECK NO COLOR-154	29	234.00	6,786.00
		Discount:		40%	2,714.40-
10841000000-157	EA	DECK NO COLOR-157	19	234.00	4,446.00
		Discount:		40%	1,778.40-
10843000000-143	EA	SPINSTER NO COLOR-143	17	252.00	4,284.00
		Discount:		40%	1,713.60-
10843000000-146	EA	SPINSTER NO COLOR-146	24	252.00	6,048.00
		Discount:		40%	2,419.20-
10843000000-148	EA	SPINSTER NO COLOR-148	27	252.00	6,804.00
		Discount:		40%	2,721.60-
10843000000-151	EA	SPINSTER NO COLOR-151	16	252.00	4,032.00
		Discount:		40%	1,612.80-
10844000000-148	EA	YOUNGBLOOD DDOG NO COLOR-148	15	252.00	3,780.00
		Discount:		40%	1,512.00-
10844000000-152	EA	YOUNGBLOOD DDOG NO COLOR-152	11	252.00	2,772.00
		Discount:		40%	1,108.80-
10844000000-154	EA	YOUNGBLOOD DDOG NO COLOR-154	20	252.00	5,040.00
		Discount:		40%	2,016.00-
10844000000-156	EA	YOUNGBLOOD DDOG NO COLOR-156	29	252.00	7,308.00
		Discount:		40%	2,923.20-
10844000000-55W	EA	YOUNGBLOOD DDOG NO COLOR-155W	3	252.00	756.00
		Discount:		40%	302.40-
10844000000-59W	EA	YOUNGBLOOD DDOG NO COLOR-159W	1	252.00	252.00
		Discount:		40%	100.80-
10845000000-146	EA	AURA NO COLOR-146	16	178.00	2,848.00
		Discount:		40%	1,139.20-
10845000000-149	EA	AURA NO COLOR-149	7	178.00	1,246.00
		Discount:		40%	498.40-
10846000000-148	EA	MANUAL NO COLOR-148	1	204.00	204.00
		Discount:		40%	81.60-
10846000000-152	EA	MANUAL NO COLOR-152	3	204.00	612.00
		Discount:		40%	244.80-
10847000000-135	EA	MINI MANUAL NO COLOR-135	14	204.00	2,856.00
		Discount:		40%	1,194.33-
10847000000-140	EA	MINI MANUAL NO COLOR-140	5	204.00	1,020.00
		Discount:		40%	426.55-
10847000000-144	EA	MINI MANUAL NO COLOR-144	3	204.00	612.00
		Discount:		40%	255.93-
10849000000-142	EA	SAUCE NO COLOR-142	8	204.00	1,632.00
		Discount:		40%	652.80-
10849000000-147	EA	SAUCE NO COLOR-147	10	204.00	2,040.00
		Discount:		40%	816.00-
10849000000-151	EA	SAUCE NO COLOR-151	1	204.00	204.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		40%	81.60-
10850000000-151	EA	SCALLYWAG NO COLOR-151	21	222.00	4,662.00
		Discount:		40%	1,864.80-
10850000000-155	EA	SCALLYWAG NO COLOR-155	32	222.00	7,104.00
		Discount:		40%	2,841.60-
10850000000-158	EA	SCALLYWAG NO COLOR-158	14	222.00	3,108.00
		Discount:		40%	1,243.20-
10851000000-130	EA	MINI RECON NO COLOR-130	19	168.00	3,192.00
		Discount:		40%	1,276.80-
10851000000-136	EA	MINI RECON NO COLOR-136	4	168.00	672.00
		Discount:		40%	268.80-
10943000008-10	PAA	MNS KICKER DARKNESS-10	26	150.00	3,900.00
		Discount:		40%	1,560.00-
10943000008-105	PAA	MNS KICKER DARKNESS-10.5	3	150.00	450.00
		Discount:		40%	180.00-
10943000008-11	PAA	MNS KICKER DARKNESS-11	3	150.00	450.00
		Discount:		40%	180.00-
10943000008-7.0	PAA	MNS KICKER DARKNESS-7	5	150.00	750.00
		Discount:		40%	300.00-
10943000008-8.0	PAA	MNS KICKER DARKNESS-8	24	150.00	3,600.00
		Discount:		40%	1,440.00-
10943000008-9.0	PAA	MNS KICKER DARKNESS-9	36	150.00	5,400.00
		Discount:		40%	2,160.00-
10943000008-9.5	PAA	MNS KICKER DARKNESS-9.5	3	150.00	450.00
		Discount:		40%	180.00-
10944000503-6.0	PAA	WMS GLOVE BOOT ROYAL-6	19	120.00	2,280.00
		Discount:		40%	912.00-
10944000503-7.0	PAA	WMS GLOVE BOOT ROYAL-7	28	120.00	3,360.00
		Discount:		40%	1,344.00-
10944000503-8.0	PAA	WMS GLOVE BOOT ROYAL-8	19	120.00	2,280.00
		Discount:		40%	912.00-
10948000303-10	PAA	MNS BOOTER JUNGLE RAIN-10	18	138.00	2,484.00
		Discount:		40%	993.60-
10948000303-105	PAA	MNS BOOTER JUNGLE RAIN-10.5	4	138.00	552.00
		Discount:		40%	220.80-
10948000303-11	PAA	MNS BOOTER JUNGLE RAIN-11	16	138.00	2,208.00
		Discount:		40%	883.20-
10948000303-8.0	PAA	MNS BOOTER JUNGLE RAIN-8	2	138.00	276.00
		Discount:		40%	110.40-
10948000303-9.0	PAA	MNS BOOTER JUNGLE RAIN-9	29	138.00	4,002.00
		Discount:		40%	1,600.80-
10948000303-9.5	PAA	MNS BOOTER JUNGLE RAIN-9.5	4	138.00	552.00
		Discount:		40%	220.80-
10952000062-9.0	PAA	MNS TRAMP SMOKEOUT-9	13	120.00	1,560.00
		Discount:		40%	624.00-
10952000601-10	PAA	MNS TRAMP RED DAWN-10	22	120.00	2,640.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		40%	1,056.00-
10952000601-105	PAA	MNS TRAMP RED DAWN-10.5	2	120.00	240.00
		Discount:		40%	96.00-
10952000601-11	PAA	MNS TRAMP RED DAWN-11	3	120.00	360.00
		Discount:		40%	144.00-
10952000601-12	PAA	MNS TRAMP RED DAWN-12	7	120.00	840.00
		Discount:		40%	336.00-
10952000601-8.0	PAA	MNS TRAMP RED DAWN-8	17	120.00	2,040.00
		Discount:		40%	816.00-
10952000601-9.0	PAA	MNS TRAMP RED DAWN-9	30	120.00	3,600.00
		Discount:		40%	1,440.00-
10952000601-9.5	PAA	MNS TRAMP RED DAWN-9.5	2	120.00	240.00
		Discount:		40%	96.00-

<b>Total Items:</b>	1,619
<b>Subtotal:</b>	315,032.00
<b>Freight:</b>	0.00
<b>Misc:</b>	0.00
<b>Tax :</b>	0.00

<b>Total Amount Due:</b>	315,032.00 USD
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<b>Discount:</b>	126,094.40-
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<b>Total Discounted Amount Due</b>	<b>If Paid by Due Date</b>	188,937.60 USD
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## EXHIBIT 2

# BURTON

**CONFIDENTIAL**  
SEND OTHER CORRESPONDENCE TO:  
80 Industrial Parkway  
Burlington, VT 05401  
DEALER HOTLINE: 800-367-2951

PAGE 1 of 5

**Repeat Output**

<b>Ship To :</b> 17877
THE SOUND BARRIER 52-54 CENTER ST RUTLAND VT 05701 USA

<b>Sold To :</b> 17877
THE SOUND BARRIER 52-54 CENTER ST RUTLAND VT 05701

<b>Order #1367919</b>
<b>Order Date: 11/19/2013</b>
<b>Cancellation Date: 00/00/0000</b>
Order Type: ZOR
PO Number: Program closeout
Customer Number: 17877
Comment:

### Terms and Conditions

Payment Due Date: 03/01/2014	Terms of Delivery: FOB
Shipment Method: Ground	Requested Delivery date: 11/19/2013

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
240752-104M	EA	FM M WELIVEFM FLZP-YAYO WHITE/M Discount:	10	25.00 70%	250.00 175.00-
240752-104L	EA	FM M WELIVEFM FLZP-YAYO WHITE/L Discount:	7	25.00 70%	175.00 122.50-
240752-104XL	EA	FM M WELIVEFM FLZP-YAYO WHITE/XL Discount:	10	25.00 70%	250.00 175.00-
10582000006-M	PAA	RECON BRUISER-M Discount:	10	72.00 70%	720.00 504.00-
10582000302-L	PAA	RECON BLIMEY-L Discount:	10	72.00 70%	720.00 504.00-
10585000301-M	PAA	FACTION GRASSLAND-M Discount:	10	102.00 70%	1,020.00 714.00-
10585000801-M	PAA	FACTION WARNING SIGNS-M Discount:	10	102.00 70%	1,020.00 714.00-
10586000101-M	PAA	REPUBLIC SKINNER-M Discount:	10	120.00 70%	1,200.00 840.00-
10586000101-L	PAA	REPUBLIC SKINNER-L Discount:	5	120.00 70%	600.00 420.00-
10586000251-M	PAA	REPUBLIC WAXER-M Discount:	10	120.00 70%	1,200.00 840.00-
10588000502-M	PAA	KEEPER PANDER-M Discount:	10	102.00 70%	1,020.00 714.00-
10616100000-155	EA	HOLY MOLY II NO COLOR-155 Discount:	2	300.00 70%	600.00 420.00-
10617100000-545	EA	KITCHEN SINK NO COLOR-154.5	1	276.00	276.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		70%	193.20-
10841100000-154	EA	DECK NO COLOR-154	6	234.00	1,404.00
		Discount:		70%	982.80-
10841100000-157	EA	DECK NO COLOR-157	5	234.00	1,170.00
		Discount:		70%	819.00-
10842100000-152	EA	DESTROYER DDOG NO COLOR-152	7	270.00	1,890.00
		Discount:		70%	1,323.00-
10842100000-154	EA	DESTROYER DDOG NO COLOR-154	6	270.00	1,620.00
		Discount:		70%	1,134.00-
10842100000-156	EA	DESTROYER DDOG NO COLOR-156	2	270.00	540.00
		Discount:		70%	378.00-
10842100000-158	EA	DESTROYER DDOG NO COLOR-158	3	270.00	810.00
		Discount:		70%	567.00-
10842100000-162	EA	DESTROYER DDOG NO COLOR-162	8	270.00	2,160.00
		Discount:		70%	1,512.00-
10844100000-154	EA	YOUNGBLOOD DDOG NO COLOR-154	6	252.00	1,512.00
		Discount:		70%	1,058.40-
10844100000-55W	EA	YOUNGBLOOD DDOG NO COLOR-155W	1	252.00	252.00
		Discount:		70%	176.40-
10844100000-156	EA	YOUNGBLOOD DDOG NO COLOR-156	5	252.00	1,260.00
		Discount:		70%	882.00-
10844100000-59W	EA	YOUNGBLOOD DDOG NO COLOR-159W	2	252.00	504.00
		Discount:		70%	352.80-
10846100000-152	EA	MANUAL NO COLOR-152	5	204.00	1,020.00
		Discount:		70%	714.00-
10850100000-158	EA	SCALLYWAG NO COLOR-158	5	222.00	1,110.00
		Discount:		70%	777.00-
11095000310-M	EA	SB M CONTRA BND HDD GREENS/BURGUNDY-M	1	40.00	40.00
		Discount:		70%	28.00-
11095000310-L	EA	SB M CONTRA BND HDD GREENS/BURGUNDY-L	6	40.00	240.00
		Discount:		70%	168.00-
11095000411-M	EA	SB M CONTRA BND HDD BLUELABEL/TREES-M	5	40.00	200.00
		Discount:		70%	140.00-
11095000411-L	EA	SB M CONTRA BND HDD BLUELABEL/TREES-L	10	40.00	400.00
		Discount:		70%	280.00-
11095000411-XL	EA	SB M CONTRA BND HDD BLUELABEL/TREES-XL	4	40.00	160.00
		Discount:		70%	112.00-
11095000413-M	EA	SB M CONTRA BND HDD BRUISE/CAUTION-M	3	40.00	120.00
		Discount:		70%	84.00-
11095000413-L	EA	SB M CONTRA BND HDD BRUISE/CAUTION-L	9	40.00	360.00
		Discount:		70%	252.00-
11095000413-XL	EA	SB M CONTRA BND HDD BRUISE/CAUTION-XL	5	40.00	200.00
		Discount:		70%	140.00-
11095000606-M	EA	SB M CONTRA BND HDD REDROCKET/BL-M	4	40.00	160.00
		Discount:		70%	112.00-
11095000606-L	EA	SB M CONTRA BND HDD REDROCKET/BL-L	10	40.00	400.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		70%	280.00-
11095000606-XL	EA	SB M CONTRA BND HDD REDROCKET/BL-XL	5	40.00	200.00
		Discount:		70%	140.00-
11097000015-M	EA	SB M HOODLUM HDD BLACKOUT-M	4	45.00	180.00
		Discount:		70%	126.00-
11097000015-L	EA	SB M HOODLUM HDD BLACKOUT-L	8	45.00	360.00
		Discount:		70%	252.00-
11097000015-XL	EA	SB M HOODLUM HDD BLACKOUT-XL	3	45.00	135.00
		Discount:		70%	94.50-
11097000305-L	EA	SB M HOODLUM HDD GREENS-L	5	45.00	225.00
		Discount:		70%	157.50-
11097000406-M	EA	SB M HOODLUM HDD BLUE IT-M	4	45.00	180.00
		Discount:		70%	126.00-
11097000406-L	EA	SB M HOODLUM HDD BLUE IT-L	10	45.00	450.00
		Discount:		70%	315.00-
11097000406-XL	EA	SB M HOODLUM HDD BLUE IT-XL	3	45.00	135.00
		Discount:		70%	94.50-
11108000015-M	EA	SB M FRANK THE TANK BLACKOUT-M	5	17.50	87.50
		Discount:		70%	64.65-
11108000015-L	EA	SB M FRANK THE TANK BLACKOUT-L	10	17.50	175.00
		Discount:		70%	129.31-
11108000015-XL	EA	SB M FRANK THE TANK BLACKOUT-XL	3	17.50	52.50
		Discount:		70%	38.79-
11108000305-L	EA	SB M FRANK THE TANK GREENS-L	5	17.50	87.50
		Discount:		70%	61.25-
11108000404-M	EA	SB M FRANK THE TANK BLUE LABEL-M	3	17.50	52.50
		Discount:		70%	36.75-
11108000404-L	EA	SB M FRANK THE TANK BLUE LABEL-L	19	17.50	332.50
		Discount:		70%	232.75-
11108000404-XL	EA	SB M FRANK THE TANK BLUE LABEL-XL	4	17.50	70.00
		Discount:		70%	49.00-
11416000015-M	EA	SB M FCLC FLZP BLACKOUT-M	5	27.00	135.00
		Discount:		70%	94.50-
11416000015-L	EA	SB M FCLC FLZP BLACKOUT-L	15	27.00	405.00
		Discount:		70%	283.50-
11416000015-XL	EA	SB M FCLC FLZP BLACKOUT-XL	5	27.00	135.00
		Discount:		70%	94.50-
11416000015-XXL	EA	SB M FCLC FLZP BLACKOUT-XXL	2	27.00	54.00
		Discount:		70%	37.80-
11416000305-M	EA	SB M FCLC FLZP GREENS-M	4	27.00	108.00
		Discount:		70%	75.60-
11416000305-L	EA	SB M FCLC FLZP GREENS-L	10	27.00	270.00
		Discount:		70%	189.00-
11416000305-XL	EA	SB M FCLC FLZP GREENS-XL	3	27.00	81.00
		Discount:		70%	56.70-
11417000015-M	EA	SB W FCLC FLZP BLACKOUT-M	7	27.00	189.00

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		70%	132.30-
11417000305-M	EA	SB W FCLC FLZP GREENS-M	10	27.00	270.00
		Discount:		70%	189.00-
11418000015-M	EA	SB M STACKED PO BLACKOUT-M	5	25.00	125.00
		Discount:		70%	87.50-
11418000015-L	EA	SB M STACKED PO BLACKOUT-L	10	25.00	250.00
		Discount:		70%	175.00-
11418000015-XL	EA	SB M STACKED PO BLACKOUT-XL	5	25.00	125.00
		Discount:		70%	87.50-
11418000015-L	EA	SB M STACKED PO BLACKOUT-L	2	25.00	50.00
		Discount:		70%	35.00-
11418000061-M	EA	SB M STACKED PO SILVER BULLET-M	5	25.00	125.00
		Discount:		70%	87.50-
11418000061-L	EA	SB M STACKED PO SILVER BULLET-L	10	25.00	250.00
		Discount:		70%	175.00-
11418000061-XL	EA	SB M STACKED PO SILVER BULLET-XL	5	25.00	125.00
		Discount:		70%	87.50-
11418000061-XXL	EA	SB M STACKED PO SILVER BULLET-XXL	2	25.00	50.00
		Discount:		70%	35.00-
11418000061-L	EA	SB M STACKED PO SILVER BULLET-L	10	25.00	250.00
		Discount:		70%	175.00-
11418000404-M	EA	SB M STACKED PO BLUE LABEL-M	3	25.00	75.00
		Discount:		70%	52.50-
11418000404-L	EA	SB M STACKED PO BLUE LABEL-L	9	25.00	225.00
		Discount:		70%	157.50-
11418000404-XL	EA	SB M STACKED PO BLUE LABEL-XL	3	25.00	75.00
		Discount:		70%	52.50-
11419000015-M	EA	SB W STACKED PO BLACKOUT-M	10	25.00	250.00
		Discount:		70%	175.00-
11419000015-M	EA	SB W STACKED PO BLACKOUT-M	5	25.00	125.00
		Discount:		70%	87.50-
11485000020-M	EA	FM M BIG F PO BLACK MAIL-M	5	25.00	125.00
		Discount:		70%	87.50-
11485000020-L	EA	FM M BIG F PO BLACK MAIL-L	10	25.00	250.00
		Discount:		70%	175.00-
11485000020-XL	EA	FM M BIG F PO BLACK MAIL-XL	10	25.00	250.00
		Discount:		70%	175.00-
11485000305-M	EA	FM M BIG F PO STONED-M	8	25.00	200.00
		Discount:		70%	140.00-
11485000305-L	EA	FM M BIG F PO STONED-L	10	25.00	250.00
		Discount:		70%	175.00-
11485000305-XL	EA	FM M BIG F PO STONED-XL	10	25.00	250.00
		Discount:		70%	175.00-
11485000961-M	EA	FM M BIG F PO COMBAT-M	6	25.00	150.00
		Discount:		70%	105.00-
11485000961-L	EA	FM M BIG F PO COMBAT-L	10	25.00	250.00



Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
		Discount:		70%	175.00-
11485000961-XL	EA	FM M BIG F PO COMBAT-XL	10	25.00	250.00
		Discount:		70%	175.00-
11486000020-M	EA	FM M FRM BLOCK PO BLACK MAIL-M	8	25.00	200.00
		Discount:		70%	140.00-
11486000020-L	EA	FM M FRM BLOCK PO BLACK MAIL-L	10	25.00	250.00
		Discount:		70%	175.00-
11486000020-XL	EA	FM M FRM BLOCK PO BLACK MAIL-XL	10	25.00	250.00
		Discount:		70%	175.00-
11486000602-M	EA	FM M FRM BLOCK PO BLOODSHED-M	6	25.00	150.00
		Discount:		70%	105.00-
11486000602-L	EA	FM M FRM BLOCK PO BLOODSHED-L	10	25.00	250.00
		Discount:		70%	175.00-
11486000602-XL	EA	FM M FRM BLOCK PO BLOODSHED-XL	5	25.00	125.00
		Discount:		70%	87.50-
11486000961-M	EA	FM M FRM BLOCK PO COMBAT-M	5	25.00	125.00
		Discount:		70%	87.50-
11486000961-L	EA	FM M FRM BLOCK PO COMBAT-L	10	25.00	250.00
		Discount:		70%	175.00-
11486000961-XL	EA	FM M FRM BLOCK PO COMBAT-XL	3	25.00	75.00
		Discount:		70%	52.50-
11487000306-M	EA	FM M WE LIVE F PO STONED / BLACK MA-M	4	25.00	100.00
		Discount:		70%	73.68-
11487000306-L	EA	FM M WE LIVE F PO STONED / BLACK MA-L	10	25.00	250.00
		Discount:		70%	184.21-
11487000306-XL	EA	FM M WE LIVE F PO STONED / BLACK MA-XL	5	25.00	125.00
		Discount:		70%	92.11-
11487000404-M	EA	FM M WE LIVE F PO BLUEBIRD / BLUE R-M	3	25.00	75.00
		Discount:		70%	52.50-
11487000404-L	EA	FM M WE LIVE F PO BLUEBIRD / BLUE R-L	10	25.00	250.00
		Discount:		70%	175.00-
11487000404-XL	EA	FM M WE LIVE F PO BLUEBIRD / BLUE R-XL	3	25.00	75.00
		Discount:		70%	52.50-
11487000603-M	EA	FM M WE LIVE F PO BLOODSHED/BLACK MAIL-M	4	25.00	100.00
		Discount:		70%	70.00-
11487000603-L	EA	FM M WE LIVE F PO BLOODSHED/BLACK MAIL-L	10	25.00	250.00
		Discount:		70%	175.00-
11487000603-XL	EA	FM M WE LIVE F PO BLOODSHED/BLACK MAIL-X	3	25.00	75.00
		Discount:		70%	52.50-

**Total Items:** 657  
**Subtotal:** 38,002.50  
**Freight:** 458.75  
**Misc:** 0.00  
**Tax :** 0.00

**Total Amount Due:** 38,461.25 USD

**Discount:** 26,631.50-

**Total Discounted Amount Due If Paid by Due Date** 11,829.75 USD

# EXHIBIT 3

# BURTON

**CONFIDENTIAL**  
SEND OTHER CORRESPONDENCE TO:  
80 Industrial Parkway  
Burlington, VT 05401  
DEALER HOTLINE: 800-367-2951

PAGE 1 of 3

<b>Ship To :</b> 17877
THE SOUND BARRIER 52-54 CENTER ST RUTLAND VT 05701 USA

<b>Sold To :</b> 17877
THE SOUND BARRIER 52-54 CENTER ST RUTLAND VT 05701

<b>Order #1687785</b>
<b>Order Date: 02/26/2015</b>

<b>Cancellation Date: 00/00/0000</b>
Order Type: ZOR
PO Number: March Swindle
Customer Number: 17877
Comment:

## Terms and Conditions

Payment Due Date:	30 Days Net	Terms of Delivery:	FOB
Shipment Method:	Ground	Requested Delivery Date:	02/26/2015

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
209424-100M	EA	WMN JKT S2 ANGELA-WHT/M Discount:	1	85.00 83%	85.00 70.55-
218768-000146	EA	STAR 146-NO COLOR/146 Discount:	1	228.00 83%	228.00 189.24-
234088-408737	EA	FM M TONED ICON NE-BRIGADE BLUE/7 3/8 Discount:	1	17.50 83%	17.50 14.53-
234154-069M	EA	FSQ W SWTDREAMS FLZP-HEATHER GREY/M Discount:	1	32.50 83%	32.50 26.98-
249165-000515	EA	HONEY POT 151.5-NO COLOR/151.5 Discount:	1	205.20 83%	205.20 170.32-
254193-000153	EA	MANUAL 153-NO COLOR/153 Discount:	4	192.00 83%	768.00 637.44-
264006-0011SZ	PAA	HINGE DISC-BLACK/1SZ FITALL	20	0.00 83% 100%	0.00
272552-003L	EA	SB M JK BEACON-BLACKOUT/L Discount:	2	85.50 83%	171.00 141.93-
272552-067L	EA	SB M JK BEACON-GREYSKULL/L Discount:	2	85.50 83%	171.00 141.93-
272553-003L	EA	SB M JK BEACON INS-BLACKOUT/L Discount:	1	90.00 83%	90.00 74.70-
272556-103L	EA	SB M JK BRIGADE-OXYCOTTON/L Discount:	2	90.00 83%	180.00 149.40-
272569-003M	EA	SB W JK HUSH-BLACKOUT/M Discount:	1	76.50 83%	76.50 63.50-

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
272569-453M	EA	SB W JK HUSH-TEAL BAG/M Discount:	1	76.50 83%	76.50 63.50-
272857-022L	PAA	FM M FAIR GLOVE-BLACK CEREMONY/L Discount:	1	22.50 83%	22.50 18.68-
272858-022L	PAA	FM M G.O.D. GLOVE-BLACK CEREMONY/L Discount:	1	20.25 83%	20.25 16.81-
274931-6041SZ	EA	FM M WALDO BNIE-OUR BLOOD/1SZ FITALL Discount:	1	11.25 83%	11.25 9.34-
275308-075M	PAA	REPUBLIC-INDUSTRIAL GREY/M Discount:	1	120.00 83%	120.00 99.60-
275308-604M	PAA	REPUBLIC-OUR BLOOD/M Discount:	1	120.00 83%	120.00 99.60-
275309-409M	PAA	SHAKA-BLUE MONDAY/M Discount:	2	144.00 83%	288.00 239.04-
275312-105M	PAA	RECON-WHITE/BLACK/M Discount:	4	72.00 83%	288.00 239.04-
275313-1058.0	PAA	MNS FASTPLANT-WHITE/BLACK/8 Discount:	1	78.00 83%	78.00 64.74-
275313-1058.5	PAA	MNS FASTPLANT-WHITE/BLACK/8.5 Discount:	1	78.00 83%	78.00 64.74-
275321-0096.5	PAA	WMS GLOVE BOOT-BLACK GUMMER/6.5 Discount:	1	120.00 83%	120.00 99.60-
275322-7057.5	PAA	WMS MIST-HIGHLIGHTER/7.5 Discount:	1	96.00 83%	96.00 79.68-
276126-000142	EA	SAUCE-NO COLOR/142 Discount:	1	204.00 83%	204.00 169.32-
280385-316M	EA	SB M KIND PO-HOMEGROWN/M Discount:	1	23.00 83%	23.00 19.09-
10586000004-M	PAA	REPUBLIC MINER-M Discount:	14	120.00 83%	1,680.00 1,394.40-
10619200000-154	EA	YOUNGBLOOD GPOPS 2ND NO COLOR-154 Discount:	1	252.00 83%	252.00 209.16-
10619200000-156	EA	YOUNGBLOOD GPOPS 2ND NO COLOR-156 Discount:	1	252.00 83%	252.00 209.16-
10841100000-151	EA	DECK NO COLOR-151 Discount:	6	234.00 83%	1,404.00 1,165.32-
10841200000-151	EA	DECK NO 2ND COLOR-151 Discount:	1	234.00 83%	234.00 194.22-
10842200000-152	EA	DESTROYER DDOG 2ND NO COLOR-152 Discount:	1	270.00 83%	270.00 224.10-
10842200000-154	EA	DESTROYER DDOG 2ND NO COLOR-154 Discount:	1	270.00 83%	270.00 224.10-
10842200000-156	EA	DESTROYER DDOG 2ND NO COLOR-156 Discount:	1	270.00 83%	270.00 224.10-
10842200000-56W	EA	DESTROYER DDOG 2ND NO COLOR-156W Discount:	1	270.00 83%	270.00 224.10-

Item Num	UOM	Item Description	Ordered	Unit Price	Extended Price
10842200000-158	EA	DESTROYER DDOG 2ND NO COLOR-158 Discount:	1	270.00 83%	270.00 224.10-
10843200000-148	EA	SPINSTER 2ND NO COLOR-148 Discount:	1	252.00 83%	252.00 209.16-
10844200000-152	EA	YOUNGBLOOD DDOG 2ND NO COLOR-152 Discount:	1	252.00 83%	252.00 209.16-
10844200000-154	EA	YOUNGBLOOD DDOG 2ND NO COLOR-154 Discount:	1	252.00 83%	252.00 209.16-
10844200000-55W	EA	YOUNGBLOOD DDOG 2ND NO COLOR-155W Discount:	1	252.00 83%	252.00 209.16-
10844200000-57W	EA	YOUNGBLOOD DDOG 2ND NO COLOR-157W Discount:	1	252.00 83%	252.00 209.16-
10847000000-135	EA	MINI MANUAL NO COLOR-135 Discount:	1	204.00 83%	204.00 169.32-
10847100000-140	EA	MINI MANUAL NO COLOR-140 Discount:	1	204.00 83%	204.00 169.32-
10850200000-151	EA	SCALLYWAG 2ND NO COLOR-151 Discount:	1	222.00 83%	222.00 184.26-
11079000404-L	EA	SB M CALIBER JK BLUE LABEL-L Discount:	1	90.00 83%	90.00 74.70-
11085000406-L	EA	SB M TRENCHTOWN JK BLUE IT-L Discount:	1	95.00 83%	95.00 78.85-
11092000015-M	EA	SB W CHEATER PT BLACKOUT-M Discount:	4	75.00 83%	300.00 249.00-
11092000501-M	EA	SB W CHEATER PT GRIMACE-M Discount:	4	75.00 83%	300.00 249.00-
11107000961-M	EA	SB W SAZERCK ANORAK CAMO PRINT-M Discount:	13	65.00 83%	845.00 701.35-
11480000015-XL	EA	SB M MOD JACKET BLACKOUT-XL Discount:	1	39.50 83%	39.50 32.79-
11480000015-XL	EA	SB M MOD JACKET BLACKOUT-XL Discount:	1	39.50 83%	39.50 32.79-
11487000603-M	EA	FM M WE LIVE F PO BLOODSHED/BLACK MAIL-M Discount:	1	25.00 83%	25.00 20.75-

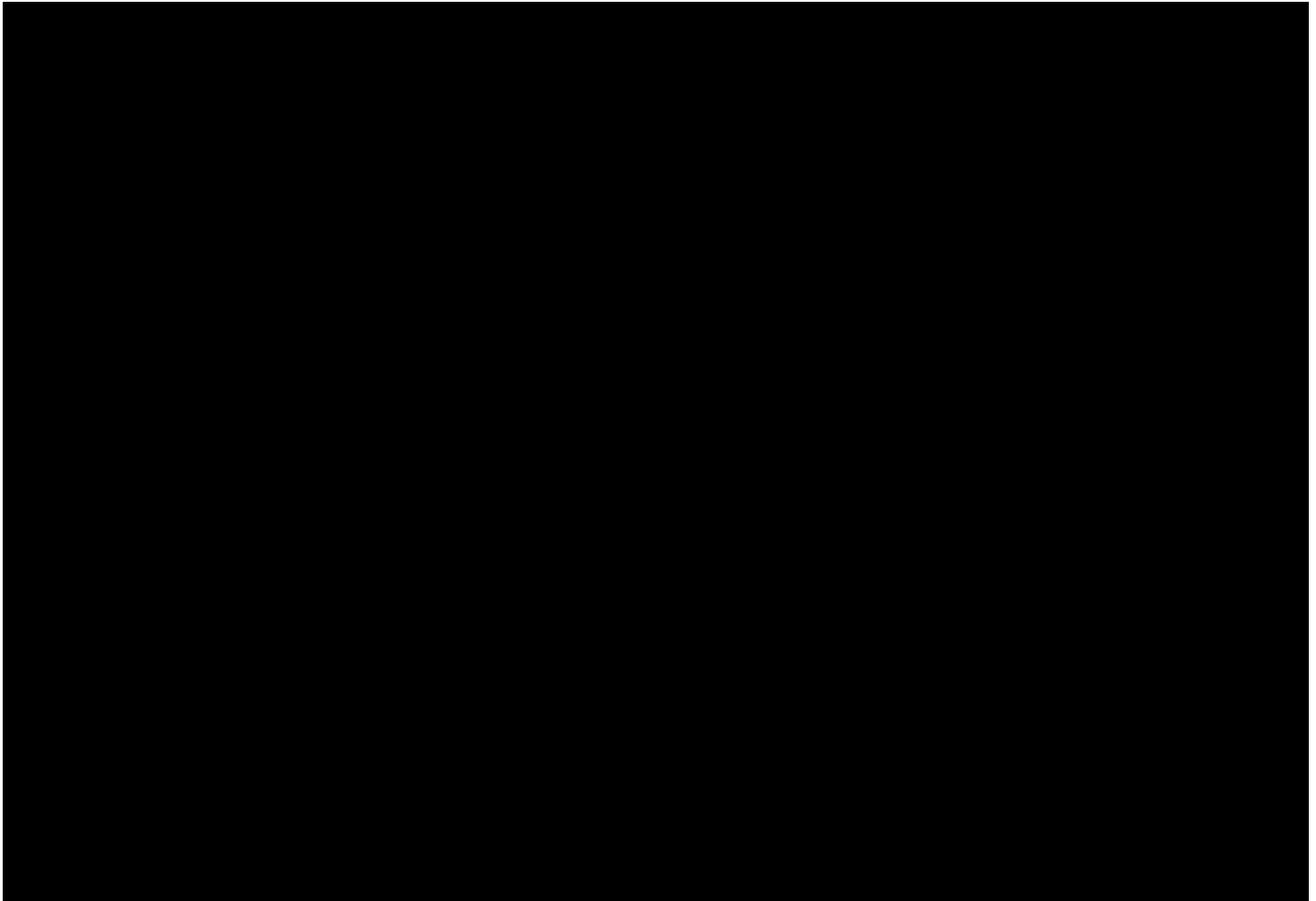
**Total Items:** 117  
**Subtotal:** 12,366.20  
**Freight:** 250.91  
**Misc:** 0.00  
**Tax :** 0.00

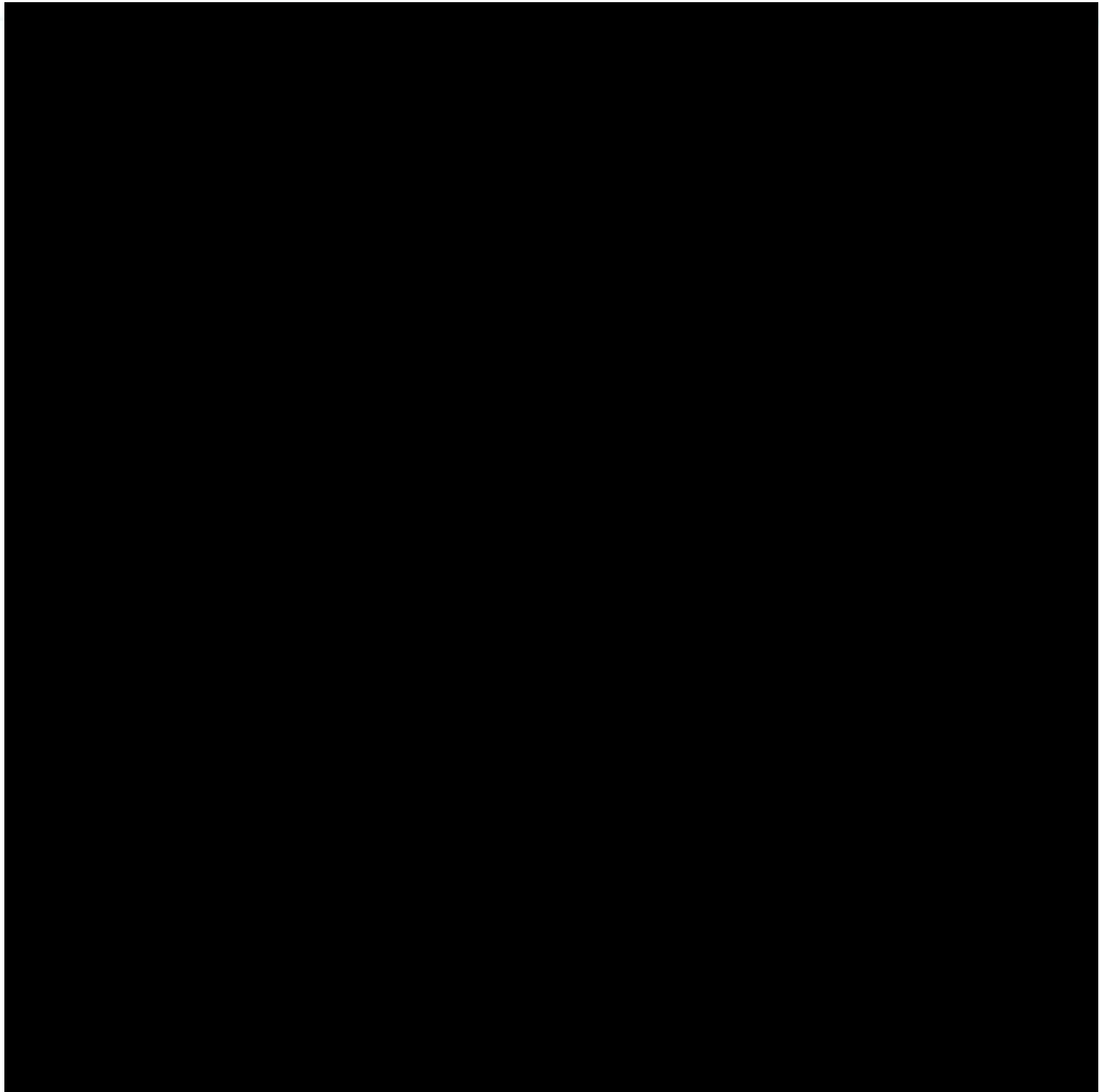
**Total Amount Due:** 12,617.11 USD

**Discount:** 10,263.94-

**Total Discounted Amount Due If Paid by Due Date** 2,353.17 USD

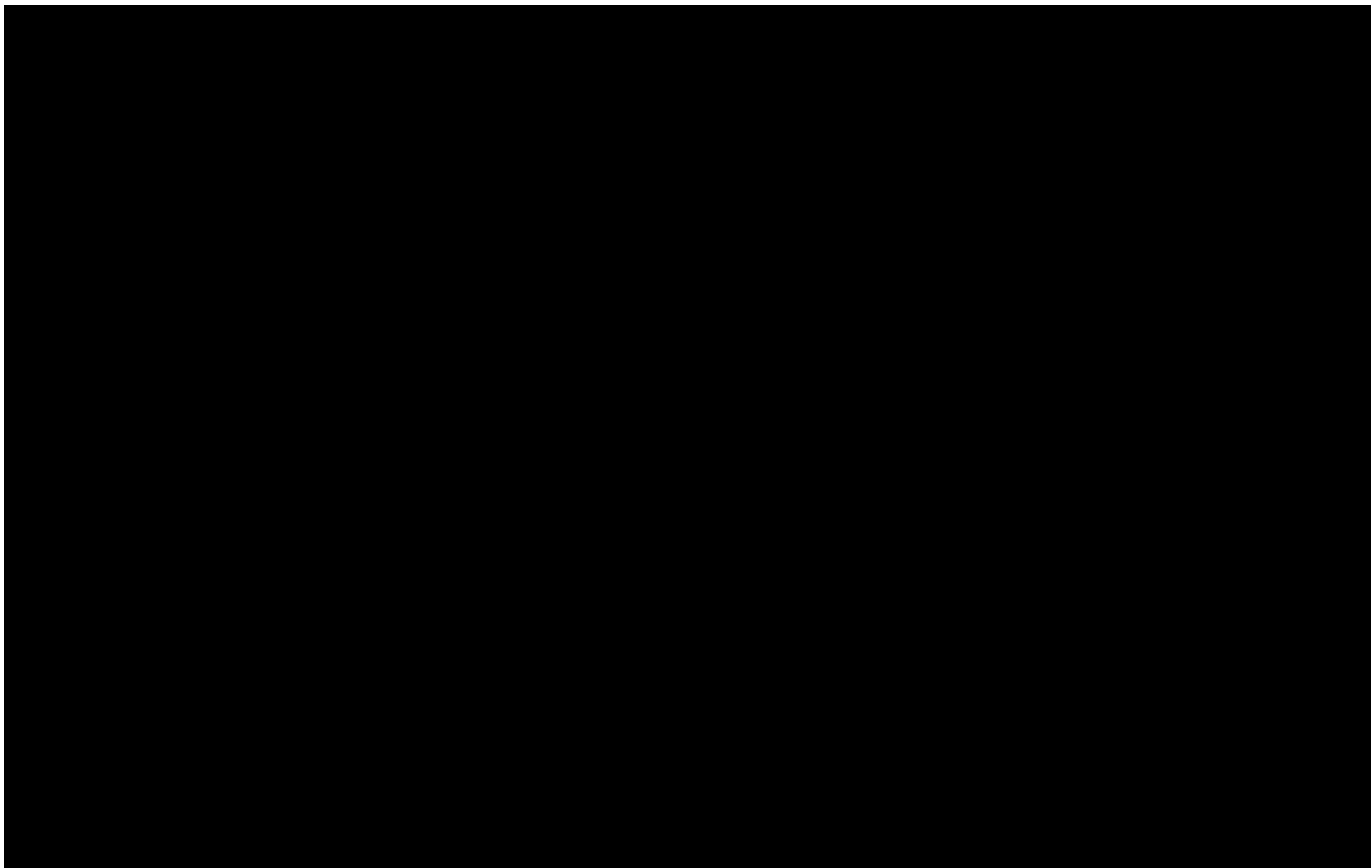
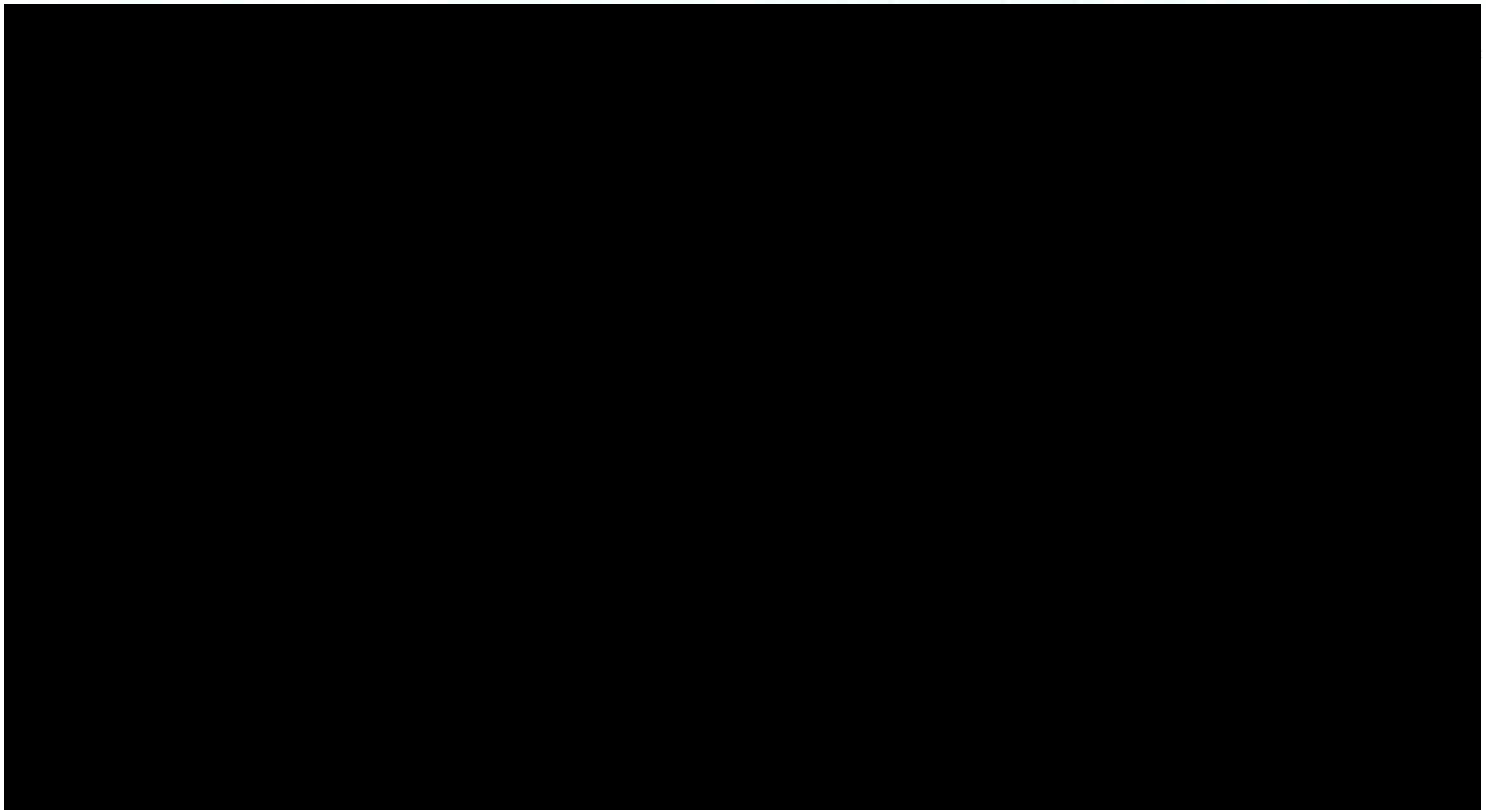
# EXHIBIT 4

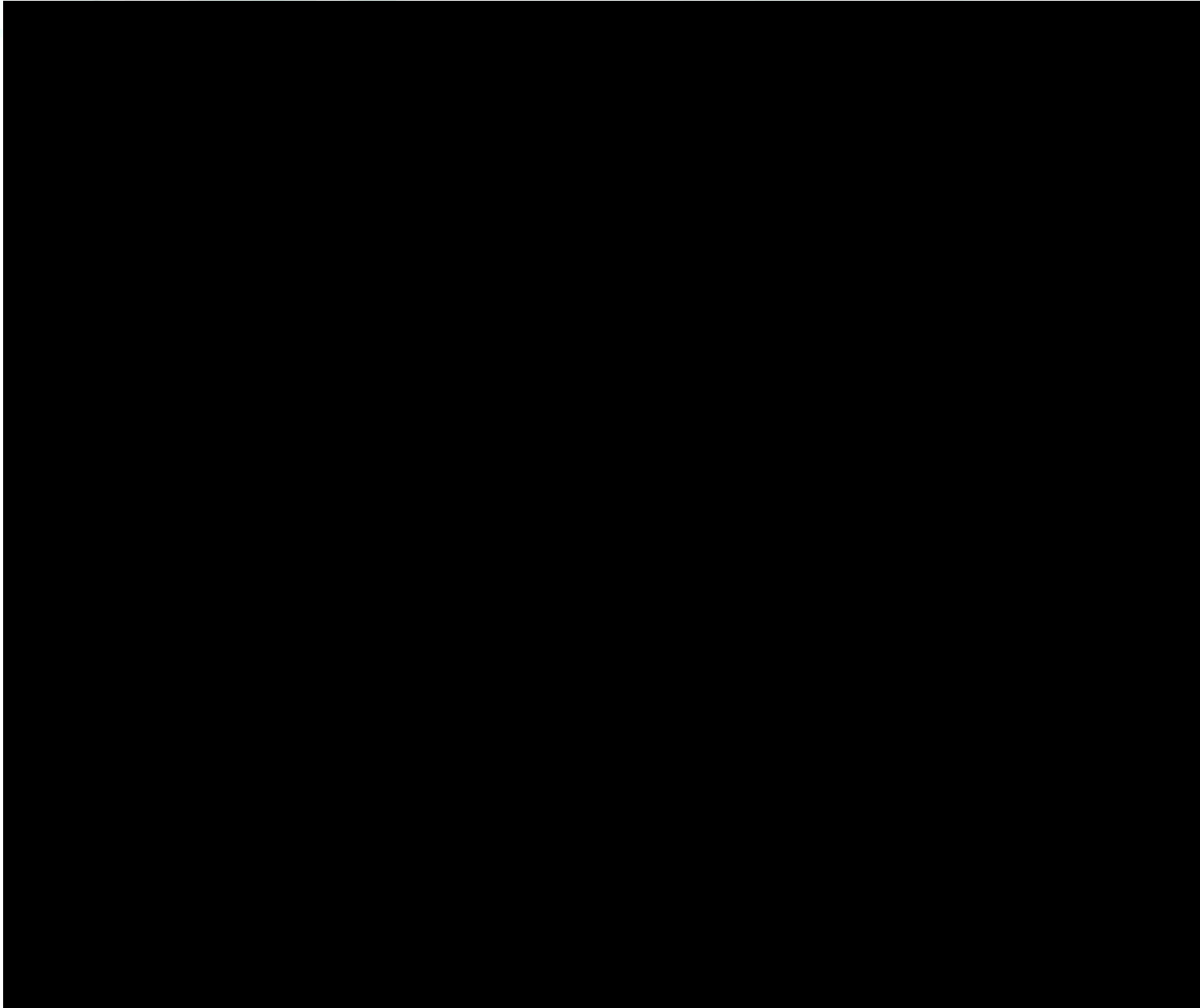






# EXHIBIT 5





**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2020, a true and correct copy of the foregoing document entitled **TESTIMONY DECLARATION OF MARK D. WAKELING**, was served on Petitioner Joshua S. Schoonover, by emailing said copy to: lawgroup@coastalpatent.com.

*/s/ Jennifer Parent*  
\_\_\_\_\_  
Jennifer Parent