#### **Declaration Pursuant to 37 C.F.R. 2.20**

- I, Edward Boss, hereby declare that:
  - 1. I am the founder and President of Riteks, Inc., the Applicant in this matter.
- 2. I have been involved in the day-to-day operation of the business since its inception in 1989. Accordingly, I have first-hand knowledge of the business, operations, products and services of Applicant, including use of the trademark EVOTEK.
- **3.** Applicant is a leading industrial chemical supplier for specialty applications, including concrete additives for the construction industry.
- **4.** One of Applicant's specialty chemicals is marketed and sold under the EVOTEK trademark.
- **5.** Applicant's EVOTEK product is provided only to industrial customers. It is a concrete additive and is sold to industrial companies that make concrete. It is not sold in retail locations.
- **6.** Applicant's engineers and sale representatives call on industrial concrete companies in person to sell the EVOTEK product. 100% of sales of the EVOTEK product are made through a negotiated contract or purchase order with Applicant. Each sale involves personal interaction with at least one of Applicant's engineers or sale representatives.
- 7. Attached as Exhibit 1 is an invoice from a sale that included the EVOTEK product in 2017, well before the date of this trademark application. Customer details and price information have been redacted. Upon request, Applicant can produce hundreds of additional invoices that illustrate sales of the EVOTEK product in US commerce. Applicant's customers typically purchase several thousands of dollars of the EVOTEK product on an ongoing monthly basis.
- **8.** From 2015 through October 31, 2019, Applicant sold the following total volume of the EVOTEK product (in pounds) each year:

	2015	2016	2017	2018	2019
Evotek	226,253	476,956	511,707	471,003	585,192

- **9.** Applicant's specimen was not created for submission with its trademark application. It is a label that Applicant currently uses on its product and that Applicant was using at the time the trademark application was filed.
- **10.** As indicated above, Applicant's product is not sold in retail stores. It is sold through inperson sales to industrial customers. It also is marketed on the Applicant's website, as set forth on Exhibit 2.

#### **EVOTEK**

#### **US Serial No. 88279253**

- 11. The EVOTEK product is an industrial chemical and therefore is typically sold in bulk liquid containers (e.g., 5,000 gallon tankers or 200 gallon totes). Exhibit 3 includes photos to illustrate the typical delivery containers and product packaging for the product.
- 12. Given the nature of the EVOTEK product and that it typically is delivered in bulk containers, Applicant also provides a data sheet to its customers along with the product. The data sheets include the EVOTEK trademark. Exhibit 4 includes copies of EVOTEK data sheets.
- 13. The numbers that follow the EVOTEK mark on labels and on the data sheets are used to indicate the chemical/polymer make-up of the particular EVOTEK solution. These numbers change depending upon the chemical/polymer make-up and are akin to part numbers for chemicals. This use of numbers is common practice throughout the specialty chemical industry.
- **14.** All materials in the Exhibits to this declaration were in use in US commerce prior to the filing of the subject trademark application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any registration resulting therefrom.

Dated: December 17, 2019 By: Juras Sou

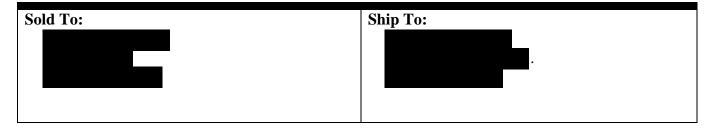
Name: Edward Boss Title: President

## EXHIBIT 1 Invoice

## **Invoice**



Customer	TOP901
Invoice #	59409
Invoice Date	08/27/2017
Terms	Net 30
Due Date	09/26/2017



Customer P.O.	Buyer	Ship Via	Freight	Ship Point
Email - Ryan			Prepaid	McKinney, TX

Description	Price	Extended
EvoTek 7015	/ gal	\$
SYAD 75 600.00 Gallons 1.0000 gal Bulk Tote 600.0000 gal NET  45 Bulk Tote of Lot 1923303 275 Bulk Tote of Lot 1923901 275 Bulk Tote of Lot 1923902 5 Bulk Tote of Lot 1923903	\$ <b></b> / gal	\$
A-Train PR  250.00 Gallons  1.0000 gal Bulk Tote  250.0000 gal NET  220 Bulk Tote of Lot 1921301  30 Bulk Tote of Lot 1923912	\$ <b></b> / gal	\$

Sub Total	\$
Sales Tax	
Misc. Charges	
Freight	
Total Due	\$

## Comments:

Remit To	Electronic Payments
Riteks	
P.O. Box 690586	
Houston, TX 77269-0586	
(281) 569-3500 (Office)	
(281) 569-3508 (Fax)	
Tax ÍD # 76-0289702	

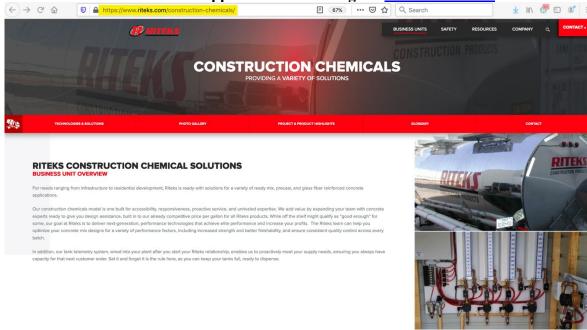






## **EXHIBIT 2**

Screen Shot of Applicant Website Page at www.riteks.com



https://www.riteks.com/resources/construction-product-information/





#### **WATER REDUCERS**

#### **HIGH-RANGE WATER REDUCERS**

Riteks EvoTek\* 2000 is a normal setting high-range water-reducing (HRWR) admixture for concrete utilizing polycarboxylate technology. It is designed to facilitate the placing and finishing of ready-mixed concrete that is highly flowable and workable for extended periods of time with normal setting characteristics. EvoTek 2000 is ideally suited for use in self consolidating concrete mixes. EvoTek 2000 reduces water content (12-40%) needed for a given workability.

Riteks EvoTek\* 3000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 3000 is designed for use in ready mix, pre-cast and Self-Consolidating Concrete (SCC) applications. EvoTek 3000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content in both plastic and hardened concrete.

Riteks EvoTek\* 3015 is an economical high-range water-reducing (HRWR) admixture based on polycarboxylate technology. EvoTek 3015 is especially suitable for ready mix, pre-cast, SCC and mix designs containing fly ash or pozzolonic material. EvoTek 3015 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in plastic and hardened concrete.

Riteks EvoTek\* 4000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 4000 is designed for use in ready mix, precast, Self-Consolidating Concrete (SCC) applications and for aggregate with high clay content. EvoTek 4000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content with improved properties in both plastic and hardened concrete.

Riteks EvoTek\* 5000 is a revolutionary new technology based on significant advances in the admixture industry. EvoTek 5000 gives the concrete producer the ability to immediately create the ideal admixture system for fluctuating regional raw materials, environmental conditions and project requirements.

#### EvoTek 7000

Riteks EvoTek\* 7000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 7000 is designed for use in precast, ready-mix and Self-Consolidating Concrete (SCC) applications. EvoTek 7000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content.

#### EvoTek 7015

Riteks EvoTek\* 7015 is an economical high-range water-reducing (HRWR) admixture based on polycarboxylate technology. EvoTek 7015 is especially suitable for ready mix, pre-cast, SCC and mix designs containing fly ash or pozzolonic material. EvoTek 7015 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in plastic and hardened concrete.

**EXHIBIT 3 Photos of Totes and Tankers Used to "Package" the Product** 



200 gallon tote



5,000 gallon tanker

# **EXHIBIT 4 Data Sheets that are Included with the Product**



## **Construction Chemicals**

## EvoTek™ 3000

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 3000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 3000 is designed for use in ready mix, pre-cast and Self-Consolidating Concrete (SCC) applications. EvoTek 3000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content in both plastic and hardened concrete.

#### Features/Advantages

- · Significant water reduction
- · Increased workability
- · Reduced labor required for placement
- · Ideal for vertical and horizontal applications
- Increased long term strength and reduced permeability
- Excellent early strength development

#### **How to Use / Dosage**

Mixing: Evotek 3000 can be added with the initial batch water but delayed addition will generally result in optimum water reduction. Dosage: Rates will vary depending on the materials used, ambient conditions and the requirements of a specific project.

Recommended Dosage Rate: 3 to 15 fl. oz. per 100 lbs. of cementitious material. Due to variations in concrete materials, job site conditions and applications, dosages outside of the recommended range may be required. In such cases, contact your local Riteks Construction Chemical Representative.

Note: EvoTek 3000 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing betanaphthalene sulfonate.

#### **Compatibilites**

EvoTek 3000 is compatible with all types Portland cement, class C & F fly ash, silica fume, fibers, approved air entraining & water-reducing admixtures. EvoTek 3000 can be used in white, colored and architectural.

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### **Health and Environmental Data**

Before handling or using this product please refer to the Safety Data Sheet for complete health, safety and environmental information. Dispose of waste in accordance with local, state and federal regulations.

We warrant our products to be of good quality and will replace or, at our discretion, refund the purchase price of any products proved defective. Satisfactory results depend not only upon quality products, but also upon many factors beyond our control. Therefore, except for such replacement or refund, RITEKS MAKES NO WARRANTY OR GUARANTEE, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY. Riteks shall have no other liability with respect thereto. User shall determine the suitability of the products for the intended use and assume all risks and liability in connection there with. The information provided herein is based on technical data that Riteks, Inc. believes to be reliable. Riteks, Inc. makes no representation or warranty as to the completeness or accuracy thereof and assumes no

liability resulting from its use for any claims, losses, or damages of any third party. Recipients receiving this information must exercise their own judgment as to the appropriateness of its use and it is the user's

responsibility to assess the material's suitability (including safety) for a particular purpose prior to such use.



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#### **Construction Chemicals**

## EvoTek™ 3015

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 3015 is an economical high-range water-reducing (HRWR) admixture based on polycarboxylate technology. EvoTek 3015 is especially suitable for ready mix, pre-cast, SCC and mix designs containing fly ash or pozzolonic material. EvoTek 3015 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in plastic and hardened concrete

#### Features/Advantages

- · Significant water reduction
- · Increased workability
- · Reduced labor required for placement
- · Increased long term strength and reduced permeability
- · Excellent early strength development

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### How to Use / Dosage

Mixing: EvoTek 3015 can be added with the initial batch water but delayed addition will generally result in optimum water reduction. Dosage: Rates will vary depending on the materials used, ambient conditions and the requirements of a specific project.

Dosage Rate: 3 to 18 fl. oz. per 100 lbs of cementitious material. Due to variations in concrete materials, job site conditions and applications, dosages outside of the recommended range may be required. In such cases, contact your local Riteks Construction Chemical Representative.

Note: EvoTek 3015 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing betanaphthalene sulfonate.

#### **Health and Environmental Data**

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#### **Construction Chemicals**

## EvoTek™ 4000

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 4000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 4000 is designed for use in ready mix, precast, Self-Consolidating Concrete (SCC) applications and for aggregate with high clay content. EvoTek 4000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content with improved properties in both plastic and hardened concrete.

#### Features/Advantages

- · Significant water reduction
- · Increased workability
- · Reduced labor required for placement
- Works excellent in aggregate with high clay content
- · Increased long term strength and reduced permeability
- · Excellent early strength development

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### **How to Use / Dosage**

Mixing: EvoTek 4000 can be added with the initial batch water but delayed addition will generally result in optimum water reduction. Dosage: Rates will vary depending on the materials used, ambient conditions and the requirements of a specific project.

Recommended Dosage Rate: 3 to 15 fl. oz. per 100 lbs. of cementitious material. Due to variations in concrete materials, job site conditions, applications, dosages outside of the recommended range may be required. In such cases, contact your local Riteks Construction Chemical Representative.

Note: EvoTek 4000 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing betanaphthalene sulfonate.

#### **Health and Environmental Data**

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We warrant our products to be of good quality and will replace or, at our discretion, refund the purchase price of any products proved defective. Satisfactory results depend not only upon quality products, but also upon many factors beyond our control. Therefore, except for such replacement or refund, RITEKS MAKES NO WARRANTY OR GUARANTEE, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY. Riteks shall have no other liability with respect thereto. User shall determine the suitability of the products for the intended use and assume all risks and liability in connection there with. The information provided herein is based on technical data that Riteks, Inc. believes to be reliable. Riteks, Inc. makes no representation or warranty as to the completeness or accuracy thereof and assumes no liability resulting from its use for any claims, losses, or damages of any third party. Recipients receiving this information must exercise their own judgment as to the appropriateness of its use and it is the user's responsibility to assess the material's suitability (including safety) for a particular purpose prior to such use.



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## **Construction Chemicals**

## EvoTek™ 5000

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 5000 is a revolutionary new technology based on significant advances in the admixture industry. EvoTek 5000 gives the concrete producer the ability to immediately create the ideal admixture system for fluctuating regional raw materials, environmental conditions and project requirements.

#### **Primary Application**

- · Concrete with varying slump requirements
- · Concrete mixtures utilizing supplementary cementitious materials
- Concrete where increased stability, durability and high flowability are required
- Concrete requiring the production of selfconsolidating concrete (SCC) mixtures

#### Features/Advantages

- · Workability retention without retardation
- · Flexible levels of workability retention by adjusting dosage
- · Improved early and late age compressive strengths
- Promotes greater consistency of concrete workability at the jobsite
- Promotes consistency in compressive strengths via minimized jobsite addition of water
- Minimizes re-dosing of high range waterreducing admixture at the jobsite
- Consistent air entrainment
- Fewer rejected loads and better customer satisfaction due to consistent quality of concrete
- Can be used by itself for adequate slump retention, even when using for long haul concrete

#### **How to Use / Dosage**

Recommended Dosage Rate: 4 to 28 fluid ounces per 100 pounds (261 to 1827 mL per 100 kg) of cementitious to meet the requirements of ASTM C 494 Type A water-reducing and Type F highrange water-reducing admixture. EvoTek 5000 can be added with the initial batch water or as a delayed addition.

Note: EvoTek 5000 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing beta-naphthalene sulfonate.

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responsibility to assess the material's suitability (including safety) for a particular purpose prior to such use.

#### **Conforms to:**

- ASTM C 494 Types A and F
- · AASHTO M 194 Types A and F
- · CRD C87 Types A and F
- · All other Federal and State Specifications

#### Compatibility

EvoTek 5000 admixture is compatible with most admixtures used in the production of quality concrete including normal, mid-range and high-range water reducing admixtures, air entrainers, accelerators, retarders, extended set control admixtures, corrosion inhibitors and shrinkage reducers. EvoTek 5000 is not recommended for use with any Poly

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### **Health and Environmental Data**

Before handling or using this product please refer to the Safety Data Sheet for complete health, safety and environmental information. Dispose of waste in accordance with local, state and federal regulations.



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#### **Construction Chemicals**

## EvoTek™ 7000

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 7000 is a high-range water-reducing (HRWR) admixture based on the next generation of polycarboxylate technology. EvoTek 7000 is designed for use in precast, ready-mix and Self-Consolidating Concrete (SCC) applications. EvoTek 7000 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in mix designs with substantially reduced water content.

#### Features/Advantages

- · Significant water reduction
- · Increased workability
- · Reduced labor required for placement
- · Increased long term strength and reduced permeability
- · Excellent early strength development
- · Mix design stability
- · Eliminates excessive segregation

#### How to Use / Dosage

Mixing: EvoTek 7000 admixture can be added with the initial batch water but delayed addition will generally result in optimum water reduction. Dosage: Rates will vary depending on the materials used, ambient conditions and the requirements of a specific project.

Recommended Dosage Rate: 3 to 15 fl. oz. per 100 lbs. of cementitious material. Due to variations in concrete materials, job site conditions and applications, dosages outside of the recommended range may be required. In such cases, contact your local Riteks Construction Chemical Representative.

Note: EvoTek 7000 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing betanaphthalene sulfonate.

#### **Specifications**

Meets the requirements of

ASTM C 494, Type A & F

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### **Health and Environmental Data**

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## **Construction Chemicals**

## EvoTek™ 7015

#### **High-Range Water Reducing Admixture**

#### **General Description**

Riteks EvoTek™ 7015 is an economical high-range water-reducing (HRWR) admixture based on polycarboxylate technology. EvoTek 7015 is especially suitable for ready mix, pre-cast, SCC and mix designs containing fly ash or pozzolonic material. EvoTek 7015 is ready-to-use and provides excellent early compressive strength, faster setting strengths and fluidity in plastic and hardened concrete.

#### Features/Advantages

- · Significant water reduction
- · Increased workability
- · Reduced labor required for placement
- · Increased long term strength and reduced permeability
- · Excellent early strength development

#### How to Use / Dosage

Mixing: EvoTek 7015 can be added with the initial batch water but delayed addition will generally result in optimum water reduction. Dosage: Rates will vary depending on the materials used, ambient conditions and the requirements of a specific project.

Dosage Rate: 3 to 18 fl. oz. per 100 lbs of cementitious material. Due to variations in concrete materials, job site conditions and applications, dosages outside of the recommended range may be required. In such cases, contact your local Riteks Construction Chemical Representative.

Note: EvoTek 7015 does not contain calcium chloride or any chloride-based components and is non-corrosive to reinforced, galvanized floor/roof systems or prestressing steel. Do not use with admixtures containing betanaphthalene sulfonate.

#### Conforms to:

ASTM C 494 Type F

#### Packaging/Storage

5 gallon pail • 55 gallon drum Totes • Bulk deliveries

Store between 32° F & 100° F. Product should be used within 12 months of delivery.

#### **Health and Environmental Data**

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