

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 A-TRAIN.
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 A-TRAIN trademark.
5. Applicant's A-TRAIN 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 A-TRAIN product. 100% of sales of the A-TRAIN 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 A-TRAIN 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 A-TRAIN product in US commerce. Applicant's customers typically purchase several thousands of dollars of the A-TRAIN product on an ongoing monthly basis.
8. From 2017 through October 31, 2019, Applicant sold the following total volume of the A-TRAIN product (in pounds) each year:

	2017	2018	2019
A-Train	32567	64420	220772

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 in-person sales to industrial customers. It also is marketed on the Applicant's website, as set forth on Exhibit 2.

A-TRAIN
US Serial No. 88282763

11. The A-TRAIN 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.

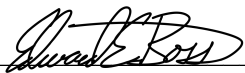
12. Given the nature of the A-TRAIN product and that it typically is delivered in bulk containers, Applicant also provides a data sheet to its customers along with the product. The data sheets include the A-TRAIN trademark. Exhibit 4 includes copies of A-TRAIN data sheets.

13. The letters that follow the A-TRAIN mark on labels and on the data sheets are used to indicate the chemical/polymer make-up of the particular A-TRAIN solution. These letters change depending upon the chemical/polymer make-up and are akin to part numbers for chemicals. This use of letters 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: 
Name: Edward Boss
Title: President

A-TRAIN
US Serial No. 88282763

EXHIBIT 1
Invoice

Invoice



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

Sold To: [REDACTED]	Ship To: [REDACTED]
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Customer P.O.	Buyer	Ship Via	Freight	Ship Point
Email - Ryan	[REDACTED]	[REDACTED]	Prepaid	McKinney, TX

Description	Price	Extended
EvoTek 7015 1,500.00 Gallons 1.0000 gal Bulk 1,500.0000 gal NET 1,500 Bulk of Lot 1921801	[REDACTED] / gal	\$ [REDACTED]
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	\$ [REDACTED] / gal	\$ [REDACTED]
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	\$ [REDACTED] / gal	\$ [REDACTED]

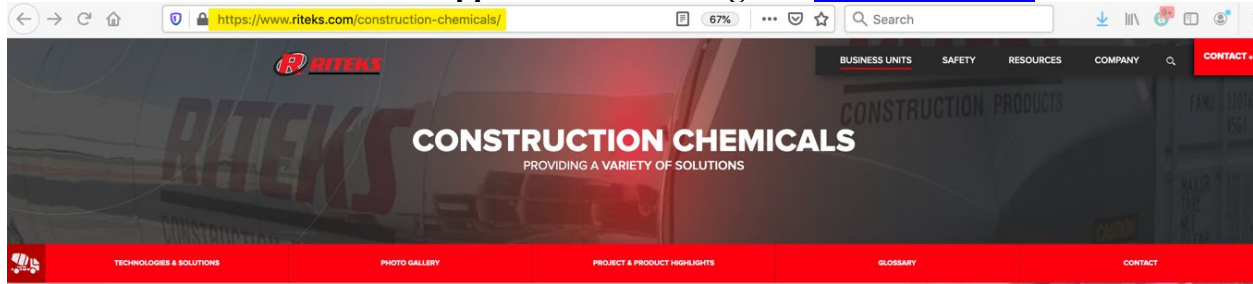
Sub Total	\$ [REDACTED]
Sales Tax	
Misc. Charges	
Freight	
Total Due	\$ [REDACTED]

Comments:

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



EXHIBIT 2
Screen Shot of Applicant Website Pages at www.riteks.com



RITEKS CONSTRUCTION CHEMICAL SOLUTIONS
BUSINESS UNIT OVERVIEW

For needs ranging from infrastructure to residential development, Riteks is ready with solutions for a variety of ready mix, precast, and glass fiber reinforced concrete applications.

Our construction chemicals model is one built for accessibility, responsiveness, proactive service, and unrivaled expertise. We add value by expanding your team with concrete experts ready to give you design assistance, built in to our already competitive price per gallon for all Riteks products. While off the shelf might qualify as "good enough" for some, our goal at Riteks is to deliver next-generation, performance technologies that achieve elite performance and increase your profits. The Riteks team can help you optimize your concrete mix designs for a variety of performance factors, including increased strength and better finishability, and ensure consistent quality control across every batch.

In addition, our tank telemetry system, wired into your plant after you start your Riteks relationship, enables us to proactively meet your supply needs, ensuring you always have capacity for that next customer order. Set it and forget it is the rule here, as you can keep your tanks full, ready to dispense.



TDS **A-Train FF**

A-Train FF is a specialty solution of selected surfactants for use as an Admixture for Cellular and Pre-Foamed Lightweight Concrete and for use as a Synthetic Air Entraining Admixture for Concrete. When used with a Foam Generator and a suitable water supply, A-Train FF produces a consistent pre-foam that is stable under alkaline conditions and suitable for use in the production of foamed concrete. Foamed concrete is the industry term used for the product produced by the controlled addition of a pre-foam to a cement grout or sand/cement mortar. A range of densities can be produced, typically from 20 to 100 lb/ft³. Foamed concrete is lightweight and highly mobile, able to flow for long distances under its own hydraulic head, and is an ideal material for uses such as void filling, roof screeds and trench reinstatement.

TDS **A-Train PR**

Riteks A-Train[®] PR is an admixture for entraining air in concrete. A-Train PR introduces millions of uniformly sized spaced air voids throughout the concrete mixture and has been proven to be far more resistant to freezing and thawing than plain concrete. A-Train PR in hardened concrete reduces permeability and enhances the resistance to surface deterioration caused by de-icing chemicals.

TDS **A-Train VR**

Riteks A-Train[®] VR is a concentrated neutralized vinsol resin admixture for entraining air in concrete. A-Train VR will increase resistance to damage from cyclic freeze/thawing and scaling from deicing salts and will improve plasticity and workability.

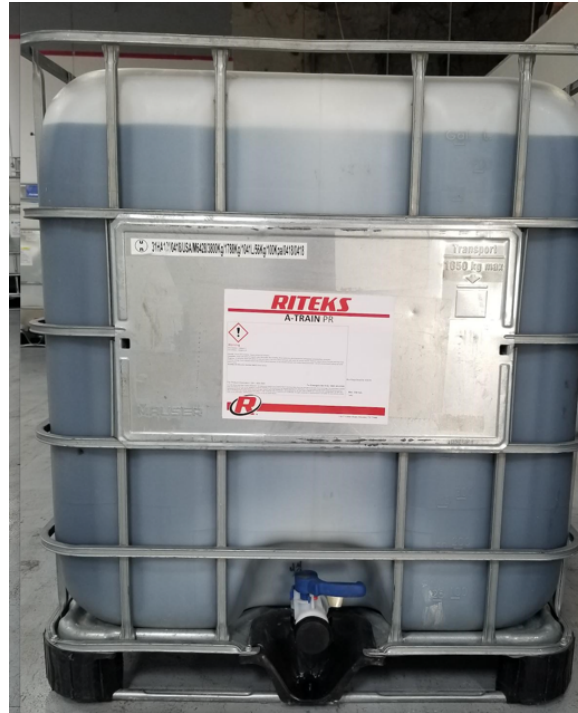
TDS **FloFill P**

Riteks FloFill[™] P is a dry powdered material that aids in producing a highly flowable and volume stable flowable fill mixture also known as controlled low strength material (CLSM), controlled density fill (CDF) and low strength mortar (LSM). The use of FloFill P results in improved flowability while reducing the amount of mix water required to obtain a flowable mix.

Riteks FloFill[™] P aids in the placement of CLSM by creating a high flowing mix that easily consolidates around structures and efficiently fills voids without the need for additional compaction. The use of FloFill P produces CLSM that is volume stable and less prone to shrinkage. It eliminates segregation, lowers densities and improves pumpability. The use of accelerating admixtures in conjunction with FloFill P can allow for CLSM to gain strength faster.

A-TRAIN
US Serial No. 88282763

EXHIBIT 3
Photos of Totes and Tankers Used to “Package” the Product



200 gallon tote



5,000 gallon tanker

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US Serial No. 88282763

EXHIBIT 4
Data Sheets that are Included with the Product

A-Train™ PR

Polymer Resin Air-Entraining Admixture

General Description

Riteks A-Train™ PR is an admixture for entraining air in concrete. A-Train PR introduces millions of uniformly sized spaced air voids throughout the concrete mixture and has been proven to be far more resistant to freezing and thawing than plain concrete. A-Train PR in hardened concrete reduces permeability and enhances the resistance to surface deterioration caused by de-icing chemicals.

Primary Applications

A-Train PR is suitable for ready-mix, precast concrete, concrete blocks and stepping stones applications. A-Train PR was designed to be used wherever air entrainment is required by concrete specifications and is particularly useful in: All commercial and residential concrete, mass concrete, high cement, low slump paving mixes, high carbon content fly ash mixes and concrete using high-alkali cement. A-Train PR can be used in white, colored and architectural concrete.

Features/Advantages

- Reduces permeability and enhances the resistance to surface deterioration caused by de-icing chemicals
- Superior resistance to freezing & thawing conditions compared to plain concrete
- Plasticity and workability is greatly improved, making it easier to flow into forms or pumped into place
- Aids in finishing and produces a more water tight concrete with a lower water cement ratio

How to Use / Dosage

Mixing: For results, the air entrainment should be dispensed separately into the mix with the initial batch water or on damp, fine aggregate.

Dosage: Amount to be used will vary with local materials and intended concrete performance requirements in the range of 4% to 6%. Typical addition rates range from .5 to 2 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: A-Train PR does not contain calcium chloride or any chloride based components and is non-corrosive to reinforced, galvanized floor/ roof systems or prestressing steel.

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 therewith. 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.

Specifications

Conforms to

- ASTM C 260
- CRD C 13
- AASHTO M 154

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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www.riteks.com

Dallas Plant :

415 Interchange Street McKinney, TX 75071

A-Train FF

Admixture For Cellular and Pre-Foamed Lightweight Concrete

Technical Note:

A-Train FF does not contain calcium chloride or any chloride-based components. It will not promote or contribute to corrosion of reinforcing steel in concrete.

INSTRUCTIONS FOR USE:

A pre-foam is produced by feeding A-Train FF through a Foam Generator. Either a water or air foam generator may be used. No pre-dilution is required with water foam generators. Air foam generators require a pre-dilution ration of 1 part A-Train FF to 15-35 times water. Foam generators should be fitted with a proportional feeder unit set to correctly dispense A-Train FF.

Only potable water should be used for the prefoam. Concrete wash water or water from other sources containing high levels of calcium ions should not be used. Refer to the Ritek's Notes sheets on Foam Generator Operating Procedures and Suitable Mix Designs to generate desired unit weights. Instructions from the Ritek's Notes should be followed to produce the pre-foam.

YIELD:

Unless extremely tight control is exercised, the density of a foamed concrete is likely to vary by ± 20 lb/yd³. This variability should be considered when estimating the possible volume of material required. Some factors may affect density and yield. Losses will not always occur but the possibility should be considered. Possible causes of loss include:

- o Transportation of foamed concrete over long distances, such as when pre-foam is added at a batch plant instead of onsite
- o Delays in placing and pumping Foamed concrete placed against a dry substrate causing foam collapse due to the suction of water out of the foamed concrete. If this occurs, wet substrate before placing the foamed concrete to reduce the likelihood of the problem.

COMPATIBILITY:

A-Train FF is compatible with all types of Portland cement, class C and F fly ash, silica fume, calcium chloride, fibers and approved air entraining, accelerating, retarding, superplasticizing, and water-reducing admixtures. A-Train FF can be used in white, colored, and architectural concrete. For best results, each admixture must be dispensed separately into the concrete mix.

LIMITATIONS:

Trials should be made using relevant materials and conditions in order to determine the optimum mix design and admixture dosage to meet specific requirements. Compressive strength is proportional to its density and also to the cement content of the original mortar.

A number of factors, such as water to cement ratio and the materials used, can affect the unit weight and compressive strength.

A-Train FF is not intended for direct addition to the mortar and use in this manner will not produce foamed systems. A-Train FF may not be suitable for use with certain sands, in particular coarse sands. Sands containing a significant amount of particles greater than a #16 sieve should be avoided. Pre-foam should not be made using concrete wash water or water from other sources containing high levels of calcium ions.