

# EXHIBIT 1

**DECLARATION IN SUPPORT OF  
5.11, INC.'S  
CLAIM OF ACQUIRED DISTINCTIVENESS**

Dear Sir or Madam:

I hereby declare as follows:

1. I am the Vice President & General Counsel (title) of 5.11, Inc. (hereinafter "Applicant").

2. Applicant is an industry leader in manufacturing tactical gear, including backpacks.

I am familiar with Applicant's goods, in particular Applicant's backpacks and trade dress shown and described in Application Serial No. 88/004,937.

3. Through Applicant's use in commerce of its trade dress in connection with its packs for over 12 years, I believe Applicant's trade dress has acquired distinctiveness.

4. Applicant regularly promotes its backpacks and highlights its trade dress via its website at 511tactical.com, and through social media including Instagram, Twitter and Facebook. Applicant's Instagram account has over 1 million followers, its Twitter account has over 112,000 followers and its Facebook page has over 1.26 million followers. Attached as Exhibit A are screenshots from Applicant's website, Facebook, Twitter and Instagram accounts showing Applicant's packs with its distinctive trade dress.

5. Applicant's packs featuring its distinctive trade dress are a successful product for Applicant. In 2017, Applicant sold over 58,300 units of its products with its trade dress. In 2018, the number of units sold increased to over 68,000. Revenue for the packs with the distinctive trade dress for these two years exceeded \$9.2 mil.

6. To promote its packs and other products, Applicant regularly attends industry trade shows such as SHOT Show (Shooting, Hunting, Outdoor Trade Show); National Rifle Association

Carry Guard Expo; the FBI National Academy Associate Conference, and others. Applicant maintains a booth at these trade shows which include a wall display of its packs featuring its trade dress. Attached as Exhibit B are photographs of Applicant's booth at these trade shows.

7. Applicant is not aware of widespread industry use or any major competitors that currently provide backpacks with trade dress similar to Applicant's packs. To the extent that Applicant has become aware of third party use of its trade dress, Applicant has been diligent in enforcing its trade dress rights against these third parties. Applicant has entered into several agreements with third parties that acknowledge that Applicant's trade dress is valid, distinctive and enforceable.

8. I believe the distinctive trade dress of Applicant's packs indicate that the packs originate from and refer exclusively to Applicant. I further believe that Applicant's trade dress distinguishes Applicant's goods from the packs of other entities.

9. The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

5.11, Inc.

Dated: 11/5/19

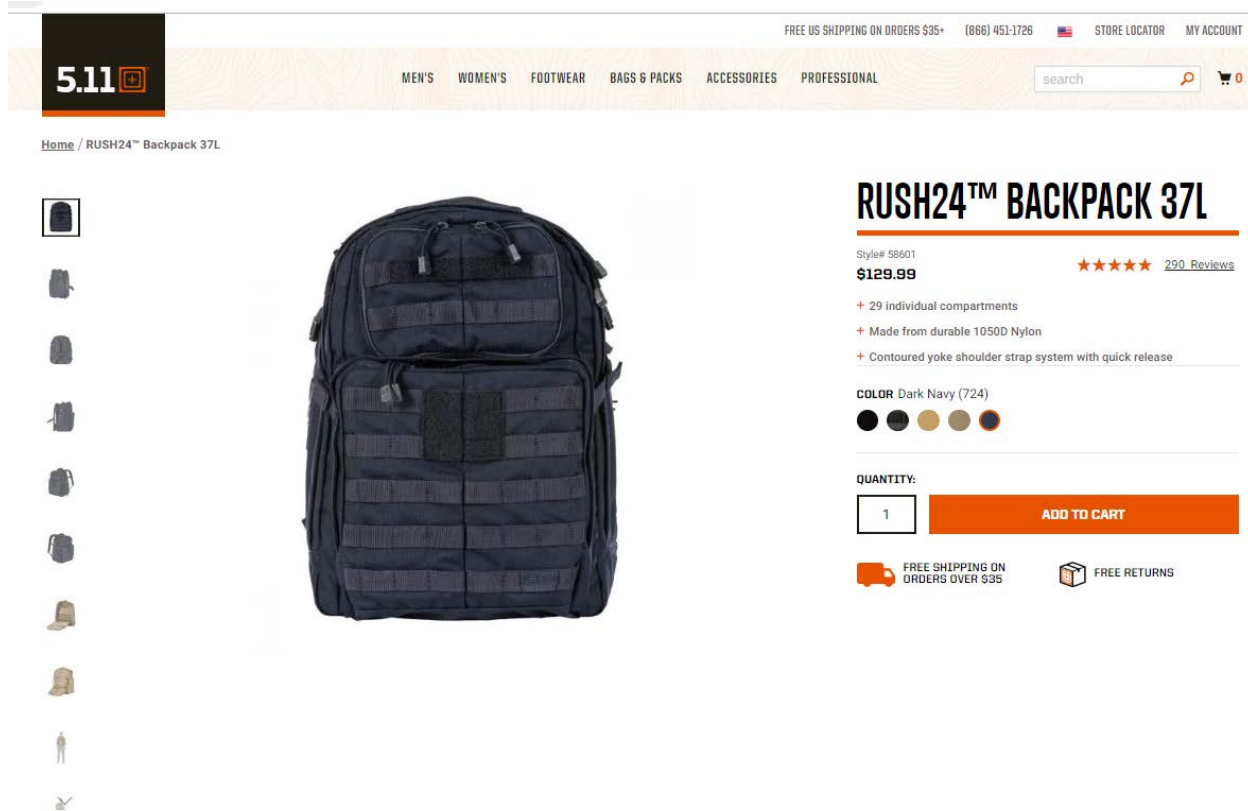
Signed: 

Name: John F. Wicks

Title: V.P. + General Counsel

# EXHIBIT A

Website: 511tactical.com



### **RUSH24™ BACKPACK 37L DETAILS**

Our most popular tactical backpack, the RUSH24™ is a high-performance tactical pack suitable for active duty, hunting and recreation, or grab-and-go. Compatible with 5.11® Tier System and Scabbard, the pack features unmatched storage capability, a wrap-around MOLLE and SlickStick-compatible web platform, adjustable shoulder and sternum straps, a 60-oz. hydration pocket, and durable, water-resistant construction. It's a back pack built to be ready for anything.

#### **DIMENSIONS**

Main Compartment - 20" H x 12.5" L x 8"  
Front pocket - 12.5" x 11" x 2"  
Hydration pocket - 18" x 12.5"  
Total Capacity - 2275 cubic inches / 37 liters  
Weight - 4.2 lbs


#### **FEATURES DETAILS**

- + Ideal for recreational use or as an operational bug out bag
- + Dual zipping side pockets
- + Durable 1050D nylon (MultiCam®: 1000D nylon)
- + Reinforced grab-and-go handle
- + Three mesh admin compartments
- + Zippered side water bottle pocket
- + Water-repellent coating
- + Two external compression straps
- + Twin drainage grommets
- + Customize your bag with purpose-built pouches
- + Imported
- + Compatible with 5.11® Tier System
- + Hydration pocket
- + Stuff-it pocket with integrated draw cord
- + Wrap-around MOLLE/5.11 SlickStick® web platform
- + Zippered fleece-lined eyewear pocket
- + Hook and loop nametape and flag patches
- + Adjustable height sternum strap
- + Contoured yoke shoulder strap system
- + Self-repairing YKK® zippers
- + 5.11's signature Centerline™ design

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**5.11 Tactical**  
September 13 · 🌐


Our 5.11 backpacks are perfect for wherever your travels may take you!  
What's the coolest place you've brought your 5.11 bag? #AlwaysExploring  
👤 Jonathan Beck Jørgensen



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## 5.11 Tactical

@511Tactical

We're innovators who design purpose-built gear for the most demanding missions. #511Tactical #AlwaysBeReady #WeAre511

Invine, CA

511tactical.com

Joined April 2009

1,385 Photos and videos



### Tweets Tweets & replies Media

Pinned Tweet  
5.11 Tactical @511Tactical · Oct 15  
5.11 is about more than just great gear. Through education, we'll help you find your inner warrior with our ABR Academy program. These are FREE classes at our retail stores taught by expert instructors - with each topic teaching you ways to #AlwaysBeReady

bit.ly/511abracademy



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82w Reply

yeechoonwah Mountain biking? Climbing?  
52w Reply

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EXHIBIT B

SHOT SHOW 2017:





National Rifle Association Carry Guard Expo 2017:



FBI National Academy Associate Conference 2019:



# EXHIBIT 2

## Gear Revisited: 5.11 RUSH 24 Review

The iconic 5.11 RUSH 24. I originally did this review on a popular gear forum and took it down. Since then, I've been getting requests from EDC enthusiasts looking for it so I've decided to re-publish it here with a few updates. This is probably one of the most popular MOLLE packs out there. Many of us have owned it at one time or another. I had a REV 1 in the Dark Earth a couple of years ago, but didn't really care for the color. So, when a Black REV 2 became available for sale in the "grey market", I jumped at the chance to own one again.

One of the first things I did was to remove the standard zipper pulls and replace them with Charcoal Gray 550 Paracord, which IMO contrasts nicely with the rest of the pack. I also added a Trident Tactical Admin Pouch. More on the pouch later in the review.



The 5.11 Tactical RUSH 24 Backpack

There's MOLLE webbing all over this pack, which gives it tremendous versatility. As you can see, I haven't added hardly anything to the exterior. This was by design. Honestly, the 5.11 RUSH 24 has so much internal organization that adding more pouches to the outside is usually unnecessary and it just results in cluttering up what I think is a terrific looking pack. But, it's good to know the capability is there if you need it.

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## REVIEW: 5.11 TACTICAL RUSH 24 BACKPACK

Posted on July 27, 2012 • Author Ben

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The Rush 24 is a mid-size backpack offering from 5.11 Tactical. I'm a fanboy of 5.11 Tactical gear and I've done long term tests of several of their items, including the Rush 24. (Full disclosure: 5.11 provided me with all of the gear to review.) If you're interested in a review of the MOAB 10 shoulder bag, check it out here: [Rush MOAB 10 Shoulder Bag](#).

I use my Rush 24 six days per week primarily as a gear bag when I go to the CrossFit gym, but it's also my go-to bag for overnights and weekend trips. It has a generous 2000 cubic inches of space in the main compartment and plenty of pockets and pouches for smaller items. Dimensions are 20"H x 12.5"L x 8"D. See their [product description page](#) for a full list of features. There are WAY too many pockets to tour all of them in this space, so I'll let the pics below do the talking. I will say my favorite pocket is the sunglasses pocket...I use this little fleece lined fella virtually every time I step into the gym and it's an ingenious addition.

If you're a regular CrossFitter like me (3 years and counting!!) you'll understand when I say that I've accumulated a disturbing amount of gear and I bring all of it to the gym, every day. Here is a partial list, all of which fits into the Rush 24 no problem:

- Running shoes
- Olympic lifting shoes
- Paleo kits
- x3 jump ropes
- Sunglasses
- Logbook
- Sunblock
- Various wrist wraps
- Lacrosse ball
- Cellphone
- Water bottle
- Other fluids, like protein shake and/or coconut water

There are days where I pack barbell clips, stretchy bands, more food, a full change of clothes, and even my laptop. The hydration compartment is voluminous enough that my MacBook Pro easily fits in there.

Get the picture? The Rush 24 gets it handled. There are so many zippered pockets and pouches that everything stays nicely organized. Having everything exist in a snarled mess in a duffel bag is a thing of the past.

[\[Show as slideshow\]](#)



## WHAT I LIKE

The storage capacity is awesome. It is *almost* but not quite overkill for a gym bag. It's perfect for a weekender bag, which I've used it for at least a dozen times. It's extremely rugged, constructed with 1050 denier nylon, and I have no qualms about throwing it around on pavement or gyms floors. This thing is tough as hell and well crafted. I would expect to own this bag in good condition for decades, if not for life.

I find it completely comfortable to wear even when fully loaded. The strap system doesn't put any weird pressure on my shoulders or back. It feels balanced. I haven't tried rucking with heavy loads using this bag, although I'm considering using it for a GoRuck Challenge in the future. 5.11 is releasing a Brokos belt product soon that can attach to the lower buckles on the Rush 24, adding a nice waist strap option.

The Rush 24 has rugged good looks and is definitely a head turner. I get asked about it all the time and one dude at my gym purchased his own after checking mine out. It has a clear military / tactical look and feel, so you have to be into that.

Last but not least, you can't beat the price. Cost is **\$139.99** with four color choices and they have a kickass multicam version for **\$179.99**. You'll be hard pressed to find a bag of similar quality and design for less money.

## WHAT I DIDN'T LIKE

There really wasn't anything I didn't like about the Rush 24. The only knock that some gearheads might have is that it's not made in America (it's manufactured in Vietnam), but the craftsmanship and materials are so good that it didn't bother me. That's been my experience with all 5.11 products. Plus, I'm a baller on a budget, so getting stuff that is quality and affordable is a big deal.

There was one zipper endcap that somehow disappeared (see my picture above). Not sure what happened there but it's worth noting.

## BOTTOM LINE

Great bag. I use it every day and plan on using it every day into the foreseeable future. I'd like to do some heavy rucking to really put it through its paces, so when that happens I'll report back.

Also, cats love 5.11 backpacks. I'm not sure why, although perhaps it's the profusion of Molle webbing. My cat has been sitting on the Rush 24 literally all day. This is either a pro or a con depending on if you like cats.



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# The 5.11 Tactical Rush 24 backpack

SWIFT SILENT DEADLY



December 29, 2018 by Matt Jin - 3 Comments

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SWIFT SILENT DEADLY

5.11 Tactical is one of the leading and most recognizable manufacturers of tactical gear. One of their fan favorites is their Rush series of backpacks. 5.11 currently offers their **Rush backpacks** in three different sizes: Rush 12, Rush 24, and **Rush 72**. While I don't have any hands-on experience with the 12 or 72, I have owned the **Rush 24** for a few years now and can speak to its quality. I have used this pack for a myriad of outings at the range, out in the field, and for personal excursions. The countless amount of times I have used this bag is a testament to its proven performance.

**SHOP NOW**

## Specifications

- Hydration pocket
- Durable 1050D nylon (MultiCam®: 1000D nylon)
- Stuff-it pocket with integrated drawcord
- Reinforced grab-and-go handle
- Wrap-around MOLLE/5.11 SlickStick® web platform
- Three mesh admin compartments
- Zippered fleece-lined eyewear pocket
- Zippered side water bottle pocket
- Hook and loop nametape and flag patches
- Water-repellent coating
- 20" H x 12.5" L x 8" D main compartment
- 12.5" x 11" x 2" front pocket
- 18" x 12.5" 2-liter hydration pocket
- 2275 cubic inch / 37-liter total capacity
- Adjustable height sternum strap
- Two external compression straps
- Contoured yoke shoulder strap system
- Twin drainage grommets
- Self-repairing YKK® zippers
- Glove-friendly pull tabs
- Imported

amazon

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Courtesy of 5.11 Tactical

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## My thoughts and review

The **Rush 24** is true to its name. The **bag** is bigger than what the average person would need for a daypack, but probably too small to pack out for more than a couple days. This pack and its 37-liter capacity is an ideal size for overnight use. I would frequently see these bags being carried by soldiers while I was in the military; matter of fact, I still see fellow veterans on campus with the **Rush 24**.

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### Comfort

The **Rush 24** is a comfortable backpack for long days and long distances. I have used this **pack** plenty of times in the field and even used it for hiking instead of my more technical daypacks. What makes this **backpack** so comfortable is the combination of well-designed features: a padded back panel with a plastic frame sheet, contoured shoulder straps, and a height-adjustable sternum strap. My only gripe about the pack is that it does not have a hip belt. A hip belt goes a long way when you have to carry a lot of gear, and it's odd that 5.11 doesn't include one despite having loops stitched on to accommodate one.



### Versatility

I have a variety of different bags to pick and choose from depending on the situation. I don't particularly like this **bag** when I commute because of how much attention it draws, but it does offer great versatility. The **backpack** is covered with MOLLE and so can be configured in countless ways by adding pouches and accessories. That isn't always necessary though because there are more compartments and pockets than I can keep track of; I count 24 at the moment. Having so many different compartments can be a good and bad thing. Most of the pockets are all within two main compartments, so it helps me organize all my gear for the most part without having to fumble around. The **Rush 24** also features a hydration bladder sleeve which is convenient for easy access to water when you're traveling long distances.

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## PACK IT UP:



## 5.11 TACTICAL RUSH72 BACKPACK REVIEW

KNOW PREPARE SURVIVE

### 5.11 Rush 72 Backpack Review - Our New Favorite Bug Out Bag?

Peter Bug Out Bag, Gear

### 5.11 Tactical Rush 72 Backpack



#### PROS

- MOLLE Attachments
- Very roomy
- Comfortable

#### CONS

- Doesn't fit all body types
- More expensive than some models

QUALITY	9.0/10
PRICE	7.5/10
DURABILITY	9.0/10



#### TL;DR

##### Features

Plenty of space, well organized pockets, hydration bladder compatible, comfortable, and tough as nails

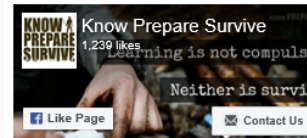
##### Comfort

5.11 checked all the boxes here. Well padded shoulder straps, ventilated back padding, and a sternum strap

##### Price

You pay for quality here. Sure, you can get a cheaper pack but do you want to rely on the cheapest or the best?

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#### BEST OF THE BEST



It is hard to describe to people who just don't get it...

Why [buying the right backpack](#) is so damn important.

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It isn't until you are knee-deep in disaster that you realize that buying the cheaper, not so expensive model was not one of your finest moments.

Always keen to learn from my mistakes – and the trip in question ranks up there with being the only idiot to go to a non-fancy dress party in fancy dress – I vowed never to get myself into a similar predicament again.

That trip is why I came straight home and began to delve into the world of [tactical backpacks](#).

That last sentence made it sound like a bit of a chore, but truth be told, and by the very fact you are reading this page, we both know that researching and buying gear for our hobbies is never a chore; in fact, it's all part of the fun. A quick whizz around the usual sites seemed to throw up the [5.11 Rush 72 Backpack](#) remarkably regularly, so that was sufficient for me to whip out the credit card and place my order.



There then followed the compulsory checking of emails for the next few days in eager anticipation – some might say desperation – for the delivery email.

Well, finally it arrived, so let's get down to the nitty-gritty and see if you should be *rushing* to buy the [5.11 Rush 72 backpack](#).

## Is The Rush 72 For You?



This bag is bloody brilliant unless you are a fanatical bodybuilder type with a physique just like mine (I wish).

In all seriousness, the only real negative that I can find for this bag was that when my heavily muscled friend came round to test out the bag in person, he complained that the straps were just a little too tight around his massive neck.

Hopefully, he won't read this review.

But for any long distance hiking, if you do have big shoulders and are of a stocky disposition, then over time this bag might start to become uncomfortable.

Particularly if you have it stuffed to overflowing with other gadgets and gear.

If, on the other hand, you are slim and perfectly proportioned like me, then I would say that this backpack is perfect for the vast majority of people.

## Features and Benefits Of This Bag

Apart from the huge number of pockets built into the bag, one of my favorite features is the material that it is made out of.

[1000d Nylon Cordura](#) is the perfect combination of a rough, tough, hard wearing material that can take whatever you throw at it, while still being lightweight.

There has been a lot of thought put into the design of this bag, with pockets of various size everywhere.



It also comes with a lot of Molle straps which make it even more useful for lugging more stuff around, although I am not sure my back would agree with that benefit.

For me the point of a backpack is to assist you in carrying all of your equipment and essentials quickly and easily.

You can't blame the equipment if you can't pack for toffee or you overload the bloody thing.

If anything, the fact that you can overload it and it doesn't rip or show signs of damage is yet another positive for this 5.11 tactical backpack.

While we've talked about [what to pack in your bug out bag](#), we've also discussed the dangers of [overloading it](#).

## 5.11 Backpack Specs

- Made with water repellent 1000D Nylon
- Main Compartment measures 23" H x 13.5" L x 8.5" D
- Front Pocket measures 15.5" H x 11.5" L x 2" D
- Left and Right Pockets measure 16.5" H x 6" L x 1.75" D
- Hydration Pocket 21" x 13.5,"
- 55 Liter Capacity

[See full specs here](#)

## What I Liked

There are so many positive things to say about this backpack.

As I have mentioned above, it is sturdy, hard wearing, and yet it doesn't weight a great deal.

The design and implementation of the storage system are first class, and it feels comfortable on your back.

The shoulder straps are nicely padded, which means they don't dig into your shoulders when you are on a long hike.

## What I Didn't Like

Regarding subtlety, this bag fails miserably.

You can forget the whole "gray man" approach.

It virtually jumps up and down screaming to be the center of attention, so if you are conscious of drawing attention, then this may not be the best bag for you.

The second negative, which is subjective, is that I would have liked a partition in the main pocket of the bag.

It is effectively one huge space, which may be perfectly fine for some people, but didn't really suit my style, but that is being harsh.



### Shop Related Products



Maxpedition Falcon-II Backpack (Black)

\$95.00 ✓prime  
★★★★★ (544)



5.11 RUSH24 Tactical Backpack, Medium...

\$129.99 ✓prime  
★★★★★ (1275)



5.11 Tactical RUSH72 Military Backpack, Mo...

\$169.99 ✓prime  
★★★★★ (1183)



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## 5.11 Tactical Rush 72 backpack review

LAST UPDATED ON NOVEMBER 1, 2018 BY SCOTT PAGE



[Click here for the lowest price on Amazon](#)

The **5.11 Tactical Rush 72** is a versatile, rugged backpack that is designed to be a full-featured 72 hour tactical bag.

Among the Rush line, which is their flagship backpack line, the 72 ranks as one of our favorites in our [Best Tactical Backpacks](#) and [Best Bug Out Bags](#) articles.

Not only does it look pretty cool, it comes with some amazing features as well. With a large stuff-it pocket and excellent internal organizational pockets it makes stowing your gear easy. It also has strategic pockets for your different gear and helps keep it all organized. We also liked the [5.11 Tactical Rush 24](#), which is a smaller version of the 72. They both are very popular and have created quite the buzz with their fans.

The pack is available in 7 different colors depending on your preference. Although the primary usage of tactical backpacks comes from law enforcement, medical personnel & military personnel, they are becoming more popular among the civilian world. From [preppers](#) to hikers, the need for a quality tactical backpack is rising.

### WELCOME TO BESTSURVIVAL



Hey guys, my name is Scott and I am the founder of bestsurvival.org. I am an avid outdoorsman, hunter, and prepper. I am passionate about finding quality gear to fuel your next adventure!

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[Ranking The 10 Best Body Armor \(Bulletproof Vest\) of 2019](#)

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## Fieldline Tactical Alpha Ops Daypack: No Rush to Get This One

Sometimes everything *is* what it seems and you *should* call a spade a spade. I had never come across the Fieldline brand until their Tactical Alpha Ops Daypack was [found](#) by members on EDC Forums at Walmart for a meager twenty bucks. The Alpha Ops is a clone of 5.11's RUSH 12 pack.

Knock-offs set off red flags for me. Most of the time they are just cheap crap. Was this Fieldline pack one of the rare exceptions? Unfortunately – no.

I found a few at my local Wally World, which according to their website was the only store in a 50-mile radius that had them in stock. The Alpha Ops wasn't hard to pick out.



At first glance, the Fieldline Tactical Alpha Ops Daypack looks very similar to the RUSH 12. Notice the crease in the nylon. More on that later...

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The Admin panel has the same layout as the RUSH 12. The stitching is a little sloppy, but not a huge deal.



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So, you say, what's the problem? Well, upon closer inspection, the rails start to leave the track. The interior nylon used is horribly thin. Notice how you can see my finger through the material. Also, the zippers are not YKK.



The keeper clip is a joke. Try hanging anything substantial on that. I dare you. I almost broke it just messing with it.





The main compartment opens only three quarters on one side due to a nylon hydration half pocket impeding the zipper. Very strange.



Again, the quality of the materials are not great. The mesh on the interior zipper pockets is thin and almost guaranteed to snag and eventually tear.



Again, some quality control issues with the stitching...



Here is a shot of the straps and back panel. Not sure what weight of material is used for the outer shell, but another crease... this time in the yoke. I have a hard time believing it's 600 denier nylon.



## FINAL THOUGHTS

Look, I like saving a buck as much as the next guy. And I know this pack is only twenty bucks. However, in this case, you REALLY get what you pay for. 5.11, as a company, isn't best-in-show when it comes to bulletproof build quality but their stuff is on a different planet quality wise compared to this product. I should know. I've owned three of their packs now - the RUSH 24, COVRT 18, and the PUSH pack.

Here is my advice to you if that \$20 is burning a hole in your pocket. If you're here in the States, go down to your local discount store ( e.g. TJ Maxx, Ross Dress for Less, Marshalls, etc.) and scan their pack aisle for bargains. Believe me, you're more likely to find a quality daypack in the \$20-30 range there than here.

---

**Share this:**



# dentReviews

Monday, October 21, 2013

## 5.11 Rush 12 Tactical Bag Knockoff!

Wow. I was at Wally World (yuck) today, and I happen to notice a bag in the sporting goods section. Why would such a bag catch my attention? Perhaps, because I couldn't believe Walmart would sell something awesome like the Rush 12 by 5.11.

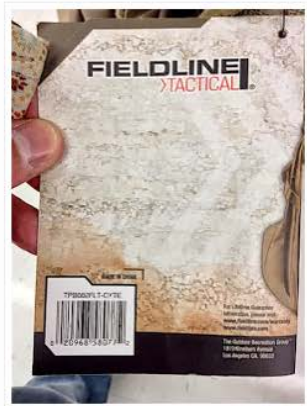
Oh wait... That isn't a Rush 12. Or is it? At \$25 obviously it is not. A pretty good knockoff though. Down to every last compartment. The only real thing missing are a few pieces of Molle webbing on the shoulder straps. Not bad for \$25. However, I can tell you that the materials are far from durable compared to the 5.11. They all felt thin and weak. They remind me of the material you might find in a really cheap school backpack for kids. Or a cheap stuff sack made of basic nylon. Thin and noisy.

Take a look. The knockoff on the left, my rush 12 on the right:



### Blog Archive

- ▼ 2013 (1)
- ▼ October (1)
- [5.11 Rush 12 Tactical Bag Knockoff!](#)





# SOLDIER SYSTEMS

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« Pre-Order Your 2015 Hot Shots Calendar  
Aimpoint Officially Launches New Micro T-2 Sight »

## This Pack Found At Walmart Looks Very Familiar

We received a message Friday about a new line of tactical gear at Walmart. The SOG line appears to be from SOG Specialty Knives & Tools but they aren't available through their website, only through Walmart. Although there are numerous clones in the line, we decided to concentrate on the **SOG Squadron Pack** which bears a striking resemblance to the **5.11 Tactical Rush 24** backpack.



Essentially, both are about the same size and serve the same purpose as backpacks but we don't believe that the 5.11 Tactical product is patented. Instead, we see something amiss that is going to start showing up a lot; Trade Dress. For those unfamiliar with the term, it's a form of intellectual property. Trade dress is a legal term of art that generally refers to characteristics of the visual appearance of a product or its packaging that signify the source of the product to consumers.

SOG Squadron Pack

5.11 Tactical Rush 24

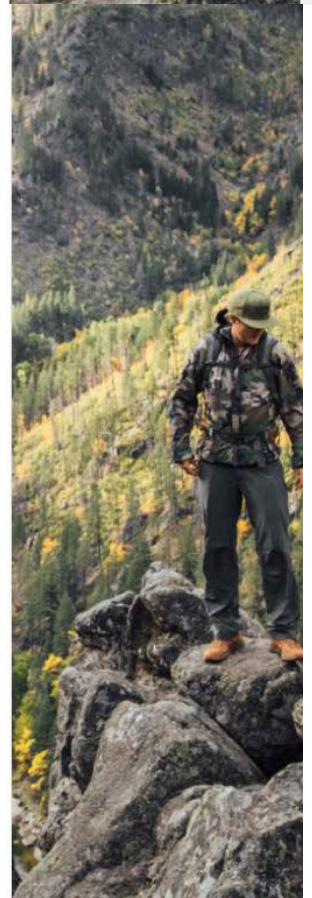
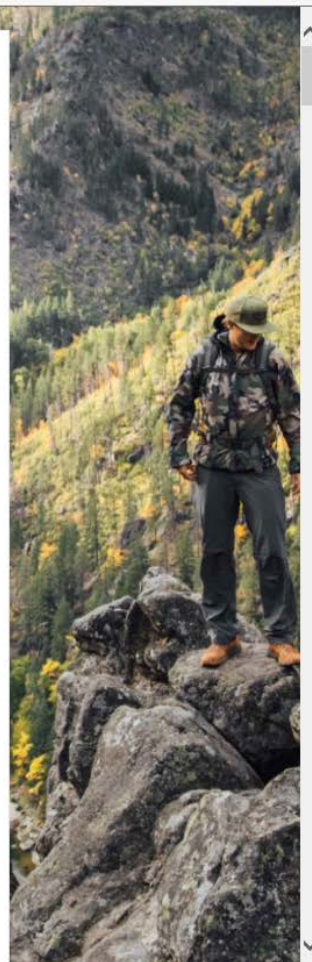


As you can see, aside from the overall look of the packs, there are several features in particular that are the same. What remains to be seen is if 5.11 Tactical has noticed (we are pretty sure they will after this story) and what, if anything they might do about it.



Tags: [5.11 Tactical](#), [SOG](#), [Walmart](#)

This entry was posted on Wednesday, October 1st, 2014 at 10:00 and is filed under [Industry](#), [Packs](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.



# EXHIBIT 3

## SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT (the "Agreement") effective as of the last execution date of the Agreement (the "Effective Date"), is entered into by and between 5.11, Inc., a California corporation with its principal place of business located at 1360 Reynolds Avenue #101, Irvine, California 92614 ("5.11") and RFCM Inc. d/b/a Monstrum Tactical, a California corporation with its principal place of business located at 24301 Briones Drive, Laguna Niguel, California 92677 ("Monstrum"). For purposes of this Agreement, 5.11 and Monstrum may individually be referred to as a "Party" or collectively as the "Parties."

### Recitals

WHEREAS, 5.11 alleges that Monstrum's *Tactical BP01 24L MOLLE Backpack* depicted in Exhibit A infringes 5.11's trade dress in the overall design and ornamental features of 5.11's RUSH24™ product depicted in Exhibit B ("RUSH24 Trade Dress");

WHEREAS, without admitting infringement or liability and in part to avoid the expense and risks associated with litigation, the Parties now desire to settle this matter,

NOW, THEREFORE, in consideration of the covenants, agreements, obligations, and promises set forth below, the Parties agree as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Monstrum agrees not to make, use, display, advertise, market, promote, sell, offer to sell, or import into the United States the *Tactical BP01 24L MOLLE Backpack* or any other products that are confusingly similar to the RUSH24 Trade Dress.
4. Monstrum agrees that the RUSH24 Trade Dress is distinctive, valid and enforceable.
5. Monstrum agrees not to challenge or contest the validity or enforceability of the RUSH24 Trade Dress, and not to cooperate with any third-party in challenging or contesting the validity or enforceability of the RUSH24 Trade Dress, unless required by law.
6. Monstrum agrees that no later than ten (10) calendar days after the Effective Date, it will destroy all remaining inventory of the *Tactical BP01 24L MOLLE Backpack*. No later than twenty-one (21) days after the Effective Date, Monstrum shall provide 5.11's counsel with



written certification under penalty of perjury signed by an officer of Monstrum, certifying that Monstrum has destroyed all remaining inventory of the *Tactical BP01 24L MOLLE Backpack*.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. The Parties may disclose this Agreement and its terms to their respective professional legal and/or financial counsel, relevant governmental agencies, or as required by law. For the

avoidance of doubt, 5.11 may disclose this Agreement to the United States Patent & Trademark Office for any purpose. Excluding the forgoing, no Party shall disclose this Agreement or its terms publicly or to any other third party without the consent of the non-disclosing Party.




17. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute one and the same instrument. Any signature evidenced by fax or scanned and emailed shall have the same force and effect as an original ink signature, provided that it is actually the signature of that person.

18. The individuals executing this Agreement on behalf of the Parties hereby acknowledge and state that they have the authority and all necessary approvals or consents to execute this Agreement and to bind the respective corporation or company to the terms and conditions hereto.

IN WITNESS THEREOF, the Parties have caused their names to be subscribed and this Agreement as of the dates provided below.

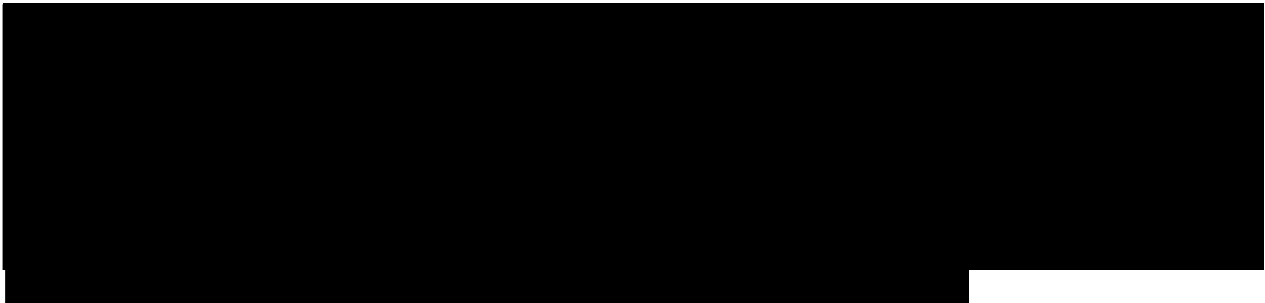
**5.11, Inc.**

**RFCM Inc. d/b/a Monstrum Tactical**

  
Name: John F. Wicks  
Title: VP General Counsel  
Date: 8/1/10  
23845496

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

avoidance of doubt, 5.11 may disclose this Agreement to the United States Patent & Trademark Office for any purpose. Excluding the forgoing, no Party shall disclose this Agreement or its terms publicly or to any other third party without the consent of the non-disclosing Party.



17. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute one and the same instrument. Any signature evidenced by fax or scanned and emailed shall have the same force and effect as an original ink signature, provided that it is actually the signature of that person.


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**5.11, Inc.**

**RFCM Inc. d/b/a Monstrum Tactical**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
23845496

  
\_\_\_\_\_  
Name: Xiao Zou  
Title: President  
Date: 08-01-2016

**EXHIBIT A**

Monstrum's *Tactical BP01 24L MOLLE Backpack*





**EXHIBIT B**  
5.11's RUSH24 Trade Dress



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