

## DECLARATION OF ALEX McARTHUR

Serial No: 87/919,763  
Mark: PURPLE  
Applicant: Purple Innovation, LLC

I, Alex McArthur, declare under penalty as follows:

1. I am over the age of eighteen and competent to make this Declaration.
2. The facts stated in this Declaration are within my personal knowledge and are true.
3. I am the Chief Marketing Officer for Purple Innovation, LLC, the Applicant of record for the trademark application for the PURPLE mark.
4. I manage the marketing and advertising for Purple Innovation, LLC and make executive decisions on ad spend, ad run, trademark filings and track the visits to the website, page views, session times, *etc.*
5. The main website for the goods offered under the PURPLE mark is <https://purple.com> ("PURPLE Website"). At the PURPLE Website the PURPLE mark appears on every page, including the top of the home page. An image of the homepage is attached as Exhibit A.
6. Since January 17, 2016 Purple Innovation, LLC has spent more than \$100 million on paid advertising utilizing the PURPLE mark.
7. Since Purple Innovation, LLC's inception it has had over 700 million views on its YouTube channel.
8. Since Purple Innovation, LLC's inception it has tracked over 19 million hours of time of its videos watched which equals over 2,261 years of watching time.
9. Purple Innovation, LLC has had over 580 million video views on Facebook.
10. Purple Innovation, LLC has had over 4.7 billion impressions on Facebook.
11. Purple Innovation, LLC has engaged the likes of Disney in advertising and marketing campaigns over the last year as evidenced in Exhibit B.

12. Purple Innovation, LLC has engaged multiple players of the National Basketball Association (NBA) in our advertisements who have provided endorsements to our product with the PURPLE mark as evidenced in Exhibit C.

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 statement made jeopardize the validity of the application for any resulting registration, declares that all statements made of his or her own knowledge are true and that all statement made on information are believed to be true.



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Alex McArthur

Name

\_\_\_\_\_  
Chief Marketing Officer

Title

\_\_\_\_\_  
August 30, 2018

Date

## Exhibit A

The screenshot shows the Purple website homepage. At the top, there is a purple navigation bar with the text "EARLY LABOR DAY SALE: GET FREE SHEETS WITH ANY MATTRESS PURCHASE". Below this, the Purple logo is on the left, and navigation links for "MATTRESSES", "PILLOW", "ALL PRODUCTS", "REVIEWS", "BLOG", and "SUPPORT" are on the right. The main content area has a dark blue background with the headline "Life's too short to be uncomfortable." and a video player featuring a woman with curly hair. To the right of the video, there is a list of three bullet points, each with a checkmark icon.

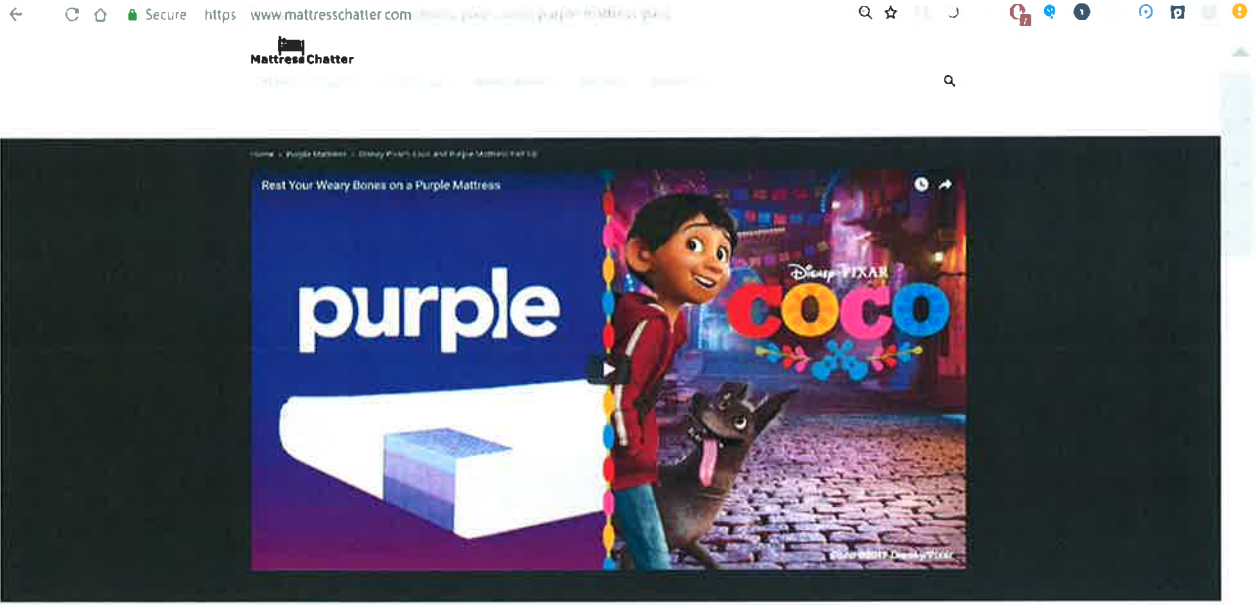
purple MATTRESSES PILLOW ALL PRODUCTS REVIEWS BLOG SUPPORT

### Life's too short to be uncomfortable.

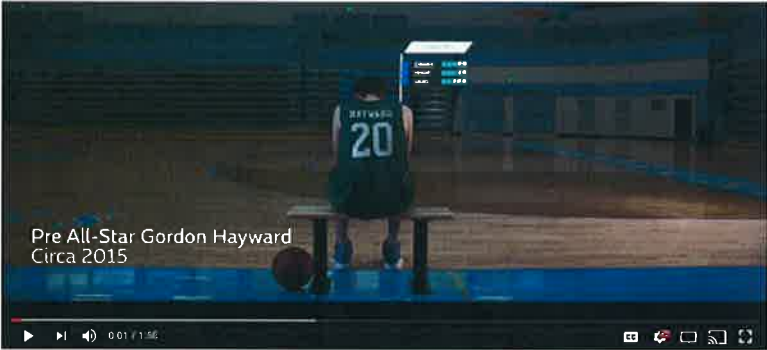
Goldilocks found a mattress that's just right, and now you can too.

- ✓ Purple has comfort products for your bedroom and booty
- ✓ Revolutionary technology is unlike anything else
- ✓ Each product was developed using hardcore science

## Exhibit B



# Exhibit C



Pre All-Star Gordon Hayward  
Circa 2015

How did Gordon Hayward become a B-Ball All Star?

DESCRIPTION

**Purple**  
11.8K subscribers

Well, partly because of his teammate Joe Ingles, partly because he's really good, but mostly because he gets great recovery from sleeping on a Purple! Mattress! Get yours today!  
<https://goo.gl/xqgGK> Subscribe [http://www.youtube.com/c/Purple?sub\\_c...](http://www.youtube.com/c/Purple?sub_c...)

SUBSCRIBE 11.8K

- HOT ONE! 55+ E15  
Alton Brown Rigorously Reviews Spry Wings | Hot Ones 24:30
- Amazing Grace (My Chains Are Gone) | BYU Noteworthy (Chris... 4:30
- How To Make A Rope Making Machine 6:29
- HIM | Scared To Death (Video) 3:22
- "HOW???" 12:05
- DOCTOR WATCHES HOUSE #2 | "Three Stories" | Medical... 17:21
- We Three - Heaven's Not Too Far (Lyric Video)