

DECLARATION OF JESSE WINDRIX

I, Jesse Windrix, declare:

I am the developer and manufacturer of Transform supplements and have handled all legal and customer complaint issues for Transform since its inception. I have personal knowledge of the following facts and, if called as a witness, would competently testify thereto.

1. Transform has been for sale since about December of 2008 through its own website and through at least one distributor. Transform has provided dietary supplements for the serious body builder and has developed a reputation in that niche for various products.

2. Transform is not aware of any instances of actual confusion, or any evidence to indicate that actual confusion has ever existed between Transform's use of the mark TRANSFORM and EVL's use of the mark TRANS4ORM, or any other creative misspelling of the TRANSFORM mark. Transform has never received any communication from EVL or from any third party contending that Transform's use of its mark has caused confusion with any consumers or with regard to any other business which uses or incorporates the word Transform or a variant thereof in its mark, in any way. Transform has no knowledge of ever receiving any inquiries from consumers regarding the TRANS4ORM product. Transform has never received any communication from consumers or any third party inquiring as to whether Transform was in any way affiliated with EVL or the TRANS4ORM product.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on March 23, 2020, in Allen Texas.



Jesse Windrix