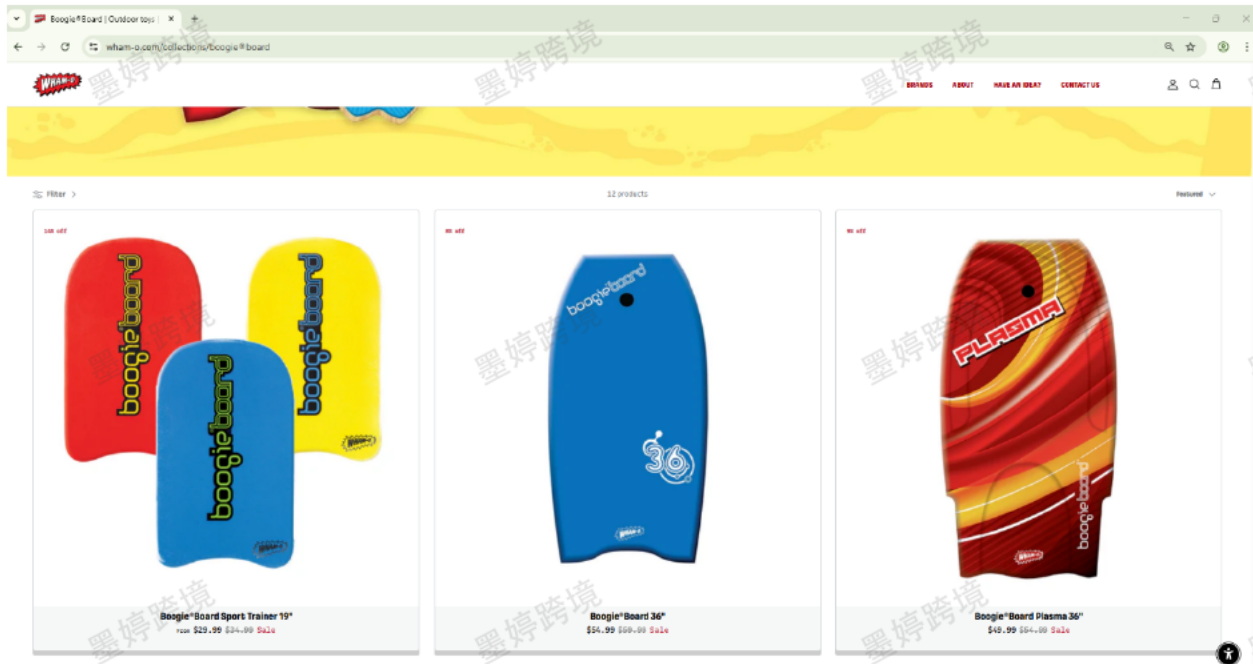


sole source of goods sold thereunder. Such goods are referred to herein as (the “WHAM-O Products”):



14. This action has been filed to combat online trademark infringers who trade upon Plaintiffs’ reputation and goodwill, and other valuable intellectual property, by selling and/or offering for sale unauthorized and infringing versions of the BOOGIE BOARD Products (hereafter, the “Infringing Products”) in violation of Plaintiffs’ federally registered trademarks.

15. Plaintiff WHAM-O HOLDING LTD. is the registered owner of U.S. Trademark Registration Nos. 4,003,453; 2,496,140; 7,730,001; and 7,730,000 (collectively the “BOOGIE BOARD Trademarks”).

| Trademark | Registration No. | Goods and Services                                               |
|-----------|------------------|------------------------------------------------------------------|
| BOOGIE    | 4003453          | IC 028: Snow sleds for recreational use; toboggans; body boards; |

|                                                                                   |         |                                   |
|-----------------------------------------------------------------------------------|---------|-----------------------------------|
| BOOGIE                                                                            | 2496140 | IC 028: bodyboards.               |
| BOOGIE BOARD                                                                      | 7730001 | IC 028: Body boards; skim boards. |
|  | 7730000 | IC 028: Body boards; skim boards. |

16. The BOOGIE BOARD Trademarks are famous, inherently distinctive and/or have acquired distinctiveness through extensive use in commerce.

17. The BOOGIE Trademark registrations are valid, subsisting, unrevoked, uncanceled, and incontestable pursuant to 15 U.S.C. § 1065, having been used in commerce consistently for more than five years since registration. The registrations constitute prima facie evidence of the validity of the BOOGIE BOARD Trademarks, Plaintiffs' ownership thereof, and Plaintiffs' exclusive right to use the BOOGIE BOARD Trademarks in commerce and otherwise pursuant to 15 U.S.C. § 1057(b).

18. True and correct copies of the registration certificates for the BOOGIE BOARD Trademarks are attached as Exhibit 1 and are incorporated herein by reference.

19. The WHAM-O Trademarks have been the subject of substantial and continuous marketing and promotion by Plaintiffs. Plaintiffs have and continue to market and widely promote the WHAM-O Trademarks in the industry and to consumers. Plaintiffs' promotional efforts include — by way of example, but not limitation — substantial print media, the WHAM-O website and social media sites, and point of sale materials.

20. The BOOGIE BOARD Trademarks have been continuously used and have never been abandoned. The BOOGIE trademark registrations are valid, subsisting, and in full force and effect.