

I, Judy Pettersen declare the following:

1. I am a citizen of Canada, and reside at 390 Queen Street, Flin Flon, Manitoba, Canada. My husband and I founded a company, 3419356 Manitoba Ltd, which operated as Pettersen Infant Products Ltd from October 1989 through December 2014. Pettersen Infant Products Ltd. is no longer an operating entity. At all relevant times, I was an owner of Pettersen Infant Products Ltd., and was involved in the design, development, and distribution of all of its products.
2. I make the following statements based on personal knowledge and records kept by Pettersen Infant Products Ltd in the ordinary course of business.
3. Pettersen Infant Products Ltd. produced and distributed a baby carrier that I designed that was commercially known as the babyTrekker. I made the first babyTrekker in January 1987 for use with my daughter, who was born in 1986.
4. By October 1989, Pettersen Infant Products Ltd. had begun distributing and selling the babyTrekker through a combination of mail order and specialty retailers.
5. By at least late 1998, Pettersen Infant Products launched a website for the babyTrekker, [www.babytrekker.com](http://www.babytrekker.com) (“the babyTrekker Website”),

which contained product information and permitted online orders of the babyTrekker. A web archive of the “Home” page of the babyTrekker Website as of December 3, 1998 is attached as Exhibit A.

6. It was the standard practice of Pettersen Infant Products Ltd. to include a printed instruction manual with each baby carrier sold, whether in the United States or around the world. This practice was in effect during all relevant times in which the babyTrekker was sold, which was from 1989 to 2014.
7. Exhibit B is a copy of the babyTrekker printed manual that I distributed with the babyTrekker by at least 1998. This manual was distributed without any confidentiality restrictions. The last page of the manual contains a stamp “©1998,” which I applied to the manual contemporaneous with its distribution in 1998. It was my standard practice to stamp each manual with the year in which it was printed.
8. By at least July 6, 2000, the babyTrekker Website also contained a link to download the product manual. Exhibit C contains web archive printouts of the babyTrekker Website as of July 6, 2000 and August 3, 2001, each of which shows a link to the manual existing as of that date with the instruction, “Download the BabyTrekker manual in PDF format.”

9. The web archive printout of the babyTrekker website link to the online manual from April 2003 is attached as Exhibit D, and is identical to the printed version stamped “©1998.” Further, the metadata indicates that this document was “last modified” on July 26, 1999, as shown in Exhibit E. This is consistent with my personal knowledge that the manual attached as Exhibit B was distributed with the babyTrekker between 1998 and at least April 2003, and further publicly available for download without confidentiality restrictions on the babyTrekker Website from July 2000 to at least April 2003.
10. I estimate that, between 1998 and by September 2002, Pettersen Infant Products sold thousands of babyTrekkers, including sales to customers in the United States, each of which were distributed along with the product manual shown in Exhibit B. Exhibit F is a web archive of the babyTrekker Website as of February 18, 1999, which shows that the babyTrekker was for sale in the United States for \$65.00 through the website.

I hereby declare that all statements made herein of my own knowledge are true and made under penalty of perjury; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

July 5, 2010

Judy Pettersen

# Exhibit A

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