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January 7, 2015

BY FEDERAL EXPRESS
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Attention: Secretary of the Commission

Re: Toyobo U.S.A. Inc.
Request For Designation of New Generic Fiber Name "Polyacrylate" Under The Textile Fiber Products Identification Act

To Whom It May Concern:

On behalf of our client, Toyobo U.S.A. Inc. ("Toyobo"), located at 1540 Broadway, 25th floor, New York, NY 10036, we hereby submit this application requesting the designation of a new generic fiber name and definition pursuant to 16 CFR §303.8.

Polyacrylate fiber manufactured by Toyobo is a unique heat-generating fiber with moisture absorption and release characteristics unlike any other product in the marketplace. For the reasons set forth below, we believe that the chemical composition of these polyacrylate fibers is radically different from other fibers identified by one of the generic names already established by the Commission in 16 CFR §303.7. Moreover, the unique chemical composition of polyacrylate results in distinctive physical properties of significance to the general public. Therefore, we respectfully request that the Commission designate the term "polyacrylate" as a new generic fiber name for purposes of the Textile Fiber Products Identification Act ("TFPIA"), 15 USC §§70-70k.

BACKGROUND

I. Toyobo U.S.A. Inc.

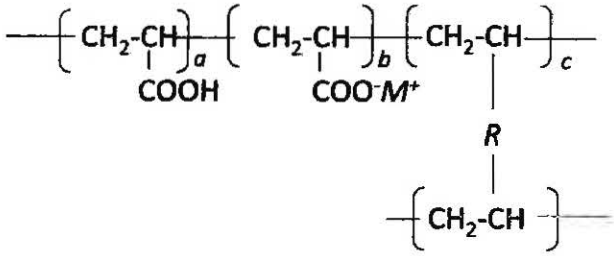
Toyobo Company, Ltd., a publicly-traded company based in Japan, was founded in 1882 when it began its spinning and textile manufacturing business. Today, the parent company's products are manufactured and sold internationally through four separate business segments: films and functional polymers, industrial materials, life science, and textiles.

Toyobo Company is one of Japan's leading manufacturers of fibers and textiles, including synthetic fibers (polyester, nylon and acrylics) and natural fibers, such as cotton and wool. The company's textiles are designed for clothing and home furnishings, as well as for industrial uses such as automotive filters, airbag fabrics and tire cords. Toyobo Company's textiles business segment engages in all aspects of fiber, yarn and textile production and sales, including the manufacture of synthetic fibers, spinning, weaving, knitting, dyeing of fabric, and the wholesaling and trading of textiles in Japan and internationally. Toyobo U.S.A. Inc. is a wholly-owned subsidiary of Toyobo Company responsible for the promotion, marketing and sales of the company's products in the United States.

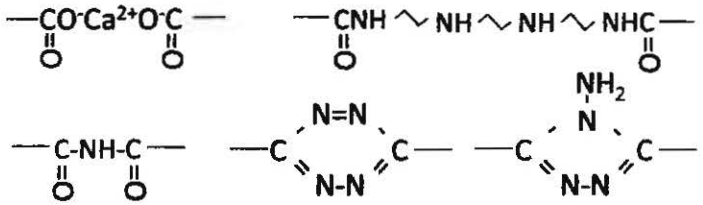
II. Polyacrylate Fiber

A. General Description

Polyacrylate is represented by the following chemical structure:



As shown, polyacrylate comprises an acrylate structural component that is cross-linked with another polymer chain. "M+" in the above figure represents metal ions, such as Na^+, Ca^+, K^+, Mg^{2+}, etc. "R", meanwhile, represents the cross-linking structure, examples of which include:



In all cases, the finished polyacrylate fiber must be composed of greater than 25% by weight of acrylate units and less than 10% by weight of acrylonitrile units to exhibit the unique physical and performance characteristics that render the fiber particularly useful for cold-weather fabrics as described further below.

Selected physical properties of polyacrylate fiber include the following:

Melting point	Not available[1]
Decomposition temp.	Over 250° C
Flash temp.	Over 300° C
Ignition temp.	Over 500° C
Density	1.4 g/cm^3

B. Manufacturing Process

The production of polyacrylate begins with an acrylonitrile-series polymer fiber containing 40% by weight or more (preferably 50% by weight or more) of acrylonitrile. This base fiber is then treated with a a crosslinking reagent such as a hydrazine compound.[2] After this crosslinking step any nitrile groups remaining uncrosslinked are removed by hydrolysis, and salt-type carboxyl groups are introduced into the remaining parts. As explained in greater detail below, the polyacrylate fiber obtained from this process exhibits a tensile strength of approximately 0.5-1.5 cN/dTex under preferable conditions. Further, it absorbs and releases moisture at a fast rate, exhibits excellent heat-generating properties, and possesses antibacterial properties and flame retardancy.

Samples of two different types of polyacrylate fiber (Type A and Type B referenced below) are included with this petition.

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1 Polyacrylate does not melt, and therefore there is no melting point.

2 Examples of the hydrazine compounds that may be used for this purpose include hydrazine hydrate, hydrazine sulfate, hydrazine hydrochloride, hydrazine hydro bromide and hydrazine carbonate, and may further include compounds containing two or more amine groups, such as ethylenediamine, guanidine sulfate, guanidine hydrochloride, guanidine phosphate and melanin.

C. Performance Characteristics

The unique chemical structure of polyacrylate yields certain performance characteristics that make the fiber ideally suited for use in cold-weather apparel. Polyacrylate is an ionic polymer, and thus absorbs water vapor from the body in a much higher quantity and at a much faster rate than other fibers. The following chart shows the significantly higher moisture absorption rate for two different types of polyacrylate fibers compared to acrylic, for example[3]:

Saturated Moisture Absorption Rate	Polyacrylate Type B	Polyacrylate Type A	Acrylic
20° C x 50% RH[4]	28.8%	16.0%	2.6%
20° C x 65% RH	37.4%	23.2%	2.9%
20° C x 95% RH	74.5%	39.5%	3.7%

The extremely high water absorbency of polyacrylate has two important consequences. First, high absorbency keeps excess moisture away from the body, allowing the person wearing the garment to be more comfortable.[5] Second, by absorbing water vapor from the body, the polyacrylate fiber actually generates heat for the wearer through the enthalpy of condensation (i.e., the latent heat of the water vapor is released to the body upon the condensation of the vapor in the fiber). Therefore, garments manufactured with polyacrylate fiber keep the wearer significantly warmer and drier than comparable garments manufactured with other fibers. See, e.g., the Toyobo brochure attached as Exhibit B, summarizing the relative temperature and humidity absorption of polyacrylate fibers compared with existing recognized generic fibers such as polyester, nylon, cotton, silk, rayon and wool.

Moreover, in addition to absorbing water at a faster rate than other fibers, polyacrylate also releases water at a much faster rate than other fibers. This allows garments manufactured with polyacrylate to dry up to three times faster than cotton garments, and significantly faster than garments constructed of other generic fibers. See the "Dryness" section of the Toyobo brochure attached as Exhibit B.

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[3] This information was taken from a third party test of polyacrylate performed by Boken Quality Evaluation Institute, Japan's leading comprehensive testing organization (http://www.boken.or.jp/languages/english.htmlf). A copy of this test report is attached for your reference as Exhibit A.

[4] RH = Relative Humidity.

[5] Indeed, one non-fiber polyacrylate – sodium polyacrylate – is a "superabsorbent polymer" that can absorb up to 200-300 times its weight in water and is the primary constituent of disposable diapers. See, e.g., http://en.wikipedia.org/wiki/Sodium_polyacrylate.

III. Proposed Generic Name And Definition

Based upon the information presented here, we ask that the Commission adopt the following new generic name and definition for polyacrylate fiber under 16 CFR §303.7:

> ***Polyacrylate:*** **A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of greater than 25 percent by weight of acrylate units and less than 10 percent by weight of acrylonitrile units.**

DISCUSSION

I. Textile Fiber Products Identification Act Requirements And Standards For Designation Of New Generic Fiber Names

The Textile Fiber Products Identification Act ("TFPIA"), 15 USC §§70-70k, requires marketers to attach a label to each covered textile product disclosing: (1) the generic names and percentages by weight of the constituent fibers in the product; (2) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the registered identification number ("RN number") of such company; and (3) the name of the country where the product was processed or manufactured.

The TFPIA regulations at 16 CFR §303.6(a) provide that "[e]xcept where another name is permitted under the Act and regulations, the respective generic names of all fibers present in the amount of 5 per centum or more of the total fiber weight of the textile fiber product shall be used when naming fibers in the required information; as for example: 'cotton,' 'rayon,' 'silk,' 'linen,' 'nylon,' etc." The regulations at 16 CFR §303.7 establish generic names for certain manufactured fibers, and also recognize as acceptable the generic names for manufactured fibers, together with their respective definitions, set forth in International Organization for Standardization ISO 2076: 1999(E), "Textiles—Man-made fibers—Generic names." These generic manufactured fibers have been found by the Commission to be individually unique and distinctive by virtue of their chemical composition and physical properties.

Importantly, the TFPIA regulations at 16 CFR §303.8 include procedures for the establishment of new generic fiber names for manufactured fibers that are not accurately described by the existing names recognized by the Commission. According to this regulation, an application requesting a new generic fiber name must include:

(1) The reasons why the applicant's fiber should not be identified by one of the generic names already established by the Commission in 16 CFR §303.7;

(2) The chemical composition of the fiber, including the fiber-forming substances and respective percentages thereof, together with samples of the fiber;

(3) Suggested names for consideration as generic, together with a proposed definition for the fiber;

(4) Any other information deemed by the applicant to be pertinent to the application, including technical data in the form of test methods; and

(5) The earliest date on which the application proposes to market or handle the fiber in commerce for other than developmental or testing purposes.

Upon receipt of an application for a new generic name, the Commission must, within 60 days, either deny the application or assign to the fiber a numerical or alphabetical symbol for temporary use during further consideration of the application.

In 1973, at the conclusion of the rulemaking that led to creation of the new generic name "aramid," the Commission declared the following policy for adopting generic fiber names:

[T]he Commission, in the interest of elucidating the grounds on which it has based this decision and shall base future decisions as to the grant of generic names for textile fibers, sets out the following criteria for grant of such generic names.

(1) The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

(2) The fiber must be in active commercial use or such use must be immediately foreseen.

(3) The grant of the generic name must be of importance to the consuming public at large, rather than to a small group of

knowledgeable professionals such as purchasing officers for large Government agencies.

See 60 Fed. Reg. 62353 (December 6, 1995).

II. Polyacrylate Cannot Be Identified By One Of The Generic Names Already Established By The Commission In 16 CFR §303.7.

As explained in the Background section above, polyacrylate has a chemical composition that is radically different from other fibers, and this unique chemical composition directly results in distinctive physical properties of significance to the general public – specifically, moisture absorption in a much higher quantity and at a much faster rate than other generic fibers already recognized by the Commission. This ability to absorb moisture allows the creation of cold-weather garments that are both drier and warmer than others constructed from existing generic fibers.

The polyacrylate at issue is a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of greater than 25 percent by weight of acrylate units and less than 10 percent by weight of acrylonitrile units. Importantly, a review of the existing generic fiber names and definitions already established by the Commission in 16 CFR §303.7 clearly demonstrates that none of these existing terms accurately describe the polyacrylate fibers manufactured by Toyobo.

A. Acrylic

Acrylic is defined in 16 CFR §303.7(a) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of acrylonitrile units." Polyacrylate has less than 10% acrylonitrile units, and thus does not meet the FTC definition of acrylic.

B. Modacrylic

Modacrylic is defined in 16 CFR §303.7(b) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85 percent but at least 35 percent by weight of acrylonitrile units". Polyacrylate has less than 10% acrylonitrile units, and thus does not meet the FTC definition of modacrylic.

C. Polyester

Polyester is defined in 16 CFR §303.7(c) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, including but not restricted to substituted terephthalate units, and para substituted hydroxy-benzoate units". Polyacrylate is not composed of at least 85% by weight of an ester of a substituted aromatic carboxylic acid, and therefore does not meet the FTC definition of polyester.

D. Rayon

Rayon is defined in 16 CFR §303.7(d) as "a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogens of the hydroxyl groups." Polyacrylate is not composed of regenerated cellulose, and thus does not meet the FTC definition of rayon.

E. Acetate

Acetate is defined in 16 CFR §303.7(e) as "a manufactured fiber in which the fiber-forming substance is cellulose acetate." Polyacrylate is not composed of cellulose acetate, and thus does not meet the FTC definition of acetate.

F. Saran

Saran is defined in 16 CFR §303.7(f) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 80 percent by weight of vinylidene chloride units." Polyacrylate is not composed of at least 80 percent by weight of vinylidene chloride units. and thus does not meet the FTC definition of saran.

G. Azlon

Azlon is defined in 16 CFR §303.7(g) as "a manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins." Polyacrylate is not composed of any regenerated naturally occurring proteins, and thus does not meet the FTC definition of azlon.

H. Nytril

Nytril is defined in 16 CFR §303.7(h) as "a manufactured fiber containing at least 85 percent of a long chain polymer of vinylidene dinitrile where the vinylidene dinitrile content is no less than every other unit in the polymer chain." Polyacrylate does not contain at least 85 percent of a long chain polymer of vinylidene dinitrile, and thus does not meet the FTC definition of nytril.

I. Nylon

Nylon is defined in 16 CFR §303.7(i) as "a manufactured fiber in which the fiber-forming substance is a long-chain synthetic polyamide in which less than 85 percent of the amide linkages are attached directly to two aromatic rings." Polyacrylate is not a long-chain synthetic polyamide, and therefore does not meet the FTC definition of nylon.

J. Rubber

Rubber is defined in 16 CFR §303.7(j) as "a manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber", including manufactured fibers in which the fiber-forming substance is:

1) a hydrocarbon such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes and hydrocarbons, or amorphous (noncrystalline) polyolefins; or

2) a copolymer of acrylonitrile and a diene (such as butadiene) composed of not more than 50 percent but at least 10 percent by weight of acrylonitrile units; or

3) a polychloroprene or a copolymer of chloroprene in which at least 35 percent by weight of the fiber-forming substance is composed of chloroprene units.

Polyacrylate is not a natural rubber, is not a copolymer of dienes and hydrocarbons or amorphous polyolefins, is not a copolymer of acrylonitrile and a diene, and is not a polychloroprene or a copolymer of chloroprene. Therefore, polyacrylate does not meet the FTC definition of rubber.

K. Spandex

Spandex is defined in 16 CFR §303.7(k) as "a manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer comprised of at least 85 percent of a segmented polyurethane". Polyacrylate is not comprised of

at least 85 percent of a segmented polyurethane, and therefore does not meet the FTC definition of spandex.

L. Vinal

Vinal is defined in 16 CFR §303.7(l) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50 percent by weight of vinyl alcohol units, and in which the total of the vinyl alcohol units and any one or more of the various acetal units is at least 85 percent by weight of the fiber". Polyacrylate is not composed of at least 50 percent by weight of vinyl alcohol units, and therefore does not meet the FTC definition of vinal.

M. Olefin

Olefin is defined in 16 CFR §303.7(m) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of ethylene, propylene, or other olefin units, except amorphous (noncrystalline) polyolefins qualifying under paragraph (j)(1) of this section". Polyacrylate is not composed of at least 85 percent by weight of ethylene, propylene, or other olefin units, and therefore does not meet the FTC definition of olefin.

N. Vinyon

Vinyon is defined in 16 CFR §303.7(n) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of vinyl chloride units". Polyacrylate is not composed of at least 85 percent by weight of vinyl chloride units, and therefore does not meet the FTC definition of vinyon.

O. Metallic

Metallic is defined in 16 CFR §303.7(o) as "a manufactured fiber composed of metal, plastic-coated metal, metal-coated plastic, or a core completely covered by metal". Polyacrylate is not composed of any metal or metal coating, and therefore does not meet the FTC definition of metallic.

P. Glass

Glass is defined in 16 CFR §303.7(p) as "a manufactured fiber in which the fiber-forming substance is glass". Polyacrylate is not composed of any glass, and therefore does not meet the FTC definition of glass.

Q. Anidex

Anidex is defined in 16 CFR §303.7(q) as "a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50 percent by weight of one or more esters of a monohydric alcohol and acrylic acid". Polyacrylate is not composed of least 50 percent by weight of one or more esters of a monohydric alcohol and acrylic acid. and therefore does not meet the FTC definition of anidex.

R. Novoloid

Novoloid is defined in 16 CFR §303.7(r) as "a manufactured fiber containing at least 85 percent by weight of a cross-linked novolac". Polyacrylate does not contain any novolacs (i.e., phenol-formaldehyde resins), and therefore does not meet the FTC definition of novoloid.

S. Aramid

Aramid is defined in 16 CFR §303.7(s) as "a manufactured fiber in which the fiber-forming substance is a long-chain synthetic polyamide in which at least 85 percent of the amide linkages are attached directly to two aromatic rings". Polyacrylate is not a long-chain synthetic polyamide, and therefore does not meet the FTC definition of aramid.

T. Sulfar

Sulfar is defined in 16 CFR §303.7(t) as "a manufactured fiber in which the fiber-forming substance is a long chain synthetic polysulfide in which at least 85% of the sulfide (—S—) linkages are attached directly to two aromatic rings". Polyacrylate is not a long-chain synthetic polysulfide, and therefore does not meet the FTC definition of sulfar.

U. PBI

PBI is defined in 16 CFR §303.7(u) as "a manufactured fiber in which the fiber-forming substance is a long chain aromatic polymer having reoccurring imidazole groups as an integral part of the polymer chain". Polyacrylate does not have reoccurring imidazole groups, and therefore does not meet the FTC definition of PBI.

V. Elastoester

Elastoester is defined in 16 CFR §303.7(v) as "a manufactured fiber in which the fiber-forming substance is a long-chain synthetic polymer composed of

at least 50% by weight of aliphatic polyether and at least 35% by weight of polyester, as defined in 16 CFR §303.7(c)". Polyacrylate is not composed of aliphatic polyether or polyester, and therefore does not meet the FTC definition of elastoester.

W. Melamine

Melamine is defined in 16 CFR §303.7(w) as "a manufactured fiber in which the fiber-forming substance is a synthetic polymer composed of at least 50% by weight of a cross-linked melamine polymer". Polyacrylate is not composed of a melamine polymer, and therefore does not meet the FTC definition of melamine.

X. Fluoropolymer

Fluoropolymer is defined in 16 CFR §303.7(x) as "a manufactured fiber containing at least 95% of a longchain polymer synthesized from aliphatic fluorocarbon monomers". Polyacrylate is not synthesized from aliphatic fluorocarbon monomers, and therefore does not meet the FTC definition of fluoropolymer.

Y. PLA

PLA is defined in 16 CFR §303.7(y) as "a manufactured fiber in which the fiber-forming substance is composed of at least 85% by weight of lactic acid ester units derived from naturally occurring sugars". Polyacrylate is not composed of lactic acid ester units, and therefore does not meet the FTC definition of PLA.

The polyacrylate at issue is a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of greater than 25 percent by weight of acrylate units and less than 10 percent by weight of acrylonitrile units. Based upon the above review of the existing generic fiber names and definitions already established by the Commission in 16 CFR §303.7, we believe it is clear that none of these existing terms accurately describe the polyacrylate fibers manufactured by Toyobo.

III. Designation Of The Generic Fiber Name "Polyacrylate" Would Be Consistent With The Commission's Published Policy Governing Designation Of New Generic Names.

As noted above, at the conclusion of the rulemaking that led to creation of the new generic name "aramid" in 1973, the Commission declared a new policy

for adopting generic fiber names – a policy that was reaffirmed by the Commission in 1995. For the reasons explained below, we believe that designation of the generic fiber name "polyacrylate" would be wholly consistent with this policy.

A. Polyacrylate Has A Chemical Composition Radically Different From Other Fibers, Which Results In Distinctive Physical Properties Of Significance To The General Public.

As explained in the Background section above, finished polyacrylate fiber is composed of greater than 25% by weight of acrylate units and less than 10% by weight of acrylonitrile units. Section II of the Discussion demonstrated how this chemical composition is completely different from, and not adequately described by, any of the existing generic fiber names recognized by the FTC.

Importantly, the unique chemical composition of polyacrylate imparts this fiber with distinctive physical characteristics, making the fiber ideally suited for use in cold-weather apparel. We explained above that polyacrylate is an ionic polymer, and thus features a high concentration of ionic groups along the fiber chain. Because water is a polar molecule, the presence of these ionic groups in polyacrylate permit the fiber to attract significantly greater amounts of water than other existing generic fibers recognized by the Commission.

The extremely high water absorbency of polyacrylate has two important consequences. First, high absorbency keeps excess moisture away from the body, allowing the person wearing the garment to be more comfortable. Second, by absorbing water vapor from the body, the polyacrylate fiber actually generates heat for the wearer through the enthalpy of condensation (i.e., the latent heat of the water vapor is released to the body upon the condensation of the vapor in the fiber). Therefore, garments manufactured with polyacrylate fiber keep the wearer significantly warmer and drier than comparable garments manufactured with other fibers.

Moreover, in addition to absorbing water at a faster rate than other fibers, polyacrylate also *releases* water at a much faster rate than other fibers. This allows garments manufactured with polyacrylate to dry up to three times faster than cotton garments, and significantly faster than garments constructed of other generic fibers.

In sum, the superior water absorbency and heat-generating characteristics of polyacrylate fibers are of great significance to the general public, permitting the creation of cold-weather fabrics with unique physical and performance characteristics that were previously unattainable.

B. Polyacrylate Is In Active Commercial Use.

Toyobo currently markets its polyacrylate to customers around the world for commercial purposes under the "Moiscare®" brand name through its Advanced Polymer Operations Department (http://tinyurl.com/mqm37ll), and under the "[eks]®" brand name through its majority-owned subsidiary, Japan Exlan Co., Ltd. (http://www.exlanfiber.com/eks.html). The fiber is therefore in active commercial use by Toyobo's customers in multiple jurisdictions around the world.

C. The Grant Of A Generic Name For Polyacrylate Is Of Importance To The Consuming Public At Large, And Not Merely To A Small Group Of Knowledgeable Professionals Such As Purchasing Officers For Large Government Agencies.

The preceding sections of this application have demonstrated that

1) Toyobo's polyacrylate fiber has a unique chemical composition radically different from other fibers;

2) The unique chemical composition of Toyobo's polyacrylate fiber results in performance characteristics that are substantially different than those exhibited by other generic fibers previously recognized and approved by the Commission; and

3) Toyobo's polyacrylate fiber is in active commercial use.

In light of these facts, we respectfully submit that the designation of a new generic fiber name for polyacrylate would be of significant importance to the public at large, and not merely to a "small group of knowledgeable professionals". Textile products manufactured from polyacrylate do not share chemical composition or performance characteristics with other generic fibers, and thus it would simply be inaccurate to label such products under an existing generic fiber name; indeed, to do so would, at a minimum, contribute to consumer confusion and possibly create the very deceptive and unfair business practices that the FTC is charged to prevent.

CONCLUSION

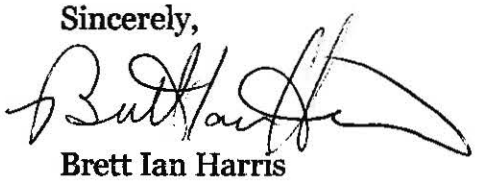
The chemical composition of polyacrylate fibers is radically different from other fibers identified by one of the generic names already established by the Commission in 16 CFR §303.7. Moreover, the unique chemical composition of polyacrylate results in distinctive physical properties of significance to the

general public. Therefore, we respectfully request that the Commission designate the term "polyacrylate" as a new generic fiber name for purposes of the Textile Fiber Products Identification Act, 15 USC §§70-70k.

If the Commission staff disagrees with this conclusion, we respectfully request the opportunity to meet with the official(s) responsible for making this decision before a final determination is rendered.

Please do not hesitate to contact Brett Harris at (845) 255-1850 or bharris@worldtradelawyers.com if you have any questions or require additional information.

Sincerely,



Brett Ian Harris

EXHIBIT A

COPY

BOKEN

BOKEN QUALITY EVALUATION INSTITUTE

Osaka Head Office

18-15, 1-CHOME, UE-MACHI, CHUO, OSAKA, 540-0005 JAPAN

TEL +81-6-6762-5887 FAX +81-6-6762-8588

Test No.BQE 20214026443

Issue Date: Sep. 19, 2014

QUALITY TESTING REPORT

Applicant: TOYOBO CO., LTD.

Samples: ① POLYACRYLATE TYPE B
② POLYACRYLATE TYPE A
③ ACRYLIC

<Test Items and Results>

[Saturated moisture absorption rate (Method specified by an applicant)]

<Test Method>

After opening 1g of fiber from the specimen, put it into a dried weighing bottle (A) and dry it in a hot air dryer at 105℃ for 3 hrs. or longer.
Then, take it out from the hot air dryer, cool down in a desiccator for 15 min. and measure the weight precisely. (B)
Leave it standing in a thermo-hygrostat chamber at 20℃・50%RH (or 20℃・65%RH or 20℃・95%RH) for 24 hrs. or longer and measure the weight precisely. (C)
The saturated moisture absorption rate is calculated by the following equation.

Saturated moisture absorption rate(%) = {(C-A)/(B-A)}×100

Saturated moisture absorption rate(%)	①	②	③
20℃×50%RH	28.8	16.0	2.6
20℃×65%RH	37.4	23.2	2.9
20℃×95%RH	74.5	39.5	3.7

BOKEN QUALITY EVALUATION INSTITUTE
Osaka Head Office

Supervised by

Notice — This test result is applied to the submitted sample, not to the lot.

EXHIBIT B

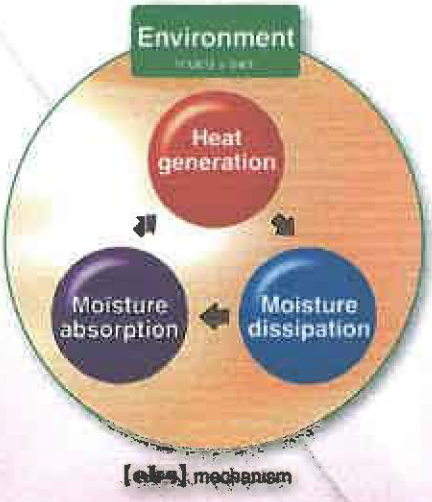
Heat-generating fiber

[eks]

TOYOBO
Ideas & Chemistry

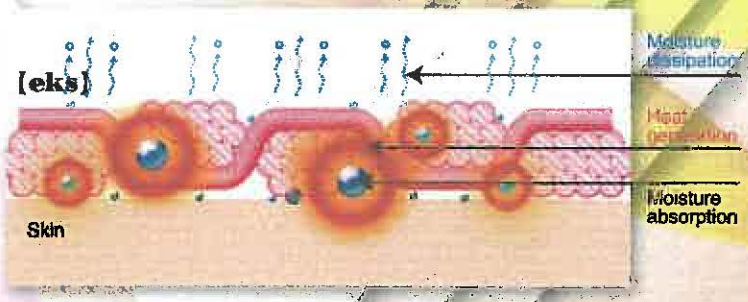
The category of heat-generating fiber began with [eks].

Until now, fabrics could only preserve heat generated by the body, but "eks" fabric can actually heat the wearer. This completely new type of heating material uses the power of water-absorption to create a damp-free dry and warm feeling that surpasses that of all other textiles.



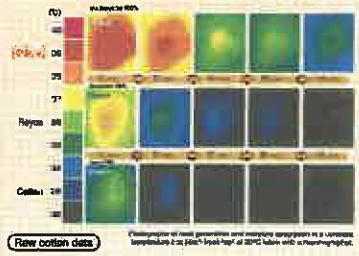
[eks] mechanism

Existing fibers used for cold weather wear/gear simply insulate with its big bulk. They do not actually create heat to the body.
[eks] is a perfectly NEW fiber based on a different design concept. [eks] generates heat. It absorbs water quickly and keeps you dry and comfortable.

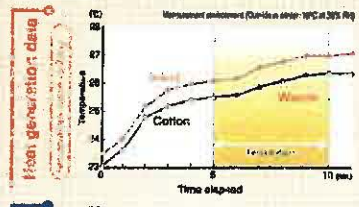


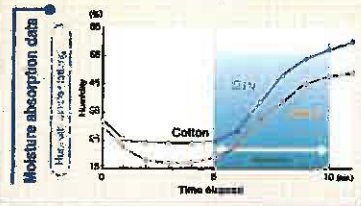
Sustained temperature preservation

The total energy amount of [eks], which maintains warmth for a long time, is different from other fibers.



Raw cotton data

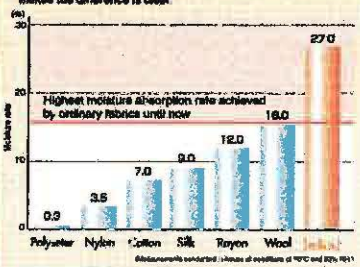




Humidity absorption

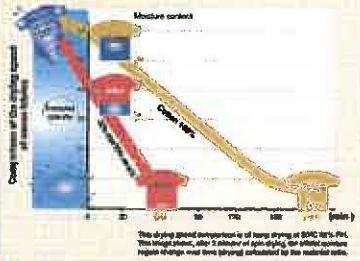
The amount of humidity absorbed is the decisive factor! The humidity absorption rate of [eks] far exceeds previous materials.

Comparing the moisture absorption rate of other fabrics also shows the difference is clear.



Dryness

With excellent water expulsion capability, moisture that is absorbed is quickly expelled, making [eks] dry 3 times faster than cotton.



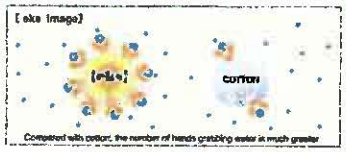
Did you know?

What happens when sweat does not escape?

Computers and cars continue to idle so that they can move at any time. In the same way, human beings continuously perspire in minute vaporous amounts.

How is heat generated?

When a medical injection is given, alcohol is applied to the skin and this causes a cool sensation. As the alcohol evaporates, it takes the heat from surrounding substances.
[eks] is just the opposite. By adsorbing (attracting) perspiration, it generates heat. This is the heat of adsorption.



Compared with cotton, the number of hands grabbing water is much greater.

EXLAN

www.exlanfiber.com

300 Ala Moana Blvd., Suite 2500
Honolulu, HI 96850
ATTN; FP&F Office
Phone: (808) 356-4102
Fax: (808) 356-4186
U.S. Customs and Border Protection

December 8, 2014

Brett Harris
Pisani & Roll LLP
1629 K. Street, NW
Suite 300
Washington, DC 20006

Re: Case Number 2015-3201-100049-01

Dear Mr. Harris:

In accordance with 19 CFR 133.21 articles bearing counterfeit trademarks are subject to seizure and forfeiture.

U.S. Customs and Border Protection (CBP) has seized goods which bear marks which constitute counterfeit copies of the following trademark and is notifying you, the trademark holder, of the action:

Description of Trademark: "Chopard" Word Mark
Customs and Border Protection Recordation Number: TMK 06-00365
U.S. Patent & Trademark Protection Registration Number: 1877546

In accordance with 19 CFR 133.21, the following seizure information is provided.

1. Date of importation:	November 13, 2014
2. Port of entry:	Honolulu, Hawaii
3. Description/Quantity of merchandise:	2 each Choppard watches
4. Name/Address of manufacturer:	Unknown
5. Country of origin of merchandise:	Unknown
6. Name/Address of Sender:	Andres Pak 1410 Hei Tung House, Yu Tung Court Hong Kong
7. Name/Address of Addressee:	Edward Pak 35 Kapiolani Street, Apt. 16 Hilo, HI 96720

In accordance with 19 CFR 133.21, you may obtain a sample of the seized goods upon request provided you meet certain conditions.

Should further information be required, contact the Fines, Penalties and Forfeitures Office at (808) 356-4102. Inquiries should reference the case number.

Sincerely,

For: Lisa Leung
Fines, Penalties and Forfeitures Officer