## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

NEXT TECHNOLOGIES INC.,

Plaintiff,

v.

BEYOND THE OFFICE DOOR LLC d/b/a BTOD.COM, and GREG KNIGHTON,

Case No. \_\_\_\_\_

Defendants.

## PLAINTIFF NEXT TECHNOLOGIES INC.'S ORIGINAL COMPLAINT

Plaintiff, Next Technologies Inc. (the "<u>Plaintiff</u>" or "<u>XDesk</u>"), files this Original Complaint against Defendants, Beyond the Office Door LLC, WWW.BTOD.COM, and Greg Knighton (collectively, the "Defendants"), and will respectfully show the Court as follows:

## THE PARTIES

1. Plaintiff, Next Technologies Inc. is a Texas corporation, with its principal place of business in Texas.

2. Defendant, Beyond the Office Door, LLC d/b/a BTOD.COM, is a Wisconsin limited liability company with its principal place of business in Wausau, Wisconsin. Defendant, Beyond the Office Door owns and operates the website https://www.btod.com, as well as the Breakroom Blog which is located on the same website. Defendant may be served with process by serving its registered agent, Gregory Michael Knighton, at 623 Washington Street, Wausau, Wisconsin, 54403.

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 2 of 15

3. Defendant, Greg Knighton, is an individual and a citizen of the state of Wisconsin, who, on information and belief, may be served with process at 623 Washington Street, Wausau, Wisconsin, 54403.

### JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction to grant all relief requested by Plaintiff. This Court has jurisdiction over the lawsuit under 28 U.S.C. §1332(a)(1) because Plaintiff and Defendants are citizens of different U.S. states, and the amount in controversy, exclusive of interests and costs, exceeds \$75,000.

5. Venue of this suit is proper in the Western District of Wisconsin pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in this District, and a substantial part of the events giving rise to the claims alleged below occurred within the Western District of Wisconsin.

6. This court has personal jurisdiction over Defendants pursuant to Wis. Stat. § 801.05(1) because, *inter alia*, Defendant's principle place of business is located in Wausau, Wisconsin.

### **CONDITIONS PRECEDENT**

7. All conditions precedent have been performed or have occurred.

## FACTUAL BACKGROUND

8. Plaintiff, Next Technologies Inc., manufactures treadmill desks and adjustable height desks under the brand names EvoDesk (the "<u>EvoDesk</u>") and Xdesk Terra (the "<u>Terra</u>"). XDesk is a leading innovator in the design and manufacture of power adjustable height desks. Each Xdesk desk is made with sustainable, environmentally-friendly materials. XDesk has a high rate of customer satisfaction with its delivery of both products and services to its customers.

9. Defendant Beyond the Office Door, LLC ("<u>BTOD LLC</u>") owns and operates the website www.BTOD.com ("<u>BTOD</u>"), the blog named The Breakroom Blog, and operates an

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 3 of 15

online store under the BTOD name which sells office furniture, including standing desks and adjustable height desks.

10. Defendant Beyond the Office Door, LLC operates under the names Beyond the Office Door, www.BTOD.com, and the Breakroom Blog out of one and the same office address at 623 Washington Street, Wausau, Wisconsin, 54403.

11. Defendant Greg Knighton ("<u>Knighton</u>") is or has been the Owner and President of Beyond the Office Door, LLC, as well as the editor-in-chief of The Breakroom Blog (the "<u>Breakroom Blog</u>") which is affiliated with BTOD. On information and belief, Knighton was at all relevant times involved in the day-to-day operations of BTOD and the Breakroom Blog and in assigning, editing, and writing the so-called reviews at issue in this action.

12. On information and belief, employees of BTOD and the Breakroom Blog, including, but not limited to, Greg Knighton and Ryan Bald, render services on behalf of BTOD.

13. On or around November, 2017, Knighton published on the Breakroom Blog an article entitled "Top 8 Problems and Solutions with NextDesk Terra Standing Desk." *See* https://www.btod.com/blog/2017/11/01/top-8-problems-nextdesk-terra-standing-desk/ (last visited September 19, 2018).<sup>1</sup> In this article, Knighton made numerous demonstrably false statements of fact regarding Plaintiff's product, Terra. Included, without limitation, are claims that (1) there are "stability issues at all heights"; (2) the desk has mismatched color on the columns as compared to the feet and "the big vertical portion of the frame was a completely different color"; (3) there is "inaccurate information throughout the NextDesks.com website;" (4) only after Knighton "called and left a message for management . . . someone at NextDesk acknowledged [the information on their website] was incorrect"; (5) Knighton received an apology from management

<sup>&</sup>lt;sup>1</sup> A true and correct copy of the entire actionable blog post is appended hereto as <u>Exhibit A</u>.

## 

at NextDesk, however XDesk "continue[s] to provide bad information to new customers"; (6)

NextDesk has a "no overload protection or anti-collision system"; and (7) "starting at over \$1,600

with shipping included . . . mostly everything from NextDesk is overpriced." See Exhibit A.

- 14. The above statements of fact are false and misleading because:
  - XDesk's products do not shake, wobble, warp or lack lateral stability.

• The entire aluminum frame of the Terra is the same finish. Only the columns of the Terra are a different color because they are powder-coated.

• Plaintiff's website is not NextDesks.com; Plaintiff's website is www.xdesk.com. Further there is no inaccurate information on Plaintiff's website. Defendant Knighton alleges there is misinformation regarding the "type of material used for the frame." Defendant Knighton alleges the material Plaintiff uses for the frame is steel. *See* Exhibit A. However, that is false and misleading. The XDesk's frame is aluminum. The lifting columns are made of steel not the frame.

• No one from management at XDesk has ever spoken with Mr. Knighton or anyone with BTOD or Beyond the Office Door.

- XDesk is not providing any bad or inaccurate information to its customers.
- The Terra does have overload protection and anti-collision systems in place.

• The Terra does not start at \$1,600 with shipping included. The Terra starts at \$1,497.00. Shipping costs are determined by the location of the destination by Plaintiff's carrier.

15. Defendants are fully aware these statements are false and misleading. The Defendants claim reviewing office furniture. to be "experts" in See https://www.btod.com/blog/who-is-the-breakroom-blog-why-you-can-trust-us/ visited (last September 19, 2018).<sup>2</sup>

 $<sup>^{2}</sup>$  A true and correct copy of the article entitled "Learn More About BTOD.COM and Why You Can Trust Breakroom Blog Reviews" which can be found at https://www.btod.com/blog/who-is-the-breakroom-blog-why-you-can-trust-us/ is attached hereto as <u>Exhibit E</u>.

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 5 of 15

16. An expert in office furniture would clearly know the difference between a column and entire frame. An expert in office furniture would certainly know how to tell whether there are overload protection and anti-collision systems in place.

17. Further, Mr. Knighton would know that he has not spoken with anyone at XDesk who has offered and apology as he claims he called personally and received an apology. This is completely untrue and misleading.

18. Additionally, a blog writer would clearly know how to go to the Plaintiff's correct website and obtain the correct information regarding the product he or she is reviewing. The www.xdesk.com website clearly shows that the Terra starts at a price of \$1,497.00, not \$1,600 which includes shipping.<sup>3</sup>

19. For all these reasons, it is clear Defendants intentionally or recklessly misstated facts about XDesk and its product, the Terra desk, in order to discourage potential customers from purchasing products from Plaintiff XDesk and to encourage the customers to purchase competing products sold and manufactured by Defendants.

20. On or around January 16, 2018, Knighton published on the Breakroom Blog another article entitled "Top 6 Problems and Solutions with for the EvoDesk Standing Desk." *See* https://www.btod.com/blog/2018/01/16/top-6-problems-evodesk-standing-desk/ (last visited September 19, 2018).<sup>4</sup> In this article, Knighton made numerous demonstrably false statements of fact regarding Plaintiff's product, the EvoDesk. Included, without limitation, are claims that (1) "one of the most common issues with the JieCang frame and Chinese standing desks in general is over lubrication;" (2) "the over lubrication problem did not just exist in the glides . . . [t]his was a

<sup>&</sup>lt;sup>3</sup> A true and correct copy of Plaintiff's XDesk website regarding the Terra product is appended hereto as <u>Exhibit B</u>.

<sup>&</sup>lt;sup>4</sup> A true and correct copy of the entire actionable blog post is appended hereto as <u>Exhibit C</u>.

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 6 of 15

problem throughout the entire frame;" (3) "[a] common problem we have found among all Chinese desks tested has been their low quality electronics"; (4) "the main reason [the manufacturers of the EvoDesk] use a two board system [in the control box of the EvoDesk] is cost savings"; (5) "[b]oth Linak and LogicData have proven to be much better options than what is found on the JieCang products;" and (6) that because of the T base design of the desk, "where this frame is placed a problem for users who plan to mount accessories." *See* Exhibit C.

21. These statements and the facts implied by these statements are false and misleading

because:

• Defendant Knighton is implying that the EvoDesk is entirely manufactured in China, which is completely untrue. While the EvoDesk does incorporate some parts from China, the EvoDesk is also comprised of many parts made in America. For example, the top of the desk is comprised of materials and products from Minnesota, in the United States.

• The lubricant in the columns is not a problem and actually helps the longevity of the lift/column. Additionally, the column is the only part of the desk that is lubricated. Implying lubrication is problem "throughout the entire frame" is false and misleading as the column is the only portion which is lubricated, not the entire frame.

• Defendant Knighton claims that Plaintiff XDesk's reason for using a two-board system is cost savings implying that Plaintiff is attempting to get one over on its customers. However, this is false and misleading as Plaintiff XDesk uses the two-board system because Plaintiff XDesk is confident and stands behind the product and its component parts, which is evident by these quality control boxes having a standard 5-year warranty from XDesk.

• All XDesk's accessories work with the frame and desk. The accessories by XDesk are specifically designed to work with the desk.

22. Defendants are fully aware that the statements and implications published are completely false and misleading. As provided above, Defendants claim to be "experts" when it comes to office furniture. *See* Exhibit E. An expert in office furniture, including standing desks, would clearly know how to visit the Plaintiff's EvoDesk website https://www.evodesk.com which

## 

specifically states that the desktop of the EvoDesk is made in the USA.<sup>5</sup> The EvoDesk website also provides the 5-year warranty evidencing Plaintiff's confidence in its products.

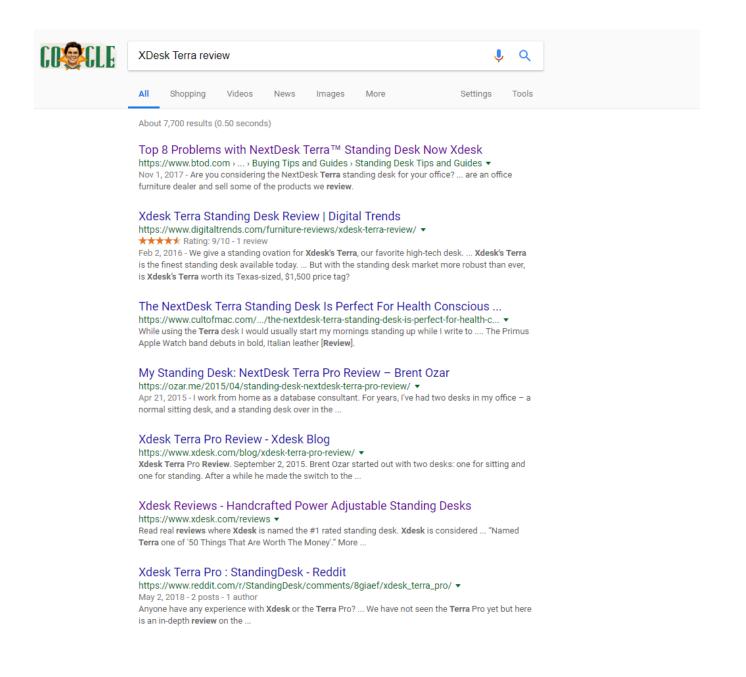
23. Further, Defendants, as "experts" in office furniture certainly know the difference between a column and a frame and the component parts of a standing desk.

24. Defendants' false and misleading reviews have caused substantial harm to Plaintiff as a large percentage of Plaintiff's business is conducted via the Internet.

25. When a potential client or customer performs a Google search for the words "XDesk Terra Review," the Defendant's website containing false information about Plaintiff is the **first** search result. A screenshot of these search results is presented below:

<sup>&</sup>lt;sup>5</sup> A true and correct copy of the EvoDesk website regarding the EvoDesk product is appended hereto as <u>Exhibit D</u>.

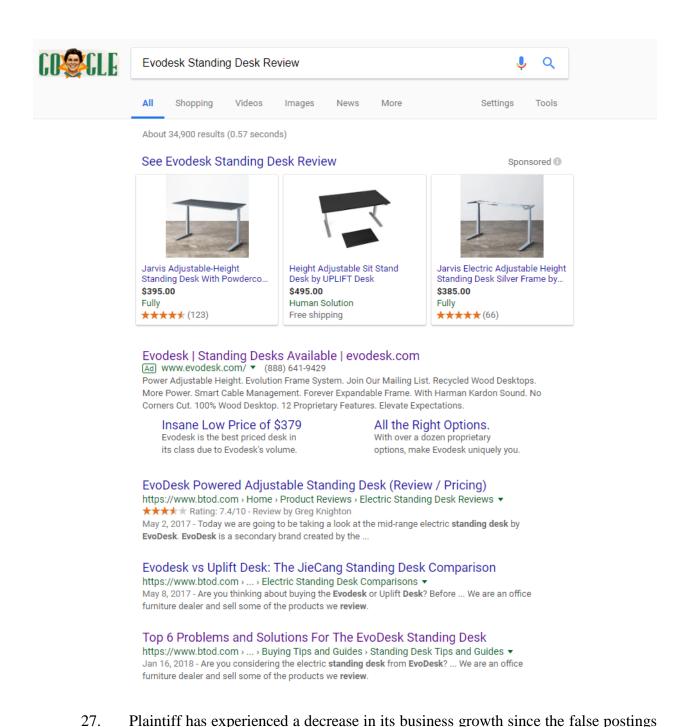
## 



26. When a potential client or customer performs a Google search for the word "Evodesk Standing Desk Review" the website containing false information about Plaintiff is the

third search result. A screenshot of these results is presented below:

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 9 of 15



were published on Defendants' website. In addition, on information and belief, prospective clients and customers conducting internet searches in order to investigate the reputation and reliability of Plaintiff's products prior to making a decision to purchase such products are negatively influenced by the false reviews and elect not to purchase Plaintiff's products.

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 10 of 15

28. The defamatory, false, and misleading reviews have caused Plaintiff XDesk to suffer irreparable harm to its reputation and loss of business.

29. To date, Defendants have failed to take any action to remove the false and defamatory postings concerning Plaintiff and have failed to comply with Plaintiff's cease and desist requests.

## CAUSE OF ACTION ONE – DEFAMATION PER SE

30. Plaintiff hereby incorporates the allegations set forth in the preceding paragraphs as if they were fully rewritten herein.

31. By making defamatory statements regarding XDesk's business to potential and current customers, on the website described above and through communication with XDesk's customers and potential customers, Defendants have published materially false statements of fact concerning XDesk's business.

32. The information published by the Defendants is false and the defamatory comments regarding XDesk are actionable comments.

33. Defendants have published unprivileged, defamatory information on the Internet, viewable to at least one third party.

34. Defendants are at fault for publishing the defamatory information.

35. The published comments were plainly aimed at damaging Plaintiff's reputation, and made with requisite intent by Defendants to irreparably harm Plaintiff's professional and business reputation.

36. The published comments demonstrate an intent to harm Plaintiff's professional and business reputations and constitute actual malice.

37. The defamatory comments defamed Plaintiff on its face and constitute defamation per se.

10

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 11 of 15

38. Defendants' unlawful conduct has caused damage to Plaintiff, the cost of which to repair will be determined at trial.

## **CAUSE OF ACTION TWO – DEFAMATION**

39. Plaintiff hereby incorporates the allegations set forth in the preceding paragraphs as if they were fully rewritten herein.

40. By making defamatory statements regarding XDesk's business to potential and current customers on the website listed above and through communication with XDesk's customers and potential customers, Defendants have published factual statements capable of defamatory meaning concerning XDesk's business, as the statements make direct reference to XDesk's products.

41. The information published by Defendants is false and the defamatory comments concerning Plaintiff are actionable comments.

42. Defendants have published unprivileged, defamatory information on the Internet, viewable to at least one third party.

43. Defendants are at fault for publishing the defamatory information and acted with negligence in publishing the information.

44. Defendants' unlawful conduct has caused damage to XDesk, the cost of which to repair will be determined at trial.

45. Defendants' unlawful conduct has caused and will continue to cause XDesk imminent, irreparable injuries for which there is no adequate legal remedy. Accordingly, XDesk is entitled to permanent injunctive relief.

46. As Defendants have placed Plaintiff's professional and business reputation publicly at issue, Plaintiff is entitled to a declaratory judgment that Defendants' statements are false.

47. Plaintiff is further entitled to recover damages from Defendants for defamation.

## CAUSE OF ACTION THREE – TORTIOUS INTERFERENCE WITH EXISTING CONTRACTUAL RELATIONS

48. Plaintiff hereby incorporates the allegations set forth in the preceding paragraphs as if they were fully rewritten herein.

49. Plaintiff has contracts and business relationships with its customers under which it has legal rights.

50. Defendants had knowledge of these contracts and business relationships.

51. Upon information and belief, Defendants willfully and intentionally interfered with these contracts and relationships by engaging in an online false defamatory scheme designed to discredit and disparage XDesk, resulting in the termination of contractual relationships.

52. Defendants were not justified or privileged to interfere.

53. As a proximate result of this interference, XDesk has suffered actual damage in an amount to be determined at trial.

## CAUSE OF ACTION FOUR – TORTIOUS INTERFERENCE WITH PROSPECTIVE CONTRACTUAL RELATIONSHIPS

54. Plaintiff hereby incorporates the allegations set forth in the preceding paragraphs as if they were fully rewritten herein.

55. By disparaging XDesk in the same "reviews" in which BTOD markets products that Defendants sell, such as the "NewHeights XT" desk that is hyperlinked in the disparaging review of the Terra, Defendants are attempting to divert XDesk's potential customers. *See* Exhibit

<u>A</u>.

56. As XDesk is a well-known treadmill desk and adjustable height desk manufacturer, there is a reasonable probability it would have entered into a business relationship with these potential customers.

## Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 13 of 15

57. The act of juxtaposing false negative reviews of XDesk with positive reviews of products the Defendants sell on their website, such as the NewHeights XT, was done by Defendants with a conscious desire to prevent potential business relationships from forming between Plaintiff and prospective customers, and Defendants knew such interference was certain to occur as a result.

58. Defendants were not justified or privileged to interfere.

59. As a result of this conduct by Defendants, Plaintiff has suffered actual harm in an amount to be determined at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Next Technologies Inc. prays for relief and judgment as follows:

A. Judgment in favor of Plaintiff Next Technologies Inc. and against Defendants, Beyond the Office Door, LLC, www.BTOD.com, The Breakroom Blog, and Greg Knighton, in an amount to be determined at trial, including, but not limited to, compensatory damages, special damages, punitive damages, and pre-judgment and post-judgment interest, as permitted by law;

B. Preliminary and permanent injunction that issues the following orders against Defendants, their agents, officers, members, managers, employees, representatives, and co-conspirators ("Restrained Parties"):

- i. Prohibiting the Restrained Parties from any further acts of defamation or publishing of false statements, reviews, advertisements, comments, or information regarding Plaintiff;
- ii. Mandating that the Restrained Parties take all actions to remove all defamatory, disparaging, libelous, and false statements about Plaintiff that Defendants posted on the Internet, including requesting that Internet search engines such as Google, Yahoo!, and Bing remove links to the libelous Uniform Resource Locators ("URL") from their search indices;
- iii. Prohibiting the Restrained Parties from posting or publishing false and defamatory statements, similar to those outlined herein, regarding Plaintiff on other public-facing Internet websites;

- iv. Prohibiting the Restrained Parties from engaging in any additional unfair and deceptive trade practices relating to Plaintiff; and
- v. Prohibiting the Restrained Parties from contacting Plaintiff's customers; and
- C. Declaratory judgment that Defendants' statements regarding Plaintiff are false;
- D. An award of attorneys' fees, costs, and expenses; and
- E. Such other and further relief as the Court deems just, equitable and proper.

Dated: March 15, 2019

Respectfully Submitted,

## /s/ Brian C. Miller

Brian C. Miller Wisconsin Bar No. 1101347 millerb@gtlaw.com GREENBERG TRAURIG, LLP 77 West Wacker Drive, Suite 3100 Chicago, Illinois 60601 Phone: (312) 456-8400 Fax: (312) 456-8435

Paul B. Kerlin Texas Bar No. 24044480 kerlinp@gtlaw.com GREENBERG TRAURIG, LLP 1000 Louisiana, Suite 1700 Houston, Texas 77002 Telephone: (713) 374-3500 Facsimile: (713) 374-3505

## COUNSEL FOR NEXT TECHNOLOGIES INC.

Case: 3:19-cv-00217 Document #: 2 Filed: 03/21/19 Page 15 of 15

## JURY TRIAL DEMANDED

Plaintiff hereby demands trial by jury on all issues so triable.

Dated: March 15, 2019

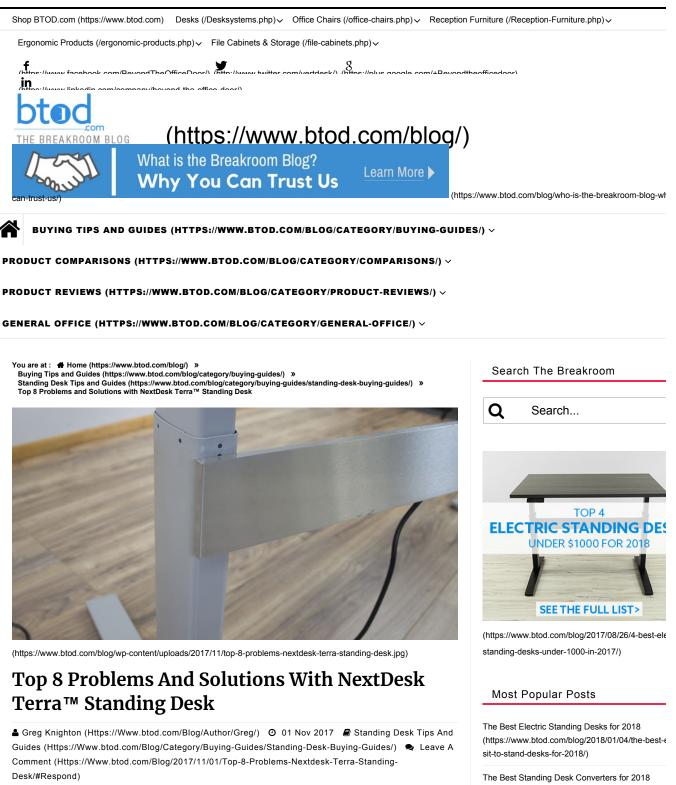
/s/ Brian Miller

Brian C. Miller Wisconsin Bar No. 1101347 millerb@gtlaw.com GREENBERG TRAURIG, LLP 77 West Wacker Drive, Suite 3100 Chicago, Illinois 60601 Phone: (312) 456-8400 Fax: (312) 456-8435

Paul B. Kerlin Texas Bar No. 24044480 kerlinp@gtlaw.com GREENBERG TRAURIG, LLP 1000 Louisiana, Suite 1700 Houston, Texas 77002 Telephone: (713) 374-3500 Facsimile: (713) 374-3505

COUNSEL FOR NEXT TECHNOLOGIES INC. 

# EXHIBIT A



With high-end electronics, gears and glides, the NextDesk Terra<sup>™</sup> standing desk (https://www.btod.com/blog/2017/10/05/nextdesk-terra-electric-standing-desk-review/) has a lot to offer. Unfortunately, like many of the desks I have tested, it has some glaring weaknesses too. Today, we will take a closer look at the top problems I have found with the Terra. If solutions exist to these problems, I will provide that information and if not, I will offer a better alternative. Let's take a closer look to find out what i've learned with my experience using the NextDesk Terra. The Best Standing Desk Converters for 2018 (https://www.btod.com/blog/2017/11/02/best-standesk-converters-2017/)

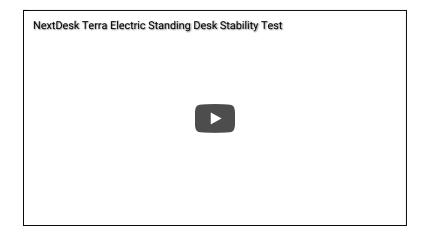
The Best Flat and Non-Flat Standing Desk Mats F 2018 (https://www.btod.com/blog/2018/02/23/bes non-flat-standing-desk-mats-2018/)

Top 6 Most Stable Standing Desk Converters (https://www.btod.com/blog/2017/06/09/top-6-mos stable-standing-desk-converters/) Full Disclaimer: We are an office furniture dealer and sell some of the products we review. To learn more about the products we sell, our review process and why you can trust us, please visit: Why we're different. Who is BTOD.com and The Breakroom Blog? (https://www.btod.com/blog/who-is-the-breakroom-blog-why-you-can-trust-us/)

After 12 months of testing 20+ electric standing desks the results are in! Read The Best Electric Standing Desks For 2018 >> (https://www.btod.com/blog/2018/01/04/the-best-electric-sit-to-stand-desks-for-2018/)

## **Stability Issues At All Heights**

The NextDesk Terra was one of the most confusing desks I have tested. With the use of a traditional cross support and well fit glides, the NextDesk Terra had great lateral stability. It's lateral stability was so good, it would have easily ranked in the top three most stable standing desk. Unfortunately, the front to back rocking motion was the worst I have tested.



The reason for the front to back rocking motion stemmed from the solid aluminum foot design on the NextDesk Terra. Based on the marketing material found throughout the NextDesk website, their vision was to create the most beautiful standing desk. That is likely a major reason they chose the solid aluminum, as it created the look they wanted. The problem with solid aluminum is that it provides poor strength. The foot design allowed for the weight of the upper half of the desk to flex the feet when it is rocked back and forth. This flexing was so bad that it was noticeable when the desk was at sitting height.

### Solution

Because of the design choice to use aluminum for the foot, NextDesk Terra cannot be fixed without a design update. The best option would have been for NextDesk to use a cast aluminum mold for their foot design. This would have allowed them to create a custom shape, with better strength throughout the foot.

Two product alternatives that we have tested with similar adjustment ranges are the GeekDesk v3 (https://www.btod.com/blog/2017/07/13/geekdesk-v3-electric-adjustable-standing-desk-review-rating-pricing/) and the NewHeights XT (https://www.btod.com/blog/2017/10/18/newheights-elegante-xt-electric-standing-desk-review-rating-pricing/). Each will offer a traditional cross support to provide good lateral support. During testing we have found that the GeekDesk v3 was stable through 45". Beyond that point, the front to back rocking motion was significant enough to impact your work. The NextHeights XT performed better, with rock solid stability below 47". Beyond this point the front to back rocking became noticeable. By 49" it was significant enough to impact your work.

The 5 Best Varidesk Alternatives and Competitors (https://www.btod.com/blog/2017/02/24/5-best-va alternatives-and-competitors/)

Top 9 Problems With The Varidesk Convertible S Desk (https://www.btod.com/blog/2017/03/14/topproblems-varidesk-convertible-standing-desk/)

How-To: Layout and Design the Perfect Waiting F (https://www.btod.com/blog/2015/07/08/how-to-la and-design-the-perfect-waiting-room/)

5 Best Free Online Layout and Design Tools For (https://www.btod.com/blog/2017/01/24/the-best-f layout-and-design-tools-online-for-the-office/)

#### Categories

Buying Tips and Guides (https://www.btod.com/blog/category/buying-guide (114)

24 Hour Chair Tips and Guides (https://www.btod.com/blog/category/buying-gui hour-chair-buying-guides/) (5)

Big and Tall Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/big-and-tall-chair-buying-guides/) (2)

Ergonomic Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/ergonomic-chairs-buying-guides/) (9)

Office Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/office-desk-buying-guides/) (7)

Standing Chair Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-chairs-stools-guides/) (6)

Standing Desk Mat Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-mats/) (1)

Standing Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-buying-guides/) (60)

Waiting Room Furniture Tips and Guides (https://www.btod.com/blog/category/buyingguides/waiting-room-furniture-buying-guides/) (1

General Office (https://www.btod.com/blog/category/general-offic

Brand Spotlights (https://www.btod.com/blog/category/generaloffice/brand-spotlights/) (5)

Cleaning and Care (https://www.btod.com/blog/category/generaloffice/cleaning-and-care/) (5)

Ergonomics

(https://www.btod.com/blog/category/generaloffice/ergonomics/) (14)

## **Mismatched Color Frame/Feet**

Considering the NextDesk Terra was the most expensive desk I've tested, I had pretty high expectations on the look of the desk. When going through the options at checkout, I decided to go with the more expensive silver gloss finish option. This added \$97 to the cost of the desk, but based on pictures on the NextDesks.com website, it looked the best. When I received the desk, the first thing I noticed was how different the colors were on the columns compared to the feet, cross support and upper supports. The only parts that had a high gloss finish were the parts that NextDesk makes for the Terra. This meant the big vertical portion of the frame was a completely different color.

#### Silver Gloss Finish and Matte Silver Column

The most likely reason for this was the fact the columns from Linak are steel and the NextDesk produced parts are aluminum. When selecting the high gloss silver finish, NextDesk is only able to change the color on the parts they actually produce. If the colors were close, it wouldn't have been a big deal. However, the difference was significant, with the columns have a matte finish and the aluminum parts having a high gloss.

#### Solution

I would recommend staying away from any of the upcharge finish options for the NextDesk Terra. By doing this you can avoid paying extra for a finish that doesn't match your columns. My biggest concern is any finish that has a high gloss though, because all Linak columns come with a matte finish. If this is something that will bother you I would recommend requesting finish samples from NextDesk. Be sure to specifically ask for swatches of the columns and the cross support or foot. That will ensure you know what each finish will look like next to each other.

# Inaccurate Information Throughout the NextDesks.com Website

When shopping for a new product, you should feel comfortable with the content found on the manufacturer's website. I mean, afterall, this is the manufacturer and who would know better about their products? Unfortunately, through my experience reviewing the EvoDesk (a lower-end brand from NextDesk) I found this isn't true. After reviewing their high-end NextDesk product, I found this is an ongoing problem with NextDesks.com too.

During the research portion of the buying process with NextDesk, I ran into multiple red flags. The first was in regards to the type of material used for the frame. There was a ton of content surrounding the use of recycled aluminum and this included details as to why it was so much better than steel. The odd thing was that NextDesk has always used a Linak column for their Terra products. To be more specific, it has always been the DL4 series column from Linak. This series from Linak has only been constructed from steel. So how could there be any confusion?

Health and Wellness (https://www.btod.com/blog/category/generaloffice/office-health-and-wellness/) (22)

#### Office Trends

(https://www.btod.com/blog/category/generaloffice/office-trends/) (23)

Technical Information (https://www.btod.com/blog/category/generaloffice/technical-information-office-furniture/) (2)

Product Comparisons (https://www.btod.com/blog/category/comparisons

24 Hour Chair Comparisons (https://www.btod.com/blog/category/compariso hour-chair-comparisons/) (2)

Electric Standing Desk Comparisons (https://www.btod.com/blog/category/compariso ric-standing-desk-comparisons/) (20)

Standing Desk Chair Comparisons (https://www.btod.com/blog/category/compariso ding-chair-comparisons/) (4)

Standing Desk Converter Comparisons (https://www.btod.com/blog/category/compariso ding-desk-converter-comparisons/) (16)

#### Product Reviews

(https://www.btod.com/blog/category/product-revi (90)

24 Hour Chair Reviews (https://www.btod.com/blog/category/productreviews/24-hour-chair-reviews/) (5)

Big and Tall Chair Reviews (https://www.btod.com/blog/category/productreviews/big-and-tall-chair-reviews/) (4)

Electric Standing Desk Reviews (https://www.btod.com/blog/category/productreviews/electric-standing-desk-reviews/) (20)

Ergonomic Chair Reviews (https://www.btod.com/blog/category/productreviews/ergonomic-chair-reviews/) (6)

Kneeling Chair Reviews (https://www.btod.com/blog/category/productreviews/kneeling-chair-reviews/) (2)

Standing Desk Chair Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-chair-reviews/) (13)

Standing Desk Converter Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-converter-reviews/) (43)

#### Archives

Select Month

Like my experience during the EvoDesk review (https://www.btod.com/blog/2017/05/02/evodeskpowered-adjustable-standing-desk-review-rating-pricing/), speaking with reps at NextDesk led me to the same conclusion. No matter what I said to them about Linak and the series being used, they maintained a firm stance on the Terra being an aluminum product. It wasn't until I called and left a message for management that someone at NextDesk acknowledged this was incorrect. Something that I have found even more concerning is the fact their website still hasn't changed. It has been two months since I received an apology from management at NextDesk; however, they continue to provide bad information to new customers.

The second problem with misinformation on their site was linked to the internal components of the columns. Linak has phased out the original DL4 column and replaced it with the DL4S. This change was fairly major, moving from a chain driven system to the more commonly used spindle driven system. If you go to the NextDesk website today you will still see a chain driven system advertised and the benefits that this type of lifting mechanism offer.

#### Solution

While there were a handful of additional items mentioned on NextDesk that are simply not true, these are two that I found to be the most important. I hate to say it, but the only real solution for this is to come to the Breakroom Blog for more detailed information on the NextDesk Terra. We have their most recent version in our office and would be happy to help. Going to NextDesk will likely leave you with over-hyped marketing, that is dated or just plain wrong.

## **Awkward Vertical Wire Management**

With a fancy name like NextFlex<sup>™</sup>, the vertical wire management system seemed like it was sure to impress. Honestly, when I first saw it I thought it looked pretty cool on the desk. Once I started to used it though, there were two clear problems with the product.

(https://www.btod.com/blog/2017/12/15/the-beststanding-desk-chairs-and-stools/)

#### NeatFlex Wire Management System

The first was linked to a high level of difficulty running more than one wire through each NextFlex channel. The monofilament cable is designed to expand and retract naturally, which is a problem with bulky cables. While the first wire was easily fished through to the end, the second cable ended up getting stuck on the braided cable that had expanded. This made it impossible to pass the second power cord through the wire management system.

The other problem was how to manage wires that start underneath the desk surface. There is no way to access the NextFlex system unless you are starting on the top of the desk surface. This left the most obvious wire, the power wire to run the desk, completely exposed and awkward with the fancy

NextFlex running down both sides of the desk. This issue is also true if you are wanted to run cables from the top of the surface, to just underneath the surface. If you have a CPU holder, this will be a major headache passing cables to the CPU.

#### Solution

The first solution for running multiple power cords is to use tape to tie the cords together. Focus on the head of the wire, where the bulkiest portion is. This will help reduce the catching that occurs as the monofilament expands. Cables with smaller heads like a USB will pass through easier and you should be able to pass multiple wires.

The second problem with accessing the NextFlex from under the work surface isn't as easy. This will require you to actually cut into the NextFlex material to gain access into the wire management. This is not something I would recommend as it will impact the integrity of the wire management. Desperate times call for desperate measures and if you want to keep the wires clean, this might be your only option.

## No Overload Protection or Anti Collision

Something I found interesting during my time reviewing the NextDesk was the lack of overload protection or an anti-collision system. These are features found in desks that I have tested under \$500, which meant a desk that retails over \$1,500 should certainly include this functionality.

#### Solution

If you must have the NextDesk Terra or already own one, my solution for this problem is to be careful. The OEM specs includes a max lifting capacity of 1400 Newtons (314.73 lbs). During my testing I found that the desk can definitely exceed that capacity; so for sake of not voiding your warranty, try to keep the load below the 315 lbs. mark. Secondly, be aware of your surroundings in your office. With a lifting capacity over 300 lbs., the NextDesk Terra is no joke. It can easily crush objects around your desk.

## No Threadlocker or Star Washers

One of the most common problems I have found across almost the entire stacking desk industry is a lack of threadlocker and locking washers being used on bolts. This is something that seems to be so obvious I can't believe it is missed. Standing desks are moved up and down daily and while in motion the motors vibrate the entire frame. It is a natural occurrence for bolts to slowly loosen over time. Without threadlocker or locking washers, these bolts will continue to loosen over time.

Interlocking Wedge System For Mounting Cross Support

During my testing with the NextDesk Terra, the lack of threadlocker and locking washers was a major problem. One of the biggest benefits linked to stability for the Terra was the use of a traditional cross support. I found that the bolts that held an important bracket used to connect the cross support to the columns would continue to loosen. The biggest problem was that it took very little loosening to have major impact on lateral stability.

Tightening Bolts on Cross Support

### Solution

The solution for those that already own a NextDesk Terra is a trip to the hardware store. If you haven't already purchased the desk I would consider requesting that NextDesk include these with your new desk. If you don't, you will be forced to constantly tighten bolts on your desk to maximize stability. Because the same bolts are used to attach the feet and upper supports, I would recommend adding loctite there as well. I recently reviewed a close competitor to the NextDesk Terra, the NewHeights Elegante XT. NewHeights used Loctite and locking washers throughout the entire frame. It's small things like these that go a long way to make your standing desk stable.

NewHeights XT-Bolts With Locking Washers To Keep Everything Tight

## Adjustable Foot Glides \$100

The lack of adjustable foot glides was a first for me. I have tested close to 20 electric standing desks to date. These desks start as low as \$339 (https://www.btod.com/blog/2017/08/15/vivo-usa-103e-electric-standing-desk-review/) and every one of them included adjustable foot glides. Granted, not all

of them were great, but they did work as advertised. The NextDesk Terra requires you to spend \$100 just to add six adjustable foot glides. Without this, you cannot level your desk out on an uneven floor or thick pile carpet. This represents a good majority of the offices looking to add the NextDesk Terra.

NextDesk Terra Shown Without Adjustable Foot Glides

#### Solution

If your floor is uneven or you have high pile carpet the only solution is to buy the pads from NextDesk or source them from another company for less money. I tested other glides in our office from competing products and they each fit into the threaded inserts.

Three Glide Pads Shown on NextDesk Terra Foot

## **High Price Tag**

The last problem I have found with the NextDesk Terra is linked to the price. Starting at over \$1600 with shipping included, this is one of the most expensive options available. While the components that come from Linak are exceptional, mostly everything else from NextDesk is overpriced.

The use of solid aluminum throughout the feet and upper supports might catch some users eyes. Unfortunately, the lack of stability from them should be a major concern. We found flexing issues that were present at sitting height, these would create significant rocking problems for all users. These aluminum components made by NextDesk Terra didn't match the columns either. This created a look that I wouldn't expect from a desk that is at this price point.

#### Solution

https://www.btod.com/blog/2017/11/01/top-8-problems-nextdesk-terra-standing-desk/ 9/19/2018

I you really want to purchase a NextDesk product, your best solution may be to go with the NextDesk Encore series. It includes Linak technology which is a major draw to the NextDesk brand. Based on pictures shown on the NextDesk site (which I cannot guarantee are accurate) it has a formed steel foot vs. the solid aluminum found on the Terra. This will significantly improve the front to back rocking issues found on the Terra. Unfortunately, with a lack of a traditional cross support, the wobble found on the Encore will most likely be a new problem.

If price is a major concern, there are better alternatives found in the mid-range. These products are available for under \$1,000. My recent post of the 4 Best Standing Desks Under \$1000 (https://www.btod.com/blog/2017/08/26/4-best-electric-standing-desks-under-1000-in-2017/) is a great place to start.

# **Bottom Line**

While the NextDesk Terra features some of the best columns in the industry, it has some glaring issues. The internal components produced by Linak are considered to be top of the line in the standing desk industry. However, If stability is a major concern, the Terra is one of the least stable desks I have tested. Starting at over \$1600, the NextDesk Terra should not have color matching issues or lack basic functions like anti-collision or overload protection. With so many better alternatives found at half of the price, I would have a hard time recommending this desk to many people.

(https://www.btod.com/blog/electric-buying-guide)

# Additional Standing Desk Resources

- Top 6 Reasons Why Standing Desks Wobble (https://www.btod.com/blog/2017/07/14/top-6reasons-why-adjustable-standing-desks-wobble/)
- GeekDesk v3 vs. VertDesk v3: Standing Desk Comparison (https://www.btod.com/blog/2017/07/23/geekdesk-v3-vs-vertdesk-v3-which-standing-desk-isbetter/)
- Autonomous SmartDesk 2 vs. VertDesk v3: Which is the best? (https://www.btod.com/blog/2017/05/31/autonomous-smartdesk-2-business-edition-vs-vertdesk-v3-which-is-better/)
- Uplift 900 Desk vs. VertDesk v3: Which is better? (https://www.btod.com/blog/2017/03/08/vertdeskv3-vs-uplift-900-desk-stand-up-desk-comparison/)
- The Uplift 900 vs. The Jarvis Standing Desk (https://www.btod.com/blog/2017/02/21/standing-deskcomparison-jarvis-desk-vs-uplift-900-desk/)
- 9 Most Common Problems with Motorized Standing Desks (https://www.btod.com/blog/2017/02/12/9-most-common-problems-with-motorized-standing-desks/)

More >

#### Posted by : Greg Knighton (https://www.btod.com/blog/author/greg/)

Greg Knighton is the President of BTOD.com with over 15 years experience in the office furniture industry. When he is not at the office helping customers he enjoys golfing, skiing, snowmobiling and spending time with his family.

(https://www.btod.com)

#### Previous Article :

Top 6 Problems And Solutions
 With Electric Standing Desk
 Converters

Next Article :



**Related Articles** 

Storage Options For Standing Desks – VertDesk V3 And NewHeights XT (Https://Www.btod.com/ Blog/2018/03/24/Best-Storage-Options-For-Standing-Desks/)

▲ Greg Knighton (Https://Www.btod.com/Blog/Auth or/Greg/) ② 24 Mar 2018 The 5 Best Stand Up Desk Converter Warranties (Https://Www.btod.com/ Blog/2017/04/19/5-Best-Stand-Up-Desk-Converter-Warranties/)

 Ryan Bald
 (Https://Www.btod.com/Blog/Auth or/Ryan/) ① 19 Apr 2017

Standing-Desks/) Greg Knighton (Https://Www.btod.com/Blog/Auth or/Greg/) © 18 Jan 2018

12 Reasons To Avoid

Blog/2018/01/18/12-

Reasons-To-Avoid-

Cheap-Electric-

Cheap Electric Standing Desks Under \$400

(Https://Www.btod.com/

LEAVE A REPLY

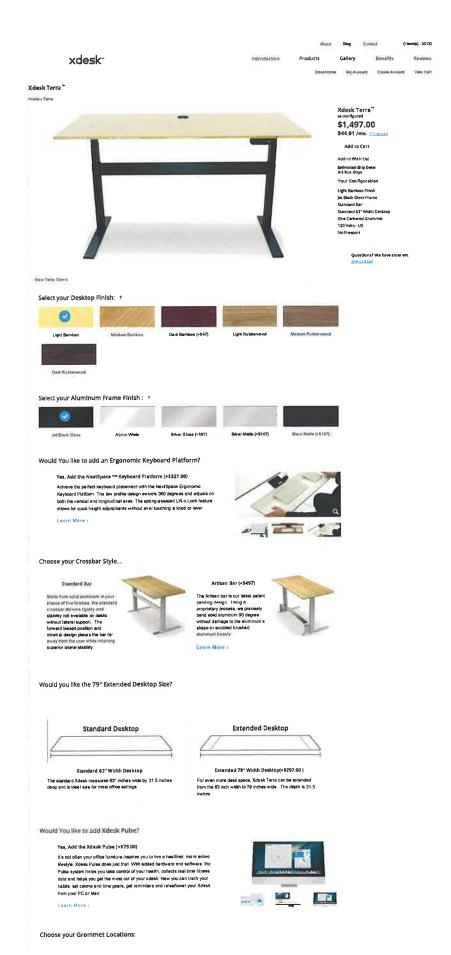
You must be logged in (https://www.btod.com/blog/wp-login.php?redirect\_to=https%3A%2F%2Fwww.btod.com% 2Fblog%2F2017%2F11%2F01%2Ftop-8-problems-nextdesk-terra-standing-desk%2F) to post a comment.

AMAZON AFFILATE DISCLOSURE (HTTPS://WWW.BTOD.COM/BLOG/AMAZON-AFFILIATE-DISCLOSURE/)							
(https://www.facabaak.com/DavandThaOfficaDaar/) //http://www.twitter.com/watdeak/) //https://www.facadaar//Davandthaofficadaar/							
Q Search							

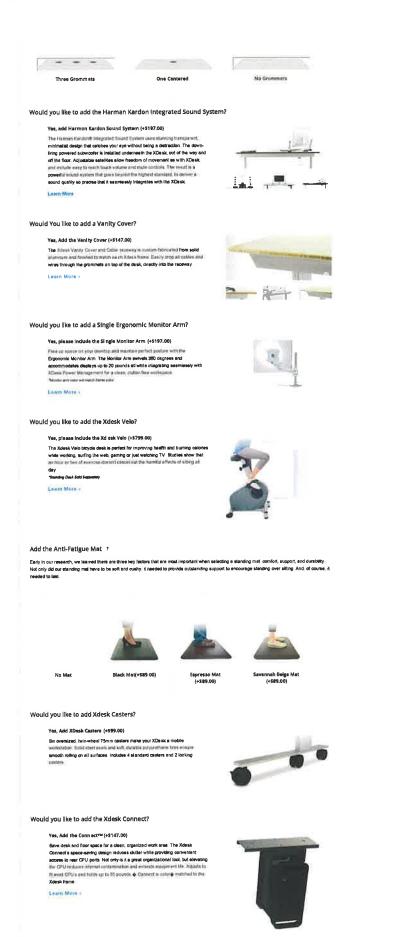
Copyright 2017 Beyond the Office Door, LLC, All Rights Reserved

Top 8 Problems with NextDesk Terra™ Standing Desk Now XdeskPage 10 of 10Case: 3:19-cv-00217Document #: 2-1Filed: 03/21/19Page 11 of 11

# EXHIBIT B



https://www.xdesk.com/store/terra

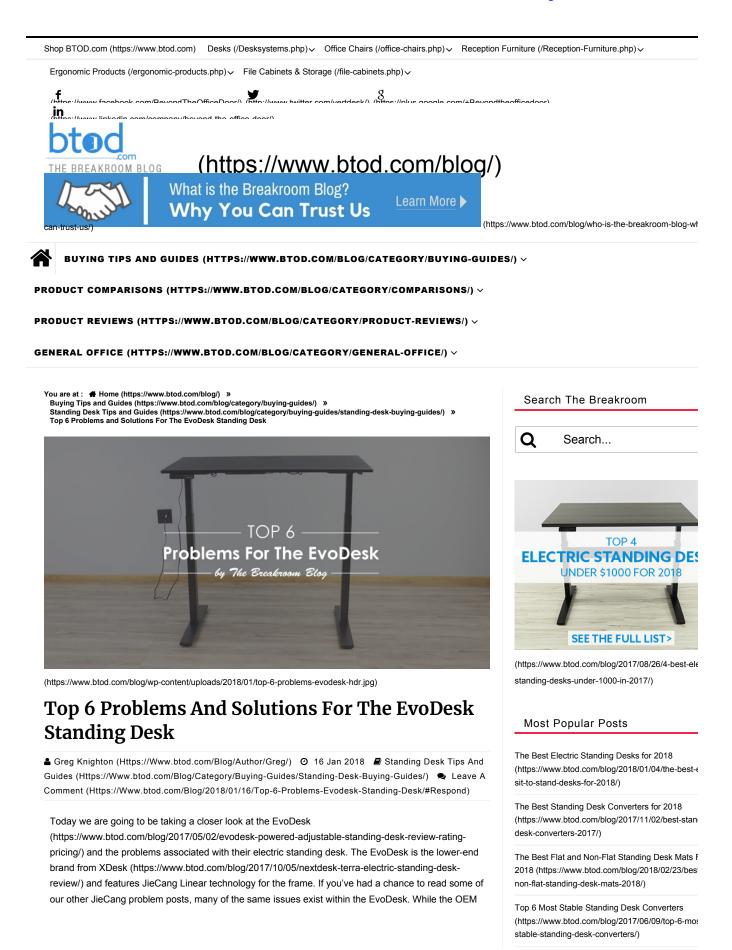




15 For of SockTies M leadant monofilament cable cover costains power and data cables Expands, 10% is hold all data and power cables for a very direction of the standard and the

Products Standing Desk	Learning Center	Purchasing edesk Store	Get Help Center: Us	Entit Email for oderActiones >
Adurmable Height Desk	Endersonment	Shipping and Returns	Request Phone Call	Private ancure spansine.
Video Gallery	Download Brochure	Custom Desks	View Cart	1.000 Libbi
Photo Gallery	xdesk Reviews	Financing	Nly Account	
	About Us		Sime Wap	CO BUILT CO BUILT
				family \$1.0 million between the same, that the

# EXHIBIT C



JieCang offers one of the better Chinese made standing desks, the problems their frames possess could potentially be a deal breaker. Let's take a closer look at the EvoDesk and see if it is a good option for your standing desk needs.

**Full Disclaimer:** We are an office furniture dealer and sell some of the products we review. To learn more about the products we sell, our review process and why you can trust us, please visit: Why we're different. Who is BTOD.com and The Breakroom Blog? (https://www.btod.com/blog/who-is-the-breakroom-blog-why-you-can-trust-us/)

After 12 months of testing 20+ electric standing desks the results are in!

Read The Best Electric Standing Desks For 2018 >> (https://www.btod.com/blog/2018/01/04/the-best-electric-sit-to-stand-desks-for-2018/)

## 1. Over Lubrication

One of the most common issues with the JieCang frame and Chinese standing desks in general is over lubrication. This lubrication problem is linked to low quality plastics used for glide systems and a lack of quality control shown in most Chinese brands.

Because low quality plastics wear unevenly, the potential for binding exists within the columns. To improve the efficiency of the glides and prolong the life of the desk, manufacturers will use lubricants inside the column. High quality glides, that are made from Dupont Delrin plastics, are designed to provide a natural lubricant and reduce the need for a lot of extra lubricant. After cycling the EvoDesk only a handful of times you will start to see the white lubricant building up on the outside of the columns. Opening the EvoDesk's columns, the over lubrication became obvious. Of the six different JieCang frames we have brought in, each has had the same issue.

White build up from lubrication in columns

The over lubrication problem didn't just exist in the glides. This was a problem throughout the entire frame. Taking a closer look at the gear, we found that while a different type of lubricant is in use, it was still in excessive amounts. I'm not sure how much this would impact the efficiency of the gear, but it shows a lack of attention to detail. Considering this is an issue with all of the JieCang frames, my concern is linked to the level of quality control that exists at JieCang.

Solution

The 5 Best Varidesk Alternatives and Competitors (https://www.btod.com/blog/2017/02/24/5-best-va alternatives-and-competitors/)

Top 9 Problems With The Varidesk Convertible S Desk (https://www.btod.com/blog/2017/03/14/topproblems-varidesk-convertible-standing-desk/)

How-To: Layout and Design the Perfect Waiting F (https://www.btod.com/blog/2015/07/08/how-to-la and-design-the-perfect-waiting-room/)

5 Best Free Online Layout and Design Tools For (https://www.btod.com/blog/2017/01/24/the-best-f layout-and-design-tools-online-for-the-office/)

#### Categories

Buying Tips and Guides (https://www.btod.com/blog/category/buying-guide (114)

24 Hour Chair Tips and Guides (https://www.btod.com/blog/category/buying-gui hour-chair-buying-guides/) (5)

Big and Tall Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/big-and-tall-chair-buying-guides/) (2)

Ergonomic Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/ergonomic-chairs-buying-guides/) (9)

Office Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/office-desk-buying-guides/) (7)

Standing Chair Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-chairs-stools-guides/) (6)

Standing Desk Mat Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-mats/) (1)

Standing Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-buying-guides/) (60)

Waiting Room Furniture Tips and Guides (https://www.btod.com/blog/category/buyingguides/waiting-room-furniture-buying-guides/) (1

General Office (https://www.btod.com/blog/category/general-offic

Brand Spotlights (https://www.btod.com/blog/category/generaloffice/brand-spotlights/) (5)

Cleaning and Care (https://www.btod.com/blog/category/generaloffice/cleaning-and-care/) (5)

#### Ergonomics

(https://www.btod.com/blog/category/generaloffice/ergonomics/) (14)

Page 3 of 8

You would think the most obvious solution for this would be to clean up the columns as they cycle. Unfortunately, this problem would be impossible to completely resolve as the desk will continue to show streaks of white lubricant. The secondary issue is that JieCang likely deems it necessary to use an excessive amount of lubricant to operate for the entire life cycle. By removing the lubricant there stands a chance that you could negatively impact the functionality of the desk.

# 2. Cheap Glide System

We touched on this subject a bit with the over lubrication section, but the cheap glide system is a major concern for the JieCang frame. Binding in the column is a real issue with standing desks, specifically when an anti-collision function is engaged. As glides begin to wear down, their effectiveness begins to decrease as well. When higher quality glides are used, they hold up much better over high-cycle counts. Through cycle testing other JieCang frames, we have found that binding in the columns can start as early as 400 cycles.

The second problem associated with the lower quality glides is how it impacts the stability of the desk. We've found that it doesn't require a lot of movement within the columns to create stability issues as the desk is raised to standing height. Because lower quality glides tend to wear down faster, desks that cut costs with their glides will see significant changes in their stability over their lifetime. The EvoDesk wasn't very stable to start, so this problem has the potential to get much worse the longer you own the desk.

### Solution

The best solution would be for these manufacturers to start using higher quality glide systems. Many choose not to because of the cost savings associated with less expensive glide systems. Until better glides are used, Chinese manufacturers will have to continue to over lubricate to ensure the desks function properly.

**Note:** We have cycled tested two frames for JieCang and each has shown binding problems in the columns. Their solution was to send an updated control box that significantly reduced the sensitivity on the anti-collision function. This worked, but it made the desk much less safe. Specifically because the brands that currently offer JieCang have engaged the one-touch button functionality. The new control box was so desensitized that it was strong enough to break through large 1/4" thick pieces of MDF with a laminate finish. This would easily break fingers and poses a serious safety concern.

# 3. Stability Issues

The EvoDesk is designed with a T-base for their frame without the use of a traditional cross support system. Through our experience we have found that the T bases "feel" less stable than the alternative C-base desks. Even if they are equally as stable with front to back rocking motions, they give the impression they are less stable because of their center mounted base design. This design distributes the weight of the desk surface equally front to back, making it much easier to rock the desk surface. A C-base designs puts more of the desk surface weight forward, letting gravity pull down on one side of the top. This makes it more difficult to rock the desk and creates an illusion of being more stable.

The EvoDesk was stable below 40" when we tested the front to back rocking motion. Once you raised the desk to above 43" to 44" that motion became bad. Unfortunately, for the EvoDesk, front to back rocking wasn't the only stability issue with their frame. During our stability testing, we also found that it had wobble issues starting as early as 39". This wobble motion became bad by 42" tall and would impact your work efficiency.

Health and Wellness (https://www.btod.com/blog/category/generaloffice/office-health-and-wellness/) (22)

#### Office Trends (https://www.btod.com/blog/category/generaloffice/office-trends/) (23)

Technical Information (https://www.btod.com/blog/category/generaloffice/technical-information-office-furniture/) (2)

Product Comparisons (https://www.btod.com/blog/category/comparisons

24 Hour Chair Comparisons (https://www.btod.com/blog/category/compariso hour-chair-comparisons/) (2)

Electric Standing Desk Comparisons (https://www.btod.com/blog/category/compariso ric-standing-desk-comparisons/) (20)

Standing Desk Chair Comparisons (https://www.btod.com/blog/category/compariso ding-chair-comparisons/) (4)

Standing Desk Converter Comparisons (https://www.btod.com/blog/category/compariso ding-desk-converter-comparisons/) (16)

#### Product Reviews

(https://www.btod.com/blog/category/product-revi (90)

24 Hour Chair Reviews (https://www.btod.com/blog/category/productreviews/24-hour-chair-reviews/) (5)

Big and Tall Chair Reviews (https://www.btod.com/blog/category/productreviews/big-and-tall-chair-reviews/) (4)

Electric Standing Desk Reviews (https://www.btod.com/blog/category/productreviews/electric-standing-desk-reviews/) (20)

Ergonomic Chair Reviews (https://www.btod.com/blog/category/productreviews/ergonomic-chair-reviews/) (6)

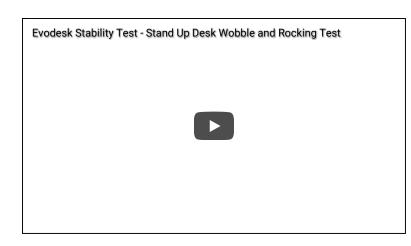
Kneeling Chair Reviews (https://www.btod.com/blog/category/productreviews/kneeling-chair-reviews/) (2)

Standing Desk Chair Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-chair-reviews/) (13)

Standing Desk Converter Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-converter-reviews/) (43)

#### Archives

Select Month



(https://www.btod.com/blog/2017/12/15/the-beststanding-desk-chairs-and-stools/)

#### Solution

Fixing the stability issues with the EvoDesk requires a couple changes. The most important change would be to update their frame to the version that GeekDesk v3 uses

(https://www.btod.com/blog/2017/07/13/geekdesk-v3-electric-adjustable-standing-desk-review-ratingpricing/). The addition of a traditional cross support has helped them create a more stable option. In fact, this is the most stable JieCang frame we have tested to date. Alternatively, EvoDesk could go back to their older design which was similar to the Uplift Desk. This included the non-traditional columns (small on bottom and big on top) with the wedge system. This design has proven to be more stable with left to right wobble testing. The only issue they had with their previous design was that they still utilized the T base design.

## 4. Low Quality Electronics

A common problem we have found among all Chinese desks tested has been their low quality electronics. This really shouldn't be a surprise, as these standing desks have also come with the lowest price tags available. Unfortunately, for the EvoDesk, it carries a price tag that is higher than some of the best standing desks tested under \$1000 (https://www.btod.com/blog/2017/08/26/4-best-electric-standing-desks-under-1000-in-2017/), but still includes low quality electronics.

Two board design of control box

Opening the control box on the EvoDesk, the first thing you will notice is that it is using the standard two board design from JieCang. This two board design is typical of the cheap control boxes we have tested. The main reason they use a two board system is cost savings. Instead of investing in a single board engineered specifically for their standing desk, JieCang has gone with mass produced circuit boards. When you look closer at each of the boards, you'll find a low level of quality control with excessive use of caulk to hold their electronic components in place. Another concern with the two board system is the poor connections between each, linked with cheap connectors. These tend to be loose and are likely to be the first portion of the control box to fail.

Close up showing lack of quality control

#### Solution

Both Linak and LogicData have proven to be much better options than what is found on the JieCang products. Looking at these two brands, the first thing you notice is how clean their boards are. Using single circuit boards versus two, they have made the investment to create a better product. Each brand is void of any excessive use of caulk. You also won't find poorly wrapped toroid coils or cheap plastic connections inside their control boxes.

## 5. T Base Mounting Clearance Problems

Something that doesn't get talked enough about is clearance issues underneath the surfaces of standing desks. Depending on the frame design, there is likely a portion of the frame that will cross between the columns underneath the desk top. Looking at the T base design of the EvoDesk, where this frame is placed a problem for users who plan to mount accessories. A T base design is perfectly center mounted underneath the desk surface. The frame of the EvoDesk is about 6" wide, which leaves close to 12" on either side of the frame to mount accessories. The most commonly affected accessories are those that require large depth clearance. Keyboard trays, CPU holders and pencil drawers are the most popular products that require a depth of 16" or more.

Measure distance from edge of surface to frame

### Solution

If you are handy, your best solution would be to create some type of shim to span the frame. My suggestion would be to use small pieces of 2×4's to span across the frame. It's important to note this will drop the accessory down a couple inches, so if knee clearance is an issue you should consider that as well. Alternatively you can look at products that use a C base design for their frame. Set back of center, this creates more clearance to mount accessories. Also, looking at desktop sizes, the

measurements I provided above were for a 30" deep desktop. If you were to select a desk that is 24" deep, this mounting depth would become an even bigger issue. I would suggest sticking with the deep desk surface if possible for your space.

## 6. Cost When Compared To Alternative JieCang Products

During the past year we have tested over 20 electric standing desks. Through that process I can confidently say that you truly pay for what you get. When looking at the desks that are offered under \$400, the products that sell for \$600 and up are generally much better products. Of course, there always has to be an exception to that rule. The EvoDesk is that exception, with a price that is close to \$800, once you have included their shipping charge. While the EvoDesk has a lot to offer, with a wide adjustment range and good lifting capacity, it isn't any better than the other JieCang competitors.

#### Solution

Looking at both Jarvis by Fully (https://www.btod.com/blog/2017/02/16/the-jarvis-electric-adjustablestanding-desk-review-rating/) and the Uplift Desk (https://www.btod.com/blog/2017/02/14/uplift-900standing-desk-c-leg-review-rating/), each offers virtually the same frame with a seven year warranty for 20-30% less money. With really no advantage to go with the EvoDesk, that price difference is hard to swallow. If you want to get a JieCang frame that offers better stability for around the same price, the GeekDesk v3 would be another option. If you'd like a better overall desk for less money, we have found two options that are around the \$600 mark.

## **Bottom Line**

Taking a closer look at the EvoDesk, there are clear problems that come with this product. When you factor in the the price of the EvoDesk, equipped with a 30"x60" top and programmable switch, you find yourself north of \$800. Compare this to virtually the same product in the Uplift Desk and Jarvis and it's hard to see why you'd buy this version of the JieCang frame. Even better quality products exist for 20% less than EvoDesk, making the decision to avoid an EvoDesk easier. The EvoDesk ranked in the middle of our list for the best standing desks in 2018 (https://www.btod.com/blog/2018/01/04/the-best-electric-sit-to-stand-desks-for-2018/), but you'll likely find much better value the higher you go into the list.

(https://www.btod.com/blog/electric-buying-guide)

## **Additional Standing Desk Resources**

- Top 6 Reasons Why Standing Desks Wobble (https://www.btod.com/blog/2017/07/14/top-6reasons-why-adjustable-standing-desks-wobble/)
- GeekDesk v3 vs. VertDesk v3: Standing Desk Comparison (https://www.btod.com/blog/2017/07/23/geekdesk-v3-vs-vertdesk-v3-which-standing-desk-isbetter/)

## Top 6 Problems and Solutions For The EvoDesk Standing DeskPage 7 of 8Case: 3:19-cv-00217Document #: 2-3Filed: 03/21/19Page 8 of 9

- Autonomous SmartDesk 2 vs. VertDesk v3: Which is the best? (https://www.btod.com/blog/2017/05/31/autonomous-smartdesk-2-business-edition-vs-vertdesk-v3-which-is-better/)
- Uplift 900 Desk vs. VertDesk v3: Which is better? (https://www.btod.com/blog/2017/03/08/vertdeskv3-vs-uplift-900-desk-stand-up-desk-comparison/)
- The Uplift 900 vs. The Jarvis Standing Desk (https://www.btod.com/blog/2017/02/21/standing-desk-comparison-jarvis-desk-vs-uplift-900-desk/)
- 9 Most Common Problems with Motorized Standing Desks (https://www.btod.com/blog/2017/02/12/9-most-common-problems-with-motorized-standing-desks/)

🎔 Twitter 🕈 Facebook 8 Google+ 🕠orStam

#### AUTHORS

#### Posted by : Greg Knighton (https://www.btod.com/blog/author/greg/)

Greg Knighton is the President of BTOD.com with over 15 years experience in the office furniture industry. When he is not at the office helping customers he enjoys golfing, skiing, snowmobiling and spending time with his family.

(https://www.htad.com)

Previous Article :

Top 7 Problems And Solutions For Standing Desk Chairs Top 6 Problems And Solutions With The Varidesk VARIchair® Standing Chair

Next Article :

**Related Articles** 

The VertDesk V3 Standing Desk: Now Built In The USA (Https://Www.btod.com/ Blog/2017/03/25/The-Vertdesk-V3-Standing-Desk-Now-Built-In-The-Usa/)

 Greg Knighton
 (Https://Www.btod.com/Blog/Auth or/Greg/) ② 25 Mar 2017 Top 7 Problems And Solutions With The Kangaroo Standing Desk Converter (Https://Www.btod.com/ Blog/2017/07/14/7-Probl ems-With-Kangaroo-Standing-Desk-Converter/)

Ryan Bald (Https://Www.btod.com/Blog/Auth or/Ryan/) ① 14 Jul 2017 Top 6 Most Stable Standing Desk Converters (Https://Www.btod.com/ Blog/2017/06/09/Top-6-Most-Stable-Standing-Desk-Converters/)

🛓 Ryan Bald

(Https://Www.btod.com/Blog/Auth or/Ryan/) ③ 09 Jun 2017

### LEAVE A REPLY

You must be logged in (https://www.btod.com/blog/wp-login.php?redirect\_to=https%3A%2F%2Fwww.btod.com% 2Fblog%2F2018%2F01%2F16%2Ftop-6-problems-evodesk-standing-desk%2F) to post a comment.

AMAZON AFFILATE DISCLOSURE (HTTPS://WWW.BTOD.COM/BLOG/AMAZON-AFFILIATE-DISCLOSURE/)					
		S (http://plup.coople.com/+Dovondthooffinadoor)			
	i door/)				
Inthe linked in com/company/houred the office	door/\				

Copyright 2017 Beyond the Office Door, LLC, All Rights Reserved

# EXHIBIT D



## Our Family of Brands

3 BRANDS. 40+ MODELS. 16 PATENTS ISSUED & PENDING.

Our Terror Contraction of the freedom to

models. It's how we bring dreams to

likisionaroote borration of Quality.

Choose from the the Evodesk Engineered + Designed in US. premium line, the <u>Xdesk line of</u>

luxury desks Unique Style + Dozens of (<u>https://www.xdesk.com</u>), and our Options. always dependable <u>Nookdesk</u>

(https://www.nookdesk.com).

Whether yc**EXPLORE EVO MODELS**r (HTTPS://WWW.EVODESK.COM/STANDINGfirst desk, an office**DESKS**)de, or a

modern industrial work of art, we

have the perfect desk for you.





## Always Reliable Yet Affordable for All



Luxury & Ultra-Premium Power Electric Desks

Exclusive + Uncomprimising Quality.

Hand-Crafted in Austin, TX.

Modern, Vintage Industrial + Custom.

VISIT XDESK.COM (HTTPS://WWW.XDESK.COM)

## **Private Labels**



Designegater : 2-4 In Filed Right & Charter brands,

Dual Motors (Lesser Desks are Single).

Storage + Many Options Available.

## VISIT NOOKDESK.COM (HTTPS://WWW.NOOKDESK.COM)

REVIEWS

we manufacture and private

label electric desks for leading

retailers, from local specialty stores to billion dollar

companies.

## STANDING REVOLUTION BETTER HEALTH AND LONGER LIVES

A revolution is sweeping across the nation, and it will ultimately move nearly everyone to a new age of standing while working. Evodesk was founded to prove that people idn't need to compromise to enjoy an electric desk. In the process, Evodesk has become the most awarded deskingts class in every category. All this is just the beginning. With Evodesk building its most affordable desk yet, it continues to make electric standing desks affordable to more and more people which leads to better health and longer STAINABLE MATERIALS

Genuine, natural materials add warmth There are several manufacturers that make standing desks, but I chose this one. It's the Lamborghini of standing desks. Super sleek.

## READ MORE (REVIEWS)

02

## **INNOVATION** SIX PATENT AND TEN PATENTS

Today, Evodesk is the innovation leader with 6 patents and 10 patents pending. From our patented four column high-stability designs to patented welded steel subframes to designs that stir the soul, you'll

PENDING

. . . . . .

## and beauty to any :19-cv-00217 Document #: 2-4147926:103921/1900456 Document

space. Evodesk maintains a rare standard in the furniture industry: all desktops must be sustainable and real, and not plastic versions of something made by Mother Nature. But we take it a step further. Our "do no harm" philosophy means that we use only solventfree, planet friendly



finishing. Setting Evodesk apart, sustainable materials like Plantat **BRESERDENT** Bamboo are crafted into the genuine and

了世界新

 $\mathbf{n}_{4}$ 

的复数合数

Evodesk ships all desks from its

of the cesk components are also

made. For example, desktops are

machined and finished in the US.

of your desk. It's the part you see

our desktop is the most visible part

hevery day That's why

factory in Austin, Texas where some

CRAFTSMANSHIP

solid furniture you've Our mission is to accelerate the always wanted. world's transition to electrict standing desks. pushing boundaries. In 2016, Evodesk disrupted the industry when it unveiled the most stable and powerful desk ever – the Evodesk Pro. With quad lifting columns and a 500+ pound capacity, electric standing desks entered an era of no limits. The new patented design opened up a whole new world of integrated storage and accessories that people had demanded for years.

> PERSONALIZED FROM AUSTIN, TX

Our Austin, Texas based factory is dedicated to giving the opportunity to personance heir desk. It's how we bring dreams to and create some him Choose your model sho mush to make you uniquely yours. O foot factory is s selected solid and sustan materials like Plantation

https://www.evodesk.com/about

e: 3.19-cv-00217 'yDocument #: 2-4BaFiteb0.3/21/19 Page 5 of 5

you'll find no plastic laminate or edge banding that can peel over time. We start with the solid, real material of your choice. We then CNC machine each desktop with

smooth contoured edges so you can

USE BROTONCESSIV forSHOP & DEARDF GET IN TOUCH

#### WOrktanchpbekks (standing-desks)

One Column (evodesk-xe)

Two Column (evodesk)

Four Column (evodesk-pro)

Studio L (evodeskstudio-l)

Gaming Desk (gaming-desk)

Ultra Premium Desks (https://www.xdesk.com)

Reviews (reviews) Contact Us (contact) Accessories (optionsaccessories) Compare (compare) Assembly Manuals (contact) (downloads) Watch The Video

Brochure brochure.pdf)

(downloads)

Sales Chat Support Chat Request Call

Download Center

**STORE &** 

Evo Store

Contact Us (contact) (https://www.evodeskoom/storabout)

COMPANY

Shipping (shipping) Blog (blog/)

**Returns & Refunds** (shipping)

Financing (financing)

My Account (https://www.evodesk.com/media/evodes/store/account/login) View Cart

(store/checkout/cart) International Shipping (internationalshipping)



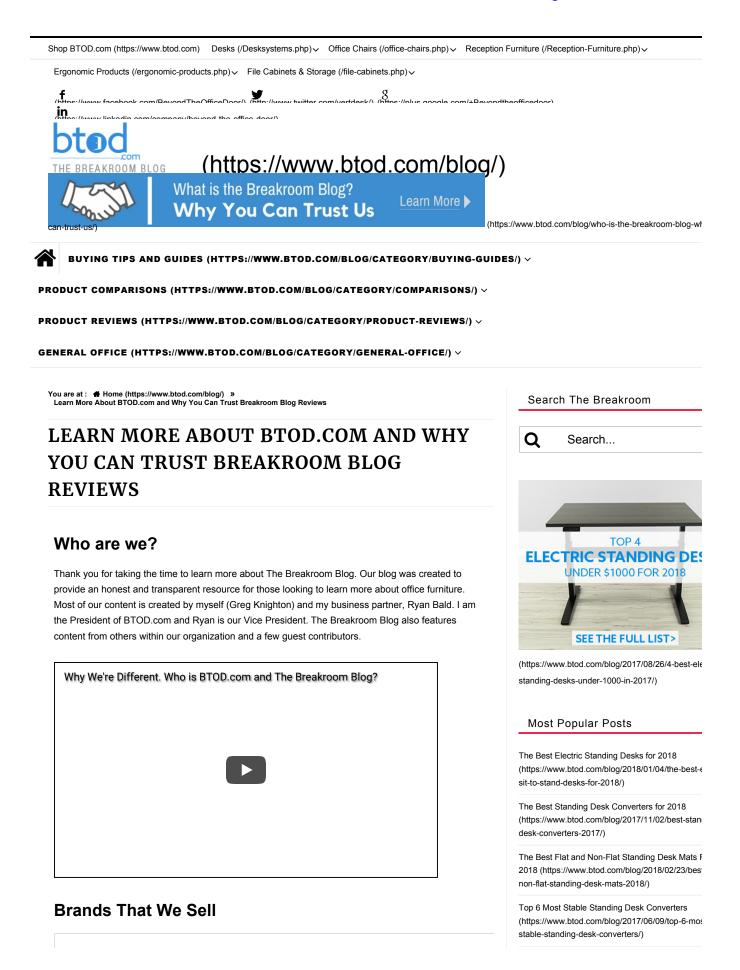
COPYRIGHT ©2018 EVODESK.COM ALL RIGHTS RESERVED PRIVACY POLICY (PRIVACY-POLICY) / TERMS OF USE (TERMS-OF-USE)





SUPPORT

## EXHIBIT E



## Who are we? See why you can trust BTOD reviews on our blog. Case: 3:19-cv-00217 Document #: 2-5 Filed: 03/21/19 Page 3 of 5

Aeris (https://www.btod.com/aeris.html)	Alera (https://www.btod.com/Alera.htm)	Anji Mountain (https://www.btod.com/ANJ.htm)
Boss (https://www.btod.com/Boss- Chairs.htm)	BTOD (https://www.btod.com/beyond-the- office-door.htm)	Bush (https://www.btod.com/Bush- Furniture.htm)
DMI (https://www.btod.com/DMI.htm)	ERA (https://www.btod.com/ERA.htm)	Ergohuman (https://www.btod.com/EroHumanMesh.php)
HealthPostures (https://www.btod.com/HealthPostures.htm)	HPFI (https://www.btod.com/Highpoint.htm)	Humanscale (https://www.btod.com/humanscale.html)
Lesro (https://www.btod.com/Lesro.htm)	LEVL Gaming (https://www.btod.com/levl-gaming- chairs)	Mayline (https://www.btod.com/Mayline.htm)
Nightingale (https://www.btod.com/Nightingale.htm)	Office Source (https://www.btod.com/office- source.htm)	Office Star (https://www.btod.com/Office- Star-Products.htm)
RA Products (https://www.btod.com/RightAngle- Products.htm)	Raynor (https://www.btod.com/Eurotech- Office-Chairs.htm)	Safco (https://www.btod.com/Safco.htm)
VertDesk (https://www.btod.com/vertdesk.php)	VIA (https://www.btod.com/Via.htm)	

## Why BTOD.com and The Breakroom Blog Are Different

Approaching our 11th year in business, we decided to make a brand change from Beyond The Office Door to BTOD.com. In late 2016, our company was struggling, losing a lot of the brand equity we had built up over the first 10 years in business in search engines like Google.

We realized we needed a way to stand out from the crowd. With all of our experience, we knew that we weren't like everyone else. How could we stand out from the crowd? What could we do differently than our competitors?

Instead of waiting for customers to call to learn that we were experts, we needed to show them through our blog. To do this, we had to take a completely different approach than anyone else in our industry. We needed to create a real resource where users could learn about all the products in the office furniture category.

To do this, we needed to be honest about all products, including our own. Our focus had to be on educating consumers first. Showing them the good and bad of all products; even if this meant we'd be recommending a competitor's products.

I can tell you with great confidence there is no one else like us in our industry. You can search all ends and will not find another company that is willing to point out flaws in their own products. Truth is, I've never seen another company recommend a competitor until we started doing it.

While some of our competitors wonder what we are doing, it's not really a secret. Building your trust is paramount to what we do everyday. Keeping it is even more important. If we knowingly recommended a product that wouldn't work for your needs, you would be upset and we'd lose the trust we've worked to build. At the end of the day, we would prefer you're happy with the new product you've purchased and we've maintained our relationship.

## Our Process with Reviews, Comparisons and Best of Lists.

The 5 Best Varidesk Alternatives and Competitors (https://www.btod.com/blog/2017/02/24/5-best-va alternatives-and-competitors/)

Top 9 Problems With The Varidesk Convertible S Desk (https://www.btod.com/blog/2017/03/14/topproblems-varidesk-convertible-standing-desk/)

How-To: Layout and Design the Perfect Waiting F (https://www.btod.com/blog/2015/07/08/how-to-la and-design-the-perfect-waiting-room/)

5 Best Free Online Layout and Design Tools For (https://www.btod.com/blog/2017/01/24/the-best-f layout-and-design-tools-online-for-the-office/)

#### Categories

Buying Tips and Guides (https://www.btod.com/blog/category/buying-guide (114)

24 Hour Chair Tips and Guides (https://www.btod.com/blog/category/buying-gui hour-chair-buying-guides/) (5)

Big and Tall Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/big-and-tall-chair-buying-guides/) (2)

Ergonomic Chairs Tips and Guides (https://www.btod.com/blog/category/buyingguides/ergonomic-chairs-buying-guides/) (9)

Office Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/office-desk-buying-guides/) (7)

Standing Chair Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-chairs-stools-guides/) (6)

Standing Desk Mat Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-mats/) (1)

Standing Desk Tips and Guides (https://www.btod.com/blog/category/buyingguides/standing-desk-buying-guides/) (60)

Waiting Room Furniture Tips and Guides (https://www.btod.com/blog/category/buyingguides/waiting-room-furniture-buying-guides/) (1

General Office (https://www.btod.com/blog/category/general-offic

Brand Spotlights (https://www.btod.com/blog/category/generaloffice/brand-spotlights/) (5)

Cleaning and Care (https://www.btod.com/blog/category/generaloffice/cleaning-and-care/) (5)

#### Ergonomics

(https://www.btod.com/blog/category/generaloffice/ergonomics/) (14) One of the first things that we decided was that we needed to pick a category and run with it. I chose the electric standing desks and Ryan went with standing desk converters. By doing this, we would each have a better understanding of all products in our category when comparing them.

We bring in every product we review. We have never written a product review based on information we find online. I can tell you there have been plenty of instances we thought a product might be great and once it arrived we had a much difference experience. Since we have started this review process, we have brought in over \$40,000 worth of competitors furniture. While this is a big investment, we feel it is necessary to accurately review a product.

With seven people in our 2,400 square foot office, our space has slowly shrunk and become a sea of competitor's office furniture. To free up space, we brought in a twenty foot high cube shipping container. This sits behind our building, housing a majority of the products we have already reviewed.

Any time we want to compare a new product, we take a walk to the shipping container. We've done our best at keeping everything organized. When you see all of the products in the container, you get a pretty good idea that we are serious about what we do.

## Working Together To Learn More About Each Category

While we stick to our own categories, we are always checking out the different products that each of us bring in for review.

Whenever Ryan has a new converter on his desk, I'll pop into his office and see how the review process is going. Sometimes it's good to get a fresh pair of eyes on a product. Because we are a different height, I'll run the desk up to stand height to see how it fits me. I like to get an idea of how the competing brands stack up to ours.

The same thing applies for the electric standing desks. Ryan will usually stop in the studio while I'm building a new standing desk. Once it's together he will help me with the speed and load testing. One of our favorite parts of the electric standing desk reviews is tearing them apart. Finding out what makes them tick and how many secrets are hidden behind the steel columns.

## **Questions or concerns?**

If you have any questions about products we have or have not tested please feel free to send them. We are happy to help guide you through the process. We can be reached at info@btod.com.

Health and Wellness (https://www.btod.com/blog/category/generaloffice/office-health-and-wellness/) (22)

Office Trends (https://www.btod.com/blog/category/generaloffice/office-trends/) (23)

Technical Information (https://www.btod.com/blog/category/generaloffice/technical-information-office-furniture/) (2)

Product Comparisons (https://www.btod.com/blog/category/comparisons

24 Hour Chair Comparisons (https://www.btod.com/blog/category/compariso hour-chair-comparisons/) (2)

Electric Standing Desk Comparisons (https://www.btod.com/blog/category/compariso ric-standing-desk-comparisons/) (20)

Standing Desk Chair Comparisons (https://www.btod.com/blog/category/compariso ding-chair-comparisons/) (4)

Standing Desk Converter Comparisons (https://www.btod.com/blog/category/compariso ding-desk-converter-comparisons/) (16)

Product Reviews

(https://www.btod.com/blog/category/product-revi-(90)

24 Hour Chair Reviews (https://www.btod.com/blog/category/productreviews/24-hour-chair-reviews/) (5)

Big and Tall Chair Reviews (https://www.btod.com/blog/category/productreviews/big-and-tall-chair-reviews/) (4)

Electric Standing Desk Reviews (https://www.btod.com/blog/category/productreviews/electric-standing-desk-reviews/) (20)

Ergonomic Chair Reviews (https://www.btod.com/blog/category/productreviews/ergonomic-chair-reviews/) (6)

Kneeling Chair Reviews (https://www.btod.com/blog/category/productreviews/kneeling-chair-reviews/) (2)

Standing Desk Chair Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-chair-reviews/) (13)

Standing Desk Converter Reviews (https://www.btod.com/blog/category/productreviews/standing-desk-converter-reviews/) (43)

Archives

Select Month

(https://www.btod.com/blog/2017/12/15/the-beststanding-desk-chairs-and-stools/)

AMAZON AFFILATE DISCLOSURE (HTTPS://WWW.BTOD.COM/BLOG/AMAZON-AFFILIATE-DISCLOSURE/)					
in	www.facahook.com/DavondThaOfficaDoor/\		(https://nlus.google.com/+Revondthaofficedoor)		

Copyright 2017 Beyond the Office Door, LLC, All Rights Reserved

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT				
	_ District of			
Plaintiff(s) V. Defendant(s)	) ) ) ) ) Civil Action No. ) ) ) ) )			

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

## **PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

	This summons for (nam	ne of individual and title, if any)		
was re	ceived by me on (date)	·		
	□ I personally served	the summons on the individual	at (place)	
			on (date)	; or
	□ I left the summons	at the individual's residence or	usual place of abode with (name)	
		, a perso	on of suitable age and discretion who re	sides there,
	on (date)	, and mailed a copy to	the individual's last known address; or	
	$\Box$ I served the summa	ons on (name of individual)		, who is
	designated by law to a	accept service of process on bel		
			on (date)	; or
	$\Box$ I returned the summ	nons unexecuted because		; or
	<b>Other</b> ( <i>specify</i> ):			
	My fees are \$	for travel and \$	for services, for a total of \$	
	I declare under penalty	of perjury that this informatio	n is true.	
Date:				
			Server's signature	
			Printed name and title	

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT				
	District of			
Plaintiff(s) V. Defendant(s)	) ) ) ) ) ) ) ) ) ) ) ) ) )			

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

## **PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

	This summons for (nam	ne of individual and title, if any)		
was re	ceived by me on (date)	·		
	□ I personally served	the summons on the individual	at (place)	
			on (date)	; or
	□ I left the summons	at the individual's residence or	usual place of abode with (name)	
		, a perso	on of suitable age and discretion who re	sides there,
	on (date)	, and mailed a copy to	the individual's last known address; or	
	$\Box$ I served the summa	ons on (name of individual)		, who is
	designated by law to a	accept service of process on bel		
			on (date)	; or
	$\Box$ I returned the summ	nons unexecuted because		; or
	<b>Other</b> ( <i>specify</i> ):			
	My fees are \$	for travel and \$	for services, for a total of \$	
	I declare under penalty	of perjury that this informatio	n is true.	
Date:				
			Server's signature	
			Printed name and title	

Server's address

Additional information regarding attempted service, etc:

#### JS 44 (Rev. 08/18)

## Case: 3:19-cv-0021 CIVIL COVER SHEET 03/21/19 Page 1 of 1

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)* 

I. (a) PLAINTIFFS	, ,		DEFENDANTS		
<ul> <li>(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)</li> <li>(c) Attorneys (Firm Name, Address, and Telephone Number)</li> </ul>			of First Listed Defendant (IN U.S. PLAINTIFF CASES O NDEMNATION CASES, USE TI OF LAND INVOLVED.	,	
II. BASIS OF JURISDI	<b>CTION</b> (Place an "X" in O	ne Box Only)	II. CITIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintifj
□ 1 U.S. Government Plaintiff	□ 3 Federal Question (U.S. Government 1	Not a Party)		<b>IF DEF</b> 1 □ 1 Incorporated or Pr of Business In T	
2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenshi	ip of Parties in Item III)		2 D 2 Incorporated and F of Business In A	Another State
			Citizen or Subject of a Foreign Country	3 🗖 3 Foreign Nation	
IV. NATURE OF SUIT	1	ly) RTS	FORFEITURE/PENALTY	Click here for: <u>Nature of</u> BANKRUPTCY	of Suit Code Descriptions. OTHER STATUTES
<ul> <li>Ito Insurance</li> <li>120 Marine</li> <li>130 Miller Act</li> <li>140 Negotiable Instrument</li> <li>150 Recovery of Overpayment &amp; Enforcement of Judgment</li> <li>151 Medicare Act</li> <li>152 Recovery of Defaulted Student Loans (Excludes Veterans)</li> <li>153 Recovery of Overpayment of Veteran's Benefits</li> <li>160 Stockholders' Suits</li> <li>190 Other Contract</li> <li>195 Contract Product Liability</li> <li>196 Franchise</li> </ul> <b>REAL PROPERTY</b> <ul> <li>210 Land Condemnation</li> <li>220 Foreclosure</li> <li>230 Rent Lease &amp; Ejectment</li> <li>245 Tort Product Liability</li> <li>290 All Other Real Property</li> </ul>	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel &	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERT 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Other 555 Prison Condition 560 Civil Rights 555 Orison Condition	<ul> <li>G25 Drug Related Seizure of Property 21 USC 881</li> <li>G90 Other</li> <li>G90 Other</li> <li>710 Fair Labor Standards Act</li> <li>720 Labor/Management Relations</li> <li>740 Railway Labor Act</li> <li>751 Family and Medical Leave Act</li> <li>790 Other Labor Litigation</li> <li>791 Employee Retirement Income Security Act</li> <li>MMIGRATION</li> <li>462 Naturalization Application</li> </ul>	↓ 422 Appeal 28 USC 158         ↓ 423 Withdrawal 28 USC 157         ▶ ROPERTY RIGHTS         □ 820 Copyrights         □ 830 Patent         □ 835 Patent - Abbreviated New Drug Application         □ 840 Trademark         ■ SOCIAL SECURITY         □ 861 HIA (1395ff)         □ 862 Black Lung (923)         □ 864 SSID Title XVI         □ 865 RSI (405(g))         ▶ 870 Taxes (U.S. Plaintiff or Defendant)         □ 871 IRS—Third Party 26 USC 7609	<ul> <li>375 False Claims Act</li> <li>376 Qui Tam (31 USC 3729(a))</li> <li>400 State Reapportionment</li> <li>410 Antitrust</li> <li>430 Banks and Banking</li> <li>450 Commerce</li> <li>460 Deportation</li> <li>470 Racketeer Influenced and Corrupt Organizations</li> <li>480 Consumer Credit</li> <li>485 Telephone Consumer Protection Act</li> <li>490 Cable/Sat TV</li> <li>850 Securities/Commodities/ Exchange</li> <li>890 Other Statutory Actions</li> <li>891 Agricultural Acts</li> <li>895 Freedom of Information Act</li> <li>896 Arbitration</li> <li>899 Administrative Procedure Act/Review or Appeal of Agency Decision</li> <li>950 Constitutionality of State Statutes</li> </ul>
	moved from $\Box$ 3	Remanded from D Appellate Court	4 Reinstated or Reopened Anothe	erred from D 6 Multidistr r District Litigation	
VI. CAUSE OF ACTION VII. REQUESTED IN COMPLAINT:	DN Cite the U.S. Civil Sta Brief description of ca	tute under which you are uuse: IS A CLASS ACTION	filing (Do not cite jurisdictional stat DEMAND \$	) Transfer tutes unless diversity):	Direct File
VIII. RELATED CASI IF ANY		JUDGE		DOCKET NUMBER	
DATE		SIGNATURE OF ATTO	ORNEY OF RECORD		
FOR OFFICE USE ONLY					
	MOUNT	APPLYING IFP	JUDGE	MAG. JUD	DGE