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# **EXHIBIT** A

#### EXPERT REPORT OF KIM R. ROBERTSON, Ph.D.

#### LIKELIHOOD OF CONFUSION SURVEY

#### SUBMITTED BY DR. KIM R. ROBERTSON

November, 2016

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#### IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

BUC-EE'S, LTD	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 4:15-CV-03704
	§	
SHEPHERD RETAIL, INC., BLANCO	§	
RESTAURANT, INC., LIVE OAK	§	
<b>RETAIL, INC., AND HARLOW</b>	§	
FOOD, INC.	§	
	§	
Defendants.	§	

#### EXPERT REPORT OF DR. KIM R. ROBERTSON

#### **BACKGROUND AND OVERVIEW**

1. I am currently a tenured Associate Professor of Marketing in the Department of Business Administration at Trinity University in San Antonio, Texas. Over the past 42 years, I have taught a wide variety of courses at the University undergraduate and graduate level, and courses for practicing executives in the areas of Marketing, Marketing Management, Marketing Research, Consumer Behavior, and International Marketing. Additionally, I have served as a marketing consultant to a wide variety of companies and have completed consulting projects dealing with: marketing strategy, marketing research, promotional management, market planning, and consumer behavior. I have also been retained as an expert witness in state and federal litigation numerous times in the general areas of: trademark or trade dress infringement, unfair competition, and other areas relating to marketplace behaviors and/or consumer perceptions. I have previously conducted consumer surveys for litigation and I have testified in court providing expert commentary upon surveys conducted by, and opinions expressed by, others. A true and correct copy of my Curriculum Vitae is attached to this report as Appendix A. Included in my Curriculum Vitae is a listing of litigation proceedings since 2012 in which I have served as an expert witness and in which I was deposed and/or testified at trial.

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2. In September of 2016, I was contacted by Mr. Charles Hanor of the law firm Hanor IP Law and asked about my availability to serve as an expert witness in the following litigation: *Buc-ee's, Ltd. v. Amjad Panjwani, Shepherd Retail, Inc. and Harlow Food, Inc.;* Civil Action No. 4:15-CV-03704. The central question I was asked to address was if there existed a likelihood of confusion regarding if the mark used by Choke Canyon was likely to cause confusion in the minds of the consuming public with respect to the origin, sponsorship or approval of the services offered under that mark with the provider of similar services offered under the Buc-ee's mark.

3. My expert witness fees in this case are \$600.00 per hour. The services of Galloway Research Service in San Antonio, Texas were used to implement the survey and the cost of their services was \$11,200.00.

4. The "standard" for concluding a finding of likelihood of confusion was established as follows (net confusion rate is defined as the confusion rate observed in the Main Condition less the confusion rate observed in the Control Condition):

:

Below a 15% net confusion rate would indicate no likelihood of confusion.

Above a 20% net confusion rate would indicate a clear likelihood of confusion.

Between a 15% and 20% net confusion rate would be an area where it would be somewhat debatable as to the likelihood of confusion.

As stated by Jacoby (2013, p. 891):

"Though lower percentages have been accepted and higher percentages have been rejected, it generally requires a difference between test and control percentages of 15 percent-20 percent to support a determination of likely confusion."

#### SUMMARY OF CONCLUSIONS

5. Results of this study indicate that there is no likelihood of confusion between Choke Canyon and Buc-ee's with respect to origin, sponsorship or approval. Overall, the net confusion rate found with respect to common ownership or operation between Choke Canyon and Buc-ee's was found to be 0.7%. Overall, the net confusion rate found with respect to sponsorship or approval of Choke Canyon by Buc-ee's was found to be 0%.

#### METHODOLOGY

[NOTE: See Appendix B for a copy of the questionnaire used in the study]

6. Galloway Research Service, of San Antonio, Texas was retained to implement an online survey of the relevant consuming public. This is a market research company that has extensive experience in conducting such research studies. No personnel associated with Galloway Research Service were aware of the purposes of the survey, or that the survey was related to pending litigation. I was the sole contact and considered to be the "client" for the survey and I solely designed the survey. Galloway Research Service contracted with ResearchNow of Dallas which maintains a survey panel of potential respondents from which the final survey sample was selected. Galloway Research Service has used ResearchNow extensively for national and statewide survey panels for years. Respondents received e-card credit for successfully completing the survey. The remuneration received by respondents was the equivalent of \$3-\$5. The survey was completed over the November 3, 2016 to November 11, 2016 time period.

#### Relevant Universe to be Sampled

7. The relevant consuming public for the survey was identified as persons residing in three general areas of Texas: **North Texas** (includes Ft. Worth, Dallas, Abilene, Wichita Falls and Longview), **South/Central Texas** (includes Waco, Temple, Austin and San Antonio) and **East Texas** (includes Houston, Galveston, Beaumont and Port Arthur) who had a current driver's license and who were over the age of 18. This area covers more than 80% of the population of Texas and covers the

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vast majority of drivers in Texas who could reasonably be expected to use the services of the sort offered by the parties in this litigation.

#### Screener Questions and Quotas

8. In addition to being over the age of 18, having a current driver's license, and having to live in one of the three geographic areas identified above, neither respondents, nor members of their immediate household, could be employed by a marketing research, advertising, or media company.

9. An overall quota of 450 completed surveys was established for the study. A quota of 300 completed surveys was set for the Main condition (exposure to the Choke Canyon mark) and a quota of 150 completed surveys was set for the Control condition (exposure to the Love's mark). Gender quotas were set so that approximately 50% of respondents were to be Male and 50% Female. Age quotas were set in five age groupings (18-24, 25-34, 35-49, 50-64 and 65+) to match age ranges of people in Texas according to the 2010 Census. Geographic quotas were set so that 150 completed surveys (100 in the Main condition and 50 in the Control condition) were from each of three geographic regions (North Texas, South/Central Texas, and East Texas).

#### Questionnaire

10. I designed a questionnaire which was programmed into a computer system by computer programmers employed at Galloway Research Service. Potential respondents were recruited from a panel supplied by ResearchNow of Dallas, Texas and contacted via email by Galloway Research Service. The questionnaire and Main and Control condition stimuli, as programed, is presented in Appendix B.

11. The Main condition stimuli used were photographs of the outside of a Choke Canyon store front which a consumer in the marketplace would encounter and various merchandise within the store containing the alleged infringing mark (T-shirt, beef jerky, cooler and koozie). The Control condition stimuli were selected to be as similar as possible to the alleged infringing mark without infringing upon the plaintiff's mark.

6

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12. In their Second Amended Complaint, Plaintiff alleges that the combination of the following elements of the Choke Canyon logo are infringing:

- A friendly smiling cartoon animal oriented within a circle and wearing a hat pointed to the right
- 2. The use of a black circle encompassing the alligator
- 3. Prominent use of sharply drawn black edges for the alligator mascots
- 4. Similar use of a yellow background
- 5. Similar use of the red-colored tongue of the alligator

13. Respondents in the Control condition were exposed to stimuli using some of the alleged infringing elements but none of the stimuli contained the overall combination of elements allegedly causing confusion. That is, they were as close as possible to the alleged infringing mark but did not incorporate the overall combination of infringing elements alleged.

14. Love's gas station and merchandise was selected to serve as the control stimuli in this study. Respondents first were exposed to a photograph of the store front of a Love's gas station as they would encounter it in the marketplace. This stimulus contained a yellow background outlined by black edges. Respondents were then exposed to merchandise within the store to duplicate the types of merchandise used in the Main condition. Two of the pictures of merchandise were pictures of actual merchandise found in a Love's store: a cooler (yellow background surrounded by black edges), and beef jerky (yellow background). The remaining two merchandise stimuli were not actual Love's merchandise but were created to match the merchandise used in the Main condition: a t-shirt (yellow background circle with black edges encompassing a animal, but a non-cartoon, non-anthropomorphic animal), and a koozie (yellow as a foreground color and a yellow, non-cartoon, non-anthropomorphic animal).

15. Therefore, although three of the four merchandise stimuli used in the Control condition contained some element of the alleged infringing elements, none of the stimuli contained the overall combination of the elements alleged to constitute infringment.

16. The only common alleged infringing element used in all but one of the control stimuli was a yellow background (with a yellow foreground element in the koozie stimulus). However it

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should be noted that yellow, in a marketing sense, has a functional use. That is, it is often used to function as an attention attraction device. As stated by Solomon (2017, p. 81):

"Yellow is in the middle of wave lengths detectable by the human eye so it is the brightest and attracts attention. The *Yellow Pages* originally were colored yellow to heighten the attention level of bored telephone operators"

Or, as stated by Mothersbaugh and Hawkins (2016, p. 478):

"...certain colors and color characteristics create feelings of excitement and arousal that are related to attention. Bright colors are more arousing than dull colors. And warm colors, such as reds and yellows, are more arousing than cool colors, such as blues and greys...the attention getting nature of warm colors should not be overlooked and can be used effectively as an accent color in areas where the retailer wants to attract attention and drive impulse purchases."

This is why yellow is often used in logos, packaging and advertising in order to function as an attention attraction device.

17. The key questions used in the survey were variations of what has been called the "Eveready" format. This general format has been recognized as the "gold standard" for the issue of likelihood of confusion involving a strong mark. As stated by Swan (2008, p. 739):

"Over time, this format has become the gold standard in cases involving strong marks, i.e., in cases where the senior mark is highly accessible (internally available) in memory, enhancing the likelihood that it will be cognitively cued by a junior user's mark."

18. After being qualified by passing the screening questions, and meeting the quotas set for the survey, 300 respondents were first presented with photographs of the store front and sample merchandise of Choke Canyon (Main Condition) and 150 respondents were first presented with photographs of the store front and sample merchandise of Love's (Control Condition). After looking

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at the photographs "for as long as" they liked, the photographs were removed from sight and all respondents were asked:

Q3. "Who do you think owns or operates the convenience store you saw, or don't you have an opinion about that?"

This was followed by the question:

Q3a. "Why do you say that?"

Then, all respondents were asked:

Q4. "Do you believe that whoever owns or operates this convenience store IS sponsored or approved by another company, IS NOT sponsored or approved by another company, or don't you have an opinion about that?" With the response categories of: "IS sponsored or approved by another company, IS NOT sponsored or approved by another company, No opinion or don't know"

19. There were two versions of Q4, with the only difference being the "rotation" of the order of IS or IS NOT options given to the respondent in both the question and in the response categories. This prevents any bias resulting from "primacy" or "recency" effects. That is, a tendency to respond to either the first or the second option given. This type of rotation is a normal practice for questions providing alternatives to the respondent. Approximately half of the 300 respondents in the Main condition and half of the 150 respondents in the Control condition saw each version of Q4.

20. Those respondents who indicated they believed the company shown was sponsored or approved by another company were then asked:

Q5. "What other company do you believe sponsors or approves this company?" along with the follow-up question:

Q6. "Why do you say that?"

#### NUMBER OF COMPLETED SURVEYS

21. There were a total of 450 respondents. Numbers of respondents in the two Conditions, gender, age and geographic location representations were:

Conditions:

- Main condition:300Control condition:150Gender of Respondents:
  - Male:224 (49.8%)Female:226 (50.2%)

Ages of Respondents:

18-24:	63 (14.0%)
25-34:	90 (20.0%)
35-49:	132 (29.3%)
50-64:	102 (22.7%)
65 + :	63 (14.0%)

Geographic Location of Respondents:

North Texas (includes Ft. Worth, Dallas, Abilene, Wichita Falls and Longview):

n = 150 (33.3%)

South/Central Texas (includes Waco, Temple, Austin and San Antonio):

n = 150 (33.3%)

East Texas (includes Houston, Galveston, Beaumont and Port Arthur):

n = 150 (33.3%)

[Appendix C shows the more specific geographic locations of respondents].

22. Appendix D provides a more detailed breakdown of numbers of respondents in various categories via cross tabulations. The following cross tabulations are presented in Appendix D:

Gender: by Market, by Age, by Condition Age: by Market, by Gender, by Condition Market: by Gender, by Age, by Condition Condition: by Market, by Gender, by Age

#### FINDINGS WITH RESPECT TO QUESTIONS TESTING FOR CONFUSION

[All verbatim respondent answers to the key questions are contained in Appendix D]

#### Confusion as to Source (who owns/operates Choke Canyon)

23. Question 3 was asked in order to assess the level of confusion as to the source of the Choke Canyon mark:

Q3: "Who do you think owns or operates the convenience store you saw, or don't you have an opinion about that?"

## Of the 300 respondents in the Main condition (seeing the Choke Canyon mark) answering Q3: 112 (37.3%) responded don't know or no opinion 188 (62.7%) responded with some sort of named response

Of the 188 respondents mentioning a company who owned or operated the convenience store:

#### <u>8 (2.7% of the total sample of respondents in the Main condition) mentioned Buc-</u> ee's in some way in their answers (see Appendix D and the table below)

The verbatim responses of these 8 respondents, including their response to the follow-up question of "why" they said what they did are presented in the following table:

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	Q3	Q3a			
Respondent ID	Who owns/operates?	Why do you say that?	Gender	Age	Market Area in Texas
		Similar Merchandise. Logo			
043	Buccees	looks familiar except for animal	Female	35-49	East
		 looks like it with crock instead			
067	Bucces	of beaver	Male	35-49	South/Central
135	Buckee	logo	Male	65+	East
	Probably Exxon (or	The Exxon logo was very visible			
	Buccee's trying to	in the first photo. I'm guessing			
348	rebrand with a gator	that Exxon is trying to complete	Male	50-64	East
	instead of a beaver)	with the larger gas/convenience			
		stores like Bucee's and Stripes,			
		but opening a full service store			
		with fresh BBQ, food, and other			
		conveniences			
368	buckee	gator	Male	35-49	East
397	Buckees	Merchandise looks the same	Female	50-64	North
	Exon own the gas station	Well Buccee's is a Texas			
	but it reminds me of a	landmark but it is huge and does			
055	smaller Bucee's	not use someone to manage its	Male	25-34	South/Central
		gas like how Exon has partnered			
		with Choke Canyon. The store			
		looks smaller than a Bucee's but			
		larger than an average chain			
	looks like they are trying				
077	to copy buccees	very similar	Male	35-49	East

Note that respondents 055 and 077 seem to indicate that they know Buc-ees does not own or operate Choke Canyon ("Exon own the gas station" and "looks like they are trying to copy buccees"). However, in order to be conservative in this analysis, they are included as indicating possible confusion as to source.

#### Of the 150 respondents in the Control condition (seeing the Love's mark) answering Q3:

#### 60 (40.0%) responded don't know or no opinion

90 (60.0%) responded with some sort of named response

Of the 90 respondents mentioning a company who owned or operated the convenience store:

#### <u>3 (2.0% of the total respondents in the Control condition) mentioned Buc-ee's in some</u> way in their answers (see Appendix D and the following table).

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The verbatim responses of these 3 respondents, including their response to the follow-up question of "why" they said what they did are presented in the following table:

Respondent ID	Q3 Who owns/operates?	Q3a Why do you say that?	Gender	Age	Market Area in Texas
4.4	1	T 1 1'1 (1 ' 1	N 1	 25.40	N. d
44	bucees	Looks like their logo	Male	35-49	North
		shirt looks similar to a Bucky's			
68	Bucky's	shirt	Female	25-34	South/Central
		Because the name is "Loves"			
107	Bucky's? a white	and it has other things that			
	person?	normal gas stations don't have	Female	35-49	South/Central

#### Summary of Findings With Respect to Confusion as to Source

24. 8 out of 300 respondents made some sort of mention of Buc-ee's in the Main condition (2.7% of respondents). 3 out of 150 respondents made some sort of mention of Buc-ee's in the Control condition (2.0%). Subtracting the observed Control percentage from the observed Main condition percentage gives a net confusion rate of 0.7%. This is an insignificant level of a net confusion rate and indicates that no likelihood of confusion as to source exists.

#### Confusion as to affiliation with (sponsorship or approval of) Choke Canyon

25. Question 4 was asked in order to measure confusion as to affiliation with Choke Canyon:

Q4: "Do you believe that whoever owns or operates this convenience store IS sponsored or approved by another company, IS NOT sponsored or approved by another company, or don't you have an opinion about that?"

With the IS and IS NOT options rotated in the question and in the listed response categories. .

Of the 300 respondents in the Main condition (seeing the Choke Canyon mark):

- 141 (47.0%) responded that Choke Canyon IS sponsored or approved by another company
- 38 (12.7%) responded that Choke Canyon IS NOT sponsored or approved by another company

60 (20.0%) responded with a no opinion or don't know answer

The 141 respondents who thought that Choke Canyon IS sponsored or approved by another company were asked the follow-up question:

Q5. "What other company do you believe sponsors or approves this company?"

followed by:

Q6. "Why do you say that?"

Of these 141 respondents:

## 4 (1.3% of the total respondents in the Main condition) mentioned Buc-ee's, or "the beaver," in some way in their answers (see Appendix D and the following table)

The verbatim responses of these 4 respondents, including their response to the follow-up question of "why" they said what they did are presented in the following table:

Respondent ID	Q5 Who sponsors/approves?	Q6 Why do you say that?	Gender	Age	Market Area in Texas
117	Buckee's	Same set up with an animal and food	Female	25-34	East
274	buccees	alligator	Female	18-24	North
397	Buckees	Looks the same	Female	50-64	North
067	Looks like a rip off of the beaver	just look at it	Male	35-49	South/Central

Of the 150 respondents in the Control condition (seeing the Love's mark):

- 51 (34%) responded that Love's IS sponsored or approved by another company
- 22 (14.7%) responded that Love's IS NOT sponsored or approved by another company
- 77 (51.3%) responded that they didn't know or had no opinion if Love's was sponsored or approved by another company

Of the 51 respondents mentioning a company who sponsored or approved of Love's:

# 7 (4.7% of the total respondents in the Control condition) mentioned Buc-ee's in some way in their answers (see Appendix D and the following table)

The verbatim responses of these 7 respondents, including their response to the follow-up question of "why" they said what they did are presented in the following table:

	Q5	Q6			
Respondent ID	Who sponsors/approves?	Why do you say that?	Gender	Age	Market Area in Texas
044	bucees	looks like their stuff	Male	35-49	North
068	Buckys	shirt looks the same	Female	25-34	South/Central
		Bucees are taking over in			
097	Not sure. Bucees?	North Texas. Everywhere!	Male	25-34	North
		Because that's the first thing			
107	Bucky's? I don't know	that came to my mind	Female	35-49	South/Central
205	Bucky's	logo looks similar	Male	25-34	North
289	Buccee	Don't know	Female	25-34	South/Central
		The business model seems			
339	Buckee's	similar	Male	35-49	East

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#### Summary of Findings With Respect to Confusion as to Affiliation

26. 4 out of 300 respondents made some sort of mention of Buc-ee's in the Main condition (1.3% of respondents). 7 out of 150 respondents made some sort of mention of Buc-ee's in the Control condition (4.7%). Subtracting the observed Control condition percentage from the observed Main condition percentage gives a net confusion rate of 0%. This shows no net confusion rate as to sponsorship or approval and indicates that no likelihood of confusion as to affiliation exists.

#### CONCLUSIONS REGARDING LIKELIHOOD OF CONFUSION

27. Survey results indicate a net confusion rate regarding Choke Canyon being owned or operated by Buc-ee's to be negligible at a 0.7% rate and a net confusion rate of Choke Canyon being sponsored by or approved by Buc-ee's of 0%. It is my expert opinion that these results indicate no likelihood of confusion as to source or as to affiliation between Choke Canyon and Buc-ee's.

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#### ADDITIONAL ANALYSIS BY AGE, GENDER AND GEOGRAPHIC REGION

28. Both confusion rates as to source and confusion rates as to affiliation were analyzed by gender, by age and by geographic region. These results are presented in the following three tables:

#### Net Confusion Rates By Age

Age Group	Net Confusion As to Source	Net Confusion As to Affiliation
18-24	0%	2.4%
25-34	0%	0%
35-49	0%	0%
50-64	2.9%	1.4%
65+	2.3%	0%

Net Confusion Rates By Gender

Gender	Net Confusion As to Source	Net Confusion As to Affiliation
Males	1.9%	0%
Females	0%	0%

#### Net Confusion Rates By Geographic Region

North (includes Ft. Worth, Dallas, Abilene, Wichita Falls, Longview) South/Central (includes Waco, Temple, Austin, San Antonio) East (includes Houston, Galveston, Beaumont, Port Arthur)

Geographic		
Region of Texas	Net Confusion As to Source	Net Confusion As to Affiliation
North	0%	0%
South/Central	0%	0%
East	4.0%	0%

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29. Of the 20 net confusion rates reported in the previous tables, 14 show net confusion rates of 0%. The remaining 6 net confusion rates range from 1.4% to 4.0% with 5 of those net confusion rates being less than 3% and 2 of those net confusion rates being less than 2%. One should note that the 4 non-zero net confusion rates reported for various age groups are based on small sample sizes in the Control condition (sample sizes ranging from 21-33 respondents) making those estimates less reliable.

#### Conclusions With Respect to Sub-Analysis of Age, Gender and Geographic Region

30. All of the observed net confusion rates analyzed by age, gender and geographic regions show insignificant net confusion rates and indicate no likelihood of confusion as to source or affiliation across various ages, gender or geographic areas.

#### **OVERALL CONCLUSIONS**

31. Results of this study indicate that there is no likelihood of confusion between Choke Canyon and Buc-ees with respect to origin, sponsorship or approval. Overall, the net confusion rate found with respect to common ownership or operation between Choke Canyon and Buc-ee's was found to be 0.7%. Overall, the net confusion rate found with respect to sponsorship or approval of Choke Canyon by Buc-ee's was found to be 0%. Results of a subanalysis of age groups, gender and geographic areas demonstrate insignificant rates of net confusion (ranging from 0% to 4%). This leads to the conclusion that there is no likelihood of confusion among various age groups, gender or geographic areas.

I declare under penalty of perjury the foregoing is true and correct.

Executed on November 26, 2016.

Kin R. Robertan

Kim R. Robertson

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Mothersbaugh, D.L. and Hawkins, D.I. (2016), Consumer Behavior, 13<sup>th</sup> Ed., McGraw Hill, New York, NY.

Solomon, M.R. (2017), Consumer Behavior, 12th Ed., Pearson, Boston, MA.

Swan, J. B. (2008), "Likelihood of Confusion Studies and the Straitened Scope of Squirt," *The Trademark Reporter*, Vol. 98, pp. 739-756.

# **APPENDIX A**

# CURRICULUM VITAE OF DR. KIM R. ROBERTSON

#### CURRICULUM VITAE

#### KIM R. ROBERTSON

ADDRESS/ TELEPHONE	
Business	Trinity University Department of Business Administration One Trinity Place San Antonio, TX 78212 Voice: 210-999-7295 / Email: kroberts@trinity.edu
Home	353 Lilac Ln San Antonio, TX 78209
EDUCATION 1979-1982	<b>Doctor of Philosophy</b> (Marketing) University of Oregon, Eugene, Oregon Minor: Quantitative Methods Dissertation: "Cognitive Processing of Brand Names"
1971-1973	Master of Business Administration (Marketing) University of California, Riverside, California
1967-1971	<b>Bachelor of Science</b> (Economics) University of California, Riverside, California
EXPERIENCE	
1984-Present	Trinity UniversityDepartment of Business AdministrationSan Antonio, Texas1990-Present:Associate Professor (with tenure)2009-2010:Interim Department Chair1994-1996:Department Chair1984-1990:Assistant Professor
1974-1984	University of Auckland Department of Management Studies Auckland, New Zealand 1979-1984: Senior Lecturer 1974-1978: Lecturer
1979-1981	University of Oregon [on academic leave from University of Auckland] College of Business Administration Eugene, Oregon 1979-1981: Graduate Teaching Fellow

EXPERIENCE (cont.)	
1972-1974	Security Pacific National Bank
	Riverside, California
	Marketing Specialist - Reported to Divisional Marketing Manager

#### MAJOR AWARDS/HONORS

2006 2001 1998 1993 1990 1987-1989 1985 1983 1981	Trinity University Award for Distinguished Advising Golden Key International Honor Society membership, Trinity University Beta Gamma Sigma Honor Society membership, Trinity University Academic Leave, Trinity University Summer Research Stipend, Trinity University Koehler Faculty Fellowship, Trinity University Summer Research Stipend, Trinity University First Place - Ph.D. Dissertation Competition, American Psychological Association Doctoral Consortium Fellow, American Marketing Association
PROFESSIONAL ORGANIZATIONS	Academy of Marketing Science
	American Marketing Association Association for Consumer Research
PRIMARY TEACHING/ RESEARCH INTERESTS	Consumer Behavior: Cognitive Processes, Memory, Perception Marketing Research: Surveys, Sampling, Research Error Marketing Management: Advertising, Branding, Health Care International Marketing: Culture, Consumer Behavior, Management
PUBLICATIONS Articles	"Integrated Branding With Mergers and Acquisitions," <i>Journal of Brand Management</i> , Vol. 19, 5, 438-456, 2012 [Refereed, Co-Author]
	"The Relative Importance of Types of Information in the Foreign Market Selection Process," <i>International Business Review</i> , Vol. 10, 363-379, 2001[Refereed, Co-Author].
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<b>Proceedings (cont.)</b>

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Presentations	"What do Millennials Mean When They Talk About Globalization," Round Table Presentation at the <i>39th Annual Conference: Fulbright at 70: Meeting</i> <i>New Challenges</i> , 2016, Fulbright Association, Washington, D.C. [Refereed, Co-Author]
<b>Book Reviews</b>	Managing Brand Equity, by David Aaker, in <i>Sloan Management Review</i> , 33 (Fall), 1991. [Invited, Sole Author]
	<u>Behavioral Analysis and Measurement Methods</u> , by David Meister, in <i>Journal of Marketing Research</i> , Vol. 23 (August), 1986. [Invited, Sole Author
Other	Extended abstract of "Strategically Desirable Brand Name Characteristics" published in <i>The Journal of Product Innovation</i> <i>Management</i> , Vol. 7 (December), No. 4, 1990. [Invited, Sole Author]
UNIVERSITY	
SERVICE	<ul> <li>Chair of Department of Business Administration, Trinity University 2009-2010 - Interim Chair of Department 1994-1996 - Chair of Department - led Department through American Assembly of Collegiate Schools of Business (AACSB) accreditation process. AACSB accreditation granted in April 1996.</li> </ul>
	University Curriculum Council, Trinity University 2004-2007 – Member 2006-2007 - Chair 2005-2006 - Vice Chair 1987-1989 - Member 1998-1999 - Member of Assessment Subcommittee
	Voluntary Employee Benefits Association Committee, Trinity University 1997-2005 - Member

#### UNIVERSITY

SERVICE (cont.)	Faculty Senate, Trinity University
	2011-2014 – Member of Faculty Senate
	1991-1994 - Member of Faculty Senate
	1992-1993 - Chair of Faculty Senate Budget Committee
	1994-1995 - Member of Faculty Senate Budget Committee
	Faculty Development Committee, Trinity University
	1993-1996 - Member
	1988-1991 - Member
	Academic Standing Committee, Trinity University
	2004-2007 – Member
	Academic Integrity Committee, Trinity University
	1988-1991 - Member
	1990-1991 - Recording Secretary
	Academic Honor Council, Trinity University
	2016- Present – Faculty Advisor
	Library Activities Committee, Trinity University
	1985-1988 - Member
	1987-1988 - Chair
	National Conference for Undergraduate Research, Trinity University
	1988-1989 - Organizing Committee Member
	American Marketing Association Collegiate Chapter, Trinity University
	1987-1991 - Faculty Advisor
	Faculty Search Committees, Trinity University
	2015 - Member, University Internship Director Search Committee
	2014/15 - Chair, Visiting Assistant Professor of Sport Management Search Committee
	2010 - Chair, Visiting Assistant Professor of Marketing Search
	Committee 2010 - Member, Associate Director of Entrepreneurship Search
	Committee
	2007/09 - Chair, Distinguished Professor Search Committee
	1998 - Member, MIS Faculty Search Committee
	1996 - Chair, Marketing Faculty Search Committee
	1994 - Member, Dean of Division of Behavioral and
	Administrative Studies Search Committee
	<ul> <li>1990-1991 - Vice-Chair, Director of Library Search Committee</li> <li>1990 - Member, Catalogue Librarian Search Committee</li> </ul>
	<ul> <li>1987 - Member, Marketing Faculty Search Committee</li> <li>1985 - Member, Marketing Faculty Search Committee</li> </ul>
	- Member, Marketing Faculty Search Committee
	Department of Business Administration Committees, Trinity University
	1990-1997 - Member, Strategic Planning Committee
	1004 1006 Chair Stratagia Planning Committee

1994-1996 - Chair, Strategic Planning Committee 1995-2014 - Chair, Marketing Area Planning Committee

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CONSULTING 1974-Present	Extensive consulting experiences in the areas of marketing planning and strategy, promotion, and research for a variety of local and multinational organizations.
	Expert Witness in federal and state legal cases involving trademark and trade dress infringement, likelihood of confusion studies, unfair competition, and other marketing issues.
REFERENCES	Available Upon Request
LEGAL CASES	Most recent (since 2012) legal cases in which deposition and/or trial testimony was taken (party represented is underlined):
	M3 Girl Designs, LLC v. <u>Blue Brownies, LLC and Krista Dudte;</u> Civil Action No. 3:09CV2390-F, United States District Court, Northern District of Texas, Dallas Division.
	<i>Tristar Investors, Inc. v. <u>American Tower Corporation, et al.</u>, <i>Civil Action No. 3:12-cv-499</i>, United States District Court, Northern District of Texas, Dallas Division</i>

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# **APPENDIX B**

# **QUESTIONNAIRE USED**

#### **Robertson – Texas Convenience Store Survey**

#### **RO2016001 ONLINE VER 3.0**

			Oct 2016
NOTE: Instructions that appear in <b>BLUE</b> are for	r the HTML programmer and a	are not visible to the respondent.	
Overall n= 450 Main Segment – 300 Con General North Texas Region General Central/South Texas Region General East Texas Region	150 (100 in main sampl	e; 50 in control sample) e; 50 in control sample) e; 50 in control sample)	
Galloway Research Service			
Texas Convenience Store Survey [GRS Logo /Survey Name Header on	Every Page]		
	<b>CT) (CHECK QUOTAS AND CO</b> 75 Control 75 Control	NTINUE)	
	Page Break		
S2. What is your current age? (SINGLE         18-24       1         25-34       2         35-49       3         50-64       4         65 or older       5			
S3. Which of these Texas regions incl	Texes Te		

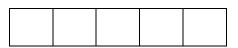
- 1. Panhandle Region (Includes Lubbock and Amarillo)
- 2. North Texas Region (Includes Ft. Worth, Dallas, Abilene. Wichita Falls, Longview)
- 3. West Texas Region (Includes Midland, Odessa, El Paso)
- 4. South/Central Texas Region (includes Waco, Temple, Austin, San Antonio)
- 5. East Texas Region (includes Houston, Galveston, Beaumont, Port Arthur)
- 6. Valley & South Texas (includes Corpus Christ, Laredo, Brownsville, Harlingen, McAllen)



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		Page Break			
<mark>S4.</mark> Do you	have a current driver's	s license? (SINGLE-SELECT	)		
Ye		I			
N	_	2 TERMINATE			
		Page Break			
S5. Do vou	or any member of you		d work for a marketing re	esearch. advertising. or r	nedia
compa				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
(SINGLE-SEL	•				
Ye	es 🛛 1	L TERMINATE			
N	o 🗆 🔤	2			
		Page Break			
Questionn	aire Quotas:				
	Main Version 1 (MV1)	Main Version 2 (MV2)	Control Version 1 (CV1)	Control Version 2 (CV2)	Total
	A1A2-Is/IsNot	A1A2—IsNot/Is	B1B2-Is/IsNot	B1B2—IsNot/Is	
Males	75	75	37	38	225
Females	75	75	38	37	225
18-24	21	21	11	10	63
25-34	30	30	15	15	90
35-49	43	44	22	23	132
50-64	35	34	17	16	102
65 or older	21	21	10	11	63
Total	150	150	75	75	450

**S7:** For statistical purposes, would you tell me your current zip code? (Record)



**Q1.**Here is a photograph of a convenience store in Texas.

Please look at this photograph for as long as you like and then click continue. **NO BACK UP BUTTON FOR Q1 THRU END** 

# MV1 MV2 CV1 CV2 Image: Second second

**Q2.**Here is a photograph of some of the merchandise in the convenience store you just saw.

Please look at this photogra	ph for as long as you like and	then click continue.	
MV1	MV2	CV1	CV2

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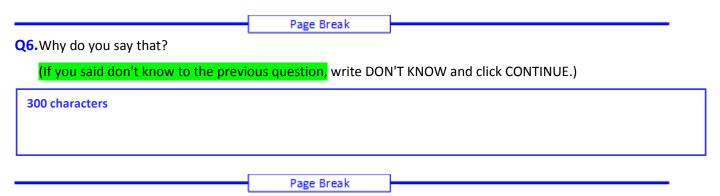


**Q3.**Who do you think owns or operates the convenience store you saw, or don't you have an opinion about that?

(If you don't know or have no opinion, write DON'T KNOW and click CONTINUE.)

Pa	ige Break			
Q3a Why do you say that?				
(If you said don't know to the previous ques	tion. writ	e DON'T	KNOW and click CONTINUE.)	
· · · · · · · · · · · · · · · · · · ·				
300 characters				
Page B	reak			
Q4.VERSION 1 Do you believe that whoever owns o approved by another company, IS NOT sponsore opinion about that?	•		•	ve ar
S sponsored or approved by another company		1		
<b>S NOT</b> sponsored or approved by another company		2	SKIP TO END	
No opinion or don't know		3	SKIP TO END	
Q4 VERSION 2 Do you believe that whoever owns or approved by another company, <mark>IS</mark> sponsored or app about that?				
approved by another company, <mark>IS</mark> sponsored or app about that?	-	2	SKIP TO END	
approved by another company, <mark>IS</mark> sponsored or app about that? <b>S NOT</b> sponsored or approved by another company	-	2 1	SKIP TO END	
approved by another company, <mark>IS</mark> sponsored or app			SKIP TO END SKIP TO END	
approved by another company, <mark>IS</mark> sponsored or app about that? <b>S NOT</b> sponsored or approved by another company <b>S</b> sponsored or approved by another company		1		

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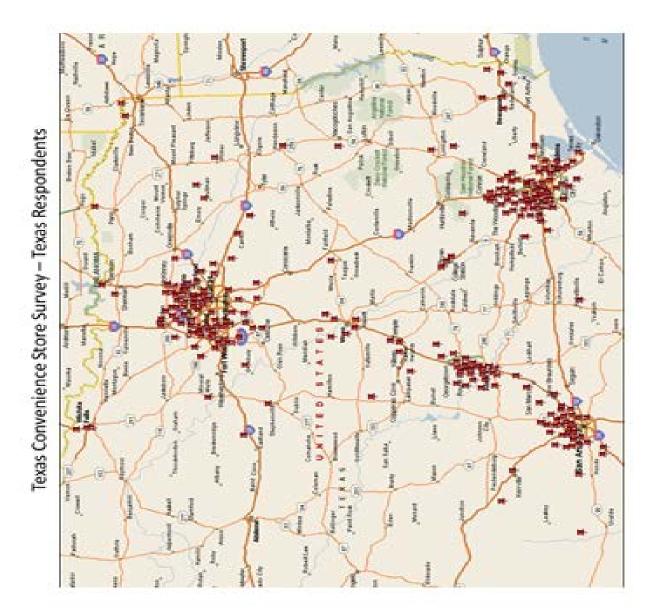


Those are all the questions we have. Thank you for time and sharing your views.

# **APPENDIX C**

# **GEOGRAPHIC LOCATION OF RESPONDENTS**

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# **APPENDIX D**

**CROSS TABULATIONS** 

GENDER: BY MARKET BY AGE BY CONDITION AGE: BY MARKET BY GENDER BY CONDITION MARKET: BY GENDER BY AGE BY CONDITION CONDITION: BY MARKET BY GENDER BY AGE COMPLETE DATA BASE RESPONSES TO Q3, 3A, 4, 5, 6

# **CROSS TABULATIONS**

### Gender: by Market by Age by Condition

			Marke	ets				Age			C	onc	lition
	Total	North Texas 	East Texas 		Central/ South Texas	18-24 	25-34 	35-49 	50-64 	65+ 	Main 		Control
Total	450	150	150		150	63	90	132	102	63	300		150
Answering	100.0%	100.0%	100.0%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		100.0%
Male	224	77	82		65	19	34	72	54	45	150		74
	49.8%	51.3%	54.7%		43.3%	30.2%	37.8%	54.5%	52.9%	71.4%	50.0%		49.3%
Female	226	73	68		85	44	56	60	48	18	150		76
	50.2%	48.7%	45.3%		56.7%	69.8%	62.2%	45.5%	47.1%	28.6%	50.0%		50.7%

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### Age: by Market by Gender by Condition

			Marke	ets		G	ender	Co	ond	lition	
	Total	North Texas 	East Texas 		Central/ South Texas 	Male 	Female	Main 		Control	
	450	450	450		450	004	000	200		450	
Total Answering	450 100.0%	150 100.0%	150 100.0%		150 100.0%	224 100.0%	226	 300 100.0%		150 100.0%	
18-24	63	24	19		20	19	44	42		21	
	14.0%	16.0%	12.7%		13.3%	8.5%	19.5%	14.0%		14.0%	
25-34	90	28	29		33	34	56	60		30	
	20.0%	18.7%	19.3%		22.0%	15.2%	24.8%	20.0%		20.0%	
35-49	132	34	53		45	72	60	87		45	
	29.3%	22.7%	35.3%		30.0%	32.1%	26.5%	29.0%		30.0%	
50-64	102	45	24		33	54	48	69		33	
	22.7%	30.0%	16.0%		22.0%	24.1%	21.2%	23.0%		22.0%	
65 or older	63	19	25		19	45	18	42		21	
	14.0%	12.7%	16.7%		12.7%	20.1%	8.0%	14.0%		14.0%	

## Market: by Gender by Age by Condition

		_	Gen	lder				Age			С	onditio	'n
	Total	Male		Female	18-24	25-3		35-49	50-64	65+	Main 	-	Control
Total	450	22		226	63		90	132	102	63	300		150
Answering	100.0%	100.0		100.0%	100.0%	100.0		100.0%	100.0%	100.0%	100.0%	1	00.0%
North Texas Region	150 33.3%	34.4	7 %	73 32.3%	24 38.1%	31.1	28 %	34 25.8%	45 44.1%	19 30.2%	100 33.3%		50 33.3%
(Includes Ft. Worth, Dallas, Abilene. Wichita Falls, Longview)													
South/Central	150	(	5	85	20		33	45	33	19	100		50
Texas Region (includes Waco, Temple, Austin, San Antonio)	33.3%	29.0		37.6%	31.7%	36.7		34.1%	32.4%	30.2%	33.3%		33.3%
East Texas	150	8	2	68	19		29	53	24	25	100		50
Region (includes Houston, Galveston, Beaumont, Port Arthur)	33.3%	36.6	%	30.1%	30.2%	32.2	.%	40.2%	23.5%	39.7%	33.3%		33.3%

<b>Condition:</b>	by Market	by Gender	by Age
-------------------	-----------	-----------	--------

			Markets	;			Ger	nder			Age			
	Total	North Texas 	East Texas 		Central/ South Texas	Male		Female	18-24	25-34 	35-49 	50-64 	65+ 	
Tatal	450	450	450		450	00.1		000			100	400	00	
Total	450	150	150		150	224		226	63	90	132	102	63	
Answering	100.0%	100.0%	100.0%		100.0%	100.0%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
Main	300	100	100		100	150		150	42	60	87	69	42	
Version	66.7%	66.7%	66.7%		66.7%	67.0%		66.4%	66.7%	66.7%	66.0%	67.6%	66.7%	
Control	150	50	50		50	74		76	21	30	45	33	21	
Version	33.3%	33.3%	33.3%		33.3%	33.0%		33.6%	33.3%	33.3%	34.0%	32.4%	33.3%	

## COMPLETE DATA BASE RESPONSES TO Q3, 3A, 4, 5, AND 6

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
001	choke canyon	it is on the t shirt	1	exxon	it is at an exxon station	1
002	Love's	It says Love's	2			2
003	Truckers	It a truck stop, the merchandise seems geared to country-style cowboy type people.	1	Loves	Looks likeba franchise store	2
004	Exxon	Sells Exxon gasoline	1	Exxon	Exxon Corporation has allowed Choke Canyon to compete with Buck-ees.	1
005	DON'T KNOW	DON'T KNOW	1	DON'T KNOW	DON'T KNOW	1
006	Love's, not sure if that is the name of the parent corporation, though	The name of the convenience store is Love's, so, I would assume, that is who owns the brand	2			2
007	Don't know	It could be anyone who owns it	3			1
008	Exxon	Exxon gas station with choke canon convenience store inside	1	Choke canyon	It seems that exxon and choke canyon have a partnership	1
009	exxon	had the exxon sign by the pumps	1	exxon	sign	1
010	No	Don't know	1	Exon	Don't know	1
011	The Love Family of Oklahoma	My sone went to school with one the the Love boys at University of Oklahoma.	2			2
012	loves	name on side of station	1	shell and 7-11 - they have stores combined so its a shell gas station and a 7-11 store best of both	see previous answer	2
013	Choke Canyon	Although it is an Exxon I'm guessing the owner of travel shop brand owns the travel shop and convenience store	3			1
014	Exxon	It's an Exxon gas station	1	Exxon	It's an Exxon gas station	1
015	Don't know	Don't know	3			2
016	corporation	national chain brand	1	dont know	dont know	2
017	choke canyon	choke canyon is the only name i see	1	don't know	i am not familiar with this store or the alligator symbol	1
018	No opinion	Because to say "who owns it" is race baiting and stupid	1	Bc they have licensed merchandise	Just answered	1
019	Choke canyon	Choke canyon merchandise everywhere	1	Choke canyon	Much merchandise	1
020	Don't know	It's obviously an Exxon but looks like rip-off of Buckee's	1	Exxon	It was an Exxon gas station	1
021	Don't know	Don't know	3			2
022	Do Not Know	Don't Know	1	Not sure	Don't Know	2
023	Choke BBQ	Merchandise name	1	Exxon	Gas station	1
024	Don't know	Never seen that before	3			1
025	Don't Know	I have no idea who the parent company of Love's is.	3			2

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
026	Love's	Because it said love's on the front of the store with there logo	2			2
027	Exxon	It's an Exxon gas station. Or - it's a joint venture between Exxon, and an individual, or a franchise (Choke Canyon).	1	Exxon	Exxon Gas Station.	1
028	Choke Canyon	The signage everywhere.	3			1
029	Exxon	Gas company	3			1
030	dont know	dont know	1	Dont know	Dontvknow	1
031	don't know	don't know	3			2
032	Gas station	Don't know	3			2
033	Choke Canyon	Their name is on the store front and all merchandise	1	A gas company	They sell gas	1
034	A convenience store operator that licenses the Choke Canyon brand name.	C-Store business is primarily owned by a limited number of lager operators.	1	Not sure	DON'T KNOW	1
035	Independent franchise owner	I think that is how most operations like this work	1	Loves	I think that is how it usually works	2
036	Love's	Because I'm accustomed to seeing them from the highway.	2			2
037	don,t know	saw name but don,t remember	1	DON,T KNOW	don,t know	1
038	choke canyon	labeled merchandise	2			1
039	Choke Canyon	Because Choke Canyon and what appears to be their gator logo were everywhere.	1	Exxon	Because it's an Exxon gas station.	1
040	love's	signs	2			2
041	Don't know	Because I don't recall seeing it	3			2
042	Choke	Space	1	Exxon	Gas pumps and signs	1
043	Buccees	Similar merchandise. Logo feels familiar except for animal	3			1
044	bucees	looks like their logo	1	bucees	looks like their stuff	2
045	loves	on the sign	3			2
046	Choke Canyon	the sign on the store	1	Choke Canyon	the sign on the storefront	1
047	no opinion	don't know	1	Don't know	don't know	1
048	Exxon and Choke Canyon	Those are to 2 logos that I noticed.	1	Exxon and Choke Canyon	Those are two stand out logo names	1
049	mom and pop	merchandise sold	3			2
050	Love who owns. but seen many a time.	well, have seen it many times.	3			2
051	exxon	it is at an Exxon station	2			1
052	Don't know	I've seen the shirts but not the store itself	3			1
053	Loves	The name on the marquee and products was very apparent and I have patronized Loves many times in the past.	3			2

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
054	Love's it looks like it is owner operated.	doesn't look super corporate	1	i think it is franchised	It seems to be a little run down and more of a franchised and local	2
055	Exon own the gas station but it reminds me of a smaller Bucee's	Well Bucee's is a Texas landmark but it is huge and does not use someone to manage its gas like how Exon has partnered with Choke Canyon. The store looks smaller than a Bucee's but larger than an average chain	1	Exon Mobile	Exon logo	1
056	Choke Canyon EXXON	Marketing Items	1	Exxon	Exxon Facility	1
057	don't know	don't know	1	don't know	don't know	1
058	Exxon	Sign	1	Exxon	Sign	1
059	Don't know	Don't know	3			2
060	Love's	Based on the name on the gas pumps	1	Don't know	A lost of gas stores are franchised, so I guess that the owner/operator is different than Love's, but the franchisees are normally not well-known	2
061	exxon	sign	3			1
062	choke canyon or whoever owns them	consistent brand name on the outside of the store and the merchandise referenced in the previous slide or two	3			1
063	Loves	Logo	3			2
064	I dont know who owns or operates	I do not know who or if there is a parent company of Love's	3			2
065	Don't Know	You didn't give me enough information and I'm not prejudice.	3			1
066	hunting enthuiest	hunting supplies	1	choke canyon BBQ	the logos and advertisements	1
067	Bucces	looks like it with a crock instead of a beaver	1	looks like a rip off of the beaver at Buccees	just look at it.	1
068	Bucky's	shirt looks similar to a Bucky's shirt	1	Buckys	shirt looks the same	2
069	Loves	Branding	1	Don't know	Don't know	2
070	Exxon	Don't know	3			1
071	exxon	they are the gas station hosing the store	1	exxon	that is the gas sold there	1
072	Loves	Seems like the merchandise a convenience store would care, plus the loves logo is on the ice chest	3			2
073	Exxon	It was an exxon station	1	Don't Know	Don't know	1
074	Exxon	While I remember the alligator I dont remember a name to the store. But i know the gas station is an Exxon.	1	Exxon	Thats the gas station.	1
075	don't know	don't know	1	don't know	don't know	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
076	Don't know	Don't know	1	Don't know	Don't know	2
077	looks like they are trying to copy buccees	very similar	3			1
078	Don't know	Н	2			1
079	DON'T KNOW	DON'T KNOW	3			2
080	Exxon	Gas pumps	3			1
081	Choke Canyon	Saw a bunch of Choke Canyon logos.	3			1
082	ExxonMobil	The primary station was with ExxonMobil	1	DON'T KNOW	don't know	1
083	Don't know	Could be a corporation and this is their marketing.	3			1
084	Loves	Because their signage is on the soffit surrounding the fuel dispensing stations.	1	Typically gas/convenience are franchised under a larger group but do have some corporate owned sites	I work in facilities management that has dealer/franchise/owner owned gas stations/convenience stores.	2
085	Love's	Signage	3			2
086	Choke Canyon	that was the name on it	2			1
087	Something canyon	Logos	3			1
088	dont know	dont know	3			2
089	cheerful, inviting	Because of the colors and the bunny.	3			2
090	Choke	They were listed in the circle around all logos	1	Exxon	They are the gas provider	1
091	Don't know	Don't know	3			1
092	Don't know	Don't know	1	Because of the aligator as a logo.	I don't think it was just a random idea.	1
093	Exxon	The Building	3			1
094	Loves	That's the name I saw.	3			2
095	Don't know	Don't know	3			1
096	Choke Canyon	The branding on the building, shirt, jerky, coozie and cooler	1	Exxon	That's who provides the gasoline for the store	1
097	Loves	I've been to several loves stores.	1	Not sure. Bucees?	Bucees are taking over in north Texas. Everywhere!	2
098	Don't Know	I don't know who owns Love's.	3			2
099	Exxon	The big sign that says Exxon	3			1
100	don't know	don't know	3			1
101	DON'T KNOW	I assume Choke Canyon is a location and Exxon is a franchise.	2			1
102	don't know	don't know	3			2
103	I don't know.	Don't know.	1	Don't know.	Don't know.	2
104	Don't know	Never see it before but I assumed it's near east texas	2			1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
105	Indians	the name of the convenience store	2			1
106	Don't Know	DON'T KNOW	3			2
107	Bucky's? A white person?	Because the name is "Love's" and it has other things that normal gas stations don't have.	1	Bucky's? I don't know	Because that's the first thing that came to my mind.	2
108	Exxon	it was an exxon station	1	because it was an exxon store	it was an exxon store	1
109	Exxon	sign said Exxon	3			1
110	Don't know	Don't know	3			1
111	Don't know.	Exxon has the gas, but the convenience store may be owned and operated by another company. It appeared to have something to do with Choke Canyon. But I've never seen that logo before.	3			1
112	don't know	don't know	3			2
113	Exxon	That is the brand of gas that they sell	3			1
114	SOMEONE WHO LIKES GATORS	BECAUSE OF THE MASCOT	2			1
115	Dont know	Don't know	1	Most items are company brands	Dont know	2
116	don't know	I dnt shop there	3			2
117	Choke Cayon	Read the shirt	1	Buckee's	Same set-up with an animal and food	1
118	don't know	don't know	1	the brand appears to be a new brand testing an area to determine the sale rate	Many companies will test the waters with a new brand to see if there is a route to additional income	1
119	Don't know	Don't know	3			1
120	State	It seems like a travel stop store	1	Don't know	Don't know	1
121	Loves	it was the name on the sign and on the ice chest and beef jerkey	2			2
122	Choke	I saw	3			1
123	exxon mobil	Exxon Mobil	1	Exxon Mobil	Because Exxon owns some corner stores	1
124	I don't know	Don't know	2			2
125	I gon't know	don't know	3			2
126	don't know	don't know	1	Exxon	i think I saw an Exxon sign	1
127	Good	I went there	2			1
128	Don't know	Don't know	1	The gas station it is located at	Because it is in that location and they share the same building	1
129	Don't know	DON'T KNOW	1	Exxon	DON'T KNOW	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
130	Someone from India	Observation and prices charged	1	No Opinion	Why do I say I have no opinion? To that question I can not respond as it is illogical.	2
131	Loves	I saw it on the first slide	3			2
132	Don't know	Don't know	1	Exxon	It's the brand of gas sold	1
133	don't know	i'm not sure who operates Love's	3			2
134	Love's	The logo	3			2
135	buckee	logo	3			1
136	Exxon	Sign of Gasoline Brand	1	Exon	The Sign	1
137	choke canyon	saw logos on building and elsewhere	1	exxon	it was their gas stupid	1
138	Loves	Loves logo and name	3			2
139	Love's	Because that is what the sign says.	3			2
140	A food service/ restaurant	the logos and products represented	1	don't know	because i really don't have enough info to make an informed decision	1
141	Exxon	I saw the gasoline section with a large Exxon sign	3			1
142	Loves	Name on building	3			2
143	loves	?	3			2
144	Exxon	Because there was an Exxon sign.	3			1
145	exxon	looks like it	3			1
146	choke caynon	because it was on the merchandise	3			1
147	Exxon	It is an Exxon station. It could be independently owned but I think this one is corporate owned.	2			1
148	Loves	I recognize the logo	3			2
149	DON'T KNOW	DON'T KNOW	3			2
150	Texans	Texas stuff	2			1
151	Loves	The name on the products	3			2
152	Exxon owns the station but not sure if they own the convenience store.	Have seen the devastation alcoholism can do first hand.	3			1
153	Don't KNow.	Dont' Know	3			1
154	Choke Canyon	Because of signage	1	Don't know	Don't know	1
155	Exxon	The Exxon sign	1	don't know	don't know	1
156	don't know	don't know	3			2
157	A corporation	Many locations	1	Don't know	Don't know	2

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
158	Don't know	I had never heard of this convenient store and forgot the name.	1	Don't know	I don't know the name of the parent company	2
159	Love's	on canopy of gas pumps	3			2
160	Exxon	don't know	3			1
161	Exxon	The gas station logo	3			1
162	don't know	I don't get the question	3			1
163	Choke Canyon	it was on the shirt logo	3			1
164	Exxon	The gas signage	3			1
165	loves	logo	1	the lobster and bunny	didnt fit	2
166	Don't know	I don't know what I'm seeing here	3			2
167	I am not too sure. I just remember a green alligator	It was most noticeable thing	2			1
168	Don't know	Never seen it before	1	Don't know	Never seen the logo	1
169	Exxon	Looked like exxon	1	Valero	Green	1
170	Valero	Colors	1	Valero lets others have stores inside their locations (i.e. Choke Canyon BBQ.	The way most of the oil companies do at their locations.	1
171	Don't know	Don't know	1	Don't know	Don't know	2
172	Love's	Because that's the name of the store. Probably the corporation that runs it	1	Franchise possibly	I don't understand what this survey is trying to understand	2
173	Exxon Mobile	DON'T KNOW	3			1
174	DON'T KNOW	DON'T KNOW	1	Love's	It is a well known franchise.	2
175	Don't know	Don't know	1	Don't know	Don't know.	2
176	Choke Canyon	it was on the signs and the merchandise	2			1
177	Dont know	Because it is a franchise	1	dont know	There is no way to tell from the picture	1
178	Love's	It's on the sign!	3			2
179	Loves	because that name is in every picture	1	I don't know, but I believe love's is the name they are doing business under	Most every company I have ever worked for was actually owned by a different name than where I worked	2
180	don't know	it doesn't specify	3			1
181	don't know	don't know who owns Love's	1	I thought they got sold to a larger corp	thought I read it	2
182	Loves	Signage	3			2
183	DON'T KNOW	Do not recognize the mascot/logo	2			1
184	Choke Canyon	logo	3			1
185	none	dont know	2			1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
186	No opinion	I don't really care one way or another, it's just a convenience store	2			2
187	Don't know	Don't know	3			2
188	Choke Canyon	Logo on store	1	Exxon	Just a theory	1
189	Don't know	Don't know	1	Whoever owns the logos featured	Because it's everywhere	1
190	Love's	Loves was the name on the marquee	3			2
191	don't know	DON'T KNOW	3			2
192	Exxon	Exxon gas station is there	1	Exxon	Don't know	1
193	Don't know	don't know	1	don't know	don't know	1
194	Exxon	Biggest sign	3			1
195	Don't know	The logo shown was the store name, not the owner	1	Don't know	There is no indication of who it would be	1
196	not sure	owned by Loves?	3			2
197	i dont know	dont know	3			1
198	CHOKE CANYON	THE WRITING ON THE MERCHANDISE	1	EXXON OWNS STORE BUT LEASES SPACE	IT'S A EXXON STATION	1
199	don't know	don't know	2			2
200	No idea	Don't Know	3			2
201	Exxon	Because it was an EXXON gas station	1	Maybe someone else owns and operates the company, but if so they have to approved by EXXON	Since EXXON gas is sold there.	1
202	DON'T KNOW	DON'T KNOW	3			1
203	exxon	they are the seller of the gas	3			1
204	Mexican	Because of the merchandise displayed. Or possibly a Cajun.	2			1
205	Love's	The Logo said Love's	1	Bucky's	logo looks similar	2
206	don't know	don't know	2			2
207	Choke Canyon	It was on all the souvenirs and the restaurant	1	Exxon	Because they are the gas station name	1
208	Cherokee Canyon brand?	It was the name on all the merchandise	3			1
209	Don't know	Unless it's Love I have no idea	3			2
210	Love's	The sign is all over the building and shaded area for the gas pumps	3			2
211	exxon	exoon	3	1		1
212	Exxon	The name was on the building	1	don't know	I'm not sure who operates it but I think someone else does	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
213	Exxon or Choke	Exxon was the fuel brand. Choke was the bbq and product inside being sold.	1	Exxon or Choke	They both have their name all over building and inside.	1
214	Choke Canyon BBQ	Merchandise and signage	1	Техасо	Sign	1
215	Don't know	Is Loves its own company?	3			2
216	Loves truck stops	The sign is familiar.	1	Same, or at least very similar si	Sign/logo look familiar. Plus, I have not seen the name Loves anywhere else.	2
217	I don't know	Sorry Exxon	1	Exxon	I saw the gas sign	1
218	dont know	dont know	1	wet	rry	1
219	choke canyon	logos everywhere	1	exxon	it was an exxon	1
220	DON'T KNOW	It's not a logo/mascot that I am aware of	2			1
221	choke canyon	it was the logo on all merchandise	3			1
222	Exxon	Gas station sign	1	Exxon	Sign over gas pumps	1
223	Don't know	Well it's called Loves but I'm not sure who owns it	1	Don't know	It's hard to tell who really owns it	2
224	Love's	The name is on the marquee.	3			2
225	Choke Canyon	Because the logo says so.	3			1
226	Choke Canyon BBQ	Independent operator in an Exxon location	1	Exxon	Exxon branding	1
227	Loves	Store name.	1	The look and feel seems like it would be part of a group of different convenience stores.	It does not fit the model of a single large chain or a individually owned store.	2
228	Loves	Says loves	2			2
229	DON'T KNOW	I do not know who owns Choke Canyon.	1	Choke Canyon	Their logo is on the building	1
230	Immigrants	Isn't it always immigrants?	1	Exxon	Because they sell exxon branded gas	1
231	Loves	Advertising on store, cooler, and beef jerkey.	3		<u> </u>	2
232	Loves	Because that is the name of the store	3			2
233	Jerry jones	Fruity	1	Lsu	Alligator	1
234	Loves	Signage on the store	1	Loves	Store signage	2
235	Exxon	The sign on the store says "EXXON."	1	It appears that the franchise is operated by the Choke Canyon BarB Q	Because the signage and all the promotional materials available for sale are emblazoned with "Choke Canyon BBQ."	1
236	Exxon	It was the gas station in the picture	3			1
237	Loves	I have recognized their logo since I have seen many of their convenience stores around Texas.	3			2
238	Don't know	I've. Ever seen the alligator before. Looks like something buckets could do	1	Exxon	The gas station says excon	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
239	Exxon	Gas logo	3			1
240	Don't know	don't know	3			2
241	Don't' know	Don't know	3			2
242	Choke BBQ	That what I saw on the photos	1	Exon	That is what I saw	1
243	Exxon	signage	1	signage	signage	1
244	Exxon	Colors	3			1
245	exxon	It was on the store	1	exxon	It was on the store	1
246	a company who sells gas	because gas is featured	1	Loves	it is featured in the picture	2
247	love's	logo	3			2
248	don't know	don't know	2			1
249	DON'T KNOW	DON'T KNOW	1	Exxon	The Exxon signage	1
250	Love's	That was the name on the building, plus the name on the items for sale.	3			2
251	Love's	From the sign	3			2
252	not sure	focused on the green alligator but the name didn't jump out at me	2			1
253	Don't know	Because I don't who	3			1
254	choke canyon	they sell BBQ there	3			1
255	Loves	They own truck stop and convience stop for travelers	3			2
256	Love's	sign	3			2
257	Exxon	Because it was the main name	1	Don't know	Don't know	1
258	Exxon	Their gas station is at that location	1	Exxon allows the BBQ company to be a part of the convenience store	Bc people are more than likely to stop at the location because they see the well-known name of exxon	1
259	Loves	It's on the sign	3			2
260	Love's	Saw the name	1	Don't know	Don't know	2
261	DON'T KNOW	DON'T KNOW	3			1
262	Don't Know	Don't know	1	Exxon	The gas area was Exxon	1
263	texaco	dont know	1	not sure	dont know	1
264	Love's	It's the name of it	1	Don't know	Cause I don't know	2
265	Don't know	Don't know	2			1
266	Don't know	Don't know	2			1
267	Don't know	Don't know	2			2
268	don't know	don't know	3			1
269	choke canyon	because the logo says so	1	dont know	don't know	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
270	Don't know	DONT KNOW	1	DONT KNOW	DONT KNOW	1
271	Don't know	Don't know	3			1
272	A hunter	There were animal pictures and jerky	3			2
273	Dont know	Dont know	3			2
274	don't know	don't know	1	buccees	alligator	1
275	don't know	don't know	2			1
276	DON'T KNOW	I only know the brand is Love's; I don't know who owns it	1	DON'T KNOW	DON'T KNOW	2
277	Exxon	Remember Exxon logo.	3			1
278	Choke Canyon	Because of the retail sold and advertising.	1	Exxon	Because they are the other part of the retail which is the gas.	1
279	Don't know	How would i	1	Don't know	This is ridiculous	2
280	Don't know	Don't know	2			2
281	Exon	Exon was the name of the gas station.	1	Choke Canyon BBQ	Big signs and marketing materials	1
282	Don't know	Don't know	1	Don't know	Don't know	1
283	Loves	It looks like the loves gas station I pass everyday	3			2
284	Don't know	Don't know	1	Exxon	Exxon gas station	1
285	Don't know	Don't know	1	Exxon	The Exxon sign	1
286	Don't know	Don't know	3			1
287	exxon and choke canyon barbecue	signage and gifts	1	exxon signage indicates they have some input	signage	1
288	Loves	Its the name showing at the top	2			2
289	7eleven	More variable products	1	Buccee	Dont know	2
290	exxon	sign on station	1	maybe it is like a franchise?	if exoon doe snot own, maybe is just franchiser	1
291	choke canyon bbq	all of the branding	3			1
292	Love's	It says, "Love's"	1	Love's	Love's	2
293	He likes gators	Because there is a gator theme	1	Don't know	Don't know	1
294	dont know	dont know	3			1
295	no opoinion	don't know	3			1
296	Love's	It was on all the signage	3			2
297	No ideaa crocodile?	I recall the crocodile	3			1
298	Choke canyon exon	Signs	3			1
299	dont know	never seen before	3			1
300	Don't know	Don't know	2			1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
301	don't know	don't know	1	don't know	don't know	2
302	No opinion	Because i dont have enough idea of that	3			1
303	dont know	dont know	2			2
304	Locally owned	I think I saw advertising	2			2
305	Dont know	Dont know	1	Dont know	Dont know	1
306	Don't know	Don't know	1	Because their logo is on everything	You can clearly see the visual on all merchandise	1
307	Don't know	Don't know	1	Don't know, but possibly a large company or a monopoly.	That's how most things are run here. Example, the phone and cable companies.	1
308	don't know	don't know	3			1
309	Loves	MAin thing I saw	1	Don't know	Don't know	2
310	dont know	DON'T KNOW	1	exxon	sell the gas	1
311	don't know	don't know	1	don't know	don't know	1
312	Don't know	Don't know	1	Don't know	Don't know	2
313	A franchiser	Cause it is a gas station and food	3			1
314	Exxon	Because it's a gas station.	1	Exxon	Because Exxon is a major oil company.	1
315	Choke Canyon	I saw those words.	3			1
316	Choke Canyon convinience store	The name was all the building and merchandise.	2			1
317	Exxon	Name was on sign	3			1
318	Exxon	gas signs	3			1
319	Exxon or choke canyon	Signage	1	Exxon	Signage	1
320	don't know	don't know	3			1
321	Exxon	Sign	1	Don't know	Don't Know	1
322	Chain gas station	I've seen multiple of them around Texas	3			2
323	Choke Canyon	That's what was being promoted on the merchandise	3			1
324	Don't know	Don't know	3			1
325	Love's	Because that is the brand of the gas station	3			2
326	The owner of it	Don't know	2			1
327	idk	no idea	3			1
328	Don't know	Don't know	3			1
329	Don't know	Don't know	2			2
330	exxon	it was the name of the gas station	3			1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
331	Don't know	don't know	3			1
332	Exxon	It is an Exxon station, therefore, Exxon would own and operate, even if a restaurant is in the station.	1	Choke City BBQ	This is the name of the restaurant	1
333	Don't know	Don't know	2			2
334	Exxon	Exxon station	1	mistake own and operated by Exxon	made a mistake	1
335	DOnt Know	Dont know	3			1
336	EXXON	The sign on the gas pumps	1	EXXON seems to have license agreements with Choke Canyon	they sell that gear inside the store	1
337	Choke Canyon	That was the name I saw.	3			1
338	Choke Country	Based on the branding outside the station and the merchandise offered inside.	1	Exxon Mobil	Exxon is the branded gas at the station.	1
339	Loves	It was the name of the store	1	Buckee's	The business model seems similar	2
340	Exxon	They have the gas station	1	don't know	I see no other company branding	1
341	exxon	that was the sign on the front of the store	1	merchandies says choke canyon	photos from the store	1
342	Exxon	Type of gas it sells	3			1
343	Choke Canyon	it's on all the pictures	1	Exxon	Don't Know	1
344	choke	name on T shirts and jerky	2			1
345	Exxon	Sign at gas station	2			1
346	don't know	don't know	3			1
347	Don't know	It is a Exon station but who knows who owns	1	I assume a franchise who has multiple Exon stations	Stations are both company owned and franchised I guessed franchised	1
348	Probably Exxon (or Bucee's trying to rebrand with a gator instead of a beaver)	The Exxon logo was very visible in the first photo. I'm guessing that Exxon is trying to compete with the larger gas/convenience stores like Bucee's and Stripes, but opening a full service store with fresh BBQ, food, and other conveniences.	1	Probably a division of Exxon, or if it is licensed by Exxon to a local owner, that's probably how it	Just a guess.	1
349	Choke Canyon/Exxon	Because of the signage	1	Choke Canyon	Saw the sign on the side of the store	1
350	don't know	aaa	3			1
351	Love's	Name on canopy	3			2
352	Exxon	Because of the sign	3			1
353	Exxon	It was in the first picture	3			1
354	exxon	name on bldg	2			1
355	Do not know	Have never seen this store	1	Don't know	Never seen	1
356	Don't know	Don't know	1	Don't know	Don't know	2

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
357	Don't know	I do not ever recall seeing one. I have see others bit not Choke Canyon Do not recognize the Gator. Must be on freeways which I do not travel much.	1	Looks like a large investment	Well designed and advertised	1
358	don't know	don't know	1	don't know the name	don't know	1
359	exxon	the name exxon was on the pumps	3			1
360	don't know	DON'T KNOW	3			1
361	Love's	Because of the signage and logos	1	Don't know	Don't know	2
362	dont know	not sure	3			1
363	I dont know	I dont know	1	I dont know	I dont know	2
364	Alagator	It's funny	3			1
365	Choke Canyon or Exxon	It's on the building	2			1
366	loves	familliar	3			2
367	Don't know	Don't know	1	Loves	From the signage displayed	2
368	buckee	gator	2			1
369	Exxon	That was the brand that was listed on the gas station building.	1	Choke Canyon	It was the name on the building and must be working together in some way to be under the same roof.	1
370	Don't know	Don't know	3			2
371	Love's	I answered the ?	1	Love's	I did	2
372	Exxon	I think all Exxon stations are owned by Exxon with a third party operator	1	Exxon	Exxon approves the operators of its stations	1
373	Exxon	Sign out front	1	Don't know	Don't know	1
374	Don't know	Don't know	1	Exxon	Exxon gas station	1
375	Loves	It was on the signage	3			2
376	no idea	because i do not know	3			1
377	Don't know	May belong to exxon but not sure	3			1
378	An Exxon franchisee	It's an Exxon store	3			1
379	Don't know	Don't know	3			1
380	Love's	Name of the store in the picture	3			2
381	exxon	the gas station is exxon	3			1
382	Don't know	Don't know	3			1
383	Don't know	Don't know	2			2
384	Chokes canyon	That's what I saw on the store name	2			1
385	ExxonMobil	Exxon logo	3			1
386	Choke canyon	Name on the label	1	Choke canyon	Logo	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
387	it seems to be an independent brand	it is not a chain	2			2
388	Loves	Thats the name of it	3			2
389	exxon	that;s the name of the gas station	1	dont know	dont know	1
390	Exxon	Because the 1st picture showed an Exxon sign.	1	Misunderstood question, believe Exxon sponsors.	Exxon is a huge company.	1
391	Love	Store name	1	Love	Store name	2
392	Loves	The name is on the gas station.	1	Don't know	I have no other ideas of who could run this brand.	2
393	LOVE'S	The logo was prominently displayed in several places	3			2
394	Don't know	Don't know	3			2
395	Love's	Because of their logo	2			2
396	Exxon probably owns the property but leases the operating rights to Choke Canyon	Exxon Gass	1	MobilExxon	gas	1
397	Buckees	Merchandise looks the same.	1	Buckees	Looks the same.	1
398	Exxon	Gas	1	Exxon	Gas	1
399	Don't know	Don't know	3			1
400	don't know	don't know	3			1
401	Choke Canyon	That is emblazoned on all the mdse in the photos	1	Don't know	No clue who owns these stores.	1
402	Don't know	Don't know	1	Техасо	Type of gas	1
403	Choke Canyon BBQ - perhaps some type of Exxon franchisee	I don't think Exxon in really in the convenience store business.	3			1
404	Exxon	Because the sign was there and it said Exxon.	3			1
405	Don't Know	Don't know	1	Exxon	the sign on the gas pumps	1
406	Exxon	The gas pump cover had the Exxon logo	1	Don't know	don't know	1
407	Exxon	Exxon station	3			1
408	Choke Canyon	The name of the store!	3			1
409	exxon	sign in first pic	3			1
410	Don't know	I have never seen it before. Looks cool though	2			1
411	Don'tknow	Because I do not know	2			1
412	dont know	dont know	3			1
413	don't know	never seen	1	exxon	next to exxon	1
414	Choke Canyon	that is what the sign says	3			1
415	Bar b que	Because they are connected to exxon	1	Canyon bar b que	It's connected	1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
416	DONT KNOW	The gas is EXXON but the store is CHOKE CANYON	3			1
417	Excon	The gas	1	Don't know	Don't know	1
418	Dont know	Dont know	3			1
419	Individual	Name	2			1
420	no	do not knpw	3			1
421	Choke Canyon	That is the name on the outside of the center	3			1
422	Dont know	Dont know	3			1
423	a company that like aligators	alligator pictures	3			1
424	ExxonMobil	Gas station	1	The BBQ	Bbq place and ExxonMobil are both at the location.	1
425	exxon	they are merged	1	exxon	they are merged	1
426	Exxon	Because I saw they sold their gas there.	1	Crock	I saw it posted on everything.	1
427	EXXON	Gas Station	3			1
428	Exxon	Gas sold there	3			1
429	Not sure	Because I couldn't distinguish who owned the facility	3			1
430	Choke Canyon?	Because it's on the outside of the store and on the merchandise sold there	1	Choke Canyon	Because their name is on the store	1
431	The alligator	Branded merchandise	1	Exxon	Exxon gas	1
432	Don't know	don't know	2			1
433	Choke canyon BBQ	Name On all of the merchandise.	3			1
434	711	looks like them	3			1
435	Choke Canyon	The brand is displayed on everything	1	Don't know	it's not obvious, could be anybody, it's just a brand displayed.	1
436	don't know	don't know	3			1
437	Exxon	Gas pumps	3			1
438	Exxon	Its an Exxon station	1	DON'T KNOW	It could be a lot of things. I have no idea how all these franchising things work	1
439	Choke Canyon	All the merchandise inside is theirs.	3			1
440	A local businessperson	I believe most convenience stores are franchised, rather than operating as a chain. I assume that because this one seems to focus on the BBQ restaurant it features quite a bit, it is a franchise.	1	Exxon	Because it was operating as an Exxon gas station	1
441	DON'T KNOW	I did not see the name of the store	2			1

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ID	Q3	Q3a	Q4	Q5	Q6	Main=1 Control=2
442	Don't know.	don't know.	3			1
443	Exxon	Sign on outside	2			1
444	loves	it's on everything	3			2
445	don't know	don't know	3			2
446	loves gas station	because it says loves all over the place	3			2
447	don't know	Don't know	1	Don't know	Don't know	2
448	choke canyon	it's on the logo	2			1
449	Don't know	I don't know how to determine who OWNS the convenience store simply from looking at it and products it sells.	1	Don't know	Because I simply don't know.	1
450	Don't know	Don't know	1	Don't know	Most stores are owned by larger company	2