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November 25, 2013

VIA EMAIL AND U.S. REGULAR MAIL

Mr. Guy J. Sternal
Eisenhower Carlson, PLLC
1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402

RE: Your October 28, 2013 Letter to Kirk Grundahl, Executive Director of the Structural Building Components Association (“SBCA”) on behalf of the APA-The Engineered Wood Association (“APA”)

Dear Mr. Sternal:

Our firm represents SBCA and I have been asked to respond to your letter of October 28, 2013 addressed to Kirk Grundahl, the Executive Director of SBCA. First, let me state that my client is fully aware of its legal responsibilities, both generally and under the Lanham Act. We believe your implied threat of litigation as a means to silence SBCA is misplaced and of itself suggests that APA and its membership ought to be mindful of their legal responsibilities and exposure. If you genuinely believe that a Lanham Act violation may have occurred I encourage you to lay out the claim with specifics as from where I sit it seems that SBCA has merely reported to APA and others some testing results and corresponding engineering analysis.

SBCA furthermore has no intention of having you or APA dictate whether or not your letter or other letters and correspondence exchanged as between SBCA and APA ought to be published or restricted from use in some way except as approved by your client. In fact as a trade association it seems that SBCA is obligated to keep its membership informed of this type of demand and corresponding information. This request of unilateral censorship is furthermore quite intriguing given the fact that your letter appears to have made its way to the public domain, or at least to various lumber trade associations with whom your client associates. You ought to inquire of APA and determine to whom your letter has been forwarded and let me know what you find out.


SBCA believes its testing and analysis, which is detailed in Kirk’s September 23 letter, is accurate and represents performance of products within a real building. This testing and analysis have undergone the same type of scrutiny and processes as all the historical testing undertaken by SBCA’s affiliated research and testing lab. To the extent APA believes that any part of the testing or engineering analysis set forth in Kirk’s letter is inaccurate, we encourage APA and its consultants to point out such inaccuracies and further respond with like-kind testing and associated engineering mechanics based analysis. I am sure this can then be followed up

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with a healthy and important public debate over the issues by the two associations. While I encourage APA to do exactly as I suggest, my instinct suggests that is unlikely especially in light of the APA published paper from 2007, titled *A Review of Large Scale Wood Structural Panel Bracing Tests* by Messrs. Zeno Martin, Tom Skaggs, and Borjen Yeh, each of whom are professional engineers. A highlighted version of that published report is attached. These respected engineers, who likewise have laid out their testing and engineering analyses, have reached conclusions that both precede and confirm Kirk's testing and engineering analysis.

I look forward to your response and hope that you and your client take me up on my suggestions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Kent J. Pagel". The signature is fluid and cursive, with the first name "Kent" and last name "Pagel" clearly distinguishable.

Kent J. Pagel