

# **EXHIBIT 1618**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LOUIS VUITTON MALLETIER, S.A.,	)	
	)	C-07-03952 JW (HRL)
PLAINTIFF,	)	
	)	AUGUST 25, 2009
V.	)	
	)	VOLUMES 8 AND 9
AKANOC SOLUTIONS, INC.,	)	
MANAGED SOLUTIONS GROUP, INC.,	)	PAGES 1 - 231
STEVEN CHEN AND DOES 1 THROUGH	)	
10, INCLUSIVE,	)	
	)	
DEFENDANTS.	)	
	)	

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

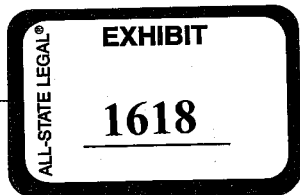
A P P E A R A N C E S:

OR THE PLAINTIFFS: J. ANDREW COOMBS, A PROF. CORP.  
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OFFICIAL REPORTER PRO TEM: JANA L. RIDENOUR, CSR  
LICENSE NUMBER 9302



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REPORTER NOTE: ALL QUOTED EXCERPTS IN THIS TRANSCRIPT WERE REPORTED AND TYPED "AS READ."

1           ONE OF THE THINGS WE WILL TALK ABOUT IS HOW  
2 LONG THEY WILL ASK THE COURT TO ALLOW THEM FOR PURPOSES  
3 OF THEIR ARGUMENT.

4           BUT BASED UPON WHERE WE ARE NOW, I EXPECT YOU  
5 WILL HAVE THE CASE SHORTLY AFTER YOU COME BACK FROM YOUR  
6 LUNCH RECESS OR EVEN BEFORE, AND SO YOU WILL HAVE THE  
7 REMAINDER OF THE DAY TOMORROW, AND THAT WOULD ACTUALLY  
8 GET THE CASE TO YOU MUCH EARLIER THAN WE ANTICIPATED, SO  
9 THAT WOULD LEAVE YOU THURSDAY AND FRIDAY FOR A FULL DAY  
10 OF DELIBERATIONS, NOT THAT YOU WILL REQUIRE ALL OF THAT  
11 TIME.

12           ONE OF THE OTHER THINGS WE WILL WORK ON IS THE  
13 VERDICT FORMS. AS I INDICATED TO YOU, IT'S MY PRACTICE  
14 TO GIVE YOU THE VERDICT IN THE FORM OF QUESTIONS, AND SO  
15 I WILL GO OVER ALL OF THOSE MATTERS WITH YOU TOMORROW  
16 MORNING.

17           YOU MAY BE EXCUSED.

18           (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE  
19 HELD IN OPEN COURT, OUT OF THE PRESENCE OF THE JURY:)

20           THE COURT: WE ARE MEETING OUT OF THE PRESENCE  
21 OF THE JURY.

22           AT THE SIDEBAR, COUNSEL INDICATED THAT EXCEPT  
23 FOR THESE MATTERS HAVING TO DO WITH EXAMINATION OF LOUIS  
24 VUITTON GENERAL COUNSEL WITH RESPECT TO DAMAGES, THE  
25 DEFENSE WOULD REST, AND THE PLAINTIFF INDICATED THAT

1 THEY DON'T HAVE ANY REBUTTAL CASE.

2 I'VE BRIEFLY HAD AN OPPORTUNITY TO READ THIS  
3 MEMORANDUM THAT WAS SUBMITTED BY DEFENDANT RELATING TO  
4 STATUTORY DAMAGES. THERE ARE SEVERAL ASPECTS OF IT THAT  
5 PLAY IN THE COURT'S VIEW WITH RESPECT TO WHETHER OR NOT  
6 IT SHOULD PERMIT DEFENDANT TO EXAMINE THE GENERAL  
7 COUNSEL FURTHER WITH RESPECT TO THE REVENUES OF LOUIS  
8 VUITTON, WHICH IS WHAT I UNDERSTAND HIS PROFFER IS.

9 FIRST OF ALL, THIS IS NOT A CASE WHERE LOUIS  
10 VUITTON HAS CLAIMED ACTUAL DAMAGES, BUT THEY ARE ASKING  
11 FOR STATUTORY DAMAGES. IT IS FAIR, AS I READ FROM THE  
12 AUTHORITIES CITED HERE, FOR A DEFENDANT TO ARGUE THAT  
13 STATUTORY DAMAGES SHOULD NOT BE DISPROPORTIONATE TO  
14 ACTUAL DAMAGES.

15 AND AS I INDICATED BEFORE THE JURY CAME BACK  
16 EARLIER TODAY, IT WOULD BE PERMISSIBLE FOR THE COURT --  
17 IT WOULD BE PERMISSIBLE FOR THE DEFENDANT TO ARGUE THAT  
18 THERE IS NO CLAIM FOR ACTUAL DAMAGES, AND YOU MAY TAKE  
19 THAT INTO CONSIDERATION IN DETERMINING THE AMOUNT OF  
20 STATUTORY DAMAGES. BOTH SIDES CAN ARGUE ABOUT THAT.  
21 YOU MAY USE IT TO ARGUE NO, OR MINIMUM STATUTORY  
22 DAMAGES, AND THE PLAINTIFF CAN ARGUE FOR MAXIMUM OR SOME  
23 OTHER STATUTORY DAMAGES, TAKING INTO ACCOUNT I WILL GIVE  
24 THE JURY INSTRUCTION WITH RESPECT TO THE LAW ON THE  
25 MEASURE OF DAMAGES.

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CERTIFICATE OF REPORTER

I, JANA L. RIDENOUR, OFFICIAL REPORTER PRO TEM  
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN  
JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT IS A FULL, TRUE  
AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HAD IN LOUIS  
VUITTON MALLETTIER, S.A., V. AKANOC SOLUTIONS, INC.,  
MANAGED SOLUTIONS GROUP, INC., STEVEN CHEN AND DOES 1  
THROUGH 10, INCLUSIVE, CASE NO. C-07-03952 JW (HRL),  
DATED AUGUST 25, 2009; THAT I REPORTED THE SAME IN  
STENOTYPE AND TRANSCRIBED THE SAME BY COMPUTER-AIDED  
TRANSCRIPTION TO THE BEST OF MY ABILITY AS HEREIN  
APPEARS.

DATED THIS 4<sup>th</sup> DAY OF DECEMBER, 2009.

Jana L. Ridenour, CSR # 9302  
JANA L. RIDENOUR, CSR  
OFFICIAL REPORTER PRO TEM  
LICENSE NUMBER 9302

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