Doc. 270 Att. 6

EXHIBIT 1620

1	IN THE UNITED STATES DISTRICT COURT		
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
.3	SAN JOSE DIVISION		
4			
5	LOUIS VUITTON) C-07-03952-JW		
6	MALLETIER, S.A.,) AUGUST 18, 2009		
7	PLAINTIFF,) OUTUME 1		
8	V.)) PAGES 1 - 199		
9	AKANOC SOLUTIONS, INC.,) ET AL.,		
10	DEFENDANTS.)		
11			
12			
13	THE PROCEEDINGS WERE HELD BEFORE		
14	THE HONORABLE UNITED STATES DISTRICT		
15	JUDGE JAMES WARE		
16	APPEARANCES:		
17	FOR THE PLAINTIFF: J. ANDREW COOMBS BY: J. ANDREW COOMBS		
18	ANNIE S. WANG 517 E. WILSON AVENUE		
19	SUITE 202 GLENDALE, CALIFORNIA 91206		
20	GLENDALE, CALIFORNIA 91200		
21	FOR THE DEFENDANTS: GAUNTLETT & ASSOCIATES BY: JAMES A. LOWE		
22	CHRISTOPHER G. LAI 18400 VON KARMAN		
23	IRVINE, CALIFORNIA 92612		
24	(APPEARANCES CONTINUED ON THE NEXT PAGE.)		
25	OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR CERTIFICATE NUMBER 8074		
	EXHIBIT 1		

1 2 A P P E A R A N C E S: (CONT'D) 3 ALSO PRESENT: LAW OFFICES OF J. ANDREW 4 COOMBS BY: RUTH ADLER, PARALEGAL 517 E. WILSON AVENUE 5 SUITE 202 6 GLENDALE, CALIFORNIA 91206 7 LVMH FASHION GROUP BY: NIKOLAY LIVADKIN 8 2 RUE DU PONT-NEUF 75001 PARIS, FRANCE 9 AKANOC SOLUTIONS, INC. 10 BY: STEVE CHEN, PRESIDENT 45535 NORTH PORT LOOP EAST 11 FREMONT, CALIFORNIA 94538 12 13 14 15 16 17 18 19 20 21 22 23 24 25 2

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8	
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1	THE CLERK: WOULD YOU PLEASE RAISE YOUR
2	RIGHT HAND.
3	NIKOLAY LIVADKIN,
4	BEING CALLED AS A WITNESS ON BEHALF OF THE
5	PLAINTIFF, HAVING BEEN FIRST DULY SWORN, WAS EXAMINED
6	AND TESTIFIED AS FOLLOWS:
7	THE WITNESS: YES.
8	THE CLERK: WOULD YOU PLEASE STATE YOUR
9	FULL NAME AND SPELL YOUR LAST NAME FOR THE RECORD.
10	THE WITNESS: NIKOLAY LIVADKIN,
11	L-I-V-A-D-K-I-N.
12	THE COURT: WE'RE GOING TO ADJUST THE
13	VOLUME ON YOUR MICROPHONE SO WE CAN HEAR YOU
14	BETTER, BUT LET'S GO AHEAD AND WE CAN DO IT AS WE
15	GO.
16	DIRECT EXAMINATION
16 17	DIRECT EXAMINATION BY MR. COOMBS:
17	
	BY MR. COOMBS:
17 18	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED?
17 18 19	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED? A I'M EMPLOYED BY LOUIS VUITTON IN JUST A FEW
17 18 19 20	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED? A I'M EMPLOYED BY LOUIS VUITTON IN JUST A FEW WORDS. I APOLOGIZE FOR MY ACCENT AND PLEASE DO
17 18 19 20 21	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED? A I'M EMPLOYED BY LOUIS VUITTON IN JUST A FEW WORDS. I APOLOGIZE FOR MY ACCENT AND PLEASE DO INTERRUPT ME IF YOU DON'T UNDERSTAND WHAT I'M
17 18 19 20 21	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED? A I'M EMPLOYED BY LOUIS VUITTON IN JUST A FEW WORDS. I APOLOGIZE FOR MY ACCENT AND PLEASE DO INTERRUPT ME IF YOU DON'T UNDERSTAND WHAT I'M SAYING.
17 18 19 20 21 22	BY MR. COOMBS: Q MR. LIVADKIN, BY WHOM ARE YOU EMPLOYED? A I'M EMPLOYED BY LOUIS VUITTON IN JUST A FEW WORDS. I APOLOGIZE FOR MY ACCENT AND PLEASE DO INTERRUPT ME IF YOU DON'T UNDERSTAND WHAT I'M SAYING. Q FOR HOW LONG HAVE YOU BEEN EMPLOYED BY LOUIS

1	EXAMPLES?
2	A E-BAY AS THE FIRST PLACE SPECIALIZING IN
3	AUCTIONS. THERE WOULD ALSO BE AMAZON WHERE GOODS
4	ARE SOLD AT FIXED PRICES.
5	Q AND FOCUSSING ONLY ON YOUR ENFORCEMENT
6	RESPONSIBILITIES AS IT RELATES TO STAND-ALONE WEB
7	SITES AND E-COMMERCE PLATFORMS, CAN YOU GIVE US AN
8	IDEA OF HOW MANY NEW FILES A MONTH YOUR OFFICE
9	OPENS TO ADDRESS SUCH ISSUES?
10	A WE DEAL WITH SEVERAL HUNDREDS OF NEW MATTERS
11	EVERY MONTH.
12	Q AND CAN YOU IDENTIFY OUT OF THOSE SEVERAL
13	HUNDRED, APPROXIMATELY HOW MANY INVOLVE STAND-ALONE
14	WEB SITES?
15	A AROUND 100 PLUS OF THESE NEW MATTERS ARE NEAR
16	STAND-ALONE WEB SITES DEDICATED TO COUNTERFEIT
17	SALES.
18	Q AND WHEN YOU REFER TO STAND-ALONE WEB SITES
19	YOU'RE TALKING ABOUT DISTINCT TO DOMAIN NAMES?
20	A I WOULD SAY THAT THEY WERE MR. COOMBS
21	MENTIONED THAT WOULD BE WEB SITES THAT WE WOULD
22	TYPICALLY DEAL WITH.
23	Q AND HOW HAS YOUR ENFORCEMENT WITH THE INTERNET
24	CONNECTION CHANGED SINCE YOU WERE HIRED IN 2002?
25	A WHEN I WAS HIRED IN 2002 I WAS DEALING WITH

1 THESE ISSUES ALONE. UNFORTUNATELY THE AMOUNT OF ISSUES THAT COMPANIES WERE FACING IN REGARDS TO 2 3 VIOLATION OF ITS INTELLECTUAL PROPERTIES IS GROWING 4 TREMENDOUSLY. SO WE SIZE UP THE TEAM AND CURRENTLY 5 WE ARE FOUR PEOPLE FULLY DEDICATED ON THAT, AND I'M 6 HEADING THIS TEAM. 7 AND HAS THE VOLUME OF ENFORCEMENT ACTIVITY 8 THAT YOUR OFFICE HANDLED CHANGED DURING THAT TIME? 9 A YES. 10 O AND CAN YOU DESCRIBE IN THE WAY IN WHICH THAT 11 HAS CHANGED? 12 A WELL, WE ARE SENDING -- WE ARE OPENING MORE 13 AND MORE FILES EVERY MONTH. WE ARE SENDING MORE 14 AND MORE WARNING LETTERS, AND WE NEED TO DEAL WITH 15 MORE AND MORE SOPHISTICATED ISSUES WITH THE 16 DEVELOPMENT OF THE TECHNOLOGY, WITH THE NEW WAYS TO 17 DISTRIBUTE THE NEW COUNTERFEIT PRODUCTS AND MORE 18 AND MORE SOPHISTICATED ISSUES. 19 IS THERE A DEVELOPMENT IN THE AMOUNT OF 20 E-COMMERCE ISSUES THAT YOUR OFFICE DEALS WITH 21 SPECIFICALLY, E-COMMERCE PLATFORM ISSUES LIKE E-BAY 22 AND AMAZON? 23 YES. WELL, CONCERNING E-BAY SPECIFICALLY UP 24 TO 2006 THE AMOUNT OF AUCTIONS THAT WE HAD TO 25 MONITOR AND SEND AND TAKE DOWN NOTICES TO E-BAY TO

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REMOVE COUNTERFEIT GOODS, THE NUMBER OF THESE 1 2 AUCTIONS BECAME SO IMPORTANT AND IT WAS SO 3 UNBEARABLE TO US THAT WE WERE FORCED TO FILE A 4 LAWSUIT AGAINST E-BAY AND --5 MR. LOWE: EXCUSE ME. EXCUSE ME. YOUR 6 HONOR, I WOULD OBJECT. THIS IS NOT RELEVANT AND 7 POTENTIALLY IT'S PREJUDICIAL. 8 THE COURT: SUSTAINED. BY MR. COOMBS: 9 10 DOES LOUIS VUITTON COOPERATE WITH OTHER LUXURY 11 BRANDS IN CONNECTION WITH ITS ONLINE ENFORCEMENT 12 EFFORTS? 13 YES, IT DOES. 14 CAN YOU IDENTIFY SOME OF THEM FOR US? 15 LOUIS VUITTON COOPERATES WITH MOST OF THE 16 OTHER BRANDS OF THE LUXURY INDUSTRY WITH COMPANIES 17 SUCH AS CHANNEL, CHRISTIAN DIOR, BURBERRY, PRADA, GUICCI. 18 19 AND WHY DOES IT COOPERATE WITH THOSE COMPETING 20 BRANDS IN THE ENFORCEMENT ARENA? 21 WELL, COUNTERFEITING IS A GLOBAL ISSUE. ALL A 22 OF THESE COMPANIES ARE FACING THE SAME ISSUES AS WE 23 DO AND ALSO NOT ONLY FROM THE LUXURY INDUSTRY BUT 24 FROM OTHER INDUSTRIES. WE ALSO COOPERATE WITH SUCH 25 BRANDS SUCH AS NIKE AND ALSO WITH BRANDS FROM THE

Τ	CORPORATE INDUSTRY WHICH IS MICROSOFT.
2	IT'S A GLOBAL PHENOMENON, AND IT REQUIRES
3	GLOBAL ACTION. OBVIOUSLY WORKING TOGETHER IT ALSO
4	SAVES US COST BUT MORE COMPETITION.
5	Q DOES LOUIS VUITTON TAKE ANY INTERNET STRIKE
6	THAT.
7	DOES LOUIS VUITTON PARTICIPATE IN ANY
8	TRADE ASSOCIATIONS THAT ARE ALSO CONCERNED WITH
9	ONLINE ENFORCEMENT?
10	A LOUIS VUITTON DOES. WE ARE A MEMBER OF THE
11	INTERNATIONAL TRADEMARK ASSOCIATION WHICH IS ONE OF
12	THE, I THINK IT'S THE LARGEST, WITH THE
13	INTERNATIONAL ANTI-COUNTERFEITING COALITION; THE
14	EUROPEAN BRUSSELS BASED ASSOCIATION; DENMARK; AIM;
15	WITH THE FRENCH UNION; WITH THE CHINESE QUALITY
16	BRAND PROTECTION COALITION AND MANY OTHERS.
17	Q NOW, YOU MENTIONED EARLIER THAT YOU WERE
18	ENGAGED IN SOME LOBBYING EFFORTS. COULD YOU
19	BRIEFLY DESCRIBE THOSE LOBBYING EFFORTS FOR US?
20	MR. LOWE: YOUR HONOR, I'M GOING TO
21	OBJECT TO THIS. I THINK THIS HAS NO RELEVANCE
22	EITHER.
23	THE COURT: SUSTAINED.
24	BY MR. COOMBS:
25	Q DURING THE COURSE OF YOUR EMPLOYMENT WITH

1	Q WHEN YOU SAY THAT YOU VISITED SOME OF THE
2	FACTORIES WHERE THE NONGENUINE PRODUCTS ARE
3	MANUFACTURED, CAN YOU DESCRIBE THEM AS COMPARED
4	WITH THE FACTORIES WHERE GENUINE LOUIS VUITTON
5	PRODUCTS ARE MANUFACTURED THAT YOU'VE ALSO VISITED?
6	THE COURT: PUT IT ON YOUR TIE.
7	THE WITNESS: I'VE HAD THE EXPERIENCE OF
8	VISITING SEVERAL MANUFACTURING FACILITIES WAS VERY
9	TRAUMATIZING. I HAVE SEEN ENTIRE FAMILIES AND EVEN
10	UNDERAGED EMPLOYEES BEING LOCKED IN SWEAT SHOPS
11	WORKING, EVEN BABIES WERE THERE. I HAVE TO SAY MY
12	HEAD WAS SPINNING WITH THE SMELL OF CHEMICAL
13	PRODUCTS THAT WERE USED. IT WAS QUITE
14	TRAUMATIZING.
15	BY MR. COOMBS:
16	Q BY THE WAY, IN THE MULTI-COLORED DEVICE THAT
17	WE'RE LOOKING AT THE PRODUCT THAT HAS THE COPYRIGHT
18	WE WERE TALKING ABOUT BUT IT ALSO HAS SOME OF THE
19	TRADEMARKS; IS THAT RIGHT?
20	A YES, MULTI-COLOR MONOGRAM BLACK AND WHITE IS
21	THE SUBJECT OF THE COPYRIGHT REGISTRATION
22	CERTIFICATES 450 AND 449.
23	Q I WILL SHOW THE WITNESS EXHIBIT 82 AND 82.1.
24	A EXHIBIT 82.1, THIS IS A TIKAL BAG, A PRODUCT
25	BY LOUIS VUITTON. EXHIBIT 82 IS A NONGENUINE

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1 THE PARTICULAR OR PIECE OF EXOTIC LEATHER IS 2 AVAILABLE COULD COME FROM -- IT'S DIFFICULT TO 3 SOURCE. 4 SO IF LOUIS VUITTON CAN COMMAND SUCH A PRICE 5 FOR ITS PRODUCT WHY DOES IT CARE ABOUT THE 6 NONGENUINE PRODUCT THAT WE HAVE BEEN LOOKING AT? 7 WELL, I WASN'T --Α I'M SORRY. DID I INTERRUPT? 8 9 WE ALSO MANUFACTURE IN COUNTRIES WITH HIGH 10 LABOR COSTS. WE SHOULD BE PARTICULARLY IN EUROPE. 11 WE'RE PROBABLY AMONGST THE LAST COMPANIES THAT DO 12 NOT OUTSOURCE PRODUCTION IN LOW COST PRODUCTION 13 COUNTRIES PRECISELY BECAUSE WE NEED TO SOURCE THE 14 BEST QUALITY PRODUCT. 15 SO --0 16 A ALSO THE SALE OF LUXURY GOODS REQUIRES OUITE 17 EXPENSIVE COMMUNICATION AND ADVERTISING CAMPAIGNS 18 WHICH IS THIS ADDITIONAL COST GOES TO THE END PRICE 19 OF THE PRODUCT. 20 SO A CONSIDERABLE EXPENSE ON MARKETING? Q 21 A YES. 22 SO IF LOUIS VUITTON CAN COMMAND A PREMIUM PRICE FOR ITS PRODUCT, THEN WHY DOES IT CARE ABOUT 23 24 THE NONGENUINE PRODUCT THAT YOU'VE BEEN LOOKING AT? A WELL, IT'S A BIG PROBLEM FOR US. NOT ONLY 25

1	BECAUSE IT'S A CUSTOMER WHO PURCHASES A NONGENUINE
2	PRODUCT WILL PROBABLY NOT BUY OUR PRODUCT, BUT ALSO
3	BECAUSE PEOPLE WHO HAVE WHO LOVE OUR PRODUCT SO
4	MUCH THAT THEY WOULD SAVE MONEY FOR A LONG TIME TO
5	BUY A BAG THAT THEY DREAMED FOR A LONG TIME, THEY
6	ARE GENUINELY DISGUSTED WHEN THEY SEE A CHEAP
7	IMITATIONS OF THIS BAG ALL OVER THE PLACE.
8	WE RECEIVE MANY, MANY COMPLAINTS OF SUCH
9	PEOPLE.
10	Q SO HOW IS IT THAT LOUIS VUITTON IS HARMED BY
11	THESE NONGENUINE PRODUCTS.
12	A THE IMAGE OF THE COMPANY AS A LUXURY BRAND
13	SUFFERS FROM THESE PRODUCTS.
14	Q SO GIVEN THAT, WHAT DOES LOUIS VUITTON DO TO
15	ADDRESS THE PROBLEM WHEN WE TALK ABOUT
16	"NONGENUINE SALES" WE'RE TALKING ABOUT MERCHANDISE
17	THAT LOUIS VUITTON HAS NOT MADE; IS THAT CORRECT?
18	A YES.
19	Q AND SO WHAT DOES LOUIS VUITTON DO TO TRY TO
20	CURTAIL THE SALE OF SUCH MERCHANDISE?
21	A LOUIS VUITTON EMPLOYS WITHIN THE INTELLECTUAL
22	PROPERTY DEPARTMENT 40 PEOPLE FULLY DEDICATED ON
23	THIS KIND OF ISSUES MAINTAINING OUR RIGHTS AND
24	ENFORCING THEM.
25	THIS TEAM OF 40 PEOPLE IS MAINLY BASED IN

- 1 PARIS WITH LOCAL OFFICERS AROUND THE WORLD IN NEW 2 YORK, BUENOS AIRES, MULAN, DUBAI, HONG KONG, AND 3 TOKYO. 4 AND WHAT KIND OF BUDGET DOES LOUIS VUITTON 5 ALLOCATE TO DEALING WITH THIS ISSUE ON AN ANNUAL 6 BASIS? 7 A AROUND 15 MILLION EUROS PER YEAR WHICH WOULD BE MORE THAN \$20 MILLION. 8 9 O TURNING TO YOUR OFFICES AND HOW DID YOU LEARN 10 ABOUT LOUIS VUITTON DISTRIBUTION OF COUNTERFEITS? A THERE ARE SEVERAL INFORMATION ABOUT LOUIS 11 12 VUITTON DISTRIBUTION OF COUNTERFEITS. THE ONE 13 SOURCE WE GET IS BY OUR CUSTOMERS. OUR CUSTOMERS 14 CAN REACH OUR CUSTOMER SERVICE DEPARTMENTS BY PHONE 15 CALL OR AN E-MAIL AND THEY ACTUALLY DO SO VERY 16 OFTEN AND REPORT COUNTERFEIT SALES TO US. 17 WE ALSO EMPLOY AN EXTERNAL SERVICE 18 PROVIDER SPECIFICALLY FOR ONLINE DISTRIBUTION OF 19 COUNTERFEITS. THIS COMPANY MAINTAINS THE DATABASE 20 FOR US OF COUNTERFEIT WEB SITES AND THIS DATABASE 21 IS UPDATED TWICE A MONTH WHERE NEW COUNTERFEIT WEB 22 SITES ARE ADDED. 23 O AND HOW DO CUSTOMERS COMPLAINTS ABOUT ONLINE
 - INFORMATION REACH YOUR OFFICE?

25

A THEY REACH OUR OFFICE VIA OUR CUSTOMER SERVICE

1	DEPARTMENT.
2	FOR EXAMPLE, WHEN AN E-MAIL IS RECEIVED
3	BY THE CSD, THE CSD WILL REPLY TO THE CUSTOMER AND
4	WILL COPY OUR INTELLECTUAL PROPERTY DEPARTMENT TO
5	THE E-MAIL. RESPONSE TO THE CUSTOMER.
6	Q SO YOUR OFFICE WOULD RECEIVE A COPY OF THE
7	RESPONSE BEING SENT TO THE CONSUMER?
8	A YES.
9	Q AND DOES YOUR OFFICE RETAIN THOSE REPORTS IN
LO	THE NORMAL COURSE?
11	A YES.
L2	Q DID YOU TAKE
L3	A WE ALSO THERE ARE ALSO MANY CUSTOMERS WHO
L 4	COME TO THE STORES AND COMPLAIN ABOUT IT, IN THIS
L 5	CASE THE STORES THAT WOULD TRANSFER INFORMATION TO
L 6	US.
L7	WE ALSO RECEIVE INFORMATION FROM A WIDE
L8	NETWORK OF AGENTS AND INVESTIGATORS AND LAWYERS
L 9	AROUND THE WORLD WHO WORK WITH US.
20	Q AND WHY DO CUSTOMERS COME INTO THE LOUIS
21	VUITTON STORES TO COMPLAIN ABOUT NONGENUINE
22	MERCHANDISE?
23	A WELL, THAT HAS HAPPENED ON SEVERAL OCCASIONS
24	AND IT'S BECOMING A REAL PROBLEM FOR LOUIS VUITTON
25	BECAUSE IT ACTUALLY DIVERTS OUR STAFF FROM SELLING

1	PRODUCTS	ΤО	AUTHENTICATING	GOODS.

PEOPLE COME AND MAKE PURCHASES ON THE

INTERNET AND THINKING THAT THEY HAVE PURCHASED AN

AUTHENTIC LOUIS VUITTON ITEM AND ACTUALLY THEY

RECEIVE A FAKE SO THEY COME IN THE STORE AND THEY

ASK OUR STAFF TO AUTHENTICATE THE PRODUCT.

VERY OFTEN THE GOAL OF THIS

AUTHENTICATION IS TO ASK LOUIS VUITTON TO PROVIDE A

CERTIFICATE SO THAT THE CUSTOMER -- SO THAT THESE

PEOPLE GET A REFUND FROM THEIR CREDIT CARD OR FROM

COMPANIES SUCH AS PAY PAL.

- Q I THINK BY YOUR FEET THERE SHOULD BE A BINDER
 OF VOLUME 1 AND IN IT EXHIBIT 74. IF YOU COULD
 TAKE A LOOK AT IT AND IDENTIFY IT FOR US.
- A EXHIBIT 74 IS A RESPONSE VIA E-MAIL BY OUR CUSTOMER SERVICE DEPARTMENT TO A LOUIS VUITTON CUSTOMER, AND WE HAVE BEEN BLIND COPIED ON THIS E-MAIL.

IN THE HISTORY OF THE E-MAIL WE ACTUALLY SEE THE ACTUAL COMPLAINT RECEIVED BY THE LOUIS VUITTON CUSTOMER.

Q AND THIS IS THE TYPE OF CUSTOMER COMPLAINT

THAT YOU WERE DESCRIBING EARLIER THAT IS ROUTINELY

COPIED, THE RESPONSE IS ROUTINELY COPIED TO YOUR

OFFICE?

1	HOW IS IT THAT YOU CAN TELL FROM LOOKING AT A WEB
2	SITE ONLINE WHETHER OR NOT THE OFFERS ARE VIOLATING
3	LOUIS VUITTON'S INTELLECTUAL PROPERTY RIGHTS?
4	A WELL, IT'S QUITE EASY. ACTUALLY WITH THIS
5	SPECIFICITY OF OUR PRODUCTS, AS YOU CAN SEE MOST OF
6	OUR PRODUCTS BEAR OUR TRADEMARKS. THEY'RE VISIBLE.
7	AND THESE COMBINED WITH THE FACT THAT WE
8	HAVE GONE THROUGH EXTENSIVE TRAINING, WE'RE ABLE TO
9	RECOGNIZE MOST OF THE TIMES FROM LOOKING AT THE
10	PICTURE, BUT THERE ARE SEVERAL OTHER ELEMENTS THAT
11	INDICATE THAT WE'RE IN THE PRESENCE OF COUNTERFEIT
12	GOODS. THAT WOULD BE THE PRICE. THAT WOULD ALSO
13	BE THE QUANTITIES OFFERED FOR SALE.
14	BECAUSE OF THE TIGHT CONTROL THAT LOUIS
15	VUITTON EXERCISES ON THE DISTRIBUTION OF ITS
16	PRODUCTS, IT'S VIRTUALLY IMPOSSIBLE THAT A WEB SITE
17	WOULD HAVE THE POSSIBILITY OF OFFERING HIGH VOLUMES
18	OF AUTHENTIC GOODS.
19	Q ANYTHING ELSE ABOUT THE CONTENT OF THE WEB
20	SITE THAT HELPS YOU DETERMINE WHETHER OR NOT THE
21	OFFERS ARE FOR GENUINE MERCHANDISE OR NOT?
22	A MOST OF THOSE WEB SITES ACTUALLY DISCLOSE THAT
23	THEY DEAL WITH FAKES.
24	Q AND HOW DO THEY DO THAT?
25	A THEY EITHER REFER TO THE PRODUCTS AS A REPLICA

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1	OR MIRROR IMAGE OR FAKE OR THEY CLAIM THEY'RE NOT
2	AFFILIATED IN ANY WAY WITH THE TRADEMARK OWNER.
3	Q AND YOU THEN SAID THAT YOU WENT ON TO DOCUMENT
4	OR BUILD A FILE BY DOCUMENTING THE INFRINGEMENT.
5	CAN YOU DESCRIBE WHAT DOCUMENTING THE
6	INFRINGEMENT INVOLVES?
7	A WE WOULD PRINT OUT ALL OF THE RELEVANT PAGES
8	OF THE WEB SITE.
9	Q IS THIS SOMETHING THAT YOU DO OR SOMETHING
10	THAT YOUR STAFF DOES?
11	A IN THE BEGINNING WHEN I WAS HIRED, AS I SAID,
12	I WAS ALONE SO I WAS DOING IT MYSELF.
13	CURRENTLY MY ASSISTANTS ARE DOING THAT
14	AND EVERYTHING IS VERIFIED BY ME IN THE END.
15	Q AND IF YOU WOULD TAKE A I THINK THERE'S A
16	BINDER UP THERE MARKED 2 THAT AS AN EXHIBIT 75, AND
17	I WOULD ASK THE WITNESS TO TAKE A LOOK AT THAT.
18	A I'M SORRY, THE NUMBER AGAIN?
19	Q 75. I THINK IT'S NEAR THE FRONT OF THE
20	BINDER.
21	MR. LOWE: YOUR HONOR, BEFORE COUNSEL
22	SHOWS THIS TO THE JURY, WE DO HAVE AN OBJECTION TO
23	THIS.
24	THE WITNESS: THAT'S A PRINTOUT OF THE
25	WEB SITE ESHOES99.COM.

2 -

1.4

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. 1.9

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF 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,

CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL

AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN

AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS

HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED

TRANSCRIPTION TO THE BEST OF MY ABILITY.

IRENE RODRIGUEZ, CSR, CKR CERTIFICATE NUMBER CSR 8074