

EXHIBIT 1622

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 MALLETTIER, S.A.,)
7 PLAINTIFF,) AUGUST 20, 2009
8 V.) VOLUME 3
9 AKANOC SOLUTIONS, INC.,) PAGES 1 - 267
10 ET AL.,)
11 DEFENDANTS.)
12 -----)

13 THE PROCEEDINGS WERE HELD BEFORE
14 THE HONORABLE UNITED STATES DISTRICT
15 JUDGE JAMES WARE

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

17 FOR THE PLAINTIFF: J. ANDREW COOMBS
18 BY: J. ANDREW COOMBS
ANNIE S. WANG
19 517 E. WILSON AVENUE
SUITE 202
20 GLENDALE, CALIFORNIA 91206

21 FOR THE DEFENDANTS: GAUNTLETT & ASSOCIATES
22 BY: JAMES A. LOWE
CHRISTOPHER G. LAI
23 18400 VON KARMAN
IRVINE, CALIFORNIA 92612

24 (APPEARANCES CONTINUED ON THE NEXT PAGE.)

25 OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074



A P P E A R A N C E S: (CONT'D)

ALSO PRESENT:

LAW OFFICES OF J. ANDREW
COOMBS
BY: RUTH ADLER, PARALEGAL
517 E. WILSON AVENUE
SUITE 202
GLENDALE, CALIFORNIA 91206

LVMH FASHION GROUP
BY: NIKOLAY LIVADKIN
2 RUE DU PONT-NEUF 75001
PARIS, FRANCE

AKANOC SOLUTIONS, INC.
BY: STEVE CHEN, PRESIDENT
45535 NORTH PORT LOOP EAST
FREMONT, CALIFORNIA 94538

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1 THE CLERK OF COURT.

2 THE WITNESS: YES.

3 THE CLERK: PLEASE BE SEATED. WOULD YOU
4 PLEASE STATE YOUR NAME AND SPELL YOUR LAST NAME FOR
5 THE RECORD.

6 THE WITNESS: ROBERT HOLMES.
7 H-O-L-M-E-S.

8 THE COURT: YOU MAY INQUIRE.

9 **DIRECT EXAMINATION**

10 BY MS. WANG:

11 Q MR. HOLMES, ARE YOU CURRENTLY EMPLOYED?

12 A YES.

13 Q BY WHOM?

14 A BY MYSELF. I'M A SELF-EMPLOYED PRIVATE
15 INVESTIGATOR.

16 Q IS THIS THE FIRST TIME THAT YOU HAVE EVER
17 TESTIFIED IN FRONT OF A JURY?

18 A YES.

19 Q IS THIS THE FIRST TIME THAT YOU HAVE EVER
20 TESTIFIED IN COURT?

21 A YES.

22 Q AND YOU'RE HERE BECAUSE YOU WERE SERVED A
23 SUBPOENA?

24 A YES.

25 Q WHAT ARE YOU AND YOUR COMPANY IN THE BUSINESS

1 A ROUGHLY WE CHARGE ANYWHERE BETWEEN \$150 TO
2 \$600.

3 Q PER BUY?

4 A YES, FOR THE SERVICE.

5 Q FOR SORT OF THE LITPAK THAT YOU PROVIDE THEM?

6 A YES. FOR THE LITPAK PER SE. IF WE WERE JUST
7 ASSIGNED TO CONDUCT A PURCHASE, WE WOULD CHARGE
8 ABOUT \$250, THAT WOULD BE OUR FEES PLUS EXPENSES.

9 Q NOW, ISN'T IT TRUE THAT OF ALL OF THE SITES
10 THAT YOU TESTIFY FOR ABOUT MAKING BUYS FOR YOU,
11 THAT YOU DIDN'T -- LET ME REPHRASE THIS.

12 AS TO EACH OF THE SITES THAT YOU DID BUYS
13 FOR LOUIS VUITTON, DID THEY DIRECT YOU TO ORDER
14 MERCHANDISE TO BE DELIVERED TO YOU IN THE UNITED
15 STATES?

16 A THAT IS WHERE I'M LOCATED.

17 Q DID LOUIS VUITTON DIRECT YOU TO HAVE
18 MERCHANDISE DELIVERED TO YOU IN THE UNITED STATES?

19 A THEY NEVER SPECIFICALLY ASKED ME TO DELIVER IT
20 INTO THE UNITED STATES.

21 Q DID YOU EVER TALK TO THEM ABOUT WHERE IT WAS
22 GOING TO BE DELIVERED?

23 A I DON'T RECALL SO.

24 Q WHY WAS IT DELIVERED INTO THE UNITED STATES?

25 A BECAUSE THAT'S WHERE I'M LOCATED.

1 Q AND YOU WERE DOING THIS AS PART OF YOUR WORK
2 FOR LOUIS VUITTON?

3 A YES.

4 Q OKAY. YOU DIDN'T -- THEY DIDN'T ASK YOU TO
5 HAVE IT DELIVERED TO FRANCE, FOR EXAMPLE?

6 A THEY DIDN'T ASK ME TO DO THAT.

7 Q IN FACT, THEY ASKED YOU TO HAVE IT DELIVERED
8 TO SOMEPLACE HERE AND THEN YOU SENT IT OFF TO LOUIS
9 VUITTON?

10 A YES, SIR.

11 Q EVERY PURCHASE YOU MADE WAS WITH THE EXPRESS
12 AUTHORIZATION OF LOUIS VUITTON; IS THAT CORRECT?

13 A IN THIS CASE?

14 Q YES.

15 A YES, SIR.

16 Q HOW DID YOU PAY FOR THE PURCHASES THAT YOU
17 MADE IN THESE CASES FOR LOUIS VUITTON?

18 A I WOULD HAVE TO LOOK AT EACH OF THESE TO
19 RECOLLECT, BUT I WOULD SAY ON A REGULAR BASIS WHEN
20 THESE WEB SITES, FOR EXAMPLE, THIS TYPE OF WEB SITE
21 WE WOULD TYPICALLY PAY BY WESTERN UNION OR CREDIT
22 CARD.

23 Q WELL, WHY DO YOU PAY BY WESTERN UNION?

24 A BECAUSE WE FOLLOW THE INSTRUCTIONS ON THE
25 SUBJECT'S WEB SITE.

1 Q SO THE WEB SITE SAYS YOU HAVE TO USE WESTERN
2 UNION?

3 A IT WILL TYPICALLY SAY HOW TO PAY. IT WILL
4 SUGGEST HOW TO PAY AND WE WOULD USE -- MORE THAN
5 NOT WE WOULD USE THE SIMPLEST AND EASIEST WAY TO
6 PAY.

7 Q WELL, TYPICALLY IF YOU BUY SOMETHING ON-LINE,
8 DON'T YOU JUST ENTER A CREDIT CARD NUMBER AND THAT
9 GETS PROCESSED BY THE SELLER AND THEY SHIP YOU THE
10 MERCHANDISE?

11 A IF THAT PROCESS IS AVAILABLE, YES.

12 Q BUT THAT PROCESS WASN'T AVAILABLE FOR ANY OF
13 THE ITEMS YOU PURCHASED IN THIS CASE FOR LOUIS
14 VUITTON, WAS IT?

15 A ACTUALLY IT WAS FROM LVBAGZ.COM.

16 Q DID YOU MAKE A PURCHASE FROM LVBAGZ.COM?

17 A YES, IT WAS THE CASE. IT WAS THE FINAL
18 EXHIBIT THAT I REVIEWED IN THE DIRECT EXAMINATION.

19 Q WHAT EXHIBIT NUMBER WAS THAT, SIR?

20 A 210.

21 Q ACCORDING TO MY NOTES EXHIBIT 210 HAS TO DO
22 WITH WATCHNREPLICA.NET; IS THAT RIGHT?

23 A YES. DO YOU HAVE THAT IN FRONT OF YOU, SIR?
24 I'LL EXPLAIN THE NOTES ON THAT PURCHASE. IF
25 SOMEONE WANTS TO BRING IT UP I CAN TELL YOU IT'S

1 EXHIBIT 210 ON THE FIRST PAGE.

2 Q I'VE ASKED PLAINTIFF'S COUNSEL TO BRING UP 210
3 SO WE CAN SEE IT.

4 THE COURT: CERTAINLY.

5 THE WITNESS: OKAY. YOU'LL SEE IN THE
6 VERY BOTTOM OF THE PAGE IF YOU'LL ZOOM IN ON THAT A
7 TINY BIT I CAN SHOW YOU THE ADDITIONAL INFO SECTION
8 WHICH IF SOMETHING --

9 THE COURT: BRING IT UP.

10 THE WITNESS: OH, YES. THERE YOU GO. AS
11 YOU SEE IN THE VERY BOTTOM WHERE IT SAYS ADDITIONAL
12 INFO.

13 AND THIS IS WHERE IF THERE WAS ANYTHING
14 DIFFERENT THAT WAS NOT OF THE ORDINARY THAT
15 HAPPENED DURING OUR PURCHASE THAT WOULD FIT INTO
16 ONE OF OUR OTHER DATABASE FIELDS, WE WOULD PUT THAT
17 INFORMATION IN ADDITIONAL INFO AND EVERY ONCE IN A
18 WHILE THAT HAPPENS.

19 AND HERE IT SAYS THAT "ALTHOUGH THE
20 INITIAL PURCHASE DID NOT GO THROUGH, WE LOCATED A
21 SECOND WEB SITE OWNED BY THIS SUBJECT AT
22 WATCHNREPLICA.NET WHERE WE PLACED THIS ORDER."

23 SO UP AT THE TOP WHERE IT SAYS THE CASE
24 NAME -- I'M SORRY -- IF YOU WANT TO GO TO THE TOP.
25 SOMETIMES IT DOES DIFFER, THE INFORMATION, AND

1 THAT'S WHY WE DO HAVE DIFFERENT FIELDS.

2 IN THIS CASE IT'S NOT REDUNDANT. YOU'LL
3 SEE THE NAME LVBAGZ.COM AND THEN WATCHNREPLICA.NET
4 AND ALSO WHERE WE MADE THE WATCH WAS
5 WATCHNREPLICA.NET.

6 BY MR. LOWE:

7 Q SO THE FACT IS THAT YOU WERE NOT ABLE TO MAKE
8 A PURCHASE FROM LVBAGZ.NET; IS THAT TRUE?

9 A WELL, HERE DO YOU SEE LVBAGZ@GMAIL.COM.

10 Q OF THIS FIRST PAGE?

11 A THE TOP SECTION. YES, SIR. ABOUT FOUR LINES
12 DOWN. THE E-MAIL THAT WAS USED TO INSTRUCT US TO
13 MAKE THE PURCHASE ON WATCHNREPLICA.NET WAS, IN
14 FACT, LVBAGZ, WITH A Z, @GMAIL.COM WAS THE E-MAIL
15 ADDRESS THAT APPEARED ON LVBAGZ, WITH A Z, DOT COM.

16 Q ALL RIGHT.

17 A SO THAT INDIVIDUAL, WHAT WE DO, BECAUSE EVERY
18 PROCESS IS THE SAME, WE WILL GO ON THE WEB SITE AND
19 FOLLOW THE INSTRUCTIONS WHICH IS TO E-MAIL LVBAGZ,
20 WITH A Z, @GMAIL.COM AND THAT INDIVIDUAL INSTRUCTED
21 US TO PLACE AN ORDER ON WATCHNREPLICA.NET.

22 SO FOR ALL INTENTS AND PURPOSES WE DID
23 NOT PLACE AN ORDER THAT BUT FINALIZED IT ON
24 WATCHNREPLICA.NET.

25 Q DOESN'T IT SAY ON THE BOTTOM OF THE PAGE

1 ALTHOUGH THE INITIAL PURCHASE DID NOT GO THROUGH?

2 A YES.

3 Q AND MEANING YOU DID NOT MAKE A PURCHASE FROM
4 LVBAGZ, YOU COULDN'T DO THAT?

5 A THE INITIAL PURCHASE, THE INITIAL ATTEMPT DID
6 NOT GO THROUGH.

7 Q AND THE INITIAL ATTEMPT WAS THROUGH
8 LVBAGZ.COM?

9 A YES, SIR.

10 Q THAT DID NOT WORK?

11 A NO, IT SAYS --

12 Q DID IT WORK OR NOT, SIR?

13 A DID WHAT?

14 Q DID YOU MAKE A PURCHASE FROM LVBAGZ.COM?

15 A YES. YOU'RE MISSING THE WORD INITIAL.

16 Q WHERE DID YOU MAKE A PURCHASE FROM LVBAGZ.COM
17 AS OPPOSED TO WATCHNREPLICA.NET?

18 A SEE, WHAT HAPPENED HERE WAS THE SHOPPING CART
19 WAS NOT APPARENTLY WORKING ON LVBAGZ.COM.

20 Q IN FACT, THE SHOPPING CART DID NOT WORK ON ANY
21 OF THESE, DID IT, OTHER THAN TO COLLECT
22 INFORMATION?

23 A I'M NOT AWARE OF WHICH ONES HAD SHOPPING CARTS
24 AND WHICH ONES DID NOT, SIR.

25 Q OKAY. IN THIS CASE THE SHOPPING CART DIDN'T

1 WORK?

2 A YES.

3 Q OKAY.

4 A SO THEN WE FILED THE SECONDARY INSTRUCTIONS
5 WERE TO E-MAIL THE INDIVIDUAL AT LVBAGZ.

6 Q AT GMAIL?

7 A AT GMAIL.COM AND FOLLOWED THE INSTRUCTIONS
8 GIVEN TO US ON THE OTHER SIDE OF THE E-MAIL THAT
9 WAS PROVIDED ON LVBAGZ.COM.

10 Q DO THE DEFENDANTS HOST GMAIL.COM?

11 A THE DEFENDANTS DO NOT.

12 Q WHAT IS GMAIL.COM?

13 A IT'S AN E-MAIL SERVICE.

14 Q THAT SOMEBODY CAN USE?

15 A GMAIL IS A SERVICE THAT ANYBODY CAN USE.

16 Q AND IT'S RUN BY GOOGLE, ISN'T IT?

17 A YES, IT IS.

18 Q SO, IN FACT, YOU CONTACTED THE LVBAGZ THROUGH
19 GMAIL, NOT THROUGH LVBAGZ.COM HOSTED FOR THE
20 DEFENDANTS; IS THAT RIGHT?

21 A WELL, WE CONTACTED THE PERSON WHO OWNS THE
22 E-MAIL ACCOUNT AT LVBAGZ.COM. WE DIDN'T CONTACT
23 THEM THROUGH.

24 Q BUT YOU CONTACTED THEM THROUGH GOOGLE?

25 A WE CONTACTED THEM THROUGH E-MAIL CONTACTS

1 WHICH IS HOW YOU CONTACT PEOPLE BY E-MAIL.

2 Q YOU USED THE GOOGLE COMPUTERS TO CONTACT THE
3 PEOPLE AT LVBAGZ.COM THROUGH LVBAGZ@GMAIL.COM; IS
4 THAT RIGHT?

5 A I USED MY COMPUTER.

6 Q DID YOUR COMPUTER CONNECT WITH A GOOGLE
7 COMPUTER TO DELIVER THAT E-MAIL OR NOT, SIR?

8 A LIKELY, YES, IN THAT PROCESS. LIKELY IT DID
9 HIT A GOOGLE COMPUTER.

10 Q ALL RIGHT. AND YOU DIDN'T SUGGEST THAT LOUIS
11 VUITTON SUE GOOGLE ABOUT THAT, DID YOU?

12 A NO, SIR.

13 Q THANK YOU. NOW, YOU COULDN'T MAKE THE BUY
14 THROUGH THE COMPUTERS OPERATED BY THE DEFENDANTS
15 BECAUSE THE SHOPPING CART DIDN'T WORK, ACCORDING TO
16 YOUR TESTIMONY, AND INSTEAD YOU WENT TO AN E-MAIL,
17 YOU WENT THROUGH AN E-MAIL PROCESS. AND WHAT WERE
18 YOU TOLD WHEN YOU GOT YOUR E-MAIL BACK? WHAT
19 INSTRUCTIONS DID YOU GET FROM THE SELLER?

20 A TO MAKE A PURCHASE ON WATCHNREPLICA.NET.

21 Q SO THEY REFERRED YOU TO SOMEBODY ELSE?

22 A THEY TOLD US TO MAKE A PURCHASE ON THEIR OTHER
23 SITE.

24 Q OKAY.

25 A YOU SEE DOWN ON THE BOTTOM OUR INSTRUCTIONS

1 WERE TO MAKE A PURCHASE ON THEIR OTHER -- SO WHAT
2 THEY'RE SAYING IS A WEB SITE OWNED BY THE SUBJECT,
3 NOT SOMEONE ELSE. I DON'T KNOW WHERE YOU GOT THAT.

4 Q WELL, HOW DID YOU KNOW IT WAS OWNED BY THEM?

5 A THAT'S WHAT THEY TOLD US.

6 Q WELL, THEY TOLD YOU WHAT EXACTLY?

7 A I HAVE AN E-MAIL.

8 Q DO YOU HAVE AN E-MAIL?

9 A NOT IN THIS EXHIBIT.

10 Q SO YOUR CONCLUSION WAS THAT THEY REFERRED YOU
11 TO THIS OTHER SITE?

12 A BECAUSE THEY TOLD US IT WAS THEIR OTHER SITE.

13 Q BUT YOU DON'T HAVE ANY DOCUMENTATION FOR THAT?

14 A NOT IN THIS EXHIBIT.

15 Q AND YOU TRIED TO MAINTAIN ALL OF YOUR
16 DOCUMENTS IN THESE LITIGATION REPORTS, DON'T YOU?

17 A NO, NOT ALL OF OUR DOCUMENTS ARE IN A
18 LITIGATION -- A LIT PACKET.

19 Q OKAY. IN ANY CASE, LET'S FOLLOW THIS PROCESS

20 A LITTLE FURTHER.

21 A SURE.

22 Q HOW DID YOU MAKE THE PURCHASE FROM
23 WATCHNREPLICA.NET?

24 A WE USED THE SHOPPING CART SYSTEM ON THE WEB
25 SITE.

1 Q AND TELL ME HOW THAT WORKED?

2 A WE PROCEEDED TO THE WEB SITE USING OUR
3 BROWSER, AND WE FOLLOWED THE INSTRUCTIONS ON THAT
4 WEB SITE.

5 Q AND WHAT DID YOU DO EXACTLY?

6 A WE CLICKED ON AN ITEM, AND IT WENT TO OUR
7 SHOPPING CART. AND ONCE WE DID THAT WE CLICKED A
8 BUTTON THAT MOST LIKELY WOULD REFLECT A WORD
9 CHECKOUT OR SOMETHING.

10 Q AND THEN WHAT HAPPENED?

11 A WE WOULD TYPE OUT OUR INFORMATION, OUR NAME,
12 ADDRESS, PHONE NUMBER, CREDIT CARD INFORMATION AND
13 THEN PROCEED TO WHATEVER THE FOLLOWING INSTRUCTIONS
14 WERE, WHICH IT PROBABLY WOULD BE COMPLETE PURCHASE
15 OR SOMETHING LIKE THAT.

16 Q ISN'T IT TRUE IN THIS PARTICULAR CASE YOU MADE
17 THE PURCHASE THROUGH A SERVICE CALLED PAY DOLLAR?

18 A WHERE IS THAT? WHAT PAGE ARE YOU ON?

19 Q LET'S SEE IF I CAN GET IT. LET ME DIRECT YOU
20 TO PAGE 5 OF THIS EXHIBIT 210.

21 A YES, I SEE IT.

22 Q COULD YOU GO TO THAT PAGE, PLEASE?

23 A YES, I SEE IT HERE.

24 Q SO --

25 THE COURT: EXPAND IT SO WE CAN READ IT.

1 BY MR. LOWE:

2 Q SO THIS SHOWS THAT YOU MADE A PAYMENT THROUGH
3 PAY DOLLAR. DO YOU KNOW WHAT PAY DOLLAR IS?

4 A YES.

5 Q AND WHAT IS PAY DOLLAR?

6 A PAY DOLLAR IS SIMILAR TO PAY PAL. BASICALLY
7 IT'S AN ALL ENCOMPASSING SHOPPING CART SYSTEM. FOR
8 EXAMPLE, ON PAY PAL IF YOU DON'T WANT TO SET UP A
9 SHOPPING CART SYSTEM THROUGH YOUR BANK AND BANK
10 PROCESS AND HAVE YOUR BANK PROCESS YOUR CREDIT
11 CARDS, YOU CAN HAVE PAY PAL DO IT, CHECKOUT THROUGH
12 PAY PAL AND IT WOULD LEAVE YOU TO THE WEB SITE TO
13 THE SHOPPING CART AND IT WOULD SEND TO YOU PAY PAL,
14 BUT IN THIS CASE PAY DOLLAR, WHICH IS A PAYMENT
15 SERVICE.

16 Q SO, IN FACT, YOU HAD TO ESTABLISH AN ACCOUNT
17 AND MAKE AN ACCOUNT TO THE PAY DOLLAR BANK, DIDN'T
18 YOU?

19 A I DON'T RECALL IF WE HAD TO ESTABLISH AN
20 ACCOUNT, BUT THAT IS THE WEB SITE THAT FACILITATED
21 THE FINALITY OF THIS PURCHASE.

22 Q AND THIS WAS DONE, IF YOU CAN MOVE THE SCREEN
23 DOWN, THIS IS DONE THROUGH THE WING HANG BANK?

24 A THAT'S WHAT THE PAGE SAYS.

25 Q AND THE MERCHANT IS HK NEWENDER E-BUSINESS

1 COMPANY?

2 A YES.

3 Q AND SO YOU HAD TO MAKE THE PAYMENT THROUGH A
4 THIRD PARTY IN ORDER TO GET THIS PURCHASE; IS THAT
5 RIGHT?

6 A YES, JUST AS WE PAID THE SUBJECTS THROUGH
7 WESTERN UNION THE OTHER WAY.

8 Q SO THIS IS LIKE WESTERN UNION IN A SENSE?

9 A IT'S A PAYMENT CONDUIT.

10 Q OKAY. AND FOR THAT PARTICULAR ONE -- I
11 BELIEVE YOU TALKED ABOUT YOUR PROCESS IN EXHIBIT
12 785. DID YOU RECEIVE THE PRODUCT SHIPPED FROM
13 CHINA? WOULD YOU TELL US HOW IT WAS RECEIVED IN
14 THIS PARTICULAR CASE FOLLOWING THIS EXHIBIT 210?

15 A I'M SORRY. I'M ON THAT PAGE NOW. WHAT DID
16 YOU ASK ME AGAIN?

17 THE COURT: HOW DID YOU RECEIVE IT?

18 BY MR. LOWE:

19 Q HOW DID YOU RECEIVE THE MERCHANDISE? WAS IT
20 SHIPPED TO YOU FROM CHINA.

21 A IT WAS SHIPPED TO OUR UNDERCOVER MAILBOX.

22 Q WHAT IS THE UNDERCOVER MAILBOX?

23 A WHAT I HAVE BEEN DOING SINCE THE MID-90'S, WE
24 HAVE ALWAYS ESTABLISHED UNDERCOVER MAILBOX SERVICES
25 THROUGHOUT THE UNITED STATES FOR THE PURPOSE OF US

1 GIVEN BY WESTERN UNION AN MTC NUMBER, A CONTROLLING
2 NUMBER, AND THEN WHAT WE DO IS GIVE THAT MTC NUMBER
3 TO THE INDIVIDUAL WHO E-MAILED US WITH THOSE
4 INSTRUCTIONS.

5 THEN WITH THAT MTC NUMBER THEY'RE ABLE TO
6 GO TO A WESTERN UNION LOCATION IN THEIR AREA AND
7 PICK UP THAT MONEY AND THAT NUMBER.

8 Q SO YOU'RE USING A MONEY TRANSFER PROCESS LET'S
9 SAY THE SAME WAY SOMEONE HERE IN CALIFORNIA WOULD
10 MAYBE TRANSFER MONEY TO MEXICO?

11 A IF THEY CHOSE WESTERN UNION THEY COULD.

12 Q WESTERN UNION PROVIDES THAT SORT OF SERVICE
13 AROUND THE WORLD AS FAR AS YOU KNOW?

14 A YES, SIR.

15 Q BUT IN ALL CASES THAT YOU HAVE DEALT WITH HERE
16 IN THIS LAWSUIT YOUR WESTERN UNION PAYMENTS WERE
17 DELIVERED TO A LOCATION IN CHINA; IS THAT RIGHT?

18 A THE ONES THAT I HAVE LOOKED AT SO FAR, YES,
19 SIR.

20 Q WELL, I WANT YOU TO LOOK AT THIS AND CONFIRM
21 THIS FACT, PLEASE. EXHIBIT 65 DEALING WITH
22 WENDY929.NET WAS PAID THROUGH WESTERN UNION, WAS IT
23 NOT?

24 A YES, SIR.

25 Q AND YOU CONFIRMED THAT YOUR BAG4SELL.COM WAS

1 PAID THROUGH WESTERN UNION?

2 A YES.

3 Q AND WOULD YOU LOOK AT EXHIBIT 16 YOUR BUY FROM
4 GUCCIFENDI.COM?

5 A I'M SORRY, 116.

6 Q 116. WAS THAT ALSO PAID THROUGH WESTERN
7 UNION?

8 A YES, SIR.

9 Q AND LOOK AT EXHIBIT 128, YOUR BUY FROM
10 NNIKE.COM. WAS THAT ALSO PAID THROUGH WESTERN
11 UNION?

12 A YES.

13 Q AND YOUR EXHIBIT 141 CONCERNING YOUR BUY FROM
14 LUXURY2US.COM, WAS THAT PAID THROUGH WESTERN UNION?

15 A YES, AND YOU CAN SEE WE WERE GIVEN A PERSON'S
16 BANK ACCOUNT NUMBER AS WELL AS AN ALTERNATIVE.

17 Q BUT YOU USED WESTERN UNION?

18 A YES, WE DID BECAUSE IT WAS THE EASIEST OF THE
19 CHOICES.

20 Q AS OPPOSED TO MAKING A WIRE TRANSFER OR
21 SOMETHING?

22 A YES, OFTEN THAT IS GIVEN AS AN OPTION. IT'S
23 AN EXPENSIVE OPTION AND MORE TIME-CONSUMING.

24 Q SO TYPICALLY IN THESE CASES YOU'RE GOING TO
25 SEND THEM THROUGH WESTERN UNION OR A WIRE TRANSFER

1 FROM YOUR BANK TO THE SELLER'S BANK?

2 A IN MANY CASES, YES.

3 Q OKAY. PLEASE LOOK AT EXHIBIT 173, YOUR
4 LITIGATION REPORT CONCERNING THE BUY FROM
5 PICKYOURGOODS.COM. WAS THAT ALSO PAID THROUGH
6 WESTERN UNION?

7 A YES.

8 Q AND LOOK AT EXHIBIT 155, CONCERNING YOUR
9 BUYFROMLLG.COM. WAS THAT ALSO PAID FOR THROUGH
10 WESTERN UNION?

11 A YES, SIR.

12 Q PLEASE LOOK AT EXHIBIT 191, YOUR BUY REPORT OR
13 THE BUY FROM SOAPPAREL.COM. WAS THAT ALSO PAID
14 THROUGH WESTERN UNION?

15 A YES, SIR.

16 Q LOOK AT YOUR EXHIBIT 195, YOUR PURCHASE FROM
17 SUNNY7SHOES.COM. WAS THAT PAID THROUGH WESTERN
18 UNION?

19 A YES, SIR.

20 Q AND PLEASE LOOK AT YOUR REPORT 854, YOUR BUY
21 REPORT FROM SUNNY7SHOES.COM ON A DIFFERENT DATE,
22 WAS THAT ALSO PAID THROUGH WESTERN UNION?

23 A YES, SIR.

24 Q AND LOOK AT EXHIBIT 586, YOUR BUY REPORT
25 CONCERNING A PURCHASE FROM ESHOES99.NET. WAS THAT

1 ALSO PAID THROUGH WESTERN UNION?

2 A YES.

3 Q AND YOUR REPORT EXHIBIT 588 CONCERNING YOUR
4 BUY FROM BIGWORLDSHOES.COM, WAS THAT PURCHASED
5 THROUGH WESTERN UNION?

6 A YES, SIR.

7 Q AND FINALLY 590, YOUR REPORT FROM BAPESKY.COM,
8 WAS THAT ALSO PAID THROUGH FROM WESTERN UNION?

9 A YES, SIR.

10 Q NOW, DO YOU UNDERSTAND THAT IN ORDER TO HAVE
11 AN E-COMMERCE SITE THAT IT'S NECESSARY FOR A
12 MERCHANT ON THE INTERNET TO HAVE A SECURE WEB SITE,
13 A SECURE -- A CERTIFICATE OF SECURITY SO THAT YOU
14 DON'T JUST GO TO HTTP, IT HAS TO BE AN HTTPS WEB
15 SITE. ARE YOU FAMILIAR WITH THAT?

16 A I'M FAMILIAR WITH THAT, BUT I DON'T AGREE WITH
17 YOU.

18 Q YOU DON'T THINK IT'S IMPORTANT TO HAVE A
19 CERTIFICATE TO HAVE A SAFE SITE THAT TRANSFERS
20 INFORMATION OVER THE INTERNET?

21 A IF I OPENED A WEB SITE I WOULD TELL YOU TO DO
22 THAT, I WOULD SUGGEST TO DO THAT, BUT IT'S NOT
23 NECESSARY IN ORDER TO HAVE AN E-COMMERCE SITE, NO,
24 SIR.

25 Q ALL RIGHT.

1 A IT JUST MAKES IT SAFER.

2 Q SAFER FOR THE BUYER; RIGHT?

3 A SAFER FOR THE BUYER IF YOU WERE TO USE CREDIT
4 CARDS AS AN OPTION.

5 Q AND, IN FACT, MOST BUYERS WANT THAT SECURE --
6 MS. WANG: OBJECTION, YOUR HONOR.

7 THE COURT: SUSTAINED.

8 BY MR. LOWE:

9 Q NOW, WHEN YOU RECEIVED THESE BAGS, THEY WERE
10 ALL SHIPPED TO YOU FROM CHINA OR SHOES OR WHATEVER
11 YOU BOUGHT?

12 A THE ONES I LOOKED AT.

13 Q WELL, HAVE YOU LOOKED AT ALL OF THE ONES WE
14 TALKED ABOUT TODAY?

15 A YES, SIR.

16 Q AND ALL OF THE ONES WE'RE TALKING ABOUT IN
17 THIS LAWSUIT, THEY WERE ALL SHIPPED FROM CHINA?

18 A YES, SIR.

19 Q AND WERE YOU ABLE TO IDENTIFY THE PERSON WHO
20 SHIPPED THEM TO YOU?

21 A IN SOME CASES PERHAPS.

22 Q JUST PERHAPS?

23 A WELL, I DON'T HAVE THOSE REPORTS IN FRONT OF
24 ME.

25 Q WELL, WHAT WAS YOUR GENERAL ABILITY ABOUT

1 THESE PARTICULAR PURCHASES? WERE YOU ABLE TO TELL
2 WHO YOU BOUGHT THEM FROM?

3 A I WOULD HAVE TO SEE MY REPORTS FOR THOSE
4 PARTICULAR PURCHASES.

5 Q WELL, WOULD IT HELP TO LOOK AT SOME OF YOUR
6 REPORTS?

7 A NO. THE REPORTS OF THE INVESTIGATION? I'M
8 SORRY.

9 Q OKAY.

10 A A PURCHASE IS THE FIRST PORTION OF AN
11 INVESTIGATION, AND WE WOULD CONDUCT A PURCHASE AND
12 THEN WE WOULD GATHER ALL OF THE INFORMATION FROM
13 THE CRIME SCENE WHICH IS WHAT I CALL THE VIRTUAL
14 CRIME SCENE IS BASICALLY SOME OF THIS INFORMATION
15 THAT YOU SEE HERE.

16 AND BASED ON THE DATA THAT YOU COLLECT
17 THROUGHOUT THIS SCENE WILL IDENTIFY SOME OF THE
18 INDIVIDUALS, IF THE CLIENT DOESN'T REQUEST IT, TO
19 INVESTIGATE THE SPECIFIC SELLER.

20 OFTEN WITH THE CHINESE SELLERS, THE
21 SITUATION IS THAT THERE TURNS OUT THE PERSON IS
22 JUST LIVING IN AN APARTMENT AND WORKING FOR SOMEONE
23 ELSE. SO THAT'S NOT OFTEN ALWAYS THE CASE.

24 Q HAVE YOU OFTEN HAD THE EXPERIENCE IN THESE
25 CASES TO RECEIVING FALSE INFORMATION IN CASES OF

1 PEOPLE YOU DEAL WITH IN CHINA?

2 A OFTEN SHADY CHARACTERS GIVE FALSE INFORMATION.

3 Q CAN YOU ANSWER MY QUESTION. IN THESE CASES
4 DID YOU OFTEN FIND THAT PEOPLE WERE GIVING FALSE
5 INFORMATION ABOUT THEIR IDENTITY?

6 A I DON'T RECALL, BUT IT'S LIKELY THAT SOME OF
7 THESE PEOPLE DID GIVE ME FALSE INFORMATION.

8 Q NOW, YOU'VE INDICATED THAT YOU -- LET ME BACK
9 UP HERE.

10 THE INSTRUCTIONS THAT YOU GOT TO USE
11 WESTERN UNION TO DO OR WHATEVER, THE INFORMATION
12 WAS TRANSFERRED TO YOU OVER E-MAIL, WAS IT NOT?

13 A YES, SIR.

14 Q SO YOU GOT AN E-MAIL FROM A SELLER SAYING SEND
15 US MONEY VIA WESTERN YOUNG, FOR EXAMPLE, TO SOME
16 PERSON OR ADDRESS. IS THAT THE WAY IT WORKED?

17 A YES.

18 Q OKAY. WHEN YOU GOT THE MERCHANDISE FROM
19 CHINA, DID IT COME FROM THAT PERSON IN ALL CASES?

20 A IN ALL CASES IT WAS INSTRUCTED TO US. WHAT WE
21 DO TO VERIFY THE ACCURACY OF THE GOODS IS THAT WE
22 ALWAYS DEMAND -- AND TYPICALLY THESE SELLERS, AND
23 PEOPLE WHO SELL FROM CHINA TYPICALLY ARE VERY
24 ORGANIZED AND THEY WOULD SEND THE TRACKING NUMBER,
25 AS THE PRODUCT SHIPS OUT THEY WOULD E-MAIL US THE

1 Q ALL RIGHT.

2 A WHERE THE SERVICE IS I DON'T KNOW.

3 Q AND YOU ALSO DEALT WITH ANOTHER E-MAIL ADDRESS
4 REFLECTED IN THIS PARTICULAR REPORT OF HOTMAIL.COM;
5 IS THAT RIGHT?

6 A YES, SIR.

7 Q AND HOTMAIL.COM IS OPERATED BY MICROSOFT; IS
8 THAT RIGHT?

9 A YES.

10 Q GOING TO YOUR REPORT OF EXHIBIT 41 CONCERNING
11 YOUR PROCESS OF LUXURY.COM?

12 A YES.

13 Q AND YOU DEALT WITH AN ACCOUNT OF YAHOO.COM.CN;
14 IS THAT RIGHT?

15 A YES.

16 Q AND AS TO EXHIBIT 173 CONCERNING YOUR REPORTED
17 PURCHASE FROM PICKYOURGOODS.COM YOU DEALT WITH AN
18 E-MAIL ACCOUNT ONCE AGAIN MAINTAINED FROM
19 YAHOO.COM.CN?

20 A YES.

21 Q CONCERNING EXHIBIT 185 CONCERNING YOUR REPORT
22 REFLECTING YOUR PURCHASE OF MERCHANDISE FROM
23 RRGNL.COM, THAT E-MAIL WAS TRANSMITTED THROUGH
24 HOTMAIL.COM AGAIN; IS THAT RIGHT?

25 A YES, SIR.

1 A NO, SIR.

2 Q DID YOU TESTIFY AS TO REVERSE IP REPORTS THAT
3 YOU HAVE DONE IN THIS CASE?

4 A YES.

5 Q AND CAN YOU IDENTIFY ANY OF THE EXHIBITS WHERE
6 YOU HAVE ACTUALLY SHOWN ONE OF THOSE?

7 A THE NUMBERS ARE STARTING TO RUN TOGETHER. SO
8 I CANNOT IDENTIFY AN EXHIBIT OFF THE TOP OF MY
9 HEAD, BUT I KNOW THERE WAS AN EXHIBIT EARLIER TODAY
10 THAT I DID TESTIFY TO. IF YOU COULD REFRESH ME,
11 THAT WOULD BE GREAT.

12 Q LET'S TRY EXHIBIT 85.2. IS THERE A REVERSE IP
13 REPORT IN THIS EXHIBIT?

14 A YES.

15 Q AND COULD YOU DIRECT US TO THE PAGE SO WE CAN
16 SHOW IT ON THE SCREEN?

17 A SURE. 6.

18 Q THANK YOU.

19 NOW, WHAT BRIEFLY IS A REVERSE IP REPORT
20 AS WE SEE HERE AS YOU UNDERSTAND IT?

21 A THIS IS JUST A REVELATION OF OTHER DOMAINS
22 THAT ARE HOSTED ON THE SAME IP ADDRESS.

23 Q SO IT'S TRUE THAT MORE THAN ONE DOMAIN CAN BE
24 USING A SINGLE IP ADDRESS?

25 A YES, SIR.

1 Q AND IT'S COMMON IN YOUR EXPERIENCE?

2 A IT HAPPENS REGULARLY.

3 Q AND IN THIS PARTICULAR CASE I BELIEVE YOU
4 TESTIFIED PREVIOUSLY THAT THIS REPORT INDICATED 115
5 DOMAINS USING A SINGLE IP ADDRESS?

6 A YES, SIR.

7 Q DO YOU KNOW HOW MANY IP ADDRESSES ARE ASSIGNED
8 TO THE DEFENDANTS?

9 A NOT OFF THE TOP OF MY HEAD, SIR.

10 Q ALL RIGHT. IF I SUGGESTED APPROXIMATELY
11 40,000, WOULD THAT SOUND APPROXIMATELY RIGHT
12 ACCORDING TO YOUR INVESTIGATION?

13 A YES, SIR.

14 Q WOULD YOU AGREE THAT IF YOU HAD 115 DOMAINS
15 USING 40,000 IP ADDRESSES, THAT THAT WOULD GET YOU
16 MORE THAN 4 AND A HALF MILLION POTENTIAL WEB SITES
17 USING THOSE IP ADDRESSES?

18 A YES, SIR.

19 Q AND YOU HAVE TESTIFIED HERE THAT YOU HAVE MADE
20 SOME BUYS FROM 14 SITES THAT YOU HAVE ASSOCIATED
21 WITH WEB SITES THAT ARE HOSTED AS YOU CALL IT ON
22 SERVERS OF THE DEFENDANTS?

23 A FOURTEEN SITES THAT ARE EXHIBITS, YES.

24 Q WOULD YOU SHOW THE WITNESS EXHIBIT 95.4.

25 WAS THERE A TRACE REPORT THAT YOU

1 WILL TAKE.

2 MR. COOMBS: IT'S ABOUT AN HOUR.

3 THE COURT: WELL, THAT WILL GET YOU READY
4 FOR LUNCH BY LISTENING TO THIS.

5 WE'RE GOING TO ALSO HAVE THIS DONE
6 RESPONSIVELY. IT'S PERFECTLY PERMISSIBLE EVEN
7 THOUGH MR. CHEN IS HERE TO READ FROM HIS TRANSCRIPT
8 BECAUSE THIS IS PRIOR TESTIMONY AND COUNSEL IS ABLE
9 TO USE THAT DEPOSITION FOR THIS PURPOSE SO WE'RE
10 GOING TO HAVE HIS DEPOSITION READ.

11 AND AGAIN YOU WANT THIS ON THE RECORD SO
12 YOU NEED TO MODERATE YOUR SPEED.

13 MR. COOMBS: I WILL DO SO, THANK YOU.
14 AND I WILL COUNT ON THE REPORTER TO LET ME KNOW.

15 MR. CHEN'S DEPOSITION WAS TAKEN OVER TWO
16 DAYS. HIS FIRST DAY AS A REPRESENTATIVE OF AKANOC
17 SOLUTIONS, INC., AND THE SECOND DAY AS A
18 REPRESENTATIVE OF MANAGED SOLUTIONS GROUP, INC.
19 THE FIRST DAY WAS APRIL 8, 2008 AND THE SECOND DAY
20 WAS APRIL 9, 2008.

21 Q WOULD YOU STATE AND SPELL YOUR NAME NOR THE
22 RECORD, PLEASE?

23 A STEVE CHEN. S-T-E-V-E-N, C-H-E-N.

24 Q AND, MR. CHEN, YOU UNDERSTAND THAT TODAY
25 YOU'RE HERE AS A WITNESS FOR DEFENDANT AKANOC

1 Q I'LL ASK YOU FIRST IF YOU YOU'VE EVER SEEN
2 EITHER OF THOSE E-MAILS BEFORE?

3 A HAVE I SEEN IT?

4 Q YES.

5 A YES.

6 Q DID YOU WRITE THEM?

7 A I THINK SO.

8 Q YOU WROTE BOTH?

9 A I WROTE BOTH OF THESE.

10 Q AND IT HAS SECURITY SS AND?

11 A YES.

12 Q AND WHEN IT SAYS SS IT'S REFERRING TO?

13 A YES.

14 Q AND DOES JULIANA LUK HAVE A DIFFERENT
15 SIGNATURE LINE?

16 A I THINK MOST OF THE TIME SHE JUST USES
17 SECURITY. AND SOMETIMES I WOULD JUST USE SECURITY
18 BUT FOR SOMETHING THAT I WANT TO IDENTIFY, THIS IS
19 FROM MYSELF I WOULD PUT IN SS.

20 Q AND EARLIER YOU INDICATED THAT IN ADDITION TO
21 FORWARDING ABUSE REPORTS TO YOUR CUSTOMER YOU COULD
22 UNPLUG THE SERVER. IS THAT WHAT THESE E-MAILS ARE
23 REFERRING TO?

24 A YES.

25 Q AND THE TWO E-MAILS ONE SAYS YOUR SERVER HAS

1 BEEN UNPLUGGED AND THE OTHER SAYS IT HAS BEEN
2 DISABLED.

3 A YES.

4 Q AND DO THEY MEAN DIFFERENT THINGS?

5 A YES.

6 Q OKAY. PLEASE EXPLAIN TO ME WHAT THE
7 DIFFERENCE IS?

8 A THE SERVER UNPLUGGED IS DISCONNECTING IT
9 COMPLETELY REGARDLESS OF HOW MANY DIFFERENT IP'S IN
10 IT. DISABLING AN IP IS MAYBE THIS PARTICULAR
11 SERVER HAS 20 DIFFERENT IP'S AND I AM ONLY TAKING
12 DOWN THAT PARTICULAR IP.

13 Q BUT BOTH OF THEM WILL RESULT IN REMOVING
14 ACCESS TO THE ABUSIVE WEB SITE OR CONTENT OR
15 WHATEVER?

16 A THAT'S CORRECT.

17 Q THE COMPLAINT IS ABOUT?

18 A THAT'S CORRECT.

19 Q AND HOW LONG ASKING IT TAKE? I THINK EARLIER
20 YOU SAID YOU COULD UNPLUG THE SERVER IN ABOUT 30
21 MINUTES; IS THAT RIGHT?

22 A RIGHT.

23 Q HOW LONG DOES IT TAKE YOU TO DISABLE IP?

24 A ABOUT 30 MINUTES. IT DEPENDS ON HOW FAST WE
25 CAN PROCESS THE INSTRUCTION.

CROSS-EXAMINATION

1
2 BY MR. LOWE:

3 Q GOOD AFTERNOON, MR. WILSON. YOU TESTIFIED
4 EARLIER ABOUT YOUR EXPERIENCE WITH THE WARNER MUSIC
5 GROUP AND THAT YOU WERE WORKING FOR THE WEB HOSTING
6 BRANCH OF THAT ORGANIZATION. DO I UNDERSTAND THAT
7 CORRECTLY?

8 A YES, THE TECHNICAL SERVICES GROUP.

9 Q AND HOW LONG WERE YOU IN THAT POSITION?

10 A BETWEEN THREE AND FOUR YEARS.

11 Q AND THAT IS THE WEB SITES THAT WERE HOSTED BY
12 WARNER MUSIC GROUP DURING THE TIME YOU WERE THERE
13 WERE ALL OF -- THEY WERE ALL PEOPLE UNDER CONTRACT
14 WITH WARNER MUSIC?

15 A YES.

16 Q SO SORT OF AN IN-HOUSE POSTING FACILITY?

17 A CORRECT.

18 Q AND YOU INDICATED THAT THOSE WEB SITES FOR THE
19 MOST WERE NOT CONTROLLED BY WARNER MUSIC GROUP; IS
20 THAT RIGHT?

21 A WELL, AGAIN, THEY WERE CONTROLLED BY WARNER
22 MUSIC GROUP IN THE BROADER SENSE BUT INDIVIDUALLY
23 THEY'RE CONTROLLED BY THE ARTISTS MANAGEMENT OR THE
24 ARTISTS THEMSELVES.

25 Q AND MAYBE YOU CAN EXPLAIN WHAT YOU MEAN BY

1 Q AND HOW FAR DOWN DOES THAT GO DATE WISE? CAN
2 YOU TELL?

3 A YEAH. CAN YOU SCROLL DOWN A LITTLE? THE LAST
4 ONE WAS 2-2-2009.

5 Q NOW, YOU MENTIONED, IF I'M NOT MISTAKEN, FIVE
6 ACTIONS THAT WERE TAKEN BY THE DEFENDANTS
7 CONCERNING VARIOUS ABUSE COMPLAINTS; IS THAT RIGHT?

8 A ON THIS PAGE? YES.

9 Q OKAY. AND THEY WERE REMOVING SOMETHING. WHAT
10 WAS YOUR UNDERSTANDING OF WHAT THEY WERE DOING?

11 A IT APPEARS THAT THEY WERE REMOVING AN IP
12 ADDRESS FROM A PARTICULAR SERVER.

13 SO THAT WOULD PROBABLY MEAN REMOVING IT
14 FROM THE ROUTER SO THE TRAFFIC DOESN'T GET THERE
15 ANYMORE.

16 Q IF YOU COULD BRING UP EXHIBIT 1559, PLEASE.
17 DO YOU RECOGNIZE THIS, SIR?

18 A YES.

19 Q AND WHAT IS IT?

20 A THIS IS THE PARSED WEB LOGS FOR THE LOUIS
21 VUITTON PART OF BIGWORLD SHOES.COM.

22 Q CAN YOU EXPLAIN EXACTLY WHAT THAT IS FOR THE
23 BENEFIT OF THOSE WHO ARE NOT IN YOUR BUSINESS?

24 A SURE. BASICALLY THE WEB LOGS ARE JUST GOING
25 TO BE A SERIES OF TEXT ENTRIES IN VERILOG OR

1 MULTIPLE TEXT FILES SO NOT ANYTHING A NORMAL PERSON
2 WOULD WANT TO READ AT ALL. THERE ARE PAGES AND
3 PAGES OF THEM.

4 SO IN ORDER TO GET A MORE MARGINALLY PAGE
5 TO READ LIKE THIS YOU RUN IT THROUGH A WEB LOG
6 ANALYZER. IN THIS CASE I USED A FREE PRODUCT
7 CALLED WEBLYZER BUT THERE ARE MULTIPLE OTHER
8 PRODUCTS YOU CAN HAVE. IT JUST DEPENDS ON WHAT YOU
9 HAVE AT HAND.

10 WHAT THIS DOES IS THAT IT GOES THROUGH
11 AND PARSES THE INFORMATION IN THE WEB LOGS, AND IT
12 SHOWS YOU HOW MANY VISITS FOR THIS PARTICULAR WEB
13 LOG AND WHAT THE TIME PERIOD WAS AND THINGS LIKE
14 THAT, WHAT ACTUAL PICTURES THEY LOOKED AT.

15 IT GIVES YOU SOME IDEA AS TO WHETHER OR
16 NOT YOUR WEB SITE IS BEING USED BASICALLY.

17 Q THIS IS SOMETHING THAT A WEB SITE OPERATOR WHO
18 IS CREATING AND WOULD USE FOR THEIR OWN INTERNAL
19 PURPOSES TO SEE HOW THINGS ARE GOING?

20 A USUALLY, YES.

21 Q ALL RIGHT. SO THIS WEBLYZER PROGRAM GENERATED
22 THIS INFORMATION?

23 A NO, THE WEB SITE GENERATED THIS INFORMATION.
24 THIS PARSED IT AND PUT IT INTO SOME SORT OF
25 READABLE FORMAT.

1 Q AND IF WE GO TO PAGE 2 OF THIS EXHIBIT. WHAT
2 DOES THAT REFLECT?

3 A THAT JUST SHOWS HOW MANY HITS THERE WERE
4 DURING THIS PERIOD OF TIME. SO IT SHOWS THAT THE
5 WEB SITE WAS BEING ACCESSED ON THE 26TH AND 27TH OF
6 FEBRUARY.

7 Q OF 2009?

8 A YES.

9 Q ONLY THOSE TWO DAYS?

10 A IN FEBRUARY, YES.

11 Q OKAY. NOW, IF I'M UNDERSTANDING THE CAPTION
12 ON THIS, IF YOU CAN SCROLL DOWN A LITTLE BIT
13 FURTHER, THIS SAYS THAT IT'S REPORTING SUCCESSFUL
14 REQUESTS OF ALL TYPES WHICH WOULD BE EVERYTHING AND
15 IN A WEB SITE OR OUTSIDE OF A WEB SITE; IS THAT
16 CORRECT? ANY KIND OF A REQUEST FOR INFORMATION?

17 A NO, THIS IS WEB SITE REQUEST.

18 THIS IS SHOWING ALL OF THE ACTUAL WEB LOG
19 DATA FOR THESE TWO DAYS. SO ANYTHING THAT ACTUALLY
20 GOT TO A WEB SITE IT WAS REQUESTING SOME SORT OF
21 PAGE ON THE WEB SITE. THAT'S WHAT THIS IS
22 RECORDING.

23 Q NOW, ON THAT MONTH THERE WERE ONLY TWO DAYS
24 THAT YOU WERE HITTING ANYTHING, ANYBODY WAS HITTING
25 THAT WEB SITE; IS THAT RIGHT?

1 A CORRECT.

2 Q THE BIGWORLDSHOES.COM?

3 A NOT THE BIGWORLDSHOES.COM.

4 Q I'M SORRY. PLEASE REPEAT YOUR ANSWER.

5 A I SAID NOT THE BIGWORLDSHOES.COM WEB SITE,
6 JUST THE LOUIS VUITTON PART OF THE
7 BIGWORLDSHOES.COM WEB SITE.

8 Q JUST TO HELP US UNDERSTAND THIS EXHIBIT A
9 LITTLE BIT. IF YOU GO BACK TO THE FIRST PAGE
10 THERE'S A TITLE ON HERE THAT I'D LIKE YOU TO
11 EXPLAIN. WHAT IS THY OR PCID EQUALS 16?

12 A SURE. THE PART OF THE BIGWORLDSHOES.COM WEB
13 SITE THAT HAD TO DO WITH LOUIS VUITTON HAD TWO
14 EASY-TO-SPOT CHARACTERISTICS, IN THE GIGANTIC URL
15 WAS THERE IT SAID EITHER PCID EQUALS 16, WHICH WAS
16 THE MAIN PAGE THAT YOU SAW THAT HAD ALL OF THE
17 PICTURES OF THE VARIOUS PRODUCTS OR IN THE CASE OF
18 THE ACTUAL PICTURES OF THE PRODUCT THERE WAS A
19 CAPITAL THY IN THE URL.

20 SO THE URL IS GIGANTIC BECAUSE THEY HAVE
21 THINGS NESTED IN THE STRUCTURE. BUT THE BOTTOM
22 LINE IS ANYTHING IN THE LOUIS VUITTON WAS IN THE
23 THY OR LOUIS VUITTON DIRECTORY OR SOMEWHERE ELSE.

24 Q ALL RIGHT. SO THAT WAS JUST A WAY THAT YOU
25 USED TO ISOLATE PARTICULAR INFORMATION RELATED TO

1 LOUIS VUITTON?

2 A CORRECT.

3 Q IF YOU WOULD GO TO PAGE 6. WERE YOU ABLE TO
4 MAINTAIN FROM THE SERVERS THAT YOU COPIED AND HAD
5 BEEN PROVIDED TO YOU, USE INFORMATION THAT ALLOWED
6 THE PRODUCTION OF THIS PARTICULAR EXHIBIT?

7 A YES, THE DATA EXISTS WITHIN THE WEB LOGS.

8 Q SO THE DATA CAME FROM THE WEB LOGS WHICH WERE
9 ON THE SERVERS; CORRECT?

10 A CORRECT.

11 Q OKAY. AND PAGE 6, WHAT DOES THAT SHOW? WHAT
12 IS THAT CHART?

13 A THIS SHOWS AN INCOMPLETE CHART OF THE LOCATION
14 OF THE INDIVIDUAL USERS, AND BASICALLY THE WEBLYZER
15 PROGRAM THAT I USED HAS A VERY SMALL INTERNAL
16 DATABASE THAT ACTUALLY TELLS IT AN IP ADDRESS
17 BELONGS TO IT AND GIVE A LOCATION.

18 SO SINCE I WAS USING IT ON A FORENSIC
19 SYSTEM THAT WAS NOT CONNECTED TO THE INTERNET IT
20 DIDN'T HAVE THE ABILITY TO GO OUT AND GET BETTER
21 DATA. SO THAT'S WHY IT SAYS UNRESOLVED.

22 Q WELL, WHAT DOES IT REFLECT?

23 A IT REFLECTS HOW MANY USER OR WHERE THE USERS
24 WERE THAT IT COULD IDENTIFY.

25 Q THE USERS BEING PEOPLE LIKE ORDINARY PEOPLE

1 LOOKING FOR THIS INFORMATION ABOUT THE LOUIS
2 VUITTON PRODUCTS, IS THAT WHAT YOU ARE GETTING TO?

3 A WELL, THE SAME PEOPLE MAY BE INCORRECT, BUT,
4 YEAH, COMPUTERS.

5 Q COMPUTER USERS?

6 A WELL, OR THERE'S A USER AT THE END OF THAT
7 COMPUTER, YES.

8 Q OKAY. AND THIS PARTICULAR CHART SHOWS THAT
9 THE ONLY ONES THAT COULD IDENTIFY CAME FROM FRANCE?

10 A CORRECT, THE ONLY ONE THAT WEBLYZER COULD
11 IDENTIFY CAME FROM FRANCE.

12 Q ALL RIGHT. IF WE COULD GO TO -- AND THAT WAS
13 FOR THE MONTH OF FEBRUARY; IS THAT RIGHT? '09?

14 A YES.

15 Q AND IF WE COULD GO TO PAGE 14 OF THIS EXHIBIT.
16 IS THIS A SIMILAR CHART FOR THE MONTH OF MARCH
17 2009?

18 A YES, IT IS.

19 Q AND ONCE AGAIN, THE MAJORITY IS UNRESOLVED?

20 A THE MAJORITY IS UNRESOLVED BY WEBLYZER, THE
21 FREE PRODUCT THAT I USED TO PARSE IT.

22 Q AND THE PARTS THAT WERE RESOLVED REFLECTS THE
23 COUNTRIES FROM WHICH HITS CAME; IS THAT RIGHT?

24 A YES.

25 Q AND THE ONLY COUNTRIES THAT IT FOUND WERE

1 CANADA, FRANCE, CHINA, SWITZERLAND, GERMANY, INDIA
2 AND HONG KONG; IS THAT RIGHT?

3 A CORRECT.

4 Q THANK YOU. IF WE COULD GO TO PAGE 27 I
5 BELIEVE. THIS IS ANOTHER CHART SHOWING HITS IN
6 JANUARY I BELIEVE; IS THAT RIGHT?

7 A YES.

8 Q AND, ONCE AGAIN, ABOUT 31 PERCENT WERE
9 UNRESOLVED; IS THAT RIGHT?

10 A YES.

11 Q AND THE ONLY ONES -- THE ONLY HITS THAT WERE
12 IDENTIFIED CAME FROM THE NETHERLANDS, GREAT
13 BRITAIN, BELGIUM, BRAZIL, ITALY, CHINA, AND FRANCE;
14 IS THAT CORRECT?

15 A CLOSE. THERE ARE ALSO OTHERS. SO SOMETHING
16 THAT LESS THAN A FEW PERCENT THAT IT DIDN'T BOTHER
17 TO PUT ON THE CHART.

18 Q ALL RIGHT.

19 THE COURT: I DON'T SEE FRANCE AND CHINA
20 ON THIS ONE.

21 MR. LOWE: SCROLL DOWN A LITTLE BIT TO
22 27.

23 THE WITNESS: CHINA AND FRANCE ARE
24 PROBABLY ON THE OTHER.

25 BY MR. LOWE:

1 Q WELL, ON MY COPY I SEE --

2 A THE NAMES ARE LISTED, BUT THEY'RE NOT ON THE
3 CHART.

4 Q OH, I SEE. DOWN BELOW. I SEE.

5 NOW, IN REBUILDING -- LET ME START
6 FURTHER BACK. I BELIEVE YOU TESTIFIED THAT YOU HAD
7 LOOKED AT INFORMATION CONCERNING BIGWORLDSHOES.COM?

8 A CORRECT.

9 Q AND YOU HAD TO REBUILD THE WEB SITE I THINK
10 WAS THE PHRASE THAT YOU USED?

11 A I DID REBUILD THE WEB SITE, YES.

12 Q OKAY. AND WHAT DOES REBUILD MEAN? WHAT DOES
13 REBUILDING A WEB SITE FROM SERVER INFORMATION?

14 A WELL, IN THIS CASE WHAT IT MEANS IS THAT I
15 TRIED TO RECREATE THE WEB SITE AS IT WOULD HAVE
16 BEEN VISIBLE ON THE SERVER AT THE TIME THE SYSTEM
17 WAS TAKEN DOWN FOR IMAGING.

18 Q AND WHAT DID YOU HAVE TO DO IN ORDER TO
19 REBUILD THAT?

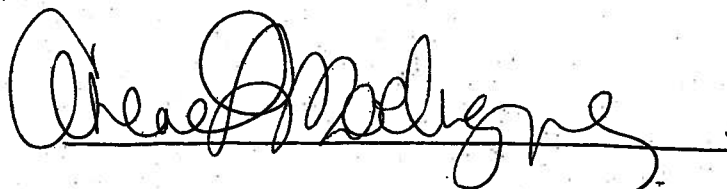
20 A BASICALLY I NEEDED TO -- OKAY. IN ORDER TO
21 REBUILD THE WEB SITE, WHAT I NEEDED TO DO WAS
22 ACTUALLY REBUILD THE SERVER AND PUT IT INTO WHAT IS
23 CALLED A VIRTUAL IMAGE.

24 SO THE EASIEST WAY TO EXPLAIN THIS WOULD
25 BE IMAGINE TAKING AN ENTIRE COMPUTER AND PUTTING IT

1
2
3
4 CERTIFICATE OF REPORTER
5
6
7

8 I, THE UNDERSIGNED OFFICIAL COURT
9 REPORTER OF THE UNITED STATES DISTRICT COURT FOR
10 THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
11 FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
12 CERTIFY:

13 THAT THE FOREGOING TRANSCRIPT,
14 CERTIFICATE, INCLUSIVE, CONSTITUTED A TRUE, FULL
15 AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN
16 AS SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
17 HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
18 TRANSCRIPTION TO THE BEST OF MY ABILITY.
19
20

21 
22

23 IRENE RODRIGUEZ, CSR, CRR
24 CERTIFICATE NUMBER CSR 8074
25