

# **EXHIBIT 1627**

LOUIS VUITTON ) C-07-03952-JW  
MALLETIER, S.A., )  
 )  
 ) AUGUST 20, 2009  
 )  
 PLAINTIFF, )  
 )  
 ) VOLUME 3  
 )  
 V. )  
 )  
 ) PAGES 1 - 267  
 )  
 AKANOC SOLUTIONS, INC., )  
 ET AL., )  
 )  
 )  
 )  
 DEFENDANTS. )  
 )

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

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

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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97.2, 109 491	35

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 TELL US WHAT HE DID IN THIS CASE.

2 SO GO TO THE -- BECAUSE RIGHT NOW WE'RE  
3 JUST HEARING HIS GENERAL PRACTICE.

4 MS. WANG: SURE.

5 Q MR. HOLMES, COULD YOU PLEASE FLIP TO EXHIBIT  
6 65. CAN YOU REVIEW EXHIBIT 65 AND TELL ME WHAT  
7 THAT IS?

8 A THIS IS A LITPAK PREPARED BY MY OFFICE  
9 REGARDING A PURCHASE FROM WENDY929.NET AND IT WAS  
10 RECEIVED IN OUR OFFICE ON 6-26-07.

11 Q AND WHAT IS A LITPAK?

12 A A LITPAK IS A PDF DOCUMENT THAT WE CREATE IN  
13 OUR OFFICE THAT DOCUMENTS IMPORTANT INFORMATION  
14 DURING THE BUY PROCESS.

15 Q AND WHEN YOU SAY, "BUY PROCESS," IS THAT THE  
16 SAME THING AS AN INVESTIGATION OR IS THAT SOMETHING  
17 DIFFERENT?

18 A WELL, BUY PROCESS IS MORE SPECIFIC TO THE  
19 INVESTIGATION. IT'S PART OF THE INVESTIGATION.

20 Q AND LET ME SEE THE FIRST PAGE OF EXHIBIT 65.  
21 CAN YOU TELL ME WHAT THAT IS?

22 A YES. THIS IS OUR BUY REPORT. IT'S ENTITLED  
23 INTERNET BUY SUMMARY, AND WE CALL IT A BUY REPORT  
24 IN THE OFFICE.

25 Q AND CAN YOU BRIEFLY GO THROUGH THE FIELDS

1 LISTED AND TELL ME WHAT EACH FIELD MEANS?

2 A SURE. THE FIRST FIELD IS EVIDENCE NUMBER.  
3 THAT'S THE NUMBER TO WHICH THIS PARTICULAR  
4 TRANSACTION PURCHASE WAS ASSIGNED IN OUR OFFICE,  
5 CASE NAME, CONTACTED, PHONE NUMBER, E-MAIL, WEB  
6 SITE, ITEM NUMBER, USER NAME ALIAS, WHICH IS  
7 TYPICALLY USED IN AUCTION SITES LIKE EBAY, CONTACT  
8 METHOD, OUR CASE NUMBER, THE DATE IT WAS RECEIVED  
9 IN OUR OFFICE, INVESTIGATOR'S INITIALS, AMOUNT OF  
10 ITEMS ORDERED, DESCRIPTION OF PRODUCT ORDERED, THE  
11 AMOUNT PER UNIT, THE TOTAL FOR THE PRODUCT, TAX AND  
12 WIRE FEE TOTAL, METHOD OF PAYMENT, EVIDENCE  
13 RECEIVED VIA WHICH IS THE METHOD USED TO SEND TO  
14 US, TRACKING INFORMATION, PAYEE INFORMATION.

15 THE COURT: WE CAN READ THESE TITLES SO  
16 THAT'S NOT PRODUCTIVE. LET'S GO ON.

17 BY MS. WANG:

18 Q AT THE TOP OF THE PAGE THERE'S AN EVIDENCE  
19 NUMBER. CAN YOU TELL ME HOW YOU CREATE THE  
20 EVIDENCE NUMBER?

21 A YES, THE EVIDENCE NUMBER IS SEQUENTIALLY  
22 ASSIGNED IN OUR OFFICE. ONCE IT'S RECEIVED IN OUR  
23 OFFICE IT'S GIVEN A NUMBER SEQUENTIAL IN THAT YEAR.

24 SO, FOR EXAMPLE, IN 2007 THE FIRST  
25 PURCHASE RECEIVED IN OUR OFFICE WOULD HAVE BEEN

1 2007, 001 AND SO FORTH.

2 Q AND CAN YOU PLEASE GO TO THE SECOND AND THIRD  
3 PAGES. CAN YOU TELL ME WHAT THOSE PAGES ARE?

4 A THIS IS A DOMAIN TOOLS PRINTOUT FOR  
5 WENDY929.NET.

6 Q AND WHAT IS DOMAIN TOOLS?

7 A DOMAIN TOOLS IS AN EASY TO READ REPORT  
8 GENERATED ON-LINE THAT BASICALLY IT SHOWS  
9 INFORMATION ALL IN ONE PLACE THAT CAN BE FOUND  
10 ON-LINE AS WELL.

11 Q HOW OFTEN DO YOU USE DOMAIN TOOLS?

12 A EVERY DAY. WE USUALLY USE FOR EVERY  
13 ASSIGNMENT AND OFTEN MORE THAN ONCE.

14 Q SPEAKING ABOUT THE SERVER DATA SPECIFICALLY,  
15 DO YOU VERIFY THAT INFORMATION?

16 A YES, WE DO.

17 Q AND HOW DO YOU VERIFY THAT INFORMATION?

18 A WE ALWAYS SECOND AND TRIPLE SOURCE ALL OF OUR  
19 SEARCHES. SO, FOR EXAMPLE, THIS IP ADDRESS THAT  
20 SHOWS SERVER DATA IT SHOWS 204.13.69.140, WHAT  
21 WE'LL DO IS GO TO THE ACTUAL DOS COMMAND PROMPT ON  
22 OUR PC AND TYPE IN THE WORD PING SPACE AND THEN  
23 WWW.WENDY929.NET.

24 AND ONCE WE HIT THE ENTER KEY ON OUR  
25 COMPUTER, RAW PACKETS OF DATA ARE SENT TO THE



1 SERVER, AND THAT INFORMATION IS RECEIVED BACK TO  
2 US. AND THE WAY THAT THE -- THIS PROCESS WORKS,  
3 THIS PINGING PROCESS WORKS IS THAT FOUR PIECES OF  
4 DATA ARE SENT AND RECEIVED.

5 SO WHAT YOU'LL ACTUALLY SEE IN THE DOS  
6 DEMAND PROMPT IS THE RESULT WHERE THE IP ADDRESS IS  
7 ASSIGNED TO THAT DOMAIN NAME, AND IT WAS VERIFIED  
8 BY OUR COMPUTER, JUST BY THE DOS COMMAND ALONE FOUR  
9 TIMES AND THAT'S THE RAWEST COMPUTER DATA FOR IP'S  
10 AND DOMAIN NAMES. WE'LL ALWAYS DO THAT AS WELL.

11 Q AND DO YOU KNOW IF DOMAIN TOOLS IS USED BY  
12 OTHERS IN YOUR INDUSTRY?

13 A YES, IT'S FAIRLY -- IT'S AN INDUSTRY STANDARD  
14 PRETTY MUCH FOR ANYBODY WHO USES -- WHO WORKS IN  
15 THE DOMAIN BUSINESS AND ALSO A LOT OF INVESTIGATORS  
16 WILL USE IT AS WELL BECAUSE WE DO A LOT OF DOMAIN  
17 INVESTIGATIONS.

18 Q AND CAN YOU QUICKLY GO THROUGH THE REST OF THE  
19 PAGES OF EXHIBIT 65 AND TELL ME WHAT THOSE PAGES  
20 ARE?

21 A SURE.

22 Q AND IF YOU COULD VERBALIZE WHAT PAGE YOU'RE  
23 ON?

24 A YES.

25 Q THAT WOULD BE HELPFUL.

1       A       OKAY.   PAGE 4 HERE IT'S A PRINTOUT THAT  
2       REPRESENTS THE STATUS OF WENDY929.   IT'S A SCREEN  
3       SHOT OF WENDY929 THAT REPRESENTS WHAT IT LOOKED  
4       LIKE DURING OUR INVESTIGATION AND AS YOU CAN SEE  
5       HERE IT HAS LOUIS VUITTON MERCHANDISE BEING SOLD  
6       AND OFFERED ON THE SITE.

7               THE NEXT PAGE WOULD BE PAGE -- I'M SORRY.  
8       I'M LOSING MY PAGE NUMBERS -- PAGE 5 AND 6 IS  
9       E-MAIL COMMUNICATION BETWEEN OUR OFFICE AND THE  
10      E-MAIL ADDRESS THAT WAS OFFERED TO US ON  
11      WENDY929.NET.

12             THEN THE NEXT PAGE HERE IS OUR RECEIPT  
13      FROM WESTERN UNION.

14             THE NEXT PAGE IS THE -- THIS HERE IS THE  
15      PACKING LABEL, THE PACKAGE LABEL THAT ARRIVED IN  
16      OUR OFFICE ON THE PACKAGE ITSELF FOR THE EVIDENCE.

17             AS YOU CAN SEE THE FIRST LABEL ON THE TOP  
18      SHOWS, IT SHOWS THAT IT WAS SHIPPED FROM CHINA  
19      USING A PRODUCT, A SERVICE CALLED EMS WHICH IS A  
20      SHIPPING SERVICE THAT MANY PEOPLE OUTSIDE OF THE  
21      UNITED STATES USE.

22             ONCE IT'S ACCEPTED INTO THE UNITED  
23      STATES, EMS GENERALLY THEY WORK WITH THE U.S.  
24      POSTAL SERVICE.   SO AS YOU CAN SEE THE SECOND HALF  
25      IS THE ACCEPTANCE LABEL THAT IS GIVEN TO THE

1 PACKAGE ITSELF, AND AS YOU CAN SEE THE TRACKING  
2 NUMBER IS THE SAME. WHEN IT WAS ACCEPTED INTO THE  
3 UNITED STATES IT WAS ENTERED INTO THE UNITED STATES  
4 POSTAL SERVICE DATABASE AS WELL.

5 THE NEXT THREE PAGES -- ACTUALLY THE NEXT  
6 PAGE IS AN OVERALL SHOT OF THE MERCHANDISE THAT WAS  
7 SENT TO OUR OFFICE AND PROCESSED BY MY OFFICE.

8 THE NEXT PAGE IS A CLOSE-UP OF LOUIS  
9 VUITTON MARK BEING USED ON DOCUMENTATION PROVIDED  
10 TO US BY THE SUBJECT.

11 AND THE LAST PAGE -- ACTUALLY THE NEXT  
12 PAGE IS OUR EVIDENCE TAG. AND THE EVIDENCE TAG IT  
13 SHOWS OUR EVIDENCE NUMBER COLLECTED FROM, WHICH IS  
14 TYPICALLY THE WEB SITE, THE CASE NUMBER, THE CASE  
15 NUMBER WHICH OFTEN IS THE SAME AS THE WEB SITE  
16 INFO, AND COLLECTED BY, AND YOU CAN SEE ALSO THAT  
17 YOU HAVE HANDWRITTEN INITIALS BY THE INVESTIGATOR,  
18 AND THE HANDWRITTEN DATE THAT IT WAS RECEIVED IN  
19 OUR OFFICE.

20 AND THE LAST PAGE IS OUR CHAIN OF CUSTODY  
21 FORM.

22 Q THANK YOU, MR. HOLMES. I'D LIKE TO SHOW YOU I  
23 BELIEVE THIS IS EXHIBIT 67.

24 THAT ITEM HAS ACTUALLY BEEN STIPULATED  
25 INTO EVIDENCE, BUT CAN YOU PLEASE OVERVIEW IT AND

1 EXPRESSED REQUEST?

2 A YES.

3 Q DID, IN FACT, LOUIS VUITTON DIRECT YOU TO  
4 PARTICULAR WEB SITES FOR YOU TO LOOK AT?

5 A YES.

6 Q SO THEY TOLD YOU WHERE TO GO AND WHAT TO LOOK  
7 AT, WHICH WEB SITES?

8 A THEY DIDN'T TELL ME WHAT TO LOOK AT.

9 Q THEY TOLD YOU WHAT TO LOOK AT OR NOT?

10 A PARTICULARLY THOSE WEB SITES?

11 Q YES.

12 A THEY TOLD ME WHICH WEB SITES.

13 Q SO LOUIS VUITTON AUTHORIZED YOU TO VIEW  
14 WHATEVER YOU SAW ON THOSE WEB SITES?

15 A YES, SIR.

16 Q YOU DID NOT INITIATE AN INVESTIGATION OF ANY  
17 WEB SITE THAT WAS NOT DIRECTED TO YOU BY LOUIS  
18 VUITTON; IS THAT CORRECT?

19 A THAT'S NOT CORRECT.

20 Q YOU DID SOME ON YOUR OWN?

21 A I DO MANY INVESTIGATIONS ON MY OWN AND  
22 SPECULATION FOR OTHER CLIENTS AS WELL AND  
23 SPECULATION FOR MY CURRENT CLIENTS.

24 Q ALL RIGHT. JUST GENERAL CURIOSITY SO TO  
25 SPEAK?

1 A NOT GENERAL -- GENERAL CURIOSITY. MY BUSINESS  
2 IS TO LOOK FOR PEOPLE WHO FACILITATE THAT SORT OF  
3 BUSINESS ON-LINE SO I DO LOOK FOR THE ACT OF THE  
4 SALE OF COUNTERFEIT GOODS ON-LINE AND DRUM UP WORK  
5 SO TO SPEAK.

6 Q DO YOU EVER DRUM UP WORK SO TO SPEAK FOR LOUIS  
7 VUITTON?

8 A YES.

9 Q DID YOU DO THAT IN ANY CASE, IN OTHER WORDS,  
10 IN ANY OF THE INVESTIGATIONS THAT YOU TESTIFIED  
11 ABOUT, DID YOU INITIATE THAT PROCESS?

12 A THAT HASN'T COME UP IN THE STUDY OF THIS.

13 Q ALL RIGHT.

14 A BUT WE OFTEN DO PROVIDE LISTS TO OUR CLIENTS  
15 AND SUGGEST ASSIGNMENTS ON A REGULAR BASIS.

16 Q SO YOU OFFER THAT SERVICE TO YOUR CLIENTS SO  
17 TO SPEAK?

18 A YES.

19 Q YOU DID, IF I COUNTED CORRECTLY, 14  
20 INVESTIGATIONS WHERE YOU MADE BUYS?

21 A YES, SIR.

22 Q AND YOU CHARGE FOR THAT SERVICE?

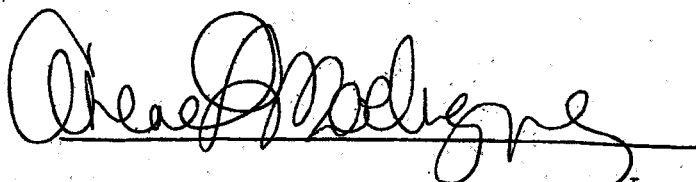
23 A YES.

24 Q AND HOW MUCH DO YOU CHARGE LOUIS VUITTON FOR  
25 EACH ONE?

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.

A handwritten signature in cursive script, appearing to read 'Irene Rodriguez', written over a horizontal line.

IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER CSR 8074