

# **EXHIBIT 1628**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LOUIS VUITTON ) C-07-03952-JW  
MALLETIER, S.A., )  
 ) AUGUST 21, 2009  
 )  
 ) PLAINTIFF, )  
 ) VOLUME 4  
 )  
 ) V. )  
 ) PAGES 1 - 208  
 )  
 ) AKANOC SOLUTIONS, INC., )  
 ) ET AL., )  
 )  
 ) DEFENDANTS. )  
 )  
 ----- )

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

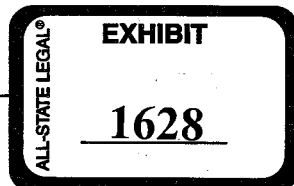
A P P E A R A N C E S:

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

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

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

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



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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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INDEX OF PROCEEDINGS

FOR THE DEFENDANTS:

**STEVEN CHEN**

DIRECT EXAMINATION P. 5  
CROSS-EXAMINATION P. 165

1 SAN JOSE, CALIFORNIA

AUGUST 18, 2009

2 P R O C E E D I N G S

3  
4 (WHEREUPON, THE PROCEEDINGS IN THIS  
5 MATTER WERE HELD OUT OF THE PRESENCE OF THE JURY:)

6 THE COURT: VERY WELL. ARE YOU READY TO  
7 RESUME?

8 MR. COOMBS: YES, YOUR HONOR.

9 THE COURT: SUMMON THE JURY.

10 (WHEREUPON, THE FOLLOWING PROCEEDINGS  
11 WERE HELD IN THE PRESENCE OF THE JURY:)

12 THE COURT: VERY WELL. YOU MAY PROCEED.

13 MR. COOMBS: THANK YOU, YOUR HONOR. AT  
14 THIS TIME THE PLAINTIFF RESTS.

15 THE COURT: VERY WELL. THE PLAINTIFF  
16 RESTS.

17 I UNDERSTAND THERE ARE CERTAIN OTHER  
18 LEGAL PROCEEDINGS WE WOULD TAKE UP AT THIS TIME OUT  
19 OF THE PRESENCE OF THE JURY. THE COURT HAS  
20 DEFERRED THAT TO A LATER TIME.

21 SO THE COURT AT THIS TIME WILL CALL ON  
22 DEFENSE COUNSEL TO CALL YOUR FIRST WITNESS.

23 MR. LOWE: THANK YOU, YOUR HONOR. IF IT  
24 PLEASE THE COURT, WE WOULD CALL STEVE CHEN.

25 THE COURT: VERY WELL. MR. CHEN.

1 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

2 **STEVEN CHEN,**

3 BEING CALLED AS A WITNESS ON BEHALF OF HIMSELF,  
4 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND  
5 TESTIFIED AS FOLLOWS:

6 THE WITNESS: YES.

7 THE CLERK: PLEASE BE SEATED. COULD YOU  
8 PLEASE STATE YOUR FULL NAME AND SPELL YOUR LAST  
9 NAME FOR THE RECORD.

10 THE WITNESS: STEVE CHEN. S-T-E-V-E,  
11 C-H-E-N.

12 **DIRECT EXAMINATION**

13 BY MR. LOWE:

14 Q GOOD MORNING, MR. CHEN. ARE YOU A DEFENDANT  
15 IN THIS CASE?

16 A YES.

17 Q AND YOU HAVE BEEN PRESENT DURING THE ENTIRE  
18 TRIAL SO FAR?

19 A YES.

20 Q HOW ARE YOU EMPLOYED?

21 A I STARTED THE COMPANY. SO AT THIS POINT I'M  
22 GENERAL MANAGER OF MANAGED SOLUTIONS GROUP, INC.,  
23 AND AKANOC SOLUTIONS.

24 Q THE OTHER TWO DEFENDANTS IN THIS CASE?

25 A YES, THAT'S CORRECT.

1           BASED ON INSTRUCTION FROM THE LEGAL AUTHORITY.

2           Q       GOVERNMENT OFFICIALS IS WHAT YOU'RE TALKING  
3           ABOUT?

4           A       YES, YES.

5           Q       AND DO YOU EVER GET SPAM COMPLAINTS?

6           A       OH, YEAH, SPAM COMPLAINTS.  WHEN IT HITS  
7           SOMEBODY LIKE SPAM HOUSE.  SPAM HOUSE IS A  
8           GENERAL -- A PUBLIC SERVICE THAT TRACK ON THE  
9           SPAMMING ACTIVITIES IN THE INTERNET WORLD.

10                   BUT WHEN OUR SERVER GETS CITED FOR THAT  
11           TYPE OF ABUSE, IT COMES IN VERY, VERY TECHNICAL  
12           DETAILS THAT WE CAN VERIFY THAT WE KNOW IS DAMAGING  
13           TO THE GENERAL INTENDED WORK, WE UNPLUG THOSE RIGHT  
14           AWAY AND WE TERMINATE THE CUSTOMER.

15           Q       AND WHAT ABOUT COMPLAINTS OF TRADEMARK AND  
16           COPYRIGHT INFRINGEMENT?  DO YOU GET THOSE  
17           PERIODICALLY?

18           A       YES, WE GET IT THROUGH ATTORNEYS, WE GET IT  
19           THROUGH TRADEMARK OWNERS.  WE GET IT THROUGH ALL  
20           TYPES OF ANGLES.

21           Q       DO YOU GET A LOT OF THEM?

22           A       PROBABLY 10, 20 A WEEK AT THIS LEVEL.  SO THAT  
23           WE CAN SEE IT'S MORE OF A BUSINESS ARGUMENT,  
24           BUSINESS PRACTICE.  WE TEND TO FORWARD IT TO THE  
25           CUSTOMER, OUR CUSTOMER AND LET MY CUSTOMER DEAL

1 WITH IT AT THE FIRST LEVEL.

2 BASICALLY THE BIG REASON FOR IT, AS I  
3 SAID, THEY'RE COMING FROM ALL TYPE OF DIFFERENT  
4 TYPE OF ANGLES. PERSONALLY I HAVE BEEN INVOLVED IN  
5 A COUPLE THAT PEOPLE SEND CLAIMING THAT THEY HAVE  
6 THE TRADEMARK RIGHT AND WORK DESIGN RIGHT OR  
7 COPYRIGHT OR WHATEVER AND THEN THE OTHER PARTY IS  
8 STEALING MY TRADEMARK OR THINGS LIKE THAT. AND IT  
9 WOUND UP THAT WE REACT TO IT AND THEN THE OTHER  
10 PARTY SAYS, NO, HE'S JUST MY EX-PARTNER. HE JUST  
11 WANTS TO BRING ME DOWN.

12 SO THINGS LIKE THAT. WE HAVE NO WAY OF  
13 JUDGING ALL DIFFERENT LEVELS OF THE COMPLAINT.

14 ON THE OTHER HAND, IT WOULD BE A LOT  
15 EASIER THAT I FORWARD IT TO MY CUSTOMER AND LET  
16 THEM LOOK INTO IT AND SEE HOW THEY WANT TO DO IT.

17 IF THEY RESPOND BACK AND SAY WE JUST WANT  
18 TO TAKE DOWN THE CONTENT OR TAKEDOWN THAT  
19 PARTICULAR WEB SITE, THAT PLEASES EVERYBODY.

20 BUT IF THEY COME BACK AND SAY, OH, WE  
21 HAVE A DIFFERENT THOUGHT OF IT. WE OWN THIS. WE  
22 WANT TO ARGUE. IN THAT CASE WE MAY SEND IT BACK TO  
23 THE ORIGINAL COMPLAINANT AND LET THEM DEAL WITH IT.

24 Q DO YOU HAVE ANY WAY OF KNOWING WHO IS RIGHT  
25 AND WHO IS WRONG IN THOSE SITUATIONS?



1 A NO, I DON'T WANT TO BE THE JUDGE IN THAT.

2 Q DO YOU HAVE ANY INFORMATION THAT WOULD ALLOW  
3 YOU TO MAKE A DECISION OTHER THAN --

4 A I CAN'T DO ANYTHING WHEN THE NAME WITH THEIR  
5 SIGNATURE CLAIMING THAT AND WITH THE LONG LIST OF  
6 INFORMATION IN IT, I TEND TO THINK THEY HAVE A  
7 POSITION BETTER.

8 Q OKAY. NOW, IS THERE A PROCEDURE FOR PEOPLE TO  
9 COMPLAIN ABOUT COPYRIGHT INFRINGEMENT UNDER U.S.  
10 LAW?

11 A WE HAVE A VERY GENERAL PROCEDURE.

12 Q I'M SORRY?

13 A IF THERE'S ANY COMPLAINT COMES IN, UNLESS IT'S  
14 COMING FROM SOME ISP, THAT NEEDED SPECIAL AND  
15 IMMEDIATE ATTENTION OTHERWISE GENERALLY A COMPLAINT  
16 COMES IN, WE FORWARD IT TO OUR CUSTOMER AND LET OUR  
17 CUSTOMER TAKE THE FIRST SHOT AT IT.

18 Q COULD YOU TAKE A LOOK AT EXHIBIT 54, PLEASE.  
19 AND WHAT IS THIS, AS SOON AS IT COMES UP?

20 I THINK YOU HAVE IT IN YOUR BOOK THERE AS  
21 WELL IF YOU NEED TO LOOK AT IT THIS WAY.

22 A WHAT NUMBER?

23 Q 54?

24 A I HAVE ALL OF THE DIGITS 54.

25 Q CAN YOU LOOK AT IT ON THE SCREEN AND TELL ME

1 TECHNICALY HOW IT PERFORMS.

2 Q IS THERE ANY WAY MANAGED SOLUTIONS GROUP OR  
3 AKANOC SOLUTIONS COULD PERMANENTLY PREVENT SOME  
4 DOMAIN OR WEB SITE FROM USING YOUR SERVERS OR YOUR  
5 IP ADDRESSES?

6 A AT THE DOMAIN LEVEL?

7 Q YES.

8 A NO.

9 Q WHY IS THAT?

10 A IT'S NOT CONTROLLED BY US.

11 Q WELL, LET'S SAY IF YOU ARE GETTING A LOT OF  
12 COMPLAINTS, FOR EXAMPLE, FROM LOUIS VUITTON, CAN  
13 YOU STOP SOME OUTFIT LIKE WENDY929 FROM USING YOUR  
14 SERVERS?

15 A WELL, AS I EXPLAINED IT PREVIOUSLY, THE NAME  
16 SERVER CONTROLS WHERE THE IP WILL GO FOR THAT  
17 DOMAIN, SO WHOEVER CONTROLS THE NAME SERVER, THEY  
18 CAN POINT TO WHEREVER THEY WANT.

19 Q OKAY. BUT YOU CAN'T CHANGE THAT?

20 A WE CANNOT CHANGE THAT BECAUSE WE ARE THE  
21 RECEIVER, WE ARE NOT THE TEACHER.

22 Q OKAY. DO YOU KNOW WHEN A DOMAIN OR WEB SITE  
23 HAS BEGUN USING YOUR EQUIPMENT OR YOUR SERVER OR  
24 ADDRESS?

25 A SINCE AS LONG AS THE WEB CONTENT IS THERE, THE

1 IP, THE NAME SERVER POINTS TO THAT PARTICULAR  
2 SERVER, THAT'S WHEN IT'S ACTIVE.

3 WE HAD NO WAY OF KNOWING, ONE, WHETHER  
4 THE CONTENT IS WITHIN OUR SERVER; TWO, WE HAVE NO  
5 CONTROL WHEN THE DOMAIN IS GOING TO BE POINTED TO  
6 OUR NETWORK.

7 Q AND IS THERE ANY WAY YOU STOP ONE OF THESE  
8 DOMAINS FROM COMING BACK TO YOUR SERVERS?

9 A TECHNICALLY I HAVE NOT SEEN ANYTHING AT THE  
10 RECEIVING END TO STOP SOMETHING COMING IN.

11 Q WOULD YOU LIKE TO IF YOU COULD?

12 A YES.

13 Q WHY?

14 A THAT WOULD TAKE CARE OF MY LAWSUIT HERE IF  
15 THERE WAS ANYTHING THAT WE COULD DO.

16 Q DO YOU HAVE A SIMILAR PROBLEM WITH SPAM, FOR  
17 EXAMPLE, PEOPLE GETTING SPAM ONTO YOUR SERVERS AND  
18 BEING ABLE TO STOP THAT?

19 A IN SPAMMING WE ARE THE SOURCE. SO AS LONG AS  
20 WE CAN IDENTIFY THE SOURCE, WE CAN DISABLE THAT  
21 SOURCE BY SHUTTING DOWN THAT SERVER.

22 Q BUT THAT'S DIFFERENT FROM SOMEONE'S WEB SITE?

23 A THAT'S DIFFERENT FROM THE WEB SITE. AS I  
24 SAID, THE WEB SITE IS CONTROLLED BY THE NAME  
25 SERVER. SO NAME SERVER WE, WE HAVE NO WAY OF

1 SECURE WEB SITES, THEY, IN FACT, CHANGE THEIR IP  
2 ADDRESS AND IN ORDER TO TAKE PAYMENTS THROUGH  
3 CREDIT CARDS AND SO ON YOU WOULD HAVE TO HAVE A  
4 SECURE WEB SITE THAT WOULD HAVE A FIXED IP ADDRESS  
5 WHEREAS THESE MOVE AROUND AS WE HAVE HAD TESTIMONY.

6 THE COURT: ALL RIGHT. I WILL SUSTAIN  
7 THE OBJECTION. I DON'T THINK IT'S LOST ON ME OR  
8 THE JURY THAT THERE ARE DIFFERENT PROCESSES FOR  
9 PAYMENT FOR GOODS THAN WOULDN'T PERHAPS BE INVOLVED  
10 IN THE DISPLAY AND THE USE OF THE COPYRIGHT.

11 THIS CASE CONCERNS THE USE AND DISPLAY OF  
12 THE COPYRIGHT AND WERE THIS A CASE WHERE THE  
13 DEFENDANTS WERE ACCUSED SOMEHOW OF BEING INVOLVED  
14 IN PAYMENT AND THOSE SORTS OF THINGS, THOSE MATTERS  
15 MAY BE MORE RELEVANT.

16 ALTHOUGH THERE WAS TESTIMONY, AND I  
17 UNDERSTAND WHY YOU WOULD WANT TO GO INTO THIS, BUT  
18 I THINK IN VIEW OF THE TIME I AM GOING TO SUSTAIN  
19 MY OBJECTION.

20 MR. LOWE: VERY WELL, YOUR HONOR.

21 Q HOW HARD IS IT FOR A WEB SITE OR DOMAIN THAT  
22 YOU HAVE TAKEN SOME ACTION AGAINST TO MOVE TO A  
23 DIFFERENT IP ADDRESS FROM ONE THAT IS IN YOUR RANGE  
24 TO SOMEONE ELSE'S?

25 A PROBABLY WITHIN TEN MINUTES.

1 Q TEN MINUTES?

2 A YOU JUST NEED TO GO TO LOG INTO YOUR DOMAIN  
3 REGISTRATION SITE, CHANGE THE IP ADDRESS FOR THE  
4 NAME SERVER.

5 Q AND NOTHING ELSE IS NECESSARY?

6 A AND THEN IT'S A MATTER OF HOW FAST THAT NEW  
7 NAME SERVER INFORMATION CAN BE UPDATED THROUGHOUT  
8 THE WORLD.

9 Q DOES IT -- IS IT NECESSARY FOR ONE OF THESE  
10 DOMAINS TO MOVE THE DATA FROM YOUR SERVERS TO MOVE  
11 IT TO ANOTHER SERVER?

12 A I HAVE SEEN, AS I JUST SAID IT, MY EXPERIENCE,  
13 I HAVE SEEN A COMPLAINER CALLING ME BACK TWO HOURS  
14 LATER AND SAYS WHY THE WEB SITE IS STILL UP AND I  
15 SAY, WE ALREADY TOOK IT DOWN FROM OUR END.

16 SO WHAT HAPPENED IS THAT IF THAT  
17 PARTICULAR CONTENT IS RECITED IN SOME OTHER IP  
18 ADDRESS SOMEWHERE, AS LONG AS THE NAME SERVER  
19 RECORD IS CHANGED TO A DIFFERENT LOCATION AND MAKE  
20 THE CONNECTION, THAT WEB SITE IS UP RIGHT AWAY.

21 Q IS DATA THAT IS VISIBLE ON A WEB SITE, DOES  
22 THAT HAVE TO BE STORED IN JUST ONE PLACE OR CAN IT  
23 BE STORED IN MULTIPLE PLACES ON MULTIPLE SERVERS?

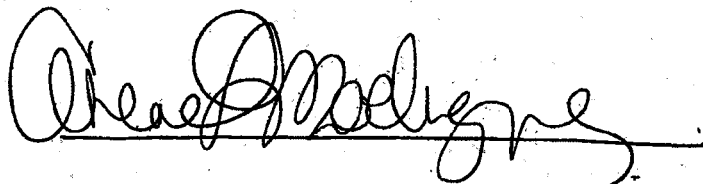
24 A BY LOOKING AT THE TRAFFIC PATTERN OF SOME OF  
25 THE CUSTOMERS THAT RENT SERVERS FROM US, USUALLY

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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