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8 Attorneys for Defendants

9 Akanoc Solutions, Inc.,

Managed Solutions Group, Inc.

10 and Steve Chen

11
12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

14
15 LOUIS VUITTON MALLETIER, S.A.,

16
17 Plaintiff,

18 vs.

19
20 AKANOC SOLUTIONS, INC., et al.,

21
22 Defendants.

) Case No.: C 07-3952 JW

) Hon. James Ware

) **DECLARATION OF JAMES A. LOWE IN**
) **SUPPORT OF DEFENDANTS'**
) **SUPPLEMENTAL MOTION FOR**
) **SUMMARY JUDGMENT**

) Date: September 8, 2008

) Time: 9:00 a.m.

) Dept.: Courtroom 8, 4th Floor

1 I, JAMES A. LOWE, declare:

2 1. I am an attorney duly licensed to practice law before all courts of the State of
3 California, as well as before the United States District Court for the Northern District of California,
4 and I am a partner with the law firm of Gauntlett & Associates, counsel of record for Akanoc
5 Solutions Inc., Managed Solutions Group, Inc. and Steve Chen, the Defendants in this lawsuit. The
6 following attached exhibits to this declaration are true and accurate copies of portions of transcripts
7 in the case and about which I have personal knowledge based upon my involvement in this case and
8 having taken the depositions of each witness.

9 2. **Exhibit "1507"** Excerpts from deposition testimony of Nicolay Livadkin

10 3. **Exhibit "1508"** Excerpts from deposition testimony of Robert Holmes

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct.

13 Executed at Irvine, California on this 4th day of August 2008.

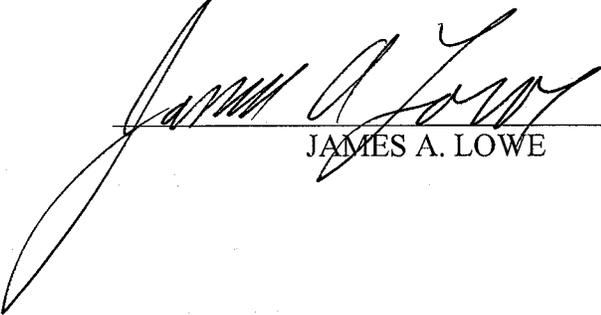
14
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16 _____
17 JAMES A. LOWE
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EXHIBIT 1507

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

LOUIS VUITTON MALLETTIER, S.A.,)
)
Plaintiff,)
)
vs.) Case No. C073952JW
)
AKANOC SOLUTIONS, INC., MANAGED)
SOLUTIONS GROUP, INC., STEVEN CHEN)
and DOES 1 through 10, inclusive,)
)
Defendants.)
_____)

Deposition of NIKOLAY LIVADKIN,
taken on behalf of the Defendants, at
18400 Von Karman, Suite 300, Irvine,
California, commencing at 9:28 a.m., on
Wednesday, April 23, 2008, before
Tami L. Le, CSR No. 8716, RPR.



1 information?

2 A Either DomainTools or Network Solutions or
3 Netscan Tools.

4 Q Okay. Do you remember doing this particular --
5 looking at information on this particular website?

6 A Yes, I have certainly done that.

7 Q Now, the date of this is August 29, 2007. That
8 was after the date of the filing of this lawsuit?

9 A Yes.

10 Q And after you reviewed this information, what,
11 if anything, did you do? Did you pass that on to
12 someone? Did you send a letter to the defendants?

13 MR. COOMBS: Exclude communications with
14 counsel.

15 THE DEPONENT: Pardon?

16 MR. COOMBS: Exclude communications with me and
17 my firm. If there's anyone else -- as he said, did you
18 send a notice to defendants?

19 THE DEPONENT: I haven't sent notice to
20 defendants, no.

21 Q BY MR. LOWE: You did not send notice to
22 defendants. Okay.

23 A I have stopped attempting to contact defendants
24 after we filed the lawsuit.

25 Q So after the lawsuit was filed, you sent no

1 more notices to the defendants?

2 A No. It was done through our counsel.

3 Q Okay. So Louis Vuitton sent no more notices to
4 the defendants after the lawsuit was filed; is that what
5 your testimony is?

6 A Not -- not from what I recall.

7 MR. LOWE: You'll be happy to see how fast I'm
8 going through these.

9 MR. COOMBS: I should take some encouragement.
10 That's good. I'll go with that. Works for now.

11 THE DEPONENT: If you want any help, let me
12 know.

13 MR. LOWE: I appreciate that.

14 MR. COOMBS: You have to bear in mind, for the
15 witness, it's after midnight now.

16 MR. LOWE: So now I'm going to ask him tough
17 questions.

18 Q Let's take a look at Exhibit 1063.

19 (Document handed to counsel and the deponent.)

20 Q BY MR. LOWE: Can you tell me what this is?

21 A This is a printout of a website called
22 brandfashioner.com. Fashioner as F-A-S-H-I-O-N-E-R.com.

23 Q What is the significance of this printout?

24 A This should be the home page for this website.

25 Q Well, the whole document is what I'm talking

1 testimony given by the witness. (Fed. R. Civ. P.
2 30(f)(1)).

3 Before completion of the deposition, a review of
4 the transcript [x] was [] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(e)).

8

9 Dated: May 2, 2008.

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TAMI L. IE
Certified Shorthand Reporter No. 8716, RPR

EXHIBIT 1508

1 Q. Actually, what I was asking --

2 A. Yeah. I think you need --

3 Q. What I'm asking you is: Did you identify any
4 of your cases by name, any name other than a domain
5 name, cases that were involved ultimately with this
6 lawsuit?

7 A. I do not believe so, sir, not case names.

8 Q. Okay. Do you know how many cases that you
9 identified in your office that eventually became
10 involved in this lawsuit?

11 A. No, sir.

12 Q. Do you have an idea as to the range of -- the
13 number of different domains that you investigated for
14 this lawsuit?

15 A. Yes, sir. I told you before between a
16 half-dozen and a dozen and a half.

17 Q. So between 6 and 18?

18 A. That's perhaps correct.

19 Q. And during what period of time did you do that?

20 A. I do not remember.

21 Q. Do you know when it started?

22 A. I do not.

23 Q. I believe earlier you had testified that you
24 were contacted by Mr. Livadkin in 2007 for this
25 lawsuit -- is that right? -- something that led

1 STATE OF TEXAS X

2 COUNTY OF DALLAS X

3

4 I, Ronald R. Cope, a Certified Shorthand
5 Reporter duly commissioned and qualified in and for the
6 State of Texas, Registered Professional Reporter and
7 Certified Realtime Reporter, do hereby certify that
8 there came before me on the 1st day of April, 2008, at
9 U.S. Legal Support/MillerParker, Inc. Located at 5910
10 North Central Expressway, 100 Premier Place, Dallas,
11 Texas, 75206, the following named person, to-wit: ROBERT
12 L. HOLMES, who was duly sworn to testify the truth, the
13 whole truth, and nothing but the truth of knowledge
14 touching and concerning the matters in controversy in
15 this cause; and that he was thereupon examined upon oath
16 and his examination reduced to typewriting under my
17 supervision; that the deposition is a true record of the
18 testimony given by the witness.

19 I further certify that pursuant to FRCP
20 Rule 30(e) that the signature of the deponent:

21 X was requested by the deponent or a
22 party before the completion of the deposition, and that
23 signature is to be before any notary public and returned
24 within 30 days from date of receipt of the transcript;

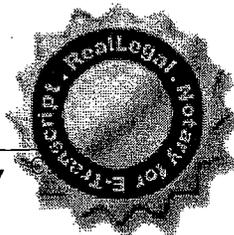
25 _____ was not requested by the deponent or a

1 party before the completion of the deposition.

2 I further certify that I am neither
3 attorney or counsel for, nor related to or employed by
4 any of the parties to the action in which this
5 deposition is taken, and further that I am not a
6 relative or employee of any attorney or counsel employed
7 by the parties hereto, or financially interested in the
8 action.

9 CERTIFIED TO BY ME on this the 7th day of
10 April, 2008.

11 *Ronald R. Cope*



12 RONALD R. COPE, CSR, RPR, CRR,
13 Texas CSR 1813
14 Expiration Date: 12/31/09
15 US Legal Support/MillerParker
16 CRCB Registration No. 343
17 100 Premier Place
18 5910 North Central Expressway
19 Dallas, Texas 75206-5190
20 (214) 369-3376

21 Charge for transcript and exhibits \$ _____

22 To be paid by Defendant James A. Lowe

23 Job No. 68415

24
25