

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

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ROGER CLEVELAND GOLF	)	C/A No. 2:09-2119-MBS
COMPANY, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
VERSUS	)	Columbia, SC
	)	March 8, 2011
	)	
CHRISTOPHER PRINCE, PRINCE	)	
DISTRIBUTION, LLC, and	)	
BRIGHT BUILDERS, INC.,	)	
	)	
Defendants.	)	
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EXCERPT OF JURY TRIAL  
TESTIMONY OF CHRISTOPHER PRINCE

BEFORE THE HONORABLE MARGARET B. SEYMOUR  
UNITED STATES DISTRICT JUDGE, and a jury.

Appearances:

For the Plaintiff:	JEFFREY S. PATTERSON, ESQ. JOHN C. MCELWAIN, ESQ. 151 Meeting Street, Sixth Floor Charleston, SC 29401
For Defendant Prince:	CHRISTOPHER D. LIZZI, ESQ. 36 Broad Street Charleston, SC 29401
For Defendant Bright Builders:	PAUL J. DOOLITTLE, ESQ. DOUGLAS M. FRASER, ESQ. P.O. Box 2579 Charleston, SC 29401

1 Court Reporter: Gary N. Smith, CM  
 2 901 Richland Street  
 3 Columbia, SC 29201  
 4 (803) 256-7743

5 Stenotype/Computer-Aided Transcription

6 \* \* \* \* \*

7 THE COURT: All right. You may call your first  
 8 witness.

9 MR. PATTERSON: Plaintiff calls Christopher Prince,  
 10 defendant, Your Honor.

11 THE COURT: Mr. Prince, if you could come forward and  
 12 be sworn in at the microphone in front of the court reporter.

13 CHRISTOPHER PRINCE, SWORN

14 DIRECT EXAMINATION

15 BY MR. PATTERSON:

16 Q. Good morning, Mr. Prince.

17 A. Good morning.

18 Q. Could you please state your full name for the record?

19 A. Christopher Ryan Prince.

20 Q. And Mr. Prince where do you presently reside?

21 A. Charleston, South Carolina.

22 Q. And where are you presently employed?

23 A. Snyder's of Hanover.

24 Q. And Mr. Prince, we have heard discussion in opening about  
 25 the web site that you created, copycatclubs.com?

A. Right.

Q. When was the first time that you ever had any idea about

1 Q. I will try to see if I can point you to about two-thirds of  
2 the way down, there's actually Cleveland Clubs listed. Do you  
3 see that?

4 Cleveland Launcher Driver, Cleveland HiBore --

5 A. Yeah, I see it.

6 Q. Those clubs being advertised there, those are not actual  
7 Cleveland Clubs, are they?

8 A. No.

9 Q. They are the counterfeit clubs being advertised?

10 A. Right.

11 Q. With regard to that, did you have any permission to use the  
12 trade name Cleveland in your advertisements?

13 A. No, sir.

14 Q. Did you have permission to use Launcher or HiBore in any of  
15 your advertisements, and other Cleveland trade names?

16 A. No, sir.

17 Q. When people at Bright Builders reviewed your web site, did  
18 they ask you whether or not you had permission to use those?

19 A. No, sir.

20 Q. Did they point out that there could be potential problems  
21 if you are using someone else's trademark on your web site?

22 A. No, sir.

23 Q. If you will turn with me to the back of Exhibit 15, it's  
24 about four pages or so, five pages I believe from the back of  
25 the exhibit. The page looks like this, Mr. Prince.

- 1 not this copied golf equipment that you were selling was legal?
- 2 A. No, sir, not that I'm aware of.
- 3 Q. And this copied golf equipment that is referred to here,
- 4 that's the counterfeit golf clubs; is that correct?
- 5 A. Right.
- 6 Q. That was sold through your web site?
- 7 A. Yes, sir.
- 8 Q. And where did you obtain this counterfeit golf equipment?
- 9 A. From overseas. China.
- 10 Q. You said from China?
- 11 A. Yes, sir, from China?
- 12 Q. Companies in China?
- 13 A. Yes, sir.
- 14 Q. Did you utilize a methodology known as drop shipping --
- 15 A. Yes, sir.
- 16 Q. -- in order to deliver that product?
- 17 A. Yes, sir.
- 18 Q. And is drop shipping a situation where you take an order,
- 19 pass it on to a manufacturer in China, and then the
- 20 manufacturer in China sends a counterfeit club or counterfeit
- 21 product to the purchaser here in the United States?
- 22 A. Right.
- 23 Q. Was Bright Builders aware that you were using drop
- 24 shippers?
- 25 A. They suggest you use drop shippers.

1 A. Yes.

2 MR. LIZZI: Move Exhibit Number 14 into evidence.

3 THE COURT: Any objection?

4 MR. PATTERSON: No objection, Your Honor.

5 MR. DOOLITTLE: No objection, Your Honor.

6 BY MR. LIZZI:

7 Q. And that invoice is for what period?

8 A. August 1st, 2009.

9 Q. And what was --

10 THE COURT: First of all, there is no objection to  
11 number 14 so it's admitted.

12 MR. LIZZI: Thank you, Your Honor.

13 BY MR. LIZZI:

14 Q. And the invoice is for what period of time?

15 A. It was on August 1st, 2009.

16 Q. And for how much?

17 A. 1995.

18 MR. LIZZI: Nothing further, Your Honor.

19 THE COURT: You may cross.

20 MR. DOOLITTLE: Thank you.

21 CROSS-EXAMINATION

22 BY MR. DOOLITTLE:

23 Q. Good afternoon, Mr. Prince, how are you?

24 A. Good morning, sir, how are you?

25 Q. Good. Just so I'm clear, just so the record is clear, you

- 1 are admitting to this jury that you committed counterfeit?
- 2 A. Yes, sir.
- 3 Q. So you are a counterfeiter?
- 4 A. Obviously.
- 5 Q. And you did it on more than one occasion?
- 6 A. Yes.
- 7 Q. Other than golf clubs, have you done any other
- 8 counterfeiting?
- 9 A. That's it, that I recall, correct.
- 10 Q. Just -- I'm sorry?
- 11 A. Yeah, that I recall, yes, sir.
- 12 Q. That you recall?
- 13 A. That's what the web site was for so, I mean, that's all
- 14 that was on there, was golf clubs, so --
- 15 Q. You started off with scrubs?
- 16 A. Tried to, yes.
- 17 Q. What was the name of that web site?
- 18 A. My Scrubs for You.
- 19 Q. And who was the provider of the scrubs?
- 20 A. We never -- never found anybody who could actually provide
- 21 scrubs.
- 22 Q. So you built a web site before --
- 23 A. No, we never built the web site for scrubs. We made the
- 24 domain name that -- we thought, well, we better find a name in
- 25 case, you know, something gets taken. So, that's before we

1 Q. And when you found that cheaper price you knew at that  
2 point in time that was counterfeit, didn't you?

3 A. Not at the beginning, no, but after a while, yes.

4 Q. How long did it take you to figure out that the deep  
5 discount was counterfeit?

6 A. You start thinking about it a little bit. You are like  
7 that price is kind of low but -- and then when you get feedback  
8 and people are like, "Yeah, this is crap." You know, like,  
9 well, it probably is.

10 Q. All right. So at some point -- how long before you  
11 realized that you were selling counterfeit goods?

12 A. I don't remember, to be honest with you.

13 Q. Was it months?

14 A. Probably a month, a couple of months, something like that.

15 Q. So a couple of months, at the most, before you realized  
16 that you were selling counterfeit products?

17 A. Probably.

18 Q. And you knew that was in violation of your hosting  
19 agreement with Bright Builders, right?

20 A. No, not right -- I do now, I didn't know then.

21 Q. Did you think Bright Builders would approve of you selling  
22 illegal counterfeit goods on their web site?

23 A. Oh, I'm sure not, but --

24 Q. No, right?

25 A. Probably not, no.



- 1 Q. Did you tell them, "I'm selling counterfeit illegal golf  
2 clubs"?
- 3 A. No.
- 4 Q. Did you ask their advice on how to sell counterfeit illegal  
5 golf clubs?
- 6 A. No.
- 7 Q. Did anybody ever give you any advice from Bright Builders  
8 about how to sell illegal golf clubs?
- 9 A. No, just golf clubs in general, nothing about that.
- 10 Q. Make sure I'm clear, you are saying you didn't realize the  
11 clubs you were getting from China were counterfeit clubs until  
12 two or three months after you were selling them?
- 13 A. I never said two or three months, but about a month or so.
- 14 Q. A month or so?
- 15 A. Yeah, I would assume.
- 16 Q. And is that the result of the feedback you got from your  
17 customers?
- 18 A. Probably, yes.
- 19 Q. What was that feedback?
- 20 A. They couldn't register the clubs.
- 21 Q. They couldn't register the club?
- 22 A. Right.
- 23 Q. They couldn't register them with Cleveland?
- 24 A. I have no idea who it was, but they just couldn't register  
25 them in general.

1 Builders, Incorporated, you never told anybody, "I'm selling  
2 counterfeit golf clubs, Cleveland counterfeit golf clubs," you  
3 never told them that, did you?

4 A. The only person that -- when we first started putting the  
5 web site together, I told whoever was helping me at that time I  
6 was -- was going to put copied clubs on the web site.

7 Q. So you told them you were putting copied clubs --

8 A. Yes.

9 Q. You didn't --

10 A. Because I actually -- I actually at that time thought they  
11 could be registered, that's how naive or just -- I just didn't  
12 know. I was under the assumption you could actually even  
13 register those type clubs.

14 Q. Right, you were under that assumption?

15 A. Right.

16 Q. Right. And it's your position that Bright Builders should  
17 be under a different assumption, is that true?

18 A. I have no idea. I would assume that if -- if I was to say  
19 something to somebody like that they would be like, "Eh, you  
20 can't do that."

21 Q. Is Bright Builders an expert in golf equipment?

22 A. Well, obviously the guy I was talking to was because he had  
23 had his own golf web site and he was building one for his  
24 father, and he actually said that he would link mine to his.

25 Q. Did he?