UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

COLT INTERNATIONAL CLOTHING INC. DBA COLT LED,	CASE NO. 2:16-CV-03040 AB (JEMX)
PLAINTIFF,	
VS.	
QUASAR SCIENCE, LLC, ET AL., DEFENDANTS.	

VIDEOTAPED DEPOSITION OF ZHANG YA JUN

TAKEN ON

FRIDAY, OCTOBER 12, 2018

Sandra Mitchell
C.S.R. 12553
Job No. 4118

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COLT INTERNATIONAL CLOTHING INC. DBA COLT LED,	)	CASE NO.
PLAINTIFF,	)	2:16-CV-03040 AB (JEMX)
VS.	)	
QUASAR SCIENCE, LLC, ET AL.,	)	
DEFENDANTS.	)	

VIDEOTAPED DEPOSITION OF ZHANG YA JUN, taken on behalf of the Defendant, at 12100 Wilshire Boulevard, Suite 1700, Los Angeles, California, commencing at 9:07 a.m., Friday, October 12, 2018, before Sandra Mitchell, C.S.R. 12553, pursuant to Notice.

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MICHELLE BARTFAY, VIDEOGRAPHER

BRADLEY BRUNON

I-N-D-E-X

WITNESS

ZHANG YA JUN

	PAGE
EXAMINATION BY MR. CUNNINGHAM	7
EXAMINATION BY MR. BARANOV	48

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
EXHIBIT 1	- Handwritten Note	11
EXHIBIT 2	- Photos	17
EXHIBIT 3	- Chatting Record	21
EXHIBIT 4	- Chatting Record	21
EXHIBIT 5	- Power Connector	29
EXHIBIT 6	- Photo of Quasar Science	31
EXHIBIT 7	- LED Tube (Retained by Defense Counsel (Photo Attached)	34
EXHIBIT 8	- Connector (Retained by Defense Counsel (Photo Attached)	36
EXHIBIT 9	- Tying Strip - Retained by Defense Counsel (Photo Attached)	38
EXHIBIT 10	- Power Cables - (Retained by Defense Counsel (Photo Attached)	42
EXHIBIT 11	- E-mail from Andy Lau - (Retained by Defense Counsel (Copy Attached)	76

INDEX (CONTINUED)

INFORMATION REQUESTED

PAGE	LINE
76	8

QUESTIONS NOT ANSWERED

(NONE)

LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 12, 2018 00:00:02
AT 9:07 A.M.

THE VIDEOGRAPHER: Good morning. We're now on the record. My name is Michelle Bartfay. I am a 09:07:10 certified legal video specialist for Sommerhauser Reporting Services. Today is October 12, 2018. Current time is 9:07 a.m. This video deposition is being taken at 12100 Wilshire Boulevard, Los Angeles, California. The name of the case is called International Clothing 09:07:33 Inc. versus Quasar Science, LLC, et al., and counter claims in the United States District Court, Central District of California, Case No. 2:16-CV-03040 AB (JEMX). The name of the deponent is Zhang Ya Jun.

Will the attorneys please introduce yourselves 09:07:59 and say whom you represent.

MR. CUNNINGHAM: My name is Kelly Cunningham. I represent Colt LED, the plaintiff in this case.

MR. BARANOV: I'm Michael Baranov of Baranov & Wittenberg, and I represent Quasar Science and 09:08:08 Cinelease.

MR. GROSS: Clark Gross representing Quasar.

THE VIDEOGRAPHER: The court reporter today is Sandra Mitchell, and she will now swear in the interpreter. 09:08:22

(MICHELLE TAN sworn to interpret from English into Mandarin and from Mandarin into English to the best of her ability.) 09:08:24

09:08:46

ZHANG YA JUN,

having been duly sworn,

was examined and testified as follows:

EXAMINATION 09:08:46

BY MR. CUNNINGHAM:

Q Good morning, Mr. Jun.

A Good morning.

Q Would you please spell your name for the court reporter. 09:09:01

A (In English) Y-A J-U-N, my first name. My last name is Z-H-A-N-G.

(Through Interpreter) My first name is Y-A-J-U-N. My last name is Z-H-A-N-G.

Q Also, let me just establish for the record that you do speak English and you speak Mandarin Chinese; is that correct? 09:09:24

A Mandarin Chinese.

Q Yes. And just get right into the questions.

Have you been deposed before in the 09:09:53

United States? 09:09:55

A The deposition like this one?

Q Yes.

A No.

Q Well, in the United States a deposition like 09:10:08 this is an important part of a piece of litigation. It is as important as if we're in court, and the statements you make today are under oath.

Do you understand that?

A I understand. However, I have one question. 09:10:45

Q Of course.

A So you are the attorney for Colt. So I don't know whom the other two attorneys are.

Q I'll let you know. These two attorneys are for the other parties in the case; that's Quasar Science and 09:11:18 Cinelease, Inc.

Because I'm asking you questions in the deposition, they are entitled to ask you follow-up questions after I'm done asking my questions.

A Okay. 09:11:51

Q Also in the deposition, the court reporter will take down each of your answers, and as a result I ask that you answer clearly. If I'm asking a yes or no question, please answer yes or no, and don't just answer with a gesture or a nod of the head. 09:12:09

A Yes. 09:12:30
Q Are you under any medication today?
A No.
Q All right. What is your title at the company you work at? 09:12:48
A I'm the founder and the investor.
Q And the company's name is?
A I have two companies. One is Dongguan City Liying Lighting.
THE INTERPRETER: Interpreter will interpret 09:13:39 the name literally because the witness just said that he has not translated the company's name into English. So interpreter shall give interpretation as -- as Dongguan City -- the spelling is D-O-N-G-G-U-A-N, City Liying, L-I-Y-I-N-G, Lighting Company. 09:14:05
Q Very good. And that is one company. What is the name of the other company?
A Another name is Dongguan City, Laysion, the spelling is L-A-Y-S-I-O-N, Lighting Company.
THE INTERPRETER: Witness just request 09:15:07 interpreter to read out the entire Chinese name. The chinese name is D-O-N-G-G-U-A-N-G S-H-I, Leixingxing, L-E-I-X-I-N-G-X-I-N-G, Lighting. Interpreter clarify the answer with the -- next word is Z-H-A-O-M-I-N-G. Next word is G-O-N-G-S-I. 09:15:51

MR. BARANOV: Kelly, if I could interject for one second to make this a more accurate proceeding. Because we are dealing with Mandarin Chinese, an alphabet which is somewhat different from our Latin characters, may I suggest is that we request the witness to write the names off, each of the companies, as well as his legal name as he's using it in the People's Republic of China, and as the companies are registered there. And then we can mark the Chinese spellings as Exhibits A, B and C, if that's okay.

MR. CUNNINGHAM: Can we do that later with the correction of the deposition transcript or do you want him to do that in the deposition here?

MR. BARANOV: I will do it during the deposition so we know what he is referring to and we have an accurate record of his testimony.

(Whereupon, Bradley Brunon entered the room.)

MR. CUNNINGHAM: First, for the record, let me point out that time Bradley Brunon entered the room. Bradley Brunon is here on behalf of Colt LED as well.

BY MR. CUNNINGHAM:

Q All right. It has been requested that you write down your name and your company's in your Mandarin characters, and we'll include it as one the exhibits of the deposition.

MR. CUNNINGHAM: We can make that Exhibit 1. 09:17:50

THE WITNESS: I'm trying to look for the full name of the company.

MR. BARANOV: Thank you.

BY MR. CUNNINGHAM: 09:21:14

Q Thank you, Mr. Zhang. Let me just ask, the first line is the name of?

A (In English) Liying.

Q Very good. And the second line is the name of?

A (In English) Lejing. 09:21:19

Q And it was also requested that you also write out your actual name, your own personal name, as the third line.

THE WITNESS: In Chinese or?

BY MR. CUNNINGHAM: 09:21:42

Q Yeah, in Mandarin. Thank you.

Thank you.

MR. CUNNINGHAM: Can I have this marked as Exhibit 1.

(Exhibit 1 was marked for identification by the Court Reporter and is attached hereto.) 09:22:07

BY MR. CUNNINGHAM:

Q All right. Can you tell me where you went to college? University? 09:22:12

A (In English) University of Iowa. And Michigan, and I transferred to University of Iowa. 09:22:14

Q Very good. So you spent -- you graduated from the University of Iowa?

A (In English) No. 09:22:28

Q How many years did you spend at the University of Iowa?

A (In English) In Iowa City, you mean?

Q Yes.

A (In English) One and a half years. 09:22:37

Q And what did you study?

A (In English) Business.

Q And --

A (In English) And E.S.L.

Q And did you get any college degree here in the United States? 09:22:46

A (In English) No.

Q Have you gotten any college degree in China?

A (In English) Not now.

Q And in China, what is the -- what do your two businesses do? 09:22:57

A (In English) Lighting.

THE VIDEOGRAPHER: Can you just bring your microphone up because your string is rubbing on it, so just higher. 09:23:22

THE WITNESS: (In English) Sorry. 09:23:23

THE VIDEOGRAPHER: That's okay. Thank you.

BY MR. CUNNINGHAM:

Q Lighting manufacturing?

A (In English) Uh-huh. 09:23:29

Q Have you ever met a -- have you ever spoken to a person named Andy Lau?

A (In English) Yes.

Q When do you believe was the first time you spoke to a person named Andy Lau? 09:23:41

A (In English) 2013, probably. 2013 or 2012. I can't remember exactly date. Maybe 2013.

Q Okay.

A (In English) 2013.

Q And what did he talk about? 09:24:01

A (In English) Make lighting and American marketing. Lighting. For lighting.

Q And did he ask you to do anything at that time?

A (In English) Just make LED lamp and bubble, like that. 09:24:22

Q Okay. The tubing around the LED lamp? What do you mean by "bubble"?

A Yeah. Both the tubical style of lighting and the bubble type.

Q Like a bulb? 09:24:48

A Small bulb. 09:24:52

Q Yes. Did he bring any products with him for you to use as a example?

A Initially he did not do so. He was only looking at the products we had in our factory and asking us to produce products. 09:25:22

Q Okay. And did he ever come to you with a product and ask you to produce a product like that?

A Not at the time.

Q Okay. So when did you -- so you produced product for Mr. Lau for a while? 09:25:50

A (In English) You mean Andy?

Q Yes.

A (In English) Andy? Yes.

Q And I understand that at some point he did bring a product to you and ask you to copy the product? 09:26:14

A The situation was like this: Initially we were producing some general type of products. Later he must had gotten to know some of the lighting professionals in Hollywood. He then said that producing lighting for a movie shooting will generate a huge profit. And then he asked us to produce the high-resolution type of lighting. 09:27:04

Q Very good. And he -- did he ever bring any products to you to -- to take apart and copy? 09:27:46

A In the beginning he only instructed us with 09:28:10
some simple target. And then we created the product
according to his instruction, but he was not satisfied
with that. And following that he sent us some drawings.
Q And do you recall what was in the drawings? 09:28:42
THE INTERPRETER: Interpreter need to clarify.
Interpreter need to make correction of
interpretation. Earlier when witness said that
Mr. Lau -- What Mr. Lau sent was not drawing, they were
pictures. 09:29:06
BY MR. CUNNINGHAM:
Q Photos? Photographs?
A Correct.
Q All right. And of the pictures, do you recall
what the pictures included? 09:29:17
A A tube. A lighting tube.
Q Did you produce any drawings to us or photos to
us -- did you produce those photos to us when we asked?
A I think so.
Q Okay. Yeah, I don't recall seeing any early 09:29:53
photos.
All right. So at some point, then, you have --
you got a sample from them, from Mr. Andy Lau?
A Yes.
Q And you had your employees take it apart and 09:30:22

1 look at it and copy it? 09:30:27
2 A We took apart a section of it, the first
3 section of it.
4 Q Okay. Can you describe what parts were in it
5 when -- the section you took apart? 09:31:01
6 A There is a switch that you turn on/off.
7 Q On/off?
8 A Not on/off. Switch for color switching.
9 Q Color of the lights?
10 A Correct. 09:31:34
11 Q The lights were LED, by the way?
12 MR. GROSS: Mr. Cunningham, after your
13 question.
14 THE WITNESS: Yes.
15 MR. GROSS: I was just going to suggest that we 09:31:46
16 remind the witness that all testimony has to be of his
17 personal knowledge, and not to turn to other people in
18 the room for help with the questions.
19 THE WITNESS: (In English) Oh, okay.
20 BY MR. CUNNINGHAM: 09:32:13
21 Q When you turn to Alex, it's hard to determine
22 whether -- what you're getting from Alex, so we're
23 trying to get your personal knowledge.
24 A Yes, I was only asking for the name because I
25 have forgotten the name of that part. 09:32:37

Q Understood. 09:32:42

Let me hand you some photos that you did give me. This is Exhibit 2.

(Exhibit 2 was marked for identification by the Court Reporter and is attached hereto.) 09:33:24

THE WITNESS: This must be -- picture must be provided through a memo. I did not provide that.

BY MR. CUNNINGHAM:

Q Very good. Do you recognize what it is? 09:33:42

A Yes.

Q And what do you -- what is shown in this picture?

A Tubes.

Q Okay. Tubes for what company? 09:34:01

A Quasar Science.

Q And you manufacture tubes for Quasar Science?

A (In English) Uh-huh.

Q Do you do so now?

A (In English) No. 09:34:13

Q Have you done so in the past?

A (In English) Yes.

Q What range of time did you make lighting tubes for Quasar Science?

A (In English) 2013 to 2017. 09:34:28

MR. CUNNINGHAM: Okay. 09:34:59

THE REPORTER: Excuse me, Counsel, can I request that she interprets everything that he says, only because it's going to get really messy in the transcript. Every time he answers in English, then I have to designate that he spoke in English at that time, and then it's going back and forth too much. Can we keep it all by interpretation? 09:34:59

THE INTERPRETER: Or I can interpret everything he says, so -- 09:34:59

MR. CUNNINGHAM: There is some trouble and that he speak English to a great degree.

THE REPORTER: Right.

MR. CUNNINGHAM: It's just that the interpreter is here for those instances in which he needs to have that assistance. 09:34:59

THE REPORTER: I understand that, I just want to let you know that I have to insert other things into the transcript to designate whether she is interpreting or not interpreting. 09:34:59

MR. CUNNINGHAM: That would be more often than not, so maybe we should go that way. I'll try and instruct her to interpret everything.

MR. GROSS: May I have that last question and answer read back, please. 09:34:59

(Whereupon, the record was read back by the Court Reporter as follows:

"Q Have you done so in the past?

"A (In English) Yes.")

BY MR. CUNNINGHAM: 09:35:50

Q And are these accurate copies of the tube that you were given and that you opened up partially?

A No. What is shown in this picture, these -- the lighting tube shown in this picture shows a variable type of lighting. The first one is the tube of the 09:36:39 first generation, second one is the second generation, the third one is the third generation.

Q Very good. So the first one -- is the first one a accurate copy of what you looked at and took apart after Andy Lau had given to you? 09:37:05

A Not quite the same. Actually, this is not really the first batch of tubes. This is only the sample that was left after the first batch of tubes had been produced. Because in the beginning, we were producing T8, and this one is T12. 09:37:57

Q And the difference between a T8 and a T12 is what?

A The size.

Q Size of the length? Or size of the diameter --

A Both. Lens-wise the lens of the light emission 09:38:20

1 part is the same. The input is not the same. The size 09:38:33
2 of the input is not the same.
3 Q Did the copies you make from the Andy Lau
4 sample have a plurality of LED lights inside?
5 A I do not really understand what you mean. 09:39:13
6 Q They were LED lights; is that correct?
7 A Yes.
8 Q And, by the way, was there any marking on there
9 as to what company the light had come from, the one that
10 Andy Lau had given you? 09:39:30
11 A No. No, there was only input.
12 Q Okay. What was the input?
13 A The power source.
14 Q The power source. And the connector?
15 A Initially there was no connector. 09:40:01
16 Q Power source. What was their name on the power
17 source?
18 A Just input.
19 Q Oh, I see. The name -- the word "input" was on
20 there? 09:40:19
21 A (In English) Correct.
22 (Through Interpreter) Yes.
23 MR. GROSS: Again, I was going to suggest that
24 nodding the head, even though court reporters are
25 possessed of sheer genius, they can't write down nodding 09:40:33

of the head. 09:40:34

BY MR. CUNNINGHAM:

Q Yes. And to the extent possible, remember to answer in Mandarin. That will assist the court reporter a little bit. 09:40:43

A Understand.

Q All right. So you produced lights for Quasar Science from 2013 to 2015; is that correct?

A (In English) '17.

Q 2017. Thank you. 09:41:02

At the insistence of Andy Lau; is that correct?

A Yes. Initially, since the request for quantity was not there, and so we weren't really making money to do this. Additionally, the cost for R&D was very high, so in the beginning we were telling him that we were not willing to do it. 09:42:11

Q Okay. Ultimately you did do it?

A Correct. We would like to challenge us with some difficult technical things.

Q Let me hand you what we call Exhibit 3. 09:42:36

(Exhibit 3 was marked for identification by the Court Reporter and is attached hereto.)

MR. CUNNINGHAM: And 4.

(Exhibit 4 was marked for 09:43:10

identification by the Court Reporter and is attached hereto.) 09:43:10

THE WITNESS: This is the chatting record between our company's general manager and Alex -- Alex Su, S-U. 09:43:34

BY MR. CUNNINGHAM:

Q And I see that --

A This is the input right here. This is the sample we got at the time.

Q Very good. 09:43:57

A However, it did not show any other company's logo.

Q And I see the word "Colt LED" in the chat message immediately below the photos on Exhibit 3.

A Do you mean this here? 09:44:37

(In English) You mean this one, "Colt LED"?

Q Yes. Can you read what that chat message says right there?

A "Is this Colt LED product"?

THE INTERPRETER: The interpreter have the witness read it again because witness was summarizing, and interpreter is asking witness to read what is here. 09:45:37

THE WITNESS: "I forwarded to memo to inquire this should be it. I'm waiting for his response tomorrow. Thank you." 09:46:05

BY MR. CUNNINGHAM: 09:46:14

Q And you're referring to Exhibit 3; correct?

A Yes.

Q And the memo refers to?

A Should be this per- -- Mr. -- here. 09:46:39

Q Yeah. He points to the person next to him; correct?

A Correct.

MR. BARANOV: And could you state the record the name of the person next to you? 09:46:50

THE WITNESS: Memo.

MR. BARANOV: Thank you.

BY MR. CUNNINGHAM:

Q So the photo immediately above the chat message that says "Colt LED" in English is the sample that you received from Andy Lau; is that correct? 09:47:05

A Yes. This is the product that we get from him, but that's what at the time -- our general manager at the time wanted to verify whether or not this product was -- whether or not this product was indeed Colt's LED product. 09:47:48

Q So he was asking that question of who? Was he asking that question of Alex?

A Alex.

Q And on Exhibit 4, there are three more photos 09:48:22

of a partially disassembled light bulb; correct? 09:48:30

A Yes.

Q From your understanding, is that all of the same disassembled light bulb?

A Their should be two types. 09:49:06

Q What are the two types?

A Or one type. Because partial images like this cannot -- I cannot tell very clearly.

Q So if there were two types, what are the -- why would you think there might be two types? And what are the differences between the two types? 09:49:27

A This here. This here. (Indicating.)

Q The witness is pointing to the second photo on Exhibit 4.

What is it about that photo that makes you think it might be a second light bulb? 09:49:47

A I cannot tell from this image. I cannot see clearly whether the switch go horizontally or it is kind of push type of switch.

Okay. Now, I -- okay. Now I can tell that they are two type: one is that you turn back and forth, another type is that you push. Down here you can tell. 09:50:18

Q And in the message that has "Colt LED" in English, does it refer to one or two light bulbs? 09:50:48

A Since I did not personally sent this text 09:51:14
message, my personal understanding is that it refers to
the whole series of the pictures.
THE INTERPRETER: But, if I may, Counsel,
because there is no difference between singular and 09:51:27
plural in Chinese language.
MR. CUNNINGHAM: Very good. Thank you.
BY MR. CUNNINGHAM:
Q Did Andy Lau provide you or your company with
more than one light bulb to take apart and copy? 09:51:46
A Are you referring to light bulbs? Are you
referring to tubes?
Q Light tubes?
A Yes, tubes, but not bulbs.
Q Yes, light tubes. We will refer to light tubes 09:52:16
as being elongated; light bulbs are apparently more
round, more spherical?
A Okay.
Q I'm asking.
A Yes. 09:52:48
Q Okay. Did Andy Lau provide you and your
company more than one tube to take apart and copy?
A Yes.
MR. BARANOV: Kelly, I would like to interpose
an objection at this point as to the relevance of this 09:53:10

line of questioning. The manufacturing of the tubes is 09:53:17
not at issue in this lawsuit. This is a lawsuit
pertaining to the harness. So you've laid out the
credentials and the background of this witness. To the
extent that you're going to go forward asking him 09:53:38
questions about the manufacturing process of the tubes,
these questions pertain to the second lawsuit pertaining
to the patents, which are now under re-examination by
the USPTO in which have been stayed by the Court.
So to the extent you will continue this line of 09:53:58
questioning, you are violating the stayed order, and the
questions are irrelevant to the issues at hand.
BY MR. CUNNINGHAM:
Q Also, when an objection is raised to a question
or series of questions, the witness is asked to answer 09:54:22
the question after the objection has been stated for the
record.
A Okay.
MR. BARANOV: So you intend to proceed with
this line questioning? 09:54:43
MR. CUNNINGHAM: Yeah.
BY MR. CUNNINGHAM:
Q We can hop to the harnesses.
Were you also handed by Mr. -- did Mr. Andy Lau
ever provide your company with any power harnesses? 09:54:59

A Are you referring to the -- with a series of lines of tubes, and then you can insert it into something to hold them? 09:55:12

Q Did Andy Lau ever provide your company with any power strips and cloth harnesses for -- 09:55:29

A With power?

Q Power cables.

A Are you talking about the harness that -- that look like bandages?

Q Yes, cloth straps. 09:56:00

A You mean two strips of cloths and then the tubes will be placed in between the two strips?

Q Yes. Did Andy Lau ever provide your company with any pairs of cloth straps or strips?

A Well, he communicated that issue with our general manager. 09:56:45

Q Did he provide any photographs of such cloth straps or strips?

A I think we have seen them. And there were also drawings as well. It was very simple. 09:57:09

Q And did you ever -- did your company ever manufacture any cloth straps or strips for use with these light bulbs?

A I think so.

Q Yes. And do you understand where -- scratch 09:57:34

that. 09:57:36

Do you understand what company made the cloth straps or strips that were photographed by Andy Lau?

MR. BARANOV: Objection. Vague and ambiguous.

THE WITNESS: I don't know. 09:58:06

BY MR. CUNNINGHAM:

Q Roughly at what time did your company receive those photographs of cloth straps?

A I don't remember the specific time very well; however, I know for sure that this matter was 09:58:49 communicated with him by our general manager, Luo, L-U-O.

Q And what is Mr. Luo's full name?

A Yizhi Luo, Y-I-Z-H-I, last name L-U-O.

Q And his title is general manager? 09:59:15

A Yes.

Q Is he a general manager of both of the companies that you wrote down in Exhibit 1?

A Yes.

Q Do you recall if the cloth straps had elastic 09:59:42 loops for holding the light tubes?

A Yes.

Q And did you include also -- I'm sorry. Scratch that.

Along with the cloth straps, did you ever 10:00:20

receive any photos of the power cords and the connectors 10:00:24
for the light tubes?
A Which part are you referring to? Are you
referring to those with the tube or those with the strip
of cloth? 10:01:01
Q I'm asking about the power cable itself. Did
you ever receive a power cable from Andy Lau?
A Yes.
MR. CUNNINGHAM: Let me enter this as
Exhibit 5. 10:01:30
(Exhibit 5 was marked for
identification by the Court Reporter
and is attached hereto.)
BY MR. CUNNINGHAM:
Q Can you tell me what the two photos at the 10:01:52
bottom of Exhibit 5 are?
A The power source -- connect -- connection for
T12. However, for those two things we did not get the
parts themselves. We only got pictures. But I'm not
sure if Mr. Luo got that or not, but I personally never 10:02:33
saw it.
Q Okay. You never saw an actual power connector?
A I did not, but I have seen the picture of it
because I'm not in the factory every day.
Q Let me establish a little bit about Exhibit 5. 10:03:06

Who do you understand the sender to be that is 10:03:09
represented on the left-hand side of Exhibit 5?
A I.
Q Okay. And who --
MR. GROSS: Wait. Can I have the answer read 10:03:32
back? I'm sorry. The air conditioner is on top of me
here.
(Whereupon, the record was read back
by the Court Reporter as follows:
"A I.") 10:03:41
MR. BARANOV: "I"?
BY MR. CUNNINGHAM:
Q By "I," you mean yourself?
A Yes.
Q And who do you understand to be the sender on 10:03:48
right-hand side of Exhibit 5?
A Alex Su.
Q Can you spell Su?
A S-U.
Q And so this is you sending a photo of a 10:04:08
connector to Alex Su; is that correct?
A Because at the time that he was asking me
whether I have seen Colt LED light parts like this, then
our general manager, Luo, sent that request to me so
I -- and then here Mr. Luo asked -- sent these two 10:04:56

pictures to me asking me to verify if those were their 10:05:08
product, like what we were looking at earlier.
Q So is it your recollection that this photo is
Mr. Luo holding a connector, or is this you holding a
connector? 10:05:31
A I think neither.
Q Is this photo from Mr. Luo?
A This picture must have been sent from Andy Lau
to Mr. Luo.
Q Okay. And then Mr. Luo sent it to you, and you 10:05:57
sent it to Alex Su?
A Mr. Luo asked me to help him verify whether or
not these products are those of the Colt LED product.
Q And roughly what year was this exchange of chat
communications? 10:06:32
A This one here?
Q Yes.
A This year.
Q And what month?
A I cannot remember. 10:06:47
MR. CUNNINGHAM: Let me provide this as
Exhibit 6.
(Exhibit 6 was marked for
identification by the Court Reporter
and is attached hereto.) 10:07:43

BY MR. CUNNINGHAM: 10:07:43

Q Can you tell me what is in Exhibit 6?

A This is a picture of Quasar Science at the time when they were participating in a show.

Q And is this a photo from your factory? 10:08:11

A (In English) Yes.

Q In China?

A (In English) Yes.

Q Which one of the companies?

A (In English) Laysion, the second one. Yeah, the second one. 10:08:24

Q The second one listed in Exhibit 1.

Do you recognize any of the individuals in this photograph?

A Andy Lau. 10:08:41

Q Any of the others?

A I know this person here is Steven Strong; but, however, I have never met this person.

Q And which one -- so you communicated with Andy Lau; correct? 10:09:08

A Yes.

Q Have you ever communicated with Steven Strong?

A No.

Q Have you ever communicated with a gentleman by the name of Ray Gonzalez? 10:09:20

A No. 10:09:26
Q But this photograph is poster size; correct?
A Like this.
Q You're describing about 3 feet by 4 feet?
A I think so. 10:09:48
Q And it is in your factory; correct?
A Yes.
Q Is it fair to say there is a large display in your factory of Quasar Science signs and products?
A Yes. Because at the time, I do not know 10:10:06 whether we were authorized by Andy Lau or by Quasar Science, that we were authorized to use Quasar Science logo and trademark.

In the meantime, Andy Lau would also lead clients to our factory to look around, and also he would 10:11:17 take pictures of our products and -- and also took pictures, or our production line, and indicating that -- indicating that that was his factory.

Q Very good.

MR. CUNNINGHAM: Let's take a break. We've 10:11:51 been going for a while.

Is that all right with everybody?

THE VIDEOGRAPHER: The time is 10:12 a.m. We're now off the record.

(A recess was taken.) 10:20:42

THE VIDEOGRAPHER: Back on the record. Here marks the beginning of Disk 2. The time is 10:26 a.m. 10:25:52

BY MR. CUNNINGHAM:

Q Good morning still, Mr. Jun. Let me hand to you what we have labeled 6. 10:26:12

THE REPORTER: Exhibit 7.

(Exhibit 7 was marked for identification by the Court Reporter and is attached hereto.)

BY MR. CUNNINGHAM: 10:26:13

Q Exhibit 7.

Do you recognize this as a LED tube?

A Of course.

Q Do you recognize this as similar to what Mr. Lau provided you? 10:26:36

A That should be the case, yes. Yes. Input here.

Q Okay. And --

A May I check the other end?

Q Yes. 10:26:59

A Without a logo, the one I have. Okay. Really, this is the one; but at the time I think that this part must had been taken off. And it came without that, either.

Q Came without the rubber end? 10:27:32

A Correct. I believe that was because there was a logo on the cap. 10:27:40

MR. BARANOV: I'll object to Exhibit 7 on the grounds of relevance. It has nothing do with the instant lawsuit. 10:28:12

MR. CUNNINGHAM: Willfulness, by the way.

MR. BARANOV: Okay. We'll see about that.

BY MR. CUNNINGHAM:

Q So apart from the rubber end cap and the label, is this the same as what you received from Andy Lau? 10:28:37

A Yes, it was provided to our company. However, this only stayed at our company for only one or two days.

Q And during those one or two days, did you have your employees take the bulb apart? 10:29:16

A Yes. I think that there was another type with a push knob.

Q So you were provided two tubes?

THE INTERPRETER: Interpreter need to clarify.

THE WITNESS: The two tubes were not provided to us at one time. They were provided at different times, maybe in two or three different times. 10:30:02

BY MR. CUNNINGHAM:

Q Okay. Within what time range?

A I think two or three months, because after we 10:30:18

first produced our products, he was not very satisfied. 10:30:31

Q Mr. Lau was not very satisfied with the copies that you had made?

A Correct.

Q And he asked you to make additional changes? 10:30:48

A Yes.

Q And did you make those additional changes?

A Yes, but I was not the person who was in charge of this, and all of our projects were taken care by Mr. Luo, L-U-O, but I am aware of that matter. 10:31:18

Q You're personally aware of the matter of receiving the tubes and copying the tubes?

A Yes.

MR. CUNNINGHAM: Can you mark this next exhibit as Exhibit 8, please. 10:31:43

(Exhibit 8 was marked for identification by the Court Reporter and is attached hereto.)

MR. CUNNINGHAM: I'd like to hand Exhibit 8 to the witness. 10:32:04

BY MR. CUNNINGHAM:

Q Do you recognize this item?

A Of course.

Q What is it?

A The connector. 10:32:20

Q Was it provided to your company the same time as one of these lighting tubes? 10:32:22

A You mean something that was identical to this one?

Q Yes. 10:32:46

A No.

Q What was different?

A I don't know if this was provided to our company or not. I personally did not see this. All I saw was this tube. 10:33:02

Q Did you receive photographs of an image of this connector?

A Mr. Luo has sent it to me, and I've seen it.

Q And did you receive any drawings from Mr. Andy Lau regarding how he would like his connectors to look? 10:33:27

A Yes. However, the outlook of that was completely different from this one. I think his was a octagon shape, and I think it had six or how many sides? I think six or eight sides. It was different. 10:34:18

Q So instead of this one, which I'll suggest is oval in shape --

A (In English) Like circle.

Q -- Andy Lau asked so you make the connector for his lighting tube in the shape of an octagon or a 10:34:43

hexagon? 10:34:47

A Correct.

MR. CUNNINGHAM: Can I mark Exhibit 9.

(Exhibit 9 was marked for identification by the Court Reporter and is attached hereto.) 10:35:19

BY MR. CUNNINGHAM:

Q I'd like to hand the witness Exhibit 9. Do you recognize this item?

A Yes. 10:35:28

Q And is this item called a webbing?

A We call it as a B-A-N-G-D-A-R, meaning tying strip.

Q Tying strip or tying strap?

A Correct. Strip. However, the ones we produce are much heavier. And this is much better. It's lighter. 10:36:02

Q Did you ever receive from Andy Lau photographs of a strap like this?

A I did not; however, Mr. Luo has. This is very simple. You don't need any specific item to do anything with it. You just take one look and you understand. 10:36:43

Q How do you personally know that Mr. Luo received a photograph of this from Andy Lau?

A Because he placed order with us, because on 10:37:28

the -- under the order their was always pictures. 10:37:33

Q And your company produced straps or strips like this for Andy Lau?

A Actually, we did not engage in the production of it since this kind of things would be produced by a 10:38:23 company that engaged in the textile. So we were looking for people to produce this for Mr. Lau, then we would describe this to those textile company to produce it.

Q And is this -- other than it's light weight, is this identical to what you had produced for Andy Lau? 10:39:01

A I think that there are two strips in one combination. This is only for one side.

Q I understand. Very good.

A I'm not sure.

Q Okay. Oh, what are you not sure about? 10:39:43

A I do not know this bundle contains one strips or two once you open it.

Q You can open it, please.

A (Witness complies.) Okay. The same.

Q So it is your understanding that there would be 10:40:26 two of these made to go to together with the lighting tubes; is that correct?

A Yes.

Q And your company didn't make it -- make them, the strips, itself, it found a textile company to make 10:40:41

them for Andy Lau; is that correct? 10:40:47

A Yes.

MR. CUNNINGHAM: Want to take one more break?

THE VIDEOGRAPHER: The time is 10:41 a.m. We're now off the record. 10:41:16

(A recess was taken.)

THE VIDEOGRAPHER: We're back on the record. The time is 10:53 a.m.

BY MR. CUNNINGHAM:

Q I would like to just summarize what I understand you were testifying before, and you just let me know if I'm correct or not. 10:53:30

A Okay.

Q So Andy Lau sent your company photographs of a strap like this; is this correct? 10:53:55

A Yes.

Q So you -- your company then took those photographs and instructed a textiles company to make straps like this?

A Yes. 10:54:22

Q A first strap and a second strap?

A Yes.

Q And the textile company, in fact, did make the straps for your company, and then they were sent to Andy Lau? 10:54:45

A Yes. 10:54:45

Q They had the elastic loops here; is that correct?

A Yes.

Q They are oriented in this fashion on one side of the strap; is that correct? 10:55:13

A Yes.

Q So that the lighting tubes could fit into one of these elastic loops; is that true?

A Yes. 10:55:46

Q And the other end of the lighting tube could fit in a similar elastic loop on a similar strip?

A Yes.

Q And like this example, Exhibit 9, had connector pieces on the back of the strap -- is that correct? -- 10:56:34 for the power cable?

A I can't specifically verify this. That should be the case.

Q That's okay. I don't ask him to answer what should or shouldn't be the case; it's just what he 10:57:07 recalls or what he knows.

A I think so.

Q Do you recall whether there were any rubber bands that were sold with the strap?

Let me scrap that. That was the wrong 10:57:35

question. 10:57:37

Do you recall whether the textile company that you used to make these straps provided any rubber bands with the strap?

A Rubber band? 10:58:04

Q He can just answer yes or no.

A What type of rubber band? For what?

Q A rubber band to connect the power cable to the strap or strip?

A I'm not sure. 10:58:33

Q Okay. That's fine.

MR. CUNNINGHAM: Let me enter as Exhibit 10 this item.

(Exhibit 10 was marked for identification by the Court Reporter and is attached hereto.) 10:58:46

BY MR. CUNNINGHAM:

Q I'd like to hand Exhibit 10 to the witness.

A This is our product. Yes.

Q So you recognize this item? 10:59:13

A Yes. Yes, we produced this.

Q Okay. At the instruction of Andy Lau?

A Yes.

Q And do you recall Andy Lau providing you any example from which you could make this item? 10:59:40

A There were drawings with regard to samples. I don't know because I'm not at company every day. I have not seen it. 11:00:03

Q Do you know whether Andy Lau provided you with any photographs of an example? 11:00:21

A I have seen the photograph when I -- at Mr. Luo's place.

Oh, okay. This item is produced -- is manufactured by us; and, however, we added things to it.

Q So it is manufactured by you or is not manufactured by you? 11:01:00

A Some part are manufactured by us, however, there are some changes.

Q What changes do you recognize?

A I think this head here has been changed. It is different from the original. 11:01:40

Q And by "this head here," he was pointing at the end of the cable that has the male prongs; correct?

A That is; but, however, there must have been another reason for this because originally Andy saw that every product we have made was making a lot of money. And in 2014, he himself formed factory -- I think -- I think it should be -- actually, I think it should be 2015 or 2016 when he established his own factory. It is possible that his own factory did this. And that 11:02:16 11:03:08

factory is Taishan, T-A-I-S-H-A-N. 11:03:15

Q And your company made power cables like this for Andy Lau in what years?

A You mean making the identical item?

Q Yes, the identical item. Yes. 11:03:41

A Should be in 2015. It should be.

Q Okay. Is that from your personal knowledge?

A I'm not very sure of the specific time. However, I will be able to check and find it in the order. 11:04:19

Q Okay. But as of today, that's your best estimate?

A More or less.

Q Okay. Yes, please provide us, if you could, the information that you said you would provide us. 11:04:35

A Because right this moment in China, people are sleeping already, but I can do it tomorrow.

Q Of course, yes. Not today. That's fine.

Additionally, if you could in the next coming days, could you provide any photographs or drawings of this connector? I understand this connector, this octagonally-shaped connector, is something you were describing before the break. 11:05:06

A No problem. However, those were Quasar's logo, I don't think they are in existence anymore. 11:05:43

Q Okay. Thank you. Just provide us with which 11:05:48
drawings you have; it would be nice to have.
Did you make any other power cables for
Andy Lau that are different from these?
A Singular ones, double ones, and quadruple ones. 11:06:18
Q And what do you mean by "single ones, double
ones and quadruple ones"?
A Single ones like this. And then double ones,
they are two.
Q Okay. And quadruple one, what does that look 11:06:38
like?
A They are connected like that, just more.
Q Okay. Have you made any power cables for
Andy Lau that have shorter branches than this?
A Shorter than this? 11:07:16
Q Say, 2 centimeters instead?
A Like this?
Q Yes.
A I don't remember.
Q Okay. So -- 11:07:30
A You can look for that information on the
Quasar's official website.
Q Yes. But you yourself don't have any personal
knowledge of making a product like that for Andy Lau?
A The short, the 2 centimeter ones? 11:07:53

Q Yes. 11:07:56

A Because for a lot of the business transactions, I am not personally communicating the matter with anyone, and so I have not been in charge of everything; but most of the time it was Mr. Luo who would be in 11:08:31 communications for the business. However, I will be able to check and find out.

Q Thank you.

And do you know whether the power cable and the strip are designed to be connected together? 11:08:53

A Yes.

Q How were they connected together?

A They will be stringed together.

Q And in what way?

A There are two ways to do it. There are two 11:09:24 ways: one is to thread it through in the strip here; another way is you directly produce them together.

Q Okay.

A Oh, yes. For that type, then the branch will be very short. 11:09:57

Q Yeah. Okay. Did your company make both of those types, to your understanding?

A We will sub it out. Yeah, we sub both of them out.

Q Okay. In the design where the strip and the 11:10:20

power cable are connected, but not made together, but 11:10:28
are connected, how are they connected?
A You can just thread it through directly, but
there were less of that type.
Q So thread it through what? As I hand him 11:10:58
Exhibit 9.
A In the back. From the back.
Q And you're pointing to those Velcro loops
there?
A Correct. There was such type of product, but 11:11:14
there were much less of that type. The ones that were
produced together, most of them were produced that way.
Q "That way" being that the cable was produced
inside the strip?
A Correct. 11:11:59
Q And you and I talked briefly yesterday; is that
correct?
A Yeah.
Q We talked about how the deposition was likely
to go today, that there would be a court reporter and 11:12:12
videographer; and then we decided we would want a
translator yesterday; is that correct?
A Correct.
Q All right. Let me take one more break, and
just make sure that we have all the questions we would 11:12:35

like and hand him over to you, if you'd like. 11:12:38

MR. BARANOV: Thank you.

THE VIDEOGRAPHER: The time is 11:12 a.m. We're now off the record.

(A recess was taken.) 11:12:45

THE VIDEOGRAPHER: We're back on the record. The time is 11:21 a.m.

MR. CUNNINGHAM: All right. We're back on the record. I just wanted to say that I don't have any more questions for Mr. Jun. I will, though, reserve my right 11:21:19 to ask a few more questions after I heard what is being asked by the other attorney in the room.

THE INTERPRETER: Mr. Cunningham, would you please just clarify something for me. I'm sure I know the answer, but I just want to clarify. Because my job 11:21:56 order says I'm working for you today, so I'm going continue interpreting for this deposition; right?

MR. CUNNINGHAM: Yes. Thank you for clarifying that.

EXAMINATION 11:22:09

BY MR. BARANOV:

Q Mr. Jun, good morning.

A Good morning.

Q I am Michael Baranov, and I am a attorney for Quasar Science and also for Cinelease and some other 11:22:20

companies in another suit that is not part of this 11:22:26
proceeding. Let me clarify a few things here.
Now, in looking at Exhibit 9, and that is
the -- that's the --
A (In English) This one? 11:22:45
BY MR. BARANOV:
Q Yes. Now, your company did not manufacture
this specific item; correct?
A Correct. Correct. We sub this -- the
production of this outside to somebody else, because -- 11:23:29
but the orders were placed with us, and then we found
somebody else, a textile company to do this.
Q And I appreciate the answer, but what I'm
trying to get at, this particular model of the device
that is here, did your subcontractors make it or did 11:23:51
somebody else?
A It's like this. Andy would place order to us,
and then we would place order to a supplier of ours.
Q But my question is, have you ever seen this
particular item before today? 11:24:40
A This one here?
(In English) This one?
Q Yes.
A (In English) No.
(Through Interpreter) However, I have seen the 11:25:02

picture of it. Not this thing. 11:25:04

Q And we'll get there.

And you know what? You're not represented here by an attorney, are you?

A No. 11:25:20

Q But you did meet with Mr. Cunningham; correct?

A Yes.

Q When?

A Yesterday.

Q For how long? 11:25:33

A 20 or 30 minutes.

Q What was discussed during that 20 or 30 minutes?

A He told me that I would be getting an interpreter and that the deposition would take place in this room. And then their would be a court reporter and videographer. And the seat I would be sitting would be around right here. 11:25:55

Q Anything else?

A That's it. 11:26:21

Q And the meeting took place here?

A Correct.

Q Did you discuss what this lawsuit is all about?

A No.

Q Did you discuss any of your testimony today? 11:26:42

A No. 11:26:47

Q Were you shown any of the exhibits that are here today?

A No.

Q Did you come to this meeting alone or with somebody else? 11:27:03

A With Alex Su.

Q So one thing Mr. Cunningham did not explain to you, and that is just the basic rules of the deposition process. And the first rule is because everything is being carefully taken by the court reporter and the videographer to carefully listen to the question and just answer the question. 11:27:28

And another important point is because you are under oath and you are testifying under penalty of perjury, it is very important to provide accurate answers and not to guess. 11:28:07

So what I'm trying to get at is this particular exhibit, was it manufactured by any of your subcontractors or by somebody else? 11:28:53

THE INTERPRETER: Counsel, do you mean any the items here or just one?

MR. BARANOV: No, just Exhibit 9.

THE WITNESS: Our subcontractor.

///

BY MR. BARANOV: 11:29:19

Q Made this particular item?

A Not this particular one, a different one from this one. Ours is heavier.

Q Okay. So then the answer to my question is no; 11:29:36 is that correct?

MR. CUNNINGHAM: Objection. Asked and answered.

THE WITNESS: I can't render an answer with that. I'm not -- I don't know what I'm saying "yes" to 11:30:00 him.

BY MR. BARANOV:

Q Okay. Do you know who manufactured this particular device?

A Are you referring to this item here in 11:30:21 particular, or are you referring to this item that is manufactured by us?

Q I'm talking about this particular object that is sitting on the table?

A I don't know. 11:30:37

Q And you don't know who manufactured it?

A This one, I don't know.

Q Okay. Now, you've testified that this particular item that you don't know who manufactured it is lighter than what you were making for Quasar; 11:30:55

correct? 11:31:00

A This one is lighter.

Q Okay. How else is it different from what your subcontractors manufactured? Besides the weight what are the other differences? 11:31:36

A Well, this does not have much elasticity to it, but ours has very good and superior elasticity. And also, this one, the Velcro strip is not done very well; ours you can -- the entire strip for the one we make is Velcro. You can just completely wrap it around. 11:32:28

Q Fair enough.

If you unwind --

A May I?

Q Go ahead.

A No. This loop is too loose. 11:32:44

Q Okay. Now if you unwind --

MR. CUNNINGHAM: For the record, he put the lighting tube exhibit -- the T12 lighting tube that we have through one of the elastic loops.

BY MR. BARANOV: 11:33:04

Q Now, if you unwind this, there are other little Velcro loops on the backside.

A There should be.

Q And did the device you manufacture contain these loops on the base of the device? 11:33:31

A I believe so; however, we make so many products 11:33:54
so I do not personally know in details of every single
product. I think it does.
Q Okay. Fair enough.
Now, you said that you received a photograph of 11:34:11
a similar product from Mr. Lau; correct?
A He sent the photograph to Luo, our general
manager.
Q Do you know when that happened?
A I don't remember very clearly; however, I can 11:34:47
inquire.
Q And do you know who took the photograph of this
device that was sent to your company?
A I don't know.
Q And you don't know when was taken, either; 11:35:07
right?
A I don't know.
MR. CUNNINGHAM: Objection. Vague and
ambiguous.
BY MR. BARANOV: 11:35:17
Q So you used just the object in the photograph
to make some sort of engineering drawings to put the
product into production; is that correct?
A Yes.
Q Okay. 11:35:48

MR. CUNNINGHAM: Stop just for a second. I'm going to reach for a microphone so that when I make objections, they're legible. 11:35:51

THE VIDEOGRAPHER: Excuse me. The microphone is over there. 11:36:01

MR. CUNNINGHAM: I thought there was an extra one.

THE VIDEOGRAPHER: I took it off because he said he wasn't using it.

MR. CUNNINGHAM: I see. 11:36:06

THE VIDEOGRAPHER: So that one is a table mic.

MR. CUNNINGHAM: Sure. Let me go ahead and --

MR. BARANOV: Can you hear him?

THE VIDEOGRAPHER: Yeah.

MR. CUNNINGHAM: There you go. 11:36:10

BY MR. BARANOV:

Q And you do not know who created the object in the photograph; correct?

A I do not know; however, at the time Andy told me that that object was -- that object's drawing was created by their team. 11:36:38

Q Okay. The team at Quasar?

A That should be the case. That he only referred to it as "his team."

Q Okay. 11:37:02

A And he later he send a picture of an installed products with all the lighting tubes on. 11:37:12

Q Do you recall when that happened?

A I'm not sure about the specific time.

Q Do you know who took that picture of all the installed tubes? 11:37:37

A I don't know.

Q Do you know where it was taken?

A Should be in United States.

Q But you're not sure because you were not there? 11:37:54

A Correct.

Q You're just relying on --

A (In English) I just guess.

Q You're guessing?

A Yeah. In this question. Because there were white people standing next to it. 11:38:04

Q Okay.

A And also because at the time Quasar was not the selling to Europe, yet Quasar's products were only sold to in the United States. Based on these factors, I deduced that conclusion. 11:38:43

Q And this picture was shown to you early on in the manufacturing process of this particular harness; correct?

THE INTERPRETER: I'm sorry, Counsel. May 11:39:03

interpreter have read back the question. 11:39:03

BY MR. BARANOV:

Q So this photograph was shown to you in the beginning of the manufacturing process of the harness; correct? 11:39:13

A Before the production.

Q Okay. So this was just a prototype that was sent to you by Quasar; correct?

A "Photo type"?

Q Was it a picture of a prototype of the product, or was it something which was already in use? 11:39:47

A The picture shown that it was already assembled and hung. I do not know whether it was in use or not.

Q Okay. But it was a final product which was shown to you; is that correct? 11:40:26

A Yes.

Q And that would have happened sometime in 2013?

A No, no. Back in 2013 when it just started, at the time what was produced was T8. This one is T12.

Q Okay. And what about the harness? This particular harness, which is Exhibit 9, when did you start manufacturing a device like it? 11:41:11

A I'm not sure; however, I can check as I promised the attorney earlier, that I can check order -- the order for the date. 11:41:48

Q Okay. And would be it fair to say that prior to your starting the manufacturing process off a device similar to Exhibit 9, you were shown a photograph of it in use; correct? 11:41:51

A Yes. 11:42:10

Q Now, moving on to Exhibit 10, which is this cable. Now, I'm not questioning you about the cable that your company manufactured for Quasar. I'm talking about this particular sample right here.

Have you seen this particular unit before today? 11:42:54

MR. CUNNINGHAM: Objection. Vague and ambiguous.

THE WITNESS: Our company has a similar product like this manufactured by us. 11:43:19

BY MR. BARANOV:

Q Okay. But you do not know who manufactured this specific exhibit, do you?

MR. CUNNINGHAM: Same objection.

THE WITNESS: I'm not clear about this. It could be that we manufactured this one and, however, we manufactured it differently. Or another possibility is that this is manufactured by one of our suppliers. A third possibility is that this is manufactured by Andy's own factory in Taishan. 11:43:56 11:44:24

1 Okay. So, then, just to recap, you're not sure 11:44:28
2 who made this particular unit?
3 MR. CUNNINGHAM: Same objection.
4 BY MR. BARANOV:
5 Q There are three possibilities of where it came 11:44:44
6 from?
7 A Actually, just two. One is -- one possibility
8 is that this is manufactured by our company and,
9 however, we switch off this part with a different
10 product from the supplier. Another possibility is that 11:45:24
11 Andy manufactured it.
12 However, this part -- however, this part is
13 manufactured by us.
14 MR. BARANOV: And, for the record, we are --
15 the witness is pointing to the actual connector to the 11:45:48
16 tube, the octagonal connector with the Quasar logo on
17 top.
18 BY MR. BARANOV:
19 Q So now let's talk about Exhibit 7. And that's
20 the LED tube. 11:46:19
21 A This one?
22 Q Correct.
23 Now, I just want to again make clear, have you
24 ever seen this particular tube before?
25 MR. CUNNINGHAM: Objection. Vague and 11:46:39

ambiguous. 11:46:39

THE WITNESS: If you remove this cap here, then I say I have seen it; however, once you add this label here and the cap here, I would say I have not seen it.

BY MR. BARANOV: 11:47:09

Q Okay.

A And this is not the first product, either.

Q I see. So, but, again, what I'm asking for is not whether or not you have seen a tube similar to this one, I'm asking whether you have seen the tube that you are currently holding in your hand before. This particular one. 11:47:26

MR. CUNNINGHAM: Objection. Vague and ambiguous.

THE WITNESS: I can tell you very specifically that if you take apart like this, I have seen it. 11:47:58

BY MR. BARANOV:

Q You've seen this tube, this very tube you're holding in your hand, taken apart before; correct?

Is that what you're testifying? 11:48:19

MR. CUNNINGHAM: Same objection.

THE WITNESS: You can make the comparison here yourself.

BY MR. BARANOV:

Q I don't want you to make a comparison, and I'm 11:48:34

not asking whether you've seen a T12 tube or a T8 tube before. 11:48:37

A (In English) T12.

Q That is not my question, okay.

You're holding in your hand a tube; correct? 11:48:48

A Yes.

Q This tube, have you seen this particular tube you're holding in your two hands right now before today?

A I have not seen the ones I am holding in my hand before; however, I have seen an identical ones manufactured by this company. I'm not sure if I have seen this particular one before. 11:49:23

Q Okay. Thank you.

And the tube that you've seen before, did they have this Colt label on them? 11:49:42

A No. Only the input here.

Q Okay. The input being the cap on top of the tube with the plug on it?

A Without the cap, either.

Q Okay. Do you have any technical background? 11:50:04

A No. However, I understand and think like this very well.

Q I appreciate that.

Why did you stop doing business with Quasar?

THE INTERPRETER: "Stop" or "start"? 11:50:39

1 MR. BARANOV: Stop. 11:50:40
2 THE WITNESS: Because -- because it -- no, I'm
3 not saying "it." I said Andy started his own factory.
4 Additionally, toward the end of our cooperation, Andy
5 provided a lot of his own drivers to be used in the 11:51:16
6 products that we were making for him without using our
7 driver, and because of that, there were a lot of issues
8 arose from that once the products had been shipped into
9 United States. And then she [sic] claimed that those
10 issues were because of -- were caused by us. And then 11:51:47
11 because of that, he would not make payments to us.
12 Additionally, Andy also provided us with a lot
13 of the inferior chips to be used in the products and the
14 same issue occurred and he also blamed us for that, and
15 for that reason, he would reduce payment to us. We feel 11:52:27
16 that Andy wanted to make money from all front so we
17 decided to terminate our relationship with him.
18 And the key problem is that currently Andy has
19 a product with the name Rainbow RGBX2. For that product
20 we spent a lot of money for our research and 11:53:31
21 development, and Andy would not pay us anything for
22 that. He wouldn't even pay us a designing fee.
23 And another one -- and then also another
24 product of this, his current product, battery light.
25 The same thing, we spent a lot of money to manufacture 11:54:12

that product and -- on that product. And, however, 11:54:18
after we produced that product and Andy turned around
and sought out our supplier to manufacture it directly.
So we terminated our cooperation.
BY MR. BARANOV: 11:54:41
Q So subsequent to the termination of your
cooperation with Quasar, did you continue to represent
your company as Quasar to Quasar's customers?
A No.
Q You never communicated with any third party 11:55:11
utilizing the name Quasar?
A Because we also registered the Quasar logo in
China ourselves.
Q Did you have Quasar's permission to do that?
A We were authorized by Quasar. Quasar also 11:56:15
authorized us for the period from either 2013 or 2014 to
2017, during which period we were authorized to use
Quasar's logo as well as the name.
Q But you also registered the Quasar trademark in
the People's Republic of China; is that correct? 11:56:43
A Yes.
Q You didn't have any authorization from Quasar,
the trademark owner, to do that, did you?
A I don't understand. Are you -- do you mean
that Quasar authorized us? 11:57:13

Q Yeah. Did Quasar authorize you to register a trademark, a Quasar trademark in the PRC? 11:57:18

A I don't know because Luo registered the trademark. Luo.

However, we have our own trademark and name, and all of the products that we sell we use our own name, Laysion, and we do not use Quasar's name for sales. 11:58:07

Q Okay. Did you register the Colt trademark in the PRC, as well? 11:58:34

A Seriously speaking, I only learned of the name Colt last year. I did not know of this name early on.

Q Now, have you permanently stopped using the Quasar trademark in commerce? Trademark.

A We legally own Quasar trademark in People's Republic of China, but we can choose to use it or not use it. 11:59:20

Q Are you using it?

A We're not using it; however, theoretically we can use it. 11:59:48

Q Do you have any plans to use it?

A Currently we don't have any plan to use it.

Q Now, when did you start working with Colt?

A This year.

Q How did that happen? 12:00:16

A I think they found me on Facebook. I think they found my personal contact on Facebook. 12:00:28

Let me add something. The triangular trademark of Quasar's, it is not only registered by our company, many other company -- 12:01:00

(In English) Not many, not many.

(Through Interpreter) Not many. Other companies also have registered the triangular trademark.

Q Fair enough.

But let's go back to these guys. So what was that first contact on Facebook? 12:01:11

A It was Alex' friend by name of Jimmy who called me.

Q When did that occur?

A It was around National Day of China of last year. 12:01:54

Q What happened after that call?

A And after that phone call a few months passed, and then I was contacted again.

Q By whom? 12:02:18

A Jimmy.

Q Who is Jimmy? What is his last name?

A I don't know.

Q Okay.

A I know his Chinese name. Xue Feng Chen. 12:02:33

X-U-E, F-E-N-G, C-H-E-N. 12:02:37

Q How were you contacted by Jimmy?

A It seems that he found my personal contact information on Facebook, and he called me and asked if our company was engaging in LED light manufacturing. 12:03:09

Q And what was your response?

A Yes.

Q And what happened after that contact?

A Nothing. Nothing happened after that, either. Until a few months later Alex contact me again, and Alex came to our factory and met with me and this -- look around our factory. 12:04:01

Q Okay. Did he place an order at that time?

A Not at that time. Not at that time.

Q So when was first order placed? 12:04:22

A This year, but I don't remember specific date because I am not often at factory. It's very hard to remember specifically everything -- every date.

Do you guys remember the specific date?

Q No. 12:05:02

MR. CUNNINGHAM: Just leave it for the witness to answer. That's a good answer. Good answer.

BY MR. BARANOV:

Q I'm not asking you to guess, I'm not asking you to speculate. 12:05:11

A (In English) Yeah, yeah, yeah. 12:05:12

Q If you don't remember, you don't remember.

A (In English) Yeah, I can't remember that.

Q Okay. That's all we can do. We are human, we're not computers. 12:05:20

So what products are your companies manufacturing for Colt right now?

THE INTERPRETER: The interpreter needs to inquire, the product.

Easy. The name witness give is Easy Rack for the lighting. 12:05:46

BY MR. BARANOV:

Q What is this device?

A I don't know the English name.

Q Okay. Are you manufacturing LED tubes for Colt? 12:06:19

A No.

Q Any harnesses?

A No.

Q What about cables? 12:06:47

A No.

Q And when was the first time you met Mr. Macias, who is sitting to your left?

A Alex brought him to meet with me. I think it was this year. 12:07:14

Q And the meeting took place in China? 12:07:16
A Yes.
Q Now, at some point you were served with a subpoena in this lawsuit. Do you know?
A What? 12:07:37
MR. CUNNINGHAM: Information of the deposition.
BY MR. BARANOV:
Q Were you ever served with a subpoena requiring you to attend today's deposition?
A Subpoena? 12:08:05
Q Let me -- okay. Let me rephrase it.
How did you find out that you have be here today?
A I was -- originally, I personally would like to come to the United States for visit to begin with, and 12:08:46 also I have other clients I need to meet, other tube clients I need to meet here. So I arrange with Alex to come here together to have some fun here, and I also like to visit U.S. studios to find out the how the U.S. studio works. 12:09:16
Q Okay. So how did you find out about this deposition?
A Because yesterday, well, we went to visit the studio. At that time a memo notified me of this matter.
Q So that was the first time you learned that 12:09:43

you're being deposed in this lawsuit today? 12:09:45

A Yes.

Q So why did you agree to come?

A I just want to tell the truth of what happened. Since Quasar no longer has any business -- business dealings anymore. 12:10:14

Q So this is your way to get back to them, or at them; is that right?

A No, not at all. You cannot say this is a payback. Since I personally have never met Mr. Steven Strong, I also would like to take the opportunity to let everyone know the entire progression of the matter, not just listen to Andy's one-sided story. 12:10:39

Q Are you being compensated for your attendance by anyone? 12:11:17

A I hope someone would do that, but who will do that? Are you saying that the U.S. laws allow the people to be compensated for this?

Q I'm just asking the questions, that's all I'm doing. 12:11:48

A Okay. I'm just asking, too.

Q Okay. Who paid for your air ticket to the States?

A Myself.

Q Who is paying for your hotel accommodations? 12:12:03

A Myself. 12:12:07

Q Is Colt paying for any of your expenses in connection with your trip here?

A Food.

Q Fair enough. 12:12:28

Do you know who Dennis Kelly is?

A Dennis Kelly?

Q Correct.

A I don't know. No.

Q Do you know who Richard Maas, M-A-A-S, is? 12:12:58

A I don't know.

Q Do you know when what Mac Tech LED is?

A Oh, yes, I have impression of that company. Isn't this company manufacturing this -- I can't describe, but I have impression of this company. 12:13:35

Q Okay. What's the impression?

A The dial under the -- like this camera, the little dial under the bottom.

Q Okay. Do you do any dealings with Mac Tech?

A No. 12:13:55

MR. BARANOV: All right. Let's take a five-minute break.

THE VIDEOGRAPHER: The time is 12:14 p.m. We're now off the record.

(A recess was taken.) 12:14:18

THE VIDEOGRAPHER: We're back on the record. 12:22:07
The time is 12:22 p.m.
BY MR. BARANOV:
Q Mr. Jun, you previously stated that Quasar at
at some point gave you permission to use their 12:22:16
trademark?
A Yes.
Q Who at Quasar gave you this permission?
A Andy Lau.
Q Was permission given to you in writing or 12:22:42
orally?
A E-mail.
Q Do you recall when that was?
A I think it was either in 2014 or 2015.
Q And do you recall what that e-mail stated? 12:23:06
A It stated that all of Quasar's R&D would be
done by our company, Laysion, and also production.
Q But what about the license to use the mark?
A Actually, we did not really use it.
Q So were you ever provided the license to use 12:24:00
the Quasar mark?
MR. CUNNINGHAM: Objection. Asked and
answered.
THE WITNESS: Yes, I feel that I answered the
question, also, but I can answer it again. 12:24:26

First of all, we registered the trademark in China, within the scope of the Chinese law, and it is legal for us to use that trademark. Within the scope of Chinese law that governs the lighting products, within the area of lighting products, it is legal for us to use it. 12:24:38 12:25:07

On the cultural end of publication aspect of this, they are owned by another company.

Q But you're not currently using the mark; correct? 12:25:46

A But we're not; however, we can choose to use it anytime.

Q Do you have any plans to use it at this time?

A I already answered that question earlier.

Q Did you have permission from Quasar Science to sell products marked Quasar? 12:26:09

A Pursuant to Chinese law, even if we do sell products with this logo, it is still legal. However, we're not doing that. We use the logo of Laysion, L-A-Y-S-I-O-N. 12:26:51

Q And I appreciate that, but my question was more specific than that.

A I also answered you very specifically. Well, our company did receive that e-mail.

Q Okay. But my question is, aside from the 12:27:17

Chinese law, did you receive permission from Quasar to sell products marked Quasar? 12:27:23

MR. CUNNINGHAM: Objection. Asked and answered. Also Vague and ambiguous.

THE WITNESS: First of all, it has given us the authorized right to use the trademark. And actually we have already obtained the authority by registering the trademark in China. Even if we do choose to use it, it is legal, or it doesn't matter if we choose not to use it. 12:27:53 12:28:34

Q So then the answer to my question is, no, you did not have Quasar's permission?

MR. CUNNINGHAM: Objection. Misrepresents the testimony.

THE WITNESS: We did. 12:28:59

BY MR. BARANOV:

Q Who gave it to you?

A Andy.

Q He gave you permission to register the mark?

A Yes. Not to register the trademark. We had already registered the trademark. No, he authorized us to use it. 12:29:13

Can I check in my cell phone for the date of -- for the specific day when we registered the trademark?

Q No, that's okay. We have that date. 12:29:43

But Andy gave you permission to use the mark in 12:29:48
connection with the products you're manufacturing for
Quasar; correct?
A It was like this. Because we only learned of
the company Quasar much later. Early on we only knew of 12:30:24
a company by the name of -- the name is Huanqiu,
H-U-A-N-Q-I-U.
At the time when we encountered this triangular
trademark, we looked at it; we thought it looked really
good. And so we ask around to see who ever had 12:31:08
registered the trademark or not, and we found no one so
we went to the Chinese commerce and industry authority
to register this trademark. That's it.
Q Do you know whether or not that particular
triangle -- that particular logo was owned by Quasar? 12:31:40
THE INTERPRETER: "Do you know" or "did you
know," Counsel?
BY MR. BARANOV:
Q Did you know whether or not this logo was a
trademark of Quasar? 12:31:55
A At the time we did not know there was such a
company by the name of Quasar.
Q So when did you first find out that there was a
company called Quasar Science?
A The specific time when I became aware of this 12:32:30

company is much later. I think our general manager knew 12:32:43
of this company earlier.
Q When?
A You mean in my case or our general manager's?
Q Good point. Let's start with your case first. 12:33:02
A When I learned of it, that should be in 2015.
Q And what about your general manager?
A Earlier, but I do not know specifically how much earlier.
Q Can you give us an estimate? Would it be a 12:33:25
year earlier? Or two years earlier?
A I cannot estimate.
Q Thank you.
A But, however, I can inquire this for you. If you need. 12:33:46
Q That would be helpful.
A Okay.
Q And also if you could give us a copy of the e-mail, that would be helpful, too. The e-mail from Andy. 12:33:59
A Okay. Later I will.
Q Okay. So why don't we do the following: Why don't we mark as Exhibit 11, what is going to be the copy of an e-mail from Andy. We'll insert it when it becomes available. 12:34:32

(Exhibit 11 was marked for identification by the Court Reporter and is attached hereto.) 12:34:34

MR. BARANOV: And why don't we also, in the transcript, leave two blank spaces for the witness to fill in the dates as to when his manager and he became aware of the name Quasar Science. 12:34:40

(Information to be supplied:

_.) 12:34:53

THE WITNESS: Okay.

BY MR. BARANOV:

Q Now, you stated that Colt is now ordering this particular product from you. Can you tell us, what's the dollar amount of the sales? 12:35:15

A Should be around 50,000 U.S. dollars.

Q Is it that $50,000 per month?

A Just once.

Q That's it?

A That's it. 12:35:43

Q All right. Do you have any expectation of getting additional orders from Colt?

A I don't know. I think we have to wait to see the market reaction.

MR. BARANOV: I don't have any other questions 12:36:13

at this time. 12:36:15

Kelly?

MR. CUNNINGHAM: No.

MR. BARANOV: Do we stip?

MR. CUNNINGHAM: Yeah, I'm going to stipulate. 12:36:21

We'll stipulate that the transcript can be sent to me, the original transcript sent to me. And we'll try to get a copy to him for him to review and give us any corrections that he sees that he needs over the next 30 days, or 30 days from the date we get -- or that he 12:36:45 gets it.

We can treat it as the official transcript in the meantime.

MR. BARANOV: I found out the witness is also going to provide us with the information requested in 12:37:10 the document request, that's within the 30 days as well.

THE WITNESS: No problem.

MR. BARANOV: So stipulated.

MR. CUNNINGHAM: All right. So stipulated.

THE VIDEOGRAPHER: This concludes today's 12:37:36 proceeding in the deposition of Ya Jun Zhang. Two DVDs were used. The time is 12:37 p.m. We're now off the record.

(The proceedings were concluded

at 12:37 p.m.) 12:37:47

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

I, ZHANG YA JUN, say I have read the foregoing deposition and declare under penalty of perjury that my answers as indicated are true and correct.

_____
(Date)

_____
(Signature)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Sandra Mitchell, Certified Shorthand Reporter, License No. 12553, for the State of California, do hereby certify:

That, prior to being examined, the witness named in the foregoing deposition, to wit, ZHANG YA JUN, was by me duly sworn to testify the truth, the whole truth and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to computer-aided transcription under my direction.

That the foregoing transcript, as typed, is a true record of the said proceedings.

I further certify that I am not interested in the event of the action.

Witness my hand this 24th day of October, 2018.

_____

SANDRA MITCHELL, C.S.R. No. 12553

A

a.m 2:17 6:2,8 33:23 34:2 40:4,8 48:3 48:7
AB 1:5 2:5 6:13
ability 7:4
able 44:9 46:7
accommodat... 69:25
accurate 10:2 10:16 19:6 19:14 51:16
action 79:18
actual 11:12 29:22 59:15
add 60:3 65:3
added 43:9
additional 36:5,7 76:22
Additionally 21:14 44:19 62:4,12
agree 69:3
ahead 53:14 55:12
air 30:6 69:22
al 1:8 2:8 3:6 3:11 6:11
Alex 16:21,22 22:4,4 23:23 23:24 30:17 30:21 31:11 51:7 66:10 66:10 67:24 68:17
Alex' 65:12
allow 69:17
alphabet 10:4
ambiguous 28:4 54:19 58:13 60:1,14 73:4
American 13:16
amount 76:15
Andy 4:23 13:7 13:10 14:12 14:14 15:23 19:15 20:3 20:10 21:11 23:16 25:9 25:21 26:24 27:4,13 28:3 29:7 31:8 32:15,19 33:11,14 35:10 37:15 37:24 38:18 38:24 39:3 39:10 40:1 40:14,24 42:22,24 43:4,20 44:3 45:4,14,24 49:17 55:19 59:11 62:3,4 62:12,16,18 62:21 63:2 71:9 73:18 74:1 75:20 75:24
Andy's 58:24 69:13
Angeles 2:16 3:4,9 6:1,9 79:2
ANGELS 3:13
answer 8:23,24 8:24 9:24 18:25 21:4 26:15 30:5 41:19 42:6 48:15 49:13 51:13 52:5,9 66:22,22,22 71:25 73:11
answered 5:8 52:8 71:23 71:24 72:14 72:23 73:4
answers 8:22 18:5 51:17 78:7
anymore 44:25 69:6
anytime 72:12
apart 14:25 15:25 16:2,5 19:14 25:10 25:22 35:9 35:15 60:16 60:19
apparently 25:16
APPEARANCES 3:1
appreciate 49:13 61:23 72:21
area 72:5
arose 62:8
arrange 68:17
aside 72:25
asked 14:22 15:18 26:15 30:25 31:12 36:5 37:24 48:12 52:7 66:4 71:22 73:3
asking 8:17,19 8:23 14:5 16:24 22:22 23:22,23 25:19 26:5 29:6 30:22 31:1 60:8,10 61:1 66:24 66:24 69:19 69:21
aspect 72:7
assembled 57:12
assist 21:4
assistance 18:16
attached 4:17 4:19,20,22 4:23 11:22 17:6 21:23 22:2 29:13 31:25 34:9 36:18 38:6 42:16 76:3
attend 68:9
attendance 69:14
attorney 8:12 48:12,24 50:4 57:24
attorneys 6:15 8:13,14
authority 73:7 74:12
authorization 63:22
authorize 64:1
authorized 33:11,12 63:15,16,17 63:25 73:6 73:21
available 75:25
AVENUE 3:8
aware 36:10,11 74:25 76:7

B

B 4:8 10:10
B-A-N-G-D-A-R 38:12
back 18:7,25 19:1 24:21 30:6,8 34:1 40:7 41:15 47:7,7 48:6 48:8 57:1,18 65:10 69:7 71:1
background 26:4 61:20
backside 53:22
band 42:5,7,8
bandages 27:9
bands 41:24 42:3
Baranov 3:7,8 4:6 6:19,19 6:20 10:1,14 11:4 23:9,12 25:24 26:19 28:4 30:11 35:3,7 48:2 48:21,24 49:6 51:23 52:1,12 53:20 54:20 55:13,16 57:2 58:16 59:4,14,18 60:5,17,24 62:1 63:5 66:23 67:12 68:7 70:21 71:3 73:16 74:18 76:4 76:12,25 77:4,14,18
Bartfay 3:19 6:5
base 53:25
Based 56:20
basic 51:9
batch 19:17,18
battery 62:24
beginning 15:1 19:19 21:15 34:2 57:4
behalf 2:15 10:20
believe 13:9 35:1 54:1
best 7:3 44:11
better 38:16
bit 21:5 29:25
blamed 62:14
blank 76:5
bottom 29:16 70:18
Boulevard 2:15 3:4 6:9
Bradley 3:20 10:17,19,20
branch 46:19
branches 45:14
break 33:20 40:3 44:23 47:24 70:22
briefly 47:16
bring 12:23 14:2,16,24
brought 67:24
Brunon 3:20 10:17,19,20
bubble 13:19 13:22,24
bulb 13:25 14:1 24:1,4 24:16 25:10 35:15
bulbs 24:25 25:11,14,16 27:23
bundle 39:16

business 12:12 46:2,6 61:24 69:5,5
businesses 12:21

C

C 10:10
C-H-E-N 66:1
C.S.R 1:19 2:18 79:23
cable 29:6,7 41:16 42:8 43:18 46:9 47:1,13 58:7 58:7
cables 4:21 27:7 44:2 45:3,13 67:20
California 1:2 2:2,16 3:4,9 3:13 6:1,9 6:13 78:1 79:1,5
call 21:20 38:12 65:17 65:18
called 6:10 38:11 65:12 66:4 74:24
camera 70:17
cap 35:2,9 60:2,4 61:17 61:19
care 36:9
carefully 51:11,12
case 1:4 2:4 6:10,13,18 8:15 34:16 41:18,20 55:23 75:4,5
caused 62:10
cell 73:23
centimeter 45:25
centimeters 45:16
Central 1:2 2:2 6:12
CENTURY 3:13
certified 6:6 79:4
certify 79:6 79:17
CGROSS@LAW... 3:14
challenge 21:18
changed 43:15
changes 36:5,7 43:13,14
characters 10:5,24
charge 36:8 46:4
chat 22:13,17 23:14 31:14
chatting 4:13 4:14 22:3
check 34:19 44:9 46:7 57:23,24 73:23
Chen 65:25
China 10:8 12:18,20 32:7 44:16 63:13,20 64:16 65:15 68:1 72:2 73:8
chinese 7:21 7:23 9:21,22 10:3,9 11:14 25:6 65:25 72:2,4,17 73:1 74:12
chips 62:13
choose 64:16 72:11 73:8,9
Cinelease 6:21 8:16 48:25
circle 37:23
CISLO 3:3
City 9:8,14,14 9:18 12:8
claimed 62:9
claims 6:12
clarify 9:23 15:6 35:19 48:14,15 49:2
clarifying 48:18
Clark 3:12,12 6:22
clear 58:20 59:23
clearly 8:23 24:8,18 54:10
clients 33:15 68:16,17
cloth 27:5,10 27:14,17,22 28:2,8,20,25 29:5
Clothing 1:4 2:4 3:2 6:10
cloths 27:11
college 11:25 12:15,18
color 16:8,9
Colt 1:4,4 2:4 2:4 3:2 6:18 8:12 10:20 22:13,16,19 23:15 24:24 30:23 31:13 61:15 64:9 64:12,23 67:7,16 70:2 76:13,22
Colt's 23:20
combination 39:12
come 14:7 20:9 51:5 68:15 68:18 69:3
coming 44:19
commencing 2:16
commerce 64:14 74:12
communicated 27:15 28:11 32:19,22,24 63:10
communicating 46:3
communicat... 31:15 46:6
companies 9:8 10:6,8 28:18 32:9 49:1 65:8 67:6
company 9:4,15 9:16,17,19 11:3 17:15 20:9 25:9,22 26:25 27:4 27:13,21 28:2,7 35:11 35:12 37:1,9 39:2,6,8,24 39:25 40:14 40:17,18,23 40:24 42:2 43:2 44:2 46:21 49:7 49:12 54:13 58:8,14 59:8 61:11 63:8 65:4,5 66:5 70:13,14,15 71:17 72:8 72:24 74:5,6 74:22,24 75:1,2
company's 9:7 9:12 10:23 22:4,11
comparison 60:22,25
compensated 69:14,18
completely 37:18 53:10
complies 39:19
computer-a... 79:13
computers 67:5
concluded 77:24
concludes 77:20
conclusion 56:21
conditioner 30:6
connect 29:17 42:8
connected 45:12 46:10 46:12 47:1,2 47:2
connection 29:17 70:3 74:2
connector 4:15 4:18 20:14 20:15 29:22 30:21 31:4,5 36:25 37:12 37:24 41:14 44:21,21,22 59:15,16
connectors 29:1 37:15
contact 65:2 65:11 66:3,8 66:10
contacted 65:19 66:2
contain 53:24
contains 39:16
continue 26:10 48:17 63:7
CONTINUED 5:1
cooperation 62:4 63:4,7
copies 19:6 20:3 36:2
copy 4:23 14:16,25 16:1 19:14 25:10,22 75:18,24 77:8
copying 36:12
cords 29:1
correct 7:22 15:13 16:10 20:6,21 21:8 21:11,18 23:2,7,8,16 24:1 30:21 32:20 33:2,6 35:1 36:4 38:2,15 39:22 40:1 40:12,15 41:3,6,15

43:18 47:10 47:15,17,22 47:23 49:8,9 49:9 50:6,22 52:6 53:1 54:6,23 55:18 56:11 56:24 57:5,8 57:15 58:4 59:22 60:19 61:5 63:20 70:8 72:10 74:3 78:7
correction 10:12 15:7
corrections 77:9
cost 21:14
Counsel 4:17 4:19,20,22 4:23 18:2 25:4 51:21 56:25 74:17
counter 6:11
COUNTY 78:2 79:2
course 8:11 34:13 36:23 44:18
court 1:1 2:1 6:12,23 7:14 8:7,21 11:21 17:5 19:2 20:24 21:4 21:22 22:1 26:9 29:12 30:9 31:24 34:8 36:17 38:5 42:15 47:20 50:16 51:11 76:2
created 15:2 55:17,21
credentials 26:4
cultural 72:7
Cunningham 3:3 4:5 6:17,17 7:11 10:11 10:18,21 11:1,5,15,18 11:23 13:3 15:11 16:12 16:20 17:9 18:1,11,14 18:21 19:5 21:2,24 22:6 23:1,13 25:7 25:8 26:13 26:21,22 28:6 29:9,14 30:12 31:21 32:1 33:20 34:3,10 35:6 35:8,23 36:14,19,21 38:3,7 40:3 40:9 42:12 42:17 48:8 48:13,18 50:6 51:8 52:7 53:17 54:18 55:1,6 55:10,12,15 58:12,19 59:3,25 60:13,21 66:21 68:6 71:22 73:3 73:13 77:3,5 77:19
current 6:7 62:24
currently 60:11 62:18 64:22 72:9
customers 63:8

D

D 3:12,12
D-O-N-G-G-... 9:14
D-O-N-G-G-... 9:22
date 13:12 57:25 66:16 66:18,19 73:23,25 77:10 78:11
dates 76:6
day 29:24 43:2 65:15 73:24 79:21
days 35:13,14 44:20 77:10 77:10,16
DBA 1:4 2:4
dealing 10:3
dealings 69:6 70:19
decided 47:21 62:17
declare 78:6
deduced 56:21
Defendant 2:15
Defendants 1:8 2:8 3:6,11
Defense 4:17 4:18,20,21 4:23
degree 12:15 12:18 18:12
Dennis 70:6,7
deponent 6:14
deposed 7:25 69:1
deposition 1:14 2:14 6:8 8:2,5,18 8:21 10:12 10:13,15,25 47:19 48:17 50:15 51:9 68:6,9,22 77:21 78:6 79:8,11
describe 16:4 39:8 70:15
describing 33:4 44:23
DESCRIPTION 4:10
design 46:25
designate 18:6 18:19
designed 46:10
designing 62:22
details 54:2
determine 16:21
development 62:21
device 49:14 52:14 53:24 53:25 54:13 57:22 58:2 67:13
dial 70:17,18
diameter 19:24
difference 19:21 25:5
differences 24:11 53:5
different 10:4 35:21,22 37:7,18,20 43:16 45:4 52:3 53:3 59:9
differently 58:22
difficult 21:19
direction 79:14
directly 46:17 47:3 63:3
disassembled 24:1,4
discuss 50:23 50:25
discussed 50:12
Disk 34:2
display 33:8
District 1:1,2 2:1,2 6:12 6:13
document 77:16
doing 61:24 69:20 72:19
dollar 76:15
dollars 76:16
Dongguan 9:8 9:13,18
double 45:5,6 45:8
drawing 15:9 55:20
drawings 15:4 15:5,17 27:20 37:14 43:1 44:20 45:2 54:22
driver 62:7
drivers 62:5
duly 7:7 79:9
DVDs 77:21

E

E 4:8
e-mail 3:5,10 3:14 4:23 71:12,15 72:24 75:19 75:19,24
E.S.L 12:14
earlier 15:8 31:2 57:24 72:14 75:2,8 75:9,11,11
early 15:20 56:22 64:12 74:5
EAST 3:13
Easy 67:10,10
eight 37:20
either 34:24 54:15 60:7 61:19 63:16 66:9 71:14
elastic 28:20 41:2,9,12 53:19
elasticity 53:6,7
elongated 25:16
emission 19:25
employees 15:25 35:15
encountered 74:8
engage 39:4
engaged 39:6
engaging 66:5
engineering 54:22
English 7:2,3 7:16,21 9:12 11:8,10 12:1 12:5,8,10,12 12:14,17,19 12:22 13:1,5

13:8,11,14 13:16,19 14:12,14 16:19 17:18 17:20,22,25 18:5,6,12 19:4 20:21 21:9 22:16 23:15 24:25 32:6,8,10 37:23 49:5 49:22,24 56:13 61:3 65:6 67:1,3 67:14
enter 29:9 42:12
entered 10:17 10:19
entire 9:21 53:9 69:12
entitled 8:18
ESQ 3:3,8,12
establish 7:20 29:25
established 43:24
estimate 44:12 75:10,12
et 1:8 2:8 3:6 3:11 6:11
Europe 56:19
event 79:18
everybody 33:22
exactly 13:12
EXAMINATION 4:5,6 7:10 48:20
examined 7:8 79:7
example 14:3 41:14 42:25 43:5
exchange 31:14
Excuse 18:2 55:4
exhibit 4:11 4:12,13,14 4:15,16,17 4:18,20,21 4:23 11:1,19 11:20 17:3,4 21:20,21,25 22:14 23:2 23:25 24:14 28:18 29:10 29:11,16,25 30:2,16 31:22,23 32:2,12 34:6 34:7,11 35:3 36:14,15,16 36:19 38:3,4 38:8 41:14 42:12,14,18 47:6 49:3 51:19,23 53:18 57:21 58:3,6,18 59:19 75:23 76:1
exhibits 10:10 10:24 51:2
existence 44:25
expectation 76:21
expenses 70:2
explain 51:8
extent 21:3 26:5,10
extra 55:6

F

F-E-N-G 66:1
Facebook 65:1 65:2,11 66:4
fact 40:23
factors 56:20
factory 14:5 29:24 32:5 33:6,9,15,18 43:22,24,25 44:1 58:25 62:3 66:11 66:12,17
fair 33:8 53:11 54:4 58:1 65:9 70:5
fashion 41:5
fee 62:22
feel 62:15 71:24
feet 33:4,4
Feng 65:25
fill 76:6
final 57:14
find 44:9 46:7 68:12,19,21 74:23
fine 42:11 44:18
first 7:16,18 10:18 11:7 13:9 16:2 19:10,11,13 19:13,17,18 36:1 40:21 51:10 60:7 65:11 66:15 67:22 68:25 72:1 73:5 74:23 75:5
fit 41:8,12
five-minute 70:22
follow-up 8:18
following 15:4 75:22
follows 7:8 19:2 30:9
Food 70:4
foregoing 78:6 79:8,15
forgotten 16:25
formed 43:22
forth 18:7 24:22
forward 26:5
forwarded 22:23
found 39:25 49:11 65:1,2 66:3 74:11 77:14
founder 9:6
Friday 1:16 2:17 6:1
friend 65:12
front 62:16
full 11:2 28:13
fun 68:18
further 79:17

G

G-O-N-G-S-I 9:25
general 14:18 22:4 23:18 27:16 28:11 28:15,17 30:24 54:7 75:1,4,7
generate 14:21
generation 19:11,11,12
genius 20:25
gentleman 32:24
gesture 8:25
getting 16:22 50:14 76:22
give 9:13 17:2 67:10 75:10 75:18 77:8
given 19:7,15 20:10 71:10 73:5
go 18:22 24:18 26:5 39:21 47:20 53:14 55:12,15 65:10
going 16:15 18:4,7 20:23 26:5 33:21 48:16 55:2 75:23 77:5 77:15
Gonzalez 32:25
good 6:4 7:12 7:13 9:16 11:9 12:3 14:24 17:10 19:13 22:10 25:7 33:19 34:4 39:13 48:22,23 53:7 66:22 66:22 74:10 75:5
gotten 12:18 14:19
governs 72:4
graduated 12:3
great 18:12
Gross 3:12,12 6:22,22 16:12,15 18:24 20:23 30:5
grounds 35:4
guess 51:17 56:13 66:24
guessing 56:14
guys 65:10 66:19

H

H 4:8
H-U-A-N-Q-I-U 74:7
half 12:10
hand 17:2 21:20 26:12 34:4 36:19 38:8 42:18 47:5 48:1 60:11,19 61:5,10 79:21
handed 26:24
hands 61:8
Handwritten 4:11
happen 64:25
happened 54:9 56:3 57:17 65:17 66:8,9 69:4
hard 16:21 66:17
harness 26:3 27:8 56:23 57:4,20,21
harnesses 26:23,25 27:5 67:18
head 8:25 20:24 21:1 43:15,17

hear 55:13
heard 48:11
heavier 38:16 52:4
help 16:18 31:12
helpful 75:16 75:19
hereto 11:22 17:6 21:23 22:2 29:13 31:25 34:9 36:18 38:6 42:16 76:3
hexagon 38:1
high 21:14
high-resol... 14:22
higher 12:25
hold 27:3
holding 28:21 31:4,4 60:11 60:19 61:5,8 61:9
Hollywood 14:20
hop 26:23
hope 69:16
horizontally 24:18
hotel 69:25
Huanqiu 74:6
huge 14:21
human 67:4
hung 57:13

I

I-N-D-E-X 4:1
identical 37:3 39:10 44:4,5 61:10
identifica... 11:21 17:5 21:22 22:1 29:12 31:24 34:8 36:17 38:5 42:15 76:2
image 24:17 37:11
images 24:7
immediately 22:14 23:14
important 8:6 8:7 51:14,16
impression 70:13,15,16
include 10:24 28:23
included 15:15
INDEX 5:1
indicated 78:7
indicating 24:12 33:17 33:18
individuals 32:13
industry 74:12
inferior 62:13
information 5:3 44:15 45:21 66:4 68:6 76:8 77:15
Initially 14:4 14:17 20:15 21:12
input 20:1,2 20:11,12,18 20:19 22:8 34:16 61:16 61:17
inquire 22:23 54:11 67:9 75:14
insert 18:18 27:2 75:24
inside 20:4 47:14
insistence 21:11
installed 56:1 56:6
instances 18:15
instant 35:5
instruct 18:23
instructed 15:1 40:18
instruction 15:3 42:22
intend 26:19
interested 79:17
interject 10:1
International 1:4 2:4 3:2 6:10
interpose 25:24
interpret 7:1 9:10 18:9,23
interpreta... 9:13 15:8 18:8
interpreter 3:18 6:25 7:18 9:10,10 9:13,20,21 9:23 15:6,6 15:7 18:9,14 20:22 22:20 22:20,22 25:4 35:19 35:19 48:13 49:25 50:15 51:21 56:25 57:1 61:25 65:7 67:8,8 74:16
interpreting 18:19,20 48:17
interprets 18:3
introduce 6:15
investor 9:6
Iowa 12:1,2,4 12:7,8
irrelevant 26:12
issue 26:2 27:15 62:14
issues 26:12 62:7,10
item 36:22 38:9,11,21 42:13,20,25 43:8 44:4,5 49:8,20 52:2 52:15,16,24
items 51:22

J

J-U-N 7:16
JEMX 1:5 2:5 6:14
Jimmy 65:12,21 65:22 66:2
job 1:20 48:15
Jun 1:14 2:14 4:3 6:14 7:6 7:12 34:4 48:10,22 71:4 77:21 78:5 79:8

K

KCUNNINGHA... 3:5
keep 18:8
Kelly 3:3 6:17 10:1 25:24 70:6,7 77:2
key 62:18
kind 24:18 39:5
knew 74:5 75:1
knob 35:17
know 8:13,14 10:15 14:19 18:18 28:5 28:10 32:17 33:10 37:8 38:23 39:16 40:12 43:2,4 46:9 48:14 50:3 52:10 52:13,20,21 52:22,24 54:2,9,12,14 54:15,17 55:17,19 56:5,7,8 57:13 58:17 64:3,12 65:23,25 67:14 68:4 69:12 70:6,9 70:10,11,12 74:14,16,17 74:19,21 75:8 76:23
knowledge 16:17,23 44:7 45:24
knows 41:21

L

L-A-Y-S-I-O-N 9:19 72:20
L-E-I-X-I-... 9:23
L-I-Y-I-N-G 9:15
L-U-O 28:12,14 36:10
label 35:9 60:3 61:15
labeled 34:5
laid 26:3
lamp 13:19,21
language 25:6
large 33:8
Latin 10:4
Lau 4:23 13:7 13:10 14:11 15:9,9,23 19:15 20:3 20:10 21:11 23:16 25:9 25:21 26:24 27:4,13 28:3 29:7 31:8 32:15,20 33:11,14 34:15 35:10 36:2 37:15 37:24 38:18 38:24 39:3,7 39:10 40:1 40:14,25 42:22,24 43:4 44:3 45:4,14,24 54:6 71:9
law 72:2,4,17 73:1
laws 69:17
lawsuit 26:2,2 26:7 35:5 50:23 68:4 69:1
Laysion 9:18 32:10 64:7

71:17 72:19
lead 33:14
learned 64:11 68:25 74:4 75:6
leave 66:21 76:5
LED 1:4 2:4 4:17 6:18 10:20 13:19 13:21 16:11 20:4,6 22:13 22:16,19 23:15,20 24:24 30:23 31:13 34:12 59:20 66:5 67:15 70:12
left 19:18 67:23
left-hand 30:2
legal 6:6 10:7 72:3,5,18 73:9
legally 64:15
legible 55:3
Leixingxing 9:22
Lejing 11:10
length 19:24
lens 19:25
Lens-wise 19:25
let's 33:20 59:19 65:10 70:21 75:5
license 71:18 71:20 79:5
light 19:25 20:9 24:1,4 24:16,25 25:10,11,13 25:15,15,16 27:23 28:21 29:2 30:23 39:9 62:24 66:5
lighter 38:17 52:25 53:2
lighting 9:9 9:15,19,23 12:22 13:4 13:16,17,17 13:23 14:19 14:20,23 15:16 17:23 19:9,10 37:2 37:25 39:21 41:8,11 53:18,18 56:2 67:11 72:4,5
lights 16:9,11 20:4,6 21:7
line 5:4 11:7 11:9,13 26:1 26:10,20 33:17
lines 27:2
listed 32:12
listen 51:12 69:13
literally 9:11
litigation 8:6
little 21:5 29:25 53:21 70:18
Liying 9:9,14 11:8
LLC 1:8 2:8 3:6,11 6:11
LLP 3:3,7
logo 22:12 33:13 34:21 35:2 44:24 59:16 63:12 63:18 72:18 72:19 74:15 74:19
long 50:10
longer 69:5
look 11:2 16:1 27:9 33:15 37:16 38:22 45:10,21 66:11
looked 19:14 74:9,9
looking 14:5 31:2 39:6 49:3
loop 41:12 53:15
loops 28:21 41:2,9 47:8 53:19,22,25
loose 53:15
Los 2:16 3:4,9 3:13 6:1,9 79:2
lot 43:21 46:2 62:5,7,12,20 62:25
Luo 28:11,14 29:20 30:24 30:25 31:4,7 31:9,10,12 36:10 37:13 38:20,23 46:5 54:7 64:3,4
Luo's 28:13 43:7

M

M 3:8
M-A-A-S 70:10
Maas 70:10
Mac 70:12,19
Macias 67:22
making 21:13 43:21 44:4 45:24 52:25 62:6
male 43:18
manager 22:4 23:18 27:16 28:11,15,17 30:24 54:8 75:1,7 76:6
manager's 75:4
Mandarin 3:18 7:2,3,21,23 10:3,23 11:16 21:4
manufacture 17:17 27:22 49:7 53:24 62:25 63:3
manufactured 43:9,10,11 43:12 51:19 52:13,17,21 52:24 53:4 58:8,15,17 58:21,22,23 58:24 59:8 59:11,13 61:11
manufacturing 13:4 26:1,6 56:23 57:4 57:22 58:2 66:5 67:7,15 70:14 74:2
mark 10:9 36:14 38:3 71:18,21 72:9 73:19 74:1 75:23
marked 11:18 11:20 17:4 21:21,25 29:11 31:23 34:7 36:16 38:4 42:14 72:16 73:2 76:1
market 76:24
marketing 13:17
marking 20:8
marks 34:2
matter 28:10 36:10,11 46:3 68:24 69:12 73:9
MBARANOV@M... 3:10
mean 12:8 13:22 14:12 20:5 22:15 22:16 27:11 30:13 37:3 44:4 45:6 51:21 63:24 75:4
meaning 38:12
medication 9:2
meet 50:6 67:24 68:16 68:17
meeting 50:21 51:5 68:1
memo 17:8 22:23 23:4 23:11 68:24
message 22:14 22:17 23:14 24:24 25:2
messy 18:4
met 13:6 32:18 66:11 67:22 69:10
mic 55:11
Michael 3:8 6:19 48:24
Michelle 3:18 3:19 6:5 7:1
Michigan 12:2
microphone 12:24 55:2,4
minutes 50:11 50:13
Misrepresents 73:13
Mitchell 1:19 2:17 6:24 79:4,23
model 49:14
moment 44:16
money 21:13 43:21 62:16 62:20,25
month 31:19 76:17
months 35:25 65:18 66:10
morning 6:4 7:12,13 34:4 48:22,23
movie 14:21
moving 58:6

N

name 6:5,10,14 6:17 7:14,16 7:17,18,19 9:7,11,12,17 9:18,21,22 10:7,23 11:3 11:7,9,12,12 16:24,25 20:16,19 23:10 28:13

28:14 32:25 62:19 63:11 63:18 64:5,7 64:7,11,12 65:12,22,25 67:10,14 74:6,6,22 76:7
named 13:7,10 79:8,12
names 10:6
National 65:15
need 15:6,7 35:19 38:21 68:16,17 75:15
needs 18:15 67:8 77:9
neither 31:6
never 29:20,22 32:18 63:10 69:10
nice 45:2
nod 8:25
nodding 20:24 20:25
Note 4:11
Notice 2:18
notified 68:24
NUMBER 4:10

O

oath 8:8 51:15
object 35:3 52:18 54:21 55:17,20
object's 55:20
objection 25:25 26:14 26:16 28:4 52:7 54:18 58:12,19 59:3,25 60:13,21 71:22 73:3 73:13
objections 55:3
obtained 73:7
occur 65:14
occurred 62:14
octagon 37:19 37:25
octagonal 59:16
octagonall... 44:22
October 1:16 2:17 6:1,7 79:21
official 45:22 77:12
Oh 16:19 20:19 39:15 43:8 46:19 70:13
okay 8:20 10:10 13:2 13:13,21 14:7,10 15:20 16:4 16:19 17:15 18:1 20:12 21:17 24:20 24:20 25:18 25:21 26:18 29:22 30:4 31:10 34:18 34:21 35:7 35:24 39:15 39:19 40:13 41:19 42:11 42:22 43:8 44:7,11,14 45:1,10,13 45:20 46:18 46:21,25 52:5,13,23 53:3,16 54:4 54:25 55:22 55:25 56:17 57:7,14,20 58:1,17 59:1 60:6 61:4,13 61:17,20 64:9 65:24 66:13 67:4 67:15 68:11 68:21 69:21 69:22 70:16 70:19 72:25 73:25 75:17 75:21,22 76:11
on/off 16:6,7 16:8
once 39:17 60:3 62:8 76:18
one-sided 69:13
ones 38:15 45:5,5,5,6,7 45:7,8,8,25 47:11 61:9 61:10
open 39:17,18
opened 19:7
opportunity 69:11
orally 71:11
order 26:11 38:25 39:1 44:10 48:16 49:17,18 57:24,25 66:13,15
ordering 76:13
orders 49:11 76:22
oriented 41:5
original 43:16 77:7
originally 43:20 68:14
outlook 37:17
outside 49:10
oval 37:22
owned 72:8 74:15
owner 63:23

P

p.m 70:23 71:2 77:22,25
PAGE 4:4,10 5:4
paid 69:22
pairs 27:14
PARK 3:13
part 8:6 16:25 20:1 29:3 34:22 43:12 49:1 59:9,12 59:12
partial 24:7
partially 19:7 24:1
participating 32:4
particular 49:14,20 51:18 52:2,3 52:14,16,18 52:24 56:23 57:21 58:9 58:10 59:2 59:24 60:12 61:7,12 74:14,15 76:14
parties 8:15
parts 16:4 29:19 30:23
party 63:10
passed 65:18
patents 26:8
pay 62:21,22
payback 69:10
paying 69:25 70:2
payment 62:15
payments 62:11
penalty 51:15 78:6
people 16:17 39:7 44:16 56:16 69:18
People's 10:7 63:20 64:15
per- 23:5
period 63:16 63:17
perjury 51:16 78:6
permanently 64:13
permission 63:14 71:5,8 71:10 72:15 73:1,12,19 74:1
person 13:7,10 23:6,10 32:17,18 36:8
personal 11:12 16:17,23 25:2 44:7 45:23 65:2 66:3
personally 25:1 29:20 36:11 37:9 38:23 46:3 54:2 68:14 69:10
pertain 26:7
pertaining 26:3,7
phone 65:18 73:23
photo 4:16,17 4:19,20,22 23:14 24:13 24:15 30:20 31:3,7 32:5 57:9
photograph 32:14 33:2 38:24 43:6 54:5,7,12,21 55:18 57:3 58:3
photographed 28:3
photographs 15:12 27:17 28:8 37:11 38:18 40:14 40:18 43:5 44:20
photos 4:12 15:12,17,18 15:21 17:2 22:14 23:25 29:1,15
picture 17:7 17:13 19:8,9 29:23 31:8 32:3 50:1 56:1,5,22 57:10,12
pictures 15:10 15:14,15 25:3 29:19

31:1 33:16 33:17 39:1
piece 8:6
pieces 41:15
place 43:7 49:17,18 50:15,21 66:13 68:1 79:12
placed 27:12 38:25 49:11 66:15
plaintiff 1:5 2:5 3:2 6:18
plan 64:22
plans 64:21 72:13
please 6:15 7:14 8:24 18:25 36:15 39:18 44:14 48:14
plug 61:18
plural 25:6
plurality 20:4
point 10:19 14:15 15:22 25:25 51:14 68:3 71:5 75:5
pointing 24:13 43:17 47:8 59:15
points 23:6
possessed 20:25
possibilities 59:5
possibility 58:22,24 59:7,10
possible 21:3 43:25
poster 33:2
power 4:15,21 20:13,14,16 20:16 26:25 27:5,6,7 29:1,6,7,17 29:22 41:16 42:8 44:2 45:3,13 46:9 47:1
PRC 64:2,10
Present 3:17
previously 71:4
prior 58:1 79:7
probably 13:11
problem 44:24 62:18 77:17
proceed 26:19
proceeding 10:2 49:2 77:21
proceedings 77:24 79:16
process 26:6 51:10 56:23 57:4 58:2
produce 14:6,8 14:22 15:17 15:18 38:15 39:7,8 46:17
produced 14:10 19:19 21:7 36:1 39:2,5 39:10 42:21 43:8 47:12 47:12,13 57:19 63:2
producing 14:18,20 19:20
product 14:8,8 14:11,16,16 15:2 22:19 23:17,19,20 23:21 31:2 31:13 42:19 43:21 45:24 47:10 54:3,6 54:23 57:10 57:14 58:14 59:10 60:7 62:19,19,24 62:24 63:1,1 63:2 67:9 76:14
production 33:17 39:4 49:10 54:23 57:6 71:17
products 14:2 14:5,6,18,25 31:13 33:9 33:16 36:1 54:1 56:2,19 62:6,8,13 64:6 67:6 72:4,5,16,18 73:2 74:2
professionals 14:19
profit 14:21
progression 69:12
projects 36:9
promised 57:24
prongs 43:18
prototype 57:7 57:10
provide 17:8 25:9,21 26:25 27:4 27:13,17 31:21 44:14 44:15,20 45:1 51:16 77:15
provided 17:8 34:15 35:11 35:18,20,21 37:1,8 42:3 43:4 62:5,12 71:20
providing 42:24
publication 72:7
pursuant 2:18 72:17
push 24:19,22 35:17
put 53:17 54:22

Q

quadruple 45:5 45:7,10
quantity 21:12
Quasar 1:8 2:8 3:6,11 4:16 6:11,20,22 8:15 17:16 17:17,24 21:7 32:3 33:9,11,12 48:25 52:25 55:22 56:18 57:8 58:8 59:16 61:24 63:7,8,11,12 63:15,15,19 63:22,25 64:1,2,14,15 69:5 71:4,8 71:21 72:15 72:16 73:1,2 74:3,5,15,20 74:22,24 76:7
Quasar's 44:24 45:22 56:19 63:8,14,18 64:7 65:4 71:16 73:12
question 8:10 8:24 16:13 18:24 23:22 23:23 26:14 26:16 42:1 49:19 51:12 51:13 52:5 56:15 57:1 61:4 71:25 72:14,21,25 73:11
questioning 26:1,11,20 58:7
questions 5:8 7:24 8:17,19 8:19 16:18 26:6,7,12,15 47:25 48:10 48:11 69:19 76:25
quite 19:16

R

R&D 21:14 71:16
Rack 67:10
Rainbow 62:19
raised 26:14
range 17:23 35:24
Ray 32:25
re-examina... 26:8
reach 55:2
reaction 76:24
read 9:21 18:25 19:1 22:17,21,22 30:5,8 57:1 78:5
really 18:4 19:17 20:5 21:13 34:21 71:19 74:9
reason 43:20 62:15
recall 15:5,14 15:20 28:20 41:23 42:2 42:24 56:3 71:13,15
recalls 41:21
recap 59:1
receive 28:7 29:1,7 37:11 37:14 38:18 72:24 73:1
received 23:16 35:10 38:24 54:5
receiving 36:12
recess 33:25 40:6 48:5 70:25
recognize 17:10 32:13 34:12,14 36:22 38:9 42:20 43:14
recollection 31:3
record 4:13,14 6:5 7:20 10:16,18 19:1 22:3

23:9 26:17 30:8 33:24 34:1 40:5,7 48:4,6,9 53:17 59:14 70:24 71:1 77:23 79:16
reduce 62:15
reduced 79:13
refer 24:25 25:15
referred 55:23
referring 10:15 23:2 25:11,12 27:1 29:3,4 52:15,16
refers 23:4 25:2
regard 43:1
regarding 37:15
register 64:1 64:9 73:19 73:20 74:13
registered 10:8 63:12 63:19 64:3 65:4,8 72:1 73:21,24 74:11
registering 73:7
relationship 62:17
relevance 25:25 35:4
relying 56:12
remember 13:12 21:3 28:9 31:20 45:19 54:10 66:16 66:18,19 67:2,2,3
remind 16:16
remove 60:2
render 52:9
rephrase 68:11
reporter 6:23 7:15 8:21 11:21 17:5 18:2,13,17 19:2 21:4,22 22:1 29:12 30:9 31:24 34:6,8 36:17 38:5 42:15 47:20 50:16 51:11 76:2 79:4
reporters 20:24
Reporting 6:7
represent 6:16 6:18,20 63:7
represented 30:2 50:3
representing 6:22
Republic 10:8 63:20 64:16
request 9:20 10:5 18:3 21:12 30:24 77:16
requested 5:3 10:22 11:11 77:15
requiring 68:8
research 62:20
reserve 48:10
response 22:24 66:6
result 8:22
Retained 4:17 4:18,20,21 4:23
review 77:8
RGBX2 62:19
Richard 70:10
right 7:24 9:4 10:22 11:24 15:14,22 18:13 21:7 22:8,18 33:22 44:16 47:24 48:8 48:10,17 50:18 54:16 58:9 61:8 67:7 69:8 70:21 73:6 76:21 77:19
right-hand 30:16
room 10:17,19 16:18 48:12 50:16
roughly 28:7 31:14
round 25:17
rubber 34:25 35:9 41:23 42:3,5,7,8
rubbing 12:24
rule 51:10
rules 51:9

S

S 4:8
S-H-I 9:22
S-U 22:5 30:19
sales 64:8 76:15
sample 15:23 19:18 20:4 22:9 23:15 58:9
samples 43:1
Sandra 1:19 2:17 6:24 79:4,23
satisfied 15:3 36:1,2
saw 29:21,22 37:10 43:20
saying 52:10 62:3 69:17
says 18:3,10 22:17 23:15 48:16
Science 1:8 2:8 3:6,11 4:16 6:11,20 8:15 17:16 17:17,24 21:8 32:3 33:9,12,12 48:25 72:15 74:24 76:7
scope 72:2,3
scrap 41:25
scratch 27:25 28:23
seat 50:17
second 10:2 11:9 19:11 19:11 24:13 24:16 26:7 32:10,11,12 40:21 55:1
section 16:2,3 16:5
see 20:19 22:7 22:13 24:17 35:7 37:9 55:10 60:8 74:10 76:23
seeing 15:20
seen 27:19 29:23 30:23 37:13 43:3,6 49:19,25 58:10 59:24 60:3,4,9,10 60:16,18 61:1,7,9,10 61:12,14
sees 77:9
sell 64:6 72:16,17 73:2
selling 56:19
send 56:1
sender 30:1,15
sending 30:20
sent 15:4,9 25:1 30:24 30:25 31:8 31:10,11 37:13 40:14 40:24 54:7 54:13 57:8 77:6,7
series 25:3 26:15 27:1
Seriously 64:11
served 68:3,8
Services 6:7
shape 37:19,22 37:25
sheer 20:25
shipped 62:8
shooting 14:21
short 45:25 46:20
shorter 45:14 45:15
shorthand 79:4 79:12
show 22:11 32:4
shown 17:12 19:8,9 51:2 56:22 57:3 57:12,15 58:3
shows 19:9
sic 62:9
side 30:2,16 39:12 41:5
sides 37:19,20
Signature 78:13
signs 33:9
similar 34:14 41:12,12 54:6 58:3,14 60:9
simple 15:2 27:20 38:21
single 45:6,8 54:2
singular 25:5 45:5
sitting 50:17 52:19 67:23
situation 14:17
six 37:19,20
size 19:23,24 19:24 20:1 33:2
sleeping 44:17
Small 14:1
sold 41:24 56:19
somebody 49:10 49:12,16 51:6,20
somewhat 10:4
Sommerhauser 6:6
sorry 13:1

28:23 30:6 56:25
sort 54:22
sought 63:3
source 20:13 20:14,16,17 29:17
spaces 76:5
speak 7:21,21 18:12
speaking 64:11
specialist 6:6
specific 28:9 38:21 44:8 49:8 56:4 58:18 66:16 66:19 72:22 73:24 74:25
specifically 41:17 60:15 66:18 72:23 75:8
speculate 66:25
spell 7:14 30:18
spelling 9:14 9:19
spellings 10:9
spend 12:6
spent 12:3 62:20,25
spherical 25:17
spoke 13:10 18:6
spoken 13:6
ss 78:1 79:1
standing 56:16
STARS,SUITE 3:8
start 57:22 61:25 64:23 75:5
started 57:18 62:3
starting 58:2
state 23:9 78:1 79:1,5
stated 26:16 71:4,15,16 76:13
statements 8:7
States 1:1 2:1 6:12 8:1,5 12:16 56:9 56:20 62:9 68:15 69:23
stayed 26:9,11 35:12
Steven 32:17 32:22 69:10
stip 77:4
stipulate 77:5 77:6
stipulated 77:18,19
stop 55:1 61:24,25 62:1
stopped 64:13
story 69:13
strap 38:14,19 40:15,21,21 41:6,15,24 42:4,9
straps 27:10 27:14,18,22 28:3,8,20,25 39:2 40:19 40:24 42:3
string 12:24
stringed 46:13
strip 4:20 29:4 38:13 38:14,15 41:12 42:9 46:10,16,25 47:14 53:8,9
strips 27:5,11 27:12,14,18 27:22 28:3 39:2,11,16 39:25
Strong 32:17 32:22 69:11
studio 68:20 68:24
studios 68:19
study 12:11
style 13:23
Su 22:5 30:17 30:18,21 31:11 51:7
sub 46:23,23 49:9
subcontractor 51:24
subcontrac... 49:15 51:20 53:4
subpoena 68:4 68:8,10
subsequent 63:6
suggest 10:5 16:15 20:23 37:21
suit 49:1
Suite 2:16 3:4 3:13
summarize 40:10
summarizing 22:21
superior 53:7
supplied 76:8
supplier 49:18 59:10 63:3
suppliers 58:23
sure 28:10 29:20 39:14 39:15 42:10 44:8 47:25 48:14 55:12 56:4,10 57:23 59:1 61:11
swear 6:24
switch 16:6,8 24:18,19 59:9
switching 16:8
sworn 7:1,7 79:9

T

T 4:8
T-A-I-S-H-A-N 44:1
T12 19:20,21 29:18 53:18 57:19 61:1,3
T8 19:20,21 57:19 61:1
table 52:19 55:11
Taishan 44:1 58:25
take 8:22 14:25 15:25 25:10,22 33:16,20 35:15 38:22 40:3 47:24 50:15 60:16 69:11 70:21
taken 1:15 2:14 6:8 33:25 34:23 36:9 40:6 48:5 51:11 54:15 56:8 60:19 70:25 79:11
talk 13:15 59:19
talked 47:16 47:19
talking 27:8 52:18 58:8
TAN 3:18 7:1
target 15:2
team 55:21,22 55:24
Tech 70:12,19
technical 21:19 61:20
tell 11:24 24:8,17,20 24:23 29:15 32:2 60:15 69:4 76:14
telling 21:15
terminate 62:17
terminated 63:4
termination 63:6
testified 7:8 52:23
testify 79:9
testifying 40:11 51:15 60:20
testimony 10:16 16:16 50:25 73:14
text 25:1
textile 39:6,8 39:25 40:23 42:2 49:12
textiles 40:18
Thank 11:4,6 11:16,17 13:2 21:10 22:25 23:12 25:7 45:1 46:8 48:2,18 61:13 75:13
theoretically 64:19
thing 50:1 51:8 62:25
things 18:18 21:19 29:18 39:5 43:9 49:2
think 15:19 24:10,16 27:19,24 31:6 33:5 34:22 35:16 35:25 37:18 37:19,20 39:11 41:22 43:15,22,23 43:23 44:25 54:3 61:21 65:1,1 67:24 71:14 75:1 76:23
third 11:13 19:12,12 58:24 63:10
THOMAS 3:3
thought 55:6 74:9
thread 46:16 47:3,5
three 23:25 35:22,25 59:5

ticket 69:22
time 6:8 10:19 13:9,18 14:9 17:23 18:5,6 22:9 23:18 23:19 28:7,9 30:22 32:3 33:10,23 34:2,22 35:21,24 37:1 40:4,8 44:8 46:5 48:3,7 55:19 56:4,18 57:19 66:13 66:14,14 67:22 68:24 68:25 70:23 71:2 72:13 74:8,21,25 77:1,22 79:12
times 35:22,22
title 9:4 28:15
today 6:7,23 8:8 9:2 44:11,18 47:20 48:16 49:20 50:25 51:3 58:11 61:8 68:13 69:1
today's 68:9 77:20
told 50:14 55:19
tomorrow 22:25 44:17
top 30:6 59:17 61:17
trademark 33:13 63:19 63:23 64:2,2 64:4,5,9,14 64:14,15 65:3,8 71:6 72:1,3 73:6 73:8,20,21 73:24 74:9 74:11,13,20
transactions 46:2
transcript 10:12 18:5 18:19 76:5 77:6,7,12 79:15
transcription 79:13
transferred 12:2
translated 9:12
translator 47:22
treat 77:12
triangle 74:15
triangular 65:3,8 74:8
trip 70:3
trouble 18:11
true 41:9 78:7 79:16
truth 69:4 79:9,9,10
try 18:22 77:8
trying 11:2 16:23 49:14 51:18
tube 4:17 15:16,16 19:6,9,10 25:22 29:4 34:12 37:10 37:25 41:11 53:18,18 59:16,20,24 60:9,10,18 60:18 61:1,1 61:5,7,7,14 61:18 68:16
tubes 17:14,15 17:17,23 19:17,18 25:12,13,14 25:15,15 26:1,6 27:2 27:12 28:21 29:2 35:18 35:20 36:12 36:12 37:2 39:22 41:8 56:2,6 67:15
tubical 13:23
tubing 13:21
turn 16:6,17 16:21 24:21
turned 63:2
two 8:13,14 9:8 12:20 24:5,6,9,10 24:11,21,25 27:11,12 29:15,18 30:25 35:12 35:14,18,20 35:22,25 39:11,17,21 45:9 46:15 46:15 59:7 61:8 75:11 76:5 77:21
tying 4:20 38:12,14,14
type 13:24 14:18,22 19:10 24:7 24:19,21,22 35:16 42:7 46:19 47:4 47:10,11 57:9
typed 79:15
types 24:5,6,9 24:10,11 46:22

U

U.S 68:19,19 69:17 76:16
Uh-huh 13:5 17:18
Ultimately 21:17
understand 8:9 8:10 14:15 18:17 20:5 21:6 27:25 28:2 30:1,15 38:22 39:13 40:11 44:21 61:21 63:24
understanding 24:3 25:2 39:20 46:22
Understood 17:1
unit 58:10 59:2
United 1:1 2:1 6:12 8:1,5 12:16 56:9 56:20 62:9 68:15
University 11:25 12:1,2 12:4,6
unwind 53:12 53:16,21
use 14:3 27:22 33:12 57:11 57:13 58:4 63:17 64:6,7 64:16,17,20 64:21,22 71:5,18,19 71:20 72:3,5 72:11,13,19 73:6,8,9,22 74:1
USPTO 26:9
utilizing 63:11

V

Vague 28:4 54:18 58:12 59:25 60:13 73:4
variable 19:9
Velcro 47:8 53:8,10,22
verify 23:19 31:1,12 41:17
versus 6:11
video 6:6,8
videographer 3:19 6:4,23 12:23 13:2 33:23 34:1 40:4,7 47:21 48:3,6 50:17 51:12 55:4,8 55:11,14 70:23 71:1 77:20
VIDEOTAPED 1:14 2:14
violating 26:11
visit 68:15,19 68:23
VS 1:6 2:6

W

W 3:3
wait 30:5 76:23
waiting 22:24
want 10:12 18:17 40:3 47:21 48:15 59:23 60:25 69:4
wanted 23:19 48:9 62:16
wasn't 55:9
way 16:11 18:22 20:8 35:6 46:14 46:17 47:12 47:13 69:7
ways 46:15,16
we'll 10:24 35:7 50:2 75:24 77:6,7
we're 6:4 8:7 16:22 33:24 40:5,7 48:4 48:6,8 64:19 67:5 70:24 71:1 72:11 72:19 77:22
We've 33:20
webbing 38:11
website 45:22
weight 39:9 53:4
went 11:24 68:23 74:12
weren't 21:13
white 56:16
Willfulness

35:6
willing 21:16
Wilshire 2:15 3:4 6:9
wit 79:8
witness 4:2 9:11,20 10:5 11:2,14 13:1 15:8 16:14 16:16,19 17:7 22:3,21 22:21,22,23 23:11 24:13 26:4,15 28:5 35:20 36:20 38:8 39:19 42:18 51:24 52:9 58:14 58:20 59:15 60:2,15,22 62:2 66:21 67:10 71:24 73:5,15 76:5 76:11 77:14 77:17 79:7 79:21
Wittenberg 3:7 6:20
word 9:24,25 20:19 22:13
work 9:5
working 48:16 64:23
works 68:20
wouldn't 62:22
wrap 53:10
write 10:6,23 11:11 20:25
writing 71:10
wrong 41:25
wrote 28:18

X

X 4:8
X-U-E 66:1
Xue 65:25

Y

Y-A 7:16
Y-A-J-U-N 7:19
Y-I-Z-H-I 28:14
Ya 1:14 2:14 4:3 6:14 7:6 77:21 78:5 79:8
yeah 11:16 13:23 15:20 23:6 26:21 32:10 46:21 46:23 47:18 55:14 56:15 64:1 67:1,1 67:1,3 77:5
year 31:14,18 64:12,24 65:16 66:16 67:25 75:11
years 12:6,10 44:3 75:11
yesterday 47:16,22 50:9 68:23
Yizhi 28:14

Z

Z-H-A-N-G 7:17 7:19
Z-H-A-O-M-... 9:24
Zhang 1:14 2:14 4:3 6:14 7:6 11:6 77:21 78:5 79:8

0

1

1 4:11 11:1,19 11:20 28:18 32:12
10 4:21 42:12 42:14,18 58:6
10:12 33:23
10:26 34:2
10:41 40:4
10:53 40:8
11 4:11,23 75:23 76:1
11:12 48:3
11:21 48:7
12 1:16 2:17 6:1,7
12:14 70:23
12:22 71:2
12:37 77:22,25
12100 2:15 3:4 6:9
12553 1:19 2:18 79:5,23
17 4:12 21:9
1700 2:16 3:4
1750 3:8
1800 3:13
1901 3:8

2

2 4:12 17:3,4 34:2 45:16 45:25
2:16-CV-03040 1:5 2:5 6:13
20 50:11,12
2012 13:11
2013 13:11,11 13:12,14 17:25 21:8 57:17,18 63:16
2014 43:22 63:16 71:14
2015 21:8 43:24 44:6 71:14 75:6
2016 43:24
2017 17:25 21:10 63:17
2018 1:16 2:17 6:1,7 79:21
21 4:13,14
229-3500 3:9
24th 79:21
29 4:15

3

3 4:13 21:20 21:21 22:14 23:2 33:4
30 50:11,12 77:10,10,16
31 4:16
310 3:5,9,14
34 4:17
36 4:18
38 4:20

4

4 4:14 21:24 21:25 23:25 24:14 33:4
4118 1:20
42 4:21
451-0647 3:5
48 4:6

5

5 4:15 29:10 29:11,16,25 30:2,16
50,000 76:16 76:17

6

6 4:16 31:22 31:23 32:2 34:5
600 3:13

7

7 4:5,17 34:6 34:7,11 35:3 59:19
76 4:23 5:5

8

8 4:18 5:5 36:15,16,19

9

9 4:20 38:3,4 38:8 41:14 47:6 49:3 51:23 57:21 58:3
9:07 2:17 6:2 6:8
90025 3:4
90067 3:9,13
979-3444 3:14

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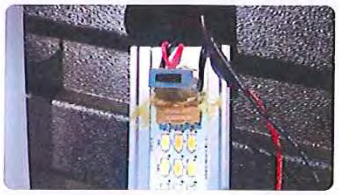

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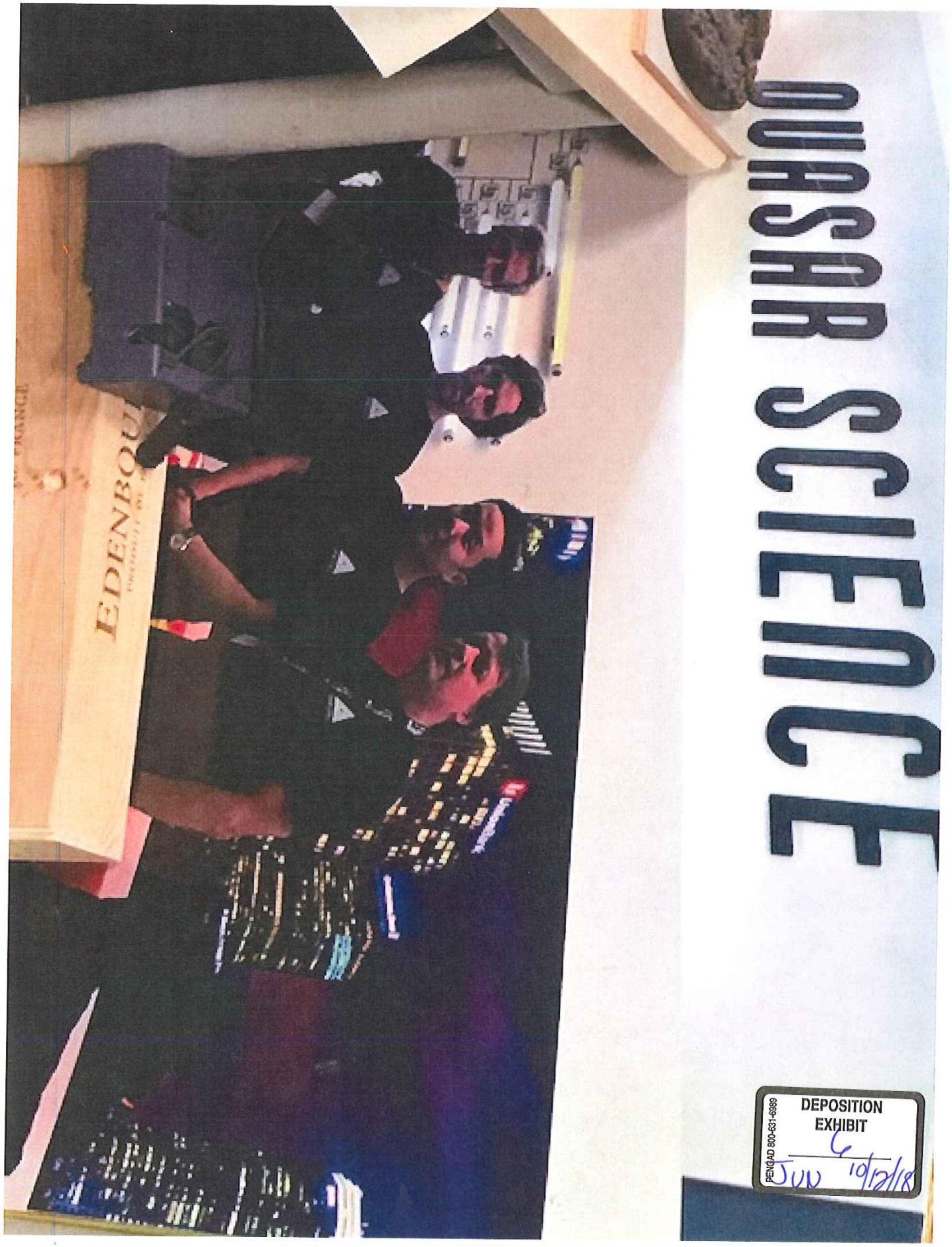
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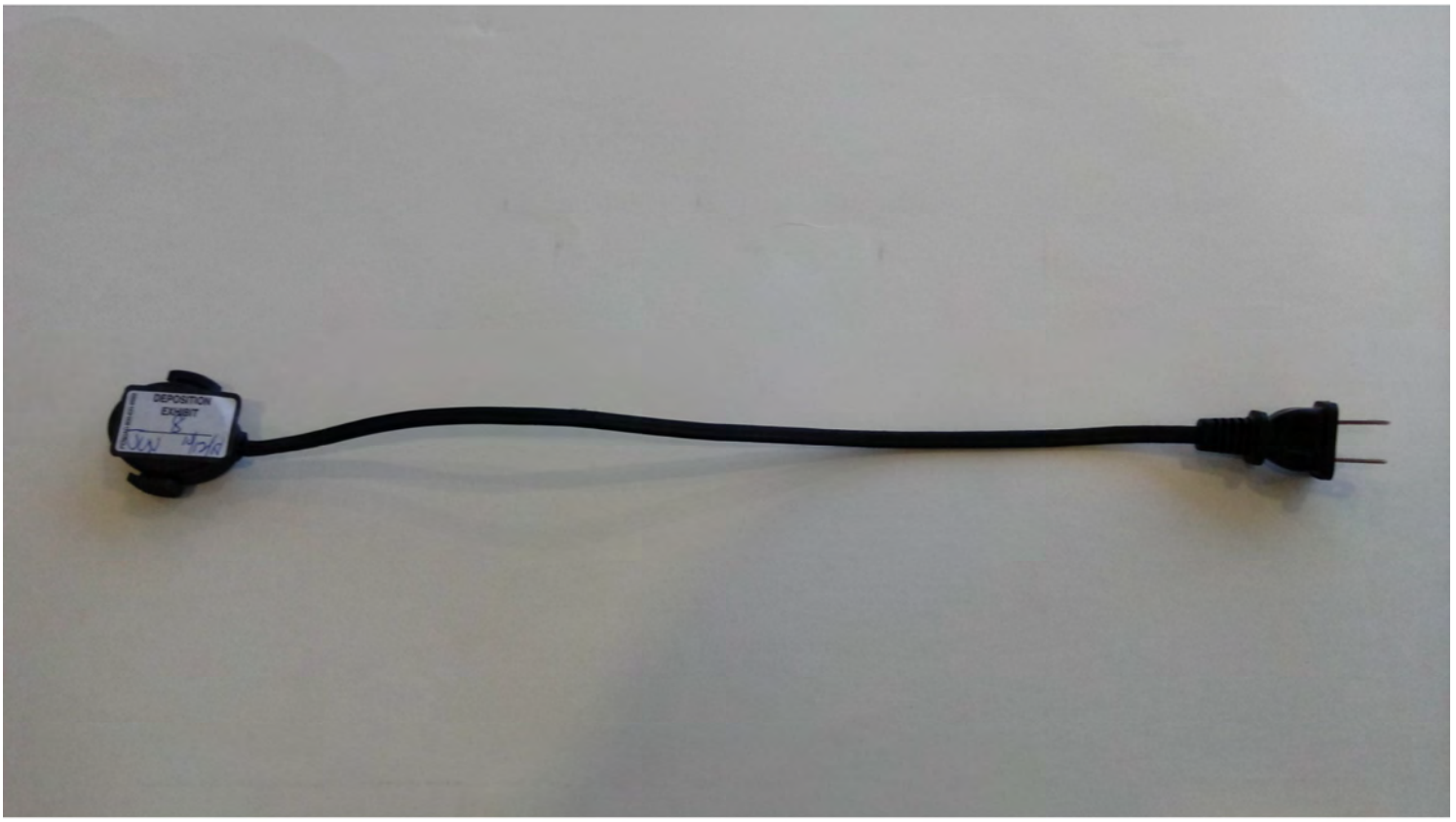
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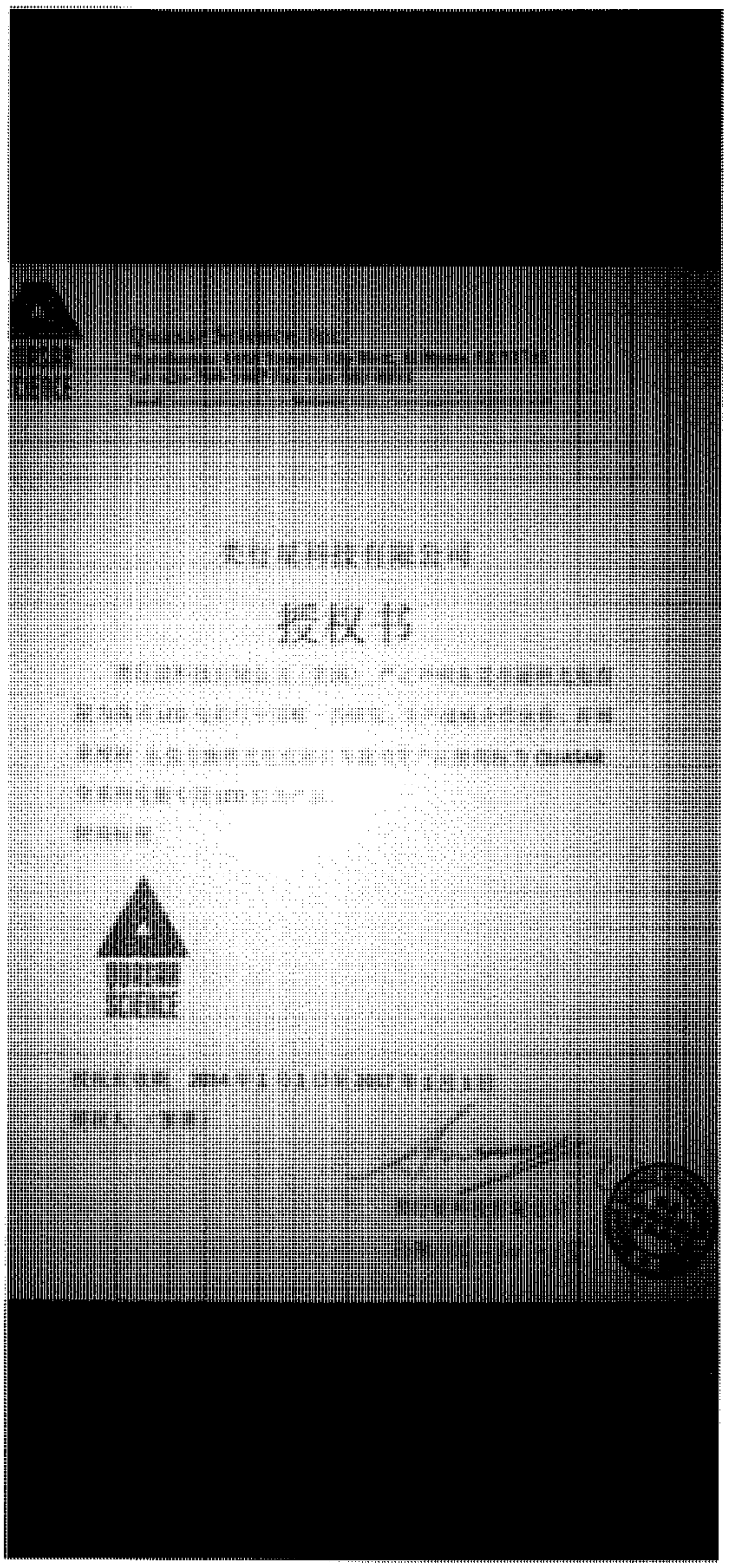

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