

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3
4 SHENZHEN CARKU TECHNOLOGY CO.,)
5 LTD.,)
6 Petitioner,) Case No.
7 -vs-) IPR2020-00944
8 THE NOCO COMPANY,) Patent No.
9 Patent Owner.) 9,007,015
10 -----)
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13 The deposition of XIANGLIANG LEI was
14 taken on Wednesday, March 26, 2021, commencing at
15 6:58 p.m., remotely, Tammy S. Newton, Notary
16 Public.
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9 ALSO PRESENT:

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11 Amanda Lin, Interpreter

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2 EXAMINATION OF XINGLIANG LEI PAGE:

4 By Mr. Patariu 93

7 Number 1 - Declaration of Xingliang Lei 12

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ADC EX1015
IPR2025-00885

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

2 COURT REPORTER: Does everyone
3 stipulate to the following: No party to the
4 litigation will object to the remote deposition
5 on the grounds that the stenographer may not have
6 the legal authority to swear in the witness.

7 MR. OLDACH: So stipulated.

8 MR. PATARIU: So stipulated. And just
9 on the subject of interpreters, the secondary or
10 check interpreter is Amanda Lin.

11 (Both Interpreters were sworn.)

12 XINGLIANG LEI,
13 after having been duly sworn remotely by the
14 stenographer, was examined and testified as
15 follows:

16 EXAMINATION BY COUNSEL FOR THE PLAINTIFF
17 BY MR. OLDACH:

18 Q Good morning, Mr. Lei. Thank you for
19 making yourself available today. My name is
20 William Oldach, and I'm an attorney for the NOCO
21 Company in this proceeding that was filed by
22 Shenzhen Carku Technology.

1 Mr. Lei, would you please state your
2 full name for the record.

3 A Yes, I can. So my full name is Lei
4 Xingliang. Lei, last name L-E-I. Xingliang,
5 X-I-N-G-L-I-A-N-G.

6 Q Thank you. As you may know, Mr. Lei,
7 a deposition is a process by which I will ask
8 questions and you answer those questions to the
9 best of your ability. First I want to give you
10 some ground rules for how we will conduct the
11 deposition.

12 A Sounds good.

13 Q First, please answer all my questions
14 verbally. The court reporter cannot take note
15 when you nod or shake your head.

16 Do you agree?

17 A Yes, I agree.

18 Q It is also important that we both do
19 our best not to speak over each other or that we
20 not speak over the interpreters, as that will
21 make it difficult for the court reporter.

22 Can you do that?

1 A Yes, I can.

2 Q Mr. Lei, as you know, we have Mandarin
3 interpreters here to assist us in conducting the
4 deposition. In response to any of my questions,
5 you may wait until the question to be interpreted
6 into Mandarin and respond in Mandarin, which will
7 be translated back into English.

8 Do you understand that?

9 A Yes. Understood.

10 Q Mr. Lei, if you prefer to answer any
11 of my questions in English without waiting for
12 translation, you may do so. However, if you do,
13 it will be presumed that you understood the
14 question in English.

15 Is that clear?

16 A Yes.

17 Q Mr. Lei, this is very important. If I
18 ask a question that you do not understand,
19 whether in English or in Mandarin, please ask me
20 to rephrase it. Otherwise, it will be presumed
21 that you understood the question as asked.

22 Is that clear?

1 A Yes. Understood.

2 Q If you need a break for any reason,
3 Mr. Lei, please let me know. All I ask is that
4 you answer any question that is pending before we
5 take a break.

6 Do you agree?

7 A Yes, I agree.

8 Q Thank you. Before we begin the
9 questioning in more detail, I'd like to ask about
10 your proficiency in the English language. In
11 your own words, how well do you speak the English
12 language?

13 A I can speak basic English, but when it
14 comes to expressions and listening, I would say
15 my English isn't that professional.

16 Q How well do you write in the English
17 language?

18 A I can write basic English well, but
19 when it comes to technical or more difficult
20 English expressions, I have problems.

21 Q How well do you read the English
22 language?

1 A I can also read basic English, but
2 when it comes to more challenging English words,
3 sometimes I have to resort to translation
4 software in order to understand the message.

5 Q Have you ever taken English language
6 classes?

7 A Yes. When I was in school, I took
8 English classes.

9 Q For how many years?

10 A Let me see. So junior of high school,
11 three years, and senior high school, three years.
12 So six years I would say. Actually, and I also
13 studied in college, and I would say, you know,
14 even though there were some interruptions in the
15 middle, it would be between 6 to 10 years of
16 English schooling.

17 Q Do you regularly use English in your
18 work, Mr. Lei?

19 A Yes.

20 Q How do you use English in your work?

21 A Mostly is reading and writing e-mail
22 messages.

1 Q Who are these e-mail messages to or
2 from?

3 A Mostly is correspondence with our
4 clients, our company's clients.

5 INTERPRETER LIN: The second
6 interpreter would like to offer her rendition.

7 THE WITNESS: Those e-mails are
8 between us and our company's customers.

9 INTERPRETER XU: First, the
10 interpreter wanted to say that even I appreciate,
11 you know, this interpreting offered by the second
12 interpreter, but I don't really see any
13 differences between my version and her version.

14 INTERPRETER LIN: The literal
15 translation should be e-mails, not
16 correspondence.

17 INTERPRETER XU: I think that's --
18 yeah, so either mail or correspondence, I think
19 they are synonyms.

20 BY MR. OLDACH:

21 Q Mr. Lei, do you regularly correspond
22 with non-Mandarin speakers in your work using

1 English?

2 A Yes, indeed when it comes to overseas
3 clients, we regularly communicate in English.

4 Q Mr. Lei, do you consider yourself
5 proficient in any languages other than Mandarin
6 or English?

7 A Other than these two languages, I'm
8 only proficient in my local dialect.

9 Q And what is your local dialect?

10 A So it is my hometown local dialect.

11 Q Do you ever use English other than in
12 your work?

13 A When we receive the clients sometimes,
14 then we would -- we would speak in English and
15 very simple English.

16 Q Mr. Lei, have you ever visited an
17 English-speaking country?

18 A Yes.

19 Q Which countries have you visited?

20 A United States and Canada.

21 Q How many times have you visited those
22 countries?

1 A I can't remember the exact number of
2 visits, but roughly speaking, it would be between
3 four and five times.

4 Q When was the first time you visited
5 either of the United States or Canada?

6 A My memory is a bit hazy when it comes
7 to timelines.

8 Q When was the most recent time you have
9 visited the United States or Canada?

10 A I would say probably 2018, but I can't
11 really be sure 100 percent. I have to check
12 my -- the stamps, the visa stamps on my passport.

13 (Deposition Exhibit Number 1 was
14 marked for identification and attached to the
15 transcript.)

16 BY MR. OLDACH:

17 Q Mr. Lei, in the AgileLaw document that
18 you have, which I'm about to -- should be
19 available on your screen now, or you may have a
20 hard copy of it, which is a copy of the
21 declaration that you signed in this matter.

22 Do you see that?

1 A Let me see.

2 Yes, I see that document.

3 Q Mr. Lei, would you please turn to Page
4 6 of the document, and that is the page on which
5 you signed it.

6 A Yes. One moment please.

7 Yes, I'm on Page 6.

8 Q Mr. Lei, when you signed your
9 declaration here on Page 6, did you read the
10 declaration in English only, or did you also have
11 a Mandarin translation of the declaration to
12 review?

13 INTERPRETER LIN: The -- hold on.

14 (Interpreting.)

15 INTERPRETER XU: The second
16 interpreter asked Mr. Lei to speak first.

17 THE WITNESS: I read it first in
18 English, and then I consulted on some translation
19 software for some of the words I didn't know, and
20 then I asked one of the attorneys who understands
21 Chinese to explain to me.

22 INTERPRETER LIN: The second

1 interpreter would like to offer her rendition.

2 (Interpreting.)

3 THE WITNESS: I was not -- I was not
4 reminded with a Chinese version of the
5 translation for me to review. Only the English
6 version.

7 INTERPRETER XU: The first interpreter
8 would also like to offer his version.

9 I was only provided the English
10 version, not the translated version.

11 MR. PATARIU: I'd like to just lodge
12 an objection for completeness, and I believe both
13 interpreters have offered their interpretation of
14 the question and answer, so we can proceed.

15 BY MR. OLDACH:

16 Q Mr. Lei, who was the attorney that
17 provided you assistance with the translation of
18 the declaration?

19 A The attorneys surname is Cho, C-H-O.
20 That attorney helped me understand the
21 declaration.

22 Q Was that an attorney with the Arch &

1 Lake law firm?

2 A I'm not exactly sure which law firm
3 that attorney works for.

4 Q Was the attorney located in the United
5 States?

6 A I'm not sure whether he was born in
7 the United States, but he is an American Chinese.

8 INTERPRETER LIN: The second
9 interpreter will offer her rendition.
10 (Interpreting.)

11 INTERPRETER XU: This is an objection
12 here. So the second interpreter is repeating my
13 question. So Mr. Lei did not answer correctly,
14 but that's her -- his understanding problem and
15 that is not a problem with my interpreting. So
16 I'm just putting that on the record.

17 INTERPRETER LIN: You missed -- the
18 verb tense in your translation was wrong.
19 Counsel's question was past tense. Your
20 translation stated as if it sounds like it's the
21 present tense. That causes the witness's
22 misunderstanding.

1 Can we refrain from making comments
2 from each other's version. I think we're just
3 supposed to put our correction and rendition on
4 the record, and that's it.

5 INTERPRETER XU: I appreciate your
6 input, but I think that's -- you know, if there
7 are differences, then it's the board that is
8 going to make the decision. So I want my opinion
9 to be heard. That's all.

10 MR. PATARIU: I think I'd like to
11 lodge an objection, and my understanding of the
12 procedure is that both interpreters just need to
13 offer their interpretations to complete the
14 record, and we may -- there's -- and that's
15 sufficient under the rules. So we may continue.

16 BY MR. OLDACH:

17 Q Mr. Lei, do you recall if the
18 counsel's name that assisted you was Yechen Cao?

19 INTERPRETER LIN: (Interpreting.)

20 INTERPRETER XU: This is the
21 interpreter speaking. Is it possible for to you
22 to spell that person's name because the second

1 interpreter's pronunciation is different from
2 yours. So I wanted to make sure we are on the
3 same page when it comes to the attorney that we
4 are referencing.

5 MR. OLDACH: Give me a moment, please,
6 and I can, I believe, spell it for us.

7 Pardon me. I believe the spelling is
8 Cao, C-A-O. Yechen, Y-E-C-H-E-N.

9 BY MR. OLDACH:

10 Q Mr. Lei, do you recall if that is the
11 attorney who assisted you?

12 A Yes.

13 Q Mr. Lei, you mentioned that you used
14 software to assist you in translating certain
15 words. What software did you use?

16 A So I use a Chinese software by the
17 name Youdo, Y-O-U-D-O. And also I have used the
18 Google Translate.

19 Q Do you recall, Mr. Lei, what words or
20 phrases in your declaration you received
21 assistance in understanding?

22 A That is not something that I

1 documented. So I can't remember. So whenever I
2 run into some difficulty, I just look up that
3 word.

4 Q Did you keep any notes of any --
5 strike that.

6 Mr. Lei, did you make any notes while
7 you were reviewing your declaration, including
8 notes of any translation assistance you may have
9 received?

10 A No.

11 Q Did you correspond with Mr. Cao in
12 writing regarding any of the translation
13 assistance he provided to you?

14 A Are you referring to my writing e-mail
15 messages or what?

16 INTERPRETER LIN: The second
17 interpreter would offer a rendition.

18 (Interpreting.)

19 THE WITNESS: No. We mainly
20 communicated through telephone.

21 INTERPRETER LIN: And that was for me
22 to interpret.

1 INTERPRETER XU: So I'm the primary
2 interpreter. If you disagree with me, then you
3 can offer your version after me.

4 INTERPRETER LIN: You already offered
5 your interpretation. That was for me.

6 (Simultaneous crosstalk.)

7 INTERPRETER XU: You asked a different
8 question in Chinese.

9 INTERPRETER LIN: Mr. Patariu --

10 MR. PATARIU: Yes. I'd like to lodge
11 an objection. So procedurally, for the benefit
12 of all the parties, according to the PTAB
13 guidance relating to depositions, if the second
14 interpreter has an issue with either the question
15 or the answer, the second interpreter may
16 interject. If the issue is with the question,
17 the second interpreter is permitted to rerender
18 the question, listen for the witness's answer,
19 and rerender that answer back to English. And
20 that would be followed by an objection on the
21 record, and then at that point, both interpreters
22 have offered their position on the proper

1 interpretation of the question and answer.

2 So I believe Ms. Lin still has to
3 offer the interpretation of the answer and
4 perhaps needs to rerender the question again
5 because -- because it's been -- for completeness.

6 MR. OLDACH: Let me ask the court
7 reporter first, Mr. Patariu. Would the reporter
8 please reread the question as asked in English.

9 (The record was read by the reporter.)

10 MR. OLDACH: Now, Dr. Xu had
11 translated the question and provided Mr. Lei's
12 response in English, and then Ms. Lin provided a
13 rendition of the question. And why don't we
14 resume with having Ms. Lin repropose her
15 rendition to Mr. Lei and provide Mr. Lei's
16 response. And then if Dr. Xu has an objection,
17 he may make it.

18 INTERPRETER LIN: Thank you, Counsel.

19 (Interpreting.)

20 THE WITNESS: No. We communicated
21 through telephone calls.

22 INTERPRETER XU: First, the

1 interpreter wanted to object to the rendition in
2 English. It was actually simpler by Mr. Lei.
3 Mr. Lei says, "No, through telephone."

4 MR. PATARIU: For the completeness,
5 I'll lodge an objection. I think both
6 interpreters have offered their renditions back
7 to English, and we can continue.

8 BY MR. OLDACH:

9 Q Mr. Lei, have you ever been deposed in
10 a U.S. court proceeding before?

11 A No.

12 Q Have you ever testified at a trial in
13 the United States before?

14 A No.

15 Q Mr. Lei, have you ever been deposed in
16 a court proceeding in China or anywhere else
17 outside the United States before?

18 INTERPRETER LIN: The second
19 interpreter will offer her rendition.

20 (Interpreting.)

21 THE WITNESS: I have not.

22 INTERPRETER XU: The first interpreter

1 wanted to object because the second interpreter
2 didn't give me a chance to interpret what Mr. Lei
3 says in the first round, rather she paraphrased
4 what the witness said. So what Lei said in the
5 first time was, "I didn't quite understand your
6 question. Would you be able to rephrase it?"

7 MR. OLDACH: Right.

8 Ms. Lin, if I ask -- if Dr. Xu
9 provides his interpretation and the witness
10 responds to that, it is first for Dr. Xu to
11 provide me with that interpretation before you
12 would provide your second rendition.

13 I understand that the witness has
14 testified that he did not understand my question.
15 Let me rephrase it.

16 BY MR. OLDACH:

17 Q Mr. Lei, have you ever given testimony
18 in any court proceeding in China or anywhere else
19 outside the United States before?

20 A No.

21 INTERPRETER LIN: The second
22 interpreter will offer her rendition.

1 (Interpreting.)

2 THE WITNESS: No.

3 MR. PATARIU: I'd like to lodge an
4 objection, and I think both interpreters have
5 provided their interpretation of the question and
6 answer. So we can continue.

7 BY MR. OLDACH:

8 Q Mr. Lei, do you recall presently --
9 strike that.

10 Mr. Lei, did you do anything to
11 prepare for today's deposition?

12 A Are you referring to my familiarity
13 with the testimony that I'm giving today?

14 Q Yes.

15 A Yes. Prior to giving the deposition,
16 so I reviewed my testimony.

17 Q Did you meet with Mr. Patariu or any
18 of his colleagues to prepare for today's
19 deposition?

20 A Yes. So I spoke with Kevin on the
21 phone.

22 INTERPRETER LIN: The second

1 interpreter will offer her rendition.

2 (Interpreting.)

3 THE WITNESS: Yes.

4 MR. PATARIU: I'd like to lodge an
5 objection. I think both interpreters have now
6 offered their rendition of the question and
7 answer, so we may continue.

8 MR. OLDACH: Dr. Xu, did you have an
9 objection to the second rendition provided by Ms.
10 Lin?

11 INTERPRETER XU: Yes. Yes, because I
12 felt her translation was not complete and also
13 deviated from your original question.

14 INTERPRETER LIN: I did not. I
15 followed every word in counsel's question.

16 INTERPRETER XU: And your translation
17 back was much shorter than me, even though Mr.
18 Lei offered more context in his response.

19 INTERPRETER LIN: Counsel, this is so
20 unfair. Dr. Xu is making unfair comments on my
21 correction. I am following -- I'm taking notes.
22 I'm following every word of the translation of

1 what the record says.

2 MR. OLDACH: I don't know if that
3 comment is directed at me. Obviously I cannot,
4 you know, by myself interpret which version may
5 be more accurate or not. But if there are two
6 versions, it would make sense for the record to
7 have some explanation of why there is some
8 dispute on the matter. My hope is that we will
9 be able to move forward here in a somewhat
10 expeditious manner.

11 MR. PATARIU: I think the -- Counsel,
12 I think the rules only contemplate us exploring
13 whether there is a disagreement or not. So for
14 efficiency purpose if the -- how about if the
15 second interpreter renders a question or answer
16 and the first interpreter indicates that he can
17 indicate whether he agrees or does not agree, and
18 that would avoid an extended discussion between
19 interpreters about -- about the interpretation of
20 the question, and that's in keeping with PTAB
21 guidance on foreign interpreter depositions.

22 MR. OLDACH: I think that as long as

1 both Dr. Xu and Ms. Lin, to the extent the
2 situation reverses later on in our session, they
3 may make second renditions and note an objection.
4 But unless the change results in a significant
5 departure in the response, we can hopefully keep
6 any additional speaking to a minimum.

7 BY MR. OLDACH:

8 Q Let me ask this, Mr. Lei. Other than
9 meeting with Mr. Patariu, did you speak with
10 anyone else at Carku about today's deposition?

11 A Yes.

12 INTERPRETER LIN: The second
13 interpreter will offer her rendition.

14 (Interpreting.)

15 THE WITNESS: Yes.

16 MR. PATARIU: I'd like to lodge an
17 objection. I believe both interpreters have
18 offered their rendition, so we may continue.

19 BY MR. OLDACH:

20 Q Who at Carku did you speak with about
21 this deposition?

22 A Mr. Zhang Xiao Feng. Surname

1 Z-H-A-N-G. X-I-A-O. Feng, F-E-N-G.

2 Q Who is -- who is Mr. Zhang?

3 A He is our patent engineer.

4 Q What did you discuss with Mr. Zhang?

5 A Just some questions and content
6 regarding the deposition.

7 INTERPRETER LIN: The second
8 interpreter will offer her rendition.

9 (Interpreting.)

10 THE WITNESS: Mainly we discussed some
11 of the contents of this testimony.

12 BY MR. OLDACH:

13 Q Did you speak with anyone outside of
14 Carku other than your counsel about this
15 deposition?

16 A No.

17 Q Did you speak with Ms. Wan Yingchun
18 about today's deposition?

19 A No. She has already left.

20 Q Did you review any documents to
21 prepare for this deposition other than your
22 declaration that is on your computer screen?

1 A Yes.

2 Q What documents did you review?

3 A I reviewed the websites mentioned to
4 Ying and the testimonies and did some counting.

5 MR. OLDACH: Sorry. Did you say
6 "counting"?

7 INTERPRETER XU: C-O-U-N-T-I-N-G,
8 counting.

9 BY MR. OLDACH:

10 Q Mr. Lei, when you say us visited
11 websites, were those, for example, the Canton
12 Fair website referenced in your declaration?

13 A Yes.

14 Q Mr. Lei, when you said "counting,"
15 what did you mean by that?

16 A I didn't say counting.

17 Q I'm sorry. I was confused. I thought
18 I had heard that in English the translation of
19 what you said was counting.

20 Could the court reporter please read
21 back Dr. Xu's translation of the question, I
22 believe, two prior to this one.

1 (The record was read by the reporter.)

2 BY MR. OLDACH:

3 Q My follow-up is -- unless Mr. Lei has
4 an answer.

5 A I wanted to communicate I took a look
6 at the websites mentioned in the testimonies.

7 INTERPRETER LIN: Counsel, I have a
8 correction of the answer.

9 THE WITNESS: I took a look at the web
10 pages mentioned in my testimony. I said I took a
11 look. I did not say I counted.

12 INTERPRETER XU: The first interpreter
13 wanted to object. So Mr. Lei said "websites"
14 instead of web pages.

15 MR. PATARIU: I'd like to lodge an
16 objection. I believe both interpreters have
17 offered their position on the interpretation of
18 the witness's answer, and we can continue.

19 BY MR. OLDACH:

20 Q Mr. Lei, have you attended university?

21 A Yes.

22 Q Where did you attend university?

1 A In China.

2 Q What university did you attend?

3 A Guizhou University, spelled
4 G-U-I-Z-H-O-U.

5 Q Do you have a degree from the Guizhou
6 University?

7 A Yes.

8 Q What degree do you have?

9 INTERPRETER XU: This is the
10 interpreter. I didn't hear Mr. Lei's response
11 clearly, so I'm going to ask him to repeat.

12 THE WITNESS: Yes. So the degree that
13 I received is animal medicine.

14 INTERPRETER LIN: The second
15 interpreter will offer her rendition of the
16 answer.

17 THE WITNESS: A bachelor's degree in
18 animal medicine.

19 INTERPRETER XU: The first interpreter
20 wants to object because Mr. Lei didn't say
21 bachelor's degree.

22 INTERPRETER LIN: He did.

1 INTERPRETER XU: He said animal
2 medicine.

3 INTERPRETER LIN: He did. You didn't
4 hear it. He did.

5 INTERPRETER XU: I'm sorry. We each
6 have a chance to object, so please do not talk
7 over me. Thank you.

8 MR. PATARIU: I think --

9 MR. OLDACH: Dr. Xu had said he did
10 not hear it and asked the witness to repeat, so
11 perhaps that's where that occurred.

12 MR. PATARIU: Just to complete the
13 record, I'd like to lodge an objection, and I
14 think both interpreters have offered their
15 interpretation, and we can continue.

16 BY MR. OLDACH:

17 Q Mr. Lei, when did you receive your
18 degree in animal medicine?

19 A 2007.

20 Q Mr. Lei, are you familiar with the
21 types of degrees that are referred to as
22 bachelor's and graduate degrees?

1 A Yes.

2 Q Do you have a graduate degree?

3 A No.

4 Q Did you do any studying toward a
5 graduate degree?

6 A No.

7 Q Mr. Lei, I'd like to turn to the
8 declaration itself and ask if we could move back
9 up to Page 2 of the document, which is the first
10 written page.

11 Do you see that?

12 A One second. Let me take a look.

13 Did you say Page 2?

14 Q Yes.

15 A Yes. I'm on Page 2.

16 Q Your declaration states that you have
17 been a Carku employees since 2011, correct?

18 A Yes.

19 Q Did you work anywhere prior to working
20 at Carku?

21 A Yes.

22 Q Where did you work immediately before

1 your beginning work at Carku?

2 A I worked at a company in China that
3 specialized in making artisan items.

4 (Reporter clarification.)

5 BY MR. OLDACH:

6 Q What types of artisanal products did
7 they make?

8 A For example, wood photo frames.

9 Q For how long did you work for this
10 company?

11 A I can't remember exactly, but I think
12 it was a bit over a year.

13 Q How did you come -- strike that.
14 How did you come to start working at
15 Carku?

16 A I left that company, and I immediately
17 came to Shenzhen, and I co-founded Carku with my
18 friends.

19 Q So you are a co-founder of Carku?

20 A Yes.

21 Q When you began working at Carku, did
22 you have the title of sales manager?

1 A Not in the very beginning.

2 Q What did you -- did you have -- did
3 you have a different title at Carku at the very
4 beginning?

5 A Yes.

6 Q What title was that?

7 A At that time it was general manager.

8 Q What were your duties and
9 responsibilities as general manager when you
10 began working at Carku?

11 A Responsible for coordinating the R&D
12 of our products.

13 INTERPRETER LIN: The second
14 interpreter will offer her rendition of the
15 answer.

16 THE WITNESS: I was responsible and I
17 was coordinating the preparation of the
18 development of the product.

19 INTERPRETER XU: The first interpreter
20 wants to object because Mr. Lei said R&D.

21 BY MR. OLDACH:

22 Q Did you report to someone in your role

1 as general manager?

2 MR. PATARIU: Sorry. Before that, I
3 just wanted to lodge an objection. I think both
4 interpreters offered their interpretations, and
5 we can continue. Sorry, Bill.

6 MR. OLDACH: That's all right.

7 BY MR. OLDACH:

8 Q Let me reask the question.

9 Mr. Lei, did you report to someone in
10 your role as general manager at Carku?

11 A Yes.

12 Q Who was that?

13 A It was our boss. Then -- actually was
14 our boss and the person who invested in our
15 company.

16 Q And what is that person's name?

17 A The person's name is Mei Yun. Mei,
18 M-E-I. Yun, Y-U-N.

19 INTERPRETER LIN: Lei. The second
20 interpreter would like to clarify one thing with
21 the witness.

22 (Interpreting.)

1 THE WITNESS: It should be Lei, L-E-I
2 Y-U-N. The same last name as my last name.

3 MR. PATARIU: I'd like to lodge an
4 objection. I think both interpreters offered
5 their interpretations, and we can continue.

6 BY MR. OLDACH:

7 Q Did the investor have a formal title
8 with Carku?

9 A Yes.

10 Q What title is that?

11 A Are you referring to that person's
12 current title?

13 Q No. I'm referring to the title that
14 that person had when Mr. Lei started at Carku in
15 2011.

16 A In the very beginning, that person
17 didn't have a title.

18 Q Mr. Lei, when you began at Carku in
19 2011 as general manager, did you have people
20 reporting to you?

21 A Yes.

22 Q Approximately how many people reported

1 to you when you began work at Carku?

2 A I can't remember the exact number of
3 people, but roughly speaking, it would be between
4 four and five people.

5 Q Did you have any other positions at
6 Carku other than general manager before you
7 became sales manager?

8 A No.

9 Q When did you become sales manager at
10 Carku?

11 A I think that it would be between 2013
12 and 2014. I can't remember the exact time frame.

13 Q As sales manager, what are your duties
14 and -- strike that.

15 Are you currently -- are you also
16 currently sales manager at Carku?

17 A Yes.

18 Q As sales manager, what are your duties
19 and responsibilities?

20 A I'm responsible for looking for
21 clients selling our products.

22 Q Are you the only sales manager at

1 Carku?

2 A No.

3 Q How many sales managers are there at
4 Carku?

5 A I can't remember the exact number
6 because some of the managers were external sales
7 and some were domestic sales. I think that
8 together it should be between six and seven.

9 Q As sales manager at Carku, do you
10 report to someone?

11 A Yes.

12 Q Who do you report to currently?
13 COURT REPORTER: What was that? I'm
14 sorry.

15 THE WITNESS: Our current general
16 manager.

17 BY MR. OLDACH:

18 Q Who is the current general manager?

19 A Mr. Zhang Zhifeng. Z-H-A-N-G last
20 name. The first name Z-H-I-F-E-N-G.

21 Q In connection with your job as sales
22 manager at Carku, do you know Ms. Wan Yingchun?

1 INTERPRETER LIN: Counsel, do you mind
2 spelling the name? I think the last name is
3 different from what the first interpreter
4 offered.

5 MR. OLDACH: My understanding, just so
6 we have a clear record, is the last name is Wan,
7 W-A-N. The first name, Yingchun,
8 Y-I-N-G-C-H-U-N.

9 INTERPRETER XU: I interpreted that
10 correctly.

11 INTERPRETER LIN: You said Wang,
12 W-A-N-G.

13 INTERPRETER XU: No. I said Wan,
14 W-A-N.

15 INTERPRETER LIN: No, you did not.

16 INTERPRETER XU: I did.

17 BY MR. OLDACH:

18 Q Could you reask my question so Mr. Lei
19 can respond.

20 In connection with your job as sales
21 manager at Car ku, do you know Ms. Wan Yingchun?

22 A Yes.

1 Q Was Ms. Wan a sales manager at CarKu
2 at the same time as you?

3 A Yes.

4 Q Is it your understanding that Ms. Wan
5 is no longer employed at CarKu?

6 A Yes.

7 Q Have you spoken with Ms. Wan since she
8 left CarKu?

9 A We keep in touch with each other as
10 regular friends.

11 Q Approximately when did Ms. Wan leave
12 CarKu?

13 A I can't remember the exact date. I
14 think it would be 2019 or 2020. I think our HR
15 people would be in the best position to answer
16 this.

17 Q Have you ever spoken with Ms. Wan
18 about this matter or her earlier declaration that
19 was filed in this matter?

20 A Yes.

21 Q When did you speak with her about
22 that?

1 A I think it was in 2019, but I can't
2 remember the exact date.

3 Q Have you spoken with Ms. Wan about her
4 declaration since she left Carku?

5 INTERPRETER XU: This is the
6 interpreter speaking. Would you be able to
7 repeat your question? Thank you.

8 MR. OLDACH: Yes.

9 BY MR. OLDACH:

10 Q Have you spoken with Ms. Wan about her
11 declaration since she left Carku?

12 A No.

13 MR. OLDACH: I've been going about an
14 hour and 15. Could we stretch our legs and take
15 a 5- or 10-minute break?

16 MR. PATARIU: Yeah, let's do that.

17 (A brief recess was taken.)

18 BY MR. OLDACH:

19 Q Thank you, Mr. Lei. I'd like to turn
20 back to your declaration, Mr. Lei. Still on Page
21 2.

22 A Yes.

1 Q First, would you take as much time as
2 you need to review the document on your screen,
3 and could you please confirm that this is an
4 accurate copy of the declaration that you signed
5 on February 19, 2021, and its exhibits.

6 INTERPRETER LIN: The word "accurate"
7 was not translated in the question. So the
8 second interpreter will offer her rendition.

9 (Interpreting.)

10 THE WITNESS: Yes. I'm going to
11 review this document from top to bottom.

12 (Reading.)

13 I scanned through the documents.
14 Generally speaking, it seems like the document I
15 signed.

16 BY MR. OLDACH:

17 Q Thank you. I'd like to direct your
18 attention, Mr. Lei, to Paragraph 2 of your
19 declaration, which appears on Page 2. On that --
20 I'm sorry.

21 INTERPRETER LIN: The witness said
22 okay.

1 MR. OLDACH: Thank you.

2 BY MR. OLDACH:

3 Q Paragraph 2, I'll start reading from
4 the middle of the paragraph, "particularly to
5 provide evidence authenticating Exhibits 1012 and
6 1013 to the petition (the Epower brochures
7 attached below as Exhibit D), and discussing
8 their creation, display, and distribution."

9 Do you see that?

10 INTERPRETER LIN: The phrase the
11 "petition" was not translated. The second
12 interpreter will offer her rendition.

13 (Interpreting.)

14 THE WITNESS: Yes, I did.

15 BY MR. OLDACH:

16 Q Bear with me one moment.

17 Mr. Lei, Paragraph 2 includes the word
18 "creation." Did you take part in creating the
19 Epower brochures?

20 A No. This was done by our design team.

21 Q Do you know when the design team
22 created the brochures?

1 A I couldn't remember the exact date.

2 Q Was it sometime prior to the import
3 and export fair 2014?

4 A Yes. That should be it.

5 Q Do you recall approximately how long
6 before the import and export fair the brochures
7 were created?

8 A I can't remember exactly how long, but
9 it was created before the fair.

10 INTERPRETER LIN: The second
11 interpreter will offer her rendition.

12 (Interpreting.)

13 THE WITNESS: Specifically how long
14 before that, I do not quite remember, but
15 certainly those materials would have been
16 prepared already prior to the trade shows.

17 MR. PATARIU: I'd like to lodge an
18 objection. I think both interpreters have
19 offered their interpretation of the question and
20 answer, so we can continue.

21 INTERPRETER XU: Just one minor thing
22 I wanted you to say. The second interpreter said

1 "trade shows," but Mr. Lei specifically refers to
2 "the fair," the 2014, the China Import and Export
3 Fair. I think that is a major deviation, so I
4 just wanted to point that out on the record.

5 INTERPRETER LIN: He did not say 2014
6 in his answer. We can play the audio.

7 INTERPRETER XU: You're interpreting
8 as "trade shows," but Mr. Lei specifically says
9 "the fair." So singular versus plural. That's
10 different.

11 INTERPRETER LIN: Your response said
12 that too. You didn't indicate it was 2014
13 either.

14 INTERPRETER XU: I am pointing out
15 what was wrong with your interpreting. That's
16 all. Thank you.

17 BY MR. OLDACH:

18 Q Mr. Lei, in Paragraph 3 of your
19 declaration, just referring to that, you did
20 attend the 115th China Import and Export Fair
21 2014 on behalf of Carku; is that correct?

22 A Yes.

1 Q And in this Paragraph 3, you say
2 several lines down that "Carku offered for sale,
3 demonstrated, and used its Epower-20 and
4 Epower-21 jump-starter products." Is that
5 correct?

6 A Yes.

7 Q How did Carku use the Epower-20 and
8 Epower-21 jump-starter product at the fair?

9 A We -- we put the products on the shelf
10 near our booth, and we also put our poster and
11 the brochures at our booth.

12 Q I'm sorry. I did not hear your last
13 word.

14 INTERPRETER XU: Sorry. Let me repeat
15 my interpreting.

16 THE WITNESS: We put our products on
17 the shelf near the booth. We put the brochures
18 and posters at the booth.

19 INTERPRETER LIN: The second
20 interpreter will offer her rendition, slightly a
21 minor correction.

22 THE WITNESS: We will place our

1 product in the shelf in our booth, as well as the
2 posters and brochures will also be placed in our
3 booth.

4 MR. PATARIU: I'd like to lodge an
5 objection, and I believe both interpreters
6 offered their interpretation of the witness's
7 answer, so we can continue.

8 BY MR. OLDACH:

9 Q Mr. Lei, did Carku demonstrate the
10 operation of the Epower-20 or Epower-21
11 jump-starter products at the fair?

12 A Yes.

13 INTERPRETER LIN: The second
14 interpreter will --

15 INTERPRETER XU: Let me translate
16 first and then you can jump. Thank you.

17 INTERPRETER LIN: The second
18 interpreter will offer her rendition of the
19 question.

20 (Interpreting.)

21 THE WITNESS: Yes.

22 MR. PATARIU: I'd like to lodge an

1 objection. I think both interpreters have
2 interpreted the question and answer, so we may
3 continue.

4 BY MR. OLDACH:

5 Q Mr. Lei, did you jump-start a car at
6 the Carku booth at the fair using the Epower-20
7 or Epower-21 product?

8 A That we didn't do because it was not
9 possible for us to drive a vehicle to the fair.

10 Q Did you use the Epower-20 or Epower-21
11 product to charge a separate battery at the fair?

12 A Yes, that we did. For example,
13 charging our phones, charging our computers, and
14 iPads.

15 Q Did you charge any 12-volt automotive
16 type battery using the Epower-20 or Epower-21
17 product at the fair?

18 A That we didn't do.

19 Q Were there -- strike that.

20 Were the Epower-20 and Epower-21
21 models that were shown at the fair prototypes or
22 production models?

1 A They are production models.

2 INTERPRETER LIN: The second
3 interpreter will offer her rendition of the
4 answer.

5 THE WITNESS: Those were mass
6 production models.

7 MR. PATARIU: I'd like to lodge an
8 objection. I think both interpreters have
9 offered their interpretation of the witness's
10 answer, so we can continue.

11 BY MR. OLDACH:

12 Q Mr. Lei, when did production of the
13 Epower-20 and Epower-21 models begin?

14 A I can't remember the exact date, but I
15 think they probably started in 2013.

16 Q Approximately when in 2013 did the
17 production begin?

18 A I can't remember the exact date, but I
19 think they happened in the second half of 2013.

20 Q Thank you. In exhibit -- excuse me.
21 In Paragraph 3, Mr. Lei, you also refer to
22 Exhibit A, which is photographs showing the CarKu

1 booth at the 2014 fair, correct?

2 A Which picture are you referring to?

3 INTERPRETER LIN: The second
4 interpreter will offer her rendition.

5 (Interpreting.)

6 THE WITNESS: Yes.

7 MR. PATARIU: I'd like to lodge an
8 objection. I think both interpreters offered
9 their interpretation of the question and the
10 witness's answer, so we may continue.

11 BY MR. OLDACH:

12 Q To be clear, Mr. Lei, I want to make
13 sure our record is clear. I'm referring to the
14 two photographs that are referred to in your
15 declaration as Exhibit A.

16 Do you see those?

17 A Yes.

18 Q And you say, Mr. Lei, that Ms. Wan
19 took these photographs; is that correct?

20 A Yes.

21 Q If you look at the upper portion of
22 the photographs, Mr. Lei, do you see a time

1 signature indicating that the pictures were taken
2 on April 15th, 2014?

3 INTERPRETER LIN: The second
4 interpreter will offer her rendition of the
5 question because the date was incorrectly
6 translated.

7 (Interpreting.)

8 INTERPRETER XU: I disagree with the
9 interpreting. So, Bill, for the record, would
10 you be able to repeat your question?

11 MR. OLDACH: Let me repeat my
12 question. Mr. Lei -- actually, I'm sorry. I'll
13 ask the court reporter to read back my question
14 so it's exactly as I had asked it.

15 (The record was read by the reporter.)

16 INTERPRETER LIN: The question only
17 said "the upper portion," but the translation
18 said "the upper right-hand corner."

19 MR. OLDACH: I appreciate, for the
20 record, everyone is trying to get the best
21 renditions possible, but I'll hope we can move on
22 expeditiously.

1 Is Mr. Lei able to respond to the
2 question?

3 THE WITNESS: Would you be able to
4 repeat the question?

5 MR. OLDACH: Yes. Let me ask the
6 court reporter to repeat the question.

7 (The record was read by the reporter.)

8 THE WITNESS: Yes.

9 BY MR. OLDACH:

10 Q Do you recall, Mr. Lei, that these
11 photographs were taken on April 15th, which
12 according to your Paragraph 3 was the first day
13 of the fair?

14 A Correct.

15 Q And as you state in your declaration
16 in the second photograph, is that you standing to
17 the right in gray pants and a light blue shirt?

18 A Yes.

19 Q Mr. Lei, do the brochures that are
20 attached to your declaration as Exhibit D appear
21 in these pictures?

22 A From the pictures, the brochures are

1 being displayed at a table next to me.

2 Q Mr. Lei, you say in your declaration
3 that Ms. Wan shared the pictures with you using
4 WeChat, correct?

5 A Yes.

6 Q When did she share the pictures with
7 you?

8 A She did not just share with me, so she
9 actually posted the pictures to her friend's
10 circle. So I was able to view her photos in her
11 friend's circle.

12 INTERPRETER LIN: The second
13 interpreter has a correction. She would offer
14 her rendition.

15 THE WITNESS: She did not just share
16 it with me, she shared or posted those pictures
17 in the Moments on her WeChat. And everybody was
18 able to view those pictures in her Moments.

19 MR. PATARIU: I'd like to lodge an
20 objection. I think both interpreters have
21 interpreted the answer to Mr. Lei's -- Mr. Lei's
22 answer, rather, and we can continue.

1 BY MR. OLDACH:

2 Q Mr. Lei, did Ms. Wan post the pictures
3 on WeChat on April 15th, 2014?

4 A Yes. From the pictures there were
5 dates.

6 MR. OLDACH: I'm sorry, Dr. Xu. Could
7 you repeat what you just said?

8 THE WITNESS: Yes. Mr. Lei said the
9 following. "Yes, from the pictures there were
10 dates."

11 INTERPRETER LIN: The second
12 interpreter will offer her rendition.

13 THE WITNESS: Yes, looking at the
14 date, yes, because the timestamp was written
15 there.

16 MR. PATARIU: I'd like to lodge an
17 objection. I think both interpreters have
18 interpreted the -- Mr. Lei's answer, so we can
19 continue.

20 BY MR. OLDACH:

21 Q I see. And I just want to be clear.
22 So Mr. Lei, the timestamp in the upper portion of

1 the photos is the timestamp from when the
2 pictures were posted to WeChat; is that correct?

3 A That's correct.

4 Q Thank you. Mr. Lei, I'd like to
5 continue looking at the second of the pictures,
6 the one that you were in. And I want to look at
7 the back of the booth where there are three
8 displays.

9 Do you see that?

10 A Yes.

11 Q And if I compare the second picture to
12 the first picture, I can see that in the second
13 picture the first two displays from left to right
14 are the Epower-20 and the Epower-21; is that
15 correct?

16 A Yes.

17 Q And Mr. Lei, there is a third display
18 to the right at the back of the booth in that
19 picture. Do you know what that third display is?

20 A You are still referring to the second
21 picture?

22 Q Yes.

1 A From this picture, I can't really see
2 clearly, but it should be one of our jump-starter
3 products.

4 Q Do you believe it could be the
5 Epower-20B?

6 A That's a good possibility.

7 Q Thank you. Still looking at this
8 picture, Mr. Lei, there is a left wall to the
9 Carku booth to the left of the person standing
10 with the backpack.

11 Do you see that?

12 A Yes.

13 Q Do you recall what was being displayed
14 on the left wall in the Carku booth?

15 A It should be our product, the poster
16 or some information regarding our company.

17 Q Do you recall whether there were any
18 specific products being displayed on the left
19 wall?

20 A That I couldn't remember.

21 Q Okay. And then, Mr. Lei, again in the
22 same picture looking at the right wall on the

1 side of the booth where you are standing, do you
2 see there are several displays on that wall?

3 A Yes.

4 Q Do you recall what was being displayed
5 on the right wall in the booth?

6 A I recall that one display showed our
7 team, and then the second one showed how our
8 products jump-started vehicles.

9 Q Mr. Lei, in addition to the Epower-20
10 and Epower-21 models, did Carku show any other
11 Epower models at the trade show?

12 A I think there should be more.

13 Q Do you recall which -- which other
14 models were shown?

15 INTERPRETER XU: This is the
16 interpreter speaking. I'm going to ask Mr. Lei
17 to repeat the last bit because I didn't hear
18 clearly.

19 THE WITNESS: So also from this -- it
20 happened a long time ago, and I couldn't
21 remember. But from the photos, I see that there
22 was the Epower-01, and there is also the

1 Epower-07 and that there is another product by
2 the Chinese romanization Dianxiezi, which is a
3 product of ours. D-I-A-N-X-I-E-Z-I.

4 MR. OLDACH: Sorry, Dr. Xu. Could you
5 repeat that spelling more slowly?

6 THE WITNESS: Yes. Chinese
7 romanization for the third product that is
8 D-I-A-N-X-I-E-Z-I.

9 MR. OLDACH: I want to make sure I'm
10 repeating it. D-I-A-N-X-I-E-Z-I?

11 INTERPRETER XU: Correct.

12 MR. OLDACH: And you said Epower-01
13 and Epower-07; is that correct?

14 INTERPRETER XU: Yes. So three
15 products mentioned by Mr. Lei.

16 BY MR. OLDACH:

17 Q And Mr. Lei, do you see those products
18 somewhere in the two photos?

19 A Yes.

20 Q Where do you see those products in the
21 photos?

22 MR. PATARIU: Object to form.

1 INTERPRETER LIN: Counsel's objection
2 was not translated.

3 MR. OLDACH: It's an objection to form
4 and arguably does not need to be translated since
5 it does not bear on the witness's ability to
6 answer. But if Dr. Xu can indicate an objection
7 was made, the witness may answer subject to Mr.
8 Patariu's not instructing otherwise.

9 THE WITNESS: In the first photo.

10 BY MR. OLDACH:

11 Q And Mr. Lei, could you point out in
12 the first photo where is there an Epower-01
13 device?

14 A So to the right in the middle there is
15 a white item.

16 Q I see that, and is that the Epower-01?

17 A That should be it.

18 Q What is the Epower-01?

19 A That's also one of our jump-starter
20 products.

21 Q And Mr. Lei, can you point out where
22 there is an Epower-07 in this photo?

1 A So to the right, bottom right, there
2 is a large device with a color. So that is the
3 one.

4 INTERPRETER LIN: The second
5 interpreter will offer her rendition of the
6 answer.

7 THE WITNESS: To the right in the
8 lower right-hand corner, there is a larger item
9 where it is silver in the middle, that item.

10 MR. PATARIU: I'd like to lodge an
11 objection. I believe both interpreters have
12 provided interpretations of the witness's answer,
13 so we can continue.

14 BY MR. OLDACH:

15 Q And Mr. Lei, just to be clear, were
16 there any other models shown at the fair that you
17 can recall?

18 A Other than these I mentioned, I can't
19 remember.

20 Q Mr. Lei, other than the Epower-20 and
21 Epower-21 models, did Car ku distribute brochures
22 for any other Epower models at the trade show --

1 excuse me -- at the fair?

2 A I think there should be also
3 corresponding brochures because we bring the
4 products to trade shows and we would also bring
5 corresponding brochures.

6 INTERPRETER LIN: The second
7 interpreter will offer her rendition.

8 THE WITNESS: I believe there were
9 because for the samples we brought over to the
10 fair, we would also bring over the corresponding
11 brochures.

12 BY MR. OLDACH:

13 Q So Mr. Lei --

14 MR. PATARIU: I'd like -- sorry. I'd
15 like to lodge an objection. I think both
16 interpreters have interpreted the witness's
17 answer, so we can continue. Sorry.

18 MR. OLDACH: Thank you, Mr. Patariu.

19 BY MR. OLDACH:

20 Q So Mr. Lei, that would include the
21 Epower-01, the Epower-07, and the
22 D-I-A-N-X-I-E-Z-I devices, correct?

1 A Yes, I think so.

2 Q Do you recall brochures for any other
3 Epower models, as you sit here today, being
4 distributed at the fair?

5 A I can't remember.

6 Q Mr. Lei, did you attend every day of
7 the show -- of the fair?

8 A Correct. So every day when there is a
9 booth for Carku, I would show up.

10 Q When you say, "every day there was a
11 booth for Carku," did Carku have its booth open
12 every day of the fair?

13 A We -- Carku participated in the first
14 phase of the show.

15 INTERPRETER LIN: The second
16 interpreter will offer her rendition.

17 THE WITNESS: For Carku's booth, we
18 participated in the first phase of the Canton
19 Fair.

20 MR. PATARIU: I'd like to lodge an
21 objection. I think both interpreters have
22 interpreted the witness's answer to the question,

1 so we may continue.

2 BY MR. OLDACH:

3 Q Mr. Lei, which days were the first
4 phase of the Canton Fair?

5 A If my memory is correct, it would be
6 from April 15th to April 19th.

7 INTERPRETER LIN: The second
8 interpreter will offer her rendition.

9 THE WITNESS: If I remember it
10 correctly, generally speaking for 2014, the first
11 phase would be from April 15 to April 19th.

12 MR. PATARIU: I'd like to lodge an
13 objection.

14 INTERPRETER XU: The first interpreter
15 would object because it's a serious meaning
16 deviation because the -- Mr. Lei did not say that
17 as a general fact. He said his memory told him
18 that the first phase was from April 15th to April
19 19th.

20 INTERPRETER LIN: You missed the year
21 2014.

22 INTERPRETER XU: No. I said 2014 and

1 you said that as a matter of fact, and it was
2 incorrect.

3 INTERPRETER LIN: It was correct.

4 INTERPRETER XU: It was not. It was
5 as if it was a general statement. He said for
6 that particular year was from April 15th to April
7 19th.

8 MR. PATARIU: I would like to lodge an
9 objection, and I believe both interpreters
10 offered their interpretation of Mr. Lei's answer.

11 Mr. Xu, I don't think there's -- Dr.
12 Xu, I don't think there's a reason to be
13 argumentative. You can just state your
14 difference, and then we can continue creating
15 the -- continue with the deposition. Thank you.

16 BY MR. OLDACH:

17 Q Mr. Lei, so I want to make sure I
18 understand. From your recollection from April
19 20th through the end of the fair, Carku did not
20 have a booth; is that correct?

21 A That's correct.

22 Q And did you attend every day from

1 April 15th through April 19th?

2 A That's correct.

3 Q Were you in the Carku booth every day
4 you attended the fair?

5 A I spent most of my time at the booth
6 other than the time I took bio breaks and having
7 lunches.

8 Q Did you at any time walk the floor at
9 the fair to see other booths such as from your
10 competitors?

11 A That I couldn't remember exactly, but
12 I think it is a good possibility.

13 Q Mr. Lei, how many Carku employees were
14 working in the booth at the fair at any one time?

15 A I can't remember the exact number, but
16 I think you should be between four and five.

17 Q Did Ms. Wan also attend the fair?

18 A Yes.

19 Q Did she attend every day of the fair
20 from April 15th to April 19th, 2014?

21 A I couldn't remember exactly.

22 Q Mr. Lei, I'd like to look at Paragraph

1 4 of your declaration. Could you flip to that,
2 please?

3 A Yes. Yes, I'm ready.

4 Q In Paragraph 4 you refer to Exhibit B
5 of your declaration saying that it is "a true and
6 correct copy of an electronic brochure describing
7 the 2014 Canton Fair."

8 Do you see that?

9 A You are saying Paragraph 4? It seems
10 like there are only two paragraphs. Would you be
11 able to be specific where I can find that
12 paragraph?

13 Q Okay. I am looking at Page 3 of your
14 declaration. There's a Paragraph Number 4.

15 Do you see that?

16 A Are you asking me to look at Page 4 --
17 oh, I see. So I'm going to go back to Page
18 Number 3.

19 INTERPRETER LIN: The second
20 interpreter will offer her rendition.

21 THE WITNESS: Earlier I thought you
22 were asking me to look at Page 4, so now I'm

1 going to look at Page 3.

2 MR. PATARIU: I'll lodge an objection.

3 I think both interpreters have interpreted the
4 witness's answer, so we can continue.

5 BY MR. OLDACH:

6 Q So Mr. Lei, in Paragraph 4 on Page 3,
7 you refer to Exhibit B of the declaration to be
8 "a true and correct copy of an electronic
9 brochure describing the 2014 Canton Fair."

10 Do you see that?

11 A Yes, I see that.

12 Q The next sentence reads, "This
13 brochure was printed from the official website
14 for the fair (www.chinaexhibition.com) as shown
15 in the footer of Exhibit B."

16 Do you see that?

17 A I'm sorry. My video feed was not
18 reliable. And would the interpreter be able to
19 repeat interpreting?

20 Q Yes, please do. There was an
21 interruption in the feed.

22 A Yes, I see that sentence.

1 Q So Mr. Lei, if you would please turn
2 to Exhibit B to your declaration.

3 A Yes. I'm at Exhibit B.

4 Q And Mr. Lei, did you print this copy
5 from the website?

6 A I think it should be my colleague that
7 makes the print.

8 Q And by "colleague," do you mean Ms.
9 Wan?

10 A That should be her.

11 Q Did Ms. Wan tell you that she printed
12 this copy?

13 INTERPRETER XU: I'm sorry, Bill.

14 Would you be able to repeat your question?

15 BY MR. OLDACH:

16 Q Did Ms. Wan tell you that she printed
17 this copy?

18 A Yes.

19 Q When did she tell you that?

20 A I couldn't remember.

21 Q Was it before or after she left the
22 employment of Car ku?

1 A I think it was before she left the
2 Carku.

3 Q Did Ms. Wan tell you why she was
4 printing the brochure?

5 A I couldn't remember the exact reason.

6 Q Just so I understand, Mr. Lei, you did
7 not print the copy at Exhibit B, correct?

8 A It was not me who did the print.

9 Q And you're relying on what Ms. Wan
10 told you for your information that she was the
11 one who printed it, correct?

12 INTERPRETER LIN: The second in- --

13 THE WITNESS: Part of it -- part of it
14 is the reason, and also, afterwards I did look it
15 up.

16 INTERPRETER LIN: The second
17 interpreter will offer her rendition of the
18 question and have the witness answer again.

19 (Interpreting.)

20 THE WITNESS: Yes.

21 MR. PATARIU: I'd like to lodge an
22 objection. I think both interpreters have

1 interpreted the question and the witness's
2 answer. So with that, we may continue.

3 BY MR. OLDACH:

4 Q Mr. Lei, please go back to Page 3 of
5 your declaration, and I want to look at Paragraph
6 5.

7 A Sounds good. Yes, I'm at that page.

8 Q In Paragraph 5 you refer to a press
9 release from the Canton Fair issued by the China
10 Foreign Trade Center on May 5, 2014, "a true and
11 correct copy of which is attached as Exhibit C."
12 Do you see that language?

13 A Yes, I see that.

14 Q And Mr. Lei, if you would please turn
15 to Exhibit C in your declaration, which is the
16 press release, and tell me when you have it in
17 front of you.

18 A Yes, I'm here.

19 Q Do you know who printed this copy of
20 the press release for your declaration?

21 A I think it should be again Ms. Wan who
22 did the printing, but to be honest, I couldn't

1 remember exactly.

2 Q But to be clear, Mr. Lei, it was not
3 you who printed this copy, correct?

4 A It wasn't me who did the printing, but
5 I did read the press release.

6 Q Did you read the press release on the
7 website?

8 A Yes.

9 Q When did you access this press release
10 on the website?

11 A I think it was after the conclusion of
12 the fair, and then we went to the website to look
13 at some official statistics.

14 Q So this was in 2014?

15 A That's correct.

16 Q Do you know when this particular copy
17 in Exhibit C was printed?

18 A That I don't know.

19 MR. OLDACH: Would this be a good time
20 for another 10-minute break?

21 MR. PATARIU: Yeah, let's do that.

22 (A brief recess was taken.)

1 BY MR. OLDACH:

2 Q Could you please turn to Page 4 of
3 your declaration, and I'm looking at Paragraph 6.

4 A All right.

5 Q In the fourth line of Paragraph 6,
6 there's a sentence that reads, "I personally
7 distributed many of those brochures and discussed
8 their contents with visitors to Carku's booth
9 while I was working the fair."

10 Do you see that?

11 A Yes, I see that.

12 Q Approximately how many of the
13 brochures did you distribute?

14 A I couldn't remember the exact number,
15 but I think the minimum should be over 100.

16 Q Did you distribute brochures every day
17 you worked at the fair?

18 A Yes.

19 Q Mr. Lei, down on that -- further on
20 that page, in Paragraph 7 -- do you see Paragraph
21 7?

22 A Yes.

1 Q There five lines down, there's a
2 sentence that reads, "Carku's booth was easily
3 accessible to anyone who attended the 2014 Canton
4 Fair."

5 Do you see that?

6 A Yes.

7 Q How is it that the Carku booth was
8 easily accessible?

9 A The Carku had an open booth, so anyone
10 who pass by would be able to visit our booth.

11 Q Were there some booths that were
12 closed?

13 A That I don't know, but my
14 understanding was since it was a trade -- since
15 it was a fair, I don't think that the booths were
16 closed.

17 Q Was Carku's booth near the front --
18 excuse me. Let me strike that.

19 Was Carku's booth near an entrance to
20 the fair?

21 A I couldn't remember the exact location
22 how far the booth was from the entrance, but from

1 what I can tell, the traffic flow passing by our
2 booth was very significant.

3 Q Were there other companies' booths
4 that were not as easily accessible?

5 A That I'm not sure.

6 Q Still in Paragraph 7, Mr. Lei, looking
7 at the document, there are two sentences down
8 toward the bottom of the page that I'll read for
9 you. "The people who visited our booth during
10 the 2014 Canton Fair had a variety of
11 backgrounds. Some of them were professionals in
12 the field and others were common buyers who were
13 interested in our products."

14 Do you see that?

15 A Yes, I saw them.

16 Q What do you mean by "professionals"
17 and "common buyers"?

18 A By professionals, I meant the people
19 who are in the industry of jump-starting for
20 example the service engineers of some of our
21 buyers of our customers. By common buyers, I
22 meant some corporations that are not really in

1 the jump-starting industry. However, those
2 people are still interested in our products.

3 Q About how many visitors per hour did
4 you have at the Carku booth?

5 INTERPRETER LIN: Counsel, sorry. The
6 second interpreter would like to offer her
7 rendition of the answer to the previous question.

8 THE WITNESS: By professionals, I mean
9 those engineers who are in the jump-starter
10 industry, the engineers or the engineers of our
11 customers or their buyers. By common buyers, I
12 am referring to some people working in big
13 companies, that are not yet in the jump-starter
14 industry but those buyers who would show interest
15 in our products.

16 MR. PATARIU: I'd like to lodge an
17 objection.

18 INTERPRETER XU: That was a very late
19 alternative version. So I would appreciate, Lin,
20 if you can like offer your version like
21 immediately after my interpreting. That would
22 really keep things flowing. Thank you.

1 MR. PATARIU: I'd like to offer an
2 objection. I think both interpreters offered
3 their interpretation of the witness's answer, and
4 Ms. Lin's delay, I think, might have been just
5 because she was muted and needed to unmute.

6 So again, Mr. Xu, please, no reason to
7 be argumentative, and let's continue.

8 BY MR. OLDACH:

9 Q Let me -- I can reask the question.
10 Mr. Lei, about how many visitors per
11 hour did you have at the Carku booth?

12 A I didn't do any of the counting, so I
13 wasn't sure.

14 Q Mr. Lei, if you could turn the page on
15 your declaration and go to Page 5, still in
16 Paragraph 7.

17 A Sounds good.

18 Q And tell me when you're there.

19 A Yes, I'm on that page.

20 Q There's a sentence four lines down
21 from the top, the first part of which reads,
22 "Extra copies of the Epower-20 and Epower-21

1 brochures were also made available to potential
2 buyers at the fair."

3 Do you see that?

4 A Yes. I saw that sentence.

5 Q Did you have a limit on how many
6 brochures a visitor could take?

7 A There was no specific restriction.

8 Q The sentence in Paragraph 7 goes on to
9 say, "The organizer of the 2014 Canton Fair also
10 provided public photocopy machines should any
11 buyers need extra copies of the brochures of
12 interesting products on display."

13 Do you see that?

14 A Yes. I saw that sentence.

15 Q Do you know whether any visitors made
16 extra copies of the brochures using the photocopy
17 machines?

18 MR. PATARIU: Object to form.

19 THE WITNESS: I'm going to listen to
20 my attorney.

21 MR. PATARIU: Oh, I'm sorry. Maybe I
22 will be clear. Mr. Lei, you may answer.

1 THE WITNESS: Some clients maybe if we
2 are almost running out of brochures, there is a
3 possibility that they may make photocopies, but
4 whether they did or did not is not something that
5 I can remember.

6 BY MR. OLDACH:

7 Q Mr. Lei, did you run out of brochures
8 of the Epower-20 or Epower-21 models?

9 A I couldn't remember.

10 Q Mr. Lei, I'm looking now at Paragraph
11 8 of your declaration, still on Page 5 of the
12 document. There's a sentence that reads, "My
13 work e-mail address at that time was
14 sales02@carku.com."

15 Do you see that?

16 A Yes.

17 Q Is that still your work e-mail address
18 today?

19 A Yes. I continue to use this e-mail.

20 Q Also in Paragraph 8 you say that
21 "Before and after the 2014 Canton Fair, Carku
22 employees, including myself and others involved

1 in sales and marketing, sent product information
2 about the Epower-20 and Epower-21, including
3 copies of the brochures attached as Exhibit D, to
4 potential customers around the world, including
5 the United States."

6 Do you see that?

7 A Yes, I see that.

8 Q Mr. Lei, how do you know that other
9 Car ku employees were sending product information
10 about the Epower-20 and Epower-21?

11 A This is the thing. Our company
12 requires our salespeople that prior to any trade
13 shows that you send product information, new
14 products to prospective -- prospective clients,
15 and after each trade show, so our salespeople
16 would also need to send content and product
17 information that have been discussed during the
18 show with visitors, to those visitors.

19 INTERPRETER LIN: The second
20 interpreter would offer her rendition.

21 THE WITNESS: It's like this. It is
22 because of the company's requirement of the

1 salespeople. Before each and every trade show or
2 fair, the salespeople would be required to send
3 meeting invite or trade show invite, as well as
4 new product information in advance to our
5 customers. And after the trade show, we were
6 also required to send the product information
7 regarding the products discussed at the trade
8 show with the visitors, as well as the content of
9 the discussion to those customers after the trade
10 show.

11 MR. PATARIU: I'd like to lodge an
12 objection. I think both interpreters have
13 rendered the response to Mr. Lei's answer, and
14 let's continue.

15 BY MR. OLDACH:

16 Q Mr. Lei, looking at Paragraph 9 of
17 your declaration, you referred to an e-mail that
18 you sent to Mr. Andrew Polonsky in Ukraine; is
19 that correct?

20 A That's correct.

21 Q And the e-mail you sent to Mr.
22 Polonsky with attachments is in Exhibit E to your

1 declaration, correct?

2 A Let me take a look.

3 INTERPRETER LIN: The second
4 interpreter would offer her rendition of the
5 question and have the witness answer again.

6 (Interpreting.)

7 THE WITNESS: Yes.

8 MR. PATARIU: I'd like to lodge an
9 objection. I believe the primary and check
10 interpreter have rendered the question and
11 witness's answer, so we can continue.

12 BY MR. OLDACH:

13 Q Mr. Lei, are you at Exhibit E?

14 A One moment, please. Yes. Now I'm at
15 Exhibit E.

16 Q So in these e-mails on the first page
17 of Exhibit E, Mr. Lei, you exchanged e-mails on
18 with Mr. Polonsky on April 25th and April 27 of
19 2014; is that correct?

20 A Let me take a look. That's correct.

21 Q So this was after the period of time
22 when you were attending the booth at the Canton

1 Fair, correct?

2 A I think it was not during the Canton
3 Fair. It should be after the Canton Fair. So
4 our booth exhibits at the time ended. So we came
5 back to our headquarters. So it was after our
6 exhibits ended.

7 Q Mr. Lei, Mr. Polonsky is a Carku
8 distributor, correct?

9 A Yes. He is our client.

10 Q So you are not offering the Epower-20
11 or the Epower-21 for sale to Mr. Polonsky,
12 correct?

13 MR. PATARIU: Object to form. You may
14 answer.

15 THE WITNESS: We did sell to -- we did
16 sell to -- we did sell to him.

17 BY MR. OLDACH:

18 Q So when he is a distributor, you are
19 selling products to him for him to resell?

20 A That's correct.

21 INTERPRETER LIN: The second
22 interpreter would offer her rendition of the

1 question and have the witness answer again.

2 (Interpreting.)

3 THE WITNESS: Yes.

4 MR. PATARIU: I'd like to lodge an
5 objection. I believe the primary interpreter and
6 check interpreter have interpreted the question
7 and the witness's answer, so we may continue.

8 BY MR. OLDACH:

9 Q Mr. Lei, looking at your e-mail to Mr.
10 Polonsky, several lines down into your e-mail
11 there's a sentence that reads, "So for the
12 12-volt diesel vehicles, I hot recommend a new
13 powerful recommend Epower-21."

14 Do you see that?

15 A Yes.

16 Q And the next sentence says, "You can
17 check from the enclosed information, this one is
18 18,000 milliamp capacity. It is powerful even
19 for diesel vehicles."

20 Do you see that?

21 A Yes, I see that.

22 Q So the feature of the Epower-21 that

1 you were recommending to Mr. Polonsky was its
2 high power, correct?

3 MR. PATARIU: Object to form. You may
4 answer.

5 THE WITNESS: It is not just high
6 power, but it is also very safe because it is
7 equipped with an intelligence jumper cable.

8 BY MR. OLDACH:

9 Q And that is also stated in your
10 e-mail, correct?

11 MR. PATARIU: Object to form. You may
12 answer.

13 THE WITNESS: That's correct, because
14 we did send him information regarding our
15 intelligence jumper cable.

16 BY MR. OLDACH:

17 Q And Mr. Lei, you also enclosed a copy
18 of a sheet describing the Epower-21 with your
19 e-mail to Mr. Polonsky, correct?

20 A That's correct.

21 Q Now, could you turn to that page in
22 your Exhibit E. It's this one. If you could get

1 to that.

2 A Yes. I'm on that page.

3 Q Now, this sheet is different from the
4 brochures that were distributed at the fair,
5 correct?

6 INTERPRETER XU: This is the
7 interpreter. I didn't hear Mr. Lei clearly, so
8 I'm just going to ask him to repeat.

9 THE WITNESS: Correct.

10 BY MR. OLDACH:

11 Q Do you know how this sheet that is
12 attached to your e-mail to Mr. Polonsky was
13 created?

14 A It should be also part of the
15 promotion materials created by our marketing
16 team.

17 Q If you look at this sheet that we're
18 looking at here from Exhibit E on the Epower-21,
19 on the right-hand column, do you see the size is
20 given as 230 by 87 by 28 millimeters?

21 A Yes.

22 Q And Mr. Lei, I'd like you to flip back

1 in your exhibit -- excuse me -- your declaration
2 to Exhibit D and the Epower-21 sheet in Exhibit
3 D. Could you do that, please?

4 A Okay. So I'm on that page.

5 Q And if you look toward the top of this
6 page for the Epower-21 brochure, Mr. Lei, the
7 dimensions are given as 230 by 87 by 27
8 millimeters.

9 Do you see that?

10 A Yes, I see that.

11 Q Do you have an understanding as to why
12 the two sizes are not exactly the same in these
13 two sheets?

14 A I think it was a manual error made by
15 the design team members who created these
16 brochures.

17 Q Do you know which dimension is
18 correct?

19 A Right now I wouldn't be able to tell
20 which is the correct dimensions, so I would have
21 to undertake a sample product and use a yardstick
22 to do the measurements in order to be able to

1 tell you.

2 Q Mr. Lei, do you recall whether you
3 also enclosed materials regarding the Epower-20
4 in your e-mail to Mr. Polonsky?

5 A Would you be able to repeat your
6 question? Are you referring to the e-mail
7 messages sent to Mr. Polonsky, or are you
8 referring to e-mails sent to other people?

9 Q I am referring to the e-mail sent to
10 Mr. Polonsky.

11 A For him, I did not send an Epower-20
12 information.

13 Q Mr. Lei, I'd like to go back to Page 6
14 of your declaration and looking at Paragraph 10.
15 Please tell me when you're there.

16 A All right. Yes, I'm here.

17 Q Paragraph 10 begins, "As part of
18 Carku's global marketing strategy," what is
19 Carku's global marketing strategy?

20 A Simply put, we would see potential
21 customers from all the countries around the world
22 and trying to sell those products to our

1 potential clients.

2 INTERPRETER LIN: The second
3 interpreter would offer her rendition of the
4 answer.

5 THE WITNESS: Simply put, we will look
6 for customers and potential customers in
7 countries around the world and sell our products
8 to those countries and regions.

9 MR. PATARIU: I'd like to lodge an
10 objection, and since both interpreters have
11 interpreted Mr. Lei's answer, we may continue.

12 BY MR. OLDACH:

13 Q Mr. Lei, is there a specific marketing
14 strategy from Carku for devices such as the
15 Epower-20 and Epower-21?

16 A We didn't create specific marketing
17 strategies for specific devices. We have the
18 same marketing strategy for all the devices.

19 Q Mr. Lei, I am looking at the last line
20 of paragraph -- or last sentence of Paragraph 10
21 which reads, "I understand that the foregoing
22 distributors did copy, forward, and share these

1 brochures with others within days of our having
2 forwarded them to the distributors via e-mail."

3 Do you see that?

4 A Yes, I see that.

5 INTERPRETER LIN: The phrase "via
6 e-mail" was not translated.

7 INTERPRETER XU: I did.

8 INTERPRETER LIN: No, you did not.

9 INTERPRETER XU: You can offer your
10 rendition instead of critiquing me. I think that
11 would be the best. Thank you.

12 INTERPRETER LIN: I am going to.

13 INTERPRETER XU: So instead of
14 offering commentary. This is not CNN.

15 INTERPRETER LIN: Please do not get
16 argumentative. The second interpreter will offer
17 her rendition.

18 (Interpreting.)

19 THE WITNESS: I see the sentence.

20 MR. PATARIU: I'd like to lodge an
21 objection. I think the primary and check
22 interpreters have interpreted the question and

1 answer.

2 Dr. Xu, it's getting -- I know it's
3 late -- it's a late hour for this deposition,
4 but, you know, please control your temper and
5 please do not get argumentative with Ms. Lin.
6 And we may continue.

7 INTERPRETER XU: Thank you. I thought
8 the rules would say that each interpreter would
9 offer their version instead of commenting on
10 other interpreter's. Otherwise, we are going
11 into a vicious cycle. So I would appreciate if
12 the check interpreter can simply offer her
13 version and then, you know, if there are any
14 disputes, then we can discuss them. That would
15 be the best.

16 BY MR. OLDACH:

17 Q Mr. Lei, when you referred there in
18 the sentence to the foregoing distributors, in
19 fact the only distributor you had discussed in
20 your declaration is Mr. Polonsky, correct?

21 A Not just Mr. Polonsky, so for all our
22 clients I was referring to.

1 INTERPRETER LIN: The second
2 interpreter would offer her rendition of the
3 question and have the witness answer again.

4 (Interpreting.)

5 THE WITNESS: That is correct. In my
6 witness declaration, I only listed the customer
7 information of Mr. Andrew Polonsky. Only him.

8 BY MR. OLDACH:

9 Q Mr. Lei --

10 MR. PATARIU: Sorry. I'd just like to
11 briefly lodge an objection, and I think both the
12 primary and check interpreter offered their --
13 reinterpreted the question and answer, and let's
14 continue.

15 BY MR. OLDACH:

16 Q Mr. Lei, do you understand that Mr.
17 Polonsky copied, forwarded, or shared the
18 Epower-21 brochure that you sent to him on April
19 27th, 2014?

20 A For this particular client, he
21 verbally told me what exactly how he distributes
22 the information I shared with him to others. I

1 don't quite know.

2 Q So Mr. Polonsky told you that he had
3 forwarded or shared the brochure; is that
4 correct?

5 A Yes, correct. Because he told me that
6 many of his clients were interested in this
7 particular product of ours.

8 INTERPRETER LIN: The second
9 interpreter would offer her rendition of the
10 question.

11 (Interpreting.)

12 THE WITNESS: Yes.

13 MR. PATARIU: I'd like to lodge an
14 objection. I believe both the primary and check
15 interpreters have interpreted the question and
16 the witness's answer. We can continue.

17 MR. OLDACH: Why don't we take a brief
18 break. I think I'm close to wrapping up. With
19 the break, I may be able to tighten it up.

20 MR. PATARIU: Okay. That sounds good.

21 MR. OLDACH: Try to keep it to five
22 minutes or so.

1 (A brief recess was taken.)

2 MR. OLDACH: Mr. Lei, I do not have
3 any further questions for you today. I want to
4 thank you very much for your time.

5 THE WITNESS: Thank you.

6 MR. PATARIU: I do have a few
7 questions for Mr. Lei. First of all, the witness
8 will review and sign the transcript.

9 EXAMINATION BY COUNSEL FOR THE PETITIONER
10 BY MR. PATARIU:

11 Q Mr. Lei, at the end of Mr. Oldach's
12 questioning, he was asking you about sending --
13 about distributors copying, forwarding, and
14 sharing brochures with others.

15 Do you recall that?

16 I'm sorry. For this one --

17 MR. OLDACH: This is now for Ms. Lin.

18 THE WITNESS: I remember.

19 INTERPRETER XU: The interpreter would
20 like to offer a different translation.

21 (Interpreting.)

22 INTERPRETER LIN: I disagree. Go

1 ahead, Dr. Xu.

2 INTERPRETER XU: Mr. Lei says "And
3 these two versions are different."

4 INTERPRETER LIN: Mr. Patariu, I
5 believe you asked about distributors, not
6 specifically about Andrew Polonsky.

7 MR. PATARIU: That's correct. I heard
8 Polonsky in Dr. Xu's interpretation, and I did
9 not say Polonsky in my question.

10 Maybe I can ask the question again to
11 move forward.

12 BY MR. PATARIU:

13 Q Mr. Lei, do you recall answering some
14 questions about whether distributors copied,
15 forwarded, and shared brochures with others after
16 receiving brochures via e-mail?

17 A I remember.

18 Q Did any other distributors besides --
19 sorry.

20 What other distributors, if any,
21 besides Mr. Polonsky copied or forwarded Car ku
22 brochures, including brochures for the Epower-20B

1 and Epower-21?

2 MR. OLDACH: Objection; beyond the
3 scope of the declaration.

4 THE WITNESS: Yes. The one I listed
5 was only one of the customers.

6 BY MR. PATARIU:

7 Q Mr. Lei, what I would like to
8 understand if there were other customers who
9 forwarded brochures for the Epower-20 and
10 Epower-21 after receiving them from Carku.

11 MR. OLDACH: Objection; beyond the
12 scope of the declaration.

13 THE WITNESS: Definitely there were
14 other customers. At that time we also sent those
15 customers the introduction and information of our
16 products, either through websites or as
17 promotional materials to them. We definitely
18 have done that.

19 BY MR. PATARIU:

20 Q Did any of those other -- sorry. How
21 many of those other customers forwarded brochures
22 received from Carku to other people?

1 MR. OLDACH: Objection; beyond the
2 scope of the declaration. Sorry.

3 THE WITNESS: As to specifically how
4 many, I don't quite remember, but according to my
5 understanding, some customers -- some customers
6 of ours in the United States, for example,
7 Antigravity and Rockford, we send our product
8 information to them. They also sent our
9 promotional product information to their
10 customers.

11 INTERPRETER XU: I would like to offer
12 an alternative interpreted version.

13 THE WITNESS: I couldn't remember
14 exactly how many clients we forwarded and shared
15 information, but I recall there were numerous,
16 including our United States clients, such as
17 Antigravity and Rockford, and they also promoted
18 our information that we shared I forwarded to
19 them.

20 INTERPRETER LIN: This interpreter
21 stands by her interpretation.

22 MR. OLDACH: Each translator has

1 provided their rendition for the record, and the
2 examination can proceed.

3 BY MR. PATARIU:

4 Q So Mr. Lei, I'd like to talk with you
5 about the Epower-20B and Epower-21 brochures in
6 Exhibit D of your declaration. How many
7 customers or distributors did you send the
8 Epower-20B brochure to before the Canton Fair?

9 MR. OLDACH: Objection; beyond the
10 scope of the declaration.

11 THE WITNESS: I do not remember
12 specifically how many. I don't remember that
13 clearly. But as for my part, for the customers I
14 deal with, I would say maybe tens of them and
15 dozens of them. As for how many other colleagues
16 they have sent to, I don't remember.

17 BY MR. PATARIU:

18 Q How many potential customers,
19 customers or distributors, did you send the
20 Epower-20B brochure to after the Canton Fair?

21 MR. OLDACH: Objection; beyond the
22 scope of the declaration.

1 THE WITNESS: The same answer. I
2 don't quite remember specifically how many, but I
3 would say quite a lot of them. For a
4 customers -- new customers we received during the
5 fair, as well as old customers, what was sent our
6 product information to all of them.

7 BY MR. PATARIU:

8 Q How many customers, potential
9 customers and distributors, did you send the
10 Epower-21 brochure to before the Canton Fair?

11 MR. OLDACH: Objection; beyond the
12 scope of the declaration.

13 THE WITNESS: The same answer. I also
14 do not remember clearly what the specific number
15 was, but like what I stated earlier, before the
16 trade show or a fair what was sent product
17 information and promotional information and
18 brochures to our potential customers, as well as
19 our existing customers. And for the customers
20 that I deal with, I would say dozens of them.

21 BY MR. PATARIU:

22 Q How many potential customers,

1 customers and distributors, did you send the
2 Epower-21 brochure to after the Canton Fair?

3 MR. OLDACH: Objection; beyond the
4 scope of the declaration.

5 THE WITNESS: I also do not remember
6 what the specific number was. I do not remember
7 that clearly. But like what I said earlier,
8 after a trade show or a fair what would also send
9 product information such as the product
10 information for Epower-21 and Epower-20, as well
11 as new product information to the new customers
12 that we received during the fair, as well as the
13 existing customers who were working with us in
14 order to introduce our new products.

15 BY MR. PATARIU:

16 Q How many website printouts are
17 attached to your declaration, Mr. Lei?

18 A The websites printouts would be a
19 printout from the Canton Fair website, as well as
20 a printout from China exhibition website.

21 Q Which websites, if any, did you check
22 to see if the printouts were the same as what is

1 on the web page on an Internet browser?

2 MR. OLDACH: Objection; lack of
3 foundation.

4 THE WITNESS: I checked both, and
5 recently I checked both websites again before my
6 deposition. And I found that the website for
7 China exhibition can still be opened and loaded,
8 whereas the other website seems to be under
9 maintenance.

10 BY MR. PATARIU:

11 Q Let's go to the first picture in
12 Exhibit A.

13 INTERPRETER XU: The interpreter would
14 like to offer an alternative version.

15 (Interpreting.)

16 THE WITNESS: Yes.

17 BY MR. PATARIU:

18 Q So Mr. Lei, in the first picture in
19 Exhibit A, where is the Epower-20B displayed?

20 MR. OLDACH: Objection; lack of
21 foundation.

22 THE WITNESS: The picture is not very

1 clear. It's a bit blurry, but according to my
2 recollection, it seems that the blue item in the
3 left-hand portion would be 20B, but right now I
4 just cannot see very clearly.

5 BY MR. PATARIU:

6 Q Are you referring to the blue item on
7 the top shelf of the left side of the first
8 picture of Exhibit A?

9 A Yes.

10 Q Is the Epower -- sorry. I'll start
11 again.

12 Why is the Epower-20B product shown
13 underneath a poster that says, "Epower-20"?

14 A It's like this. Our products can be
15 displayed and arranged on these shelves, but
16 there is only one poster that is allowed to be
17 posted. And under the poster, we will have
18 several products displayed there, including those
19 white and red ones. Those two products are not
20 exactly within this product series, and they are
21 not the exact matching relationship, but we would
22 display several products under a poster.

1 Q Is the Epower -- sorry. I'll start
2 again.

3 In the first picture of Exhibit A,
4 where, if anywhere, is the Epower-20B displayed
5 on a poster?

6 A The specific information of this
7 product Epower-20B is not included in that
8 poster.

9 Q How many product types are in the
10 Epower-20 series of chart portable jump-starter
11 products?

12 INTERPRETER LIN: Counsel, do you mind
13 repeating that, please?

14 BY MR. PATARIU:

15 Q How many product types are in the
16 Epower-20 series of portable jump-starter
17 products?

18 A There are two product series in our
19 Epower.

20 INTERPRETER XU: I'm sorry. The check
21 interpreter would like to offer an alternative
22 version of the question, and Mr. Lei can answer

1 again. Thank you.

2 INTERPRETER LIN: Could you let me
3 interpret the answer first?

4 MR. OLDACH: Let's do that, and then
5 have Dr. Xu provide his rendition.

6 THE WITNESS: There are two product
7 series within the Epower-20 product series. They
8 are respectively Epower-20 and Epower-20B, and
9 there are some differences in between the two.

10 (Interpreting.)

11 THE WITNESS: There are two product
12 categories. They are Epower-20 and Epower-21.

13 INTERPRETER LIN: Correction of the
14 answer offered by Dr. Xu.

15 INTERPRETER XU: I apologize.

16 THE WITNESS: There are two product
17 categories Epower 20 and Epower-20B.

18 MR. OLDACH: Okay. Objection noted.
19 That each interpreter has offered his and her
20 rendition, so we may proceed.

21 BY MR. PATARIU:

22 Q I'd like to ask you a couple of

1 questions about the second picture in Exhibit A.

2 That's the picture of the booth that -- where you
3 were in the picture, okay?

4 A Yes. I see that.

5 Q Before you were talking about what is
6 shown on the right-hand wall of the Carku booth.

7 Do you recall that?

8 A I see that.

9 Q There is on the -- sorry. I'll start
10 again.

11 On the right-hand wall of the Carku
12 booth shown in the second picture of Exhibit A,
13 there is a picture directly above your head.

14 Do you see that?

15 A I see it.

16 Q What is shown in that picture?

17 A In this picture what actually invited
18 a demonstrator who opened the cover of the engine
19 and used our product to jump-start a car.

20 INTERPRETER XU: The check interpreter
21 would like to offer an alternative version.

22 THE WITNESS: So the picture, we had

1 an exhibitor who opened the hood of the car to
2 jump-start the engine.

3 MR. OLDACH: Objection noted. Each
4 translator has provided their rendition, and we
5 may proceed.

6 BY MR. PATARIU:

7 Q Which Car ku product was shown in that
8 picture on the second page of Exhibit A?

9 A For this, I don't quite remember.

10 Q Which Car ku products displayed at the
11 Canton Fair could be used in the same way as
12 shown in the picture on Page 2 of Exhibit A?

13 MR. OLDACH: Objection; lack of
14 foundation.

15 INTERPRETER LIN: Counsel, what was
16 the objection?

17 MR. OLDACH: Lack of foundation.

18 THE WITNESS: Including our products
19 such as Epower-21, Epower-20, Epower-07,
20 Epower-01, they could all work like this to
21 jump-start a car.

22 MR. PATARIU: Thank you, Mr. Lei.

1 Subject to any further questions by Mr. Oldach, I
2 completed my questions for today. Thank you.

3 MR. OLDACH: I do not have any recross
4 questions to pose. So I want to thank Mr. Lei
5 again for his time.

6 (Whereupon, the signature not having been waived,
7 the deposition concluded at 11:01 p.m.)

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2 ACKNOWLEDGMENT OF DEPONENT

3

4 I, Xingliang Lei, do hereby acknowledge I have
5 read and examined the foregoing pages of
6 testimony, and the same is a true, correct and
7 complete transcription of the testimony given by
8 me, and any changes and/or corrections, if any,
9 appear in the attached errata sheet signed by me.

10

11

12 _____

13 Date Xingliang Lei

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Tammy S. Newton, the officer before

3 whom the foregoing proceedings was taken, do

4 hereby certify that the foregoing transcript is a

5 true and correct record of the proceedings; that

6 said proceedings were taken by me

7 stenographically and thereafter reduced to

8 typewriting under my supervision; and that I am

9 neither counsel for, related to, nor employed by

10 any of the parties to this case and have no

11 interest, financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set

13 my hand and affixed my notarial seal this 29th

14 day of March, 2021.

15 My commission expires:

16 3/05/2022

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18 *Tammy S. Newton*

19 Notary Public in and for the

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