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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91167207
Party	Plaintiff Ms. Anita Dhaliwal
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Signature	/R. Joseph Trojan/
Date	07/12/2010
Attachments	Filing Lahoti Depo.pdf (73 pages)(3130738 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANITA DHALIWAL, an Individual Opposer, v. DVD WORLD PICTURES CORP. Applicant.	Opposition No. 91167207 Re: DVD WORLD Serial No.: 78495856 **TESTIMONY DEPOSITION OF DAVE LAHOTI AND EXHIBITS THERETO**

Pursuant to Trademark Rules 2.123(h) and 2.125, Opposer ANITA DHALIWAL, by its undersigned attorney, hereby submits for filing the attached certified transcript of the testimony deposition of **Dave Lahoti**, taken November 12, 2009, and the accompanying exhibits thereto.

Respectfully Submitted,

TROJAN LAW OFFICES
By

July 12, 2010

/R. Joseph Trojan/
R. Joseph Trojan
Attorney for Opposer,
ANITA DHALIWAL

CERTIFICATE OF SERVICE

This is to certify that copies of the following documents in connection with the Opposition No. 91167207 re DVD WORLD, Serial No. 78495856, were served by mailing a copy thereof by first class mail, postage prepaid, to the following persons:

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Documents served:

TESTIMONY DEPOSITION OF DAVE LAHOTI AND EXHIBITS THERETO

Faxed and mailed this 12th of July, 2010

Respectfully Submitted,

TROJAN LAW OFFICES
By

Date: July 12, 2010

/R. Joseph Trojan/
R. Joseph Trojan
Attorney for Opposer,
ANITA DHALIWAL

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
3
4 DVD WORLD PICTURES CORP.,)
5 Applicant,)
6 vs.) Opposition No.
7 ANITA DHALIWAL,) 91167207
8 Opposer.)
9
10
11
12
13 Deposition of DAVE LAHOTI, taken
14 on behalf of Opposer, at 9250 Wilshire
15 Boulevard, Suite 325, Beverly Hills,
16 California, beginning at 10:16 a.m.
17 and ending at 12:15 p.m. on Thursday,
18 November 12, 2009, before TERESA ANN
19 BUTLER, Certified Shorthand Reporter
20 No. 4642.
21
22
23
24
25

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2

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WITNESS:	EXAMINATION
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EXHIBITS

DEPOSITION	PAGE	DESCRIPTION
1	13	Letter dated 11-22-04 to DN Manager from DVD World Company Legal Department
2	18	Printout from www.thedvdworldcompany.com
65	10	One-page flyer from DVD World

EXHIBITS FOR REFERENCE

DEPOSITION	PAGE	DESCRIPTION
4	16	Printout from www.dvdworldonline.com
5	7	Exhibit 5 to Declaration of Dave Lahoti; List of Domain names with "DVD World"

1 Beverly Hills, California, Thursday, November 12, 2009
2 10:16 a.m. - 12:15 p.m.
3
4 DAVE LAHOTI,
5 having been first duly sworn, was examined and testified
6 as follows:
7
8 EXAMINATION
9 BY MR. TROJAN:
10 Q Could you please state and spell your name for
11 the record.
12 A Dave Lahoti, L-a-h-o-t-i.
13 Q Where do you live, Mr. Lahoti?
14 A I live in Tustin, California.
15 Q And do you have any relationship to Anita
16 Dhaliwal, the Opposer in this case?
17 A Yes, she's my sister and partner.
18 Q Okay. What is the business that you are in?
19 A Internet advertising and DVD affiliate-relation
20 websites.
21 Q What kind of DVD type business are you in?
22 A I have a popular blog site, hddvd.com, which is
23 based on the high-definition DVD format that's -- was --
24 by Toshiba; and I have my E-Commerce site,
25 dvduniverse.com.

1 Q And what does your E-Commerce site do?
2 A Offers DVD products in partnership with
3 cduniverse, and it offers DVD-related products. And
4 they handle a lot of logistics, and I have a lot of the
5 marketing aspects of it.
6 Q Okay. And did you ever develop an interest in
7 the domain name for dvdworld.com?
8 A Yes.
9 Q When was that?
10 A In -- in or around 1998.
11 Q Did you do any investigation into the ownership
12 of dvdworld.com?
13 A Yes.
14 Q What did you determine?
15 A I looked up the -- who is the record -- the
16 ownership information of the domain, and made contact by
17 E-mailing the registrant, asking if they were interested
18 in -- in a partnership or selling their domain or --
19 Q Okay. And how long were you in communication
20 with the registrant?
21 A Oh, through -- from '98, maybe, through 2003.
22 Q Okay. What happened in 2003?
23 A He replied with -- with, I think, a price. And
24 then he didn't -- he didn't communicate any further.
25 Q Okay. Was there a time when you acquired the

1 rights to the domain name "dvdworld.com"?
2 A Yes. Shortly thereafter, it ended up expiring.
3 He did not renew it. And it was offered via public
4 auction, and there were multiple bidders, and I was the
5 winning bid.
6 Q And how much did you pay for it?
7 A $20,100.
8 Q What year was that?
9 A 2004.
10 Q In a previous deposition, we previously marked
11 this exhibit as Exhibit 5.
12 Do you recognize this list?
13 A Yes, I do.
14 MR. PELTON: Can you hold on just so I can grab
15 the exhibit? Are we looking at -- what is this exhibit
16 from?
17 MR. TROJAN: It's from the deposition of your
18 client.
19 MR. PELTON: Okay. Let me just pull that up.
20 I didn't -- okay, I have got it. Thank you.
21 BY MR. TROJAN:
22 Q And this is entitled, "Exhibit 5 to Declaration
23 of David Lahoti, List of Domain Names With 'DVD World.'"
24 Did you compile this list, Mr. Lahoti?
25 A Yes, I did.

1 Q When did you do that?
2 A I believe it was, maybe, early 2005.
3 Q And did you determine whether any of these
4 domain names with "dvdworld" in them were selling DVDs?
5 A Yes.
6 Q What did you determine?
7 A Dvdworlduk.com appeared to be online and
8 offering DVD -- DVDs through that site; a few others.
9 Do I have to be specific about the domain name, or just
10 about maybe the number of sites?
11 Q Well, do you remember approximately how many
12 sites were actually selling DVDs that contained
13 "dvdworld" in their domain name?
14 A I think I must have encountered at least half a
15 dozen, and then maybe I just pretty much stopped there
16 and thought, well, that's pretty much -- I don't -- you
17 know, I was pretty convinced it was a lot. So I must
18 have encountered about a half dozen, at least.
19 Q Okay. And did you determine whether all of the
20 sites that were selling DVDs that contained the term
21 "dvdworld" in their domain name, if they were all owned
22 by the same entity?
23 A You mean the domain name versus the business?
24 Q Or the business.
25 A I think I just took it on faith that the site

1 and the domain name would be one and the same.
2 Q Okay. And did you determine that these were
3 different businesses or all one business?
4 A Oh, they were all different -- they were all
5 different businesses, yeah. They're not any one entity.
6 Definitely, they were -- these were distinct addresses
7 of business, based on the "Contact Us" information.
8 They were unaffiliated with each other.
9 Q Okay. So the term "dvdworld" did not designate
10 a single source; is that correct?
11 A Yes; that's correct.
12 Q When you referred to dvdworld.uk, was that
13 dvdworld.com.uk?
14 A I think I recalled it as dvdworlduk.com.
15 Q I see. Okay.
16 A But I can't be certain. It's possible that
17 they also had an alias of dvdworld.com.uk. I'm not
18 sure.
19 Q Have you -- do you know if Sony uses "dvdworld"
20 to sell DVDs on its website?
21 A Yes, I believe they operate sonydvdworld.com.
22 Q Have you ever heard of a musicdvdworld.com?
23 A I don't think I visited that one. So I have
24 not heard of it, no.
25 MR. TROJAN: Mr. Pelton, we had E-mailed you an

1 exhibit. Do you know if you have received that yet?
2 MR. PELTON: I don't have that E-mail open. So
3 give me a moment.
4 MR. TROJAN: Okay. While you are doing that, I
5 need to go grab one thing, so -- another exhibit.
6 MR. PELTON: I am going to put you on hold for
7 a moment or mute for a moment.
8 (Recess.)
9 MR. PELTON: Okay. I got the E-mail. A
10 one-page pdf?
11 MR. TROJAN: That's correct. So we'll mark
12 this as Exhibit 65.
13 (The document referred to herein was
14 marked by the C.S.R. as Deposition
15 Exhibit 65 for identification and made a
16 part of this deposition.)
17 MR. TROJAN: I will show that to the witness.
18 MR. PELTON: I will note an objection for the
19 record that, to the extent this was not produced during
20 discovery, you know, this is the first time we have seen
21 this.
22 MR. TROJAN: Okay.
23 Q Do you recognize Exhibit 65?
24 A Yes.
25 Q Can you tell me what it is.

1 A Basically, it's a flyer advertisement for
2 DVD -- for DVD World in -- based out of Oregon, I
3 believe.
4 Q Okay. Did you find --
5 MR. PELTON: I am going to object to the
6 foundation. You haven't established where this ad came
7 from or how the witness would know what it is.
8 MR. TROJAN: I am about to do that.
9 MR. PELTON: Okay. I just note the objection.
10 MR. TROJAN: Okay.
11 Q Do you know where this document came from?
12 A I was on the Internet in a pdf file, I believe.
13 Q Did you locate this document?
14 A Yes.
15 Q When did you locate it?
16 A About the same time I produced this list of
17 domains.
18 Q Which is Exhibit 5?
19 A Yes.
20 Q And approximately when was that?
21 A Early 2005.
22 Q And did you attempt to contact DVD World in
23 Oregon?
24 A Yes.
25 Q Were you successful?

1 A Uh-huh -- yes.
2 Q What was the result of that contact?
3 A I recall that they answered as "DVD World"; and
4 I asked some questions about how long they were in
5 business; and -- and everything seemed to be consistent
6 with what they advertised; that they're located next to
7 Bed, Bath and Beyond. And so the person that answered
8 the phone seemed to answer consistent with this
9 advertisement.
10 Q And this ad indicates in the right-hand column
11 that DVD World was opened in November, 2002?
12 A Yes.
13 Q And so did you determine whether this was an
14 actual brick-and-mortar store?
15 A At least I know that it's a brick-and-mortar
16 store. But I don't know -- I -- if they had an online
17 presence. I would presume so. Most people need a --
18 some sort of a -- at least a place to direct people to
19 their store and have a little, small website. But I
20 don't know what their -- what their website is.
21 MR. TROJAN: Counsel, the next exhibit we're
22 going to look at is Exhibit 1 to the Declaration of Dave
23 Lahoti in Support of Opposer's Motion For Summary
24 Judgment.
25 MR. PELTON: Okay.

1 MR. TROJAN: Do you have that?
2 MR. PELTON: Yes. What are we going to label
3 it here?
4 MR. TROJAN: It will be Exhibit 1. We started
5 labeling exhibits in your client's deposition consistent
6 with the numbers that were in the exhibits for the
7 Summary Judgment Motion. So we do not have an Exhibit 1
8 yet.
9 MR. PELTON: Okay.
10 (The document referred to herein was
11 marked by the C.S.R. as Deposition
12 Exhibit 1 for identification and made a
13 part of this deposition.)
14 BY MR. TROJAN:
15 Q So I am now handing you what we have marked as
16 Exhibit 1. And can you tell me whether you recognize
17 this?
18 A Yes.
19 Q What is it?
20 A It appears to be legal correspondence from DVD
21 Destination -- oh, DVD World Company.
22 Q And it indicates it's from the legal
23 department; is that correct?
24 A Yes. That's what it seemed to be from the
25 address, yes.

1 Q And on the third page, do you recognize the
2 name at the bottom?
3 A John Clark?
4 Q Yes.
5 A Yes.
6 Q Okay. Who is John Clark?
7 A He purports to be the legal correspondent from
8 their legal department.
9 Q Okay. Do you know whether DVD World Company
10 ever had a legal department?
11 A I can only --
12 MR. PELTON: Object as speculation.
13 BY MR. TROJAN:
14 Q Do you know?
15 A Only just from the correspondence. I took it
16 on faith.
17 Q Okay. And you don't know whether DVD World
18 Company has ever actually employed an in-house counsel
19 by the name of John Clark, do you?
20 A No.
21 Q Did you in fact receive this E-mail from John
22 Clark?
23 A I don't remember if this was postal or E-mail.
24 It's one or the other.
25 Q Okay.

1 A But --
2 Q Do you recall receiving this?
3 A Yes.
4 Q And is this a true and accurate copy of the
5 document that you received from DVD World --
6 A Yes, it is.
7 Q And also with respect to Exhibit 65, is that a
8 true and accurate copy of the document that you
9 downloaded from the Internet for DVD in Oregon?
10 A Yes, it is.
11 Q Okay. You haven't made any alterations to it,
12 have you?
13 A No, I have not.
14 MR. PELTON: Are we still with you?
15 MR. TROJAN: Excuse me.
16 MR. PELTON: I lost you there for a second.
17 MR. TROJAN: I don't think we said anything.
18 MR. PELTON: Okay.
19 MR. TROJAN: I was looking at the next exhibit,
20 which I need to get his declaration --
21 Q Do you have your declaration there? Actually,
22 it would be in my declaration. Hold on a minute.
23 Counsel, I am just looking to see, since I
24 can't hand you the particular exhibit, if it's been
25 previously marked, so that I do not duplicate anything.

1 We're going to need to fax or E-mail this one
2 to you, I think. I don't think it was -- it may not
3 have been part of the summary judgment motion. Let me
4 go have it scanned and E-mailed to you really quickly.
5 MR. PELTON: Okay.
6 MR. TROJAN: Oh, wait. Wait. Wait. We have
7 it. I was looking at the wrong declaration.
8 Q So, now, looking at Exhibit 4 to the
9 Declaration of David Lahoti in Support of Opposer's
10 Motion For Summary Judgment -- let me know when you have
11 that in front of you, Counsel.
12 MR. PELTON: Okay. Just a second.
13 Okay. Just to confirm we're looking at the
14 same thing, it's printed out from dvdworldonline.com?
15 MR. TROJAN: That's correct.
16 MR. PELTON: Okay.
17 BY MR. TROJAN:
18 Q And, Mr. Lahoti, do you recognize Exhibit 4?
19 A Yes, I do.
20 Q Can you tell me what it is.
21 A It appears to be the home page of DVD
22 Destination.
23 Q Is it your understanding that that is a website
24 run by the applicant or someone associated with the
25 applicant?

1 A Yes.
2 Q And do you -- did you download this page and
3 print it?
4 A Yes, I did.
5 Q Have you made any changes to it?
6 A No, I have not.
7 Q Is it a true and correct, accurate -- is it an
8 accurate copy of the image you saw online?
9 A Yes, it is.
10 Q And when did you download it?
11 A Also around early 2005.
12 Q Is the date at the bottom accurate? It says,
13 "1-5-2005."
14 A Yes.
15 Q And on this page, it says, "DVD World," and
16 after that, it has an "R" in a circle?
17 A Yes.
18 Q Was that "R" in a circle there when you first
19 saw this page?
20 A Yes.
21 Q And have you determined whether the applicant
22 or anyone associated with the applicant ever registered
23 dvdworld?
24 A When I looked, it didn't appear that it was --
25 that this image was registered. It was a different

1 image than was in the USPTO.
2 Q Was dvdworld registered?
3 A As an image, I think -- I think so. But it's a
4 different image, not this one.
5 Q Okay. Now we're going to look at Exhibit 2 to
6 the Declaration of Dave Lahoti in Support of Opposer's
7 Motion for Summary Judgment.
8 (The document referred to herein was
9 marked by the C.S.R. as Deposition
10 Exhibit 2 for identification and made a
11 part of this deposition.)
12 BY MR. TROJAN:
13 Q Do you recognize this?
14 A Yes, I do.
15 Q What is it?
16 A It appears to be company information about the
17 DVD World Company, a history.
18 Q Where did you get this from?
19 A I think it was a link off of DVD
20 Destination.com.
21 Q And is it accurate that it was found at
22 thedvdworldcompany.com?
23 A Yes.
24 Q And is the date in the right-hand corner of
25 1-5-2005 accurate?

1 A Yes.
2 Q Is that when you downloaded it?
3 A Yes.
4 Q Is this a true and correct copy of what you
5 downloaded?
6 A Yes.
7 Q If you look down at the -- towards the bottom
8 of the page, it repeatedly shows "DVD World" with an "R"
9 in a circle following it -- six times.
10 Do you see that?
11 A Yes.
12 Q Were those "Rs" in a circle located after "DVD
13 World" when you saw the image online?
14 A I'm sorry. Repeat that question.
15 Q Was the "R" in a circle located after "DVD
16 World" in each of these six cases when you saw the image
17 online?
18 A Yes.
19 Q So you haven't done anything to alter this
20 page; correct?
21 A No, I have not.
22 Q Okay. And did you determine whether the
23 applicant or anyone associated with the applicant in
24 fact had registered dvdworld as a word?
25 A I determined that it was not registered as a

1 word.
2 Q In spite of the fact that the "R" in a circle
3 was used there; correct?
4 A Correct.
5 MR. TROJAN: We're going to take a two-minute
6 break.
7 MR. PELTON: Okay. I will put you on hold and
8 come back in two minutes.
9 (Recess.)
10 MR. TROJAN: We're done. Do you have any
11 questions?
12 MR. PELTON: What's that?
13 MR. TROJAN: Direct-examination is completed.
14 MR. PELTON: You're done? Oh, okay. I didn't
15 realize that's where we were.
16 You want to give me about five more minutes --
17 MR. TROJAN: Sure.
18 MR. PELTON: -- to go over my notes and get
19 organized?
20 MR. TROJAN: Sure. No problem.
21 MR. PELTON: Why don't I call back into your
22 main office number.
23 MR. TROJAN: Yes. Not a problem.
24 MR. PELTON: Okay.
25 (Recess.)

1

2 EXAMINATION

3 BY MR. PELTON:

4 Q Mr. Lahoti, good morning. My name is Erik

5 Pelton, P-e-l-t-o-n. As you know, I represent the

6 applicant in this proceeding.

7 A Okay.

8 Q Can you state your full name again for the

9 record, please.

10 MR. TROJAN: State your name again.

11 THE WITNESS: Dave Lahoti.

12 BY MR. PELTON:

13 Q And is that -- is it Dave or David?

14 A Sometimes I'm referred to by either.

15 Q Okay. On your birth certificate, is it Dave or

16 David?

17 A It's -- actually, it's Davendra, but my mom has

18 been -- had been calling me, since childhood, Dave.

19 Q Okay.

20 A So it's really Davendra.

21 Q Do you have a middle name or initial?

22 A K., or Kumar.

23 Q What is your full address?

24 A My current residence in Tustin is -- is that --

25 MR. TROJAN: You can contact him through our

1 office.
2 BY MR. PELTON:
3 Q Okay. What city do you live in?
4 A What city?
5 Q Yes.
6 A Tustin, California.
7 Q Do you have a business address?
8 A Yes, I do.
9 Q Where is your business located?
10 A It's located in Irvine, California.
11 Q Who is the owner today of the dvdworld.com
12 domain name?
13 A My company, Virtual Point.
14 Q Is that a corporation?
15 A Yes, it is.
16 Q Is that a California corporation, do you know?
17 A Yes.
18 Q Do you have any other partners in that
19 corporation?
20 A No. Right now, as of -- now, no.
21 Q You're the sole officer of the corporation?
22 A As of now, yes.
23 Q Have you ever had other partners, officers or
24 investors?
25 A No. That company has been existing since 2007.

1 Q Prior to that, what companies did you own or
2 work for?
3 A I didn't -- I didn't -- I was basically just
4 doing business as a sole proprietorship.
5 Q Okay. Do you operate the dvduniverse business
6 under Virtual Point?
7 A Yes, I do.
8 Q And do you operate your hddvdworld blog under
9 the Virtual Point corporation, as well?
10 A Hddvd.com.
11 Q Hddvd.com?
12 A Not "world."
13 Q I apologize. Thank you.
14 The hddvdworld.com blog, is that part of
15 Virtual Point, as well?
16 A It's "hddvd.com," not "world."
17 Q Yes. Okay.
18 A You said, "hddvdworld." So I was just saying
19 it's just "hddvd.com."
20 Q And is that blog -- would you consider that
21 blog a business or just --
22 A It's a business.
23 Q Is that business a part of Virtual Point's
24 business?
25 A Yes. And it's actually featured on my -- in my

1 website, as well as in the portfolio section.
2 Q What website are you referring to when you say
3 "my website" there?
4 A Virtualpoint.com.
5 Q And when did Virtual Point take ownership of
6 the dvdworld.com domain name?
7 A Soon after I formed Virtual Point in 2007.
8 Q And who initiated that transaction?
9 A I did.
10 Q And was there any change -- was there any
11 written agreement involved in that transaction?
12 A No. Just reorganized all my sole proprietor
13 operations into Virtual Point.
14 Q Did you personally own the dvdworld.com domain
15 name prior to Virtual Point's owning it?
16 A Yes.
17 Q Did your sister ever own the dvdworld.com
18 domain name?
19 A Yes, we both invested in the purchase of that
20 domain.
21 Q Were you partners?
22 A Yes.
23 Q Was there ever any kind of business entity
24 regarding this partnership, either a formal partnership
25 or an LLC or a corporation?

1 A She's my sister, so it's -- there was no
2 formal -- nothing formal.
3 Q Did you and your sister -- were you partnered
4 in any other domain names?
5 A I assisted her with her current business, Diva
6 Village, which is a fashion blog. Diva Village --
7 Q Is that run by Virtual Point, as well?
8 A I did some initial consulting. And, lately,
9 she's more independent, but I do have some participation
10 from time to time with that.
11 Q Have you and your sister together owned other
12 domain names other than her -- did you say
13 "divavillage"?
14 A Maybe a few others, which are -- have to do
15 with more of the holistic, spiritual-healing kind of --
16 type of theme.
17 Q Was the dvd.world.com domain name ever
18 registered to you personally as the registrant?
19 A You mean -- listed Dave Lahoti, you mean?
20 Q Yes.
21 A I think that initially when I was awarded the
22 domain, it's possible. I can't really recall the way
23 it's listed in the -- in there. But, basically, it
24 was -- however the auction -- the auction place where we
25 purchased it, they may have listed it a certain way.

1 I'm not really recalling exactly.
2 Q Do you recall who was registered to participate
3 in the auction, was it you or your sister or some
4 partnership between you?
5 A It was my sister, and, basically, I -- I
6 told -- I gave her some advice on how much to pay and
7 what, you know -- how much we should purchase it for.
8 So we were just in constant contact through the process
9 when the domain was available via the public auction.
10 Q Do you recall who did the actual bidding for
11 the domain name?
12 A I recall I did it.
13 Q Were you using an account under your sister's
14 name, if there was one auction account?
15 A It was my sister's -- I think it was her
16 credit -- maybe her credit card and it was my user name.
17 Q So the bill for the domain -- the auction and
18 the eventual purchase of the domain name dvdworld.com
19 went to your sister's credit card?
20 A I believe so.
21 Q Do you remember who auctioned the domain name,
22 what company or website it was?
23 A It was a company in Washington -- West Coast
24 Washington.
25 Q Do you recall the name?

1 A I think it was Dotster.
2 Q Did you buy -- have you bought other domain
3 names at auction from Dotster?
4 A Yes, I think I did.
5 Q Do you recall how many?
6 A Probably at least -- at least 20 or 30.
7 Q What did you do with most of these domain
8 names?
9 A I set up the kind of -- you know, certain
10 businesses, like DVD-entertainment related; it's
11 possible, even virtualpoint.com, I may have even
12 acquired it through them, too. So -- I can't recall.
13 Q So other than dvduniverse and hddvd, are there
14 other DVD businesses that you -- -
15 A Those are all organized under Virtual Point, so
16 I consider it just one business.
17 Q Okay. Are there any other elements to the
18 business, other than these two -- the blog and the
19 dvduniverse website, are there any other websites --
20 A Oh.
21 Q -- or other businesses that Virtual Point
22 offers?
23 A I -- about, maybe -- at least several --
24 several other sites, like sonicgames.com, which is a
25 popular fan site for the Sega Sonic, the hedgehog

1 character. It's a flash game site.
2 And maybe udrpsearch.com, which is a list of
3 domain cases and dispute cases.
4 Q When was Virtual Point, Inc., formed, as a
5 corporation?
6 A Early 2007.
7 Q And prior to early 2007, in the formation of
8 Virtual Point, Inc., were these various websites and
9 domain names operated by you as a sole proprietor?
10 A Yes.
11 Q Again, was your sister involved in this -- in
12 these businesses?
13 A She -- I'm trying to remember if she did
14 anything with me other than -- I think
15 themoneysolution.com was something that we worked
16 together on a little bit. When her husband -- she's
17 divorced now, but her husband and I had worked on some
18 things together, and so her husband, being, you know --
19 working with him, I consider the same as an extension of
20 my sister.
21 So I worked on my brother-in-law's -- you know,
22 his interests, and one of his interests was
23 themoneysolution.com, which I believe is online today --
24 as of today still.
25 Q What's your brother-in-law's name?

1 A Ravi Dhaliwal.
2 Q Can you spell that for us.
3 A D-h-a-l-i-w-a-l; first name, Ravi, R-a-v-i.
4 Q Are you still involved in any business with
5 him?
6 A With him, no. Since their divorce, I've not
7 too much business dealings. But we do socially speak,
8 you know, communicate.
9 Q By your sister, we're referring to Anita
10 Dhaliwal, of course?
11 A That's right.
12 Q Do you only have one sister?
13 A Yes.
14 Q I just wanted to be clear.
15 A Sure.
16 Q Have you been involved in pursuing this case at
17 the Trademark Trial and Appeal Board?
18 A Yes.
19 Q And how have you been involved?
20 A How have I been involved, by retaining Joe
21 Trojan's law firm and -- and basically being apprised of
22 all the dealings of this opposition.
23 Q And how is your sister involved?
24 A She's the investor of the domain name. And at
25 that time, you know, we had ambitions to grow, maybe,

1 dvduniverse. And I knew that I couldn't do it alone, I
2 needed someone with more of a -- of a design element to
3 their experience. So I knew my sister was a -- very
4 complementing that area.
5 Q Have you participated in all of the discovery
6 and other portions of this case, answering
7 interrogatories and producing documents?
8 A Yes.
9 Q And are you aware of the duty to supplement
10 responses to interrogatories and new documents that come
11 up that are applicable to the case?
12 A You mean even -- even when it's not requested
13 by the attorney?
14 Q Well, if they supplement or change or add to a
15 prior answer.
16 A I only would do -- I would only act as whatever
17 Trojan Law Offices would say. I just do what they say.
18 Q Are you the primary contact between you and
19 your sister with Trojan Law Offices?
20 A Yes.
21 Q Because I just want to know -- we weren't
22 provided any of this information about the change of
23 ownership of a domain name by supplemental discovery or
24 in any other manner. So we just became aware of this.
25 A But it's just reorganizing my -- it's -- if

1 Virtual Point didn't exist --
2 MR. TROJAN: There's no question pending. He's
3 making a comment.
4 THE WITNESS: Okay.
5 BY MR. PELTON:
6 Q Have you ever conducted a trademark search for
7 the phrase "dvdworld"?
8 A Have I -- I'm sorry?
9 Q Ever performed or conducted a trademark search
10 for the phrase "dvdworld"?
11 A Yes, I have done one.
12 Q Okay. What did you search?
13 A What did I search? I searched at the USPTO
14 website for "dvdworld."
15 Q Do you recall when that search was?
16 A I think 1998, initially.
17 Q Do you recall if you found anybody with a
18 pending application or registration at that time that
19 included the word "dvdworld"?
20 A I can't remember if I saw something in '98.
21 But I know I saw something that was filed and abandoned,
22 but I don't remember if it was '98 or 2001. I can't
23 tell you clearly when. But I think it's still listed
24 there as abandoned.
25 Q When did you and your sister buy the

1 dvdworld.com domain name?
2 A Sometime in late 2004.
3 Q Prior to completing that auction purchase, did
4 you do any other searching of the trademark records for
5 dvdworld?
6 A Any other -- like other -- what kind of other
7 records would I be searching for?
8 Q I meant other than the search you had done in
9 1998 that you just discussed.
10 A Well, when -- you're talking about domain-name
11 related or trademark related?
12 Q Prior to purchasing the domain name in 2004,
13 did you conduct another search of the USPTO?
14 A I -- I know I did it periodically throughout
15 the time -- but my focus was mainly on at that time
16 dvduniverse. But I had considered that I maybe wanted
17 to rebrand as dvdworld, so I just did it periodically.
18 But I didn't see anything that stood out.
19 Q Prior to your purchase of the dvdworld.com
20 domain name in 2004, were you aware of DVD World
21 Pictures Corp?
22 A Not distinctly. I just know there were several
23 sites called dvdworld. And -- but I don't remember them
24 distinctly.
25 Q Do you recall if you had ever visited any of

1 those sites prior to buying the domain name?
2 A Not distinctly. But, you know, just that
3 exhibit that Joe mentioned with the 200 sites, you know.
4 I just remember through Google searches encountering a
5 half -- you know, half a dozen of those. So I knew
6 there was a myriad of operators with the name dvdworld.
7 Q Regarding that list -- I believe, if you want
8 to refer to it, it was Exhibit 5.
9 A Yes.
10 Q And that is a list -- I believe it goes through
11 206, on several pages of domain names.
12 A Yes.
13 Q Have you visited each of these domain names?
14 A Basically, a sampling of several of them, yes.
15 Q When you say, "several," are we talking about
16 less than 20?
17 A About -- I -- I don't know. Maybe -- maybe two
18 dozen, yeah. Two dozen.
19 Q When did you visit these?
20 A All around the period of time between 1998 and
21 2004.
22 Q Do you know which of them are based in the U.S.
23 and which are based in foreign countries?
24 A Just -- only from the "Contact Us" information,
25 when I would see that they have an office in the U.S., I

1 would presume they were in the U.S. That's all I know,
2 if they're -- with regards to their U.S. ties.
3 Q As you said, there were several, maybe up to 20
4 of them that you did -- can you list any of the ones you
5 did specifically?
6 A Dvdworlduk.com comes to mind, and they
7 indicated a postal address somewhere in the United
8 States.
9 Q Are there any others that you recall
10 specifically visiting?
11 A Sonydvdworld.com. But I don't remember about
12 their -- you know, specifically U.S. But I visited
13 that. It's been a long time, so I can't -- I can't
14 really remember all of them. But I just remember at
15 least the dvdworlduk and --
16 Q Do you know what number of these 206 domain
17 names were actively hosting websites at the time you
18 made the list?
19 A Well, it was -- I got it all through Google, so
20 I presume these were sites, websites.
21 Q Is it possible that they had an "Under
22 Construction" page or "Coming Soon" page?
23 A I'm sure that some -- several of these probably
24 do, yeah. That's --
25 Q Is it --

1 A I takes a while to develop sites. So I presume
2 that these could have been pending.
3 Q Is it possible that they had content on them
4 but that they didn't use the phrase "dvdworld" in that
5 content?
6 A I wouldn't know. It's possible. But I -- how
7 I would know that?
8 Q So, again, you don't know that, because you
9 didn't visit each of them?
10 A Right. I wouldn't know, because I -- I only
11 produced a list of -- at least the URL monikers, because
12 that's what this case was about, it was about the legal
13 letter, demand letter about dvdworld.com. So, in
14 response, I wanted to produce what I thought was a good
15 refuting of that.
16 Q You mentioned something about Google. Do you
17 recall how you generated this list?
18 A Yeah, just through a variety of search engines,
19 Yahoo, MSN, Google, maybe Alta Vista. All I know --
20 some of these -- of course, Alta Vista is not favored
21 these days. So -- but I did it back then, in '04.
22 Q Did you look up the ownership information for
23 each of these domain names?
24 A Yeah, I definitely did some spot-checking for a
25 few of them. Obviously, I didn't do all of them, but,

1 from whatever -- like the dvdworlduk.com, I believe I
2 did that and a few others. But, you know, it's been
3 five or six years, so I can't really remember the
4 specifics of what I saw.
5 Q Do you know if any of these domain names were
6 owned by DVD World Pictures Corp?
7 A I think a few -- a few of them were, like
8 dvdworldtravel.com. I'm sure that there was a few --
9 maybe dvdworldpictures.com.
10 Q But, other than that, at least a few of them
11 are owned by DVD World Pictures Corp --
12 A Sure. Sure. Yeah. I didn't exclude,
13 necessarily -- I didn't -- I mean, I didn't produce this
14 list to imply that these were not related to DVD World
15 Company. I was just producing what I thought was an
16 exhaustive list of websites, and I knew that there were
17 several of them that are definitely not owned by your
18 client.
19 Q Do you know if any of them are owned by you?
20 A Are owned by me?
21 Q Yes.
22 A The only one I -- at the time I produced this
23 list, the only one domain I owned that was -- with
24 "dvdworld" in it was dvdworld.com.
25 Q So that's the same for your sister at the time?

1 A Yes, that's the only domain interest we have
2 ever had in "dvdworld," is dvdworld.com.
3 Q And at the time this list was made, did Virtual
4 Point exist?
5 A No.
6 Q And do you have any personal knowledge as to
7 whether any of these sites sell DVDs or movie-production
8 services?
9 A I distinctly remember dvdworlduk.com had an
10 E-Commerce site.
11 Q Well, for example, crazydvdworld.com, do you
12 know if that website was used to advertise or develop
13 DVDs or movie productions?
14 A I don't distinctly remember that one in
15 particular.
16 Q How about dollardvdworld.com, do you have any
17 personal knowledge as to whether that site has ever been
18 used to sell DVDs or movie-production services?
19 A I don't recall that site either. This was such
20 a voluminous list, no one site stands out to me.
21 Q Is it then accurate, other than the few that
22 you visited, including dvdworlduk.com, you have no
23 knowledge as to what was on the website?
24 A On the majority of these, yes; that's true.
25 Q On Exhibit 65, which we looked at earlier -- I

1 am pulling up my copy here. Excuse me for a moment.
2 You mentioned this was something you had found;
3 is that correct?
4 A Yes.
5 Q Where exactly did you find this again?
6 A I found it through a Google search.
7 Q What were you searching for?
8 A Where was I searching or what was I searching?
9 Q What were you searching for?
10 A I think I was searching for "dvdworld," the --
11 I just entered the word "dvdworld." I think I may have
12 entered it with quotes, without quotes, with a space,
13 without a space, and tried multiple variations to get
14 the full universe of results.
15 Q Do you know if this business is currently
16 operating, this DVD World in Corvallis?
17 A It was operating as of 2005 when I called them.
18 That's the last I had communication with them.
19 Q And I think you said this came from a larger
20 pdf document. Do you have the rest of that document?
21 A No. It's not -- it was -- I think this is just
22 a single. It was just one page. I don't think there
23 were any more pages than this one.
24 It doesn't have -- if it was multiple pages, it
25 probably would have had a "Page 1 of" something. So I

1 believe it was just a single flyer advertisement.
2 Q Well, you know, I don't know as much about the
3 Internet and advertising, but the flyer advertisement, I
4 mean, what is it attached to? I don't --
5 A I'm sorry?
6 MR. TROJAN: Objection, vague.
7 BY MR. PELTON:
8 Q What website did you find this advertisement
9 on?
10 A I don't remember, but -- what the specific URL
11 was. But I was satisfied by the fact that they operate
12 a brick-and-mortar store; and I called them, and they
13 answered as "DVD World"; and they sell DVDs.
14 Q Do you recall the advertisement's original
15 format, pdf, or what format?
16 A I am almost sure it was pdf. I don't think it
17 was anything else.
18 Q But your recollection is not a part of a
19 magazine or a newsletter or a trade guide; is that
20 correct?
21 A No. I -- I clearly got this online. I know
22 that.
23 Q I understand. But people produce
24 advertisements and people produce newsletters and
25 magazines online, don't they?

1 A Okay. Yeah.
2 Q Okay. But if I wanted to find this
3 advertisement today, do you have idea where you could
4 direct me to?
5 A I think I have the bookmark stored. It's
6 possible, where -- in the E-mails that I may have sent
7 to the -- to Joe, I'm sure that the URL is there. But
8 for some reason, it's not on the footer of this page.
9 But I am sure it can be recalled.
10 Q I would like to know, you know, this -- I don't
11 think this was produced in discovery before. And we
12 don't have any other information about it, so -- Virtual
13 Point, Inc., are you the only employee of that company?
14 A No. I have -- I have a combination of
15 contractors and employees.
16 Q How many?
17 A I work with about five -- four or five
18 contractors and one permanent employee.
19 Q Are any of them involved in your dvdworld.com
20 domain?
21 A They're involved in the -- yes, in the
22 management and -- of that, and the dvduniverse,
23 maintaining the technical website, operation of that.
24 Q Do you know what a visitor to dvdworld.com
25 today would find on that website?

1 A It would have -- dvdworld.com would produce
2 links to hddvd and dvduniverse.
3 Q Does somebody for Virtual Point -- does Virtual
4 Point, Inc., or one of its employees maintain the site
5 at dvdworld.com?
6 A Right. And, also, it's a "Coming Soon" page.
7 Mainly, the dvdworld.com is a "Coming Soon" page.
8 Q And do you have any plans for a dvdworld
9 website or business?
10 A Yes, my desire is to strategically pursue maybe
11 a different, distinct type of entry into the market
12 under the name dvdworld, which would complement
13 dvduniverse.
14 Q Do you have any marketing plans for this
15 business?
16 A Basically, the same type of plans, which is
17 very informal type of plans, just as I did with
18 dvduniverse. So nothing formal. I don't -- I don't do
19 formal marketing plans.
20 Q So is there any kind of formal business plan or
21 other written plan that relates to your goals and ideas
22 for using dvdworld and dvdworld.com?
23 A No, nothing formal. Since this was brought to
24 my attention, this legal issue, then I had kind of put
25 that on hold.

1 Q Well, are there any informal memos or E-mails
2 or other documented details regarding those claims?
3 A No. In the last five years, this has been
4 pending, this matter, so I haven't invested any further
5 time in this until the outcome of this. So I have done
6 very scant -- my efforts have been very scant in this.
7 Q Would you say that you have control over
8 dvdworld at this time?
9 A Dot com, yes, technical control, yes.
10 Q Do you have control over the website, as well?
11 A Over the --
12 Q Do you have control of the registration of the
13 domain name through your Virtual Point; correct?
14 A Yes.
15 Q And do you have control over the operation of
16 the website through Virtual Point, as well?
17 A That's right; yes.
18 Q And your plans for any future use of the
19 dvdworld name or dvd.com, is your sister a part of those
20 plans?
21 A Because of her divorce situation, it's -- there
22 could be a little uncertainty. So I'm not sure now.
23 She just recently divorced in the last two months.
24 Q And she is not in any way an employee or
25 officer or investor in Virtual Point; is that correct?

1 A Not -- not formally like that, no. Just as --
2 basically, when I formed Virtual Point, it's basically
3 currently just myself.
4 MR. PELTON: Well, Joe, we'd like a copy of the
5 articles of incorporation for that, as well.
6 Q Has the dvdworld.com domain name, under your
7 control or Virtual Point's control, ever been used to
8 sell any goods or services?
9 A Through the -- basically, the links through the
10 site, it leads to hddvd.com and dvduniverse.com. So, by
11 way of that, yes.
12 Q Have there ever been any products or services,
13 other than those links through your website directly on
14 dvdworld.com?
15 A Not that I recall. Pretty sure it was pretty
16 much a, you know, "Coming Soon" type page with the
17 banner ads to my existing DVD -- other sites.
18 Q Do any other sites controlled by you, including
19 hddvd.com and dvduniverse, use the phrase "dvdworld"?
20 A No. It's a completely different brand.
21 Q Do you know when this "Coming Soon" page at
22 dvdworld.com that is currently there was posted?
23 A Probably sometime in late 2007.
24 Q Do you recall what was there prior to this
25 page?

1 A I think it was inactive for a while, because of
2 this pending issue. So I left it inactive for a few
3 years. And then, when there was some comments about
4 changing counsel from Baker, or when they withdrew
5 counsel, then I didn't want to leave it inactive
6 anymore. I decided that I wasn't going to wait and
7 wanted to at least get a little start on it.
8 Q Do you know how many domain names Virtual
9 Point, Inc., owns today?
10 A Probably several. I can say a lot of them.
11 Q Can you say with some more particularity,
12 dozens? Hundreds?
13 A Yes, definitely in the -- over a thousand, for
14 sure.
15 Q Are the majority of those domain names active?
16 A Yes.
17 Q Active websites on those domain names?
18 A Yes, there are active sites hosted by Virtual
19 Point and generate revenue for us.
20 Q How many of them point back to hddvd.com or
21 dvduniverse?
22 A Probably about 50 or 60.
23 Q And on the other active ones, do any of them
24 just host affiliate marketing links for Google ad boards
25 or any other search-type companies?

1 A I -- it's a combination of that, plus my banner
2 advertising for the dvduniverse and hddvd.com.
3 Q And any other companies you're involved in or
4 that you operate that own domain names other than
5 Virtual Point?
6 A Nothing outside of, really, Virtual Point.
7 It's all -- they're all either, you know -- they're all
8 really affiliated with one company.
9 Q Do you own any domain names in your personal
10 individual name?
11 A My personal name?
12 Q Yes.
13 A No. Everything is -- everything is affiliated
14 with, you know, Virtual Point in some form or fashion.
15 Q Prior to the creation of Virtual Point, did you
16 own domain names in your personal name?
17 A Yes. Since 1998 through 2007, they were always
18 in my -- basically, the ownership of prior to Virtual
19 Point, yes.
20 Q Have you ever sold a domain name for more than
21 $10,000?
22 A Yes.
23 Q How many domain names have you sold for more
24 than $10,000?
25 A These were all unsolicited inquiries that came

1 in, so probably about ten or 15.
2 Q What's the most you ever sold a domain name
3 for, you or Virtual Point?
4 MR. TROJAN: Objection, relevancy. It's -- do
5 you have any connection to this case at all? This is
6 confidential business information.
7 MR. PELTON: I will move on for now and strike
8 the question.
9 MR. TROJAN: Okay.
10 BY MR. PELTON:
11 Q Have you ever been involved in a case brought
12 under the UDRP?
13 A Have I ever been involved in a UDRP under
14 which?
15 Q In a UDRP case?
16 A Yes.
17 Q And have you ever had domain names transferred
18 away from your possession as a result of such a case?
19 A Some of them, yes.
20 Q Do you recall how many UDRP cases you lost?
21 A Maybe three.
22 Q And do you know what those domain names are?
23 A Let's see. Well, one was vericheck.com, which
24 I filed suit and is pending litigation currently. It's
25 pending appeal. Let's see. I think there could have

1 been a spam -- spamnet.org.
2 I'm not -- I don't have a clear recollection of
3 the other ones. But I can remember those two cases,
4 spamnet.org and vericheck.com.
5 Q And other than those two UDRP cases, have you
6 ever been accused of domain name infringement, trademark
7 infringement or cybersquatting?
8 A Sure, all the time. With the amount of domains
9 I have, there's a line of people that are just using --
10 want to use any excuse to try to get it, so -- in trying
11 to intimidate me.
12 Q Has a court of law ever found you guilty of
13 trademark infringement?
14 A In the estamp matter, yeah, that happened about
15 ten or 11 years ago.
16 Q What court was that?
17 A I'm sorry?
18 Q Do you recall what court that was?
19 A That was in Los Angeles Federal Court.
20 Q Federal Court?
21 A Yes.
22 Q Have you lost any other cases in federal or
23 state court for trademark infringement or
24 cybersquatting?
25 A I lost vericheck.com, but that was currently

1 under appeal.
2 Q And other than estamp and vericheck, are there
3 any other cases in court that you have lost as relates
4 to trademarks or domain names?
5 A No. That's it.
6 Q Have you ever won any case in court as it
7 relates to a trademark or domain name?
8 A In UDRP, yes.
9 Q What court?
10 A In court, there was no other court cases, so
11 those are the only two court cases, the vericheck and
12 estamp.
13 Q And has Virtual Point, separately, been accused
14 of any trademark infringement or cybersquatting?
15 A There were two cases.
16 Q What are those cases?
17 A The airbornesystems.com and certipost.
18 Q Spell the last one.
19 A C-e-r-t-i-p-o-s-t, dot com.
20 Q Were those court cases, airborne and certipost?
21 A No. Those are UDRP. You can look them up
22 under udrp.com.
23 Q That's one of your websites I just learned
24 about.
25 A That's right.

1 MR. PELTON: If it's okay with you, I would
2 like to take a five, 10-minute break, and just organize
3 the last few questions I have got, and then we should be
4 done soon.
5 MR. TROJAN: You will call us back?
6 MR. PELTON: I will call you back.
7 (Recess.)
8 MR. TROJAN: Do you have additional questions?
9 MR. PELTON: Just a couple.
10 Q Mr. Lahoti, did you review all of the discovery
11 responses in this case prior to them being sent out?
12 A Around the 2006 time, that was the last time I
13 had any real review of anything like that, yes.
14 Q So is it your recollection that you did review
15 all of the interrogatory responses and requests for
16 production and requests for admission responses?
17 A Did you say it is or is not?
18 Q It is.
19 A Yeah, I -- yes. I did most of the work around
20 the summary judgment time.
21 Q Yes. There hasn't really been any since then
22 that.
23 A Right.
24 Q Did your sister have any involvement in
25 preparing those responses or reviewing those responses?

1 A I think she reviewed -- she read -- read stuff
2 before I submitted -- you know, submitted. And I was
3 pretty much the liaison between Joe and my sister.
4 Q Have you or Virtual Point ever filed any
5 trademark applications with the U.S. Patent and
6 Trademark Office?
7 A Virtual Point has not.
8 Q Have you?
9 A I did around -- around the 1998, 2000 period
10 when I -- but I don't know if I -- I did it myself, and
11 I don't know if I knew what I was doing.
12 Q Do you own any trademark registrations, to your
13 knowledge?
14 A Only just common-law, but not -- I don't have
15 any formal USPTO-related trademarks.
16 Q And have you ever -- did you ever file to
17 register dvdworld or dvd.com with the USPTO?
18 A No. I didn't get a chance to, because soon
19 after, within just a few months, this matter surfaced
20 with John Clark and DVD World Company. So I have not
21 pursued that until the outcome of this.
22 Q And have you or your company ever been a party
23 to another proceeding at the Trademark Trial and Appeal
24 Board?
25 A No, I don't think so. Are you -- can you be a

1 little more clear? Like, what would that mean?
2 Q That would mean, like, in opposition to a
3 trademark application or a petition to cancel a
4 trademark registration.
5 A Well, in canceling the vericheck mark, I was
6 involved in that.
7 Q Have you ever been a defendant in an opposition
8 brought by the U.S. Postal Service?
9 A No.
10 Q Were you ever partners with Neil Davda?
11 A Oh, okay. Is this related to -- related to
12 postagenow?
13 Q Yes.
14 A Oh, okay. That was so long ago, I don't -- I
15 haven't -- that was a long time ago. Was that the
16 Postal Service or was that stamps.com?
17 Q Was with the Postal Service, I believe.
18 A Yeah, okay. Then, that case, yes.
19 Q Do you recall the outcome of that case?
20 A I think they -- I don't remember, no. I -- I
21 think I just did it as a defensive measure. But I don't
22 think -- at that time, I was very interested in the
23 Internet postage business. So that's why -- you know,
24 it was a decade ago. So -- but I don't think -- I can't
25 remember the outcome. Shortly after I lost the estamp

1 case, my interest in the postage industry diminished.
2 Q Sure. Was there ever any other dispute with
3 the U.S. Postal Service other than this trademark
4 opposition?
5 A Your records are probably better than mine.
6 Because I can't recall -- I know that I probably dealt
7 with stamps.com, estamp and the Postal Service in, you
8 know, all in a -- all in a jumbled stew. So I don't
9 know if it's -- it's probably a combination of all those
10 parties.
11 Q Well, do you remember in the in the estamps
12 court case, did the U.S. government assert interest in
13 that name?
14 A The U.S. government, I don't think so. It was
15 mainly estamp corporation.
16 Q Have you ever been charged with fraud or
17 perjury?
18 A No.
19 Q Are you a party to this case at the Trademark
20 Trial and Appeal Board with DVD World Pictures
21 Corporation?
22 A Am I a party? By way of the ownership interest
23 in the name and the technical operation, I consider
24 myself a party. But -- so in that way.
25 Q And in the records of the proceeding, are you a

1 party?
2 A In the record, no. I think it's my sister,
3 since she -- it was her investment of the name.
4 MR. PELTON: I have no further questions.
5
6 FURTHER EXAMINATION
7 BY MR. TROJAN:
8 Q Okay. Virtual Point has how many domain names?
9 A Basically -- in the break, basically, we -- I
10 did a count, and I was able to go online and check and
11 discover I have in excess of 4,000.
12 Q And of those 4,000 domain names, how many have
13 ended up in disputes?
14 A I think possibly four or five.
15 Q Okay. And of those four or five, how many of
16 those disputes did you lose?
17 A I think -- I won two of them, so I suppose I
18 lost three.
19 Q And is one of them on appeal now?
20 A Yes, that's related to vericheck.
21 Q Okay. And so the remaining two, what was the
22 final outcome of the two that you lost?
23 A I decided to let it go, and I didn't file --
24 oh, actually, I filed suit on spamnet.org. Now I
25 remember. I filed suit, but then it settled. That was

1 against Cloud Mark for spamnet.org.
2 Q And did --
3 A And the other case -- which one was that? I
4 can't remember the specific case -- I lost the other
5 one. So I can't tell you.
6 Q Did Cloud Mark pay you money on the spamnet.org
7 case?
8 A Yes, they did.
9 MR. TROJAN: I have nothing further.
10 MR. PELTON: Okay. I just want -- I just want
11 to note, Counsel, that it looks like there's, you know,
12 several items on discovery that have not been
13 supplemented or answered fully regarding this
14 relationship between -- between Mr. Lahoti, between
15 Ms. Dhaliwal and between Virtual Point. And, you know,
16 I --
17 MR. TROJAN: Well, you --
18 MR. PELTON: I expect some supplemental
19 discovery.
20 MR. TROJAN: That's fine. Provide a letter
21 identifying what you -- which questions were on point
22 that we didn't supplement and we'll be happy to
23 supplement those.
24 MR. PELTON: Okay. We'll be in touch soon.
25 You can expect that.

1 MR. TROJAN: Yes. Assuming that such a thing
2 exists. You are -- you are also assuming that
3 Exhibit 65 was not produced. I don't -- I don't know
4 that either.
5 So -- and I don't know that there were any
6 questions going to any of these issues relating to
7 dvdworld.com ownership in which we would be obligated to
8 respond. I mean, dvdworld.com's web -- domain name is
9 not the issue in this particular case.
10 So if we can stipulate the deponent can have
11 ten days to review the transcript upon receipt; that he
12 can sign under penalty of perjury; that we'll provide
13 any changes that he makes to you and his signature page;
14 and we will provide the original transcript upon
15 reasonable request at any time you need to look at it;
16 and, after the transcript is completed, that the court
17 reporter is relieved of her statutory duties.
18 So stipulated?
19 MR. PELTON: Yes. That's fine.
20 Then, you know, regarding the discovery, we
21 need an extension for the start of our testimony period,
22 if there -- assuming there is something to supplement,
23 so we have time to get that and review that.
24 Just, you know, directing you to Interrogatory
25 No. 2, which asks, you know, for anybody, basically,

1 with a relationship to Opposer involving Opposer's
2 domain name, and Opposer's response is that there is
3 nobody; that Opposer is the sole owner of domain name,
4 dvdworld.com -- "Opposer" obviously being Anita
5 Dhaliwal.
6 MR. TROJAN: Right. Okay. Well, I'll --
7 MR. PELTON: A lot of other questions flow -- a
8 lot of other questions and responses flow from that, the
9 definition of "Opposer," and who's -- anybody else
10 interested.
11 MR. TROJAN: Okay. Well, you know, like I
12 said, collect your thoughts in a letter on the subject,
13 and we'll -- whatever we owe you we will give you.
14 MR. PELTON: Okay. Thank you, Terri, and thank
15 you, Mr. Lahoti.
16 MR. TROJAN: Thank you.
17 THE WITNESS: Thank you.
18 (Whereupon, at 12:15 p.m., the deposition
19 of DAVE LAHOTI was adjourned.)
20 //
21
22
23
24
25

I, DAVE LAHOTI, do hereby declare under penalty of perjury that I have read the foregoing transcript of my deposition; that I have made such corrections as noted herein, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 30 day of November, 2009, at Irvine, CA.
(City) (State)

D. Lahoti
DAVE LAHOTI

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: NOV 18 2009

Teresa Ann Butler

TERESA ANN BUTLER
CSR No. 4642

1 ERRATA SHEET FOR THE DEPOSITION OF DAVE LAHOTI
DATE TAKEN: NOVEMBER 12, 2009
2 PAGE LINE CORRECTION
3 ____ ____ _____
4 ____ ____ _____
5 ____ ____ _____
6 ____ ____ _____
7 ____ ____ _____
8 ____ ____ _____
9 ____ ____ _____
10 ____ ____ _____
11 ____ ____ _____
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16 ____ ____ _____
17 ____ ____ _____
18 ____ ____ _____
19 ____ ____ _____
20 ____ ____ _____
21 ____ ____ _____
22 ____ ____ _____
23 ____ ____ _____
24 SIGNATURE OF DEPONENT: _____
25 DATE: _____

The Legal Dept. Of The DVD WORLD Company

The DVD WORLD Company
Legal Dept.
63 McGaw Ave.
Lake Grove, NY 11755
Phone: 516-607-2631
Fax: 631-471-4893

December 22, 2004

VIA Express Mail & E-Mail

DN Manager
PO Box 51662
Irvine, CA 92619-1162

Don200094104@yahoo.com

Re: Notice of Trademark Infringement - DVD World
Domain Name: dvdworld.com

Dear DN Manager:

This letter is to inform you that I represent The DVD World Company ("DVD World") in trademark, copyright, misappropriation and unfair competition matters. DVD World is the owner and operator of several websites, including DVDWorldOnline.Com, and is headquartered in Lake Grove, New York, USA.

The DVD World Company has been doing business under the name "DVD World" ("the Marks") since 1997. Since that time, DVD World has used the

Ex. 1

1-1

PENGAD 800-631-6989
DEPOSITION EXHIBIT
1
LAHOTI
11-12-09

Marks to sell products worldwide on the Internet. The products that are offered for sale include general DVD (audio and audio-visual), VHS recordings, CD-Rom recordings, electronic games, and novelties. Through the investment of substantial resources, DVD World has built up considerable goodwill in it's Marks and consumers worldwide have come to associate the Marks exclusively with DVD World.

In addition to DVD World's extensive common-law rights to the Marks, The DVD World Company is the owner of the following United States Registered Trademark:

. "DVD World", Registration No. 2,912,970 on the Principal Register of the United States Patent and Trademark Office

The DVD World Company's Marks and Registered Marks have come to identify the products and services of DVD World and DVD World enjoys valuable goodwill attached to the Marks and Registered Marks. That goodwill is important to The DVD World Company and it is also important that The DVD World Company does not permit a use of the Marks and Registered Marks by others in such a way as to cause a likelihood of confusion as to sponsorship or affiliation with The DVD World Company.

It has come to The DVD World Company's attention that you registered the domain name www.dvdworld.com on 11/29/2004. Your use of the Marks and Registered Marks, including registration as a domain name, constitutes trademark infringement and unfair competition practices.

The DVD World Company demands that you cease and desist any further use, offering for sale and/or possession of the domain name www.dvdworld.com and any and all other marks or names likely to cause confusion or dilute the distinctive quality of the Marks and Registered Marks (including, but not limited to any form of any Mark or Registered Mark, regardless of capitalization, whether singular or plural, or whether preceded by or followed by other letters, numbers or symbols). This means that you promptly cease any further use, offering for sale or possession of the Marks, Registered Marks and domain name www.dvdworld.com. Furthermore, this is to request that you transfer immediately the domain name

Ex 1-2

www.dvdworld.com to The DVD World Company.

This is to also request that you provide me with your written assurance by January 15th, 2005 that you will immediately comply with the terms of this letter, by no longer using, offering for sale and/or exercising possession over the domain name www.dvdworld.com, and transfer the domain name to The DVD World Company. You may indicate your agreement by signing this letter in the space provided below and returning the original signed letter to me. By signing this letter you are also agreeing not to use or register any domain names, trademarks or trade names in the future that include the Marks or Registered Marks or other terms likely to cause confusion or dilute the distinctive quality of the Marks and Registered Marks.

If you fail to immediately comply with all the demands set forth above, The DVD World Company will file a complaint with the WIPO Domain Name Dispute Resolution Service, in accordance with the Uniform Domain Name Dispute Resolution Policy, to have the www.dvdworld.com domain name transferred to The DVD World Company, and pursue all other remedies and seek recovery of all damages to which DVD World is entitled.

All correspondence should be made to:

John Clark
DVD WORLD Company Legal Dept.
63 McGaw Ave.
Lake Grove, NY 11755
Legal@TheDVDWorldCompany.Com

Your prompt response will be appreciated.

Sincerely,
John Clark

AGREED:

Ex 1-3

Name: _____

Date: _____

Cc: 000Domains.Com

Ex 1-4

Founded in 1997 by President & CEO Eddie Papetti, The DVD WORLD® Company has become one of the largest online DVD retailers & distributors in the world.

Since it's inception in 1997 as a DVD information site as "DVD WORLD®" the company has grown to include several divisions, in many different areas of technology & retail, so in 1999 the name of the company was changed from just "DVD WORLD®" to "The DVD WORLD® Company". Below are the names of all the companies and divisions owned & operated by The DVD WORLD™ Company.

The DVD WORLD® name has grown to be associated with the finest products and services in the world. As The DVD WORLD® Company continues to grow and expand, we look forward to serving your ever increasing needs.

The *NEW* DVD World® Company site is getting ready to launch later this year, until that time please click on any of the company names below to be brought to that division specific Website.

THE DVD WORLD COMPANY

(Click On Any Of The Divisions Below To See A Detailed Listing Of The Companies In Each Division)

DVD WORLD® ONLINE

DVD WORLD® Pictures Corp.

DVD WORLD® Distribution

DVD WORLD® Computers

DVD WORLD® WebCreations

DVD WORLD® FundRaising

DEPOSITION EXHIBIT
2
LAHOTI
11-12-09
PENGAD 800-631-6989

The DVD WORLD Online Family

DVD WORLD® Online encompasses the online technology & retail divisions of The DVD WORLD® Company

DVD Destination

One Of The Largest Online DVD Retailers In The World.
DVD Destination Highlights:
World's Largest IN STOCK DVD Selection
Every DVD At Least 30%Off!
24 Hour Shipping
Huge Selection of D-VHS Titles

Game Destination

Online Retailer of Video Games
Game Destination Highlights:
New Games At The Cheapest Prices Anywhere
Games for Xbox, PS2, GameCube & GameBoy Advance
24 Hour Shipping
Uses The New DVD WORLD Shopping Engine Version 7.0

The DVD WORLD™ Shopping Engine

The backbone of all DVD WORLD retail sites
Developed in 1999 by DVD WORLD WebCreations
. Latest Release is Version 7.0

Music Destination

Opens in 2005
Online Music Retail Site
Huge Selection of CD, SACD & DVD-Audio Titles at Discount Prices

DVD WORLD Pictures Corp.

DVD WORLD Pictures is the only corporate division of The DVD WORLD Company. It's sole purpose is to bring Major Motion Pictures worldwide under the DVD WORLD Pictures banner. DVD WORLD Pictures is positioning itself to become in the next major movie studio in the US.
DVD WORLD Pictures Facts:
Founded in February 2003
Has the rights to over 71 scripts
First movie went into production in September of 2004 - "The Rape Of America's Youth"
"The Rape Of America's Youth" will release nationwide on October 14th 2005

DVD WORLD Pictures Website - Launches January 2005
The Rape Of America's Youth Official Website - TheRapeOfAmericasYouth.Com

The DVD WORLD name & logo are Registered Trademarks of DVD WORLD Pictures Corp., a division of The DVD WORLD Company. Use of the DVD WORLD name/logo are only allowed without permission from The DVD WORLD Company.

Sales Continued To Grow Through The Years, And Currently "DVD WORLD ONLINE" Is The 3rd Largest Online DVD Retailer In The World.

THE PRESENT

Currently "DVD WORLD ONLINE" Has 2 Warehouses It Uses To Serve It's Customers.

"DVD WORLD ONLINE" Is The #1 Online DVD Retailer/Distributor In The World.

"DVD WORLD ONLINE" Stands As The 3rd Largest Online DVD Specific Retailer, & Sales Are Increasing Daily.

"DVD WORLD ONLINE" Has The Largest IN STOCK DVD Selection In The World. Over 99% Of The Titles Carried Are IN STOCK.

"DVD WORLD ONLINE" Has Been Certified As A Top Retailer by Many Companies, Including "Gomez", "PayPal" & "BizRate".

"DVD WORLD WebCreations" Is Now In Charge Of Maintaining The Site, Although Eddie Papetti Remains Head Of Operations at "DVD WORLD ONLINE".

THE FUTURE

A New 200 Acre "DVD WORLD Complex" Is Planned For 2005 Which Will Become The New Home Of "DVD WORLD ONLINE".

"DVD WORLD WebCreations" Is Constantly Developing New State-Of-The-Art Technology To Keep The Site Current With New Internet Technologies. So The Site Is Constantly Changing and Will Continue To Do So.

"DVD WORLD ONLINE" Will Be Interconnected With "ExtremeDVD.Net" To Allow For Customers To Have The Most Advanced And Knowledgeable Buying Experience Ever.

A Separate Version Of "DVD WORLD ONLINE" Will Be Opened In The Summer of 2003, And Will Feature Different Features Than The Main "DVD WORLD ONLINE" Site. Both Site Will Carry The Same Inventory, They Will Just Have Different Features To Fit The Varying Needs Of Online Customers. For More Information On This New Version Go To The "DVD Destination" Part Of This Site.

DVD DESTINATION

YOUR #1 SOURCE FOR DVD MOVIES!

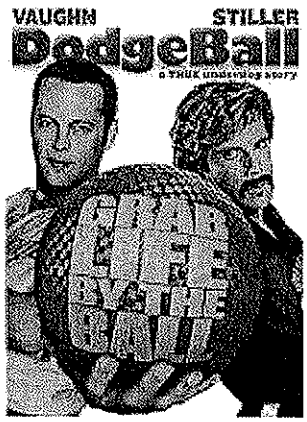
Search

GO

Advanced Search

- Action/Adventure
- Anime
- Bargain DVD's
- Box Sets
- Classics
- Comedy
- Cult Classics
- Documentary
- Drama
- DTS
- Family
- Foreign
- Gay/Lesbian
- Horror
- Late Night
- Musicals
- Sci-Fi/Fantasy
- Special Interest
- Superbit
- Thriller/Suspense
- TV
- Westerns

Save 40% On "Garden State", "Dodgeball", "I,Robot", "The Day Af



DodgeBall: A True Underdog Story
~~Retail Price: $29.99~~
DVD Destination Price: $17.99
You Save: $12.00

A small local gym is threatened with extinction by a gleaming sports and fitness palace unless a group of social rejects can rise to victory in the ultimate dodgeball competition.

G. Gomez CERTIFIED PASS
Featured in ActivePlaza
PayPal VERIFIED
VISA MasterCard DISCOVER eCheck

Hot New DVD Releases

- The Terminal
- Seinfeld
- Hero (2002)
- Harry Potter & The Prisoner Of Azkaban
- Elf
- Princess Diaries 2

DVD Favorites

- The X-Files
- The Sopranos
- Star Trek
- The Matrix
- Indiana Jones
- All Thumbs

Opposition No. 91167207
Re: DVD WORLD
Serial No.: 78495856

Exhibit 5 to Declaration of Dave Lahoti
List of Domain Names with "DVD WORLD"

1. dvdworldusa.com
2. dvdworld.co.uk
3. dvdworld.in
4. dvdworld.es
5. dvdworld.de
6. dvd-world.de
7. dvd-world.co.uk
8. dvdworld.fr
9. dvd-world.nl
10. dvdworld.nl
11. dvdworld.co.nz
12. dvdworld.com.au
13. dvdworld.net.au
14. dvdworld.it
15. dvdworld.at
16. dvd-world.it
17. 1800dvdworld.com
18. 2dvdworld.com
19. adultdvdworld.com
20. adultdvdworld.net
21. adultdvdworldonline.com
22. alldvdworld.com
23. anime-dvd-world.com
24. anime-dvdworld.com
25. animedvdworld.com
26. anime-dvd-world.info
27. anime-dvd-world.net
28. asiandvdworld.com
29. asiavcdvdworld.com
30. bargaindvdworld.com
31. blueraydvdworld.biz
32. blueraydvdworld.org
33. blu-raydvdworld.biz
34. blu-raydvdworld.com
35. bluraydvdworld.com
36. blu-raydvdworld.info
37. bluraydvdworld.info
38. blu-raydvdworld.net
39. bluraydvdworld.net
40. blu-raydvdworld.org
41. blu-raydvdworld.us
42. bluraydvdworld.us
43. blu-raydvdworld.ws
44. bluraydvdworld.ws
45. cartoondvdworld.com
46. cd-dvdworld.com
47. cddvdworld.com
48. cd-dvdworld.net
49. cddvdworld.net
50. cdvdworld.com
51. crazydvdworld.com
52. customdvdworld.com
53. discountdvdworld.com
54. dollardvdworld.com
55. dualdvdworld.com
56. dvdworld24.com

EXHIBIT NO. 5
SYLVIA POLLICK

57. dvdworldauctions.com
58. dvdworldbanking.com
59. dvdworld-bg.com
60. dvdworld.biz
61. dvdworldblowout.com
62. dvdworld.bz
63. dvdworld-caledonie.com
64. dvdworldcali.com
65. dvdworld.cc
66. dvdworld.com
67. dvdworldcompany.biz
68. dvdworldcompany.com
69. dvdworldcompany.info
70. dvdworldcompany.net
71. dvdworldcompany.us
72. dvdworlddirect.com
73. dvdworlddistribution.com
74. dvdworldexpress.com
75. dvdworldfinancial.biz
76. dvdworldfinancial.com
77. dvdworldfinancial.info
78. dvdworldfinancial.net
79. dvdworldfree.com
80. dvdworldfundraising.com
81. dvdworldgames.com
82. dvdworldgrenada.com
83. dvdworldheadquarters.com
84. dvdworldhomevideo.com
85. dvdworldhq.com
86. dvdworld.info
87. dvdworlditalia.com
88. dvdworldlive.com
89. dvdworldlp.com
90. dvdworldmag.com
91. dvdworldmall.com
92. dvdworldmusic.com
93. dvdworld.net
94. dvdworldnet.com
95. dvdworld.net.uk
96. dvdworldnews.com
97. dvdworldonline.biz
98. dvdworldonline.com
99. dvdworldonline.info
100. dvdworldonline.net
101. dvdworldonline.org
102. dvdworldonline.us
103. dvdworldonline.ws
104. dvdworld.org.uk
105. dvdworldpictures.com
106. dvdworldpremiere.com
107. dvdworldpress.biz
108. dvdworldpress.com
109. dvdworldpress.info
110. dvdworldpress.net
111. dvdworldproductions.com
112. dvdworldpublishing.com
113. dvdworldrental.com
114. dvdworldrentals.biz
115. dvdworldrentals.com
116. dvdworldrentals.info

117. dvdworldrentals.net
118. dvdworldreport.com
119. dvdworldsales.com
120. dvdworlds.biz
121. dvdworldscenes.com
122. dvdworlds.com
123. dvdworldshop.com
124. dvdworlds.info
125. dvdworlds.net
126. dvdworlds.org
127. dvdworldsource.com
128. dvdworldstore.com
129. dvdworlds.us
130. dvdworldtour.com
131. dvdworldtrade.com
132. dvdworldtravel.com
133. dvdworldtravels.com
134. dvdworldtrips.com
135. dvdworld.tv
136. dvdworld-uk.com
137. dvdworlduk.com
138. dvdworlduk.net
139. dvdworld.us
140. dvdworldusa.biz
141. dvdworldusa.info
142. dvdworldusa.net
143. dvdworldvalencia.com
144. dvdworld-web.com
145. dvdworldwebcreations.com
146. dvdworldwebhosting.com
147. dvdworldwide.com
148. dvdworldwide.net
149. electronicsanddvdworld.com
150. eroticdvdworld.com
151. eurodvdworld.com
152. freedvdworld.com
153. gaydvdworld.com
154. hd-dvdworld.biz
155. hddvdworld.biz
156. hd-dvdworld.com
157. hddvdworld.com
158. hd-dvdworld.info
159. hddvdworld.info
160. hd-dvdworld.net
161. hddvdworld.net
162. hd-dvdworld.org
163. hddvdworld.org
164. hd-dvdworld.us
165. hddvdworld.us
166. hd-dvdworld.ws
167. hddvdworld.ws
168. hitachidvdworld.com
169. hitdvdworld.com
170. hitsdvdworld.com
171. japandvdworld.com
172. k-deesdvdworld.com
173. k-deesdvdworld.net
174. madonnadvdworld.com
175. magicdvdworld.com
176. magicdvdworld.net

177. musicdvdworld.com
178. mydvdworld.com
179. narutodvdworld.com
180. officialdvdworld.com
181. onlinedvdworld.com
182. playboydvdworld.com
183. porndvdworld.com
184. portabledvdworld.com
185. r18dvdworld.com
186. rdvdworld.com
187. robinsdvdworld.com
188. sexdvdworld.com
189. sonydvdworld.com
190. telugudvdworld.com
191. thedvdworld.com
192. thedvdworldcompany.com
193. tristatemusicanddvdworld.com
194. tristatemusicdvdworld.com
195. tsdvdworld.com
196. tvdvdworld.com
197. tvondvdworld.com
198. useddvdworld.biz
199. useddvdworld.com
200. useddvdworld.us
201. wwwdvdworld.com
202. xdvdworld.com
203. xxx-dvdworld.com
204. xxxdvdworld.com
205. xxxdvdworld.net
206. yourdvdworld.com

DVD WORLD

■ ***DVD WORLD*** is family owned and operated by Tony and Val Arlyn along with their children Damian, Dusty, Debra and Dion.

■ ***DVD WORLD*** is one of the first "high concept" DVD only outlets in the Northwest that handles the DVD format exclusively.

■ Tony Arlyn and family first opened the ***VIDEO CIRCLE*** stores in 1983, (***VIDEO CIRCLE*** is still open on Main Street in Philomath) then recently opened ***DVD WORLD*** in November of 2002 in the Bed, Bath & Beyond Center on 9th Street next to Starbucks.

DVD WORLD exclusively offers:

- **Rents DVDs from over 8,000 individual titles from the largest single DVD library in the Northwest!**
- **Rents more copies of the hit movies!**
- **Rents complete DVD sets as one rental from over 500 individual sets and seasons!**
- **Will find and special order any DVD for purchase within 3 to 5 business days with no handling or shipping costs!**
- **Sells all of its extra DVDs for only $9.99 or 3 for $25**

1705-A NW 9th Street • Corvallis • (541) 753-DVDS
(In the Bed, Bath & Beyond Plaza) • OPEN 7 DAYS 10am-10pm

EX 65

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DEPOSITION EXHIBIT
65
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11-12-09