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

Proceeding	91182396
Party	Defendant PWC Industries Inc.
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Submission	Testimony For Defendant
Filer's Name	William E. Noonan
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Date	06/27/2009
Attachments	Deposition Douglas Richardson.txt ( 26 pages )(43413 bytes ) BOSE v PWC RICHARDSON EXHIBITS.pdf ( 3 pages )(1599957 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
In the Matter of: Application Serial No. 77/158,037  
For the Mark FULL WAVE AUDIO

	)	
BOSE CORPORATION,	)	
	)	
Opposer/Plaintiff,	)	Opposition No.
	)	91,182,396
vs.	)	
	)	
PWC Industries, Inc.,	)	
	)	
Applicant/Defendant.	)	
	)	

DEPOSITION OF: DOUGLAS JAMES RICHARDSON  
DATE TAKEN: Thursday, March 12, 2009  
TIME: 2:10 PM - 2:50 PM  
PLACE TAKEN: 8695 College Parkway  
Fort Myers, Florida 33919  
ON BEHALF OF: Counsel for

Applicant/Defendant

REPORTER: Gayle A. Leikam, RPR, FPR  
Notary Public  
State of Florida at Large  
\* \* \*

1 A P P E A R A N C E S:

2

Courtney M. Quish, Esquire (via speaker phone)  
3 FISH & RICHARDSON, P.C.  
225 Franklin Street  
4 Boston, Massachusetts 02110  
617.542.8906

5

Appearing on behalf of the Opposer/Plaintiff;

6

7

William E. Noonan, Esquire  
Fountain Court  
8 8250 College Parkway, Suite 202  
Fort Myers, Florida 33919  
9 239.481.0900

10

Appearing on behalf of the

Applicant/Defendant.

11

Also Present: Mr. Todd Bootes  
12 Michelle Brownlee (via speaker phone),  
Bose Corporation

13

14

15

I N D E X

16

WITNESS: DOUGLAS JAMES RICHARDSON

PAGE

17

18 Direct Examination by Mr. Noonan

4

19

EXHIBITS PAGE

REFERENCED

20

21 No. 2 Photo of FWA Waterproof Stereo Amplifier Kit

10

22 No. 14 Photo of Kayak

11

23 No. 15 Photo of FWA System Installation in Kayak

11

24

\* \* \*

25

1 DOUGLAS JAMES RICHARDSON,  
2 the witness, produced for and in behalf of the Applicant/  
3 Defendant, having been first duly sworn, was deposed and

said

4 as follows:

5 DIRECT EXAMINATION

6 BY NOONAN:

7 Q Would you state your name, please.

8 A Douglas James Richardson.

9 Q Mr. Richardson, what is your current occupation?

10 A I'm a business owner.

11 Q What type of business?

12 A I own a musical repair business; I fix musical  
13 instruments, I repair amplifiers.

14 Q And could you give me at least a summary--I don't

know

15 how lengthy it will be--of your job experience since high  
16 school?

17 A Well, it starts before high school.

18 Q Okay.

19 A I can go over it pretty briefly. It began in  
20 approximately 1968 when my dad opened his amplifier repair  
21 business, Richardson Electronics, in Port Huron, Michigan.

He,

22 in very short order, taught me how to repair cables. I

started

23 doing soldering when I was seven or eight years old; I

fixed my

24 first coaxial cable. He used to take me out on jobs with

him.

25 I would help him diagnose televisions, amplifiers at

people's

1 homes. We went and did installations in schools,  
cafeterias,  
2 churches, as far as PA systems and so forth.  
3 I've always had a love of music, so I've been  
involved  
4 in stereo systems in one way or another, pretty much like  
I  
5 said, since 1968 when I was seven or eight years old.  
6 He then opened up an electronics store where he  
sold  
7 full component systems: Pioneer and-- Oh, god, who else  
was  
8 big right then? I can't remember all the names. But  
that's  
9 going back into the early seventies.  
10 I've been involved with it one way or another my  
11 entire life. I've installed sound systems in people's  
cars as  
12 far as stereo systems, been involved with it as far as--  
On  
13 the high end, I've been an employee of Fay Concert  
Companies in  
14 Denver, Colorado, who did acts like, you know, the Rolling  
15 Stones, whoever, the biggest people you can think of.  
What I  
16 did for those guys is I helped them do a back-line; that  
is, I  
17 helped do setups as far as PA systems.  
18 I've done all kinds of stuff. Pretty much  
anything  
19 that you could think of really with music, I've been  
involved  
20 with in one capacity or another.  
21 I managed a music store in Naples, Florida, for  
seven  
22 years called Morning Star Music. It's a full-line MI  
that's  
23 musical instruments: everything from clarinets,  
trombones, to  
24 heavy metal amplifiers, to Bose's L-1 system, as a matter  
of  
25 fact.

5

1 Q When did that occur, sir?

2 A That was between the years from 2001 until just  
very  
3 recently, 2008, late 2008.

4 Q Were you employed between the early seventies--I  
guess  
5 was when you left us off--with your dad's business to the  
2000s  
6 by companies or did you have your own business?

7 A Let's see. In the seventies, I bounced around  
quite a  
8 bit. As far as musical, I just-- I really worked for  
myself  
9 as far as just installs for friends on cars and so forth  
10 until--

11 Q What type of installs for cars?

12 A Car stereos, cassette players, eight-track  
players--

13 I'm dating myself there--six-by-nine speakers. As a  
matter of

14 fact, I was discussing with my friend the other day about  
15 Sparkomatic. We kind of got a laugh out of that; we saw  
an old

16 Sparkomatic in a used boat that I just purchased, and it  
17 brought back memories doing stuff like that.

18 So mostly through the seventies it would have  
been on

19 my own, not so much professionally. In the eighties, I  
went to

20 school to learn auto mechanics and heavy duty diesel  
mechanics.

21 And that's when I started getting into doing installations  
more

22 professionally at that point, because after I got out I  
did

23 engine repair.

24 I've always had some type of connection to music.

25 Then in the later eighties, I became employed by a builder  
of

1 stringed instruments in Denver; that was Rare Bird Guitar  
2 Laboratories.

3 (There was a brief

interruption.)

4 A After Rare Bird, I got a job at Universal Music  
5 Company in Thornton, Colorado. That would have been in

'96

6 or '97. I became the best salesman they had in forty

years of

7 operation. They taught me stuff, I taught them stuff. It

was

8 a very symbiotic relationship; we had a great time. Kind

of

9 during Rare Bird is when I worked for Fay Concert Company.

10 That was in the early nineties.

11 Q How knowledgeable do you feel you are in

electronic

12 matters?

13 A Very knowledgeable. I'd say borderline expert.

14 Q And what are you doing currently?

15 A Currently, I repair and restore electric musical

16 instruments: woodwinds, electric guitars and basses,

17 electronic amplifiers.

18 Q Are you familiar with the Full Wave Audio

products?

19 A Yes, I am.

20 Q What is that product?

21 A Well, they offer several components. They

offer-- I

22 think their base thing is that they feature waterproof

23 components compared to splash-proof, which is what I think

is a

24 euphemism that a lot of people try to get around

waterproof by

25 using different euphemisms. But my understanding is they

1 produce waterproof amplifiers and speakers and waterproof  
2 cabling to go along with them.

3 Q How did you become familiar with Full Wave Audio  
4 products?

5 A The inventor of most of the products is a very  
6 friend of mine. Todd Bootes and I have known each other  
7 close to thirty-five years.

8 Q And how did you first become introduced  
9 to the Full Wave Audio products?

10 A Todd called me up one night and told me he had  
11 first amplifier he wanted to show to me. He had installed  
12 on a--or was installing it on a jet ski and wanted me to  
13 help him run some of the wires for the speakers.

14 Q And did you help him do that?

15 A Yes, I did.

16 Q And do you currently own a Full Wave Audio

17 A Yes, I do.

18 Q How long have you owned it?

19 A Let's see. I think right about a year.

20 Q How do you use it?

21 A I installed it in my kayak. I've used it all

22 Florida. I kayak a lot. I go to a lot of places boats

23 go. I also go places boats do go, but...

24 Q Tell us a little about that; where do you take

25 kayak?

1           A     There's a lot of great places down here; it's a  
2 kayaker's paradise really. I go down to Lover's Key a  
lot.  
3           There's a lot of mangrove trails; they're around you on  
all  
4           sides. And there are streams, shall we say, that run  
through  
5           those mangroves; a lot of times it's canopied. So it's  
real  
6           pretty, it's real idyllic. I've taken it down to  
different  
7           rivers, different creeks. We've taken them down to the  
Keys,  
8           been in the Dry Tortugas with them. I had mine out last  
night  
9           and went out and watched the sunset on the Caloosahatchee.

10          Q     How often would you say you take your kayak out?

11          A     Four times a week.

12          Q     Do you do other forms of boating?

13          A     Not that much. Not right now. I will be soon;

I'll  
14          be doing some motor boating, I would anticipate, within  
the

15          next month or two.

16          Q     How long did you say you had the Full Wave Audio  
17          System?

18          A     Just about a year, I'd say.

19          Q     And how often have you used it?

20          A     I use it about fifty percent of the time that I'm

out  
21          on the water. Half the time I like to just listen to  
birds or

22          the wind or the water or whatever. And then there's other

23          times where I definitely feel like rocking out and crank

up my  
24          stereo system.

25          Q     How has the Full Wave Audio System worked out for  
you?

1           A     It's phenomenal. Very low power draw. The kayak  
is a           2     very extreme environment for any type of system, let alone  
an           3     electronic one. And it has performed flawlessly.

4           Q     What are some of the beneficial aspects of it or  
nice           5     features of it?

6           A     Well, I think the first one is the

7     aforementioned,  
of the       8     that it is waterproof instead of splash-proof like a lot  
of the       9     stuff. The fact that-- I like to go out in heavy water.

Like       10    a lot of people that enjoy personal watercraft, people  
you'll      11    find normally who ride around in yachts, I don't really

wet;       12    understand them, to tell you the truth. They never get  
above      13    they don't get close to the water; they sit thirty feet

ride       14    it.  
ride       15                People like myself or people that ride kayaks or

get       16    jet skis want to get in the water, want to take on a wave,  
know,      17    shall we say, a full wave. And that's where you really

some       18    into it. To me, instead of like something that's, you  
the       19    tinkly-winkly, trying to skirt around the issues, like  
had       20    water gets next to them, it's okay. This stuff will take

I've       21    full wave. You can go hit it. And I like to. And I've  
didn't     22    some of my neighbors just be appalled at the weather that  
the       23    gone out in my kayak. And I couldn't really-- If I

24    have a Full Wave Stereo System, I couldn't hear it. If  
25    wind is blowing twenty, thirty knots, I'm pushing myself  
through five- or six-foot breakers.

1 Q And how high, Mr. Richardson, are you traveling  
above 2 the water when you're in your kayak?

3 A Six inches maybe, four to six inches. On a calm  
day, 4 like I said, if it's heavy out, then I'll go right through  
the 5 waves. They're actually coming right over me. My boat,  
if you 6 sit on top, it's a self-bailing hull. So I cut right  
through 7 the waves. Like I say, it's got to take a full wave;  
can't 8 take a partial.

9 Q Okay. Mr. Richardson, I'd like to show you what  
has 10 been previously marked as Applicant's Exhibit 2. And I'd  
ask 11 you to take a look at that and tell me if you recognize  
it.

12 A Yes.

13 Q What is that, please?

14 A There is the exact set of components that are  
15 installed on my kayak.

16 Q When you say "exact," do you mean those that are  
17 depicted are the same as yours?

18 A Well, I couldn't tell because I don't know if

they're 19 serialized. But those are the four-inch speakers and the  
20 waterproof amplifier.

21 MR. NOONAN: And next I would like to have marked

for 22 introduction as evidence Applicant's Exhibits--I want to  
make 23 sure I don't repeat numbers--Applicant's Exhibits 14 and

15. 24 And for Counsel's edification, these are two photographs

from 25 the installation page that I referred to in yesterday's

e-mail,

1 and they're specifically directed to the kayak version  
that's 2 depicted on that installation page.

3 Do you have those, Ms. Quish? Hello?

4 MS. QUISH: I'm sorry.

5 MR. NOONAN: I didn't know if we had lost you.

6 MS. QUISH: I don't have those, but that was

just--

7 When you e-mailed me, I misunderstood your e-mail.

8 MR. NOONAN: It's two photographs, and I'll have

9 Mr. Richardson explain them here. But it's pretty

analogous to

10 the prior one that we just discussed.

11 MS. QUISH: That's fine.

12 MR. NOONAN: Okay. I'd like to show Mr.

Richardson

13 what's been marked as Applicant's Exhibit 14 and 15.

14 (Applicant's Deposition Exhibit Numbers

15 14 and 15 marked for identification.)

16 Q (By Mr. Noonan) Mr. Richardson, do you recognize

17 what's depicted in those photographs?

18 A Yes, I do. That is my kayak during the

installation

19 of the system that is now on it.

20 Q And what is shown in Exhibit 14?

21 A We are looking-- This is looking from the top of

the

22 kayak towards the side of it. We can see the-- That's

going

23 to be the left-hand speaker.

24 Q And how is that positioned in the kayak?

25 A That is going to be-- Well, it kind of depends

on how

1 I'm sitting. But generally speaking, it's going to be  
right  
2 underneath my knee or right next to my knee, depending on  
how I  
3 have my leg.

4 Q And what is shown in Exhibit 15?

5 A That is the amplifier itself mounted on a piece  
of--  
6 It's a plastic board; I can't recall the brand name of it,  
off  
7 the top of my head. But it's a piece of thick plastic  
used to  
8 mount the amplifier so that we could then suspend it from  
the  
9 top of the sit-on-top kayak.

10 Q And what is the area that it seems to be located

11 A That's the storage area. There's a hatch that  
goes on  
12 there that has-- It's got twelve clips on it that holds  
that  
13 hatch; it's a waterproof hatch. Well, I should say  
14 water-resistant, because it will let water in, but not  
very  
15 much. And, of course, we're looking at all the wiring  
that  
16 comes off the top of the amplifier that then comes from  
the  
17 batteries, and then also from the controls and then out to  
the  
18 speakers. It's a rather elaborate installation.

19 Q What type of batteries do you have?

20 A It's a four and a half amp hour battery that most  
21 people would probably be familiar with as a type of backup  
22 battery that would be like in an alarm system for a house

or  
23 for a business; there's usually a very small backup  
battery in  
24 case somebody cuts power to your place of business. And  
that's  
25 what they're most commonly used for.

1 Q Does it have any other purpose in your kayak  
other  
2 than for the Full Wave Audio System?  
3 A No, it does not. That's it.  
4 Q Do you know how the system was installed in your  
5 kayak?  
6 A Absolutely, yeah. I was there. Me and Todd did  
it.  
7 Q Okay. How many speakers are involved in the  
kayak's  
8 Full Wave Audio System?  
9 A Two.  
10 Q And where are they located in the kayak?  
11 A About midway, either side, facing opposite each  
other.  
12 Q Is there any capability in this kayak to plug the  
Full  
13 Wave Audio System into a twelve-volt adaptor like a  
cigarette  
14 lighter?  
15 A No.  
16 Q Is the amplifier permanently wired to the  
battery?  
17 A Technically, no. It's not soldered to it. It's  
18 connected to it, but it has connectors that can be removed  
if  
19 need be.  
20 Q Between uses, do you leave it connected?  
21 A I disconnect one of the leads just so that  
there's no  
22 battery draw. But generally speaking, I can get four or  
five,  
23 six runs off of one battery charge. The only time I  
remove it  
24 is to charge it overnight.  
25 Q As far as you understand, does the Full Wave  
Audio

1 System includes an integral radio or CD player?

2 A Not at all, no. I have to use either an iPod or  
some  
3 type of MP3 player.

4 Q And whose product is that?

5 A Well, the iPod, that's Apple. And the MP3

6 there's several on the market. I can't think of any, off  
the  
7 top of my head.

8 Q Did you purchase those separately?

9 A Yes, I did.

10 Q When you're using your kayak, how much splash or  
water  
11 intrusion are you typically subjected to?

12 A It really depends on what type of weather I'm in.  
13 Like last night, very little; I would say a matter of an

14 If it's pretty heavy, like I say, and I'm going through  
five-  
15 or six-foot breakers, I might see hundreds of gallons.

16 Q And how much in rough seas-- Strike that. How

17 water are the speakers and the amplifier subjected to when  
the  
18 seas are rough?

19 A The amplifier, generally speaking, is subjected

20 very little. The speakers see a lot. If it's heavy water  
and  
21 I'm going through full waves and I'm going through, like I  
22 said, five- or six-foot breakers, they're going to see

23 of gallons get washed over them.

24 Q So they are submerged at times?

25 A Absolutely.

15

1 Q Does some water contact the amplifier?

2 A Yes. As I said, that hatch is not waterproof. I  
3 think waterproof is a matter of degrees, kind of like  
4 soundproofing is a matter of degrees. Even anything

that's

5 waterproof is only waterproof a certain number of meters.

6 Q And over the past year that you've had the Full

Wave

7 Audio System, how has it performed in wet conditions?

8 A Superbly, never failed.

9 Q Okay. If can you refer again, Mr. Richardson, to  
10 Exhibit 2, you'll notice the amplifier in the middle, I  
11 believe, you identified previously.

12 A Yes.

13 Q The label that appears on that, the written

material,

14 do you recognize that?

15 A Yes, I do.

16 Q Is that the same as is on your product?

17 A Yes, it is.

18 Q Does your product have the indication "made in

USA by

19 PWC Industries, Inc."?

20 A Absolutely.

21 Q You recognize the graphic design on the label?

22 A Certainly.

23 Q Can you describe what that design is?

24 A Yes. The name of the company, "Full Wave Audio,"

is

25 going through a full wave with water splashing up on

either

1 side of it.

2 Q Are you familiar with Bose Corporation,  
3 Mr. Richardson?

4 A I'm very familiar with Bose Corporation.

5 Q Explain how.

6 A When I was growing up in the seventies, all the  
guys I  
would  
just  
and  
dad  
times it  
the  
And  
wasn't  
it;  
growing  
from  
Bose  
I  
I  
it  
with  
7 hung out with--and I don't know, maybe we were dweebs--we  
8 literally every week see what the latest album was that  
9 came out and who had it. And we'd go over to their house  
10 listen to it or whoever had the nicest stereo. Because my  
11 had a stereo shop, a lot of times it was me, a lot of  
12 wasn't. We were not a Bose dealer.  
13 But a friend of mine had what we considered to be  
14 holy grail of speakers, which was the Bose 901 speaker.  
15 that was our favorite place to go. But that guy's dad  
16 always so cool with us, playing our loud rock and roll on  
17 he was more of a classical-type person. So as I was  
18 up, it was an icon.  
19 And then in 1993 or '94, I bought a Wave Radio  
20 the Bose Corporation. I have the utmost respect for Dr.  
21 and his corporation. They have been a leading innovator,  
22 think, in home audio products for decades, just absolutely  
23 nothing but respect for Dr. Bose and his corporation. And  
24 love my Wave Radio. It's awesome. Like I said, I've had  
25 since '93 or '94. When I go on vacation, I won't take it

miss 1 me because I'm too afraid somebody will steal it, but I  
2 it.

on? 3 Q Okay. So you've had it for fifteen years, going

with 4 A Yeah. It's a great product. I'm very familiar  
5 them as well as my-- In my professional dealings with  
6 professional musicians, I'm also very familiar with the

L-1 7 system. I fought for two years to get-- Bose decided to  
go 8 with Guitar Center exclusively right after they launched  
the 9 L-1 system. And I fought for two years to get a

dealership for 10 Morning Star Music. And the owner decided not to go with

that, 11 unfortunately. But I'm no longer with that company

anyway, 12 so... Maybe someday that will happen with my company.

We'll 13 see.

14 Q Can you compare or contrast the features of the  
Bose 15 Wave System with the Full Wave Audio System?

16 A Apples and oranges. There's no comparison  
whatsoever.

17 The system from Full Wave Audio, these are components that

have 18 to be installed. This is for professional installation

only 19 pretty much. There are some handymen out there that might

be 20 able to pull it off, but this isn't something that you're

going 21 to pop out of a box and plug into the wall and have it

tell you 22 what time it is or play music or anything like it. This

is 23 basically out of the box, this will do nothing. It has to

be 24 hooked up to a power source, it has to be properly wired

in, 25 the speakers have to be mounted. They might make noise if  
you

18

1 tried to plug them into something, but they're designed to  
be  
2 mounted in a surface that will actually then resonate and  
allow  
3 them to produce sounds.

4 Q And how is that different from the Bose Wave

Radio?  
5 A The Bose Wave Radio came to me in a box. I took  
it  
6 out of the box, plugged it in, pushed the button, and it  
made  
7 sounds.

8 Q So would you say that that's plug and play?

9 A Plug and play, absolutely. I would concur, yeah.

10 Q Would the Bose Wave Radio be suitable for use on  
your  
11 kayak?

12 A Well, I don't see how that would be possible.

Bose  
13 needs a 115 power source AC, which is highly unlikely for  
me to  
14 ever produce that on a kayak. No, it would never happen  
in a  
15 million years.

16 Q To your understanding, is the Bose Wave Radio  
17 submersible?

18 A No. As a matter of fact, I remember recalling  
the  
19 instructions--it was very specific--don't even let it get  
close  
20 to water, don't use it next to the sink. It's not  
suitable for  
21 those purposes, no.

22 Q Could the Bose Wave Radio be connected to the  
battery  
23 in your kayak?

24 A It wouldn't work. I suppose I could cobble it  
25 together with solder. I'd probably void whatever warranty

1 there ever was on it.

2 Q Okay. Mr. Richardson, I'm going to show you what  
3 we've previously referred to as Exhibit Number 13 of  
4 Mr. Snelling's prior deposition. And I would ask you to

5 look at the front page and tell me if that identifies what  
6 is to you.

7 A Yes, it does. Yes, that is a Bose Wave Radio  
8 CD player. Mine does not have a CD player; they weren't  
9 available at the time when I bought mine.

10 Q And would you agree this is the owner's guide?

11 A Yes, that's what it says.

12 Q And if you could please just for a second look at  
13 six of this guide and--

14 A Wave Guide Technology, indeed.

15 Q Okay. If you could read the section under "a  
16 introduction to some special features" to yourself--

17 A All right.

18 Q --for a moment.

19 A Okay. Like I said, I'm familiar with the Wave  
20 Technology. That's why I bought my radio.

21 Q Okay. Can you explain that section to us?

22 A Explain the section? Well, it says a couple of  
23 things. It says: Thank you for purchasing Bose, of

24 And then that it's ready to go: plug the CD in it, and it  
25 start playing the CD. It also explains--I think pretty

just

it

with a

page

brief

Guide

course.

will

1 briefly--how the Wave Guide Technology will produce an  
amazing  
2 bass sound that couldn't be realized with just the  
speakers by  
3 themselves.  
4 Q And do you understand, at least from a layman's  
5 perspective, what they're talking about with Wave Guide  
6 Technology?  
7 A Yes.  
8 Q What is that, in laymen's terms?  
9 A Well, any speaker by itself is not going to do  
that.  
10 I don't care how big it is. And this, I've practiced this  
or  
11 checked it thousands of times as I have prepared speakers  
for  
12 bands. Somebody will bring me in a PA speaker that will  
handle  
13 5,000 watts; it's got an eighteen-inch woofer in it. You  
take  
14 that eighteen-inch woofer out of the box and play it by  
itself,  
15 it doesn't sound very good; you're not going to get that  
much  
16 out of it. As a matter of fact, if you try to, you'll  
blow it  
17 up before you ever get that much sound with it.  
18 When you put it in the box that holds that  
component  
19 and then turns it into a speaker system, then you can set  
that  
20 up at a concert. And you can give people hearing damage  
with  
21 it. This is the same time of principle but, obviously,  
much  
22 more revised.  
23 What Bose has done is, to me, is just sheer  
genius, to  
24 come up with an idea like this to actually get this Wave  
Guide  
25 to where it actually amplifies it in a very precise and

1 specific way to deliver certain frequencies from a very  
2 compact, very efficient speaker.

3 Q Amplifies what?

4 A The initial sound from this very small, very

compact,

5 very efficient speaker.

6 Q Can you give me as many meanings or definitions

that

7 you can come up with off the top of your head of the term

8 "wave"?

9 A Oh, God, the term "wave." Almost everything

that--

10 When I think of "wave," I think of water. I mean, it's

like

11 small waves, big waves; you throw a stone into a pond, it

12 creates a series of waves.

13 Q What other types of waves are you aware of?

14 A Well, they say light is a particle that acts like

a

15 wave; there are standing waves in rooms, sound waves.

Somebody

16 in a parade waves; somebody waved at you; wave somebody

off.

17 Q Which, if any, of these meanings do you think of

in

18 connection with the Bose Wave Radio?

19 A Almost none. I think of the Wave Guide

Technology.

20 That's maybe just me; I'm a geek. That's why I bought the

21 radio fifteen years ago.

22 Q Would it have-- Would that technology be more

related

23 to any one particular type of wave than another?

24 A Sound wave, yes.

25 Q Do you know what the term "acoustic wave" means?

1 A I have my own understanding of it, yes.

2 Q What about the layman's understanding?

3 A I guess so, yes, sure.

4 Q What is that?

5 A Say it again, please.

6 Q Acoustic wave, what does that mean?

7 A Acoustic wave, that would be a wave that you

could  
8 hear.

9 Q And with regard to the various meanings of "wave"

that  
10 you discussed, do you think of one of these in particular

when  
11 you encounter the Full Wave Audio products by Bose--excuse  
12 me--by PWC Industries, Inc.?

13 A I'm sorry. Could you say that again?

14 Q I'm sorry. Do you think of one particular type

of  
15 wave when you hear the name Full Wave Audio?

16 A Yeah, absolutely. Water. What that system is  
17 designed to withstand is water.

18 Q Are you aware of anyone who has thought that PWC  
19 Industries' Full Wave Audio product originated from Bose?

20 A Absolutely not. We even carried them at the

music  
21 store that I worked at, and at that time we were selling

used  
22 Bose products. We even had new Bose products demonstrated

by  
23 Taylor Guitars during the Taylor Guitars road show.

Taylor  
24 Guitars, which I made our store the number one retailer

for in  
25 2007, thought enough of Bose to actually get together with

1 Bose. And Bose put a specific Taylor Guitar pre-set on  
their  
2 L-1 system. So we had the same two systems in the store.  
And  
3 there was absolutely no confusion whatsoever.

4 Q Do you have any opinion of why there has been no  
5 confusion?

6 A Absolutely. They're apples and oranges. Bose  
does  
7 one thing, Full Wave Audio does another. Full Wave Audio  
8 didn't get too much recognition at the store. Most people  
were  
9 just like, What do you guys got that in here for?

10 Q Do you know of anyone who's thought or believed  
that  
11 the PWC Industries or the Full Wave Audio System has been  
12 associated with or licensed by Bose?

13 A Not at all.

14 Q In your opinion, how likely is it that a kayaker  
or a  
15 boater or somebody who's a watercraft enthusiast would  
believe  
16 that Full Wave Audio Systems is a product of Bose  
Corporation?

17 A I can't even see how that's possible.

18 Q Why is that not possible?

19 A A Full Wave Audio is--it's completely different.

It's  
20 a component system that's designed for installation into a  
21 small, personal watercraft that's going to be exposed to

water.  
22 It doesn't produce waves; it withstands them. It takes  
water  
23 waves; that's what it's for.

24 MR. NOONAN: That's all the questions I have for  
25 Mr. Richardson.

1 MS. QUISH: I think we're all set. We don't have  
any 2 questions either.

3 MR. NOONAN: Okay. Thank you very much. We  
waive 4 signing of this.

5 MS. QUISH: Certainly.

6 MR. NOONAN: Thank you.

7 MS. QUISH: Thank you, Mr. Richardson.

8 THE WITNESS: You're welcome.

9 MS. QUISH: You make us all want to move to

Florida  
10 now.

11 THE REPORTER: Would you like this typed?

12 MR. NOONAN: Yes, please.

13 MS. QUISH: I would like a copy too, please.

14 (Whereupon the witness waived reading the

transcript,  
15 and the deposition was concluded at 2:50 PM.)

16 \* \* \*

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CERTIFICATE OF OATH

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STATE OF FLORIDA )  
COUNTY OF LEE )

I, GAYLE A. LEIKAM, Notary Public, State of  
Large, certify that DOUGLAS JAMES RICHARDSON appeared  
and was duly sworn.

WITNESS my hand and official seal in the State of  
Florida, County of Lee, this 4th day of April, 2009.

Gayle A. Leikam  
Notary Public - State of Florida  
Commission No. DD 451219  
Expires: 10/27/2009

\* \* \*

Florida at  
before me

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA )  
COUNTY OF LEE )

I, GAYLE A. LEIKAM, RPR, FPR, certify that I was authorized to and did stenographically report the

deposition of DOUGLAS JAMES RICHARDSON; that a review of the transcript

was not requested; and that the transcript is a true and

complete record of my stenographic notes to the best of my ability

and knowledge.

I further certify that I am not a relative,

employee, attorney, or counsel of any of the parties; nor am I a

relative or employee of any of the parties' attorney or counsel

connected with the action; nor am I financially interested

in the action.

Dated this 4th day of April, 2009.

Gayle A. Leikam, RPR, FPR

\* \* \*

# FULL WAVE AUDIO

WATERPROOF STEREO AMPLIFIER

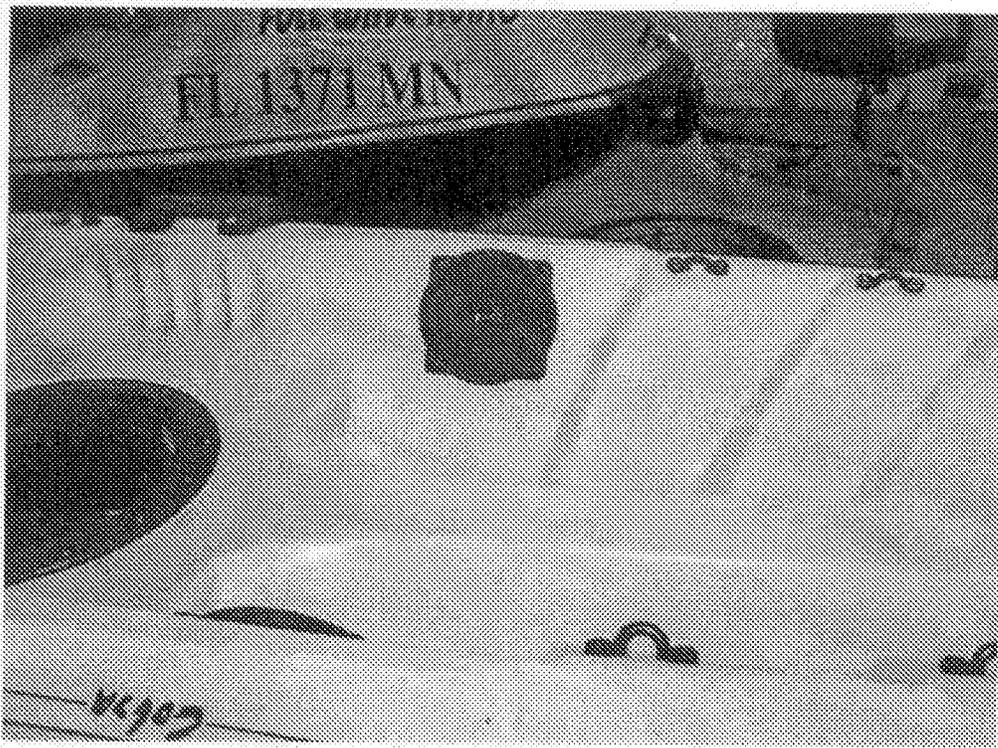


MADE IN USA BY  
PWC INDUSTRIES INC.

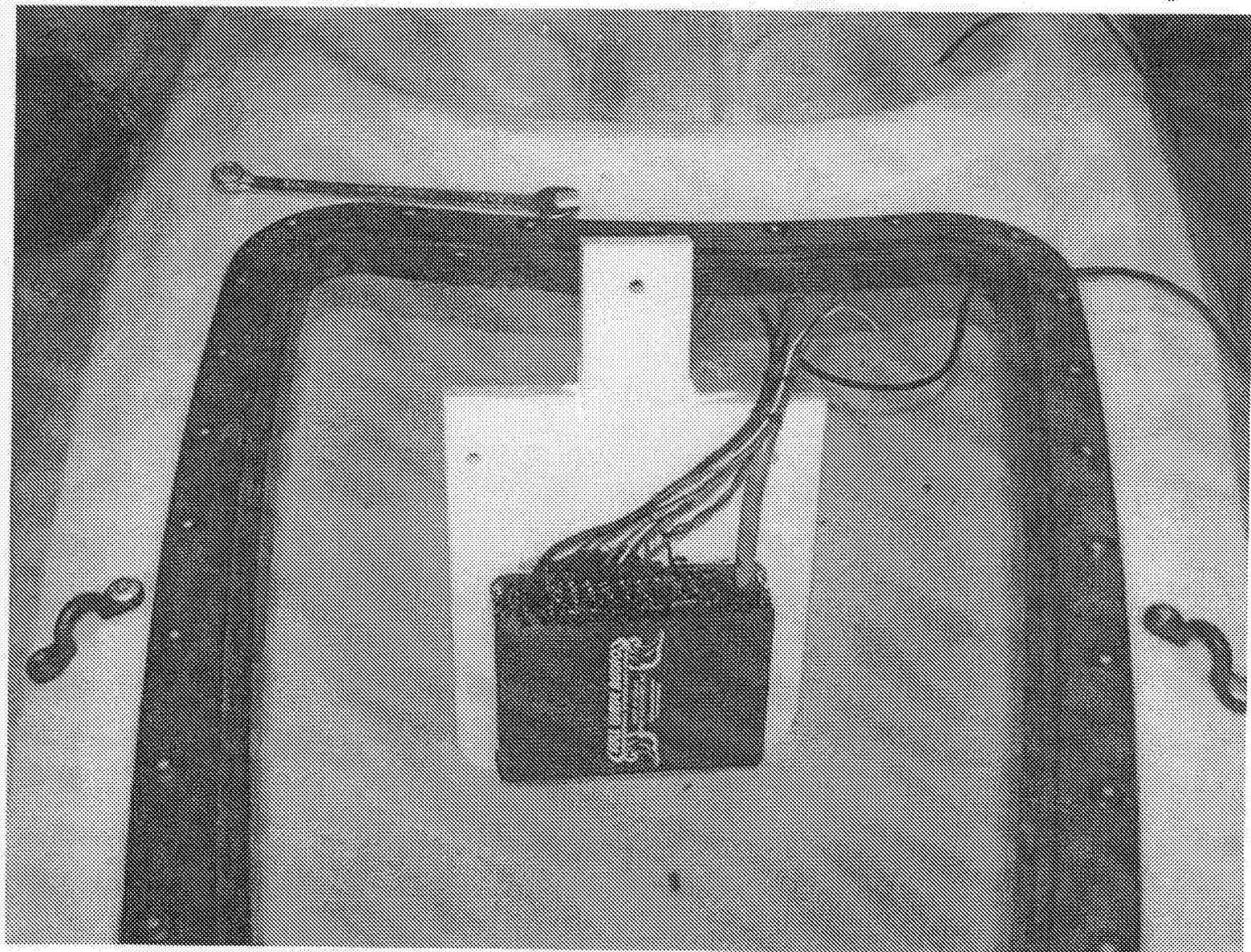
fullwaveaudio.com  
Patent Pending

DEPOSITION  
EXHIBIT  
App #2  
3-12-09 gll





DEPOSITION  
EXHIBIT  
App # 14  
3-12-09 g62



DEPOSITION  
EXHIBIT  
Appt # 15  
3-12-09 gac