

FILING RECEIPT

ENTITY NAME: NEW YORKER BEER BREWERY, INC.

DOCUMENT TYPE: INCORPORATION (DOM. BUSINESS)

COUNTY: NEWY

FILED:10/29/2010 DURATION:PERPETUAL CASH#:101029000061 FILM #:101029000054

FILER:

EXIST DATE

MICHAEL X. TANG, ESQ.  
39-01 MAIN STREET, SUITE 203

10/29/2010

FLUSHING, NY 11354

ADDRESS FOR PROCESS:

THE CORPORATION  
80 WALL STREET  
NEW YORK, NY 10005

SUITE 418

REGISTERED AGENT:

STOCK: 200 NPV



SERVICE COMPANY: \*\* NO SERVICE COMPANY \*\*

SERVICE CODE: 00 \*

FEEs	170.00
FILING	125.00
TAX	10.00
CERT	0.00
COPIES	10.00
HANDLING	25.00

PAYMENTS	170.00
CASH	0.00
CHECK	0.00
CHARGE	170.00
DRAWDOWN	0.00
OPAL	0.00
REFUND	0.00

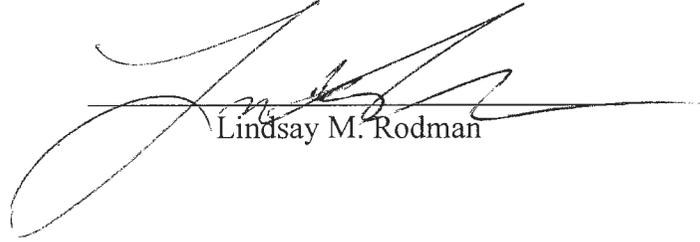




**CERTIFICATE OF SERVICE**

I hereby certify that, on February 25, 2015, I caused the foregoing OPPOSER'S NOTICE OF TAKING TRIAL TESTIMONY to be served on Applicant by causing a true and accurate copy thereof to be mailed to Applicant's Attorney of Record, David Yan, Law Offices of David Yan, 136-20 38th Avenue, Suite 11E Flushing, New York 11354-4232.

Dated: New York, New York  
February 25, 2015



Lindsay M. Rodman

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85213453**

**Filing Date: 01/08/2011**

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

**The table below presents the data as entered.**

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	<u>\\TICRS\EXPORT11\IMAGEOUT 11\852\134\85213453\xml1\FTK0002.JPG</u>
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NYC Beer Lager
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	480 x 480
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Michael Liang
*STREET	

<b>*STREET</b>	55-25 98th Place, Apt. 3C
<b>*CITY</b>	Corona
<b>*STATE</b> (Required for U.S. applicants)	New York
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	11368
<b>PHONE</b>	2129660100
<b>EMAIL ADDRESS</b>	davidyanlawfirm@yahoo.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	INDIVIDUAL
<b>* COUNTRY OF CITIZENSHIP</b>	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	032
<b>IDENTIFICATION</b>	Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as

	shown.
<b>STIPPLING AS A FEATURE OF THE MARK</b>	The stippling is a feature of the mark and does not indicate color.
<b>SIGNIFICANCE OF MARK</b>	Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.
<b>STIPPLING FOR SHADING</b>	The stippling is for shading purposes only.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	David Yan, Esq.
<b>ATTORNEY DOCKET NUMBER</b>	2011-006
<b>FIRM NAME</b>	Law Offices of David Yan
<b>STREET</b>	136-20, 38th Avenue, Suite 11E
<b>CITY</b>	Flushing
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	11354
<b>PHONE</b>	(718) 888-7788
<b>FAX</b>	(718) 888-0870
<b>EMAIL ADDRESS</b>	davidyanlawfirm@yahoo.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	David Yan, Esq.
<b>FIRM NAME</b>	Law Offices of David Yan
<b>*STREET</b>	136-20, 38th Avenue, Suite 11E
<b>*CITY</b>	Flushing
<b>*STATE</b> (Required for U.S. applicants)	New York
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	11354
<b>PHONE</b>	(718) 888-7788
<b>FAX</b>	(718) 888-0870
<b>*EMAIL ADDRESS</b>	davidyanlawfirm@yahoo.com

<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/David Yan/
<b>* SIGNATORY'S NAME</b>	David Yan
<b>* SIGNATORY'S POSITION</b>	Attorney
<b>* DATE SIGNED</b>	01/08/2011

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 85213453**

**Filing Date: 01/08/2011**

#### To the Commissioner for Trademarks:

**MARK:** NYC Beer Lager (stylized and/or with design, see mark)

The literal element of the mark consists of NYC Beer Lager.

The applicant is not claiming color as a feature of the mark. The mark consists of There are several layers of full circles. The building inside the inner circle resembles the Empire State Building. The middle layer contains NYC and Beer. The wheat pattern evokes that beer is brewed with a proportion of wheat.

The applicant, Michael Liang, a citizen of United States, having an address of

55-25 98th Place, Apt. 3C  
Corona, New York 11368  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### **For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 032: Alcohol-free beers; Beer; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Ginger beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

No claim is made to the exclusive right to use NYC, Beer, and Lager apart from the mark as shown.

The stippling is a feature of the mark and does not indicate color.

Lager appearing in the mark means or signifies beer in the relevant trade or industry or as applied to the goods/services listed in the application.

The stippling is for shading purposes only.

The applicant's current Attorney Information:

David Yan, Esq. of Law Offices of David Yan  
136-20, 38th Avenue, Suite 11E  
Flushing, New York 11354  
United States

The attorney docket/reference number is 2011-006.

The docket/reference number is 2011-006.

The applicant's current Correspondence Information:

David Yan, Esq.  
Law Offices of David Yan  
136-20, 38th Avenue, Suite 11E  
Flushing, New York 11354  
(718) 888-7788(phone)  
(718) 888-0870(fax)  
davidyanlawfirm@yahoo.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /David Yan/ Date Signed: 01/08/2011

Signatory's Name: David Yan

Signatory's Position: Attorney

RAM Sale Number: 6163

RAM Accounting Date: 01/10/2011

Serial Number: 85213453

Internet Transmission Date: Sat Jan 08 13:16:22 EST 2011

TEAS Stamp: USPTO/FTK-173.52.162.100-201101081316226

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UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD



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ESRT EMPIRE STATE BUILDING,

Opposer,

Opposition No.

vs.

91204122

MICHAEL LIANG,

Applicant.

-----X

DEPOSITION OF CELESTE BEATTY

New York, New York

Friday, March 27, 2015

Reported by: David Henry

JOB NO. 91878



*Where the world is local.*  
24/7 Worldwide Client Service

May 8, 2015

To whom it may concern,

Please be advised that the window of time for reading, correcting, and signing the transcript, as stipulated by code, or otherwise agreed to by counsels, has closed. Enclosed you will find the original transcript. As of the time of sealing the original transcript we have not received any changes from the deponent or the deponent's counsel.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Shkreli', with a stylized flourish at the end.

Luke Shkreli

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March 27, 2015  
10:00 a.m.

Deposition of CELESTE BEATTY, held  
at the offices of Cowan Liebowitz &  
Latman, 1133 Avenue of the Americas, New  
York, New York, pursuant to Notice,  
before David Henry, a Certified Court  
Reporter and Notary Public of the State  
of New York.

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

COWAN LIEBOWITZ & LATMAN

Attorneys for Opposer

1133 Avenue of the Americas

New York, New York 10036

BY: ERIC SHIMANOFF, ESQ.

LAW OFFICES OF DAVID YAN

Attorneys for Applicant

136-20 38th Avenue

Flushing, New York 11354

BY: DAVID YAN, ESQ.

MAJOR IP LAW

Attorneys for the Witness

147 Prince Street

Brooklyn, New York 11201

BY: JAMES MAJOR, ESQ.

1 Beatty

2 C E L E S T E B E A T T Y,  
3 called as a witness, having first been  
4 duly sworn, was examined and testified as  
5 follows:

6 (Opposer Exhibit 84, Opposer's  
7 Notice of Taking Trial Testimony,  
8 marked for identification.)

9 MR. SHIMANOFF: Before we begin,  
10 I'd just like to mark as Opposer's  
11 Exhibit 84 and put on the record the  
12 Notice of Taking Trial Testimony for  
13 Ms. Beatty, which was sent to counsel  
14 for Applicant on February 25, 2015 via  
15 mail. And for the record, counsel for  
16 Applicant is not present. We are  
17 starting at approximately four minutes  
18 after ten. The deposition was noticed  
19 for 10 o'clock. Mr. Yan did not  
20 attend Wednesday's deposition and  
21 arrived an hour late to yesterday's  
22 deposition, so therefore we are not  
23 going to wait.

24 MR. MAJOR: Could I just  
25 clarify that there were two

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Beatty

depositions? You said that he didn't attend yesterday's and came an hour late to yesterday's?

MR. SHIMANOFF: Sorry, two days ago he did not attend; yesterday's was an hour late.

MR. MAJOR: Thank you.

EXAMINATION BY MR. SHIMANOFF:

Q. Good morning, Ms. Beatty, how are you?

A. Good, thanks.

Q. Have you ever been deposed before?

A. No.

Q. Okay, just a couple of groundrules. Everything you say today is being recorded, reported by the reporter here who has to take down actual verbal answers. So if you can please verbally respond to everything, no uh-huh, uh-uh's, because those actually come out the same on the reporter. So yes's, no's and full verbal answers if that's okay.

A. Fine.

1 Beatty

2 Q. Great. Can you please tell me  
3 what your current occupation is.

4 A. Brewer. I'm the owner of Harlem  
5 Brewing Company.

6 Q. And how long have you been the  
7 owner of the Harlem Brewing Company?

8 A. Fifteen years.

9 Q. And what does the Harlem Brewing  
10 Company do?

11 A. We produce craft beers.

12 Q. And does the Harlem Brewing  
13 Company have its own beer production  
14 facilities or does it use a third party  
15 contractor to produce its beer?

16 A. We use a third party to contract  
17 produce our beer and I create all of the  
18 original recipes on my home brewing system.

19 Q. And I believe I've read in  
20 articles that your current custom producer,  
21 is that Old Saratoga, is that correct?

22 A. Correct.

23 Q. And that's up in Saratoga  
24 Springs?

25 A. Yes.

1 Beatty

2 Q. And you are currently in the  
3 process of opening your own brewing  
4 facilities, is that right?

5 A. Correct.

6 Q. And back in 2010 and 2011, were  
7 you also using Old Saratoga as your custom  
8 brewer?

9 A. Yes.

10 Q. What are the different brands of  
11 beer that the Harlem Brewing Company  
12 produces?

13 A. Commercially?

14 Q. Yes.

15 A. We currently produce Harlem Sugar  
16 Hill Ale and Harlem Renaissance Wit.

17 Q. And are there beers it produces  
18 that it distributes non-commercially?

19 A. I'm sorry?

20 Q. You said commercially, so I'm  
21 just wondering if there is a difference, if  
22 there are other beers that Harlem Brewery  
23 distributes non-commercially.

24 A. None of them are distributed.

25 Q. Okay. So anything else it may

1 Beatty

2 produce would not be generally available to  
3 the public then, is that correct?

4 A. Exactly.

5 Q. And the Harlem Brewing Company,  
6 it uses a third party distributor to  
7 distribute its beers, is that correct?

8 A. Yes. New York state is a  
9 three-tier system, so --

10 Q. And the name of that current  
11 distributor is?

12 A. Manhattan Beer Distributor.

13 Q. And was it the same distributor  
14 back in 2010 and 2011?

15 A. Yes.

16 Q. Are you familiar with a gentleman  
17 named Michael Liang, L-I-A-N-G?

18 A. I am.

19 Q. Okay, and how are you familiar  
20 with him?

21 A. I was introduced to him by  
22 Mr. John Wong several years ago when they  
23 were working on my trademark application  
24 for China.

25 Q. And which brand was that

1 Beatty

2 trademark application for?

3 A. Harlem Brewing Company.

4 Q. And what was Mr. Wong and  
5 Mr. Liang's involvement in the trademark  
6 application for Harlem Brewing Company in  
7 China?

8 A. To my understanding Mr. John Wong  
9 is the founder of the Asian American  
10 Business Development Center and his task is  
11 to connect American companies to  
12 opportunities in China. And in that role  
13 he approached me concerning registering my  
14 trademark in China. And to my  
15 understanding, Mr. Liang worked in his  
16 office in Beijing and had some involvement  
17 with the administration of that  
18 application.

19 Q. Do you recall when Mr. Wong first  
20 approached you?

21 A. Mr. Wong was introduced to me  
22 probably around 2006 or 5, but not related  
23 to the trademark application. I was  
24 invited to a number of conferences that he  
25 holds each year at the Waldorf Astoria.

1 Beatty

2 MR. MAJOR: Could I ask just  
3 for clarification in the record as to  
4 which trademark application we're  
5 discussing?

6 MR. SHIMANOFF: The one for  
7 China.

8 Q. And when did you first start  
9 discussing a trademark application in China  
10 with Mr. Wong?

11 A. I'm pretty sure it was right  
12 before the Olympics in China, but I don't  
13 remember what year that is. Is that 2008?

14 MR. MAJOR: I believe it was.

15 THE WITNESS: So it was right  
16 before, like maybe within a year of the  
17 time that they went there. They actually  
18 took some of our product to China for that  
19 event.

20 Q. And do you recall the first time  
21 you met Mr. Liang?

22 A. I don't. I'm pretty sure it was  
23 probably around the time they were -- they  
24 had invited a number of New York companies  
25 to have their product sent there and I

1 Beatty

2 recall meeting him at around that time.

3 Q. To your understanding, what was  
4 Mr. Wong's responsibility with respect to  
5 trying to trademark your brand in China  
6 compared to what Mr. Liang's  
7 responsibilities were with respect to the  
8 same matter?

9 A. Well, Mr. Wong is the founder of  
10 the Asian American Business Development  
11 Center so he works with numerous  
12 multi-national corporations, regional  
13 corporations. Many of them are Asian  
14 oriented, you know, from the Asian  
15 diaspora. So his responsibility is to  
16 really promote the activities of the  
17 organization, invite companies like mine to  
18 engage in relationships with Chinese  
19 manufacturers and entrepreneurs. So he is  
20 the go-to guy for that in New York.

21 Mr. Liang, who I really don't know that  
22 well, based on what I saw over the years,  
23 his role was pretty minor. He was more of  
24 an agent or an administrator for Mr. Wong  
25 relative to the activities of the New York

1 Beatty

2 and China Center in Beijing.

3 Q. What is New York and China Center  
4 if you know?

5 A. The New York and China Center is  
6 an office that was set up by the Asian  
7 American Business Development Association  
8 to be sort of a conduit for American  
9 companies that wanted to do business there,  
10 so they have people on the ground as I  
11 understand it, I've not been there, that  
12 help coordinate the activities of  
13 trademarks and alliances between that  
14 office.

15 Q. Was the Harlem Brewing Company  
16 trademark ever registered in China?

17 A. No.

18 Q. Okay. Were any of the Harlem  
19 Brewing Company's brands ever distributed  
20 or sold in China?

21 A. Not distributed or sold. They  
22 were featured in a trade show there, but we  
23 didn't actually proceed.

24 Q. Okay. Do you recall  
25 approximately how many times you have met

1 Beatty

2 in person with Mr. Liang?

3 A. In person?

4 Q. Yes.

5 A. Would you clarify that?

6 Q. Sure. Face-to-face.

7 A. I haven't had any meetings  
8 face-to-face. I have been at events year  
9 after year probably for the past five,  
10 maybe ten years where Mr. Liang, as is many  
11 other friends of John Wong's, has been in  
12 attendance, and within that context, I have  
13 seen Mr. Wong, but I've not had a  
14 one-on-one face-to-face, if that's what you  
15 mean.

16 Q. Okay. These events, these are  
17 networking business development kind of  
18 events?

19 A. In particular, specifically the  
20 Fifty Asians in America awards event that  
21 takes place at the Waldorf Astoria or other  
22 hotels that Mr. Wong coordinates with. And  
23 also every year they have a Macy's Chinese  
24 New Year event. So my encounter with  
25 Mr. Liang has either been in the activities

1 Beatty

2 attending one of those two events, but not  
3 outside of that.

4 Q. Have you ever spoken with him on  
5 the phone?

6 A. I would say probably, and he  
7 works out of Mr. Wong's office, so in my  
8 reaching out to Mr. Wong on occasion he has  
9 answered the phone.

10 Q. But you never called Mr. Liang  
11 directly, is that correct?

12 A. Never. I don't have his number.  
13 I wouldn't even know how to reach him  
14 outside of Mr. Wong's office.

15 Q. And you never contacted the Asian  
16 American Business Development Council  
17 looking specifically for Mr. Liang, is that  
18 correct?

19 A. Not that I recall.

20 Q. At these events you described,  
21 the Asian American Awards and the Macy's  
22 New Year event where you may have seen  
23 Mr. Liang, do you recall any specific  
24 conversations you had with him?

25 A. Not at all. Other than hello,

1 Beatty

2 how are you, as I would greet any other  
3 member of his office, thank you for  
4 inviting me, that's the extent of any  
5 communications I have had with Mr. Liang.

6 Q. Did you ever had any  
7 communications with Mr. Liang specifically  
8 about trying to trademark or distribute  
9 your beer in China?

10 A. I'm sure I did, particularly as  
11 it relates to the Olympics. Also there is,  
12 you know, there was some press coverage of  
13 that whole activity and Mr. Liang was part  
14 of the whole coordination of that as I  
15 understand. There are articles that show  
16 that.

17 Q. But in your view he was more  
18 administrative, he wasn't the primary  
19 contact to help trademark and distribute  
20 your beer in China, is that correct?

21 A. To my understanding, Mr. Wong was  
22 the primary contact related to any  
23 activities around my trademarks. He was  
24 the one that I met with.

25 Q. At those events you discussed

1 Beatty

2 before where you spoke casually with  
3 Mr. Liang, did you ever discuss specifics  
4 of any business ventures, for example  
5 distributing or trademarking your beer in  
6 China?

7 A. No. Not at those gatherings. It  
8 would not have been the appropriate places  
9 for me to do that. I just really had very  
10 little communication with Mr. Liang  
11 concerning the specifics of my trademark in  
12 China.

13 Q. And you may have answered this,  
14 and I apologize if you did. But did you  
15 have any in-person meetings with Mr. Liang  
16 where other people were present?

17 A. Only where Mr. John Wong was  
18 present in their office at 80 Wall Street.

19 Q. And do you recall approximately  
20 how many meetings you had where Mr. Liang  
21 and Mr. Wong or others were present?

22 A. Mr. Wong on a number of  
23 occasions. Mr. Liang maybe a couple of  
24 meetings at their office. And again that  
25 was related to the -- a lot of the activity

1 Beatty

2 related to any interactions with the two of  
3 them, was specifically related to the  
4 Olympics in China and them trying to make  
5 sure our product was part of the Expo and  
6 all of the activities around shipment,  
7 making sure they got the beer to their  
8 offices so they could facilitate the  
9 shipping.

10 Q. Were there ever any discussions  
11 about distributing or trademarking your  
12 beer under a different brand in China?

13 A. Under a different brand name?

14 Q. Yes.

15 A. No. The only discussion that I  
16 recall we had about any other beer company  
17 in China was the possibility of us contract  
18 manufacturing, the idea, but there was  
19 never any actual contact with a specific  
20 brewing company in China. Given the nature  
21 of the business that I have here which is  
22 contract manufacturing, we're always  
23 looking for opportunities to expand, and  
24 the first option is to see if we can have  
25 the product made in that area. We were not

1 Beatty

2 successful in finding a company in China to  
3 do that.

4 Q. So you never met with any  
5 specific companies about that possibility  
6 in China?

7 A. Not in China. I've not been to  
8 China personally.

9 Q. Let me rephrase that. You have  
10 never met with any Chinese companies  
11 regarding that manufacturing, whether the  
12 meeting was here or in China?

13 A. I have had casual conversations  
14 here. I think at the Cornell Club there  
15 was like a dating thing, company dating  
16 exchange, and at that particular gathering,  
17 an event for the Asian American Business  
18 Development Association, a lot of different  
19 companies were there and I might have met  
20 one and had a very general conversation,  
21 but due to the language barriers, there was  
22 never any followup.

23 Q. Do you recall approximately when  
24 these conversations were about the  
25 possibility of you contract manufacturing

1 Beatty

2 for a Chinese company?

3 A. I think a lot of that activity  
4 was probably around 2008 or whenever the  
5 Olympics was. Unfortunately I don't  
6 remember the year of the Olympics, but a  
7 lot of the activity happened during that  
8 time.

9 Q. And just so I'm clear, was this  
10 for a Chinese company to use you as a  
11 conduit for contract manufacturing in the  
12 United States, or was it to find contract  
13 manufacturers in China?

14 A. The latter.

15 Q. Did you ever have any discussions  
16 with Mr. Wong or Mr. Liang about producing  
17 a new brand for them for distribution in  
18 the United States?

19 A. Never.

20 Q. Do you ever act, as I want to use  
21 the word broker, but that may not be  
22 correct, but do you ever act as a conduit  
23 for third parties to contract manufacture  
24 their beer through one of your own contract  
25 manufacturers?

1 Beatty

2 A. I have had discussions with  
3 people about that, but I've not solidified  
4 any contracts. People approach me all the  
5 time, umbers all over the state, all over  
6 the country, they see our brand and they  
7 call me all the time, but I haven't  
8 actually engaged in any contractual  
9 relationship at this stage.

10 (Opposer Exhibit 85, Trademark  
11 Application filed by Michael Liang on  
12 January 8, 2011, marked for  
13 identification.)

14 Q. Ms. Beatty, I've just handed you  
15 what we've marked for identification as  
16 Opposer's Exhibit Number 85, which I will  
17 represent to you is a copy of a trademark  
18 application filed by Michael Liang on  
19 January 8, 2011 for a mark that is  
20 described as NYC Beer Lager.

21 Have you ever had any  
22 communications with Mr. Liang about a  
23 potential trademark application of his to  
24 use in conjunction with beer?

25 A. Never.

1 Beatty

2 Q. And if you could just please turn  
3 to the last page of this exhibit, which is  
4 actually a picture of the mark and logo  
5 that Mr. Liang has applied for, have you  
6 ever seen that logo before?

7 A. Only in your e-mail.

8 Q. Okay, never in any communications  
9 or in any contact with Mr. Liang, is that  
10 correct?

11 A. Never.

12 Q. And just so I'm clear, have you  
13 ever had any discussions with Mr. Liang  
14 about any potential trademark of his for  
15 use in connection with beer?

16 A. I have not.

17 Q. Do you recall having any meetings  
18 with Mr. Liang in or around Christmastime  
19 of 2010?

20 A. I don't. I don't recall having  
21 any meeting with Mr. Liang by himself  
22 related to any of this.

23 Q. And do you recall having any  
24 meetings with Mr. Wong and Mr. Liang in or  
25 about Christmas of 2010?

1 Beatty

2 A. Not specifically.

3 Q. And did Mr. Liang and Mr. Wong  
4 ever approach the Harlem Brewing Company  
5 about the possibility of licensing the logo  
6 we've seen in Exhibit --

7 A. No, absolutely not.

8 Q. Sorry, just let me finish the  
9 question for the reporter.

10 A. Sorry.

11 Q. -- the logo we've seen in  
12 Exhibit 85 so that the Harlem Brewing  
13 Company could sell beers using the mark?

14 A. No.

15 Q. And have you ever discussed with  
16 Mr. Liang or Mr. Wong the possibility of  
17 manufacturing a beer for them in the United  
18 States where the Harlem Brewing Company  
19 would pay royalties to them?

20 A. No.

21 Q. Mr. Liang has represented in a  
22 sworn declaration that he met you at least  
23 four or five times in discussing such  
24 licensing of the logo that is the subject  
25 of the application in Opposer's Exhibit 85.

1 Beatty

2 Do you recall any of those meetings?

3 A. No.

4 Q. And it's your best recollection  
5 that those meetings never occurred, is that  
6 correct?

7 A. Correct.

8 (Mr. Yan arrives in deposition  
9 room. Time noted: 10:24 a.m.)

10 Q. And while it goes without saying,  
11 I'm assuming you never said to Mr. Liang  
12 that the Harlem Brewing Company did not  
13 want to license the mark we see in  
14 Exhibit 85 because you've never seen that  
15 mark, is that right?

16 A. Correct.

17 Q. And just so I'm clear, again I  
18 apologize if this was asked before, but  
19 nearly all your discussions with Mr. Liang  
20 and Mr. Wong were in conjunction with  
21 distribution and/or trademark registration  
22 of your own beer and brands in China, is  
23 that correct?

24 A. Correct.

25 MR. SHIMANOFF: I have nothing

1 Beatty

2 further, and I move to enter into  
3 evidence Exhibits 84 and 85.

4 And just for the record, Mr. Yan  
5 has entered the deposition at  
6 approximately 10:24 or so.

7 Do you have any questions, David?

8 MR. YAN: Yes. I have the  
9 record reflect that this morning about  
10 9:46 I did send e-mail to Eric  
11 Shimanoff saying that I'm late because  
12 subway delay, delayed about 15 to  
13 20 minutes. Hopefully he can hold the  
14 deposition until I arrive. And then  
15 later I called around 10 o'clock to  
16 his office and spoke to his secretary  
17 saying I will be another 15,  
18 20 minutes. I did arrive downstairs  
19 about 10:20 waiting for a security  
20 check to get upstairs, and the  
21 deposition went ahead without my  
22 presence.

23 MR. SHIMANOFF: Well, I will  
24 state for the record that I have not  
25 checked my e-mail since approximately

1                   Beatty  
2       9:35 since I was here preparing for  
3       the deposition, and then in the  
4       deposition I did not receive any  
5       notice that you would be late; and  
6       considering that you came again due to  
7       quote subway problems an hour late to  
8       Mr. Liang's deposition, you did not  
9       attend the deposition on Wednesday and  
10      came an hour late again to the  
11      deposition yesterday, we proceeded.

12           MR. YAN:     So do you mind if we  
13      take about five minutes break so that  
14      I can hear -- have the reporter read  
15      back to me some of the question and  
16      answers.

17           MR. SHIMANOFF:     I have no  
18      objections. The witness has her own  
19      counsel.

20           MR. MAJOR:     That is acceptable  
21      to the witness.

22           MR. SHIMANOFF:     Five minutes you  
23      said?

24           MR. YAN:     Yes.

25           (Recess taken: 10:27-10:44 a.m.)

1 Beatty

2 EXAMINATION BY MR. YAN:

3 Q. My name is David Yan.

4 MR. MAJOR: Can I just reflect  
5 the fact that we're starting again at  
6 approximately 10:44 a.m., indicating  
7 that there was a break that was taken,  
8 but we're now starting again.

9 Q. My name is David Yan. I  
10 represent Mr. Liang, Michael Liang in his  
11 application for trademark. That's a  
12 trademark application that's Exhibit 2.  
13 You already saw that.

14 MR. SHIMANOFF: Just to clarify  
15 the record, we marked Exhibit 85. I  
16 understand that Exhibit 85 is  
17 Exhibit 2.

18 Q. And during the application  
19 counsel Mr. Eric Shimanoff, he first  
20 deposed you, the counsel they opposed the  
21 application of Mr. Liang to register the  
22 trademark, the trademark itself. Inside  
23 there is a logo that is in reference to  
24 some kind of the sky structure of the  
25 building like the Empire State Building.

1 Beatty

2 Then that's the whole process and I believe  
3 that's the Opposer, they are the Opposer  
4 that is the trademark that is some kind of  
5 infringement of the Empire State Building  
6 logo and some kind of confusion dilutions,  
7 and during the middle of the litigation  
8 they started to say that that's where  
9 Mr. Liang tried to register that logo he  
10 did not actually have any plan or intent to  
11 use the logo. That's why he produced some  
12 kind of business plan saying that he did  
13 try to --

14 MR. SHIMANOFF: I have to  
15 object. You are testifying, David,  
16 and this is all argumentative.

17 MR. YAN: No, it's not,  
18 because --

19 MR. SHIMANOFF: You haven't  
20 asked a question. You've just told  
21 her your position in the case.

22 MR. MAJOR: Yes.

23 MR. YAN: That's an  
24 introduction to the testimony.

25 MR. SHIMANOFF: Okay, objection,

1 Beatty

2 foundation, facts not in evidence.

3 MR. YAN: You can object.

4 MR. SHIMANOFF: I did object.

5 It's on the record.

6 MR. YAN: So that's why we're  
7 here to ask you some questions in  
8 particular whether or not you have any  
9 meeting with Mr. Liang and his partner  
10 Mr. John Wong in any conversation in  
11 connection with any of this kind of,  
12 his intent to use the mark. So I read  
13 some of your testimony, the transcript  
14 is there.

15 MR. MAJOR: Can I just object  
16 and say can we get to some questions,  
17 please?

18 MR. SHIMANOFF: Same objection.

19 Q. And the way of the process is  
20 Opposer has the right to depose you and the  
21 Applicant Michael Liang also has the right  
22 to depose you. The trademark application  
23 is that they first the Opposer go ahead  
24 with the trial depositions. After that we  
25 also, Applicant also has a trial deposition

1 Beatty

2 to see if we see anything. We might e-mail  
3 you for another deposition.

4 MR. MAJOR: I'd just like to  
5 point out for the record it is now  
6 10:47, and we haven't had a question.

7 MR. SHIMANOFF: Yes, and I'm  
8 going to object to the foundation, to  
9 the form argumentative,  
10 mischaracterizes everything.

11 Q. When I reviewed your testimony  
12 earlier, can you tell me when did you first  
13 meet Mr. Michael Liang? Are you familiar  
14 with Michael Liang?

15 A. I do know the name.

16 Q. And when was the first time you  
17 met him?

18 A. I don't recall the specific date,  
19 but I believe it might have been around  
20 2008.

21 Q. Under what circumstances you met  
22 him?

23 A. As I understand from -- I believe  
24 it was in association with the Asian  
25 American Business Development Center's

1 Beatty

2 activities.

3 Q. Do you mean during events you met  
4 him?

5 A. Events.

6 Q. So who was the organizer of these  
7 events?

8 A. The Asian American Business  
9 Development Center.

10 Q. And so you only went there -- you  
11 met Mr. Liang when you went to the events?

12 A. I have been in Mr. Liang's  
13 presence at events and in discussions as it  
14 related to my trademark application around  
15 2008.

16 Q. So you did discuss with Mr. Liang  
17 with the trademark application in 2008?

18 A. I believe it was with Mr. Wong  
19 and Mr. Liang was present.

20 Q. And besides you attended these  
21 events, did you meet Mr. Liang in other  
22 circumstances?

23 A. Only as it related to my  
24 trademark application.

25 Q. I mean when you attended events

1 Beatty

2 you met him. Did you meet him other than  
3 during the events?

4 A. I've never met with Mr. Liang by  
5 himself outside of events and discussions  
6 as it relates to my trademark.

7 Q. Did Mr. Liang ever go to your  
8 Harlem Brewing Company?

9 A. Never.

10 Q. Did Mr. Wong, John Wong ever go  
11 to Harlem Brewing Company?

12 A. Never.

13 Q. Did you ever meet him, meet  
14 Mr. Michael Liang in a bar in Harlem?

15 A. Not that I recall.

16 Q. Did you ever meet Mr. John Wong  
17 in a bar in Harlem?

18 A. Maybe a restaurant.

19 Q. And what kind of restaurant it  
20 was?

21 A. I really don't recall. Most of  
22 my meetings with Mr. Wong were at 80 Wall  
23 Street in Lower Manhattan.

24 Q. And you said you met Mr. Wong in  
25 the restaurant in Harlem.

1 Beatty

2 A. I believe Mr. Wong may have  
3 attended. We do a lot of events throughout  
4 the city and Mr. Wong relocated to Harlem,  
5 his entire family, to 135th Street and he  
6 attended a couple of events at Sylvia's  
7 Restaurant. I believe he might have been  
8 there at some point, but most of my  
9 meetings or all of my meetings have been at  
10 80 Wall Street.

11 Q. When you met Mr. Wong in your  
12 restaurant in Harlem did he come alone?

13 A. I don't recall.

14 Q. So when he went there, were you  
15 there?

16 A. When he went to the restaurant  
17 was I there?

18 Q. Yeah.

19 A. As I indicated, I believe  
20 Mr. Wong attended an event that we had in  
21 conjunction with Sylvia's Restaurant. It  
22 was a group event with many people.

23 Q. What kind of restaurant? Can you  
24 give me the name of the restaurant?

25 A. Possibly Sylvia's Restaurant.

1 Beatty

2 Q. How do you spell it?

3 A. We have at least 400 accounts in  
4 New York City, so I don't recall which one  
5 specifically. But if it was uptown more  
6 than likely it was Sylvia's Restaurant.

7 Q. Yeah, I just wondered how you  
8 spelled the name of the restaurant.

9 A. S-Y-L-V-I-A-S, Sylvia's.

10 Q. Sylvia's Restaurant. What kind  
11 of food they offer?

12 A. They offer -- it's considered  
13 comfort food, soul food.

14 Q. And did they offer any drink?

15 A. Do they sell drinks there?

16 Q. Yeah.

17 A. Yeah, they do, a typical  
18 restaurant, beer, wine and spirits.

19 Q. Did they sell your brand of beer?

20 A. They do.

21 Q. What kind of brand are your beer  
22 is?

23 A. What kind of brand?

24 Q. Yeah, just the term.

25 A. The brand name, the style?

1 Beatty

2 Q. No, the brand name.

3 A. They sell the Harlem Brewing  
4 Company brands.

5 Q. What did they usually call the  
6 brand?

7 A. We have two brand that they sell  
8 there, Harlem Sugar Hill Ale and Harlem  
9 Renaissance Wit.

10 Q. And was there any music offered  
11 in this restaurant?

12 A. It's not part of their  
13 programming, but from time to time they do  
14 have music.

15 Q. Was there any brand?

16 A. Is it a particular brand of  
17 music.

18 Q. No, the band.

19 A. Yeah, it varies.

20 MR. MAJOR: I know I can't  
21 object on the grounds of relevance,  
22 but --

23 MR. YAN: State your record.  
24 You don't have to stop me.

25 MR. MAJOR: Okay, fine, I do

1 Beatty

2 object on the grounds of relevance as  
3 to whether or not the band was playing  
4 that night. Thank you.

5 MR. YAN: That's the rule is  
6 even that your counsel object to the  
7 restaurant, you still have to answer  
8 and later on he can make motion to  
9 strike answer up to the board, strike  
10 my question and answer.

11 MR. MAJOR: I object to that.

12 MR. YAN: That is my  
13 instruction.

14 MR. MAJOR: Do you get to  
15 instruct my client? I don't think it  
16 works like that. I will give advice  
17 to my client. Thank you very much.

18 Q. Do you know if Mr. John Wong had  
19 any your beer, Harlem Sugar Hill Ale and I  
20 don't know what's the -- did they ever  
21 drink your beer in that restaurant?

22 A. I imagine. I don't think  
23 Mr. Wong is much of a drinker, but it's  
24 possible that that might have happened.

25 Q. At least he tasted?

1 Beatty

2 A. Likely.

3 Q. But you cannot recall who went  
4 there with Mr. Wong?

5 A. Mr. Wong typically comes by  
6 himself.

7 Q. And when you say typically he  
8 comes by himself how many times he went to  
9 that restaurant?

10 A. I have no idea.

11 Q. It's not maybe just once?

12 A. I don't see Mr. Wong very often  
13 at all. I have no idea how many times he  
14 came to the restaurant. Related to me or  
15 in general how many times does he go to the  
16 restaurant? Could you clarify?

17 Q. It's in general about if he went  
18 there when you were also present.

19 MR. MAJOR: I object to this  
20 question. It's impossible for the  
21 witness to know how many times  
22 Mr. Wong went to a restaurant in an  
23 unspecified amount of time.

24 MR. YAN: Basis?

25 MR. MAJOR: Basis for the

1 Beatty

2 objection?

3 MR. YAN: Yeah.

4 MR. MAJOR: It's based on what  
5 you just said.

6 MR. YAN: What's the legal  
7 term? Just state for the record.

8 MR. MAJOR: The basis is  
9 relevance.

10 MR. YAN: Your objection is  
11 noted.

12 Q. So let me still -- my question is  
13 do you recall Mr. Wong, how many times he  
14 went to Harlem in this restaurant or in  
15 other restaurants?

16 MR. MAJOR: Again, objection,  
17 lack of knowledge, basis --

18 MR. YAN: I understand. Your  
19 objection is noted.

20 MR. MAJOR: I'm making the  
21 objection again.

22 MR. YAN: She still has to  
23 answer.

24 A. I have answered. I have no idea  
25 how many times Mr. Wong has gone to the

1 Beatty

2 restaurant.

3 Q. But at least it's once?

4 A. Sir, I don't keep Mr. Wong's  
5 schedule, so the way you are asking the  
6 question, how many times Mr. Wong has gone  
7 to a particular restaurant in Harlem or  
8 anywhere in the city, I don't see Mr. Wong  
9 very much so I don't keep his schedule, I  
10 have no idea. Mr. Wong lives in Harlem on  
11 135th Street. Most people in Harlem know  
12 that he lives there. He moved his entire  
13 family to Harlem. He probably goes to lots  
14 of restaurants in Harlem.

15 Q. What Old Sarah is?

16 A. I'm sorry?

17 Q. I saw you testified that's a --  
18 you mentioned some names Old Sarah.

19 MR. MAJOR: I believe Old  
20 Saratoga is what --

21 A. What is Old Saratoga? I don't  
22 know what you mean. What is the question?

23 Q. You mentioned the name that is  
24 called Old Sarah?

25 A. Old Saratoga.

1 Beatty

2 Q. Old Saratoga. Yeah, what is  
3 that?

4 A. It's one of the cities in New  
5 York state.

6 Q. And what is this name associated  
7 with, has anything to do with your  
8 business?

9 A. Old Saratoga?

10 Q. Yes.

11 A. There is a brewing company called  
12 the Old Saratoga Brewing Company in Old  
13 Saratoga, Saratoga Springs, New York.

14 Q. Okay, so what producer do you use  
15 to make your two brands of beer?

16 A. Old Saratoga Brewing Company.

17 Q. And when did you first start to  
18 work with them?

19 A. 2000.

20 Q. And how many distributors you use  
21 to mark your beer, two brands of beer?

22 A. More than a dozen.

23 Q. And can you name a few?

24 A. Manhattan Beer Distributing, Alek  
25 Wine Distributing.

1 Beatty

2 Q. When did you first start to work  
3 with Manhattan Beer Distributing?

4 A. 2006.

5 Q. And how many beers you sold to  
6 Manhattan Beer Distributing?

7 A. How many beers have I sold to  
8 them?

9 Q. Yes.

10 A. Thousands. Are we going to --  
11 you're the attorney. I don't see the  
12 relevance.

13 MR. MAJOR: The think the  
14 witness, if I may, is confused as to  
15 whether you're referring to the number  
16 of bottles she sold or the number of  
17 brands she sold. So perhaps you  
18 might like to clarify that.

19 MR. YAN: She can answer  
20 whatever she understands it.

21 MR. SHIMANOFF: We have an  
22 objection to the vagueness of the  
23 question.

24 MR. MAJOR: And I have an  
25 objection to the vagueness. So I

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Beatty

don't understand the question.

THE WITNESS: I don't either.

MR. MAJOR: So can you rephrase that question, please?

MR. YAN: Well, read the record. You said that you first started work with --

MR. MAJOR: Sir, can I just object at this point because we've asked for an objection on the grounds of vagueness and to restate the question and I just want to clarify that we're now moving on to another subject.

MR. YAN: I will finish my question. You may object to it.

Q. You testified earlier saying that you started work with the Manhattan Beer Distributing in 2010. And now you said you start to work with Manhattan Beer Distributing in 2006. Which one is correct?

MR. SHIMANOFF: Objection, mischaracterizes prior testimony.

1 Beatty

2 MR. MAJOR: Objection as to  
3 relevance in this trademark matter.

4 MR. YAN: Reporter, may I have  
5 you to read her first testimony  
6 regarding Manhattan Beer Distributing?  
7 It's the very early parts. When the  
8 witness testified that when she first  
9 work with the --

10 MR. SHIMANOFF: David, that is  
11 not what she said. The question was  
12 were you using them in 2010 and 11,  
13 not when did you first start using  
14 them. So there is no discrepancy  
15 here. You asked a different question  
16 than I did. Can we move on?

17 MR. MAJOR: The witness is here.  
18 If you want to ask the questions that  
19 -- Mr. Shimanoff suggested there was a  
20 discrepancy between the questions. If  
21 you want to ask specific questions  
22 now, now would seem to be a good time.

23 MR. YAN: We have the right to  
24 depose -- she is not some kind of the  
25 hostile witness to us. She is the

1 Beatty  
2 kind of the general witness which have  
3 got the facts. We don't try to do  
4 anything harmful to her.

5 MR. MAJOR: What, waste her  
6 time?

7 MR. YAN: It's not waste of  
8 time. That's our right.

9 MR. SHIMANOFF: To ask  
10 irrelevant questions?

11 MR. MAJOR: Your witness is  
12 sitting here and she will answer the  
13 questions that you put if they're put  
14 in a proper manner. So if you think  
15 that she has said previously that she  
16 started working with them in 2006 but  
17 previously have said that she started  
18 work in 2010, ask a question that  
19 addresses that matter, and then we can  
20 not have the expense of your client  
21 and my time and Mr. Shimanoff's time  
22 in getting an answer to the question.  
23 Let's ask it now.

24 MR. YAN: You can make your  
25 statement, but I preserve our rights

1 Beatty

2 to depose, okay?

3 Q. During the events you attended  
4 organized by Mr. John Wong, do you recall  
5 what kind of events were?

6 A. They were primarily events  
7 related to an annual award that he does at  
8 the Waldorf Astoria, 50 Asians in America  
9 honoring Asian businesses and events  
10 related to the New Years and general  
11 networking events. But those were the two  
12 main events.

13 Q. Did you ever bring your beer to  
14 the event?

15 A. I didn't personally bring it, but  
16 Mr. Wong did arrange for the Waldorf  
17 Astoria to purchase beer from our  
18 distributor for consumption and sampling.

19 Q. So your brands of beer were just  
20 sold, I mean were just served during these  
21 events?

22 A. Not always, but there were a few  
23 occasions where we had the opportunity to  
24 do that.

25 Q. At least one or two occasion they

1 Beatty

2 were served during events?

3 A. Yeah, there were several.

4 Q. And wasn't it a conversation  
5 about your brands of beer?

6 A. Was there any conversation?

7 Q. I mean between you, John Wong --  
8 between you and Mr. Michael Liang?

9 A. At the events?

10 Q. Yes.

11 A. Not specifically, no.

12 Q. And did you have a conversation  
13 with Mr. John Wong about these -- about  
14 your brands of beer?

15 A. Yes, and we had conversations  
16 about the brands of beers that led to our  
17 sampling at the Waldorf Astoria, Macy's and  
18 some networking events over the years.

19 Q. And when you had conversation  
20 with Mr. John Wong, was Mr. Michael Liang  
21 during the -- I mean present during the  
22 conversation?

23 A. I believe he was present during,  
24 as an office administrator as were others  
25 concerning our sampling of beer at these

1 Beatty

2 events.

3 Q. What do you mean office  
4 administrator?

5 A. Well, there are several people at  
6 Mr. Wong's office at 80 Wall Street,  
7 marketing people, et cetera.

8 Q. Do you know the title of  
9 Mr. Michael Liang with that organization?

10 A. I don't. I was told that he  
11 doesn't formally work with that  
12 organization, with the Asian American  
13 Business Development Association.

14 Q. And so when you had the  
15 conversation with Mr. John Wong about your  
16 beer, what actually you discussed with him?

17 A. Many and varied things specific  
18 to our beer, mainly concerning the  
19 Olympics, when they arranged to have the  
20 beer sampled during the Olympics in  
21 Beijing, conversations related to  
22 arrangements to deliver the beer to the  
23 events, conversations related to our  
24 general marketing plans.

25 Q. And then you said deliver to

1 Beatty

2 events, which event?

3 A. As I indicated, the Waldorf  
4 Astoria and Macys.

5 Q. And have you ever discussed with  
6 them to market your beer to China?

7 A. As I indicated, Mr. Wong and I  
8 discussed marketing the brand in Beijing  
9 during the Olympics.

10 Q. Did you do that?

11 A. Mr. Wong and his organization  
12 made arrangements for our beer to be  
13 presented at an expo in Beijing during the  
14 Olympics.

15 Q. Did you ever apply for any  
16 trademark in China?

17 A. Mr. Wong's organization  
18 approached me about registering our  
19 trademark in China.

20 Q. And did you agree?

21 A. I agreed to allow them to submit  
22 an application on our behalf through their  
23 office in Beijing.

24 Q. So did you provide that  
25 information about your beer products for

1 Beatty

2 them to register your trademark in China?

3 A. I provided the information that a  
4 trademark application requires for them to  
5 register in China.

6 Q. And when did you give them,  
7 provide them your information to Mr. John  
8 Wong to register your brand in China?

9 A. I believe it was around 2008.

10 Q. What month?

11 A. Which month?

12 Q. Yeah.

13 A. I don't recall the specific  
14 month.

15 Q. So what happened to your  
16 trademark registration in China?

17 A. I don't know all the specifics  
18 because I didn't actually view the  
19 registration.

20 Q. I'm sorry?

21 A. I don't know the specifics. I  
22 didn't actually do the registration. As  
23 far as I understand from Mr. Wong they were  
24 unsuccessful.

25 Q. Who would be the owner of the

1 Beatty

2 trademark? Is it Mr. John Wong or you to  
3 register this brand, your brand in China?

4 A. As I understand it they were  
5 registering our brand for Harlem Brewing  
6 Company.

7 Q. So you would be the owner instead  
8 of Mr. John Wong?

9 A. Yes.

10 Q. Okay, but you don't know what's  
11 the result of the trademark application?

12 A. Well, as I understand it they  
13 weren't successful.

14 Q. And you did not know the details  
15 about the trademark application?

16 A. Unfortunately due to the language  
17 barriers and the fact that the  
18 documentation was returned in Mandarin, I  
19 did not have the benefit of having detailed  
20 translations to understand until recently  
21 what became of the application.

22 Q. So you mean Mr. John Wong did not  
23 tell you about what happened to your  
24 trademark application until recently?

25 A. I think so.

1 Beatty

2 Q. And you never had any -- you  
3 never followed up with Mr. John Wong after  
4 they submitted the trademark application?

5 A. Followed up with him regarding  
6 the trademark application?

7 Q. Yeah.

8 A. No, I think we pretty much  
9 concluded that for a number of reasons  
10 pursuing a trademark in China was not  
11 feasible.

12 Q. Why is that?

13 A. I don't recall all of the  
14 particulars, but a very difficult market to  
15 file trademark applications in.

16 Q. And during your conversation with  
17 Mr. John Wong in connection with your  
18 trademark application, was he alone or with  
19 someone regarding your trademark  
20 application?

21 A. During my what?

22 Q. During your discussion with  
23 Mr. John Wong about your trademark  
24 application, was he alone or with somebody  
25 else?

1 Beatty

2 A. Well, the discussions or e-mail  
3 correspondence, discussions, primarily we  
4 had a couple of meetings at his office and  
5 I think the work in Beijing involved other  
6 people on his team.

7 Q. And that was -- your testimony  
8 said that Mr. Michael Liang Beijing office.  
9 What did you mean by that?

10 A. Based on my understanding from  
11 Mr. Wong, Mr. Liang to my recollection was  
12 involved with activities in general on  
13 behalf of the Asian American Business  
14 Development Center and the New York and  
15 China Center and Mr. Liang had some  
16 involvement with some of the work on the  
17 ground related to the trademark and brand.

18 Q. Was he actually in their New York  
19 office or in Beijing office?

20 A. As I understand he was involved  
21 in both offices in some capacity.

22 Q. And when you went to Mr. John  
23 Wong's office in 80 Wall Street, you had a  
24 meeting with Mr. John Wong regarding your  
25 trademark application alone or at times if

1 Beatty

2 Mr. Michael Liang also was there?

3 A. Mr. Liang was at I'm sure at  
4 least one of the meetings we had as well as  
5 one other person whose name I don't recall.

6 Q. Do you know if Mr. John Wong ever  
7 registered a company called New York Brewer  
8 Company?

9 A. New York?

10 Q. New York Brewer Company?

11 A. New York Brewer Company? No, I  
12 don't.

13 Q. Let's mark as Applicant's Number  
14 One.

15 (Applicant's Exhibit 1, Filing  
16 Receipt, marked for identification.)

17 A. What was your question?

18 Q. My question is have Mr. John Wong  
19 ever mentioned to you he search New Yorker  
20 Beer Brewing Company?

21 A. No, not at all. And this is --  
22 is this Mr. Wong's application?

23 Q. Yes.

24 MR. SHIMANOFF: Objection,  
25 foundation.

1 Beatty

2 A. Where does it show that it's  
3 actually Mr. Wong's? I don't see anything.

4 Q. I have a certificate of  
5 incorporation that he is incorporated.

6 MR. SHIMANOFF: Objection. Is  
7 the lawyer testifying? Argumentative,  
8 foundation.

9 MR. YAN: Just a reminder.

10 MR. MAJOR: I'm sorry, a  
11 reminder as to what?

12 MR. YAN: I don't have to  
13 explain.

14 THE WITNESS: I've never seen  
15 this document before.

16 MR. SHIMANOFF: You have to  
17 explain.

18 MR. YAN: That's my Applicant's  
19 Number One. Ask her if she knows that  
20 or Mr. Wong. She said no, that's  
21 fine.

22 MR. SHIMANOFF: Then you  
23 started testifying, so that's what  
24 we're objecting to.

25 MR. YAN: I just limit myself, I

1 Beatty

2 don't want to say anything because she  
3 ask me.

4 THE WITNESS: I've never seen  
5 this and I've never been aware of  
6 Mr. Wong's involvement in any brewing  
7 company and specifically not that one.

8 MR. SHIMANOFF: I also have an  
9 objection to the extent you are  
10 attempting to produce any documents  
11 not produced during discovery. There  
12 is a Board order that says you are  
13 estopped from doing so.

14 MR. YAN: You can take this one  
15 to the Board.

16 MR. SHIMANOFF: Oh, believe me,  
17 I will, as you know, and there will be  
18 lots of references to your -- I won't  
19 even get into what I've found out. I  
20 also have a relevancy objection to all  
21 the questions, specifics on her  
22 trademark application. But that's  
23 just for the record.

24 MR. MAJOR: Can we move to the  
25 next question? My client is a very

1 Beatty

2 busy woman and has places to go.

3 MR. YAN: That's a deposition.  
4 It's a federal business.

5 MR. MAJOR: I'm aware it is a  
6 federal deposition. I'm aware that  
7 you have a certain amount of time.  
8 But shuffling through papers --

9 MR. YAN: Because deposition I  
10 have all the question to ask. That's  
11 laid my foundation. Do you  
12 understand? If you have ever attended  
13 deposition for a federal case, tell  
14 me. If you said I cannot do that,  
15 also state for the record.

16 MR. SHIMANOFF: I also object to  
17 the extent we're getting beyond the  
18 cross and beyond the scope of the  
19 direct.

20 MR. MAJOR: My client is just  
21 taking a short break to check her  
22 phone while you are --

23 MR. SHIMANOFF: Shuffling.

24 (Recess taken: 11:19-11:22 a.m.)

25 FURTHER EXAMINATION BY MR. YAN:

1 Beatty

2 Q. When you discussed with Mr. John  
3 Wong about a mark of your brand of beer to  
4 China did either Mr. John Wong or  
5 Mr. Michael Ling ever mention that they  
6 could mark the beer with their own brand?

7 A. No.

8 Q. Did Mr. John Wong ever mention to  
9 you he's in the process with -- did  
10 Mr. John Wong ever mention to you he is in  
11 the process to register a trademark?

12 A. No.

13 Q. Did he ever tell Mr. John Wong,  
14 mention to you he is in the process to  
15 register a trademark in the United States?

16 A. No.

17 Q. Did he ever mention to you he is  
18 in the process to register a trademark in  
19 China?

20 A. No. Only related to my company.

21 Q. And did Mr. Michael Liang ever  
22 mention to you about to sell your beer in  
23 China with their own brand?

24 A. No.

25 Q. Did he ever talk to you about a

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Beatty

sale your beer in China with your brand?

A. Only related to my trademark application and the activities concerning Mr. Wong in the Asian American Business Development Association.

Q. Where did you have your breakfast this morning?

MR. MAJOR: Objection.

MR. SHIMANOFF: Objection.

A. I didn't have breakfast. That's why my stomach is growling.

Q. Did you have your breakfast yesterday morning?

MR. MAJOR: Objection.

Relevance.

A. No.

Q. Did you have your lunch yesterday?

MR. MAJOR: Objection.

Relevance.

MR. SHIMANOFF: Join.

Q. You still have to answer.

A. I did have lunch yesterday.

Q. Did you have your evening meal

1 Beatty

2 yesterday?

3 MR. MAJOR: Objection.

4 A. Did I what?

5 Q. Did you have the meal yesterday?

6 A. Yes, I did.

7 Q. Where did you have meal?

8 A. 138th Street.

9 Q. Do you remember, when did you  
10 have your meal?

11 A. Yesterday or when?

12 MR. MAJOR: Objection,  
13 relevance. This is getting to  
14 the point of harassing the witness. I  
15 truly do not understand -- as the  
16 witness' counsel, I truly do not  
17 understand the relevance of her  
18 dietary habits to this trademark  
19 application, which I remind you is  
20 related to New York City Beer Lager  
21 and design, and does not relate as I  
22 understand it to Harlem Brewing  
23 Company or any of Harlem Brewing  
24 Company's brands.

25 MR. YAN: Strike the counsel's

1 Beatty

2 statement.

3 Q. Do you remember, where did you  
4 have your meal one month ago, like  
5 February 26th?

6 A. February 26th? February 26th,  
7 that was Craft Beer Week. I had -- you  
8 said lunch or dinner? On February 26th I  
9 was at either the Rockefeller Center, at  
10 Bill's Burger or at Maymay Cafe on Van Dam.  
11 That was a Wednesday, right?

12 Q. That's a Thursday.

13 A. Thursday. Yeah, I think we were  
14 at Rockefeller Center, Bill's Burger for a  
15 dinner and tasting, Craft Beer Week.

16 Q. Did you remember a month before  
17 February 26th, January 26th, where did you  
18 have your meal?

19 A. I don't.

20 Q. So how will you be able to  
21 remember everything back to several years  
22 ago, about what happened in 2008?

23 A. Probably not everything, but I  
24 use Microsoft Outlook calendar and I use a  
25 number of software tracking programs. In

1 Beatty

2 my business it's important for me to know  
3 what restaurants and bars we visit, how  
4 much face-time we've given our accounts.  
5 Nearly every meeting, every activity  
6 including today is tracked. So I can go  
7 back in e-mails back to 2003 and show  
8 exactly who he was talking to, what  
9 meetings I had, who I had lunch with. That  
10 helps me track my expenses, helps me track  
11 my marketing. So yes, from that standpoint  
12 it's very likely I could go back and see  
13 exactly what activity was happening around  
14 any particular date.

15 Q. When you come here today, before  
16 you come here today did you look to your  
17 records to see you had meeting?

18 A. Absolutely. I have a meeting in  
19 about 20 minutes that I'm going to have to  
20 leave for. My day is fully booked. This  
21 one was on the schedule to get out of the  
22 way very quickly.

23 Q. What I say is before you come  
24 here today, did you look at your records to  
25 refresh your memory about your meeting with

1 Beatty

2 John Wong or Michael Liang several years  
3 ago?

4 A. No, I haven't. Not today.

5 Q. Did you have any such records?

6 A. If it was on my calendar, I could  
7 go back and find it, as I'm sure they could  
8 do, and show evidence of who I met with on  
9 what day and at what time.

10 Q. But at this moment you could not  
11 recall on what specific date if you have  
12 such records you met with John Wong in  
13 Sylvia's Restaurant in Harlem?

14 A. Yes, if I needed to, if I were  
15 asked to go back and find records, probably  
16 that date would show up, as would it on my  
17 credit card documents for any money I would  
18 have spent at Sylvia's on that date.

19 Q. And when did you receive notice  
20 of deposition that's marked here as the  
21 Opposer's 84?

22 MR. SHIMANOFF: Object to  
23 foundation.

24 Q. Have you seen the Notice of  
25 Deposition inviting you here to give the

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Beatty

testimony?

MR. SHIMANOFF: Objection,  
mischaracterizes the document. It's a  
notice to you, David.

MR. YAN: What?

MR. SHIMANOFF: Exhibit 84 is  
notice to you of the deposition. You  
accuse other people of not knowing  
federal procedure.

Q. And have you received any  
invitation to come to the testimony today?

A. Through my attorney.

Q. When did you first receive?

A. Maybe a month ago.

Q. And after you receive this one,  
did you or your counsel have any  
conversation with Opposer's counsel?

A. That would be you.

Q. They're Opposer. We're the  
Applicant.

A. After receiving it?

MR. MAJOR: Objection as to  
first-hand knowledge.

Q. Please go ahead.

1 Beatty

2 A. Go ahead what?

3 Q. Have you seen -- did you or your  
4 counsel ever have the conversation with  
5 Opposer's counsel?

6 MR. MAJOR: Objection, compound  
7 question.

8 Q. Did you have conversation with  
9 Opposer's counsel?

10 A. In general?

11 Q. I don't know what's the --

12 A. Yeah, when I first got notice of  
13 this.

14 Q. You called the Opposer's counsel?

15 A. I returned -- I responded to an  
16 e-mail I received and had a conversation.

17 Q. Before you come to the -- were  
18 you reminded by anyone about you have to  
19 bring the documents or anything to support  
20 your testimony?

21 MR. SHIMANOFF: What do you  
22 mean reminded? Is that the word you  
23 mean, reminded? Or was she told?

24 MR. MAJOR: Note my objection.

25 Q. Reminded or were you told by

1 Beatty

2 anyone you have to put in your documents as  
3 a part of testimony?

4 MR. MAJOR: You are stepping  
5 very close to privileged topics here.  
6 And if I may -- perhaps if I may, if  
7 you were to ask if anyone other than  
8 your attorney.

9 MR. YAN: Explain to me, what  
10 is the privilege?

11 MR. SHIMANOFF: You are asking  
12 about communications which could  
13 include those between counsel and the  
14 client, if that's what you're asking.

15 MR. MAJOR: If that's what  
16 you're asking, then we object on  
17 grounds of privilege. If the question  
18 is, and I'm trying not to rephrase,  
19 but I have to to protect privilege.  
20 If anyone other than your counsel told  
21 you to bring documents.

22 Q. My question is were you told by  
23 anyone you need to bring the document to  
24 support testimony?

25 MR. MAJOR: Objection,

1 Beatty

2 privilege.

3 MR. YAN: What privilege?

4 MR. MAJOR: Attorney-client  
5 privilege.

6 MR. SHIMANOFF: And David, he's  
7 told you how to rephrase it to avoid  
8 the privilege issue.

9 MR. YAN: I did not say the  
10 counsel.

11 MR. SHIMANOFF: You said  
12 anyone. That would include counsel.  
13 So he's asking you to exclude counsel  
14 so she can answer the question.

15 MR. MAJOR: My client would  
16 gladly answer the question if phrased  
17 in a way that avoids privilege. Well,  
18 I cannot speak for her, but I would  
19 imagine that she would do so.

20 MR. YAN: So you claim that the  
21 privilege, so that she does not have  
22 to answer?

23 MR. MAJOR: I'm saying that  
24 because of the way that you have asked  
25 the question, she does not have to

1 Beatty

2 answer because it invokes questions of  
3 privilege. Were you to ask the  
4 question has anyone other than counsel  
5 told you to bring documents to this  
6 deposition, then I would have no  
7 problem. So why don't you try asking  
8 that question. There's a thought.

9 MR. YAN: I don't want to  
10 offend you, with all due respect.

11 MR. MAJOR: I'm not easily  
12 offended, David, so let's just get on  
13 with the questions.

14 MR. YAN: In other words how  
15 long you practice.

16 MR. MAJOR: Objection,  
17 relevance.

18 MR. SHINAMOFF: That is  
19 borderline defamatory.

20 MR. MAJOR: And it's also  
21 insulting frankly.

22 MR. SHIMANOFF: David, he has  
23 told you how to ask the question  
24 without invoking privilege, and we're  
25 five minutes later and the question

1 Beatty

2 still hasn't been asked.

3 Q. Do you understand when you come  
4 to testify today you need to give true and  
5 accurate answer to reflect what happened  
6 before?

7 A. I do understand that, which is  
8 why the gentleman here asked me to swear to  
9 tell the truth and the whole truth, and  
10 I've done that.

11 Q. And when look at the transcripts  
12 and also when I ask some questioning I give  
13 some approximately dates and the time. And  
14 you also testified that you actually have  
15 the record. Why didn't you look into the  
16 record, give us the accurate answer?

17 MR. SHIMANOFF: Objection.

18 MR. MAJOR: Objection, vague,  
19 compound.

20 MR. SHIMANOFF: Argumentative.

21 Q. You had a record. Why didn't you  
22 look to the record and give us more detail  
23 answer and specific answer today?

24 A. Sir, I don't really understand  
25 the question.

1 Beatty

2 MR. MAJOR: Objection.

3 MR. SHIMANOFF: Objection,  
4 mischaracterizes testimony.

5 A. I don't understand what you're  
6 asking me. There's a lot I'd like to say,  
7 but I'm getting very -- I don't really --  
8 I'm not following the question.

9 Q. Ma'am, you testified that you  
10 have your record to keep track of all these  
11 events, correct?

12 A. I keep a Microsoft Outlook  
13 calendar. That's quite common for people  
14 in business, yes.

15 Q. And when I asked you the question  
16 when did you go to the events organized by  
17 Asian American Business Center and when you  
18 had a meeting with John Wong and when you  
19 had a meeting with Michael Liang, why  
20 didn't you give me more detailed and  
21 specific answers?

22 MR. SHIMANOFF: Objection,  
23 argumentative, foundation.

24 A. Sir, if you had submitted these  
25 questions in advance, I would have been

1 Beatty

2 more than happy to go back and look at  
3 specifically where I ate, what time and  
4 where and with whom. But without the  
5 advantage of having those questions, sir,  
6 it's difficult and impossible for me to  
7 give you those specifics. I can only do it  
8 to the best of my recollection. I don't  
9 know anyone that can specifically tell what  
10 they ate months and years ago on what date  
11 with whom without having advance  
12 preparation time.

13 Q. But you do have the records,  
14 correct?

15 MR. MAJOR: Objection,  
16 speculative.

17 MR. YAN: Speculative is not  
18 the basis.

19 MR. SHIMANOFF: It is a basis.

20 A. Sir, to answer the question, I  
21 have records in Microsoft Outlook and  
22 probably several other calendars of what  
23 meeting I have had from the time I started  
24 my company to now, generally speaking.

25 Q. Before you came today did you

1 Beatty

2 look at these records?

3 A. No, I did not.

4 Q. Thank you. And can you still  
5 record when John Wong went to Harlem  
6 restaurant, did you see Mr. Michael Liang  
7 also was there?

8 A. I don't recall.

9 Q. And who paid Mr. John Wong's meal  
10 when he went there in the Sylvia's  
11 Restaurant?

12 A. I don't recall.

13 Q. Did you ever pay the meal for  
14 Mr. John Wong?

15 A. Probably at some point over the  
16 ten years that I've known him.

17 Q. And when you paid for this meal  
18 did you record that's a meal that's for  
19 only one person or two persons or three  
20 persons?

21 MR. SHIMANOFF: Objection,  
22 ambiguous.

23 MR. MAJOR: Vague.

24 MR. YAN: It's not vague.

25 A. I don't recall, sir.

1 Beatty

2 MR. SHIMANOFF: Compound  
3 question.

4 MR. MAJOR: It is a compound  
5 question. So let's try again.

6 Q. When you paid at least the one  
7 time you paid the meal for Mr. John Wong,  
8 do you -- that's the -- you paid it by  
9 credit card or paid it by cash?

10 MR. MAJOR: Objection, compound  
11 question.

12 A. Probably card.

13 Q. Let me rephrase it. When you  
14 paid the meal for John Wong at least once,  
15 how did you pay it?

16 A. Probably credit card.

17 Q. So you had the receipts for the  
18 credit card payments?

19 A. Likely, yeah.

20 Q. And if that payment -- did you  
21 record that's for one person or two  
22 persons?

23 MR. SHIMANOFF: Objection.

24 MR. MAJOR: Objection.

25 MR. SHIMANOFF: I don't know

1 Beatty

2 what you mean by record.

3 MR. YAN: Recall.

4 MR. MAJOR: My client would like  
5 to take a break.

6 (Recess taken: 11:42-11:45 a.m.)

7 MR. MAJOR: Thank you for  
8 allowing us to take that break.  
9 You've stated that you will only take  
10 another ten minutes. I will just  
11 point out that my client has other  
12 meetings to go to today, so I'd just  
13 like you to bare that in mind. Thank  
14 you.

15 MR. YAN: And the deposition,  
16 it's not -- off the record -- the  
17 deposition is continue as the needs,  
18 alright?

19 MR. MAJOR: You have also  
20 stated, back on the record --

21 MR. SHIMANOFF: Sorry, We were  
22 just off the record?

23 MR. YAN: That's off the record.

24 MR. SHIMANOFF: We didn't agree  
25 to go off the record.

1 Beatty

2 MR. MAJOR: You stated before  
3 we went to the break that you needed  
4 five to ten minutes more. I agree  
5 that the Federal Rules state that the  
6 deposition can go on for a certain  
7 amount of time. Yet you have stated  
8 that you only need five to  
9 ten minutes. So I think it's only  
10 fair that we should hold you to five  
11 to ten minutes.

12 MR. YAN: Five ten minutes, I  
13 said today when the needs we may take  
14 the deposition today.

15 MR. MAJOR: If you get past my  
16 protective order, yeah.

17 MR. SHIMANOFF: We're talking  
18 about today. That's what we're  
19 talking about, David. And you just  
20 spent an hour on questions that are  
21 wholly irrelevant to anything in this  
22 proceeding.

23 MR. YAN: Eric, you know that's  
24 what I tried to do.

25 MR. MAJOR: Can we ask some

1 Beatty

2 questions to the witness?

3 MR. SHIMANOFF: This has nothing  
4 to do with her trademark in China.  
5 They could have had meetings at any  
6 time -- I'm sorry, I don't want to  
7 take up more time because I know  
8 you're a busy woman. So let's  
9 proceed.

10 MR. MAJOR: Let's have some  
11 questions.

12 FURTHER EXAMINATION BY MR. YAN:

13 Q. You testified earlier that it was  
14 Mr. Liang approach to you. Why is that?

15 A. I'm sorry?

16 Q. You testified earlier that during  
17 events it was Mr. Liang Michael Liang  
18 approach to you. Why is Mr. Liang approach  
19 to you?

20 A. I did?

21 MR. SHIMANOFF: Objection.

22 MR. MAJOR: Objection.

23 Q. It was -- I read the transcript,  
24 I look. So when was the first time you met  
25 Mr. Liang?

1 Beatty

2 A. Some time around 2008 I believe,  
3 in Mr. Wong's office.

4 Q. In Mr. Wong's office. And he  
5 approached you or you approached him?

6 MR. MAJOR: Objection, vague.

7 Who is him?

8 Q. I'm going to phrase it again.  
9 That's for Michael Liang. You met him  
10 first time in 2008 in Mr. John Wong's  
11 office. Did he approach to you?

12 MR. MAJOR: Objection.

13 Objection as to it's vague. Who is  
14 him?

15 MR. SHIMANOFF: And I don't  
16 understand what you mean by approach.

17 Q. When you met Mr. Michael Liang  
18 the first time in John Wong's office, did  
19 Michael Liang approach to you?

20 MR. SHIMANOFF: Same objection.

21 MR. MAJOR: Objection. To the  
22 best of your understanding of the term  
23 approach.

24 A. I'm not sure what you mean by  
25 that.

1 Beatty

2 Q. I mean the reporter can -- that's  
3 your noting that the transcript, you used  
4 approach, I don't know what's -- I read the  
5 transcript. So you don't understand  
6 approach?

7 A. I used the term approach?

8 Q. Approach.

9 A. Mr. Liang was part of Mr. Wong's  
10 team of administrators.

11 Q. So you went there. How did you  
12 start a conversation with Mr. Michael  
13 Liang?

14 MR. MAJOR: Objection.

15 A. I didn't start a conversation  
16 with Mr. Michael Liang.

17 Q. Did he start conversation with  
18 you?

19 A. The Association of Asian American  
20 Business Development Corporation which  
21 Mr. Wong to my understanding founded  
22 approached my company concerning  
23 registering my trademark in China. When I  
24 arrived at the meeting, initial meeting,  
25 Mr. Liang and one other person whose name I

1 Beatty

2 don't recall was part of his team and we  
3 discussed the trademark, to my  
4 recollection.

5 Q. Before you met Mr. Michael Liang  
6 the first time in Mr. John Wong's office in  
7 2008, have yo ever met Mr. Michael Liang?

8 A. Prior to 2008?

9 Q. Yes.

10 A. Not to my recollection.

11 Q. When you mentioned about 2008,  
12 what months of 2008 -- when you went to  
13 Mr. John Wong's office in 2008 -- you  
14 mentioned that you went to Mr. John Wong's  
15 office in 2008 and the first time you met  
16 Michael Liang. What month of 2008 you went  
17 there?

18 A. I don't recall.

19 Q. And is this kind of events, I  
20 mean, this calendar activities you're  
21 supposed log into your Microsoft Outlook  
22 schedule.

23 A. I typically track every meeting  
24 including today on my schedule.

25 Q. But you don't recall today?

1 Beatty

2 A. I don't recall what today?

3 Q. What month in 2008.

4 A. No, I don't recall. I would have  
5 to refer to that.

6 Q. And after this meeting, when did  
7 you meet Mr. Michael Liang again?

8 A. Likely around that time of the  
9 year, or some time in 2008 and thereafter I  
10 did not meet Mr. Liang. I'm not sure what  
11 context you're using that in, but as I've  
12 indicated in earlier questions, there are  
13 two annual events that I typically attend,  
14 the Asian American 50 Business People  
15 Awards and the more recent Chinese New  
16 Years, and Mr. Liang among many other  
17 people on Mr. Wong's team of associates  
18 also attend those gatherings. So I saw him  
19 there but I would not define that as a  
20 meeting. He along with many other people  
21 attend those events.

22 Q. So did you have a conversation  
23 with him?

24 A. Other than hello, general  
25 greeting and acknowledgment, no.

1 Beatty

2 Q. Did you have a conversation with  
3 John Wong during the events?

4 A. Hello, how are you, a few seconds  
5 to allow other people, the other three or  
6 four hundred people there to have a chance  
7 to chat with him. Very brief.

8 Q. Then when did you have meeting  
9 with Michael Liang again?

10 MR. SHIMANOFF: Objection,  
11 mischaracterizes the testimony.

12 MR. MAJOR: I thought we had  
13 already established that she had not  
14 met Mr. Liang.

15 Q. So after this meeting in John  
16 Wong's office in 2008, did you have any  
17 other meeting with Mr. John Wong?

18 A. We probably had a couple of  
19 meetings after that in preparation for the  
20 Olympics and related to our either  
21 sponsorship or tasting activities with the  
22 two events that I mentioned, which is the  
23 New Years and the Top 50 Asian Awards.

24 Q. And during these meetings was  
25 Mr. Michael Liang there?

1 Beatty

2 A. At least one of the meetings. I  
3 don't recall if he was at subsequent  
4 meetings.

5 Q. Can you -- you said at least one  
6 meeting. What do you mean, at least one  
7 meeting?

8 A. One of the meetings related to  
9 the activities of the Top 50 Asian or the  
10 trademark.

11 Q. So Mr. Michael Liang was there?

12 A. I recall him being at at least  
13 one of the meetings. I can't recall if he  
14 was at every meeting. Mr. Liang to my  
15 understanding was dividing his time between  
16 New York and Beijing.

17 Q. And during the meetings can you  
18 recall what did Mr. Michael Liang say in  
19 the meeting?

20 A. I don't recall specifically what  
21 he said specifically, but the conversations  
22 between myself, Mr. Wong, Mr. Liang and the  
23 other people that were present was  
24 specifically related to the registration of  
25 my trademarks in China and activities

1 Beatty

2 concerning Chinese New Year and 50 Asians  
3 in America.

4 Q. And did John Wong ever discuss  
5 with you about sharing the profits with you  
6 if they market your beer in China?

7 A. That was the general  
8 conversation, yes, as is typical when  
9 anyone markets your brand, there is a  
10 conversation about profit sharing.

11 Q. And did Michael Liang ever  
12 discuss with you about profit sharing to  
13 market the beer products in China?

14 A. Only in the context of Mr. Wong's  
15 discussion as the founder and manager of  
16 the Asian American Business Development  
17 Association.

18 Q. Do you know if Michael Liang's  
19 title with John Wong's organization a  
20 vice-president?

21 A. Did I know that?

22 Q. Yeah.

23 A. No, I did not. To my  
24 understanding Mr. Liang doesn't work  
25 formally with the Asian American Business

1 Beatty

2 Development Association. That's what I was  
3 told.

4 Q. Who told you that?

5 A. Mr. Wong.

6 Q. When did he tell you that?

7 A. I think recently.

8 Q. Recently. When was recently?

9 A. Well, after I received the e-mail  
10 from Mr. Shimanoff, I immediately called  
11 Mr. Wong because I understood his name was  
12 somehow connected to this and I wanted to  
13 find out what was going on, because as I  
14 indicated to Mr. Shimanoff, this is the  
15 first time I ever saw the trademark and my  
16 first knowledge of it, and because of my  
17 relationship with Mr. Wong and his  
18 assistance with my trademark, I wanted to  
19 find out what was happening and I asked him  
20 what Mr. Liang's association was with his  
21 organization, and he indicated to me to my  
22 recollection that he had no official --  
23 that he was working as a consultant and  
24 advisor.

25 Q. He told you Mr. Liang has no

1 Beatty

2 official title with his company?

3 A. That's what I recall him saying.

4 Q. And can you give me an  
5 approximate month when you learned that?

6 A. When I learned?

7 Q. Approximate month and year.

8 A. Some time around the time that I  
9 received the e-mail, two months ago. In  
10 fact it was on maybe the same day that I  
11 received the e-mail, because I was so  
12 shocked and alarmed by the contents that I  
13 wanted to call Mr. Wong immediately and I  
14 did. I called his office, I left a message  
15 and subsequently he called me from his cell  
16 phone.

17 Q. During the meeting when  
18 Mr. Michael Liang was present with Mr. John  
19 Wong and you were there, can you recall  
20 what did Michael Liang ever say anything?

21 A. I don't recall specifically. He  
22 did say some things as other members of his  
23 team concerning their excitement about  
24 registering our brand in China and the  
25 various things they could do during the

1 Beatty

2 Olympics, which primarily was to have the  
3 beer at an expo which they sent me  
4 photographs of the tasting that took place  
5 there. I was unable to go. So we had a  
6 discussion about that particular expo, how  
7 the beer would be displayed and general  
8 conversations about registering the  
9 trademark.

10 Q. And then to whom you give your --  
11 give information documents in connection  
12 with trademark application in China?

13 A. John Wong.

14 Q. And who followed up these kind of  
15 application with you?

16 A. John Wong.

17 Q. Did you speak to anyone else in  
18 his office?

19 A. I spoke with the people that were  
20 at the meeting, John Wong, Michael Liang  
21 was there and at least one or two other  
22 people from his team.

23 MR. MAJOR: I'd just like to  
24 point out that it's 12:01, which by my  
25 calculations is past the five to

1 Beatty

2 ten minutes that you expected these  
3 questions to run, so I'm fully  
4 expecting this deposition to wrap up  
5 very shortly.

6 Q. Did Mr. John Wong ever issue any  
7 trademark besides your trademark?

8 A. He never issued me any trademark,  
9 period.

10 Q. Did Mr. John Wong ever show you a  
11 different trademark than your trademark?

12 A. No. Never.

13 Q. Did John Wong told you he had a  
14 trademark?

15 A. No.

16 Q. Did Michael Liang ever told you  
17 he is applying for a registration of  
18 trademark in the United States?

19 A. No.

20 Q. Did John Wong ever told you he or  
21 somebody else is applying for registration  
22 of trademark besides the trademark in the  
23 United States?

24 MR. MAJOR: Objection, compound  
25 question.

1 Beatty

2 Q. Did John Wong ever told you he is  
3 working with somebody to register a  
4 trademark in the United States?

5 MR. SHIMANOFF: Sorry, what  
6 trademark? Any trademark?

7 MR. YAN: Any trademark.

8 A. No. We've never had any  
9 discussions about trademarks, period, other  
10 than my application for a trademark in  
11 China.

12 MR. YAN: Alright, I will wrap  
13 up today. If I have any further  
14 concerns, issues I might send to you  
15 the notice to invite you for testimony  
16 during the next 30 days.

17 MR. MAJOR: We will object to  
18 that, but we look forward to receiving  
19 it if it comes. We don't want to  
20 waive the right to review and sign, so  
21 we do want to review the testimony  
22 that you are taking today.

23 (Time noted: 12:08 p.m.)  
24  
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A C K N O W L E D G M E N T

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4 STATE OF NEW YORK )

5 : ss

6 COUNTY OF )

7

I, CELESTE BEATTY, hereby certify

8

that I have read the transcript of my

9

testimony taken under oath in my deposition

10

of March 27, 2015; that the transcript is a

11

true, complete and correct record of my

12

testimony, and that the answers on the

13

record as given by me are true and correct.

14



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\_\_\_\_\_  
CELESTE BEATTY

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18 Signed and subscribed to before

19 me, this day

20 of , 2015.

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Notary Public, State of New York

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C E R T I F I C A T E

STATE OF NEW YORK )

: SS.

COUNTY OF NEW YORK )

I, DAVID HENRY, a Notary Public  
within and for the State of New York, do  
hereby certify:

That CELESTE BEATTY, the witness  
whose deposition is hereinbefore set forth,  
was duly sworn by me on 3/27/15 at 10:00 a.m.  
at 1133 Avenue of the Americas, New York, New York.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no way  
interested in the outcome of this matter.

I further certify that counsel for  
the adverse party, David Yan, was present at  
this deposition.

I further certify that the court  
reporter has not been disqualified pursuant  
to Federal Rule of Civil Procedure 28.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 8th day of April, 2015.

\_\_\_\_\_  
DAVID HENRY

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Signature of Deponent

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SUBSCRIBED AND SWORN BEFORE ME

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THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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(Notary Public)

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MY COMMISSION EXPIRES: \_\_\_\_\_

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