

ESTTA Tracking number: **ESTTA653383**

Filing date: **01/31/2015**

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

Proceeding	91208923
Party	Defendant Native Nutrients
Correspondence Address	PAULO A DE ALMEIDA PATEL & ALMEIDA PC 16830 VENTURA BLVD, SUITE 360 ENCINO, CA 91436 UNITED STATES Paulo@PatelAlmeida.com
Submission	Testimony For Defendant
Filer's Name	Paulo A. de Almeida
Filer's e-mail	Paulo@PatelAlmeida.com
Signature	/Paulo A. de Almeida/
Date	01/31/2015
Attachments	Deposition of Mathew Ruben Mattz_Certified Transcript.pdf(4646915 bytes)

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

MT. EDEN ORGANICS, Inc.,)	
)	
Opposer,)	Opposition No. 91208923
)	Serial No. 85/631,038
v.)	Mark: NATIVE NUTRIENTS
)	
NATIVE NUTRIENTS,)	
)	
Applicant.)	
)	
)	
)	

APPLICANT'S NOTICE OF FILING OF TESTIMONY

PLEASE TAKE NOTICE that on January 30, 2015, Applicant, Native Nutrients, filed with the Trademark Trial and Appeal Board the transcript of the July 15, 2014 deposition of Mathew Ruben Mattz with the exhibits taken in regard to this proceeding pursuant to Trademark Rule 2.123.

Dated as of: January 30, 2015

By: /Paulo A. de Almeida/
Paulo A. de Almeida
Alex D. Patel
Patel & Almeida, P.C.
16830 Ventura Blvd., Suite 360
Encino, CA 91436
(818) 380-1900

Attorneys for Applicant,
Native Nutrients

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S NOTICE OF FILING OF TESTIMONY** has been served on Matthew H. Swyers, counsel for Opposer, on January 30, 2015, via First Class U.S. Mail, postage prepaid to:

MATTHEW H. SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE W STE 151
VIENNA, VIRGINIA 22180-5612

By: /Paulo A. de Almeida/
Paulo A. de Almeida

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

. . .

MT. EDEN ORGANICS, INC.,

Opposer,

vs.

NATIVE NUTRIENTS,

Applicant.

Opposition No. 91208923
Serial No. 85/631,038
Mark: NATIVE NUTRIENTS

_____ /

TRIAL DEPOSITION OF MATHEW RUBEN MATTZ

Tuesday, July 15, 2014

10:00 a.m.

KATHERINE J. WAYNE, CSR #2854

A P P E A R A N C E S

FOR THE OPPOSER:
(Via teleconferencing)

MATTHEW H. SWYERS, Esquire
The Trademark Company
344 Maple Avenue W.,
Suite 151
Vienna, Virginia 22180
800.906.8626
mswyers@thetrademarkcompany.com

FOR THE APPLICANT:
(Via teleconferencing)

PATEL & ALMEIDA
PAULO A. de ALMEIDA, Esquire
16380 Ventura Boulevard,
Suite 360
Encino, California 91436
818.380.1900
paulo@paiplaw.com

ALSO PRESENT:

TASHA SPARKS

I N D E X

EXAMINATION INDEX

4	MATHEW RUBEN MATTZ	PAGE
5	BY MR. de ALMEIDA	5
6	BY MR. SWYERS	61
6	FURTHER BY MR. de ALMEIDA	67

EXHIBIT INDEX

9	APPLICANT'S	PAGE
10	1 Receipts Nos. 725951 and 725952 - 1 page	17
11	2 Receipts Nos. 725954 and 725953 - 1 page	29
12	3 Receipts Nos. 725956 and 725955 - 1 page	34
13	4 Picture of Native Nutrients products - 1 page	44
14	5 Advertisement of Native Nutrients 47 from the Daily Triplicate - 1 page	
15	6 Brochure from Native Nutrients - 1 page	49
16	7 Screen shot from GrowOrganic.com website - 1 page	50
17	8 Screen shot from Starlight Supply website - 1 page	52
18	9 Screen shot from Dazey's Supply website - 1 page	53
19	10 Business cards for Native Nutrients - 1 page	54

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

3 . . .

4 MT. EDEN ORGANICS, INC.,
5 Opposer,

6 vs.

Opposition No. 91208923
Serial No. 85/631,038
Mark: NATIVE NUTRIENTS

7 NATIVE NUTRIENTS,
8 Applicant.

_____ /

9
10
11 Be it remembered that pursuant to Notice and
12 on Tuesday, July 15, 2014, commencing at the hour of
13 10:00 a.m. at the office of KCW Court Reporters, 1080
14 Mason Mall, Suite 4A, Crescent City, California, before
15 me, Katherine J. Wayne, Certified Shorthand Reporter
16 No. 2854 for the State of California, personally
17 appeared

18 MATHEW RUBEN MATTZ,
19 called as a witness by the Applicant in the
20 above-entitled action, who, after having been duly
21 sworn to testify to the truth, the whole truth and
22 nothing but the truth, was examined in said cause.

1 CRESCENT CITY, CALIFORNIA - TUESDAY, JULY 15, 2014

2 10:00 A.M.

3 - - -

4

5 MATHEW RUBEN MATTZ,

6 being first duly sworn, testified as follows:

7

8 EXAMINATION

9 BY MR. de ALMEIDA:

10 Q. Okay. Good morning, Mr. Mattz. Can you state
11 your full name for the record, please.

12 A. Mathew Ruben Mattz.

13 Q. Okay. Can you spell that, please.

14 A. M-A-T-H-E-W R-U-B-E-N M-A-T-T-Z.

15 Q. Okay. Let's go over some quick instructions
16 here. This deposition is being conducted by telephone.
17 That means that body language can't be recorded and all
18 of your answers must be verbal.

19 Okay? Only one person can speak at a time.
20 If you don't understand a question, you can ask for the
21 question to be repeated or rephrased. Occasionally an
22 attorney will object to a question. If there is an
23 objection, do not answer the question unless I instruct
24 you to answer the question. Okay?

25 And anyone can take a break any time. The

1 only thing I ask is if you decide you want to take a
2 break, if there's a question pending, please answer the
3 question before you take a break. Okay?

4 A. All right.

5 Q. First I'm going to ask you a few questions
6 about your background. So please give me a brief
7 overview of your education history.

8 A. I've worked in organic fertilizer for eight
9 years for another company, when I decided to go on my
10 own or on our own and started a company.

11 Q. Okay. I'm going to back up a little bit. Did
12 you go to high school in -- in California?

13 A. Yeah. Graduated from high school in 2002,
14 about a 3.5 grade point average.

15 Q. Great. And after high school, did you have
16 any other formal education or did you go straight to
17 work in the organic fertilizer industry?

18 A. I worked in like recycling, like garbage,
19 transfer stations, stuff like that.

20 Q. So you went to work and you didn't obtain any
21 additional formal education after high school?

22 A. No.

23 Q. Okay. So how long have you worked in the
24 organic fertilizer industry?

25 A. About -- about nine years now.

1 Q. Okay. And what was your first job or position
2 in the organic fertilizer industry?

3 A. For the former company doing organic fish and
4 organic kelp fertilizer.

5 Q. Okay. Did -- did you have an employer for a
6 first job when you first started working in the organic
7 fertilizer industry?

8 A. Yes, I did. I worked for them. I was a plant
9 manager and I did production and all the -- production
10 and every -- all the manufacturing of all the smaller
11 stuff. The larger tankers and everything like that.

12 Q. Okay. And did you work for another company?

13 A. Yes. I worked for Eco-Nutrients in Crescent
14 City, California.

15 Q. Okay. And how long did you work for
16 Eco-Nutrients?

17 A. I worked there for seven years, about. Six
18 and a half, seven years, something like that.

19 Q. Okay. And what were your main duties when you
20 worked for Eco-Nutrients during those six or seven
21 years?

22 A. I was plant manager and head of like
23 production. Did all the bottling, all the labeling,
24 all the shipping of all the products.

25 Q. Okay. What types of products did that company

1 sell?

2 A. They did organic fish and they did organic
3 kelp fertilizer, liquids.

4 Q. Okay. Organic, did you say, pitch? Can you
5 spell that?

6 A. Organic fertilizers. Fish. F-I-S-H. Fish.

7 Q. Organic fish as in the animal, fish?

8 A. Yeah, like in the ocean fish. Yeah.

9 Q. Okay. And why did you stop working for that
10 company, Eco-Nutrients?

11 A. They -- they're like a brother company of
12 four -- four other companies. They always -- they
13 always treated us really, really bad and they started
14 going bankrupt and closing down parts of their company.

15 As that started happening, they take -- they
16 took insurances away, which I have a family and I
17 needed insurance. They started taking wages away, like
18 25, 30, 40 percent at a time.

19 And I -- it was just -- it got really, really
20 bad, where you needed to start looking into the future,
21 and after seven years of being somewhere or a long time
22 of being somewhere like that, you just got to figure
23 out what you're going to do.

24 Q. Okay. And did you work with Tasha Sparks at
25 that company?

1 A. Yes, I did.

2 Q. Okay. And did you have a coworker at that
3 company named Kirk Sparks?

4 A. Yes, I did. That was all of us at the -- the
5 whole back there where we were in our branch.

6 Q. Okay. So the three of you -- you, Tasha
7 Sparks and Kirk Sparks -- all worked together at
8 Eco-Nutrients?

9 A. Yes.

10 Q. Okay. And did you ever quit your job at
11 Native Nutrients -- I'm sorry. I'm sorry, rephrase.

12 Did you ever quit your job at Eco-Nutrients?

13 A. No, I didn't quit it. I became laid off.
14 They said there was no longer no need for production
15 because they were going to go out of business.

16 Q. Okay. So what did you do for work after you
17 left Eco-Nutrients?

18 A. I was already starting Native Nutrients, but
19 it really -- I live on the reservation, so I really
20 wasn't pushing it that hard.

21 Q. Okay. Do you remember approximately what year
22 you left Eco-Nutrients?

23 A. I believe it was -- I'm not positive. I just
24 had so much -- so many things going on, I can't
25 remember.

1 Q. Do you remember if it was in 2009 or 2010?

2 A. 2012, I believe. I think it was December
3 2012.

4 Q. So you testified that you started a business
5 called Native Nutrients. Did you start that business
6 together with Tasha Sparks and Kirk Sparks?

7 A. At that point, no.

8 Q. Okay. So when did you start this business
9 called Native Nutrients?

10 A. Mine, or when I first started calling it that
11 or -- I -- can you clarify what --

12 Q. Sure. Well, you testified that you started a
13 business called Native Nutrients. Is that correct?

14 A. Yeah. Well, it was starting on the
15 reservation, where I do not need a business license or
16 anything like that. So...

17 Q. Okay.

18 A. Yeah.

19 Q. So when did you select this name, Native
20 Nutrients, for your business?

21 A. It was around the end of 2009. About October.
22 Maybe the end of November of 2009.

23 Q. Okay. And in 2009, did you sell any products
24 using this name, Native Nutrients?

25 A. Yes, I did.

1 Q. Okay. What kinds of products did you sell
2 using the name Native Nutrients?

3 A. It was just a kelp --

4 MR. SWYERS: I'm going to put an objection on
5 the record from the discovery point that there's been
6 no evidence thus far produced in this case by the
7 applicant in regard to any sales in 2009.

8 Accordingly, my objection is simply that you
9 cannot now testify to this due to undue surprise and
10 not being produced in discovery.

11 So subject to that objection...

12 MR. de ALMEIDA: Okay.

13 Q. Mat, you can respond subject to that
14 objection.

15 A. So I don't understand the question that he's
16 asking or objecting to.

17 Q. I'll rephrase the question. Did you ever sell
18 any products using the name Native Nutrients in 2009?

19 A. Yeah. Yeah, I did.

20 Q. Okay. Do you have any documentation of those
21 sales?

22 A. No. At that point, no.

23 Q. Okay. Did you ever give away for free any
24 products called Native Nutrients?

25 A. Oh, yeah.

1 Q. Okay. During that year in 2009?

2 A. Yes.

3 Q. Okay. Do you have any records of giving away
4 those products in 2009?

5 A. No.

6 MR. SWYERS: I'll object. Sorry, just a
7 continuing objection on the entire line of questioning
8 on 2009 as not having been produced in discovery.

9 MR. de ALMEIDA: Okay. Mat, subject to that
10 objection, you can answer the question.

11 I'll rephrase the question.

12 THE WITNESS: Yeah.

13 BY MR. de ALMEIDA:

14 Q. Do you have any records of any of those
15 products that you gave away called Native Nutrients in
16 2009?

17 A. No, I don't. I -- at that point, I didn't
18 really do it because I didn't go into business with the
19 people I did later on that would actually pay attention
20 to that stuff.

21 Q. Okay. Thank you. All right. Now, at some
22 point, did Tasha Sparks and Kirk Sparks -- Sparks join
23 your business?

24 A. Yeah, they did.

25 Q. Okay. Did they become your partners?

1 A. Yes, they did.

2 Q. And when was that?

3 A. That was when we filled out the paper. It was
4 2010, but I don't remember exact dates, because --
5 2010.

6 Q. Okay. So did you form a partnership with
7 Tasha Sparks and Kirk Sparks sometime in 2010?

8 A. Yes, we did.

9 Q. Okay. And did that partnership have a name?

10 A. Yeah. At that point, it was Native Nutrients.

11 Q. So in 2010, you had a partnership with Tasha
12 Sparks and Kirk Sparks called Native Nutrients. Is
13 that correct?

14 A. Yes, I did.

15 Q. Okay. Now, in 2010, did you ever sell any
16 products called Native Nutrients products?

17 A. Yes, we did.

18 Q. Okay. And what was this product that your
19 partnership sold called Native Nutrients?

20 A. It's a liquid organic kelp fertilizer.

21 Q. Okay. So liquid organic kelp is a type of
22 fertilizer?

23 A. It can be either -- yes, yes.

24 Q. And what's the purpose of this product?

25 A. Make plants grow. It's a liquid. You can

1 spray it on, dump it on.

2 Q. And what kinds of people or businesses
3 purchased these products?

4 A. There's large -- large agricultural; they're
5 small, small stores, hydro stores, garden stores.

6 Q. Okay. And how did you come up with the name
7 Native Nutrients?

8 A. I'm a Yurok tribal member, which is a large
9 tribe in Northern California, and I was producing stuff
10 on the reservation and I was selling it to a lot of
11 growers that were on the reservation at that time too.

12 And I just kind of named it Native Nutrients.

13 Q. Does the word "Native" mean anything to you in
14 connection with this product?

15 A. Yes, it does.

16 Q. What does the word "Native" mean in Native
17 Nutrients?

18 A. That it's Native Nutrients, that it's -- you
19 know, the Indians taught the Pilgrims how to do it, you
20 know. Throw stuff in a hole. You've got seaweed in
21 there, fish in there, and make stuff grow.

22 Q. You mentioned the word "Native." Does that
23 have any reference or -- or connection with Native
24 Americans?

25 A. Yes. My tribe, the Yuroks, Native American

1 people.

2 Q. Okay. And "Nutrients" refers to plant
3 nutrients. Is that correct?

4 A. Yes.

5 Q. Okay. And when was the first time you
6 personally sold a product called Native Nutrients?

7 A. Me personally? Before the partnership was --
8 about mid 2009.

9 Q. Okay. Well, did --

10 MR. SWYERS: Again, a continuing objection on
11 the lack of production in discovery.

12 MR. de ALMEIDA: Right. That's fine.

13 Matthew, just for information, this is only
14 for background purposes, this testimony about the 2009
15 sales.

16 MR. SWYERS: For -- forgive me for jumping in.
17 This is Matthew Swyers. We have two Matts, Matthews,
18 at this phone deposition.

19 And were you referring to me that this is
20 background, or were you referring to the witness?

21 MR. de ALMEIDA: Matthew Swyers, do you --

22 MR. SWYERS: Thank you. Well, in a case where
23 we're dealing with priority of use and we haven't been
24 produced evidence back to 2009 and suddenly we're
25 talking about evidence used back in 2009, it's more

1 than background. It's actually probably the main point
2 in the entire deposition.

3 And so it's not just background. It is, you
4 know, the main contested issue. Thank you.

5 So once again, continuing objection on
6 anything discussed today prior to 2010 as the first
7 evidence of any actual use produced in discovery is
8 actually what I'm looking at in your exhibit you've
9 marked and we'll be talking about here in an exhibit,
10 December 16th, 2010.

11 That's as early as we received -- we received
12 anything in discovery. Please continue.

13 MR. de ALMEIDA: Okay. Thank you.

14 Q. Mathew Mattz, when was the first time you sold
15 a Native Nutrients product as a partner in your
16 partnership Native Nutrients?

17 A. 2010.

18 Q. Okay. Do you remember approximately when you
19 sold a Native Nutrients product in 2010?

20 A. When I personally, I did in 2010?

21 Q. Yes.

22 A. December 12th. No, December 16th, 2010.

23 So...

24 Q. Okay. And did you sell this product on behalf
25 of your partnership as a partner for your partnership?

1 A. Yes, I did.

2 Q. Okay. I'm going to direct the witness's
3 attention to Exhibit No. 1.

4 Mr. Mattz, if you can please hand Exhibit No.
5 1 to the court reporter so she can mark the exhibit,
6 then she'll place the exhibit in front of you and then
7 I'm going to ask you some questions about Exhibit 1.

8 (Applicant's Exhibit 1 was marked.)

9 THE REPORTER: All right, Counsel, he has it.

10 MR. de ALMEIDA: Thank you.

11 Q. Okay. Mr. Mattz, are you familiar with the
12 general business practices of your company, Native
13 Nutrients?

14 A. Yes, I am.

15 Q. And do you sell Native Nutrients products as a
16 maintain activity of your business?

17 A. Yes, I do.

18 Q. Okay. Are you familiar with the recordkeeping
19 practices of your company?

20 A. Yes, I am.

21 Q. Okay. Do you recognize this document in front
22 of you, Exhibit 1?

23 A. Yes, I do.

24 Q. Okay. And what is this document?

25 A. It's a handwritten receipt that represents

1 that we sold Native Nutrients.

2 Q. Okay. And the document in front of you,
3 are -- how many receipts are shown in that document?

4 A. There are two.

5 Q. Okay. And are these two invoices shown in
6 these documents, are these true and correct copies of
7 the receipts that you are claiming are receipts for
8 sales of Native Nutrients products?

9 A. Yes, they are.

10 Q. Okay. Do you see the words "Native Nutrients"
11 appearing on the top of the receipts on the left side
12 of Exhibit 1?

13 A. Yes, I do.

14 Q. And those words "Native Nutrients," what does
15 that refer to on this receipt?

16 A. That refers to our company.

17 Q. Okay. Does "Native Nutrients" refer to your
18 products, your Native Nutrients products?

19 A. It's the name of the company. The line names
20 are different, "the line" as in the product lines.

21 Q. Okay. So is the product line called Native
22 Nutrients?

23 A. No, the company is.

24 Q. Okay. Okay. What is the product line called
25 for the product that was sold as shown in this invoice?

1 A. The product name is Kelp Help.

2 Q. Okay. Was the product also called Native
3 Nutrients?

4 A. Yeah. It's Native Nutrients.

5 Q. Okay. So the words "Native Nutrients" at the
6 top of this invoice, does that refer to both the
7 company name and the products?

8 A. No. The company name is Native Nutrients.
9 The product is Kelp Help.

10 Q. Okay. Was the word -- were the words "Native
11 Nutrients" labeled on the product that you sold to
12 customers in 2010?

13 A. Yes, it was.

14 Q. Okay. So did the -- how were the products
15 sold? Were they sold in a container?

16 A. On what receipt are you referring to? Because
17 there's two of them in front of me.

18 Q. Let's step back. In general in 2010, did you
19 sell Native Nutrients products to consumers in
20 containers?

21 A. Yes, we did.

22 Q. Okay. What types of containers contain the
23 product Native Nutrients?

24 A. 55-gallon drums, five-gallon buckets, gallons,
25 quarts, two and a half gallons.

1 Q. Okay. And these -- these are -- did you
2 testify that these are drums containing the product?

3 A. Yeah. 55-gallon drums or barrels.

4 Q. Okay. And were these drums or barrels marked
5 "Native Nutrients"?

6 A. Yes, they were. Yes, they are.

7 Q. Okay. How were the drums marked "Native
8 Nutrients"?

9 A. It was handwritten on the side, probably about
10 one-, one-and-a-half-inch letters.

11 Q. Okay. So you handwrote the words "Native
12 Nutrients" on the drums or the barrels containing the
13 products that you sold in 2010?

14 A. Yes.

15 Q. Okay. And did you sell these products in
16 these drums labeled "Native Nutrients" to various
17 consumers in 2010?

18 A. Yes.

19 MR. SWYERS: I'm going to put again a
20 continuing objection. We have one receipt that's been
21 produced in discovery, and this was all asked for in
22 discovery and the only consumer that was produced was
23 Mr. Bob Adams in the 12-16-2010 receipt that we're
24 speaking about.

25 This is going beyond what was produced in

1 discovery.

2 MR. de ALMEIDA: Okay. Matthew, you're in
3 possession of all the other receipts, correct, not just
4 the Bob Adams receipt?

5 THE WITNESS: Yes.

6 MR. SWYERS: I -- I apologize. Which Matthew?
7 Because you went back to Matthew.

8 MR. de ALMEIDA: I'm sorry, Matthew Swyers.
9 Are you in possession of all the receipts, not just the
10 Bob Adams receipts?

11 MR. SWYERS: I'm in possession of what was
12 produced in discovery, and I'm simply saying nothing
13 was produced, I don't think, in discovery outside of --
14 in 2010 outside of the one receipt.

15 MR. de ALMEIDA: Okay.

16 MR. SWYERS: We can -- we can --

17 MR. de ALMEIDA: Can we go off the record for
18 a minute?

19 MR. SWYERS: Sure.

20 MR. de ALMEIDA: Can we go off the record for
21 a minute?

22 MR. SWYERS: Sure.

23 (Discussion was held off the record.)

24 BY MR. de ALMEIDA:

25 Q. Okay. Mr. Mattz, is -- is Bob Adams a

1 customer to whom you sold a Native Nutrients product in
2 2010?

3 A. Yes, he is.

4 Q. Okay. So you testified earlier that you sold
5 products in 2010 called Native Nutrients and that those
6 products were labeled "Native Nutrients" on the
7 container.

8 Is that correct?

9 A. Yes, I did.

10 Q. Okay. And did you sell a product called
11 Native Nutrients to Bob Adams on December 16th, 2010
12 that was labeled "Native Nutrients"?

13 A. Yes, I did.

14 Q. Okay. And was the product labeled in a way
15 that Bob Adams could see the label on the product?

16 A. Yes, it was.

17 Q. So was Bob Adams aware that the product was
18 called Native Nutrients when you provided the product
19 to him?

20 A. Yes, he was.

21 Q. Okay. And the word Mat, M-A-T, on this
22 receipt right under the word "Salesman," does that word
23 refer to you, Mathew Mattz?

24 A. Yes.

25 Q. How much product did you sell to Bob Adams on

1 December 16th, 2010?

2 A. It was 55 gallons.

3 Q. And that 55 gallons, is that the same 55
4 gallons that's listed here on this receipt?

5 A. Yes, it is.

6 Q. And did you receive any compensation for this
7 sale on December 16th, 2010?

8 A. Yes. I received \$400.

9 Q. And how did Bob Adams pay you this \$400 for
10 this product?

11 A. Cash.

12 Q. Okay. And did you personally create this
13 invoice with your handwriting?

14 A. No, I didn't.

15 Q. Okay. Who actually handwrote this receipt?

16 A. My wife did.

17 Q. Okay. What's your wife's name?

18 A. Sarah Mattz.

19 Q. Sarah Mattz, okay. And did you ask Sarah
20 Mattz to create this receipt?

21 A. Yes, I did.

22 Q. Okay. So you transmitted the information from
23 the sale to Bob Adams to your wife and she created the
24 receipt with her hand?

25 A. Yes.

1 Q. Okay. Were you physically present when she
2 created this receipt?

3 A. Yes, I was.

4 Q. Okay. And did she create this receipt on
5 December 16th, 2010 in your presence?

6 A. Yes, she did.

7 Q. At the time you created this receipt, was it a
8 regularly-conducted activity of your business to sell
9 Native Nutrients products?

10 A. Yes, it is.

11 Q. And did you normally create these types of
12 receipts as part of the regular course of your Native
13 Nutrients business in December of 2010?

14 A. Yes.

15 Q. Okay. Was this particularly -- particular
16 receipt created in the regular course of your Native
17 Nutrients business?

18 A. Yes, it was.

19 Q. Okay.

20 MR. SWYERS: I apologize for interrupting once
21 again. Can we go off for a brief moment?

22 MR. de ALMEIDA: Yes.

23 (Discussion was held off the record.)

24 MR. SWYERS: Matthew Swyers again on behalf of
25 the opposer.

1 A brief discussion was held off the record
2 and, you know, it appears we have agreed in that
3 Exhibits 1 through 14 that have been tendered or will
4 be tendered today or at least the opposer, I should
5 say, you know, stipulates that they can be admitted
6 without these routine questions of authenticity, et
7 cetera.

8 We believe they are all authentic, they were
9 produced in discovery, and they should not be burdened
10 with, you know, the routine questions.

11 I think that takes care of it, don't you?

12 MR. de ALMEIDA: Frankly, I'm not entirely
13 sure if that does it, but I'll keep those types of
14 questions to a minimum going forward and focus on the
15 substantive questions.

16 MR. SWYERS: We will not object on the grounds
17 of authenticity or anything, you know, of that nature.

18 To be candid, looking at these, I don't even
19 think there's an objection with regard to relevance or
20 otherwise. I think they're all admissible and they can
21 come in. You can just question the witness on them.
22 I'm sorry, back to you.

23 MR. de ALMEIDA: Okay, thank you.

24 Q. Okay, Mr. Mattz -- we're back on the record,
25 correct?

1 THE REPORTER: Yes.

2 BY MR. de ALMEIDA:

3 Q. Mr. Mattz, if you can turn your attention to
4 the invoice to the right on Exhibit 1, the invoice
5 states the word "Native Nutrients" at the top.

6 I'm sorry, withdrawn. I'll rephrase the
7 question.

8 The receipt states the words "Native
9 Nutrients" at the top. Is that correct?

10 A. Yes, it does.

11 Q. And Native Nutrients refers to your company?

12 A. Yes.

13 Q. Okay. And your product is also called Native
14 Nutrients. Is that correct?

15 A. Yes.

16 Q. Okay. And is this your business address,
17 Gasquet, California, Crescent City, California, 95531?

18 A. Yes.

19 Q. Okay. And is this your name appearing here,
20 M-A-T, Mat, under the word "Salesman"?

21 A. Yes.

22 Q. And is this one of your customers, Jesse R.?

23 A. Yes. It's Jesse Roach. Jesse R.

24 Q. Okay. Did Jesse R. contact you to make this
25 sale or did you contact Jesse R.?

1 A. Yeah.

2 Q. Which one?

3 A. Yeah. It's kind of back and forth, trying
4 to -- like a salesperson going back and forth with
5 somebody to get them to do it. So, yes.

6 Q. Did you speak over the phone or by e-mail?

7 A. Over the phone and in person.

8 Q. Okay. And how did you deliver -- well,
9 withdrawn. Let me rephrase the question.

10 Did you deliver any product called Native
11 Nutrients to Jesse R.?

12 A. Yes, I did.

13 Q. Okay. Was this by car?

14 A. Yes.

15 Q. Okay. So you dropped off the product to Jesse
16 R.?

17 A. Yes.

18 Q. And was that in a drum?

19 A. No. That was in a five-gallon bucket,
20 five-gallon pail.

21 Q. Okay. So you dropped off a five-gallon bucket
22 of your product --

23 A. Yes, I did.

24 Q. -- to Jesse R.?

25 A. Yes.

1 Q. Okay. And was the bucket labeled with the
2 words "Native Nutrients"?

3 A. Yes, it was.

4 Q. Okay. And you handwrote the label on the
5 bucket?

6 A. Yeah. Yes, I did.

7 Q. And your wife created this receipt?

8 A. Actually, no. This one, I -- I created.

9 Q. Okay. So you handwrote this receipt?

10 A. Yes, I did.

11 Q. Okay. And what -- what was the date of this
12 sale?

13 A. In February. Sometime in February.

14 Q. Okay. I know it's a little bit hard to read,
15 but do you think --

16 A. 12, December.

17 Q. -- it was on February 1st of 2011?

18 A. Yeah, could have been. Yes.

19 Q. Okay. Do you believe you created this receipt
20 at the time of the sale?

21 A. Yes, I did.

22 Q. Okay. Did you give Jesse R. a copy of this
23 receipt?

24 A. Yes, I did.

25 Q. Okay. Do you believe you gave -- created this

1 receipt and gave a copy to Jesse R. in -- in February
2 of 2011?

3 A. Yes.

4 Q. Okay. If I can direct the witness's attention
5 to Exhibit 2.

6 (Applicant's Exhibit 2 was marked.)

7 MR. de ALMEIDA: And, Mr. Mattz, if you can
8 hand a copy of Exhibit 2 to This the court reporter so
9 she can mark it and hand it back to you, I'd appreciate
10 that.

11 THE WITNESS: All right.

12 BY MR. de ALMEIDA:

13 Q. What is this document?

14 A. This is a receipt that we fill out when we
15 sell Native Nutrients.

16 Q. Okay. And are there two receipts in this
17 document?

18 A. Yes, there is.

19 Q. Okay. Now, the receipt on the left, I believe
20 it's a little bit hard to read, but this is a receipt
21 for a sale of Native Nutrients products?

22 A. Yes, it is.

23 Q. Do you have any idea who the buyer was in the
24 transaction represented by this receipt?

25 A. I've met her before. She's an acquaintance.

1 Q. What is her name?

2 A. Kimberly Webb.

3 Q. Okay. So Kimberly Webb is one of your
4 customers?

5 A. Yes.

6 Q. Okay. Do you remember the date of this sale
7 represented by this receipt?

8 A. February sometime of 2010.

9 Q. Are you sure that's 2010?

10 A. Or 2011.

11 Q. Sorry?

12 A. 2011.

13 Q. Thank you. And do you remember if you
14 received any compensation for this sale?

15 A. Yes, I did.

16 Q. Do you by any chance remember how much you
17 received for the sale of this product?

18 A. I believe it was like almost \$90.

19 Q. Okay. And what was this product that you sold
20 to Kimberly Webb?

21 A. It was a box of quarts or case of quarts.
22 Quart bottles.

23 Q. I'm sorry, a case of what?

24 A. A case -- one case of 12-quart bottles of
25 Native Nutrients.

1 Q. Thank you. So the bottle contains the liquid
2 fertilizer?

3 A. Yes, it did.

4 Q. Okay. And were the bottles labeled "Native
5 Nutrients"?

6 A. Yes, they were.

7 Q. Okay. And did Kimberly Webb see the label on
8 the bottle bearing the words "Native Nutrients"?

9 A. Yes, she did.

10 Q. Okay. Were all of the bottles labeled?

11 A. Yes. All the bottles and including the box.

12 Q. So the box was labeled and then separately
13 each bottle was labeled "Native Nutrients"?

14 A. Yes.

15 Q. Okay. And did you create this invoice?

16 A. No, I believe my wife created this one also.

17 Q. Okay. Were you present when your wife created
18 this receipt?

19 A. Yes, I was.

20 Q. Okay. Did you ask her to create this receipt?

21 A. Yes, I did.

22 Q. Okay. And was this receipt created on the
23 date of the sale of the Native Nutrients product to
24 Ms. Webb?

25 A. Yes, it was.

1 Q. Okay. And so you transmitted the information
2 to be put into the receipt to your wife and she had
3 wrote the receipt. Is that correct?

4 A. Yes.

5 Q. Okay. Thank you.

6 And is this -- this is a true and correct copy
7 of the receipt of the sale to Ms. Webb?

8 A. Yes, it is.

9 Q. If you could please turn your attention to the
10 receipt on the right side of Exhibit 2.

11 What is this portion of the document?

12 A. It is a handwritten receipt that shows that we
13 sold Native Nutrients.

14 Q. Okay. And this date on the receipt, February
15 27th, 2011, what does that date represent?

16 A. The date that I sold Native Nutrients.

17 Q. Okay. So you sold a product called Native
18 Nutrients to the person, Jeremy Belt --

19 A. Yes, I did.

20 Q. -- in this invoice?

21 A. Yes.

22 Q. Mr. Mattz, if you could kindly wait until I
23 finish the question before you answer your question,
24 that would help us have a cleaner record.

25 Okay. So the customer listed in this receipt,

1 Jeremy Belt, is -- is that a person who purchased one
2 of your Native Nutrients products?

3 A. Yes, it is.

4 Q. And Jeremy Belt purchased the product on
5 February 27th, 2011?

6 A. Yes, he did.

7 Q. Okay. How much product did Jeremy Belt
8 purchase on that date?

9 A. Five-gallon bucket. Five-gallon pail.

10 Q. Okay. Is that why the words "Five gal" are
11 written here?

12 A. Yes.

13 Q. And did you receive compensation for this
14 sale?

15 A. Yes, I did.

16 Q. About how much did you receive?

17 A. I received \$45.

18 Q. And how were you paid?

19 A. Cash.

20 Q. Okay. And was the five-gallon container
21 labeled with the words "Native Nutrients"?

22 A. Yes, it was.

23 Q. Okay. And was it labeled "Native Nutrients"
24 in a way that Jeremy Belt could see the label "Native
25 Nutrients"?

1 A. Yes, it was.

2 Q. Okay. Do you believe Jeremy Belt was aware
3 that your product was called Native Nutrients?

4 A. Yes, he was.

5 Q. Okay. And is this a true and correct copy
6 of -- of the actual receipt?

7 A. Yes, it is.

8 Q. And did you create this receipt by hand?

9 A. Yes, I did.

10 Q. Did you create this receipt or did your wife
11 create this receipt?

12 A. No, I did this one.

13 Q. So you -- okay, thank you. If I can direct
14 the witness's attention to Exhibit 3.

15 And, Mr. Mattz, if you can please provide
16 Exhibit 3 to the court reporter so she can mark the
17 exhibit and return it to you, I'd appreciate that.

18 (Applicant's Exhibit 3 was marked.)

19 BY MR. de ALMEIDA:

20 Q. Mr. Mattz, do you recognize this document?

21 A. Yes, I do. This is --

22 Q. Okay.

23 A. Go ahead.

24 Q. What is this document?

25 A. This is a receipt showing that I sold Native

1 Nutrients.

2 Q. Okay. Is this two receipts?

3 A. Yes, it is.

4 Q. Okay. So the receipt on the left side, can
5 you read the words out loud that appear at the top next
6 to the word "Name"?

7 A. Native Nutrients.

8 Q. Okay. And did you -- strike that.

9 Is there a person named Ken here listed as the
10 buyer?

11 A. Yes.

12 Q. Okay. Do you remember Ken's full name?

13 A. No, I don't.

14 Q. Okay. Did a person named Ken purchase the
15 Native Nutrients product from you on March 21st, 2011?

16 A. Yes, he did.

17 Q. Okay. Did you contact Ken or did he contact
18 you?

19 A. He contacted me.

20 Q. By telephone or by e-mail?

21 A. By telephone.

22 Q. Okay. Did you negotiate a sale of Native
23 Nutrients products with him over the telephone?

24 A. Yes, I did.

25 Q. Okay. And did you agree on a sale price?

1 A. Yes.

2 Q. Okay. And did you deliver a Native Nutrients
3 product to Ken on March 21st, 2011?

4 A. Yes, I did.

5 Q. Okay. And was the product that you delivered
6 labeled "Native Nutrients"?

7 A. Yes, it was.

8 Q. Okay. How was the product labeled "Native
9 Nutrients"?

10 A. It was written on the outside of the bottle.

11 Q. Okay. Could Ken see the Native Nutrients
12 label written on the outside of the bottle?

13 A. Yes, he can.

14 Q. Okay. And was the bottle a one-gallon
15 container?

16 A. Yes, it was.

17 Q. Is that why the word "One gallon" is listed on
18 this invoice?

19 A. Yes, it is.

20 Q. I'm going to rephrase the question. Is that
21 why the words "One gal" are listed on this receipt?

22 A. Yes, it is.

23 Q. Okay. And the number 11 to the right side of
24 the receipt, does that represent the sale price?

25 A. Yes, it does.

1 Q. Okay. Did you handwrite this receipt?

2 A. Yes, I did.

3 Q. With your own hand?

4 A. Yes.

5 Q. Okay. And is this a true and correct copy of
6 the actual receipt that you created by hand?

7 A. Yes, it is.

8 Q. And did you create that receipt on March 21st,
9 2011?

10 A. Yes, I did.

11 Q. Okay. And if Mr. Mattz can turn his attention
12 to the receipt on the right side of the document.
13 It -- is this a receipt for a sale of your Native
14 Nutrients products?

15 A. Yes, it is.

16 Q. Okay. Who is the -- the buyer or the customer
17 listed in this receipt?

18 A. Larry Childs.

19 Q. Okay. So did Larry Childs purchase a Native
20 Nutrients product from you on March 26th, 2011?

21 A. Yes, he did.

22 Q. Okay. Was that March 26th or March 20th? I
23 can't tell.

24 A. It was March 20th.

25 Q. So to clarify, did Larry Childs purchase a

1 Native Nutrients products from you on March 20th, 2011?

2 A. Yes, he did.

3 Q. Is that why the number March 20th, 2011 is
4 listed here on this invoice?

5 A. Yes.

6 Q. Okay. And the product that you sold to
7 Mr. Larry Childs on March 20th, 2011, was that product
8 labeled "Native Nutrients"?

9 A. Yes, it was.

10 Q. Okay. And how much product did you sell to
11 Larry Childs on March 20th, 2011?

12 A. It was one five-gallon bucket.

13 Q. Okay. And was the product -- was the bucket
14 labeled in a way that Larry Childs could see the Native
15 Nutrients mark?

16 A. Yes, it was.

17 Q. And did you receive compensation for this
18 sale?

19 A. Yes, I did.

20 Q. Okay. How much did you receive in
21 compensation for this sale?

22 A. \$50.55.

23 Q. Okay. And the words at the top of this
24 receipt, "Native Nutrients," do those words refer to
25 your company?

1 A. Yes, it does.

2 Q. And your product is also called Native
3 Nutrients?

4 A. Yes, it is.

5 Q. Okay. I'd like to briefly return to Exhibit
6 1, Mr. Mattz, if you can turn to Exhibit 1. That's the
7 receipt listing Bob Adams.

8 A. All right.

9 Q. Okay. Did you contact Bob Adams to make this
10 sale on December 16th, 2010, or did he contact you?

11 A. I contacted him.

12 Q. Okay. By telephone or by e-mail?

13 A. Telephone.

14 Q. Okay. So you called him, and did you
15 negotiate a sale over the phone?

16 A. Yes.

17 Q. Okay. And did you agree on the sale price,
18 the \$400, as shown in the receipt?

19 A. Yes.

20 Q. Okay. And did you deliver the Native
21 Nutrients product to Bob Adams?

22 A. Yes, I did.

23 Q. Okay. Did you -- did you meet him somewhere?

24 A. Yes.

25 Q. Where?

1 A. I met him in Arcata, the mill site.

2 Q. I'm sorry. Can you say that again?

3 A. I met him in Arcata at like a vacant mill
4 site.

5 Q. Did you say mill site?

6 A. Yeah. Like wood mill.

7 Q. Okay. And you met him at the wood mill and
8 you delivered the Native Nutrients product there?

9 A. Yes, I did.

10 Q. Okay. And did Bob Adams see the Native
11 Nutrients label on the product when you handed him the
12 product?

13 A. Yes, he did.

14 Q. Okay. So was Bob Adams aware that your
15 product was called Native Nutrients?

16 A. Yes, he was. Yes, he was.

17 Q. Thank you.

18 MR. SWYERS: I'm sorry, while we're in a pause
19 here, I'll just put an objection on the record on the
20 grounds of hearsay for the testimony of what other
21 persons who are not witnesses to this case saw and may
22 have known.

23 But again, kindly continue questioning.

24 MR. de ALMEIDA: Sure.

25 Q. Mr. Mattz, did the words "Native Nutrients"

1 appear on the product in a way that could be easily
2 seen?

3 A. Yes.

4 Q. Do you believe that Mr. Bob Adams saw the
5 Native Nutrients label on the product?

6 A. Yes, he did.

7 Q. Why do you believe that?

8 A. Because he was kind of joking about it,
9 because I'm native, and just the name of it. He
10 thought it was kind of funny. So we were sitting there
11 joking about it.

12 Q. So Mr. Bob Adams actually commented on the
13 words "Native Nutrients" printed on the product?

14 A. Yes. Yeah. Yes, he did.

15 Q. I'm sorry. Let me rephrase that question.

16 So Mr. Bob Adams commented on the words
17 "Native Nutrients" as written on the product packaging?

18 A. Yes, he did.

19 Q. Okay. And by commenting on the words "Native
20 Nutrients" on the product packaging, do you believe
21 that that was an acknowledgment by him that the product
22 was called Native Nutrients?

23 A. Yes, I do.

24 Q. Did other customers to whom you sold Native
25 Nutrients products comment on the words "Native

1 Nutrients"?

2 A. Yes.

3 Q. Did you receive positive or negative comments
4 on that name?

5 A. Just positive.

6 Q. Okay.

7 A. Positive.

8 Q. Thank you. And this sale on December 16th,
9 2010 to Bob Adams, was this your first sale personally
10 of a customer to Native Nutrients products?

11 A. As in the partnership, yes.

12 Q. So you personally did not sell a Native
13 Nutrients product to any customer prior to December
14 16th, 2010, and provide a receipt for that sale?

15 A. I -- can you repeat the question or rephrase
16 it? What -- what was it?

17 Q. Withdrawn. Withdrawn. I'll withdraw the
18 question.

19 Did you make other sales of Native Nutrients
20 products in December of 2010?

21 A. No.

22 Q. Okay. So your only sale of Native Nutrients
23 products to a customer in December of 2010 was to Bob
24 Adams. Is that correct?

25 A. Yes, it was.

1 Q. Okay. And did you make subsequent sales of
2 Native Nutrients products to customers after December
3 16th, 2010?

4 A. Yes, I did.

5 Q. Okay. But not in 2010. Correct?

6 A. No.

7 Q. Did you go on to sell Native Nutrients
8 products to customers in 2011?

9 A. Yes.

10 Q. And did you continue to sell Native Nutrients
11 products into 2012?

12 A. Yes.

13 Q. And 2013?

14 A. Yes.

15 Q. And 2014?

16 A. Yes.

17 Q. Okay.

18 A. Can we have a break?

19 MR. de ALMEIDA: Yes, yes. Let's take a
20 break.

21 MR. SWYERS: That's -- okay. You guys want --
22 I'm sorry, are we off the record?

23 THE REPORTER: Yes.

24 (Recess taken.)

25 /////

1 BY MR. de ALMEIDA:

2 Q. Let's go ahead and go back on the record.

3 Mr. Mattz, turning back to Exhibit 1, the left
4 side invoice -- sorry, receipt to Bob Adams, you
5 mentioned that Bob Adams joked about the words "Native
6 Nutrients" appearing on the product.

7 Why do you think he joked about the words
8 "Native Nutrients" appearing on the product?

9 A. Because I'm a Native American, but I'm really,
10 really light in color, and it's just kind of a joke.

11 Q. Okay. So to be clear, he saw the Native
12 Nutrients mark on the product and then joked about your
13 Native American heritage. Is that correct?

14 A. Yes, he did.

15 Q. Okay, thank you. Okay, I'm going to direct
16 the witness's attention to Exhibit 4, and, Mr. Mattz,
17 if you could kindly provide Exhibit 4 to the court
18 reporter so she can label the exhibit and return it to
19 you so I can ask you some questions.

20 (Applicant's Exhibit 4 was marked.)

21 BY MR. de ALMEIDA:

22 Q. Mr. Mattz, at some point in time, did you
23 start printing labels for Native Nutrients and applying
24 them to your products?

25 A. Yes, we did.

1 Q. Okay. And approximately when was that?

2 A. I can't recall.

3 Q. Was it in 2010?

4 A. No.

5 Q. Okay. Was it in 2011?

6 A. Yes, I believe so.

7 Q. Okay. If you can look at the document in
8 front of you, Exhibit 1, what is this document?

9 A. This is a product picture, and it's all the
10 bottles that we sell. All the size -- different sizes
11 of Native Nutrients that we sell.

12 Q. Okay. Who created this picture?

13 MR. SWYERS: If I may, forgive me, Counselor.
14 I think you said Exhibit 1 and maybe --

15 MR. de ALMEIDA: I'm so sorry.

16 MR. SWYERS: It's Exhibit 4, right?

17 MR. de ALMEIDA: Yes.

18 MR. SWYERS: That's fine.

19 MR. de ALMEIDA: I want to make the record
20 clear that this is Exhibit 4, not Exhibit 1. Is that
21 correct, Exhibit 4?

22 THE REPORTER: Yes. I'm sorry, Counselor. I
23 should have caught that.

24 BY MR. de ALMEIDA:

25 Q. Mr. Mattz, who created the picture you see

1 here in Exhibit 4?

2 A. I'm not sure who created that one.

3 Q. So you didn't personally create it?

4 A. No.

5 Q. Okay. But does the picture here show your
6 Native Nutrients products as they appeared in 2011 with
7 this label?

8 A. Yes.

9 Q. And to be clear, this label that you see in
10 this picture, does that -- is that an accurate
11 representation of the label that you attached to your
12 Native Nutrients products sometime in 2011?

13 A. Yes, it is.

14 Q. Okay. Did you have help designing that label?

15 A. Yes, I did.

16 Q. And did you approve the design for that label?

17 A. Yes, I did.

18 Q. Okay. Did you actually create that design for
19 that label?

20 A. I helped in it.

21 Q. Sorry?

22 A. I helped.

23 Q. Oh, you helped. Thank you.

24 A. Yes.

25 Q. Okay. And in 2011, did you sell products

1 called Native Nutrients bearing the label as shown in
2 this picture?

3 A. Yes, we did.

4 Q. But prior to creating this label, did you
5 label your products, Native Nutrients, in some other
6 way?

7 A. Yes, we did.

8 Q. Okay. You testified earlier that that was by
9 hand. Is that correct?

10 A. Yes, we did. We wrote it on the side by hand
11 with a Sharpie.

12 Q. Thank you. If I can direct the witness's
13 attention to Exhibit 5, and, Mr. Mattz, if you can
14 please provide Exhibit 5 to the court reporter so she
15 can mark it as Exhibit 5 and then return it to you for
16 questioning.

17 (Applicant's Exhibit 5 was marked.)

18 BY MR. de ALMEIDA:

19 Q. Mr. Mattz, do you recognize this document?

20 A. Yes, I do.

21 Q. What is this document?

22 A. This is a picture of an ad of Native Nutrients
23 in the newspaper.

24 Q. What newspaper is this, do you know?

25 A. The Daily TriPLICATE.

1 Q. Okay. And in what geographic areas does the
2 Daily Triplicate circulate?

3 A. Del Norte County.

4 Q. Okay. And who created this advertisement?

5 A. I'm not sure who designed it or anything like
6 that.

7 Q. Okay. So you did not personally design it?

8 A. No, I didn't.

9 Q. Okay. Did you approve the advertisement?

10 A. Yes, I did.

11 Q. And do you remember approximately when this
12 advertisement circulated in the Triplicate?

13 A. No, I don't.

14 Q. Do you know if it was in 2010?

15 A. No.

16 Q. Okay. Was it in 2011?

17 A. I can't recall the date.

18 Q. Okay. Do you think it might have been in
19 2012?

20 A. Yes, it could have been.

21 Q. Okay. And the picture of the product in this
22 advertisement to the left, showing a bottle and the
23 words "Native Nutrients" on the bottle, is that what
24 your product looked like in 2011?

25 A. In 2011?

1 Q. Yes.

2 A. Yes, it is.

3 Q. Okay. Is this what your product looked like
4 in 2010?

5 A. No.

6 Q. Okay. And if I can direct the witness's
7 attention to Exhibit 6. Mr. Mattz, please kindly
8 provide Exhibit 6 to the court reporter and she can
9 label it and return it to you for questioning.

10 (Applicant's Exhibit 6 was marked.)

11 BY MR. de ALMEIDA:

12 Q. Mr. Mattz, what is this document?

13 A. This document is a -- a brochure or feeding
14 chart for Native Nutrients.

15 Q. So is this an excerpt from a brochure for
16 Native Nutrients?

17 A. Yes, it is.

18 Q. Okay. Did you create the brochure that
19 features this excerpt?

20 A. No, I didn't.

21 Q. But you had a brochure for Native Nutrients
22 products in -- withdrawn. Strike that, let me withdraw
23 that. I'll rephrase.

24 When did you create a brochure for Native
25 Nutrients products?

1 A. I'm not positive when it was.

2 Q. Do you believe you had a brochure in 2010?

3 A. No, we did not.

4 Q. Okay. Do you believe you had a brochure in
5 2011?

6 A. No, we didn't.

7 Q. Okay, what about in 2012?

8 A. No.

9 Q. In 2013?

10 A. Yes.

11 Q. Thank you. If I could direct the witness's
12 attention to Exhibit 7 and, Mr. Mattz, if you could
13 kindly provide the document to the court reporter and
14 she can mark it into evidence.

15 (Applicant's Exhibit 7 was marked.)

16 BY MR. de ALMEIDA:

17 Q. Mr. Mattz, do you recognize this document?

18 A. Yes, I do.

19 Q. What is this document?

20 A. Looks like a screen shot from my website that
21 sells Native Nutrients.

22 Q. What's the name of the website?

23 A. It's called GrowOrganic.

24 Q. Okay. Did you take this screen shot from the
25 Internet?

1 A. No, I didn't.

2 Q. Okay. To the best of your knowledge, did you
3 ever sell any Native Nutrients products through a
4 website called GrowOrganic.com?

5 A. Yes.

6 Q. Approximately when did you sell Native
7 Nutrients products on the website called
8 GrowOrganic.com?

9 A. I'm not sure when it was.

10 Q. Was it in 2010?

11 A. No.

12 Q. What about 2011?

13 A. No.

14 Q. 2012?

15 A. Yes.

16 Q. Did any consumers actually purchase any Native
17 Nutrients products from GrowOrganic.com?

18 A. Can you rephrase that?

19 Q. Did any consumers ever purchase your Native
20 Nutrients products from GrowOrganic.com?

21 A. I would expect they did. They've been repeat
22 customers for the last couple of years now.

23 Q. Okay, thank you. Let's turn to Exhibit No. 8,
24 and, Mr. Mattz, if you could kindly provide Exhibit 8
25 to the court reporter so she can mark it as Exhibit 8.

1 (Applicant's Exhibit 8 was marked.)

2 BY MR. de ALMEIDA:

3 Q. Mr. Mattz, do you recognize this document?

4 A. Yes, I do.

5 Q. Okay. What is this document?

6 A. It's a -- like a screen shot from Sunlight
7 Supply, which is a -- a huge wholesaler for garden
8 stuff.

9 Q. Did Native Nutrients, your partnership, ever
10 sell Native Nutrients products through Sunlight Supply?

11 A. Yes, we have.

12 Q. Do you remember when you first started selling
13 through Sunlight Supply?

14 A. I can't recall the -- the date.

15 Q. Okay. Do you know if it was in 2010?

16 A. No, it wasn't.

17 Q. What about 2011?

18 A. No, it wasn't.

19 Q. 2012?

20 A. Yes.

21 Q. Okay. And the products that are shown here in
22 this photo in the center of the exhibit, is that a
23 representation of the products that you sold in 2012?

24 A. Yes, it is.

25 Q. Okay. I'd like to direct the witness's

1 attention to Exhibit No. 9, and, Mr. Mattz, please
2 kindly provide the Exhibit 9 to the court reporter for
3 marking.

4 (Applicant's Exhibit 9 was marked.)

5 BY MR. de ALMEIDA:

6 Q. Mr. Mattz, what is this document?

7 A. It's a screen shot from a website.

8 Q. Okay. You see the words at the top that says
9 "Dazey's Supply"?

10 A. Yes, I do.

11 Q. What is Dazey's Supply?

12 A. Dazey's Supply is a garden store in
13 Garberville, California, or Redway. Same area.

14 Q. Thank you. Did your company, Native
15 Nutrients, ever sell Native Nutrients products through
16 Dazey's Supply?

17 A. Yes, we do.

18 Q. You do currently?

19 A. Yes, we do.

20 Q. Okay. Did you sell Native Nutrients products
21 through Dazey's Supply in 2010?

22 A. No.

23 Q. 2011?

24 A. No.

25 Q. 2012?

1 A. Yes.

2 Q. In 2013?

3 A. Yes.

4 Q. Okay. And the product labels here that say
5 "Native Nutrients Kelp Help," is that what your
6 products looked like in 2012?

7 A. Yes.

8 Q. But not in 2010. Correct?

9 A. Yes.

10 Q. Okay. If I can direct the witness's attention
11 to Exhibit 10. Mr. Mattz, please provide Exhibit 10 to
12 the court reporter for marking.

13 (Applicant's Exhibit 10 was marked.)

14 BY MR. de ALMEIDA:

15 Q. Mr. Mattz, what is this document?

16 A. Looks like the -- it's the business cards of
17 me and my partners of Native Nutrients.

18 Q. Okay. So these are business cards showing
19 Tasha Sparks, Kirk Sparks, Mat Mattz and your contact
20 information at -- and those are the members of the
21 partnership. Is that correct?

22 A. Yes.

23 Q. Okay, thank you. Did you ever advertise
24 Native Nutrients products?

25 A. I don't understand the question.

1 Q. Okay. Did you ever distribute any advertising
2 for Native Nutrients products? For example, print
3 advertising or -- or did you ever advertise on the
4 radio or the Internet or anything like that?

5 A. Yes.

6 Q. Okay. What was your first type of
7 advertising?

8 A. The first type was more than likely the
9 business cards.

10 Q. Okay. And when did you distribute business
11 cards?

12 A. When? Like in dates or when like in shows?

13 Q. In what year did you start distributing
14 business cards showing the words "Native Nutrients"?

15 A. I can't recall the date.

16 Q. Was it in 2010?

17 A. No.

18 Q. 2011?

19 A. Yes.

20 Q. Thank you. Did any of the members of your
21 partnership ever attend trade shows to promote Native
22 Nutrients products?

23 A. Yes.

24 Q. Do you remember the first trade show you
25 attended?

1 A. That I personally attended?

2 Q. I'll rephrase the question.

3 What was the first trade show you attended
4 where you promoted your Native Nutrients products?

5 A. I'm not sure.

6 Q. Okay. Did you attend a trade show in 2010 to
7 promote your Native Nutrients products?

8 A. No. I -- no.

9 Q. What about 2011?

10 A. No.

11 Q. What about 2012?

12 A. Yes.

13 Q. Okay. And do you have a website?

14 A. Do I have a website in the name of Native
15 Nutrients, the company?

16 Q. Yes. That's correct.

17 A. Yes, yes.

18 Q. Okay. And when did your partnership first put
19 up its Native Nutrients website?

20 A. I'm not sure.

21 Q. Okay. Was it in 2010?

22 A. No.

23 Q. Was it later than 2010?

24 A. Yes, it was.

25 Q. Okay. Are you aware that your trademark

1 application for Native Nutrients has been opposed?

2 A. Yes.

3 Q. Okay. Have you ever heard of the opposer,
4 Mt. Eden Organics?

5 A. Yes.

6 Q. Okay. When was the first time you learned of
7 the existence of the opposer, Native -- I'm sorry,
8 withdraw. Let me rephrase the question.

9 When was the first time you learned of the
10 existence of the opposer, Mt. Eden Organics?

11 A. I believe it was like 2012.

12 Q. So the first time you heard of the opposer was
13 in 2012, and you did not have any knowledge of the
14 existence of the opposer before 2012?

15 A. I -- I believe so. I can't remember dates
16 that good.

17 Q. Okay. Did -- did you have any knowledge of
18 the existence of the opposer in 2011?

19 A. No, I didn't.

20 Q. What about in 2010?

21 A. No.

22 Q. Okay. Have you ever met Lee McPherson?

23 A. No, I haven't.

24 Q. Do you know who that is?

25 A. Now I do.

1 Q. Because of this opposition?

2 A. Yes.

3 Q. Okay. Have you ever heard of the opposer's
4 alleged product called Native Nutrients?

5 A. I've never heard of it. Only because of this.

6 Q. So to be clear, did you learn about the
7 opposer's alleged Native Nutrients products because the
8 opposer filed this opposition?

9 A. Yes.

10 Q. Did you have any knowledge of the opposer's
11 alleged Native Nutrients products before the opposition
12 was filed?

13 A. No, I didn't.

14 Q. Okay. Have you ever seen the opposer's Native
15 Nutrients products ever?

16 A. No, I haven't.

17 Q. Never, not even during this opposition?

18 A. No. I still haven't.

19 Q. Okay. So you never saw the opposer's
20 Native -- alleged Native Nutrients products in 2011?

21 A. No, I never have.

22 Q. And you never saw the opposer's alleged Native
23 Nutrients products in 2010?

24 A. No, I never have.

25 Q. Do you regard the opposer as a competitor in

1 your industry?

2 A. No, I don't.

3 Q. Why is that?

4 A. Nobody's ever heard of them. Everybody -- ask
5 them if they know Native Nutrients, and they refer to
6 us.

7 MR. SWYERS: Objection. Hearsay as to what
8 others say outside of this deposition.

9 THE WITNESS: You can --

10 BY MR. de ALMEIDA:

11 Q. Okay. Has anybody ever approached you and
12 indicated that they believed that your company was
13 associated with the opposer?

14 A. Yes. One person.

15 Q. Okay. Sorry?

16 A. Yes, one person.

17 Q. Okay. Well, when that person approached you,
18 did it -- is that when you became aware of the opposer?

19 A. No.

20 Q. Okay, when did you become aware of the
21 opposer?

22 A. As this started. That was after the whole
23 trial thing started.

24 Q. Oh, I see. Thank you.

25 Did you ever see any of the opposer's alleged

1 Native Nutrients products anywhere in 2010?

2 A. No.

3 Q. What about in 2009?

4 A. No.

5 Q. What about in 2008?

6 A. No.

7 Q. Had anybody ever mentioned the opposer's
8 Native Nutrients product to you before the beginning of
9 this opposition?

10 A. No.

11 Q. Did you ever see the opposer or its alleged
12 Native Nutrients product at any trade shows before the
13 beginning of this opposition?

14 A. No.

15 Q. Okay. And prior to selecting Native Nutrients
16 as your company's trademark, did you conduct a
17 trademark search?

18 A. What was -- can you repeat the question or
19 reframe it?

20 Q. You know, I'll withdraw the question. I'll
21 rephrase the question.

22 Did you -- before choosing the -- the name
23 Native Nutrients for your company and your products,
24 did you check or look around in any way to see if
25 anybody else was using Native Nutrients for the name of

1 a similar product?

2 A. Tasha did that, I believe.

3 Q. Okay. Thank you. And so to clarify, you
4 personally made one sale of Native Nutrients products
5 on December 16th, 2010. Is that correct?

6 A. Yes, I did.

7 Q. And that sale was on behalf of your
8 partnership, Native Nutrients?

9 A. Yes, it was.

10 MR. de ALMEIDA: No further questions.

11

12 EXAMINATION

13 BY MR. SWYERS:

14 Q. Mr. Mattz, this is Matthew Swyers, and I
15 represent Native -- I did it myself -- Mt. Eden
16 Organics in this matter. Forgive me on that one.

17 A few minutes ago, your counsel asked a
18 question had anyone ever approached you thinking, I
19 believe, that you were my client, or was there any
20 confusion about the products.

21 Do you recall him asking you a question to
22 that effect?

23 A. Yes, I do.

24 Q. Tell us that situation, please.

25 A. When I first became aware of it or can -- can

1 you be -- what do you mean?

2 MR. de ALMEIDA: Objection, it just -- that
3 calls for a narrative. If -- if counsel can just
4 rephrase the question to be a little bit more specific.

5 MR. SWYERS: Of course.

6 Q. Your counsel asked effectively had there been
7 any confusion between your and my client's products.
8 You started to ask -- excuse me, answer you had been
9 approached by someone.

10 I'm merely trying to determine what you had in
11 essence -- well, what had transpired. So if you could
12 tell us, please do so.

13 A. It was one person, and he came up and said it
14 was his friend's name of his company and we didn't
15 deserve it.

16 Q. Do you remember when that was?

17 A. I can't recall when it was.

18 Q. Do you remember where it was?

19 A. It was at a -- just like at a store that
20 everybody was at.

21 Q. Were you selling your products at that store?

22 A. I was representing them, standing around.

23 Q. You testified earlier that you and Mr. and
24 Ms. Sparks you believe became partners in 2010.

25 Do you recall that testimony?

1 A. Yes.

2 Q. Okay. During discovery of this matter, your
3 counsel provided us with what is called a statement of
4 partnership authority from the state of California.

5 Do you recall ever filing a statement of
6 partnership authority with the State of California?

7 A. I -- I couldn't hear that.

8 Q. I'll repeat it.

9 Do you recall filing a statement of
10 partnership authority with the State of California?

11 A. Yes. Kirk did.

12 Q. Okay. Do you recall what date that was?

13 A. I'm not on exact dates. I can't remember, if
14 I didn't do it.

15 Q. And I know we are a distance apart. I will
16 represent to you we have been provided with a document
17 that states that it was filed February 14th, 2011 in
18 the Office of the Secretary of State.

19 Does that do anything to refresh your
20 recollection?

21 A. No.

22 Q. Okay. Allow me to ask some further questions
23 on this.

24 Your testimony that you formed the partnership
25 with Mr. and Ms. Sparks in 2010, do you recall when --

1 at the time you formed the partnership, did you file
2 that statement of partnership authority with the State
3 of California?

4 A. No.

5 (Interruption in the proceedings.)

6 BY MR. SWYERS:

7 Q. Do you recall if you filed the statement of
8 partnership authority after you all became partners, or
9 was it around the same time?

10 A. I -- I guess.

11 Q. Do you recall like how long it was after you
12 had some meeting to become partners you filed the
13 partnership or statement of partnership authority?

14 A. I don't recall if we had meetings before.

15 Q. Okay. Did there come a time that you formed a
16 second entity with this same name?

17 A. There's only one Native Nutrients.

18 Q. Did there come a time that you formed a
19 limited liability company for Native Nutrients, LLC?

20 A. Yeah. Yes.

21 Q. Okay. Why did you form that entity?

22 A. I was making Native Nutrients before and Kirk
23 and Tasha wanted to come on board, and that's when the
24 document and sales and everything happened.

25 Q. I'm just checking my notes. One second,

1 please.

2 Is the partnership still in existence today,
3 or has it transferred to the LLC?

4 A. I don't take care of any of that part of the
5 company.

6 MR. de ALMEIDA: I -- I'm going to object to
7 that. It's vague and ambiguous as to "transferred."

8 You can answer the question.

9 MR. SWYERS: I'll rephrase. I'll rephrase.

10 MR. de ALMEIDA: Okay.

11 BY MR. SWYERS:

12 Q. Does the partnership still exist today?

13 A. No.

14 Q. Okay. When did the partnership cease to
15 exist?

16 A. I -- I don't understand what you're getting
17 at. I mean --

18 Q. Okay. You just testified that the partnership
19 doesn't exist. Is that correct?

20 A. Yes.

21 Q. Okay. And currently, there is an LLC named
22 Native Nutrients, LLC. Is that correct?

23 A. Yes.

24 Q. So is the -- so did there come a time that
25 the -- the entity, shall we say, went from being a

1 partnership to the LLC?

2 MR. de ALMEIDA: Objection, vague and
3 ambiguous as to "went to."

4 MR. SWYERS: And again, I'll continue to
5 rephrase. I'm just simply trying to ask, you know,
6 what happened to the partnership. We know it stopped.

7 Q. And now are you transacting business under the
8 LLC, I guess would be my question.

9 A. Yes.

10 Q. Okay. And so do you recall when the
11 partnership -- you all stopped being a partnership?

12 A. No.

13 Q. But currently, Native Nutrients's business is
14 done under the -- is transacted under the LLC. Is that
15 correct?

16 A. Yes.

17 MR. de ALMEIDA: I'm going to object to this
18 entire line of questioning as irrelevant to the issues
19 in this opposition.

20 MR. SWYERS: Once again, I'm just going to
21 check my notes.

22 Q. Are you familiar with an entity known as the
23 Board of Equalization for the State of California?

24 A. Yes, I guess.

25 Q. Do you know what they do?

1 A. No.

2 Q. If I told you that they administer sales tax
3 in the State of California, would that help refresh
4 your recollection as to what they do?

5 A. No.

6 MR. SWYERS: Fair enough. One moment. Let me
7 just check my notes again. I believe I'm done.

8 I have nothing further for the witness at this
9 time.

10 MR. de ALMEIDA: This is Paul de Almeida,
11 counsel for applicant. I'd like to ask a few follow-up
12 questions.

13

14 FURTHER EXAMINATION

15 BY MR. de ALMEIDA:

16 Q. Mr. Mattz --

17 A. Yes.

18 Q. -- do you remember approximately when you
19 formed Native Nutrients, LLC?

20 A. No, I don't.

21 Q. Do you know if that was in 2012?

22 A. I'm not positive when it was. I don't recall.

23 Q. Before you formed Native Nutrients, LLC, were
24 you operating as a partnership with the Sparkses?

25 A. Yes.

1 Q. Okay. So were you operating as a partnership
2 called Native Nutrients up until the day you formed the
3 Native Nutrients, LLC?

4 A. Yes.

5 Q. And Native Nutrients, LLC, does that entity
6 sell the exact name Native Nutrients products labeled
7 "Native Nutrients" to the same types of consumers?

8 A. Yes.

9 Q. Was there any change in the nature or quality
10 of the products after you formed the LLC, or were the
11 products basically the same?

12 A. No, they're the same.

13 Q. Did you make any changes to the products after
14 you formed Native Nutrients, LLC?

15 A. No.

16 Q. Okay. Who are the managers of Native
17 Nutrients, LLC?

18 A. All of us.

19 Q. When you say "all of us," do you mean you,
20 Tasha Sparks and Kirk Sparks?

21 A. Yes.

22 Q. So the managing members of Native Nutrients,
23 LLC are the exact same people as the people who
24 operated the partnership; namely, you, Tasha Sparks and
25 Kirk Sparks. Is that correct?

1 A. Yes.

2 Q. Are there any other managing members of the
3 LLC that I haven't mentioned?

4 A. No.

5 Q. So when your company formed the LLC, you had
6 the same managers and the same Native Nutrients
7 products and you went on and carried on your business
8 in the exact same way, except you had created an LLC.
9 Is that correct?

10 A. Yes.

11 Q. Thank you.

12 MR. de ALMEIDA: And this entire line of
13 questioning, we're -- I'm asking these questions under
14 objection to this entire line of questioning as
15 irrelevant to the issue of priority of use in this
16 opposition, in light of the confusion.

17 MR. SWYERS: But you felt you should redirect
18 him on it anyways. Okay.

19 MR. de ALMEIDA: Subject to a relevance
20 objection.

21 MR. SWYERS: Fair enough.

22 MR. de ALMEIDA: Okay. Any further questions
23 from Mr. Swyers?

24 MR. SWYERS: Forgive me. Are you done for
25 right now? Back to me?

1 MR. de ALMEIDA: One second. Let me just
2 check my notes.

3 MR. SWYERS: Of course.

4 MR. de ALMEIDA: I have a few more questions.

5 Q. When you were operating as a partnership with
6 Tasha Sparks and Kirk Sparks, did you all have
7 managerial duties as part of the company?

8 A. Yes.

9 Q. So did all three of you manage the affairs of
10 the company together?

11 A. What -- yeah. Yes.

12 Q. Okay. So did all of you together make
13 decisions about how the products should be sold and
14 labeled?

15 A. Yes.

16 Q. And did you divide profits when you sold
17 Native Nutrients products when you were a partnership?

18 A. No.

19 Q. You -- you didn't -- did you share profits?

20 A. Yes.

21 Q. Okay. Did one person keep all the profits or
22 did all of you --

23 A. No.

24 Q. -- each of you receive some of the profits?

25 A. The -- no.

1 Q. Okay. Did -- did each of you receive
2 compensation from sales of Native Nutrients products?

3 A. Yes.

4 Q. Okay. So did -- did the three of you divide
5 profits in some way?

6 A. Yes.

7 Q. Okay. Thank you. And would the three of you
8 share losses? For example, if something went wrong,
9 the three of you were all responsible for any losses?

10 A. Yes.

11 Q. Okay. So you shared profits, you all shared
12 managerial duties, and you would all share losses. Is
13 that correct?

14 A. Yes.

15 Q. Okay. Now, were you -- the three of you a
16 partnership before you filed any official documents
17 with the State of California stating that you were a
18 partnership?

19 A. Yes.

20 Q. And were you a partnership in 2010?

21 A. Yes.

22 Q. Even before you filed any partnership
23 documents with the State of California?

24 A. Yes.

25 Q. So you all shared managerial duties and shared

1 profits and shared losses, if any, in 2010?

2 A. Yes.

3 Q. So even before you filed any documents with
4 the State, the three of you regarded yourselves as a
5 partnership in 2010. Is that correct?

6 A. Yes.

7 Q. And you were a partnership until you formed
8 the Native Nutrients LLC in 2012. Is that correct?

9 A. Yes.

10 MR. de ALMEIDA: No further questions.

11 MR. SWYERS: I have no further questions
12 either. We're done.

13 (Discussion off record.)

14 MR. de ALMEIDA: I'd like to ask a few more
15 follow-up questions. Just a few follow-up questions.

16 Q. Mr. Mattz, when -- when you formed the LLC,
17 Native Nutrients, LLC, was it your intention that the
18 LLC would take over the Native Nutrients business that
19 was carried on by the Native Nutrients partnership?

20 A. I don't understand the question.

21 Q. Okay. When -- when you created the Native
22 Nutrients, LLC, limited liability company, was it your
23 intention to just continue the business that you had
24 previously been operating under the partnership?

25 A. Yes.

1 Q. So by forming the LLC, your intention --
2 withdrawn. Let me rephrase the question.

3 By forming the LLC, was it your intention to
4 simply continue on with your Native Nutrients business,
5 except that instead of under a partnership, you would
6 continue under the LLC?

7 A. Yes.

8 Q. So your intent was for the LLC to maintain
9 trademark rights in Native Nutrients. Is that correct?

10 A. Yes.

11 Q. So by forming Native Nutrients, LLC, you never
12 intended to abandon any trademark rights in Native
13 Nutrients, did you?

14 A. No.

15 Q. Okay. So you testified earlier that no
16 changes in the business, no changes in personnel, no
17 changes in the quality of the products. Is it fair to
18 say that the business simply continued on from the
19 partnership to the Native Nutrients, LLC?

20 A. Yes.

21 Q. Okay. And what was your business address
22 while your partnership was doing business using Native
23 Nutrients?

24 A. Native Nutrients.

25 Q. Sorry, let me ask the question again.

1 What was your business address when you were
2 operating the Native Nutrients partnership?

3 A. As in physical address, address?

4 Q. Yes.

5 A. Is the same as it's been. The P.O. box number
6 on the top of all the receipts for Native Nutrients.

7 Q. The P.O. box number?

8 A. Yeah.

9 Q. Okay. Did you have a physical address where
10 you were doing business?

11 A. Yes.

12 Q. Okay. And do you still do business there
13 today?

14 A. Yes.

15 Q. Okay. So even though you formed a Native
16 Nutrients, LLC, limited liability company, you're still
17 continuing to do business from the same address?

18 A. Yes.

19 Q. Okay. And what is that address?

20 A. The P.O. box number or the -- I don't know any
21 of the streets. I just go there.

22 Q. Okay.

23 A. Where that's at.

24 Q. Okay. Is it fair to say that Native
25 Nutrients, LLC took over the Native Nutrients business

1 previously carried on by the partnership?

2 A. Yes.

3 Q. And Native Nutrients, LLC continued the
4 business carried on by the partnership using Native
5 Nutrients, LLC as the name of the product. Correct?

6 A. Name of the company, yes.

7 Q. But the product was also labeled "Native
8 Nutrients" --

9 A. Yes.

10 Q. -- while you were a partnership. Correct?

11 A. Yes.

12 Q. And the product that you sell that's the
13 fertilizer product is still labeled "Native Nutrients,"
14 correct?

15 A. Yes.

16 Q. Okay. So you testified that you created the
17 Native Nutrients, LLC to carry on the business
18 previously carried on by the partnership.

19 Did you intend to transfer trademark rights to
20 the LLC from the partnership when you created the LLC?

21 A. Yes.

22 Q. Okay. And would customers who purchased your
23 Native Nutrients products regard your LLC to be -- let
24 me withdraw that question.

25 Would -- would there be any difference in

1 customer perception between the Native Nutrients
2 products sold by the partnership and the products sold
3 by the LLC today?

4 A. No. There shouldn't be.

5 Q. So they're all Native Nutrients products?

6 A. Yeah. Yes.

7 Q. So the only change in -- is that you created
8 an LLC and transferred rights in the trademark to your
9 LLC and continued to operate your Native Nutrients
10 business under the LLC.

11 Is that correct?

12 A. Yes.

13 Q. So do you regard Native Nutrients, LLC as
14 essentially the same company as the partnership?

15 A. Yes.

16 Q. And is it the case that it was merely just a
17 change in the structure of the company from a
18 partnership to an LLC?

19 A. Yes.

20 Q. Okay. Do you have any of the same customers
21 as the Native Nutrients, LLC that you had while you
22 were a partnership?

23 A. Yes.

24 Q. So some of your customers carried over while
25 you were operating as the LLC?

1 A. All of them did.

2 Q. All of your previous customers that you had
3 while you were operating as a partnership continued to
4 purchase Native Nutrients products from you when your
5 company was an LLC?

6 A. Yes.

7 Q. Did any of those customers notice any change
8 in your business when you created an LLC?

9 A. No.

10 Q. No one came to you and said that they noticed
11 a change when you changed over to an LLC?

12 A. No.

13 Q. So is it -- do you believe the LLC acquired
14 trademark rights from your previous partnership?

15 A. Well, yes.

16 Q. And is that because you intended the LLC to
17 carry on the same business as the partnership and sell
18 the same products to the same consumers?

19 A. Yes.

20 MR. de ALMEIDA: No further questions.

21 MR. SWYERS: I have nothing.

22 (The deposition was concluded at 11:48 a.m.)

23 * * * * *

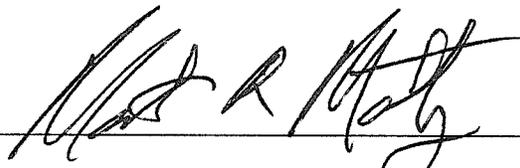
24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, MATHEW RUBEN MATTZ, hereby declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

DATED: This 1 day of Aug.,
2014, at Crescent city, California.
(City) (State)



MATHEW RUBEN MATTZ

CERTIFICATE OF REPORTER

I, KATHERINE J. WAYNE, Certified Shorthand Reporter No. 2854, do hereby certify that the witness in the foregoing deposition, MATHEW RUBEN MATTZ, was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That the deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting by computer under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

In witness whereof, I have hereunto set my hand this day: July 21, 2014.



KATHERINE J. WAYNE

CSR LIC. NO. 2854



July 22, 2014

Mathew Mattz
c/o Native Nutrients
PO Box 44
Gasquet, CA 95543

Re: Mt. Eden Organics v. Native Nutrients

Dear Mr. Mattz,

Enclosed please find a condensed copy of the transcript taken on July 15, 2014 in the above entitled matter. You will have 30 days from the receipt of this letter to review your transcript. After reviewing your transcript, if you have any changes, you will need to put them on the errata sheet included. If there are any changes you must sign the errata sheet or the changes will be void. The condensed transcript is yours to keep.

After this is completed, please send the errata sheet to KCW Court Reporters, 1018 Second Street, Eureka, CA 95501. If you have any questions, feel free to call KCW Court Reporters at 707-443-7067.

Thank You for your cooperation in this matter.

Sincerely,

KCW Court Reporters

Enclosures

A	agree 35:25 39:17 abandon 73:12 above-entitled 4:20 accurate 46:10 acknowledgment 41:21 acquaintance 29:25 acquired 77:13 action 4:20 activity 17:16, 24:8 actual 16:7 34:6, 37:6 ad 47:22 Adams 20:23 21:4, 21:10 21:25, 22:11 22:15, 22:17 22:25, 23:9 23:23, 39:7 39:9, 39:21 40:10, 40:14 41:4, 41:12 41:16, 42:9 42:24, 44:4 44:5 additional 6:21 additions 78:5 address 26:16 73:21, 74:1 74:3, 74:3 74:9, 74:17 74:19 administer 67:2 admissible 25:20 admitted 25:5 advertise 54:23, 55:3 advertisement 3:16, 48:4 48:9, 48:12 48:22 advertising 55:1, 55:3 55:7 affairs 70:9 ago 61:17	anyways 69:18 apart 63:15 apologize 21:6, 24:20 APPEAL 1:2 4:2 appear 35:5 41:1 appeared 4:17 46:6 appearing 18:11, 26:19 44:6, 44:8 appears 25:2 applicant 1:8 2:9, 4:8 4:19, 11:7 67:11 Applicant's 3:9, 17:8 29:6, 34:18 44:20, 47:17 49:10, 50:15 52:1, 53:4 54:13 application 57:1 applying 44:23 appreciate 29:9, 34:17 approached 59:11, 59:17 61:18, 62:9 approve 46:16 48:9 approximately 9:21, 16:18 45:1, 48:11 51:6, 67:18 Arcata 40:1 40:3 area 53:13 areas 48:1 asked 20:21 61:17, 62:6 asking 11:16 61:21, 69:13 associated 59:13 attached 46:11 attend 55:21 56:6 attended 55:25, 56:1	56:3 attention 12:19, 17:3 26:3, 29:4 32:9, 34:14 37:11, 44:16 47:13, 49:7 50:12, 53:1 54:10 attorney 5:22 79:14 authentic 25:8 authenticity 25:6, 25:17 authority 63:4, 63:6 63:10, 64:2 64:8, 64:13 Avenue 2:5 average 6:14 aware 22:17 34:2, 40:14 56:25, 59:18 59:20, 61:25	29:19, 30:18 31:16, 34:2 41:4, 41:7 41:20, 45:6 50:2, 50:4 57:11, 57:15 61:2, 61:19 62:24, 67:7 77:13 believed 59:12 Belt 32:18 33:1, 33:4 33:7, 33:24 34:2 best 51:2 beyond 20:25 bit 6:11 28:14, 29:20 62:4 board 1:2 4:2, 64:23 66:23 Bob 20:23 21:4, 21:10 21:25, 22:11 22:15, 22:17 22:25, 23:9 23:23, 39:7 39:9, 39:21 40:10, 40:14 41:4, 41:12 41:16, 42:9 42:23, 44:4 44:5 body 5:17 bottle 31:1 31:8, 31:13 36:10, 36:12 36:14, 48:22 48:23 bottles 30:22 30:24, 31:4 31:10, 31:11 45:10 bottling 7:23 Boulevard 2:12 box 30:21 31:11, 31:12 74:5, 74:7 74:20 branch 9:5 break 5:25 6:2, 6:3 43:18, 43:20
			B	
			back 6:11 9:5, 15:24 15:25, 19:18 21:7, 25:22 25:24, 27:3 27:4, 29:9 44:2, 44:3 69:25 background 6:6, 15:14 15:20, 16:1 16:3 bad 8:13 8:20 bankrupt 8:14 barrels 20:3 20:4, 20:12 basically 68:11 bearing 31:8 47:1 beginning 60:8, 60:13 behalf 16:24 24:24, 61:7 believe 9:23 10:2, 25:8 28:19, 28:25	

<p>brief 6:6 24:21, 25:1 briefly 39:5 brochure 3:17 49:13, 49:15 49:18, 49:21 49:24, 50:2 50:4 brother 8:11 bucket 27:19 27:21, 28:1 28:5, 33:9 38:12, 38:13 buckets 19:24 burdened 25:9 business 3:23 9:15, 10:4 10:5, 10:8 10:13, 10:15 10:20, 12:18 12:23, 17:12 17:16, 24:8 24:13, 24:17 26:16, 54:16 54:18, 55:9 55:10, 55:14 66:7, 66:13 69:7, 72:18 72:23, 73:4 73:16, 73:18 73:21, 73:22 74:1, 74:10 74:12, 74:17 74:25, 75:4 75:17, 76:10 77:8, 77:17 businesses 14:2 buyer 29:23 35:10, 37:16</p>	<p>12:15, 13:12 13:16, 13:19 15:6, 18:21 18:24, 19:2 22:5, 22:10 22:18, 26:13 27:10, 32:17 34:3, 39:2 39:14, 40:15 41:22, 47:1 50:23, 51:4 51:7, 58:4 63:3, 68:2 calling 10:10 calls 62:3 candid 25:18 car 27:13 cards 3:23 54:16, 54:18 55:9, 55:11 55:14 care 25:11 65:4 carried 69:7 72:19, 75:1 75:4, 75:18 76:24 carry 75:17 77:17 case 11:6 15:22, 30:21 30:23, 30:24 30:24, 40:21 76:16 Cash 23:11 33:19 caught 45:23 cause 4:22 79:7, 79:16 cease 65:14 center 52:22 CERTIFICATE 79:1 Certified 4:15, 79:3 certify 79:4 79:13 cetera 25:7 chance 30:16 change 68:9 76:7, 76:17 77:7, 77:11 changed 77:11 changes 68:13 73:16, 73:16 73:17</p>	<p>chart 49:14 check 60:24 66:21, 67:7 70:2 checking 64:25 Childs 37:18 37:19, 37:25 38:7, 38:11 38:14 choosing 60:22 circulate 48:2 circulated 48:12 City 4:14 5:1, 7:14 26:17, 78:11 claiming 18:7 clarify 10:11 37:25, 61:3 cleaner 32:24 clear 44:11 45:20, 46:9 58:6 client 61:19 client's 62:7 closing 8:14 color 44:10 come 14:6 25:21, 64:15 64:18, 64:23 65:24 commencing 4:12 comment 41:25 commented 41:12, 41:16 commenting 41:19 comments 42:3 companies 8:12 company 2:5 6:9, 6:10 7:3, 7:12 7:25, 8:10 8:11, 8:14 8:25, 9:3 17:12, 17:19 18:16, 18:19 18:23, 19:7 19:8, 26:11 38:25, 53:14 56:15, 59:12</p>	<p>60:23, 62:14 64:19, 65:5 69:5, 70:7 70:10, 72:22 74:16, 75:6 76:14, 76:17 77:5 company's 60:16 compensation 23:6, 30:14 33:13, 38:17 38:21, 71:2 competitor 58:25 computer 79:12 concluded 77:22 conduct 60:16 conducted 5:16 confusion 61:20, 62:7 69:16 connection 14:14, 14:23 consumer 20:22 consumers 19:19, 20:17 51:16, 51:19 68:7, 77:18 contact 26:24 26:25, 35:17 35:17, 39:9 39:10, 54:19 contacted 35:19, 39:11 contain 19:22 contained 78:8 container 19:15, 22:7 33:20, 36:15 containers 19:20, 19:22 containing 20:2, 20:12 contains 31:1 contested 16:4 continue 16:12, 40:23 43:10, 66:4 72:23, 73:4</p>	<p>73:6 continued 73:18, 75:3 76:9, 77:3 continuing 12:7, 15:10 16:5, 20:20 74:17 copies 18:6 copy 28:22 29:1, 29:8 32:6, 34:5 37:5 correct 10:13 13:13, 15:3 18:6, 21:3 22:8, 25:25 26:9, 26:14 32:3, 32:6 34:5, 37:5 42:24, 43:5 44:13, 45:21 47:9, 54:8 54:21, 56:16 61:5, 65:19 65:22, 66:15 68:25, 69:9 71:13, 72:5 72:8, 73:9 75:5, 75:10 75:14, 76:11 78:7 corrections 78:5 counsel 17:9 61:17, 62:3 62:6, 63:3 67:11, 79:13 Counselor 45:13, 45:22 County 48:3 couple 51:22 course 24:12 24:16, 62:5 70:3 court 4:13 17:5, 29:8 34:16, 44:17 47:14, 49:8 50:13, 51:25 53:2, 54:12 coworker 9:2 create 23:12 23:20, 24:4 24:11, 31:15 31:20, 34:8</p>
C				
<p>California 2:13, 4:14 4:16, 5:1 6:12, 7:14 14:9, 26:17 26:17, 53:13 63:4, 63:6 63:10, 64:3 66:23, 67:3 71:17, 71:23 called 4:19 10:5, 10:9 10:13, 11:24</p>				

34:10, 34:11 37:8, 46:3 46:18, 49:18 49:24 created 23:23 24:2, 24:7 24:16, 28:7 28:8, 28:19 28:25, 31:16 31:17, 31:22 37:6, 45:12 45:25, 46:2 48:4, 69:8 72:21, 75:16 75:20, 76:7 77:8 creating 47:4 Crescent 4:14 5:1, 7:13 26:17 CSR 1:20 79:24 currently 53:18, 65:21 66:13 customer 22:1 32:25, 37:16 42:10, 42:13 42:23, 76:1 customers 19:12, 26:22 30:4, 41:24 43:2, 43:8 51:22, 75:22 76:20, 76:24 77:2, 77:7	53:21 de 2:11, 3:5 3:6, 5:9 11:12, 12:9 12:13, 15:12 15:21, 16:13 17:10, 21:2 21:8, 21:15 21:17, 21:20 21:24, 24:22 25:12, 25:23 26:2, 29:7 29:12, 34:19 40:24, 43:19 44:1, 44:21 45:15, 45:17 45:19, 45:24 47:18, 49:11 50:16, 52:2 53:5, 54:14 59:10, 61:10 62:2, 65:6 65:10, 66:2 66:17, 67:10 67:10, 67:15 69:12, 69:19 69:22, 70:1 70:4, 72:10 72:14, 77:20 dealing 15:23 December 10:2 16:10, 16:22 16:22, 22:11 23:1, 23:7 24:5, 24:13 28:16, 39:10 42:8, 42:13 42:20, 42:23 43:2, 61:5 decide 6:1 decided 6:9 decisions 70:13 declare 78:3 Del 48:3 deletions 78:6 deliver 27:8 27:10, 36:2 39:20 delivered 36:5, 40:8 deposition 1:13, 5:16 15:18, 16:2 59:8, 77:22	79:5, 79:8 79:15 deserve 62:15 design 46:16 46:18, 48:7 designed 48:5 designing 46:14 desirous 78:6 determine 62:10 difference 75:25 different 18:20, 45:10 direct 17:2 29:4, 34:13 44:15, 47:12 49:6, 50:11 52:25, 54:10 direction 79:12 discovery 11:5, 11:10 12:8, 15:11 16:7, 16:12 20:21, 20:22 21:1, 21:12 21:13, 25:9 63:2 discussed 16:6 discussion 21:23, 24:23 25:1, 72:13 disinterested 79:9 distance 63:15 distribute 55:1, 55:10 distributing 55:13 divide 70:16 71:4 document 17:21, 17:24 18:2, 18:3 29:13, 29:17 32:11, 34:20 34:24, 37:12 45:7, 45:8 47:19, 47:21 49:12, 49:13 50:13, 50:17 50:19, 52:3	52:5, 53:6 54:15, 63:16 64:24 documentation 11:20 documents 18:6, 71:16 71:23, 72:3 doing 7:3 73:22, 74:10 dropped 27:15 27:21 drum 27:18 drums 19:24 20:2, 20:3 20:4, 20:7 20:12, 20:16 due 11:9 duly 4:20 5:6, 79:6 dump 14:1 duties 7:19 70:7, 71:12 71:25	25:12 entity 64:16 64:21, 65:25 66:22, 68:5 Equalization 66:23 Esquire 2:4 2:11 essence 62:11 essentially 76:14 et 25:6 event 79:15 everybody 59:4, 62:20 evidence 11:6 15:24, 15:25 16:7, 50:14 exact 13:4 63:13, 68:6 68:23, 69:8 EXAMINATION 3:3, 5:8 61:12, 67:14 examined 4:22 example 55:2 71:8 excerpt 49:15 49:19 excuse 62:8 exhibit 3:8 16:8, 16:9 17:3, 17:4 17:5, 17:6 17:7, 17:8 17:22, 18:12 26:4, 29:5 29:6, 29:8 32:10, 34:14 34:16, 34:17 34:18, 39:5 39:6, 44:3 44:16, 44:17 44:18, 44:20 45:8, 45:14 45:16, 45:20 45:20, 45:21 46:1, 47:13 47:14, 47:15 47:17, 49:7 49:8, 49:10 50:12, 50:15 51:23, 51:24 51:25, 52:1 52:22, 53:1 53:2, 53:4
D		E		
Daily 3:16 47:25, 48:2 date 28:11 30:6, 31:23 32:14, 32:15 32:16, 33:8 48:17, 52:14 55:15, 63:12 DATED 78:9 dates 13:4 55:12, 57:15 63:13 day 68:2 78:9, 79:19 Dazey's 3:22 53:9, 53:11 53:12, 53:16				

54:11, 54:11 54:13 Exhibits 25:3 exist 65:12 65:15, 65:19 existence 57:7, 57:10 57:14, 57:18 65:2 expect 51:21	7:6, 7:6 10:10, 15:5 16:6, 16:14 42:9, 52:12 55:6, 55:8 55:24, 56:3 56:18, 57:6 57:9, 57:12 61:25, 79:6 fish 7:3, 8:2 8:6, 8:6 8:7, 8:7 8:8, 14:21 Five 33:10 five-gallon 19:24, 27:19 27:20, 27:21 33:9, 33:9 33:20, 38:12 focus 25:14 follow-up 67:11, 72:15 72:15 follows 5:6 foregoing 78:4, 78:7 79:5 forgive 15:16 45:13, 61:16 69:24 form 13:6 64:21 formal 6:16 6:21 formed 63:24 64:1, 64:15 64:18, 67:19 67:23, 68:2 68:10, 68:14 69:5, 72:7 72:16, 74:15 former 7:3 forming 73:1 73:3, 73:11 forth 27:3 27:4 forward 25:14 four 8:12 8:12 Frankly 25:12 free 11:23 friend's 62:14 front 17:6 17:21, 18:2 19:17, 45:8	full 5:11 35:12 funny 41:10 further 3:6 61:10, 63:22 67:8, 67:14 69:22, 72:10 72:11, 77:20 79:13 future 8:20	grounds 25:16 40:20 grow 13:25 14:21 growers 14:11 GrowOrganic 50:23 GrowOrganic... 3:19, 51:4 51:8, 51:17 51:20 guess 64:10 66:8, 66:24 guys 43:21	46:22, 46:23 hereunto 79:18 heritage 44:13 high 6:12 6:13, 6:15 6:21 history 6:7 hole 14:20 hour 4:12 huge 52:7 hydro 14:5
F		G	H	I
F-I-S-H 8:6 fair 67:6 69:21, 73:17 74:24 familiar 17:11, 17:18 66:22 family 8:16 far 11:6 features 49:19 February 28:13, 28:13 28:17, 29:1 30:8, 32:14 33:5, 63:17 feeding 49:13 felt 69:17 fertilizer 6:8, 6:17 6:24, 7:2 7:4, 7:7 8:3, 13:20 13:22, 31:2 75:13 fertilizers 8:6 figure 8:22 file 64:1 filed 58:8 58:12, 63:17 64:7, 64:12 71:16, 71:22 72:3 filing 63:5 63:9 fill 29:14 filled 13:3 fine 15:12 45:18 finish 32:23 first 5:6 6:5, 7:1	gal 33:10 36:21 gallon 36:17 gallons 19:24 19:25, 23:2 23:3, 23:4 garbage 6:18 Garberville 53:13 garden 14:5 52:7, 53:12 Gasquet 26:17 general 17:12 19:18 geographic 48:1 getting 65:16 give 6:6 11:23, 28:22 giving 12:3 go 5:15, 6:9 6:12, 6:16 9:15, 12:18 21:17, 21:20 24:21, 34:23 43:7, 44:2 44:2, 74:21 going 6:5 6:11, 8:14 8:23, 9:15 9:24, 11:4 17:2, 17:7 20:19, 20:25 25:14, 27:4 36:20, 44:15 65:6, 66:17 66:20 good 5:10 57:16 grade 6:14 Graduated 6:13 Great 6:15	half 7:18 19:25 hand 17:4 23:24, 29:8 29:9, 34:8 37:3, 37:6 47:9, 47:10 79:19 handed 40:11 handwrite 37:1 handwriting 23:13 handwritten 17:25, 20:9 32:12 handwrote 20:11, 23:15 28:4, 28:9 happened 64:24, 66:6 happening 8:15 hard 9:20 28:14, 29:20 head 7:22 hear 63:7 heard 57:3 57:12, 58:3 58:5, 59:4 hearsay 40:20 59:7 held 21:23 24:23, 25:1 help 19:1 19:9, 32:24 46:14, 54:5 67:3 helped 46:20	idea 29:23 including 31:11 INDEX 3:3 3:8 Indians 14:19 indicated 59:12 industry 6:17 6:24, 7:2 7:7, 59:1 information 15:13, 23:22 32:1, 54:20 instruct 5:23 instructions 5:15 insurance 8:17 insurances 8:16 intend 75:19 intended 73:12, 77:16 intent 73:8 intention 72:17, 72:23 73:1, 73:3 interested 79:15 Internet 50:25, 55:4 interrupting 24:20 Interruption 64:5 invoice 18:25 19:6, 23:13 26:4, 26:4 31:15, 32:20	

36:18, 38:4 44:4 invoices 18:5 irrelevant 66:18, 69:15 issue 16:4 69:15 issues 66:18	kindly 32:22 40:23, 44:17 49:7, 50:13 51:24, 53:2 kinds 11:1 14:2 Kirk 9:3, 9:7 10:6, 12:22 13:7, 13:12 54:19, 63:11 64:22, 68:20 68:25, 70:6 know 14:19 14:20, 16:4 25:2, 25:5 25:10, 25:17 28:14, 47:24 48:14, 52:15 57:24, 59:5 60:20, 63:15 66:5, 66:6 66:25, 67:21 74:20 knowledge 51:2, 57:13 57:17, 58:10 known 40:22 66:22	laid 9:13 language 5:17 large 14:4 14:4, 14:8 larger 7:11 Larry 37:18 37:19, 37:25 38:7, 38:11 38:14 learn 58:6 learned 57:6 57:9 Lee 57:22 left 9:17 9:22, 18:11 29:19, 35:4 44:3, 48:22 letters 20:10 liability 64:19, 72:22 74:16 LIC 79:24 license 10:15 light 44:10 69:16 limited 64:19 72:22, 74:16 line 12:7 18:19, 18:20 18:21, 18:24 66:18, 69:12 69:14 lines 18:20 liquid 13:20 13:21, 13:25 31:1 liquids 8:3 listed 23:4 32:25, 35:9 36:17, 36:21 37:17, 38:4 listing 39:7 little 6:11 28:14, 29:20 62:4 live 9:19 LLC 64:19 65:3, 65:21 65:22, 66:1 66:8, 66:14 67:19, 67:23 68:3, 68:5 68:10, 68:14 68:17, 68:23 69:3, 69:5 69:8, 72:8	72:16, 72:17 72:18, 72:22 73:1, 73:3 73:6, 73:8 73:11, 73:19 74:16, 74:25 75:3, 75:5 75:17, 75:20 75:20, 75:23 76:3, 76:8 76:9, 76:10 76:13, 76:18 76:21, 76:25 77:5, 77:8 77:11, 77:13 77:16 long 6:23 7:15, 8:21 64:11 longer 9:14 look 45:7 60:24 looked 48:24 49:3, 54:6 looking 8:20 16:8, 25:18 Looks 50:20 54:16 losses 71:8 71:9, 71:12 72:1 lot 14:10 loud 35:5	68:16, 69:6 managing 68:22, 69:2 manufacturing 7:10 Maple 2:5 March 35:15 36:3, 37:8 37:20, 37:22 37:22, 37:24 38:1, 38:3 38:7, 38:11 mark 1:7, 4:7 17:5, 29:9 34:16, 38:15 44:12, 47:15 50:14, 51:25 marked 16:9 17:8, 20:4 20:7, 29:6 34:18, 44:20 47:17, 49:10 50:15, 52:1 53:4, 54:13 marking 53:3 54:12 Mason 4:14 Mat 11:13 12:9, 22:21 26:20, 54:19 Mathew 1:13 3:4, 4:18 5:5, 5:12 16:14, 22:23 78:3, 78:16 79:5 matter 61:16 63:2 Matthew 2:4 15:13, 15:17 15:21, 21:2 21:6, 21:7 21:8, 24:24 61:14 Matthews 15:17 Matts 15:17 Mattz 1:13 3:4, 4:18 5:5, 5:10 5:12, 16:14 17:4, 17:11 21:25, 22:23 23:18, 23:19 23:20, 25:24 26:3, 29:7	
J					
Jeremy 32:18 33:1, 33:4 33:7, 33:24 34:2 Jesse 26:22 26:23, 26:23 26:24, 26:25 27:11, 27:15 27:24, 28:22 29:1 job 7:1, 7:6 9:10, 9:12 join 12:22 joke 44:10 joked 44:5 44:7, 44:12 joking 41:8 41:11 July 1:14 4:12, 5:1 79:19 jumping 15:16	L				
	label 22:15 28:4, 31:7 33:24, 36:12 40:11, 41:5 44:18, 46:7 46:9, 46:11 46:14, 46:16 46:19, 47:1 47:4, 47:5 49:9 labeled 19:11 20:16, 22:6 22:12, 22:14 28:1, 31:4 31:10, 31:12 31:13, 33:21 33:23, 36:6 36:8, 38:8 38:14, 68:6 70:14, 75:7 75:13 labeling 7:23 labels 44:23 54:4 lack 15:11				
K					
Katherine 1:20, 4:15 79:3, 79:23 KCW 4:13 keep 25:13 70:21 kelp 7:4, 8:3 11:3, 13:20 13:21, 19:1 19:9, 54:5 Ken 35:9 35:14, 35:17 36:3, 36:11 Ken's 35:12 Kimberly 30:2 30:3, 30:20 31:7 kind 14:12 27:3, 41:8 41:10, 44:10		label 22:15 28:4, 31:7 33:24, 36:12 40:11, 41:5 44:18, 46:7 46:9, 46:11 46:14, 46:16 46:19, 47:1 47:4, 47:5 49:9 labeled 19:11 20:16, 22:6 22:12, 22:14 28:1, 31:4 31:10, 31:12 31:13, 33:21 33:23, 36:6 36:8, 38:8 38:14, 68:6 70:14, 75:7 75:13 labeling 7:23 labels 44:23 54:4 lack 15:11	lines 18:20 liquid 13:20 13:21, 13:25 31:1 liquids 8:3 listed 23:4 32:25, 35:9 36:17, 36:21 37:17, 38:4 listing 39:7 little 6:11 28:14, 29:20 62:4 live 9:19 LLC 64:19 65:3, 65:21 65:22, 66:1 66:8, 66:14 67:19, 67:23 68:3, 68:5 68:10, 68:14 68:17, 68:23 69:3, 69:5 69:8, 72:8	M	
Katherine 1:20, 4:15 79:3, 79:23 KCW 4:13 keep 25:13 70:21 kelp 7:4, 8:3 11:3, 13:20 13:21, 19:1 19:9, 54:5 Ken 35:9 35:14, 35:17 36:3, 36:11 Ken's 35:12 Kimberly 30:2 30:3, 30:20 31:7 kind 14:12 27:3, 41:8 41:10, 44:10		lines 18:20 liquid 13:20 13:21, 13:25 31:1 liquids 8:3 listed 23:4 32:25, 35:9 36:17, 36:21 37:17, 38:4 listing 39:7 little 6:11 28:14, 29:20 62:4 live 9:19 LLC 64:19 65:3, 65:21 65:22, 66:1 66:8, 66:14 67:19, 67:23 68:3, 68:5 68:10, 68:14 68:17, 68:23 69:3, 69:5 69:8, 72:8	M-A-T 22:21 26:20 M-A-T-H-E-W 5:14 M-A-T-T-Z 5:14 main 7:19 16:1, 16:4 maintain 17:16, 73:8 making 64:22 78:6 Mall 4:14 manage 70:9 manager 7:9 7:22 managerial 70:7, 71:12 71:25 managers		

32:22, 34:15	N	26:11, 26:13	64:22, 65:22	74:7, 74:20
34:20, 37:11		27:10, 28:2	66:13, 67:19	nutrients 1:7
39:6, 40:25	name 5:11	29:15, 29:21	67:23, 68:2	1:7, 3:14
44:3, 44:16	10:19, 10:24	30:25, 31:4	68:3, 68:5	3:16, 3:17
44:22, 45:25	11:2, 11:18	31:8, 31:13	68:6, 68:7	3:23, 4:7
47:13, 47:19	13:9, 14:6	31:23, 32:13	68:14, 68:16	4:7, 9:11
49:7, 49:12	18:19, 19:1	32:16, 32:17	68:22, 69:6	9:18, 10:5
50:12, 50:17	19:7, 19:8	33:2, 33:21	70:17, 71:2	10:9, 10:13
51:24, 52:3	23:17, 26:19	33:23, 33:24	72:8, 72:17	10:20, 10:24
53:1, 53:6	30:1, 35:6	34:3, 34:25	72:18, 72:19	11:2, 11:18
54:11, 54:15	35:12, 41:9	35:7, 35:15	72:21, 73:4	11:24, 12:15
54:19, 61:14	42:4, 50:22	35:22, 36:2	73:9, 73:11	13:10, 13:12
67:16, 72:16	56:14, 60:22	36:6, 36:8	73:12, 73:19	13:16, 13:19
78:3, 78:16	60:25, 62:14	36:11, 37:13	73:22, 73:24	14:7, 14:12
79:5	64:16, 68:6	37:19, 38:1	74:2, 74:6	14:17, 14:18
McPherson	75:5, 75:6	38:8, 38:14	74:15, 74:24	15:2, 15:3
57:22	named 9:3	38:24, 39:2	74:25, 75:3	15:6, 16:15
mean 14:13	14:12, 35:9	39:20, 40:8	75:4, 75:7	16:16, 16:19
14:16, 62:1	35:14, 65:21	40:10, 40:15	75:13, 75:17	17:13, 17:15
65:17, 68:19	names 18:19	40:25, 41:5	75:23, 76:1	18:1, 18:8
means 5:17	narrative	41:9, 41:13	76:5, 76:9	18:10, 18:14
meet 39:23	62:3	41:17, 41:19	76:13, 76:21	18:17, 18:18
meeting 64:12	native 1:7	41:22, 41:24	77:4	18:22, 19:3
meetings	1:7, 3:14	41:25, 42:10	nature 25:17	19:4, 19:5
64:14	3:16, 3:17	42:12, 42:19	68:9	19:8, 19:11
member 14:8	3:23, 4:7	42:22, 43:2	need 9:14	19:19, 19:23
members 54:20	4:7, 9:11	43:7, 43:10	10:15	20:5, 20:8
55:20, 68:22	9:18, 10:5	44:5, 44:8	needed 8:17	20:12, 20:16
69:2	10:9, 10:13	44:9, 44:11	8:20	22:1, 22:5
mentioned	10:19, 10:24	44:13, 44:23	negative 42:3	22:6, 22:11
14:22, 44:5	11:2, 11:18	45:11, 46:6	negotiate	22:12, 22:18
60:7, 69:3	11:24, 12:15	46:12, 47:1	35:22, 39:15	24:9, 24:13
merely 62:10	13:10, 13:12	47:5, 47:22	never 58:5	24:17, 26:5
76:16	13:16, 13:19	48:23, 49:14	58:17, 58:19	26:9, 26:11
met 29:25	14:7, 14:12	49:16, 49:21	58:21, 58:22	26:14, 27:11
40:1, 40:3	14:13, 14:16	49:24, 50:21	58:24, 73:11	28:2, 29:15
40:7, 57:22	14:16, 14:18	51:3, 51:6	newspaper	29:21, 30:25
mid 15:8	14:22, 14:23	51:16, 51:19	47:23, 47:24	31:5, 31:8
mill 40:1	14:25, 15:6	52:9, 52:10	nine 6:25	31:13, 31:23
40:3, 40:5	16:15, 16:16	53:14, 53:15	Nobody's 59:4	32:13, 32:16
40:6, 40:7	16:19, 17:12	53:20, 54:5	normally	32:18, 33:2
Mine 10:10	17:15, 18:1	54:17, 54:24	24:11	33:21, 33:23
minimum 25:14	18:8, 18:10	55:2, 55:14	Norte 48:3	33:25, 34:3
minute 21:18	18:14, 18:17	55:21, 56:4	Northern 14:9	35:1, 35:7
21:21	18:18, 18:21	56:7, 56:14	Nos 3:10	35:15, 35:23
minutes 61:17	19:2, 19:4	56:19, 57:1	3:11, 3:13	36:2, 36:6
moment 24:21	19:5, 19:8	57:7, 58:4	notes 64:25	36:9, 36:11
67:6	19:10, 19:19	58:7, 58:11	66:21, 67:7	37:14, 37:20
morning 5:10	19:23, 20:5	58:14, 58:20	70:2	38:1, 38:8
mswyers@the...	20:7, 20:11	58:20, 58:22	notice 4:11	38:15, 38:24
2:7	20:16, 22:1	59:5, 60:1	77:7	39:3, 39:21
Mt 1:4, 4:4	22:5, 22:6	60:8, 60:12	noticed 77:10	40:8, 40:11
57:4, 57:10	22:11, 22:12	60:15, 60:23	November	40:15, 40:25
61:15	22:18, 24:9	60:25, 61:4	10:22	41:5, 41:13
	24:12, 24:16	61:8, 61:15	number 36:23	41:17, 41:20
	26:5, 26:8	64:17, 64:19	38:3, 74:5	41:22, 41:25

42:1, 42:10 42:13, 42:19 42:22, 43:2 43:7, 43:10 44:6, 44:8 44:12, 44:23 45:11, 46:6 46:12, 47:1 47:5, 47:22 48:23, 49:14 49:16, 49:21 49:25, 50:21 51:3, 51:7 51:17, 51:20 52:9, 52:10 53:15, 53:15 53:20, 54:5 54:17, 54:24 55:2, 55:14 55:22, 56:4 56:7, 56:15 56:19, 57:1 58:4, 58:7 58:11, 58:15 58:20, 58:23 59:5, 60:1 60:8, 60:12 60:15, 60:23 60:25, 61:4 61:8, 64:17 64:19, 64:22 65:22, 67:19 67:23, 68:2 68:3, 68:5 68:6, 68:7 68:14, 68:17 68:22, 69:6 70:17, 71:2 72:8, 72:17 72:18, 72:19 72:22, 73:4 73:9, 73:11 73:13, 73:19 73:23, 73:24 74:2, 74:6 74:16, 74:25 74:25, 75:3 75:5, 75:8 75:13, 75:17 75:23, 76:1 76:5, 76:9 76:13, 76:21 77:4 Nutrients's 66:13	O	18:10, 18:17 18:21, 18:24 18:24, 19:2 19:5, 19:10 19:14, 19:22 20:1, 20:4 20:7, 20:11 20:15, 21:2 21:15, 21:25 22:4, 22:10 22:14, 22:21 23:12, 23:15 23:17, 23:19 23:22, 24:1 24:4, 24:15 24:19, 25:23 25:24, 26:13 26:16, 26:19 26:24, 27:8 27:13, 27:15 27:21, 28:1 28:4, 28:9 28:11, 28:14 28:19, 28:22 28:25, 29:4 29:16, 29:19 30:3, 30:6 30:19, 31:4 31:7, 31:10 31:15, 31:17 31:20, 31:22 32:1, 32:5 32:14, 32:17 32:25, 33:7 33:10, 33:20 33:23, 34:2 34:5, 34:13 34:22, 35:2 35:4, 35:8 35:12, 35:14 35:17, 35:22 35:25, 36:2 36:5, 36:8 36:11, 36:14 36:23, 37:1 37:5, 37:11 37:16, 37:19 37:22, 38:6 38:10, 38:13 38:20, 38:23 39:5, 39:9 39:12, 39:14 39:17, 39:20 39:23, 40:7 40:10, 40:14 41:19, 42:6	42:22, 43:1 43:5, 43:17 43:21, 44:11 44:15, 44:15 45:1, 45:5 45:7, 45:12 46:5, 46:14 46:18, 46:25 47:8, 48:1 48:4, 48:7 48:9, 48:16 48:18, 48:21 49:3, 49:6 49:18, 50:4 50:7, 50:24 51:2, 51:23 52:5, 52:15 52:21, 52:25 53:8, 53:20 54:4, 54:10 54:18, 54:23 55:1, 55:6 55:10, 56:6 56:13, 56:18 56:21, 56:25 57:3, 57:6 57:17, 57:22 58:3, 58:14 58:19, 59:11 59:15, 59:17 59:20, 60:15 61:3, 63:2 63:12, 63:22 64:15, 64:21 65:10, 65:14 65:18, 65:21 66:10, 68:1 68:16, 69:18 69:22, 70:12 70:21, 71:1 71:4, 71:7 71:11, 71:15 72:21, 73:15 73:21, 74:9 74:12, 74:15 74:19, 74:22 74:24, 75:16 75:22, 76:20 once 16:5 24:20, 66:20 one-and-a-h... 20:10 one-gallon 36:14 operate 76:9 operated	68:24 operating 67:24, 68:1 70:5, 72:24 74:2, 76:25 77:3 opposed 57:1 opposer 1:5 2:3, 4:5 24:25, 25:4 57:3, 57:7 57:10, 57:12 57:14, 57:18 58:8, 58:25 59:13, 59:18 59:21, 60:11 opposer's 58:3, 58:7 58:10, 58:14 58:19, 58:22 59:25, 60:7 opposition 1:6, 4:6 58:1, 58:8 58:11, 58:17 60:9, 60:13 66:19, 69:16 organic 6:8 6:17, 6:24 7:2, 7:3 7:4, 7:6 8:2, 8:2 8:4, 8:6 8:7, 13:20 13:21 Organics 1:4 4:4, 57:4 57:10, 61:16 outside 21:13 21:14, 36:10 36:12, 59:8 overview 6:7
			P	
			P.O 74:5 74:7, 74:20 packaging 41:17, 41:20 page 3:4, 3:9 3:10, 3:12 3:13, 3:15 3:16, 3:18 3:19, 3:21 3:22, 3:24 paid 33:18	

pail 27:20 33:9	pause 40:18	54:11, 61:24	19:9, 19:11	49:22, 49:25
paper 13:3	pay 12:19	62:12, 65:1	19:23, 20:2	51:3, 51:7
part 24:12	23:9	point 6:14	22:1, 22:10	51:17, 51:20
65:4, 70:7	penalty 78:4	10:7, 11:5	22:14, 22:15	52:10, 52:21
particular	pending 6:2	11:22, 12:17	22:17, 22:18	52:23, 53:15
24:15	people 12:19	12:22, 13:10	22:25, 23:10	53:20, 54:6
particularly	14:2, 15:1	16:1, 44:22	26:13, 27:10	54:24, 55:2
24:15	68:23, 68:23	portion 32:11	27:15, 27:22	55:22, 56:4
parties 79:14	percent 8:18	position 7:1	30:17, 30:19	56:7, 58:7
79:17	perception	positive 9:23	31:23, 32:17	58:11, 58:15
partner 16:15	76:1	42:3, 42:5	33:4, 33:7	58:20, 58:23
16:25	perjury 78:4	42:7, 50:1	34:3, 35:15	60:1, 60:23
partners	person 5:19	67:22	36:3, 36:5	61:4, 61:20
12:25, 54:17	27:7, 32:18	possession	36:8, 37:20	62:7, 62:21
62:24, 64:8	33:1, 35:9	21:3, 21:9	38:6, 38:7	68:6, 68:10
64:12	35:14, 59:14	21:11	38:10, 38:13	68:11, 68:13
partnership	59:16, 59:17	practices	39:2, 39:21	69:7, 70:13
13:6, 13:9	62:13, 70:21	17:12, 17:19	40:8, 40:11	70:17, 71:2
13:11, 13:19	79:9	presence 24:5	40:12, 40:15	73:17, 75:23
15:7, 16:16	personally	present 2:16	41:1, 41:5	76:2, 76:2
16:25, 16:25	4:16, 15:6	24:1, 31:17	41:13, 41:17	76:5, 77:4
42:11, 52:9	15:7, 16:20	previous 77:2	41:20, 41:21	77:18
54:21, 55:21	23:12, 42:9	77:14	42:13, 44:6	profits 70:16
56:18, 61:8	42:12, 46:3	previously	44:8, 44:12	70:19, 70:21
63:4, 63:6	48:7, 56:1	72:24, 75:1	45:9, 48:21	70:24, 71:5
63:10, 63:24	61:4	75:18	48:24, 49:3	71:11, 72:1
64:1, 64:2	personnel	price 35:25	54:4, 58:4	promote 55:21
64:8, 64:13	73:16	36:24, 39:17	60:8, 60:12	56:7
64:13, 65:2	persons 40:21	print 55:2	61:1, 75:5	promoted 56:4
65:12, 65:14	phone 15:18	printed 41:13	75:7, 75:12	provide 34:15
65:18, 66:1	27:6, 27:7	printing	75:13	42:14, 44:17
66:6, 66:11	39:15	44:23	production	47:14, 49:8
66:11, 67:24	photo 52:22	prior 16:6	7:9, 7:9	50:13, 51:24
68:1, 68:24	physical 74:3	42:13, 47:4	7:23, 9:14	53:2, 54:11
70:5, 70:17	74:9	60:15	15:11	provided
71:16, 71:18	physically	priority	products 3:14	22:18, 63:3
71:20, 71:22	24:1	15:23, 69:15	7:24, 7:25	63:16
72:5, 72:7	picture 3:14	probably 16:1	10:23, 11:1	purchase 33:8
72:19, 72:24	45:9, 45:12	20:9	11:18, 11:24	35:14, 37:19
73:5, 73:19	45:25, 46:5	proceedings	12:4, 12:15	37:25, 51:16
73:22, 74:2	46:10, 47:2	64:5	13:16, 13:16	51:19, 77:4
75:1, 75:4	47:22, 48:21	produced 11:6	14:3, 17:15	purchased
75:10, 75:18	Pilgrims	11:10, 12:8	18:8, 18:18	14:3, 33:1
75:20, 76:2	14:19	15:24, 16:7	18:18, 19:7	33:4, 75:22
76:14, 76:18	pitch 8:4	20:21, 20:22	19:14, 19:19	purpose 13:24
76:22, 77:3	place 17:6	20:25, 21:12	20:13, 20:15	purposes
77:14, 77:17	79:9	21:13, 25:9	22:5, 22:6	15:14
parts 8:14	plant 7:8	producing	24:9, 29:21	pursuant 4:11
PATEL 2:11	7:22, 15:2	14:9	33:2, 35:23	pushing 9:20
PATENT 1:1	plants 13:25	product 13:18	37:14, 38:1	put 11:4
4:1	please 5:11	13:24, 14:14	41:25, 42:10	20:19, 32:2
Paul 67:10	5:13, 6:2	15:6, 16:15	42:20, 42:23	40:19, 56:18
PAULO 2:11	6:6, 16:12	16:19, 16:24	43:2, 43:8	
paulo@paip1...	17:4, 32:9	18:20, 18:21	43:11, 44:24	
2:14	34:15, 47:14	18:24, 18:25	46:6, 46:12	
	49:7, 53:1	19:1, 19:2	46:25, 47:5	

Q

quality 68:9

73:17 Quart 30:22 quarts 19:25 30:21, 30:21 question 5:20 5:21, 5:22 5:23, 5:24 6:2, 6:3 11:15, 11:17 12:10, 12:11 25:21, 26:7 27:9, 32:23 32:23, 36:20 41:15, 42:15 42:18, 54:25 56:2, 57:8 60:18, 60:20 60:21, 61:18 61:21, 62:4 65:8, 66:8 72:20, 73:2 73:25, 75:24 questioning 12:7, 40:23 47:16, 49:9 66:18, 69:13 69:14 questions 6:5 17:7, 25:6 25:10, 25:14 25:15, 44:19 61:10, 63:22 67:12, 69:13 69:22, 70:4 72:10, 72:11 72:15, 72:15 77:20 quick 5:15 quit 9:10 9:12, 9:13	55:15, 61:21 62:17, 62:25 63:5, 63:9 63:12, 63:25 64:7, 64:11 64:14, 66:10 67:22 receipt 17:25 18:15, 19:16 20:20, 20:23 21:4, 21:14 22:22, 23:4 23:15, 23:20 23:24, 24:2 24:4, 24:7 24:16, 26:8 28:7, 28:9 28:19, 28:23 29:1, 29:14 29:19, 29:20 29:24, 30:7 31:18, 31:20 31:22, 32:2 32:3, 32:7 32:10, 32:12 32:14, 32:25 34:6, 34:8 34:10, 34:11 34:25, 35:4 36:21, 36:24 37:1, 37:6 37:8, 37:12 37:13, 37:17 38:24, 39:7 39:18, 42:14 44:4 receipts 3:10 3:11, 3:13 18:3, 18:7 18:7, 18:11 21:3, 21:9 21:10, 24:12 29:16, 35:2 74:6 receive 23:6 33:13, 33:16 38:17, 38:20 42:3, 70:24 71:1 received 16:11, 16:11 23:8, 30:14 30:17, 33:17 Recess 43:24 recognize 17:21, 34:20	47:19, 50:17 52:3 recollection 63:20, 67:4 record 5:11 11:5, 21:17 21:20, 21:23 24:23, 25:1 25:24, 32:24 40:19, 43:22 44:2, 45:19 72:13 recorded 5:17 recordkeeping 17:18 records 12:3 12:14 recycling 6:18 redirect 69:17 reduced 79:11 Redway 53:13 refer 18:15 18:17, 19:6 22:23, 38:24 59:5 reference 14:23 referring 15:19, 15:20 19:16 refers 15:2 18:16, 26:11 reframe 60:19 refresh 63:19 67:3 regard 11:7 25:19, 58:25 75:23, 76:13 regarded 72:4 regular 24:12 24:16 regularly-c... 24:8 related 79:16 relevance 25:19, 69:19 remember 9:21 9:25, 10:1 13:4, 16:18 30:6, 30:13 30:16, 35:12 48:11, 52:12 55:24, 57:15 62:16, 62:18	63:13, 67:18 remembered 4:11 repeat 42:15 51:21, 60:18 63:8 repeated 5:21 rephrase 9:11 11:17, 12:11 26:6, 27:9 36:20, 41:15 42:15, 49:23 51:18, 56:2 57:8, 60:21 62:4, 65:9 65:9, 66:5 73:2 rephrased 5:21 reporter 4:15 17:5, 17:9 26:1, 29:8 34:16, 43:23 44:18, 45:22 47:14, 49:8 50:13, 51:25 53:2, 54:12 79:1, 79:4 Reporters 4:13 represent 32:15, 36:24 61:15, 63:16 representation 46:11, 52:23 represented 29:24, 30:7 representing 62:22 represents 17:25 reservation 9:19, 10:15 14:10, 14:11 respond 11:13 responsible 71:9 return 34:17 39:5, 44:18 47:15, 49:9 right 6:4 12:21, 15:12 17:9, 22:22 26:4, 29:11 32:10, 36:23 37:12, 39:8	45:16, 69:25 rights 73:9 73:12, 75:19 76:8, 77:14 Roach 26:23 routine 25:6 25:10 Ruben 1:13 3:4, 4:18 5:5, 5:12 78:3, 78:16 79:5
S				
sale 23:7 23:23, 26:25 28:12, 28:20 29:21, 30:6 30:14, 30:17 31:23, 32:7 33:14, 35:22 35:25, 36:24 37:13, 38:18 38:21, 39:10 39:15, 39:17 42:8, 42:9 42:14, 42:22 61:4, 61:7 sales 11:7 11:21, 15:15 18:8, 42:19 43:1, 64:24 67:2, 71:2 Salesman 22:22, 26:20 salesperson 27:4 Sarah 23:18 23:19, 23:19 saw 40:21 41:4, 44:11 58:19, 58:22 saying 21:12 says 53:8 school 6:12 6:13, 6:15 6:21 screen 3:19 3:20, 3:22 50:20, 50:24 52:6, 53:7 search 60:17 seaweed 14:20 second 64:16 64:25, 70:1				

Secretary 63:18 see 18:10 22:15, 31:7 33:24, 36:11 38:14, 40:10 45:25, 46:9 53:8, 59:24 59:25, 60:11 60:24 seen 41:2 58:14 select 10:19 selecting 60:15 sell 8:1 10:23, 11:1 11:17, 13:15 16:24, 17:15 19:19, 20:15 22:10, 22:25 24:8, 29:15 38:10, 42:12 43:7, 43:10 45:10, 45:11 46:25, 51:3 51:6, 52:10 53:15, 53:20 68:6, 75:12 77:17 selling 14:10 52:12, 62:21 sells 50:21 separately 31:12 Serial 1:6 4:6 set 79:18 seven 7:17 7:18, 7:20 8:21 share 70:19 71:8, 71:12 shared 71:11 71:11, 71:25 71:25, 72:1 Sharpie 47:11 she'll 17:6 shipping 7:24 shorthand 4:15, 79:3 79:8 shot 3:19 3:20, 3:22 50:20, 50:24 52:6, 53:7	show 46:5 55:24, 56:3 56:6 showing 34:25 48:22, 54:18 55:14 shown 18:3 18:5, 18:25 39:18, 47:1 52:21 shows 32:12 55:12, 55:21 60:12 side 18:11 20:9, 32:10 35:4, 36:23 37:12, 44:4 47:10 similar 61:1 simply 11:8 21:12, 66:5 73:4, 73:18 site 40:1 40:4, 40:5 sitting 41:10 situation 61:24 six 7:17 7:20 size 45:10 sizes 45:10 small 14:5 14:5 smaller 7:10 sold 13:19 15:6, 16:14 16:19, 18:1 18:25, 19:11 19:15, 19:15 20:13, 22:1 22:4, 30:19 32:13, 32:16 32:17, 34:25 38:6, 41:24 52:23, 70:13 70:16, 76:2 76:2 somebody 27:5 sorry 9:11 9:11, 12:6 21:8, 25:22 26:6, 30:11 30:23, 40:2 40:18, 41:15 43:22, 44:4 45:15, 45:22	46:21, 57:7 59:15, 73:25 Sparks 2:17 8:24, 9:3 9:7, 9:7 10:6, 10:6 12:22, 12:22 12:22, 13:7 13:7, 13:12 13:12, 54:19 54:19, 62:24 63:25, 68:20 68:20, 68:24 68:25, 70:6 70:6 Sparkses 67:24 speak 5:19 27:6 speaking 20:24 specific 62:4 spell 5:13 8:5 spray 14:1 standing 62:22 Starlight 3:20 start 8:20 10:5, 10:8 44:23, 55:13 started 6:10 7:6, 8:13 8:15, 8:17 10:4, 10:10 10:12, 52:12 59:22, 59:23 62:8 starting 9:18 10:14 state 4:16 5:10, 63:4 63:6, 63:10 63:18, 64:2 66:23, 67:3 71:17, 71:23 72:4, 78:11 stated 79:10 statement 63:3, 63:5 63:9, 64:2 64:7, 64:13 states 1:1 4:1, 26:5 26:8, 63:17	stating 71:17 stations 6:19 step 19:18 stipulates 25:5 stop 8:9 stopped 66:6 66:11 store 53:12 62:19, 62:21 stores 14:5 14:5, 14:5 straight 6:16 streets 74:21 strike 35:8 49:22 structure 76:17 stuff 6:19 7:11, 12:20 14:9, 14:20 14:21, 52:8 subject 11:11 11:13, 12:9 69:19 subsequent 43:1 substantive 25:15 suddenly 15:24 Suite 2:6 2:12, 4:14 Sunlight 52:6 52:10, 52:13 supervision 79:12 Supply 3:20 3:22, 52:7 52:10, 52:13 53:9, 53:11 53:12, 53:16 53:21 sure 10:12 21:19, 21:22 25:13, 30:9 40:24, 46:2 48:5, 51:9 56:5, 56:20 surprise 11:9 sworn 4:21 5:6, 79:6 Swyers 2:4 3:5, 11:4 12:6, 15:10 15:16, 15:17	15:21, 15:22 20:19, 21:6 21:8, 21:11 21:16, 21:19 21:22, 24:20 24:24, 24:24 25:16, 40:18 43:21, 45:13 45:16, 45:18 59:7, 61:13 61:14, 62:5 64:6, 65:9 65:11, 66:4 66:20, 67:6 69:17, 69:21 69:23, 69:24 70:3, 72:11 77:21 <p style="text-align: center;">T</p> take 5:25 6:1, 6:3 8:15, 43:19 50:24, 65:4 72:18 taken 43:24 79:8 takes 25:11 talking 15:25 16:9 tankers 7:11 Tasha 2:17 8:24, 9:6 10:6, 12:22 13:7, 13:11 54:19, 61:2 64:23, 68:20 68:24, 70:6 taught 14:19 tax 67:2 teleconfere... 2:3, 2:10 telephone 5:16, 35:20 35:21, 35:23 39:12, 39:13 tell 37:23 61:24, 62:12 79:6 tendered 25:3 25:4 testified 5:6 10:4, 10:12 22:4, 47:8 62:23, 65:18
--	--	--	---	--

73:15, 75:16 testify 4:21 11:9, 20:2 testimony 15:14, 40:20 62:25, 63:24 78:8, 79:10 thank 12:21 15:22, 16:4 16:13, 17:10 25:23, 30:13 31:1, 32:5 34:13, 40:17 42:8, 44:15 46:23, 47:12 50:11, 51:23 53:14, 54:23 55:20, 59:24 61:3, 69:11 71:7 thereto 79:17 thing 6:1 59:23 things 9:24 think 10:2 21:13, 25:11 25:19, 25:20 28:15, 44:7 45:14, 48:18 thinking 61:18 thought 41:10 three 9:6 70:9, 71:4 71:7, 71:9 71:15, 72:4 Throw 14:20 time 5:19 5:25, 8:18 8:21, 14:11 15:5, 16:14 24:7, 28:20 44:22, 57:6 57:9, 57:12 64:1, 64:9 64:15, 64:18 65:24, 67:9 79:9 today 16:6 25:4, 65:2 65:12, 74:13 76:3 told 67:2 top 18:11 19:6, 26:5 26:9, 35:5	38:23, 53:8 74:6 trade 55:21 55:24, 56:3 56:6, 60:12 trademark 1:1 1:2, 2:5 4:1, 4:2 56:25, 60:16 60:17, 73:9 73:12, 75:19 76:8, 77:14 transacted 66:14 transacting 66:7 transaction 29:24 transcript 78:5, 78:7 transfer 6:19 75:19 transferred 65:3, 65:7 76:8 transmitted 23:22, 32:1 transpired 62:11 treated 8:13 trial 1:2 1:13, 4:2 59:23 tribal 14:8 tribe 14:9 14:25 Triplicate 3:16, 47:25 48:2, 48:12 true 18:6 32:6, 34:5 37:5, 78:7 truth 4:21 4:21, 4:22 79:6, 79:6 79:7 trying 27:3 62:10, 66:5 Tuesday 1:14 4:12, 5:1 turn 26:3 32:9, 37:11 39:6, 51:23 turning 44:3 two 15:17 18:4, 18:5	19:17, 19:25 29:16, 35:2 type 13:21 55:6, 55:8 types 7:25 19:22, 24:11 25:13, 68:7 typewriting 79:11 U understand 5:20, 11:15 54:25, 65:16 72:20 undue 11:9 UNITED 1:1 4:1 use 15:23 16:7, 69:15 V vacant 40:3 vague 65:7 66:2 various 20:16 Ventura 2:12 verbal 5:18 Vienna 2:6 Virginia 2:6 vs 1:6, 4:6 W wages 8:17 wait 32:22 want 6:1 43:21, 45:19 wanted 64:23 way 22:14 33:24, 38:14 41:1, 47:6 60:24, 69:8 71:5, 79:15 Wayne 1:20 4:15, 79:3 79:23 Webb 30:2 30:3, 30:20 31:7, 31:24 32:7 website 3:19 3:21, 3:22 50:20, 50:22	51:4, 51:7 53:7, 56:13 56:14, 56:19 went 6:20 21:7, 65:25 66:3, 69:7 71:8 whereof 79:18 wholesaler 52:7 wife 23:16 23:23, 28:7 31:16, 31:17 32:2, 34:10 wife's 23:17 withdraw 42:17, 49:22 57:8, 60:20 75:24 withdrawn 26:6, 27:9 42:17, 42:17 49:22, 73:2 within-enti... 79:7 witness 4:19 12:12, 15:20 21:5, 25:21 29:11, 59:9 67:8, 79:4 79:11, 79:18 witness's 17:2, 29:4 34:14, 44:16 47:12, 49:6 50:11, 52:25 54:10 witnesses 40:21 wood 40:6 40:7 word 14:13 14:16, 14:22 19:10, 22:21 22:22, 22:22 26:5, 26:20 35:6, 36:17 words 18:10 18:14, 19:5 19:10, 20:11 26:8, 28:2 31:8, 33:10 33:21, 35:5 36:21, 38:23 38:24, 40:25 41:13, 41:16	41:19, 41:25 44:5, 44:7 48:23, 53:8 55:14 work 6:17 6:20, 7:12 7:15, 8:24 9:16 worked 6:8 6:18, 6:23 7:8, 7:13 7:17, 7:20 9:7 working 7:6 8:9 written 33:11 36:10, 36:12 41:17 wrong 71:8 wrote 32:3 47:10 Y yeah 6:13 8:8, 8:8 10:14, 10:18 11:19, 11:19 11:25, 12:12 12:24, 13:10 19:4, 20:3 27:1, 27:3 28:6, 28:18 40:6, 41:14 64:20, 70:11 74:8, 76:6 year 9:21 12:1, 55:13 years 6:9 6:25, 7:17 7:18, 7:21 8:21, 51:22 Yurok 14:8 Yuroks 14:25 1 1 3:10, 3:10 3:12, 3:13 3:15, 3:16 3:18, 3:19 3:21, 3:22 3:24, 17:3 17:5, 17:7 17:8, 17:22 18:12, 25:3
--	--	---	--	---

26:4, 39:6 39:6, 44:3 45:8, 45:14 45:20 10 3:23 54:11, 54:11 54:13 10:00 1:15 4:13, 5:2 1080 4:13 11 36:23 11:48 77:22 12 28:16 12-16-2010 20:23 12-quart 30:24 12th 16:22 14 25:3 14th 63:17 15 1:14, 4:12 5:1 151 2:6 16380 2:12 16th 16:10 16:22, 22:11 23:1, 23:7 24:5, 39:10 42:8, 42:14 43:3, 61:5 17 3:10 1st 28:17	20:17, 21:14 22:2, 22:5 22:11, 23:1 23:7, 24:5 24:13, 30:8 30:9, 39:10 42:9, 42:14 42:20, 42:23 43:3, 43:5 45:3, 48:14 49:4, 50:2 51:10, 52:15 53:21, 54:8 55:16, 56:6 56:21, 56:23 57:20, 58:23 60:1, 61:5 62:24, 63:25 71:20, 72:1 72:5 2011 28:17 29:2, 30:10 30:12, 32:15 33:5, 35:15 36:3, 37:9 37:20, 38:1 38:3, 38:7 38:11, 43:8 45:5, 46:6 46:12, 46:25 48:16, 48:24 48:25, 50:5 51:12, 52:17 53:23, 55:18 56:9, 57:18 58:20, 63:17 2012 10:2 10:3, 43:11 48:19, 50:7 51:14, 52:19 52:23, 53:25 54:6, 56:11 57:11, 57:13 57:14, 67:21 72:8 2013 43:13 50:9, 54:2 2014 1:14 4:12, 5:1 43:15, 78:10 79:19 20th 37:22 37:24, 38:1 38:3, 38:7 38:11 21 79:19	21st 35:15 36:3, 37:8 22180 2:6 25 8:18 26th 37:20 37:22 27th 32:15 33:5 2854 1:20 4:16, 79:4 79:24 29 3:11 3 3 3:13, 34:14 34:16, 34:18 3.5 6:14 30 8:18 34 3:13 344 2:5 360 2:12 4 4 3:14, 44:16 44:17, 44:20 45:16, 45:20 45:21, 46:1 40 8:18 400 23:8 23:9, 39:18 44 3:14 45 33:17 47 3:16 49 3:17 4A 4:14 5 5 3:5, 3:16 47:13, 47:14 47:15, 47:17 50 3:19 50.55 38:22 52 3:20 53 3:22 54 3:23 55 23:2, 23:3 23:3 55-gallon 19:24, 20:3 6 6 3:17, 49:7	49:8, 49:10 61 3:5 67 3:6 7 7 3:19, 50:12 50:15 725951 3:10 725952 3:10 725953 3:11 725954 3:11 725955 3:13 725956 3:13 8 8 3:20, 51:23 51:24, 51:25 52:1 800.906.8626 2:7 818.380.1900 2:13 85/631,038 1:6, 4:6 9 9 3:22, 53:1 53:2, 53:4 90 30:18 91208923 1:6 4:6 91436 2:13 95531 26:17 / ///// 43:25
--	---	---	---

725951

NAME Native Nutrients
ADDRESS P.O. Box 411 Gasquet Ca
Crescent City CA
Crescent City CA 95531

ORDER NO	TERMS	DATE
1	Cash	12/10/10
	Mat	
	Bob Adams	
	55 gallon Kelp	\$400-

Store FORM 11307

725952

NAME Native Nutrients
ADDRESS Gasquet CA
Crescent City CA
Crescent City CA 95531

ORDER NO	TERMS	DATE
	Cash	12/10/10
	Mat	
	5 gal Kelp	43.00

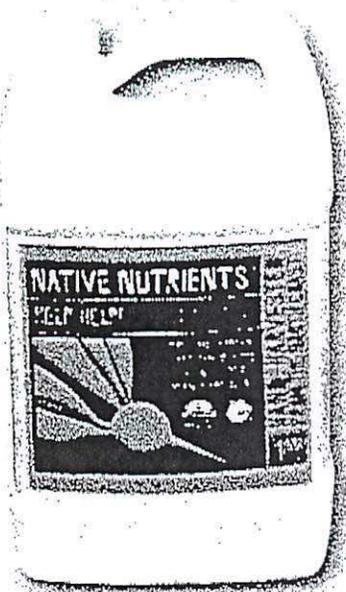
Store FORM 11307

EXHIBIT
 PENAD 800-631-6989
 Mattz



PENGAD 800-631-6989
EXHIBIT
4
Mattz

MAKING THE VERY BEST PRODUCTS FOR PLANTS, SOIL, PEOPLE, AND THE EARTH.

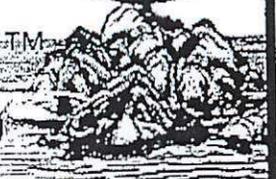


Looking for healthy, vibrant, high producing plants? Go local with Native Nutrients' Kelp Help! It can be used on all plants including fruits and vegetables to enhance plant development, yields, drought resistance and stress recovery! Your plants will say thank you and your face will be smiling at your bounty.

Gardening tip: For transplants - Add one tablespoon of kelp per quart of water to your watering can. Soak soil around roots and spray foliage with solution. This will reduce stress to the plant helping it GROW, GROW, GROW!



NATIVE NUTRIENTS



Visit us online at native-nutrients.com

Parkway Feed, 1645 Parkway Dr., Crescent City
Crescent City Garden Store, 1070 US N Hwy 101, Crescent City
Southern Oregon Garden Supply, 534 Railroad St., Brookings, OR

7296595-18



KEEP HELPI

KEEP HELPI is a certified ORGANIC all purpose plant auxiliary made from Pacific Northwest bull kelp; *Mercystris luekeana*.

MAXIMUM NUTRIENT ABSORPTION: KEEP HELPI is processed with pure marble mountain spring water as opposed to municipal water sources that contain chemicals (fluorides, chloramines, and chlorides) that kill or prevent nutrient uptake. Humic Acid is then added for even further nutrient absorption.

FEEDING CHART



Solution: 1/2 oz per GALLON of water, alone or in your cloning solution. Add 1/2 oz per GALLON of base solution to a 120-200 liter clone machine each solution change. Cloning solution: Soak cuttings in 1/2 oz per GALLON of water overnight.



Solution: 1/2 oz per GALLON of water, alone or in your base nutrient. Day 1: Root Drench. Day 2-3: Water. Day 4: Foliar spray with solution. Day 5-6: Water. Day 7: Root Drench. Repeat weekly.



Solution: 4 oz per GALLON of water. Foliar spray every 2-3 days up to feeding. Flowering or transition.



Solution: 4 oz per GALLON of water. Root Drench once a week until flush.

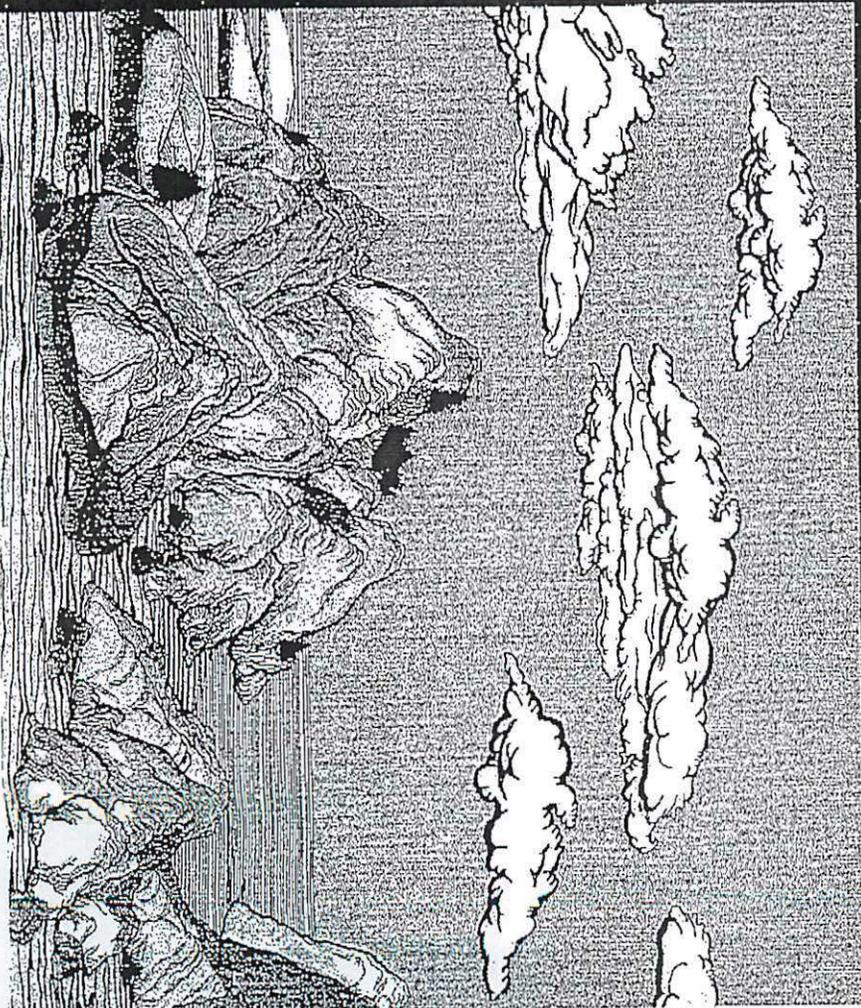
All measurements are per US GAL. Use Un-chlorinated water for best results.

DISCLAIMER: Native Nutrients™ feeding charts are suggestions for plant growth. Plants may differ. Always watch your plant to tell what nutrients they may or may not need.

ENERGY EFFICIENT PROCESSING THROUGH A HYDROELECTRIC SYSTEM

native-nutrients.com

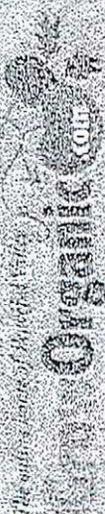
NATIVE NUTRIENTS™ HAND-HARVESTED FROM THE NORTH COAST



PENGAD 800-631-6988
EXHIBIT
6
Mattz

Call (866) 784-1722 Mon-Sat 8:30-5:00 PST

Search by Part Number or Keyword



Home / Native Nutrients Liquid Kelp Help (55 Gal) / Native Nutrients Liquid Kelp Help (55 Gal) - F1333

Home / Native Nutrients Liquid Kelp Help (55 Gal)

Native Nutrients Liquid Kelp Help (55 Gal) - F1333

\$649.00

This product does not qualify for flat rate shipping.

In stock

☆☆☆☆ No Reviews | Add Your Review

Buy big, save big with quantity discounts

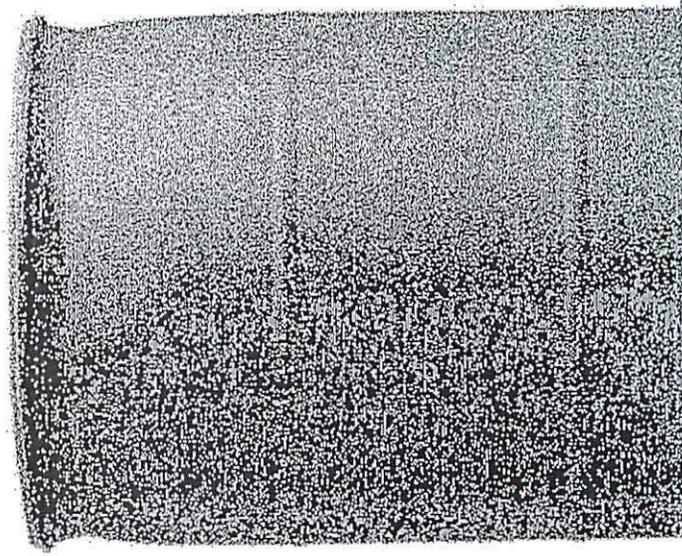
Buy 4 for \$616.55 each and save 6%

Buy 8 for \$594.10 each and save 10%



Description Details Reviews Articles Support

Bull kelp, *Nereocystis luetkeana*, from the northern coast of California, is the main ingredient in Kelp Help. The kelp lives its entire life in the cold waters of the Pacific Ocean deriving its nutrient value from the 92 minerals available in the



SEARCH



Home > New/Updated > Company > Resources > Videos > Dealer Login

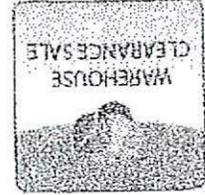
Gardening -> Nutrients & Supplements -> Native Nutrients Keep Help!

Overview Documents & Downloads Books

Native Nutrients Keep Help!



Keep Help! is a certified organic all purpose biological active liquid plant auxiliary applied to plants, soils, and seeds. Stimulates microbial activity to improve germination, growth, yields, product quality, reproduction, flavor, color, and many other desirable attributes. Can be used as a root drench or a foliar. Completely water soluble and taken up immediately through foliage and/or roots. Humic acid aids in complete nutrient uptake. Processed with pure mountain spring water - no chemicals!



Follow Us



Suggestions



EXHIBIT
 8
 Mottz
 PENNSAD 800-631-6988

Home

- 1 Sun System Reflectors
- 2 Magnetic Ballasts
- 3 Electronic Ballasts
- 4 Sun System Control Systems
- 5 Fluorescent Lighting
- 6 New Lighting Technology
- 7 Lamps
- 8 Lighting Components
- 9 Power & Lamp Cords
- 10 Light Hovers & Hangers

- 11 Impulse Irrig
- 12 Safety Equipment
- 13 Nutrients & Supplements
- 14 Water Treatment
- 15 Pest & Disease Control
- 16 Leaf Shiner & Leaf Washes
- 17 Growing Media
- 18 Propagation

Shop By Brand

DAVE'S SUPPLY

Garden Supplies

- » Accessories
- » Books & Videos
- » Cloning & Propagation
- » Compost Tea Supplies
- » Environmental Control
- » Fans & Filters
- » Grow Systems & Accessories
- » Harvest Supplies
- » Lighting Systems & Accessories

NUTRIENTS & ADDITIVES

- » Biologicals
- » Micronized plant nutrients
- » Natural & Organic Products
- » **Sea Nutrients**



Native Nutrients Kelp Help

MAXIMUM NUTRIENT ABSORPTION: KELP HELP is processed with pure marble mountain spring water as opposed to municipal water sources that contain chemicals (fluorides, chloramines, and chlorides) that kill or prevent nutrient uptake. Humic Acid is then added for even further nutrient absorption.



Kelp Help QT Price: \$6.27



Kelp Help 1 Gal Price: \$13.62



Kelp Help 5 gal Price: \$70.57

EXHIBIT
9
Mottz
PENGAD 1-800-800-8000

**NATIVE NUTRIENTS
HAND-HARVESTED
FROM THE NORTH COAST**

TASHA SPARKS

(707) 954-0311
tasha@native-nutrients.com
P.O. Box 44 Gasquet, CA 95531

**NATIVE NUTRIENTS
HAND-HARVESTED
FROM THE NORTH COAST**

KIRK SPARKS

(707) 954-3352
ksparks@native-nutrients.com
P.O. Box 44 Gasquet, CA 95531

**NATIVE NUTRIENTS
HAND-HARVESTED
FROM THE NORTH COAST**

MAT MATTZ

(707) 218-5668
mmattz@native-nutrients.com
P.O. Box 44 Gasquet, CA 95531

EXHIBIT

10
Mattz

PENGAD 800-631-6889