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

Proceeding	92050966
Party	Plaintiff Atlas Flowers, Inc. d/b/a Golden Flowers
Correspondence Address	CAROLINE G. BOEHM KALOW & SPRINGUT LLP 488 MADISON AVE NEW YORK, NY 10022-5706 UNITED STATES tbenschar@creativity-law.com, cboehm@creativity-law.com, ms@creativity-law.com
Submission	Motion for Summary Judgment
Filer's Name	Tal S, Benschar
Filer's e-mail	tbenschar@creativity-law.com, ms@creativity-law.com
Signature	/Tal S, Benschar/
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Attachments	Motions for Leave to Amend Petition.pdf (22 pages)(755530 bytes) Declaration of Tal S. Benschar.pdf (2 pages)(48270 bytes) Benschar Exhibit - A.pdf (7 pages)(23446 bytes) Benschar Exhibit - B.pdf (22 pages)(88900 bytes) Benschar Exhibit - C.pdf (17 pages)(73570 bytes) Benschar Exhibit - D.pdf (14 pages)(58348 bytes) Benschar Exhibit - E.pdf (5 pages)(901690 bytes) Benschar Exhibit - F.pdf (1 page)(25917 bytes) Benschar Exhibit - G.pdf (1 page)(56237 bytes) Benschar Exhibit - H.pdf (8 pages)(287085 bytes) Benschar Exhibit - I.pdf (7 pages)(321293 bytes)

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

In re Registration No. 3,074,073

Mark:



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ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS,	:	
	:	
Petitioner,	:	Cancellation No.: 92050966
	:	
- against -	:	
	:	
GOLDEN VISION FLOWER, INC.,	:	
	:	
Registrant.	:	
	X	

**MOTIONS FOR LEAVE TO AMEND PETITION
FOR CANCELLATION AND FOR SUMMARY JUDGMENT
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Upon the annexed Declaration of Tal S. Benschar (“Benschar Dec.”) and the exhibits thereto, including the proposed Second Amended Petition for Cancellation attached as Benschar Declaration Exhibit A, petitioner Atlas Flowers, Inc. (“Petitioner”), hereby moves for an order, pursuant to 37 C.F.R. §2.107, T.B.M.P. §507 and Fed. R. Civ. P. 15(a), granting it leave to further amend its Petition for Cancellation to assert the following additional grounds for cancellation:

- (1) that Registrant Golden Vision Flower, Inc. (“Registrant”) committed fraud on the Trademark Office when a person purporting to be its President, but who in fact is not and was not an officer of the company, submitted a verified Statement of Use in support of its registration. (Benschar Dec. Exh. A, ¶ 14)
- (2) that the subject registration is void *ab initio* because the Verified Statement of Use submitted in support of the registration was verified by a person not qualified to verify that document. (Benschar Dec. Exh. A, ¶ 15)
- (3) that the subject registration is void *ab initio* because the Verified Statement of Use submitted in support of the registration evidences use of the mark by a third party other than Registrant. (Benschar Dec. Exh. A, ¶ 16)

Further, Petitioner hereby moves for an order, pursuant to 37 C.F.R. § 2.127, T.B.M.P. §528 and Fed. R. Civ. P. 56, granting Petitioner summary judgment on these new grounds, as well as on the already pleaded ground of fraud based on the list of goods submitted in the Statement of Use.

Petitioner further requests that the proceeding be suspended in accordance to 37 C.F.R §2.127(d) and T.B.M.P §528 pending the Board’s consideration of this combined motion, and, if necessary, the parties’ discovery and testimony periods be reset upon the Board’s decision.

MEMORANDUM OF LAW

FACTUAL BACKGROUND

Petitioner Atlas Flowers, Inc. d/b/a Golden Flowers is a corporation based in Miami, Florida. Registrant Golden Vision Flower, Inc. is also a corporation based in Apopka, Florida. Petitioner seeks to cancel Registration No. 3,074,073 (the ‘073 Registration”) for GOLDEN VISION FLOWER and Design as shown above. The ‘073 Registration lists the following goods: “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.” (PX-30)¹

The ‘073 Registration was filed, pursuant to Section 1(b) of the Trademark Act, as an intent to use application. A Notice of Allowance was issued on July 19, 2005. Registrant filed a Statement of Use on January 6, 2006 (PX-29) and the registration issued on March 28, 2006. (PX-30)

PROCEDURAL BACKGROUND

Petitioner filed the instant Cancellation proceeding on May 13, 2009, claiming that it had superior rights in the mark and, given the similarity of the goods and the mark, it would be damaged through confusion. The parties exchanged written discovery, and the deposition of Shi-Wen Huang was taken on December 9, 2009. Based on the deposition testimony,

¹Deposition exhibits are identified as “PX ___” and are attached as exhibits to the Benschar Declaration.

Petitioner filed a stipulated motion to amend, and then an Amended Petition for Cancellation on February 16, 2010, adding a claim for fraud based on claims of use of categories of goods which Registrant had in fact never sold or used the registered mark. The depositions of Shun-Chi Huang and Li Ying Chuong were both taken on May 14, 2010.

DEPOSITION TESTIMONY

Because the testimony is partially contradictory, we set forth the pertinent portions of each deponent separately:

Shih Wen Huang

Ms. Huang is a general manager of a company named Skypro-Trading located in Apopka, Florida. (Ms. Huang Tr. 7:19- 25, Tr. 8:1- 3)² Skypro-Trading is a separate company which does marketing and sales for Registrant Golden Vision Flowers. (Ms. Huang Tr. 8:20- 22) Golden Vision Flower is owned by Ms. Huang's parents, Shun Chi Huang and Lee Ying Chuong. (Ms. Huang Tr. 9:3- 12) Ms. Huang began working for the company in 2007, previously assisting her father informally. (Ms. Huang Tr. 11:13 – 12:8)

Ms. Huang testified that Golden Vision Flower's business is focused solely on the selling of potted live orchids. (Ms. Huang Tr. 12:14- 25, 13:2- 4) She insisted that the business had never changed and has always been solely orchids. (Ms. Huang Tr. 13:11- 15) Apart from orchids, the only other product that was ever sold by the company was pottery, which was used as a form of packaging for the orchids. (Ms. Huang Tr. 20: 9- 23, 21:7- 13)

Thus, Ms. Huang confirmed that, apart from orchids, Golden Vision Flower never sold any of the products listed in its registration or on the tags submitted as a specimen for its

Statement of Use. (Ms. Huang Tr. 77:25 – 78:17; *See* PX-29)

Registrant is a small company. When the company began in 2003 it had about 10 to 12 employees including one manager, “Kevin.” (Ms. Huang Tr. 23:8- 25) These employees worked in mainly two areas: the Golden Vision greenhouse to care for the flowers, and shipping the products to customers. Later, the shipping function was transferred to Skypro.

(Ms. Huang Tr. 25:8- 20)

Shun Chi Huang

Mr. Huang resides in Taiwan and has a business address there. (Mr. Huang Tr. 7:7 – 8:24) The name of his Taiwan business is Chang Long Flower Shop (Mr. Huang Tr. 9:19- 21) Apart from his connection with his Taiwanese company, Mr. Huang is the President and CEO of Registrant Golden Vision Flower. (Mr. Huang Tr. 22:3-12) Huang and his wife originally formed the company. (Mr. Huang Tr. 22:13-20) However, Huang’s wife is simply an investor and not an officer of the company. (Mr. Huang Tr. 22:21-25)

Huang came to America, formed Golden Vision in 2003 and started using the subject mark in 2004. (Mr. Huang Tr. 29:5-17) The mark shown in the ‘073 Registration (PX-30) was put on cartons containing the flowers or plants sold by Registrant. The only items, according to him, ever sold were orchids and bamboo plants. (Mr. Huang Tr. 41:1 – 42:7)

²Deposition transcripts are appended to the Benschar Declaration.

The mark was never used in connection with cut flowers. (Mr. Huang Tr. 43:10-17)
The mark was never used for dried flowers in the United States. (Mr. Huang Tr. 43:23-2)
The mark was never used in connection with dried plants. (Mr. Huang Tr. 46:16-20) The
mark was never used and, in fact, Registrant never sold any fresh or raw herbs. (Mr. Huang
Tr. 47:20 – 48:12)

Indeed, Huang's testimony makes clear that Golden Vision never had *any*
commercial dealings in these goods under *any mark*. Huang testified that *all* of the
company's products were put in cartons bearing the registered mark. (Mr. Huang Tr. 41:6-
8) It therefore follows that as to all items as to which Huang testified the mark was never
used – cut flowers, dried flowers, dried plants and fresh or raw herbs – the company in fact
never had *any* commercially dealings at all under any mark.

Lee Ying Chuong

Ms. Chuong is also a resident of Taiwan. (Chuong Tr. 6:13-16) She is an assistant
to her husband, the President of the Taiwanese company. (Chuong Tr. 7:22 – 8:1) Ms.
Chuong is not an officer of and has no title with Golden Vision Flower; and acknowledged
that she is not the President of Golden Vision Flower. (Tr. 13:11 – 14:16; 39:15-17)

Ms. Chuong was involved in involved in designing and then registering Golden
Vision Flower's trademark. (Chuong Tr. 15:23 – 16:22) She hired a Taiwanese law firm
which, in turn, hired a firm in the U.S. Ms. Chuong never dealt with the U.S. firm. The

Taiwan firm explained to her about the documents needed to apply for the U.S. trademark registration. (Chuong Tr. 17:4 – 18:13 and PX-33)

In the course of prosecuting the application, the Taiwanese firm advised that a statement of use would have to be filed which was transmitted to Ms. Chuong. (Chuong Tr. 18:19 – 19:6 and PX 34) Ms. Chuong signed the Statement of Use. (PX-29) The Taiwanese law office explained the various portions of the Statement of Use to her and she testified she understood the document based on this explanation. (Chuong Tr. 27:8 – 29:22)

The specimen submitted accompanying the Statement of Use (*See* PX-29) was a tag purportedly to be attached to the product. Ms. Chuong explained that the transactions reflected by the Statement of Use were actually sales made by her company in Taiwan, Chang Long, to Golden Vision in Florida. (Chuong Tr. 29:21 – 34:11)

Chuong's testimony makes clear that she had no personal involvement in nor personal knowledge of Golden Vision's use of the mark and related commercial dealings. . Thus, for example, with respect to "cut flowers," Ms. Chuong claimed that Golden Vision had sold them at the beginning of its business, but she was not personally involved in such sales and did not know when they started. (Chuong Tr. 40:7-23, 42:7-14)

Similarly, with respect to dried flowers, she only recalled one order, sent from Taiwan, and had no personal knowledge of Golden Vision's activities with respect to dried flowers. (Chuong Tr. 42:15-23) And again, with respect to flower bulbs, Ms. Chuong was only vaguely aware of some use at the beginning of the company's business. She was

unsure whether this was in 2004 or 2005. And, she referred the deposition questioner to Golden Vision Flower itself for more information. (Chuong Tr. 43:18-17) Ms. Chuong likewise lacked personal knowledge with respect to the sale of flower seeds by Golden Vision Flower. (Chuong Tr. 45:18-2)

Indeed, with regard to the various items listed on the tag which was the specimen submitted with the Statement of Use, Ms. Chuong was simply unaware what items listed the company was still selling, other than orchids. She did not believe they were still selling dried flowers and was unsure about anything else. (Chuong Tr. 46:9 – 47:19)

ARGUMENT

POINT I

LEAVE TO AMEND SHOULD BE GRANTED

“Pleadings in an opposition proceeding may be amended in the same manner and to the same extent as in a civil action in a United States district court.” 37 C.F.R. §2.107. Pursuant to Fed. R. Civ. P. 15(a), leave to amend “shall be freely given when justice so requires.” Further, the Board “has recognized that ‘amendments to pleadings should be allowed with great liberality at any stage of the proceeding where necessary to bring about a furtherance of justice unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of any opposing parties.’” *Commodore Elecs. Ltd. v. CBM*

Kabushiki Kaisha, 26 U.S.P.Q.2d 1503, 1505 (T.T.A.B. 1993) (quoting *American Optical Corp. v. American Olean Tile Co., Inc.*, 168 U.S.P.Q. 471,473 (T.T.A.B. 1971)).

Registrant Will Not Be Prejudiced By The Proposed Amendment

Based on testimony provided during the two May 14 depositions, the proposed amendment asserts that Registrant committed a second type of fraud on the Trademark Office (the first form having already been pleaded). Li Ying Chuong, who purported to be the “President” of Registrant, signed Registrant’s Statement of Use. Ms Chuong acknowledged, under oath, that she was not and has never been an officer of the company, and is not otherwise qualified to verify the statement of use. (*See* Benschar Ex. A, ¶¶ 14, 15) In addition, it was learned that during the deposition that when Ms. Chuong purported to verify Registrant’s use, she in fact was attesting to use by a different company. (*Id.*, ¶ 16; Chuong Tr. 29:21 – 34:11)

The proposed amendments will not prejudice Registrant. The amendments do not necessitate new discovery because all relevant information concerning Ms. Chuong’s position with the company and her intent in signing the Statement of Use are solely in the possession of Registrant. Petitioner for its part does not seek additional discovery in connection with the proposed amendments.

POINT II

SUMMARY JUDGMENT SHOULD BE GRANTED ON BOTH THEORIES OF FRAUD

Summary judgment is appropriate in cases where “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). The moving party has the burden of demonstrating that it is entitled to summary judgment. *Celotex Corp. v. Catrett*, 477 U.S. 317 324-25 (1986). The burden then shifts to the non-moving party to provide evidentiary support – more than mere statements of denial – of the genuine factual dispute. *Opryland USA Inc. v. The Great American Music Show Inc.*, 970 F.2d 847 (Fed. Cir. 1992).

Applicant Committed Two Types Of Fraud In Obtaining Its Registration

A third party may petition to cancel a registration on the grounds that the “registration was obtained fraudulently.” 15 U.S.C. § 1064(3); *In re Bose Corp.*, 580 F.3d 1240, 1243, 91 U.S.P.Q.2d 1938 (Fed.Cir. 2009). “Fraud in maintaining a trademark registration occurs when a registrant, in an affidavit of use, renewal application or another post-registration filing, knowingly makes a specific false, material representation of fact with the intent of maintaining a registration to which it is otherwise not entitled.” *Kaplan v. Cytosport, Inc.*, Cancellation No. 92050950 (TTAB April 27, 2010). “[T]o prevail on his claim of fraud, petitioner must show that [1] a particular statement was false; [2] that the statement was

made with knowledge that it was false; and [3] that the statement was material to the examiner's decision to accept the [submission at issue].”

Petitioner alleges two instances of fraud, both in connection with the Statement of Use (PX-29) submitted by Registrant on January 6, 2006: (1) the Statement of Use verifies use for thirteen different products, whereas Registrant has never used its mark for (indeed, never had *any* commercial dealings in at least five of these products and (2) the Statement of Use was verified by a person purporting to be Registrant’s president, but who in fact was not an officer nor otherwise qualified to verify that document. These two theories are addressed below.

Reckless Disregard Of The Facts Constitutes Fraud

As noted, a charge of fraud must be supported by evidence that “the statement was made with knowledge that it was false.” A *fraudulent* (as opposed to merely false) representation is one that is accompanied by a “subjective intent to deceive.” *Bose*, 580 F.3d at 1245. The Federal Circuit in *Bose*, however, did not reach the question of whether a showing of reckless disregard for the truth satisfies the requirement for fraud. *Id.* at 1246 n. 2. For the reasons below, Petitioner submits that the Board should now hold that the recklessness standard does satisfy the requirement of showing intent to deceive or “scienter.”

The Trademark Act permits a party to move to cancel a registered trademark on the grounds that the “registration was obtained fraudulently.” 15 U.S.C. § 1064(3). The term

“fraudulently” is nowhere defined in the statute. Common law precedent is instructive in interpreting the statute. Indeed, the Supreme Court has repeatedly affirmed that “it is well-established rule of construction that where Congress uses terms that have accumulated settled meaning under the common law, a court must infer, unless the statute dictates otherwise, that Congress means to incorporate the established meaning of these terms. *See, e.g., Neder v. United States*, 527 U.S. 1, 23 (1999). This presumption is mandatory – absent an express indication otherwise, the common-law meaning controls. *See id.*

It has long been the rule at common law that a representation of fact knowing that there is no real basis for believing it constitutes fraud. *See Hadock v. Osmer*, 47 N.E. 923-924 (NY 1897); Second Restatement of Torts, § 526(b) (fraudulent to make a false statement “if the maker . . . does not have the confidence in the accuracy of his representation that he states or implies.”) The comments to the Restatement note that “[i]t is enough that being conscious that he has neither knowledge nor belief in the existence of the matter he chooses to assert it as a fact.” *Id.*, comment e. This is often termed acting “recklessly.” *Id. See, also, Bose Corp. v. Consumers Union*, 466 U.S. 485, 501 n. 19 (1984) (fraud can be proved “when it is shown that a false representation has been made (1) knowingly, or (2) without belief in its truth, or (3) recklessly, careless whether it be true or false”, quoting *Derry v. Peek*, 14 App. Cas. 337, 374 (1889)).

The Federal Circuit has applied the common law rule in the parallel context of patent fraud. The enforcement of a patent obtained through fraud may give rise to an antitrust claim. *Walker-Process Equip., Inc. v. Food Mach. & Chem. Corp.*, 382 U.S. 172 (1965). In applying this rule, the Federal Circuit has held that “*Walker-Process* fraud is a variant of

common law fraud” requiring proof of all elements of common law fraud. *Unitherm Food Systems, Inc. v. Swift-Eckrich, Inc.*, 375 F.3d 1341, 1358 (Fed. Cir. 2004); *In re Spalding Sports Worldwide, Inc.*, 203 F.3d 800, 807 (Fed.Cir. 2000). The state-of-mind element for both common law and *Walker Process* fraud requires proof of “the intent to deceive or, at least, *a state of mind so reckless as to the consequences that it is held to be the equivalent of intent (scienter).*” *Unitherm*, 375 F.3d at 1358 (emphasis added); *Spalding*, 203 F.3d at 807 (emphasis added). Thus the Federal Circuit has already recognized that reckless disregard for the truth satisfies the scienter requirement for common-law fraud and has even applied that rule in the context of fraud on the Patent Office.

Federal courts have repeatedly held that reckless conduct satisfies a finding of fraud in other contexts as well. For example, in securities fraud cases, “[e]very Court of Appeals that has considered the issue has held that a plaintiff may meet the scienter requirement by showing that the defendant acted intentionally or recklessly . . .” *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 319 n. 3 (2007). Similarly federal *criminal* fraud statutes (mail fraud, wire fraud) have generally been held to be violated where a person acted with “reckless indifference to the truth.” *United States v. DeRosier*, 501 F.3d 888, 897-98 (8th Cir. 2007); *United States v. Munoz*, 233 F.3d 1117, 1136 (9th Cir. 2000)(mail fraud); *O'Malley v. New York City Transit Authority*, 896 F.2d 704, 707 (2d Cir. 1990) (mail fraud).

Thus the consensus of authority is that when a party makes a representation with “reckless indifference to truth,” he or she is acting fraudulently, and may be liable for common law fraud or federal statutory fraud crimes and civil liabilities. There is no reason why the Trademark Act should be interpreted any differently than this precedent – and

indeed, the common law precedent is compelling under *Nederer* and the cases cited therein.

Registrant Committed Fraud When It Verified Its Statement Of Use
Through A Person Who Purported To Be Its President, But Was Not

Petitioner's first basis for asserting fraud is that Registrant submitted a Statement of Use verified by Li Ying Chuong, who signed as its "President." (PX-29) In fact, Ms. Chuong is not and has never been that company's President, nor even an officer. All she ever was was an "investor" in the company, who owned "ten-something percent" of the shares. (Mr. Huang Tr. 22:16 – 24:5, Chuong Tr. 13:11 – 14:16, 15:8)

The statement that Ms. Chuong was the Registrant's "President" is shown to be false by the testimony of both Ms. Chuong and her husband, the true company president. (*Id.*) This testimony is further confirmed by Registrant's Interrogatory responses. When asked to identify each of its officers since adoption of its registered mark, Registrant responded by referring Petitioner to "State of Florida filings." (Benschar Ex. H, Interrog. # 3 and response) These produced filings (Benschar 3 and Ex. I) all list only a single officer: Shun-Chi Huang. (*Id.*)

This was a knowing falsehood. Clearly, both Ms. Chuong and her husband knew that she was neither the company President, nor any other corporate officer. Scienter is thus established.

The false statement was material to the Statement of Use. The underlying application to the '073 Registration was filed as an Intent to Use application under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b). When the Trademark Office issues a

Notice of Allowance, the applicant then has six months to file a “a verified statement that the mark is in use in commerce and specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.” *Id.*, § 1051(d)(1).

Not every person is qualified to sign a verification in support of such an application:

A verification in support of an application for registration . . . must be sworn to or supported by a declaration under §2.20, signed by the owner or a person properly authorized to sign on behalf of the owner. A person who is properly authorized to verify facts on behalf of an owner is:

- (i) A person with legal authority to bind the owner (e.g., a corporate officer or general partner of a partnership);
- (ii) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or
- (iii) An attorney as defined in §11.1 of this chapter who has an actual written or verbal power of attorney or an implied power of attorney from the owner.

37 C.F.R. § 2.193(e)(1); *see* TMEP §§ 611.03(a) and 804.04.

Ms. Chuong did not qualify under any of these subsections: (1) she was not an officer of the company and had no legal authority to bind the company; (2) she had no first-hand knowledge of the use of the trademark made by Golden Vision – indeed she resides in Taiwan and only relied upon second-hand reports from Florida (*See Chuong Tr.* 40:17-23, 41:2-6, 42:15-23, 45:1 – 47:19); and (3) she clearly is not an attorney. By falsely signing as the company “President” she proffered false information to qualify herself as a proper signatory on the required Verified Statement of Use. Had the true facts been known by the Examiner, the Statement of Use would have been rejected as not properly verified.

In short, Registrant committed fraud on the Trademark Office when it submitted a Statement of Use verified by a person falsely claiming to be its “President” who in fact was not and was not otherwise qualified to sign the registration. Summary judgment should be granted and the ‘073 Registration cancelled.

Registrant Committed Fraud When It Claimed Use Of Many Items
As To Which It Had Not Used The Mark And Indeed [?] Had Never Sold

Falsity

As noted, the ‘073 Registration (and the supporting Statement of Use) list the following goods: “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.” (PX-29, -30) At least five and perhaps as many as ten were false.

All of Registrant’s witnesses agree that Registrant used the mark for live orchids. Indeed, according to Ms. Huang, that is the *only* item listed as to which Registrant has *ever* sold or used the mark. Her testimony is consistent with Registrant’s response to Interrogatory No. 6 (Benschar Dec. Exh. H), which lists three types of orchids as the sole item for which Registrant has used its mark. (*Id.*, Response to Interrog. No. 6) It is also consistent with Registrant’s incorporation papers with the Florida Secretary of State which states that the purpose of organizing the corporation is “[t]o plant, grow and sell orchid flowers.” (Benschar Ex. I)

Mr. Huang claimed that Registrant had also sold live bamboo plants. In addition, he argued that certain of the categories (live flowers, live flowering plants, live plants)

incorporate the live orchids sold by the company.³ But Mr. Huang was clear that the company never used the mark with respect to “Cut flowers, dried flowers . . . Dried plants . . . [and] Fresh herbs and raw herbs.” (Tr. 43:10-17, Tr. 43:23-2, 46:16-20, Tr. 47:20 – 48:12).⁴

Thus, by Mr. Huang’s own testimony, while the Statement of Use purported to verify use of the mark as to thirteen product categories, this statement was false as to at least five of the listed categories.

Materiality

Given that the statute expressly requires *use in commerce* as a condition for issuance of a registration under Section 1(b), whether or not Registrant used its mark for the various goods is clearly material. Furthermore, “[a] finding of fraud with respect to a particular class of goods or services renders any resulting registration void as to that class.” *Meckatzer Lowenbrau Benedict Weis KG v. White Gold, Inc.*, Cancellation No. 92051014 (TTAB May 13, 2010) (precedential) at 7. All of the goods in the ‘073 Registration are in Class 31. Since fraud has been shown as to at least five of the thirteen listed product types, the entire registration is subject to cancellation.

³ It is problematic that such double identification satisfies the requirement to “specify” the goods and services for which the registration is issued. *See, generally*, T.M.E.P. § 1402.

⁴ As to the other items listed in the registration, Huang claimed there had been some minimal use early in the company history, although he could not produce any proof thereof. (*See* Mr. Huang Tr. 47:12-19) While Petitioner does not base the instant summary judgment motion on these other items, it reserves the right to assert them as part of its fraud allegations at trial.

Scienter or Intent To Deceive

As discussed above, Li Ying Chuong, the person who verified the Statement of Use, had no first hand knowledge of what goods the company did or did not use the mark nor any involvement in those commercial dealings. She was not an officer of the company, and lived and worked in Taiwan, not in Florida where Registrant is based. It was reckless for Registrant to rely on a person with no first hand knowledge of the pertinent facts – who by her own testimony was “not involve[d]” in the commercial activities of Golden Vision (Chuong Tr. 42:13, 45:9-17, 47:2-18) – to verify its use of the mark on thirteen different types of goods. The verification in the Statement of Use is a classic example of affirming facts as to which the person has no real basis of knowledge – reckless conduct.

Additional facts also support an inference of fraud:

- In 2004 the company was a small one – it had only 10-12 employees, including one manager and the rest greenhouse and shipping workers. In August 2005, when the Statement of Use was signed (*see* PX-29), the company was only a year old. Given the small size and young age of the company, it is inconceivable that Ms. Chuong believed that the company had used the mark on all the different types of goods listed – especially given that, as noted above, as to at least five product types the company *never dealt in such products at all*, let alone used the mark in connection with such products.
- The fact that Ms. Chuong deliberately lied about her status as the company President also supports the inference that the other falsehoods *in the very same document* were deliberate. *See, generally*, Fed.R.Evid. 404(b) (other bad acts admissible to show

state of mind). *Cf.*; *United States v. Carboni*, 204 F.3d 39, 44 (2d Cir. 2000) (conviction for making false statement to bank upheld. Evidence of other false statements in the same loan application held admissible to prove intent.)

- Golden Vision Flower had a motive to deceive the Trademark Office. Golden Vision Flower was *hoping* to market these goods at some point in the future. (*See* Mr. Huang Tr. 46:16-20) Indeed, in commenting on the tag which listed the thirteen goods in the registration (and was submitted as a specimen with the Statement of Use, *see* PX-29), Ms. Huang observed, “I think in the beginning we was planning to have more products than orchids, and that’s how they create [this tag] with the potential product that we’re going to have.” (Ms. Huang 76:17-21) Golden Vision Flower had applied for (and was allowed) an intent to use registration as to thirteen product categories, but only some of these materialized. Rather than submitting a limited Statement of Use and having to reapply later, Golden Vision was motivated to simply lie about its actual use and hope that its commercial efforts in the other product categories would come to fruition.

While Petitioner has the burden of proving deceptive intent by clear and convincing evidence, *Bose*, 580 F.3d at 1245, such intent can be inferred from indirect and circumstantial evidence, “because direct evidence of deceptive intent is rarely available,” *Id.* The above circumstance point to but one conclusion: Registrant deliberately misrepresented the scope of goods as to which it had begun using its mark when it verified the Statement of Use.

In short, Registrant has shown two frauds committed by Golden Vision Flower in obtaining the '073 Registration: the Statement of Use was verified by a "President" who was not an officer of the company, and it verified use as to thirteen product categories, where at least five them the company neither used the mark nor indeed ever had any commercial dealings at all.

POINT III

PETITIONER SHOULD BE GRANTED SUMMARY JUDGMENT ON ITS VOID *AB INITIO* THEORIES

Petitioner also relies upon two theories that the '073 Registration is void *ab initio*. (Benschar Exh. A, ¶¶ 15-16) The statute requires that before a registration may issue, the applicant must file a "verified statement that the mark is in use in commerce and specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce." 15 U.S.C. § 1051(d).

Registrant's Statement of Use was defective for two reasons. First, as discussed above, it was not signed by a qualified person under Trademark Office regulations, 37 C.F.R. § 2.193(e)(1). *See, also*, TMEP §§ 611.03(a) and 804.04. Second, Ms. Chuong, who verified the Statement of Use, testified that the transactions which purported to constitute the basis for use were *not* those of Golden Vision Flower, but rather of the Taiwanese company, Chang Long. (Chuong Tr. 29:21 – 34:11) While such a transaction might arguably support a claim of use by Chang Long, it hardly supports use by Golden Vision Flower.

A verified Statement of Use, as noted, is a statutory requirement. Where discovery has revealed that statutory requirements for a registration have in fact not been met, the Board has held that the registration is void *ab initio*. See *Great Seats, Ltd. v. Great Seats, Inc.*, 84 U.S.P.Q.2D 1235 (T.T.A.B. 2007) (lack of ownership); *Bank of America National Trust & Savings Association v. The First National Bank of Allentown*, 220 USPQ 892, 894 n. 6 (T.T.A.B. 1984) (use of mark was not made until after filing date). The Statement of Use submitted by Registrant here has been shown to be defective; without a valid Statement of Use, the registration is likewise void *ab initio*.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board issue an order granting it leave to further amend its Petition for Cancellation in the form annexed as Benschar Dec. Exhibit A. Further, in view of the facts and arguments presented herein, Opposer requests summary judgment cancelling Registration No. 3,074,073.

Dated: June 25, 2010
New York, New York

Respectfully Submitted,

KALOW & SPRINGUT LLP
Attorneys for Petitioner



Milton Springut
Tal S. Benschar
488 Madison Avenue
New York, New York 10022
(212) 813-1600

DECLARATION OF SERVICE

LAUREN NOVAK declares that:

1. I am an assistant with KALOW & SPRINGUT LLP, attorneys for the Opposer in the captioned proceeding, and that on the execution date which appears below, a true copy of the annexed **MOTIONS FOR LEAVE TO AMEND PETITION FOR CANCELLATION AND FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT THEREOF** was served U.S. Mail upon the following addressee:

Jeffrey S. Dawson, Esq.
56 Fourth Street, NW, Suite 100
Winter Haven, Florida 33881
jdawson@jdawsonlaw.com

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on June 25, 2010
New York, New York

By: 
Lauren Novak

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

In re Registration No. 3,074,073
Mark:



-----X	:	
ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS,	:	
	:	
Petitioner,	:	Cancellation No.: 92050966
	:	
- against -	:	
	:	
GOLDEN VISION FLOWER, INC.,	:	
	:	
Registrant.	:	
-----X	:	

DECLARATION OF TAL S. BENSCHAR

TAL S. BENSCHAR declares that:

1. I am a partner with Kalow & Springut LLP, counsel for Petitioner in the above captioned action. I submit this declaration in support of Petitioner’s Combined Motion for Leave to Amend the Petition for Cancellation and for Summary Judgment.
2. Attached hereto as Benschar Declaration Exhibit A is Petitioner’s proposed Second Amended Petition for Cancellation. The new allegations are incorporated in paragraphs 14 to 17.

3. In addition, the following exhibits attach the following materials from discovery in the proceeding:

**Benschar
Declaration
Exhibit**

Description
B Transcript of Deposition of Shi Wen Huang of December 9, 2009
C Transcript of Deposition of Shun Chi Huang of May 14, 2010
D Transcript of Deposition of Li Ying Chuong of May 14, 2010
E Deposition Exhibit 29 (Statement of Use submitted on application)
F Deposition Exhibit 30 (Registration 3,074,073)
G Deposition Exhibit 33 (Letter dated May 12, 2004 from Registrant's Taiwan counsel to U.S. counsel)
H Registrant's Responses to Interrogatories
I Documents produced by Registrant showing corporate filings with Florida Secretary of State.

4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed: June 25, 2010
New York, New York

By: 
Tal S. Benschar

225113.1

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

In re Registration No. 3,074,073
Mark:



-----X		
ATLAS FLOWERS, INC. d/b/a GOLDEN FLOWERS,	:	
	:	
	:	
Petitioner,	:	Cancellation No.: 92050966
	:	
- against -	:	
	:	
GOLDEN VISION FLOWER, INC.,	:	
	:	
Registrant.	:	
-----X		

[proposed] SECOND AMENDED PETITION FOR CANCELLATION

In accordance with Rule 15, Federal Rules of Civil Procedure, and TBMP § 314, and the Motion for Leave to Amend and any Order of the Board thereon, Petitioner Atlas Flowers, Inc., located at 2600 NW 79th Avenue, Miami, Florida 33122, believes that it will be damaged by the continued registration of the mark GOLDEN VISION FLOWER INC. and Design of Registration No. 3,074,073 owned by Golden Vision Flower, Inc. (“Registrant”), and hereby amends its petition to cancel the same pursuant to Section 14(1, 3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(1, 3).

As grounds therefore, Petitioner alleges as follows:

1. Petitioner is the owner of a Section 1(a) application for the mark GOLDEN FLOWERS, Serial No. 77/571,430, filed on September 16, 2008, for fresh cut flowers in International Class 31; and a Section 1(a) Application for the mark GOLDEN FLOWERS with Design, Serial No. 77/571,417, filed on September 16, 2008 for fresh cut flowers in International Class 31 (collectively the “Applications”).

2. In separate Office Actions, both dated December 17, 2008, Registrant’s GOLDEN FLOWER VISION INC. and Design Mark, Registration No. 3,074,073 (“Registrant’s Mark”), registered for various flowers and horticultural products in International Class 31, was cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner’s respective marks in its Applications.

3. Upon information and belief, Petitioner’s rights are superior and long prior in time to those of Registrant, Petitioner having commenced use of its mark at least as early as December 31, 2000, prior to the time Registrant began use of its mark in commerce or applied for registration of same.

4. Further, given the similarity between the parties’ respective marks and the great similarity and closeness of the goods, there is a high likelihood of confusion if Registrant is permitted to continue use of its mark as registered for the goods listed therein.

5. Petitioner will be seriously injured if Registrant is permitted to have its certificate of registration remain of record, thereby obstructing the Applications for registration by Petitioner which already has been filed in the United States Patent and Trademark Office.

6. Registrant, if permitted to retain the registration herein sought to be cancelled and thereby retaining the prima facie exclusive right to the mark therein for the goods listed therein,

will be in a position to cause annoyance and to harass Petitioner in selling its said goods and raise doubts as to the right of Petitioner to use its own marks.

Lack of Use In Commerce

7. Registration No. 3,074,073 is for the following goods: “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.”

8. However, at deposition of Registrant by Ms. Shih Wen Huang, Registrant admitted that in fact it has *never* sold any of the products listed in its registration, apart from Live Orchids.

9. Further, even as to Live Orchids, upon information and belief there was no trademark use made by Registrant prior to January 19, 2006. (The instant registration began as an intent-to-use application under Section 1(b) of the Trademark Act. A Notice of Allowance issued on July 19, 2005, which required a Statement of Use to be filed within 6 months. Although one was filed on January 6, 2006, that Statement of Use was false and fraudulent, as set forth below. In fact, it appears that no “use in commerce” (as that term is defined in the Trademark Act) of the registered mark was ever made prior to January 19, 2006, the deadline under the Notice of Allowance.)

Fraud

10. On January 6, 2006, Registrant, filed a Statement of Use as required by the Trademark Act. (The underlying Statement of Use, however, was dated August 8, 2005) That document is of-record with the Trademark Office.

11. The Statement of Use was false in that it affirmed use of the subject mark for “Cut flowers, dried flowers and live flowers; Flower bulbs; Flower seeds; Live flowering plants; Dried plants and live plants; Grass and grass seeds; Fresh herbs and raw herbs; Live orchids.”

However, Registrant has to date *never* used its mark (or indeed engaged in any commerce) with respect to any of the products listed other than Live Orchids.

12. The listing of these additional goods on the Statement of Use was material to the issuance of the registration. Had the Statement of Use only listed Live Orchids, then only a much more limited registration would have issued.

13. The circumstances of this submission strongly suggest that it was made with the intent to deceive, or at least with reckless disregard of the truth:

(a) As set forth above, Ms. Huang confirmed that Registrant has *never* in its entire corporate history since 2003 sold any products other than live orchids (and related packaging, such as pottery). She confirmed that the additional products listed in the Statement of Use and Registration were merely product categories which the company hoped to sell at some point in the future, but those plans have to date never materialized.

(b) Registrant is a small family owned company. Ms. Huang testified that her parents, who are based in Taiwan, own and manage the company. At most the company has had about a dozen employees, mostly low-level employees who work in its greenhouse. It is inconceivable that in 2005, when the Statement of Use was signed, that the signatory was not aware of what products the company was and was not selling.

(c) The Statement of Use appended as a specimen a tag which Ms. Huang was wholly unfamiliar and which she had no knowledge of the company ever using.

(d) That specimen lists all of the products listed in the Statement of Use and Registration. It appears that such Specimen was created solely for the purpose of the required filing with the Trademark Office and not actually used in Registrant's business.

(e) The Statement of Use is signed by a “Li Ying Chuang, President.” At deposition, Ms. Huang confirmed that this was her mother, but that she was never President of the company (although she was and is a shareholder and director).

14. As a second ground for fraud, Petitioner alleges that the Statement of Use referenced above was verified on behalf of Registrant by a “Li Ying Chuang, President.” Ms. Chuang was in fact not the President of Registrant at that time or at any other time. The representation that she was the President was a knowing and deliberate falsehood, and was material to accepting the Registration of Use because Ms. Chuang was not otherwise qualified to verify the Statement of use under applicable Trademark Office regulations, including 37 C.F.R. § 2.193(e)(1).

15. As an additional ground, the Registration is void *ab initio* because the Verified Statement of Use was signed by a person who in fact was not qualified to verify the Statement of use under applicable Trademark Office regulations, including 37 C.F.R. § 2.193(e)(1).

16. As an additional ground, the Registration is void *ab initio* because the Verified Statement of Use submitted in support of the registration evidences use of the mark by a third party other than Registrant.

17. For all of the above reasons, the Statement of Use submitted was both false and fraudulent, and/or void *ab initio* and hence the Registration should be cancelled.

WHEREFORE, Petitioner requests that this cancellation be sustained and that
Registration No. 3,074,073 be cancelled.

Dated: New York, New York
June _____, 2010

Respectfully submitted,

KALOW & SPRINGUT LLP

By: _____

Milton Springut
Tal S. Benschar
488 Madison Avenue
New York, NY 10022
(212) 813-1600

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served by First Class mail upon the

Registrant's counsel at:

Jeffrey S. Dawson, Esq.
56 Fourth Street, NW
Suite 100
Winter Haven, FL 33881

this _____ day of June, 2010

Tal S. Benschar

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

ATLAS FLOWERS, INC. d/b/a GOLDEN
FLOWERS,

Petitioner,

- against -

GOLDEN VISION FLOWER, INC.,
Registrant.

DEPOSITION OF SHIH WEN HUANG

WEDNESDAY, DECEMBER 9, 2009
9:42 a.m. - 12:27 p.m.

200 EAST ROBINSON STREET, SUITE 725
ORLANDO, FLORIDA 32801

REPORTED BY:
Stacy Pace, RPR, CSR, CRR, FPR
Notary Public, State of Florida
Esquire Deposition Solutions
Orlando Office - Job# 132185
Phone: 407-426-7676

2

1 APPEARANCES:

2

3 On behalf of the Petitioner:

4 Milton Springut, Esquire

5 Kalow & Springut, LLP

6 488 Madison Avenue

7 New York, New York 10022

8

9 On behalf of the Registrant:

10 Jeffrey S. Dawson, Esquire

11 Jeffrey S. Dawson, P.A.

12 56 Fourth Street, NW

13 Suite 100

14 Winter Haven, Florida 33881

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I N D E X

1 Testimony of SHIH WEN HUANG

2 Direct Examination by Mr. Springut 4

3 Certificate of Oath 82

4 Certificate of Reporter 83

5 Errata Sheet 84

6 Read & Sign Letter 85

7 - - - -

8

9

E X H I B I T S

10 Petitioner's

11 Exhibit No. 1 7

12 (deposition notice)

13 Exhibit No. 2 54

14 (Orchids magazine)

15 Exhibit No. 3 55

16 (brochure)

17 Exhibit No. 4 58

18 (brochure)

19 Exhibit No. 5 61

20 (tag/logo)

21 Exhibit No. 6 62

22 (SFS show guide)

23 Exhibit No. 7 62

24 (trade show photo)

25 Exhibit No. 8 62

26 (trade show photo)

27 Exhibit No. 9 63

28 (World Floral Expo directory)

29 Exhibit No. 10 63

30 (FNGLA directory)

31 Exhibit No. 11 63

32 (OFA directory)

33 Exhibit No. 12 63

34 (PLNA directory)

35 Exhibit No. 13 63

36 (trade show photo)

4

1 Exhibit No. 14 63

2 (SFS show guide)

3 Exhibit No. 15 64

4 (TNLA program)

5 Exhibit No. 16 64

6 (trade show photo)

7 Exhibit No. 17 64

8 (New England Grows directory)

9 Exhibit No. 18 64

10 (PLNA directory)

11 Exhibit No. 19 64

12 (OFA directory)

13 Exhibit No. 20 64

14 (PLNA directory)

15 Exhibit No. 21 64

16 (SFS show guide)

17 Exhibit No. 22 64

18 (TNLA program)

19 Exhibit No. 23 65

20 (TPIE directory)

21 Exhibit No. 24 65

22 (brochure)

23 Exhibit No. 25 65

24 (answer & affirmative defenses)

25 Exhibit No. 26 66

26 (answers to interrogatories)

27 Exhibit No. 27 73

28 (trademark search)

29 Exhibit No. 28 74

30 (trademark application)

31 Exhibit No. 29 74

32 (statement of use)

33 Exhibit No. 30 79

34 (trademark principal register)

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<p>5</p> <p>1 Deposition taken before STACY PACE, RPR, CSR, CRR, 2 FPR, and Notary Public in and for the State of Florida at 3 Large, in the above cause. 4 - - - - 5 Thereupon, 6 SHIH WEN HUANG, 7 having been first duly sworn or affirmed, was examined 8 and testified as follows: 9 THE WITNESS: Yes. 10 DIRECT EXAMINATION 11 BY MR. SPRINGUT: 12 Q Good morning, Ms. Huang. 13 A Good morning. 14 Q My name is Milton Springut, and I'm the 15 lawyer for the petitioner in this case, and we're 16 here to ask you some questions with regard to the 17 subject matter of this proceeding to help the 18 Trademark Trial and Appeal Board resolve the matter. 19 Okay? 20 A Yes. 21 Q I assume you've received a briefing about 22 the nature and purpose of this proceeding this 23 morning? 24 A Yes. 25 Q Do you have any questions at this time?</p>	<p>7</p> <p>1 reporter to mark this notice as Petitioner's 2 Exhibit 1. 3 (Petitioner's Exhibit No. 1 marked for 4 identification.) 5 BY MR. SPRINGUT: 6 Q Ms. Huang, are you appearing here today 7 pursuant to the notice of Petitioner Exhibit 1? 8 A Yes. 9 Q And you are Shih Wen Huang, correct? 10 A Correct. 11 Q And you'll notice that immediately after 12 your deposition, we are scheduled to take the 13 deposition of Chiung Ying Huang? 14 A Yes. 15 Q What is -- are you related to that person? 16 A Yes. 17 Q What is the relationship? 18 A She's my sister. 19 Q Who are you employed by? 20 A Skypro-Trading. 21 Q Can you spell that? 22 A S-K-Y-P-R-O, dash, Trading, T-R-A-D-I-N-G. 23 Q And what is your position with 24 Skypro-Trading? 25 A General manager.</p>
<p>6</p> <p>1 A No. 2 Q Now, on behalf of the court reporter, it's 3 really important that you verbalize your responses. 4 If you shake your head or grunt, she's going to have 5 a very hard time taking that on the machine. 6 A Okay, I understand. 7 Q So you agree to verbalize all your 8 responses? 9 A Yes. 10 Q Great. If you don't understand my 11 questions, I'll be glad repeat or rephrase them. 12 Similarly, if I don't understand your answers or 13 they're incomplete, I'll ask you to explain. 14 A Okay. 15 Q Is there anything preventing you from 16 giving me full and complete answers to my questions 17 this morning from your side? 18 A Sorry? 19 Q Is there anything preventing you from 20 responding to my questions fully and completely this 21 morning? 22 A No. 23 Q This deposition is being taken pursuant to 24 notice. 25 MR. SPRINGUT: Let me ask the court</p>	<p>8</p> <p>1 Q And what is your business address? 2 A It's 2809 West Kelly Park Road, Apopka, 3 Florida. ZIP code 32712. 4 Q And what is the business phone there? 5 A (407)462-8028. 6 Q And where do you live? 7 A Where I live? 8 Q What's your address? 9 A It's 680 Maya -- do I have to spell? 10 Q It probably would help the reporter. 11 A M-A -- M-A-Y-A Susan, S-U-S-A-N, Loop, 12 L-O-O-P, Apopka, Florida. 13 Q And your phone number at your residence? 14 A I put my cell phone. I didn't have any 15 residence phone. 16 Q Same phone? 17 A Yes. 18 Q What is the relationship of Skypro-Trading 19 to Golden Vision Flower Inc., if any? 20 A Skypro-Trading is the company -- we doing 21 the marketing and sales for Golden Vision Flower. 22 Q Is there a corporate relationship between 23 those two companies? 24 A Sorry, I wasn't sure. What do you mean 25 corporate relationship?</p>

9	<p>1 Q Is one a subsidiary of the other, for 2 example?</p> <p>3 A Golden Vision Flower, it's owned by my 4 parents.</p> <p>5 Q Okay. So -- and what are their names?</p> <p>6 A Shun-Chi Huang. S-H-U-N, dash, C-H-I. 7 Last name H-U-A-N-G.</p> <p>8 Q Okay.</p> <p>9 A Li-Ying. L-I, dash, C H I U N G -- oh, 10 sorry --</p> <p>11 Q Start again.</p> <p>12 A It's L-I-Y-I-N-G. Last name C-H-U-A-N-G.</p> <p>13 Q These are your parents?</p> <p>14 A Yes.</p> <p>15 Q And they're the owners of Golden Vision 16 Flower --</p> <p>17 A Yes.</p> <p>18 Q -- the owner of the registration we're --</p> <p>19 A Yes.</p> <p>20 Q -- here about today?</p> <p>21 Okay. Can you tell me how old are you?</p> <p>22 A Twenty-nine.</p> <p>23 Q Okay. And where were you born?</p> <p>24 A Where I'm born? Taiwan.</p> <p>25 Q And how long have you been in the United</p>	11	<p>1 University in Ontario, Canada. And after I 2 graduate, I came to the United States.</p> <p>3 Q When did you graduate Ottawa University?</p> <p>4 A It's a year before I came. I think it's 5 2004.</p> <p>6 Q And did you major in anything?</p> <p>7 A Yes. I major in business and economics.</p> <p>8 Q And when you came here in about 2004, did 9 you go to school, did you work? What did you do?</p> <p>10 A Oh, I took some class here before I 11 started work.</p> <p>12 Q And when did you start work?</p> <p>13 A Officially it's 2007. Before that, just 14 like helping my dad, if my dad is not in the United 15 States. But officially I think it's 2007.</p> <p>16 Q Before 2007, what did you do to help your 17 father?</p> <p>18 A Mostly for financial transaction, or like 19 prepare a report for the sales for Golden Vision, 20 and -- and trade show.</p> <p>21 Q When you say trade show, what do you mean?</p> <p>22 A It's more like commercial trade show.</p> <p>23 Q What did you do?</p> <p>24 A Attending; decide which one to go, which 25 one not.</p>
10	<p>1 States?</p> <p>2 A Since -- I'm not sure, but I think it's 3 2004.</p> <p>4 Q And where do your parents live?</p> <p>5 A Right now?</p> <p>6 Q Right now.</p> <p>7 A In Taiwan.</p> <p>8 Q And do they live somewhere else at some 9 point in time?</p> <p>10 A They kind of travel between U.S. and 11 Taiwan.</p> <p>12 Q But their home is in Taiwan?</p> <p>13 A Yes.</p> <p>14 Q Are you a citizen?</p> <p>15 A No.</p> <p>16 Q Do you have a green card?</p> <p>17 A No.</p> <p>18 Q What's your status here?</p> <p>19 A E2 visa.</p> <p>20 Q Can you give us a brief sketch of your 21 educational background, beginning with high school 22 and any formal education you've had beyond high 23 school?</p> <p>24 A Okay. I -- I started high school in 25 Vancouver, Canada, and I graduate from Ottawa</p>	12	<p>1 Q Okay.</p> <p>2 A And if my dad was doing customer visiting, 3 doing like maybe translator for him.</p> <p>4 Q Does your father speak English?</p> <p>5 A (Witness shakes head.) No.</p> <p>6 Q Was your help all in connection with his 7 business, Golden Vision Flower?</p> <p>8 A Yes.</p> <p>9 Q And before 2007, what was the nature of 10 his business?</p> <p>11 A Nursery.</p> <p>12 Q When you say nursery, be a little more 13 specific.</p> <p>14 A Because Golden Vision, it's mainly focused 15 on orchid business, like potting plant.</p> <p>16 Q Can you --</p> <p>17 A The potting, P-O-T-T-I-N-G.</p> <p>18 Q Right.</p> <p>19 A The potting plant, yeah.</p> <p>20 Q What about the potting plants?</p> <p>21 A We grow orchids in Apopka, Florida.</p> <p>22 Q Orchids and potting plants, is that what 23 you do?</p> <p>24 A Yeah. Not like cut plant. We sell, like, 25 potting plant to, like, wholesaler.</p>

<p style="text-align: center;">13</p> <p>1 Q So all -- all the plants are orchids?</p> <p>2 A Majority. Different type of orchids. But</p> <p>3 right now like I would say a hundred percent what we</p> <p>4 do is orchids.</p> <p>5 Q All the orchids are in -- in pots?</p> <p>6 A Yes.</p> <p>7 Q And you sell that --</p> <p>8 A Yeah.</p> <p>9 Q -- to your customers?</p> <p>10 A Uh-huh.</p> <p>11 Q Is the business different today than it</p> <p>12 was earlier on?</p> <p>13 A No.</p> <p>14 Q It's always been orchids?</p> <p>15 A It's always been orchids.</p> <p>16 Q And does your father have any other</p> <p>17 businesses in the United States aside from Golden</p> <p>18 Vision Flower?</p> <p>19 A No.</p> <p>20 Q So before 2007, you had some kind of</p> <p>21 informal relationship with your father where you</p> <p>22 helped him in the business?</p> <p>23 A Yes.</p> <p>24 Q And how did that change in 2007?</p> <p>25 A How did that change? Are you asking why</p>	<p style="text-align: center;">15</p> <p>1 A Sometime I -- well, I bought some pottery,</p> <p>2 also, and sell to other nursery people, but right</p> <p>3 now I still focus on nursery business.</p> <p>4 Q And is the nursery business in connection</p> <p>5 with Golden Vision or somebody else also?</p> <p>6 A Sorry, what's the question?</p> <p>7 MR. SPRINGUT: Would you --</p> <p>8 (Requested portion of the record was read</p> <p>9 back by the court reporter.)</p> <p>10 THE WITNESS: Skypro?</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q Yes.</p> <p>13 A Golden Vision was one of the biggest</p> <p>14 customers for Skypro, but we also sell like</p> <p>15 material, like greenhouse material to other people.</p> <p>16 Q But do you work for any other nurseries?</p> <p>17 A For Skypro, we have some other customers,</p> <p>18 yes.</p> <p>19 Q Are they nursery?</p> <p>20 A Not really. It's more like wholesale</p> <p>21 people, wholesale customers.</p> <p>22 Q Is Skypro-Trading a corporation?</p> <p>23 A LLC.</p> <p>24 Q Are there any officers or members of the</p> <p>25 company?</p>
<p style="text-align: center;">14</p> <p>1 we have different company or --</p> <p>2 Q No. You said that before 2007 you were</p> <p>3 helping him.</p> <p>4 A Yeah.</p> <p>5 Q So what happened in 2007?</p> <p>6 A Nothing. I just want to set up my own</p> <p>7 company.</p> <p>8 Q So you set up your own company --</p> <p>9 A Yeah.</p> <p>10 Q -- in 2007?</p> <p>11 A Yes.</p> <p>12 Q And that's Skypro-Trading?</p> <p>13 A Yes.</p> <p>14 Q And tell us why you set up your own</p> <p>15 company.</p> <p>16 A It's just if I want to do something more</p> <p>17 than just the plant or nursery, that I can -- I can</p> <p>18 do it with my company.</p> <p>19 Q So you set up Skypro in 2007?</p> <p>20 A Yes.</p> <p>21 Q Have you done anything else other than</p> <p>22 working for Golden Vision?</p> <p>23 A We have other customers too, other than</p> <p>24 Golden Vision.</p> <p>25 Q In the plant --</p>	<p style="text-align: center;">16</p> <p>1 A Skypro, my sister. She's the other</p> <p>2 manager.</p> <p>3 Q So both of you are managers?</p> <p>4 A Yes.</p> <p>5 Q Anybody else in the company?</p> <p>6 A Also the other sister.</p> <p>7 Q Another sister?</p> <p>8 A Yes.</p> <p>9 Q What's her name?</p> <p>10 A Three of us. Yating, Y-A-T-I-N-G, Huang,</p> <p>11 H-U-A-N-G.</p> <p>12 Q And she's also a member?</p> <p>13 A Of Skypro.</p> <p>14 Q And what does she do?</p> <p>15 A She is more in production, quality control</p> <p>16 side.</p> <p>17 Q And what type of quality control does</p> <p>18 Skypro-Trading do?</p> <p>19 A Well, Skypro-Trading, it's the marketing</p> <p>20 company. We find a better price on the pottery for</p> <p>21 nursery or wholesale people, but we also provide the</p> <p>22 way to improve the quality and how to grow orchids;</p> <p>23 like what kind of lights and how to -- that you</p> <p>24 should keep in your greenhouse and what kind of</p> <p>25 fertilizer that you should use and what kind of</p>

<p style="text-align: center;">17</p> <p>1 water quality that you should be aware, and also 2 sometime disease, what you should be -- what kind of 3 chemical that you can apply. 4 Q And for which of your customers do you do 5 that? 6 A That -- mostly for Golden Vision, and 7 sometimes if Golden Vision customers have a problem 8 with how to grow orchids, then we will provide them 9 those (sic) information. 10 Q And what does your second sister do, Chiug 11 Ying Huang? 12 A She is mostly in production side. 13 Q What does that mean? 14 A She -- well, she indirect deals with the 15 customers, if the customer has a problem regarding 16 about the quality of the plant. And she is the one 17 over -- like chemical treatment on the plant. 18 Q Whose -- whose customers is she dealing 19 with? 20 A Golden Vision's customers. 21 Q And you say she indirectly deals with 22 Golden Vision's customers? 23 A Yes. 24 Q What does that mean? 25 A Because mostly it's -- I'm more in charge.</p>	<p style="text-align: center;">19</p> <p>1 Q How about Golden Vision? 2 A No. 3 Q Are you engaged in any business activities 4 of any kind other than in connection with Skypro? 5 A Sorry. If -- does it mean -- sorry, I 6 don't understand the question. 7 Q She'll repeat. 8 (Requested portion of the record was read 9 back by the court reporter.) 10 THE WITNESS: So connection with Golden 11 Vision? 12 BY MR. SPRINGUT: 13 Q Other than Golden Vision also. 14 A Oh. No. 15 Q Are your sisters involved in any other 16 business activities of any kind other than Skypro 17 and Golden Vision? 18 A No. 19 Q What's the present -- what's the present 20 business of Golden Vision Flower? 21 A The major business? 22 Q Sure. 23 A For Golden Vision it would be, we provide 24 the higher quality to the wholesale florist in -- 25 like among the states and some customer in Canada.</p>
<p style="text-align: center;">18</p> <p>1 I direct deal with Golden Vision's customers. And 2 if they have problems, I ask the production side; I 3 ask them if something like this situation, what 4 would be the cause of that. And if that's something 5 regarding about the production, then they give me 6 those knowledge and those answers; I respond to the 7 customer. 8 Q She doesn't deal directly with the 9 customers? 10 A Most of the time, indirect. 11 Q Are there any other members or officers of 12 Skypro-Trading? 13 A No. 14 Q That's it? 15 A Yes. 16 Q Have you ever given a deposition before? 17 A Yes. 18 Q On how many occasions? 19 A One. 20 Q And what was that deposition in connection 21 with? 22 A It's a car accident. 23 Q Has Skypro ever been involved in a 24 lawsuit? 25 A No.</p>	<p style="text-align: center;">20</p> <p>1 Q What does Golden Vision do? What's its 2 business today? 3 A Golden Vision, they sale the -- the 4 orchids to wholesale customers. 5 Q Throughout the United States? 6 A Yes. 7 Q And Canada? 8 A Yes. 9 Q Do they do anything else beyond selling 10 orchids? 11 A No. 12 Q Have they ever sold any other things other 13 than orchids? 14 A Pottery. But, yeah, only orchids. For 15 the plants, only orchids. 16 Q So the only plants Golden Vision has sold 17 are orchids, right? 18 A Yes. 19 Q Has it sold other merchandise other than 20 plants? 21 A Pottery. We had some high-end customer, 22 they need a package, then we include the pottery. 23 But other than that, no. 24 Q So at one point you sold pottery? 25 A (Witness nods head.)</p>

<p style="text-align: center;">21</p> <p>1 Q Do you sell pottery today?</p> <p>2 A No, it's only for certain customers, they</p> <p>3 need -- I mean, they need the package -- the whole</p> <p>4 package, like which we need to include maybe a</p> <p>5 sleeve and all. So nice pottery for the store, then</p> <p>6 we do that.</p> <p>7 Q So it's packaging for the orchids?</p> <p>8 A Yes.</p> <p>9 Q So the only business Golden Vision Flower</p> <p>10 has ever been in is selling of orchids?</p> <p>11 A Uh-huh.</p> <p>12 Q And packaging for orchids?</p> <p>13 A Yes.</p> <p>14 Q That's it?</p> <p>15 A Yes.</p> <p>16 Q Is Golden Vision Flower a corporation?</p> <p>17 A Yes.</p> <p>18 Q Where was it incorporated?</p> <p>19 A Apopka, Florida.</p> <p>20 Q When?</p> <p>21 A I am not sure, but I think it's 2003.</p> <p>22 Q About 2003?</p> <p>23 A Yeah.</p> <p>24 Q And in 2003, who were the officers of</p> <p>25 Golden Vision Flower?</p>	<p style="text-align: center;">23</p> <p>1 A I'm not sure. I have to ask him.</p> <p>2 Q In or about 2003, can you tell me who were</p> <p>3 the directors of the company?</p> <p>4 A I know both my parents, but if you ask me</p> <p>5 the percent each, I'm not sure.</p> <p>6 Q Both your parents were directors?</p> <p>7 A Yes.</p> <p>8 Q In 2003 did the company have any</p> <p>9 employees?</p> <p>10 A Yes.</p> <p>11 Q How many?</p> <p>12 A Probably around -- between 10 to 12</p> <p>13 people.</p> <p>14 Q And were any of these people managers?</p> <p>15 A Yes, but the manager, he has already left,</p> <p>16 for the company.</p> <p>17 Q Who's that?</p> <p>18 A Kevin. I don't remember his last name.</p> <p>19 Q He was the company manager?</p> <p>20 A Yes.</p> <p>21 Q When did he start with the company?</p> <p>22 A A little bit after we bought the land,</p> <p>23 right when we start using the greenhouse.</p> <p>24 Q And that was when?</p> <p>25 A Maybe 2004.</p>
<p style="text-align: center;">22</p> <p>1 A Shun-Chi Huang.</p> <p>2 Q You?</p> <p>3 A No.</p> <p>4 Q No?</p> <p>5 A No.</p> <p>6 Q Who?</p> <p>7 A Shun-Chi Huang, my dad.</p> <p>8 Q Your dad.</p> <p>9 A My father.</p> <p>10 Q Any other people?</p> <p>11 A No.</p> <p>12 Q What was his position?</p> <p>13 A President.</p> <p>14 Q And he was the only officer?</p> <p>15 A At that time.</p> <p>16 Q Have there been other officers since then?</p> <p>17 A I'm not sure.</p> <p>18 Q Who would know?</p> <p>19 A Probably have to ask him.</p> <p>20 Q When the company was formed in or about</p> <p>21 2003, who were the shareholders?</p> <p>22 A I don't know. I have to ask him.</p> <p>23 Q Would your sister know?</p> <p>24 A No.</p> <p>25 Q Who are the shareholders today?</p>	<p style="text-align: center;">24</p> <p>1 Q When did he leave?</p> <p>2 A Around 2005 or 2006.</p> <p>3 Q Are there any other managers?</p> <p>4 A No, I don't -- I don't think so.</p> <p>5 Q How many employees does the company have</p> <p>6 today?</p> <p>7 A For Golden Vision?</p> <p>8 Q (Nods head.)</p> <p>9 A Around eight.</p> <p>10 Q And are any of those eight people managers</p> <p>11 or have any managerial responsibility?</p> <p>12 A No. Since we are in charge of -- since</p> <p>13 Skypro-Trading was in charge of production and also</p> <p>14 sales, we took care of that part.</p> <p>15 Q So is it fair to say that you and your</p> <p>16 sisters are operating the company today?</p> <p>17 A Yes.</p> <p>18 Q And what is your father or your mother's</p> <p>19 role in the company today?</p> <p>20 A My father is the president of Golden</p> <p>21 Vision Flower.</p> <p>22 Q What does he do on a day-to-day basis?</p> <p>23 A Now he only travel here every two months</p> <p>24 to check on the report.</p> <p>25 Q What does he check on?</p>

<p style="text-align: center;">25</p> <p>1 A On the report, like sales report and also 2 financial report.</p> <p>3 Q So he comes to Florida every two months? 4 A Yes, most likely.</p> <p>5 Q These employees, which were 10 to 12 6 originally and are eight now, what do they do? 7 A You mean in the beginning? 8 Q The employees that you have, what do they 9 do? 10 A You're asking for Skypro or for Golden 11 Vision? 12 Q The 10 to 12 Golden Vision employees. 13 A Okay. We kind of separate the employee 14 who in charge of shipping; we switch that to 15 Skypro-Trading. Person who in charge of daily 16 greenhouse work, they keep under Golden Vision 17 Flower. 18 Q And what is that work? 19 A For Golden Vision? Watering, fertilizing, 20 cleaning the greenhouse, and maintain equipment. 21 Q Has the character of Golden Vision 22 Flower's business changed in any way since the 23 company was started in about 2003? 24 A The nature of business is the same. 25 Q The same?</p>	<p style="text-align: center;">27</p> <p>1 in California and sometimes to Japan. And some part 2 was in Taiwan.</p> <p>3 Q Can you explain how that works? What 4 happens in Taiwan and what happens in Florida? 5 A Okay. Because each individual orchid, it 6 takes about two year to be -- to be flower. So they 7 grow those plants in Taiwan for one and a half year 8 and ship over to Florida. And it take us about six 9 months to finish to be able to sell the plant. 10 Q Six more months in the states? 11 A Yes. 12 Q And they get replanted here? Is that what 13 happens? What's the form of the orchids when they 14 came to the states? 15 A When they come, it's just the plant. We 16 sell the flower. It take six months to get the 17 flower, the plant. 18 Q But how are the plants packaged when they 19 come here? 20 A It's just the plant. I mean, we sell the 21 spike, we sell the flower. And it take special 22 treatment and also the temperature and fertilizer to 23 get the thing to come out with spike and flower. 24 Q So the initial process takes a year and a 25 half in Taiwan?</p>
<p style="text-align: center;">26</p> <p>1 A Yes. 2 Q Selling orchids? 3 A Yes. 4 Q Who makes the business decisions for 5 Golden Vision? 6 A You mean the annual sales? 7 Q No. Who makes the decisions in the 8 business when they have to be made? 9 A The big direction is made by my dad. 10 Q And other than this business that he has 11 in the United States, does he have any other 12 businesses elsewhere? 13 A In Taiwan. 14 Q What kind of business does he have in 15 Taiwan? 16 A Nursery business. 17 Q Could you be more specific? What type of 18 business? 19 A It's similar, like Golden Vision. 20 Q He does orchids in Taiwan too? 21 A Yes. 22 Q And where does he sell orchids to, 23 geographically? 24 A In Taiwan, about 90 percent of production 25 going to Florida. The other 10 percent, sometimes</p>	<p style="text-align: center;">28</p> <p>1 A Yes, growing; starting from like baby 2 plant to the size when it's able to flower, it's 3 about a year and a half. 4 Q And what percentage of the plants in 5 Taiwan come -- come to your -- to Golden Vision 6 Flower here? 7 A About 90 percent. 8 Q And was that always the case, or did he 9 have another business before that? 10 A Before Golden Vision, the nursery in 11 Taiwan focused in the market in Japan. 12 Q Also orchids? 13 A Yes. They do orchids, but in -- different 14 type of orchids. 15 Q And when you formed the company here in 16 about 2003, you started sending production here, is 17 that what happened? 18 A Yes. And also the market in Japan, it's 19 going down too. 20 Q Why is that? 21 A I don't know. I didn't (sic) in charge of 22 sales in Taiwan, but I know the trend been changed. 23 Q And what's the name of the company in 24 Taiwan that grows the orchids a year and a half? 25 A Everlasting Flower Farm.</p>

<p style="text-align: center;">29</p> <p>1 E-V-E-R-L-A-S-T-I-N-G, Flower, F-L-O-W-E-R, Farm, 2 F-A-R-M. 3 Q And that company is owned by your father? 4 A Yes. 5 Q And does Golden Vision Flower get orchids 6 by anybody else other than your father? 7 A Really small portion from local supplier. 8 Q But mostly from Taiwan? 9 A Yes. 10 Q And how are the goods shipped from Taiwan? 11 A They ship with the refrigerate (sic) 12 container. 13 Q By ship or air? 14 A Ship, yeah. 15 Q And where does the ship port? 16 A Sometime in Miami. Sometime in Los 17 Angeles. 18 Q In terms of gross sales per year, can you 19 give me an idea how big Golden Vision Flower is? 20 THE WITNESS: Do you have the number? 21 MR. DAWSON: If you recall, then you can 22 tell him. 23 THE WITNESS: I don't remember. But I 24 remember last year sales, since Golden Vision 25 is still pretty new to the state. And last</p>	<p style="text-align: center;">31</p> <p>1 grade; if it's A grade, B grade, C grade, then the 2 price range could be between 6 to \$10. And also 3 depends on the quantity. If people buy more, then 4 sometime we give a discount. 5 Q And generally who are you selling these 6 orchids to? 7 A Mostly it's the wholesale grower. 8 Q And what is a wholesale grower? 9 A Those are the people -- they have like 10 greenhouse where they can bought (sic) a number 11 between 500 to a thousand and put into their 12 greenhouse and distribute, like, locally. 13 Q And who typically do they distribute to? 14 A Mostly it's florists, like floral 15 designer. 16 Q Uh-huh. And generally who are their 17 customers? 18 A Those is their customers, those florists, 19 like a flower shop and like -- 20 Q But the florists, they're selling to the 21 end user? 22 A Yes. 23 Q So -- and what are the prices generally of 24 the orchids when they get to retail? 25 A End price?</p>
<p style="text-align: center;">30</p> <p>1 year annual sales was about a little bit over 2 2 million. 3 BY MR. SPRINGUT: 4 Q And generally what do you sell these 5 orchids at price-wise? 6 A It really depends the stage the customer 7 bought. Some people, they buy just the plant, then 8 the price will be different. And some people they 9 buy finished product. And even some people they buy 10 with some spike. So it's really difficult for me to 11 tell you. 12 Q So what are the range of the prices, 13 depending on what the -- 14 A Okay, the price range could be from \$6 to 15 \$10 per plant. 16 Q For what type of plant? 17 A Orchids. 18 Q Right, but what stage? 19 A Okay. If the plant is without spike, it's 20 cheaper. With short spike -- 21 Q So how much would it be without a spike? 22 A Without spike it's about \$6. 23 Q Okay. Keep on going. 24 A And with spike the range will be like 6, 25 \$7. And flowering plant, it depends -- we will</p>	<p style="text-align: center;">32</p> <p>1 Q Yeah. 2 A Oh, the price can be varied. It depend on 3 the state. What I know in New York -- I have some 4 customers in New York 28th street, they can sell a 5 hundred dollars per plant. But they're -- sometimes 6 in Miami you can only get maybe \$20. So I have to 7 say it's varied by the location and the customers. 8 Q But anywhere from 20 to a hundred dollars 9 is not unusual? 10 A No. 11 MR. DAWSON: Care if we take a quick 12 break? 13 MR. SPRINGUT: Sure. 14 (Brief recess.) 15 BY MR. SPRINGUT: 16 Q What, if anything, have you done to 17 prepare for today's deposition in terms of reviewing 18 materials or files? 19 A The question that you asked me before, the 20 question that you asked my lawyer, those questions, 21 I just review it. 22 MR. DAWSON: Interrogatories. 23 THE WITNESS: Tried to get some idea what 24 you might ask. 25</p>

<p style="text-align: center;">33</p> <p>1 BY MR. SPRINGUT: 2 Q And when did you do that? 3 A Yesterday. 4 Q And where were you when you did that? 5 A Because I have no idea what you were going 6 to ask me. 7 Q Were you in your office when you did that? 8 A Yes. 9 Q Did you do anything else to prepare for 10 today? 11 A No. 12 Q You didn't review any other materials or 13 files in this matter? 14 A I don't think there's other material that 15 I need to know or... 16 Q Did you meet with your lawyer to prepare 17 for this deposition? 18 A This morning. 19 Q And did -- did you review any materials in 20 connection with that preparation? 21 A No, just the question that you guys asked 22 before. 23 Q Were you ever asked to search your company 24 files in connection with this proceeding? 25 A When I first got a letter from Atlas</p>	<p style="text-align: center;">35</p> <p>1 Q Who's responsible for maintaining the 2 files of Golden Vision Flower? 3 A Are you saying the financial report? 4 Q Any of the files. 5 A Okay. We have accountant. They do that. 6 Q And who's the accountant? 7 A Dave Fong, D-A-V-E, Fong, F-O-N-G. I 8 think it's PC -- PCA -- CPA. CPA. 9 Q And Mr. Fong is located where? 10 A In the -- Longwood; the city right next to 11 Apopka. 12 Q So he takes care of the financial records 13 of the company? 14 A Yes. 15 Q And what about the other records that the 16 company maintains? 17 A Such like insurance, or what kind of 18 records? 19 Q Sales records, purchase records. 20 A Oh, we have in the -- in the office. 21 Q And who's responsible for maintaining 22 that? 23 A I do. 24 Q And did anyone ever ask you to search 25 those files in connection with this proceeding?</p>
<p style="text-align: center;">34</p> <p>1 Flowers about the company, then I -- I never heard 2 about the company. Then I go on-line and check. 3 Q What did you find when you went on-line? 4 A I find a website. That's it. 5 Q And what was on the website? 6 A It's just regular company website; has 7 company information. 8 Q What did you understand that company to be 9 doing? 10 A Sorry? 11 Q What did you understand that company to be 12 doing? 13 A It looks like it's cut flower business. 14 Besides that, I -- I don't know. 15 Q Do you understand what type of cut flowers 16 they were selling? 17 A No. There's not lots of information. 18 Q Other than when you received a letter, 19 have you ever been asked to search the company files 20 for documents? 21 A For Golden Vision? 22 Q Uh-huh. 23 A You mean when we applied the trademark? 24 Q No, in connection with this proceeding. 25 A No.</p>	<p style="text-align: center;">36</p> <p>1 A My lawyer asked me about the sales number 2 before. 3 Q What else? 4 A Not in this case, no. 5 Q Some other case? 6 A No. 7 Q So tell us what Golden Vision does when 8 the orchid materials come in from Taiwan and are 9 received here. What's the process? 10 A After we receive the container, the plant 11 has to be recovered for a month before you can put 12 it into the cooling greenhouse, because the nature 13 of plant -- it's been in the container without light 14 and water for more than a month. So it take 15 additional months to be recovered. Once it's 16 recovered, we grade the plant, like sellable, 17 nonsellable. And sellable, then we put in the 18 cooling house; wait for another five months to get 19 the flower. 20 Q And how often do you get containers from 21 Taiwan? 22 A About 14 container per year. 23 Q A little more than once a month? 24 A Yes. 25 Q And how many -- how many plants are going</p>

<p style="text-align: center;">37</p> <p>1 to be included in that container?</p> <p>2 A It can be varied, depending on the size of</p> <p>3 plants that we bring in. If we bring bigger size</p> <p>4 plant, it can only fit about 22,000 per container.</p> <p>5 If we bring smaller pots, then we can fit close to</p> <p>6 50,000 per container.</p> <p>7 Q Let's talk about a typical sale of orchids</p> <p>8 by Golden Vision Flower. Do you participate in that</p> <p>9 activity?</p> <p>10 A Yes.</p> <p>11 Q Explain to us what you would do.</p> <p>12 A Well, I'm in charge of the sales team, so</p> <p>13 I do visiting with the customers, I receive the</p> <p>14 orders and prepare the trucking to go out, and</p> <p>15 checking with -- make sure the inventory that we</p> <p>16 have is -- constantly be able to fit with the order,</p> <p>17 and make sure when the customer receive the product</p> <p>18 they are satisfied.</p> <p>19 Q Geographically, where are your customers</p> <p>20 located?</p> <p>21 A It's varied by the season. I would have</p> <p>22 to say about 60 percent is out of state, about</p> <p>23 40 percent is in Florida.</p> <p>24 Q And where out of state?</p> <p>25 A It can be Georgia, North Carolina, New</p>	<p style="text-align: center;">39</p> <p>1 A QuickBook.</p> <p>2 Q You said some of the sales go to Canada</p> <p>3 also?</p> <p>4 A Yes.</p> <p>5 Q Do you export any other -- to any other</p> <p>6 countries?</p> <p>7 A No.</p> <p>8 Q Does the company have price lists?</p> <p>9 A Yes, we do, but it sometime depends on the</p> <p>10 quantity the customer buy; we give the discount.</p> <p>11 Q Do you have catalogs?</p> <p>12 A Yes.</p> <p>13 Q What type of catalogs do you have?</p> <p>14 A It's really simple, like -- I would say</p> <p>15 it's more like a flyer or brochure. Like one-piece</p> <p>16 type of...</p> <p>17 Q Do you use any other documents in</p> <p>18 connection with selling?</p> <p>19 A I wasn't sure what -- what's your</p> <p>20 question? What kind of document?</p> <p>21 Q Anything else you use in connection with</p> <p>22 the selling process?</p> <p>23 A No.</p> <p>24 Q Now, you said for the last year, the --</p> <p>25 the company sales were about \$2 million?</p>
<p style="text-align: center;">38</p> <p>1 York, Chicago, Pennsylvania, and a little bit in</p> <p>2 Canada.</p> <p>3 Q And how do you ship the orchids to those</p> <p>4 out-of-state customers?</p> <p>5 A By truck. We have maybe 10 trucking</p> <p>6 companies that we've been working with. It depend</p> <p>7 on the location. Each trucking line, they have</p> <p>8 their certain way -- I mean, certain way of -- well,</p> <p>9 sorry. Each trucking company, they go to certain</p> <p>10 states only. So it depend on which customers. And</p> <p>11 then I arrange the trucking.</p> <p>12 Q And do you visit with the customers in</p> <p>13 their locations?</p> <p>14 A I try to visit them once a year. I went</p> <p>15 to their facility, and -- sometimes with my sisters.</p> <p>16 And we give them the tip about how to improve</p> <p>17 growing and also make sure the plant arriving (sic)</p> <p>18 safely.</p> <p>19 Q Now, when you generate a sale, what</p> <p>20 documents are created?</p> <p>21 A Invoice and packing list.</p> <p>22 Q Are they computer generated?</p> <p>23 A Yes.</p> <p>24 Q What type of program do you use to</p> <p>25 generate that?</p>	<p style="text-align: center;">40</p> <p>1 A Yes.</p> <p>2 Q How many different plants does that</p> <p>3 represent?</p> <p>4 A Majority, it's Phalenopsis, which is a</p> <p>5 type of orchids.</p> <p>6 THE COURT REPORTER: It's what?</p> <p>7 THE WITNESS: Phalenopsis,</p> <p>8 P-H-A-L-A-N-E (sic)... (Pause.)</p> <p>9 THE COURT REPORTER: That's fine.</p> <p>10 THE WITNESS: And sometimes it's Cattleya</p> <p>11 also probably about 10 percent of the sales.</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q And altogether how many plants are we</p> <p>14 talking about?</p> <p>15 A I don't remember the number, but you might</p> <p>16 be able to get the number from (indicating).</p> <p>17 Q What do you think \$2 million in sales</p> <p>18 represents in plants?</p> <p>19 A Maybe somewhere close to 40,000 or four --</p> <p>20 400,000. 400,000.</p> <p>21 (Pause in proceedings.)</p> <p>22 Q Now, you understand that Golden Vision</p> <p>23 Flower owns a registration for the mark Golden</p> <p>24 Vision Flower and design, right?</p> <p>25 A Sorry?</p>

<p style="text-align: center;">41</p> <p>1 MR. SPRINGUT: (Indicating.) 2 (Requested portion of the record was read 3 back by the court reporter.) 4 THE WITNESS: Golden Vision Flower, 5 Incorporate (sic). I don't think Golden Vision 6 Flower Design. Oh, you mean the logo on 7 design? Yes. Yes. Sorry. 8 BY MR. SPRINGUT: 9 Q Who -- when was that design conceived? 10 A I think it's in 2003. 11 Q And who conceived that mark? 12 A My dad. He hire a lawyer and I think 13 advertising local design company to do it in Taiwan. 14 Q In Taiwan? 15 A Yes. 16 Q What was the derivation of the design? 17 A I don't understand. What is (sic) 18 derivation mean? 19 Q Where did the design come from? 20 A It's from -- well, I -- the company 21 created several designs that my dad picked, and he 22 picked that one. 23 Q What were some of the designs that were 24 offered? 25 A I don't remember. You'll probably have to</p>	<p style="text-align: center;">43</p> <p>1 Q Did anybody search for it? 2 A Of course, yeah. But most of the time 3 it's my dad deal with the lawyer in Taiwan. 4 Q Did someone -- did someone search your 5 father's files for these documents? 6 A It's -- I think it's the company who filed 7 that for my dad, they did the search. 8 Q Did anybody search your father's files in 9 connection with this proceeding for these documents? 10 A No. 11 Q Was -- was a trademark search conducted? 12 A Yes. 13 Q By who? 14 A My dad. 15 Q And has that been produced? 16 A I'm sorry, what has been produced? 17 Q Trademark search. 18 A I think they just search on-line. 19 Q Do you know or are you guessing? 20 A I asked the Fong (sic) -- I mean, I asked 21 my dad about that. They said that -- then he asked 22 the lawyer who applied the -- who -- who tried to 23 have us register the trademark and they said they 24 searched on-line before they did that. They didn't 25 find...</p>
<p style="text-align: center;">42</p> <p>1 ask him. 2 Q Where are the documents that show that? 3 A I don't -- I don't remember. 4 Q What was the name of the company that 5 created these designs? 6 A You'll probably have to ask my dad. At 7 that time I wasn't working for the company. I don't 8 know. 9 Q Aside from your father, was anyone else 10 involved in picking this design? 11 A No, I think my dad, he make the -- the 12 decision. 13 Q When was it decided to proceed with the 14 Golden Vision Flower and design mark? 15 A I don't -- I don't know. I'm not sure. 16 Q Your father would know? 17 A Yes. 18 Q Is there any documentation that reflects 19 that? 20 A I don't know. I think so. 21 Q That hasn't been produced. 22 A I'm not sure because it's in 2003. At 23 that time I wasn't -- 24 Q Did -- 25 A -- involved.</p>	<p style="text-align: center;">44</p> <p>1 Q And your father told you this? 2 A My dad, yes. 3 Q When did he tell you this? 4 A When I received the questions that you 5 guys asked. 6 Q Do you know exactly what the search that 7 was run -- what it was? 8 A I don't know. I didn't ask that detail. 9 Q Did your father receive an opinion as to 10 the availability of this mark? 11 A I don't know. 12 Q Did you look for such an opinion in your 13 files? 14 A No. 15 Q Do you know if your father was aware of 16 Atlas Flowers and its business before he caused the 17 mark to be filed? 18 A No, we have never heard about that 19 company. 20 Q How do you know your father never heard of 21 it? 22 A I asked him. 23 Q When did you ask him? 24 A When I asked him about the registration of 25 our mark.</p>

<p style="text-align: center;">45</p> <p>1 Q What did he say?</p> <p>2 A He said he never heard about this company.</p> <p>3 Q Who gave the instructions to the lawyer to</p> <p>4 file an application for this mark?</p> <p>5 A My dad.</p> <p>6 Q Have you filed any other applications for</p> <p>7 trademark?</p> <p>8 A I think that's the only one, but I'm not</p> <p>9 sure.</p> <p>10 Q Your father would know?</p> <p>11 A Yes.</p> <p>12 Q When did Golden Vision Flower first use</p> <p>13 the mark in the registration?</p> <p>14 A I don't know.</p> <p>15 Q Who would know?</p> <p>16 A I think my dad would know.</p> <p>17 Q Would you know how the mark was first used</p> <p>18 in connection with orchids?</p> <p>19 A I know we put out lots of ads in magazines</p> <p>20 when we start doing the sales. But before that,</p> <p>21 they were already using those connecting with sales.</p> <p>22 I mean, send it to the trade show, that I know, but</p> <p>23 when I -- I only know this, about 2005 they have --</p> <p>24 we put a lot of advertising.</p> <p>25 Q How else is the mark used aside from</p>	<p style="text-align: center;">47</p> <p>1 company logo, and the back has a little bit how you</p> <p>2 can take care of the plant, the one we hang on the</p> <p>3 plant when the plant ship out to the customers.</p> <p>4 Kind of like instruction on how to take care.</p> <p>5 Q And how does -- how does that get affixed</p> <p>6 to the plant?</p> <p>7 A No, because orchid, for most customers,</p> <p>8 they'll dedicate. So they like to have instruction</p> <p>9 how you can take care at home.</p> <p>10 Q And are the instructions associated with</p> <p>11 the plant or do they go separate or how does that</p> <p>12 work?</p> <p>13 A No, they associate with the -- well, it's</p> <p>14 special tag that has instruction about how to take</p> <p>15 the orchids -- I mean, that particular plant,</p> <p>16 orchids only.</p> <p>17 Q And how are these tags affixed to the</p> <p>18 plant?</p> <p>19 A It's kind of like a -- kind of like they</p> <p>20 have hook that you can hook on a plant.</p> <p>21 Q And where on the plant do you hook this?</p> <p>22 A On the stem.</p> <p>23 Q So you hook the tag on the stem?</p> <p>24 A Uh-huh.</p> <p>25 Q And that goes with the plant?</p>
<p style="text-align: center;">46</p> <p>1 advertising?</p> <p>2 A At the trade show?</p> <p>3 Q Anywhere.</p> <p>4 A I think it's at the trade show, they're</p> <p>5 handing lots of flyer (sic) out, and also when</p> <p>6 visiting potential customers in the beginning.</p> <p>7 Q What happened when you visited the</p> <p>8 customers in the beginning?</p> <p>9 A Well, you give them this company profile,</p> <p>10 and we have -- that has the company logo. And also</p> <p>11 like the bill that we've been paying, that has</p> <p>12 company emblem. They all have design on that.</p> <p>13 Q How else is the design used?</p> <p>14 A And also like fax that you -- like, I</p> <p>15 mean, the communication, the fax, the communication</p> <p>16 that you send to the customers or supplier, vendor,</p> <p>17 and E-mail.</p> <p>18 Q How else?</p> <p>19 A I think that's -- that's about it.</p> <p>20 Q When were orchids first sold in</p> <p>21 association with the design?</p> <p>22 A We create some care tag to put on the</p> <p>23 plant. I think that's in 2005.</p> <p>24 Q Explain that, please.</p> <p>25 A We create like a flower tag that has the</p>	<p style="text-align: center;">48</p> <p>1 A Yes.</p> <p>2 Q And it goes to the wholesaler?</p> <p>3 A Yes.</p> <p>4 Q And what happens to the tag then?</p> <p>5 A People, when they buy one, they like to</p> <p>6 read the instruction. It's kind of like a birth</p> <p>7 certificate.</p> <p>8 Q So the tag stays with the plant all the</p> <p>9 way to the purchaser?</p> <p>10 A Yes.</p> <p>11 Q And the tag has the registered mark on it?</p> <p>12 A I think so.</p> <p>13 Q When you say you think so, what do you</p> <p>14 mean?</p> <p>15 A I think it has the name, yes.</p> <p>16 Q Does that mean you're not sure?</p> <p>17 A I'm not sure.</p> <p>18 Q Who would know the answer to that</p> <p>19 question?</p> <p>20 A I just don't remember, because we haven't</p> <p>21 used that for a while.</p> <p>22 Q Haven't used what?</p> <p>23 A That tag, the design. We haven't used</p> <p>24 that for a while.</p> <p>25 Q And what's "it"?</p>

<p style="text-align: center;">49</p> <p>1 A Because that one cost more, and we just 2 put simply -- just -- we changed the other design on 3 the plant. 4 Q What other design? 5 A Just a regular plant tag that you see at 6 the store, at like Home Depot. 7 Q That doesn't have the design on it? 8 A That one, no, it doesn't have design on 9 it. 10 Q So the plant doesn't have a design 11 associated with it when you sell it; is that right? 12 MR. DAWSON: Object to the form. 13 THE WITNESS: Yes. 14 BY MR. SPRINGUT: 15 Q The mark is not on the plant when you sell 16 it? 17 A Because most the customers that we sell is 18 wholesale grower; they want to make their own 19 identifier, not our. 20 Q Are there any customers that you sell the 21 plant to with the design associated with it? 22 MR. DAWSON: Object to the form. 23 THE WITNESS: No. 24 BY MR. SPRINGUT: 25 Q So today, is the mark being used at all in</p>	<p style="text-align: center;">51</p> <p>1 that on the letter that we send out to the 2 customers. 3 Q Anything else? 4 A We have that on the -- the list of 5 organization that we join. 6 Q Uh-huh. 7 A Like nursery organization that we join. 8 But other than that, no. 9 Q How many -- how much wholesale 10 customers -- direct wholesale customers do you have, 11 about? 12 A Maybe 30, 40. 13 Q Who on behalf of Golden Vision Flowers 14 attends trade shows? 15 A Right now I am. 16 Q Just you? 17 A And my sister. 18 Q Which one? 19 A Two of us. Not that one (indicating), the 20 other one, Yating. 21 Q And what trade shows have you attended? 22 A Several. For Florida we attend the one, 23 TPIE. That's the biggest one in Florida. We also 24 attend PANT, P-A-N-T (sic). That one is the biggest 25 one in Pennsylvania. And we do the one in Texas</p>
<p style="text-align: center;">50</p> <p>1 connection with the sales of the -- the orchids? 2 A Indirect, because my wholesale customers, 3 they know our plant. They will buy if the plant is 4 from ours, instead of other growers, because they 5 think our quality is better. But if you are talking 6 about the package, they prefer us not to put our 7 name direct, because maybe their end customers, they 8 will go direct and buy it from us. They try to 9 create their own package. 10 Q So if I understand correctly, the design 11 which is registered -- 12 A Uh-huh. 13 Q -- which is owned by Golden Vision 14 Flower -- 15 A Yes. 16 Q -- is not on the orchid or its packaging 17 when it's sold to your customer, correct? 18 A No. 19 Q Other than advertising on flyers or maybe 20 in a trade show situation, does the registered 21 mark -- is the registered mark used by your company 22 in any way? 23 A Regular database community -- 24 communication with the customer. We have that on 25 the E-mail. We have that on the envelope. We have</p>	<p style="text-align: center;">52</p> <p>1 also, TNLA. That's one of the biggest ones in 2 Texas. We used to do MANTS, the one in Maryland, 3 but we didn't do it anymore. 4 And there is one, Super Floral Show, SFS; 5 that's the one that always switch around locations, 6 so -- that's the one more like a supermarket trade 7 show. 8 Q And where does that take place? 9 A It's varied every year. I mean, I've been 10 to the one in Houston. I've been to the one in Ohio 11 and the one in Orlando also. They just keep 12 switching the location. 13 Q Any other trade shows you've attended? 14 A That's so far that I attend. But if you 15 ask in earlier stage, we attend like eight trade 16 shows per year. So there's more, and then we keep 17 cutting that off. 18 Q Which earlier trade shows did you attend? 19 A The one in Ohio, F -- OFA. That's the 20 one. But that's more like educational trade show. 21 They have lots of profession (sic) that come out 22 talking about training in nursery business. And 23 there's the one in Boston, but I don't remember the 24 name for that trade show. 25 Q What kind of show was that?</p>

<p style="text-align: center;">53</p> <p>1 A It's mostly when it's commercial wholesale 2 trade show. Not particularly only for the orchids, 3 but it's wholesale for all the nursery, like tree, 4 annual, palm, or even greenhouse material. They 5 have -- they all attend that show. 6 Q Tell us again how you advertise. 7 A How I advertise? In the beginning we do 8 advertising on the orchids, one of -- I mean, out of 9 the magazine. One of the most famous magazine for 10 the orchid, it's AOS, American Orchid Society, that 11 magazine. And then later on we do mostly 12 advertising for the trade show. 13 Q What magazines have you advertised in? 14 A Now mostly it's those nursery member -- we 15 do advertising on those nursery member book, which 16 they hand it to like local people or local 17 wholesale. They look at those to find the source. 18 If they need to buy a certain plant, you can look at 19 those (sic) book and then find -- 20 Q What's the name of that book? 21 A There's no name for that book. But each 22 state, they have different nursery organization. 23 Like in Florida, there's one. In Texas, there's 24 also another one. And Pennsylvania, there's one, 25 too.</p>	<p style="text-align: center;">55</p> <p>1 Q Is that accurate? 2 A Yes. 3 Q So turning to the second page, can you 4 tell us what that is? 5 A This is our advertising. 6 Q And what am I looking at? 7 A Golden Vision Flower. 8 Q No, no, the various -- 9 A These is Phalaenopsis. 10 Q These are all orchids? 11 A Yes. 12 Q Then there's a second page from another -- 13 from the February -- 14 A Another month. 15 Q February 2005 issue? Is that what that 16 is? 17 A Yeah, this one -- the first one is 18 November 2005. The second one is February 2005. 19 It's the same -- 20 Q Same ad? 21 A Same ads in different -- 22 Q Every month? 23 A Yeah. 24 Q Okay. Let me next show you what's been 25 marked Petitioner's Deposition Exhibit Number 3.</p>
<p style="text-align: center;">54</p> <p>1 Q So you advertise in each of those? 2 A Yes. 3 Q Any place else? 4 A No. 5 Q Any other media besides magazines? 6 A No. We don't do newspaper. 7 MR. SPRINGUT: Let's go off the record. 8 (Off the record.) 9 (Petitioner's Exhibit Nos. 2 through 24 10 marked for identification.) 11 BY MR. SPRINGUT: 12 Q Ms. Huang, let me show you what we've 13 marked as Petitioner's Deposition Exhibit 2. Can 14 you tell me what that is? 15 A This is the magazine for American Orchid 16 Society. 17 Q Okay. There's some handwriting at the 18 top. Do you see that? 19 A Yeah. Advertising. 20 Q Whose handwriting is that? 21 A I don't -- you mean this one (indicating)? 22 Q Yeah. You don't know? 23 A It's not mine. 24 Q Do you see what it says? 25 A "Advertising 12 months on magazine."</p>	<p style="text-align: center;">56</p> <p>1 Tell me what that is, please. 2 A It's a brochure that we use for our trade 3 show. 4 Q And how do you use this? 5 A We hand it together with the price sheet 6 to the customers. And that's -- this is the cover 7 page; flip it back, that's the page that -- 8 Q So this is a one-page flyer -- two-page 9 flyer, right, back and front? 10 A Yes. 11 Q Turning to the back page, or the second 12 page -- 13 A Uh-huh. 14 Q -- it says, founded in 1986; is that 15 accurate? 16 A That's the year in Taiwan. 17 Q But that wasn't Golden Vision, right? 18 A No. 19 Q It's not a company? 20 A That's the -- yeah, our company in Taiwan. 21 Q But not the owner of the registration? 22 A No. 23 Q Then at the left it says, "a wide range 24 variety." These are all different types of orchids? 25 Phalaenopsis, Dendro- --</p>

<p style="text-align: center;">57</p> <p>1 A Dendrobium, Oncidium, Paph- -- that's the 2 top for orchids. "Zz" plant is the other type of 3 plant. We don't do that anymore. We have that the 4 first two years. 5 Q What is "zz" plant? 6 A It's -- it's -- lasts really long. Most 7 people, they do it for decoration at the hotel. I 8 don't know if you see those plants, but it's really 9 hard for me to explain how that looks. It just last 10 pretty long, and long minutes (sic). 11 Q Okay. Now, at the top -- if we go back to 12 three, at the top it says, "no brochure," question 13 mark? 14 A This is the oldest one (indicating). 15 Q This is the newest? 16 A Yes. This is probably the newest 17 (indicating). 18 Q What's the timing of Plaintiff's (sic) 19 Exhibit 3? 20 A This one (indicating)? 21 Q No, 3. 22 A This one we have probably since 2005. 23 Q Let me show you what we've -- let me show 24 you what we've marked as Petitioner's 4. Can you 25 tell me what that is?</p>	<p style="text-align: center;">59</p> <p>1 Q Okay. But you don't use these anymore, 2 haven't used these? 3 A We used to have this. 4 Q All right. When did you have these? 5 A About 2006. And now most customers that 6 we deal is wholesale; they don't want us to put this 7 because they have phone number they can contact 8 direct. 9 Q When you say "this," you're talking about 10 the Golden Vision Flowers Inc. -- 11 A No, because this one, on the bottom 12 (indicating), see there's a phone number? 13 Q Uh-huh. 14 A They don't want us to put this -- I mean, 15 the phone number that their end user can order the 16 competition, can buy direct from us. So they want 17 us to create a care tip, only have the name for -- 18 well, they -- like maybe the name without the 19 company phone number. So then we change to just 20 regular care tip that you put on. 21 Q But you haven't used these since 2006? 22 A No, we -- since two thousand -- 23 Q I can't understand you when you have your 24 hand in front of your mouth. 25 A Oh.</p>
<p style="text-align: center;">58</p> <p>1 A This is the brochure that we create for 2 the market that people -- they just buy a plant or 3 some really, really short spike without flowering. 4 It's kind of like different markets. This is target 5 for nursery grower. 6 Q Okay. At the bottom, I assume that's 7 Chinese? 8 A Oh, yeah. 9 Q What does that say? 10 A They didn't take this out. This is -- 11 this is the sample for the DN (ph.). This -- this 12 DN is for the sample, and it's just for like -- it's 13 just for the -- like kind of like saying the 14 availability, you still have to check with us. This 15 is the images for the sample. Because on that day, 16 specifying like how many months. But you can buy 17 less than that or order (sic) than that. But then 18 it won't fit into that category. You can still 19 order. 20 Q Okay. Let me next show you Plaintiff's -- 21 Petitioner's 5. Tell me what that is. 22 A This is the care tip that we -- that I 23 explained earlier that you can hook on the stem. 24 That's the design. We have two color: one is 25 yellow, one is purple.</p>	<p style="text-align: center;">60</p> <p>1 Q Thanks. 2 A I'm -- 2007. We used this one for years 3 -- for one year. 4 Q For what period of time did you use -- 5 A We had this in 2006, and we stopped using 6 this about 2007. 7 Q I don't understand. 8 A We have this one -- we create this in 9 2006. 10 Q Right. 11 A And then we stopped using this in 2007. 12 Q When in 2007? 13 A When? I don't know. Just slowly... 14 Q Who -- who designed these tags for you? 15 A We have the company in Taiwan that 16 designed this. 17 Q Do you have any documents that would show 18 when you stopped using this? 19 A No. 20 Q Do you have any documents that show when 21 you last received these items? 22 A I still have this. It's just we don't put 23 on the plant that we ship to the customers; we put 24 it for the trade show only. 25 Q When you say put it on for the trade show,</p>

<p style="text-align: center;">61</p> <p>1 what do you mean?</p> <p>2 A Oh, at the -- at the show we put it on the</p> <p>3 plant that we decorate, but --</p> <p>4 Q What's shown in Plaintiff's (sic) Exhibit</p> <p>5 5?</p> <p>6 A This one, yeah.</p> <p>7 Q Yes?</p> <p>8 A Yes.</p> <p>9 Q When was the last time you did that?</p> <p>10 A PANT (sic) in August, the trade show PANT.</p> <p>11 Q Okay. Now, what's the second page of</p> <p>12 Exhibit 5?</p> <p>13 A This is the logo that's showing on the</p> <p>14 envelope, but with the pages -- the envelope that we</p> <p>15 mail out to the customers. And we have -- yeah,</p> <p>16 this is just the copy of the logo.</p> <p>17 Q And what do you do with this logo? What</p> <p>18 does it have to do with the first page of Exhibit 5?</p> <p>19 A No, I don't know why they put it together.</p> <p>20 Q So they have nothing to do with each</p> <p>21 other?</p> <p>22 A No.</p> <p>23 Q Is the first page of Exhibit 5 the only</p> <p>24 tag that you've ever used like this?</p> <p>25 A You mean like flower tag?</p>	<p style="text-align: center;">63</p> <p>1 different trade show.</p> <p>2 Q Okay. Let me show you Petitioner's 9.</p> <p>3 A This is also one of the trade shows that</p> <p>4 we attend.</p> <p>5 Q Let me show you Petitioner's -- let me</p> <p>6 show you Petitioner's 10. Can you tell me what that</p> <p>7 is.</p> <p>8 A This is the biggest nursery organization</p> <p>9 booklet in Florida. It's called FNGLA, and we was a</p> <p>10 member.</p> <p>11 Q Okay. Next is Petitioner's 11.</p> <p>12 A This is the biggest nursery organization</p> <p>13 in Ohio, and we was a member of that.</p> <p>14 Q Petitioner's 12?</p> <p>15 A This is the nursery organization in</p> <p>16 Pennsylvania, and we're also a member of them.</p> <p>17 Q Let me next show you Petitioner's 13.</p> <p>18 A This is one of the picture that I took at</p> <p>19 the trade show.</p> <p>20 Q Which one was this?</p> <p>21 A I don't remember, but on the picture I</p> <p>22 took it's 2007. I have to go back and check.</p> <p>23 Q Okay. Here's Petitioner's 14.</p> <p>24 A This is another trade show, the Super</p> <p>25 Floral Show, and we had an exhibit.</p>
<p style="text-align: center;">62</p> <p>1 Q Yeah. This is the only --</p> <p>2 A Now we only use the simple one.</p> <p>3 Q Right, but in this format --</p> <p>4 A Yeah.</p> <p>5 Q -- this is the only one you've ever used?</p> <p>6 A Yes.</p> <p>7 Q Okay. Let me show you what's been marked</p> <p>8 as Petitioner's 6. Can you tell me what that is?</p> <p>9 A This is the Super Floral Show, one of the</p> <p>10 shows that we went in Orlando.</p> <p>11 Q So this shows you were an exhibitor?</p> <p>12 A Yes.</p> <p>13 Q Okay. Tell me what Petitioner's 7 is.</p> <p>14 A This is the -- one of the pictures that I</p> <p>15 took at the show, how we display.</p> <p>16 Q And you don't know whose handwriting this</p> <p>17 is?</p> <p>18 A No, not mine.</p> <p>19 THE WITNESS: Jeff, is it yours?</p> <p>20 MR. DAWSON: Huh-uh.</p> <p>21 BY MR. SPRINGUT:</p> <p>22 Q Okay. Tell me what Petitioner's 8 is.</p> <p>23 A This is the picture that I took on the</p> <p>24 other trade show, but it shouldn't look like this.</p> <p>25 It should have another -- it's in -- those two is</p>	<p style="text-align: center;">64</p> <p>1 Q Petitioner's 15?</p> <p>2 A This is the TNLA, the one in Texas. We</p> <p>3 are an exhibit in this trade show as well in 2005.</p> <p>4 Q Petitioner's 16 is this (indicating).</p> <p>5 A This is one of the trade shows we attend.</p> <p>6 It says TPIE, 2005.</p> <p>7 Q Petitioner's 17?</p> <p>8 A This is that trade show in Boston, New</p> <p>9 England Growers, and we have exhibit in 2006.</p> <p>10 Q Petitioner's 18?</p> <p>11 A This is the member directory showing that</p> <p>12 we are a member of Pennsylvania Landscape and</p> <p>13 Nursery Association.</p> <p>14 Q Petitioner 19?</p> <p>15 A It shows we are a member of the Ohio</p> <p>16 Nursery in 2007.</p> <p>17 Q Petitioner 20?</p> <p>18 A This is the member for Pennsylvania</p> <p>19 Nursery Association in 2007.</p> <p>20 Q Petitioner 21?</p> <p>21 A This is the Super Floral Show 2007. We</p> <p>22 are an exhibitor.</p> <p>23 Q Petitioner 22?</p> <p>24 A We are the exhibitor for the TNLA, the one</p> <p>25 in Texas, 2007 exhibitor.</p>

<p style="text-align: center;">65</p> <p>1 Q Petitioner 23?</p> <p>2 A Oh, this is the -- the trade show, TPIE,</p> <p>3 the biggest one in Florida. We are an exhibitor in</p> <p>4 2007.</p> <p>5 Q And Petitioner's 24?</p> <p>6 A This is the oldest brochure that we have.</p> <p>7 It's smaller. And now we use this when we mail out</p> <p>8 the information to the new customers.</p> <p>9 MR. SPRINGUT: Let me ask the reporter to</p> <p>10 mark as Petitioner's 25 the document entitled</p> <p>11 "Answer and Affirmative Defenses."</p> <p>12 (Petitioner's Exhibit No. 25 marked for</p> <p>13 identification.)</p> <p>14 BY MR. DAWSON:</p> <p>15 Q Have you seen, prior to today, this</p> <p>16 document which we marked as Petitioner's Exhibit 25?</p> <p>17 A Yes.</p> <p>18 Q Let me direct your attention to paragraph</p> <p>19 seven under the title "First Affirmative Defense."</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q It says: If petitioner has any rights in</p> <p>23 the mark Golden Flowers, such rights are narrow in</p> <p>24 scope, in view of the third-party uses and</p> <p>25 registrations directed to marks which include the</p>	<p style="text-align: center;">67</p> <p>1 BY MR. SPRINGUT:</p> <p>2 Q Ms. Huang, have you seen Petitioner's</p> <p>3 Exhibit 26, registrant's answers to interrogatories,</p> <p>4 before today?</p> <p>5 A Yes.</p> <p>6 Q So let me direct you first to</p> <p>7 interrogatory and answer marked number two.</p> <p>8 A Yes.</p> <p>9 Q It says that registrant first adopted</p> <p>10 registrant's mark in 2003. See that?</p> <p>11 A Yes.</p> <p>12 Q What documents do you have that</p> <p>13 substantiate that?</p> <p>14 A 2003 is the year when my dad hired the</p> <p>15 company, the design company.</p> <p>16 Q What documents do you have?</p> <p>17 A What documents? Probably the invoice that</p> <p>18 they paid from the company.</p> <p>19 Q Anything else?</p> <p>20 A I'm not sure if we still have the E-mail</p> <p>21 or the letter.</p> <p>22 Q Have you looked?</p> <p>23 A Not completely. I do have the download of</p> <p>24 the logo that shows in 2003, but --</p> <p>25 Q And have you produced that?</p>
<p style="text-align: center;">66</p> <p>1 names "Golden" and "Flowers."</p> <p>2 Can you tell me what that means?</p> <p>3 MR. DAWSON: Don't speculate.</p> <p>4 BY MR. SPRINGUT:</p> <p>5 Q And you can speculate if you want.</p> <p>6 MR. DAWSON: I'm telling you not to.</p> <p>7 MR. SPRINGUT: You can't instruct her not</p> <p>8 to speculate.</p> <p>9 MR. DAWSON: Well...</p> <p>10 THE WITNESS: (Reviewing document.)</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q Can you identify any such third-party uses</p> <p>13 and registrations, Ms. Huang?</p> <p>14 A For Golden Flower?</p> <p>15 Q Yeah.</p> <p>16 A No, we are Golden Vision Flower.</p> <p>17 Q Do you have any third-party uses or</p> <p>18 registrations which include the names "Golden" and</p> <p>19 "Flowers"?</p> <p>20 A No.</p> <p>21 MR. SPRINGUT: Let me ask the reporter to</p> <p>22 mark as Petitioner's 26 the document entitled</p> <p>23 "Registrant's Answers to Interrogatories."</p> <p>24 (Petitioner's Exhibit No. 26 marked for</p> <p>25 identification.)</p>	<p style="text-align: center;">68</p> <p>1 A That's the (indicating)...</p> <p>2 Q What indicates it's 2003 on it?</p> <p>3 A Our file; like backup file on the computer</p> <p>4 shows 2003.</p> <p>5 Q Have you -- have you provided any</p> <p>6 substantiation of that?</p> <p>7 A Showing the year, no.</p> <p>8 Q Let me direct you to -- to interrogatory</p> <p>9 number three. What's the answer to that question?</p> <p>10 A My dad and my mom.</p> <p>11 Q Sorry?</p> <p>12 A It's my dad.</p> <p>13 Q He's the only one, right?</p> <p>14 A Right now my mom is also on it.</p> <p>15 Q Since when?</p> <p>16 A I'm not sure.</p> <p>17 Q What's her position?</p> <p>18 A Financial.</p> <p>19 Q Financial what?</p> <p>20 A Manager.</p> <p>21 Q Let me direct you to interrogatory number</p> <p>22 four. Can you identify those people there?</p> <p>23 A That's my father and my mom.</p> <p>24 Q Okay. Interrogatory number five says:</p> <p>25 State when registrant made first use of registrant's</p>

<p style="text-align: center;">69</p> <p>1 mark. It says June 1, 2004?</p> <p>2 A Yes.</p> <p>3 Q What documentation do you have to</p> <p>4 substantiate that?</p> <p>5 A We print off on the trademark on-line, the</p> <p>6 trademark registration website.</p> <p>7 Q Aside from that, what original</p> <p>8 documentation do you have?</p> <p>9 A I have the documentation from the lawyer</p> <p>10 who help us apply the trademark.</p> <p>11 Q And what documentation is that?</p> <p>12 A The fax; it has the date.</p> <p>13 Q Has the date of what?</p> <p>14 A June 1, 2004.</p> <p>15 Q What are you referring to, the trademark</p> <p>16 office records?</p> <p>17 A I'm not sure. Yes.</p> <p>18 Q Other than that, do you have any</p> <p>19 documentation that substantiates when Golden Vision</p> <p>20 Flower made first use of its mark?</p> <p>21 A The letterhead design. I think we have</p> <p>22 that one.</p> <p>23 Q Have you produced that?</p> <p>24 A Yeah, we have that.</p> <p>25 Q Can you show me which document that is?</p>	<p style="text-align: center;">71</p> <p>1 A Yes.</p> <p>2 Q And those all are orchids?</p> <p>3 A Yes.</p> <p>4 Q Turning to interrogatory number ten, it</p> <p>5 asks for all searches conducted regarding Golden</p> <p>6 Vision Flower Design. Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And the answer is a full search and</p> <p>9 knock-out search. Have those been produced?</p> <p>10 A The lawyer in Taiwan do the on-line</p> <p>11 search.</p> <p>12 Q Have you produced that?</p> <p>13 A But how can you prove at the time they do</p> <p>14 on-line?</p> <p>15 Q All I'm asking you is, have you produced</p> <p>16 any documentation of this?</p> <p>17 A No.</p> <p>18 Q Does Golden Vision Flower use any</p> <p>19 trademarks or trade names that include the word</p> <p>20 "Golden," other than the registered mark?</p> <p>21 A I don't understand. We have Golden Vision</p> <p>22 Flower together.</p> <p>23 Q Right. But other than that, do you use</p> <p>24 any trademarks or trade names that incorporate the</p> <p>25 word "Golden" on it?</p>
<p style="text-align: center;">70</p> <p>1 A Not in here.</p> <p>2 Q Where have you produced it?</p> <p>3 A Oh. No.</p> <p>4 Q You haven't produced it?</p> <p>5 A No.</p> <p>6 MR. DAWSON: Are you representing that the</p> <p>7 documents you've shown her are all the</p> <p>8 documents that were produced?</p> <p>9 MR. SPRINGUT: I don't think I'm</p> <p>10 representing anything, Counsel. I asked her a</p> <p>11 question.</p> <p>12 MR. DAWSON: Well, you asked her about the</p> <p>13 stack of documents that's there, asked her to</p> <p>14 show it to you. I'm asking you if you're</p> <p>15 representing that all the documents here are --</p> <p>16 MR. SPRINGUT: I'm not being deposed,</p> <p>17 so --</p> <p>18 MR. DAWSON: I'm not saying you're being</p> <p>19 deposed.</p> <p>20 MR. SPRINGUT: Right, so therefore let's</p> <p>21 follow the routine of the deposition.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Now, let's turn to interrogatory number</p> <p>24 six. It says, identify all goods and/or services</p> <p>25 sold or for sale under registrant's mark, right?</p>	<p style="text-align: center;">72</p> <p>1 A No.</p> <p>2 Q Now, turning to interrogatory number 18,</p> <p>3 what packaging does Packaging Corporation of America</p> <p>4 and Pratt Industries provide to Golden Vision</p> <p>5 Flower?</p> <p>6 A The shipping package box.</p> <p>7 Q And have you produced a copy of that, a</p> <p>8 picture of that?</p> <p>9 A I didn't.</p> <p>10 Q Does that have the -- the Golden Vision</p> <p>11 Flower design mark on it?</p> <p>12 A No.</p> <p>13 Q Do they also produce the labeling for you?</p> <p>14 A No, we do our own label.</p> <p>15 Q And have you produced specimens of that</p> <p>16 label?</p> <p>17 A Yeah, we put it on the sticker -- I mean,</p> <p>18 we print it on the sticker, then put it on box.</p> <p>19 Q Right. But have you produced that in the</p> <p>20 documents?</p> <p>21 A No.</p> <p>22 Q Does that have the design on it?</p> <p>23 A It has a name, but no design, no logo.</p> <p>24 Q No logo. What name is it?</p> <p>25 A Golden Vision Flower.</p>

<p style="text-align: center;">73</p> <p>1 Q Now, have you produced any documents that 2 reflect the unit and/or volume sales of orchids? 3 A No. 4 MR. SPRINGUT: Let me ask the reporter to 5 mark a two-page document as Petitioner's 27. 6 (Petitioner's Exhibit No. 27 marked for 7 identification.) 8 BY MR. SPRINGUT: 9 Q Let me show you what's been marked as 10 Petitioner's 27. Do you understand that to be the 11 mark owned by Golden Vision Flower, which is in 12 connection with this proceeding? 13 A Yes. 14 Q You'll note that it says filing date 15 June 1, 2004, right? 16 A Yes. 17 Q That's the application filing date. Do 18 you understand that? 19 A Yes. 20 Q And the owner of record here is Richard 21 Fichter. Do you know who that is? 22 A No. 23 Q Don't know who that is? 24 A No. 25 MR. SPRINGUT: Let me next have the</p>	<p style="text-align: center;">75</p> <p>1 29? 2 A Yes. 3 Q Do you understand that to be the statement 4 of use filed in connection with Golden Vision 5 Flower's application? 6 A This is the first time that I've seen 7 this. 8 Q Okay. Now that you've gone through this, 9 do you understand it to be the statement of use in 10 connection with Golden Vision Flower's registration? 11 A Yes. 12 Q And if you turn to the third physical page 13 of Exhibit 29, there's a signature there. 14 A Uh-huh. That's my mom. 15 Q And was your mother ever president of the 16 company? 17 A No. 18 Q And turn to the next page, it says 19 "specimen" at the top, and two -- appear to be two 20 photos below? 21 A Yes. 22 Q Can you tell me what those photos are? 23 A This looks like care tag. 24 Q Sorry? 25 A Looks like care tag.</p>
<p style="text-align: center;">74</p> <p>1 reporter mark as Petitioner's Exhibit 28 a 2 six-page document. 3 (Petitioner's Exhibit No. 28 marked for 4 identification.) 5 BY MR. SPRINGUT: 6 Q Ms. Huang, are you familiar with 7 Petitioner's Exhibit 28? 8 A Yes. 9 Q You understand that these are the 10 documents submitted to the United States Patent and 11 Trademark Office in connection with the filing of 12 the subject registration, right? 13 A Yes. 14 Q And if you turn to the last page of the 15 exhibit, it's signed by Li-Ying Chuang? 16 A Uh-huh. 17 Q And that's your mother? 18 A That's my mother. 19 MR. SPRINGUT: Okay. Next let me ask the 20 reporter to mark a five-page document as 21 Petitioner's 29. 22 (Petitioner's Exhibit No. 29 marked for 23 identification.) 24 BY MR. SPRINGUT: 25 Q Are you familiar with Petitioner's Exhibit</p>	<p style="text-align: center;">76</p> <p>1 Q And what are those tags? 2 A I don't know. I'm not familiar. 3 Q Who would be familiar with those tags? 4 A My father. 5 Q If you turn to the next page, is that just 6 a better -- 7 A Picture. 8 Q -- picture of those two tags? 9 A Uh-huh. 10 Q And how was that specific tag used in 11 connection with the flower products sold by Golden 12 Vision Flower? 13 A This picture was taken in 2005. Well, at 14 the time, this is probably the product line that we 15 liked to carry. But now we just focus on the 16 orchids so far. 17 Q I'm not sure I understand what you mean. 18 A Okay. This is taken by 2005, right? I 19 think in the beginning we was planning to have more 20 products than orchids, and that's how they create, 21 with the potential product that we're going to have. 22 Q But you never had any of those products, 23 right? 24 A Not right now. 25 Q When you say "not right now," what do you</p>

<p style="text-align: center;">77</p> <p>1 mean?</p> <p>2 A Well --</p> <p>3 Q Not --</p> <p>4 A I don't know --</p> <p>5 Q You mean --</p> <p>6 A -- in the future.</p> <p>7 Q You mean not till today?</p> <p>8 A Yes.</p> <p>9 Q Maybe --</p> <p>10 A So far --</p> <p>11 Q Maybe in the future, is that what you</p> <p>12 mean?</p> <p>13 A Yes. So far we only have live orchids.</p> <p>14 Q Got it. But how was this tag actually</p> <p>15 used in connection with the business?</p> <p>16 A I don't know, 2005 maybe I wasn't -- I</p> <p>17 wasn't even here yet.</p> <p>18 Q You don't know how it was used? You've</p> <p>19 never seen this tag used in the business?</p> <p>20 A Not from what I -- not from what I know.</p> <p>21 Q Now, if you turn back to the second page</p> <p>22 of Exhibit 29, which says "Statement of Use" under</p> <p>23 37 CFR section 288 -- do you see that?</p> <p>24 A (Witness nods head.)</p> <p>25 Q And paragraph one says: Applicant has</p>	<p style="text-align: center;">79</p> <p>1 A And we already have website, and like</p> <p>2 regular communication with the customers,</p> <p>3 letterheads, that's it.</p> <p>4 Q That's it?</p> <p>5 A Yeah.</p> <p>6 Q Nothing else?</p> <p>7 A No, not in 2005.</p> <p>8 MR. SPRINGUT: Let me have the reporter</p> <p>9 mark a one-page document, Petitioner's 30.</p> <p>10 (Petitioner's Exhibit No. 30 marked for</p> <p>11 identification.)</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q Let me show you Petitioner's 30. Are you</p> <p>14 familiar with that?</p> <p>15 A Yes.</p> <p>16 Q And you understand that to be Golden</p> <p>17 Vision Flower's registration that's the subject</p> <p>18 matter of this proceeding, correct?</p> <p>19 A Yes.</p> <p>20 Q And when will your mother and father be</p> <p>21 coming to the states next?</p> <p>22 A I don't know yet. They -- depend on how</p> <p>23 busy they are in Taiwan.</p> <p>24 Q When was the last time they were here?</p> <p>25 A My mom only came here like two times per</p>
<p style="text-align: center;">78</p> <p>1 adopted and is using the mark in commerce in the</p> <p>2 United States on or in connection with each of the</p> <p>3 following, in accord with section 1(a) of the Lanham</p> <p>4 Act, as amended, 15 U.S.C. Section 1051(a). It goes</p> <p>5 on, cut flowers, dried flowers and live flowers;</p> <p>6 flower bulbs; flower seeds; live flowering plants,</p> <p>7 dried plants and live plants; grass and grass seeds;</p> <p>8 fresh herbs and raw herbs; live orchids.</p> <p>9 A Yes.</p> <p>10 Q That statement is not correct, right?</p> <p>11 A Right now we only have live orchids.</p> <p>12 Q And in 2005, did you have live orchids</p> <p>13 then?</p> <p>14 A Yes.</p> <p>15 Q Did you have any of the other items listed</p> <p>16 in paragraph one?</p> <p>17 A No.</p> <p>18 Q What documents do you have that show that</p> <p>19 Golden Vision Flower was using the subject</p> <p>20 registered mark at the time?</p> <p>21 A You mean in 2005?</p> <p>22 Q Right.</p> <p>23 A We already do the advertising and we</p> <p>24 already start going to the trade show in 2005.</p> <p>25 Q Anything else?</p>	<p style="text-align: center;">80</p> <p>1 year.</p> <p>2 Q When was the last time she was here?</p> <p>3 A Summer. This summer. I don't remember</p> <p>4 when.</p> <p>5 Q And your father?</p> <p>6 A He just left two weeks -- a week ago,</p> <p>7 right after Thanksgiving.</p> <p>8 Q And how long was he here?</p> <p>9 A Two weeks.</p> <p>10 MR. SPRINGUT: Let's take a short break.</p> <p>11 (Brief recess.)</p> <p>12 MR. SPRINGUT: Counsel, as we discussed</p> <p>13 during the break, there are a number of</p> <p>14 documents that we believe should have been</p> <p>15 produced, therefore I'm going to adjourn the</p> <p>16 deposition but not conclude it, you know,</p> <p>17 subject to those documents being produced. And</p> <p>18 we'll send you a letter in a couple of days.</p> <p>19 I've got to find which documents we think need</p> <p>20 to be produced.</p> <p>21 And as I indicated, I believe we're going</p> <p>22 to have to take the deposition of Ms. Huang's</p> <p>23 parents because of the testimony of their</p> <p>24 involvement in this, and I guess we're going to</p> <p>25 have to work out the mechanics for doing that.</p>

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1 So thank you, Ms. Huang.
 2 THE WITNESS: And they might require a
 3 translator.
 4 MR. SPRINGUT: Yes, if they require a
 5 translator, I understand that.
 6 MR. DAWSON: We'll reserve our right to
 7 read even if it's not concluded.
 8 (Deposition was adjourned at 12:27 p.m.)
 9 (Reading and signing of the deposition was
 10 reserved.)
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1 CERTIFICATE OF REPORTER
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 3 STATE OF FLORIDA
 COUNTY OF ORANGE
 4
 5 I, STACY PACE, RPR, CSR, CRR, FPR, State of
 6 Florida at large, do hereby certify that the
 foregoing pages, numbered 1 through 81, inclusive,
 7 are a true and correct transcription of my shorthand
 notes of said deposition.
 8 I further certify that I am not an attorney
 or counsel of any of the parties, nor am I a
 9 relative or employee of any attorney or counsel
 of parties connected with the action, nor am I
 10 financially interested in the action.
 11 The foregoing certification of this
 transcript does not apply to any reproduction
 12 of the same by any means unless under the direct
 control and/or direction of the certifying
 13 reporter.
 14 IN WITNESS WHEREOF, I have hereunto set my
 hand this 22nd day of December, 2009.
 15
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 17 _____
 Stacy Pace, RPR, CSR, CRR, FPR
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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA
 COUNTY OF ORANGE
 4
 5 I, the undersigned authority, certify that
 SHIH WEN HUANG personally appeared before me
 6 on the 9th day of December, 2009, and was duly
 sworn.
 7
 8 WITNESS my hand and official seal this 22nd
 9 day of December, 2009.
 10
 11 _____
 Stacy Pace, RPR, CSR, CRR, FPR
 Notary Public - State of Florida
 Commission No. DD 761417
 Expires: April 30, 2012
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1 ERRATA SHEET
 2 IN RE: ATLAS V. GOLDEN VISION
 3 DEPOSITION OF: SHIH WEN HUANG
 4 TAKEN: 12-9-09
 5 JOB# 132185
 6
 7 PAGE # LINE # CHANGE REASON
 8 _____
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 23 Under penalty of perjury, I declare that I have read
 my deposition and that it is true and correct subject
 to any changes in form or substance entered here.
 24
 25 SIGNATURE OF DEPONENT: DATE:

85

1 DATE: December 22, 2009
2 TO: Shih Wen Huang
3 c/o Jeffrey S. Dawson
4 56 Fourth Street, NW
5 Suite 100
6 Orlando, Florida 32801

7 IN RE: ATLAS V. GOLDEN VISION

8 Please take notice that on December 9, 2009,
9 you gave your deposition in the above-referenced
10 matter. At that time you did not waive signature.
11 It is now necessary that you read and sign your
12 deposition should you still choose to do so.

13 Please call our Scheduling office at 800-211-DEPO
14 to schedule an appointment between the hours of 9:00
15 a.m. and 4:00 p.m., Monday through Friday, at the
16 Esquire office located nearest you.

17 If you do not read and sign the deposition
18 within a reasonable time period, the original, which
19 has already been forwarded to the ordering attorney,
20 may be filed with the Clerk of Court.

21 If you wish to waive your signature, sign your
22 name in the blank at the bottom of this letter and
23 return it to us.

24 Sincerely,

25 Stacy Pace, RPR, CSR, CRR, FPR
Esquire Deposition Services

I do hereby waive my signature:

SHIH WEN HUANG

cc. via transcript: Milton Springut, Esquire

1

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

In re: Registration No. 3,074,073

ATLAS FLOWERS, INC. D/b/a GOLDEN FLOWERS

Petitioner,

-against-

GOLDEN VISION FLOWER, INC.,

Registrant.

DEPOSITION OF SHUN-CHI HUANG

FRIDAY, MARCH 14, 2010
10:30 A.M. - 1:17 P.M.
ESQUIRE DEPOSITION SERVICES
200 EAST ROBINSON STREET
SUITE 725
ORLANDO, FLORIDA

STENOGRAPHICALLY REPORTED BY:
LAYLA F. DEGLER, FPR
FLORIDA PROFESSIONAL REPORTER
AND NOTARY PUBLIC

ESQUIRE DEPOSITION SERVICES
ORLANDO OFFICE - JOB #: 163709
PHONE NUMBER - (407)426-7676

2

1 **Appearing for the Plaintiff:**
2 **MILTON SPRINGUT, ESQUIRE**
3 **Kalow & Springut LLP**
4 **488 Madison Avenue, 19th Floor**
5 **New York, New York 10022**
6 **T:212.813.1600**
7 **E-MAIL: Ms@creativity-law.com**

8 **Appearing for the Defendant:**
9 **JEFFREY S. DAWSON, ESQUIRE**
10 **56 4th Street NW**
11 **Suite 100**
12 **Winter Haven, Florida 33881**
13 **T.863.293.9600**
14 **E-Mail: Jdawson@jdawsonlaw.com**

15 **ALSO PRESENT:**
16 **Shih-Wen Huang**

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I N D E X

PAGE

1 TESTIMONY OF:

2 SHUN-CHI HUANG

3 DIRECT EXAMINATION BY MR. SPRINGUT.....4

4 CERTIFICATE OF OATH.....64

5 CERTIFICATE OF REPORTER.....65

6 ERRATA SHEET.....66

7 - - -

8 EXHIBITS MARKED

9 PETITIONER'S:

10 Exhibit 31.....NOTICE TO TAKE DEPOSITION.....7

11 Exhibit 32A.....COLOR PHOTOCOPY ORCHIDS.....61

12 Exhibit 32B.....COLOR PHOTOCOPY ORCHIDS.....61

13 Exhibit 32C.....COLOR PHOTOCOPY ORCHIDS.....61

14 Exhibit 32D.....COLOR PHOTOCOPY ORCHIDS.....61

15 Exhibit 32E.....GOLDEN VISION FLOWER MARK.....61

16 Exhibit 32F.....GOLDEN VISION FLOWER MARK.....61

17 Exhibit 32G.....GOLDEN VISION FLOWER MARK.....61

18 - - -

19 Stipulations

20 It is hereby agreed and so stipulated by and

21 between the parties hereto, through their respective

22 counsel, that the reading and signing of the transcript

23 are expressly reserved by the Deponent.

24
25

4

P R O C E E D I N G S

1 Deposition taken before Layla F. Degler, Florida

2 Professional Reporter and Notary Public in and for the

3 State of Florida at Large, in the above cause.

4 - - -

5 WHEREUPON:

6 JUDY LIU,

7 the interpreter, was sworn to truly and correctly

8 translate English into Mandrin and Mandrin into English.

9 THE INTERPRETER: Yes.

10 THE COURT REPORTER: (Swears in witness

11 through translator.)

12 Thereupon,

13 SHUN-CHI HUANG

14 having been duly sworn or affirmed, was examined and

15 testified as follows:

16 THE INTERPRETER: (Translating): Yes.

17 DIRECT EXAMINATION

18 BY MR. SPRINGUT:

19 Q Good morning, Mr. Huang.

20 A Yes.

21 Q My name is Milton Springut, and I am the

22 lawyer for what we call the opposer in this proceeding.

23 We're here today to ask you questions with regard to the

24 subject matter of this proceeding.

25

<p style="text-align: center;">5</p> <p>1 A Okay.</p> <p>2 Q I would like you to answer my questions</p> <p>3 completely and directly and to the best your</p> <p>4 recollection. I assume you received the briefing about</p> <p>5 the nature and the purpose of this proceeding?</p> <p>6 THE INTERPRETER: (Without translating): Can</p> <p>7 you rephrase it? Can you repeat the question?</p> <p>8 (Whereupon the court reporter read back the</p> <p>9 last question.)</p> <p>10 THE INTERPRETER: (Translates.)</p> <p>11 THE WITNESS: (In English): Yes.</p> <p>12 THE INTERPRETER: Yes.</p> <p>13 BY MR. SPRINGUT:</p> <p>14 Q Do you have any questions at this time?</p> <p>15 A No.</p> <p>16 Q One of the important things that you have to</p> <p>17 do here today is to verbalize your responses.</p> <p>18 A Yes.</p> <p>19 Q Because if you don't do that, the court</p> <p>20 reporter is going to have a very hard time taking down</p> <p>21 the shakes of your head or grunts on her machine.</p> <p>22 A I don't understand your question.</p> <p>23 Q It's not a question.</p> <p>24 So, will you give us verbal responses?</p> <p>25 A Yes.</p>	<p style="text-align: center;">7</p> <p>1 Q Okay.</p> <p>2 MR. DAWSON: Hey, Milton, I think this might</p> <p>3 be incomplete. I don't know if it's my copy --</p> <p>4 MR. SPRINGUT: Off the record.</p> <p>5 (Off record.)</p> <p>6 BY MR. SPRINGUT:</p> <p>7 Q Mr. Huang, what is your business address?</p> <p>8 A You mean the Taiwan or in the United States?</p> <p>9 Q Do you have more than one business address?</p> <p>10 A It -- the address is Apopka. The address</p> <p>11 that's the business.</p> <p>12 Q Do you have more than one business address?</p> <p>13 A The -- this is -- we use this address.</p> <p>14 Q No. What is your business address?</p> <p>15 A The Apopka -- this Apopka address.</p> <p>16 Q Do you have any other business addresses?</p> <p>17 A No.</p> <p>18 Q Where do you live?</p> <p>19 A It's in Apopka.</p> <p>20 Q I understand you live in Taiwan; is that</p> <p>21 correct?</p> <p>22 A Yes.</p> <p>23 Q Okay. What is your business -- what is your</p> <p>24 residence address in Taiwan?</p> <p>25 A Taiwan is in Tainan City.</p>
<p style="text-align: center;">6</p> <p>1 Q Okay. Do you understand English?</p> <p>2 A I don't understand.</p> <p>3 Q Okay. If you don't understand my questions, I</p> <p>4 will be glad to repeat or rephrase them.</p> <p>5 A Yes.</p> <p>6 Q Similarly, if I don't understand your answers</p> <p>7 or they're incomplete, I'll ask you to explain.</p> <p>8 A I understand.</p> <p>9 Q Are you taking any medications?</p> <p>10 A No.</p> <p>11 Q Are you -- are you -- is there anything</p> <p>12 preventing you today from understanding my questions and</p> <p>13 fully responding to them?</p> <p>14 A No.</p> <p>15 Q Okay.</p> <p>16 MR. SPRINGUT: Let me have the reporter mark</p> <p>17 the Notice of Taking Depositions as Opposer's</p> <p>18 Deposition Exhibit 31.</p> <p>19 (Plaintiff's Exhibit Number 31 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. SPRINGUT:</p> <p>22 Q This deposition is being taken pursuant to the</p> <p>23 notice of Exhibit 31. Are you appearing here today</p> <p>24 pursuant to this Notice of Deposition?</p> <p>25 A Yes.</p>	<p style="text-align: center;">8</p> <p>1 Q What is your full business address?</p> <p>2 A You mean the business -- business or</p> <p>3 residence?</p> <p>4 Q Residence.</p> <p>5 A Tainan Shen - Tainan County, Kun, K-U-N,</p> <p>6 Ran -- R-A -- Kun Ran --</p> <p>7 SHIH-WEN HUANG: You don't know how to</p> <p>8 translate --</p> <p>9 THE INTERPRETER: (Without translating): No,</p> <p>10 I need you to tell me -- speak out louder.</p> <p>11 THE INTERPRETER: (Translating): Kun Ra</p> <p>12 county --</p> <p>13 THE INTERPRETER: (Without translating): I'm</p> <p>14 sorry, Kun Ra town.</p> <p>15 THE INTERPRETER: (Translating): Datong City,</p> <p>16 T-A-N -- Datong -- DA -- DAN -- Datong City, Chun,</p> <p>17 C-H-U-N, Chun Chen, C-H-E-N, South Road, Section 3</p> <p>18 95 -- Lane 95 and then Number 25. Yeah.</p> <p>19 BY MR. SPRINGUT:</p> <p>20 Q Okay. And what is your business address in</p> <p>21 Taiwan?</p> <p>22 A It's Thailand City, East -- East District, Don</p> <p>23 Men, D-O-N, Men, M-E-N, R-O -- Road 20 -- Lane 205 --</p> <p>24 209, Lane 209 and Number 5.</p> <p>25 Q How old are you?</p>

<p style="text-align: center;">9</p> <p>1 A This year?</p> <p>2 Q This year.</p> <p>3 A I was born in 1954.</p> <p>4 Q Where were you born?</p> <p>5 A Taiwan.</p> <p>6 Q Are you married?</p> <p>7 A Yes.</p> <p>8 Q What is the name of your wife?</p> <p>9 A Li-Ying Y-A -- okay -- it's -- last name is</p> <p>10 C-H-U-N-G [sic], first name L-I Y-I-N-G.</p> <p>11 Q Is she the young lady that is sitting right</p> <p>12 outside this room?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you have any children?</p> <p>15 A Yes.</p> <p>16 Q How many?</p> <p>17 A Total of four children. Four girls, five --</p> <p>18 one boy.</p> <p>19 Q What is the name of your business in Taiwan?</p> <p>20 A Chang Lung, C-H-A-N-G, L-U-N-G, Flower Shop.</p> <p>21 Q Chang Lung Flower Shop?</p> <p>22 THE INTERPRETER: (Without translating):</p> <p>23 Right.</p> <p>24 BY MR. SPRINGUT:</p> <p>25 Q And did you start that business?</p>	<p style="text-align: center;">11</p> <p>1 orchids?</p> <p>2 A Growing orchid, sales and buying.</p> <p>3 Q Of orchids?</p> <p>4 A Orchids. But also some fruits and vegetable</p> <p>5 related items.</p> <p>6 Q Any flowers other than orchids?</p> <p>7 A It has a some other plant and also some</p> <p>8 tomatoes.</p> <p>9 Q But those are not flowers, right?</p> <p>10 A Correct.</p> <p>11 Q So, the only flowers that you sell are</p> <p>12 orchids; is that correct?</p> <p>13 A Mainly it's orchid.</p> <p>14 Q What other flowers do you sell?</p> <p>15 A It's something like the flowers you</p> <p>16 decorate -- you use as decoration indoor, I sell that,</p> <p>17 too.</p> <p>18 Q Are those live flowers?</p> <p>19 A Yes.</p> <p>20 Q What type of flowers are those?</p> <p>21 A As only as the consumer -- meet the</p> <p>22 consumer -- there's a consumer demand we all sell.</p> <p>23 Q What other flowers besides orchids do you</p> <p>24 sell?</p> <p>25 A Um, it is something that has a special name,</p>
<p style="text-align: center;">10</p> <p>1 A Yes.</p> <p>2 Q When?</p> <p>3 A About -- I have about 12 years.</p> <p>4 Q And what did you do before you started that</p> <p>5 business?</p> <p>6 A I did some toy business.</p> <p>7 Q Prior to starting this business, did you have</p> <p>8 any experience working with flowers?</p> <p>9 A No.</p> <p>10 Q How did you gain experience in the flower</p> <p>11 business?</p> <p>12 A I find some speciality -- specialized experts.</p> <p>13 I hired some specialized experts and -- to run the</p> <p>14 business.</p> <p>15 Q What is the business of Chang Lung Flower</p> <p>16 Shop.</p> <p>17 A Is has a -- it -- it has an old kit it's like</p> <p>18 a -- it has a -- it is an entire orchid and also has a</p> <p>19 cutting -- cutting -- cutting ways of flowering. It</p> <p>20 also has a -- it also has a sprout, the flower sprout.</p> <p>21 And it also has some vegetables, fruit-related items.</p> <p>22 It has a -- it has a -- orchid has a butterflyed orchid</p> <p>23 and a vegetable type orchid and Goparhia orchid (ph).</p> <p>24 Q Okay. If I understand your answer -- and tell</p> <p>25 me if I am -- it's -- your in the business of growing</p>	<p style="text-align: center;">12</p> <p>1 it's like a fire -- it was -- it was fire female dragon.</p> <p>2 That's the name -- that's the name of -- of the flower,</p> <p>3 fire female dragon.</p> <p>4 Q Any other flowers?</p> <p>5 A It has something regard it's a leaf. The</p> <p>6 leaf -- the name called Lee, that kind of plant.</p> <p>7 Q Is that something else or is that a fire</p> <p>8 female dragon?</p> <p>9 A Some portions are not -- they are not flowers,</p> <p>10 they are green leaf plant.</p> <p>11 Q Live flowers?</p> <p>12 A Yes.</p> <p>13 Q What type of live flowers do you sell in</p> <p>14 addition to orchids and fire female dragons?</p> <p>15 A Okay. Because some -- some products we don't</p> <p>16 grow. We don't produce. We just purchase and then</p> <p>17 resell it.</p> <p>18 Q What are those products?</p> <p>19 A It's because every season -- different season</p> <p>20 has different type of flowers.</p> <p>21 Q What flowers do you produce other than</p> <p>22 orchids?</p> <p>23 A It's -- mainly it's orchid, but other than --</p> <p>24 I mentioned orchid, the fire female dragon, also some</p> <p>25 tomatoes, some sweet -- sweet squash.</p>

<p style="text-align: center;">13</p> <p>1 Q Anything else?</p> <p>2 A Mainly those we -- we -- we grow.</p> <p>3 Q Anything -- anything else?</p> <p>4 MR. SPRINGUT: Can you tell him it's important</p> <p>5 that he listens to the question and answers the</p> <p>6 question only. This process will go much faster if</p> <p>7 he does that. Okay?</p> <p>8 THE INTERPRETER: (Complies.)</p> <p>9 THE WITNESS: (Nods head.)</p> <p>10 BY MR. SPRINGUT:</p> <p>11 Q Okay. Other than orchids and fire</p> <p>12 female dragons, what other plants do you produce?</p> <p>13 A The factory produces those mentioned --</p> <p>14 mentioned, just those.</p> <p>15 Q Okay. And you told us you've been in business</p> <p>16 for 12 years?</p> <p>17 A Correct.</p> <p>18 Q Was the business any different 12 years ago</p> <p>19 than what you just finished describing for us today?</p> <p>20 A It's -- the difference is -- now is the</p> <p>21 business is larger and here we have a base of -- for --</p> <p>22 base of production and we have -- we -- we sell -- we</p> <p>23 sell the products.</p> <p>24 Q But 12 years ago you sold the same types of</p> <p>25 products?</p>	<p style="text-align: center;">15</p> <p>1 A The question is you mean only orchid or -- or</p> <p>2 other than orchid?</p> <p>3 Q Yes, that's the question.</p> <p>4 A Just earl -- mentioned earlier the Win Chin</p> <p>5 and Cattleya, and ShuFu orchid. Win Chin orchid,</p> <p>6 Catteleya orchids and ShuFu orchid.</p> <p>7 Q And so only orchids?</p> <p>8 A During that time mainly it's orchid, correct.</p> <p>9 Q Anything else other than orchids did you</p> <p>10 produce?</p> <p>11 A You mean now?</p> <p>12 Q At any time in the last 12 years.</p> <p>13 A Other than orchid it has something is a print</p> <p>14 related, print, some prints.</p> <p>15 Q What are prints?</p> <p>16 THE COURT REPORTER: Are you saying plant?</p> <p>17 THE INTERPRETER: P-L-A-N-T.</p> <p>18 THE COURT REPORTER: Okay.</p> <p>19 MR. SPRINGUT: Plants.</p> <p>20 BY MR. SPRINGUT:</p> <p>21 Q What plants did you produce other than</p> <p>22 orchids?</p> <p>23 A Okay. The indoor plant is like Wa-try --</p> <p>24 Wa-try -- Wa-try plant, Gin shin plant (ph).</p> <p>25 THE INTERPRETER: (Without translating): This</p>
<p style="text-align: center;">14</p> <p>1 A More or less different. More or less. There</p> <p>2 are some different more or less.</p> <p>3 Q How is it different?</p> <p>4 A It's because it's according to the different</p> <p>5 season and according to the market that we have to</p> <p>6 adjust for the season and market changes.</p> <p>7 Q Twelve years ago, what products did you sell?</p> <p>8 A Twelve years ago we -- we sold called Win</p> <p>9 Chin -- Win Chin -- Win Chin orchid cutting flower --</p> <p>10 THE INTERPRETER: -- that's what he said --</p> <p>11 THE INTERPRETER: (Translating): -- that we</p> <p>12 sold this kind, but now this type Win Chin orchid</p> <p>13 cutting flower is getting less.</p> <p>14 BY MR. SPRINGUT:</p> <p>15 Q But you still sold orchids 12 years ago,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q Did you produce any other flowers when you</p> <p>19 started the business to today other than what you've</p> <p>20 told us already?</p> <p>21 A I don't understand your question.</p> <p>22 Q You told us today you said you produce orchids</p> <p>23 and fire female dragons. You told us 12 years ago you</p> <p>24 produced orchids. Have you produced anything else in</p> <p>25 this 12-year period?</p>	<p style="text-align: center;">16</p> <p>1 is related to bamboos. I can tell it's a bamboos,</p> <p>2 bamboos plant.</p> <p>3 THE COURT REPORTER: Are you saying</p> <p>4 that or is he --</p> <p>5 THE INTERPRETER: I am saying that. I am</p> <p>6 saying that, because just if I say Wa-try plant,</p> <p>7 when -- that -- then you -- you don't know what's</p> <p>8 the plant. It's a bamboos. Those are bamboos. I</p> <p>9 say that.</p> <p>10 MR. SPRINGUT: Okay.</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q What period of time did you produce bamboo</p> <p>13 plants?</p> <p>14 A We have doing this for about five, six years.</p> <p>15 Q Going back from today?</p> <p>16 A Yes.</p> <p>17 Q Anything else?</p> <p>18 A Mainly are those, these items.</p> <p>19 Q Anything else?</p> <p>20 A Now, recently we added a vegetables, fruits</p> <p>21 related.</p> <p>22 Q Talking about plants, any other plants?</p> <p>23 A The plant I mentioned earlier is something</p> <p>24 like tomatoes, vegetables, and sweet squash and some</p> <p>25 fruits also, some fruits.</p>

<p style="text-align: center;">17</p> <p>1 Q Fruits and vegetables? 2 A Correct. 3 Q No other plants? 4 A Correct. 5 Q Okay. Now, when you started the business 12 6 years ago, generally, who were you selling plants to? 7 A We sold to some wholesalers and some 8 individual consumers. 9 Q Located where? 10 A The entire Taiwan. 11 Q When did you first start selling plants 12 outside of Taiwan? 13 A We started ten years ago that we sold -- we 14 sold outside of Taiwan ten years ago. 15 Q So, about 2000? 16 A Approximately, yes. 17 Q And generally in the year 2000, to whom did 18 you sell outside of Taiwan? 19 A We sold to Japan area -- in the Japan area and 20 also to the United States area. 21 Q When did you first start selling to the United 22 States? 23 A The exact time I don't remember. 24 Q Approximately. 25 A About ten years ago, that period of time.</p>	<p style="text-align: center;">19</p> <p>1 bamboo that area related. 2 Q So, orchids and bamboo? 3 A Correct. 4 Q Nothing else? 5 A Mainly are this. 6 Q Anything else? 7 A Some are related like materials to grow the 8 orchids and then we will -- we will help the -- the 9 consumer -- we will help the merchant to look for 10 those -- that -- that -- that materials that can grow 11 the orchids. 12 Q Any other plants besides orchids and bamboo? 13 A We used to sell some vegetable fruit seeds but 14 not a large quantity. 15 Q Any other plants? 16 A No. 17 Q Okay. And when you started the Chang Lung 18 Flower Shop 12 years ago, what was your position in the 19 company? 20 A Chang -- Chang Lung Flower Shops they are two 21 parts, one is produce in the production, the farm -- a 22 farm production one is sell -- sells abroad. I am in 23 charge of the farm's production division. 24 Q And you've been the head since you started the 25 company?</p>
<p style="text-align: center;">18</p> <p>1 Q And to what type of people did you sell to in 2 the United States? 3 A I sold to that -- the -- who the person is 4 doing the orchid business. 5 Q Are those like wholesalers? 6 A Okay. I sold to the person who -- who produce 7 grow orchid. 8 Q Growers? 9 A Correct. 10 Q And the company that was selling the orchids 11 to the growers in the United States was Chang Lung 12 Flower Shop, right? 13 THE INTERPRETER: (Gestures.) 14 MR. SPRINGUT: (Gestures.) 15 (Whereupon the court reporter read back the last 16 question.) 17 THE INTERPRETER: (Translating): Correct. 18 The early years, yes. 19 BY MR. SPRINGUT: 20 Q How long did that continue that way? 21 A Continues still up to today. 22 Q Today. And what plants have you sold to 23 growers in the United States since approximately 2000? 24 A Mainly are the orchids and then also one lady 25 plant -- it's just -- it's -- it's bamboo, that kind of</p>	<p style="text-align: center;">20</p> <p>1 A Yes. 2 Q And who is in charge of the part of the 3 business that sells? 4 A Ms. Chuong, my wife. 5 Q Who are the officers of this company? 6 A We have some -- some -- some employees they 7 are in the production area. And also, is some -- some 8 is -- is a personnel, it's a staffs, they are staffs. 9 Q Okay. Move to strike as nonresponsive. 10 Please listen to the question and answer the question 11 that you're asked. 12 Who are the officers of the company? 13 A You mean your question is asking all 14 administrative? 15 Q Does he know what an officer is? 16 A Yes. 17 Q Who are the officers of the company? 18 A Officers, of course, is Ms. Chuong, me, and 19 several other employees. 20 Q What are your respective titles? 21 A I'm the chairman. 22 Q His wife? 23 A We just -- I just mentioned there are two 24 parts. The export that -- that the -- the chief -- the 25 chairman -- the chief is in charge is Ms. Chuong, and</p>

<p style="text-align: center;">21</p> <p>1 then I -- belong to -- I'm in the farm production. 2 Q Move to the strike as nonresponsive. 3 Please translate that. 4 What is your wife's title in the company? 5 MR. DAWSON: Hang on a second. I want 6 to put something on the -- 7 MR. SPRINGUT: Wait, hold on -- 8 MR. DAWSON: -- these -- these questions from 9 you, from what my corporate rep tells me, are not 10 being properly translated and it's being impeded to 11 the deponent, so -- 12 MR. SPRINGUT: Okay. 13 THE INTERPRETER: (Translating): My wife 14 in -- in the farm production, this area she is in 15 charge of accounting finance. 16 BY MR. SPRINGUT: 17 Q Does she have a title? 18 A She doesn't have title. She is in charge of 19 the -- 20 Q Are there any other members of his family that 21 are officers of Chang Lung Flower Shop? 22 A No. 23 Q Okay. Are you familiar with a company called 24 Golden Vision Flower? 25 A When I -- when I came to -- we came to</p>	<p style="text-align: center;">23</p> <p>1 Q Who are the officers of this company today? 2 A Officer? 3 Q (Nods head.) 4 A The main way we came -- we came to the United 5 States from Taiwan we have a language deficiency, so our 6 mainly the purpose -- our -- we mainly doing production. 7 Q Move to strike as nonresponsive. 8 Who are the officers of this company today? 9 A We only find some Mexicans work -- work 10 there. 11 MR. DAWSON: Can we go off the record for a 12 second? 13 MR. SPRINGUT: Sure. 14 (Off record.) 15 BY MR. SPRINGUT: 16 Q Today who is the president of the company? 17 A Me, I am. 18 Q Who is the vice president? 19 A Nobody. 20 Q Secretary? 21 A Secretary originally is -- is -- was my -- is 22 my wife. 23 Q Is there anyone else at the company today who 24 has a title like president, vice president, secretary, 25 treasurer?</p>
<p style="text-align: center;">22</p> <p>1 America, I or we, came to America then we apply, then we 2 just knew this -- this company. 3 Q Do you have a position with Golden Vision 4 Flower? 5 A I am the president. I am the investor of this 6 company. I am in charge of this company. 7 Q When you say you're in charge, do you have a 8 title with this company? 9 A My official title in this company is CEO. 10 Q Have you been the CEO since the company was 11 formed? 12 A Yes. 13 Q And were you the person that formed this 14 company? 15 A Yes. 16 Q Who are the other officers of this company 17 when you formed it? 18 A In the beginning, me and my wife. In the 19 beginning we used this -- the -- Chang Lung Flower Shop 20 that the investment as a base we formed this company. 21 Q What was your wife's title in the beginning? 22 A She is simply just an investor. The status is 23 just an investor. 24 Q Is she an officer of this company? 25 A No. She spend most of time in Taiwan.</p>	<p style="text-align: center;">24</p> <p>1 A So, far it's only I has a title to work 2 outside. 3 Q Has that been true since the company was 4 started? 5 A Yes. 6 Q Who are the shareholders of the company? 7 A Shareholders are me, the couple, and five 8 children. 9 Q And how much do you own? 10 A You only ask me how much do I own or you ask 11 the entire family how much do we own? 12 Q He. 13 A I forgot how many percentage I own. But I 14 just knew that 100 -- we -- our entire family owns 100 15 percent. 16 Q So, he doesn't know who owns the specific 17 amounts? 18 A Correct. I didn't -- I -- I don't have this 19 specific. 20 Q Who has this information? 21 A I can go to ask the -- the accounting 22 department. The accountant, I can ask the accountant 23 Q What accountant would you ask? 24 A You mean the accountant? 25 Q Uh-huh.</p>

25

1 A Um, I always -- that my daughter who contact
 2 with the accountant.
 3 Q Who is the accountant?
 4 A Accountant, I don't know. It is all Amy
 5 handles this.
 6 Q When you started Golden Vision Flowers, what
 7 were your responsibilities?
 8 A Starting from the purchase the land, how to
 9 arrange, and then -- and to production, that -- I
 10 manage -- I all -- I manage it.
 11 Q How many employees did you have when you
 12 started the company?
 13 A About ten.
 14 Q And what did they do?
 15 A Starting from grow -- manage the land and
 16 have -- plant greenhouse, everything we start from the
 17 scratch.
 18 Q Did they all report to you?
 19 A Correct.
 20 Q Where were these employees located?
 21 A We found these employees in the local -- local
 22 U.S. -- local area in the United States.
 23 Q And where do they work?
 24 A It's in the Apopka, this factory area.
 25 Q Is that still the case today?

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1 A Yes.
 2 Q And what are your responsibilities today in
 3 connection with Golden Vision Flower?
 4 A I -- my responsibilities in the management
 5 that have -- the -- the management -- the entire
 6 company's managements?
 7 Q Are you the person in charge today?
 8 THE INTERPRETER: (Gestures.)
 9 MR. SPRINGUT: (Gestures.)
 10 (Whereupon the court reporter read back the last
 11 question.)
 12 THE INTERPRETER: (Translating): Yes.
 13 BY MR. SPRINGUT:
 14 Q And you understand that this proceeding
 15 that we're here on today involves the registered
 16 trademark Golden Vision Flower and Design, right?
 17 A Correct.
 18 Q And you understand that the case involves the
 19 registration of what we previously marked as Plaintiff's
 20 Exhibit 30, which I'm going to show you?
 21 A What kind -- what kind of problem is this?
 22 Q What kind of what?
 23 THE INTERPRETER: (Without translating): What
 24 kind of problem is this?
 25 THE COURT REPORTER: Problem.

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1 THE INTERPRETER: (Without translating):
 2 Problem.
 3 THE COURT REPORTER: What kind of problem is
 4 this.
 5 THE INTERPRETER: What's the matter, that's
 6 what he -- that --
 7 BY MR. SPRINGUT:
 8 Q You understand that that's the registration
 9 that the company has, correct?
 10 A This is we have hired attorney to register
 11 this company, so what -- what's the problem?
 12 Q Who hired the attorney?
 13 A It's when we came to -- we came to United
 14 States from Taiwan. We -- first step we did the
 15 registration, and then the second step we go to the
 16 local to find someone, and the third we -- we did the
 17 registration.
 18 Q Who did the registration?
 19 A Decision is I made it, but how to do the
 20 registration my wife did it.
 21 Q Can you explain that, please?
 22 A Explain what?
 23 Q Explain your last answer.
 24 A In the beginning when we established this
 25 company then we go to find someone in the local. During

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1 that time we went through the attorney in Taiwan and
 2 then registered in the United States.
 3 Q What attorney in Taiwan?
 4 A The details is my wife handle this, so she --
 5 she knows better.
 6 Q What do you know?
 7 A The design I participated. And then this
 8 registration we don't -- we -- of course, we -- it's
 9 not -- we don't know, so my wife went to find attorney
 10 to do the registration.
 11 Q What attorney?
 12 A It's a -- it's a attorneys that they
 13 specialize in registration in Taiwan.
 14 Q What is the name of the attorney?
 15 A That my wife knows it better. I -- I'm not so
 16 familiar with it.
 17 Q Do you know or not know?
 18 A I am not so familiar.
 19 Q Mr. Huang, we're -- we're not proceeding in
 20 this case because you are not responding to the
 21 questions. What is the name of the attorney? Do you
 22 know?
 23 A I don't know.
 24 Q But your wife knows, right?
 25 A Yes. This you -- you can find out.

<p>29</p> <p>1 There's -- there's a case there you can find out.</p> <p>2 Q When did your company, Golden Vision Flower,</p> <p>3 first use the mark that is shown on Plaintiff's Exhibit</p> <p>4 30?</p> <p>5 A In Taiwan when we received the permit then</p> <p>6 we -- we start to -- in -- we came to America -- we came</p> <p>7 to America in 2003 then we start to use it 2004.</p> <p>8 Q When in 2004?</p> <p>9 A Specific time in 2004, I don't have a</p> <p>10 recollection, but I know it's in 2004 that formally we</p> <p>11 start to use. And in 2003 we don't spend a lot of time</p> <p>12 in the United States.</p> <p>13 Q Who would know when, exactly, your company</p> <p>14 started using the mark shown in Plaintiff's Exhibit 30?</p> <p>15 A We didn't record a time, a specific time.</p> <p>16 It's when we came to United States in 2004, we started</p> <p>17 to use this trademark this -- this I'm quite sure.</p> <p>18 Q Move to strike as nonresponsive.</p> <p>19 I'm going to ask the reporter to reread the</p> <p>20 question and for you to retranslate it.</p> <p>21 THE COURT REPORTER: One second.</p> <p>22 (Whereupon the court reporter read back the last</p> <p>23 question.)</p> <p>24 THE INTERPRETER: (Translating): It -- it</p> <p>25 starting -- when it started in 2004. I am the one</p>	<p>31</p> <p>1 it is a very simple process, when we received the</p> <p>2 registration permit then we start to use it.</p> <p>3 Q Could you explain what you just said?</p> <p>4 A Is it -- it's just when we hired attorney for</p> <p>5 the registration, and then the registration approved</p> <p>6 from attorney. Then the attorney told us that</p> <p>7 registration was approved. Then we start use it.</p> <p>8 Q How did you start to use it?</p> <p>9 A It's when in the beginning we tried to help --</p> <p>10 establish the letters, the company's letters, the</p> <p>11 company's envelope. Then it start to show up, that</p> <p>12 mark, the trademark.</p> <p>13 Q So, you use it on letters?</p> <p>14 A It is from letter -- the company's letter, the</p> <p>15 company's envelope. And then the product local, and the</p> <p>16 document -- the communication of document it start to</p> <p>17 show up.</p> <p>18 Q Let me see if I understand, the mark that is</p> <p>19 shown in Plaintiff's Exhibit 30 before you, you use that</p> <p>20 on letters?</p> <p>21 A Yes.</p> <p>22 Q And you use the mark on Plaintiff's Exhibit 30</p> <p>23 on envelopes, correct?</p> <p>24 A Yes.</p> <p>25 Q What else?</p>
<p>30</p> <p>1 running -- I am the one in charge in running this</p> <p>2 matter, but how can I remember the specific month,</p> <p>3 the specific date? That was some time ago.</p> <p>4 BY MR. SPRINGUT:</p> <p>5 Q So, there is no one else besides you who would</p> <p>6 know the answer to that question, correct?</p> <p>7 A It is I understand the most. I know the most</p> <p>8 because I -- I -- I am in -- I am -- I managed entire</p> <p>9 process.</p> <p>10 Q What documents does the company have that</p> <p>11 would show when the mark of Plaintiff's Exhibit 30 was</p> <p>12 first used?</p> <p>13 A There is no specific time. When you start it</p> <p>14 you have a -- it's in a -- you have to start to have</p> <p>15 envelope, you start with S and let -- and et cetera.</p> <p>16 It's gradually it -- it would show that there is no</p> <p>17 specific time to say that.</p> <p>18 It's only -- it -- it -- towards -- it only</p> <p>19 shows the time is when you have S outside and then that</p> <p>20 will show the time, but if you started inside, then</p> <p>21 there's no specific time.</p> <p>22 Q Mr. Huang, what documents do you have that</p> <p>23 show the first time the mark in Plaintiff's Exhibit 30</p> <p>24 was used by your company?</p> <p>25 A No. In the beginning it was a very -- we --</p>	<p>32</p> <p>1 A It also the pamphlets, the S, commercial</p> <p>2 pamphlet gradually we use that.</p> <p>3 Q Please explain what commercial pamphlets are.</p> <p>4 A We have a commercial -- we have S in</p> <p>5 orchids -- orchids things.</p> <p>6 THE COURT REPORTER: I didn't get that, I'm</p> <p>7 sorry.</p> <p>8 THE INTERPRETER: (Without translating): We</p> <p>9 have S advertisement in orchid magazine -- magazine</p> <p>10 the name Orchids.</p> <p>11 BY MR. SPRINGUT:</p> <p>12 Q So, commercial pamphlets means advertisements?</p> <p>13 A That commercial S has company's logo and the</p> <p>14 company's name.</p> <p>15 Q When you say "commercial pamphlets" are you</p> <p>16 talking about ads in magazines?</p> <p>17 A Yes.</p> <p>18 Q Okay. What else?</p> <p>19 A Also we were toward consumers pamphlet, it</p> <p>20 also shows up this logo -- logo.</p> <p>21 Q What are consumer pamphlets?</p> <p>22 A We have some materials that distribute to the</p> <p>23 consumers that the information it has the company's</p> <p>24 logo, the mark.</p> <p>25 Q Explain this consumer information.</p>

<p style="text-align: center;">33</p> <p>1 A It's every year we would have a -- we would 2 print it, that -- the -- the materials that has the 3 flowers information and company's information to the 4 consumers. 5 Q And how is that distributed to the consumer? 6 A Majority of time is through the flower's -- 7 flower's exhibit that the -- we distribute to the -- to 8 the consumers -- customers. 9 THE INTERPRETER: (Without translating): 10 E -- just -- just like that. 11 THE COURT REPORTER: Exhibit? 12 THE INTERPRETER: (Without translating): 13 Exhibit. 14 BY MR. SPRINGUT: 15 Q What is a flower exhibit? 16 THE INTERPRETER: (Without translating): 17 Flower show. Flower show. There's a show -- the 18 flower show. 19 BY MR. SPRINGUT: 20 Q You give it out at shows? 21 A Yes. 22 Q So, people come to the booth and you hand them 23 the literature? 24 A Yes. 25 Q Okay. How else do you use the mark shown in</p>	<p style="text-align: center;">35</p> <p>1 A Such as we have one single stem of orchid and 2 we would have this card attached with -- goes with it, 3 the stem of the flower. 4 Q Okay. Other than orchids, what other 5 merchandise? 6 A We use that most in orchids. 7 Q What else did you use it in? 8 A Other situations only when we have like a 9 cases that we wrap, wrap the cases and we would use 10 that. 11 Q Cases of what? 12 A The paper -- paper -- paper case, the paper 13 case carton -- cartons. 14 MR. SPRINGUT: (Gestures.) 15 THE COURT REPORTER: Cartons. 16 BY MR. SPRINGUT: 17 Q Cartons. Cartons for what? 18 A Because sometimes you want to transport and 19 then you put -- put merchandise inside the carton. And 20 then you have to -- 21 Q What merchandise do you put in the carton? 22 A Sometimes that's something you need for long 23 distance transportation, you need to put into the 24 carton. 25 Q Mr. Huang, please answer the question. What</p>
<p style="text-align: center;">34</p> <p>1 Plaintiff's Exhibit 30? 2 A When we export the -- or we sell -- we sell 3 the prod -- we sell the flowers, we would hang in the 4 small cart along with the merchandise, the small cart, 5 hang alone with the merchandise that we would show this. 6 And also that companies -- when the -- the companies 7 introduction or -- or that describe how do you care for 8 the flowers, that kind of information we will show that. 9 Q And describe the small card. 10 A It was -- it was -- it's -- the card has a -- 11 it -- it depends on the different season, and from -- 12 and we have this -- the card sometimes such as we had 13 the shape of orchid. And it was -- it -- when we sell 14 the merchandise it has that and it different. It -- it 15 sometimes it's different, it has a different shape. 16 MR. SPRINGUT: Can I have that read back, 17 please? 18 THE COURT REPORTER: Yes. 19 (Whereupon the court reporter read back the last 20 answer.) 21 BY MR. SPRINGUT: 22 Q And how is the card used? 23 A It just -- that card attached goes along with 24 that merchandise to the consumers. 25 Q What merchandise are you talking about?</p>	<p style="text-align: center;">36</p> <p>1 merchandise? 2 A Sometimes it's like -- something like flowers, 3 sprouts that you have to put into the carton and then 4 for the transportation. 5 Q What flowers? 6 A Orchid most of time. 7 Q Other than orchids, what flowers? 8 A Such as other -- I mentioned earlier Wan Lay 9 bamboo plant you need to put in the carton. 10 MR. SPRINGUT: What? 11 THE INTERPRETER: (Without translating): The 12 bamboo plants that you have to put in the cartons. 13 BY MR. SPRINGUT: 14 Q Have you used the mark shown in Plaintiff's 15 Exhibit 30 in connection with bamboo with plants? 16 A If you -- if only single bamboo then you are 17 not -- the one lay print, you are not going to see it, 18 but of you put entire into the carton then you -- they 19 will have the mark. 20 Q Move to strike. 21 Translate that. 22 THE INTERPRETER: (Complies.) 23 BY MR. SPRINGUT: 24 Q What flowers or plants have you used in these 25 cartons that bear the mark of Plaintiff's Exhibit 30</p>

<p style="text-align: center;">37</p> <p>1 other than orchids?</p> <p>2 A Whenever you need to sell and you need to</p> <p>3 package -- you need to do packaging, then you would use</p> <p>4 that.</p> <p>5 Q Move to strike.</p> <p>6 Translate it.</p> <p>7 THE INTERPRETER: (Complies.)</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Mr. Huang, this is not proceeding because you</p> <p>10 are not answering the question. You are avoiding the</p> <p>11 question. Why are you avoiding the question?</p> <p>12 A I don't understand your question.</p> <p>13 Q Tell me, as we sit here, what flowers or</p> <p>14 plants you have put in cartons that bear the mark of</p> <p>15 Plaintiff's Exhibit 30.</p> <p>16 A Everything that you need to package in then</p> <p>17 you would put in the carton.</p> <p>18 MR. DAWSON: I'm going to object again that</p> <p>19 the translation from you to him is not getting</p> <p>20 through correctly --</p> <p>21 THE INTERPRETER: (Without translating): No,</p> <p>22 I think --</p> <p>23 MR. DAWSON: -- he's not being --</p> <p>24 THE INTERPRETER: -- I think I'm --</p> <p>25 MR. SPRINGUT: You have no basis to say that,</p>	<p style="text-align: center;">39</p> <p>1 This is becoming a hostile witness and he's being</p> <p>2 uncooperative.</p> <p>3 MR. DAWSON: He's not being hostile. Your</p> <p>4 translation's not getting through correctly.</p> <p>5 You're impeding it to him.</p> <p>6 MR. SPRINGUT: This is -- I absolutely am.</p> <p>7 MR. DAWSON: Well, you're wrong in doing that</p> <p>8 MR. SPRINGUT: I don't think so.</p> <p>9 MR. DAWSON: Well, you have no basis to know</p> <p>10 that. I've got someone --</p> <p>11 MR. SPRINGUT: Yes. I -- I --</p> <p>12 MR. DAWSON: -- that's --</p> <p>13 MR. SPRINGUT: -- I have a translator who is</p> <p>14 certified to do this, and as far as I can tell, Mr.</p> <p>15 Huang is not responding to the questions that --</p> <p>16 MR. DAWSON: You have no basis for knowing</p> <p>17 that, though. I've just someone else here who</p> <p>18 speaks Mandarin who is saying it's not being</p> <p>19 interpreted properly, so I do have a basis to</p> <p>20 say --</p> <p>21 THE INTERPRETER: I --</p> <p>22 MR. SPRINGUT: I don't think so.</p> <p>23 MR. DAWSON: -- I challenge the translation --</p> <p>24 THE INTERPRETER: -- the big problem is the</p> <p>25 question --</p>
<p style="text-align: center;">38</p> <p>1 so I --</p> <p>2 MR. DAWSON: I have a client right here who</p> <p>3 speaks Mandarin --</p> <p>4 MR. SPRINGUT: Well, okay. Unless you have a</p> <p>5 certified translator here then you have no basis.</p> <p>6 MR. DAWSON: We'll challenge the translation.</p> <p>7 MR. SPRINGUT: You can challenge the</p> <p>8 translation. Meanwhile, I'm going to move to hold</p> <p>9 him in contempt of this for failure to respond to</p> <p>10 the questions --</p> <p>11 MR. DAWSON: Feel free.</p> <p>12 MR. SPRINGUT: -- and then we're going to redo</p> <p>13 this at your cost.</p> <p>14 MR. DAWSON: No, you're not. We're not</p> <p>15 bringing him back.</p> <p>16 MR. SPRINGUT: If he doesn't answer the</p> <p>17 questions, we're going to move to have him brought</p> <p>18 back.</p> <p>19 MR. DAWSON: Fine. It's not going to happen.</p> <p>20 They're not going to --</p> <p>21 MR. SPRINGUT: We'll see what the TTAB does.</p> <p>22 MR. DAWSON: Okay. Well --</p> <p>23 MR. SPRINGUT: Because this is --</p> <p>24 MR. DAWSON: You terminate at your own peril.</p> <p>25 MR. SPRINGUT: I'm not terminating anything.</p>	<p style="text-align: center;">40</p> <p>1 MR. SPRINGUT: You have no basis at all.</p> <p>2 MR. DAWSON: It's on the record whether I have</p> <p>3 a basis or not. It's not being translated</p> <p>4 properly.</p> <p>5 MR. SPRINGUT: You have no basis. You</p> <p>6 challenge it.</p> <p>7 MR. DAWSON: Okay.</p> <p>8 BY MR. SPRINGUT:</p> <p>9 Q Mr. Huang, are you taking this seriously?</p> <p>10 MR. DAWSON: Object to the form. You're</p> <p>11 harassing the witness.</p> <p>12 BY MR. SPRINGUT:</p> <p>13 Q Translate.</p> <p>14 MR. DAWSON: Translate mine as well.</p> <p>15 THE INTERPRETER: (Complies.)</p> <p>16 THE INTERPRETER: (Translating): I -- I --</p> <p>17 think this is a very -- this is a nuisance that we</p> <p>18 apply for this trademark and we register it and we</p> <p>19 came to American use it and we are the victim. Why</p> <p>20 so?</p> <p>21 BY MR. SPRINGUT:</p> <p>22 Q Now, let's go back to the questions. You</p> <p>23 testified that the mark of Plaintiff's Exhibit 30 was</p> <p>24 put on cartons, right? Yes or no?</p> <p>25 A Yes.</p>

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<p>1 Q Okay. And in the cartons you put flowers or 2 plants, correct? 3 A Yes. 4 Q What flowers and plants have you put in 5 cartons that bear the mark of Plaintiff's Exhibit 30? 6 A I mentioned earlier it's all the orchids. All 7 the company -- all the -- the products our company 8 produce we will put in the carton. 9 Q What products? 10 A Orchids, sprouts, all the -- all the Wan Lays, 11 the bamboo products. 12 Q What else? 13 A That's all. 14 Q Orchids and bamboo? 15 A Yes. 16 Q Okay. And the small cards that you told us 17 about that bear the mark of Plaintiff's Exhibit 30, what 18 type of products was it used on? 19 A Um, every year we will produce \$10,000 or so, 20 more than 10,000 also of such cards, and we will attach 21 to the products, each products. 22 Q What products? 23 A Every product they will grow -- they will have 24 blossom, have a flower that blossom, then we will attach 25 it.</p>	<p>1 MR. SPRINGUT: Translate exactly what I say 2 and nothing else. 3 THE INTERPRETER: Okay. 4 BY MR. SPRINGUT: 5 Q Do you see where it says "cut flowers"? 6 A Yes. 7 Q Have you ever used the mark on this 8 registration on Exhibit 30 in connection with or on cut 9 flowers? 10 A Here probably not because we don't produce cu 11 flowers a lot, we don't have a lot. 12 Q Yes -- yes or no? 13 A I don't know what -- 14 Q Have you ever used the mark shown in 15 Plaintiff's Exhibit 30 in connection with or on cut 16 flowers? Yes or no? 17 A No. 18 Q Okay. Same question with regard to dried 19 flowers and live flowers. Yes -- yes or no? 20 A Yes. 21 Q Okay. What dried flowers and live flowers 22 have you used in connection with this mark? 23 A We -- we only produce live flowers. We don't 24 produce dry flowers anymore. 25 Q Have you ever produced dry flowers in</p>
42	44
<p>1 Q What products? 2 A Something it's like orchids that will -- will 3 grow flowers. 4 Q Anything else? 5 A This the is all the most all orchids. 6 Q Anything else other than orchids? 7 A Orchids. 8 Q Now, let me direct your attention to 9 Plaintiff's Exhibit 30. Can you read anything on this 10 exhibit? 11 A No. 12 Q Okay. I'm going to ask the translator to read 13 for the witness after the word "for" in the first 14 column. Do you see that? 15 THE INTERPRETER: (Without translating): 16 Uh-huh. 17 MR. SPRINGUT: The protect listings. I want 18 you to read one only at a time and then I'm going 19 to ask him a question. 20 THE INTERPRETER: (Complies.) 21 BY MR. SPRINGUT: 22 Q Do you see cut flowers? 23 MR. SPRINGUT: Madam translator, please follow 24 me. 25 THE INTERPRETER: Okay.</p>	<p>1 connection with this mark? Yes or no? 2 A In United States, no. 3 Q How about in connection with live flowers? 4 Yes or no? 5 A Yes. 6 Q What type of live flowers? 7 A That I just mentioned that earlier. It was 8 orchid that whatever -- the orchid we were using. 9 Q Anything other than orchids? 10 A In general, that we use in the sprout, orchid, 11 and the flower. 12 Q That's it? 13 A Yes. 14 Q Okay. Flower bulbs? 15 A Yes. We will use it. 16 Q What type of flower bulbs? 17 A Start -- the orchid starting from the bulb and 18 to the growing, the process, we will use it. 19 Q How do you use this mark in connection with 20 flower bulbs? 21 A When we use to -- the bulbs in -- into the 22 carton, we package in carton, it will show up the -- the 23 mark. 24 MR. SPRINGUT: Can I have that read back, 25 please?</p>

<p style="text-align: center;">45</p> <p>1 THE COURT REPORTER: Yes. 2 (Whereupon the court reporter read back the last 3 question.) 4 BY MR. SPRINGUT: 5 Q Explain, please. 6 A Whenever we pack the carton, the carton will 7 show the company's name, address, and it will show up, 8 this -- the mark. 9 Q And what will be in the carton? 10 A It will -- it will -- this is -- this is 11 repeated the question. It will have flowers, the bulbs, 12 the sprout inside the carton, and it will have mark. In 13 the packaging that it will -- it will easily will show 14 up the mark. 15 Q You sell flower bulbs? 16 A Yes. 17 Q With regard to flower seeds, how do you use 18 the mark of Plaintiff's Exhibit 30? 19 A It's impossible you will put mark into the 20 bulbs and the seeds, but whenever you put -- you 21 packaging the bulbs and seed into the carton, then it 22 will show up the mark and the company's address. 23 MR. SPRINGUT: Can I have that read back? 24 (Whereupon the court reporter read back the last 25 answer.)</p>	<p style="text-align: center;">47</p> <p>1 grass and grass seeds. 2 Q When did you first start using the mark on 3 Exhibit 30 in connection with grass and grass seeds? 4 A It's few years ago. I don't specific to 5 memorize that. But here we started around -- around 6 2005 we start to manage that. 7 Q What records do you have showing that you have 8 sold grass or grass seeds in connection with the mark on 9 Plaintiff's Exhibit 30? 10 A I don't -- I am not able to have proof of 11 that. 12 Q Who have you sold grass and grass seeds to in 13 connection with the mark on Plaintiff's Exhibit 30? 14 A It's lon -- it's some time -- it's long time 15 ago and the percentage of grass, grass seeds at the 16 production is very low and we don't -- I don't remember. 17 Q Can you produce any records showing you've 18 ever sold any grass and grass seeds? 19 A No. 20 Q What about fresh herbs and raw herbs. 21 THE INTERPRETER: (Without translating): 22 Excuse me -- I think -- can I -- I need the 23 dictionary. Can I use the dictionary? 24 MR. SPRINGUT: (Nods head.) 25 THE INTERPRETER: Thank you.</p>
<p style="text-align: center;">46</p> <p>1 BY MR. SPRINGUT: 2 Q And when you talk about live, flowering 3 plants, what does that refer to? 4 A It is the difference between the live flower 5 and the bulbs and seeds. It's only the difference is in 6 height. And you -- all you orders flowers -- live 7 flowers and season bulbs you have to package it through 8 the packaging, and you have to put inside of carton. 9 Q Only in the carton is the mark? 10 A Yes. 11 Q Okay. Dried plants, how do you use the -- how 12 do you use the mark of that Exhibit 30 with dried 13 plants? 14 A I just mentioned earlier that we don't produce 15 dry flowers at this time. 16 Q Have you ever produced dried plants in 17 connection with the mark on Exhibit 30? 18 A We don't produce the dry plants at this time, 19 but in the near -- in the future we are considering 20 that. 21 Q Okay. Next, grass and grass seeds, how do you 22 use the mark in Exhibit 30 in connection with those 23 items? 24 A It is all the -- the logo -- mark has to show 25 up in the carton. That is impossible to put in the</p>	<p style="text-align: center;">48</p> <p>1 THE INTERPRETER: (Translating): Even though 2 it mentions this a lot, but there are not many 3 customers, so we don't -- we don't produce a lot. 4 We only that those -- during the time we have a 5 plant, but we just --we just don't produce. 6 BY MR. SPRINGUT: 7 Q What does that mean? 8 A You -- you would -- you need a market, you 9 need to have customers. 10 Q So, you've never sold any fresh or raw herbs? 11 A Correct. 12 Q Okay. 13 MR. SPRINGUT: Now, madam translator, could 14 you read for him the top of the second column which 15 says "first use 6/1/2004" and "commerce 12/12004" 16 and translate that? 17 THE INTERPRETER: Okay. (Complies.) 18 THE INTERPRETER: (Translating): The specific 19 time I'm not quite sure. 20 BY MR. SPRINGUT: 21 Q When you say you're not quite sure, what does 22 that mean? 23 A Because the time -- specific time I don't 24 remember exactly, correctly. 25 Q Who provided the information that's found in</p>

<p style="text-align: center;">49</p> <p>1 this trademark certificate on Exhibit 30?</p> <p>2 A You mean the design? You mean the</p> <p>3 registration?</p> <p>4 Q Who provided the information about the dates</p> <p>5 that were just read to you?</p> <p>6 A Who told me?</p> <p>7 Q Who provided the information that's found in</p> <p>8 this trademark certificate?</p> <p>9 A These documents were -- are -- were handled by</p> <p>10 my wife.</p> <p>11 Q Who provided the information that's found in</p> <p>12 this document?</p> <p>13 A Ms. Chuong, my wife.</p> <p>14 Q Okay. Now, you'll notice that there are two</p> <p>15 different dates. Do you know why the dates are</p> <p>16 different?</p> <p>17 A I don't know.</p> <p>18 THE WITNESS: (In Mandarin.)</p> <p>19 MR. DAWSON: No, no, no, no, no. There's no</p> <p>20 question pending, don't say anything.</p> <p>21 Can you translate that to him?</p> <p>22 THE INTERPRETER: (Complies.)</p> <p>23 MR. DAWSON: Do you want to take a few</p> <p>24 minutes?</p> <p>25 MR. SPRINGUT: No.</p>	<p style="text-align: center;">51</p> <p>1 to search for that information.</p> <p>2 Q Where are the records showing the designs that</p> <p>3 were created?</p> <p>4 A I don't keep -- I don't have this record. I</p> <p>5 don't keep that.</p> <p>6 Q Have you searched for these records in your</p> <p>7 files?</p> <p>8 A I used to search for it, but this -- this</p> <p>9 employee did not leave any record.</p> <p>10 MR. SPRINGUT: Can you repeat the beginning of</p> <p>11 that?</p> <p>12 THE COURT REPORTER: Of her answer?</p> <p>13 MR. SPRINGUT: Yeah.</p> <p>14 (Whereupon the court reporter read back the last</p> <p>15 answer.)</p> <p>16 BY MR. SPRINGUT:</p> <p>17 Q What do you mean "I used to search for</p> <p>18 it"?</p> <p>19 A It means I couldn't find the original design,</p> <p>20 the record. I couldn't find it.</p> <p>21 Q When did you look for it?</p> <p>22 A Recently. Because it's -- it's -- it's some</p> <p>23 time ago, it's too long, a long time ago. But this</p> <p>24 person, She Tzi Chiang, we can find him. Maybe he can</p> <p>25 have a letter to prove that.</p>
<p style="text-align: center;">50</p> <p>1 BY MR. SPRINGUT:</p> <p>2 Q Mr. Huang, let me direct you to the design of</p> <p>3 the mark shown, for example, in Plaintiff's Exhibit 30.</p> <p>4 Tell us how this design came about. Who created it?</p> <p>5 A We designed this in Taiwan ourselves.</p> <p>6 Q And when you say "we" who are you referring</p> <p>7 to?</p> <p>8 A It's one of the employees in our company that</p> <p>9 designed this.</p> <p>10 Q What is the name of that employee?</p> <p>11 A Okay. It's -- the name is She, C - S-H --</p> <p>12 S-H-E, the last name Tzi, T-Z-I, Chiang, C-H-I-A-N-G,</p> <p>13 but he or she already left the company.</p> <p>14 Q What records do you have that relate to the</p> <p>15 creation of this design?</p> <p>16 A It is -- it is just the artist who designed</p> <p>17 several forms, and we chose one of it, and we send to</p> <p>18 the attorney for registration. And it's really -- it's</p> <p>19 just -- it's very pure. It's simple. It's a pure</p> <p>20 thing.</p> <p>21 THE INTERPRETER: That's how he say it.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Where are those records?</p> <p>24 A We provide this information to the attorney,</p> <p>25 and then you have to go to the attorney's office to --</p>	<p style="text-align: center;">52</p> <p>1 Q And who decided to use that design in</p> <p>2 connection with this registration?</p> <p>3 A Decision, I made the decision, but the design</p> <p>4 is that Mr. She Tzi Chiang design.</p> <p>5 Q And when you made the decision, what was the</p> <p>6 next step in the process?</p> <p>7 MR. DAWSON: Object to the form.</p> <p>8 You can continue, but then after that</p> <p>9 translate my objection.</p> <p>10 THE INTERPRETER: (Complies.)</p> <p>11 THE INTERPRETER: (Translating): The next</p> <p>12 step then I just ask my wife to go to the attorney</p> <p>13 to file for registration process.</p> <p>14 BY MR. SPRINGUT:</p> <p>15 Q Are you familiar with a company called</p> <p>16 Everlasting Flower Farm?</p> <p>17 A No.</p> <p>18 Q Do you own any other companies in Taiwan?</p> <p>19 THE INTERPRETER: (Without translating): Owe</p> <p>20 any company in Taiwan?</p> <p>21 MR. SPRINGUT: (Gestures.)</p> <p>22 THE COURT REPORTER: Own any companies in</p> <p>23 Taiwan.</p> <p>24 THE INTERPRETER: (Translating): Yes.</p> <p>25 BY MR. SPRINGUT:</p>

<p style="text-align: center;">53</p> <p>1 Q What companies do you own in Taiwan?</p> <p>2 A I mentioned earlier is Chang Lung Flower Shop</p> <p>3 and toy company.</p> <p>4 Q What is the name of the toy company?</p> <p>5 A Jien Wen, J-I-E-N W-E-N toy company.</p> <p>6 Q Any other companies that you own in Taiwan?</p> <p>7 A No.</p> <p>8 Q And you've never heard of the Everlasting</p> <p>9 Flower Farm?</p> <p>10 A No.</p> <p>11 Q Okay. Was a trademark search ever undertaken</p> <p>12 with regard to the design shown in Plaintiff's Exhibit</p> <p>13 30?</p> <p>14 A I did not find -- I did not find it. I did</p> <p>15 not know it.</p> <p>16 Q What didn't you know?</p> <p>17 A I did not find out any other company use the</p> <p>18 same logo as I.</p> <p>19 Q What did you do to come to that conclusion?</p> <p>20 A So, far at this time we don't know anybody</p> <p>21 ever use this mark.</p> <p>22 Q Before you filed the application which issued</p> <p>23 as the registration of Exhibit 30, did you ever conduct</p> <p>24 any investigation or search to determine if anyone was</p> <p>25 using that mark?</p>	<p style="text-align: center;">55</p> <p>1 Q Before your company filed an application to</p> <p>2 register the mark, did the attorneys give you an opinion</p> <p>3 that the mark was available for use?</p> <p>4 A We applied and we receive the permit and then</p> <p>5 we use it.</p> <p>6 Q Before you applied, did the attorney provide</p> <p>7 you with an opinion of whether the mark was available?</p> <p>8 A This process of research investigation is</p> <p>9 the -- is through the attorneys -- through attorney's</p> <p>10 office. We -- how the process goes, we don't know.</p> <p>11 Q Did you ever receive an opinion from the</p> <p>12 attorneys before you filed the application to register</p> <p>13 the mark of Exhibit 30 that the mark was available?</p> <p>14 A Supposedly the attorney should do some</p> <p>15 investigation. Then the attorney will do the</p> <p>16 registration for us.</p> <p>17 Q Mr. Huang, please answer the question. Did</p> <p>18 you get an opinion from the attorney before the</p> <p>19 application was filed?</p> <p>20 A I don't remember.</p> <p>21 Q Did you check your file to see if you have</p> <p>22 such an opinion?</p> <p>23 A As far as opinion goes, they will not give us</p> <p>24 randomly. It's just we submit our draft, and then they</p> <p>25 will handle the matter.</p>
<p style="text-align: center;">54</p> <p>1 A We did not conduct investigation ourself. We</p> <p>2 only that attorney office to handle this matter.</p> <p>3 Q Did the attorneys conduct an investigation or</p> <p>4 search?</p> <p>5 A How did the attorney did the investigation or</p> <p>6 search we don't know, but the attorneys response back is</p> <p>7 there's no problem, so we applied.</p> <p>8 Q What did the attorneys do to determine there</p> <p>9 was no problem?</p> <p>10 A This we don't know. We just hired attorney to</p> <p>11 handle this matter.</p> <p>12 Q Did the attorneys provide you with an opinion</p> <p>13 as to whether the mark shown in Exhibit 30 was available</p> <p>14 for use?</p> <p>15 A Of course, it should be available to use,</p> <p>16 that's why the attorney will help -- will do the</p> <p>17 registration for us.</p> <p>18 Q Did you receive an opinion from the attorneys</p> <p>19 that the mark was available for use?</p> <p>20 A Of course, that attorney told us it's</p> <p>21 available to use, that's why we use it officially.</p> <p>22 Q How did the attorney tell you it was available</p> <p>23 for use?</p> <p>24 A From the time we register, and then we</p> <p>25 received the permit.</p>	<p style="text-align: center;">56</p> <p>1 Q Mr. Huang, did you get an opinion before you</p> <p>2 filed the application? Yes or no?</p> <p>3 A The attorney's opinion that it supposed to be</p> <p>4 okay. Then we were able to file for application.</p> <p>5 Q Was that opinion in writing?</p> <p>6 A No.</p> <p>7 Q How was it -- how was it provided to you?</p> <p>8 A It is only the suggestion that we hand in this</p> <p>9 to the attorney office and then let them handle it.</p> <p>10 Q How was the opinion provided to you?</p> <p>11 A It is -- it's only that we get this golden --</p> <p>12 golden -- this to the attorney that he handle it. And</p> <p>13 then the result is, yes, it's okay, we got the permit.</p> <p>14 Q Did the attorney ever produce to you an</p> <p>15 opinion before you filed the application of the</p> <p>16 registration of Exhibit 30 that the mark was okay to be</p> <p>17 used?</p> <p>18 MR. DAWSON: Object to the form.</p> <p>19 THE WITNESS: The attorney -- the attorney</p> <p>20 doesn't need to tell us. And also, we don't</p> <p>21 remember anyway.</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Let me show you what has been previously</p> <p>24 marked as Petitioner's Exhibit 29. Have you ever seen</p> <p>25 Plaintiff's Exhibit 29?</p>

<p style="text-align: center;">57</p> <p>1 A I don't know. I don't even know him.</p> <p>2 Q Have you looked at the entire document?</p> <p>3 A No.</p> <p>4 Q Would you do that please?</p> <p>5 THE INTERPRETER: Okay. (In Mandarin.)</p> <p>6 MR. SPRINGUT: No, no. Just tell him to go</p> <p>7 through the entire document. That's all.</p> <p>8 THE INTERPRETER: (Complies.)</p> <p>9 THE INTERPRETER: (Translating): I can't read</p> <p>10 English.</p> <p>11 MR. SPRINGUT: That's okay. Just go through</p> <p>12 the document.</p> <p>13 Don't translate anything else that I don't</p> <p>14 say.</p> <p>15 THE INTERPRETER: Okay.</p> <p>16 (Showing document.)</p> <p>17 MR. SPRINGUT: Is there any reason he's not</p> <p>18 doing this himself?</p> <p>19 THE INTERPRETER: (Without translating: Uh,</p> <p>20 yes. Okay.</p> <p>21 THE INTERPRETER: (Translating): I can't read</p> <p>22 English so it doesn't make sense.</p> <p>23 MR. SPRINGUT: Tell him to just look at each</p> <p>24 page. Tell me if he's ever seen any of it before.</p> <p>25 THE INTERPRETER: (Translating): Is this</p>	<p style="text-align: center;">59</p> <p>1 Q Who designed this tag?</p> <p>2 A Design that I -- how could I remember every</p> <p>3 detailed part of it?</p> <p>4 Q Does that mean you don't know who?</p> <p>5 A It's a lot of -- a lot of -- the writings that</p> <p>6 the company's writings not every part of it goes through</p> <p>7 me, so they would just design -- they would just design</p> <p>8 and that's it.</p> <p>9 Q Who is "they"?</p> <p>10 A The employees of the company.</p> <p>11 Q Which employees?</p> <p>12 A Typically are the sales department.</p> <p>13 Q Who are the employees in the sales department?</p> <p>14 A Each year it varies yearly, so it depends on</p> <p>15 which year are you referring to.</p> <p>16 Q Let's start in 2003.</p> <p>17 A In 2003 the company in U.S. not -- hasn't</p> <p>18 started yet.</p> <p>19 Q How about 2004?</p> <p>20 A In 2003 and 2004, the most of the time who</p> <p>21 handle is Mr. She Tzi Chiang that mentioned earlier.</p> <p>22 Q How about 2005?</p> <p>23 A It -- it -- in 2005 it depends, it probably is</p> <p>24 Shaiao Yan Je that handles the most.</p> <p>25 THE INTERPRETER: (Translating): Shaiao is</p>
<p style="text-align: center;">58</p> <p>1 company has such logo, how could this happen?</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q Does he recognize any of the pages?</p> <p>4 A The only thing I can see is that's my wife's</p> <p>5 signature. The content, I don't know.</p> <p>6 Q And turning to that signature he just referred</p> <p>7 to, her name is Li-Ying Chuong, right?</p> <p>8 A Correct.</p> <p>9 Q She is the president of the company?</p> <p>10 A Yes, export.</p> <p>11 Q Now, turning to the next to last and last</p> <p>12 pages of the Exhibit 29, does he recognize that tag?</p> <p>13 A Yes.</p> <p>14 Q What does he recognize about it?</p> <p>15 A This is my company's logo.</p> <p>16 Q And is he familiar with anything else on the</p> <p>17 tag?</p> <p>18 A I don't understand what you mean.</p> <p>19 Q Is there anything else that looks familiar to</p> <p>20 him on the tag?</p> <p>21 A This is -- this is the tag that usually attach</p> <p>22 to the flower. Um, what's the problem?</p> <p>23 Q And turning to the last page, is that a better</p> <p>24 picture of the tag?</p> <p>25 A Yes.</p>	<p style="text-align: center;">60</p> <p>1 S-H-A-I-A-O, last name Y-A-N, Je, J-E.</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q And where is he located?</p> <p>4 A In Taiwan.</p> <p>5 Q How about 2006?</p> <p>6 A In 2005 and 2006, all the Shaiao who handled</p> <p>7 that.</p> <p>8 Q Okay.</p> <p>9 MR. SPRINGUT: Let me ask the reporter to mark</p> <p>10 a collection of documents as Petitioner's Exhibits</p> <p>11 32A, B, C, D, E, F, G, respectively.</p> <p>12 THE COURT REPORTER: Did you say a composite</p> <p>13 exhibit or did you want 32A, 32B, 32C --</p> <p>14 MR. SPRINGUT: Yes.</p> <p>15 (Plaintiff's Exhibits 32A, 32B, 32C, 32D, 32E, 32F, 32G</p> <p>16 were marked for identification.)</p> <p>17 BY MR. SPRINGUT:</p> <p>18 Q Okay. Mr. Huang, let me show you what we've</p> <p>19 marked as 32A. Can you tell me what that is?</p> <p>20 A It is our poster.</p> <p>21 Q And when was this poster designed?</p> <p>22 A I don't remember.</p> <p>23 Q Who would know the answer to that question in</p> <p>24 your company?</p> <p>25 A It's -- there are a lot -- sometimes it's just</p>

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1 the sales department when they want to boost the sales
 2 and they -- they -- they did this. It's too many and I
 3 don't remember.
 4 Q How is this document used?
 5 A It is -- this is often through the shows. And
 6 we just distribute to some the shops that then use it.
 7 Q These are handouts?
 8 A Both ways. Sometimes hand -- hand
 9 distributed, and sometimes put the piles in the shows in
 10 the area the shows that they can pick up. It's, of
 11 course -- it's related to during the time that we had
 12 those flowers in the shop.
 13 Q And you don't know when that was?
 14 A It is because it changes yearly. We can -- we
 15 don't remember that.
 16 Q Let me next show you what's been marked as
 17 Petitioner's 32B. Can you tell us how that's used? Is
 18 that the same as what you just told us with regard to
 19 32A?
 20 A Yes.
 21 Q And do you know when this exhibit was first
 22 used by your company?
 23 A I don't remember because it's long time ago.
 24 Those flowers are old flowers, it's not a new flowers.
 25 Q Let me show you what we've marked as

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1 Petitioner's 32C. Is that the same type of exhibit as
 2 the prior two?
 3 A This is -- this should be much older time.
 4 Q So, it's the same type of exhibit?
 5 A The purpose of use is about the same.
 6 Q Okay. And do you know when this was first
 7 used?
 8 A You mean that one -- that --
 9 Q 32C.
 10 A Probably about three, four years, it should
 11 be.
 12 Q That's your guess?
 13 A Yes.
 14 Q Let me show you what we have marked as
 15 Petitioner's 32D. Similar type of exhibit?
 16 A It's only -- it's only a variation of design.
 17 It's the flowers are different. The background is the
 18 one of our greenhouse.
 19 Q When was this first used?
 20 A When we came here we started to use for
 21 advertisement is in 2004.
 22 Q That specific exhibit, when was it first used?
 23 A This is -- this is suppose in 2005, 2006
 24 gradually. The first few prints I have some memory, but
 25 later I don't have memory.

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1 Q So, you don't know?
 2 A Because every year they are all types of
 3 prints, a lot of a huge quantities every year. I
 4 don't -- I can't -- I -- it's impossible I can remember.
 5 Q And let me show you together Petitioner's
 6 Exhibit 32E, F, and G. Can you tell us what these are?
 7 A It was that these are prior to final design.
 8 These are the drafts that we were trying as part of our
 9 drafts. Other than this, there are all other many
 10 kinds. We arrange -- arrange and later we finalized
 11 this.
 12 Q And who designed those exhibits?
 13 A It is this design whereby I mentioned earlier
 14 She Tzi Chiang who designed that.
 15 Q Okay.
 16 MR. SPRINGUT: Okay. I don't think I have
 17 anything further for you. Thank you.
 18 MR. DAWSON: We are certainly reserving our
 19 right to challenge the translation as well.
 20 MR. SPRINGUT: I'll order.
 21 MR. DAWSON: Copy.
 22 (The deposition concluded at 1:17 p.m.)
 23
 24
 25

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF LAKE)
 5
 6 I, Layla F. Degler, Florida Professional Reporter,
 7 the undersigned authority, certify that SHUN-CHI HUANG
 8 (Witness) and JUDY LIU (Interpreter) personally appeared
 9 before me and were duly sworn on the 14th day of May,
 10 2010.
 11
 12 WITNESS my hand and official seal this 27th day of
 13 May, 2010.
 14
 15
 16
 17
 18
 19 _____
 20 Layla F. Degler
 21 Florida Professional Reporter
 22 Notary Public, State of Florida
 23 My Commission No.: DD0683892
 24 Expires: 06/10/2011
 25

1

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

In re: Registration No. 3,074,073

ATLAS FLOWERS, INC. D/b/a GOLDEN FLOWERS

Petitioner,

-against-

GOLDEN VISION FLOWER, INC.,

Registrant.

DEPOSITION OF LI-YING CHUONG

FRIDAY, MAY 14, 2010
2:00 P.M. - 4:15 P.M.
ESQUIRE DEPOSITION SERVICES
200 EAST ROBINSON STREET
SUITE 725
ORLANDO, FLORIDA

STENOGRAPHICALLY REPORTED BY:
LAYLA F. DEGLER, FPR
FLORIDA PROFESSIONAL REPORTER
AND NOTARY PUBLIC

ESQUIRE DEPOSITION SERVICES
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1 **Appearing for the Plaintiff:**
2 **MILTON SPRINGUT, ESQUIRE**
3 **Kalow & SPRINGUT LLP**
4 **488 Madison Avenue, 19th Floor**
5 **New York, New York 10022**
6 **T:212.813.1600**
7 **E-MAIL: Ms@creativity-law.com**

8 **Appearing for the Defendant:**
9 **JEFFREY S. DAWSON, ESQUIRE**
10 **56 4th Street NW**
11 **Suite 100**
12 **Winter Haven, Florida 33881**
13 **T.863.293.9600**
14 **E-Mail: Jdawson@jdawsonlaw.com**

15 **ALSO PRESENT:**
16 **Shih-Wen Huang**
17 **Shun-Chi Huang**

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I N D E X

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LI-YING CHUONG
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EXHIBITS MARKED

PETITIONER'S:
Exhibit 33.....LEADER INTERNATIONAL SERVICES.....17
Exhibit 34.....LETTER BACON AND THOMAS.....18
Exhibit 35.....LEADER LETTER IN CHINESE.....19

Stipulations

It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly reserved by the Deponent.

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P R O C E E D I N G S

Deposition taken before Layla F. Degler, Florida Professional Reporter and Notary Public in and for the State of Florida at Large, in the above cause.

WHEREUPON:

XUE MEI WANG,
the interpreter, was sworn to truly and correctly translate English into Mandrin and Mandrin into English.
THE INTERPRETER: Yes.
THE COURT REPORTER: (Swears in witness through translator.)
Thereupon,
LI-YING CHUONG
having been duly sworn or affirmed, was examined and testified as follows:
THE INTERPRETER: (Translating): Yes.
DIRECT EXAMINATION
BY MR. SPRINGUT:
A Okay.
Q Good afternoon Mrs. Chuong. My name is Milton Springhut, and I am the lawyer for the other party in this proceeding.
A Okay.
Q And I'm going to ask you a bunch of questions

<p style="text-align: center;">5</p> <p>1 with regard to the subject matter of this proceeding. 2 A Not too many question, I just arrived last 3 night. I am very tired. 4 Q No more than your husband. 5 A Very tired. 6 Q Okay. We'll try to make this as short and 7 fast and sweet as possible. 8 A Thank you. 9 Q And to help do that, it's important that you 10 answer my questions directly and to the best of your 11 recollection. 12 A (Nods head.) 13 Q And I assume you've received a briefing about 14 the nature of the purpose of this proceeding this 15 afternoon? 16 A Yes. 17 Q Have any questions at this time? 18 A Thank you very much for listening to me to 19 explain. 20 Q No problem. Now, very important that on 21 behalf of the court reporter that you verbalize your 22 responses. 23 A Yes. 24 Q Because if you nod your head or shake it or 25 whatever, she's going to have a very hard time putting</p>	<p style="text-align: center;">7</p> <p>1 A I am the boss. 2 Q Of what company? 3 A In the company in Taiwan. Flower Flower 4 Flower company. 5 Q What's the name of the company? 6 A Company name? I can speak in English. I get 7 to say the company name in English, Chang Long -- 8 Q Sounds like Chang Long Flower Shop? 9 A I guess -- a farm for everything for flowers, 10 fruits, and other stuff. 11 Q What's the formal name of the company? 12 A Chang Long Farm. 13 THE INTERPRETER: (Without translating): I 14 will spell it, C-H-A-N-G L-O-N-G Farm. 15 BY MR. SPRINGUT: 16 Q Farm? 17 A Farm. 18 Q It's a flower shop. Okay. Close enough. 19 And what is the address of the company? 20 A The previous address, Liberty Road, Second 21 Road, 209 Xiang Number 5. 22 Q Okay. And what is your position with this 23 company? 24 A Assistant -- assistant of the president. 25 Q And who is the president?</p>
<p style="text-align: center;">6</p> <p>1 it on that little machine. 2 A Yes. 3 Q Okay. If you don't understand my questions, 4 I'll be glad to repeat or rephrase them. 5 A Yes. 6 Q And if I don't understand your answers or 7 they're incomplete, I'm going to ask you to explain. 8 And let me show you what we've marked as 9 Petitioner's Exhibit 31 and ask if you are appearing 10 here today pursuant to that notice. 11 A You mean this one? 12 Q Yes. 13 A I was in Taiwan previously. That belongs to 14 my family. 15 Q Okay. Where in Taiwan do you live? 16 A Tainan. 17 Q What is the street address? 18 A Do you know how to translate this? Free 19 Road -- Liberty Road, sorry. Do I have to say it? 20 Second Road, 209 Xiang, X-I-A-N-G -- 21 THE INTERPRETER: -- that's the way I would 22 spell it -- 23 THE INTERPRETER: (Translating): -- Number 5. 24 BY MR. SPRINGUT: 25 Q Okay. And are you employed by a company?</p>	<p style="text-align: center;">8</p> <p>1 A Him (indicating). Or her. My husband. 2 Q Okay. And how long have you had that 3 position? 4 A Over ten years. 5 Q Okay. 6 A Over ten years. 7 Q And what do you do at the company? 8 A Daily operations including the trademark after 9 the boss made the decision and I'll execute. 10 Q And what is the business of the Chang Long 11 Farm company? 12 A Flowers, fruits, and vegetables. 13 Q And what do you do with flowers, fruits, and 14 vegetables? 15 A I do the bookkeeping. 16 Q What does the company do? 17 A To sale -- sell overseas and domestic. 18 Q That means you grow the flowers, the fruits, 19 and vegetables in Taiwan; is that correct? 20 A Yes. 21 Q And how long have you been selling flowers? 22 A Over ten years. 23 Q What type of flowers has the company sold? 24 THE INTERPRETER: (Without translating): That 25 got me. I'm sorry.</p>

<p style="text-align: center;">9</p> <p>1 THE INTERPRETER: (Translating): All kinds of 2 flowers. 3 BY MR. SPRINGUT: 4 Q Could you be more specific? 5 THE INTERPRETER: (Without translating): I 6 apologize, I am not familiar with the name of the 7 flowers. I'm sorry. 8 THE INTERPRETER: (Translating): Orchids. 9 BY MR. SPRINGUT: 10 Q Orchids? 11 A Yes. Money trees. 12 Q Anything else? 13 A Um, all different kinds of flowers. 14 Q What are all the different kinds of flowers 15 other than orchids? 16 A Different kinds of orchestras [sic], that's 17 the major flower. If I have order for other flowers, I 18 will do that, too. 19 Q What are the other flowers you've sold other 20 than orchids? 21 A Orchestra. I plant orchestra. 22 Q I plant? 23 A I plant -- 24 THE COURT REPORTER: Can I just ask the 25 interpreter a question?</p>	<p style="text-align: center;">11</p> <p>1 flower do you grow and sell? 2 A Only orchids. For other flowers, if somebody 3 orders a plant, if no orders just orchids. 4 Q Okay. What -- what have people ordered? 5 A Hard to say, just different kinds of orchids. 6 Q Okay. Other than orchids, can you identify 7 any other type plants you've grown or sold? 8 A Just orchids, or pretty much I do butterfly 9 orchids. 10 Q Can you identify any plant other than orchids 11 that you've grown and sold? 12 A Myself, besides orchestra, what other flowers 13 I plant? 14 THE INTERPRETER: She was repeating the 15 question. 16 THE COURT REPORTER: She's asking you the 17 question. 18 BY MR. SPRINGUT: 19 Q Yes. What's the answer? 20 A I don't really understand. 21 Q In addition to orchids -- 22 A I only plant orchids. 23 Q Okay. What countries do you sell to? 24 A You have to ask me this? In Taiwan? You have 25 to ask things about Taiwan?</p>
<p style="text-align: center;">10</p> <p>1 MR. MR. SPRINGUT: Go ahead. 2 THE COURT REPORTER: I want to make sure 3 you're saying orchestra and not orchids. 4 THE INTERPRETER: Orchids. I'm sorry. 5 THE COURT REPORTER: Are you saying orchids? 6 THE INTERPRETER: Orchids. 7 THE COURT REPORTER: Okay. It's not a type of 8 plant, you're saying orchids, plural? Okay. 9 MR. MR. SPRINGUT: And print. 10 THE COURT REPORTER: No print; plant. 11 THE INTERPRETER: Okay. Sorry about that. 12 THE COURT REPORTER: No, that's okay. Just 13 from the previous deposition I want to make sure 14 we're all on the same page. 15 BY MR. MR. SPRINGUT: 16 Q What was the last answer? 17 A Orchids. 18 MR. SPRINGUT: (Indicating.) 19 THE COURT REPORTER: Do you want to know what 20 the question or the answer was? 21 MR. MR. SPRINGUT: Answer. 22 (WHEREUPON, the court reporter read back the last 23 answer.) 24 BY MR. MR. SPRINGUT: 25 Q What are the -- aside from orchids, what other</p>	<p style="text-align: center;">12</p> <p>1 MR. SPRINGUT: (Gestures.) 2 THE COURT REPORTER: I think she's asking in 3 Taiwan. 4 BY MR. SPRINGUT: 5 Q No. Outside of Taiwan. 6 A Japan, Europe, United States. 7 Q Other than orchids that you have sold in the 8 United States, what other products have you sold here? 9 A Yes, vegetables. 10 Q What else? 11 A Fruits, vegetable, and flower. 12 Q What kind of flowers other than orchids? 13 A Money trees. 14 Q What are money trees? 15 A It's a green plant. 16 Q And when did you first start selling money 17 trees to customers in the United States? 18 A Over ten years and started... 19 Q Anything else you sold to the United States 20 that you haven't told us about? 21 A Sell the stuff that I plant. 22 Q What else is that? 23 A What do you mean what else? 24 Q You told us you sell orchids, money trees, and 25 fruits and vegetables to the United States, anything</p>

<p style="text-align: center;">13</p> <p>1 else?</p> <p>2 A No. No. Only when the customer orders.</p> <p>3 Q Are you familiar with a company called Golden</p> <p>4 Vision Flower in the United States?</p> <p>5 A Yes, I know this company.</p> <p>6 Q Are you an officer of this company?</p> <p>7 A Um, I help them with the paperwork if they</p> <p>8 want to apply something Taiwan, I'll help them with it.</p> <p>9 Q Are you an officer of the company?</p> <p>10 A I suppose I take care of the financial part.</p> <p>11 Q Are you the president of the company?</p> <p>12 A No.</p> <p>13 Q Are you the vice president of the company?</p> <p>14 A No.</p> <p>15 Q Are you the secretary of the company?</p> <p>16 A Um, I think it's supposed to belong to the</p> <p>17 secretary.</p> <p>18 Q Are you the secretary of the company?</p> <p>19 THE WITNESS: (In Mandrin.)</p> <p>20 MR. SPRINGUT: No --</p> <p>21 MR. DAWSON: Can you tell her she can't --</p> <p>22 MR. SPRINGUT: She can't ask anybody any</p> <p>23 questions. Tell her she can't talk to anybody.</p> <p>24 THE INTERPRETER: (Complies.)</p> <p>25 THE INTERPRETER: (Translating): I don't</p>	<p style="text-align: center;">15</p> <p>1 shareholders, me and my husband.</p> <p>2 Q And what percentage of the shares do you hold</p> <p>3 today?</p> <p>4 A I have to say that?</p> <p>5 Q Yes.</p> <p>6 A I have to say it?</p> <p>7 Q (Nods head.)</p> <p>8 A Ten -- ten something percent.</p> <p>9 Q Are you an employee of Golden Vision Flower?</p> <p>10 A I am the shareholder. Shareholder.</p> <p>11 Q Other than shareholder, are you an employee of</p> <p>12 the company?</p> <p>13 A I suppose not employee. I am only the</p> <p>14 shareholder.</p> <p>15 Q Have you ever been an employee?</p> <p>16 A In Golden or in Taiwan?</p> <p>17 Q Golden.</p> <p>18 A No.</p> <p>19 Q I see before you is a copy of Petitioner's</p> <p>20 Exhibit 30, which is the registration for your company</p> <p>21 mark; is that right?</p> <p>22 A What?</p> <p>23 Q And you're familiar with the mark that is</p> <p>24 shown on Exhibit 30?</p> <p>25 A Yeah. In Taiwan I help them with this.</p>
<p style="text-align: center;">14</p> <p>1 know.</p> <p>2 BY MR. SPRINGUT:</p> <p>3 Q You don't know if you're the secretary?</p> <p>4 A I just help them to take care of the business</p> <p>5 stuff in Taiwan.</p> <p>6 Q So if you're not the secretary of the company,</p> <p>7 are you the treasurer of the company?</p> <p>8 A I suppose I take care of the financial.</p> <p>9 Q Do you have any title with the company as</p> <p>10 treasurer?</p> <p>11 A No.</p> <p>12 Q Do you have any title at all?</p> <p>13 A I -- I don't come here very often.</p> <p>14 Q Do you have any title at all with the company</p> <p>15 Golden Vision Flower?</p> <p>16 A No.</p> <p>17 Q Okay. Are you a director of Golden Vision</p> <p>18 Flower?</p> <p>19 A No.</p> <p>20 Q Are you a shareholder of Golden Vision Flower?</p> <p>21 A I suppose at the very beginning when we</p> <p>22 register I have.</p> <p>23 Q And what's the basis of your understanding</p> <p>24 that you're a shareholder?</p> <p>25 A When we registered I was one of the</p>	<p style="text-align: center;">16</p> <p>1 Q What did you help them with?</p> <p>2 A Because we're planning to come here to do</p> <p>3 business, um, I was in Taiwan help them design the</p> <p>4 trademark and I don't understand English, I hired an</p> <p>5 attorney design this.</p> <p>6 Q Who designed the mark that's shown in</p> <p>7 Plaintiff's Exhibit 30?</p> <p>8 A The boss.</p> <p>9 Q And by "the boss," do you mean your husband?</p> <p>10 A Yes.</p> <p>11 Q Did he have assistance from anybody?</p> <p>12 A Yes. This was designed by somebody inside and</p> <p>13 the boss confirmed it.</p> <p>14 Q How did the boss confirm it?</p> <p>15 A We designed several logos and, um, the boss</p> <p>16 asked us to discuss then finally he decided to use this</p> <p>17 one.</p> <p>18 Q When was that?</p> <p>19 A Um, 2004, beginning. Beginning of 2004.</p> <p>20 Q And how does she recall that?</p> <p>21 A Because I helped -- I helped him applied this,</p> <p>22 hired attorney from Taiwan.</p> <p>23 Q Uh-huh.</p> <p>24 MR. SPRINGUT: Let me ask the reporter to mark</p> <p>25 a one-page document as Petitioner's 33.</p>

<p style="text-align: center;">17</p> <p>1 (Plaintiff's Exhibit Number 33 was marked for 2 identification.) 3 BY MR. SPRINGUT: 4 Q Let me show you what we've marked as 5 Petitioner's Exhibit 33 and ask if you've seen this 6 document before. 7 A Yeah, this company is from Taiwan. I hired 8 them to help us be -- maybe they -- they, um, got this 9 through America, but I don't know. 10 Q What do you mean? 11 A This is a document that -- that our -- my 12 attorney, um, had with the other company in the US 13 maybe, I just signed my name. 14 Q Okay. Can you read this document? 15 A No. 16 Q Okay. 17 A They explained this to me and to tell me what 18 was on the document and I just need to sign it. We 19 direct the attorney and told the attorney how to apply. 20 Q What is your relationship with this law firm? 21 A This company, our -- our documents, um, issued 22 by this company. I only know this company. 23 Q And by "this company," are we talking about 24 Leader? 25 A Yes.</p>	<p style="text-align: center;">19</p> <p>1 Q Do you understand what a statement of use is? 2 A Yeah. They -- they explained -- they 3 explained the document before I signed it. 4 Q Okay. Let me next mark another one. 5 A It's been a long time, I can't remember so 6 clearly, but they explained it. 7 MR. SPRINGUT: Let me next have a one-page 8 document marked as Petitioner's Exhibit 35. 9 (Petitioner's Exhibit Number 35 was marked for 10 identification.) 11 BY MR. SPRINGUT: 12 Q Have you seen Petitioner's Exhibit 35 prior to 13 today? 14 A Yes. It was in Chinese. I read the Chinese 15 of this document. 16 Q And what did you understand was the importance 17 of this document? 18 A I have to read it again, it's been a long 19 time. 20 Q That's quite all right. Go ahead. 21 A (Witness complies.) 22 Q Now that you've reread the document, do you 23 have understanding of what it's saying? 24 A Yeah, our application. 25 Q Our application what?</p>
<p style="text-align: center;">18</p> <p>1 Q Okay. And who do you know at this company? 2 A Sales. 3 Q Do you know the name of anybody there of 4 somebody? 5 A We call him Mr. Wong, Mr. Wong, that's all. 6 Q And who did you deal with there, Mr. Wong? 7 A Yeah, Mr. Wong. 8 Q And this letter is addressed to a company 9 called Bacon and Thomas in the United States. Do you 10 know Bacon and Thomas? 11 A No. No. They wouldn't let us know this 12 company because of the fees. Yeah, but he explained the 13 document before I signed it. 14 MR. SPRINGUT: Let me ask the report to mark a 15 two-page document as Petitioner's 34. 16 (Petitioner's Exhibit Number 34 was marked for 17 identification.) 18 BY MR. SPRINGUT: 19 Q Have you ever seen the letter of Petitioner's 20 Exhibit 34? 21 A Yes. They explained it to me. 22 Q And did you understand from their explanation 23 that the lawyers in the US had to file a statement of 24 use of the mark? 25 A Yes. Yes. They asked me to sign.</p>	<p style="text-align: center;">20</p> <p>1 A Trademark. 2 Q Trademark was allowed? 3 A No. I think this is a document that they, um, 4 in between of them. They provide document asked them to 5 do something. 6 Q Do they say that the trademark application for 7 Golden Vision Flower was allowed on August 1, 2005? 8 A 2005? 9 Q (Nods head.) 10 A 2004. June 1, 2004. 11 Q What's June 1, 2004? 12 A We applied so the trademark was approved. 13 Q And what's June 1, 2004? 14 A Applied. Approved. 15 Q What happened on June 1, 2004? 16 A Our trademark -- our trademark approved. 17 Q How do you know that? 18 A Because I signed the document they said it was 19 to us. I signed the document. 20 Q Yeah, but how do you remember that date? 21 A Um, I want to see -- I want to check and I was 22 told the trademark was approved. Before. 23 Q When did you want to see? 24 A Leader told us. 25 Q What did Leader tell you?</p>

21	23
<p>1 A Our trademark has no problem at all.</p> <p>2 Q But how do you remember that date, June 1,</p> <p>3 2004?</p> <p>4 A He told me, Leader told me.</p> <p>5 Q When did he tell you?</p> <p>6 A They have to ask their attorney. You have to</p> <p>7 check with the attorney.</p> <p>8 Q Who has to check with the attorney?</p> <p>9 A Leader told me, Mr. Wong told me.</p> <p>10 Q When did he tell you this?</p> <p>11 A A few months ago. I don't really remember. A</p> <p>12 few months ago.</p> <p>13 Q And what did he tell you about June 1, 2004?</p> <p>14 A Um, I asked them why they sue us. He told me</p> <p>15 that we -- our trademark was approved on that day.</p> <p>16 Q On June 1, 2004?</p> <p>17 A Yes. He said that. He told me that Taiwan</p> <p>18 told me that. Somebody sue you, you have to ask.</p> <p>19 Q How is it that you remember this -- this date?</p> <p>20 A Um, somebody tell you that this is very</p> <p>21 important, is it important, so I remembered it.</p> <p>22 Q And when was the last time someone told you</p> <p>23 that this was an important date, June 1, 2004?</p> <p>24 A They asked -- they asked the attorney to go to</p> <p>25 the court. I don't remember when.</p>	<p>1 assert since she hasn't gone anywhere near that.</p> <p>2 MR. DAWSON: You're asking her --</p> <p>3 MR. SPRINGUT: You're coaching her.</p> <p>4 MR. DAWSON: -- a question that's going to</p> <p>5 elicit potentially attorney/client privilege</p> <p>6 information so I am stating my objection, I'm</p> <p>7 instructing her not to divulge anything.</p> <p>8 MR. SPRINGUT: Okay.</p> <p>9 MR. DAWSON: That's not coaching my witness.</p> <p>10 MR. SPRINGUT: I think you're coaching your</p> <p>11 witness.</p> <p>12 MR. DAWSON: I think you're wrong.</p> <p>13 THE INTERPRETER: (Translating): So when</p> <p>14 somebody ask you something, you must ask them back</p> <p>15 It has been a long time.</p> <p>16 BY MR. SPRINGUT:</p> <p>17 Q What preparation did you do before coming in</p> <p>18 here today with regard to this deposition?</p> <p>19 A Regarding the trademarks and I was told this</p> <p>20 about the trademarks so I viewed some documents.</p> <p>21 Q Mrs. Chuong, it's very important that you</p> <p>22 listen to my question.</p> <p>23 Prior to coming in here today, did you discuss</p> <p>24 with -- discuss your -- what you would be talking about</p> <p>25 at this deposition today with anybody?</p>
<p>22</p> <p>1 Q Has anyone else told you that this is an</p> <p>2 important date?</p> <p>3 MR. DAWSON: I object -- hang on, instruct her</p> <p>4 not to make any statement about any conversations</p> <p>5 she's had with me. Okay.</p> <p>6 MR. SPRINGUT: Wait, wait, wait, wait, wait,</p> <p>7 wait, wait. She hasn't gone anywhere near that so</p> <p>8 why --</p> <p>9 MR. DAWSON: It doesn't matter.</p> <p>10 MR. SPRINGUT: -- why are you instructing her?</p> <p>11 Are you trying to coach her?</p> <p>12 MR. DAWSON: I'm not trying to coach her.</p> <p>13 MR. SPRINGUT: I think you're trying to coach</p> <p>14 her.</p> <p>15 MR. DAWSON: You're wrong.</p> <p>16 MR. SPRINGUT: Okay. I'm noting my objection,</p> <p>17 you know, on the record.</p> <p>18 MR. DAWSON: Note all you want. I'm telling</p> <p>19 my client don't divulge any conversation she's had</p> <p>20 with me. It's attorney/client privilege. She</p> <p>21 doesn't have to get into that divulging</p> <p>22 information --</p> <p>23 MR. SPRINGUT: There's --</p> <p>24 MR. DAWSON: -- attorney/client privilege.</p> <p>25 MR. SPRINGUT: But there's no privilege to</p>	<p>24</p> <p>1 A No. They asked me to -- they ask me to pay so</p> <p>2 I have to ask.</p> <p>3 Q But Mrs. Chuong, you're not listening to my</p> <p>4 question. Before you came to this deposition today, did</p> <p>5 you talk to anybody about what would be happening here</p> <p>6 today?</p> <p>7 A No.</p> <p>8 Q Did you talk to your lawyer about what would</p> <p>9 happen here today before coming in?</p> <p>10 A No. How do I know what kind of questions</p> <p>11 you're going to ask me?</p> <p>12 Q Did you have a conversation with your lawyer</p> <p>13 as to what would happen at this deposition today?</p> <p>14 A I didn't -- I don't know.</p> <p>15 Q What do you mean you don't know?</p> <p>16 A I know I have appointment the day after I</p> <p>17 arrive out of the airplane I had to come. I don't know</p> <p>18 what questions...</p> <p>19 Q You know who your lawyer is in this case,</p> <p>20 right?</p> <p>21 A No. The only thing I know is I asked the</p> <p>22 Leader to help us.</p> <p>23 Q You don't know that Mr. Dawson is your lawyer?</p> <p>24 A Him?</p> <p>25 Q Yeah, him.</p>

<p style="text-align: center;">25</p> <p>1 A (Gestures.)</p> <p>2 Q Is he your lawyer?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you have any conversations with him</p> <p>5 today or yesterday?</p> <p>6 A No. I just saw him this morning. He took us</p> <p>7 here. No.</p> <p>8 Q Did you have any discussions of what would</p> <p>9 happen at the deposition today?</p> <p>10 A No.</p> <p>11 Q Okay. Now, turning back to Plaintiff's</p> <p>12 Exhibit 35, you can read this first line here, right?</p> <p>13 A Actually, when Leader give me this document, I</p> <p>14 didn't see the top part, I only saw the bottom part.</p> <p>15 Q What do you mean?</p> <p>16 A I never saw this part.</p> <p>17 Q But you saw the part in Chinese, right?</p> <p>18 A Yeah. But this being a long time, I'm not</p> <p>19 sure.</p> <p>20 Q Can you read this or not?</p> <p>21 A Now?</p> <p>22 Q Now.</p> <p>23 A This company 2005 August 1st transferred</p> <p>24 trademark documents customer. If it is okay, please</p> <p>25 use.</p>	<p style="text-align: center;">27</p> <p>1 Q Okay. And then you had to file a document</p> <p>2 saying that you used it, right?</p> <p>3 A Do I have to file? I don't think so. Already</p> <p>4 approved. Why?</p> <p>5 Q But you had to tell the patent office that you</p> <p>6 used it so you could proceed, right?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, let me show you what we previously</p> <p>9 marked as Petitioner's Exhibit 29.</p> <p>10 A Yes. That's my signature.</p> <p>11 Q You've seen this document before?</p> <p>12 A Yes. I -- that's my signature. They</p> <p>13 explained it to me.</p> <p>14 Q And what did they explain to you?</p> <p>15 A Yes. Look --</p> <p>16 THE INTERPRETER: She's pointing to the date</p> <p>17 June 1, 2004.</p> <p>18 BY MR. SPRINGUT:</p> <p>19 Q So you've seen this document and the date June</p> <p>20 1, 2004, right?</p> <p>21 A Yes.</p> <p>22 Q And what else did they explain to you?</p> <p>23 A I don't remember. It's been a long time. My</p> <p>24 English not that well, otherwise I read it again.</p> <p>25 Q Okay. So could you have her read it again and</p>
<p style="text-align: center;">26</p> <p>1 What does this mean? I don't understand</p> <p>2 anything.</p> <p>3 Q Uh-huh. You understand from this that your</p> <p>4 trademark was approved?</p> <p>5 A The letter they gave us, it's not like this.</p> <p>6 They -- they transferred it to a different letterhead.</p> <p>7 Q Right. But you understood that the trademark</p> <p>8 was approved, right?</p> <p>9 A Tell you the truth, after I read this, I don't</p> <p>10 understand. After I read this I don't understand.</p> <p>11 Q Did you ask the lawyers what it meant?</p> <p>12 A Um, I told you I never saw this letter before.</p> <p>13 It was a transferred document. I got that from Leader.</p> <p>14 Q Leader told you that the trademark was</p> <p>15 approved at some point, right?</p> <p>16 A Regarding this matter or --</p> <p>17 Q Yes, regarding this matter.</p> <p>18 A Yes. Yes.</p> <p>19 Q Okay. And that you had to start using the</p> <p>20 trademark, right?</p> <p>21 A Our -- our trademark I don't think we use the</p> <p>22 trademark at that time, after approval we -- we used it.</p> <p>23 Q Right. After approval you knew you had to use</p> <p>24 the trademark to proceed, right?</p> <p>25 A Yes.</p>	<p style="text-align: center;">28</p> <p>1 could you translate it for her?</p> <p>2 Start right here.</p> <p>3 THE INTERPRETER: (Complies.)</p> <p>4 MR. SPRINGUT: Okay. Wait. So let me just</p> <p>5 read what you translated for her.</p> <p>6 THE INTERPRETER: (Without translating):</p> <p>7 Okay. That's the first paragraph.</p> <p>8 MR. SPRINGUT: And again -- right.</p> <p>9 BY MR. SPRINGUT:</p> <p>10 Q And you understand that this was directed to</p> <p>11 the trademark office in the United States, right?</p> <p>12 A Yes.</p> <p>13 Q Okay. It says, "Sir: Applicant requests</p> <p>14 registration of the mark in the United States Patent and</p> <p>15 Trademark office on the Principal Register established</p> <p>16 by the Act of July, 5, 1946 (15 U.S.C section 1051 et</p> <p>17 seq., as amended.)"</p> <p>18 They explained that to you, right?</p> <p>19 A Yes.</p> <p>20 Q All right. Now, let me read the next</p> <p>21 paragraph and then you'll translate. Okay?</p> <p>22 THE INTERPRETER: Okay.</p> <p>23 BY MR. SPRINGUT:</p> <p>24 Q "Applicant has adopted and is using the mark</p> <p>25 in commerce in the United States on or in connection</p>

<p style="text-align: center;">29</p> <p>1 with each of the following, in accord with Section 1(a) 2 of the Lanham Act, as amended, 15 U.S.C. section 1051 3 (a) [lists good s/services]: Cut flowers, dried flowers 4 and live flower; flower bulbs; flower seeds; live 5 flowering plants; dried plants and live plants; grass 6 and grass seeds; fresh herbs and raw herbs; live 7 orchids." 8 A Only some of it like the dried flowers and the 9 (undiscernible). 10 Q But they read this to you what they were -- 11 what you were signing, right? 12 A That's what we told them that we will do this. 13 Q And based on what you told, them they put it 14 in this document, right? 15 A Yes. 16 Q Okay. Paragraph 2 says, "The mark was first 17 used on the date at least as early June 1, 2004." 18 A Yes. 19 Q Okay. And you gave them the date June 1, 20 2004? 21 A Yes. If you look at the back of the document, 22 um, they had a picture then they started to use it. 23 Q Okay. So, when -- 24 A But this -- 25 Q Sorry.</p>	<p style="text-align: center;">31</p> <p>1 A Specimen? Dry flower. 2 Q Okay. And where was this tag applied to the 3 dried flower? In Taiwan? The US? Where did this 4 happen? 5 A I can't tell. 6 Q Who applied this mark on the tag to the 7 flowers? 8 A Us. 9 Q And who was -- was this in Taiwan or the US? 10 A Oh, this package we need to sell to the US, 11 the package. 12 Q Who was this sold to? 13 A United States. 14 Q Who in the United States? 15 A I can't remember. I have a lot of clients. 16 Q Okay. Do you have any documents that would 17 show to who this was sold on June 1, 2004? 18 A What kind of document? 19 Q An invoice. 20 A This is a trade. We just gave it to the 21 trader and I don't know the detail. 22 Q What's a trader? 23 A I -- I can't -- I can't remember. 24 Q But when you say "a trader," who are you 25 talking about?</p>
<p style="text-align: center;">30</p> <p>1 A But the sales was not that good so we don't 2 want to use it anymore. 3 Q Could you just explain what you just said? 4 A Yes. I know like the dates and stuff. 5 Q So the June 1, 2004 date comes from the date 6 of the pictures? 7 A Um, I don't remember. I don't know when we 8 got the picture, but we used it. 9 Q Okay. And the date June 1, 2004 was 10 information you provided to the lawyers? 11 A Yes. 12 Q Okay. And what happened on June 1, 2004? 13 A We applied. We used -- we used -- used the 14 trademark. 15 Q Okay. And you used it on these cards? 16 A Use what? 17 Q The mark. 18 A Yes. 19 Q Okay. And these tags are attached to orchids? 20 A It's not a tag. Yes, it is tag. 21 Q Okay. And -- 22 A It's a dry flower. 23 Q What? 24 A That's a dry flower. 25 Q Dried orchids?</p>	<p style="text-align: center;">32</p> <p>1 A Chang Long Farm is a trader. 2 Q I'm sorry? 3 A Chang Long Farm is a trader. 4 Q Okay. So that's the person who got it or 5 that's the person who -- 6 THE INTERPRETER: (Without translating): 7 Their farm. 8 BY MR. SPRINGUT: 9 Q Okay. I'm very confused. Let's try to start 10 again. You applied this tag with the mark to these 11 dried flowers, right? 12 A When we provide with the goods we take -- we 13 take a picture. We probably had an order. 14 Q Okay. And when you say "we had an order," who 15 had an order? What company? 16 A Which company ordered? 17 MR. DAWSON: From which -- which company 18 received the order. 19 MR. SPRINGUT: Yes. Thank you. 20 BY MR. SPRINGUT: 21 Q Yes, which company received the order? 22 A They ordered. 23 MR. DAWSON: What company received the order? 24 That's what he's asking. 25 BY MR. SPRINGUT:</p>

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1 Q Who -- who was the company that sold these
 2 items?
 3 A I help them to find and they ordered. I don't
 4 know who they sold it to.
 5 Q Okay. Which was the company that sold the
 6 dried flowers that we see in Plaintiff's Exhibit 29?
 7 A We ordered -- we sell it to them I don't
 8 know --
 9 Q Who is "we"?
 10 A Chang Long.
 11 THE INTERPRETER: (Without translating): I
 12 will spell it. C-H-A-N-G L-O-N-G.
 13 BY MR. SPRINGUT:
 14 Q Okay. So that's the company you own in
 15 Taiwan?
 16 A (Nods head.)
 17 Q Chang Long sold the dried flowers with the tag
 18 on it to whom?
 19 A Sell them to -- sold it to this company.
 20 Q To Golden Vision Flower?
 21 THE WITNESS: (In English): Yeah, yeah.
 22 BY MR. SPRINGUT:
 23 Q And that's what the date of June 1, 2004
 24 refers to?
 25 A I don't know. I don't know. I don't know. I

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1 know I can use my trademark on June 1, 2004.
 2 Q Okay. So going back -- going back to
 3 paragraph 2 of the statement of use -- paragraph 2,
 4 could you read that -- translate that to her?
 5 THE INTERPRETER: (Complies.)
 6 BY MR. SPRINGUT:
 7 Q Okay. So what happened on that day is Chang
 8 Long Flowers or Farm Taiwanese company sold the dried
 9 flowers you're saying with the -- with the mark on it to
 10 Golden Vision Flower?
 11 A This correct way to explain it.
 12 Q Is that what you understand paragraph 2 means?
 13 A Yes. Yes, this day approved.
 14 Q Okay. So that's what that means?
 15 A Again, please, pardon me.
 16 Q On June 1, 2004, as it says in paragraph 2,
 17 the Taiwanese company Chang Long Flowers sold the dried
 18 flowers and the specimen along with that tag to Golden
 19 Vision Flowers?
 20 A Yes.
 21 Q Okay. So now let's go to paragraph 3. And
 22 let me just read that before you translate it for the
 23 witness.
 24 "The mark was first used in commerce on the
 25 date at least as early as December 1, 2004."

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1 Okay. At six months later on June 1 --
 2 A What do you mean early -- as early as?
 3 Q Well, that's something you signed, so what did
 4 you understand it to mean when you signed it?
 5 A They didn't explain it like this.
 6 Q Well, how did they explain it?
 7 A Um, they told us the mark was approved on June
 8 1, 2004.
 9 Q Okay. But you see paragraph 2 talks about
 10 June 1, 2004. Paragraph 3 talks about December 1, 2004,
 11 six months later, right?
 12 A So that's why when you asked me, um, when was
 13 this picture, I don't know.
 14 Q But what's your understanding of why there's a
 15 difference of six months in those two dates? What
 16 happened differently or not differently?
 17 A They didn't tell me that. They didn't tell me
 18 that.
 19 Q Well, did the use of those tags on the next
 20 following pages on the dried flowers change in any way
 21 from June to December 2004?
 22 A We made a lot of tags. I don't know what
 23 version is this tag.
 24 Q Okay. But did you use the mark on different
 25 goods or the same goods during the rest of 2004? Did

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1 the use change in any way?
 2 A I don't remember. I knew we used the mark,
 3 but I just can't remember.
 4 Q Okay. And the use was by Chang Long Flower
 5 Shop to Golden Vision Flowers? That's how you used the
 6 mark?
 7 A Yeah. The -- normally they ask me to find
 8 some products and ask me to use a particular tag.
 9 Q Okay. Do you have any invoices that show any
 10 use in 2004 for flowers, dried flowers, or anything else
 11 that were sold in connection with the mark that's shown
 12 in this exhibit?
 13 A From -- they don't need to -- it's been a long
 14 time.
 15 Q Right. But are there any documents that exist
 16 that show the sales in 2004 of these plants with the
 17 mark?
 18 A I cannot remember very clearly but I could go
 19 back and check.
 20 Q Okay. Now, let's turn the page to the second
 21 page of the statement of use, paragraph 4. And let me
 22 read what paragraph 4 says, "The current use of the mark
 23 on or in connection with the forgoing in commerce is
 24 shown by the attached specimens."
 25 A So the picture is this.

<p style="text-align: center;">37</p> <p>1 Q And by the current use it means on or about 2 August 8, 2005? 3 A I know they asked me to sign this on August 8. 4 Q When is says the current use, it's the day you 5 signed it, right? 6 A Maybe earlier. 7 Q That's your signature, right? 8 A Yes. 9 Q Did you sign it on any date other than August 10 8, 2005? 11 A Yes, I signed today. 12 Q On August 8, 2005? 13 A Yes. 14 Q So when paragraph 4 talks about the current 15 use, it means on August 8, 2005, right? 16 A 2005 August. Maybe earlier. 17 Q So you were not selling these goods in August 18 of 2005 with this mark? 19 A The document exchanged. I signed on that day 20 that's correct. 21 Q Okay. And when you signed on that day and it 22 talks about the current use, it means when you signed, 23 right? 24 A Earlier. 25 Q Did you stop selling dried flowers in</p>	<p style="text-align: center;">39</p> <p>1 registration, declares that: I am properly authorized 2 to execute this declaration on behalf of applicant; I 3 believe applicant to be the owner of the mark sought to 4 be registered; the mark is in use in such commerce, as 5 described above; all statements made of my own knowledge 6 are true; and all statements made and information and 7 belief are believed to be true." 8 And you understood that all of this was true 9 and accurate, correct? 10 A Yes. 11 Q And everything in this statement of use was 12 correct as far as you understood when you signed it, 13 right? 14 A Yes. 15 Q Okay. Now, it says that you're the president 16 of Golden Vision Flower, Inc.; is that correct? 17 A No. I'm not the president. 18 Q Okay. Now, turn to the last page of the 19 Exhibit 29, please. That's a blow up of the two tags 20 shown on the page before Title Specimen, right? 21 A I think so. 22 Q Who printed this tag? 23 A I helped. 24 Q Okay. But who actually printed it? 25 A Printed in Taiwan.</p>
<p style="text-align: center;">38</p> <p>1 connection with the Golden Vision mark by August 8, 2 2005? 3 A I suppose I can use the mark on June 1, 2004 4 I was told, and I started to use it after that day. 5 Q Okay. But were you continuing to use the mark 6 in August of 2005? 7 A Yes. 8 Q Okay. So in August of 2005, Chang Long Flower 9 Shop and Farm continued to sell dried flowers with the 10 mark to Golden Vision Flowers, correct? 11 A No. Golden is selling their stuff. It's 12 different than Chang Long. 13 Q And where was Golden getting this stuff from? 14 A They ordered themselves and we provide some 15 flowers to Chang Long. 16 Q Right. The same as you discussed with regard 17 to June 1, 2004, right? 18 A Yes. 19 Q Okay. Now, the next part of the statement of 20 use is titled "DECLARATION," and it says, "The 21 undersigned being hereby warned that willful false 22 statements and the like are punishable by fine by 23 imprisonment, or both, under 18 U.S.C section 1001, and 24 that such willful false statement may jeopardize the 25 validity of the application or any resulted</p>	<p style="text-align: center;">40</p> <p>1 Q And do you know the name of the printer? 2 A It's been a long time. I don't know. 3 Q Do you have any documents that would show the 4 name of the printer? 5 A Taiwan is different than here. They don't 6 keep the documents. 7 Q Okay. Now, under "tag" the first things it 8 says under the mark is "cut flowers." 9 A Yes. Yeah, that's one of their business. 10 Q Has Golden Vision Flower ever sold cut 11 flowers? 12 A At the very beginning they did that and then 13 they did an evaluation to see if it's good or not. The 14 very beginning they -- 15 Q And then what happened? 16 A Um, market is different. 17 Q Okay. When did Golden Vision start selling 18 cut flowers? 19 A I did not involve. 20 Q You don't know? 21 A I did not involve. 22 Q So you don't know? 23 A I did not involve. I don't know. 24 Q Okay. Is Golden Vision Flowers selling cut 25 flowers today?</p>

<p>41</p> <p>1 A I didn't see it today.</p> <p>2 Q When was the last time that Golden Vision</p> <p>3 Flowers sold cut flowers?</p> <p>4 A I did not work in this side.</p> <p>5 Q So you don't know?</p> <p>6 A I don't know.</p> <p>7 Q Has Golden Vision -- and do you know whether</p> <p>8 Golden Vision Flowers ever sold cut flowers along with</p> <p>9 the mark?</p> <p>10 A Yes. Yes, it's outside the box.</p> <p>11 Q Outside the box?</p> <p>12 A Yes. Printed on the tags.</p> <p>13 Q Both on the box and the tags?</p> <p>14 A Yes.</p> <p>15 Q What period of time were cut flowers sold in</p> <p>16 connection with these tags?</p> <p>17 A They not only sell flowers but they always</p> <p>18 have the printed material.</p> <p>19 Q I'm not exactly sure what you said, but the</p> <p>20 question is: What period of time did Golden Vision</p> <p>21 Flowers sell cut flowers in connection with their mark?</p> <p>22 A Period of time, what does that mean?</p> <p>23 Q What dates?</p> <p>24 A Every day. Every day.</p> <p>25 Q What documents do you have that show that?</p>	<p>43</p> <p>1 A Yes.</p> <p>2 MR. SPRINGUT: What did I say?</p> <p>3 (WHEREUPON, the court reporter read back the last</p> <p>4 question.)</p> <p>5 BY MR. SPRINGUT:</p> <p>6 Q Sorry. Okay. What kind of live flowers did</p> <p>7 it sell in 2004?</p> <p>8 A Orchids.</p> <p>9 Q Do you have any invoices reflecting sales of</p> <p>10 orchids in 2004?</p> <p>11 A Invoice? I'll go back and check.</p> <p>12 Q How about in 2005?</p> <p>13 A They ordering orchids all the way.</p> <p>14 Q Are there any invoices that reflect that</p> <p>15 ordering?</p> <p>16 A Yes. If recent, it's easier to find the</p> <p>17 invoices.</p> <p>18 Q Okay. How about flower bulbs? When did</p> <p>19 Golden Vision first start selling flower bulbs?</p> <p>20 A They tried everything at the very -- at the</p> <p>21 beginning.</p> <p>22 Q So when did Golden Vision Flower sell flower</p> <p>23 bulbs?</p> <p>24 A At the very beginning.</p> <p>25 Q Which was when?</p>
<p>42</p> <p>1 Invoices?</p> <p>2 A Why the invoice has to have the logo?</p> <p>3 Q No, I didn't say that. I -- what invoices do</p> <p>4 you have showing the sale of cut flowers?</p> <p>5 A I did not involve in the daily business, how</p> <p>6 can I approve that?</p> <p>7 Q In 2004 was Golden Vision Flowers selling cut</p> <p>8 flowers?</p> <p>9 A 2004? I don't know. I did not involve.</p> <p>10 Q How about 2005?</p> <p>11 A I don't know.</p> <p>12 Q 2006?</p> <p>13 A I did not involve. Why are you always asking</p> <p>14 me this?</p> <p>15 Q Let's moved on to dried flowers. Do you see</p> <p>16 dried flowers?</p> <p>17 A Only once. They only ordered once from me.</p> <p>18 Q When was that?</p> <p>19 A 2004, maybe.</p> <p>20 Q Are you guessing?</p> <p>21 A Um, I think so. I think so. They ordered</p> <p>22 once with me. I don't know if they ordered with anybody</p> <p>23 else.</p> <p>24 Q How about live flowers? Did Golden Vision</p> <p>25 Flowers sell live flowers in 2004?</p>	<p>44</p> <p>1 A 2004 or 2005.</p> <p>2 Q And when were those flower bulbs first sold in</p> <p>3 connection with the Golden Vision mark?</p> <p>4 A After I applied they started to use it.</p> <p>5 Q How did they start to use it?</p> <p>6 A Like this. They provided this and then print.</p> <p>7 Q They used tags on the flower bulbs?</p> <p>8 A I don't know. I don't know how they used it,</p> <p>9 but they printed. I don't know how they used it.</p> <p>10 Q What did they print?</p> <p>11 A Box.</p> <p>12 Q What kind of box?</p> <p>13 A Package.</p> <p>14 Q What period of time did Golden Vision Flowers</p> <p>15 sell flower bulbs?</p> <p>16 A I help them to take care of when they got the</p> <p>17 document and then they take care of everything on their</p> <p>18 own.</p> <p>19 MR. SPRINGUT: Read the question.</p> <p>20 (WHEREUPON, the court reporter read back the last</p> <p>21 question.)</p> <p>22 BY MR. SPRINGUT:</p> <p>23 Q Same question.</p> <p>24 A After the application they asked me to prepare</p> <p>25 everything.</p>

<p style="text-align: center;">45</p> <p>1 Q But the question is: What period of time did 2 Golden Vision Flowers sell flower bulbs? 3 A Um, I helped them prepare the ones. I don't 4 know after that. 5 Q Do you understand the question that I'm asking 6 you? 7 A No. You're asking me when they started to use 8 this mark. 9 Q No. I asked you when did Golden Flower sell 10 flower bulbs? What period of time? 11 A 2004. 12 Q Through when? 13 A I only help them prepare once and you have to 14 ask the Golden. 15 Q So whatever the people at Golden Vision Flower 16 told me, I have to listen to them, right? 17 A Yes. 18 Q Next category is flower seeds. When did 19 Golden Vision start selling flower seeds? 20 A 2004. 21 Q Until when? 22 A Same answer. All these things I just prepared 23 once. I don't know anything else. 24 Q So after 2004, you don't know if Golden Vision 25 Flowers sold any of the items on this tag?</p>	<p style="text-align: center;">47</p> <p>1 Q But you don't know? 2 A I did not involve in operate in this. 3 Q Okay. So in August of 2005 when you signed 4 the attached statement of use, you didn't know whether 5 or not the company was selling any of these items; is 6 that a fair statement? 7 A They selling but I don't know if that's 8 everything. 9 Q Well, which items do you know that they were 10 selling in August of 2005 from the list? 11 A Orchids, that's a positive. 12 Q Anything else? 13 A I don't think they sold dry flowers. The 14 market is different, others, I don't know. 15 Q Okay. So the only thing you can testify is 16 that they were selling orchids in 2005, correct? 17 A Yes. Let me double check. Anything related 18 with orchids they would sell. 19 Q Thank you, Mrs. Chuong. 20 MR. SPRINGUT: Nothing further. 21 MR. DAWSON: We are going to read. 22 I am also going to make my objection to the 23 translation on this one as well. And I'm going to 24 ask that -- I'll put on the record that I discussed 25 with your manager you -- requested to you about the</p>
<p style="text-align: center;">46</p> <p>1 A Yes. 2 Q Okay. 3 MR. SPRINGUT: Let's take a short break. 4 (Break.) 5 BY MR. SPRINGUT: 6 Q Okay. So a couple more questions, Mrs. 7 Chuong, and I think we're good for the day. 8 A Okay. 9 Q With regard to the various items listed on the 10 tag, which is the last page of Exhibit 29 -- 11 A We got more. 12 Q Which of these items was Golden Vision Flower 13 selling in August of 2005? 14 A August? 15 Q August 2005. 16 A The only thing I did I helped them did one 17 booking in 2004, that's all. 18 Q So by your answer do I understand you to mean 19 that you don't know whether Golden Vision Flower was 20 selling any of these item in August of 2005? 21 MR. DAWSON: Object to the form. 22 THE INTERPRETER: (Translating): 2005? I 23 only helped them booking in 2004. They operating 24 to today, they must have some sales. 25 BY MR. SPRINGUT:</p>	<p style="text-align: center;">48</p> <p>1 audio transcript and that I am going to, if I have 2 to, if you won't voluntarily turn it over, seek a 3 subpoena from the District Court here. So I would 4 request that you not alter or destroy the audio 5 tapes in any way. And that's it. 6 THE COURT REPORTER: And you're both ordering 7 and you both want copies. 8 MR. DAWSON: If he orders I want a copy. 9 THE COURT REPORTER: And you want to order 10 this one? 11 MR. SPRINGUT: Yes, ma'am. 12 (The deposition concluded at 4:15 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF LAKE)

I, Layla F. Degler, Florida Professional Reporter,
the undersigned authority, certify that XUE MEI WANG
(Translator) and LI-YING CHUONG (Witness) personally
appeared before me and were duly sworn on the 14th day
of May, 2010.

WITNESS my hand and official seal this 27th day of
May, 2010.

Layla F. Degler
Florida Professional Reporter
Notary Public, State of Florida
My Commission No.: DD0683892
Expires: 06/10/2011

50

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LAKE)

I, Layla F. Degler, Florida Professional Reporter
and Notary Public in and for the State of Florida at
Large, do hereby certify that the aforementioned witness
was by me first duly sworn to testify the whole truth;
that I was authorized to and did report said deposition
in stenotype; and that the foregoing pages are a true
and correct transcript of my shorthand notes of said
deposition.

I further certify that said deposition was taken at
the time and place hereinabove set forth and that the
taking of said deposition was commenced and completed as
hereinabove set out.

I further certify that I am not an attorney or
counsel of any of the parties, nor am I a relative or
employee of any attorney or counsel of the party
connected with the action, nor am I financially
interested in the action.

The foregoing certification of this transcript does
not apply to any reproduction of the same by any means
unless under the direct control and/or direction of the
certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 27th day of May, 2010.

LAYLA F. DEGLER
Notary Public - State of Florida
My Commission No.: DD0683892
Expires: 06/10/2011

51

DEPOSITION ERRATA SHEET

Assignment No: 163709
ATLAS FLOWERS d/b/a as GOLDEN FLOWERS vs. GOLDEN VISION
FLOWERS.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read
the entire transcript of me Deposition taken in the
captioned matter or the same has been read to me, and
the same is true and accurate, save and except for
changes and or corrections, if any, as indicated by me
on the DEPOSITION ERRATA SHEET hereof, with the
understanding that I offer these changes as if still
under oath.

Signed on the ____ day of ____, 20__.

LI-YING CHUONG

DEPOSITION ERRATA SHEET

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LI-YING CHUONG

52

DEPOSITION ERRATA SHEET

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LI-YING CHUONG

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24 change: _____
25 SIGNATURE: _____ DATE: _____
LI-YING CHUONG



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (and design)
Applicant:	Golden Vision Flower Inc.
Attorney's Reference:	GOLD6004/REF

COVER LETTER
FOR A STATEMENT OF USE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Madam:

1. Submitted herewith are the following:
 - a. A **check** in the amount of **\$100.00**.
 - b. **STATEMENT OF USE** that recites **all** of the goods/services, **2** specimens and payment of the \$100.00 per class U.S. government fee.
2. The Commissioner is authorized to charge to deposit account no. 02-0200 any fees required to prevent the abandonment of the application and any fees authorized by the undersigned by telephone. A duplicate copy of this document is attached.

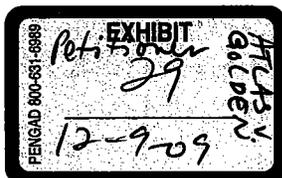
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: January 6, 2006

Respectfully submitted,

Richard E. Fichter
Applicant's Attorney

S:\Producer\ref\LEADER\TRADEMARKS\GOLD VISION FLOWER INC.
6004\Cover Letter for SOU.wpd



01-06-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.:	76/594,946
Application Filing Date:	June 1, 2004
Notice of Allowance Date:	July 19, 2005
Mark:	GOLDEN VISION FLOWER INC. (AND DESIGN)
Applicant:	Golden Vision Flower Inc.

STATEMENT OF USE
UNDER 37 C.F.R. §2.88

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Applicant requests registration of the mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 *et seq.*, as amended).

1. Applicant has adopted and is using the mark in commerce in the United States on or in connection with each of the following, in accord with Section 1(a) of the Lanham Act, as amended, 15 U.S.C. §1051(a) [list goods/services]: cut flowers, dried flowers and live flowers; flower bulbs; flowers seeds; live flowering plants; dried plants and live plants; grass and grass seeds; fresh herbs and raw herbs; live orchids.
2. The mark was first used on a date at least as early as [date]: June 1, 2004
3. The mark was first used in *commerce* on a date at least as early as [date]: December 1, 2004

STATEMENT OF USE

U.S. Application No. 76/594,946

4. The current use of the mark on or in connection with the foregoing in *commerce* is shown by the attached specimen(s).

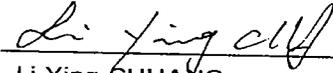
DECLARATION

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that: I am properly authorized to execute this declaration on behalf of applicant; I believe applicant to be the owner of the mark sought to be registered; the mark is in use in such commerce, as described above; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

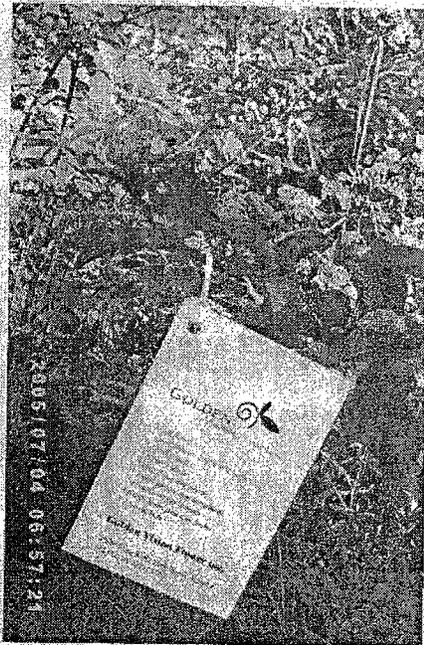
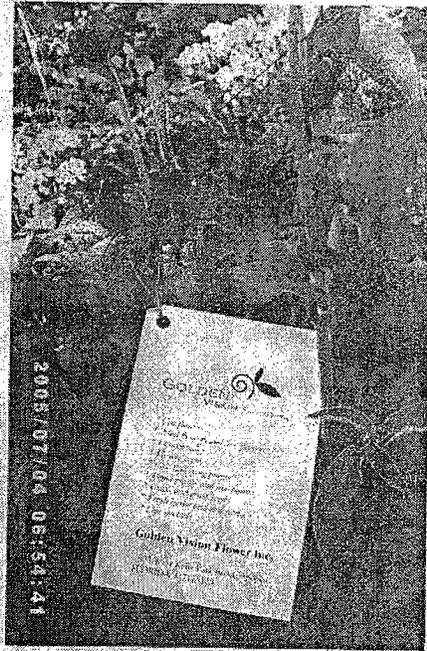
Respectfully signed,

Date: August 8, 2005

(06Nov2001)


Name and Title: Li Ying CHUANG
President

SPECIMEN





GOLDEN
VISION FLOWER INC.

- * Cut flowers
- * dried flowers and live flowers
- * Flower bulbs
- * Flower seeds
- * Live flowering plants
- * Dried plants and live plants
- * Grass and grass seeds
- * Fresh herbs and raw herbs
- * Live orchids

Golden Vision Flower Inc.

2509 West Kelly Park Road, Apopka
FLORIDA 327125125

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 3,074,073

Registered Mar. 28, 2006

TRADEMARK
PRINCIPAL REGISTER



GOLDEN VISION FLOWER INC. (FLORIDA CORPORATION)
2809 WEST KELLY PARK ROAD
APOPKA, FL 327125125

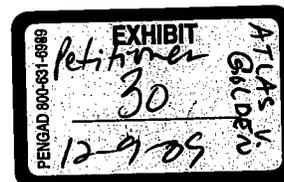
FOR: CUT FLOWERS, DRIED FLOWERS AND LIVE FLOWERS; FLOWER BULBS; FLOWER SEEDS; LIVE FLOWERING PLANTS; DRIED PLANTS AND LIVE PLANTS; GRASS AND GRASS SEEDS; FRESH HERBS AND RAW HERBS; LIVE ORCHIDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 6-1-2004; IN COMMERCE 12-1-2004.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FLOWER INC.", APART FROM THE MARK AS SHOWN.

SN 76-594,946, FILED 6-1-2004.

LAURA KOVAISKY, EXAMINING ATTORNEY





台南市林森路一段10號10樓之9
力得國際智慧財產權事務所

Attorneys at Law
Patent and Trademark Agents
Leader International Services
No. 149, (Room 9, 10/F.) Lin Sen Road
Sec. 1, Tainan, Taiwan.

Telephone:
886-6-2356383

Facsimile:
886-6-2374041

Correspondence:
P.O. Box 1032
Tainan, Taiwan.

E-mail:
leader@seed.net.tw

Bacon & Thomas
625 Slaters Lane, 4/F
Alexandria, VA 22314-1176
U. S. A.

Date: May 12, 2004
Our Ref.: TEJ-606USB

Dear Sirs,

Please file an application in accordance with the following instructions and mail us the filing certificate & your debit note in due course. It is requested that this application must be kept in force under all circumstances unless you have instructions from us to the contrary.

By return airmail/telecopier, please kindly confirm your safe receipt of this order letter.

- (1) Application for: U.S. (Intent-to-Use) Trademark Registration
- (2) Applicant/
 - A) Name: Golden Vision Flower Inc.
 - B) Address: 2809 West Kelly Park Road, Apopka, FL 32712-5125
 - C) Nationality: A Company of Florida, U.S.A.,
(organized and existing under the laws of Florida, U.S.A.)
- (3) Name of Trademark: GOLDEN VISION Flower Inc & Device
- (4) Class of Goods: International Class 31
- (5) Designated Goods: (Please see the attached application information form)
- (6) Priority Claimed: (Nil)
- (7) Enclosures/
 - A) Application Information (signed)

GOLD0004

Date 5-25-04 Atty FJM REF
Action Due TM Appl
Deadline CNE 5-27-04
Final Deadline DFA 6-01-04
Based on _____



Sincerely,

Yang Kuen-Tsang
Yang Kuen-Tsang
Foreign Dept.

Encls:

KD Plaintiff's Exhibit 5-14-10

L. Chuong 33

In Re Registration No. 3,074,073
Atlas Flowers d/b/a Golden Flowers
vs. Golden Vision Flowers

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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

REGISTRANT'S ANSWERS TO INTERROGATORIES

Registrant, Golden Vision Flower, Inc., hereby responds to Petitioner's First Set of Interrogatories, and states:

General Objections

Registrant objects to Petitioner's definition of "identify" as it relates to documents, acts and company. Said definition dramatically expands the scope of each interrogatory thereby making them overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Answers and Specific Objections

1. Identify the nature of Registrant's organization.

Golden Vision Flower, Inc., a Florida corporation. 2809 W. Kelly Park Rd., Apopka, Florida, 32712.

2. State when Registrant first adopted Registrant's Mark.

2003.

3. Identify each of Registrant's officers since Registrant first adopted Registrant's Mark.

Registrant has attached State of Florida filings which list the requested information.

4. Identify each person who participated in the adoption of Registrant's Mark.

Shun-Chi Huang and Li-Ying Chuang.

5. State when Registrant made first use of Registrant's Mark.

June 1, 2004.

6. Identify all goods and/or services sold or offered for sale under Registrant's Mark.

Orchids. Phalaenopsis, Cattleya, and Dendrobium.

7. Identify all media channels in which Registrant advertises for the goods and/or services provided under Registrant's Mark, e.g., newspaper, magazine, radio, television, mailers, fliers, brochures, programs, pamphlets, etc.

Magazine, brochures and nursery members. Samples of those documents are being produced simultaneously herewith.

8. Identify the geographic area in which Registrant has sold or offered for sale the goods and/or services sold under Registrant's Mark.

United States and Canada.

9. Describe a typical customer of the goods and/or services sold or offered for sale under Registrant's Mark.

Wholesale distributors and floral designers.

10. Identify all searches conducted by Registrant regarding Registrant's Mark.

Registrant's counsel in Taiwan conducted searches on its behalf and Registrant believes a full search and knock out search were conducted.

11. State when and how Registrant first became aware of Petitioner and identify all documents and electronic data evidencing or referring to such awareness.

Letter from Petitioner's counsel dated April 3, 2009.

12. Identify all persons responsible for marketing or intended marketing of the goods and/or services provided under Registrant's Mark.

Shih-Wen Huang and Chiung-Ying Huang.

13. Identify all of Registrant's registrations or currently pending applications for Registrant's Mark, or a mark incorporating the words "GOLDEN FLOWERS," in the United States Patent and Trademark Office, in any of the States of the United States or in the Trademark Office of any foreign country.

Registration number 3074073 in the USPTO. Registrant objects to the interrogatory to the extent it seeks information outside of the mark at issue as it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

14. Identify all trademarks and trade names used by Registrant including the words "GOLDEN FLOWERS."

None.

15. With respect to each trade name or trademark identified in response to the preceding interrogatory, identify each product and service sold by Registrant under the trademark or trade name, and state when Registrant began such use.

None.

16. Identify Registrant's three largest customers for flower-related items under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Evergreen Bonsai Nursery, 20815 2nd Concession Rd., Newmarket, Ontario, Canada.
Owens Orchids, 18 Orchid Heights Dr., Pisgah Forest, NC, and Remarkable Homes and Gardens, 20990 SW 147 Av., Miami, Florida.

17. Identify Registrant's annual sales of flower-related items, in units and dollars, under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Registrant objects to the interrogatory on the basis it is not reasonably calculated to lead to the discovery of admissible evidence.

18. Identify all persons providing packaging to Registrant for Registrant's goods sold by Registrant under Registrant's Mark since the date when Registrant first adopted Registrant's Mark.

Packaging Corporation of America, 3785 Bryn Mawr Street, Orlando, Florida, and Pratt Industries, PO Box 933949, Atlanta, Georgia.

19. Identify any expert witness and the substance of the expected testimony of such witness that Registrant intends to obtain testimony from in this proceeding.

Unknown at this time.

20. Identify each fact witness and the substance of the testimony expected from each such witness that Registrant plans to call as a witness in this proceeding.

Unknown at this time.

21. In relation to each person identified in response to Interrogatory No. 19 and Interrogatory 21, identify all communications with each such person concerning Registrant or this proceeding.

Registrant objects to this interrogatory to the extent it seeks to invade the attorney client privilege and the work product privilege. Subject to that objection Registrant states that are no persons requested to be identified in interrogatory 21 and that there have been no expert witnesses yet identified in response to interrogatory 19.

22. Identify any communications with any person, other than employees of Registrant or attorneys for Registrant, concerning Petitioner or this proceeding.

None.

23. Identify each application filed by Registrant for registration of Registrant's Mark outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

24. Identify each Registration of Registrant's Mark obtained by Registrant outside of the United States.

Registrant objects to this interrogatory as not reasonably calculated to lead to the discovery of admissible evidence. Subject to that objection Registrant states there are none.

25. Identify each of Registrant's principal competitors in the sale or other disposal of the Registrant's goods and/or services.

Deleon's Bromeliads, 13745 SW 216 St., Goulds, Florida.

26. For each "affirmative defense" set forth in the Answer to Petition for Cancellatio, set forth the basis for such defenses by:

- a) stating all facts and evidence which support each such defense;
- b) identify all witnesses who may have knowledge used to support or refute each such defense; and,
- c) identify all documents which may support or refute each such defense.

Registrant objects to this interrogatory to the extent it seeks to invade the work product privilege by requiring counsel for Registrant to divulge information created through his own thought process about information and evidence relevant to the stated defenses. Without waiving that privilege Registrant states:

First Affirmative Defense. There are numerous federal and state registrations containing the term Golden in relation to wholesale flower supply. Registrant does not yet know which documents and witnesses relate to this defense.

Second Affirmative Defense. Registrant believes that the term Vision in its mark creates a distinct impression from Petitioner's mark. Registrant does not yet know which documents and

witnesses relate to this defense.

Third Affirmative Defense. Registrant believes that the defense speaks for itself but further states that it has never been confused with Petitioner and believes that Petitioner has never been confused with Registrant. Registrant further believes that the parties' respective distribution chains and customers are distinct and well-established further enforcing this lack of confusion. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the lack of confusion.

Fourth Affirmative Defense. By law, Petitioner has been constructively aware of Registrant's registration and use of its mark without objecting. Registrant has used its mark in accordance therewith and built up substantial goodwill. Registrant does not yet know which documents and witnesses relate to this defense except to the extent that Shih-Wen Huang and Chiung-Ying Huang have knowledge of the use of Registrant's Mark without objection from Petitioner, the goodwill related to Registrant's Mark and the damage to Registrant if its Mark is cancelled.

27. Identify by name, address and title each person who furnished information respecting the answers to the foregoing interrogatories.

Shih-Wen Huang and Chiung-Ying Huang. Address c/o Registrant's counsel.

State of Florida

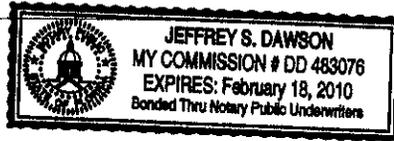
County of Orange

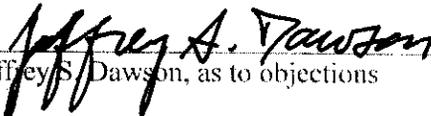

Shih-Wen Huang

Before me personally appeared Shih-Wen Huang who has sworn to and subscribed before me this 22 day of October 2009 that the foregoing answers are true and correct to the best of her knowledge and who who is personally known to me or [] who produced _____ as identification and who did take an oath.


Notary Public.

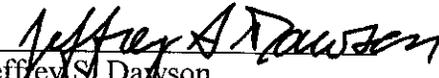
Print Name: _____




Jeffrey S. Dawson, as to objections

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on October 22, 2009 to Caroline G. Boehm, 488 Madison Avenue, New York, NY 10022.


Jeffrey S. Dawson
Fla. Bar No. 980366
P.O. Box 1111
Winter Haven, Florida 33882
863.293.9600
jdawson@jdawsonlaw.com

ARTICLES OF INCORPORATION

In compliance with Chapter 607 and/or Chapter 621, F.S. (Profit).

ARTICLE I NAME

The name of the corporation shall be: Golden Vision Flower Inc.

ARTICLE II PRINCIPAL OFFICE The principal place of business/ mailing address is: 7503 Megan Elissa Lane, Orlando, FL 32819

ARTICLE III PURPOSE

The purpose for which the corporation is organized is:
To plant, grow and sell orchid flowers

ARTICLE IV SHARES

The number of shares of stock is: 10,000 Common Shares

ARTICLE V INITIAL OFFICERS/DIRECTORS

The name(s), address(es) and title(s):
Mr. Shun-Chi HUANG, 22 Lane 308, Section 3, Dongmen Road, Tainan, Taiwan - President/Director

ARTICLE VI REGISTERED AGENT

The name and Florida street address of the registered agent is:

Corporation Service Company, 1201 Bay Street, Tallahassee, Florida 92301

ARTICLE VII INCORPORATOR

The name and address of the Incorporator is:
Mr. Shun-Chi HUANG, 22 Lane 308, Section 3, Dongmen Road, Tainan, Taiwan

Having been named as registered agent to accept service of process for the above stated corporation at the place designated in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity Corporation Service Company By:

Cynthia L. Harris
as its agent

Signature/Registered Agent *Cynthia L. Harris*

Date 6/12/03

Signature/Incorporator *[Handwritten Signature]*

Date June 2, 2003

[Handwritten Chinese characters]

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA
03 JUN 12 PM 12:06

Entity Name: GOLDEN VISION FLOWER INC.

Current Principal Place of Business:7503 MEGAN ELISSA LANE
ORLANDO, FL 32819**New Principal Place of Business:****Current Mailing Address:**7503 MEGAN ELISSA LANE
ORLANDO, FL 32819**New Mailing Address:**

FEI Number: 20-0164367

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 323012525 US**Name and Address of New Registered Agent:**WANG, JOE
7503 MEGAN ELISSA LANE
ORLANDO, FL 32819 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: JOE WANG

01/12/2004

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PD () Delete
Name: JUANG, SHUN-CHI
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD
City-St-Zip: TAINAN, TAIWAN,

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PD (X) Change () Addition
Name: HUANG, SHUN-CHI
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD
City-St-Zip: TAINAN, TAIWAN, TW TW

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PD

01/12/2004

Electronic Signature of Signing Officer or Director

Date

2005 FOR PROFIT CORPORATION ANNUAL REPORT

FILED
 5/ Jun 03, 2005 8:00 am
 Secretary of State

05-06-2005 901.01 004 ***150.00

DOCUMENT # P03000065832
 1. Entity Name
GOLDEN VISION FLOWER INC.



Principal Place of Business Mailing Address
 2809 W KEELY PARK RD 2809 W KEELY PARK RD
 APOPKA, FL 32712 APOPKA, FL 32712

DO NOT WRITE IN THIS SPACE

66021339

 04062005 No Chg-P CR2E034 (10/03)
 4. FEI Number Applied For
 20-0164367 Not Applicable
 5. Certificate of Status Desired \$8.75 Additional Fee Required

6. Name and Address of Current Registered Agent
 WANG, JOE
 7503 MEGAN ELISSA LANE
 ORLANDO, FL 32819

DO NOT WRITE IN THIS SPACE

8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.
 SIGNATURE X S C M (NOTE: Registered Agent signature required when reissuing) DATE

FILE NOW!!! FEE IS \$150.00 After May 1, 2005 Fee will be \$550.00 9. Election Campaign Financing Trust Fund Contribution. \$5.00 May Be Added to Fees

10. OFFICERS AND DIRECTORS

TITLE	PD
NAME	HUANG, SHUN-CHI
STREET ADDRESS	22 LANE 308, SECTION 3 DONGMEN ROAD
CITY- ST- ZIP	TAINAN, TAIWAN, TW
TITLE	
NAME	
STREET ADDRESS	
CITY- ST- ZIP	
TITLE	
NAME	
STREET ADDRESS	
CITY- ST- ZIP	
TITLE	
NAME	
STREET ADDRESS	
CITY- ST- ZIP	

DO NOT WRITE IN THIS SPACE

12. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(j), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.
 SIGNATURE: X S C M Date May 28 '05 Day Phone # 1107-884-8989
SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date Day Phone #

Entity Name: GOLDEN VISION FLOWER INC.

Current Principal Place of Business:2809 W KEELY PARK RD
APOPKA, FL 32712**New Principal Place of Business:**2809 W KELLY PARK RD
APOPKA, FL 32712**Current Mailing Address:**2809 W KEELY PARK RD
APOPKA, FL 32712**New Mailing Address:**2809 W KELLY PARK RD
APOPKA, FL 32712

FEI Number: 20-0164367

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:WANG, JOE
7503 MEGAN ELISSA LANE
ORLANDO, FL 32819 US**Name and Address of New Registered Agent:**

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

Date

In accordance with s. 607.193(2)(b), F.S., the corporation did not receive the prior notice.

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PD () Delete
Name: HUANG, SHUN-CHI
Address: 22 LANE 308, SECTION 3 DONGMEN ROAD
City-St-Zip: TAINAN, TAIWAN, TW TW

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: PD (X) Change () Addition
Name: HUANG, SHUN-CHI
Address: 2809 W. KELLY PARK RD.
City-St-Zip: APOPKA, FL 32712

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PH

05/02/2006

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

Current Principal Place of Business:

2809 W KELLY PARK RD
APOPKA, FL 32712

New Principal Place of Business:

Current Mailing Address:

2809 W KELLY PARK RD
APOPKA, FL 32712

New Mailing Address:

FEI Number: 20-0164367 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired ()

Name and Address of Current Registered Agent:

WANG, JOE
7503 MEGAN ELISSA LANE
ORLANDO, FL 32819 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PD () Delete
Name: HUANG, SHUN-CHI
Address: 2809 W. KELLY PARK RD.
City-St-Zip: APOPKA, FL 32712

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN CHI HUANG

PD

04/15/2007

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

Current Principal Place of Business:2809 W KELLY PARK RD
APOPKA, FL 32712**New Principal Place of Business:****Current Mailing Address:**2809 W KELLY PARK RD
APOPKA, FL 32712**New Mailing Address:**

FEI Number: 20-0164367

FEI Number Applied For ()

FEI Number Not Applicable ()

Certificate of Status Desired ()

Name and Address of Current Registered Agent:WANG, JOE
7503 MEGAN ELISSA LANE
ORLANDO, FL 32819 US**Name and Address of New Registered Agent:**HUANG, SHUN CHI PD
2809 W. KELLY PARK ROAD
APOPKA, FL 32712 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: SHUN CHI HUANG

04/04/2008

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PD () Delete
Name: HUANG, SHUN-CHI
Address: 2809 W. KELLY PARK RD.
City-St-Zip: APOPKA, FL 32712

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN CHI HUANG

PD

04/04/2008

Electronic Signature of Signing Officer or Director

Date

Entity Name: GOLDEN VISION FLOWER INC.

Current Principal Place of Business:

2809 W KELLY PARK RD
APOPKA, FL 32712

New Principal Place of Business:

Current Mailing Address:

2809 W KELLY PARK RD
APOPKA, FL 32712

New Mailing Address:

FEI Number: 20-0164367 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired (X)

Name and Address of Current Registered Agent:

HUANG, SHUN CHI PD
2809 W. KELLY PARK ROAD
APOPKA, FL 32712 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Election Campaign Financing Trust Fund Contribution ().

OFFICERS AND DIRECTORS:

Title: PD () Delete
Name: HUANG, SHUN-CHI
Address: 2809 W. KELLY PARK RD.
City-St-Zip: APOPKA, FL 32712

Title: () Delete
Name:
Address:
City-St-Zip:

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: D () Change (X) Addition
Name: CHUANG, LI-YING
Address: 2809 W. KELLY PARK ROAD
City-St-Zip: APOPKA, FL 32712

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: SHUN-CHI HUANG

PD

03/04/2009

Electronic Signature of Signing Officer or Director

Date