

FILED

AUG 28 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Louis Vuitton Malletier, S.A., NO. C 07-03952 JW
Plaintiff, VERDICT
v.
Akanoc Solutions, Inc., et al.,
Defendants.

WE THE JURY IN THE ABOVE-ENTITLED
CASE UNANIMOUSLY FIND AS FOLLOWS:

CLAIM ONE

CONTRIBUTORY TRADEMARK INFRINGEMENT

QUESTION NO. 1

As to the following Defendants, did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that the following Defendant or Defendants sold services to some other persons or companies or acted on behalf of a company that sold services to some other persons or companies?

ANSWER:

- | | | | |
|----|---|--------------------------------------|--------------------------|
| A. | Akanoc Solutions, Inc. [Circle one:] | ☒ Yes | ☐ No |
| B. | Managed Solutions Group, Inc. [Circle one:] | ☒ Yes | ☐ No |
| C. | Steven Chen [Circle one:] | ☒ Yes | ☐ No |

[If your answer to Question No. 1 is "Yes," as to any Defendant, proceed to Question No. 2. If your answer to Question No. 1 is "No," as to any Defendant ignore that Defendant in Questions 2 - 7. If your answer is "No" as to all Defendants proceed to Question No. 8.]

QUESTION NO. 2

Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that, using services provided by Defendants, one or more of Defendants' customers or a successor-in-interest to Defendants' customers directly infringed a trademark of Plaintiff, by proving that the customer knowingly and intentionally used a mark in connection with the offering for sale, sale or distribution of goods in the United States or in a way that would substantially affect commerce in the United States; and that the mark was counterfeit; and that the use was likely to confuse or deceive?

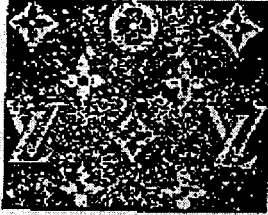
ANSWER:

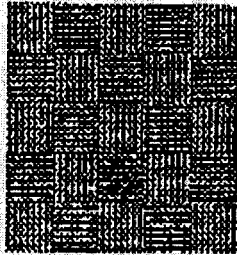
Yes

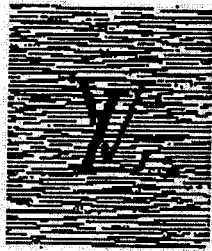
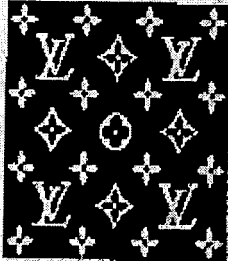
No

[If your answer to Question No. 2 is "Yes," proceed to Question No. 3. If your answer to Question No. 2 is "No," proceed to Question No. 8.]

[The Charts below identifies each Trademark.]

TRADEMARK	REGISTRATION NUMBER	TRADEMARK PICTURE	CLASS OF GOODS
Louis Vuitton (Interlocked Letters) in a Circle Design	286,345		18
Louis Vuitton (Interlocked Letters) and Monogram Canvas Design	297,594		18
LOUIS VUITTON	1,045,932	LOUIS VUITTON	18
Louis Vuitton (Interlocked Letters) Design	1,519,828		18
LOUIS VUITTON MALLETIER A PARIS in Rectangle Design	1,615,681		16, 18

TRADEMARK	REGISTRATION NUMBER	TRADEMARK PICTURE	CLASS OF GOODS
Louis Vuitton (Interlocked Letters) Design	2,291,907		34
LOUIS VUITTON	2,303,212	LOUIS VUITTON	34
Louis Vuitton (Interlocked Letters) Design	2,361,695		25
LOUIS VUITTON PARIS and Damier (pattern design)	2,378,388		18

TRADEMARK	REGISTRATION NUMBER	TRADEMARK PICTURE	CLASS OF GOODS
Louis Vuitton (Interlocked Letters) on Epi Leather Design	1,655,564		18
Louis Vuitton (Interlocked Letters) and Monogram Canvas Pattern Design	1,770,131		25
Louis Vuitton (Interlocked Letters) Design	1,794,905		16, 25
Louis Vuitton (Interlocked Letters) and Monogram Canvas Design	1,875,198		16
Louis Vuitton (Interlocked Letters)	1,938,808		14, 24
LOUIS VUITTON World Mark	1,990,760	LOUIS VUITTON	16, 18, 24, 25

[Using the last three digits of the Registration Number of the trademarks listed in the chart, answer the following question.]

QUESTION NO. 3

Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that the following trademarks were directly infringed by one or more of Defendants' customers?

'345	<u>Yes</u>	No
'594	<u>Yes</u>	No
'932	<u>Yes</u>	No
'828	<u>Yes</u>	No
'681	<u>Yes</u>	No
'907	Yes	<u>No</u>
'212	Yes	<u>No</u>
'695	<u>Yes</u>	No
'388	<u>Yes</u>	No
'564	<u>Yes</u>	No
'131	<u>Yes</u>	No
'905	<u>Yes</u>	No
'198	<u>Yes</u>	No
'808	<u>Yes</u>	No
'760	<u>Yes</u>	No

[If you answered "Yes" to any of the marks proceed to Question 4. If you answered "No" to all of the marks proceed to Question No. 8.]

1 QUESTION NO. 4

2 Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of
 3 evidence that the following Defendant or Defendants knew or should have known
 4 that: one or more of Defendants' customers or successors-in-interest to those
 5 customers were using services sold by Defendants to infringe or to facilitate others to
 6 directly infringe the trademark or trademarks of Plaintiff in the United States; and that
 7 Defendants had reasonable means to withdraw its services so that their services could
 8 not be used to directly infringe but Defendants continued to provide its services to the
 9 customers?

10 ANSWER:

- | | | | | |
|----|----|---|--------------------------------------|----|
| 11 | A. | Akanoc Solutions, Inc. [Circle one:] | ☒ Yes | No |
| 12 | B. | Managed Solutions Group, Inc. [Circle one:] | ☒ Yes | No |
| 13 | C. | Steven Chen [Circle one:] | ☒ Yes | No |

14
 15 *[If you answered "Yes" to Questions 4, proceed to the next question. If your*
 16 *answered "No" to Question No. 4 proceed to Question No. 8.]*

18 QUESTION NO. 5

19 Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of
 20 evidence that Plaintiff was damaged by the contributory infringement of Defendants
 21 of the identified trademark or trademarks?

22 ANSWER:

24 ☒ Yes

No

25
 26 *[If you answered "Yes" to Question 5, proceed to Question 6. If you answered "No"*
 27 *to Question No. 5 proceed to Question No. 8.]*

1 QUESTION NO.6

2 Did Plaintiff Louis Vuitton Malletier, S.A. prove that in contributing to direct
3 trademark infringement the following Defendant or Defendants acted willfully?

4
5 ANSWER:

- | | | | |
|---|---|--------------------------------------|----|
| 6 | A. Akanoc Solutions, Inc. <i>[Circle one:]</i> | ☒ Yes | No |
| 7 | B. Managed Solutions Group, Inc. <i>[Circle one:]</i> | ☒ Yes | No |
| 8 | C. Steven Chen <i>[Circle one:]</i> | ☒ Yes | No |

9
10 *[Proceed to the next Question.]*

11
12 **DAMAGES CONTRIBUTORY TRADEMARK INFRINGEMENT**

13
14 QUESTION NO.7

15 What amount, if any, do you award to Plaintiff Louis Vuitton Malletier, S.A.
16 for statutory damages for contributory trademark infringement?

17 [If your answer to Question No.6 is "No, to that Defendant or Defendants you
18 may award not less than \$1,000 or more than \$200,000 per counterfeit mark per
19 class of goods or services sold, offered for sale, or distributed, in the United
20 States. If your answer to Question No. 6 is "Yes," as to that Defendant or
21 Defendants you may award not more than \$1,000,000 per counterfeit mark per
22 type of goods or services sold, offered for sale, or distributed in the United
23 States.

ANSWER:

A.	Akanoc Solutions, Inc.	\$	<u>10,500,000</u>
B.	Managed Solutions Group, Inc.	\$	<u>10,500,000</u>
C.	Steven Chen	\$	<u>10,500,000</u>
Total Amount:		\$	<u>31,500,000</u>

[Proceed to the next question.]

CLAIM TWO

CONTRIBUTORY COPYRIGHT INFRINGEMENT

QUESTION NO. 8

As to the following Defendants, did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that one or more of the Defendants' customers or a successor-in-interest to Defendants' customers used the services provided by Defendants to directly infringe a copyright of Plaintiff in the United States?

ANSWER:

A.	Akanoc Solutions, Inc. <i>[Circle one:]</i>	<u>Yes</u>	No
B.	Managed Solutions Group, Inc. <i>[Circle one:]</i>	<u>Yes</u>	No
C.	Steven Chen <i>[Circle one:]</i>	<u>Yes</u>	No

[If you answered "Yes" Question 8 proceed to the next Question. If you answered "No" have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict.]

[The Charts below identifies each copyright.]

Copyright	Registration No.	Date Published	Date Registered
Multicolor Monogram	VA 1-250-121	12/18/02	6/24/04
Black Print – Exhibit 450			
Mutlicolor Monogram	VA 1-250-120	12/18/02	6/24/04
White Print – Exhibit 449			

[Using the last three digits of the Registration Number of the listed in the chart copyrights, answer the following question.]

QUESTION NO. 9

Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence the following copyrights were directly infringed by one or more of Defendants' customers that you identified in your answer to Question No. 8?

'121

☒ Yes

☐ No

'120

☒ Yes

☐ No

[Proceed to the next question.]

QUESTION NO. 10

Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that the following Defendant or Defendants knew or should have known that one or more of Defendants' customers or successors in interest of those customers were using services sold by Defendants to infringe or to facilitate others to directly infringe the copyright or copyrights of Plaintiff in the United States and that Defendants had reasonable means to withdraw its services so that they could not be used to directly infringe but continued to provide its services?

ANSWER:

A. Akanoc Solutions, Inc. [Circle one:]

☒ Yes

No

B. Managed Solutions Group, Inc. [Circle one:]

☒ Yes

No

C. Steven Chen [Circle one:]

☒ Yes

No

[If you answered "Yes" as to any Defendant, proceed to Question 11. If you answered "No" as to all Defendants, have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict.]

QUESTION NO. 11

Did Plaintiff Louis Vuitton Malletier, S.A. prove by a preponderance of evidence that Plaintiff was damaged by the contributory infringement of the Defendants of a copyright or copyrights?

ANSWER:

☒ Yes

No

[If you answered "Yes," proceed to Question 12. If you answered "No," have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict.]

QUESTION NO. 12

Did Defendants prove by a preponderance of evidence that they are service providers who acted in a manner that entitles Defendants to the "safe harbor" provisions of the Digital Millennium Copyright Act?

ANSWER:

- | | | | |
|----|--|-----|-------------------------------------|
| A. | Akanoc Solutions, Inc. <i>[Circle one:]</i> | Yes | ☒ No |
| B. | Managed Solutions Group, Inc. <i>[Circle one:]</i> | Yes | ☒ No |
| C. | Steven Chen <i>[Circle one:]</i> | Yes | ☒ No |

[If you answered "No" as to any Defendant, proceed to Question 13. If you answered "Yes," as to all Defendants, have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict.]

QUESTION NO. 13

Did Plaintiff Louis Vuitton Malletier, S.A. prove that in contributing to direct copyright infringement Defendants acted willfully?

ANSWER:

- | | | | |
|----|--|--------------------------------------|----|
| A. | Akanoc Solutions, Inc. <i>[Circle one:]</i> | ☒ Yes | No |
| B. | Managed Solutions Group, Inc. <i>[Circle one:]</i> | ☒ Yes | No |
| C. | Steven Chen <i>[Circle one:]</i> | ☒ Yes | No |

[Proceed to the next Question.]

DAMAGES CONTRIBUTORY COPYRIGHT INFRINGEMENT

QUESTION NO. 14

What amount, if any, do you award to Plaintiff Louis Vuitton Malletier, S.A. for statutory damages for contributory copyright infringement?

[If your answer to Question No. 13 is "No, you may award not less than \$750 nor more than \$30,000 per copyright infringed, the direct infringement of which you found Defendants contributed in the United States. If your answer to Question No. 13 is "Yes," you may award as much as \$150,000 for each

work wilfully infringed. If you find the infringement was innocent, you may award as little as \$200 for each work innocently infringed.]

ANSWER:

A. Akanoc Solutions, Inc.

\$ 300,000

B. Managed Solutions Group, Inc.

\$ 300,000

C. Steven Chen

\$ 300,000

Total Amount:

\$ 900,000

[Have your presiding juror date and sign this verdict form and send out a note that you have reached a verdict.]

DATED:

8-28-09Robin Samuels

Signature of Presiding Juror

Robin Samuels

Print Name of Presiding Juror

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN**
2 **DELIVERED TO:**

3 Annie S Wang annie@coombsp.com
4 Brian S. Edwards bse@gauntlettlaw.com
5 David A. Gauntlett info@gauntlettlaw.com
6 J. Andrew Coombs andy@coombsp.com
7 James A. Lowe info@gauntlettlaw.com

8 Dated: August 26, 2009

Richard W. Wieking, Clerk

9 By: /s/ JW Chambers
10 Elizabeth Garcia
11 Courtroom Deputy
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