A. Let me take a look. I see. This is -- some of the words are very important. An important word is excluded here from the copy.

Q. My question is is Exhibit 15 the flocking association article that you referenced earlier?

A. Basically it is but the photocopying has left off a lot of words.

Q. Okay.

A. And that's a similar case I think. I'd just like to go back to the other exhibit, please. Okay. Well, can I go back to this now?

MR. O'BRIEN: Um-hm.

THE WITNESS: May I go back to the other exhibit, please?

Q. (By Mr. Grimm) What exhibit are you going back to?

A. The Van Heel document.

Q. Exhibit 14?

A. Yeah. On Page 18, the fourth paragraph down it says, besides pigmenting the adhesive formulation, there are different ways to dye the resin which is normally not affected by dyes used on cellulose flock.

So in my opinion here they clearly mention specifically pigmenting the formulation without referring to dyed fiber.

Q. You're referring to the section entitled crushed velvet effect?

A. Correct, yeah. Also on Page 19 in that same document, the Van Heel, as far as finishing options are concerned, finishing of flock fabrics on Page 19, fourth paragraph down says printing of flock fabrics is also possible either by rotary screen printing methods or by transfer printing process.

So here they clearly mention transfer printing as an option in a finishing operation of flocked fabrics.

Q. Do any of the references you just mentioned contain a specific reference to the combination of dark pigmented adhesive and transfer printed flock fabric?

A. When they say pigmented, there are hundreds and hundreds of pigments on the marketplace today. Some would be light pigments, some would be dark pigments.

So clearly there is a palette of colors to choose from. They don't limit this to particular colored pigments.

Q. Does the reference you cited at Page 18 refer in any way to transfer printed in combination with the pigment?

A. It's one skilled in the art --

Q. I'm asking about this particular document. Does this document itself, Exhibit 14 on Page 18, combine the use of pigmented adhesives with transfer printed flock fabric specifically?

A. Just on Page 18?

Q. Yes, sir.

MR. O'BRIEN: You mean the document itself or Page 18 only?

Q. (By Mr. Grimm) I said the document itself at Page 18 make the specific combination of transfer printed flock fabric with pigmented adhesive?

A. Not on Page 18.

Q. Does the document, Exhibit 14, itself on Page 19 make the specific combination of pigmented adhesive with transfer printed flock fabrics?

A. In the same paragraph 2.6, finishing of flock fabrics, I don't see how you can take one page and exclude one term.

You read the entire paragraph which covers two pages, that's how the combination comes about.

Q. Is there any specific reference to the combination of pigmented adhesive and transfer printed flock fabric in Exhibit 15?

A. That would be the AFA? On Page 6, figure two is titled Typical Manufacturing Process for Flock Fabrics.

So in this typical process you start with the substrate, then they talk about adhesive application and there is a block right to the right of that, it says adhesive preparation.

And in the adhesive preparation, one could, depending on what you're trying to formulate, one of the desired characteristics is pigmentation.

So one could add pigments to the adhesive when they're making the adhesive formulation. And then going down again in that typical manufacturing

process diagram, you talk about the application of the flock, removing of the excess flock, flock reorientation, drying and curing system, brushing, wind up and finally to the right at the bottom flocked fabric finishing.

And on Page 13 under the section entitled "finishing flock fabric", one of the options is a printing option on that flocked fabric. It says you may choose to print by a number of techniques including transfer printing methods.

So it's clear one skilled in the art by looking at this typical flow diagram could combine pigmentation of the adhesive coupled with transfer printing.

Q. Okay. Is figure two of Exhibit 15 identical to the diagram of figure one in Exhibit 14?

A. No. If I recall, I think that they use -- is it identical? They use the word "resin" in that diagram and that's because I believe it's -- the German translation from the German adhesive comes out resin which the terms are interchangeable.

Q. So except for the word resin in the diagram

of figure one of Exhibit 14 and the corresponding use of the word adhesive in figure two of Exhibit 15, they are identical, correct?

MR. O'BRIEN: Take your time.

THE WITNESS: They appear to be identical.

Q. (By Mr. Grimm) Okay. Would you agree with me, sir, that there is no mention of pigmented adhesive in figure two of Exhibit 15?

A. I agree.

Q. Is there any mention of transfer printing in figure two of Exhibit 15?

A. It doesn't mention the word transfer printing.

Q. Okay. Is there any specific combination of transfer printed flock fabric and pigmented adhesive in figure two of Exhibit 15?

A. Does it mention in writing specific combinations? No.

Q. Okay. Is there anywhere within Exhibit 15 where the specific combination of transfer printed flock fabric with pigmented adhesive is referenced in

one spot?

A. You have to look at the entire document to draw that conclusion. The answer is there is a combination mentioned and implied and clearly one skilled in the art of combining pigmentation of the adhesive and transfer printing.

Q. So you say it's an implied combination?

A. Not only implied, it's very clear to me that one could combine those.

Q. Well, my question was slightly different, sir.

My question is is there any specific single reference within Exhibit 15 in which the combination is in fact made by the author?

MR. O'BRIEN: Objection to form. I think he's answered that but go ahead and answer it again.

THE WITNESS: It is specific in my opinion. You have to take the document in toto. And it's very clear to me and I'm sure clearer to one skilled in the art that one has a variety of options in this typical manufacturing process for flocked

C E R T I F I C A T E

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths.

I further certify that the deponent named in the foregoing deposition was by me duly sworn, and thereupon testified as appeared in the foregoing deposition; that said deposition was taken by me stenographically in the presence of counsel and reduced to typewriting under my direction, and the foregoing is a true and accurate transcript of the testimony.

I further certify that I am neither of counsel nor attorney to either of the parties to said suit, nor am I an employee of either party to said suit, nor of either counsel in said suit, nor am I interested in the outcome of said cause.

Witness my hand and seal as Notary Public this 1st day of October, 2003.

Barbara L. Murphy, LSR
Notary Public

My Commission Expires:
June 30, 2007

EXHIBIT
BBB

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT
CIVIL ACTION NO.: 02-CV-1267(AVC)

INTERMARK FABRIC CORPORATION, :
Plaintiff, :
vs. :
MICROFIBRES, INC., :
Defendant. :

Computer-aided transcript of deposition testimony of DAVID S. BROOKSTEIN, Sc.D., taken stenographically in the above-entitled matter before LUCILLE A. KELLY, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, held at the offices of Drinker, Biddle & Reath, Esquires, One Logan Square, 18th and Cherry Streets, Philadelphia, Pennsylvania, on Wednesday, September 10, 2003, commencing at 10:10 a.m.

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A. That's the way I read it.
Q. And there is a layer of foam, and the layer is made of foam, correct?
A. That is the way I read it.
Q. And the foam is polyurethane, correct?
A. It's polyurethane open cell foam. There is a difference.
Q. It's a polyurethane open cell foam?
A. That is correct.
Q. And the patent is teaching the materials that are going to be used for the apparel industry?
A. To my knowledge, yes.
Q. So there is a textile substrate. It's accurate to say there is a textile substrate disclosed in the Squires patent that is going to be processed to be used for children's apparel?
A. I don't recall it saying children's apparel.
Q. Well, for apparel.
A. Okay.
Q. Now, the patent also teaches transfer printing on a textile substrate?
MR. GRIMM: Objection to form.

A. That's not a question. You are telling me something. What do you want me to do?
Q. Is it accurate to state that the patent also teaches transfer printing on a textile substrate?
MR. GRIMM: Objection to the form.
A. You have to tell me where you want me to read it. You are just asking me a general question.
Q. Well, you read this patent, didn't you, sir, as part of your --
A. Yes; but I don't recall everything I've read. I need to be prompted to where.
Q. Well, as you sit here today, you can't say whether or not the -748 patent teaches transfer printing on a textile substrate?
A. No, I can say it does, but that's not what I asked you.
Q. I'm asking for your understanding, sir.
A. Okay. It does teach transfer printing.
Q. On a textile substrate?
A. Yes.
Q. And it also discloses pigmenting the

adhesive?

A. I recall that.

Q. And, in fact, if we look at claim -- would you agree with me that it also teaches air texturizing?

A. I don't recall where. If you would be kind enough to show me where it teaches that --

Q. Well, even if we look at the claims, if we look at Claims 10, 15, and 17, sir, can we look at those three claims?

A. Yes. 10. What was the other two?

Q. 15 and 17, sir.

A. Yes.

Q. Would you agree with me those three claims distinguish between pigmenting the dye and air texturizing?

A. I'm not clear what you mean by the phrase "distinguish between."

Q. Well, let's go to Claim 17 for a minute. It says, A method according to Claim 15 wherein the adhesive has a solid color. Do you see that, sir?

A. Yes, I do.

Q. Would a solid color, in your

to do?

Q. Well, let me ask you, sir, based on your review of the documents, and I understand you haven't inspected the Flash or Frosty products --

A. I have not, right.

Q. Based on your understanding of Flash and Frosty as it was produced in 1989, would you agree with me that Flash and/or Frosty -- let's start with Frosty. Would you agree with me that Frosty as it was manufactured in 1989 is a flocked fabric comprising a textile substrate?

A. Yes.

Q. Would you agree with me that Frosty as it was manufactured in 1989 had raised thermoplastic fibers on the substrate?

A. How would you define raised?

Q. Do you understand what the term "raised" means?

A. Yes.

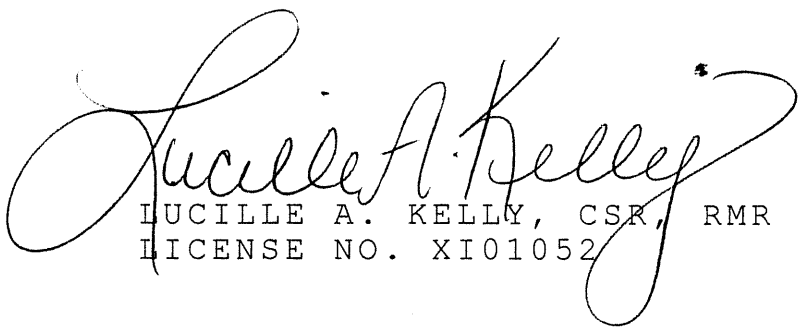
Q. What is your understanding of the term "raised"?

A. That they are perpendicular. Well, no. They could be anything from perpendicular to not perpendicular.

C E R T I F I C A T E

I, LUCILLE A. KELLY, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the deposition of said witness who was first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.



LUCILLE A. KELLY, CSR, RMR
LICENSE NO. XI01052

Dated: September 14, 2003

My Notary Commission expires March 8, 2005