EXHIBIT

3

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

COPY

INTERMARK FABRIC CORPORATION, Plaintiff, vs. MICROFIBRES, INC., Defendant.	Civil Action No. 3:02 CV 1267

Deposition of WAYNE TURCOTTE, taken pursuant to the Federal Rules of Civil Procedure, at the law offices of Cantor Colburn LLP, 55 Griffin Road South, Bloomfield, Connecticut, before Jenny L. Albert, License #00207, a Registered Professional Reporter and Notary Public in and for the State of Connecticut, on Wednesday, May 21, 2003, at 9:41 a.m.

This is off the record.

(Discussion off the record)

(Flocked fabric marked Defendant's Exhibit 4 for identification)

BY MR. GRIMM:

Q. What is Exhibit 4?

A. It's flocked fabric with black adhesive on a poly cotton substrate that's been embossed and then transfer printed.

Q. When you say "embossed," do you mean air embossed?

A. Yes.

Q. Did Intermark perform all the operations necessary to create Exhibit 4?

A. Yes.

Q. So Intermark took a textile substrate, applied black adhesive, coated flock to create a flocked fabric, correct?

A. Yes.

Q. It air texturized the fabric, correct?

A. Yes.

Q. The purpose of which was to create a pattern?

A. Yes.

Q. And then Intermark transfer printed on that fabric, correct?

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A. Yes.

Q. Is Exhibit 4 one of these samples that was created for Jest Textiles?

A. Yes.

Q. Do you see the date of the sample is November 9th of 2001, correct?

A. Yes.

Q. Does that refresh your memory that the meeting with Jest Textiles was in the fall of 2001?

A. Yes.

Q. At the time Intermark created the flocked fabric which is Exhibit 4, had you received Exhibit 3?

A. Yes.

Q. So is it fair to say that at the time Intermark created the flocked fabric which is Exhibit 4, it was on notice of the existence of Microfibres' 021 patent?

A. Yes.

Q. Was the purpose of creating these samples to generate sales from Jest Textiles?

A. Yes.

Q. Were these samples used for any other customers or potential customers?

A. Not that I'm aware of.

Q. Did you or anyone else associated with

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machine?

A. Yes. You use different either screens or pipes.

Q. Does Intermark have a listing of all of the different Frosty products its sold over the years?

A. It would be -- yes.

Q. And what is that list called?

A. The list would be compiled by customer.

Q. And is there a master list kept of all the Frosty patterns?

A. I don't understand your question.

Q. Am I correct that all dark adhesive flocked fabric made at Intermark is called Frosty?

A. Yes.

Q. Okay. And within Frosty, there are different colored adhesives that are sometimes used, correct?

A. Yes.

Q. And how are the colors designated on the records that you keep?

A. It will usually say Frosty black and a product or Frosty brown, whatever.

Q. And then am I correct that you -- when you use an air embossing on the Frosty product, that's designated in some way?

A. Yes.

various PMD entity relationships?

A. Susan and Bill.

Q. What's Intermark's relationship with Imex?

A. Imex? May I see? Hmm, I don't recall. I don't recall.

Q. What is Intermark's relationship with Spandauer Velours?

A. He's a customer.

Q. And who within Intermark is responsible for that relationship?

A. Bill Lucchesi.

Q. Who's the contact at Spandauer?

A. Gunter Walter.

Q. Has Intermark sold Frosty to Spandauer Velour?

A. Yes.

Q. Does Spandauer Velour have transfer printing capability?

A. Yes.

Q. At the time Intermark sold Frosty to Spandauer Velour, was it aware that Spandauer planned to transfer print?

A. Yes.

Q. During what period of time has Intermark sold Frosty to Spandauer Velour for transfer printing?

MR. CASS: Objection.

A. Yes.

Q. Thank you. In the past, has Intermark assisted transfer printers with their transfer printing operations on the Frosty product?

A. Yes.

Q. And what assistance has Intermark offered to transfer printers related to their transfer printing the Frosty product?

A. Just explain to them which direction the fabric should be running, what temperatures the fabric should be running, different pressures that can be used, brushing, brushing post and after.

Q. And what is the -- what is Intermark's purpose in offering such assistance to transfer printers to transfer print the Frosty product?

A. We offer assistance to transfer printers on all of our products, not just the Frosty, and obviously, the better job they do, the more we sell.

Q. Does or has Intermark advised customers and potential customers that Frosty is suitable for transfer printing?

A. Yes.

Q. And in connection with that, those statements, does Intermark identify any particular

would happen is they'll ask for samples of several products and try it on their particular transfer print machines.

Q. Okay.

A. We do the same thing for wet printers and piece dyers also.

Q. Are there any written pieces that you hand out to prospective customers concerning the product line beyond the samples that you show and the pieces of clothe that you give?

A. Occasionally, a person who hasn't handled any flock, I've handed out written information on what the general idea is of printing -- transfer printing flock, the temperature people normally run, the pressure people normally run. I might give them a suggestion as to where to buy good -- what we consider to be good transfer print paper.

Q. So in connection with your sales efforts related to Frosty, you sometimes hand out written instructions concerning the transfer print process; is that correct?

A. Yes. We've done that in the past.

MR. GRIMM: Why don't you mark that.

(September 21, 1991 letter with attached drawing marked Defendant's Exhibit 9 for

MR. LUCCHESI: Excuse me.

Q. And was he able to suggest --

MR. LUCCHESI: I have to go to the bathroom real bad.

MR. CASS: Sure. We'll take a five-minute break.

(Break taken)

MR. CASS: Could you read back the last question and answer, please.

(Last question and answer read back)

Q. When we say "the product," which product are we talking about?

A. The Frosty product.

Q. And what were the components of Frosty again?

A. Substrate, black adhesive, natural flock.

Q. Okay. And now, after Mr. Kaija saw the mottling, what did he indicate that he would do to solve that problem, if anything?

A. He was going to go back and talk to his technical people, but he felt that they were going to have to take out some of the finish.

Q. Okay. Now, when we say "some of the finish," what type of finish are we talking about?

A. It's got electrical finish.

Q. What is electrical finish?