

# **EXHIBIT C**



1 communications or is entitled to privilege but --

2 THE COURT: I don't see that person's name. I only  
3 see one Weaver on here.

4 MR. CHAIKEN: [REDACTED] is on the first page, [REDACTED]  
5 [REDACTED]

6 THE COURT: Oh, I see it, yes.

7 MR. CHAIKEN: And on the second page you'll find [REDACTED]  
8 [REDACTED]

9 THE COURT: I see that. So who is Deep River  
10 Ventures?

11 MR. CHAIKEN: I'm glad you asked, Your Honor.

12 Deep River Ventures is a consultant hired by  
13 Industrial Heat or Cherokee or, you know, it is still unclear  
14 because we've never received an executed version of an  
15 agreement. We've received drafts of the agreement.

16 Now, it is our understanding, through hearing  
17 testimony from Industrial Heat VP, that Deep River Ventures was  
18 retained for the purposes of helping them with their IP  
19 strategy. And perhaps acquiring additional IP related to the  
20 technology at issue and finding investors related to that.

21 And we've also received through discovery things  
22 showing that, in fact, what Deep River and [REDACTED] were  
23 doing is anything but that as it relates to [REDACTED] And in  
24 fact, what [REDACTED] was really doing was attempting to do a  
25 character assassination of [REDACTED] on-line.

1 In fact, was consistently blogging and attacking Dr.  
2 Rossi on-line, making statements against him. Calling him a  
3 fraud and goading Dr. Rossi to responding on-line. And there  
4 are numerous e-mails or numerous blog posts that regard that.

5 With respect to what their agreement says, though,  
6 specifically we received as part of our production, a draft of  
7 the consultant agreement with Deep River Ventures.

8 And in that draft, there's a paragraph that provides  
9 that Deep River is providing no legal services and I will read  
10 paragraph.

11 It states: IH understands -- IH is Industrial Heat --  
12 understands and acknowledges that DRV -- that's Deep River  
13 Ventures -- is not a law firm. It does not and will not  
14 perform legal services for IH.

15 And its services should not be used as a substitute  
16 for, a replacement of, or relied upon as the work of lawyers or  
17 a law firm.

18 IH understands that some intellectual property related  
19 and services may require DRV, or its contractors to review  
20 patents and other documents in order to render DRV services,  
21 but DRV will not be doing that review as lawyers or providing  
22 legal advice or opinions.

23 So there are numerous entries on their privileged log  
24 with respect to these Deep River, Philip Morris, Dewey Weaver.  
25 And in fact, there are communications simply between Dewey