

In the Matter Of:

FEIT ELECTRIC CO. v

ELONG INTERNATIONAL USA

E. FRED SCHUBERT, PH.D.

October 10, 2025



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VOLUME 1
PAGES: 1-102
EXHIBITS: See Index
E. Fred Schubert, Ph.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

)
FEIT ELECTRIC CO., INC.,)
)
Plaintiff,)
) Civil Action
v.) No. 3:24-cv-01089
)
ELONG INTERNATIONAL USA, INC.;)
XIAMEN LONGSTAR LIGHTING CO.,)
LTD.,)
)
Defendants.)
_____)

** HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY **

VIDEOTAPED DEPOSITION of E. FRED SCHUBERT, PH.D.

- CONDUCTED BY VIDEOCONFERENCE -

Friday, October 10, 2025

9:07 a.m. Central Daylight Time

Michelle Keegan, RMR, CRR, CSR

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2 FEIT ELECTRIC CO. v
ELONG INTERNATIONAL USA Attorneys Eyes Only

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12 Also Present:

13 Nathaniel Avila, Videographer
14 Nick Kliever, Esq., Feit Electric

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I N D E X

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** Documents quoted on the record are
transcribed as read **

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P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record. My name is Nathaniel Avila. I am the remote videographer with Lexitas.

Today's date is October 10th, 2025, and the time is 9:07 a.m. Central Time. This deposition is being held remotely in the matter of Feit Electric Company, Inc., versus Elong International USA, Incorporated, et al. The deponent is E. Fred Schubert.

Would counsel and all present please introduce themselves, after which the court reporter, Michelle Keegan, will swear in the witness.

MR. AUERBACH: This is Jonathan Auerbach from Radulescu LLP on behalf of defendants.

MR. PAPACOSTAS: This is Simeon Papacostas from Benesch, representing plaintiff, Feit Electric. Along with me is Nick Kliever, also from Feit Electric.

E. FRED SCHUBERT, PH.D.,
having been satisfactorily identified and duly sworn by the Notary Public, was examined and testified as follows:

1 light-emitting diodes for a long time, including
2 in the time frame that we are seeing here, 2006,
3 2009.

4 And Dr. Wetzel has performed work in this
5 field. During that time, we have collaborated, we
6 have supported each other, we have bounced off --
7 ideas off each other, we have worked with other
8 individuals at other institutions.

9 And I just don't have a clear recollection
10 of our working together being connected to this
11 particular program.

12 MR. AUERBACH: I'll mark the next exhibit.

13 (Exhibit 11 marked for identification)

14 Q. I have marked as Exhibit 11 the transcript
15 of the September 12th, 2025 deposition of E. Fred
16 Schubert, Ph.D., M.S., in the matter of Savant
17 Technologies LLC v. Feit Electric Company, Inc.

18 Dr. Schubert, do you recognize this
19 deposition transcript?

20 A. You mean, do I recall seeing this document
21 before? Is that what you're asking?

22 Q. That is my current question. Yes. Do you
23 recall seeing this transcript?

24 A. Yes, I have seen the transcript.

25 Q. And you were, in fact, deposed on

1 September 12th, 2025 in the Savant v. Feit
2 Electric matter that's indicated in the caption on
3 PDF page 2 of Exhibit 11?

4 A. Yes.

5 Q. And during that deposition, you were under
6 oath. Correct?

7 A. Correct.

8 Q. During the September 12th, 2025
9 deposition, you were under oath under penalty of
10 perjury. Correct?

11 A. Correct.

12 Q. During that deposition, you were asked a
13 series of questions. Correct?

14 A. Correct.

15 Q. The questions that you were asked at the
16 September 12th, 2025 deposition are reflected in
17 the transcript that's Exhibit 11. Correct?

18 A. Yes.

19 Q. The answers you gave to the questions you
20 were asked at the September 12th, 2025 deposition
21 are reflected in the transcript that is
22 Exhibit 11. Correct?

23 A. Yes.

24 MR. AUERBACH: I'll put into the chat a
25 document marked as Exhibit 12.

1 (Exhibit 12 marked for identification)

2 Q. I've put into the chat a document marked
3 as Exhibit 12. It is entitled "Closeout
4 Memorandum," from the National Science Foundation,
5 Office of Inspector General, Office of
6 Investigations.

7 Dr. Schubert, do you recognize the
8 document that has been marked as Exhibit 12?

9 A. I do not.

10 Q. Do you see there is a case number at the
11 top left of the document?

12 A. Yes.

13 Q. Do you see the case number is I09020004?
14 Do you see that?

15 A. Can you read the numbers again?

16 Q. Do you see the case number is I, the
17 letter I, then 09020004?

18 A. I see the case number.

19 Q. Okay. And then in the top of the first
20 paragraph it says, "OIG opened this investigation
21 based on an allegation that a Principal
22 Investigator (PI) on an NSF award had not
23 disclosed to the awarding institution his interest
24 in a small business he had founded with his wife."
25 Do you see that?

1 A. Yes.

2 Q. Do you know who the principal investigator
3 that is being referred to in this closeout
4 memorandum is?

5 MR. PAPACOSTAS: Object to form,
6 foundation.

7 A. No.

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8 MR. AUERBACH: I'm going to mark
9 Exhibit 13.

10 (Exhibit 13 marked for identification)

11 Q. I've marked as Exhibit 13 a nine-page
12 document that is entitled "NSF OIG DOIA Log 2011."

13 If we go down to page 9 of Exhibit 13, we
14 see in the second row there is a first column that
15 says, "Requester's Name." And in the second row
16 under "Requester's Name" it says "Schubert,
17 E. Fred." Do you see that?

18 A. Yes.

19 Q. And then do you see the column that says
20 "Requested Records"? Do you see that column?

21 A. I do.

22 Q. And then do you see in the second row,
23 under "Requested Records" it says, "FOIA / Privacy
24 Act request for Closeout Memorandum /
25 Investigation Report, Reference number I09020004."

1 Do you see that?

2 A. Yes.

3 Q. And do you see the "Results" column to the
4 left of "Requested Records" and for the second row
5 it says, "Granted in part"?

6 A. Yes.

7 Q. Did you request the closeout

8 memorandum/investigation report for Reference
9 Number I09020004 from the NSF?

10 MR. PAPACOSTAS: Objection to form,
11 outside the scope.

12 A. I don't know.

13 Q. Is that your name listed under
14 "Requester's Name"?

15 A. Yes.

16 Q. And you have no recollection of making a
17 FOIA request to the NSF for the closeout
18 memorandum/investigation report for Reference
19 Number I09020004? Is that your testimony?

20 MR. PAPACOSTAS: Same objection.

21 A. So this is 2011? I do not recall.

22 Q. Do you see in the third row there is
23 another person, another requester with the last
24 name "Schubert"?

25 A. Yes.

1 Q. And in the fifth row as well?

2 A. Yes.

3 Q. Do you know who that person is?

4 A. My wife.

5 Q. Do you know why your wife would have been
6 requesting records from the NSF OIG in 2011?

7 FEIT ELECTRIC CO. v ELONG INTERNATIONAL USA Attorneys Eyes Only E. Fred Schubert, Ph.D.
MR. PAPACOSTAS: Objection to form,

8 foundation.

9 A. I do not know.

10 Q. Do you see on page 7 in the second row
11 there is another request from your wife? Do you
12 see that?

13 A. Yes.

14 Q. Do you know why your wife made the request
15 that's reflected on page 7 in the second row?

16 MR. PAPACOSTAS: Objection to form,
17 foundation.

18 A. I do not know.

19 MR. PAPACOSTAS: I have a standing
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20 objection based on foundation on this exhibit.

21 MR. AUERBACH: Noted.

22 Q. Do you see there on page 6 there are two
23 additional requests from your wife to the NSF OIG?

24 A. Yes.

25 Q. Do you know why your wife made the

1 requests that are reflected on page 6 of
2 Exhibit 13?

3 MR. PAPACOSTAS: Objection, form,
4 foundation.

5 A. I do not know.

6 Q. On page 5, do you see another request by
7 your wife in the second row?

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E. Fred Schubert, Ph.D.

8 MR. PAPACOSTAS: Objection to form.

9 A. Yes.

10 Q. Do you know why your wife made the request
11 to NSF OIG that's reflected on page 5 of
12 Exhibit 13?

13 MR. PAPACOSTAS: Objection to form,
14 foundation.

15 A. I do not.

16 MR. AUERBACH: Why don't we take a
17 five-minute break.

18 THE VIDEOGRAPHER: The time is 1:52 p.m.
19 We're going off the record.

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20 (Recess, 1:52 p.m. to 2:05 p.m.)

21 THE VIDEOGRAPHER: The time is 2:05 p.m.,
22 and we're back on the record.

23 MR. AUERBACH: Dr. Schubert, I have no
24 more questions for you today.

25 MR. PAPACOSTAS: We also have no more

1 questions for Dr. Schubert. I want to thank the
2 witness for his time. Thank the staff. Thank
3 you, Jon.

4 MR. AUERBACH: Thank you, Dr. Schubert.
5 Thank you, Simeon. Thank you, Madam Court
6 Reporter and the videographer. We appreciate it.

7 THE VIDEOGRAPHER: Absolutely.

8 Really quick, do we have any video orders
9 at all?

10 MR. PAPACOSTAS: Let's go off the record
11 before we do that. All right?

12 THE VIDEOGRAPHER: This concludes today's
13 deposition. The time is 2:06 p.m., and we're
14 going off the record.

15 (Off the record at 2:06 p.m.)

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1 COMMONWEALTH OF MASSACHUSETTS
2 SUFFOLK, SS.

3
4 I, Michelle Keegan, Registered Merit Reporter
5 and Notary Public in and for the Commonwealth of
6 Massachusetts, do hereby certify that E. FRED
7 SCHUBERT, PH.D., ^{FEIT ELECTRIC CO. v ELONG INTERNATIONAL USA Attorneys Eyes Only E. Fred Schubert, Ph.D.} the witness whose deposition is
8 hereinbefore set forth, was duly sworn by me and
9 that such deposition is a true record, to the best
10 of my ability, of the testimony given by the
11 witness.

12 I further certify that I am neither related to
13 or employed by any of the parties in or counsel to
14 this action, nor am I financially interested in
15 the outcome of this action.

16 In witness whereof, I have hereunto set my hand
17 and seal this 11th day of October, 2025.

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22

Notary Public

23

My commission expires:

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May 15, 2026

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