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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

8 SOARING HELMET CORPORATION, a
9 Washington corporation,

10 Plaintiff,

11 v.

12 BILL ME, INC., d/b/a/ LEATHERUP.COM, a
13 New York corporation, and GOOGLE, INC., a
14 Delaware corporation.

15 Defendants.

Cause No.

PLAINTIFF'S COMPLAINT FOR:

(1) FEDERAL TRADEMARK
INFRINGEMENT, 15 U.S.C.
§1114;

(2) FALSE DESIGNATION OF
ORIGIN, FALSE ADVERTISING,
AND UNFAIR COMPETITION, 15
U.S.C. §1125(a);

(3) UNFAIR COMPETITION,
RCW 19.86.

(5) TORTIOUS INTERFERENCE
WITH PROSPECTIVE
ECONOMIC ADVANTAGE

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19 Plaintiff Soaring Helmet Corporation ("Soaring Helmet" or "Plaintiff"),
20 complains and alleges as follows:
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I. INTRODUCTION

1.1 This matter concerns the trademark infringement, unfair competition, and tortious interference with prospective economic advantage by Defendants, BILL ME INC., d/b/a/ LEATHERUP.COM and GOOGLE, INC., (collectively, "Defendants") against the owner of the following registered trademark: "VEGA" U.S. Trademark Registration No. 2087637 (the "Mark").

1.2 Soaring Helmet brings this action to secure relief under Federal and Washington State law. Soaring Helmet seeks: (a) a temporary, preliminary and permanent injunction prohibiting Defendants from further infringement of Soaring Helmet's Mark; (b) money damages for Defendants' past and continuing infringement of the Mark, unfair competition, and tortious interference with prospective economic advantage.

II. THE PARTIES

2.1 Plaintiff. Plaintiff Soaring Helmet is a corporation duly organized and existing under the laws of the State of Washington with its principal place of business in Tukwila, Washington. Soaring Helmet is in good standing with the Washington Secretary of State's Office and has done all things necessary and proper to bring this lawsuit.

2.2 Defendants. Based on information and belief, Defendant Bill Me, Inc., d/b/a/ Leatherup.com ("Leatherup.com") is a New York corporation, with headquarters at 2620 South Maryland, Suite 846, Las Vegas, Nevada, 89109. On information and belief,

1 Defendant Leatherup.com offers motorcycle accessories for sale on a nationwide basis,
2 including Washington State, via its website and a toll-free telephone number.

3 2.3 Defendant Google, Inc. ("Google") is a Delaware Corporation, with
4 headquarters at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Google
5 offers its internet search engine services on a nationwide basis, including Washington
6 State, via its website.

7 **III. JURISDICTION AND VENUE**

8 3.1 This Court has original jurisdiction over Count I and II under 15 U.S.C.
9 §1121(a) (action arising under the Lanham Act) and 28 U.S.C. §§1331, 1338(a) (federal
10 question) in that this case arises under the Trademark Laws of the United States, 15
11 U.S.C. §§1051-1127.

12 3.2 This Court has jurisdiction over Count III and Count IV under 28 U.S.C
13 §1338(b) in accordance with the principles of pendant jurisdiction in that said claims are
14 joined with substantial and related claims under the Trademark Laws of the United
15 States, 15 U.S.C. §§1051-1127.

16 3.3 Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

17 3.4 Personal jurisdiction in this district is proper because Defendants maintain
18 continuous and systematic commercial contacts with Washington State. On information
19 and belief, Defendants have purposefully availed themselves of the opportunity to
20 conduct commercial activities in this forum, and this Complaint arises out of those
21 activities.
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1 **IV. FACTUAL BACKGROUND**

2 **Soaring Helmet's Trademark Rights.**

3 4.1 Since March 18, 1994, and continuously to the present, Soaring Helmet has
4 owned and used the trademark VEGA in interstate commerce in connection with the sale
5 of motorcycle helmets.

6 4.2 On August 23, 1996, Soaring Helmet filed an application to register the
7 Mark with the United States Patent and Trademark Office (PTO). The Mark was
8 registered on the Principal Register of the PTO on August 12, 1997 and was assigned
9 Registration Number 2087637. A true and correct copy of the Certificate of Registration
10 issued by the PTO is attached hereto as **Exhibit A.**

11 4.3 Soaring Helmet has sold a wide and diverse variety of VEGA helmets to
12 customers throughout the United States. Soaring Helmet has invested substantial sums of
13 time, money and effort to develop, use, advertise and promote the Mark. As a result, the
14 Mark has become an integral and indispensable part of Soaring Helmet's business. To
15 this end, Soaring Helmet carefully guards its intellectual property rights.
16

17 **Defendants' Wrongful Acts.**

18 4.4 Defendant Google operates a widely used Internet search engine through
19 which customers can search for, among other things, websites offering products and
20 services. A user can search on general terms, such as "motorcycle helmets," or more
21 specific keywords, such as "VEGA helmets." The Google search engine compares the
22 search terms entered by a user with databases of websites and generates a listing of the
23 sites matching those terms. The results of these searches are known as "organic listings."

1 4.5 In addition to organic listings, Google sells the opportunity to have
2 advertisements appear alongside the organic listings. These advertisements appear as
3 “Sponsored Links” either above or to the right of the organic search results. Upon
4 information and belief, Google sold Plaintiff’s Mark VEGA to Leatherup.com as a
5 keyword which enables Leatherup.com to place a Sponsored Link alongside organic
6 listings for the search query “VEGA helmets.” Upon information and belief, Google
7 allows advertisers to purchase trademarked terms regardless of whether the advertiser in
8 fact sells any products under the purchased trademarked keyword.

9 4.6 In approximately April 2009, Plaintiffs learned that when the query
10 “VEGA helmets” is searched via the Google search engine, an advertisement appeared
11 under Google’s sponsored listings that stated that Leatherup.com offered “50% off Vega
12 Helmets.” A copy of the search results is attached hereto as **Exhibit B**.

13 4.7 The Leatherup.com advertisement was false and misleading because
14 Leatherup.com does not in fact sell any of Soaring Helmet’s VEGA products.

15 4.8 Soaring Helmet has lost business due to actual confusion caused by the
16 false and misleading Leatherup.com advertisement when at least one retailer refused to
17 do business with Soaring Helmet due to the fact that the Leatherup.com advertisement
18 falsely stated that Leatherup.com sells Soaring Helmet’s products at a deep discount.

19 4.9 On or about April 28, 2009, Soaring Helmet sent letters to Defendants
20 Leatherup.com and Google, demanding they cease and desist all use of the trademark
21 VEGA in connection with false and misleading advertisements. Copies of these letters
22 are attached hereto as **Exhibits C and D**.

1 4.10 Google agreed to remove reference to the trademark VEGA from the
2 Leatherup.com sponsored listing, which was confirmed via e-mail on or about May 20,
3 2009. However, when the query “VEGA Helmets” is searched via the Google website,
4 the Leatherup.com advertisement still appears in Google’s sponsored listings, despite the
5 fact that Leatherup.com does not in fact sell any of Soaring Helmet’s VEGA products. A
6 copy of the current Google search results is attached as Exhibit E.

7
8 **V. FIRST CAUSE OF ACTION**
9 **FEDERAL TRADEMARK INFRINGEMENT**
10 (15 U.S.C. §1114)

11 5.1 Soaring Helmet realleges and incorporates herein by reference the
12 allegations contained in all preceding paragraphs of this Complaint as part of this cause
13 of action.

14 5.2 Soaring Helmet holds a valid and existing federal registration for the Mark.
15 Soaring Helmet has continuously used the Mark since as early as 1994.

16 5.3 Defendant Leatherup.com, by using Soaring Helmet’s Mark as a keyword
17 to place its advertisements next to organic listings for Soaring Helmet’s Mark, is likely to
18 cause initial interest confusion of consumers that are in fact searching solely for Soaring
19 Helmet’s Mark.

20 5.4 Defendant Google, through its keyword advertising program, contributes to
21 the aforementioned trademark infringement by knowingly encouraging advertisers to use
22 Soaring Helmet’s Mark in false and misleading advertisements that have caused, and is
23 likely to cause confusion, mistake, or deception of consumers, to the detriment of Soaring
Helmet.

1 5.4 As a result of the confusion engendered by the false and misleading
2 advertising, Soaring Helmet's valuable goodwill in respect to its VEGA Mark is at the
3 mercy of Defendants.

4 5.6 The goodwill of Soaring Helmet's business is of enormous value, and
5 Soaring Helmet will suffer irreparable harm should infringement be allowed to continue
6 to the detriment of its trade reputation and goodwill.

7 5.7 Defendants' use of the Mark as alleged herein was done without the
8 knowledge, consent or permission of Soaring Helmet and continues without the consent
9 or permission of Soaring Helmet.

10 5.8 Defendants have violated the trademark rights of Soaring Helmet under the
11 Trademark Act, thereby giving rise to a cause of action under 15 U.S.C. § 1114.

12 5.9 Soaring Helmet will be irreparably harmed unless Defendants are
13 temporarily, immediately and permanently enjoined from any further use of the Mark and
14 any further false and misleading advertising using the Mark.

15 5.10 Soaring Helmet has no adequate remedy at law and serious damage to its
16 trademark rights will result unless Defendants' wrongful use of the Mark is enjoined by
17 the court.

18 5.11 Defendants have continued to use the Mark notwithstanding that they have
19 actual knowledge of Soaring Helmet's superior trademark rights as alleged herein, as
20 well as knowledge of the actual confusion suffered by Soaring Helmet's customers.
21 Defendants' infringement of the Soaring Helmet VEGA Mark accordingly constitutes
22 intentional, willful, knowing and deliberate trademark infringement throughout the United
23

1 States, including Washington State. Plaintiff therefore seeks judgment in the amount of
2 three (3) times its damages, together with reasonable attorney's fees pursuant to 15
3 U.S.C. § 1117(a).

4 5.12 Defendants' infringement of the VEGA Mark as alleged herein has caused,
5 and will continue to cause, Soaring Helmet to suffer damages in an amount unknown at
6 this time and has caused, and will continue to cause, Defendants to gain revenues and
7 profit in an amount unknown at this time. Pursuant to 15 U.S.C. § 1117(a), Soaring
8 Helmet is entitled to an award of monetary damages in an amount equal to the losses
9 suffered by Soaring Helmet or the revenues and/or profits gained by Defendants, which
10 damages should be augmented as provided by 15 U.S.C. §1117(a).

11 5.13 Pursuant to 15 U.S.C. § 1117(a), any monetary damages awarded to Soaring
12 Helmet should be trebled.

13 5.14 Pursuant to 15 U.S.C. § 1117(a), Soaring Helmet is entitled to an award of
14 attorneys fees and costs of suit.

15
16 **VI. SECOND CAUSE OF ACTION**
17 **FALSE DESIGNATION OF ORIGIN, FALSE ADVERTISING AND UNFAIR**
18 **COMPETITION UNDER LANHAM ACT SECTION 43(a)**
19 (15 U.S.C. §1125(a))

20 6.1 Soaring Helmet realleges and incorporates herein by reference the
21 allegations contained in all preceding paragraphs of this Complaint as part of this cause
22 of action.
23

1 6.2 The actions of Defendants as alleged herein constitute false designation of
2 origin, false advertising and unfair competition pursuant to Section 43(a) of the Lanham
3 Act, 15 U.S.C. § 1125(a).

4 6.3 The actions of Defendants have and are likely to continue to deceive
5 customers and prospective customers into believing that Defendant Leatherup.com sells
6 the products of Soaring Helmet, and, as a consequence, are likely to divert customers
7 away from Soaring Helmet throughout the United States, including in Washington State.

8 6.4 Soaring Helmet has and will continue to be irreparably harmed unless
9 Defendants are temporarily, immediately and permanently enjoined from any further use
10 of the Mark and any further false and misleading advertising of products using the Mark.

11 6.5 Soaring Helmet has no adequate remedy at law and serious damage to its
12 trademark rights will result unless Defendants' wrongful use of the Mark is enjoined by
13 the court.

14 6.6 The actions of Defendants as alleged herein constitute intentional, willful,
15 knowing and deliberate unfair competition and false advertising pursuant to Lanham Act
16 Section 43(a).

17 6.7 Defendants' acts of unfair competition and false advertising in violation of
18 the Lanham Act Section 43(a) as alleged herein have caused, and will continue to cause,
19 Soaring Helmet to suffer damages in an amount unknown at this time and have caused,
20 and will continue to cause Defendants to gain revenues and profit in an amount unknown
21 at this time. Pursuant to 15 U.S.C. §1117(a), Soaring Helmet is entitled to an award of
22 monetary damages in an amount equal to the losses suffered by Soaring Helmet and the
23

1 revenues and/or profits gained by Defendants, which damages should be augmented as
2 provided by 15 U.S.C. §1117(a).

3 6.8 Pursuant to 15 U.S.C. §1117(a), any monetary damages awarded to Soaring
4 Helmet should be trebled.

5 6.9 Pursuant to 15 U.S.C. §1117(a), Soaring Helmet is entitled to an award of
6 attorneys fees and costs of suit.

7 **VII. THIRD CAUSE OF ACTION**
8 **WASHINGTON STATE UNFAIR COMPETITION AND**
9 **CONSUMER PROTECTION ACT**
(RCW 19.86)

10 7.1 Soaring Helmet re-alleges and incorporates herein by reference the
11 allegations contained in all preceding paragraphs as part of this cause of action.

12 7.2 Defendants have engaged in unfair and deceptive acts or practices by using
13 Soaring Helmet's VEGA Mark in connection with false and misleading advertising in
14 Washington thereby creating a likelihood of public confusion as to the source of the
15 goods and services.

16 7.3 Defendants' deceptive acts or practices injured Soaring Helmet.

17 7.4 Defendants' actions offend the public, are unethical, oppressive and
18 unscrupulous, affecting trade and commerce now and in the future both within
19 Washington State and elsewhere.

20 7.5 A causal link exists between the deceptive act and the resulting injury.
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1 7.6 Soaring Helmet has suffered damages relating to violation of the Consumer
2 Protection Act RCW 19.86 by Defendants. The quantum of these damages will be
3 proven at trial.

4 7.7 Soaring Helmet seeks, and is entitled to recover, its actual damages,
5 together with the costs of suit, including reasonable attorneys' fees.

6 7.8 Soaring Helmet seeks and is entitled to recover an award of damages of up
7 to three times the amount of the actual damages sustained up to the amount permitted by
8 law.

9
10 **VIII. FOURTH CAUSE OF ACTION**
11 **TORTIOUS INTERFERENCE WITH PROSPECTIVE**
12 **ECONOMIC ADVANTAGE**

13 8.1 Soaring Helmet re-alleges and incorporates herein by reference the
14 allegations contained in all preceding paragraphs as part of this cause of action.

15 8.2 Soaring Helmet's right to obtain prospective customers constitutes a valid
16 business expectancy.

17 8.3 Defendants had knowledge of Soaring Helmet's business expectancy.

18 8.4 Defendants intentionally interfered with Soaring Helmet's business
19 expectancy and destroyed Plaintiff's opportunity to obtain prospective business
20 customers. Defendants knew that the interference was certain or substantially certain to
21 occur as a result of their actions.

22 8.5 Defendants' interference with Soaring Helmet's business expectancy was
23 improper and the means used was innately wrongful and predatory in character.

1 8.6 Soaring Helmet has suffered damages relating to violation of its business
2 expectancy by Defendants. The quantum of these damages will be proven at trial.

3 **VII. PRAYER FOR RELIEF**

4 WHEREFORE, Soaring Helmet prays for relief against Defendants as follows:

5 1. For a temporary, preliminary and permanent injunction restraining and
6 enjoining Defendants, and their agents, servants, employees, and all others in active
7 concert or participation with them, as follows:

- 8 a. From further infringing Soaring Helmet's trademark rights;
- 9 b. From the further purchase and/or sale of Soaring Helmet's VEGA
10 Mark for use in false and misleading advertising;
- 11 c. From further acts of false advertising and unfair competition as
12 alleged herein.

13 2. For an award of damages suffered by Soaring Helmet, plus any revenues or
14 profits earned by Defendants as a result of Defendants' trademark infringement, unfair
15 competition and false advertising in an amount to be proven at trial.

16 3. For an award of augmented and treble damages as alleged herein pursuant
17 to 15 U.S.C. §1117(a) and RCW 19.86.060.

18 4. For an award of punitive and exemplary damages in an amount to be
19 proven at trial, but sufficient to punish and deter Defendants.

20 5. For an award of attorneys' fees and litigation expenses and costs to the
21 maximum extent allowed by law.

22 6. For such other and further relief as the court deems just and proper.

1 DATED June 8, 2009.

2 INVICTA LAW GROUP, PLLC

3 By: s/Heather Morado/

4 Stacie Foster, WSBA No. 23397

5 Heather M. Morado, WSBA No. 35135

6 Steven W. Edmiston, WSBA No. 17136

7 Attorneys for Plaintiff

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EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,087,637

United States Patent and Trademark Office

Registered Aug. 12, 1997

**TRADEMARK
PRINCIPAL REGISTER**

VEGA

**SOARING HELMET CORPORATION (WASH-
INGTON CORPORATION)
770 INDUSTRY DRIVE, BUILDING 16
TUKWILA, WA 98118**

**FIRST USE 3-18-1994; IN COMMERCE
3-18-1994.**

SER. NO. 75-155,017, FILED 8-23-1996.

**FOR: MOTORCYCLE HELMETS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).**

**DAVID M. MERMELSTEIN, EXAMINING AT-
TORNEY**

EXHIBIT B

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vega helmets

Search

Advanced Search Preferences

Customized based on recent search activity. [More detail](#)

Web Shopping

Results 1 - 10 of about 102,000 for vega helmets. (0.11 seconds)

Vega Motorcycle Helmets

Sponsored Links

www.TheHelmetZone.com Snow, Motorcycle, Half & Flip-Up Buy Direct & Save - Free Shipping

50% Off Vega Helmets

www.LeanerUp.com Half face, full face helmets from \$29.95, Top Brands HJC, Shoei, Bell

Vega Motorcycle Helmets

www.Jafrum.com/VEGA_Helmets Amazing Prices, 115% Price Match, Free Size Exchanges, Free Shipping!

Welcome to Vega Helmet Corporation

Half Helmets XT Half Helmet · XTS Half Helmet Vega Riding Apparel ... Vega Helmet Corporation. 18235 Olympic Avenue S., Tukwila, WA 98188 ...

www.vegahelmet.com/ - 17k - [Cached](#) - [Similar pages](#)

Street	Snowmobile
Off Road	NT 200
Find a Dealer	Company
Summit II	Altura

[More results from vegahelmet.com »](#)

Vega Helmets - Company

If you are an individual interested in purchasing a Vega Helmet you must email your zip ... "VEGA" helmets are available to legitimate motorcycle dealers. ...

www.vegahelmet.com/company.html - [Similar pages](#)

Motorcycle Helmets and Motorcycle Helmet Accessories from The ...

Motorcycle helmets and Motorcycle helmet - Welcome to a great place to buy discount motorcycle helme.

www.helmetshop.com/ - 39k - [Cached](#) - [Similar pages](#)

Vega Motorcycle Helmets

Vega Motorcycle Helmets from The Helmet Shop. ... Subcategories: Vega Full Face Helmets · Vega Open Face Helmets · Vega Half Helmets ...

www.helmetshop.com/Category/ProductList.jsp?cat=Shop+By+Brand:Vega+Helmets - 21k - [Cached](#) - [Similar pages](#)

Shopping results for vega helmets

Vega Summit II ColorMatch Motorcycle Helmet \$139.95 - Motorcycle Superstore

Vega Summit XPV 2 Solid Helmets L Large White \$124.99 - compacc.com

Vega Altura Helmet DOT 520 Silver \$69.99 - Jafrum.com

Sponsored Links

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Motorcycle gear, apparel & parts. Low Price Guarantee. Free Shipping! www.Motorcycle-Superstore.com

Online Motocross Store

We carry all the major brands. Great Deals at Motocrossgiant. www.motocrossgiant.com

Vega Helmets

Bargain Prices. Smart Deals. Save on Vega Helmets! Shopzilla.com

60% OFF Motorcycle Helmet

Fast & Free Shipping + Free Returns 125% Price Guarantee + MB Guarantee MotoDirect.com/Motorcycle_Helmets!

Vega Helmets

Vehicle Parts & Accessories! Bid on Vega Helmets. www.eBay.com

Vega Helmets

Vega Helmets - Compare prices & find expert reviews! www.Best-Price.com/Helmets

Vega Helmets

Find Car Parts, Accessories, Tools Garage Equipment, Car Care & More Amazon.com/motorcycle

Vega Helmets

Buy Vega Helmets now. Fuel your passion on eBay Motors! www.eBayMotors.com

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EXHIBIT C

April 28, 2009

Mark V. Jordan
Email: mjordan@invictalaw.com**VIA CERTIFIED MAIL:7007268000056348336**
AND FIRST CLASS MAILLEATHERUP.COM
2620 S. Maryland
Suite 846
Las Vegas, NV 89109**Re: Cease and Desist Trademark Infringement**

To Whom It May Concern:

We are counsel for Soaring Helmet Corporation, the exclusive owner of the trademark rights to VEGA (the "Mark"). A copy of Soaring Helmet Corporation's federal trademark registration is attached hereto as Exhibit A. Soaring Helmet Corporation views its Mark as a valuable asset that will be protected to the fullest extent allowable by law.

Soaring Helmet Corporation recently learned that when the query "Vega helmets" is searched via the Google website, an advertisement appears under Google's sponsored listings that misleadingly states that the website Leatherup.com offers "50% off Vega Helmets." A copy of the Google search results for "Vega helmets" is attached hereto as Exhibit B. However, Leatherup.com does not in fact sell any of our client's products.

Since Leatherup.com does not sell Vega helmets, we believe that Leatherup.com has wrongfully purchased the Mark from Google, Inc. as a false and misleading advertising keyword. Our client has lost business because the Leatherup.com sponsored link is falsely advertising that it sells our client's products at a deep discount, when in fact, Leatherup.com does not. As a result of the false advertisement, a retailer who does not wish to be associated with products sold at a deep discount has refused to do business with Soaring Helmet Corporation. Further, consumers searching for our client's products will continue to be misled to the Leatherup.com website, causing initial interest confusion. This unauthorized use of the Mark is a violation of federal and state trademark and unfair competition laws.

As I hope you can appreciate, Soaring Helmet Corporation cannot permit others to trade on the goodwill and damage the value and integrity of its Mark through false and misleading advertisements. Because the public closely associates the Mark with our client's

Leatherup.com
April 28, 2009
Page 2

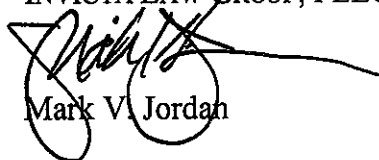
products, we are concerned that this unauthorized use of the Mark will cause consumers to mistakenly assume that Soaring Helmet Corporation sells its products to deep-discount online retailers or is otherwise affiliated with the Leatherup.com website.

Because Soaring Helmet Corporation has been and will continue to be substantially and irreparably damaged should this infringement continue, it must enforce its exclusive rights to the Mark. Soaring Helmet Corporation demands that Leatherup.com immediately remove any reference to the Mark from any false and misleading sponsored listing advertisements.

Unless these demands are complied with by May 8, 2009, Soaring Helmet Corporation will assume Leatherup.com intends to willfully disregard its rights, and Soaring Helmet Corporation will pursue whatever action or remedies it deems appropriate to protect its rights to the fullest extent of the law.

Very truly yours,

INVICTA LAW GROUP, PLLC



Mark V. Jordan

MVJ:hmm
Enclosure

cc: Soaring Helmet Corporation (w/o encl.)

EXHIBIT D

April 28, 2009

Mark V. Jordan
Email: mjordan@invictalaw.com**VIA CERTIFIED MAIL:7007268000056348329**
AND FIRST CLASS MAILGOOGLE, INC.
Attn: Legal Department
1600 Ampitheatre Parkway
Mountain View, CA 94043**Re: Cease and Desist Trademark Infringement**

To Whom It May Concern:

We are counsel for Soaring Helmet Corporation, the exclusive owner of the trademark rights to VEGA (the "Mark"). A copy of Soaring Helmet Corporation's federal trademark registration is attached hereto as Exhibit A. Soaring Helmet Corporation views its Mark as a valuable asset that will be protected to the fullest extent allowable by law.

Soaring Helmet Corporation recently learned that when the query "Vega helmets" is searched via the Google website, an advertisement appears under Google's sponsored listings that misleadingly states that the website Leatherup.com offers "50% off Vega Helmets." A copy of the Google search results for "Vega helmets" is attached hereto as Exhibit B. However, Leatherup.com does not in fact sell any of our client's products.

Since Leatherup.com does not sell Vega helmets, we believe that Google has wrongfully sold the Mark as a false and misleading advertising keyword to Leatherup.com. Our client has lost business because the Leatherup.com sponsored link is falsely advertising that it sells our client's products at a deep discount, when in fact, Leatherup.com does not. As a result of the false advertisement, a retailer who does not wish to be associated with products sold at a deep discount has refused to do business with Soaring Helmet Corporation. Further, consumers searching for our client's products will continue to be misled to the Leatherup.com website, causing initial interest confusion. This unauthorized use of the Mark is a violation of federal and state trademark and unfair competition laws.

As I hope you can appreciate, Soaring Helmet Corporation cannot permit others to trade on the goodwill and damage the value and integrity of its Mark through false and misleading advertisements. Because the public closely associates the Mark with our client's

Google, Inc.
April 28, 2009
Page 2

products, we are concerned that this unauthorized use of the Mark will cause consumers to mistakenly assume that Soaring Helmet Corporation sells its products to deep-discount online retailers or is otherwise affiliated with the Leatherup.com website.

Because Soaring Helmet Corporation has been and will continue to be substantially and irreparably damaged should this infringement continue, it must enforce its exclusive rights to the Mark. Soaring Helmet Corporation demands that Google immediately remove any reference to the Mark from any false and misleading sponsored listing advertisements, including but not limited to the Leatherup.com sponsored listing advertisement.

While we sincerely hope that we can resolve this matter through direct discussion, unless these demands are complied with by May 8, 2009, Soaring Helmet Corporation will assume Google intends to willfully disregard its rights, and Soaring Helmet Corporation will pursue whatever action or remedies it deems appropriate to protect its rights to the fullest extent of the law.

Very truly yours,

INVICTA LAW GROUP, PLLC



Mark V. Jordan

MVJ:hmm

Enclosure

cc: Soaring Helmet Corporation (w/o encl.)

EXHIBIT E

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Results 1 - 10 of about **141,000** for **vega helmets**. (0.32 seconds)

50% Of Motorcycle Helmets

www.LeatherUp.com Half face, full face helmets from \$29.95,
Top Brands HJC, Shoei, Bell

50% OFF Motorcycle Helmet

www.Jafrum.com Shop Now For Scorpion, Arai, kbc, Shoei & HJC
Helmets. Free S/H!

Motorcycle Superstore

www.Motorcycle-Superstore.com Free Shipping on Motorcycle
Gear, Apparel, Parts, Accessories & more!

Welcome to Vega Helmet Corporation

Half Helmets XT Half Helmet · XTS Half Helmet Vega Riding
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[Summit II](#)

[Altura Full Face Helmet](#)

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[NT 200 Open Face Helmet](#)

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Vega Helmets - Company

If you are an individual interested in purchasing a **Vega Helmet** you
must email your zip ... "**VEGA**" helmets are available to legitimate
motorcycle dealers. ...

www.vegahelmet.com/company.html - [Cached](#) - [Similar pages](#)

Motorcycle Helmets and Motorcycle Helmet Accessories from The ...

Motorcycle helmets and Motorcycle helmet - Welcome to a great
place to buy discount motorcycle helme.

www.helmetshop.com/ - [Cached](#) - [Similar pages](#)

Shopping results for vega helmets

Vega Summit II ColorMatch Motorcycle \$139.95 - Motorcycle
Helmet Superstore

Vega Summit XPV 2 Solid Helmets L \$124.99 - compacc.com
Large White

Vega Altura Shuriken Motorcycle \$79.99 - Motorcycle
Helmet Superstore

Vega Motorcycle Apparel and Accessories

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