

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SOARING HELMET CORPORATION, a
Washington corporation,

Plaintiff,

v.

NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM, and GOOGLE, INC., a
Delaware corporation.

Defendants.

NO. C09-0789 JLR

DECLARATION OF HEATHER M.
MORADO IN SUPPORT OF MOTION
FOR ENTRY OF DEFAULT

I, Heather M. Morado, hereby declare and state as follows:

1. I am counsel for Plaintiff herein and make these statements based on my own personal knowledge.

2. Plaintiffs' Amended Complaint was filed on July 27, 2009. A true and correct copy of the Amended Complaint is attached hereto as **Exhibit A**.

3. Defendant Nanal, Inc. was served a copy of the Amended Complaint and Summons on August 6, 2009. A true and correct copy of the Declaration of Service is attached hereto as **Exhibit B**.

4. To the best of my knowledge, Defendant Nanal, Inc. is not an infant, in the military, or an incompetent person.

1 5. Defendant Nanal, Inc. has not answered or filed a responsive pleading to
2 Plaintiffs' Complaint as required by FRCP 12(a)(1)(A)(i). More than 20 days have
3 elapsed since defendants were served.


4 6. I have engaged in correspondence and settlement negotiations with
5 Shahrokh Mokhtarzadeh, of the Law Offices of Shahrokh Mokhtarzadeh, regarding this
6 matter. Mr. Mokhtarzadeh is an attorney with an office located in Los Angeles,
7 California. I believe Mr. Mokhtarzadeh is licensed to practice in California, but not in
8 Washington. Mr. Mokhtarzadeh has not entered a formal notice of appearance in this
9 case. Mr. Mokhtarzadeh initially asked for a two-week extension, until September 9,
10 2009, for his client to file a response in this matter, which Plaintiff agreed to allow, but no
11 response has been filed to date. On several occasions since the expiration of the
12 extension, Mr. Mokhtarzadeh has failed to timely respond to Plaintiff's requests that a
13 response be filed in this case. Attached hereto as **Exhibit C** is a true and correct copy of
14 correspondence with Mr. Mokhtarzadeh which provides further detail regarding Plaintiff's
15 multiple requests for responses, and the repeated failure to timely respond to Plaintiff's
16 requests on several occasions.

17
18 7. Mr. Mokhtarzadeh was given written notice of the Motion for Default on
19 September 23, 2009. A copy of the certificate of service is attached as **Exhibit D**.

1 I declare under penalty of perjury under the laws of the state of Washington that
2 the foregoing is true and correct to the best of my knowledge and belief.

3 DATED this 1st day of October, 2009.

4 INVICTA LAW GROUP, PLLC

5 By 

6 Heather M. Morado, WSBA #35135
7 Attorney for Plaintiff

Exhibit A

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SOARING HELMET CORPORATION, a
Washington corporation,

Plaintiff,

v.

NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM, and GOOGLE, INC., a
Delaware corporation.

Defendants.

Cause No. C09-0789 JLR

PLAINTIFF'S FIRST AMENDED
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

Plaintiff Soaring Helmet Corporation ("Soaring Helmet" or "Plaintiff"),
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, NANAL, 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 Nanal, Inc. is a Nevada corporation d/b/a Leatherup.com ("Leatherup.com"). On information and belief, Defendant Leatherup.com offers motorcycle accessories for sale on a nationwide basis, including Washington State, via its website and a toll-free telephone number.

1 4.1 Since March 18, 1994, and continuously to the present, Soaring Helmet has
2 owned and used the trademark VEGA in interstate commerce in connection with the sale
3 of motorcycle helmets.

4 4.2 On August 23, 1996, Soaring Helmet filed an application to register the
5 Mark with the United States Patent and Trademark Office (PTO). The Mark was
6 registered on the Principal Register of the PTO on August 12, 1997 and was assigned
7 Registration Number 2087637. A true and correct copy of the Certificate of Registration
8 issued by the PTO is attached hereto as Exhibit A.

9 4.3 Soaring Helmet has sold a wide and diverse variety of VEGA helmets to
10 customers throughout the United States. Soaring Helmet has invested substantial sums of
11 time, money and effort to develop, use, advertise and promote the Mark. As a result, the
12 Mark has become an integral and indispensable part of Soaring Helmet's business. To
13 this end, Soaring Helmet carefully guards its intellectual property rights.

14 **Defendants' Wrongful Acts.**

15
16 4.4 Defendant Google operates a widely used Internet search engine through
17 which customers can search for, among other things, websites offering products and
18 services. A user can search on general terms, such as "motorcycle helmets," or more
19 specific keywords, such as "VEGA helmets." The Google search engine compares the
20 search terms entered by a user with databases of websites and generates a listing of the
21 sites matching those terms. The results of these searches are known as "organic listings."

22 4.5 In addition to organic listings, Google sells the opportunity to have
23 advertisements appear alongside the organic listings. These advertisements appear as

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

7 4.6 In approximately April 2009, Plaintiffs learned that when the query
8 “VEGA helmets” is searched via the Google search engine, an advertisement appeared
9 under Google’s sponsored listings that stated that Leatherup.com offered “50% off Vega
10 Helmets.” A copy of the search results is attached hereto as **Exhibit B**.

11 4.7 The Leatherup.com advertisement was false and misleading because
12 Leatherup.com does not in fact sell any of Soaring Helmet’s VEGA products.

13 4.8 Soaring Helmet has lost business due to actual confusion caused by the
14 false and misleading Leatherup.com advertisement when at least one retailer refused to
15 do business with Soaring Helmet due to the fact that the Leatherup.com advertisement
16 falsely stated that Leatherup.com sells Soaring Helmet’s products at a deep discount.
17

18 4.9 On or about April 28, 2009, Soaring Helmet sent letters to Defendants
19 Leatherup.com and Google, demanding they cease and desist all use of the trademark
20 VEGA in connection with false and misleading advertisements. Copies of these letters
21 are attached hereto as **Exhibits C and D**.

22 4.10 Google agreed to remove reference to the trademark VEGA from the
23 Leatherup.com sponsored listing, which was confirmed via e-mail on or about May 20,

1 2009. However, when the query "VEGA Helmets" is searched via the Google website,
2 the Leatherup.com advertisement still appears in Google's sponsored listings, despite the
3 fact that Leatherup.com does not in fact sell any of Soaring Helmet's VEGA products. A
4 copy of the current Google search results is attached as Exhibit E.

5
6 **V. FIRST CAUSE OF ACTION**
FEDERAL TRADEMARK INFRINGEMENT
(15 U.S.C. §1114)

7 5.1 Soaring Helmet realleges and incorporates herein by reference the
8 allegations contained in all preceding paragraphs of this Complaint as part of this cause
9 of action.

10 5.2 Soaring Helmet holds a valid and existing federal registration for the Mark.
11 Soaring Helmet has continuously used the Mark since as early as 1994.

12 5.3 Defendant Leatherup.com, by using Soaring Helmet's Mark as a keyword
13 to place its advertisements next to organic listings for Soaring Helmet's Mark, is likely to
14 cause initial interest confusion of consumers that are in fact searching solely for Soaring
15 Helmet's Mark.

16 5.4 Defendant Google, through its keyword advertising program, contributes to
17 the aforementioned trademark infringement by knowingly encouraging advertisers to use
18 Soaring Helmet's Mark in false and misleading advertisements that have caused, and is
19 likely to cause confusion, mistake, or deception of consumers, to the detriment of Soaring
20 Helmet.
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1 5.5 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 6.2 The actions of Defendants as alleged herein constitute false designation of
origin, false advertising and unfair competition pursuant to Section 43(a) of the Lanham
Act, 15 U.S.C. § 1125(a).

AMENDED COMPLAINT – 8

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 6.3 The actions of Defendants have and are likely to continue to deceive
2 customers and prospective customers into believing that Defendant Leatherup.com sells
3 the products of Soaring Helmet, and, as a consequence, are likely to divert customers
4 away from Soaring Helmet throughout the United States, including in Washington State.

5 6.4 Soaring Helmet has and will continue to be irreparably harmed unless
6 Defendants are temporarily, immediately and permanently enjoined from any further use
7 of the Mark and any further false and misleading advertising of products using the Mark.

8 6.5 Soaring Helmet has no adequate remedy at law and serious damage to its
9 trademark rights will result unless Defendants' wrongful use of the Mark is enjoined by
10 the court.

11 6.6 The actions of Defendants as alleged herein constitute intentional, willful,
12 knowing and deliberate unfair competition and false advertising pursuant to Lanham Act
13 Section 43(a).

14 6.7 Defendants' acts of unfair competition and false advertising in violation of
15 the Lanham Act Section 43(a) as alleged herein have caused, and will continue to cause,
16 Soaring Helmet to suffer damages in an amount unknown at this time and have caused,
17 and will continue to cause Defendants to gain revenues and profit in an amount unknown
18 at this time. Pursuant to 15 U.S.C. §1117(a), Soaring Helmet is entitled to an award of
19 monetary damages in an amount equal to the losses suffered by Soaring Helmet and the
20 revenues and/or profits gained by Defendants, which damages should be augmented as
21 provided by 15 U.S.C. §1117(a).
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1 1. For a temporary, preliminary and permanent injunction restraining and
2 enjoining Defendants, and their agents, servants, employees, and all others in active
3 concert or participation with them, as follows:

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

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

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

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

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

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

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23 AMENDED COMPLAINT – 12

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 DATED July 24, 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

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

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

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

DAVID M. MERMELSTBIN, EXAMINING AT-
TORNEY

EXHIBIT B

Web Images Maps News Video Gmail more ▾

Sign In

Google 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

www.TheHelmetZone.com Direct & Save - Free Shipping

Sponsored Links

Snow, Motorcycle, Half & Flip-Up Buy

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 Off Road Find a Dealer Summit II

Snowmobile NT 200 Company 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	\$89.99 - Jafrum.com

Sponsored Links

Vega Helmets

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 Motocrossglant. www.motocrossglant.com

Vega Helmets

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

60% OFF Motorcycle Helmet

Fast & Free Shipping + Free Returns 12% 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

More Sponsored Links »

EXHIBIT C



Counsel for creative companies

1000 Second Ave, Suite 3310
Seattle, WA 98104-1019

(206) 903-6364
fax (206) 903-6365

www.invictalaw.com

April 28, 2009

Mark V. Jordan
Email: mjordan@invictalaw.com

VIA CERTIFIED MAIL:70072680000056348336
AND FIRST CLASS MAIL

LEATHERUP.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

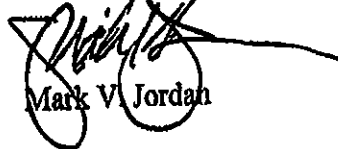
products, we are concerned that this unauthorized use of the Mark will cause consumers to mistakenly assume that Soaring Helmet Corporation sells its products to deep-discount online retailers or is otherwise affiliated with the Leatherup.com website.

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.)

1840 031 id280801

EXHIBIT D



Counsel for creative companies

1000 Second Ave, Suite 3310
Seattle, WA 98104-1019

(206) 903-6364
fax (206) 903-6366

www.invictalaw.com

April 28, 2009

Mark V. Jordan
Email: mjordan@invictalaw.com

VIA CERTIFIED MAIL:70072680000056348329
AND FIRST CLASS MAIL

GOOGLE, INC.
Attn: Legal Department
1600 Amphitheatre 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

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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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vega helmets

Search [Advanced Search](#)
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[Web](#) [Show options...](#)

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

50% Of Motorcycle Helmets

[www.LeantherUp.com](#) Half face, full face helmets from \$29.95,
Top Brands HJC, Shoei, Bell

Sponsored Links

50% OFF Motorcycle Helmet

[www.Jafrum.com](#) Shop Now For Scorpion, Aral, kbc, Shoei & HJC
Helmets. Free S/H

Motorcycle Superstore

[www.Motorcycle-Superstore.com](#) Free Shipping on Motorcycle
Gear, Apparel, Parts, Accessories & more!

Sponsored Links

Motorcycle Helmets Direct

Factory Direct - Free Shipping
Top Brands - Unbeatable Prices
[www.TheHelmetZone.com](#)

Online Motocross Store

We carry all the major brands.
Great Deals at Motocrossgiant.
[www.motocrossgiant.com](#)

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 ...

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[Off Road](#)
[Find a Dealer](#)
[Summit II](#)

[Allura Full Face Helmet](#)
[Company](#)
[Snow](#)
[NT 200 Open Face Helmet](#)

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

Speakers & Headphones

Bargain Prices. Smart Deals.
Save on Speakers & Headphones!
[Shopzilla.com](#)

Compare Prices Now

Whatever you want - Compare
prices & find expert reviews!
[www.Best-Price.com/Helmets](#)

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](#)

Auto Parts at Amazon

Find Car Parts, Accessories, Tools
Garage Equipment, Car Care & More
[Amazon.com/motorcycle](#)

Motorcycle Helmets and Motorcycle Helmet Accessories
from The ...

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

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

60% OFF Motorcycle Helmet

Fast & Free Shipping + Free Returns
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Helmet Superstore

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

Vega Allura Shuriken Motorcycle \$79.99 - Motorcycle
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Vega Motorcycle Apparel and Accessories

Vega Motorcycle apparel and accessories at discount prices. We offer
the largest selection of Vega gear in the Northwest.

[www.helmetoutletusa.com/index.cgi?Function=Street&Manuf=Vega](#) -
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Exhibit B

IN THE
UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

SOARING HELMET CORPORATION, A
WASHINGTON CORPORATION

Plaintiff/Petitioner

vs.
NANAL, INC., A NEVADA CORPORATION, DBA
LEATHERUP.COM, ET AL.,

Defendant/Respondent

Hearing Date:

CAUSE NO: C09-0789 JLR

DECLARATION OF SERVICE OF:
SUMMONS AND PLAINTIFF'S FIRST AMENDED
COMPLAINT; EXHIBITS

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 6th day of August, 2009, at 3:20 PM, at the address of 4625 W NEVSO Drive SUITE 2, LAS VEGAS, Clark County, NV 89103; this declarant served the above described documents upon NANAL, INC., A NEVADA CORPORATION, DBA LEATHERUP.COM, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with ROXANNE, MANAGING AGENT FOR SOLUTIONS, INC., AS REGISTERED AGENT, A white female approx. 30-36 years of age weighing 120-140 lbs with brown hair.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Service Fee Total: \$

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

DATED this 10th day of August, 2009.


Katie Castle, Reg. # 429, Clark, NV



FOR: Invicta Law Group
REF: 1840.071

ORIGINAL PROOF OF
SERVICE

Tracking #: 6006937 SEA



UNITED STATES DISTRICT COURT

for the

Western District of Washington

SOARING HELMET CORPORATION, a Washington

Plaintiff

v. NANAL, INC., ET AL.

Defendant

Civil Action No. C09-0789 JLR

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Nanal, Inc., dba Leatherup.com
c/o Registered Agent: Solutions, Inc.
4625 West Nevso Drive, Suite 2
Las Vegas, NV 89103

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or ___ days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Heather M. Morado, Mark V. Jordan, Stacie Foster
Invicta Law Group, PLLC
1000 Second Avenue, Suite 3310
Seattle, WA 98104

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

BRUCE RIFKIN

Date:

July 29, 2009

Signature of Clerk or Deputy Clerk

[Handwritten signature]

Exhibit C

September 14, 2009

Heather M. Morado
Email: hmorado@invictalaw.com**VIA EMAIL shahrokh@smpclla.com**
and FIRST CLASS MAILMr. Shahrokh Mokhtarzadeh
LAW OFFICES OF SHAHROKH MOKHTARZADEH
815 Moraga Drive
Los Angeles, CA 90049**Re: Soaring Helmet Corporation v. Google, Inc. and Nanal, Inc.**
Cause No. C09-0749 JLR
Subject to ER 408

Dear Mr. Mokhtarzadeh:

I am writing to inquire as to the status of settlement negotiations in this case. Your client's response in this matter was initially due on August 26, 2009. We agreed to allow two additional weeks, or until September 9th, for your client to file its response, but we still have not received a response to our client's complaint. Further, on August 26th, we sent a settlement demand letter, and requested a response by September 2nd, but we still have not received a response. The last correspondence I received from you was on September 10th, when you stated that you intended to provide a response by Friday, September 11th, but yet again, we have received no response.

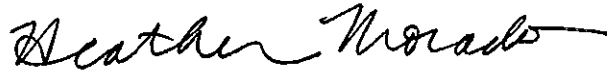
Our client has attempted to engage in a good faith discussion of settlement in this matter, but you have repeatedly failed to respond. We cannot continue to needlessly delay this matter. Accordingly, unless we receive a response from you by 5 P.M. P.S.T. on Tuesday, September 15th, 2009, all discussion of settlement will cease, and we will proceed with the lawsuit, including immediately requesting an order of default for your client's failure to answer.

We appreciate your attention to this matter and look forward to your prompt response.

Mr. Shahrokh Mokhtarzadeh
September 14, 2009
Page 2

Very truly yours,

INVICTA LAW GROUP, PLLC

A handwritten signature in black ink, appearing to read "Heather Morado", with a long horizontal flourish extending to the right.

Heather M. Morado

HMM:kma

cc: Jeanne DeMund

Exhibit D

THE HONORABLE JAMES. J. ROBERT

1 Stacie Foster, WSBA #23397
Heather M. Morado WSBA #35135
2 INVICTA LAW GROUP, PLLC
1000 Second Avenue, Suite 3310
3 Seattle, WA 98104-1019
Telephone: (206) 903-6364
4 Facsimile: (206) 903-6365

5 Attorneys for Plaintiff

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

9 SOARING HELMET CORPORATION, a
10 Washington corporation,

11 Plaintiff,

12 v.

13 NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM, and GOOGLE INC., a
14 Delaware corporation.

15 Defendants.

Cause No. C09-0789 JLR

CERTIFICATE OF SERVICE

16
17 The undersigned declares under penalty of perjury, under the laws of the State of
18 Washington, that the following is true and correct:

19 On this day, September 23, 2009, I caused to be sent via email and U.S. Mail the
20 following documents:

- 21 1. Plaintiff's Motion For Entry of Default;
22 2. Declaration of Steven W. Edmiston in Support of Motion For Entry Of
23 Default;

CERTIFICATE OF SERVICE - 1

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 3. Declaration of Heather M. Morado in Support of Motion For Entry of Default;

2 and

3 4. Certificate of Service.

4 To the following:

5 Mr. Shahrokh Mokhtarzadeh
6 LAW OFFICES OF SHAHROKH MOKHTARZADEH
7 815 Moraga Drive
8 Los Angeles, CA 90049

9 Email: shahrokh@smplcla.com

10 EXECUTED at Seattle, Washington September 23, 2009.

11 
12 Katy M. Albritton


1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing with the Clerk of the Court
3 using the CM/ECF system which will send notification of such filing to the following
4 persons/attorneys of record:
5

6 Ms. Karin B. Swope
7 Keller Rohrback, LLC
8 kswope@kellerrohrback.com

9 Ms. Margret M. Caruso
10 Quinn Emanuel Urquhart Oliver & Hedges, LLP
11 margretcaruso@quinnemanuel.com

12 Dated this 1st day of October 2009, at Seattle, Washington.

13 
14 Katy M. Albritton
15 Legal Assistant
16
17
18
19
20
21
22
23