

EXHIBIT 10

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HENDRICKS & LEWIS
9-21-2010 JL

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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,

Defendant.

Cause No. C09-0789 JLR

PLAINTIFF'S ANSWERS TO
DEFENDANT NANAL, INC.'S
SECOND SET OF
INTERROGATORIES NOS. 23-25 TO
PLAINTIFF SOARING HELMET
CORPORATION

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local
Civil Rules of the United States District Court for the Western District of Washington,
Defendant Nanal, Inc. ("Defendant" or "Nanal") hereby propounds the following
interrogatories to Plaintiff Soaring Helmet Corporation ("Plaintiff" or "Soaring Helmet") to
be responded to separately and fully under oath within thirty (30) days from the date of
service.

PLAINTIFF'S ANSWERS TO DEFENDANT NANAL, INC.'S
SECOND SET OF INTERROGATORIES - 1

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

1. These discovery requests impose a continuing obligation upon Plaintiff to furnish all information requested herein until final disposition of this case. Corrections or additional information are sought as required by the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Western District of Washington.

2. Where information is requested of you, such request is intended to include any and all information and documents in the possession, custody or control of Plaintiff and/or any of Plaintiff's employees, representatives, and agents, as well as experts, persons consulted concerning any factual matters or matters of opinion relating to any of the facts or issues involved in this action and, unless privileged, Plaintiff's attorneys.

3. With respect to any response or portion of any response to any of the following discovery requests not made on or with the present knowledge of the person signing and swearing to such response, identify each person from whom information was obtained, on which such response or any part thereof was based. When a response is made by a legal entity, state the name, title and address of the person signing and swearing to such response, and the name, title and address of each person from whom information was obtained, on which such response or any part thereof was based, and the source of such person's information.

4. To the extent that you consider any of the following discovery requests objectionable, respond to as much of each request and each part thereof as is not, in your view, objectionable, as required by the Federal Rules of Civil Procedure. Separately state that part of each request as to which you raise objection and specify, with particularity, the grounds for each such objection.

DEFINITIONS

As used herein, the following terms shall have the meanings set forth below and as defined herein, words used in the singular include the plural and vice versa:

PLAINTIFF'S ANSWERS TO DEFENDANT NANAL, INC.'S
SECOND SET OF INTERROGATORIES – 2

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1 5. **“Document”** shall mean all materials within the scope of Rule 34 of the
2 Federal Rules of Civil Procedure and as defined in Rule 1001 of the Federal Rules of
3 Evidence, including all written, typed, printed, recorded, graphic, audio, visual, photographic
4 or electronically-stored information, whether contained on paper, magnetic storage media
5 (e.g., hard drives or disks), optical storage media (e.g., CDs, DVDs), or in any other form that
6 are in your actual or constructive possession, custody or control or of which you have
7 knowledge, wherever located, whether an original or a copy, including all copies on which
8 any mark, alteration, writing or any other change from the original has been made, and
9 including all drafts or iterations of such materials. **“Electronically-stored information”** is
10 included within the definition of “document” and includes information stored in, or accessible
11 through, computer or other informational retrieval systems, whether in electrical, magnetic,
12 optical, or other form, and expressly includes documents stored in personal computers,
13 workstations, minicomputers, mainframes and servers.

14 6. **“Communication”** shall mean any telephone conversation, oral conversation
15 other than a telephone conversation or meeting, or any writing, transcription, or other
16 document memorializing the same. For all communications, include all iterations and
17 versions, and all printed and electronic versions including creation date, register and folder
18 data.

19 7. **“Person”** shall mean any individual, partnership, corporation, limited liability
20 company, firm, association, or other business or legal entity and includes any present and
21 former director, officer, member, employee and agent, including any legal counsel,
22 consultant, accountant, representative and private investigator of such person.

23 8. **“You,” “your,” or “Plaintiff”** shall mean and refer to Plaintiff Soaring
Helmet Corporation, together with any agents, representatives, attorneys, employees, and
other persons or entities acting or purporting to act on its behalf.

1 9. **“This Action”** shall mean the above-entitled action, *Soaring Helmet*
2 *Corporation v. Nanal, Inc.*, No. C09-0789-JLR (W.D. Wash.), including but not limited to
3 any and all claims, counterclaims and defenses alleged in such action.

4 10. **“VEGA”** or **“the Mark”** shall mean Plaintiff’s alleged trademark and any
5 variation or derivative thereof.

6 11. **“And”** and **“or”** shall, unless the context clearly indicates otherwise, embrace
7 both the conjunctive and disjunctive.

8 12. **“Relating to,” “referring to,” “pertaining to,” “evidencing,”** or
9 **“concerning”** and all variations thereof shall mean constituting or evidencing and directly or
10 indirectly mentioning, containing, discussing, embodying, reflecting, identifying, stating,
11 about, involving, describing, regarding, referring to, explaining, relevant to or reflecting upon
12 the stated subject matter.

13 13. **“Identify”** means:

14 a. When used in reference to a natural person, to state his or her full
15 name, residential address and telephone number, business title, business affiliation and
16 business address and telephone number, or, if the foregoing is not known, such information as
17 was last known during the relevant time period. If such person has, or during the relevant
18 time period had, any relationship to you or to any other party to this action, “identify” shall
19 also mean to state what that relationship is or was and, if applicable, the inclusive dates of
20 same.

21 b. When used in reference to a business or legal entity to state the full
22 legal name of such entity, each name under which such entity does business, the entity’s street
23 address and telephone number, the identity of the chief operating officer, manager, trustee or
other principal or representative and the identity of those persons employed by or otherwise
acting for such entity who are known or believed to possess the knowledge or information
responsive to the interrogatory for which the entity was identified.

1 c. When used in reference to a document that has been produced in this
2 Action, to state the Bates or other production number. In all other instances, identification of
3 a document shall mean to state the type of document (e.g., letter, email, contract, etc.), its
4 date(s), author(s), addressee(s), if any, and its present location or custodian. If any such
5 document is no longer in your possession, custody or control, "identify" shall also mean to
6 state what disposition was made of it and the date of such disposition. Such identification
7 should be with reasonable particularity so as to enable Defendant to request production of
8 such document pursuant to Rule 34 of the Federal Rules of Civil Procedure and the Local
9 Civil Rules of the United States District Court for the Western District of Washington.

10 14. "Identify," "describe" or "state" when used in reference to a basis, cause or
11 reason, shall mean to describe in detail all underlying and relevant facts, including without
12 limitation, all relevant dates, names of persons or entities, places involved, acts, and all
13 subsidiary facts and other pertinent information.

14 15. "Identify," "describe" or "state" when used in reference to an act,
15 occurrence, transaction, decision, statement, communication or conduct shall mean to
16 describe in substance the event or events constituting such act and the place(s) and date(s)
17 thereof, and to identify the persons present, the persons involved, and the documents referring
18 or related thereto.

19 16. "State with specificity" or "describe with specificity" when used with
20 reference to a matter of fact means to state every material fact and circumstance specifically
21 and completely (including but not limited to date, time, location, and the identity of all
22 participants), and whether each such fact or circumstance is stated on knowledge, information,
23 or belief, or is alleged without Plaintiff's knowledge.

GENERAL OBJECTIONS

1
2 1. Plaintiff reserves the right to amend and supplement these answers in the
3 event additional information is obtained or in the event of an error, mistake or omission.

4 2. Plaintiff objects to the Interrogatories to the extent the definitions seek to
5 impose upon Plaintiff the duty to provide information and documents of dubious
6 relevance, and which can be obtained by Defendant through other means, including other
7 types of discovery, far more easily and inexpensively than through interrogatories and
8 document production requests.

9 3. Plaintiff objects to the Interrogatories to the extent that it seeks to require
10 Plaintiff to supplement its answers and responses beyond that required by the Federal
11 Rules of Civil Procedure.

12 4. Plaintiff objects to the Interrogatories to the extent they seek information,
13 documents and things not presently in the custody and control of Plaintiff. Plaintiff has not
14 completed its investigation, discovery and evaluation of this matter and facts relevant to
15 this matter are in the exclusive custody and control of Defendant, and will be the subject of
16 discovery.

17 5. Plaintiff objects to the Interrogatories on the grounds that Plaintiff has not
18 yet completed its investigation, discovery and evaluation of this matter, and has not yet
19 completed its preparation for trial.

20 6. As appropriate, and as further stated in answers to specific Interrogatories,
21 below, Plaintiff will provide information by the provision of documents and references to
22 documents.
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INTERROGATORIES

INTERROGATORY NO. 23: Please identify all expert(s) retained by you or on your behalf in connection with this Action, including but not limited to identification of the issue(s) in connection with which the expert was retained, a description of all opinions offered by the expert, and identification of all documents relating to each expert.

ANSWER TO INTERROGATORY NO. 23: Plaintiff has not yet retained any expert in this Action.

INTERROGATORY NO. 24: Please describe the nature and basis of any complaints about, or criticisms of, the nature, quality or characteristics of any of the products and/or services sold or rendered by you under the VEGA mark.

OBJECTION: Plaintiff objects to this interrogatory on the basis that it is overbroad, unduly burdensome, and not calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiver of the foregoing objections, Plaintiff responds:

ANSWER TO INTERROGATORY NO. 24: Plaintiff does not have relevant, responsive information to this interrogatory.

INTERROGATORY NO. 25: Identify all lawsuits, arbitrations and administrative proceedings to which you have been a party in the last ten (10) years involving trademark and/or unfair competition issues or claims, including the title and proceeding number for each matter, the name of the court or other body each matter was before, the nature of the claims asserted by or against you in each matter, and the result of each matter.

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OBJECTION: Plaintiff objects to this interrogatory on the basis that it is overbroad,
unduly burdensome, and not calculated to lead to the discovery of relevant, admissible
evidence. Subject to and without waiver of the foregoing objections, Plaintiff responds:

ANSWER TO INTERROGATORY NO. 25:

Case Name: Soaring Helmet Corporation v. Barneys Leathers Inc.,
Cause No: 01-3148-CI-CI
Court: Circuit Court, Seventh Judicial Circuit, Volusia County, Florida
Claims: Trademark infringement, unfair competition, and Deceptive and Unfair Trade
Practices

Outcome: Stipulated final judgment and permanent injunction
Case Name: Lloyd Lifestyle Limited et. al v. Soaring Helmet Corp.
Consolidated Opposition No. 91164265 and Petition for Cancellation No. 92045075
Court: United States Patent and Trademark Office Trademark Trial and Appeal Board
Claims: Opposition to application to register NITRO and Petition to Cancel
registration for NITRO RACING
Outcome: Opposition sustained and Petition to Cancel granted

DATED September 17, 2010.

INVICTA LAW GROUP, PLLC
By: 
Stacie Foster, WSBA No. 23397
Heather M. Morado, WSBA No. 35135
Steven W. Edmiston, WSBA No. 17136
Attorneys for Plaintiff

1 ATTORNEY'S FED. R. CIV. P. CERTIFICATION

2 The undersigned attorney certifies pursuant to Fed. R. Civ. P. 26(g) that he or she has
3 read each answer and objection to these discovery requests, and that to the best of his or her
4 knowledge, information, and belief formed after a reasonable inquiry, each is (1) consistent
5 with the Civil Rules and warranted by existing law or a good faith argument for the extension,
6 modification, or reversal of existing law; (2) not interposed for any improper purpose, such as
7 to harass or to cause unnecessary delay or needless increase in the costs of litigation; and (3)
8 not unreasonable or unduly burdensome or expensive, given the needs of the case, the
9 discovery already had in the case, the amount in controversy, and the importance of the issues
10 at stake in the litigation.

11
12 DATED September 17, 2010.

13 INVICTA LAW GROUP, PLLC

14 By: Heather Morado
15 Stacie Foster, WSBA No. 23397
16 Heather M. Morado, WSBA No. 35135
17 Steven W. Edmiston, WSBA No. 17136
18 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the United States of America, that the following is true and correct:

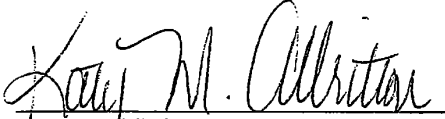
On this day, September 17, 2010, I caused to be sent via e-mail and First Class Mail the following documents:

- 1. Plaintiff's Answers to Defendant Nanal, Inc.'s Second Set of Interrogatories Nos. 23-25 to Plaintiff Soaring Helmet Corporation with Certificate of Service

To the following listed counsel of record:

Ms. Katherine Hendricks
Ms. Stacia N. Lay
Hendricks & Lewis, PLLC
901 Fifth Avenue, Suite 4100
Seattle, WA 98164
kh@hllaw.com; sl@hllaw.com

Dated this 17th day of September, 2010, at Seattle, Washington.


Katy M. Albritton
Legal Assistant