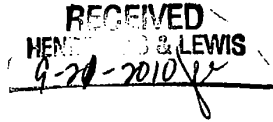


EXHIBIT 11

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THE HONORABLE JAMES L. ROBERT



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOARING HELMET CORPORATION, a
Washington corporation,

Plaintiff,

v.

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

Defendant.

No. C09-0789-JLR

PLAINTIFF'S OBJECTIONS AND
RESPONSES TO DEFENDANT NANAL,
INC.'S SECOND SET OF REQUESTS
FOR PRODUCTION NOS. 30-36 TO
PLAINTIFF SOARING HELMET
CORPORATION

Pursuant to Rules 26 and 34 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"), propounds the following requests for production 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. Defendant requests that the documents and things be produced at the offices of Hendricks & Lewis PLLC, 901 Fifth Avenue, Suite 4100, Seattle, Washington 98164, or as otherwise agreed.

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

PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 1

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901 Fifth Avenue, Suite 4100
Seattle, Washington 98164
TEL: (206) 624-1933

1 Rules of the United States District Court for the Western District of Washington. If such
2 information is not furnished, Defendant may move at the time of trial to exclude from evidence
3 any requested information not so timely furnished.

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

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

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

22 5. If you object to the production of any document or provision of any information
23 on the claim of privilege, a list is to be furnished at the time the responses are provided,
24 identifying any such document for which privilege is claimed, together with the following
25 information: (a) date; (b) sender; (c) addressee; (d) number of pages; (e) subject matter; (f) basis
26 on which the privilege is claimed; (g) all persons to whom copies of all or any part of the
27 document were furnished, together with an identification of their employers and their job titles;

28 PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 2

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1 and (h) all persons who saw all or any part of the document, together with an identification of
2 their employers and job titles. For each document withheld under a claim of attorney work
3 product, also state whether the document was prepared in anticipation of litigation or for trial
4 and, if so, identify the anticipated litigation or trial upon which the assertion is based.

5 6. In the event any document called for by these requests has been destroyed, lost,
6 discarded or otherwise disposed of, any such document shall be identified as completely as
7 possible, including without limitation, the following information: (a) date of disposal; (b)
8 manner of disposal; (c) reason for disposal; (d) person authorizing disposal; and (e) person
9 disposing of the document.

10 DEFINITIONS

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

13 a. **"Document"** shall mean a writing, recording or photograph, as defined in
14 Rule 1001 of the Federal Rules of Evidence and Rule 34 of the Federal Rules of Civil Procedure,
15 and includes an original or a copy of handwriting, typewriting, printing, electronic
16 communication, file and correspondence, photostating, photographing, email, audio or video
17 recording, photograph, x-ray, film, videotape, moving picture(s) and any other means of
18 recording upon any tangible thing and form of communicating or representation, including
19 letters, words, numbers, pictures, sounds or symbols, or combinations thereof. **"Electronically-**
20 **stored information"** is included within the definition of "document" and includes information
21 stored in, or accessible through, computer or other informational retrieval systems, whether in
22 electrical, magnetic, optical, or other form, and expressly includes documents stored in personal
23 computers, workstations, minicomputers, mainframes and servers.

24 b. **"Communication"** shall mean any telephone conversation, oral conversation
25 other than a telephone conversation, or meeting; or any writing, transcription, or other document
26 memorializing the same. For all communications, include all iterations and versions, and all
27 printed and electronic versions including creation date, register and folder data.

28 PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 3

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1 c. "Person" shall mean any individual, partnership, corporation, limited liability
2 company, firm, association, or other business or legal entity and includes any present and former
3 director, officer, member, employee and agent, including any legal counsel, consultant,
4 accountant, representative and private investigator of such person.

5 d. "You," "your," or "Plaintiff" shall mean and refer to Plaintiff Soaring
6 Helmet Corporation, together with any agents, affiliates, representatives, attorneys, employees
7 and other persons or entities acting or purporting to act on its behalf.

8 e. "Defendant" shall mean and refer to Defendant Nanal, Inc., d/b/a
9 Leatherup.com.

10 f. "This Action" shall mean the above-entitled action, *Soaring Helmet*
11 *Corporation v. Nanal, Inc.*, No. C09-0789-JLR (W.D. Wash.), including but not limited to any
12 and all claims, counterclaims and defenses alleged in such action.

13 g. "VEGA" or "the Mark" shall mean Plaintiff's alleged trademark and any
14 variation or derivative thereof.

15 h. "And" and "or" shall, unless the context clearly indicates otherwise, embrace
16 both the conjunctive and the disjunctive.

17 i. "Relating to," "related to," "referring to" or "pertaining to" shall mean
18 relating to, referring to, pertaining to, discussing, commenting on, constituting or comprising,
19 whether in whole or in part.

20 GENERAL OBJECTIONS

21 1. Plaintiff objects to Defendant's discovery requests to the extent they seek to
22 impose obligations in excess of the Federal Rules of Civil Procedure, including any
23 requirement that Plaintiff search for information and documents beyond that required by the
24 Rules. Plaintiff reserves the right to amend and supplement these responses in the event
25 additional information is obtained or in the event of an error, mistake or omission.

26 2. Plaintiff objects to the discovery requests to the extent the definitions seek to
27 impose upon Plaintiff the duty to provide information and documents which can be obtained
28

PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 4

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1 by Defendant through other means, including by review of Defendant's own records or other
2 types of discovery, far more easily and inexpensively than through interrogatories and
3 document production requests. To that extent, Plaintiff objects to Defendant's discovery on
4 the grounds it is unduly burdensome and oppressive.

5 3. Plaintiff objects to the discovery requests to the extent they seek information,
6 documents and things not presently in the custody and control of Plaintiff, and in particular,
7 information and documents in the custody and control of Defendant. Plaintiff has initiated
8 discovery in this matter to elicit facts in the exclusive custody and control of Defendant.
9

10 4. Plaintiff objects to the discovery requests to the extent that they call for
11 information protected by the attorney-client privilege and/or work product privilege.

12 5. Plaintiff objects to the discovery requests on the grounds that they have not yet
13 completed discovery, and Plaintiff intends, and reserves the right, to amend and/or
14 supplement these responses if and when additional facts or documents are discovered and
15 later rely on such facts or documents discovered or generated pursuant to subsequent
16 discovery.
17

18 6. Any response stating responsive documents will be produced means documents
19 will be produced to the extent such documents, in fact, exist.

20 7. As appropriate, and as further stated in response to specific Requests, below,
21 Plaintiff will provide information by the provision of documents and references to documents.
22 Such documents have been collected by Plaintiff, and may be made available for inspection by
23 Defendant at the office of Plaintiff's counsel.
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PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 5

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1 **REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 30.** Please produce copies of all documents or
3 things identified in response to Defendant Nanal, Inc.'s Second Set of Interrogatories Nos. 23-25
4 to Plaintiff Soaring Helmet Corporation.

5 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
6 herewith. This response will be supplemented if and when additional documents are discovered.

7
8 **REQUEST FOR PRODUCTION NO. 31.** Please produce copies of documents
9 evidencing the gross and net profits you have received from the sale of products and/or the
10 rendering of services under the VEGA mark by year from 2007 to the present.

11 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
12 herewith. This response will be supplemented if and when additional documents are discovered.

13
14 **REQUEST FOR PRODUCTION NO. 32.** Please produce a copy of each
15 advertisement and marketing or promotional material evidencing your use of the VEGA mark in
16 connection with the advertising, marketing and sale of motorcycle jackets.

17 **OBJECTION:** Plaintiff objects to this request on the basis that it is overbroad and
18 unduly burdensome. Subject to and without waiver of the foregoing objections, Plaintiff
19 responds:

20 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
21 herewith. This response will be supplemented if and when additional documents are discovered.

22
23 **REQUEST FOR PRODUCTION NO. 33.** Please produce copies of all documents
24 evidencing any complaints about, or criticisms of, the nature, quality or characteristic of any of
25 the products and/or services sold or rendered by you under the VEGA mark.

26 **OBJECTIONS:** Plaintiff objects to this request for production on the grounds that it is
27 overbroad, unduly burdensome, and not calculated to lead to the discovery of relevant,

28 **PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 6**

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1 admissible evidence. Subject to and without waiving the foregoing objection, Plaintiff responds
2 as follows:

3 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
4 herewith. This response will be supplemented if and when additional documents are discovered.

5
6 **REQUEST FOR PRODUCTION NO. 34.** Please produce copies of all documents
7 relating to all expert(s) retained by you or on your behalf in connection with this Action,
8 including but not limited to copies of all statements and/or opinions provided by each such
9 expert.

10 **RESPONSE:** Plaintiff has not retained an expert in this Action, and therefore has no
11 documents responsive to this request for production.

12
13 **REQUEST FOR PRODUCTION NO. 35.** To the extent not produced in response to
14 prior requests, please produce copies of all documents supporting, proving or disproving any
15 claim of initial interest confusion in this Action.

16 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
17 herewith. This response will be supplemented if and when additional documents are discovered.

18
19 **REQUEST FOR PRODUCTION NO. 36.** To the extent not produced in response to
20 prior requests, please produce copies of all documents supporting, proving or disproving any
21 claim of actual confusion in this Action.

22 **RESPONSE:** Any responsive, non-privileged documents in possession are produced
23 herewith. This response will be supplemented if and when additional documents are discovered.

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PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 7

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Seattle, Washington 98164
TEL: (206) 624-1933

1 DATED September 17, 2010.

2 INVICTA LAW GROUP, PLLC

3
4 By: Heather Morado
5 Heather M. Morado, WSBA No. 35135
6 Attorney for Plaintiff
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PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 8

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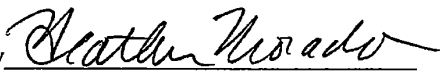
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ATTORNEY'S FED. R. CIV. P. CERTIFICATION

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

DATED: September 17, 2010.

INVICTA LAW GROUP, PLLC

By 
Heather M. Morado, WSBA No. 35135
Attorney for Plaintiff

PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 9

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1
2
3 **CERTIFICATE OF SERVICE**
4

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

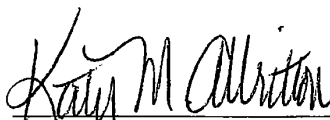
7 On this day, September 17, 2010, I caused to be sent via e-mail and First Class Mail the
8 following documents:

- 9 1. Plaintiff's Objections and Responses to Defendant Nanal, Inc.'s Second Set of
10 Requests for Production Nos. 30-36 to Plaintiff Soaring Helmet Corporation with
11 Certificate of Service

12 To the following listed counsel of record:

13 Ms. Katherine Hendricks
14 Ms. Stacia N. Lay
15 Hendricks & Lewis, PLLC
16 901 Fifth Avenue, Suite 4100
Seattle, WA 98164
kh@hllaw.com; sl@hllaw.com

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

18
19 

20 Katy M. Albritton
21 Legal Assistant
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PLAINTIFF'S OBJECTIONS AND RESPONSES TO
DEFENDANT'S SECOND SET OF REQUESTS FOR
PRODUCTION NOS. 30-36 TO PLAINTIFF - 10
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