

## **EXHIBIT 12**

{81600.DOC}

THE HONORABLE JAMES J. ROBERT

RECEIVED  
HENDRICKS  
9-21-2010

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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'S FIRST SET OF  
REQUESTS FOR ADMISSION

TO: Ms. Katherine Hendricks  
Ms. Stacia N. Lay  
HENDRICKS & LEWIS, PLLC  
Attorneys for Defendant

In accordance with the provisions of Fed. R. Civ. P. 26 and 36, Plaintiff hereby  
offers the following Answers to Defendant Nanal, Inc.'s First Set of Requests for  
Admission:

PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST SET OF  
REQUESTS FOR ADMISSION - 1

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

1                    **ANSWERS TO DEFENDANT’S FIRST SET OF REQUESTS FOR ADMISSION**

2  
3                    **REQUEST FOR ADMISSION NO. 1:** Admit that Plaintiff’s registration for the  
4 VEGA mark, Registration No. 2,087,637, is limited to “motorcycle helmets.”

5                    **ANSWER: ADMIT.**

6                    **REQUEST FOR ADMISSION NO. 2:** Admit that Plaintiff has not obtained a  
7 registration for the VEGA mark for use in connection with the sale of motorcycle jackets.

8                    **ANSWER:** Plaintiff has obtained a federal registration for VEGA TECHNICAL  
9 GEAR for “motorcycle helmets and protective clothing,” therefore Plaintiff does not admit  
10 nor deny.

11                   **REQUEST FOR ADMISSION NO. 3:** Admit that Plaintiff has not used the  
12 VEGA mark in connection with the sale of motorcycle jackets.

13                   **ANSWER: DENY.**

14                   **REQUEST FOR ADMISSION NO. 4:** Admit that Plaintiff does not have the  
15 exclusive right to use the word “helmet” in connection with the marketing, advertising or  
16 sale of motorcycle helmets.

17                   **ANSWER: ADMIT.**

18                   **REQUEST FOR ADMISSION NO. 5:** Admit that you are not aware of any  
19 instances of alleged confusion resulting from Defendant’s activities of which you  
20 complain other than those instances alleged in your response to Defendant’s Interrogatory  
21 No. 2 in this Action.

22                   **ANSWER: DENY.**

23                   **REQUEST FOR ADMISSION NO. 6:** Admit that you are not aware of any  
instances of Defendant’s alleged interference with your business expectancy, other than

1 those instances alleged in your response to Defendant's Interrogatory No. 2 in this  
2 Action.

3 **ANSWER: DENY.**

4 **REQUEST FOR ADMISSION NO. 7:** Admit that you are aware that Defendant  
5 no longer bids on the keyword "vega" or any combination of terms containing the word  
6 "vega" in connection with Google's AdWords program.

7 **ANSWER: ADMIT.**

8 **REQUEST FOR ADMISSION NO. 8:** Admit that you are not aware of any  
9 instances of consumer confusion resulting from Defendant's alleged use of the word  
10 "vega" in connection with motorcycle jackets.

11 **ANSWER: DENY.**

12 **REQUEST FOR ADMISSION NO. 9:** Admit that you do not sell products  
13 direct to consumers under the VEGA mark.

14 **ANSWER: ADMIT.**

15 **REQUEST FOR ADMISSION NO. 10:** Admit that you have not been damaged  
16 by any of the alleged activities of Defendant of which you complain the Second  
17 Amended Complaint.

18 **ANSWER: DENY.**

19  
20  
21  
22  
23

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

DATED this 17<sup>th</sup> day of September 2010.

INVICTA LAW GROUP, PLLC

By *Heather Morado*  
Stacie Foster, WSBA No. 23397  
Heather Morado, WSBA No. 35135  
Steve W. Edmiston, WSBA No. 17136  
Attorneys for Plaintiff

PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST SET OF  
REQUESTS FOR ADMISSION - 4

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

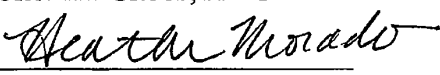
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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

The undersigned attorney certifies pursuant to Fed. R. Civ. P. 26(g) that he or she has read each answer to these requests, and that to the best of his or 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:   
Stacie Foster, WSBA No. 23397  
Heather M. Morado, WSBA No. 35135  
Steven W. Edmiston, WSBA No. 17136  
Attorneys for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**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's First Set of Requests for Admission.

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 17<sup>th</sup> day of September, 2010, at Seattle, Washington.

  
Katy M. Albritton  
Legal Assistant

PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST SET OF  
REQUESTS FOR ADMISSION - 6

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