

## **EXHIBIT 18**

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

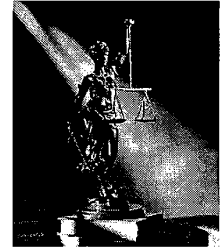
SOARING HELMET CORPORATION,  
A WASHINGTON CORPORATION,

Plaintiff,

vs. No. C-09-0789 JLR

NANAL, INC., A NEVADA  
CORPORATION, dba  
LEATHERUP.COM,

Defendant.



DEPOSITION OF ALBERT BOOTESAZ 30 (b) (6)  
MONDAY, SEPTEMBER 20, 2010  
LOS ANGELES, CALIFORNIA

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2  
3 **APPEARANCES**  
4  
5 **FOR THE PLAINTIFF:**  
6 BY: STACIE FOSTER, ESQ.  
7 **INVICTA LAW GROUP PLLC**  
8 1000 Second Avenue  
9 Suite 3310  
10 Seattle, Washington 98104  
11  
12 **FOR THE DEFENDANT:**  
13 BY: SHAHROKH MOKHTARZADEH, ESQ.  
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16 Los Angeles, California 90049  
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**DEPOSITION OF ALBERT BOOTESAZ**  
**MONDAY, SEPTEMBER 20, 2010**  
**LOS ANGELES, CALIFORNIA**

Deposition of ALBERT BOOTESAZ, taken on behalf of Plaintiff, at 10:02 A.M., Monday, September 20, 2010, at 815 Moraga Drive, Los Angeles, California, before Jeanine Curcione, C.S.R. No. 10223, RPR, pursuant to notice.

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1 rather not get his residential place involved.

2 **BY MS. FOSTER:**

3 **Q. Mr. Bootesaz, are you appearing today on**  
4 **behalf of the defendant in this lawsuit Nanal**  
5 **Incorporated?**

6 A. Yes.

7 **Q. Am I pronouncing that correctly, Nanal**  
8 **Incorporated?**

9 A. Correct.

10 **Q. And what is your role at Nanal Incorporated?**

11 A. I'm the president of the company.

12 **Q. Did you bring any documents with you today,**  
13 **Mr. Bootesaz?**

14 A. No.

15 **Q. Did you have a chance to review the notice of**  
16 **deposition that was sent to Nanal Incorporated?**

17 A. No.

18 **Q. Are you appearing here pursuant to that**  
19 **notice of deposition?**

20 A. On the advice of counsel.

21 **Q. What is Nanal Incorporated's primary place of**  
22 **business?**

23 A. Las Vegas, Nevada.

24 **Q. What is the business address?**

25 A. 330 Rainbow Avenue, Las Vegas, Nevada 89109.

1 Q. And is that a home or an office building?

2 A. Office building.

3 Q. And does Nanal own the office building?

4 A. No.

5 Q. Does Nanal have any other places of business?

6 A. No.

7 Q. How is Nanal operated?

8 A. It's a Web site company.

9 Q. Is it exclusively Web site?

10 A. Exclusively Web site.

11 Q. Can you tell me the names of the Web sites  
12 that Nanal operates?

13 A. LeatherUp.com, l-e-a-t-h-e-r-u-p.com.

14 Q. Does Nanal own any other Web sites other than  
15 LeatherUp.com?

16 A. No.

17 Q. Is Nanal a corporation?

18 A. Yes.

19 Q. Is it an S corporation?

20 MR. MOKHTARZADEH: Objection. Relevance.

21 You can answer if you know.

22 THE WITNESS: I don't know what it is.

23 BY MS. FOSTER:

24 Q. Does Nanal have directors?

25 MR. MOKHTARZADEH: Objection. Relevance.

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1 can probably answer.

2 **MS. FOSTER:** Your objection is noted for the  
3 record. I appreciate that. Thank you.

4 **Q. Does Nanal Inc. manufacture Xelement gear?**

5 A. No.

6 **Q. Are you familiar with Xelement gear?**

7 A. As who?

8 **Q. Nanal Inc.**

9 A. Yes.

10 **Q. Can you tell me about Xelement gear?**

11 A. It's a brand.

12 **Q. A brand of what?**

13 A. Motorcycle apparel.

14 **Q. And is it a brand that LeatherUp.com carries?**

15 A. Sells.

16 **Q. Sells.**

17 **And do you know who manufactures Xelement**  
18 **gear?**

19 A. Does Nanal know who manufactures?

20 **Q. You, Mr. Bootesaz, speaking as 30(b)(6)**

21 **witness for Nanal Inc.**

22 A. Nanal knows who Xelement is being  
23 manufactured by.

24 **Q. Okay. And can you tell me who manufactures**  
25 **Xelement gear.**

1 A. A Pakistani company.

2 Q. Can you tell me the name of the Pakistani  
3 company?

4 MR. MOKHTARZADEH: I just want to designate  
5 this portion of the transcript as confidential under  
6 the court order.

7 MS. FOSTER: Okay.

8 THE WITNESS: I have to look it up for you.

9 BY MS. FOSTER:

10 Q. What types of products are sold at  
11 LeatherUp.com?

12 A. Leather jackets. Mesh jackets. Cordura  
13 jackets. Saddlebags. Boots. Helmets. Sunglasses,  
14 bandannas. Hats. Safety vests.

15 Q. Are those all related to motorcycle --

16 A. Most.

17 Q. -- gear.

18 You said Cordura jacket?

19 A. Fabric.

20 Q. Cordura is a type of fabric?

21 A. Yes.

22 Q. It's a protective fabric?

23 A. It's a military type of fabric used in  
24 protective jackets.

25 Q. Does LeatherUp.com sell protective clothing



1 they're riding?

2 A. I don't ride. I don't know.

3 Q. Are you involved in the motorcycle world  
4 yourself, Mr. Bootesaz?

5 A. Not at all.

6 Q. Just a business for you; correct?

7 A. Correct.

8 Q. Does LeatherUp.com have any other method of  
9 selling its products other than the Web site?

10 A. No.

11 Q. Does LeatherUp.com visit trade shows?

12 A. In the last eight months, yes. Exhibit only,  
13 no sales.

14 Q. Can you tell me where -- which trade show  
15 you've exhibited in the last eight months?

16 A. I don't recall. I can get the information  
17 for you.

18 Q. Have you exhibited at the V twin expo?

19 MR. MOKHTARZADEH: Would you spell that,  
20 please.

21 MS. FOSTER: V-Twin Expo.

22 THE WITNESS: I don't recall there. We may  
23 have. I don't recall.

24 BY MS. FOSTER:

25 Q. Your testimony is that LeatherUp.com has

1 BY MS. FOSTER:

2 Q. LeatherUp.com does not sell motorcycles;  
3 correct?

4 A. Correct.

5 Q. Does it sell motorcycle parts?

6 A. Yes.

7 Q. And what kinds of parts?

8 A. It doesn't belong to us. A company called  
9 Tucker Rocky, Western Power Sports, this is their  
10 products.

11 Q. Can you spell TOCKEROCKY [phonetic]?

12 A. Tucker, Rocky.

13 Q. Are your products sold to dealers?

14 A. No.

15 Q. Never?

16 A. Never.

17 Q. Directly to consumers?

18 A. Directly to consumers.

19 Q. Does LeatherUp.com sell Soaring Helmet  
20 products?

21 A. I don't know what is a Soaring Helmet  
22 product. You need to specify.

23 Q. Are you familiar with the company Soaring  
24 Helmet?

25 A. That's why I'm here. Yes, I am.

1 Q. Had you heard of Soaring Helmet before this  
2 lawsuit?

3 A. No.

4 Q. When did you learn of Soaring Helmet?

5 A. When the lawsuit was filed.

6 Q. Did you learn of Soaring Helmet prior to the  
7 lawsuit being filed via a cease and desist letter?

8 A. Yes.

9 Q. So you received a cease and desist letter  
10 from Soaring Helmet?

11 A. Correct.

12 Q. Let's talk about your use of Google.

13 How does LeatherUp.com use Google?

14 A. You go to Google, you open an account, they  
15 have tutorials, and you advertise for the categories  
16 that you want.

17 Q. And did you purchase a Google AdWord for Vega  
18 helmets?

19 A. It was an automated suggestion by Google.

20 Q. Can you explain that to me.

21 A. When we advertise for the word "helmet," a  
22 lot of suggestions comes up, and I believe Vega was one  
23 of the suggestions that came up, automated suggestions  
24 by Google.

25 Q. And were you personally involved in the

1 **purchase of the AdWord with Google?**

2 A. I don't recall.

3 **Q. If it wasn't you, who would it have been?**

4 A. It may have been me. This Vega was such an  
5 insignificant brand or name, because we thought that we  
6 know all the brands. I never heard of this name  
7 before, Vega.

8 **Q. You never heard of which name?**

9 A. Vega.

10 **Q. Then why did you purchase an AdWord with the**  
11 **name "Vega" in it?**

12 A. It was an automated suggestion by Google.

13 **Q. So Google suggested Vega helmet?**

14 A. Correct.

15 **Q. You never heard of Vega?**

16 A. No.

17 **Q. Then why did you purchase the AdWord?**

18 A. Because I thought Vega was the name of a  
19 solar system.

20 **Q. Did you do any research into the word "Vega**  
21 **helmets"?**

22 A. No.

23 **Q. Did you do any Google searches about Vega**  
24 **helmets?**

25 A. I don't recall.

1 Q. Did you look on the Patent and Trademark  
2 Office Web site to see if "Vega" was a trademark?

3 A. I don't recall.

4 Q. Did you ask your lawyer if you could use the  
5 word "Vega helmet"?

6 A. No.

7 Q. Did it cause you any concern to use the word  
8 "Vega helmet"?

9 A. I don't recall if I was concerned.

10 Q. What made you decide to purchase the AdWord  
11 "Vega helmet"?

12 MR. MOKHTARZADEH: Objection. Asked and  
13 answered.

14 You can answer again.

15 THE WITNESS: What was it?

16 BY MS. FOSTER:

17 Q. What made you decide --

18 A. I told you I thought it was a solar system.

19 Q. Why would a solar system be useful to your  
20 helmets?

21 A. Because I believe in astrological signs.

22 Q. Did you do any research to find out whether  
23 Vega was in fact a solar system?

24 A. Not then. I knew it before Vega was a solar  
25 system.

1 Q. Did you purchase "Vega" from any other search  
2 engines other than Google?

3 A. No.

4 Q. Did you purchase it from Bing?

5 A. No.

6 Q. Did you purchase it from Yahoo?

7 A. No.

8 Q. If you thought "Vega helmet" was an important  
9 search term, why didn't you use it for other search  
10 engines?

11 A. Can you repeat.

12 Q. Did you think Vega helmet would be a useful  
13 search term for your business?

14 A. No.

15 Q. Why did you purchase it?

16 A. It was an automated suggestion.

17 Q. There must have been other automated  
18 suggestions that Google made; is that correct?

19 MR. MOKHTARZADEH: Objection. This is  
20 becoming argumentative.

21 Go ahead.

22 THE WITNESS: I don't know what you're  
23 talking about.

24 BY MS. FOSTER:

25 Q. When Google made the automated suggestion