

## **EXHIBIT 6**

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THE HONORABLE JAMES L. ROBERT

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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 SECOND  
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

SECOND AMENDED COMPLAINT - 1

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

1 Plaintiff Soaring Helmet Corporation (“Soaring Helmet” or “Plaintiff”),  
2 complains and alleges as follows:

3 **I. INTRODUCTION**

4 1.1 This matter concerns the trademark infringement, unfair competition, and  
5 tortious interference with prospective economic advantage by Defendant, NANAL, INC.,  
6 d/b/a LEATHERUP.COM (“Defendant”) against the owner of the following registered  
7 trademark: “VEGA” U.S. Trademark Registration No. 2087637 (the “Mark”).

8 1.2 Soaring Helmet brings this action to secure relief under Federal and  
9 Washington State law. Soaring Helmet seeks: (a) a temporary, preliminary and  
10 permanent injunction prohibiting Defendant from further infringement of Soaring  
11 Helmet’s Mark; (b) money damages for Defendant’s past infringement of the Mark,  
12 unfair competition, and tortious interference with prospective economic advantage.

13 **II. THE PARTIES**

14 2.1 Plaintiff. Plaintiff Soaring Helmet is a corporation duly organized and  
15 existing under the laws of the State of Washington with its principal place of business in  
16 Tukwila, Washington. Soaring Helmet is in good standing with the Washington  
17 Secretary of State’s Office and has done all things necessary and proper to bring this  
18 lawsuit.

19 2.2 Defendant. Based on information and belief, Defendant Nanal, Inc. is a  
20 Nevada corporation d/b/a Leatherup.com. On information and belief, Defendant offers  
21 motorcycle accessories for sale on a nationwide basis, including Washington State, via its  
22 website and a toll-free telephone number.  
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**III. JURISDICTION AND VENUE**

3.1 This Court has original jurisdiction over Count I and II under 15 U.S.C. §1121(a) (action arising under the Lanham Act) and 28 U.S.C. §§1331, 1338(a) (federal question) in that this case arises under the Trademark Laws of the United States, 15 U.S.C. §§1051-1127.

3.2 This Court has jurisdiction over Count III and Count IV under 28 U.S.C. §1338(b) in accordance with the principles of pendant jurisdiction in that said claims are joined with substantial and related claims under the Trademark Laws of the United States, 15 U.S.C. §§1051-1127.

3.3 Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

3.4 Personal jurisdiction in this district is proper because Defendants maintain continuous and systematic commercial contacts with Washington State. On information and belief, Defendants have purposefully availed themselves of the opportunity to conduct commercial activities in this forum, and this Complaint arises out of those activities.

**IV. FACTUAL BACKGROUND**

**Soaring Helmet's Trademark Rights.**

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

4.2 On August 23, 1996, Soaring Helmet filed an application to register the Mark with the United States Patent and Trademark Office (PTO). The Mark was

1 registered on the Principal Register of the PTO on August 12, 1997 and was assigned  
2 Registration Number 2087637. A true and correct copy of the Certificate of Registration  
3 issued by the PTO is attached hereto as Exhibit A.

4 4.3 Soaring Helmet has sold a wide variety of VEGA helmets to customers  
5 throughout the United States. Soaring Helmet has invested substantial sums of time,  
6 money and effort to develop, use, advertise and promote the Mark. As a result, the Mark  
7 has become an integral and indispensable part of Soaring Helmet's business. To this end,  
8 Soaring Helmet carefully guards its intellectual property rights.

9 **Defendants' Wrongful Acts.**

10 4.4 In approximately April 2009, Plaintiff learned that when the query "VEGA  
11 helmets" is searched via internet search engines, including but not limited to the Google,  
12 Yahoo, and Bing search engines, an advertisement appeared under the search engines'  
13 sponsored listings that stated that Leatherup.com offered "50% off Vega Helmets." A  
14 copy of the search results is attached hereto as Exhibit B.

15 4.7 Defendant's advertisement was false and misleading because Defendant  
16 does not in fact sell any of Soaring Helmet's VEGA products.

17 4.8 Soaring Helmet has lost business due to actual confusion caused by  
18 Defendant's false and misleading advertisement when at least one retailer refused to do  
19 business with Soaring Helmet due to the fact that the advertisement falsely stated that  
20 Defendant sells Soaring Helmet's products at a deep discount.  
21  
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1           4.9 On or about April 28, 2009, Soaring Helmet sent a letter to Defendant,  
2 demanding it cease and desist all use of the Mark in connection with false and misleading  
3 advertisements. A copy of this letter is attached hereto as Exhibit C.

4           4.10 Although Defendant has stopped using Plaintiff's Mark to trigger  
5 sponsored listings on Google, Defendant is still using the Mark to trigger sponsored  
6 listings on other search engines, such as the Bing search engine. A copy of the Bing  
7 search results is attached hereto as Exhibit D.

8           4.11 On or about December 2009, Soaring Helmet discovered that Defendant  
9 was selling motorcycle jackets under the designation, "XElement Extreme Vega."  
10 Soaring Helmet discovered the infringement when one of Soaring Helmet's clients  
11 inquired as to whether Soaring Helmet was the manufacturer of the "XElement Extreme  
12 Vega" jacket.

13           4.12 Soaring Helmet was not able to immediately confirm that Defendant was  
14 the manufacturer of the "XElement Extreme Vega" jacket. However, Soaring Helmet  
15 suspected that the XElement Leather Brand and Defendant were likely affiliated if not  
16 one and the same. On or about January 27, 2010, Soaring Helmet sent a cease and desist  
17 letter to both the address for XElement Leather Brand and to counsel for Defendant. A  
18 copy of this letter is attached hereto as Exhibit E.

19           4. On or about March 2010, counsel for Defendant confirmed that Defendant  
20 was the manufacturer of the "XElement Extreme Vega" motorcycle jacket. Counsel for  
21 Defendant also stated that Defendant had removed the "Vega" designation from its  
22 motorcycle jackets. However, Soaring Helmet has been damaged by Defendant's past  
23

1 infringing sales, and the actual confusion that occurred with at least one of Soaring  
2 Helmet's clients.

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

5 5.1 Soaring Helmet realleges and incorporates herein by reference the  
6 allegations contained in all preceding paragraphs of this Complaint as part of this cause  
7 of action.

8 5.2 Soaring Helmet holds a valid and existing federal registration for the Mark.  
9 Soaring Helmet has continuously used the Mark since as early as 1994.

10 5.3 Defendant's use of the Mark as a keyword to place its sponsored listing  
11 advertisements for Leatherup.com, has and is likely to cause initial interest confusion of  
12 consumers that are in fact searching solely for Soaring Helmet's Mark.

13 5.4 Defendant's use of the Mark in connection with the marketing, advertising,  
14 and sale of motorcycle jackets has and is likely to deceive customers and prospective  
15 customers into believing that Defendant's products are that of Soaring Helmet, and, as a  
16 consequence, are likely to divert customers away from Soaring Helmet.

17 5.4 The aforementioned trademark infringement has caused, and is likely to  
18 cause confusion, mistake, or deception of consumers, to the detriment of Soaring Helmet.

19 5.5 As a result of the confusion engendered by foregoing infringement,  
20 Soaring Helmet's valuable goodwill in respect to its VEGA Mark is at the mercy of  
21 Defendant.  
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SECOND AMENDED COMPLAINT - 6

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1           5.6    The goodwill of Soaring Helmet's business is of enormous value, and  
2    Soaring Helmet will suffer irreparable harm should infringement be allowed to continue  
3    to the detriment of its trade reputation and goodwill.

4           5.7    Defendant's use of the Mark as alleged herein was done without the  
5    knowledge, consent or permission of Soaring Helmet.

6           5.8    Defendant has violated the trademark rights of Soaring Helmet under the  
7    Trademark Act, thereby giving rise to a cause of action under 15 U.S.C. § 1114.

8           5.9    Soaring Helmet will be irreparably harmed unless Defendant is  
9    temporarily, immediately and permanently enjoined from any further use of the Mark and  
10   any further false and misleading advertising using the Mark.

11           5.10   Soaring Helmet has no adequate remedy at law and serious damage to its  
12   trademark rights will result unless Defendant's wrongful use of the Mark is enjoined by  
13   the court.

14           5.11   Defendant has continued to use the Mark notwithstanding that they have  
15   actual knowledge of Soaring Helmet's superior trademark rights as alleged herein, as  
16   well as knowledge of the actual confusion suffered by Soaring Helmet's customers.  
17   Defendant's infringement of the Soaring Helmet VEGA Mark accordingly constitutes  
18   intentional, willful, knowing and deliberate trademark infringement throughout the United  
19   States, including Washington State. Plaintiff therefore seeks judgment in the amount of  
20   three (3) times its damages, together with reasonable attorney's fees pursuant to 15  
21   U.S.C. § 1117(a).

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SECOND AMENDED COMPLAINT - 7

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1 Soaring Helmet, and, as a consequence, are likely to divert customers away from Soaring  
2 Helmet throughout the United States, including in Washington State.

3 6.4 Soaring Helmet has and will continue to be irreparably harmed unless  
4 Defendant is temporarily, immediately and permanently enjoined from any further use of  
5 the Mark and any further false and misleading advertising of products using the Mark.

6 6.5 Soaring Helmet has no adequate remedy at law and serious damage to its  
7 trademark rights will result unless Defendant's wrongful use of the Mark is enjoined by  
8 the court.

9 6.6 The actions of Defendant as alleged herein constitute intentional, willful,  
10 knowing and deliberate unfair competition and false advertising pursuant to Lanham Act  
11 Section 43(a).

12 6.7 Defendant's acts of unfair competition and false advertising in violation of  
13 the Lanham Act Section 43(a) as alleged herein have caused, and will continue to cause,  
14 Soaring Helmet to suffer damages in an amount unknown at this time and have caused,  
15 and will continue to cause Defendant to gain revenues and profit in an amount unknown  
16 at this time. Pursuant to 15 U.S.C. §1117(a), Soaring Helmet is entitled to an award of  
17 monetary damages in an amount equal to the losses suffered by Soaring Helmet and the  
18 revenues and/or profits gained by Defendant, which damages should be augmented as  
19 provided by 15 U.S.C. §1117(a).

20  
21 6.8 Pursuant to 15 U.S.C. §1117(a), any monetary damages awarded to Soaring  
22 Helmet should be trebled.  
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SECOND AMENDED COMPLAINT - 9

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1 **IX. PRAYER FOR RELIEF**

2 WHEREFORE, Soaring Helmet prays for relief against Defendant as follows:

3 1. For a temporary, preliminary and permanent injunction restraining and  
4 enjoining Defendant, and their agents, servants, employees, and all others in active  
5 concert or participation with them, as follows:

- 6 a. From further infringing Soaring Helmet's trademark rights;
- 7 b. From the further purchase and/or sale of Soaring Helmet's VEGA  
8 Mark for use in false and misleading advertising;
- 9 c. From further using the Mark in connection with the advertising,  
10 marketing, and sale of products or services, in any manner  
11 whatsoever;
- 12 d. From further acts of false advertising and unfair competition as  
13 alleged herein.

14

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

18 3. For an order requiring the impoundment of all products and materials  
19 bearing the infringing mark pending the trial of this matter, and the destruction of all  
20 products and materials bearing the infringing mark following trial.

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

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SECOND AMENDED COMPLAINT - 12

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

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

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

DATED April 2, 2010.

INVICTA LAW GROUP, PLLC

By: s/Heather Morado/  
Stacie Foster, WSBA No. 23397  
Heather M. Morado, WSBA No. 35135  
Steven W. Edmiston, WSBA No. 17136  
Attorneys for Plaintiff

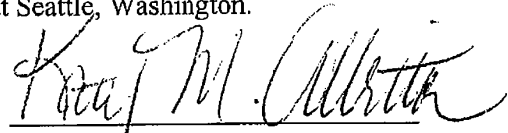
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**CERTIFICATE OF SERVICE**

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

Ms. Katherine Hendricks  
HENDRICKS & LEWIS, PLLC  
901 Fifth Avenue, Suite 4100  
Seattle, WA 98164  
kh@hllaw.com

Dated this 13<sup>th</sup> day of May, 2010, at Seattle, Washington.



Katy M. Albritton  
Legal Assistant

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

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

SER. NO. 75-135,017, FILED 8-23-1996.

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

DAVID M. MERMELSTEIN, EXAMINING AT-  
TORNEY



## Exhibit B

Web Images Maps News Video Gmail more v Sign In



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](http://www.TheHelmetZone.com)  
Direct & Save - Free Shipping

Sponsored Links

Snow, Motorcycle, Half & Flip-Up Buy

**50% Off Vega Helmets**

[www.LeanerUp.com](http://www.LeanerUp.com) Half face, full face helmets from \$28.95,  
Top Brands HJC, Shoei, Bell

**Vega Motorcycle Helmets**

[www.Jafum.com](http://www.Jafum.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, 19235 Olympic Avenue S.,  
Tukwila, WA 98188 ...  
[www.vegahelmet.com/](http://www.vegahelmet.com/) - 17k - [Cached](#) - [Similar pages](#)

Street **Snowmobile**  
Off Road **NT 200**  
Find a Dealer **Company**  
Summit **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](http://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 helms.  
[www.helmetshop.com/](http://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?category=Shop+By+Brand+Vega+Helmets](http://www.helmetshop.com/Category/ProductList.jsp?category=Shop+By+Brand+Vega+Helmets) - 21k -  
[Cached](#) - [Similar pages](#)

**Shopping results for vega helmets**

- Vega Super Full Color Match Motorcycle Helmet** \$139.95 - Motorcycle Superstore.com
- Vega Super XPV 2 Side Helmet Large M** \$124.99 - helmetacc.com
- Vega A1 Helmet DOT 520 Silver** \$39.99 - jafum.com

Sponsored Links

**Vega Helmets**

Motorcycle gear, apparel & parts.  
Low Price Guarantee. Free Shipping!  
[www.Motorcycle-Superstore.com](http://www.Motorcycle-Superstore.com)

**Online Motocross Store**

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

**Vega Helmets**

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[Shopzilla.com](http://Shopzilla.com)

**50% OFF Motorcycle Helmet**

Fast & Free Shipping + Free Returns  
125% Price Guarantee + MB Guarantee  
[MotoDirect.com/Motorcycle\\_Helmets](http://MotoDirect.com/Motorcycle_Helmets)

**Vega Helmets**

Best Deals & Accessories!  
Vega Helmets.  
[www.vegahelmets.com](http://www.vegahelmets.com)

**Vega Helmets**

Compare Prices - Compare  
Expert reviews!  
[www.bestbuy.com/helmets](http://www.bestbuy.com/helmets)

**Vega Helmets**

Fast Car Parts, Accessories, Tools  
Replacement, Car Care & More  
for your motorcycle

**Vega Helmets**

Vega Helmets now.  
Purchase on eBay Motors!  
[www.ebay.com](http://www.ebay.com)

[Sponsored Links »](#)

## Exhibit C

**Invicta**  
LAW GROUP P.L.L.C.

Counsel for creative companies

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April 28, 2009

Mark V. Jordan  
Email: [mjordan@invictalaw.com](mailto:mjordan@invictalaw.com)

**VIA CERTIFIED MAIL: 7007268000056348336**  
**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

First Amended Complaint - 19

SECOND AMENDED COMPLAINT

C - 19

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.

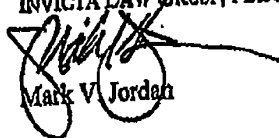
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Because Soaring Helmet Corporation has been and will continue to be substantially and irreparably damaged should this infringement continue, it must enforce its exclusive rights to the Mark. Soaring Helmet Corporation demands that Leatherup.com immediately 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 1220901

## Exhibit D

Web Images Videos Shopping News Maps More MSN Helms

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 Make Bing your decision engine

Bing

vega helmets

ALL RESULTS

ALL RESULTS

1-10 of 1,520,000 results · [Advanced](#)

Sponsored sites

Shopping

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

Sponsored sites

**Full Face Helmets**  
 Shop Full Face Motorcycle Helmets at J.C. Whitney® - Free Shipping! [www.JCWhitney.com/FullFaceHelmets](#)

RELATED SEARCHES

**Unique Motorcycle Helmets** - [www.leathersup.com](#)  
 50% off motorcycle helmets from H.C., THH, Shoei, and Bell

**Vega helmets**  
 Buy Vega helmets. You may get 6% off with PayPal if eligible. [www.eBay.com](#)

KBC Helmets

**Welcome to Vega Helmet Corporation**  
 18235 Olympo Avenue S., Tukwila, WA 98188 Phone: (425) 656-0883 Fax: (425) 656-0879  
[www.vegahelmet.com](#) · [Cached page](#)

**Shoei Helmets - 50% OFF**  
 Shop - Call 800-873-9233 Now X11 \$289-399 RF1000 \$199-299 & more  
[www.compsco.com/blowout-sale](#)

Vega Flip-up Helmets

Summit II Modular	Mach 1 Full
XTS Half Helmet	Akura Full
XT Half Helmet	Find a Dealer
Street	NI 200 Open

**Vega Helmets and Jackets**  
 Free Shipping Over 75.00 use coupon code FREEING  
[HelmetCountry.com](#)

Vega Summit Helmet

[Show more results from www.vegahelmet.com](#)

Vega Altura Helmet

Vega Helmet Shield

Outlaw Helmets

Shark Helmets

SEARCH HISTORY

vega helmets

social network etiquette

Comcast

[www.doctorysflpp.com](#)

[www.invisialaw.com](#)

See all

Clear all | Turn off

**Vega Helmets - Company**  
 manufacturer of fine motorcycle helmets and accessories. Vega provides quality motorcycle helmets and accessories at the lowest possible price.  
[www.vegahelmet.com/company.html](#) · [Cached page](#)

**Vega Helmets - Motorcycle Superstore**  
 Motorcycle Superstore carries a complete line of Vega Helmets. Vega Helmets are competitively priced and a competent option for protection. Few companies strive for absolute ...  
[www.motorcycle-superstore.com/0265/MANFDEPTALL/Vega-Helmets.aspx](#) · [Cached page](#)

Shop for vega helmets



Light & Motion 2009 Helmet Mount \$18	Light & Motion Vega 120 Bike Light from \$74	Light & Motion Vega 200 Bike Light from \$129	Light And Motion Pre-2009 Bar Mount \$14
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Can't decide? Ask your friends for recommendations  
**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](#) · [Cached page](#)

**Motorcycle Helmets, Motorcycle Helmets from The Helmet...**  
 vega helmets; lion helmets; soumy helmets; shark helmets sco helmets; novelty helmets; motorcycle communications; bluetooth headset; nolan n-com systems  
[www.helmetshop.com](#) · [Cached page](#)

**Vega Summit II - wabBikeWorld**  
 Review of the Vega Summit II modular flip-up motorcycle helmet.  
[www.wabbikeworld.com/2/motorcycle-helmet/vega-summit-ii](#) · [Cached page](#)

**Vega Helmets - Vega Motorcycle Helmets**  
 Best Online .com Store with Discount Motorcycle Gear, Apparel & Biker Leather Clothing. Motorcycle Dealer with Wholesale Leather Goods and Riding Products.  
[www.jafun.com/Shop-By-Brand/Vega-Motorcycle-Helmets](#) · [Cached page](#)

**Vega XTS Solid Helmet - Cruiser Motorcycle - Motorcycle...**  
 Find the Vega XTS Solid Helmet at Motorcycle Superstore. Shop our complete selection of motorcycle gear and apparel including the Vega XTS Solid Helmet right here in Motorcycle ...  
[www.motorcycle-superstore.com/311/88/8208/ITEM/Vega-XTS-Solid-Helmet.aspx](#) · [Cached page](#)

**Vega motorcycle helmets, street bike helmet, sport bike...**  
 JS Powersports offers Vega motorcycle helmets, street bike helmets, sport bike helmets, cruiser helmets, Vega Mach 1, Vega Shunken, Vega Drakker, Vega Havoc and more  
[www.jspowersports.com/vega\\_motorcycle\\_helmets.htm](#) · [Cached page](#)

**Vega Helmets for Sale - Vega Helmet Closeouts**  
 Best Online .com Store with Discount Motorcycle Gear, Apparel & Biker Leather Clothing. Motorcycle Dealer with Wholesale Leather Goods and Riding Products.  
[www.jafun.com/Shop-By-Brand/Vega-Clo-ouls](#) · [Cached page](#)

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 Vega Motorcycle Helmets Vega Summit Helmet Outlaw Helmets  
 KBC Helmets Vega Altura Helmet Shark Helmets  
 Vega Flip-up Helmets Vega Helmet Shield

Vega Helmets - [www.Motorcycle-Superstore.com](#)

Sponsored sites

## Exhibit E



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January 27, 2010

Heather M. Morado  
Email: hmorado@invictalaw.com

**VIA E-MAIL: aaron@leatherup.com; kh@hlaw.com**  
**AND FIRST CLASS MAIL**

XBLEMENT LEATHER BRAND  
1200 Santee Street Suite 907  
Los Angeles, CA 90015

NANAL, INC., d/b/a LEATHERUP.COM  
c/o Ms. Katherine Hendricks  
HENDRICKS AND LEWIS, PLLC  
901 5<sup>th</sup> Avenue  
Suite 4100  
Seattle, WA 98164

**Re: Cease and Desist**

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 United States federal trademark registration is attached hereto as Exhibit A.

We recently learned that you are advertising and selling motorcycle jackets utilizing our client's Mark. Printouts of the XBLEMENT EXTREME VEGA motorcycle jacket advertised on the XBLEMENT website and offered for sale on the LEATHERUP.COM website are attached as Exhibits B and C. No license or other form of agreement or permission has been granted by Soaring Helmet to you for use of the Mark. Such unauthorized use of the Mark is a violation of federal and state law.

As I hope you can appreciate, our client cannot permit others to trade on the goodwill or to damage the value and integrity of its Mark. Because the public closely associates the Mark with our client's products, we are concerned that your unauthorized use of the Mark will cause consumers to mistakenly assume that you are endorsed by, affiliated with, or otherwise connected with Soaring Helmet Corporation. In fact, Soaring Helmet has already encountered actual confusion of its customers arising out of your use of the Mark.



Ms. Katherine Hendricks  
January 27, 2010  
Page 2

Because Soaring Helmet will be substantially and irreparably damaged should this infringement continue, it is prepared to enforce its exclusive rights to the Mark to the fullest extent of the law. If you wish to resolve this matter amicably, you must immediately cease and desist from any further use of the Mark. Soaring Helmet further requires that you immediately comply in writing with the following demands:

1. Immediately terminate all infringing or unauthorized use of the Mark together with all similar marks, including an acknowledgment that all items constituting infringement or use of the Mark have been removed from all products, catalogs, brochures, marketing materials (including all websites), advertising or similar notices and/or publications;
2. Immediately account for and forfeit all copies of any materials displaying the Mark in your possession to counsel for Soaring Helmet;
3. Provide a declaration or affidavit, signed under penalty of perjury stating that you will immediately, and for all time, cease using the Mark in any advertisement, promotion, sale or other commercial exploitation of your services.

Unless these demands are complied with immediately and unless we receive the written documentation demanded above by February 5, 2010, Soaring Helmet Corporation will assume you intend to willfully disregard its rights, and will pursue whatever action or remedies it deems appropriate to protect its rights to the fullest extent of the law.

I look forward to your anticipated cooperation in this matter.

Very truly yours,

INVICTA LAW GROUP, PLLC

  
Heather M. Morado

HMM:kma  
Enclosures  
cc: Soaring Helmet Corporation (w/o encl.)

1340 071 jz220802

# 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

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

SER. NO. 75-135,017, FILED 8-23-1996.

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

DAVID M. MERMELSTEIN, EXAMINING AT-  
TORNEY

# Exhibit B



[Jackets](#) | [Pants](#) | [Vests](#) | [Chaps](#) | [Boots](#) | [Saddlebags](#) | [Contact Us](#)

**Contact Us**

For retail sales contact [LeatherUp.com](#)



For wholesale sales contact [MyLeather.com](#)



[LeatherUp.com](#) | [MyLeather.com](#) | [NoxSolutions.com](#)

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# Exhibit C

**LeatherUp.com** Contact Us - Wholesale - About Us - Bargain Alerts - Returns - Help - RSS - Site Map  
**SALE! UP TO 50% OFF ORIGINAL PRICES!** **Low Price Guarantee**

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Motorcycle Jackets **Mens Jackets** Womens Jackets Motorcycle Boots Motorcycle Helmets Leather Chaps & Pants Leather Vests Motorcycle Center New Arrivals

Home > Store > Leather Jackets > Mens Motorcycle Jackets > Xelement Mens Motorcycle Jacket  
**Xelement Extreme Vega Black and Gray Tri-Tex™ Fabric Jacket with Breathable 3 Way Lining with Level-3 Advanced Armor** by Xelement



(Item #CP-8078-Cordura)  
**List Price: \$219.95**  
**Our Price: \$99.95**



**ADD TO CART**

Quantity: 1  
 Size: Select a size

Availability: Order usually processes in 1 business day.  
 (ETA See Also: )

★★★★★ (8 Customer Reviews)

Description	Size Chart	Rate & Review
Stay protected and dry with the Xelement Extreme Vega Black and Gray Tri-Tex™ Fabric Jacket with Breathable 3 Way Lining with Level-3 Advanced Armor. This jacket is fully loaded with features, including Tri-Tex™ Fabric 600 Denier High Performance Breathable Laminated Fabric, CE Approved Level-3 Armor on the back, shoulder and elbows (New Level Of Protection), lighter weight, less bulky, Level-3 Armor provides Highest CE Approved Protection, Ergonomic Design, Higher Impact Absorption, Free Movement, collarless design with snap button closure, 3 Way Lining (100% waterproof inner (middle liner) and the third one is a breathable mesh lining that is attached to the jacket. Buy yours today from the Web's #1 online leather store and save Big! Satisfaction Guaranteed!		

**Lowest Price Guarantee** **Delete**

**NO RISK** Returns & Exchange **30 Days**  
 No Restocking

**PayPal** NO PAYMENTS FOR 90 DAYS

Shipping Rates & Info  
 Select 2nd Day Air On Monday 21st of Dec. To Guarantee For December 24th Delivery. [Click Here For Details](#)  
 Shipping via FEDEX Ground is \$7.99 for unlimited items.  
 Most items usually ships in 1 business day.

**Suggestions**



Xelement Mens Tri-Tex™ Fabric and Leather Motorcycle Riding Pants with Level-3 Advanced Armor

(Item #CP813-Cordura-10-1)

\$99.95

**View Item**



Handle Protective Part of Leather Riding Gloves

(Item #XK0-200)

\$28.99

**View Item**



Xelement Mens Black and Gray Level-3 Advanced Jacket with Removable Arm Stays and Tri-Tex Fabric

(Item #CP8000-Black-Gray)

\$79.95

**View Item**

Please mouse over the pictures below to change the view above.



**Item Details**

- Collarless design with Velcro button closure
- 3 Way Lining
- First Zip out polyester quilted vest inner liner
- Second Zip out full length 100% waterproof liner (middle liner)
- Third Breathable mesh lining (attached to the jacket)
- Zippered waist cuffs with inner webbing and snap buttons
- Front zipper closure with air flap
- Adjustable Velcro chest straps
- Leather trim on upper chest
- Two top front chest pockets
- Two front side hip pockets
- Zippered front waist pockets
- Two back zippered vents
- Battle Number bands on shoulders and elbows for flexibility
- Extra built in pant on front and back of jacket
- Interior pockets on left and right hand side. (Pockets for a cell phone, keys and wallets)
- Has a Lower Back Access port (to attach to motorcycle pants)
- CE Approved Armor provides the highest level of protection (Level-3 Advanced Technology Ergonomic Design, Higher Impact Absorption, Free Movement)
- Level-3 Armor is the highest CE Approved armor technology
- Only available here at the web's #1 online leather store!
- Made of 100% Tri-Tex™ Fabric with Level-3 Advanced Technology
- 100% Tri-Tex™ Fabric with Level-3 Advanced Technology
- Performance Breathable Laminated Fabric
- Made of 100% Tri-Tex™ Fabric with Level-3 Advanced Technology
- Removable CE Approved Level-3 Armor on the back, shoulder and elbows

**Customer Reviews:**

16 out of 19 people found the following review helpful: