

EXHIBIT 7

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THE HONORABLE JAMES L. ROBART

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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

DEFENDANT NANAL, INC.'S FIRST
SET OF REQUESTS FOR PRODUCTION
NOS. 1 - 29 TO PLAINTIFF SOARING
HELMET CORPORATION AND
OBJECTIONS AND RESPONSES
THERE TO

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

DEFENDANT'S FIRST SET OF REQUESTS FOR
PRODUCTION NOS. 1 - 29 TO PLAINTIFF AND
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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;

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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 DEFENDANT’S FIRST SET OF REQUESTS FOR
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OBJECTIONS AND RESPONSES THERETO- 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 DEFENDANT'S FIRST SET OF REQUESTS FOR
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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 object 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 Interrogatories,
21 below, Plaintiff will provide information by the provision of documents and references to
22 documents. Such documents have been collected by Plaintiff, and may be made available for
23 inspection by Defendant at the office of Plaintiff's counsel.
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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1. Please produce copies of all documents or things identified in response to Defendant Nanal, Inc.'s First Set of Interrogatories Nos. 1-22 to Plaintiff Soaring Helmet Corporation.

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

REQUEST FOR PRODUCTION NO. 2. Please produce copies of all documents supporting, proving or disproving the allegations in paragraph 4.2 of the Second Amended Complaint that “[o]n August 23, 1996, Soaring Helmet filed an application to register the Mark with the United States Patent and Trademark Office (PTO). The Mark was registered on the Principal Register of the PTO on August 12, 1997 and was assigned Registration Number 2087637.”

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

REQUEST FOR PRODUCTION NO. 3. Please produce copies of all documents supporting, proving or disproving the allegation in paragraph 4.4 of the Second Amended Complaint that “[i]n approximately April 2009, Plaintiff learned that when the query ‘VEGA helmets’ is searched via internet search engines, including but not limited to the Google, Yahoo, and Bing search engines, an advertisement appeared under the search engines’ sponsored listings that stated that Leatherup.com offered ‘50% off Vega Helmets.’”

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

1 **REQUEST FOR PRODUCTION NO. 4.** Please produce copies of all documents
2 supporting, proving or disproving the allegation in paragraph 4.8 of the Second Amended
3 Complaint that “Soaring Helmet has lost business due to actual confusion caused by Defendant’s
4 false and misleading advertisement when at least one retailer refused to do business with Soaring
5 Helmet due to the fact that the advertisement falsely stated that Defendant sells Soaring Helmet’s
6 products at a deep discount.”

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

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10 **REQUEST FOR PRODUCTION NO. 5.** Please produce copies of all documents
11 supporting, proving or disproving the allegation in paragraph 4.10 of the Second Amended
12 Complaint that “[a]lthough Defendant has stopped using Plaintiff’s Mark to trigger sponsored
13 listings on Google, Defendant is still using the Mark to trigger sponsored listings on other search
14 engines, such as the Bing search engine.”

15 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
16 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
17 not yet obtained through discovery.

18 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
19 privileged documents are produced herewith. This response will be supplemented if and when
20 additional documents are discovered.
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23 **REQUEST FOR PRODUCTION NO. 6.** Please produce copies of all documents
24 supporting, proving or disproving the allegations in paragraph 4.11 of the Second Amended
25 Complaint that “[o]n or about December 2009, Soaring Helmet discovered that Defendant was
26 selling motorcycle jackets under the designation, ‘XElement Extreme Vega.’ Soaring Helmet
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1 discovered the infringement when one of Soaring Helmet's clients inquired as to whether
2 Soaring Helmet was the manufacturer of the 'XElement Extreme Vega' jacket."

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

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6 **REQUEST FOR PRODUCTION NO. 7.** Please produce copies of all documents
7 supporting, proving or disproving the allegation in paragraph 4. of the Second Amended
8 Complaint that "Soaring Helmet has been damaged by Defendant's past infringing sales, and the
9 actual confusion that occurred with at least one of Soaring Helmet's clients."

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11 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
12 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
13 not yet obtained through discovery.

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15 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
16 privileged documents are produced herewith. This response will be supplemented if and when
17 additional documents are discovered.

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19 **REQUEST FOR PRODUCTION NO. 8.** Please produce copies of all documents
20 supporting, proving or disproving the allegation in paragraph 5.3 of the Second Amended
21 Complaint that "Defendant's use of the Mark as a keyword to place its sponsored listing
22 advertisements for Leatherup.com, has and is likely to cause initial interest confusion of
23 consumers that are in fact searching solely for Soaring Helmet's Mark."

24 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
25 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
26 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
27 which call for a legal conclusion and thus are not properly the subject of fact discovery.

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DEFENDANT'S FIRST SET OF REQUESTS FOR
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2 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
3 privileged documents are produced herewith. This response will be supplemented if and when
4 additional documents are discovered.

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6 **REQUEST FOR PRODUCTION NO. 9.** Please produce copies of all documents
7 supporting, proving or disproving the allegation in paragraph 5.4 of the Second Amended
8 Complaint that “Defendant’s use of the Mark in connection with the marketing, advertising, and
9 sale of motorcycle jackets has and is likely to deceive customers and prospective customers into
10 believing that Defendant’s products are that of Soaring Helmet, and, as a consequence, are likely
11 to divert customers away from Soaring Helmet.”

12 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
13 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
14 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
15 which call for a legal conclusion and thus are not properly the subject of fact discovery.

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17 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
18 privileged documents are produced herewith. This response will be supplemented if and when
19 additional documents are discovered.

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22 **REQUEST FOR PRODUCTION NO. 10.** Please produce copies of all documents
23 supporting, proving or disproving the allegation in paragraph 5.4 of the Second Amended
24 Complaint that “[t]he aforementioned trademark infringement has caused, and is likely to cause
25 confusion, mistake, or deception of consumers, to the detriment of Soaring Helmet.”

26 **OBJECTIONS:** Plaintiff objects to those portions of this request which call for a legal
27 conclusion and thus are not properly the subject of fact discovery.

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DEFENDANT’S FIRST SET OF REQUESTS FOR
PRODUCTION NOS. 1 – 29 TO PLAINTIFF AND
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2 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
3 privileged documents are produced herewith. This response will be supplemented if and when
4 additional documents are discovered.

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6 **REQUEST FOR PRODUCTION NO. 11.** Please produce copies of all documents
7 supporting, proving or disproving the allegation in paragraph 5.6 of the Second Amended
8 Complaint that “[t]he goodwill of Soaring Helmet’s business is of enormous value, and Soaring
9 Helmet will suffer irreparable harm should infringement be allowed to continue to the detriment
10 of its trade reputation and goodwill.”

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

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14 **REQUEST FOR PRODUCTION NO. 12.** Please produce copies of all documents
15 supporting, proving or disproving the allegation in paragraph 5.11 of the Second Amended
16 Complaint that “Defendant’s infringement of the Soaring Helmet VEGA Mark accordingly
17 constitutes intentional, willful, knowing and deliberate trademark infringement throughout the
18 United States, including Washington State.”

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20 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
21 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
22 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
23 which call for a legal conclusion and thus are not properly the subject of fact discovery.

24
25 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
26 privileged documents are produced herewith. This response will be supplemented if and when
27 additional documents are discovered.

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DEFENDANT’S FIRST SET OF REQUESTS FOR
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1 **REQUEST FOR PRODUCTION NO. 13.** Please produce copies of all documents
2 supporting, proving or disproving the allegation in paragraph 6.2 of the Second Amended
3 Complaint that “[t]he actions of Defendant as alleged herein constitute false designation of
4 origin, false advertising and unfair competition pursuant to Section 43(a) of the Lanham Act, 15
5 U.S.C. § 1125(a).”

6 **OBJECTIONS:** Plaintiff objects to those portions of this request which call for a legal
7 conclusion and thus are not properly the subject of fact discovery.

8 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
9 privileged documents are produced herewith. This response will be supplemented if and when
10 additional documents are discovered.
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13 **REQUEST FOR PRODUCTION NO. 14.** Please produce copies of all documents
14 supporting, proving or disproving the allegation in paragraph 6.3 of the Second Amended
15 Complaint that “[t]he actions of Defendant have and are likely to continue to deceive customers
16 and prospective customers into believing that Defendant sells the products of Soaring Helmet,
17 and, as a consequence, are likely to divert customers away from Soaring Helmet throughout the
18 United States, including in Washington State.”

19 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
20 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
21 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
22 which call for a legal conclusion and thus are not properly the subject of fact discovery.
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24 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
25 privileged documents are produced herewith. This response will be supplemented if and when
26 additional documents are discovered.
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DEFENDANT’S FIRST SET OF REQUESTS FOR
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1 **REQUEST FOR PRODUCTION NO. 15.** Please produce copies of all documents
2 supporting, proving or disproving the allegation in paragraph 6.6 of the Second Amended
3 Complaint that “[t]he actions of Defendant as alleged herein constitute intentional, willful,
4 knowing and deliberate unfair competition and false advertising pursuant to Lanham Act Section
5 43(a).”

6 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
7 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
8 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
9 which call for a legal conclusion and thus are not properly the subject of fact discovery.

10 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
11 privileged documents are produced herewith. This response will be supplemented if and when
12 additional documents are discovered.

15 **REQUEST FOR PRODUCTION NO. 16.** Please produce copies of all documents
16 supporting, proving or disproving the allegation in paragraph 7.2 of the Second Amended
17 Complaint that “Defendant has engaged in unfair and deceptive acts or practices by using the
18 Mark in connection with both the sale of products and in false and misleading advertising in
19 Washington thereby creating a likelihood of public confusion as to the source of the goods and
20 services.”

21 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
22 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
23 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
24 which call for a legal conclusion and thus are not properly the subject of fact discovery.

1 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
2 privileged documents are produced herewith. This response will be supplemented if and when
3 additional documents are discovered.
4

5 **REQUEST FOR PRODUCTION NO. 17.** Please produce copies of all documents
6 supporting, proving or disproving the allegation in paragraph 7.3 of the Second Amended
7 Complaint that "Defendant's deceptive acts or practices injured Soaring Helmet."
8

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

11 **REQUEST FOR PRODUCTION NO. 18.** Please produce copies of all documents
12 supporting, proving or disproving the allegation in paragraph 7.4 of the Second Amended
13 Complaint that "Defendant's actions offend the public, are unethical, oppressive and
14 unscrupulous, affecting trade and commerce now and in the future both within Washington State
15 and elsewhere."
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17 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
18 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
19 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
20 which call for a legal conclusion and thus are not properly the subject of fact discovery.
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22 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
23 privileged documents are produced herewith. This response will be supplemented if and when
24 additional documents are discovered.
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1 **REQUEST FOR PRODUCTION NO. 19.** Please produce copies of all documents
2 supporting, proving or disproving the allegation in paragraph 7.5 of the Second Amended
3 Complaint that “[a] causal link exists between the deceptive act and the resulting injury.”

4 **OBJECTIONS:** Plaintiff objects to those portions of this request which call for a legal
5 conclusion and thus are not properly the subject of fact discovery.

6 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
7 privileged documents are produced herewith. This response will be supplemented if and when
8 additional documents are discovered.
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11 **REQUEST FOR PRODUCTION NO. 20.** Please produce copies of all documents
12 supporting, proving or disproving the allegation in paragraph 7.6 of the Second Amended
13 Complaint that “Soaring Helmet has suffered damages relating to violation of the Consumer
14 Protection Act RCW 19.86 by Defendants [sic].”

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

18 **REQUEST FOR PRODUCTION NO. 21.** Please produce copies of all documents
19 supporting, proving or disproving the allegation in paragraph 8.3 of the Second Amended
20 Complaint that “Defendant had knowledge of Soaring Helmet’s business expectancy.”
21

22 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
23 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
24 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
25 which call for a legal conclusion and thus are not properly the subject of fact discovery.
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28 DEFENDANT’S FIRST SET OF REQUESTS FOR
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1 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
2 privileged documents are produced herewith. This response will be supplemented if and when
3 additional documents are discovered.

4
5 **REQUEST FOR PRODUCTION NO. 22.** Please produce copies of all documents
6 supporting, proving or disproving the allegations in paragraph 8.4 of the Second Amended
7 Complaint that “Defendant intentionally interfered with Soaring Helmet’s business expectancy
8 and destroyed Soaring Helmet’s opportunity to obtain prospective business customers.
9 Defendant knew that the interference was certain or substantially certain to occur as a result of
10 their [sic] actions.”

11 **OBJECTIONS:** Plaintiff objects to this request to the extent it requests documents outside the
12 control of Plaintiff, and documents within the custody and control of Defendant that Plaintiff has
13 not yet obtained through discovery. In addition, Plaintiff objects to those portions of this request
14 which call for a legal conclusion and thus are not properly the subject of fact discovery.

15
16 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
17 privileged documents are produced herewith. This response will be supplemented if and when
18 additional documents are discovered.

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21 **REQUEST FOR PRODUCTION NO. 23.** Please produce copies of all documents
22 supporting, proving or disproving the allegation in paragraph 8.5 of the Second Amended
23 Complaint that “Defendant’s interference with Soaring Helmet’s business expectancy was
24 improper and the means used was innately wrongful and predatory in character.”

25 **OBJECTIONS:** Plaintiff objects to those portions of this request which call for a legal
26 conclusion and thus are not properly the subject of fact discovery.

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28 **DEFENDANT’S FIRST SET OF REQUESTS FOR
PRODUCTION NOS. 1 – 29 TO PLAINTIFF AND
OBJECTIONS AND RESPONSES THERETO- 15**

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1 **RESPONSE:** Subject to and without waiver of the foregoing objections, responsive, non-
2 privileged documents are produced herewith. This response will be supplemented if and when
3 additional documents are discovered.

4
5 **REQUEST FOR PRODUCTION NO. 24.** Please produce copies of all documents
6 supporting, proving or disproving the allegation in paragraph 8.6 of the Second Amended
7 Complaint that "Soaring Helmet has suffered damages relating to violation of its business
8 expectancy by Defendant."

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

11
12 **REQUEST FOR PRODUCTION NO. 25.** Please produce copies of all documents
13 relating to any market research, survey, or other investigation or report concerning (a)
14 Defendant; (b) Leatherup.com; or (c) confusion or the likelihood of confusion arising from the
15 activities complained of in the Second Amended Complaint in this Action.

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

18
19 **REQUEST FOR PRODUCTION NO. 26.** Please produce copies of all documents
20 relating to Defendant or its goods or services or activities complained of in the Second Amended
21 Complaint.

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

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REQUEST FOR PRODUCTION NO. 27. Please produce copies of all documents relating to, evidencing or supporting Plaintiff's claims for damages in this Action, including Plaintiff's computation of the amount of damages.

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

REQUEST FOR PRODUCTION NO. 28. Please produce copies of all documents supporting or controverting the allegations of the Second Amended Complaint in this Action.

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

REQUEST FOR PRODUCTION NO. 29. Please produce copies of all documents upon which Plaintiff intends to rely at trial in this Action.

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

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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 July 30, 2010.

INVICTA LAW GROUP, PLLC

By 
Stacie Foster, WSBA No. 23397
Attorney for Plaintiff

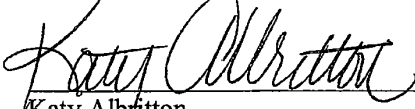
CERTIFICATE OF SERVICE

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I certify that on July 30, 2010, I caused to be sent via E-mail and First Class Mail
Defendant's First Set of Requests for Production Nos. 1-29 to Plaintiff and Objections and
Responses Thereto to the following listed counsel of record:

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Ms. Stacia N. Lay
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EXECUTED at Seattle, Washington on September 28, 2009


Katy Albritton