

Exhibit K

42

1 Q. Are your products sold nationwide?
 2 A. Yes.
 3 Q. What's the average cost range of the products
 4 that LeatherUp.com sells?
 5 A. Cost?
 6 Q. Cost range.
 7 MR. MOKHTARZADEH: Could you read back the
 8 last question -- two questions before.
 9 (Record read as follows:
 10 "Question: What's the average cost range of the
 11 products that LeatherUp.com sells?")
 12 THE WITNESS: I'm not sure of this question,
 13 but I'll check my records. I'll get back to you.
 14 BY MS. FOSTER:
 15 Q. Thank you.
 16 Cost range. So that could be, you know, the
 17 lowest-priced item that you sell is \$20, and the
 18 highest-priced item that you sell is -- I can't even
 19 imagine.
 20 A. Sure.
 21 MR. MOKHTARZADEH: Well, when you say cost
 22 range, are you talking about the price --
 23 MS. FOSTER: The price to the consumer.
 24 THE WITNESS: Average tickets. That's what
 25 it says.

43

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.

44

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

45

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.

46	<p>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.</p>	48	<p>1 "Vega helmets," did it make other automated 2 suggestions? 3 A. I don't recall. 4 Q. Did you purchase any other AdWords at that 5 time? 6 A. That was a long time ago. I don't recall. 7 Q. But you personally were involved in the 8 purchase of the AdWord "Vega helmet"; is that correct? 9 A. I can look it up. 10 Q. You can look it up and tell me whether you 11 personally were involved in the purchase of the AdWord 12 "Vega helmet"? 13 A. Yes. 14 Q. And can you tell me whether any other AdWords 15 were suggested at that time? 16 A. I don't recall. 17 Q. Does the LeatherUp.com Web site use "Vega" as 18 a search term on the Web site itself? 19 A. No. 20 Q. And how do you know that? 21 A. It's my business to know. 22 Q. Do you know how the internal searches on 23 LeatherUp.com are performed? 24 A. I rely on my Web hosting company for that. 25 Q. So that would be Nox?</p>
47	<p>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</p>	49	<p>1 A. Yes. 2 Q. Have you directed Nox to use "Vega" as a 3 search term on the LeatherUp.com Web site? 4 A. Never. 5 Q. Have you directed Nox not to use "Vega" as a 6 search term on the LeatherUp.com Web site? 7 A. If I didn't know something, how could I 8 direct? So your question doesn't make any sense. 9 Q. Once this lawsuit began, did you ask Nox to 10 stop using the word "Vega" on your Web site? 11 A. We never used the name "Vega" on our Web 12 site. 13 MS. FOSTER: Would you mark that as Exhibit 14 2, please. 15 (Plaintiff's Exhibit 2 was marked for 16 identification by the Reporter.) 17 BY MS. FOSTER: 18 Q. Mr. Bootesaz, I'm going to direct you to 19 what's been marked as Exhibit 2. I'd like you to turn 20 to the second page of that exhibit. I'm going to 21 represent to you that this is a screenshot of your 22 LeatherUp.com Web site. 23 Does it look familiar? 24 A. What is the proof that this is a screenshot? 25 Q. Does it look familiar, Mr. Bootesaz?</p>