

Exhibit L

50	<p>1 A. You say it's a screenshot. It looks 2 familiar. What is the proof that this is a screenshot 3 of our Web site? 4 Q. Is this what your Web site looks like? 5 A. This one? 6 Q. Yes. 7 A. Yes. 8 Q. Do you notice in sort of the middle of the 9 left hand, there is a tool bar with the word "Vega" 10 entered into it? Do you see that? 11 A. Yes. 12 Q. Do you see underneath that in the drop-down 13 menu the word "Vega boots" and "Vega helmets"? 14 A. Uh-huh. 15 Q. Is it true that when you enter "Vega" on the 16 LeatherUp.com Web site, the words "Vega boots" and 17 "Vega helmet" appear? 18 A. No, it is not true. 19 Q. It's not true? 20 A. No. 21 MS. FOSTER: Can we go off the record for a 22 minute. 23 (Discussion off the record.) 24 BY MS. FOSTER: 25 Q. Mr. Bootesaz, when did Nanal stop using</p>	52	<p>1 A. I believe you discontinue the campaign. 2 That's how it is. 3 Q. So you believe that Nanal instructed Google 4 that they didn't want to use the word anymore; is that 5 correct? 6 A. Yes. 7 Q. Mr. Bootesaz, did Nanal Inc. use the term 8 "Vega" in connection with the -- Mr. Bootesaz? 9 A. Yes, I'm with you, ma'am. In connection 10 with? 11 Q. Did LeatherUp.com use the trademark "Vega" in 12 connection with the Xelement extreme black and gray 13 Tri-Tex fabric jacket? 14 A. No. 15 MS. FOSTER: Would you please mark this as 16 Exhibit 3. 17 (Plaintiff's Exhibit 3 was marked for 18 identification by the Reporter.) 19 BY MS. FOSTER: 20 Q. Mr. Bootesaz, I'm showing you what's been 21 marked as Exhibit 3. It was attached to our complaint 22 in this matter, and it was sent to you as part of the 23 cease and desist letter. I'll represent to you that 24 this was a printout from your Web site. 25 If you look down at the bottom, you see the</p>
51	<p>1 "Vega" as a Google AdWord? 2 MR. MOKHTARZADEH: Objection. Misstates the 3 client's prior testimony. 4 Would you read back the last question again, 5 please. 6 (Record read as follows: 7 "Question: Mr. Bootesaz, when did Nanal stop 8 using 'Vega' as a Google AdWord?") 9 THE WITNESS: The answer is in the 10 interrogatories. You have to read that. I don't 11 recall what I answered. 12 BY MS. FOSTER: 13 Q. Mr. Bootesaz, in your response to our 14 interrogatory as to when Nanal used Google AdWord key 15 "Vega," you responded that it was purchased on or about 16 September 2008 and discontinued in April 2009. Does 17 that sound right? 18 A. I believe so. 19 Q. Were you the person responsible for the 20 decision to stop using the Google AdWord "Vega"? 21 A. I don't recall whose decision it was, but 22 once we received the cease and desist letter, we 23 stopped. 24 Q. Did you tell Google you didn't want to use 25 the word anymore?</p>	53	<p>1 URL number, http://www.leatherup.com/men/s 2 motorcycle jacket/extreme Vega, and the date is 12-21- 3 2009, indicating that this printout was printed on 12- 4 21-2009. 5 Do you recall seeing this printout attached 6 to the cease and desist letter that was sent to you? 7 A. No. 8 Q. Do you recall seeing this printout attached 9 to the complaint that was filed in this matter? 10 A. Yes. 11 Q. Did you see the cease and desist letter that 12 was sent to Nanal? 13 A. Yes. 14 Q. But you don't recall this printout? 15 A. It wasn't there. 16 Q. But you recall seeing it as part of the 17 complaint? 18 A. Yes. 19 Q. Do you see that the heading for the jacket is 20 "Xelement Extreme Vega Black and Gray Tri-Tex"? 21 A. Yes. 22 Q. Did Nanal use my client's trademark "Vega" in 23 connection with the sale of this jacket? 24 A. No. 25 Q. Why does the Web site indicate the term</p>

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1 "Vega"?

2 A. This is doctored. This is made up. This has
3 nothing to do with our Web site.

4 Q. You're saying this is not a true and correct
5 copy of your Web site as it appeared on December 21,
6 2009?

7 A. Correct.

8 Q. Can you provide me with a true and correct
9 copy of your Web site as it appeared on December 21,
10 2009?

11 A. I have to talk to my technical people to see
12 if such a thing is possible or not. I'll get back to
13 you on that.

14 Q. So you're saying that the Xelement Extreme
15 Vega jacket was not sold on LeatherUp.com?

16 A. What I am saying, this jacket is sold. This
17 description is doctored.

18 Q. Doctored by whom?

19 A. The Chinese guy in Seattle.

20 Q. Which Chinese guy in Seattle?

21 A. Owner of Soaring Helmet.

22 Q. You're saying that my client doctored your
23 Web site?

24 A. This page.

25 Q. Did my client doctor your Web site on

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1 December 21, 2009?

2 A. I don't know what they have done. I'm not in
3 Seattle.

4 Q. But you're going to provide me with a true
5 copy of your Web site as it appeared on December 21,
6 2009?

7 A. No. I'm going to contact my technical
8 people, present them with this and ask them what is
9 this. I already asked them when this came in. They
10 searched. This description did not come up. This word
11 did not come up.

12 Q. Mr. Bootesaz, would you have been the person
13 to make the decision about whether you use the term
14 "Vega" in connection with the Xelement Extreme jacket?
15 Would that have been your decision?

16 A. To use the term?

17 Q. Yes.

18 A. Yes. But we did not use the term.

19 MS. FOSTER: Would you please mark this as
20 Exhibit 4.
21 (Plaintiff's Exhibit 4 was marked for
22 identification by the Reporter.)
23 BY MS. FOSTER:
24 Q. Mr. Bootesaz, I'm showing what's been marked
25 as Exhibit 4. If you look at the very bottom, you see

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1 the URL indicates the date 9-17-2010 indicating, that
2 this is a printout from 9-17-2010, which was last week.
3 Do you see that?

4 A. Yes, I do.

5 Q. Do you see the URL at the very bottom? It
6 says [http://www.leatherup.com/Xelement Men's Motorcycle
7 Jacket/Xelement Extreme Vega](http://www.leatherup.com/Xelement Men's Motorcycle Jacket/Xelement Extreme Vega)?

8 A. Yes, I do.

9 Q. Do you still maintain that the word "Vega"
10 does not appear on your Web site?

11 A. Correct.

12 Q. Why is the word "Vega" in the URL on the
13 bottom of this page?

14 A. Because the person who printed this
15 manipulated and put the word. Eleven years old can do
16 this thing. Eleven years old.

17 Q. So you're saying the individual who printed
18 this --

19 A. They put the information that's --

20 Q. -- put the word "Vega" into the URL?

21 A. They manipulated the Web site, put the word
22 "Vega" on a search engine so it comes up. You can put
23 any word, it comes up.

24 Q. Do you understand the significance of the URL
25 at the bottom of the page?

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1 A. I think I can.

2 Q. If you look at the jacket on this page, is
3 that manufactured by Vega?

4 A. I don't know.

5 Q. Do you know who manufactures that jacket?

6 A. Xelement.

7 Q. Is Xelement one of your companies?

8 A. On what capacity am I talking here?

9 Q. You're speaking as the representative of
10 Nanal Inc.

11 A. Ask the question as far as Nanal is
12 concerned, I answer you.

13 Q. Does Nanal Inc. own the company Xelement?

14 A. No.

15 Q. Does Alebert Bootesaz own the company
16 Xelement?

17 MR. MOKHTARZADEH: Objection --

18 THE WITNESS: No.

19 BY MS. FOSTER:
20 Q. Does one of your other companies own the
21 company Xelement?

22 A. Am I here as an Xelement --

23 MR. MOKHTARZADEH: Objection --

24 THE WITNESS: You're trying to piss me off.
25 Is that what you're trying to do? Are you trying to

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1 A. Yes.
 2 Q. And a 1 percent conversion is a good
 3 investment for you; is that correct?
 4 A. At this time, no.
 5 Q. No?
 6 What would be a good conversion rate for you?
 7 A. 4 percent.
 8 Q. Do you have items that you have a 4 percent
 9 conversion rate?
 10 A. And higher.
 11 Q. And higher?
 12 A. Yes.
 13 Q. Let's go back to the discovery response,
 14 which I believe was Exhibit 5.
 15 Turning again to page 3, you've told me the
 16 clicks resulted in 25 orders for sales totaling 2,500
 17 for a profit of \$750. How did you come up with the
 18 number 2,500?
 19 A. If you look at the above sales figure on the
 20 line 3 of page 3 that we're looking at, 100,000 items
 21 sold for \$10 million, \$100.
 22 Q. So you just rounded up that figure and said
 23 approximately \$100 per item?
 24 A. That's how much what our Web site sells, \$29
 25 to about 70, 80, \$90, \$100. Our average ticket could

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1 be less, which I have to check it out for that time,
 2 but my answer would be these 25 clicks didn't even
 3 bring \$1,000 sales. But we went by high average, not
 4 our low average.
 5 Q. So high average would be \$100 per item?
 6 A. Yes.
 7 Q. And then you go on to say "for a profit of
 8 \$750."
 9 How did you calculate that profit?
 10 A. We looked at some of the helmets that these
 11 guys have for sales and figured out that's how much
 12 their profit would have been. The standard industry
 13 takes about 20 to 30 percent profit to sales in the
 14 retail.
 15 Q. Is that your standard profit, 20 to 30
 16 percent?
 17 A. Gross profit? No. Some of the items are
 18 less. Again, we have items for \$10, we have items for
 19 \$15. It all depends. But in this case we just took
 20 the high average. Our level of profit is less than
 21 this because of the cheaper items that we have.
 22 Q. Do you make less profit on cheaper items?
 23 A. It costs more to ship.
 24 Q. So the answer is yes, you make less profit?
 25 A. We make less profit, yes.

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1 MS. FOSTER: Let's take a little break and go
 2 off the record.
 3 (Discussion off the record.)
 4 BY MS. FOSTER:
 5 Q. Let's go back to Exhibit 2, and we're looking
 6 at the second page of Exhibit 2.
 7 Mr. Bootesaz, I'm going to represent to you
 8 that that is a picture of your Web page, LeatherUp.com,
 9 and that the drop-down toolbar, when you type in the
 10 word "Vega," pulls up Vega boots and Vega helmets.
 11 Did you know that your Web site includes a
 12 drop-down toolbar that lists Vega boots and Vega
 13 helmets?
 14 A. It doesn't.
 15 Q. You believe that your Web site does not list
 16 Vega boots and Vega helmets?
 17 A. Correct.
 18 Q. Well, Mr. Bootesaz, if I could get my
 19 computer to, work my intention was to go on to your Web
 20 site and show you how the drop-down menu does pull up
 21 the terms "Vega boots" and "Vega helmets." So assuming
 22 for the sake of this deposition that's true, do you
 23 know why the term "Vega" would be in the drop-down
 24 toolbar on your Web site?
 25 A. We do not have term of "Vega" or the drop-

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1 down toolbar on our Web site.
 2 Q. You don't have any drop-down toolbar, or you
 3 don't have a drop-down toolbar that includes the word
 4 "Vega" on your Web site?
 5 A. We have drop-down, but we do not have "Vega."
 6 Somebody has put the name, manipulated and printed this
 7 picture and made it as evidence. It's easy.
 8 Q. So you know for a fact that the LeatherUp.com
 9 Web site does not include the word "Vega" in the drop-
 10 down toolbar?
 11 A. Yes.
 12 Q. And what is the basis of your knowledge?
 13 A. I just searched it on my iPhone. I pressed
 14 in "Vega"; it came zero results.
 15 Q. You searched just now?
 16 A. Just now.
 17 Do you want to see?
 18 Q. No, thank you.
 19 Have you instructed your Web site server to
 20 remove the term "Vega" from your Web site?
 21 A. We never instructed them to put the "Vega"
 22 in.
 23 Q. Could that have been done without your
 24 instruction?
 25 MR. MOKHTARZADEH: Objection. Vague as to