

Exhibit E

1 the ground that it is overbroad to the extent that Plaintiff purports to have rights to “the Mark” in
2 connection with products other than motorcycle helmets. Subject to and without waiving its
3 objections, Nanal responds as follows:

4 Nanal did not “use” Plaintiff’s alleged trademark VEGA, Registration No. 2,087,637.
5 Pursuant to Google’s AdWords service, Nanal purchased the keyword terms “vega helmets” on or
6 about September 1, 2008, and discontinued use on or about April 3, 2009.

7 **INTERROGATORY NO. 3.** State why you selected the Mark for use in
8 connection with the marketing and sale of products, including but not limited to motorcycle
9 jackets, and identify the person who was primarily responsible for the selection of the Mark.

10 **RESPONSE TO INTERROGATORY NO. 3:**

11 In addition to the General Objections, Nanal objects to Interrogatory No. 3 to the extent it
12 seeks an admission that Nanal “used” “the Mark.” Nanal further objects to Interrogatory No. 3 on
13 the ground that it is overbroad to the extent that Plaintiff purports to have rights to “the Mark” in
14 connection with products other than motorcycle helmets. Subject to and without waiving its
15 objections, Nanal responds as follows:

16 Nanal did not “use” Plaintiff’s alleged trademark VEGA, Registration No. 2,087,637.
17 Nanal selected the keyword terms “vega helmets” using the automated Google AdWords keyword
18 tool that suggests keywords based on user input. Nanal input the generic term “helmet” into the
19 Google AdWords keyword suggestion tool and it suggested “vega helmet.” Albert Bootesaz,
20 President of Nanal, was primarily responsible for selecting the keyword terms through use of
21 Google’s Adwords keyword suggestion tool. In further response, based on Nanal’s investigation
22 to-date, Nanal did not use the word “vega” in connection with a motorcycle jacket as alleged in
23 Plaintiff’s Second Amended Complaint and Exhibit E thereto.

24 **INTERROGATORY NO. 4.** Describe the steps you took (including when the steps
25 were taken and by whom), if any, to investigate whether it would be legally appropriate for you to
26 use the Mark, including whether any trademark searches were conducted.