

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Honorable James L. Robart

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. C09-789-JLR

REPLY DECLARATION OF ALBERT
BOOTESAZ IN SUPPORT OF
DEFENDANT NANAL, INC.'S MOTION
FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:
November 26, 2010

I, Albert Bootesaz, on oath declare and state as follows:

1. I am over the age of 18 and, if called upon to testify, could testify competently to the matters stated herein.
2. I am the President of Defendant Nanal, Inc., d/b/a LeatherUp.com ("Nanal").
3. In response to requests from Plaintiff Soaring Helmet Corporation for cost information related specifically to the Xelement brand, Nanal prepared a costs analysis for the years 2007, 2008 and 2009, which reflected the costs and resulting ordinary business income for Xelement products sold by Nanal for those years. Attached hereto as **Exhibit A** is a true and correct copy of the costs analysis Bates numbered D 000035. The figures related to the two brands of helmets identified in the document (Hawk and Outlaw) have been redacted as they are not relevant to the costs for the Xelement products.

REPLY DECLARATION OF ALBERT BOOTESAZ (C09-789-JLR) - 1
(94043.DOC)

HENDRICKS & LEWIS PLLC
901 Fifth Avenue, Suite 4100
Seattle, Washington 98164
TEL: (206) 624-1933

1 4. Attached hereto as Exhibit B is a true and correct copy of a document, Bates
2 numbered D 000033 – D 000034, identifying the only sales that were made as a result of the
3 2,457 “clicks” generated by the Google AdWords advertisement. To protect the privacy of the
4 individual purchasers, their names and street addresses have been redacted.

5 I declare under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct.

7 EXECUTED at LAS VEGAS, NV this 26th day of November, 2010.

8 
9 _____
10 ALBERT BOOTESAZ

1 **PROOF OF SERVICE**

2 I am employed in the County of King, State of Washington. I am over the age of
3 eighteen years and am not a party to the within action. My business address is Hendricks &
4 Lewis PLLC, 901 Fifth Avenue, Suite 4100, Seattle, Washington 98164.

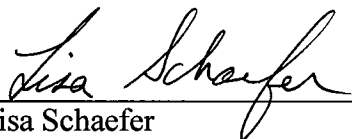
5 I hereby certify that on November 26, 2010, I electronically filed the foregoing with the
6 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
7 following CM/ECF participants:

8 Heather M. Morado, Esq.
9 Stacie Foster, Esq.
10 Steve Edmiston, Esq.
11 Invicta Law Group, PLLC
12 1000 Second Avenue, Suite 3310
13 Seattle, Washington 98104
14 Telephone: (206) 903-6364
hmorado@invictalaw.com
sfoster@invictalaw.com
sedmiston@invictalaw.com

15 Attorneys for Plaintiff Soaring
16 Helmet Corporation

17 I declare under penalty of perjury under the laws of the State of Washington that the
18 foregoing is true and correct.

19 Executed November 26, 2010, at Seattle, Washington.

20 
21 Lisa Schaefer