

EXHIBIT 4

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, and GOOGLE INC., a
Delaware corporation,

Defendants.

No. C09-789-JLR

DEFENDANT'S INITIAL
DISCLOSURES PURSUANT TO
FED. R. CIV. P. 26(a)(1)

PRELIMINARY STATEMENT

Pursuant to FED. R. CIV. P. 26(a)(1), Defendant hereby submits the following initial disclosures. The following disclosures are made based on the information reasonably available to Defendant as of the date hereof and Defendant expressly reserves the right to supplement these disclosures as necessary. By making these disclosures, Defendant does not represent that it is identifying every document, tangible thing or witness possibly relevant to this lawsuit. The disclosures contained herein are further made without waiving: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground to the use of any information contained herein for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (2) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

1 **I. WITNESSES.**

2 Included below are the names and, if known, addresses and telephone numbers of
3 individuals who are likely to have discoverable information that Defendant may use to support its
4 claims or defenses, based on the information now available and reserving the right to supplement:

- 5 1. **Albert Bootesaz:** contact via counsel of record Hendricks & Lewis.

6 Area of Knowledge: Nanal's business, operations, products and
7 marketing, including with any relevant Internet search engine, namely,
8 Google, Inc., and Nanal's use of Google's Adword program.

- 9 2. **Google, Inc. (by Julie Brazitis or other knowledgeable employee(s)):**
10 contact via counsel of record, Keller Rohrback L.L.P.

11 Area of Knowledge: Google's online advertising service AdWord and
12 Nanal's use of AdWord, including without limitation Nanal's use and nonuse of
13 "Vega" and "Vega Helmets," including without limitation, as negative keywords
14 to exclude Leatherup.com advertisements when "Vega" is entered as a search
15 query; terms of settlement with Google, Inc., Google's agreement to remove
16 references to "Vega" from searches or results.

- 17 3. **Soaring Helmet, Inc.:** 18235 Olympic Avenue S., Tukwila WA 98188.

18 Area of Knowledge: Soaring Helmet's business, operations and marketing,
19 including with any relevant Internet search engine, namely, Google, Inc., and
20 impact, if any, from Nanal's use of Google's Adword program, terms of
21 settlement with Google, Inc.,

- 22 4. **Jeanne DeMund, Soaring Helmet, Inc.,** 18235 Olympic Avenue S., Tukwila,
23 WA 98188.

24 Area of Knowledge: Soaring Helmet's business, operations and marketing,
25 including with any relevant Internet search engine, namely, Google, Inc., and
26 impact, if any, from Nanal's use of Google's Adword program.

1
2 5. **Lou Xu**, Soaring Helmet, Inc., 18235 Olympic Avenue S., Tukwila, WA 98188.

3 Area of Knowledge: Soaring Helmet's business, operations and marketing,
4 including with any relevant Internet search engine, namely, Google, Inc., and
5 impact, if any, from Nanal's use of Google's Adword program.

6 6. **Aaron Golshen**, Nanal, Inc., contact via counsel of record Hendricks & Lewis.

7 Area of Knowledge: Nanal's electronic marketing, including with any
8 relevant Internet search engine, namely, Google, Inc., and Nanal's use of
9 Google's Adword program.

10 **II. DOCUMENTS.**

11 Defendant may use the following types of documents to support its claims or defenses,
12 based on the information now available and reserving the right to supplement:
13

14 1. Description: Documents relating to Defendant's use and nonuse of Google
15 Adwords program.

16 Location: Documents of this nature are in the possession of former Defendant
17 Google, Inc., and may be in the possession of witnesses listed herein, and counsel
of record, and/or the corporate office of Nanal, Inc.

18 2. Description: Documents reflecting the sales of Soaring Helmets, Inc.

19 Location: Documents of this nature are in the possession of Soaring Helmets,
20 Inc. or its counsel.

21 3. Description: Documents reflecting any damages or the lack of damages of
Soaring Helmets, Inc.

22 Location: Documents of this nature are in the possession of Soaring Helmets,
23 Inc. or its counsel.

24 **III. DAMAGES.**

25
26 There is no computation of damages to be made by Defendant at this time, reserving the
27 right to supplement as necessary in support of Defendant's claims or defenses in this action and
28

1 upon issuance of this Court's rulings herein. Defendant does not believe that Plaintiffs have
2 been damaged by any of the activities complained of by Plaintiff. Defendant reserves the right to
3 rely on information developed in discovery, including information contained in and/or referred to
4 in documents disclosed by and otherwise produced by Plaintiff in this action with respect to any
5 damages claimed by Plaintiff.

6 At this time, Defendant does not assert counterclaims against Plaintiff.

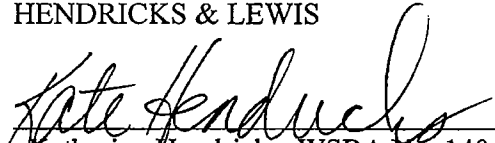
7 **IV. INSURANCE.**

8 Based upon Defendant's initial investigation, Defendant does not have an insurance
9 policy that would apply to this action. Defendant will supplement this response based on the
10 results of further investigation.
11

12 DATED this 25th day of January, 2010.

13
14 HENDRICKS & LEWIS

15
16 By:


Katherine Hendricks, WSBA No. 14040
Stacia N. Lay, WSBA No. 30594
Attorneys for Defendant
Hendricks & Lewis
901 Fifth Avenue, Suite 4100
Seattle, WA 98164
Telephone: (206) 624-1933
Facsimile: (206) 583-2716
Email: kh@hllaw.com
Email: sl@hllaw.com

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

CERTIFICATE OF SERVICE

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


I hereby certify that on January 25, 2010, I served the foregoing by U.S. Mail, First Class, postage prepaid, on the persons listed below:

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

Attorneys for Plaintiff Soaring
Helmet Corporation

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

Executed January 25, 2010, at Seattle, Washington.



Lisa Schaefer