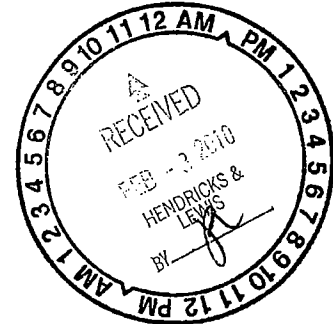


EXHIBIT 1

{81600.DOC}

1 Stacie Foster, WSBA #23397
Heather M. Morado WSBA #35135
2 INVICTA LAW GROUP, PLLC
1000 Second Avenue, Suite 3310
3 Seattle, WA 98104-1019
Telephone: (206) 903-6364
4 Facsimile: (206) 903-6365

THE HONORABLE JAMES L. ROBART



5 Attorneys for Plaintiff

8
9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 SOARING HELMET CORPORATION, a
Washington corporation,

NO. C09-0789 JLR

11
12 Plaintiff,

PLAINTIFF'S AMENDED INITIAL
DISCLOSURES PURSUANT TO FED.
R. CIV. PRO. 26(a)(1)

13 v.

14 NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM, and GOOGLE, INC., a
15 Delaware corporation.

16 Defendants.

17
18 Soaring Helmet Corporation, ("Soaring Helmet") hereby provides Nanal, Inc. d/b/a
19 Leatherup.com ("Defendant") with its Amended Initial Disclosures pursuant to Federal
20 Rule of Civil Procedure ("FRCP") 26(a)(1). Soaring Helmet reserves the right to amend
21 and supplement these initial disclosures as further information becomes available.
22
23

PLAINTIFF'S AMENDED INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. PRO. 26(a)(1)- 1

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 **A. Individuals Likely to Have Discoverable Information.**

2 The following individuals are likely to have discoverable information that Soaring
3 Helmet may use to support its claims or defenses. Unless otherwise indicated, the
4 following individuals work at 18235 Olympic Avenue S., Tukwila, WA 98188, and may
5 be contacted via the undersigned trial counsel:

- 6 1. Ms. Jeanne DeMund
7 2. Mr. Lou Xu
8 3. Mr. Wayne Leyman
9 4. Ms. Claudia Mallard
10 5. Mr. Albert Bootesaz, President
11 Nanal, Inc.
12 2200 S Fort Apache, #2036
13 Las Vegas, NV 89117

14 Unless otherwise specified, these individuals may be called to testify concerning
15 their knowledge of all matters relevant to these proceedings, including the trademarks at
16 issue; financial information; customer base; marketing and advertising; and defendant's
17 infringement. Soaring Helmet's investigation and discovery concerning this case is
18 continuing and, if additional information is obtained after the date of these disclosures,
19 Soaring Helmet will supplement these disclosures according to Rule 26(e) of the FRCP.

20 **B. Supporting Documents.**

21 The following documents are attached:

- 22 1. The U.S. trademark registration of the VEGA mark set forth in the
23 Complaint;

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

2. A copy of the false and misleading Leatherup.com advertisement generated by the Google search engine, as set forth in the Complaint;

3. A copy of the cease and desist letter sent to Leatherup.com as set forth in the Complaint; and

4. A copy of the false and misleading Leatherup.com advertisement generated by the Google search engine, as set forth in the Complaint.

To the extent they exist, responsive, non-privileged documents in the following categories will be provided for inspection and copying at a mutually agreed time and place in accordance with FRCP 26(a)(1)(B), subject to an appropriate Protective Order for confidential business information per FRCP 26(c):

- 1. Documents pertaining to the use of the marks set forth in the Complaint;
- 2. Documents pertaining to the marketing and advertising of Soaring Helmet's products bearing the VEGA mark.

Soaring Helmet's investigation and discovery concerning this case is continuing and, if additional information is obtained after the date of these disclosures, Soaring Helmet will supplement these disclosures according to Rule 26(e) of the FRCP.

C. Computation of Damages.

This suit is intended to recover damages suffered by Soaring Helmet for the conduct set forth in the Complaint. As specified in its Complaint, if the judgment is that a likelihood of confusion, mistake or deception exists, Soaring Helmet seeks relief in the form of profits, enhancement of either of the foregoing, costs and expenses, attorney's fees, a permanent injunction and the other relief set forth in the Complaint.

PLAINTIFF'S AMENDED INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. PRO. 26(a)(1)- 3

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 The amount of Defendant's profits is information within the possession and control
2 of Defendant and has not yet been discovered, therefore, a computation of this remedy is
3 premature. Additionally, the extent of Soaring Helmet's damages is currently unknown.

4 Documents and other evidentiary material bearing on the nature and extent of
5 injury to Soaring Helmet by reason of actions alleged in the Complaint will either be
6 produced or made available for inspection and copying after those materials are
7 discovered.


8 These initial computations are subject to continuing analysis and will be revised or
9 supplemented if and as necessary according to Rule 26(e) of the FRCP, except for normal
10 increases in past damages and claims of interest, all of which should be assumed by the
11 parties and which do not call for any specific supplementation.

12
13 **D. Insurance Agreement.**

14 No relevant insurance agreement is known to exist.

15 DATED February 1, 2010.

16 INVICTA LAW GROUP, PLLC

17 By 

18 Heather M. Morado, WSBA No. 35135
19 Stacie Foster, WSBA No. 23397
20 Attorneys for Plaintiff

21
22
23
PLAINTIFF'S AMENDED INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. PRO. 26(a)(1)- 4

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

CERTIFICATE OF SERVICE

1
2 The undersigned declares under penalty of perjury, under the laws of the State of
3 Washington, that the following is true and correct:

4 On this day, February 1, 2010, I caused to be sent via email and U.S. Mail the
5 following filed documents:
6


- 7 1. Plaintiff's Amended Initial Disclosures.

8 To the following:

9 Ms. Katherine Hendricks
10 HENDRICKS & LEWIS, PLLC
11 901 Fifth Avenue, Suite 4100
12 Seattle, WA 98164

13 Email: kh@hllaw.com

14 EXECUTED at Seattle, Washington February 1, 2009.

15 
16 Katy M. Albritton

17
18
19
20
21
22
23

PLAINTIFF'S AMENDED INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. PRO. 26(a)(1)- 5

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,087,637

United States Patent and Trademark Office

Registered Aug. 12, 1997

**TRADEMARK
PRINCIPAL REGISTER**

VEGA

SOARING HELMET CORPORATION (WASH-
INGTON CORPORATION)
770 INDUSTRY DRIVE, BUILDING 16
TUKWILA, WA 98118

FOR: MOTORCYCLE HELMETS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-18-1994; IN COMMERCE
3-18-1994.

SER. NO. 75-155,017, FILED 8-23-1996.

DAVID M. MERMELSTEIN, EXAMINING AT-
TORNEY

Web Images Maps News Video Gmail more v

Sign In

Google vega helmets

Search Advanced Search Preferences

Customized based on recent search activity. More detail

Web Shopping

Results 1 - 10 of about 102,000 for vega helmets. (0.11 seconds)

Vega Motorcycle Helmets

Sponsored Links

www.TheHelmetZone.com Snow, Motorcycle, Half & Flip-Up Buy Direct & Save - Free Shipping

50% Off Vega Helmets

www.LeantherUp.com Half face, full face helmets from \$29.95. Top Brands HJC, Shoei, Bell

Vega Motorcycle Helmets

www.Jafum.com/VEGA_Helmets Amazing Prices, 115% Price Match, Free Size Exchanges, Free Shipping!

Welcome to Vega Helmet Corporation

Half Helmets XT Half Helmet · XTS Half Helmet Vega Riding Apparel ... Vega Helmet Corporation. 18235 Olympic Avenue S., Tukwila, WA 98188 ...

www.vegahelmet.com/ - 17k - [Cached](#) - [Similar pages](#)

[Street Off Road Find a Dealer Summit II](#)

[Snowmobile NT 200 Company Altura](#)

[More results from vegahelmet.com »](#)

Vega Helmets - Company

If you are an individual interested in purchasing a Vega Helmet you must email your zip ... "VEGA" helmets are available to legitimate motorcycle dealers. ...

www.vegahelmet.com/company.html - [Similar pages](#)

Motorcycle Helmets and Motorcycle Helmet Accessories from The ...

Motorcycle helmets and Motorcycle helmet - Welcome to a great place to buy discount motorcycle helme.

www.helmetshop.com/ - 39k - [Cached](#) - [Similar pages](#)

Vega Motorcycle Helmets

Vega Motorcycle Helmets from The Helmet Shop. ... Subcategories: Vega Full Face Helmets · Vega Open Face Helmets · Vega Half Helmets ...

www.helmetshop.com/Category/ProductList.jsp?cat=Shop+By+Brand:Vega+Helmets - 21k -

[Cached](#) - [Similar pages](#)

Shopping results for vega helmets

Vega Summit II ColorMatch Motorcycle Helmet \$139.95 - Motorcycle Superstore

Vega Summit XPV 2 Solid Helmets L Large White \$124.99 - compacc.com

Vega Altura Helmet DOT 520 Silver \$69.99 - Jafum.com

Sponsored Links

Vega Helmets

Motorcycle gear, apparel & parts. Low Price Guarantee. Free Shipping! www.Motorcycle-Superstore.com

Online Motocross Store

We carry all the major brands. Great Deals at Motocrossgiant. www.motocrossgiant.com

Vega Helmets

Bargain Prices. Smart Deals. Save on Vega Helmets! Shopzilla.com

60% OFF Motorcycle Helmet

Fast & Free Shipping + Free Returns 125% Price Guarantee + MB Guarantee MotoDirect.com/Motorcycle_Helmets!

Vega Helmets

Vehicle Parts & Accessories! Bid on Vega Helmets. www.eBay.com

Vega Helmets

Vega Helmets - Compare prices & find expert reviews! www.Best-Price.com/Helmets

Vega Helmets

Find Car Parts, Accessories, Tools Garage Equipment, Car Care & More Amazon.com/motorcycle

Vega Helmets

Buy Vega Helmets now. Fuel your passion on eBay Motors! www.eBayMotors.com

[More Sponsored Links »](#)

April 28, 2009

Mark V. Jordan
Email: mjordan@inyictalaw.com**VIA CERTIFIED MAIL:70072680000056348336**
AND FIRST CLASS MAILLEATHERUP.COM
2620 S. Maryland
Suite 846
Las Vegas, NV 89109**Re: Cease and Desist Trademark Infringement**

To Whom It May Concern:

We are counsel for Soaring Helmet Corporation, the exclusive owner of the trademark rights to VEGA (the "Mark"). A copy of Soaring Helmet Corporation's federal trademark registration is attached hereto as Exhibit A. Soaring Helmet Corporation views its Mark as a valuable asset that will be protected to the fullest extent allowable by law.

Soaring Helmet Corporation recently learned that when the query "Vega helmets" is searched via the Google website, an advertisement appears under Google's sponsored listings that misleadingly states that the website Leatherup.com offers "50% off Vega Helmets." A copy of the Google search results for "Vega helmets" is attached hereto as Exhibit B. However, Leatherup.com does not in fact sell any of our client's products.

Since Leatherup.com does not sell Vega helmets, we believe that Leatherup.com has wrongfully purchased the Mark from Google, Inc. as a false and misleading advertising keyword. Our client has lost business because the Leatherup.com sponsored link is falsely advertising that it sells our client's products at a deep discount, when in fact, Leatherup.com does not. As a result of the false advertisement, a retailer who does not wish to be associated with products sold at a deep discount has refused to do business with Soaring Helmet Corporation. Further, consumers searching for our client's products will continue to be misled to the Leatherup.com website, causing initial interest confusion. This unauthorized use of the Mark is a violation of federal and state trademark and unfair competition laws.

As I hope you can appreciate, Soaring Helmet Corporation cannot permit others to trade on the goodwill and damage the value and integrity of its Mark through false and misleading advertisements. Because the public closely associates the Mark with our client's

Plaintiff's Initial Disclosures - 08

Leatherup.com
April 28, 2009
Page 2

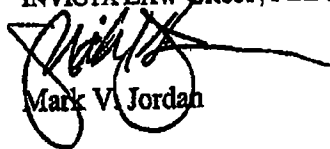
products, we are concerned that this unauthorized use of the Mark will cause consumers to mistakenly assume that Soaring Helmet Corporation sells its products to deep-discount online retailers or is otherwise affiliated with the Leatherup.com website.

Because Soaring Helmet Corporation has been and will continue to be substantially and irreparably damaged should this infringement continue, it must enforce its exclusive rights to the Mark. Soaring Helmet Corporation demands that Leatherup.com immediately remove any reference to the Mark from any false and misleading sponsored listing advertisements.

Unless these demands are complied with by May 8, 2009, Soaring Helmet Corporation will assume Leatherup.com intends to willfully disregard its rights, and Soaring Helmet Corporation will pursue whatever action or remedies it deems appropriate to protect its rights to the fullest extent of the law.

Very truly yours,

INVICTA LAW GROUP, PLLC



Mark V. Jordan

MVJ:hmm

Enclosure

cc: Soaring Helmet Corporation (w/o encl.)

1840 031 id280801

Web Images Video Maps News Shopping Gmail more ▾

[Sign In](#)



vega helmets

Search

[Advanced Search](#)
[Preferences](#)

Web [Show options...](#)

Results 1 - 10 of about 141,000 for **vega helmets**. (0.32 seconds)

50% Of Motorcycle Helmets

Sponsored Links

www.LeatherUp.com Half face, full face helmets from \$29.95,
Top Brands HJC, Shoei, Bell

50% OFF Motorcycle Helmet

www.jafrum.com Shop Now For Scorpion, Aral, kbc, Shoei & HJC
Helmets. Free S/H

Motorcycle Superstore

www.Motorcycle-Superstore.com Free Shipping on Motorcycle
Gear, Apparel, Parts, Accessories & more!

Welcome to Vega Helmet Corporation

Half Helmets XT Half Helmet · XTS Half Helmet Vega Riding
Apparel ... Vega Helmet Corporation. 18235 Olympic Avenue S.,
Tukwila, WA 98188 ...
www.vegahelmet.com/ - [Cached](#) - [Similar pages](#)

[Mach I Full Face Helmet](#)
[Off Road](#)
[Find a Dealer](#)
[Summit II](#)

[Altura Full Face Helmet](#)
[Company](#)
[Snow](#)
[NT 200 Open Face Helmet](#)

[More results from vegahelmet.com »](#)

Vega Helmets - Company

If you are an individual interested in purchasing a Vega Helmet you
must email your zip ... "VEGA" helmets are available to legitimate
motorcycle dealers. ...
www.vegahelmet.com/company.html - [Cached](#) - [Similar pages](#)

Motorcycle Helmets and Motorcycle Helmet Accessories
from The ...

Motorcycle helmets and Motorcycle helmet - Welcome to a great
place to buy discount motorcycle helme.
www.helmetshop.com/ - [Cached](#) - [Similar pages](#)

Shopping results for vega helmets

- [Vega Summit II ColorMatch Motorcycle Helmet](#) \$139.95 - Motorcycle Superstore
- [Vega Summit XPV 2 Solid Helmets L Large White](#) \$124.99 - compacc.com
- [Vega Altura Shuriken Motorcycle Helmet](#) \$79.99 - Motorcycle Superstore

Vega Motorcycle Apparel and Accessories

Vega Motorcycle apparel and accessories at discount prices. We offer
the largest selection of Vega gear in the Northwest.
www.helmetoutletusa.com/index.cgi?Function=Street&Manuf=Vega -
[Cached](#) - [Similar pages](#)

Sponsored Links

Motorcycle Helmets Direct

Factory Direct - Free Shipping
Top Brands - Unbeatable Prices
www.TheHelmetZone.com

Online Motocross Store

We carry all the major brands.
Great Deals at Motocrossgiant.
www.motocrossgiant.com

Speakers & Headphones

Bargain Prices. Smart Deals.
Save on Speakers & Headphones!
Shopzilla.com

Compare Prices Now

Whatever you want - Compare
prices & find expert reviews!
www.Best-Price.com/Helmets

Auto Parts at Amazon

Find Car Parts, Accessories, Tools
Garage Equipment, Car Care & More
Amazon.com/motorcycle

60% OFF Motorcycle Helmet

Fast & Free Shipping + Free Returns
125% Price Guarantee + MB Guarantee
MotoDirect.com/Motorcycle_Helmets!

Shop Simply

Simplify your Shopping. Find
Top Brands at Low Prices
shop.simpli.com

Compare Prices & Save

100,000 Stores. Deals. Reviews.
Millions of Items & More!
shopping.yahoo.com

[More Sponsored Links »](#)

Plaintiff's Initial Disclosures - 12