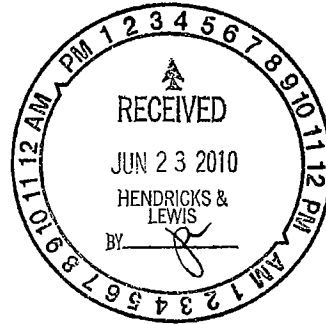


EXHIBIT 3

{81600.DOC}



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SOARING HELMET CORPORATION, a
Washington Corporation,

Plaintiff,

v.

NANAL, INC., a Nevada corporation, d/b/a
LEATHERUP.COM,

Defendant.

Cause No. C09-0789 JLR

PLAINTIFF'S ANSWERS TO
DEFENDANT NANAL, INC.'S FIRST
SET OF INTERROGATORIES NOS. 1-
22 TO PLAINTIFF SOARING HELMET
CORPORATION

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Western District of Washington, Defendant Nanal, Inc. ("Defendant" or "Nanal") hereby propounds the following interrogatories to Plaintiff Soaring Helmet Corporation ("Plaintiff" or "Soaring Helmet") to be responded to separately and fully under oath within thirty (30) days from the date of service.

PLAINTIFF'S ANSWERS TO DEFENDANT NANAL, INC.'S
FIRST SET OF INTERROGATORIES - 1

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

1 or services. After receipt of Soaring Helmet's cease and desist letter, the misleading
2 advertisement ceased to appear as a result of a search on the Yahoo.com search engine.

3 **INTERROGATORY NO. 19:** Please set forth in detail each category of damage
4 Plaintiff claims to have incurred arising from the acts of Defendant complained of in the
5 Second Amended Complaint, including the computation of the amount of damages Plaintiff
6 claims to have incurred for each category.

7 ANSWER TO INTERROGATORY NO. 19:

8 Plaintiff has suffered damages arising out of the lost dealer in Michigan. Damages
9 will be calculated based on the average amount of dealer purchases in Michigan.
10 The Lanham Act provides for the recovery of the defendant's profits. See *15 U.S.C. §1117(a)*.
11 Critically, a plaintiff does not need to show actual damage to obtain an award reflecting the
12 infringer's profits. *Lindy Pen Co. v. Bic Pen Corp.*, 982 F.2d 1400, 1410-11 (9th Cir. 1993).
13 Because proof of actual damage is often difficult, a court may award damages based solely on
14 defendant's profits on a theory of unjust enrichment. *Id.* at 1407. Plaintiff is also entitled to
15 an award of Defendant's profits based on the infringement alleged in Plaintiff's complaint.

16 **INTERROGATORY NO. 20:** Please state whether Plaintiff has lost sales by the acts
17 of Defendant complained of in the second Amended Complaint, and, if so, set forth in detail
18 the computation of those lost sales.

19 ANSWER TO INTERROGATORY NO. 20:

20 See answer to interrogatory number 19.

21 **INTERROGATORY NO. 21:** Please set forth in detail all facts and identify all
22 documents concerning Plaintiff's claim for treble damages in this Action.
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ANSWER TO INTERROGATORY NO. 21:

See answer to interrogatory number 9.

INTERROGATORY NO. 22: Identify all persons who have or whom you believe have any knowledge or information concerning each fact stated in your responses to the interrogatories.

ANSWER TO INTERROGATORY NO. 22:

- Lou Xu, President
- Jeanne DeMund, Vice President
- Wayne Layman, Michigan territory sales representative
- Claudia Mallard, Southeast US sales representative

DATED June 21, 2010.

INVICTA LAW GROUP, PLLC

By: s/Heather Morado/
Stacie Foster, WSBA No. 23397
Heather M. Morado, WSBA No. 35135
Steven W. Edmiston, WSBA No. 17136
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

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


On this day, June 21, 2010, I caused to be sent via e-mail and First Class Mail the following documents:

1. Plaintiff's Answers to Defendant Nanal, Inc.'s First Set of Interrogatories Nos. 1-22 to Plaintiff Soaring Helmet Corporation with Certificate of Service

To the following listed counsel of record:

Ms. Katherine Hendricks
Ms. Stacia N. Lay
Hendricks & Lewis, PLLC
901 Fifth Avenue, Suite 4100
Seattle, WA 98164
kh@hllaw.com; sl@hllaw.com

Dated this 21st day of June, 2010, at Seattle, Washington.


Katy M. Albritton
Legal Assistant