

# Exhibit A

THE HONORABLE JAMES J. ROBERT

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 FIRST SET OF  
INTERROGATORIES TO  
DEFENDANT

TO: Ms. Katherine Hendricks  
Ms. Stacia N. Lay  
HENDRICKS & LEWIS, PLLC  
Attorneys for Defendant

Pursuant to CR 26, 33, and 34 of the Federal Rules of Civil Procedure, please respond to the following interrogatories and requests for production separately and fully, under oath, within thirty (30) days of the date of their service on you.

These interrogatories and document requests are to be treated as continuing. If information is not available within the time limits of the civil rules, you must answer each

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT - 1

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

interrogatory or request as fully as possible within the time limit and furnish additional information when it becomes available. If additional information is discovered between the time of making these responses and the time of trial, these interrogatories and document requests are directed to that information. If such information is not furnished, plaintiff will move at the time of trial to exclude from evidence any information requested and not furnished.

You are to produce and permit Plaintiff to inspect and copy the documents and other tangible things described herein at the law offices of Invicta Law Group, PLLC, 1000 Second Ave., Suite 3310, Seattle, WA 98104-1019, within 30 days of the service of these requests upon you, or such other time as counsel may agree.

## DEFINITIONS

1. “You” and “your” refer to Nanal, Inc., its employees, agents, and representatives.

2. "Person" includes any natural person, firm, association, partnership, joint venture, corporation, company and any other form of legal entity.

3. "Document" means all written, electronic, graphic, or printed matter of any kind, however produced or reproduced, including all originals, drafts, working papers and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, and electronic, mechanical, or electrical records or representations of any kind, translated through detection devices into reasonably usable form, and includes any document otherwise responsive to this request that has been lost, destroyed or has

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT - 2

**INVICTA LAW GROUP, PLLC**  
1000 SECOND AVENUE, SUITE 3310  
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1 otherwise disappeared. The term "document" is used in its broadest sense and includes, but is  
2 not limited to: papers, books, book entries, accounts, letters, photographs, objects, tangible  
3 things, correspondence, memoranda, notes, data, notations, work papers, interoffice  
4 communications, interdepartmental communications, minutes, reports, and records of any  
5 communications (including telephone or other conversations, interviews, conferences or  
6 committee or other meetings), affidavits, statements, summaries, opinions, reports, studies,  
7 analyses, formulae, plans, specifications, contracts, licenses, agreements, offers, acceptances,  
8 journals, books or record of accounts, summaries of accounts, bills, receipts, balance sheets,  
9 income statements, advertisements, desk calendars, appointment books, diaries, lists,  
10 tabulations, charts, graphs, maps, surveys, sound recordings, computer records or impressions,  
11 microfilm, all other records kept by electronic, photographic, or mechanical means, and things  
12 similar to any of the foregoing, however denominated.

13 4. Missing Documents. If any document responsive to any of the requests is no  
14 longer in your possession and cannot be located by you, or is known or believed to be or  
15 otherwise disposed of since the commencement of this action, for whatever reasons, please  
16 state the date, title, and description of the subject matter of the document, the disposition of  
17 the document, and the circumstances under which the document was destroyed, discarded or  
18 lost, or identify the person presently having custody, possession, or control of the document.

19 5. "Identify" with respect to any document, shall mean to state the title,  
20 identifying number of the document, the type of document (e.g., letter, interoffice  
21 memoranda, etc.), date, addressee, signatories, recipients, present location, custodian, subject  
22 matter and any other identifying characteristics.  
23

1           6.       “Identify” with respect to any person shall mean to state his or her full name;  
2 present or last known residence address and phone number; the present or last known business  
3 affiliation, including the address and position held by such person; and where applicable, the  
4 person’s position or job title, responsibilities and duties; prior experience and background  
5 with you, including tenure in each title or position held to date; and previous job title,  
6 responsibilities, and duties during the time period to which the interrogatory relates.

7           7.       Wherever the identification of “communications” is requested, please state  
8 whether the communication was oral or written; the date of the communication; the place of  
9 the communication; the substance of the communication; and the identity of all persons  
10 involved in the communication.

11           8.       “Correspondence” means any documentation or recordation of any  
12 communication between two parties, including without limitation, a letter, memorandum, e-  
13 mail, voice mail (whether or not transcribed), notes of telephone conversations, notes of  
14 meetings or conferences, and any document that was mailed, couriered, faxed, shipped, or  
15 transmitted, whether electronically or in hard copy form, from one party to the other.  
16

17           9.       The term “Mark” shall refer to trademark, “VEGA.”

18           10.      The term “Keywords” shall refer to the internet search engine advertising  
19 keywords, “VEGA” and/or “HELMETS.”  
20

21           11.      The term “Website” shall refer to Defendant’s website, Leatherup.com.  
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**PRIVILEGE**

If you refuse to answer any interrogatory, in whole or in part, or to produce any document requested herein, please produce a privilege log as described in Federal Rules of Civil Procedure 26(b)(5), describing the basis for your refusal to answer or produce, including any claim of privilege, in sufficient detail so as to permit the Court to adjudicate the validity of your refusal. The description of any such matter shall include identification of the privilege claimed, identification of its subject matter, and all persons to whom it has been disclosed or transmitted. For each document that you claim is privileged or otherwise immune from discovery, state the date of the document, the author(s), the recipient(s) of the document, the general subject of the document, and the basis for the claim of privilege. ANY OBJECTION THAT IS NOT SO ASSERTED IS WAIVED.

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT – 5

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TEL (206) 903-6364

1 **INTERROGATORIES**

2

3 **INTERROGATORY NO. 1:** Identify all persons answering or responding to these

4 discovery requests and identify the interrogatory or document request for which each

5 person was responsible.

6 **ANSWER TO INTERROGATORY NO. 1:**

7

8

9 **INTERROGATORY NO. 2:** State the date (month, day, and year) of your first use of

10 the Mark in connection with the marketing and sale of products, including but not limited

11 to motorcycle jackets.

12 **ANSWER TO INTERROGATORY NO. 2:**

13

14

15 **INTERROGATORY NO. 3:** State why you selected the Mark for use in connection

16 with the marketing and sale of products, including but not limited to motorcycle jackets,

17 and identify the person who was primarily responsible for the selection of the Mark.

18 **ANSWER TO INTERROGATORY NO. 3:**

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23

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT – 6

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1  
2 **INTERROGATORY NO. 4:** Describe the steps you took (including when the steps  
3 were taken and by whom), if any, to investigate whether it would be legally appropriate  
4 for you to use the Mark, including whether any trademark searches were conducted.

5 **ANSWER TO INTERROGATORY NO. 4:**  
6  
7

8 **INTERROGATORY NO. 5:** Identify your sales and profits, in dollar and unit terms, by  
9 month, year, or any other applicable period of time for which data is available to you, for  
10 all products marketed and sold by you, including but not limited to motorcycle jackets.

11 **ANSWER TO INTERROGATORY NO. 5:**  
12  
13

14 **INTERROGATORY NO. 6:** Identify the channels of trade in which you market and sell  
15 products, including but not limited to motorcycle jackets.

16 **ANSWER TO INTERROGATORY NO. 6:**  
17  
18

19 **INTERROGATORY NO. 7:** Identify the purchasers by class (e.g., retailers, general  
20 public) of each product sold by you, including but not limited to motorcycle jackets.

21 **ANSWER TO INTERROGATORY NO. 7:**  
22  
23



1 **INTERROGATORY NO. 8:** State the date (month, day, and year) of your first  
2 purchase of the Keywords, and identify each internet search engine from which the  
3 Keywords were purchased.

4 **ANSWER TO INTERROGATORY NO. 8:**  
5  
6

7 **INTERROGATORY NO. 9:** State why you selected the Keywords for use in  
8 connection with the marketing of your goods and services, and identify the person who  
9 was primarily responsible for the selection of the Keywords.

10 **ANSWER TO INTERROGATORY NO. 9:**  
11  
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13 **INTERROGATORY NO. 10:** Describe the steps you took (including when the steps  
14 were taken and by whom), if any, to investigate whether it would be legally appropriate  
15 for you to use the Keywords.

16 **ANSWER TO INTERROGATORY NO. 10:**  
17  
18

19 **INTERROGATORY NO. 11:** State the number of times an advertisement for the  
20 Website was displayed in response to a consumer search utilizing the Keywords, and the  
21 amount of "clicks" generated to the Website as a result of a search utilizing the Keywords,  
22  
23

1 i.e., the number of times a consumer clicked on the Website after viewing an  
2 advertisement generated by the Keywords.

3 **ANSWER TO INTERROGATORY NO.11:**  
4  
5

6 **INTERROGATORY NO. 12:** Identify your sales and profits, in dollar and unit terms,  
7 by month, year, or any other applicable period of time for which data is available to you,  
8 for all products sold by you through the Website.

9 **ANSWER TO INTERROGATORY NO. 12:**  
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12 **INTERROGATORY NO. 13:** Identify all media (e.g., internet, newspapers, magazines,  
13 trade journals, radio and/or television stations, etc.) where you have advertised your goods  
14 and/or services.

15 **ANSWER TO INTERROGATORY NO. 13**  
16  
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18 **INTERROGATORY NO. 14:** For each calendar year since commencement of use of  
19 the Mark and/or the Keywords in connection with the marketing, distribution, and/or sale  
20 of your products and/or services, state the amount you expended in advertising of each  
21 product or service.  
22  
23

1 **ANSWER TO INTERROGATORY NO. 14:**

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4 **INTERROGATORY NO. 15:** Set forth fully the facts and circumstances regarding how  
5 and when you first became aware or otherwise gained any knowledge of the existence of  
6 Plaintiff, the products and/or services offered by Plaintiff, and/or Plaintiff's use of the  
7 Mark.

8 **ANSWER TO INTERROGATORY NO. 15:**

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10  
11 **INTERROGATORY NO. 16:** Set forth fully the facts and circumstances regarding  
12 whether you investigated Plaintiff after you became aware of Plaintiff's existence and its  
13 use of the Mark.

14 **ANSWER TO INTERROGATORY NO. 16:**

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16  
17 **INTERROGATORY NO. 17:** Identify the geographical areas in which you have sold  
18 products and/or services.

19 **ANSWER TO INTERROGATORY NO. 17:**

1 **INTERROGATORY NO. 18:** Set forth fully the facts and circumstances regarding any  
2 incidents where a person or entity has been confused, mistaken or deceived as to the  
3 source of goods or services sold by you and the goods or services sold by Plaintiff.

4 **ANSWER TO INTERROGATORY NO. 18:**  
5  
6  
7  
8  
9

10 DATED June 11, 2010.

11 INVICTA LAW GROUP, PLLC

12 By: s/Heather Morado/

13 Heather M. Morado, WSBA No. 35135

14 Stacie Foster, WSBA No. 23397

15 Steven W. Edmiston, WSBA No. 17136

16 Attorneys for Plaintiff  
17  
18  
19  
20  
21  
22  
23

1 **CERTIFICATE OF SERVICE**

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

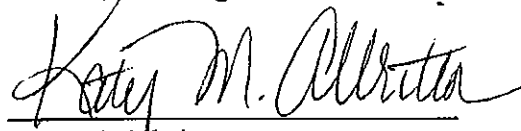
5 On this day, June 11, 2010, I caused to be sent via email and U.S. Mail the  
6 following filed documents:

- 7 1. Plaintiff's First Set of Interrogatories to Defendant; and  
8 2. Plaintiff's First Requests For Production of Documents to Defendant;

9 To the following attorneys of record:

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

13 Dated this 11<sup>th</sup> day of June, 2010, at Seattle, Washington.

14   
15 Katy M. Albritton  
16 Legal Assistant

17  
18  
19  
20  
21  
22  
23  
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT - 12

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

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 FIRST REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO  
DEFENDANT

TO: NANAL, INC.

AND TO: Ms. Katherine Hendricks  
Ms. Stacia N. Lay  
HENDRICKS & LEWIS, PLLC  
Attorneys for Defendant

**PRELIMINARY STATEMENT**

IN ACCORDANCE with Federal Rule of Civil Procedure No. 34, plaintiff, Soaring  
Helmet Corporation ("Soaring Helmet"), hereby addresses its First Set of Requests for

PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION  
TO DEFENDANT - 1

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

1 Production of Documents to defendant Nanal, Inc. ("Defendant") to be responded to and  
2 complied with fully within thirty (30) days of service hereof. Documents shall be  
3 produced at the offices of Invicta Law Group, PLLC, 1000 Second Ave., Suite 3310,  
4 Seattle, WA 98104-1019.

5 These requests for production of documents are to be continuing in nature. If the  
6 documents requested are not available within the time limits of the civil rules, you must  
7 respond to each request as fully as possible within the time limit and furnish additional  
8 documents when they become available. If additional documents are discovered between  
9 the time of making your responses and the time of trial, these requests are directed to  
10 those documents. If such documents are not furnished, plaintiff will move at the time of  
11 trial to exclude from evidence such information or documents requested and not  
12 furnished, or move for continuance of the trial in order to investigate such matter and for  
13 appropriate terms.  
14

15 The answers and responses are to be signed by the person to whom they are  
16 addressed, and the objections are to be signed by the attorney making the objection.

### 17 INSTRUCTIONS

18 1. Each request for production shall be responded to separately and fully in  
19 writing. Each response shall identify the documents being produced and shall state with  
20 respect to each item or category of items requested, that inspection and/or copying will be  
21 permitted as requested unless the request is objected to, in which event the legal reasons  
22 for objection shall be stated. If objection is made to any part of an item or category, the  
23 part shall be specified.

1           2.     If you object to answering any discovery request, in whole or in part, state  
2 your objection and state with particularity all of the factual and legal reasons supporting  
3 your objection.

4           3.     If you decline to respond to any request, in whole or in part, or decline to  
5 produce any document requested, please produce a privilege log as described in Fed. R.  
6 Civ. P. 26(b)(5), describing the nature of the documents and the basis for your refusal,  
7 including any claim of privilege, in sufficient detail so as to permit the court to adjudicate  
8 the validity of the claim. The description of any such matter shall include identification of  
9 the privilege claimed, identification of its subject matter, the name and address of the  
10 author and addressees, the date, the name of any recipients of copies of the document, all  
11 persons to whom it has been disclosed or transmitted and the location of the files where  
12 the original and each copy are normally kept. ANY OBJECTION THAT IS NOT SO  
13 ASSERTED IS WAIVED.

14  
15           4.     If any document otherwise responsive to these discovery requests has been  
16 lost, destroyed or has otherwise disappeared, in addition to providing the descriptive  
17 information sought regarding the document, please state all facts and circumstances  
18 known to you relating to its disappearance or destruction, identify all persons who have  
19 seen the document or who have knowledge of the circumstances surrounding its  
20 disappearance, and provide a detailed description of the nature and contents of the  
21 document and of your efforts to locate it.



## DEFINITIONS

For the purposes of these Requests, including the sections marked "Definitions" and "General Procedures," the following terms shall have the meanings set forth below:

1. "You" and "your" shall mean and refer to: Defendant, Nanal, Inc., and includes all principles, officers, directors, trustees, employees, staff members, consultants, agents, experts and representatives, including counsel for Defendant, as well as any other person acting on its behalf, pursuant to its authority or subject to its control.

2. "And" and "or" shall, unless the context clearly indicates otherwise, embrace both the conjunctive and disjunctive.

3. "Document" means all written, electronic, graphic, or printed matter of any kind, however produced or reproduced, including all originals, drafts, working papers and all non-identical copies, whether difference from the originals by reason of any notation made on such copies or otherwise, and electronic, mechanical, or electrical records or representations of any kind, translated through detection devices into reasonably usable form, and includes any document otherwise responsive to this request that has been lost, destroyed or has otherwise disappeared. The term "document" is used in its broadest sense and includes, but is not limited to: papers, books, book entries, accounts, letters, photographs, objects, tangible things, correspondence, telegrams, cables, telex, or telefax messages, memoranda, notes, data, notations, work papers, interoffice communications, interdepartmental communications, minutes, reports, and records of any communications (including telephone or other conversations, interviews, conferences or committee or other meetings), affidavits, statements, summaries, opinions, reports, studies, analyses,

1 formulae, plans, specifications, contracts, licenses, agreements, offers, acceptances,  
2 journals, books or record of accounts, summaries of accounts, bills, receipts, balance  
3 sheets, income statements, advertisements, desk calendars, appointment books, diaries,  
4 lists, tabulations, charts, graphs, maps, surveys, sound recordings, computer records or  
5 impressions, microfilm, all other records kept by electronic, photographic, or mechanical  
6 means, and things similar to any of the foregoing, however denominated.

7 4. "All documents" means every document, as defined above, whether an  
8 original or copy which is in your possession, custody or under your control.

9 5. "Person" includes any natural person, firm, association, partnership, joint  
10 venture, corporation, and any other form of legal entity, and any city, state, or federal  
11 government entity or any agency, board, or court thereof.

12 6. "Identify" with respect to any document, shall mean to state the title,  
13 identifying number of the document, the type of document (e.g., letter, interoffice  
14 memoranda, etc.), date, addressee, signatories, recipients, present location, custodian,  
15 subject matter and any other identifying characteristics.

16 7. "Identify" with respect to any person shall mean to state his or her full  
17 name; present or last known residence address and phone number; the present or last  
18 known business affiliation, including the address and position held by such person; and  
19 where applicable, the person's position or job title, responsibilities and duties; prior  
20 experience and background with you, including tenure in each title or position held to  
21 date; and previous job title, responsibilities, and duties during the time period to which the  
22 interrogatory relates.  
23

1           8.       Wherever the identification of "communications" is requested, please state  
2 whether the communication was oral or written; the date of the communication; the place  
3 of the communication; the substance of the communication; and the identity of all persons  
4 involved in the communication.

5           9.       The term "Mark" shall refer to trademark, "VEGA."

6           10.      The term "Keywords" shall refer to the internet search engine advertising  
7 keywords, "VEGA" and/or "HELMETS."

8           11.      The term "Website" shall refer to Defendant's website, Leatherup.com.  
9

#### 10                           REQUESTS FOR PRODUCTION

11       REQUEST FOR PRODUCTION NO. 1: Produce all documents which record, refer to,  
12 or relate to your selection, design, adoption, proposed use of, decision to use, decision to  
13 purchase, and/or first use of the Mark, including any proposed marks and other marks  
14 considered and rejected.  
15

#### 16       RESPONSE:

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18  
19       REQUEST FOR PRODUCTION NO. 2: Produce all documents which record, refer to,  
20 or relate to the selection, design, adoption, proposed use of, decision to use, decision to  
21 purchase, and/or first use of the Keywords, including any proposed keywords and other  
22 keywords considered and rejected.  
23

1 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. 3:** Produce a sample of each product which the  
5 Mark is being used, or was used, by or on behalf of Defendant, including but not limited  
6 to motorcycle jackets.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 4:** Produce all documents which record, refer to,  
11 or relate to any searches, investigations, studies, analyses, or inquiries conducted by you  
12 or on your behalf, regarding the availability and/or registrability of the Mark.

13 **RESPONSE:**

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17 **REQUEST FOR PRODUCTION NO. 5:** Produce all documents which record, refer to,  
18 or relate to your knowledge and/or awareness of the use and/or registration of the Mark by  
19 Plaintiff.

20 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 6:** Produce all documents which record, refer to,  
2 or relate to your advertising, intended advertising, promotion, and/or intended promotion  
3 of your goods and/or services, including but not limited to motorcycle jackets.

4 **RESPONSE:**  
5  
6

7 **REQUEST FOR PRODUCTION NO. 7:** Produce copies of all documents, mailing lists  
8 or databases detailing persons to whom you market goods and/or services, including but not  
9 limited to motorcycle jackets.

10 **RESPONSE:**  
11  
12

13 **REQUEST FOR PRODUCTION NO. 8:** Produce a sample of each and every different  
14 advertisement, intended advertisement, item of promotional material and/or intended item  
15 of promotional material printed and/or disseminated by you or on your behalf.

16 **RESPONSE:**  
17  
18  
19

20 **REQUEST FOR PRODUCTION NO. 9:** Produce all press releases, articles and  
21 clippings relating to or commenting on goods and/or services marketed or sold by you,  
22 including but not limited to motorcycle jackets.  
23

1 **RESPONSE:**

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3  
4 **REQUEST FOR PRODUCTION NO. 10:** Produce copies of all television  
5 commercials, press releases, radio scripts and other media advertising related to your  
6 goods and/or services, not previously requested herein, prepared by or on your behalf,  
7 whether or not released or aired.

8 **RESPONSE:**

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10  
11 **REQUEST FOR PRODUCTION NO. 11:** Produce all documents which record, refer  
12 to, or relate to your advertising and/or promotional expenditures, or expected advertising  
13 and/or promotional expenditures, for any goods and/or services, including but not limited  
14 to motorcycle jackets, that were offered for sale, sold and/or distributed by you, including  
15 without limitation, the advertising medium, the dates of any such advertisements or  
16 promotions, and the cost associated with such advertisements and/or promotions.

17 **RESPONSE:**

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21 **REQUEST FOR PRODUCTION NO. 12:** Produce all documents which record, refer  
22 to, or relate to your organization, incorporation, structure, operation and activities insofar  
23

1 as they relate to any goods and/or services sold and/or intended to be sold, offered or  
2 promoted by you.

3 **RESPONSE:**  
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5

6 **REQUEST FOR PRODUCTION NO. 13:** Produce all documents which record, refer  
7 to, or relate to any licenses, assignments, agreements, contracts, and/or arrangements  
8 between you and any third party which relate in any manner to the Mark.

9 **RESPONSE:**  
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11

12 **REQUEST FOR PRODUCTION NO. 14:** Produce all documents which record, refer  
13 to, or relate to any licenses, assignments, agreements, contracts, and/or arrangements  
14 between you and any third party, including but not limited to any internet search engines,  
15 which relate in any manner to the Keywords.  
16

17 **RESPONSE:**  
18  
19

20 **REQUEST FOR PRODUCTION NO. 15:** For fiscal years 2007, 2008, 2009 and 2010 to  
21 date, produce documents which record, refer to, or relate to the amount of sales (actual  
22 and/or projected) by calendar quarter of goods and/or services, including but not limited to  
23 motorcycle jackets, sold by you or on your behalf, including, without limitation, the

1 identification of the goods, the number of units sold, the jurisdiction or location of the  
2 sale, the dates of the sales, the purchasers of the goods, and the dollar value of the sales.

3 **RESPONSE:**  
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6 **REQUEST FOR PRODUCTION NO. 16:** Produce copies of your tax returns for the  
7 fiscal years 2007, 2008 and 2009.

8 **RESPONSE:**  
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11 **REQUEST FOR PRODUCTION NO. 17:** Produce copies of all your corporate financial  
12 statements for the fiscal years 2007, 2008, 2009 and 2010 to date.

13 **RESPONSE:**  
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17 **REQUEST FOR PRODUCTION NO. 18:** Produce all documents which record, refer  
18 to, or relate to any communication, oral or written, received by you from any person  
19 which suggests, implies, or infers any connection or association between you and  
20 Plaintiff, or which inquires as to whether there is or may be such a connection or  
21 association.  
22  
23



1 **RESPONSE:**

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3  
4 **REQUEST FOR PRODUCTION NO. 19:** Produce all documents which record, refer  
5 to, or relate to any instance or occurrence of likelihood of confusion and/or actual  
6 confusion on the part of any person between you and Plaintiff.

7 **RESPONSE:**

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9  
10 **REQUEST FOR PRODUCTION NO. 20:** Produce all documents which record, refer  
11 to, or relate to any inquiry, investigation, evaluation, analysis, or survey conducted by you  
12 or any person acting for or on your behalf regarding any issues involved in this  
13 proceeding.

14 **RESPONSE:**

15  
16  
17  
18 **REQUEST FOR PRODUCTION NO. 21:** Produce all documents which record, refer  
19 to, or which constitute any research, reports, surveys, or studies conducted by you or on  
20 your behalf of consumer or customer perception of the Mark.

21 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 22:** Produce all documents which record, refer  
2 to, or which constitute any research, reports, surveys, or studies conducted by you or on  
3 your behalf of consumer or customer perception of the Keywords.

4 **RESPONSE:**  
5  
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7 **REQUEST FOR PRODUCTION NO. 23:** Produce all documents in your possession or  
8 control that refer or relate to Plaintiff, the Marks, or the Keywords.

9 **RESPONSE:**  
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11

12 **REQUEST FOR PRODUCTION NO. 24:** Produce all documents related to each and  
13 every affirmative defense as set forth in paragraphs 1-21 of your Answer to Plaintiff's  
14 Second Amended Complaint dated May 20, 2010.

15 **RESPONSE:**  
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17  
18

19 **REQUEST FOR PRODUCTION NO. 25:** Produce a copy of any statements and/or  
20 opinions of any expert obtained by you or any person acting for or on your behalf  
21 regarding any of the issues in this proceeding.  
22  
23

1 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. 26:** Produce a copy of all documents, other than  
5 those produced to any of the foregoing requests, upon which you intend to rely in  
6 connection with this proceeding.

7 **RESPONSE:**

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9  
10 **REQUEST FOR PRODUCTION NO. 27:** Produce all documents which record, refer  
11 to, or relate in any manner to the subject matter of this proceeding.

12 **RESPONSE:**

13  
14  
15  
16 **REQUEST FOR PRODUCTION NO. 28:** Produce all documents which record, refer  
17 to, or relate to your answers to Plaintiff's First Set of Interrogatories Nos. 1-18.

18 **RESPONSE:**

1 DATED this 11<sup>th</sup> day of June, 2010

2 INVICTA LAW GROUP, PLLC

3 By: s/Heather Morado/

4 Heather M. Morado, WSBA No. 35135

5 Stacie Foster, WSBA No. 23397

6 Steven W. Edmiston, WSBA No. 17136

7 Attorneys for Plaintiff

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PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION  
TO DEFENDANT – 15

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

1 **CERTIFICATE OF SERVICE**

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


5 On this day, June 11, 2010, I caused to be sent via email and U.S. Mail the  
6 following filed documents:

- 7 1. Plaintiff's First Set of Interrogatories to Defendant; and  
8 2. Plaintiff's First Requests For Production of Documents to Defendant;

9 To the following attorneys of record:

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

13 Dated this 11<sup>th</sup> day of June, 2010, at Seattle, Washington.

14   
15 Katy M. Albritton  
16 Legal Assistant