

# Exhibit J

1 not provide such information and will assume the interrogatories apply only to that information  
2 falling outside the scope of the attorney-client privilege and the attorney work product doctrine.

3 3. The inadvertent provision of any information subject to the attorney-client privilege  
4 and/or the attorney work product doctrine is not intended to be, and shall not operate as, a waiver  
5 of such privilege or doctrine, nor is such inadvertent provision of information intended to be a  
6 waiver of the right to object to use of such information.

7 4. Nanal objects to the definition of the term "the Mark" as referring broadly to the  
8 alleged trademark "VEGA" to the extent the definition fails to specify the goods and/or services in  
9 connection with which the trademark is allegedly used. For purposes of these objections and any  
10 subsequent responses, Nanal will construe the term "the Mark" to refer to Plaintiff's alleged  
11 trademark "VEGA," Registration No. 2,087,637, for "motorcycle helmets" as alleged in Plaintiff's  
12 Second Amended Complaint.

13 5. Nanal objects to the definition of the term "the Keywords," defined to include the  
14 term "helmets," to the extent Plaintiff purports to claim any exclusive rights to that generic term.

15 6. These general objections are expressly incorporated into each of the responses set  
16 forth herein and any subsequent responses.

17 7. Nanal reserves the right to supplement these responses if or as necessary as  
18 additional information becomes available.

### 19 INTERROGATORIES

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

### 23 **CONFIDENTIAL SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

24 In addition to the General Objections, Nanal objects to Interrogatory No. 5 on the grounds  
25 that it is overbroad, unduly burdensome and is not reasonably calculated to lead to the discovery  
26 of admissible evidence in that it is not limited as to time or to the specific goods allegedly relevant  
27 to Plaintiff's claims in this action. Nanal further objects to Interrogatory No. 5 on the ground that

28  
DEFENDANT'S CONFIDENTIAL SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S INTERROGATORIES  
NOS. 5, 12 AND 14 (C09-0789-JLR) - 2

{92478.DOC}

**HENDRICKS & LEWIS**<sub>LLC</sub>  
901 Fifth Avenue, Suite 4100  
Seattle, Washington 98164  
TEL: (206) 624-1933

1 it seeks information of a confidential, trade secret or proprietary nature. Subject to and without  
2 waiving its objections, Nanal responds as follows:

3 In 2007, Nanal sold [REDACTED] items for sales totaling \$ [REDACTED]. In 2008, Nanal sold  
4 [REDACTED] items for sales totaling \$ [REDACTED]. In 2009, Nanal sold [REDACTED] items for sales totaling  
5 \$ [REDACTED]. However, these sales for each of these years represent numerous different brands  
6 and products, none of which include or are related to Plaintiff's "Vega" branded motorcycle  
7 helmets or Plaintiff's alleged trademark "VEGA." For the limited period of time in which the  
8 keyword "vega" was purchased as part of Google's AdWords program, Nanal received [REDACTED]  
9 "clicks," which resulted in [REDACTED] orders for sales totaling \$ [REDACTED], for a profit of [REDACTED].

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

13 **CONFIDENTIAL SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

14 In addition to the General Objections, Nanal objects to Interrogatory No. 12 on the grounds  
15 that it is overbroad, unduly burdensome and is not reasonably calculated to lead to the discovery  
16 of admissible evidence in that it is not limited as to time or to the specific goods allegedly relevant  
17 to Plaintiff's claims in this action. Interrogatory No. 12 is also repetitive, in whole or substantial  
18 part, of Interrogatory No. 5. Nanal further objects to Interrogatory No. 12 on the ground that it  
19 seeks information of a confidential, trade secret or proprietary nature. Subject to and without  
20 waiving its objections, Nanal responds as follows:

21 In 2007, Nanal sold [REDACTED] items for sales totaling \$ [REDACTED]. In 2008, Nanal sold  
22 [REDACTED] items for sales totaling \$ [REDACTED]. In 2009, Nanal sold [REDACTED] items for sales totaling  
23 \$ [REDACTED]. However, these sales for each of these years represent numerous different brands  
24 and products, none of which include or are related to Plaintiff's "Vega" branded motorcycle  
25 helmets or Plaintiff's alleged trademark "VEGA." For the limited period of time in which the  
26 keyword "vega" was purchased as part of Google's AdWords program, Nanal received [REDACTED]  
27 "clicks," which resulted in [REDACTED] orders for sales totaling \$ [REDACTED], for a profit of \$ [REDACTED].

28  
DEFENDANT'S CONFIDENTIAL SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S INTERROGATORIES  
NOS. 5, 12 AND 14 (C09-0789-JLR) - 3  
(92478.DOC)

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