

Exhibit D

August 16, 2010

Heather M. Morado
Email: hmorado@inyictalaw.com**VIA EMAIL sl@hllaw.com**
and FIRST CLASS MAILMs. Stacia N. Lay
HENDRICKS & LEWIS, PLLC
901 Fifth Avenue, Suite 4100
Seattle, WA 98164**Re: Soaring Helmet Corporation v. Nanal, Inc.**
Cause No. C09-0749 JLR

Dear Stacia:

I am writing in response to your letter of August 11, 2010 regarding the status of discovery in the above-referenced matter. We have also reviewed Nanal's responses to Plaintiff's discovery requests, and we request that the following issues be discussed during the discovery conference on Wednesday:

1. **Defendant's responses to plaintiff's first set of requests for production:**
 - a) There are numerous requests for production that Nanal has stated that it "will produce existing, non-privileged responsive documents in its possession, custody or control, if any," however, Nanal still has not provided any responsive documents. **Specifically, please advise as to whether Nanal will produce documents responsive to plaintiff's requests for production numbers 1, 2, 9, 13, 14, 18, 19, 23, 24, 26, 27, and 28.**
 - b) There are requests for production that Nanal has stated that it "will produce existing, non-privileged and confidential responsive documents...upon entry of a confidentiality order by the Court." Since the parties have stipulated to entry of a protective order in this case, **please advise as to whether Nanal will produce documents responsive to plaintiff's requests for production numbers 6, 7, 8, 11, and 15.**

- c) In response to **request for production number 3**, Nanal has stated that it will produce a photograph of the motorcycle jacket that was marketed and sold using the mark "VEGA," and that Nanal will provide a sample of the motorcycle jacket upon payment of the retail price for the motorcycle jacket. Please advise as to when Nanal will produce the photograph and how to arrange for production of a sample of the motorcycle jacket.
- d) In response to **requests for production numbers 16 and 17**, Nanal has made objections, but it has not stated whether or not it will produce documents responsive to these requests for production. If Nanal disagrees with the scope of the requested production, it cannot simply withhold materials. See *Washington State Physicians Ins. Exch. V. Fisons Corp.*, 122 Wn.2d 299, 858 P.2d 1054 (1993). Please advise as to whether Nanal will produce documents responsive to these requests for production.

2. Defendant's responses to plaintiff's first set of interrogatories:

- a) In response to **interrogatory number 3**, Nanal has objected on the basis that it has not "used" plaintiff's VEGA mark, except in connection with the Google AdWords keyword suggestion tool. However, this interrogatory clearly seeks information related to why Nanal chose to use plaintiff's VEGA mark in connection with motorcycle jackets, as alleged in the complaint. By incorporating plaintiff's VEGA mark in its entirety in connection with the marketing and sale of Nanal's "Extreme XElement Vega" motorcycle jackets, Nanal has clearly "used" plaintiff's VEGA mark under any reasonable interpretation of this interrogatory request. Accordingly, Nanal's answer to this interrogatory is incomplete. Please advise as to when Nanal will supplement its response to this interrogatory.
- b) In response to **interrogatory numbers 5, 12, and 14**, Nanal has stated that it will provide responses "upon entry of a confidentiality order by the Court." Since the parties have stipulated to entry of a protective order in this case, please advise as to when Nanal will provide responses to these interrogatories.
- c) **Interrogatory numbers 8 - 11** request information regarding the use of the keywords from "each internet search engine from which the Keywords were purchased," and these interrogatories are not limited to the Google search engine. However, Nanal has only provided responses with regard to the Google search engine. The information sought is relevant, since plaintiff has alleged in its complaint that Nanal has purchased the keywords from other

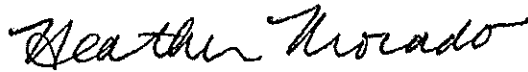
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internet search engines. Accordingly, Nanal's answers to these interrogatories are incomplete. Please advise as to when Nanal will supplement its responses to these interrogatories.

I look forward to speaking with you Wednesday.

Very truly yours,

INVICTA LAW GROUP, PLLC



Heather M. Morado

HMM:kma

cc: Jeanne DeMund