

**EXHIBIT 9**

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September 16, 2010

Heather M. Morado, Esq.  
Invicta Law Group, PLLC  
1000 Second Avenue, Suite 3310  
Seattle, Washington 98104-1019

**Re: *Soaring Helmet Corporation v. Nanal, Inc.*, C09-0789-JLR (W.D. Wash.)**

Dear Heather:

I write in response to your letter of last night, September 15, to correct certain inaccuracies and to convey our disagreement with respect to assertions made regarding Nanal's discovery responses.

Your suggestion that Nanal has failed to timely provide supplemental discovery in response to the discovery conference on August 18th (which was initially requested by Nanal to discuss the deficiencies in Plaintiff's discovery responses) is not well-taken.

It is correct that during our discovery conference on August 18th, Nanal agreed to provide supplemental responses to Interrogatories Nos. 3 and 8-11. Nanal also confirmed that it would supplement its responses to other discovery requests, specifically Interrogatories Nos. 5, 12 and 14 and corresponding requests for production, in light of the Court's entry of the Stipulated Protective Order Regarding Confidential Information. These agreements are reflected in the two follow-up emails of August 18th, attached hereto as Attachments A and B.

Two days after the August 18th discovery conference, as agreed, Nanal served supplemental responses to Interrogatories Nos. 3, 8, 9, 10 and 11. (*See* Attachment C.) In addition, on September 2, 2010, Nanal supplemented its document production with "confidential" documents responsive to document requests discussed in the August 18th discovery conference. (*See* Attachment D.) Therefore, your apparent suggestion that Nanal has failed to supplement any of its responses to the discovery requests discussed in our discovery conference is not accurate.

In counterpoint, it is actually Plaintiff that has failed to act in a timely manner with respect to various aspects of discovery in this action.

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For example, Plaintiff failed to timely serve objections or responses to Nanal's first set of requests for production, which were due June 21, 2010, and did not request an extension of the time to respond. Instead, Plaintiff merely stated that it was "working on" the requests for production and would get documents to Nanal "as soon as possible." (*See* Attachment E.) It was not until July 13, 2010, when Nanal requested an extension of time to respond to Plaintiff's first sets of discovery requests that Plaintiff stated it expected to have substantive responses to Nanal's document requests by July 30, more than five weeks after Plaintiff's objections and responses were due. (*See* Attachment F.)

Similarly, with respect to deposition scheduling, Plaintiff failed to serve notices of deposition until after 5 p.m. on Tuesday, September 14, 2010 (*see* Attachment G), just three judicial days before the scheduled deposition date, notwithstanding the fact that Plaintiff has known since at least August 31, that Albert Bootesaz would be available for deposition on September 20th (*see* Attachment H). In addition, it was not until we received your notices of deposition by email on September 14th that we were notified of Plaintiff's intent to conduct a 30(b)(6) deposition of Nanal, including requests that documents be produced at the deposition scheduled to take place only three judicial days after the notice. We also received no response from Plaintiff to our request of August 27th for dates on which Plaintiff's witnesses would be available for deposition. (*See* Attachment I.)

Finally, with respect to your statement that we "have refused to stipulate to an extension of the discovery period," it is my understanding that there was no clear explanation given for the necessity of your request for an extension other than a reference to depositions that Nanal may wish to take. Given that the parties have had ample time for discovery and in the absence of any clear explanation of the need for an extension, there would not appear to be the good cause necessary to ask the Court to modify the case schedule.

Therefore, although it seems the parties' time and efforts would be better spent completing discovery and working toward possibly resolving this action, to the extent a lack of response to the assertions in your letter would be mistakenly taken as agreement with them, this letter is intended to convey our disagreement with your unsupported contention that Plaintiff would be entitled to take a "second deposition" of Albert Bootesaz. Nor do we agree with your assertions that Nanal has failed to comply with the discovery rules or that Plaintiff would be entitled to any sanctions, fees or costs to be sought in connection with any untimely discovery motion.

Nonetheless, although we do not agree with either your characterization of Nanal's discovery conduct or your contention that you would be entitled to a second deposition and/or any sanctions or costs, enclosed please find the following discovery materials:

1. Defendant Nanal, Inc.'s Objections to Plaintiff's Notice of Deposition of Nanal, Inc., D/B/A Leatherup.com Pursuant to FED. R. CIV. PROC. 30(b)(6);

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2. Defendant Nanal, Inc.'s Corrected Responses to Plaintiff Soaring Helmet Corporation's Interrogatories Nos. 1-4, 6-11, 13 and 15-18; and
3. Defendant Nanal, Inc.'s CONFIDENTIAL Supplemental Responses to Plaintiff Soaring Helmet Corporation's Interrogatories Nos. 5, 12 and 14.

Please note that with regard to item number 2 above, Nanal's Corrected Interrogatory Responses, only the responses to Interrogatories Nos. 2, 4, 8 and 10 have been corrected. Further, with respect to item number 3 above, Nanal's Supplemental Interrogatory Responses, please note that the responses have been designated "CONFIDENTIAL" pursuant to the Stipulated Protective Order Regarding Confidential Information.

Sincerely,

HENDRICKS & LEWIS PLLC



Stacia N. Lay

Enclosures

via hand delivery