

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE WEATHER UNDERGROUND,
INC.,

Plaintiff,

v.

NAVIGATION CATALYST
SYSTEMS, INC.,

Defendant.¹

CIVIL ACTION NO. 09-10756

DISTRICT JUDGE MARIANNE O. BATTANI

MAGISTRATE JUDGE VIRGINIA M.
MORGAN

ORDER

This is an action in which plaintiff filed suit against defendant alleging cybersquatting under the Anti-Cybersquatting Consumer Protection, 15 U.S.C. § 1125(d), trademark infringement under the Lanham Act, 15 U.S.C. § 1114(1), false designation of origin under the Lanham Act, 15 U.S.C. § 1125(a), and dilution by blurring and tarnishment under the Lanham Act, 15 U.S.C. § 1125(c). Plaintiff also alleges claims of unfair competition and trademark infringement, civil conspiracy, contributory trademark infringement, and vicarious trademark infringement under Michigan law. The matter comes before the court on plaintiff's "Motion and Memorandum for an Order Compelling Compliance with May 25, 2010 Order Compelling Discovery and to Compel Production" (D/E #102). Defendant filed a response in opposition to

¹All of the other defendants named in the complaint; Basic Fusion, Inc., Connexus, Corp., and Firstlook, Inc., have been dismissed due to a lack of personal jurisdiction (D/E #29).

that motion (D/E #115) and a hearing was held on September 10, 2010. For the reasons stated on the record on that hearing, it is ordered that plaintiff's motion be **DENIED**.

It is further ordered that:

- (2) Parties have stipulated to the appointment of a special master, who will be identified and duties outlined in an order to be presented for signature to this court on or before September 16, 2010. Parties have agreed to share the costs of a special master equally.
- (3) Parties have agreed to extend discovery to December 10, 2010. This date was approved by chambers of the district court. This will be the final extension of dates.

SO ORDERED.

S/Virginia M. Morgan
Virginia M. Morgan
United States Magistrate Judge

Dated: September 10, 2010

PROOF OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System and/or U. S. Mail on September 10, 2010.

s/Jane Johnson
Case Manager to
Magistrate Judge Virginia M. Morgan