

Exhibit D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

CERTIFIED COPY

THE WEATHER UNDERGROUND, INC.,)
a Michigan Corporation,)
)
Plaintiff,)
)
vs.) Case No. 2:09-CV-10756
)
NAVIGATION CATALYST SYSTEMS,) Volume I
INC., a Delaware corporation;)
BASIC FUSION, INC., a Delaware)
corporation; CONNEXUS CORP., a)
Delaware corporation; and)
FIRSTLOOK, INC., a Delaware)
corporation,)
)
Defendants.)
)

- CONFIDENTIAL - UNDER SEAL-

VIDEOTAPED DEPOSITION OF MAVI LLAMAS

Los Angeles, California

Monday, September 27, 2010

Reported by: Judy Samson
CSR No. 6916

1 Q And what job responsibilities or duties did
2 you have as domain name administrator?

3 A I was hired to review the domain list for
4 pur- -- prior to purchasing.

5 And by reviewing it, I would look at the
6 actual list of domains, I would review them to see
7 if they matched any trademarks that I was aware of
8 and filter those out, also filter out adult terms.
9 And then I would submit the domain list for
10 purchase.

11 Q Are you aware if anyone else was performing
12 review of the domains at that time?

13 A At that time, during my first few months,
14 there was a training period. So the person I
15 reported to also reviewed the list after I would.

16 Q And who was that person?

17 A That was Jerry Araujo.

18 Q And how long was that training period?

19 A I don't remember.

20 Q Had you had any training prior to beginning
21 your employment?

22 Put another way, during the time when you
23 were a temp to the time that you received this
24 employment offer, had you received any training?

25 A Yes.

1 Q And what kind of training did you receive?

2 A It was verbal training, the tools that we
3 used.

4 It was basically: "This is where you
5 receive the list. This is what you're looking for
6 in the list. These are the examples of types of
7 things you don't want to register."

8 Q And when you say things you were looking
9 for, what were you looking for?

10 A I was looking at the domains and looking
11 for trademarks that I recognized and filtering those
12 out.

13 Q When you say trademarks you recognized --

14 A That was --

15 Q -- what do you mean by that?

16 A Anything that I would have known that was
17 clearly not something we would want to purchase like
18 Bank of America or, you know, some -- a big
19 trademark that you would just easily recognize.

20 Q Were you provided a list of trademarks
21 to --

22 A No.

23 Q And did you receive any training about what
24 a trademark was?

25 A No.

1 I need to find out who they are, what mark
2 they're claiming, what domain name they are
3 referring to, and then do whatever work to find out
4 if they are, in fact, the owners of that mark and
5 then respond accordingly.

6 Q Okay. The notes that are handwritten on
7 this:

8 "10/19/06 domain request to be
9 unlocked."

10 Is that your handwriting?

11 A Yes.

12 Q What does that mean?

13 A It means that they may -- they requested
14 that the domain name be unlocked. They may have
15 accepted our -- our offer to transfer the domain
16 name. So I would have unlocked the domain name.

17 I used to write notes on these when I --
18 when Lily was out of the office so that she would
19 know what I did for each one.

20 I also provided a spreadsheet, but I
21 wrote -- wrote it down on the paperwork.

22 Q When is the first time that you heard of
23 Weather Underground, the plaintiff in this lawsuit?

24 A It would have been a few months ago when I
25 heard about the lawsuit.

1 Q How did you hear about the lawsuit?

2 A It was being discussed in the office.

3 Q What was being discussed?

4 A Just that we were being sued by a company
5 called Weather Underground.

6 Q Did you have any opinion as to the merits
7 of that lawsuit?

8 A No.

9 Q Why not?

10 A It's not something I really get involved
11 with.

12 Q I'm going to hand you Exhibit 151.

13 (Plaintiff's Exhibit 151 was marked
14 for identification by the deposition
15 reporter and is attached hereto.)

16 BY MR. HALL:

17 Q I'll represent to you that the first and
18 second pages are a list of the domain names that
19 were originally identified in the complaint in this
20 lawsuit as being registered to Navigation Catalyst
21 Systems, Inc., with the registration date as listed
22 in the right-hand column.

23 As I understand it, you would have made the
24 determination as to whether or not to register these
25 domain names for any date between at least August

1 2004 to when Lily Stevenson took over for you
2 sometime in 2005; correct?

3 A That's correct.

4 Q So if we would look at the second one in
5 this list, Swunderground.com, it was registered
6 August 6th, 2004.

7 You would have made the determination to
8 register that domain name; correct?

9 A I don't know because I don't know the exact
10 date that I started.

11 I think it might have been August 9th or
12 10th.

13 Q Okay, let's go down to one that's a little
14 bit later.

15 How about the first one that begins with a
16 "W," W-a-t-h-e-runderground.com, on September 2nd,
17 2004?

18 Do you agree that you would have been the
19 one to make the determination whether or not to
20 register that domain?

21 A It is possible, yes.

22 Q Looking at that domain name, did you have
23 any concerns that it could be infringing the
24 trademark of another?

25 A I'd never heard of Weather Underground. So

1 no.

2 Q So you had never heard of them
3 individually; correct?

4 A That is correct.

5 Q So if you didn't know about the company,
6 you registered the domain name?

7 A Yes.

8 Q And that was your practice throughout the
9 entire time that you were the domain manager in
10 charge of purchasing domain names?

11 A Not the entire time, no.

12 Q Okay. When did it change?

13 A As we started to incorporate the trademark
14 tool where it would fuzzy match against the tools --
15 I mean against the domain names, that spreadsheet
16 that we referenced earlier in our conversation, and
17 I would have used that information to try to
18 determine whether or not it was a trademark hit
19 along with my own personal knowledge.

20 Q So that would have been sometime in 2005?

21 A As I mentioned earlier, it could have been
22 at the end of 2004 or sometime early 2005.

23 Q Okay. If you turn the page, the third one
24 down has a registration date of September 6, 2005.

25 Is it accurate to say at the time that that

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF LOS ANGELES)

4 I, JUDY SAMSON, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 6916, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

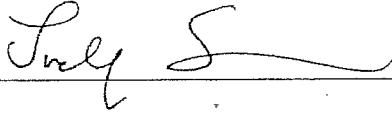
21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

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I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this 7th day of October, 2010.



JUDY SAMSON, CSR No. 6916