

Exhibit G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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THE WEATHER UNDERGROUND, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No.
2:09-CV-10756

NAVIGATION CATALYST SYSTEMS,
INC., a Delaware corporation;
BASIC FUSION, INC., a Delaware
Corporation; CONNEXUS CORP.,
a Delaware corporation; and
FIRSTLOOK, INC., a Delaware
corporation,

Defendants.

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C O N F I D E N T I A L
A T T O R N E Y S ' E Y E S O N L Y

Butzel Long, P.C.
380 Madison Avenue
New York, New York

Wednesday, September 15, 2010
10:03 a.m.

Videotape deposition of SETH JACOBY,
held at the above-mentioned time and place, before
Elizabeth M. Kondor, CCR, CLR and Notary Public.

1 into me.

2 Q. Okay. And now let's talk a little
3 bit about why you think that the ACPA doesn't
4 apply to, for instance, your registration of
5 wunderground.com, with a Q at the beginning of the
6 word?

7 A. Could you write the domain name down?

8 Q. Sure.

9 A. And I never said that I agreed or
10 disagreed necessarily in that case.

11 (Exhibit 129 is received and marked
12 for identification.)

13 A. Are we done with Kide Rock?

14 Q. Yes.

15 Okay. Exhibit 129 is a domain name
16 that I wrote out, and it includes the entire
17 trademark wunderground, with the addition of the
18 letter Q to the front of it, a domain that was
19 registered by Navigation Catalyst System on
20 October 22, 2007.

21 A. Okay. So looking at this domain
22 name, considering I never heard of Weather
23 Underground --

24 Q. Okay. Let's stop right there.

25 A. Okay.

1 trademark, and Post-It, you'd think, is not
2 necessary a generic term either, it's a brand
3 name, right, not unlike wunderground, I guess,
4 Time is a registered trademark, not unlike post is
5 a registered trademark somewhere, I'm sure, as
6 well. So the way the system would work is, it
7 would -- our system would identify
8 postitherequickly.com as interfering or at least
9 matching with post, which is probably owned by
10 Canada Post, or maybe even multiple post offices
11 around the world would claim that as a registered
12 trademark, Post-It, which is owned by the 3M
13 Corporation, which is a registered trademark, but
14 "Post it here right now quickly" is a domain name
15 which is generic in nature and is a phrase.

16 So as you can see, there's a lot
17 of -- you know, so wunderground, while it would
18 have maybe been identified on the surface,
19 considering that the operators never heard of
20 Weather Underground, I mean, I've personally never
21 heard of Weather Underground, would not have been
22 identified as a domain name that would have been
23 at issue.

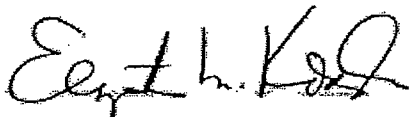
24 Q. Okay. So the test is whether or not
25 your two or so operators would have actually

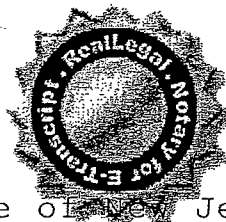
C E R T I F I C A T E

1
2 I, ELIZABETH M. KONDOR, a Certified Court
3 Reporter, No. 30XI00117200, Certified LiveNote
4 Reporter, No. 060907-14 and Notary Public, do
5 hereby certify that prior to the commencement of
6 the examination, SETH JACOBY was duly sworn by me
7 to testify the truth, the whole truth and nothing
8 but the truth.

9 I DO FURTHER CERTIFY that the foregoing
10 is a true and accurate transcript of the testimony
11 as taken stenographically by and before me at the
12 time, place and on the date hereinbefore set
13 forth.

14 I DO FURTHER CERTIFY that I am neither a
15 relative nor employee nor attorney nor counsel of
16 any of the parties to this action, and that I am
17 neither a relative nor employee of such attorney
18 or counsel, and that I am not financially
19 interested in the action.

20
21 



22 Notary Public of the State of New Jersey

23 My Commission expires June 6, 2015.

24
25 Dated: Tuesday, September 21, 2010