

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No. 2:09-CV-10756
Hon. Marianne O. Battani

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.

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
231-932-0411
enrico.schaefer@traverselegal.com
brianhall@traverselegal.com
Lead Attorneys for Plaintiff

Anthony P. Patti (P43729)
HOOPER HATHAWAY, PC
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
apatti@hooperhathaway.com
Attorneys for Plaintiff

Nicholas J. Stasevich (P41896)
Benjamin K. Steffans (P69712)
J. Michael Huget (P39150)
BUTZEL LONG, PC
150 West Jefferson, Suite 100
Detroit, MI 48226
(313) 225-7000
stasevich@butzel.com
steffans@butzel.com
Local Counsel for Defendants

William A. Delgado (admitted pro hac vice)
WILLENKEN WILSON LOH & LIEB LLP
707 Wilshire Boulevard, Suite 3850
Los Angeles, CA 90017
(213) 955-9240
williamdelgado@willenken.com
Lead Counsel for Defendants

PLAINTIFF'S WITNESS LIST

NOW COMES Plaintiff, The Weather Underground, Inc., by and through its counsel, Traverse Legal, PLC, and pursuant to the Court's Practice Guidelines submits its Witness List herein:

1. Alan Steremberg, President
The Weather Underground, Inc.

Mr. Steremberg may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's marketing and advertising.

2. Chris Schwerzler, Director
The Weather Underground, Inc.

Mr. Schwerzler may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's website advertisement traffic.

3. Jeff Ferguson, Director of Communications
The Weather Underground, Inc.

Mr. Ferguson may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, Plaintiff's marketing and advertising, and Plaintiff's finances.

4. Jeffrey Masters, Ph.D., Director of Meteorology
The Weather Underground, Inc.

Dr. Masters may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's blog and related online offerings.

5. Richard Lowden, Vice President of Sales and Advertising
The Weather Underground, Inc.

Mr. Lowden may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, and Plaintiff's sales.

6. Chuck Prewitt, Vice President Business Development
The Weather Underground, Inc.

Mr. Prewitt may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, and Plaintiff's business development efforts.

7. Matt Kallio, Software Developer
The Weather Underground, Inc.

Mr. Kallio may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, Plaintiff's software development, and Plaintiff's website advertisement traffic.

8. John DiGiacomo
Traverse Legal, PLC
810 Cottageview Drive, Suite G-20
Traverse City, MI 49684
231-932-0411

Mr. DiGiacomo may be called to testify regarding information and evidence regarding domain name registration and website use for those domain name registrations, including without limitation WHOIS records, archived web pages, source code, page rank, hyperlinks, search engine results, and related information.

9. Cathy Dittrich
Traverse Legal, PLC
810 Cottageview Drive, Suite G-20
Traverse City, MI 49684
231-932-0411

Mrs. Dittrich may be called to testify regarding information and evidence regarding domain name registration and website use for those domain name registrations, including without limitation WHOIS records, archived web pages, source code, page rank, hyperlinks, search engine results, and related information.

10. Seth Jacoby, President
Navigation Catalyst Systems, Inc.

Mr. Jacoby may be called to testify regarding NCS's intellectual property rights; online business and services; domain registration practices; domain screening practices, including both automated and human-based; domain blacklisting; automated tools; policies; advertisements; and revenue.

11. Donald Misino, Software Architect
Navigation Catalyst Systems, Inc.

Mr. Misino may be called to testify regarding the domain related software operated by NCS, including its architecture and operation.

12. Lily Stevenson
Navigation Catalyst Systems, Inc.

Ms. Stevenson may be called to testify regarding compliance related to NCS domain names, including trademark review of domain names.

13. Mavi Llamas
Navigation Catalyst Systems, Inc.

Ms. Llamas may be called to testify regarding information related to NCS keyword optimization.

14. Dennis Rhee, President
Navigation Catalyst Systems, Inc.

Mr. Rhee may be called to testify regarding the operations of NCS, including the purchase of domain names as well as human screening of domain names.

15. Camisha Dyce
Navigation Catalyst Systems, Inc.

Ms. Dyce may be called to testify regarding the handling of cease and desist inquiries; domain transfers; monitoring of incoming domain offers; and related domain portfolio assistance work.

16. Chris Pirrone
Navigation Catalyst Systems, Inc.

Mr. Pirrone may be called to testify regarding NCS's business, its software, and its domain names.

17. Arthur Shaw
Former CEO of Connexus Corporation and Navigation Catalyst Systems, Inc.

Mr. Shaw may be called to testify regarding NCS's business, its software, and its domain names.

18. Daniel P. Sheehy
Former President of Navigation Catalyst Systems, Inc.

Mr. Sheehy may be called to testify regarding NCS's business, its software, and its domain names.

19. Brett Lewis
Lewis & Hand Attorneys at Law LLP
45 Main Street, Suite 818
Brooklyn, NY 11201-1000

Mr. Lewis was an attorney for Navigation Catalyst at the time of the Verizon matter who counter-sued Verizon for trademark infringement and may be called to testify regarding the same.

20. Richard E. Korf
Professor, Computer Science Department
4532E Boelter Hall
University of California, Los Angeles
Los Angeles, CA 90095
310-206-5383

Dr. Korf may be called to testify regarding the substance of his expert report.

21. John Berryhill, Ph.d., Esq.
4 West Front Street
Media, PA 19063
610-565-5601

Mr. Berryhill may be called to testify regarding the substance of his expert report.

22. James A. Thomas
Parker, Poe, Adams & Bernstein LLP
representing The Royal Bank of Scotland Group PLC
Three Wachovia Center
401 South Tryon Street, Suite 3000
Charlotte, NC 28202
704-372-9000

Mr. Thomas may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

23. Thomas A. Canova
Baker & Hostetler LLP representing Kid Glove Enterprises, Inc.
666 Fifth Avenue, New York, NY 10103
212-589-4200

Mr. Canova may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

24. Mark D. Schneider
Gifford, Krass, Sprinkle, Anderson & Citkowski P.C.
representing Happy's Pizza Company
P.O. Box 7021
Troy, MI 48007
248-647-6000

Mr. Schneider may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

25. Foley & Lardner representing mVisible Technologies, Inc.
One Biscayne Tower
2 South Biscayne Boulevard, Suite 1900
Miami, FL 33131
305-482-8400

The most knowledgeable person from Foley & Lardner may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

26. Maury M. Tepper
Womble Carlyle Sandridge & Rice, PLLC
representing Talecris Biotherapeutics, Inc.
150 Fayetteville Street, Suite 2100
Raleigh, NC27601
9190755-2100

Mr. Tepper may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

27. Yoann Fouquet

representing The Carphone Warehouse Limited and The Phone House B.V.

Mr. Fouquet may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

28. Peter R. Afrasiabi
Turner Green Afrasiabi & Arledge LLP representing Dwight Esnard
535 Anton Boulevard, Suite 850
Costa Mesa, CA 92626
714-434-8750

Mr. Afrasiabi may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

29. Jacobson, Russell, Saltz & Fingerman LLP representing Russell Peters
10866 Wilshire Blvd Ste 1550
Los Angeles, CA 90024
310-446-9900

The most knowledgeable person from Jacobson, Russell, Saltz & Fingerman, LLC, may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

30. CitizenHawk, Inc. representing Cabela's, Inc.
27068 La Paz Road, Suite 104
Aliso Viejo, CA 92656
949-525-9320

The most knowledgeable person from CitizenHawk, Inc., may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

31. Joel D. Leviton
Fish & Richardson P.C., P.A. representing Ho-Chunk Nation
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

612-335-5070

Mr. Leviton may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

32. Anthony F. LoCicero
Amster Rothstein & Ebenstein
representing Federated Western Properties Inc.
90 Park Avenue
New York, NY 10016
212-336-8000

Mr. LoCicero may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

33. Kathleen O Peterson
K&L Gates LLP representing Kaplan, Inc.
1900 Main Street Suite 600
Irvine, CA 92614
949-253-0900

Ms. Peterson may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

34. John Tehranian
Turn Green Afrasiabi and Arledge representing Mesa Garage Doors
535 Anton Blvd Suite 850
Costa Mesa, CA 92626
714-434-8756

Mr. Tehranian may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

35. Brian B. Darville
Merchant and Gould PC representing Rodman & Renshaw, LLC
255 Reinekers Lane Suite 560
Alexandria, VA 22314
202-326-0300

Mr. DArville may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

36. Laraine M I Burrell
Greenberg Traurig, LLP representing Station Casinos, Inc.
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, NV 89169
702-792-3773

Ms. Burrell may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

37. Darcy Marie Goddard
Fried, Frank, Harris, Shriver & Jacobson
representing Virgin Enterprises Limited
One New York Plaza
New York, NY 10004
212-859-8106

Ms. Goddard may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

38. Alice Carmichael Richey
Kennedy Covington Lobdell & Hickman
representing Wachovia Corporation
214 North Tryon Street, 47th Floor
Charlotte, NC 28202
704-331-7500

Ms. Richey may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

39. Andrew Sedlock
Greenberg Traurig LLP representing Wynn Resorts Holdings, LLC
3773 Howard Hughes Pkwy, Suite 500 North
Las Vegas, NV 89109
702-792-9002

Mr. Sedlock may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

40. Beau Ryan Dasher
Lewis Tein representing The Miccosukee Tribe of Indians of Florida
3059 Grand Avenue, Suite 340
Coconut Grove, FL 33133
305-442-1101

Mr. Dasher may be called to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names.

41. Pizza Hut, Inc.
14841 Dallas Parkway
Dallas, TX 75254
972-338-7700

The most knowledgeable person from Pizza Hut may be called to testify regarding information and evidence regarding trademark rights in PIZZA HUT and whether Defendants had permission to register domain(s) that is(are) the same or similar to the PIZZA HUT.

42. Toyota Motor Sales, U.S.A., Inc.
19001 South Western Ave., Dept. WC11
Torrance, CA 90501
800-331-4331

The most knowledgeable person from Toyota Motor Sales, U.S.A., Inc., may be called to testify regarding information and evidence regarding trademark rights in TOYOTA and whether Defendants had permission to register domain(s) that is(are) the same or similar to TOYOTA.

43. Facebook, Inc.
1601 South California Avenue
Palo Alto, CA 94304
650-853-1300

The most knowledgeable person from Facebook, Inc., may be called to testify regarding information and evidence regarding trademark rights in FACEBOOK and whether Defendants had permission to register domain(s) that is(are) the same or similar to FACEBOOK.

44. Center for American Progress Action Fund
Debbie Fine, General Counsel
1333 H Street NW, 10th Floor
Washington, DC 20005
202-682-1611

Ms. Fine may be called to testify regarding information and evidence regarding trademark rights in THINK PROGRESS and whether Defendants had permission to register domain(s) that is(are) the same or similar to THINK PROGRESS.

45. Yahoo!, Inc.
701 First Avenue
Sunnyvale, CA 94089
408-349-3300

The most knowledgeable person from Yahoo!, Inc., may be called to testify regarding information and evidence regarding trademark rights in FLICKR and whether Defendants had permission to register domain(s) that is(are) the same or similar to FLICKR.

46. GEICO
4608 Willard Avenue, 4CE
Chevy Chase, MD 20815-4606
301-986-3880

The most knowledgeable person from GEICO may be called to testify regarding information and evidence regarding trademark rights in GEICO and whether Defendants had permission to register domain(s) that is(are) the same or similar to GEICO.

47. The Dow Chemical Company
2020 Dow Center
Midland, MI 48674
989-636-0108

The most knowledgeable person from The Dow Chemical Company may be called to testify regarding information and evidence regarding trademark rights in DOW CHEMICAL and whether Defendants had permission to register domain(s) that is(are) the same or similar to DOW CHEMICAL.

48. DTE Energy
2000 Second Avenue, 749G0
Detroit, MI 48226
313-235-8620

The most knowledgeable person from DTE Energy may be called to testify regarding information and evidence regarding trademark rights in DTE ENERGY and whether Defendants had permission to register domain(s) that is(are) the same or similar to DTE ENERGY.

49. Kelly Services, Inc.
999 West Big Beaver Road
Troy, MI 48084
248-822-9354

The most knowledgeable person from Kelly Services, Inc., may be called to testify regarding information and evidence regarding trademark rights in KELLY SERVICES and whether Defendants had permission to register domain(s) that is(are) the same or similar to KELLY SERVICES.

50. BorgWarner, Inc.
3850 Hamlin Road
Auburn Hills, MI 48326
248-754-9600

The most knowledgeable person from BorgWarner, Inc., may be called to testify regarding information and evidence regarding trademark rights in BORGWARNER and whether Defendants had permission to register domain(s) that is(are) the same or similar to BORGWARNER.

51. La-Z-Boy Incorporated
1284 North Telegraph Road
Monroe, MI 48161
734-241-2758

The most knowledgeable person from La-Z-Boy Incorporated may be called to testify regarding information and evidence regarding trademark rights in LA-Z-BOY and whether Defendants had permission to register domain(s) that is(are) the same or similar to LA-Z-BOY.

52. Domino's Pizza, LLC
30 Frank Lloyd Wright Drive
Ann Arbor, MI 48105
734-930-3030

The most knowledgeable person from Domino's Pizza, LLC, may be called to testify regarding information and evidence regarding trademark rights in DOMINO'S and whether Defendants had permission to register domain(s) that is(are) the same or similar to DOMINO'S.

53. Avery Dennison Office Products Company
150 North Orange Grove
Pasadena, CA 91103

The most knowledgeable person from Avery Dennison Office Products Company may be called to testify regarding information and evidence regarding trademark rights

in AVERY and AVERY DENNISON and whether Defendants had permission to register domain(s) that is(are) the same or similar to AVERY and AVERY DENNISON.

54. Fifth Third Financial Corporation
James R. Hubbard
Senior Vice President and Chief Legal Officer
Fifth Third Center, MD10AT92
Cincinnati, OH 48263

The most knowledgeable person from Fifth Third Financial Corporation may be called to testify regarding information and evidence regarding trademark rights in FIFTH THIRD and 5/3, and whether Defendants had permission to register domain(s) that is(are) the same or similar to FIFTH THIRD and 5/3.

55. Ganz USA LLC
60 Industrial Parkway, #43
Cheektowaga, NY 14227-9903

The most knowledgeable person from Ganz USA, LLC< may be called to testify regarding information and evidence regarding trademark rights in WEBKINZ and whether Defendants had permission to register domain(s) that is(are) the same or similar to WEBKINZ.

56. Study Island, LLC
3400 Carlisle Street, Suite 345
Dallas, TX 75204

The most knowledgeable person from Study Island, LLC, may be called to testify regarding information and evidence regarding trademark rights in STUDY ISLAND and whether Defendants had permission to register domain(s) that is(are) the same or similar to STUDY ISLAND.

57. Crunchyroll, Inc.
3400 Brannan Street, Suite 100

San Francisco, CA 94107

The most knowledgeable person from Crunchyroll, Inc., may be called to testify regarding information and evidence regarding trademark rights in CRUNCHYROLL and whether Defendants had permission to register domain(s) that is(are) the same or similar to CRUNCHYROLL.

58. Vera Wang Group
225 West 39th Street
New York, NY 10018
(917) 438-4710

The most knowledgeable person from Vera Wang Group may be called to testify regarding information and evidence regarding trademark rights in VERA WANG and whether Defendants had permission to register domain(s) that is(are) the same or similar to VERA WANG.

59. Detroit Red Wings, Inc.
c/o John M. Koltar
2211 Woodward Avenue
Detroit, MI 48201

The most knowledgeable person from Detroit Red Wings, Inc., may be called to testify regarding information and evidence regarding trademark rights in DETROIT RED WINGS and whether Defendants had permission to register domain(s) that is(are) the same or similar to DETROIT RED WINGS.

60. Kid Rock
C/O Top Dog Records, Inc.
2000 Town Center, Suite 1500
Southfield, MI 48075

The most knowledgeable person from Kid Rock, may be called to testify regarding information and evidence regarding trademark rights in KID ROCK and

whether Defendants had permission to register domain(s) that is(are) the same or similar to KIDROCK.

61. Henry Ford Health Systems
1 Ford Place
Detroit, MI 48202
(313) 874-5600

The most knowledgeable person from Henry Ford Health Systems may be called to testify regarding information and evidence regarding trademark rights in HENRY FORD and HENRY FORD HEALTH SYSTEM and whether Defendants had permission to register domain(s) that is(are) the same or similar to HENRY FORD or HENRY FORD HEALTH SYSTEM.

62. Quantcast Corporation
201 Third Street, Second Floor
San Francisco, CA 94103

The most knowledgeable person from Quancast may be called to testify regarding website rankings, statistics, and the meaning of the same.

63. Any witness on Defendant's Witness List.

64. Third party witness(es) to testify regarding information and evidence regarding Defendant NCS's unauthorized registration and use of domain names incorporating third party trademarks.

65. Third party witness(es) to testify regarding trademark ownership and rights of a mark incorporated into a domain name registered to, now or in the past, Defendant NCS or its related companies.

Since discovery is ongoing, Plaintiff reserves the right to amend this list and list additional witnesses prior to trial.

Respectfully submitted this 10th day of November, 2010.

/s/Enrico Schaefer

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
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enrico.schaefer@traverselegal.com

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Anthony P. Patti (P43729)
HOOPER HATHAWAY, PC
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
apatti@hooperhathaway.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2010, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
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126 South Main Street
Ann Arbor, MI 48104
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apatti@hooperhathaway.com
Attorneys for Plaintiff

William A. Delgado (admitted pro hac)
WILLENKEN WILSON LOH & LIEB LLP
707 Wilshire Boulevard, Suite 3850
Los Angeles, CA 90017
(213) 955-9240
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150 West Jefferson, Suite 100
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/s/Enrico Schaefer
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Lead Counsel for Plaintiff