

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.

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DEFENDANT NAVIGATION CATALYST SYSTEMS, INC.'S
WITNESS LIST

NOW COMES Defendant, Navigation Catalyst Systems, Inc. (“NCS”), by and through its counsel, Willenken Wilson Loh & Lieb LLP, and pursuant to the Court’s Practice Guidelines submits its Witness List herein:

1. Seth Jacoby, President
Firstlook, Inc.

Mr. Jacoby may be called to testify regarding NCS’s intellectual property rights; NCS’s online business model; NCS’s Internet directory and search capability services; NCS’s automated use of the Add Grace Period; NCS’s due diligence screening practices generally; NCS’s blacklist database to prevent registration of potential trademarks; NCS’s human screening practices to prevent registration of potential trademarks; NCS’s domain name registration practices; NCS’s practice of eliminating and deleting derivatives of trademarks; NCS’s policy of transferring disputed domain names to third parties where justified; NCS’s search of its portfolio upon receipt of Plaintiff’s complaint and offer to transfer of domains; the mechanism by which advertisements are published on NCS’s web pages; and knowledge of revenue generated by the domain names at issue.

2. 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 and the elements which comprise the software including the data sources, the fuzzy match system, the n-gram match system, the PTO database, the blacklist, the “flagged as trademarks” list, and NCS’s efforts, generally, to avoid certain domain name registrations through an automated registration process.

3. Lily Stevenson
Firstlook, Inc.

Ms. Stevenson may be called to testify regarding the NCS domain name purchasing process, legal compliance related to NCS domain names, including human screening of domain names, trademark review of domain names, responses to cease-and-desist letters and UDRP arbitrations.

4. Mavi Llamas
Navigation Catalyst Systems, Inc.

Ms. Llamas may be called to testify regarding the NCS domain name purchasing process as it existed in 2004-2005, and the process for NCS keyword optimization.

5. Dennis Rhee
Navigation Catalyst Systems, Inc.

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

6. 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 his education and experience in the field of computer science, the substance of his expert report which includes an analysis of the domain name registration software utilized by NCS, the challenges faced by NCS in creating its software, and to rebut any expert witnesses called by Plaintiff with respect to these issues.

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

Mr. Berryhill may be called to testify regarding his education and experience in the field of domain names, the substance of his expert report, which includes the history of the Anti-Cybersquatting Consumer Protection Act and the history and purpose of domain name monetization.

8. 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.

9. 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.

10. 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, Plaintiff's finances, and Plaintiff's efforts at protecting its trademarks.

11. 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.

RESPECTFULLY SUBMITTED this 12th day of November, 2010.

/s/William A. Delgado

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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2010, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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