

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

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.)

- CONFIDENTIAL - UNDER SEAL-

DEPOSITION OF LILY STEVENSON

Los Angeles, California

Tuesday, August 31, 2010

Reported by: Judy Samson
CSR No. 6916

1 compliance manager?

2 A I handle all new publishers that come in
3 through Traffic Marketplace. I do all screenings of the
4 new publishers. I check on Westlaw. I do background
5 checks for Traffic Marketplace, for Firstlook.

6 Any cease and desist letters that come in, any
7 UDRP, any WIPOs, I work with general counsel to resolve
8 those issues.

9 Q So let's focus on the cease and desist letters.

10 What is the substances of those cease and
11 desist letters that you're responsible for handling
12 right now?

13 A The ones that I'm handling right now is "Stop
14 infringing on our trademark." They ask to transfer the
15 domain.

16 Q And do you always transfer the domain?

17 A Yes.

18 Q 100 percent of the time you transfer the
19 domain?

20 A To the best of my knowledge, yes.

21 Q And who makes the ultimate decision whether or
22 not to transfer the domain?

23 A General counsel and president of Firstlook.

24 Q Who's the general counsel?

25 A As of today it's David Graff.

1 domain or character-string on the
2 blacklist."

3 What is the difference between a domain and a
4 character string?

5 MR. DELGADO: As used in this document that
6 she's never seen before?

7 THE WITNESS: I don't know.

8 BY MR. HALL:

9 Q To your knowledge, what's the difference
10 between a domain and a character string?

11 A I don't know what a character string is.

12 Q And just so we're clear, you're the only one
13 that performs a second level review, and you've never
14 seen this document?

15 A I've never seen this document.

16 Q The fourth bullet point says:

17 "This blacklist is regularly
18 updated by our compliance staff as
19 described in the processes below."

20 Do you know who the compliance staff would be?

21 A Myself.

22 Q Anyone else?

23 A Compliance can fall under general counsel also.

24 So it depends.

25 Q Who would that be?

1 Q What year did you create this document?

2 A 2008.

3 Q Did anybody help you in creating this document?

4 A Yes.

5 Q Who?

6 A General counsel.

7 Q Who?

8 A Chris Pirrone.

9 Q Who actually drafted the language in this
10 agreement -- or excuse me -- in this document?

11 A Chris Pirrone.

12 Q You did not draft any of this language?

13 A No.

14 Q But you've reviewed it and you're familiar with
15 it?

16 A Yes.

17 Q Okay. If we look at the "Objective," it says:

18 "To identify domains that may be
19 deemed to be close derivations of
20 reasonably known trademarks or
21 famous brands/names/movies,
22 including typos and clear
23 misspellings."

24 What's a typo?

25 A McDonalds spelled correctly is McDonalds,

1 database was built in.

2 Q So you only search the Google results against
3 what company name or trademark is returned by the
4 trademark tool?

5 A Yes.

6 Q What if some other company name or trademark
7 appears? What do you do then?

8 A They would trigger the levels, the trademark
9 levels below.

10 And if we felt -- if I felt like it was high
11 and enough -- you know, in enough sense where it's like
12 yes, it's a company, I will send it over to Seth Jacoby
13 and Chris Pirrone to make the final decision.

14 I just compile the list as a -- as a list was
15 pulled.

16 Q So where it says "match_level 4," is that
17 automatically generated, or do you put number 4 in?

18 A No. It was matched through the fuzzy match to
19 the USPTO.

20 Q What's fuzzy match?

21 A It's a criteria where the USPTO database said,
22 hey, you might want to look at this domain -- I didn't
23 build the system, but from what I understand is that,
24 hey, here's the fuzzy match. It triggered a level 4,
25 you know, level 4 being the highest.

1 A By me.

2 Q So you do this process. Then you go back and
3 you do it all over again?

4 A I train them. I would review the contractors'
5 work.

6 Q Okay.

7 A They would scrub the portfolio. I reviewed
8 their work.

9 Q Okay.

10 A So that was the second level review.

11 After my reviews, I still send Seth and Chris
12 the domains, saying, "Here, this is what they thought
13 was low. This is what's medium and high."

14 Q To your knowledge, did Chris Pirrone go through
15 every single domain?

16 A Yeah, yes.

17 Q Did Seth Jacoby go through every single domain?

18 A Yes.

19 Q So for this one, when you Googled
20 p-c-p-l-a-n-t-e-t.com, if you saw something unrelated to
21 Progressive Leadership Alliance of Nevada, would you
22 change your trademark level designation?

23 A I don't understand.

24 Would I mark it differently?

25 Q Yes.