

EXHIBIT B

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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**NAVIGATION CATALYST SYSTEMS, INC.'S THIRD SET OF REQUESTS FOR
PRODUCTION**

Pursuant to Federal Rule of Civil Procedure 34, Defendant Navigation Catalyst Systems, Inc. (“NCS”) hereby requests that Plaintiff The Weather Underground, Inc. (“Weather Underground”) make available for inspection and copying the following documents and tangible things, at the offices of Willenken Wilson Loh & Lieb, LLP, 707 Wilshire Blvd. Suite 3850, Los Angeles, California 90017 and also provide a response to these requests for production, in writing, within the time proscribed by the Federal Rules of Civil Procedure and the Local Rules.

Definitions

1. “You,” “Your,” or “Weather Underground” means, unless otherwise specified in a particular request, plaintiff The Weather Underground, Inc. and includes, without limitation, its current and former employees, agents, representatives, officers, directors, attorneys, subsidiaries, parents, affiliated companies, and any other person or entity acting or purporting to act on its behalf.
2. “Action” means this case, Case No. 2:09-CV-10756.
3. “Complaint” means the Complaint filed by You in this Action.
4. “Domains At Issue” shall have the same meaning ascribed to that term as appears in Definition 5 of Weather Underground’s First Set of Requests for Production.
5. “Weather Underground Marks” shall mean the following marks allegedly owned by You: THE WEATHER UNDERGROUND, WUNDERGROUND, WEATHER STICKER, WUNDERSEARCH, WUNDERMAP, WUNDERRADIO, WUNDERPHOTOS, WUNDERBLOG, and WUND.

6. "Document" means all "writings" and "recordings" as those terms are defined in Federal Rule of Civil Procedure 34 and Federal Rules of Evidence 1001, including, but not limited to, all writings and records of every type and description including, but not limited to, communications, contracts, agreements, correspondence, memoranda, letters, facsimiles, electronic mail ("e-mail"), records of instant message ("IM") conversations, records of telephone conversations, handwritten and typewritten notes of any kind, statements, reports, minutes, recordings, transcripts and summaries of meetings, voice recordings, pictures, photographs, drawings, computer cards, tapes, discs, printouts and records of all types, studies, instruction manuals, policy manuals and statements, books, pamphlets, invoices, canceled checks and every other device or medium by which or through which information of any type is transmitted, recorded or preserved. Without any limitation on the foregoing, the term "Document" shall include all copies which differ in any respect from the original or other versions of the document, including, but not limited to, all drafts and all copies of such drafts or originals containing initials, comments, notations, insertions, corrections, marginal notes, amendments or any other variation of any kind. Without any limitation on the foregoing, the term "Document" shall include all formats, including hard copy and electronic versions.

7. "Communication" means, without limitation, the exchange or transmission of words, ideas, information, or things to another person or entity, whether accomplished person to person, by telephone, in writing, via electronic mail ("email"), instant message ("IM") or through another medium, and shall include but is not limited to discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes and statements or questions.

8. "Person" means, without limitation, any natural person, corporation, partnership, limited partnership, association, group, organization or entity, any federal, state or local government or any governmental, administrative or regulatory agency, office, bureau, department or body, and shall include the present and former officers, executives, partners, and any other person acting or purporting to act on behalf of any of them, and any of their present or former parent corporations, subsidiaries, affiliates, divisions, predecessors and successors in interest.

9. A Document that "refers" or "relates" to a given subject matter means any document that constitutes, contains, embodies, comprises, reflects, identifies, states, deals with, comments on, responds to, describes, discusses, analyzes, supports, contradicts, evidences, or is in any way pertinent to the subject.

10. In these requests, (i) the disjunctive shall also be read to include the conjunctive, and *vice versa*, (ii) the use of a word in its singular form shall be deemed to include its use in the plural form as well, and *vice versa*, and (iii) "any" includes "all," and *vice versa*.

11. The use of any verb in any tense shall be construed as the use of that verb in all tenses to the extent that so doing will include documents which would otherwise be excluded, including without limitation that the use of any verb in the past tense shall be deemed to include its use in the present tense as well, and *vice versa*.

Instructions

A. Should You withhold any document or tangible thing requested by any of the following Requests, You shall provide the following information with respect to each such document or thing:

- (1) The date appearing on the document, and if no date appears thereon, so state and give the date, or approximate date, on which the document was prepared;
- (2) The identifying number(s), letter(s), or combination thereof, if any, and the significance or meaning of such;
- (3) The general nature or description of the document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), and the number of pages of which it consists;
- (4) The name of the person(s) who signed the document, or if it was not signed, so state and give the name of the person or persons who prepared it;
- (5) The name of the person to whom the document was addressed and the name of each person, other than such addressee, to whom the document, or a copy thereof, was sent;
- (6) The subject matter to which the document relates;
- (7) The nature or character or description of the tangible thing;
- (8) The name of the person who built, manufactured, prepared, or otherwise made the tangible thing;
- (9) The name of the person having custody, possession or control of the document or tangible thing; and

(10) The specific basis for withholding the document or tangible thing from production.

B. If You are aware that a document or tangible thing once existed but has been destroyed, you are requested to state when the document or tangible thing was destroyed, why it was destroyed, and the circumstances under which it was destroyed.

C. Each document produced in response to these Requests shall be produced in the form, order and manner in which it is maintained, and in the original files, file folders, cartons or containers in which it is found; or organized and labeled to correspond to the specific Request to which it is responsive, in accordance with Federal Rule of Civil Procedure 34(b).

D. Items produced for inspection should be the originals.

E. Electronic records and computerized information should be produced in an intelligible format or together with a description of the system from which it is derived sufficient to permit rendering the material intelligible.

F. Weather Underground shall be obligated to supplement its responses to these requests at such times and to the extent required by Federal Rules of Civil Procedure 26(e).

Documents Requested

Request for Production No. 48:

All Documents which evidence, reflect, or relate to any of the services rendered by, any of the work done by, or any of the work product produced by Christopher Schwerzler, in his role as Plaintiff's expert witness, which relate in any way to this litigation.

Response:

Request for Production No. 49:

All Documents evidencing, reflecting, or relating to the creation, drafting, or development of any expert declaration or report of Christopher Schwerzler in this litigation.

Response:

Request for Production No. 50:

All Documents evidencing, reflecting, or relating to Christopher Schwerzler's qualifications to testify as an expert witness in this matter.

Response:

Request for Production No. 51:

All Documents evidencing, reflecting, or relating to any drafts or versions (or any elements or subparts thereof) of any expert declaration or report of Christopher Schwerzler in this litigation.

Response:

Request for Production No. 52:

All Documents evidencing, reflecting, or relating to any written or oral communication or correspondence between Plaintiff, including, without limitation, Plaintiff's attorney(s), and Christopher Schwerzler related to or regarding his role as Plaintiff's expert, the topics of expert

testimony, the opinions to be proffered, and/or any draft of the expert reports provided by Plaintiff including, but not limited to, e-mails, faxes, reports, engagement letters, invoices, and computer discs.

Response:

Request for Production No. 53:

All Documents constituting, evidencing, reflecting, or relating to any expert reports drafted by Christopher Schwerzler in other trademark litigation matters in the past ten years.

Response:

Request for Production No. 54:

All Documents seen or reviewed by Christopher Schwerzler or relied upon by Schwerzler in the course of rendering services relating to this litigation, preparing his expert reports, or otherwise forming an opinion in this matter.

Response:

Request for Production No. 55:

All Documents evidencing, reflecting, or relating to any review or consideration, at any time, of any aspect of the business of Defendant or of the industry in which Defendant operates by Christopher Schwerzler.

Response:

Request for Production No. 56:

All Documents constituting, evidencing, reflecting, or relating to instructions or guidance provided by Christopher Schwerzler to any person(s) who assisted him in providing services related to this litigation, preparing the expert reports, and/or otherwise forming an opinion in this matter, and any written or oral communications to or from, or involving any such person(s).

Response:

Request for Production No. 57:

All Documents which refer or relate to the function "similar_text" which appears in Appendix B of Schwerzler's Supplemental Expert Report dated October 10, 2010, including a copy of the code itself.

Response:

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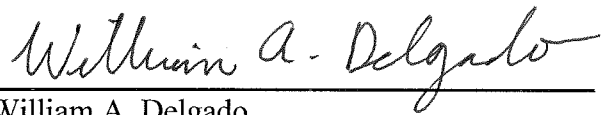
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Request for Production No. 58:

All Documents which refer or relate to the function “levenshtein” which appears in Appendix B of Schwerzler’s Supplemental Expert Report dated October 10, 2010, including a copy of the code itself.

Response:

Dated: October 26, 2010



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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2010, I served Defendant Navigation Catalyst Systems, Inc.'s Third Set of Requests for Production via e-mail and U.S. Mail, first class, postage pre-paid to the following:

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