

EXHIBIT C

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.

The Confidential Deposition of JEFFREY FERGUSON,
Taken at 126 South Main Street,
Ann Arbor, Michigan,
Commencing at 9:26 a.m.,
Wednesday, August 4, 2010,
Before Kathy Adkins, CSR-4697, RMR, RPR, B.A.

1 Q. As I go through today, I'm going to ask questions, and
2 if you give me an answer, I'm going to go ahead and
3 assume you understood my question. If for whatever
4 reason you don't understand my question, it's
5 important for you to tell me that ahead of time so I
6 can ask it in a different way. Do you understand
7 that?

8 A. Okay. Yes.

9 Q. And is there any reason that you cannot give your best
10 testimony today, such as any medication that you might
11 be taking which would impair your memory?

12 A. No.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 46

15 9:29 a.m.

16 BY MR. DELGADO:

17 Q. It's my understanding, Mr. Ferguson, that in addition
18 to being here in your individual capacity you have
19 also been designated by Weather Underground as its
20 designee in response to Exhibit 46, which is the First
21 Amended Notice of Deposition of Weather Underground,
22 is that your understanding as well.

23 A. Yes.

24 Q. And are you prepared today to testify on the topics
25 that are set forth in Exhibit 46?

1 MR. SCHAEFER: Objection, to the extent it
2 calls for a legal conclusion and the compound nature
3 of the question, should probably be seven different
4 questions because of the nature of that sentence,
5 but --

6 BY MR. DELGADO:

7 Q. I'll make it easy. What evidence does Weather
8 Underground have that any of the named Defendants knew
9 of Plaintiff at the time that they registered the
10 domain names?

11 A. Knew of Plaintiff?

12 Q. Yeah, knew of Weather Underground.

13 MR. SCHAEFER: Let me object to foundation,
14 but go ahead.

15 A. Well, Traffic Marketplace sent us money.

16 Q. And Traffic Marketplace, Traffic Marketplace is not
17 one of the Defendants.

18 A. It is not, but my understanding is it's owned by one
19 of the Defendants.

20 Q. Okay.

21 A. What evidence do I have that you knew about us?

22 Q. Right.

23 A. I don't know.

24 Q. What evidence does Weather Underground have that
25 Defendants knew that your marks were famous?

THE WEATHER UNDERGROUND, INC.,

Plaintiff,

vs.

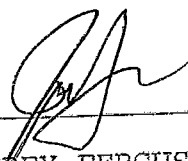
Case No. 2:09-CV-10756

NAVIGATION CATALYST SYSTEMS, INC., et al.,

Defendants.

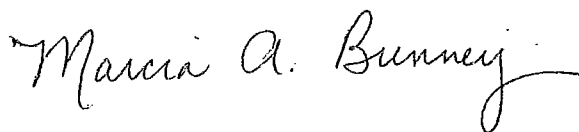
VERIFICATION OF DEPONENT

I, having read the foregoing deposition consisting of my testimony at the aforementioned time and place, do hereby attest to the correctness and truthfulness of the transcript.



JEFFREY FERGUSON

Dated: *Sept. 1 2010*



MARCIA A. BUNNEY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES Jul 25, 2014
ACTING IN COUNTY OF *Washtenaw*

Westlaw Deposition Services

Deposition of: Jeffrey Ferguson

I wish to make the following changes for the following reasons:

Page	Line	Change	Reason
16	8	Sampson → Samson	name spelling
16	17	Sampson → Samson	"
16	19	STEREMBURG → STEREMBERG	NAME spelling
16	25	"	"
18	7	"	"
19	14	Sampson → Samson steremburg → steremberg	NAME spelling
36	5	steremburg → steremberg	NAME spelling
36	23	wun.com → wund.com	URL correction
42	5	weight → weigh	+gpo
43	21	steremborg → steremberg	NAME spelling
61	21	Phish → Fish	spelling
65	24	"	"
69	18	Rose Cranz → Rosecrans	"
71	20	see → READ	WRONG word
96	4	month's → Amounts	WRONG word
118	3	snip → snippet	WRONG word
128	8	STEREMBURG → STEREMBERG	name spelling
142	4	" " "	" "

Witness Signature/Date _____

Notary Stamp and Signature
(As may be required in certain jurisdictions)

Marcia A. Bunney
Marcia A. Bunney

MARCIA A. BUNNEY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES Jul 25, 2014
ACTING IN COUNTY OF Washtenaw

