

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 OBJECTIONS AND RESPONSES TO
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Federal Rule of Civil Procedure 34, defendant Navigation Catalyst Systems, Inc. (“NCS”) hereby objects and responds to Plaintiff The Weather Underground, Inc.’s (“WU”) First Set of Requests for Production (“Requests”) as follows:

General Objections

The following general objections to WU’s Requests are incorporated by reference into each and every response to each individual Request as though fully set forth therein:

1. NCS objects to the Request to the extent it seeks to impose obligations on it greater than or more extensive than those required by the Federal Rules of Civil Procedure.
2. NCS objects to the Requests to the extent it calls for the production of documents subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privileges. NCS will not produce such privileged information. The inadvertent production of privileged documents by NCS shall not constitute a waiver of any applicable privilege nor shall the provision of any information be construed as a waiver of any objection to the admissibility of such information.
3. NCS objects to the definition of “You,” “Your,” “NCS,” and “Defendant” as overbroad. NCS shall interpret these words to refer solely to NCS.
4. NCS objects to the Request to the extent it is vague and ambiguous.
5. NCS objects to the Request to the extent it is overly broad, unduly burdensome and oppressive.
6. NCS objects to the Requests to the extent it seeks documents which are not relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

7. NCS objects to the Request to the extent it seeks documents equally or more available to, or already in the possession, custody or control of WU.

8. NCS objects to the Request on the ground and to the extent it seeks trade secret, proprietary or otherwise confidential information.

9. NCS objects to the Request to the extent individual requests are duplicative of each other.

10. NCS objects to the Request to the extent it seeks documents not in its possession, custody or control.

11. NCS objects to the Request to the extent it fails to describe specifically each document or reasonably particularize each category of documents requested.

12. NCS objects to the Request on the ground that discovery is continuing in this action, and NCS has not completed its factual investigation. These responses are made in good faith and after diligent inquiry into the facts and information now known to NCS. However, documents that may be responsive to the Request may not yet have been discovered.

Accordingly, without asserting an obligation to do so, and without waiving the objections asserted herein, NCS reserves the right to amend and/or supplement its responses as and when additional information and/or documents are discovered. Additionally, because NCS's responses are based upon information which they have identified to date, they do not preclude NCS from relying on facts or documents discovered or generated pursuant to subsequent investigation and discovery.

13. NCS's objections to the production of any document or category of documents described in the Request, or agreement to produce any such documents, is not and shall not be construed as an admission by NCS that any such documents or category of documents exist. Where NCS indicates that it will produce responsive documents, such documents will be produced if and to the extent any such documents are in its possession, custody or control.

14. In providing responses and objections to WU's Request, NCS expressly reserves all of their objections to the use of the responses herein, including but not limited to objections as to the competency, relevance, materiality, and admissibility thereof.

Specific Requests for Production

1. Produce all Documents and other Communications referred to or related to your response to Plaintiff's First Interrogatories.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it does not describe the documents requested with sufficient particularity; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is preparing its internal registration software modules for production. The blacklist database accompanies these responses.

2. Produce all Communications between Defendant and anyone, internal or external to Defendant, regarding or relating to the claims asserted in the above-captioned Complaint.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly

burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control and will produce such documents, if any.

3. Produce all business plans, including drafts, for Defendant and all documents gathered and relied upon in the preparation of the same.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

4. Produce all Communications between Defendant and any other person or entity concerning business plans for Defendant and all Documents gathered and relied upon in the preparation of the same.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

5. Produce all Communications with investors, potential investors or agents for same regarding or relating to Defendant.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

6. Produce all Documents related to presentations or sales pitches given to third parties or potential investors.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

7. Produce financial statements, profit and loss statements, balance sheets, and accounting information for Defendant.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing, particularly as to time; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: Together with this response, NCS has produced a report which shows the revenues NCS received from the monetization of the domain names at issue in this matter.

8. Produce all tax returns, including both state and federal, for Defendant from inception to present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; it is protected from disclosure by the tax privilege; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

9. Produce all Documents related to Defendant's initial capitalization.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

10. Produce all Documents regarding or relating to bank accounts held by and accounting records for Defendant from inception to present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: Together with this response, NCS has produced a report which shows the revenues NCS received from the monetization of the domain names at issue in this matter.

11. Produce all Documents regarding or relating to payments received, deposits, and accounts receivable for Defendant, including but not limited to any spreadsheets or accounting.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows:

Together with this response, NCS has produced a report which shows the revenues NCS received from the monetization of the domain names at issue in this matter.

12. Produce all employment or other work-related contracts between Defendant and its employees, officers and directors, from inception through present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine; it seeks confidential information that would invade the legally protected rights of the identified individuals, including, but not limited to, their right to privacy.

13. Produce all Documents regarding corporate expenditures, reimbursements, salaries, employee payments and bonuses.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is

overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine; it seeks confidential information that would invade the legally protected rights of the identified individuals, including, but not limited to, their right to privacy.

14. Produce all organizational charts or other Documents identifying employee, officer and/or director positions at Defendant's company from inception through present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents in its possession, custody, and/or control.

15. Produce corporate records of Defendant, including bylaws, articles, membership agreements, certificates of incorporation, stock certificates, license resolutions, minutes and all

Documents which evidence that Defendant has obeyed the corporate formalities in the operation of their business from inception to present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has produced responsive documents together with these responses and is searching for additional responsive documents.

16. Produce all Documents related to the business relationship between NCS and Basic Fusion. Inc., NCS and Connexus Corp., and NCS and Firstlook, Inc., including but not limited to:

- a. Documents showing money paid to or between each company for each year from inception to the present;
- b. Contracts and other agreements between the Companies;
- c. Invoices by and between the Companies;
- d. Any and all correspondence, faxes, or written documents relating to business between the companies.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for and will produce its registration agreement with Basic Fusion and its parking agreement with Firstlook.

17. Produce all notes, emails, agendas, minutes or other Documents referring or relating to meetings, whether electronic, telephonic or in person, between Defendant and Basic Fusion, Inc.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

18. Produce all notes, emails, agendas, minutes or other Documents referring or relating to meetings, whether electronic, telephonic or in person, between Defendant and Connexus Corp.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

19. Produce all notes, emails, agendas, minutes or other Documents referring or relating to meetings, whether electronic, telephonic or in person, between Defendant and Firstlook, Inc.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

20. Produce all contracts between Defendant and any third party who performs work for Defendant regarding the selection, registration, hosting, development, optimization, content,

monetization and/or support of domain names registered by Defendant, at any time since inception, including but not limited to:

- a. Employment Contracts
- b. Independent Contractor Agreements
- c. Vendor Agreements
- d. Service Provider Agreements
- e. License Agreements

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

21. Produce any and all Software code identified by you in Plaintiffs First Interrogatories, Interrogatory Numbers 3-5.

RESPONSE: NCS is preparing its own internal registration software modules for production. The blacklist database accompanies these responses.

22. Produce all user manuals, training materials, or other Documents related to the Software identified in Plaintiffs First Interrogatories, Interrogatory Numbers 3-5.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody, and/or control.

23. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to the Software identified in Plaintiffs First Interrogatories, Interrogatory Numbers 3-5.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

24. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to Your registration of domain names.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

25. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to Your selection of web site content, parked pages, hyperlinks, or other content displayed at domain names registered by NCS.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

26. Produce all Documents which constitute, refer to or relate to the policy, procedure, process, and/or guideline used to ensure domain names do not incorporate, or are confusingly similar to, third party trademarks.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

27. Produce all Documents which constitute, refer or relate to the policy, procedure, process, and/or guideline used to ensure domain names that incorporate, or are confusingly similar to, a third party trademark are "blacklisted", or otherwise identified so as to preclude registration, from registration.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

28. Produce all Documents related to the purchase and/or use of the United States Patent and Trademark Office database of trademarks and service marks.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: Documents responsive to this request accompany these responses.

29. Produce all Documents which constitute, refer to or relate to the policy, procedure, process and/or guideline used to "purge," or otherwise delete, domain names You register that incorporate, or are confusingly similar to, a trademark owned by a third party.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

30. Produce all Documents which constitute, refer to or relate to the policy, procedure, process and/or guideline regarding the operation of NCS, including employment manuals, not otherwise identified above.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

31. Produce all Documents related to the registration of each Domain At Issue and for each domain:

- a. Date of registration;
- b. Registrar used;
- c. All WHOIS information, including administrative, technical, and other contracts;
- d. Archived website displayed, or if archived website is unavailable, a description of website used in connection with the domain name including hyperlinks and metatags;

- e. Revenue, both gross and net, and profits from each domain name;
- f. Date when You ceased serving as Registrant;
- g. Reason for having ceased serving as Registrant; and
- h. All correspondence received by third parties related to that domain name and all responses thereto;

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: A report containing the information sought in this request, to the extent it is in NCS's possession, custody, and/or control, accompanies these responses.

32. Produce all Documents related to web traffic statistics for each Domain At Issue, including but not limited to:

- a. referring links;
- b. page views;
- c. internal and external search queries;
- d. user locations;

- e. IP addresses;
- f. keyword use;
- g. visitor paths;
- h. entry pages; and
- i. exit pages.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control. Once such documents are located, if any, NCS can supplement this response to indicate what it has and does not have and what it can produce.

33. Produce all Documents identifying what advertisement links on each Domain At Issue were clicked and for each click:

- a. The advertisement text;
- b. The advertisement hyperlink;
- c. The entrance and navigation path for each visitor.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control. Once such documents are located, if any, NCS can supplement this response to indicate what it has and does not have and what it can produce.

34. Produce all Documents showing Your revenues, both gross and net, and profits from each Domain At Issue.

RESPONSE:

A report containing the information sought in this request, to the extent it is in NCS's possession, custody, and/or control, accompanies these responses.

35. Produce a list of all domains registered by Defendant since inception, including domain registered and later dropped under the Add Grace Period (AGP).

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

36. For each domain identified in response to Request # 35 above, produce:
 - a. Date of registration;
 - b. Registrar used;
 - c. All WHOIS information, including administrative, technical, and other contacts;
 - d. Archived website displayed, or if archived website is unavailable, a description of website used in connection with the domain name including hyperlinks and metatags;
 - e. Revenue, both gross and net, and profits from each domain name;
 - f. Date when You ceased serving as Registrant;
 - g. Reason for having ceased serving as Registrant;
 - h. All correspondence received by third parties related to that domain name and all responses thereto.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

37. Produce all Documents related to web traffic statistics for each domain identified in response to Request # 35, including but not limited to:

- a. referring links;
- b. page views;
- c. internal and external search queries;
- d. user locations;
- e. IP addresses;
- f. keyword use;
- g. visitor paths;
- h. entry pages; and
- i. exit pages.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is

overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

38. Produce all Documents identifying what advertisement links were shown/displayed on the web site for each domain identified in response to Request # 35 and were clicked and for each click:
- a. The advertisement text;
 - b. The advertisement hyperlink;
 - c. The entrance and navigation path for each visitor.
 - d. The amount paid to Defendant for each click.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

39. Produce all Documents showing Your revenues, both gross and net, and profits from each domain identified in response to Request # 35.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

40. Produce all Documents or Communications concerning any occasion on which or each instance whereby:

a. You received an inquiry or communication, whether oral or in writing, concerning products or services advertised, promoted, marketed, sold or offered for sale by

Plaintiff under or in connection with the Domains At Issue;

b. Any third party, person, company, organization, or individual has attempted to purchase or has sought assistance or information from You concerning products or services advertised, promoted, marketed, sold, or offered for sale by Plaintiff under or in connection with the Domains At Issue;

c. Any third party, person, company, organization or individual was, or appeared to be, confused, deceived or mistaken regarding the source or origin of products or services advertised, promoted, marketing, offered for sale and/or sold by You under or in connection with the Domains At Issue;

d. Any third party, customer, consumer or other person or entity inquired if there is an affiliation between Plaintiff and You in connection with products or services advertised, promoted, marketed, sold or offered for by You under or in connection with the Domains At Issue;

e. Your products or services offered in connection with the Marks were mistakenly identified or referred to as those of Plaintiff.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents in its possession, custody, and/or control.

41. Produce all Documents and Communications, including emails, You received in connection with the operation of the websites on:

- a. the Domains At Issue, and
- b. each domain identified in response to Request # 35.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents for the Domains at Issue in its possession, custody, and/or control.

42. Produce all internal and external Communications regarding or relating to the Domains At Issue.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no external, responsive documents in its possession, custody, and/or control. NCS is searching for internal, non-privileged responsive documents and will produce non-privileged documents in its possession, custody, and/or control, if any.

43. Produce all Documents regarding or relating to domain purchase others, complaints, questions or any feedback concerning or relating to:

- a. the Domains At Issue, and
- b. each domain identified in response to Request # 35.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for responsive, non-privileged documents for the Domains at Issue, which it may have in its possession, custody, and/or control, if any.

44. Produce all Search Engine Optimization (SEO) efforts regarding:

- a. the Domains At Issue and
- b. each domain identified in response to Request # 35.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly

burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody, and/or control.

45. Produce all Documents or other Communications, internal and external, pertaining to each and every instance of notice, whether oral or in writing, that You were registrant of a domain name that was alleged to:

- a. infringe a trademark;
- b. dilute a trademark;
- c. constitute cybersquatting;
- d. have been used without permission;
- e. violate any intellectual property right;
- f. violate a contract or agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it is duplicative of prior requests; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the

discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

46. Produce all Documents reflecting authorization or permission from a third party trademark or service mark owner to NCS to register a domain name incorporating the third party trademark or service mark, or anything confusingly similar thereto.

RESPONSE:

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody, and/or control.

47. Produce all Documents reflecting NCS's offer to sell any domain name registered by NCS.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

48. Produce all Documents reflecting NCS's sale of any domain name registered by NCS.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

49. Produce all Documents reflecting domain names tasted by NCS under the Add Grace Period ("AGP").

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

50. Produce all analysis and/or reports or any kind, whether annual, semi-annual, quarterly, monthly, weekly, daily or one time reports, created and/or used by Defendant regarding its business of domain registration, parking and/or monetization including but not limited to:

- a. Internet traffic

- b. Internet search keywords
- c. Domain registration
- d. Renewal of registration
- e. Deletion
- f. Parking
- g. Web site traffic
- h. Revenue
- i. Monetization
- j. Trademarks

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

51. Produce all agreements between Defendant and any provider of internet advertising services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is

overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.

52. Produce all agreements between Defendant and any provider of web page 'parking' services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.

53. Produce all agreements between Defendant and any provider of web hosting services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody, and/or control.

54. Produce all agreements between Defendant and any party regarding commissions, payments, proposals or other consideration relating to advertising, “click-throughs,” sales, placement or appearance on any of the Defendant's websites hosted on domains registered to Defendant at any time.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

55. Produce all Documents regarding or relating to the development, design, collection and evaluation of information for the creation and modification of the 'parking page' web site(s) hosted on the Defendant's domains.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

56. Produce all Documents related to domain names registered by Defendant at any time which were, or are not currently, parked by Defendant.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

57. Produce all documents by and between Defendant and Google, Yahoo and/or MSN concerning the following matters:

- a. Contracts or agreements between the parties;
- b. Reports between the parties;
- c. Displaying paid advertisements on any of Defendant's domains;
- d. Trademark or copyright issues;
- e. Violations of policies or terms.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

58. Produce all documents relating to any litigation, arbitration or other adversarial proceeding between You and any other person or Company. To the extent You claim a privilege, prepare a privilege log in compliance with law

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are

neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

59. Produce all Communications between Defendant and any provider of weather-related services.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents in its possession, custody, and/or control.

60. Produce all documents reflecting trademarks owned by Defendant and all notice, threat, complaint and/or litigation Documents related to enforcement of those trademarks.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to

this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

61. Produce all Documents which support or relate to Defendant's affirmative defenses.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it calls for documents that are not in NCS's possession, custody, and/or control; it calls for documents that are in WU's possession, custody, and/or control; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for responsive, non-privileged documents in its possession, custody, and/or control, and will produce such documents, if any.


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62. Produce all Documents concerning Your policy(ies) with respect to retention or disposition of documents and all data.

RESPONSE:

Subject to and without waiving the foregoing objections, NCS responds as follows: The relevant document retention policy accompanies these responses.



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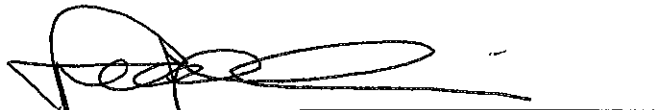
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2010, I served Defendant Navigation Catalyst Systems, Inc.'s Objections and Responses to First Set of Requests for Production via electronic mail and U.S. Mail, first-class, postage prepaid on:

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Helen Hsiao
Assistant to William A. Delgado

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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Brian A. Hall (P70865)
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Local Counsel for Defendants

**NAVIGATION CATALYST SYSTEMS, INC.'S SUPPLEMENTAL RESPONSES TO
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Federal Rule of Civil Procedure 34, defendant Navigation Catalyst Systems, Inc. (“NCS”) hereby supplements its responses to Plaintiff The Weather Underground, Inc.’s (“WU”) First Set of Requests for Production (“Requests”) as follows:

General Objections

NCS confirms that, when indicated that NCS would produce responsive, non-privileged documents in response to a Request, no responsive, non-privileged document was withheld pursuant to a General Objection.

Specific Requests for Production

2. Produce all Communications between Defendant and anyone, internal or external to Defendant, regarding or relating to the claims asserted in the above-captioned Complaint.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control and will produce such documents, if any.

SUPPLEMENTAL RESPONSE:

After a reasonable and diligent search, NCS confirms that it does not have any non-privileged documents in its possession, custody, and/or control.

15. Produce corporate records of Defendant, including bylaws, articles, membership agreements, certificates of incorporation, stock certificates, license resolutions, minutes and all Documents which evidence that Defendant has obeyed the corporate formalities in the operation of their business from inception to present.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has produced responsive documents together with these responses and is searching for additional responsive documents.

SUPPLEMENTAL RESPONSE:

NCS has located and is concurrently producing additional documents that are responsive and non-privileged in its possession, custody, and/or control.

16. Produce all Documents related to the business relationship between NCS and Basic Fusion. Inc., NCS and Connexus Corp., and NCS and Firstlook, Inc., including but not limited to:

- a. Documents showing money paid to or between each company for each year from inception to the present;
- b. Contracts and other agreements between the Companies;
- c. Invoices by and between the Companies;
- d. Any and all correspondence, faxes, or written documents relating to business between the companies.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for and will produce its registration agreement with Basic Fusion and its parking agreement with Firstlook.

SUPPLEMENTAL RESPONSE:

NCS has located and is concurrently producing the registration agreement with Basic Fusion and the parking agreement with Firstlook.

21. Produce any and all Software code identified by you in Plaintiffs First Interrogatories, Interrogatory Numbers 3-5.

RESPONSE: NCS is preparing its own internal registration software modules for production.

The blacklist database accompanies these responses.

SUPPLEMENTAL RESPONSE:

The software code has been produced as NCS000188.

23. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to the Software identified in Plaintiffs First Interrogatories, Interrogatory Numbers 3-5.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

24. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to Your registration of domain names.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

25. Produce all Documents which constitute, refer to or relate to written policies, procedures, processes, metrics, and/or guidelines as they relate to Your selection of web site content, parked pages, hyperlinks, or other content displayed at domain names registered by NCS.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is

overly broad, unduly burdensome and harassing; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

26. Produce all Documents which constitute, refer to or relate to the policy, procedure, process, and/or guideline used to ensure domain names do not incorporate, or are confusingly similar to, third party trademarks.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

27. Produce all Documents which constitute, refer or relate to the policy, procedure, process, and/or guideline used to ensure domain names that incorporate, or are confusingly similar to, a third party trademark are "blacklisted", or otherwise identified so as to preclude registration, from registration.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

28. Produce all Documents related to the purchase and/or use of the United States Patent and Trademark Office database of trademarks and service marks.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: Documents responsive to this request accompany these responses.

SUPPLEMENTAL RESPONSE:

Other than the documents already produced in response to this request, NCS has no other responsive documents to produce in response hereto.

29. Produce all Documents which constitute, refer to or relate to the policy, procedure, process and/or guideline used to "purge," or otherwise delete, domain names You register that incorporate, or are confusingly similar to, a trademark owned by a third party.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

SUPPLEMENTAL RESPONSE:

As NCS understands this request, it has no further responsive, non-privileged documents in its possession, custody, and/or control to produce.

32. Produce all Documents related to web traffic statistics for each Domain At Issue, including but not limited to:

- a. referring links;
- b. page views;
- c. internal and external search queries;
- d. user locations;
- e. IP addresses;
- f. keyword use;
- g. visitor paths;
- h. entry pages; and
- i. exit pages.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control. Once such documents are located, if any, NCS can supplement this response to indicate what it has and does not have and what it can produce.

SUPPLEMENTAL RESPONSE:

The responsive documents that NCS has in its possession, custody, and/or control have been produced (Bates No. NCS000186-187).

33. Produce all Documents identifying what advertisement links on each Domain At Issue were clicked and for each click:

- a. The advertisement text;
- b. The advertisement hyperlink;
- c. The entrance and navigation path for each visitor.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control.

Once such documents are located, if any, NCS can supplement this response to indicate what it has and does not have and what it can produce.

SUPPLEMENTAL RESPONSE:

After a reasonable and diligent search, NCS confirms that it has no responsive documents in its possession, custody, and/or control.

42. Produce all internal and external Communications regarding or relating to the Domains At Issue.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no external, responsive documents in its possession, custody, and/or control. NCS is searching for internal, non-privileged responsive documents and will produce non-privileged documents in its possession, custody, and/or control, if any.

SUPPLEMENTAL RESPONSE:

After a reasonable and diligent search, NCS confirms that it has no non-privileged documents in its possession, custody, and/or control.

43. Produce all Documents regarding or relating to domain purchase others, complaints, questions or any feedback concerning or relating to:

- a. the Domains At Issue, and
- b. each domain identified in response to Request # 35.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for responsive, non-privileged documents for the Domains at Issue, which it may have in its possession, custody, and/or control, if any.

SUPPLEMENTAL RESPONSE:

NCS has produced its document for tracking third party complaints, which is the document responsive to this request (Bates No. NCS000189-190).

51. Produce all agreements between Defendant and any provider of internet advertising services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.

SUPPLEMENTAL RESPONSE:

NCS has located and is concurrently producing the registration agreement with Basic Fusion and the parking agreement with Firstlook.

52. Produce all agreements between Defendant and any provider of web page 'parking' services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.

Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.

SUPPLEMENTAL RESPONSE:

NCS has located and is concurrently producing the registration agreement with Basic Fusion and the parking agreement with Firstlook.

62. Produce all Documents concerning Your policy(ies) with respect to retention or disposition of documents and all data.

RESPONSE:

Subject to and without waiving the foregoing objections, NCS responds as follows: The relevant document retention policy accompanies these responses.

SUPPLEMENTAL RESPONSE:

NCS confirms that, aside from documents already produced, it has no further responsive documents in its possession, custody, and/or control.

April 5, 2010



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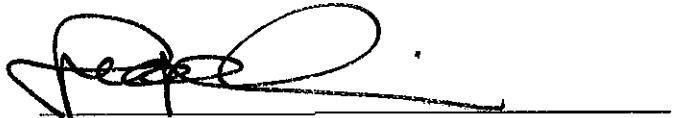
CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of April, 2010, I served Defendant Navigation Catalyst Systems, Inc.'s Supplemental Responses to First Set of Requests for Production via electronic mail and U.S. Mail, first-class, postage prepaid on:

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