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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WEATHER UNDERGROUND, INC.,

Plaintiff,

-v-

Case No. 09-10756

NAVIGATION CATALYST SYSTEMS, INC.,

Defendant./

**MOTION TO COMPEL DISCLOSURES  
MOTION FOR SANCTIONS  
(TELEPHONIC)  
BEFORE HONORABLE VIRGINIA M. MORGAN**

Federal Building  
200 E. Liberty Street  
Ann Arbor, Michigan 48104

**(Thursday, February 11, 2010)**

APPEARANCES: ANTHONY P. PATTI, ESQUIRE  
Appearing on behalf of the  
Plaintiff.

WILLIAM A. DELGADO, ESQUIRE  
Appearing on behalf of the  
Defendant.

COURT REPORTER: MARIE METCALF, CVR, CM  
Federal Official Court Reporter  
257 U.S. Courthouse  
231 W. Lafayette  
Detroit, Michigan 48226  
*metcalf\_court@msn.com*

*(TRANSCRIPT PRODUCED FROM DIGITAL VOICE RECORDING;  
TRANSCRIBER NOT PRESENT AT PROCEEDINGS)*

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1 because the plaintiffs didn't really argue facts with  
2 respect to personal jurisdiction for the remaining  
3 associated defendants.

4 But you're still in the game and you have  
5 listed one witness who's your president and provided two  
6 documents pursuant to 26(a)(1); is that correct?

7 MR. DELGADO: That's not entirely correct.  
8 (Unintelligible) --

9 THE COURT: You need to speak up.

10 MR. DELGADO: Yes, Your Honor. Can you  
11 hear me now?

12 THE COURT: Yes.

13 MR. DELGADO: Okay. The person that was  
14 listed is the president of Firstlook, which is one of the  
15 parties that was dismissed, but is the parent company of  
16 the defendant that remains.

17 So it's not the president of Navigation  
18 Catalysts, but the president of the parent company. And  
19 in terms of the -- what we listed, we listed two  
20 categories of documents, not just documents.

21 THE COURT: Have you produced those  
22 documents?

23 MR. DELGADO: We have not. Neither party  
24 has produced any documents at this point. We have --  
25 we're negotiating a protective order.

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1                   The categories of documents that we have  
2 identified would be -- we would hope would be protected  
3 by the protective order.

4                   THE COURT: Mr. Patti, what do you have to  
5 say to that?

6                   MR. PATTI: Well, a number of things, Your  
7 Honor. First of all, what I just heard is that the one  
8 and only witness that they've identified is not actually  
9 in their company. And that strikes me as really rather  
10 odd, unless they're saying they have no employees or no  
11 agents whatsoever within their own company. I don't see  
12 how they could possibly do a disclosure that --

13                   THE COURT: How about that?

14                   MR. DELGADO: I believe Mr. Patti's  
15 assumption is correct. I believe that Navigation  
16 Catalysts does not have any employees. That perhaps is  
17 one thing I should clarify.

18                   THE COURT: Then how does it do business?

19                   MR. DELGADO: It's -- well, Your Honor,  
20 it's basically a computer system. And it's the --  
21 Navigation Catalysts is really just a computer system  
22 that registers domain names in bulk. There's not much to  
23 it other than that.

24                   I know that there was a statement in the  
25 joint -- in the joint list of unresolved issues made by

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1 plaintiff that it's a big company because it has 500,000  
2 domain names or something along this magnitude. But the  
3 thing to keep in mind is that it's really -- it's not --  
4 not like it has a bunch of people sitting around  
5 registering domain names. It's really a computer system  
6 that's doing it -- or was doing it, I should say.

7 THE COURT: Well, who's the guy who makes  
8 it happen?

9 MR. DELGADO: Well, I think -- again, I  
10 think the person who can explain that would be the  
11 witness that was listed, Seth Jacoby.

12 THE COURT: Mr. Patti?

13 MR. PATTI: Yes. Your Honor, I should  
14 point out that the defendant is no stranger to  
15 litigation. As listed in our complaint, they've been a  
16 defendant in nine -- no less than nine federal actions,  
17 and I believe they're all under the anti-cybersquatting  
18 protection act, as is this one.

19 And in those actions, the most famous of  
20 them is the case they had against Verizon, which a  
21 published opinion was issued by a court in -- a  
22 California Federal Court issued an injunction against  
23 them.

24 And interestingly enough, in that case, if  
25 you look on PACER you'll find affidavits that they filed,