

# EXHIBIT U

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In the United States District Court  
For the Eastern District of Michigan

**\*\*Confidential\*\***

Deposition

Of

Christopher Schwerzler

April 29, 2010

The Water Underground, Inc.

v.

Navigation Catalyst Systems, Inc., et al.

1 know. And we saw it as particularly difficult to ever  
2 enforce our trademarks in that country.

3 Q. Other than Weather Underground Hong Kong, are  
4 you familiar with anybody else who uses Weather  
5 Underground as their name or as part of their name?

6 A. Out of the 60s, STS offshoot.

7 Q. Anybody else other than the 60s radical group?

8 A. I believe there is a band out of LA that goes  
9 by Weather Underground.

10 Q. Okay. Have you ever had contact with them?

11 A. No.

12 Q. Anyone else?

13 A. Not that I can think of.

14 Q. Are you familiar with any other entity that  
15 uses wunder, w-u-n-d-e-r, as part of their name?

16 A. There used to be a Wunder Brewery in  
17 San Francisco. I do believe that they -- or, someone  
18 bought the brand or the rights to use the brand in  
19 probably circa 2005 to open a Wunder Brewery. I believe  
20 they have since closed down their business and no longer  
21 exist.

22 Q. Okay. Anybody else using wunder, that you  
23 know of?

24 A. The Germans for use in the context that it  
25 means wonderful or wunderkind, w-u-n-d-e-r-k-i-n-d.

1 That would be an example of wunder. You know, it's part  
2 of wunder.

3 Q. Is there any other specific entity that you  
4 can think of -- or, that you know of, I should say? Not  
5 think of, but...

6 A. A similar sounding brand, such as Wonder  
7 Bread, but spelled with an "o."

8 Q. Well, just specifically with a "u."

9 Do you know of any specific entity using  
10 wunder with a "u" other than Wunder Brewery?

11 A. Not in our technical field, such as the  
12 Internet.

13 Q. Okay.

14 A. Oh, I take that back. There is a group called  
15 Underground Magic Store, I believe, out of Michigan.

16 Q. That's not you?

17 A. No, that's not us.

18 DEPOSITION REPORTER: That's u-n or o-n,  
19 Wunderground?

20 THE WITNESS: Unclear. I don't remember  
21 whether they spell it with an "o" or a "u." I feel like  
22 I stumbled upon that while doing web searches for our  
23 brand.

24 BY MR. DELGADO:

25 Q. Okay. How many individual weather stations

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CERTIFICATE OF REPORTER

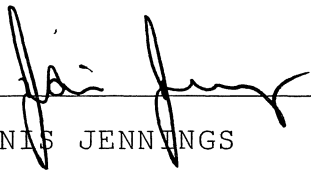
I, JANIS L. JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: May 11, 2010

  
\_\_\_\_\_  
JANIS JENNINGS  
CSR NO. 3942, CLR, CRP