

EXHIBIT O

CERTIFIED COPY

United States District Court
Eastern District of Michigan

****Confidential****

Deposition

Of

Mavi Llamas

September 27, 2010

The Weather Underground, Inc.

v.

Navigation Catalyst Systems, Inc., et al.

1 Q And what job responsibilities or duties did
2 you have as domain name administrator?

3 A I was hired to review the domain list for
4 pur- -- prior to purchasing.

5 And by reviewing it, I would look at the
6 actual list of domains, I would review them to see
7 if they matched any trademarks that I was aware of
8 and filter those out, also filter out adult terms.
9 And then I would submit the domain list for
10 purchase.

11 Q Are you aware if anyone else was performing
12 review of the domains at that time?

13 A At that time, during my first few months,
14 there was a training period. So the person I
15 reported to also reviewed the list after I would.

16 Q And who was that person?

17 A That was Jerry Araujo.

18 Q And how long was that training period?

19 A I don't remember.

20 Q Had you had any training prior to beginning
21 your employment?

22 Put another way, during the time when you
23 were a temp to the time that you received this
24 employment offer, had you received any training?

25 A Yes.

1 Q And what kind of training did you receive?

2 A It was verbal training, the tools that we
3 used.

4 It was basically: "This is where you
5 receive the list. This is what you're looking for
6 in the list. These are the examples of types of
7 things you don't want to register."

8 Q And when you say things you were looking
9 for, what were you looking for?

10 A I was looking at the domains and looking
11 for trademarks that I recognized and filtering those
12 out.

13 Q When you say trademarks you recognized --

14 A That was --

15 Q -- what do you mean by that?

16 A Anything that I would have known that was
17 clearly not something we would want to purchase like
18 Bank of America or, you know, some -- a big
19 trademark that you would just easily recognize.

20 Q Were you provided a list of trademarks
21 to --

22 A No.

23 Q And did you receive any training about what
24 a trademark was?

25 A No.

1 A I don't remember the exact times. I -- I
2 would say maybe a year and a half, maybe two years.

3 Q And this document says "The Vendare Group,"
4 and you told me earlier that you work for Epic
5 Media; is that correct?

6 A That's the company that purchased our
7 company. It's -- we've had several different names.

8 Q And what were those names?

9 A I started with the company -- when I was a
10 temp, it was called NewDotNet.

11 Q And when was that?

12 A That was August 2004.

13 Then we were acquired by the Vendare Group,
14 and then after the Vendare Group it became
15 NetBlue -- well, Vendare NetBlue.

16 Q Do you know about when it become Vendare
17 NetBlue?

18 A No.

19 Q Okay. Then what happened?

20 A And now we are the Epic Media Group.

21 Q Isn't there another organization known as
22 the Connexus Corporation?

23 A Yes, correct. Yes.

24 That was another name change. It was after
25 the Vendare NetBlue merger.

1 this kind of work; correct?

2 A Yes.

3 Q And were you overseeing that work?

4 A Yes.

5 Q Now, is this work that you originally, back
6 in 2004 when you were brought on, had performed?

7 A No.

8 Q How does it -- how did it differ?

9 A I did not categorize domain names.

10 Q Okay. Did you perform domain compliance
11 and trademark review?

12 A That is what I was hired to do, to review
13 the domain list for potential trademark
14 infringement.

15 Q Now, when you say the domain list, can you
16 tell me what you're referring to.

17 A We purchased domain -- we used to purchase
18 domain names daily, and we had a list of domain
19 names that we were considering purchasing.

20 That is the domain list.

21 Q And in what format would you see that list?

22 A In an Excel spreadsheet.

23 Q And how often would you see that Excel
24 spreadsheet?

25 A Every day.

1 me -- the categorization tool.

2 MR. HALL: Let's mark this Exhibit 137.

3 (Plaintiff's Exhibit 137 was marked
4 for identification by the deposition
5 reporter and is attached hereto.)

6 BY MR. HALL:

7 Q And I'll represent to you that your counsel
8 provided some 22,000 pages of e-mails and related
9 documentation to us last week. I obviously reserve
10 the right to further this deposition after review of
11 those.

12 This being said, one of the documents that
13 we were able to identify is the one that I've marked
14 as Exhibit 137.

15 Is this the attachments you just referred
16 to?

17 A Yes.

18 Q And what is this document we're looking at?

19 A This is an early version of our -- of our
20 trademark list and our domain list along with a
21 trademark fil- -- not filtration -- I'm using the
22 wrong words -- but a fuzzy matching system.

23 Q When you say early list, what time frame
24 are we talking about here?

25 A I would say this would be either late

1 2004 -- excuse me -- or early 2005.

2 MR. DELGADO: And for the record, this list
3 would have been attached to an e-mail with a date on
4 it.

5 THE WITNESS: Yes.

6 BY MR. HALL:

7 Q Now let's look at each of these columns.

8 And just so I'm clear, since it was
9 attached to one of your e-mails, was it sent to you,
10 or did you send it to someone else?

11 A I actually don't know. I don't remember.

12 I didn't review every e-mail that I
13 provided.

14 Q Is it safe to say you would have reviewed
15 this document?

16 A Yes.

17 Q So if we're looking at the columns, the
18 first column shows walmartdistributioncenter.com; is
19 that correct?

20 A Yes.

21 Q What would that be -- what would that
22 domain name be in the column for?

23 A This is actually an example of our domain
24 list.

25 So the first column would be a domain.

1 2004 -- excuse me -- or early 2005.

2 MR. DELGADO: And for the record, this list
3 would have been attached to an e-mail with a date on
4 it.

5 THE WITNESS: Yes.

6 BY MR. HALL:

7 Q Now let's look at each of these columns.

8 And just so I'm clear, since it was
9 attached to one of your e-mails, was it sent to you,
10 or did you send it to someone else?

11 A I actually don't know. I don't remember.

12 I didn't review every e-mail that I
13 provided.

14 Q Is it safe to say you would have reviewed
15 this document?

16 A Yes.

17 Q So if we're looking at the columns, the
18 first column shows walmartdistributioncenter.com; is
19 that correct?

20 A Yes.

21 Q What would that be -- what would that
22 domain name be in the column for?

23 A This is actually an example of our domain
24 list.

25 So the first column would be a domain.

1 I don't know what the second, third,
2 fourth, fifth, or sixth column represents because it
3 was 2004, 2005.

4 But the last column is trademark hits that
5 we ran against. We ran the domain name against a
6 list of trademarks, and these are the fuzzy matching
7 hits.

8 Q Okay. So you have no idea what the second,
9 third, fourth, fifth, or sixth columns are?

10 A I'm sure I knew then, but I don't remember.

11 Q How long did you -- strike that.

12 You said this was from around 2004, 2005?

13 A Yes.

14 Q When did you stop performing your job that
15 included looking at this domain list on a daily
16 basis?

17 A That would have been after Lily was hired
18 on.

19 Q Was that 2005?

20 A Again, I don't remember the exact dates.
21 We've gone over that.

22 Q So when was the last time you would have
23 reviewed a document like this?

24 A I don't remember.

25 Q So you're telling me here today you have no

1 BY MR. HALL:

2 Q Well, let me ask you this: In two -- this
3 type of spreadsheet is the same spreadsheet that's
4 been used since 2004; is that right?

5 A I don't think so.

6 Q How has it changed?

7 A In two -- in the beginning of 2004, we
8 didn't have this spreadsheet when I first started.
9 It was just a list of domain names.

10 Q Nothing else besides domain names?

11 A Nothing else.

12 Q So you had no guidance as to what
13 trademarks --

14 A No.

15 Q -- pertained to that?

16 A No.

17 Q And you didn't have any of these other
18 columns that --

19 A No.

20 Q -- you're telling me you don't know what
21 they are?

22 A No.

23 Q Okay. When was additional columns added to
24 the spreadsheet?

25 A I don't know the exact dates.

1 Q Can you give me an estimate?

2 A I estimate late 2004 or early 2005.

3 Q And what would have been added at that
4 time?

5 A All of these columns, everything after the
6 domain name.

7 Q Okay. And is this still the same process
8 that's followed today?

9 A I don't know what the process is today.

10 Q When was the last time that you performed
11 this process?

12 A I think it was in 2007, but I'm not sure.

13 Q If we looked at the second domain,
14 allanbrothersteaks.com, the right-hand column has a
15 star or an asterisk symbol and then "landry."

16 Do you know what that asterisk symbol
17 means?

18 A Yes.

19 Q What does it mean?

20 A That would have been something that we
21 termed a higher-priority potential trademark because
22 we may have been contacted by a company with that
23 name or that mark.

24 Q So how does "landry" related to
25 allanbrotherssteaks.com?

1 Llamas.

2 We are going book on the record.

3 The time is 11:14 a.m.

4 MR. DELGADO: And, Counsel, just for the
5 record, Exhibit 138 is an attachment to an e-mail
6 that was dated November 1st, 2005.

7 BY MR. HALL:

8 Q Okay. So November 1st, 2005, would that
9 have been a time that you were reviewing these
10 sheets?

11 A I don't remember.

12 Q You told me earlier that columns were added
13 over time to this?

14 A The original list was just one column of
15 domain names, and then the following columns were
16 added when we learned to do fuzzy matching.

17 Q So clearly it would have been added no
18 later than November 2005?

19 A That is correct.

20 Q Are you aware of any changes to this
21 spreadsheet since November 2005?

22 A Yes, there were changes because the way we
23 were reviewing the domain list changed.

24 The people who managed this part, this
25 process, the fuzzy matching of the trademark hits,

1 were no longer with the company.

2 I believe that Donnie Misino was building a
3 different trademark tool. So I believe there were
4 changes, yes.

5 Q Would it be accurate to say that a list
6 like this is still produced every single day?

7 A I don't know.

8 MR. HALL: Exhibit 139.

9 (Plaintiff's Exhibit 139 was marked
10 for identification by the deposition
11 reporter and is attached hereto.)

12 BY MR. HALL:

13 Q Do you know what this document is?

14 A No. I'm reading it.

15 It looks like an e-mail.

16 Q Do you know who would have sent that to
17 you?

18 A Not without seeing --

19 MR. DELGADO: Why don't you give her the
20 first page.

21 MR. HALL: Simply because I don't have it.

22 THE WITNESS: I don't know.

23 MR. HALL: Of the 22,000 pages, I guess I
24 didn't grab the first page.

25 MR. DELGADO: The most of which, by the

1 Q And that process that was used for Idealab
2 and some of the other partners, was that same
3 process used for Navigation Catalyst Systems?

4 A I don't know.

5 Q Why don't you know?

6 A Because Navigation Catalyst Systems existed
7 before I was hired.

8 Q Do you know who would know?

9 A No.

10 Q Let's look at Exhibit 106.

11 Are you a member of the Firstlook board of
12 directors?

13 A No.

14 Q Have you ever sat in on a meeting of the
15 board of directors?

16 A No.

17 Q Have you ever prepared a document to be
18 presented to the board of directors?

19 A No.

20 Q This was a document that was produced in
21 discovery.

22 And if you look at the second page, it
23 mentions "2008 - A Year of Change."

24 Do you see that?

25 A Yes.

1 Q No. 1 says:

2 "Elimination of domain tasting

3 in June 2008."

4 Do you know what domain tasting is?

5 A Yes.

6 Q What is it?

7 A It is the process where a domain name is

8 registered and then kept for five days -- a five-day

9 tasting period is what they call it -- before -- I

10 believe it was the fifth -- or I'm not sure if it's

11 the sixth -- day where you would actually have to

12 pay for it if you kept it.

13 If you deleted the domain name prior to

14 that time, you did not have to pay for the domain

15 name.

16 Q And is domain tasting something that

17 Navigation Catalyst Systems did?

18 A Firstlook did that, yes.

19 Q Now, when Firstlook was doing that, what

20 was your job?

21 A Reviewing the domain list for the

22 purchase -- the domain names that had been purchased

23 after the fifth day so that we could determine what

24 we were going to keep.

25 Q Would you get a spreadsheet similar to the

1 If it has been reviewed and our
2 categorizers looked at this and were not able to
3 figure anything out on it, then nothing would be
4 added.

5 Q Now, if you chose to add keywords to a
6 particular page such as the one we're looking at,
7 where would those keywords appear?

8 A They would appear at the top, the top three
9 above "Top Searches."

10 Q If we look back at Exhibit 144, would it
11 look like where it says "Related Searches - Local
12 Weather, Weather Forecast, Weather Underground"?

13 A No.

14 Q How would it be different?

15 A It would look like this template. There
16 would be three keywords above. There would not be
17 more than three.

18 Q Would all the other content still appear on
19 the page?

20 A Yes.

21 Q And you said before that you could go back
22 and look and determine whether or not a particular
23 domain name had keywords associated with it.

24 A Yes..

25 Q How do you do that?

1 them to the blacklist.

2 Q So in 2004 and 2005 when you were domain
3 manager, this blacklist existed?

4 A In 2004, 2005, the blacklist, as you're --
5 as we're looking at it in this sheet, no, it did not
6 exist.

7 I had a spreadsheet that I was using for
8 myself to try to track the contact that had been
9 made with me and follow up on that -- that contact
10 and also track the marks that were listed in the --
11 in the initial contact, the cease and desist letter,
12 so that I would not -- so that I would not register
13 anything. I would try to filter those out.

14 Q So in 2004, 2005, was there anybody else
15 performing the same job as you?

16 A No.

17 Q When Lily Stevenson was hired, was she the
18 only one performing that job?

19 A Yes.

20 Q Did she use the blacklist that you had
21 created in her role as domain manager?

22 A She may have used the same spreadsheet.

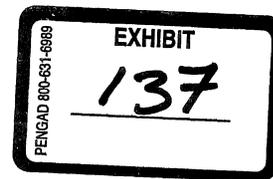
23 I would have turned it over and said, "This
24 is where I left off for you to continue."

25 She may have changed it. I don't know.

walmartdistributioncenter.com	3	5 ok	ok	118	<p>predistribution :: action center :: smart centers :: actioncenter :: alarm center :: alpha center :: heart center :: smart button :: smart center :: adhd center :: apis center :: asia center :: auto center :: beta center :: bilo center :: call center :: dibi center :: diet center :: distri best :: doit center :: gear center :: hult center :: loma center :: math center :: nail center :: rent center :: slim center :: smart cents :: smart strip :: soft center :: star center :: stud center :: tour center :: town center :: true center :: wang center :: will center :: wish center :: zone center :: art center :: omniconter :: smart but :: td center :: al dente :: njcenter :: oncenter :: opcenter :: smart io :: twist ti :: wal mart :: koncent :: smart e :: smart r :: smart u :: tieonce :: tiocent :: walkart :: walmart :: wanmart :: admart :: al mar :: almark :: aridis :: art is :: ardio :: arteis :: arthis :: asmart :: balmar :: calmar :: incent :: ionfen :: kalmar :: martis :: niente :: oscent :: salmar :: twistr :: valmar :: walmac :: walmer :: wilmar :: admar :: alcar :: alkar :: allar :: almac :: almag :: almar :: almas :: almax :: almay :: alnar :: aloar :: anmar :: armdi :: arte :: artis :: atmar :: balma :: calma :: elmar :: falma :: kalma :: ncert :: nvent :: onyen :: palma :: radis :: rtist :: rudis :: tiopc :: tri e :: wajma :: warma :: wilma :: alma :: rtdi</p>
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1 STATE OF CALIFORNIA)
2) SS:
3 COUNTY OF LOS ANGELES)

4 I, JUDY SAMSON, do hereby certify:

5 That I am a duly qualified Certified Shorthand
6 Reporter, in and for the State of California, holder of
7 certificate number 6916, which is in full force and
8 effect and that I am authorized to administer oaths and
9 affirmations;

10 That the foregoing deposition testimony of the
11 herein named witness was taken before me at the time and
12 place herein set forth;

13 That prior to being examined, the witness named
14 in the foregoing deposition, was duly sworn or affirmed
15 by me, to testify the truth, the whole truth, and
16 nothing but the truth;

17 That the testimony of the witness and all
18 objections made at the time of the examination were
19 recorded stenographically by me, and were thereafter
20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true
22 and accurate record of the proceedings and testimony to
23 the best of my skill and ability;

24 That prior to the completion of the foregoing
25 deposition, review of the transcript was requested.

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I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this 7th day of October, 2010.



JUDY SAMSON, CSR No. 6916