

EXHIBIT R

CASE No. 2:09-CV-10756
Los Angeles, California

CHRISTOPHER PIRRONE
Tuesday, May 3, 2011



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND,
INC., A MICHIGAN CORPORATION,

PLAINTIFF,

VS.

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.

**CERTIFIED
COPY**

CASE No. 2:09-CV-
10756

DEPOSITION OF
CHRISTOPHER PIRRONE
Volume 1
Los Angeles, California
Tuesday, May 3, 2011

**Confidential - Under Seal
Exhibits Bound Separately**

Reported By:
Judy Samson
CSR No. 6916
NDS Job No. 139150

1 Q Okay. This last paragraph on that first 09:28:28
2 page starts off: 09:28:52
3 "The disputed Website is 09:28:53
4 innocuous." 09:28:55
5 Do you see that? 09:28:56
6 A Yes. 09:28:57
7 Q And then you cite two decisions involving 09:28:57
8 NCS where the panel ruled in your favor; correct? 09:28:59
9 (Document reviewed by the witness.) 09:29:12
10 THE WITNESS: Yes. 09:29:12
11 BY MR. SCHAEFER: 09:29:12
12 Q Sitting here today, can you ever recall 09:29:16
13 reading those decisions? 09:29:18
14 A I don't specifically recall reading them, 09:29:21
15 but I -- I was involved in those. 09:29:24
16 Q Okay. Because those would have been, looks 09:29:26
17 like, May 2007 and June 2007, all after your arrival 09:29:28
18 date in April; correct? 09:29:34
19 A Yes. 09:29:35
20 Q When you arrived at Connexus, what was the 09:29:36
21 policy in terms of whether to transfer a domain or 09:29:40
22 refuse to transfer a domain on request in a 09:29:46
23 trademark -- when a trademark issue was being 09:29:50
24 alleged? 09:29:52
25 A I -- I don't think the policy has changed 09:29:54

1 throughout in that if someone has legitimate 09:29:56
2 trademark rights, we never wanted to own those 09:29:59
3 domains. So we transferred it over. 09:30:02
4 Q So the type of letter that we see here as 09:30:04
5 263 and as we reviewed in 262, I take it you didn't 09:30:07
6 send those in every instance when someone sent a 09:30:11
7 threat letter; correct? 09:30:14
8 A Correct. 09:30:15
9 Q In many instances you would, in fact, 09:30:15
10 voluntarily transfer the domain; correct? 09:30:18
11 A Yes. 09:30:20
12 Q Okay. What was the criteria you used in 09:30:20
13 determining whether or not to transfer the domain or 09:30:27
14 send a response letter essentially refusing to 09:30:30
15 transfer the domain? 09:30:34
16 A Yeah. I went through -- you know, it was 09:30:34
17 part of my job -- through kind of a legal analysis 09:30:37
18 of whether I thought that there was a valid 09:30:40
19 trademark claim or not. 09:30:42
20 Q Okay. So generally, what would -- you 09:30:42
21 would do a Google search as we've talked about? 09:30:46
22 A Right. 09:30:48
23 Q Okay. In one of the letters you mentioned 09:30:49
24 the USPTO database. 09:30:52
25 Are you familiar with the uspto.gov website 09:30:53

1 were involved in? 09:48:10

2 A Not on a one-to-one looking at a domain and 09:48:11
3 identifying it, no. 09:48:14

4 Q Okay. Now, maybe now is a good time to 09:48:14
5 kind of talk about that 2008 domain portfolio 09:48:22
6 review. 09:48:25

7 As I understand it from the prior 09:48:29
8 testimony, that at some point in 2008 there was a 09:48:31
9 decision to actually reanalyze your current 09:48:34
10 portfolio of already registered domains against the 09:48:37
11 trademark database and try and eliminate domains 09:48:43
12 that may be problematic. 09:48:46

13 Is that your recollection? 09:48:48

14 A There was a review in 2008 to -- to relook 09:48:49
15 at all the portfolio for any names that are -- were 09:48:52
16 brands or trademarks, yes. 09:48:55

17 Q Okay. What was your involvement in that 09:48:56
18 2008 effort? 09:49:00

19 A Now you're getting into my role as legal 09:49:01
20 counsel. 09:49:05

21 Q Well, why? What did you do? 09:49:05
22 What was -- what was your -- what was your 09:49:09
23 role in it? 09:49:10

24 A Well, I think you're specifically asking me 09:49:10
25 what my role was as legal advisor on that issue. 09:49:13

1 been -- approximately how many domains would have 09:50:29
2 been in the portfolio when you started the process 09:50:31
3 in 2008? 09:50:34
4 A Hundreds of thousands. 09:50:34
5 Q And do you have any information as to how 09:50:36
6 many domains were actually deleted as a result of 09:50:39
7 that review process? 09:50:42
8 A No. But I think -- I don't know numbers, 09:50:44
9 but my recollection was that there was a good 09:50:53
10 percentage of names that were actually deleted as 09:50:55
11 part of that process. 09:50:58
12 Q Okay. Do you believe it would have been, 09:50:59
13 you know, closer to 90 percent or 10 percent? 09:51:01
14 A No. I -- if I recall, it's about 09:51:03
15 20 percent. 09:51:05
16 Q And of that 20 percent, which certainly 09:51:07
17 would have been tens of thousands of domains and 09:51:12
18 perhaps more, how many do you think would have 09:51:16
19 elevated up to you for review? 09:51:18
20 Are we talking about single digits, dozens, 09:51:21
21 thousands? 09:51:24
22 What's your best recollection? 09:51:25
23 A I don't recall. But it would have been 09:51:25
24 more than a few, but -- you know, probably hundreds. 09:51:28
25 Q Would you have been involved in the 09:51:33

1 Q But I don't see any references to you. 11:53:35
2 In any event, would that be consistent with 11:53:52
3 your belief that really Seth made the final call on 11:53:52
4 these domains and that you worked with Seth on those 11:53:53
5 decisions but he was the final decisionmaker; 11:53:56
6 correct? 11:53:59
7 A Correct. 11:53:59
8 Q Now, this 2008 process, in terms of the -- 11:53:59
9 the kind of a review of the portfolio, why did the 11:54:20
10 company decide to go through that process? 11:54:23
11 A I think that's privileged. 11:54:27
12 Q Do you recall what month in 2008 that would 11:54:32
13 have started? 11:54:35
14 A No. 11:54:36
15 Q Do you recall how long it would have 11:54:36
16 lasted? 11:54:38
17 A No. 11:54:40
18 Q Is it just that single effort to review the 11:54:40
19 entire portfolio that -- that you're aware of has 11:54:45
20 been made at Connexus? 11:54:50
21 Strike that. 11:54:52
22 My understanding is that until that review 11:54:53
23 of the portfolio occurred, historically they had 11:54:55
24 never tried to review the -- the whole portfolio of 11:55:01
25 domains for trademark issues; they simply did the 11:55:03

1 review prior to registration. 11:55:07

2 A I think -- I think there -- during my time 11:55:09

3 there, there were -- there were -- that was a review 11:55:12

4 of like the entire; it was kind of soup to nuts. 11:55:15

5 Q Right. 11:55:19

6 A But throughout my time there, there were 11:55:20

7 various times that we looked at parts of the 11:55:22

8 portfolio and tried to do that. 11:55:24

9 It wasn't like it was one shot and 11:55:25

10 we thought we were done -- 11:55:25

11 Q Was that true right up -- 11:55:25

12 THE REPORTER: I'm sorry, Counsel. 11:55:25

13 (Speaking simultaneously.) 11:55:25

14 THE WITNESS: It was a continual process, I 11:55:32

15 think I said. 11:55:34

16 BY MR. SCHAEFER: 11:55:34

17 Q And was that true right up in time until 11:55:34

18 the time that you no longer were general counsel for 11:55:37

19 Connexus? 11:55:40

20 A To my knowledge, yes. 11:55:40

21 Q Do you know approximately how long it took 11:55:41

22 to actually get through the entire portfolio of 11:56:11

23 domains as part of that big effort? 11:56:15

24 A Months. 11:56:17

25 Thank you. 11:56:33

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25 Thank you. 11:56:33

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss:

3

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 16th day of May, 2011.



JUDY SAMSON, CSR No. 6916