

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; CONNEXUS CORP.,
a Delaware corporation; FIRSTLOOK, INC.,
a Delaware corporation; and EPIC MEDIA
GROUP, INC., a Delaware corporation,

Defendants.

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**DECLARATION OF WILLIAM A. DELGADO IN SUPPORT OF DAUBERT MOTION
TO STRIKE REPORT OF CHRISTOPHER SCHWERZLER AND PROHIBIT HIS
TESTIMONY ON SAME AT TRIAL**

I, William A. Delgado, declare as follows:

1. I am over the age of eighteen and am lead counsel for Defendants in this matter. I have personal knowledge of the facts stated herein except where stated on information and belief, and, as to those matters, I believe them to be true.

2. Filed under seal as Exhibit B to this declaration is a true and correct copy of Plaintiff's Designation of Expert Witness, designating Christopher Schwerzler as an expert witness.

3. Filed under seal as Exhibit C to this declaration is a true and correct copy of the expert report of Christopher Schwerzler submitted as Exhibit M in support of Plaintiff's Motion for Summary Adjudication on its Anti-Cybersquatting Consumer Protection Act Claim, except that it has been altered by a stamp on the bottom right of each page indicating a page number. Plaintiff's Exhibit M was unnumbered, so it has only been altered for ease of reference. No other alterations have been made.

4. Attached as Exhibit D are true and correct copies of relevant excerpts from the deposition transcript of Chris Schwerzler, taken April 29, 2010.

5. Attached as Exhibit E are true and correct copies of relevant excerpts from the deposition transcript of Chris Schwerzler, taken December 6, 2010.

6. Filed under seal as Exhibit F to this declaration are true and correct copies of relevant excerpts from the deposition transcript of Chris Schwerzler, taken April 29, 2010 that were designated confidential.

7. Filed under seal as Exhibit G to this declaration are true and correct copies of relevant excerpts from the deposition transcript of Chris Schwerzler, taken December 6, 2010 that were designated confidential.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of August 2011 at Los Angeles, California.

/s/William A. Delgado

William A. Delgado

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2011, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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