

## EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC., )  
a Michigan Corporation, )  
) )  
Plaintiff, )  
) )  
vs. ) Case No. 2:09-CV-10756  
) )  
NAVIGATION CATALYST SYSTEMS, ) Volume I  
INC., a Delaware corporation; )  
BASIC FUSION, INC., a Delaware )  
corporation; CONNEXUS CORP., a )  
Delaware corporation; and )  
FIRSTLOOK, INC., a Delaware )  
corporation, )  
) )  
Defendants. )  
\_\_\_\_\_ )

- CONFIDENTIAL - UNDER SEAL-

VIDEOTAPED DEPOSITION OF DONNIE J. MISINO

Los Angeles, California

Friday, August 20, 2010

Reported by: Judy Samson  
CSR No. 6916

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN

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5 THE WEATHER UNDERGROUND, INC., )  
a Michigan Corporation, )  
6 Plaintiff, )

7 vs. ) Case No. 2:09-CV-10756

8 NAVIGATION CATALYST SYSTEMS, ) Volume I

9 INC., a Delaware corporation; )  
10 BASIC FUSION, INC., a Delaware )  
corporation; CONNEXUS CORP., a )  
11 Delaware corporation; and )  
FIRSTLOOK, INC., a Delaware )  
corporation, )

12 Defendants. )  
13 \_\_\_\_\_)

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17 VIDEOTAPED DEPOSITION OF DONNIE J. MISINO,  
18 taken on behalf of the Plaintiff, at 707 Wilshire  
19 Boulevard, Suite 3850, Los Angeles, California,  
20 beginning at 10:04 a.m. and ending at 5:39 p.m.,  
21 on Friday, August 20, 2010, before Judy Samson,  
22 a Certified Shorthand Reporter Number 6916.

23  
24  
25

1 domain gets proxied?

2 A I believe I may have been copied on some  
3 e-mails where that topic was -- was brought up.

4 MR. SCHAEFER: I'm going to mark this.

5 Okay. 89 is a June 18th letter from  
6 Mr. Delgado to me, concerning a variety of issues.

7 (Plaintiff's Exhibit 89 was marked  
8 for identification by the deposition  
9 reporter and is attached hereto.)

10 BY MR. SCHAEFER:

11 Q In the second -- number one, do you recall  
12 seeing this letter before?

13 A I don't believe I've seen this one.

14 Q Okay. Mr. Delgado is indicating that he  
15 needs more time to review e-mails before producing  
16 the e-mail components of the discovery requests in  
17 the order. And he notes that there are over 600,000  
18 e-mails that are -- needed to be reviewed for  
19 responsiveness.

20 Do you see that?

21 A Yes.

22 Q Do you know where that 600,000 number came  
23 from?

24 A I can assume, though I don't know.

25 Q Okay. So you didn't have any personal

1 involvement in figuring out how many e-mail -- or  
2 assembling e-mail databases?

3 A Not the ones that this refers to. I only  
4 searched my own personal e-mail.

5 Q Okay. Did you have any discussions with  
6 anyone about the process for accumulating e-mails?

7 A No.

8 Q Do you know how that occurred?

9 A I only know that Bob Falkenberg was  
10 handling that. That's all I know.

11 Q Okay. Are you generally aware of the  
12 e-mails that have been produced in this case as part  
13 of the production?

14 A Beyond my own, no.

15 Q Okay. I want you to assume that there are  
16 generally two categories of e-mails. One, as you'll  
17 see in the order, the e-mails that went to the  
18 parking pages concerning potential purchases of  
19 domains; and, two, a category of e-mails related to  
20 trademark issues.

21 Have you seen either category of e-mails,  
22 or did you produce any e-mails in either of those  
23 categories?

24 MR. DELGADO: I'm going to object to that  
25 characterization of the order.

1 THE WITNESS: I believe I sent some e-mails  
2 to counsel.

3 BY MR. SCHAEFER:

4 Q And if only about 1,500 e-mails have been  
5 produced in this case, do you have any understanding  
6 as to what happened to the other 598,500 e-mails  
7 that haven't been produced or the basis for  
8 nonproduction?

9 A No, I don't know.

10 It appears that these were being reviewed  
11 for responsiveness, and likely they were judged or  
12 deemed not to be within that.

13 Q Do you know what search was run on those  
14 e-mails to determine responsiveness?

15 A Only --

16 MR. DELGADO: Objection; that calls for  
17 attorney work product.

18 MR. SCHAEFER: Well, not privileged because  
19 in this case, you and I are supposed to work that  
20 out. And so I'm certainly entitled to know what was  
21 the search that was run on it.

22 MR. DELGADO: I can tell you I reviewed  
23 them. I reviewed every single one.

24 MR. SCHAEFER: Would you -- would you  
25 provide me with the search logic on that so I can

1 take a look and see if there's anything --

2 MR. DELGADO: On the 600- -- you want to go  
3 off the -- let's go off the record. I'll tell you  
4 what happened.

5 MR. SCHAEFER: Sure.

6 THE VIDEOGRAPHER: This marks the end of  
7 videotape No. 2, Volume I, in the deposition of  
8 Mr. Donnie J. Misino.

9 And the time is 1:50 p.m.

10 (Discussion held off the record.)

11 THE VIDEOGRAPHER: This marks the beginning  
12 of videotape No. 3, Volume I, in the deposition of  
13 Mr. Donnie J. Misino.

14 And the time is 1:53 p.m.

15 BY MR. SCHAEFER:

16 Q Okay. Mr. Misino, could you take a look at  
17 paragraph 4 of the order, which is Exhibit 87.

18 A Okay.

19 Q Okay. So this sets the relevant period for  
20 the search of documents except if there was any more  
21 narrow search time frame noted.

22 Did you recall reviewing this paragraph as  
23 you went about your job of assembling documents?

24 A Yes.

25 Q And was this the -- the time period that