

Defendants' Proposed Verdict Form

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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DEFENDANTS' PROPOSED SPECIAL VERDICT FORM

We, the jury, being first duly empaneled and sworn in the above entitled cause, do
unanimously find as follows:

LIABILITY

Cybersquatting in Violation of the Lanham Act 15 U.S.C. § 1125(d)

1. Did Plaintiff prove, by a preponderance of evidence, that it has a valid trademark or trademarks entitled to protection?

Yes _____ No _____

If you answer “Yes,” please proceed to question 2.

If you answer “No”, you are finished. Please have the presiding juror sign and date the verdict form and indicate to the bailiff that you are finished.

2. Did Plaintiff prove, by a preponderance of evidence, that its trademark or trademarks are distinctive or famous?

Yes _____ No _____

If you answer “Yes,” please proceed to question 3.

If you answer “No”, you are finished. Please have the presiding juror sign and date the verdict form and indicate to the bailiff that you are finished.

3. Did Plaintiff prove, by a preponderance of evidence, that Defendants registered, trafficked in or used any of the domain names listed on Exhibit A? If so, then, for each domain name listed in Exhibit A for which you answered “Yes,” please so indicate by putting a “Y” in Column 2 of Exhibit A.

Then please proceed to question 4.

If you answer “No” to all of the domain names, you are finished. Please have the presiding juror sign and date the verdict form and indicate to the bailiff that you are finished.

4. Did Plaintiff prove, by a preponderance of evidence, that any of the domain names on Exhibit A were confusingly similar to Plaintiff’s trademarks? If so, then, for each domain name listed in Exhibit A for which you answered “Yes,” please so indicate by putting a “Y” in Column 3 of Exhibit A.

Then please proceed to question 5.

If you answer “No” to all of the domain names, you are finished. Please have the presiding juror sign and date the verdict form and indicate to the bailiff that you are finished.

5. Did Plaintiff prove, by a preponderance of evidence, that Defendants had a bad faith intent to profit from their use or registration of, or trafficking in the domain names listed on Exhibit A? If so, then, for each domain name listed in Exhibit A for which you answered “Yes,” please so indicate by putting a “Y” in Column 4 of Exhibit A.

Then please proceed to question 6.

If you answer “No” to all of the domain names, you are finished. Please have the presiding juror sign and date the verdict form and indicate to the bailiff that you are finished.

DAMAGES:

Statutory Damages under 15 U.S.C. § 1117(d).

6. For each individual domain name listed on Exhibit A which has a “Y” in Columns 2, 3, **and** 4, please award Plaintiff no less than \$1,000 and no more than \$100,000 for each such domain. Enter the total amount you award to Plaintiff below.

The presiding juror should sign and date this verdict form.

Dated this _____ day of March, 2012

Presiding Juror

Exhibit A

Domain Name	Column 2 Registered, Used or Trafficked	Column 3 Confusing Similarity	Column 4 Bad Faith Intent to Profit