

## Theory of the Case

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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**JOINTLY PREPARED THEORY OF THE CASE**

Plaintiff The Weather Underground, Inc. is a Michigan corporation. Plaintiff owns various trademarks including THE WEATHER UNDERGROUND and WUNDERGROUND. It also operates various websites include <weatherunderground.com> and <wunderground.com> on which it provides online weather information. Plaintiff has sued the defendants in this matter claiming that the defendants in this matter have registered, used, or trafficked in Internet domain names that are confusingly similar to its trademarks with the bad faith intent to profit therefrom. It seeks to hold Defendants liable for cybersquatting for the registration, use or trafficking of such domain names. Plaintiff seeks statutory damages between \$1,000 and \$100,000 for each domain that violates the anti-cybersquatting law.

Defendants Connexus Corporation, Firstlook, Inc., and Navigation Catalyst Systems are Delaware corporations having their principal place of business in California. Connexus is the parent corporation of Firstlook which is the parent corporation of Navigation Catalyst. Defendants maintain that while they registered and monetized Internet domain names in bulk, they never registered, used, or trafficked in any domain names that were confusingly similar to Plaintiff's trademarks with the bad faith intent to profit therefrom.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of February 2012.

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