

## Plaintiff's Voir Dire

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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**PLAINTIFF'S PROPOSED VOIR DIRE**

For its proposed *voir dire* of the jurors in this matter, Plaintiff respectfully requests that the Court inquire as follows:

1. Have any of you registered a domain name and if so, how many and what for?
2. Do you have any specialized knowledge about domain names, domain name parking or selling domain names?
3. Do any of you write software or develop websites? If so, tell us about any projects you have been involved in and who you worked for on those projects.
4. Do you have any specialized knowledge or opinions about trademark law?
5. Have you ever registered a trademark with the United States Patent and Trademark Office (“USPTO”)?
6. Do you or your company own any trademarks? If so, what is your understanding as to your rights against other people who might seek to use your or your company’s trademarks to compete against you?
7. Do you think that companies should, or should not, have the right to protect their trademarks both on the internet and offline?
8. Have you ever owned a domain name that you knew to be typographically similar to someone else’s trademark? If so, did you ever do anything with the domain such as place advertisements on it, place it for sale or try to make money off it?
9. Have you or anyone you know ever been accused of cybersquatting, typosquatting or trademark infringement?

10. I would like each juror to state how Internet savvy he or she are, from “Not at all” to “Very knowledgeable.” For those that are very knowledgeable, please describe how you gained the knowledge and any areas you believe you have a level of expertise?
11. If the evidence and law in this case established that Plaintiff was entitled to millions of dollars in damages, would you have any problem awarding the damages warranted under law?
12. This case requires you to determine whether Defendants’ had a bad faith intent to profit from Plaintiff’s trademarks when it registered and used certain domain names. Would you have any problem finding that Defendant acted in ‘bad faith’ if the evidence supported that conclusion?
13. This case involves weather-streaming technology developed by a group of people, some of who were University of Michigan professors and/or graduates. In Michigan we love our collegiate rivalries and can be very passionate about them. If you are a graduate of somewhere other than the University of Michigan or have allegiance to a different university (e.g. Michigan State Spartan fan, Ohio State Buckeye), can you put aside any feelings you may have about allegiance to a particular university or sports teams and decide this case only on the evidence presented?

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

/s/Enrico Schaefer

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