

Joint Witness List

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.

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
231-932-0411
enrico.schaefer@traverselegal.com
brianhall@traverselegal.com
Lead Attorneys for Plaintiff

Anthony P. Patti (P43729)
HOOPER HATHAWAY, PC
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
apatti@hooperhathaway.com
Attorneys for Plaintiff

William A. Delgado
WILLENKEN WILSON LOH & LIEB LLP
707 Wilshire Boulevard, Suite 3850
Los Angeles, CA 90017
(213) 955-9240
williamdelgado@willenken.com
Lead Counsel for Defendants

Nicholas J. Stasevich (P41896)
Benjamin K. Steffans (P69712)
BUTZEL LONG, P.C.
150 West Jefferson, Suite 100
Detroit, MI 48226
(313) 225-7000
stasevich@butzel.com
steffans@butzel.com
Local Counsel for Defendants

JOINT WITNESS LIST

For its witnesses in this matter, Plaintiff The Weather Underground, Inc. identifies the following witnesses:

Witness Name	Area of Testimony	Anticipated Time for Direct	Anticipated Time for Cross
Jeff Ferguson	Mr. Ferguson is expected to testify consistent with those matters included in his deposition and discovery responses provided in this case.	4 hours	2 hours
Chris Schwerzler	Mr. Schwerzler is expected to testify consistent with those matters included in his depositions and discovery responses and production provided in this case. Mr. Schwerzler is also expected to testify consistent with the Court's December 16, 2011, Order, concerning the information contained in the TerraByte drive and related documents produced by Defendants in this case.	5 hours	4 hours
Jeff Masters	Mr. Masters is expected to testify	1 hour	30 minutes

	<p>consistent with those matters included his deposition and discovery responses provided in this case.</p>		
John Di Giacomo	<p>Mr. Di Giacomo is an associate attorney with Traverse Legal and is expected to testify concerning certain foundational information concerning screenshots which he participated in creating of various websites at issue in this case, as well as comment, to the extent necessary, regarding third party registrations with the USPTO.</p>	1 hour	30 minutes
Lily Stevenson (adverse)	<p>Ms. Stevenson is expected to testify consistent with those matters included her deposition and discovery responses provided in this case.</p>	2 hours	30 minute re-direct
John Berryhill (Defendant's expert witness,	<p>Mr. Berryhill is expected to testify consistent with those matters included his deposition and</p>	3 hours	1 hour redirect.

<p>assuming Defendant elects not to put Mr. Berryhill on the stand during their defense)</p>	<p>discovery responses provided in this case.</p>		
<p>David Graff</p>	<p>Mr. Graff is expected to testify consistent with those matters included his deposition and discovery responses provided in this case.</p>	<p>2 hours</p>	<p>30 minutes redirect</p>
<p>Seth Jacoby (via deposition as Mr. Jacoby allegedly no longer works for Defendant or any related company)</p>	<p>Mr. Jacoby is expected to testify consistent with those matters included his deposition and discovery responses provided in this case.</p>	<p>3 hours</p>	<p>30 minutes redirect</p>
<p>Mavi Llamas (possibly via deposition as Ms. Lamas allegedly</p>	<p>Ms. Llamas is expected to testify consistent with those matters included her deposition and discovery responses provided in</p>	<p>2 hours</p>	<p>30 minutes redirect</p>

no longer works for Defendant or any related company)	this case.		
Donald Misino (via deposition as Mr. Misino allegedly no longer works for Defendant or any related company)	Mr. Misino is expected to testify consistent with those matters included his deposition and discovery responses provided in this case.	5 hours	1-2 hours redirect
Chris Pirrone (via deposition as Mr. Pirrone allegedly no longer works for Defendant or any related company)	Mr. Pirrone is expected to testify consistent with those matters included his deposition and discovery responses provided in this case.	3 hours	1 hour redirect.
Dennis Rhee (via deposition as Mr. Rhee allegedly no longer works for	Mr. Rhee is expected to testify consistent with those matters included his deposition and discovery responses provided in	2 hours	30 minutes redirect.

Defendant or any related company)	this case.		
Arthur Shaw (via deposition as Mr. Shaw allegedly no longer works for Defendant or any related company)	Mr. Shaw is expected to testify consistent with those matters included his deposition and discovery responses provided in this case.	1 hour	30 minutes redirect
Quantcast Corporation	Records custodian and foundation witness, to the extent Defendants do not stipulate to authenticity or admissibility, in order to admit records.	1 hour	15 minutes
Hitwise Pty Ltd.	Records custodian and foundation witness, to the extent Defendants do not stipulate to authenticity or admissibility, in order to admit records.	1 hour	15 minutes
Alexa Internet, Inc.	Records custodian and foundation witness, to the extent Defendants do not stipulate to authenticity or admissibility, in order to admit	1 hour	15 minutes

	records.		
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For its witnesses in this matter, Defendants Connexus Corporation, Navigation Catalyst Systems, Inc, and Firstlook, Inc. identify the following witnesses:

Witness Name	Area of Testimony	Anticipated Time for Direct	Anticipated Time for Cross
Donald Misino	Mr. Misino may be called to testify regarding the domain related software operated by NCS, including its architecture and operation and the elements which comprise the software including the data sources, the fuzzy match system, the n-gram match system, the PTO database, the blacklist, the “flagged as trademarks” list, and NCS’s efforts, generally, to avoid certain domain name registrations through an automated registration process.	4 hours	See above. Adverse witness. Re-cross.
Lily Stevenson	Ms. Stevenson may be called to testify regarding the NCS domain	3 hours	See above. Adverse witness.

	name purchasing process, legal compliance related to NCS domain names, including human screening of domain names, trademark review of domain names, responses to cease-and-desist letters and UDRP arbitrations.		Re-cross.
Chris Pirrone (by deposition testimony)	Mr. Pirrone may be called to testify regarding the NCS domain name purchasing process, legal compliance related to NCS domain names, including human screening of domain names, trademark review of domain names, responses to cease-and-desist letters and UDRP arbitrations.	2 hours	See above. Adverse witness. Re-cross.
Mavi Llamas	Ms. Llamas may be called to testify regarding the NCS domain name purchasing process as it existed in 2004-2005, and the process for NCS keyword optimization.	3 hours	See above. Adverse witness. Re-cross.

Dennis Rhee	Mr. Rhee may be called to testify regarding the operation of NCS, including the purchase of domain names as well as human screening of domain names.	2.5 hours	See above. Adverse witness. Re-cross.
Richard E. Korf (Expert Witness)	Dr. Korf may be called to testify regarding his education and experience in the field of computer science, the substance of his expert report which includes an analysis of the domain name registration software utilized by NCS, the challenges faced by NCS in creating its software, and to rebut any expert witnesses called by Plaintiff with respect to these issues.	3 hours	3 Hours
John Berryhill, Ph.D., Esq. (Expert Witness)	Mr. Berryhill may be called to testify regarding his education and experience in the field of domain names, the substance of his expert report, which includes the history	2.5 hours	3 Hours

	of the Anti-Cybersquatting Consumer Protection Act and the history and purpose of domain name monetization.		
Alan Steremberg (Adverse Witness)	Mr. Steremberg may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's marketing and advertising.	.5 hour	1 Hour
Chris Schwerzler (Adverse Witness)	Mr. Schwerzler may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's website advertisement traffic.	1 hour	1 Hour

<p>Jeff Ferguson (Adverse Witness)</p>	<p>Mr. Ferguson may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation, Plaintiff, Plaintiff's business, Plaintiff's trademarks, Plaintiff's marketing and advertising, Plaintiff's finances, and Plaintiff's efforts at protecting its trademarks.</p>	<p>.5 hour</p>	<p>1 Hour</p>
<p>Jeffrey Masters, Ph.D. (Adverse Witness)</p>	<p>Dr. Masters may be called to testify regarding information and evidence concerning the allegations made in Plaintiff's Complaint, specifically including without limitation Plaintiff, Plaintiff's business, Plaintiff's trademarks, and Plaintiff's blog and related online offerings.</p>	<p>.5 hour</p>	<p>30 minutes</p>

Defendants also reserve the right to call any witness called by Plaintiff.

RESPECTFULLY SUBMITTED this 28th day of February 2012.

/s/William A. Delgado

William A. Delgado
WILLENKEN WILSON LOH & LIEB LLP
707 Wilshire Boulevard, Suite 3850
Los Angeles, CA 90017
(213) 955-9240
williamdelgado@willenken.com
Lead Counsel for Defendants

/s/Enrico Schaefer

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
231-932-0411
enrico.schaefer@traverselegal.com

Lead Counsel for Plaintiff

Anthony P. Patti (P43729)
HOOPER HATHAWAY, PC
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
apatti@hooperhathaway.com

Attorneys for Plaintiff