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protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control. Once such documents are located, if any, NCS can supplement this responses to indicate what it has and does not have and what it can produce.”

Plaintiff's Position: It is incredible that you lodge objections to this Request based on relevance, vagueness and ambiguity. How documents going to the Court issue can be overly broad, unduly burdensome and harassing is beyond me. These are frivolous objections, as noted so many other places in this letter. If you do not have a legitimate objection, you are not allowed to lodge it. These objections should be withdrawn. Also, please confirm that you will be producing all documentation, whether paper or printed from digital, as well as documents from Basic Fusion, Firstlook and Connexus. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

36. With regard to your response to Request for Production No. 33, we requested that you “Produce all Documents identifying what advertisement links on each Domain At Issue were clicked and for each click: a. The advertisement text; b. The advertisement hyperlink; c. The entrance and navigation path for each visitor.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for non-privileged, responsive documents in its possession, custody, and/or control. Once such documents are located, if any, NCS can supplement this responses to indicate what it has and does not have and what it can produce.”

Plaintiff's Position: You have completely disregarded the definition of “Domains at Issue.” Further, see Plaintiff's Position with regard to Request for Production No. 32.

37. With regard to your response to Request for Production No. 34, we requested that you “Produce all Documents showing Your revenues, both gross and net, and profits from each Domain At Issue.”

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You responded as follows: "A report containing the information sought in this request, to the extent it is in NCS's possession, custody, and/or control, accompanies these responses."

Plaintiff's Position: You have completely disregard the definition of "Domains at Issue". Further, see Plaintiff's Position with regard to Request for Production No. 32.

38. With regard to your response to Request for Production No. 35, we requested that you "Produce a list of all domains registered by Defendant since inception, including domain registered and later dropped under the Add Grace Period (AGP)."

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine."

Plaintiff's Position: These objections are not well founded. It is hard to imagine how your list of domains is somehow protected by the attorney client privilege or work product doctrine. Are you suggesting that your attorneys are the ones who register these domains? I thought you had automated software with registered domains? Your other objections are also ill founded. As you know, your business model, as well as your complete domain portfolio, is directly relevant to the issue of whether or not you are engaged in bad faith cybersquatting or have implemented a business model which essentially engages in trademark infringement. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

39. With regard to your response to Request for Production No. 36, we requested that you "For each domain identified in response to Request # 35 above, produce: a. Date of registration; b. Registrar used; c. All WHOIS information, including administrative, technical, and other contacts; d. Archived website displayed, or if archived website is unavailable, a description of website used in connection with the domain name including hyperlinks and meta-tags; e. Revenue, both gross and net, and profits from each domain name; f. Date when You ceased serving as Registrant; g. Reason for having ceased serving as Registrant; h. All correspondence received by third parties related to that domain name and all responses thereto."

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 35.

40. With regard to your response to Request for Production No. 37, we requested that you “Produce all Documents related to web traffic statistics for each domain identified in response to Request # 35, including but not limited to: a. referring links; b. page views; c. internal and external search queries; d. user locations; e. IP addresses; f. keyword use; g. visitor paths; h. entry pages; and i. exit pages.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 35.

41. With regard to your response to Request for Production No. 38, we requested that you “Produce all Documents identifying what advertisement links were shown/displayed on the web site for each domain identified in response to Request # 35 and were clicked and for each click: a. The advertisement text; b. The advertisement hyperlink; c. The entrance and navigation path for each visitor; d. The amount paid to Defendant for each click.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents

protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 35.

42. With regard to your response to Request for Production No. 39, we requested that you “Produce all Documents showing Your revenues, both gross and net, and profits from each domain identified in response to Request # 35.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 35.

43. With regard to your response to Request for Production No. 40, we requested that you “Produce all Documents or Communications concerning any occasion on which or each instance whereby: a. You received an inquiry or communication, whether oral or in writing, concerning products or services advertised, promoted, marketed, sold or offered for sale by Plaintiff under or in connection with the Domains at Issue; b. Any third party, person, company, organization, or individual has attempted to purchase or has sought assistance or information from You concerning products or services advertised, promoted, marketed, sold, or offered for sale by Plaintiff under or in connection with the Domains at Issue; c. Any third party, person, company, organization or individual was, or appeared to be, confused, deceived or mistaken regarding the source or origin of products or services advertised, promoted, marketing, offered for sale and/or sold by You under or in connection with the Domains at Issue; d. Any third party, customer, consumer or other person or entity inquired if there is an affiliation between Plaintiff and You in connection with products or services advertised, promoted, marketed, sold or offered for by You under or in connection with the Domains at Issue; e. Your products or services offered in connection with the Marks were mistakenly identified or referred to as those of Plaintiff.

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad,

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unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents in its possession, custody and/or control.”

Plaintiff’s Position: Your response suggests that you have no data or information as to which ads were clicked on on the websites directly at issue in this case? You disclosed supposed gross revenue driven for the Domains at Issue, but you have no ideas what advertisements were shown on the Domains at Issue? Your objections are unfounded. To the extent that you are saying that Firstlook has the data which shows the ads which appeared on the websites on the Domains at Issue, revenue generated therefore, and otherwise, I doubt any Court would believe that you do not have direct access to that information. Thus, you are obliged to provide it. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

44. With regard to your response to Request for Production No. 41, we requested that you “Produce all Documents and Communications, including emails, You received in connection with the operation of the websites on: a. the Domains at Issue, and b. each domain identified in response to Request # 35.?”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents for the Domains at Issue in its possession, custody, and/or control.”

Plaintiff’s Position: Please review your response. We know that you have emails and communications regarding the operation of the websites on the Domains at Issue. Some of those documents would have been generated by us and responded to by you. Your response that you have no documents is patently false and meant to mislead. Moreover, you are obliged to provide all communications with regards to all domains in your portfolio as part of our entitlement to discovery concerning your status as a habitual bad faith cybersquatter and to defend against your repeated assertions that “NCS does not ‘target’

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trademarks.” “NCS goes out of its way to avoid registering domain names that might be arguably violative trademarks.” “NCS takes ‘prophylactic’ measures to protect trademark holders.” “NCS has continuously abided by its policy to transfer domains in appropriate circumstances.”

45. With regard to your response to Request for Production No. 42, we requested that you “Produce all internal and external Communications regarding or relating to the Domains At Issue.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no external, responsive documents in its possession, custody, and/or control. NCS is searching for internal, non-privileged responsive documents and will produce non-privileged documents in its possession, custody, and/or control, if any.”

Plaintiff’s Position: Again, you have responded that NCS has no documents “in its possession, custody, and/or control.” We know for a fact this is untrue. NCS regularly responds to correspondence from third parties through Connexus. Are you really saying that in the standard course of business, Connexus responds to correspondence for you but you don’t have any access to those documents when it comes to litigation? We believe that your objections are unfounded and beyond the attorney client privilege and attorney work product objections. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

46. With regard to your response to Request for Production No. 43, we requested that you “Produce all Documents regarding or relating to domain purchase offers, complaints, questions or any feedback concerning or relating to: a. the Domains At Issue, and b. each domain identified in response to Request # 35.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the

attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for responsive, non-privileged documents for the Domains at Issue, which it may have in its possession, custody, and/or control.”

Plaintiff’s Position: We believe that the objections are unfounded. By way of clarification, Request for Production No. 43 should read “produce all documents regarding and/or relating to domain purchase offers, ...” We assume you will also be producing documents through affiliated companies, including Connexus, Basic Fusion and Firstlook.

47. With regard to your response to Request for Production No. 44, we requested that you “Produce all Search Engine Optimization (SEO) efforts regarding: a. the Domains At Issue and b. each domain identified in response to Request # 35.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody and/or control.”

Plaintiff’s Position: We believe the objections are unfounded. It is hard to imagine your attorneys getting involved in search engine optimization. The other objections similarly have no application to the Request for Production. Moreover, we take it from previous objections, you are specifically excluding documents from related companies as defined. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

48. With regard to your response to Request for Production No. 45, we requested that you “Produce all Documents or other Communications, internal and external, pertaining to each and every instance of notice, whether oral or in writing, that You were registrant of a domain name that was alleged to: a. infringe a trademark; b. dilute a trademark; c. constitute cybersquatting; d. have been used without permission; e. violate any intellectual property right; f. violate a contract or agreement.”

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it is duplicative of prior requests; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine."

Plaintiff's Position: We believe that your objections are unfounded. We ask that you withdraw your objections and respond to the discovery.

49. With regard to your response to Request for Production No. 46, we requested that you "Produce all Documents reflecting authorization or permission from a third party trademark or service mark owner to NCS register a domain name incorporating the third party trademark or service mark, or anything confusingly similar thereto."

You responded as follows: "Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no non-privileged, responsive documents in its possession, custody, and/or control."

Plaintiff's Position: The objections are unfounded. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

50. With regard to your response to Request for Production No. 47, we requested that you "Produce all Documents reflecting NCS's offer to sell any domain name registered by NCS."

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine."

Plaintiff's Position: Your attempt to sell domain names which are infringing third party trademarks is directly relevant to our claims and your "white hat" defenses. The objections should be withdrawn. You need to produce the documents requested.

51. With regard to your response to Request for Production No. 48, we requested that you “Produce all Documents reflecting NCS’s sale of any domain name registered by NCS.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 47.

52. With regard to your response to Request for Production No. 49, we requested that you “Produce all Documents reflecting domain names tasted by NCS under the Add Grace Period (“AGP”).”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: Your defense is that you are a “white hat” domainer who doesn’t do anything to purposefully infringe third party trademarks. If you were “tasting” domains during the five day free ad grace period or the modified AGP process in order to determine if they have traffic, then you also must have been reviewing those domains for possible registration and trademark violations. No one would dispute that the highest traffic websites are most often fully trademark protected. You need to identify all domains that you registered during the AGP. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

53. With regard to your response to Request for Production No. 50, we requested that you “Produce all analysis and/or reports or any kind, whether annual, semi-annual, quarterly, monthly, weekly, daily or one time reports, created and/or used by Defendant regarding its business of domain registration, parking and/or monetization including but not limited to: a. Internet traffic; b. Internet search keywords; c.

Domain registration; d. Renewal of registration; e. Deletion; f. Parking; g. Web site traffic; h. Revenue; i. Monetization; j. Trademarks.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: Your objections are unfounded. The concept that web traffic statistics, revenue and the search terms used by users of your typosquatted websites are not relevant to this litigation is beyond incredible.

54. With regard to your response to Request for Production No. 51, we requested that you “Produce all agreements between Defendant and any provider of internet advertising services, including drafts, and all Documents regarding or relating to the agreement.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.”

Plaintiff’s Position: We appreciate your willingness to provide your agreement with Firstlook. I assume from your response that you have no other documents, either within your control or the control of your affiliated companies, which are responsive to Request for Production No. 51. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

55. With regard to your response to Request for Production No. 52, we requested that you “Produce all agreements between Defendant and any provider of web page

‘parking’ services, including drafts, and all Documents regarding or relating to the agreement.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for its parking agreement with Firstlook and will produce such agreement.”

Plaintiff’s Position: See Plaintiff’s Position with regard to Request for Production No. 51.

56. With regard to your response to Request for Production No. 53, we requested that you “Produce all agreements between Defendant and any provider of web hosting services, including drafts, and all Documents regarding or relating to the agreement.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has non non-privileged, responsive documents in its possession, custody, and/or control.”

Plaintiff’s Position: Again, it is hard to imagine how your objections apply here. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

57. With regard to your response to Request for Production No. 54, we requested that you “Produce all agreements between Defendant and any party regarding commissions, payments, proposals or other consideration relating to advertising, “click-throughs,” sales, placement or appearance on any of the Defendant’s websites hosted on domains registered to Defendant at any time.”

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You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine."

Plaintiff's Position: The documents in Request for Production No. 54 are directly relevant to your status as a cybersquatter and your drum beaten defense that you do not do anything wrong, respect third party trademarks, and take all sorts of precautions, using non-existent employees, to ensure that you do not violate third party trademark rights. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

58. With regard to your response to Request for Production No. 55, we requested that you "Produce all Documents regarding or relating to the development, design, collection and evaluation of information for the creation and modification of the 'parking page' web site(s) hosted on the Defendant's domains."

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine."

Plaintiff's Position: The documents requested are directly relevant to this case. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

59. With regard to your response to Request for Production No. 6, we requested that you "Produce all Documents related to domain names registered by Defendant at any time which were, or are not currently, parked by Defendant."

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad,

unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: The documents requested are directly relevant to this case. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

60. With regard to your response to Request for Production No. 57, we requested that you “Produce all documents by and between Defendant and Google, Yahoo and/or MSN concerning the following matters: a. Contracts or agreements between the parties; b. Reports between the parties; c. Displaying paid advertisements on any of Defendant’s domains; d. Trademark or copyright issues; e. Violations of policies or terms.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff’s Position: The documents requested are directly relevant to this case. We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

61. With regard to your response to Request for Production No. 58, we requested that you “Produce all documents relating to any litigation, arbitration or other adversarial proceeding between You and any other person or Company. To the extent You claim a privilege, prepare a privilege log in compliance with law.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents

protected by the attorney-client privilege and the attorney work product doctrine.”

Plaintiff's Position: So if I am understanding your objections correctly, you get to tell the jury that you never violate third party trademarks and are “white hat” domainer, but we are not entitled to see any of the threat letters, arbitrations or litigations filed against your company which would totally undermine your defenses? We would ask that you stipulate to withdraw your objections and order to produce the requested documents within 14 days.

62. With regard to your response to Request for Production No. 59, we requested that you “Produce all Communications between Defendant and any provider of weather-related services.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is vague and ambiguous; it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS has no responsive documents in its possession, custody, and/or control.”

Plaintiff's Position: Thank you for your response. Please withdraw your objections as they are unfounded.

63. With regard to your response to Request for Production No. 60, we requested that you “Produce all documents reflecting trademarks owned by Defendant and all notice, threat, complaint and/or litigation Documents related to enforcement of those trademarks.”

You responded as follows: “In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it is overly broad, unduly burdensome and harassing; it calls for the production of documents that are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine.”

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Plaintiff's Position: Please withdraw your objections and provide the documents requested. Your objections are frivolous.

64. With regard to your response to Request for Production No. 61, we requested that you "Produce all Documents which support or relate to Defendant's affirmative defenses."

You responded as follows: "In addition to the foregoing general objections which are expressly incorporated herein, NCS objects to this Request on the bases and to the extent that: it calls for documents that are not in NCS's possession, custody, and/or control; it calls for documents that are in WU's possession, custody, and/or control; and it calls for the production of documents protected by the attorney-client privilege and the attorney work product doctrine. Subject to and without waiving the foregoing objections, NCS responds as follows: NCS is searching for responsive, non-privileged documents in its possession, custody, and/or control, and will produce such documents, if any."

Plaintiff's Position: Please withdraw your objections and produce the documents requested.

It is now clear that NCS intends on doing whatever it can to avoid producing documents in this case. Again, we do not have the luxury of time. NCS unfounded objections and obstruction is a set-back in our effort to complete discovery within the Court's scheduling deadlines. We will not continue to be delayed in our efforts to obtain basic, straight forward and relevant information.

Sincerely,

TRAVERSE LEGAL, PLC

A handwritten signature in black ink, appearing to be 'ES' with a stylized flourish.

Enrico Schaefer
enrico@traverselegal.com

ES/cad
Cc: All counsel of record