

Subject to and without waiving the foregoing objections, NCS responds as follows: The Trademark Review Instructions document which is responsive to this request has been produced together with these responses.

30. Produce all Documents which constitute, refer to or relate to the policy, procedure, process and/or guideline regarding the operation of NCS, including employment manuals, not otherwise identified above.

RESPONSE:

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.

31. Produce all Documents related to the registration of each Domain At Issue and for each domain:

- a. Date of registration;
- b. Registrar used;
- c. All WHOIS information, including administrative, technical, and other contracts;
- d. Archived website displayed, or if archived website is unavailable, a description of website used in connection with the domain name including hyperlinks and metatags;

- 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; and
- h. All correspondence received by third parties related to that domain name and all

responses thereto;

RESPONSE:

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: 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.

32. Produce all Documents related to web traffic statistics for each Domain At Issue, 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.

RESPONSE:

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 response to indicate what it has and does not have and what it can produce.

33. 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.

RESPONSE:

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 response to indicate what it has and does not have and what it can produce.

34. Produce all Documents showing Your revenues, both gross and net, and profits from each Domain At Issue.

RESPONSE:

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.

35. Produce a list of all domains registered by Defendant since inception, including domain registered and later dropped under the Add Grace Period (AGP).

RESPONSE:

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.

36. 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 metatags;
 - 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.

RESPONSE:

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.

37. 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.

RESPONSE:

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.

38. 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.

RESPONSE:

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.

39. Produce all Documents showing Your revenues, both gross and net, and profits from each domain identified in response to Request # 35.

RESPONSE:

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.

40. 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.

RESPONSE:

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.

41. 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.

RESPONSE:

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.

42. Produce all internal and external Communications regarding or relating to the Domains At Issue.

RESPONSE:

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.

43. Produce all Documents regarding or relating to domain purchase others, complaints, questions or any feedback concerning or relating to:
- a. the Domains At Issue, and
 - b. each domain identified in response to Request # 35.

RESPONSE:

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, if any.

44. Produce all Search Engine Optimization (SEO) efforts regarding:
- a. the Domains At Issue and
 - b. each domain identified in response to Request # 35.

RESPONSE:

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.

45. 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.

RESPONSE:

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.

46. Produce all Documents reflecting authorization or permission from a third party trademark or service mark owner to NCS to register a domain name incorporating the third party trademark or service mark, or anything confusingly similar thereto.

RESPONSE:

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.

47. Produce all Documents reflecting NCS's offer to sell any domain name registered by NCS.

RESPONSE:

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.

48. Produce all Documents reflecting NCS's sale of any domain name registered by NCS.

RESPONSE:

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.

49. Produce all Documents reflecting domain names tasted by NCS under the Add Grace Period ("AGP").

RESPONSE:

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.

50. 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

RESPONSE:

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.

51. Produce all agreements between Defendant and any provider of internet advertising services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

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.

52. Produce all agreements between Defendant and any provider of web page 'parking' services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

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.

53. Produce all agreements between Defendant and any provider of web hosting services, including drafts, and all Documents regarding or relating to the agreement.

RESPONSE:

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 non-privileged, responsive documents in its possession, custody, and/or control.

54. 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.

RESPONSE:

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.

55. 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.

RESPONSE:

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.

56. Produce all Documents related to domain names registered by Defendant at any time which were, or are not currently, parked by Defendant.

RESPONSE:

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.

57. 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.

RESPONSE:

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.

58. 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

RESPONSE:

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.

59. Produce all Communications between Defendant and any provider of weather-related services.

RESPONSE:

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.

60. Produce all documents reflecting trademarks owned by Defendant and all notice, threat, complaint and/or litigation Documents related to enforcement of those trademarks.

RESPONSE:

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.

61. Produce all Documents which support or relate to Defendant's affirmative defenses.

RESPONSE:

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.

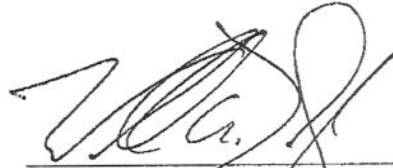
//

//

62. Produce all Documents concerning Your policy(ies) with respect to retention or disposition of documents and all data.

RESPONSE:

Subject to and without waiving the foregoing objections, NCS responds as follows: The relevant document retention policy accompanies these responses.



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

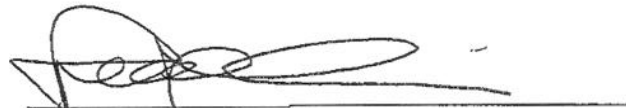
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2010, I served Defendant Navigation Catalyst Systems, Inc.'s Objections and Responses to First Set of Requests for Production via electronic mail and U.S. Mail, first-class, postage prepaid on:

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

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

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



Helen Hsiao
Assistant to William A. Delgado