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; BASIC FUSION, INC.,
a Delaware corporation; CONNEXUS CORP.,
a Delaware corporation; and FIRSTLOOK, 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

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

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

PLAINTIFF'S RESPONSES TO DEFENDANT'S FIRST SET OF REQUESTS FOR PRODUCTION

NOW COMES Plaintiff, The Weather Underground, Inc. ("Plaintiff"), by and through it's counsel, Traverse Legal, PLC, and answers Defendant's First Set of Requests for Production as follows:

GENERAL OBJECTIONS

1. Plaintiff objects to Defendant's "Instructions" and "Definitions" to the extent they purport to impose discovery obligations that differ from or exceed the discovery obligations imposed by the Federal Rules of Civil Procedure or the local rules.

2. Plaintiff objects to the Requests for Production to the extent that they seek information protected by the attorney-client privilege, the work-product privilege, or any other privilege, protection, or immunity applicable under the governing law.

3. To the extent Defendants seek user information, such as emails, logins, user data or other information subject to privacy terms or laws, Plaintiff will produce responsive documents subject to a separate appropriate agreement which will protect that highly sensitive and private information.

4. Plaintiff objects to the Requests for Production to the extent that they are overly broad, unduly burdensome, oppressive, and/or seek information that is not relevant to the issues in this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

5. These General Objections are made, to the extent applicable, in response to each of the Requests for Production as if the objections were fully set forth therein.

6. Plaintiff responds to each of the Requests for Production based upon information and documentation available as of the date hereof and reserves the right to supplement and amend their responses.

REQUESTS FOR PRODUCTION

Request for Production No. 1.: Documents sufficient to show the names, titles, and job responsibilities of Your officers and directors and the physical location of their office.

Response: Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 2.: Documents sufficient to show the names, titles, and job responsibilities of Your employees and the physical location of their office.

Response: Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 3.: Documents sufficient to show Your organizational structure, including, but not limited to, your business divisions, subsidiaries, and affiliated companies.

Response: Plaintiff objects to the term "affiliated companies" as vague and ambiguous. Assuming Defendant means that "affiliated companies" are ones owned by the same individuals as Weather Underground, Inc. which are doing business in coordination with and/or on behalf of Weather Underground, Inc., Plaintiff states that it

has no documents responsive to this portion of the request. As to the remainder of the Request, Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 4.: Documents sufficient to show Your policies for creating or retaining records, including, but not limited to, your document retention policies.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 5.: Documents sufficient to show Your policies for discarding or destroying records, including, but not limited to, your document destruction policies.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 6.: All Documents that refer or relate to or constitute any application(s) to register the Weather Underground Marks, or any of them, as a trademark, service mark, Internet domain name, or fictitious business name.

Response: Plaintiff objects to the phrase "that refer or relate to" as vague and ambiguous. Plaintiff further objects to the extent trademark registrations are publicly available through the <www.USPTO.gov> web site and, apparently, through Defendant's own internal U.S. trademark database. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 7.: All Documents that evidence, refer or relate to Your public use of the Weather Underground Marks, or any of them, at any time (including from the date of first use to your response hereto), including, but not limited to, your use of the Weather Underground Marks, or any of them, in correspondence, print advertisements, contracts with customers, contracts with vendors, on the radio, on television, on the Internet, or in any other advertising, marketing or promotional material.

Response: Plaintiff objects to this request seeking all uses of the Weather Underground marks in any context for any reason as overly-broad, unduly burdensome and vague. Further, uses of Plaintiff's marks in all "correspondence" or "contracts with customers" or "contracts with vendors" would require production of documents not relevant, nor reasonably calculated to lead to the discovery of admissible information. The web sites owned and operated by Plaintiff are publically available on the internet and illustrate and describe in detail public use of Plaintiff's marks. Finally, correspondence and contracts are not typically thought of as "advertising, marketing or promotional material" making the Request internally inconsistent and nonsensical. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce further relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 8.: All Documents that evidence or reflect Your earliest or first public use of the Weather Underground Marks, or any of them, including, but not limited to, use of the name in correspondence, print advertisements, contracts with customers, contracts with vendors, on television, on the radio, on the Internet, or in any other advertising, marketing, or promotional material.

Response: Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 9.: All Documents that evidence or reflect Your earliest or first public use in interstate commerce of the Weather Underground Marks, or any of them, including, but not limited to, use of the name in correspondence, print advertisements, contracts with customers, contracts with vendors, on television, on the radio, on the Internet, or in any other advertising, marketing, or promotional material.

Response: Plaintiff has identified, has sent out for bates stamping and will produce documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 10.: All Documents that evidence, reflect, discuss, mention, or relate to any of the services ever offered or provided by You under the Weather Underground Marks, or any of them, including, without limitation, all Documents that evidence, reflect, discuss, mention, or relate to the types of services which You have offered, the dates upon which those services were offered, and the prices which You have advertised, offered, or charged for same.

Response: Plaintiff objects to this request, which essentially asks for all documents held by Weather Underground in any way related to its business model and operations, as overly-broad and unduly burdensome. Moreover, this request seeks documents which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The web sites owned and operated by Plaintiff are publically

available on the internet and illustrate and describe in detail the various services offered by Plaintiff. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 11.: All Documents that evidence, discuss, mention, reflect, refer or relate to the total number of Your customers, per month, for each service offered by You under the Weather Underground Marks since the first offering of the particular service.

Response: Plaintiff objects to this request as overly-broad and unduly burdensome. Defendant apparently does not contest Plaintiff's trademark rights, its service offerings or its traffic. Apparently, Defendant excuses it registration of the subject domains based on its automated software systems. Finally, Defendant's use of the word "customer" is vague in that it is unclear whether Defendant means advertisers or web site visitors. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective

Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 12.: Your financial or accounting records from 2006 to the present, including but not limited to, all (i) income statements, (ii) balance sheets, (iii) cash flow statements, (iv) accounting notes, (v) periodic reports (e.g. monthly, quarterly, and annual financial statements and reports), (vi) planning reports, (vii) cost estimates, (viii) budgets, and (ix) projections and forecasts.

Response: Plaintiff objects to this Request in that is overly-broad and seeks Plaintiffs financial information which is neither relevant nor reasonably calculated to lead to the discovery of relevant information. Plaintiff has elected not to seek its own lost profits as part of its damages in this case, and hereby waives any claim to its own lost profits as damages. Plaintiff may seek disgorgement of Defendant's profits, statutory damages under 28 U.S.C. § 1117 and other relief allowed under law and equity. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be

available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 13.: All Documents containing any information that would support or tend to support Your claim for damages or lost profits in this action.

Response: Plaintiff hereby re-states and incorporates its Response to Request No 12.

Request for Production No. 14.: All Documents that evidence, reflect, refer or relate to any effort by You to advertise, market, promote, or sell any product or service under the Weather Underground Marks at any time, including, but not limited to, all letters, faxes, e-mails, contracts or quotations or bids offered to third parties, press releases, brochures, flyers, mailers, print ads, Internet ads (e.g. content placed on Your website, or in pop-up ads on third party websites), Internet search engine key word sponsorships, phone book advertisements, television commercials, and radio commercials.

Response: Plaintiff objects to this request as vague, overly-broad and seeking information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this

Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 15.: All Documents that evidence, reflect, refer or relate to any effort by You to advertise, market, promote, or sell any product or service under any mark(s) *other than* the Weather Underground Marks at any time, including, but not limited to, all letters, faxes, e-mails, contracts or quotations or bids offered to third parties, press releases, brochures, flyers, mailers, print ads, Internet ads (e.g. content placed on Your website, or in pop-up ads on third party websites), Internet search engine key word sponsorships, phone book advertisements, television commercials, and radio commercials.

Response: Plaintiff objects to this request as vague, overly-broad and seeking information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It is unclear what Defendant is seeking by way of this request and what it means by "any mark(s) *other than* the Weather Underground Marks." If Defendant will clarify what is being sought, Plaintiff will attempt to further respond.

Request for Production No. 16.: All Documents that evidence, refer or relate to Your first discovery of NCS.

Response: Plaintiff objects to this request to the extent it seeks information protected by the Attorney-Client Privilege and /or the Attorney Work Product doctrine. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 17.: All Documents that refer or relate to NCS excluding documents protected by the attorney-client privilege and/or attorney work product doctrine.

Response: Plaintiff does not understand what Defendant is seeking in this request. If Defendant will clarify what is being sought beyond documents which are protected by the attorney-client privilege and/or attorney work product doctrine, Plaintiff will attempt to further respond.

Request for Production No. 18.: All Documents that constitute, refer or relate to any written or oral communication between You and any other Person at any time, or any written or oral communication internal to You, including e-mails amongst Your employees, at any time, referring or relating to NCS other than any Document protected by the attorney-client privilege.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 19.: All Documents that evidence, refer or relate to any confusion or mistake on the part of any Person at any time between You and NCS or any confusion or mistake which You allege to have been caused by any statement, act, or omission of NCS.

Response: Most such documents are expected to be in the possession of Defendant, which has not produced any documents to date. The publically available web sites and screen captures of those web sites on the subject typo-domains have

previously been provided to Defendant. However, Plaintiff is searching for and will produce any further documents in its possession responsive to this Request.

Request for Production No. 20.: All Documents that constitute, evidence, refer or relate to any written or oral communication between You and any other Person at any time, or any written or oral communication internal to You, including e-mails amongst Your employees, at any time, that refers or relates to any confusion or mistake on the part of any Person at any time between You and NCS or any confusion or mistake which You allege to have been caused by any statement, act, or omission of NCS.

Response: Plaintiff objects to this request as duplicative of previous requests, and lodged merely to harass Plaintiff. By way of further response, Plaintiff refers Defendant to its responses to Request 19 which is hereby incorporated by reference.

Request for Production No. 21.: Documents sufficient to show the IP addresses for visitors to any web site hosted at a domain name that you own or control from 2006 to the present.

Response: Plaintiff objects to this request as seeking information not relevant to this litigation and unduly burdensome. Plaintiff does millions of page loads per day from a very large number of visitors. If Defendant will articulate why IP addresses of its web site visitors is relevant, Plaintiff will attempt to further respond.

Request for Production No. 22.: Documents sufficient to identify the investors and/or owners of The Weather Underground.

Response: Plaintiff objects to this request as seeking information which is not relevant to this proceeding. If Defendant will articulate why such information is relevant,

Plaintiff will attempt to further respond. Without waiving this objection, Plaintiff would refer Defendant to its web site www.wunderground.com/about/background.asp which contains background information concerning the company.

Request for Production No. 23.: All Documents that evidence, constitute, refer, or relate to the minutes of any Board Meeting in which any of the following was discussed:

(a) This Action.

(b) NCS.

(c) The Domains At Issue.

Response: Plaintiff objects to this request as any such documents, to the extent they exist, would be protected by the attorney client privilege and/or attorney work product doctrine.

Request for Production No. 24.: All Documents evidencing, referring, or relating to Communications between You and any Person or any Communication internal to You, including e-mails amongst employees, regarding the Domains-At-Issue other than a Document protected by the attorney-client privilege.

Response: Plaintiff objects to the extent this Request seeks information protected by the attorney work product doctrine. Without waiving this objection, Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 25.: All Documents that refer or relate to any logo, design, or other graphical or artistic depiction of the Weather Underground Marks, ever used by You in any way.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 26.: All Documents that contain any information that supports or tends to support Your allegation that NCS' actions are likely to cause confusion or mistake or deceive the consuming public.

Response: Plaintiff incorporates by reference its responses to Requests 19 and 20.

Request for Production No. 27.: Your general ledger, including all data therein, for each year from 2006 to the present. (If this exists in electronic form, the request is for production of it in that form.)

Response: Plaintiff incorporates by reference its response to Request 12.

Request for Production No. 28.: All Documents evidencing or reflecting any written or oral communication between You and the United States Patent and Trademark Office regarding the Weather Underground Marks.

Response: Plaintiff objects to this request in that such documents are publicly available through the USPTO.gov web site. Without waiving this objection, Plaintiff restates and incorporates by reference its response to Request 6.

Request for Production No. 29.: Documents sufficient to identify all domain names You own or control.

Response: Plaintiff objects to this request to the extent it seeks disclosure of domains which are not relevant to the trademarks and typo-domains at issue in this lawsuit. Without waiving this objection, Plaintiff has identified, has sent out for bates

stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 30.: Documents sufficient to Identify the top fifty (50) Persons, in terms of revenue, who advertise on a web site that you own or control and the web site on which the advertisement(s) appeared.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 31.: Documents sufficient to Identify the date range(s) during which the top fifty (50) Persons, in terms of revenue, who advertise on a web site that you own or control actually advertised on said site.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 32.: Documents sufficient to Identify all of the advertising hyperlinks used by the top fifty (50) Persons, in terms of revenue, that appeared on a web site that you own or control and the dates for which the hyperlinks appeared on said site.

Response: Plaintiff is searching for and will produce documents, if any, responsive to this Request.

Request for Production No. 33.: All Documents evidencing, referring, or relating to Search Engine Optimization efforts for all domain names You own or control.

Response: Plaintiff objects to this request in that it seeks information which is not relevant to the issues in this lawsuit. Plaintiff further objects to the term "Search Engine Optimization efforts" as vague and undefined.

Request for Production No. 34.: All Documents that evidence, refer or relate to how visitors to any web site you own or control first heard of You or otherwise learned of Your existence.

Response: Plaintiff does not understand what is being sought by this Request. Plaintiff further objects to the request to the extent it seeks information about how people "first heard of" Plaintiff, as that would be information within the control of people beyond Plaintiff's control. If Defendant will clarify what is being sought, Defendant will seek to further respond.

Request for Production No. 35.: All Documents that constitute refer or relate to any written or oral communications with any Person regarding the subject matter of this lawsuit.

Response: Plaintiff objects to this request in that it is vague and overly broad. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be

available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 36.: All Documents that constitute, refer or relate to any written or oral communications between You and NCS.

Response: Plaintiff objects to this request to the extent it seeks documents previously provided to Defendant through counsel, including presumably the entire court file in this matter as well as all documents related to the UDRP arbitration. To this extent, this Request is oppressive, duplicative and intended only to harass. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order. Once bates stamping is completed and documents covered by the Protective Order are identified, Plaintiff will supplement this response indicating which documents produced, or categories of documents produced, are primarily responsive to this Request. Plaintiff will be available to discuss the scope of production, in view of the above objections, and whether any further supplementation is appropriate, at that time.

Request for Production No. 37.: To the extent not called for elsewhere, all Documents that contain any information that supports any of the allegations in the Complaint.

Response: Plaintiff objects to this request as vague, duplicative and overly broad. Plaintiff would refer Defendant to its discovery responses, now and in the future, as well as all depositions and other discovery conducted in this case.

Request for Production No. 38.: To the extent not called for elsewhere, all Documents identified by You in response to NCS' First Set of Interrogatories or otherwise relied upon by You in responding to NCS' First Set of Interrogatories.

Response: Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 39.: All Documents evidencing, referring, or relating to measures taken by You to monitor use of the Weather Underground Marks and/or similar marks used by third-parties at any time, including any investigative or background materials on marks or entities reflected in any trademark search.

Response: Plaintiff objects to this request to the extent it seeks information protected by the Attorney-Client Privilege and /or the Attorney Work Product doctrine. Subject to these objections, Plaintiff has identified, has sent out for bates stamping and will produce relevant documents responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 40.: All Documents evidencing, referring, or relating to web traffic statistics for all domain names that You own or control for 2006 to the present.

Response: Plaintiff objects to this request as overly-broad and unduly burdensome. Web site traffic data for a web site as popular as Plaintiffs is extensive and reports about such traffic can be run in a large number of ways none of which have been specified in this request. Moreover, domain names which are not related to the

trademarks alleged in this lawsuit, or to the typo-variations at issue are not relevant to any issue in this case. Subject to these objections, Plaintiff will run a variety of web traffic reports and produce the same for Defendants review. Plaintiff will be available to discuss the scope of the reports produced and, in view of the above objections, whether any further supplementation is appropriate.

Request for Production No. 41.: All Documents evidencing, referring, or relating to alternative names, phrases, logos, designs or words considered by You, whether or not adopted, in connection with the process that resulted in the adoption of the Weather Underground Marks for any products or services of Weather Underground.

Response: Plaintiff objects to this request in that it seeks information which is not relevant to the issues in this lawsuit. If Defendant can articulate a reason why such information is relevant, Plaintiff will seek to further respond.

Request for Production No. 42.: All Documents evidencing, referring, or relating to agreements, settlements, or otherwise entered into by You with third parties which relate or refer to the use of the Weather Underground Marks and/or provision of Your services in connection with the Weather Underground Marks.

Response: Plaintiff objects to the word "or otherwise" as vague and undefined. Subject to these objections, Plaintiff will search for and produce relevant documents, if any, responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 43.: All Documents evidencing, referring, or relating to Your enforcement efforts concerning the Weather Underground Marks.

Response: Plaintiff objects to this request to the extent it seeks information protected by the attorney-client privilege and the attorney work product doctrine. Subject to these objections, Plaintiff will search for and produce relevant documents, if any, responsive to this Request. Confidential documents will be marked in accordance with the Stipulated Protective Order.

Request for Production No. 44.: All exhibits expected to be introduced into evidence in this matter.

Response: Plaintiff objects to this request to the extent it seeks information protected by the attorney-client privilege and the attorney work product doctrine. Exhibits will be disclosed pursuant to the Court's scheduling order.

Request for Production No. 45.: All expert reports rendered by experts of Weather Underground concerning the facts and circumstances of the claims in the Complaint in the instant matter.

Response: Plaintiff objects to this request to the extent it seeks information protected by the attorney-client privilege and the attorney work product doctrine. Expert reports will be disclosed consistent with the Court's scheduling Order and the Federal rules of Civil Procedure.

Request for Production No. 46.: All Documents relied upon and/or reviewed by Weather Underground's expert(s) in connection with the instant matter.

Response: Plaintiff objects to this request to the extent it seeks information protected by the attorney-client privilege and the attorney work product doctrine. Plaintiff

further objects to this request in that it is vague and overly-broad. If Defendant will state specifically what is being sought, Plaintiff will further respond.

Respectfully submitted this 22nd day of February, 2010.

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

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2010, I served the foregoing paper to the following via U.S. Mail, postage prepaid:

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 (admitted pro hac)
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, PC
150 West Jefferson, Suite 100
Detroit, MI 48226
(313) 225-7000
stasevich@butzel.com
steffans@butzel.com
Local Counsel for Defendants

Catherine Dittrich

Catherine Dittrich, Legal Assistant to
Enrico Schaefer, Attorney for Plaintiff