

Exhibit F



WILLENKEN
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April 12, 2010

VIA E-MAIL AND U.S. MAIL

Enrico Schaefer, Esq.
Traverse Legal
810 Cottageview Drive, Suite G-20
Traverse City, MI 49684

Re: *Weather Underground v. Navigation Catalyst Systems, Inc.*

Dear Enrico:

In reviewing Plaintiff's production of documents, several issues have come to light which need to be rectified immediately.

First, several pages are wholly incomprehensible. I will send you a separate letter identifying such pages so that Plaintiff can produce copies that can actually be read.

Second, several documents are improperly marked CONFIDENTIAL as there is no basis for that designation. Again, I will send you a separate letter asking that you de-designate these documents so that we can avoid motion practice on that issue.

Third, I noticed from your production (which I did not receive until March 2010) that the production contained various responses to the third party subpoenas you have been issuing, some of which dated back to February 2010. Going forward, I expect that you will share these responses to third-party subpoena immediately upon receiving them (or instruct your deposition officer to share them immediately) as opposed to holding them for weeks. If you will not agree to this, please let me know so that I can incorporate that request in my motion to compel.

Fourth, Plaintiff's production did not include documents that are responsive to several of NCS's requests. Having previously met and conferred twice regarding Plaintiff's production, I believe it is now appropriate for NCS to bring its motion to compel, and I will be doing so this week. Nevertheless, I will address the particular requests that will be the subject of the motion to compel so as to offer you and your client a final opportunity to produce documents.

Request Nos. 1-2

Plaintiff stated it would produce documents responsive to these requests. In reviewing Plaintiff's production, I did not find documents sufficient to show the names, titles, job responsibilities, and physical locations of Plaintiff's officers, directors, and employees. As you know, NCS has taken the position that there is no personal jurisdiction over NCS in Michigan and these documents are relevant to that affirmative defense as they would tend to show that Plaintiff's principal place of business is California, not Michigan.

Request No. 6, 28

It is unclear from Plaintiff's response whether it agreed to produce any documents that would be responsive to this request. Suffice it to say that such documents (i.e., Plaintiff's trademark application files) are relevant to this proceeding as trademark validity and likelihood of confusion are two of the prima facie elements of trademark infringement. Misrepresentations before the PTO or disclaimers as to certain classes of goods would be relevant as to both issues.

Moreover, in its initial disclosures, Plaintiff specifically stated it would rely on "U.S. Patent and Trademark Office files..." for its various trademarks. It is somewhat incredulous that (i) Plaintiff has affirmatively put these documents at issue, (ii) Defendant has requested these documents, yet (iii) they have not been produced.

Request No. 12, 27

As I understand it from our meet and confer, Plaintiff will not produce any financial documents of any kind because it will not be seeking its own lost profits. Nevertheless, as I have explained before, such documents are still relevant and must be produced.

For example, Plaintiff has brought a federal dilution claim. Such a claim requires Plaintiff to show that its mark is "famous" and the Lanham Act explicitly states that two factors to consider in making a "famousness" determination are, in layman's terms, (i) amount of sales and (ii) amount spent on marketing.

In refusing to produce such documents, Plaintiff is effectively eliminating Defendant's ability to explore two of the four statutory factors regarding "famousness." That is not appropriate. It is particularly inappropriate given that Plaintiff is undoubtedly aware of its burden of proof and has affirmatively stated in its Initial Disclosures that it intends to rely on precisely these types of documents. See Initial Disclosures, Category of Documents, Nos. 12-14.



Request Nos. 18, 24, 25, 30, 31, 32

My review of the documents indicates no documents have been produced which are responsive to these requests. Plaintiff has now had over two months to determine whether it has any documents in its possession, custody, and/or control. It should either supplement its response to indicate it has no such documents or produce those documents immediately.

Indeed, as to some of these requests, it is unclear why the search is taking so long. Plaintiff's Initial Disclosures indicated that Plaintiff intended to rely on "[d]ocuments evidencing Plaintiff's clients and the services those clients utilize," "[d]ocuments regarding Plaintiff's advertisement agreements and revenue model," and "[d]ocuments demonstrating the nature and extent of advertising and promotion for the Plaintiff's business, including the volume of sales and money spent on advertising," all of which would be responsive to Request Nos. 30-32. Having already identified these documents, why is it taking more than two months to Bates stamp them?

Request No. 22

Documents identifying the investors/owners of the Weather Underground are relevant to the issue of bias. Weather Underground witnesses who also happen to have an ownership interest in Weather Underground and may share in the proceeds of a judgment in Plaintiff's favor may testify a certain way to enhance the prospects of obtaining such a judgment.

Request No. 23

To the extent privileged, responsive documents predate the filing of the UDRP against NCS, a privilege log should be produced for such items.

Request No. 33

Plaintiff's use of Search Engine Optimization is directly relevant to Plaintiff's marketing efforts and to the issue of how visitors find Plaintiff's websites. Furthermore, given that Plaintiff issued a Request for Production which used the term "Search Engine Optimization" *first*, it cannot now take the position that such a term is vague and ambiguous unless it is admitting that its own request was vague and ambiguous.

Request No. 34

Again, we have met and conferred on this request as well but, to date, no documents have been provided. Please provide responsive documents or state that Plaintiff has no documents to provide.



I plan on filing the Motion to Compel this week. In the event you would like to contact me to discuss any request further, please feel free to do so.

Very truly yours,

William A. Delgado

cc: Mike Huget