

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 WEATHER UNDERGROUND, INC.,

5 Plaintiff,

6 -v-

Case No. 09-10756

7 NAVIGATION CATALYST SYSTEMS, INC.,

8 Defendant.

9 **MOTION TO COMPEL DISCLOSURES**
10 **MOTION FOR SANCTIONS**
11 **(TELEPHONIC)**
12 **BEFORE HONORABLE VIRGINIA M. MORGAN**
13 Federal Building
200 E. Liberty Street
Ann Arbor, Michigan 48104

(Thursday, February 11, 2010)

14 APPEARANCES: ANTHONY P. PATTI, ESQUIRE
15 Appearing on behalf of the
Plaintiff.

16 WILLIAM A. DELGADO, ESQUIRE
17 Appearing on behalf of the
Defendant.

18 COURT REPORTER: MARIE METCALF, CVR, CM
19 Federal Official Court Reporter
20 257 U.S. Courthouse
21 231 W. Lafayette
22 Detroit, Michigan 48226
23 *metcalf_court@msn.com*

24 *(TRANSCRIPT PRODUCED FROM DIGITAL VOICE RECORDING;*
25 *TRANSCRIBER NOT PRESENT AT PROCEEDINGS)*

Weather Underground v. Navigation Catalyst Systems

1 The categories of documents that we have
2 identified would be -- we would hope would be protected
3 by the protective order.

4 THE COURT: Mr. Patti, what do you have to
5 say to that?

6 MR. PATTI: Well, a number of things, Your
7 Honor. First of all, what I just heard is that the one
8 and only witness that they've identified is not actually
9 in their company. And that strikes me as really rather
10 odd, unless they're saying they have no employees or no
11 agents whatsoever within their own company. I don't see
12 how they could possibly do a disclosure that --

13 THE COURT: How about that?

14 MR. DELGADO: I believe Mr. Patti's
15 assumption is correct. I believe that Navigation
16 Catalysts does not have any employees. That perhaps is
17 one thing I should clarify.

18 THE COURT: Then how does it do business?

19 MR. DELGADO: It's -- well, Your Honor,
20 it's basically a computer system. And it's the --
21 Navigation Catalysts is really just a computer system
22 that registers domain names in bulk. There's not much to
23 it other than that.

24 I know that there was a statement in the
25 joint -- in the joint list of unresolved issues made by