

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.

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DECLARATION OF WILLIAM A. DELGADO

I, William A. Delgado, declare as follows:

1. I am an attorney duly licensed to practice in the State of California and have been admitted to this Court for purposes of this case. I make this declaration in support of Defendant Navigation Catalyst Systems, Inc.'s Motion for Leave to File a Counterclaim. Except where otherwise indicated, I have personal knowledge of the facts stated herein and, if called as a witness, I could competently testify hereto.

2. NCS issued a First Set of Requests for Production and a First Set of Interrogatories on January 21, 2010. Plaintiff provided written responses on February 22, 2010. Plaintiff produced documents on March 22, 2010, April 12, 2010, and April 26, 2010.

3. The deposition of Christopher Schwerzler, a Director at Plaintiff, took place on April 29, 2010.

4. Based on the documents provided by Plaintiff, investigation by NCS thereon, and the deposition testimony of Mr. Schwerzler, NCS believes it has a good-faith counterclaim for cancellation of the WEATHER STICKER mark and met and conferred with Plaintiff's counsel about this motion on May 4, 2010. No concurrence was obtained.

5. Attached as Exhibit 1 is NCS's proposed counterclaim together with the exhibits for the counterclaim.

Executed on this 10th day of May 2010 at Louisville, Kentucky.

/s/William A. Delgado

William A. Delgado

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2010, I electronically filed the foregoing paper with the Court using the ECF system which will send notification of such filing to the following:

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