

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN, )  
individually and on behalf of a class of similarly )  
situated individuals, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
COMSCORE, INC., a Delaware corporation, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. 1:11-5807

Hon. James F. Holderman

**PLAINTIFF MIKE HARRIS' FIRST SET OF INTERROGATORIES TO  
DEFENDANT COMSCORE, INC.**

Plaintiff Mike Harris, pursuant to Federal Rules of Civil Procedure 33, requests that Defendant comScore, Inc. answer the following Interrogatories within thirty (30) days of service of this request.

***I. Definitions***

1. "ATTACHMENTS" means files or data that are physically or logically associated with or embedded into email, and should be identified by mapping to their parent by the Document or Production number. If attachments and embedded files are combined with their parent documents, then "BeginAttach" and "EndAttach" fields listing the unique beginning and end number for each attachment or embedded document must be included.

2. "BUNDLING PARTNER" means or refers to third parties that comScore contracts with, whether formally or otherwise, to combine its PANELIST SOFTWARE with the BUNDLING PARTNER'S computer application.

3. "COMMUNICATION" means or refers to the transmittal of information, facts or ideas including, but not limited to, communications in the form of any discussion, conversation,

inquiry, negotiation, agreement, understanding, meeting telephone conversation, letter, correspondence, note, memorandum, e-mail message, telegram, advertisement or other form of exchange of words, whether oral or written.

4. "COMPLAINT" shall mean Plaintiffs' Class Action Complaint filed in the United States District Court for the Northern District of Illinois on August 23, 2011 (Dkt. No. 1.)

5. "CORRESPONDENCE" means or refers to all written and unwritten but recorded communications, including non-duplicate drafts, versions not sent, and copies that differ only in margin notes or annotations, including memos, letters analog or digital recordings, voicemail, email, computer files, computer disks, or other correspondence or things sent or received by you to or from any entity, including correspondence or files maintained or exchanged internally within your business or with your employees.

6. "DATE" means the exact year, month and day, if known, or, if not known, your best approximation thereof.

7. "DESCRIBE" when used in relation to any process, policy, act or event means explain the process, policy, act or event in complete and reasonable detail, stating the time, date, and location, identifying all persons participating or present, and identifying all documents relating thereto.

8. "DOCUMENT" or "DOCUMENTS" shall mean any writings, letters, telegrams, memoranda, CORRESPONDENCE, email messages, memoranda or notes of conferences or telephone conversations, reports, studies, lists, compilations of data, papers, books, records, contracts, deeds, leases, agreements, pictures, photographs, transcripts, tapes, microfilm, computer data files, printouts, accounting statements, mechanical and electrical recordings, checks, pleadings, and other tangible things upon which any handwriting, typing, printing,

drawing, representation, photostatic, or other magnetic or electrical impulses or other form of communication is recorded, stored or produced, including audio and video recordings and electronically-stored information (including but not limited to e-mails, web pages, Websites, computer discs, computer programs and computer files, including, where applicable, compiled and uncompiled source code), whether or not in printout form. These terms shall also mean copies of DOCUMENTS even though the originals are not in YOUR possession, custody or control; every copy of a DOCUMENT which contains handwritten or other notations or which otherwise does not duplicate the original of any other copy; all attachments to any DOCUMENTS; and any other DOCUMENTS, item and/or information discoverable under federal law and procedure, including, without limitation, the items referenced in Federal Rule of Civil Procedure 34(a)(1).

9. “ELECTRONICALLY STORED INFORMATION” or “ESI” as used herein, means and refers to computer generated information or data, of any kind, stored on computers, file servers, disks, tape or other devices or media, or otherwise evidenced by recording on some storage media, whether real virtual, or cloud based.

10. “IDENTIFY,” when used with respect to a natural person, means to state the person’s full name, present or last known business affiliation and position, past and present home address and past position and business affiliation, if any, with any of the parties herein.

11. “IDENTIFY,” when used with respect to a company or other business entity, means to state the company’s legal name, the names under which it does business, its form (e.g., partnership, corporation, etc.), the address of its principal place of business, and to identify its principal proprietors, officers or directors.

12. “IDENTIFY,” when used with respect to a document, means to state the date(s)

prepared, drafted or generated, the author(s), intended and actual recipient(s), type of document (e.g., "letter," "Terms of Service" or "email"), and to identify its last known custodian or location.

13. "IDENTIFY," when used in reference to an event, transaction, or occurrence, means to describe the act in complete and reasonable detail; state the time, date, location; identify all persons participating or present; and identify all documents relating thereto.

14. "IDENTIFY," when used with respect to a communication, means to state type of communication (i.e., telephone discussion, email, face-to-face, etc.), the name and present address of each person present during the communication, or who otherwise observed or heard the communication and to state the subject matter of the communication and the date upon which it occurred. If the communication was in writing, identify all documents that relate or are related to the communication in the manner provided above.

15. "INCLUDES" and "INCLUDING" means "including, but not limited to;" "includes" means "includes, but not limited to."

16. "MAC PANEL" or "MAC PANELIST" means or refers to PERSONS who, during the RELEVANT TIME PERIOD, had MACINTOSH SOFTWARE operating on their computers.

17. "MACINTOSH SOFTWARE" means or refers to YOUR PANELIST SOFTWARE designed to function on Macintosh computers, including Premier Opinion.

18. "PANELIST" means or refers to PERSONS who, during the RELEVANT TIME PERIOD, had PANELIST SOFTWARE operating on their computers.

19. "PANELIST SOFTWARE" means or refers to YOUR data collection software, INCLUDING, RelevantKnowledge, OpinionSpy, Premier Opinion, OpinionSquare,

PermissionResearch, and MarketScore.

20. "PC PANEL" or "PC PANELIST" means or refers to PERSONS who, during the RELEVANT TIME PERIOD, had WINDOWS SOFTWARE operating on their computers.

21. "PERSON" means or refers to any natural person, corporation, partnership, association, organization, joint ventures, or other entity of any type or nature.

22. "PERSONAL INFORMATION" means or refers to an individual's name, address, age, zip code, phone number, username and password, Internet searches, website history, credit card numbers and any financial or other sensitive information, goods purchased online, specific advertisements clicked, or any other data that may personally identify an individual.

23. "PLAINTIFFS" means or refers to Plaintiffs Mike Harris and Jeff Dunstan.

24. "RELATING TO," including its various forms such as "relates to," means to consist of, concern, discuss, mention, regard, refer to, reflect or be in any way logically, factually or legally connected, directly or indirectly, with the matter described.

25. "RELEVANT TIME PERIOD," means the ten (10) years prior to the date the Complaint was filed until the present. Unless otherwise indicated, all DOCUMENT and ESI production requests shall mean for the RELEVANT TIME PERIOD.

26. "THIRD-PARTY SOFTWARE" means or refers to software developed by YOUR software bundling partner(s) that is bundled with PANELIST SOFTWARE.

27. "WINDOWS SOFTWARE" means or refers to YOUR PANELIST SOFTWARE designed to operate on computers running the Microsoft Windows operating system.

28. "USER INTERFACE" means or refers to the graphical user interface displayed to potential PANELISTS during the installation of THIRD-PARTY SOFTWARE containing

comScore's Terms of Service.

29. "YOU," "YOUR," "DEFENDANT," or "COMSCORE" means or refers to Defendant comScore, Inc. and its divisions, subsidiaries, related companies, predecessors, and successors, all present and former officers, directors, agents, attorneys, employees, and all persons acting or purporting to act on behalf of any of them.

## *II. Instructions*

1. The person responding to a request should have knowledge to answer said questions. If another person has superior knowledge on certain questions, that other person should respond to that request and be so designated. If such person is unavailable, that person should be fully identified and the nature and scope of their knowledge and the reasons that such person's knowledge is or is believed to be superior, explained fully.

2. In responding to these requests, furnish all information, however obtained, including hearsay that is available to You and any information known by You, in Your possession, or appearing in Your records.

3. These are intended as continuing requests having within them a duty to timely supplement the responses until and during the course of trial. Information sought by these requests that You obtain after You serve Your responses must be disclosed to the Plaintiff by supplementary responses.

4. It is intended by this set of requests to elicit information not merely within Your knowledge, but obtainable by You or on Your behalf.

5. You may not claim lack of information or knowledge as grounds for failing to respond to any Interrogatory or as grounds for giving an incomplete or partial response to any Interrogatory without exercising due diligence to secure the full information needed to do so.

Where You rely or respond based on information provided to You from any other person, fully identify that person and how You obtained the information from them. Where You rely on information in any document, specifically identify the document and identify the person who has custody of that document.

6. If You cannot respond to a Interrogatory in full after exercising due diligence to secure the full information needed to do so, so state and respond to the extent possible, specifying Your inability to respond to the remainder, stating whatever information or knowledge You have concerning the unresponded portion and detailing what You did in attempting to secure the unknown information.

7. If any Interrogatory is objected to on the basis that the time period covered by the request is irrelevant, burdensome, or otherwise inappropriate, state what time period You consider proper for that request and answer the request for that time period, preserving Your objection to the remainder of the time period.

8. If You object or otherwise refuses to respond to any portion of any Interrogatory, You shall (1) state the nature and basis of the objection or reason for such refusal in sufficient fashion to permit the Court to rule on the validity of the objection; and (2) answer all portions of such Interrogatory that are not claimed to be objectionable.

9. If You object to answering all or any part of any Interrogatory on the grounds of privilege or work product, it is required to identify the privileged document(s) or communication(s), and with respect to each such privileged responsive document or communication identify:

- (a) the date appearing on such document, or if no date appears, the date on which such document or ESI was prepared;



- (b) ESI metadata creation, revision, transmission, receipt, and last access dates;
- (c) the name of each person to whom such document or ESI was addressed;
- (d) the name of each person, other than the addressee(s) identified in subparagraph (c) above, to whom such document or ESI, or copy thereof was sent, or with whom such document was discussed;
- (e) the name of each person who signed such document or ESI, if not signed, the name of each person who prepared it;
- (f) the name of each person making any contribution to the authorship of such document or ESI;
- (g) the job title or position of each person identified in subparagraph (c), (d), (e), and (f) above;
- (h) the date such document or ESI was received or discussed by each person identified in subparagraphs (c) or (d) above;
- (i) the general nature or description of such document or ESI, and, where applicable, its number of pages;
- (j) the name of each person who currently has custody of such document or ESI; and
- (k) the specific ground(s) upon which the privilege or work product rests.

Each demand herein shall be construed independently and shall not be limited by reference to any other demand.

10. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular, whichever makes the Interrogatory most broad.

11. As used herein, the present tense shall also include the past tense.
12. For any term used herein, which is not otherwise specifically defined, the common and usual meaning of such term is intended. Any ambiguity in these interrogatories shall be resolved so as to construe these interrogatories as broadly as possible.
13. When these interrogatories refer to a “specific location,” they contemplate a level of detail that would allow counsel to independently locate an item without significant assistance. Thus, when these interrogatories request the specific location of digital media, an acceptable answer might be “in Bill Johnson’s office, at 123 Main Street, Suite 100, New York, NY 10000.”
14. If You are producing any document in lieu of answering any of the Interrogatories stated herein, all documents are to be produced in the form, order, and manner in which they are maintained in Your files. Documents are to be produced in the folders, cartons, or containers in which they have been maintained, stored, clipped, stapled, or otherwise arranged in the same form and manner in which they were found and in such a manner that the office and location from which they were produced is readily identifiable. Whenever a document (as defined) or group of documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, attach thereto a copy of the label on the file folder, file box, or notebook from which the document or group of documents was removed. All ESI should be produced in native format, reasonably usable, and verifiably responsive to the pertinent request(s) and processable using readily available tools.

### *III. Interrogatories*

#### **INTERROGATORY NO. 1.**

IDENTIFY each PERSON that participated in the preparation of the answers to these interrogatories. For each PERSON so identified, specify each interrogatory that such PERSON

assisted in answering.

**INTERROGATORY NO. 2.**

IDENTIFY the location, real or virtual, of all DOCUMENTS and ESI requested to be produced in response to Plaintiff's First Request for the Production of Documents.

**INTERROGATORY NO. 3.**

IDENTIFY all code words, acronyms, synonyms, abbreviations or definitional or conceptual substitutes for all DOCUMENTS and ESI requested in Plaintiff's First Request for the Production of Documents.

**INTERROGATORY NO. 4.**

IDENTIFY all ESI search protocols, hit rate analyses, and error testing or sampling methodologies conducted by YOU in connection with your responses to Plaintiff's First Set of Interrogatories and First Request for the Production of Documents.

**INTERROGATORY NO. 5.**

IDENTIFY each PERSON who assisted in the preparation of, or who has knowledge of, the statements contained in YOUR (i) Responses to Plaintiff's First Request for the Production of Documents, (ii) Motion to Dismiss Under Rule 12(b)(3) Or, In the Alternative, Transfer Venue (Dkt. No. 15), (iii) Motion to Dismiss Under Rule 12(b)(1) and (6) (Dkt. No. 42), (iv) Federal Rule of Civil Procedure 26(a)(1) Initial Disclosures, and (v) Answer (Dkt. No 59.) For each PERSON so identified, specify each paragraph or section of each document that such

PERSON assisted in answering or has knowledge of.

**INTERROGATORY NO. 6.**

IDENTIFY and DESCRIBE any and all policies and procedures, both written and oral, RELATING TO document retention and destruction that were in effect during the RELEVANT TIME PERIOD. For each policy or procedure identified, IDENTIFY the date that such policy and/or procedure was implemented, and the PERSONS responsible for supervising their enforcement.

**INTERROGATORY NO. 7.**

IDENTIFY the total number of PANELISTS (broken down by year, and distinguishing, where applicable, between PC PANELISTS and MAC PANELISTS).

**INTERROGATORY NO. 8.**

IDENTIFY the total number of complaints YOU received about YOUR PANELIST SOFTWARE (broken down by year).

**INTERROGATORY NO. 9.**

IDENTIFY each of YOUR BUNDLING PARTNERS and IDENTIFY the duration of YOUR business relationship with the same.

**INTERROGATORY NO. 10.**

IDENTIFY each PERSON with whom you share or sell PERSONAL INFORMATION

collected from PANELISTS (broken down by year). For each PERSON identified, IDENTIFY the types of PERSONAL INFORMATION that you shared or sold to it.

**INTERROGATORY NO. 11.**

IDENTIFY each PERSON with whom you share or sell PERSONAL INFORMATION from PANELISTS, who then in turn resells or shares that PERSONAL INFORMATION with third-parties (broken down by year), and identify each type of PERSONAL INFORMATION shared or sold.

**INTERROGATORY NO. 12.**

IDENTIFY each PERSON who has knowledge about YOUR involvement in, and policies and procedures for, the presentment of YOUR USER INTERFACE to potential PANELISTS and the process a user must go through to install PANELIST SOFTWARE.

**INTERROGATORY NO. 13.**

IDENTIFY and DESCRIBE the different ways in which YOU obtain consent from YOUR PANELISTS to install the PANELIST SOFTWARE. To the extent that YOUR answer to this interrogatory relies upon DOCUMENTS produced in response to Plaintiff Mike Harris' First Request for Production of Documents, IDENTIFY the corresponding bates number(s) of such DOCUMENTS.

**INTERROGATORY NO. 14.**

IDENTIFY and DESCRIBE any and all policies and procedures, both written and oral,

RELATING TO the manner in which YOU obtain consent from users to install PANELIST SOFTWARE.

**INTERROGATORY NO. 15.**

IDENTIFY all source code control and code library retention policies and practices in place by YOU during the RELEVANT TIME PERIOD.

**INTERROGATORY NO. 16.**

IDENTIFY and DESCRIBE each type of information that YOUR WINDOWS SOFTWARE monitors, collects, retains, and/or transmits from PC PANELISTS.

**INTERROGATORY NO. 17.**

IDENTIFY and DESCRIBE each type of information that YOUR MACINTOSH SOFTWARE monitors, collects, retains, or transmits about MAC PANELISTS.

**INTERROGATORY NO. 18.**

IDENTIFY and DESCRIBE YOUR relationship with Trees for the Future, NPO and IDENTIFY the total number of trees that have been planted as a result of such relationship.

**INTERROGATORY NO. 19.**

DESCRIBE YOUR investigation of the MAC PANEL, INCLUDING the reasons for its ultimate termination, and IDENTIFY ALL DOCUMENTS RELATING TO such investigation.

**INTERROGATORY NO. 20.**

IDENTIFY each PERSON involved in drafting YOUR public response to this lawsuit, which is accessible at the following URL:

[http://www.comscore.com/About\\_comScore/Methodology/Privacy/comScore\\_Response\\_to\\_Edition\\_McGuire\\_Lawsuit](http://www.comscore.com/About_comScore/Methodology/Privacy/comScore_Response_to_Edition_McGuire_Lawsuit)

**INTERROGATORY NO. 21**

IDENTIFY and DESCRIBE each and every fact and/or document upon which YOUR affirmative defenses to the COMPLAINT are based.

**INTERROGATORY NO. 22**

IDENTIFY and DESCRIBE each and every fact and/or document that supports YOUR position that class certification is inappropriate in this case.

**INTERROGATORY NO. 23**

IDENTIFY each PERSON whom YOU expect to call as an expert witness at trial, and for each such PERSON, IDENTIFY (a) the conclusions and/or opinions of such PERSON (b) the bases thereof; and (c) the qualifications of the PERSON to render such opinion.

Dated: December 16, 2011

RESPECTFULLY SUBMITTED,

MIKE HARRIS AND JEFF DUNSTAN,  
INDIVIDUALLY AND ON BEHALF OF A CLASS OF  
SIMILARLY SITUATED INDIVIDUALS,

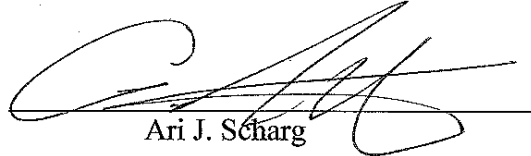
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**CERTIFICATE OF SERVICE**

I, Ari Scharg, an attorney, hereby certify that on December 16, 2011, I served the above and foregoing *Plaintiff's First Set of Interrogatories to Defendant comScore, Inc.* by causing true and accurate copies of such paper to be transmitted to the persons shown below via electronic mail, and further by causing true and accurate copies of such paper to be placed in postage prepaid envelopes addressed to the persons shown below, and by causing such envelopes to be deposited in the United States Mailbox located at 350 North LaSalle Street, Chicago, Illinois on this the 16th day of December, 2011.

  
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