

# **EXHIBIT C**

**PARTIALLY FILED  
UNDER SEAL**

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,	)	
vs.	)	Case No. 1:11-5807
	)	
COMSCORE, INC., a Delaware	)	
corporation,	)	
	)	
Defendant.	)	

\*\*\* CONFIDENTIAL -- ATTORNEYS' EYES ONLY \*\*\*

The 30(b)(6) deposition of COMSCORE, INC. by MICHAEL BROWN, called for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before JENNIFER L. WIESCH, CSR No. 84-4528, a Notary Public within and for the County of Will, State of Illinois, and a Certified Shorthand Reporter of said state, at 350 North LaSalle Street, Suite 1300, Chicago, Illinois, on the 15th day of August, A.D. 2012, at 9:36 a.m.

Job No: 26674

2	<p>1 A P P E A R A N C E S:</p> <p>2 On behalf of Plaintiffs:</p> <p>3 EDELSON McGUIRE, LLC</p> <p>4 350 North LaSalle, Suite 1300</p> <p>5 Chicago, Illinois 60654</p> <p>6 BY: RAFEY S. BALABANIAN, ESQ.</p> <p>7 rbalabanian@edelson.com</p> <p>8 CHANDLER GIVENS, ESQ.</p> <p>9 cgivens@edelson.com</p> <p>10 BEN THOMASSEN, ESQ.</p> <p>11 bthomassen@edelson.com</p> <p>12</p> <p>13 On behalf of Defendant:</p> <p>14 QUINN EMANUEL URQUHART &amp; SULLIVAN, LLP</p> <p>15 500 West Madison Street, Suite 2450</p> <p>16 Chicago, Illinois 60661</p> <p>17 312-705-7400</p> <p>18 BY: ANDREW SCHAPIRO, ESQ.</p> <p>19 andyschapiro@quinnemanuel.com</p> <p>20 ROBYN M. BOWLAND, ESQ.</p> <p>21 robynbowland@quinnemanuel.com</p> <p>22</p> <p>ALSO PRESENT:</p> <p>23 MR. THOMAS S. CUSHING III,</p> <p>comScore Deputy General Counsel and</p> <p>24 Privacy Officer;</p> <p>25 MR. AMIR MISSAGHI, Summer Associate.</p>	4
3	<p>1 I N D E X</p> <p>2 Examination Page</p> <p>3 MICHAEL BROWN</p> <p>4 Examination By Mr. Balabanian 5</p> <p>5</p> <p>6 E X H I B I T S</p> <p>7 Number Description Page</p> <p>8 Brown Exhibit</p> <p>9 Exhibit 1 comScore, Inc. vs. The Nielsen 14</p> <p>Company (US), LLC and NetRatings,</p> <p>10 LLC, Defendants' Brief in</p> <p>11 Opposition to Plaintiff comScore's</p> <p>12 Motion for Proposed Claim</p> <p>13 Exhibit 2 Harris &amp; Dunstan vs. comScore, 21</p> <p>14 Inc., Plaintiffs' Revised Notice</p> <p>15 of Rule 30(b)(6) Deposition of</p> <p>16 Defendant comScore, Inc., 6 pages</p> <p>17 Exhibit 3 comScore Software Distribution 98</p> <p>18 Program Software Bundle Guidelines</p> <p>19 For New Partner, Bates Nos.</p> <p>20 CS0016693 through CS0016705</p> <p>21 Exhibit 4 Exhibit A, PremierOpinion Terms of 116</p> <p>22 Service, 2 pages</p> <p>23 Exhibit 5 XML file containing different 127</p> <p>24 pieces of the Terms of Service or</p> <p>25 URL agreement for multiple brands</p> <p>in multiple languages, 24 pages</p> <p>Exhibit 6 Various contents, Bates Nos. 163</p> <p>CS0015891 through CS0016005</p> <p>Exhibit 7 comScore Ticket No. 22, Bates No. 203</p> <p>CS0016053</p> <p>Exhibit 8 comScore Ticket No. 180, Bates No. 212</p>	5

I N D E X (Continued)

E X H I B I T S (Continued)

Number	Description	Page
3	Brown Exhibit	
5	Exhibit 9 comScore PermissionResearch Registration Flow, July 2009, Bates Nos. CS0016680 through CS0016692	227
6		
7	Exhibit 10 Changes to avoid false AV detection, Created: Jul 21, 2011, 3 pages	231
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9	Exhibit 11 comScore Ticket No. 271, Bates No. CS0016504	233
10		
11	Exhibit 12 comScore Ticket No. 277, Bates No. CS0016515	236
12		
13	* * *	

MICHAEL BROWN

(WHEREUPON, the witness was duly sworn.)

MR. BALABANIAN: This is the deposition and oral examination of defendant comScore's witness designated under Federal Rule of Civil Procedure 30(b)(6), pursuant to notice and continued by agreement of the parties.

MICHAEL BROWN,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BALABANIAN:

**Q. I'd like to go over a few ground rules, Mr. Brown. My name is Rafey Balabanian. I am an attorney for plaintiffs, Mike Harris and Jeff Dunstan. I'm joined to my left with Ben Thomassen, who's also an attorney for plaintiffs, and Chandler Givens sitting next to Ben, another attorney, and then my summer associate, Amir Missaghi. I just want to talk about a couple ground rules before we get into the questioning and whatnot. Have you ever been deposed before?**

A. I have.

**Q. Okay. So I need verbal answers from you.**

62 64

1 MICHAEL BROWN

2 **Q. So I thought just a second ago that you**

3 **said that the software upgrade that superseded**

4 **NSCheck came about in 2003. Can you reconcile the**

5 **two?**

6 A. Sure.

7 **Q. Please do so.**

8 A. Okay. The functionality of NSCheck was

9 incorporated into OSSProxy in 2003. Is that more

10 clear, sir?

11 **Q. Uh-huh. So in 2001, is it correct to say**

12 **that panelists were given the option of upgrading to**

13 **OSSProxy from NSCheck?**

14 A. No.

15 **Q. Why would that be inaccurate?**

16 A. I believe the question you asked me

17 was -- the first one was the first version of

18 OSSProxy, and that was in 2001. We didn't -- it

19 wasn't installed at that point to panelists in that

20 year.

21 **Q. Okay. When was the first -- withdrawn.**

22 **When did OSSProxy first get installed in**

23 **panelists' systems?**

24 A. That was in 2002.

25 **Q. So there was a test phase of OSSProxy**

63 65

[REDACTED]

<p>66</p> <p>[REDACTED]</p>	<p>68</p> <p>[REDACTED]</p>
<p>67</p> <p>[REDACTED]</p>	<p>69</p> <p>[REDACTED]</p>

<p>82</p> <p>[REDACTED]</p>	<p>84</p> <p>[REDACTED]</p>
<p>83</p> <p>[REDACTED]</p>	<p>85</p> <p>[REDACTED]</p>

<p>102</p> <p>[REDACTED]</p>	<p>104</p> <p>[REDACTED]</p>
<p>103</p> <p>[REDACTED]</p>	<p>105</p> <p>[REDACTED]</p>

<p>106</p> <p>1 MICHAEL BROWN</p> <p>2 <b>Q. -- subsidiaries -- go ahead.</b></p> <p>3 A. The wording you're using is not the same</p> <p>4 words I would use. There is registration sites that</p> <p>5 execute QA's prescribed process --</p> <p>6 <b>Q. Okay.</b></p> <p>7 A. -- if things have been completed, as in</p> <p>8 the viewing of the terms of service, some of the</p> <p>9 privacy disclosures, even for any information that's</p> <p>10 captured about like, for example, their name,</p> <p>11 address, those all have to happen -- those are</p> <p>12 all -- happen, and the disclosure happens first.</p> <p>13 After that is completed, then the install the</p> <p>14 software is driven through the web page to install</p> <p>15 in a machine, similar in the manner of how you would</p> <p>16 install the Google toolbar off of its website.</p> <p>17 <b>Q. And do you know who -- which websites</b></p> <p>18 <b>allow for direct registration like you just talked</b></p> <p>19 <b>about?</b></p> <p>20 A. If we walk through that list of the ones</p> <p>21 you enumerated earlier, I could tell you which ones</p> <p>22 are which.</p> <p>23 <b>Q. RelevantKnowledge?</b></p> <p>24 A. No.</p> <p>25 <b>Q. OpinionSquare?</b></p>	<p>108</p> <p>[REDACTED]</p>
<p>107</p> <p>[REDACTED]</p>	<p>109</p> <p>[REDACTED]</p>



<p>110</p> <p>[REDACTED]</p>	<p>112</p> <p>[REDACTED]</p>
<p>111</p> <p>[REDACTED]</p>	<p>113</p> <p>[REDACTED]</p>

130

[REDACTED]

132

[REDACTED]

131

[REDACTED]

133

[REDACTED]

134

1                   **MICHAEL BROWN**  
2 **program?**  
3           MR. SCHAPIRO: Objection, calls for a legal  
4 conclusion.  
5 BY MR. BALABANIAN:  
6           **Q. Well, if you -- and I wasn't asking a**  
7 **question. You testified earlier that it governs**  
8 **that. Do you know if there's any other terms of**  
9 **service out there that would somehow govern that**  
10 **relationship?**  
11           A. It would be this that --  
12           **Q. This is the --**  
13           A. -- describe -- this is the entirety  
14 from --  
15           **Q. Okay. So there's no other terms of**  
16 **service that comScore would say applies or that the**  
17 **subsidiaries can say applies, these are them?**  
18           A. That is correct.  
19           **Q. It might be an obvious question --**  
20           A. I'm just trying to answer your question,  
21 sir.  
22           **Q. I want to talk about the -- what**  
23 **information is collected as set forth in these**  
24 **terms.**  
25           A. Okay.

136

[REDACTED]

135

[REDACTED]

137

[REDACTED]

178

[REDACTED]

180

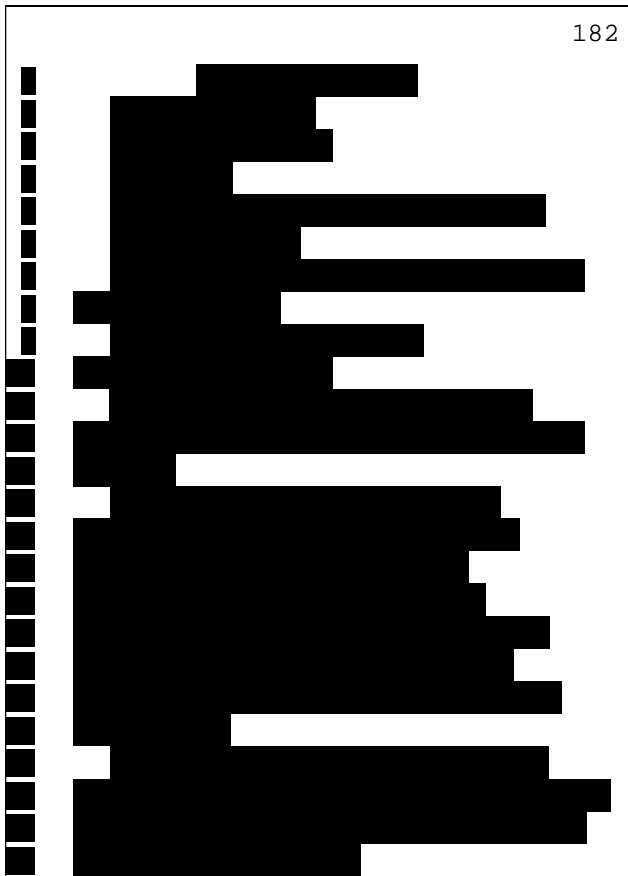
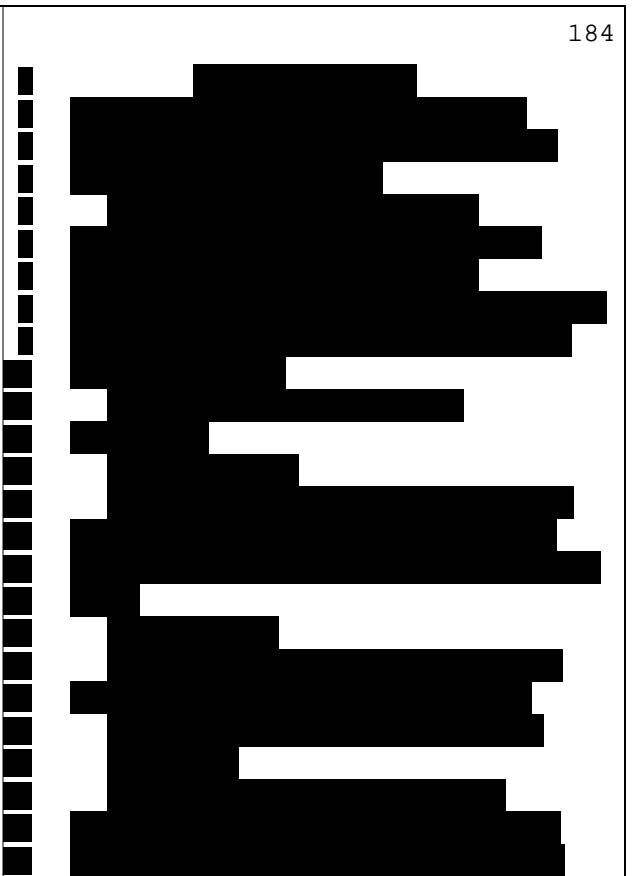
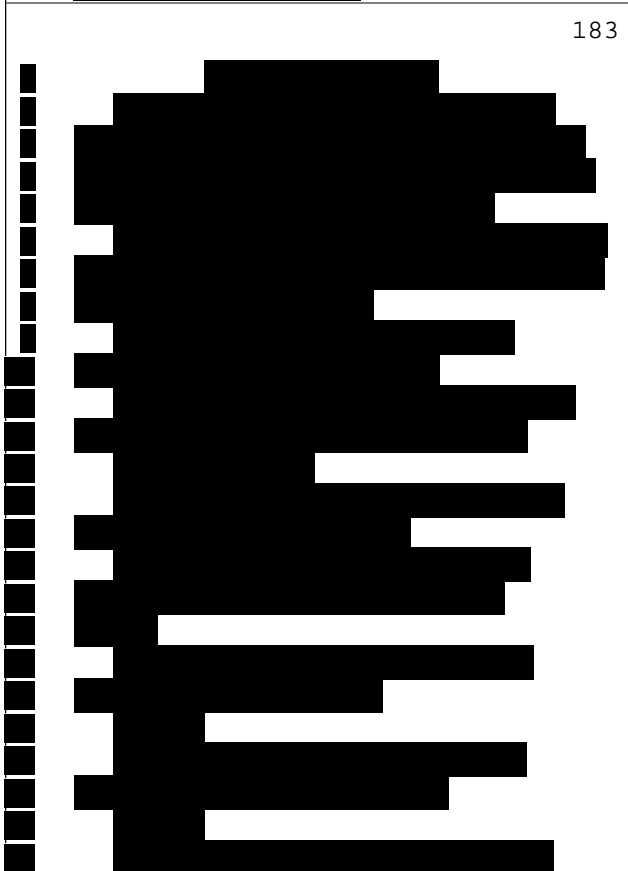
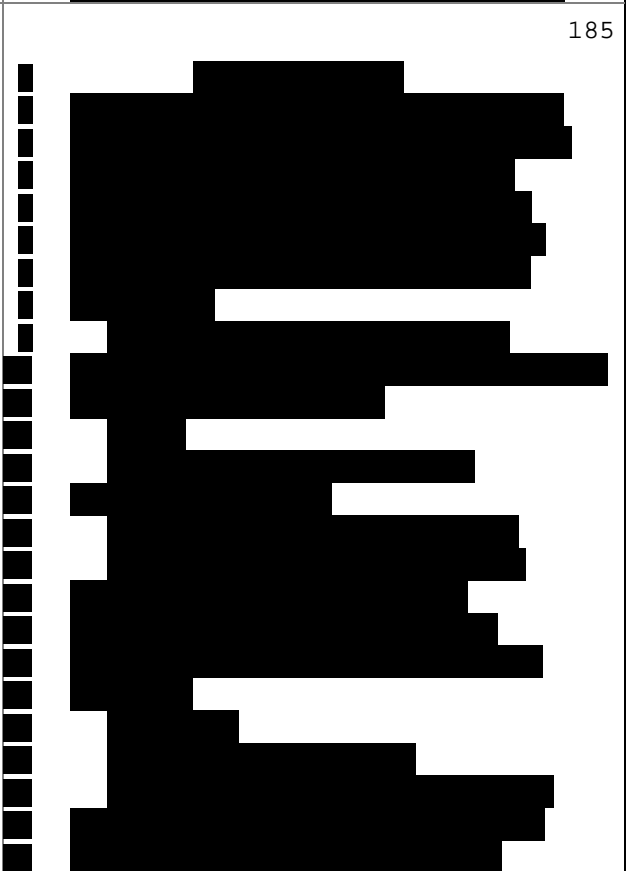
[REDACTED]

179

[REDACTED]

181

[REDACTED]

<p>182</p> 	<p>184</p> 
<p>183</p> 	<p>185</p> 

47 (Pages 182 to 185)

186

[REDACTED]

188

1 MICHAEL BROWN  
 2 the representation of the date the data was  
 3 received.  
 4 **Q. Okay.**  
 5 A. Other things you'll see is -- the very  
 6 top, you'll see a unique hash of track information.  
 7 We take the name of the trunk and information about  
 8 it, we run it through an MD5 hash algorithm to  
 9 create the unique ID for it.  
 10 **Q. And do you parse where the track came**  
 11 **from; i.e., the device that it came from?**  
 12 A. The kind -- if you look at the column of  
 13 Kind, the column named Kind indicates the location  
 14 of that track.  
 15 **Q. Okay. So if that -- if that track were**  
 16 **on an iPod, it would identify that location?**  
 17 A. That is correct.  
 18 **Q. Okay. Can you flip to Bates No. 15923 in**  
 19 **Brown Exhibit 6.**  
 20 A. Yes.  
 21 **Q. You see in the middle of the page where**  
 22 **it says "OSSProxy Rules"?**  
 23 A. Yes.  
 24 **Q. Can you just describe for me generally**  
 25 **what is meant by OSSProxy Rules?**

187

[REDACTED]

189

1 MICHAEL BROWN  
 2 A. The software project OSSProxy, also  
 3 MacMeter, is designed to reference configuration  
 4 information from a remote re -- my tongue is just  
 5 losing -- remote locate -- remote resource like a  
 6 URL, so the information and -- of the types of  
 7 things we want to do or collect can be configured  
 8 and adjusted quickly without requiring a new version  
 9 of the software to be deployed.  
 10 **Q. Well, first, the rules, is that another**  
 11 **way of saying instructions, instructions to the**  
 12 **software?**  
 13 A. I don't think it's really -- like in my  
 14 personal opinion from the computer science  
 15 definition of things, I think the rules are more  
 16 like definitions or lists --  
 17 **Q. Okay.**  
 18 A. -- versus instructions. There's --  
 19 instructions to me indicates something that like has  
 20 an if-then conditional, and these do not have  
 21 embedded in that if-then conditional type of things.  
 22 **Q. Do you see in the written text under**  
 23 **OSSProxy slash CProxy Rules, there is two paragraphs**  
 24 **right under that subheading? Do you see that?**  
 25 A. I do.

190

[REDACTED]

192

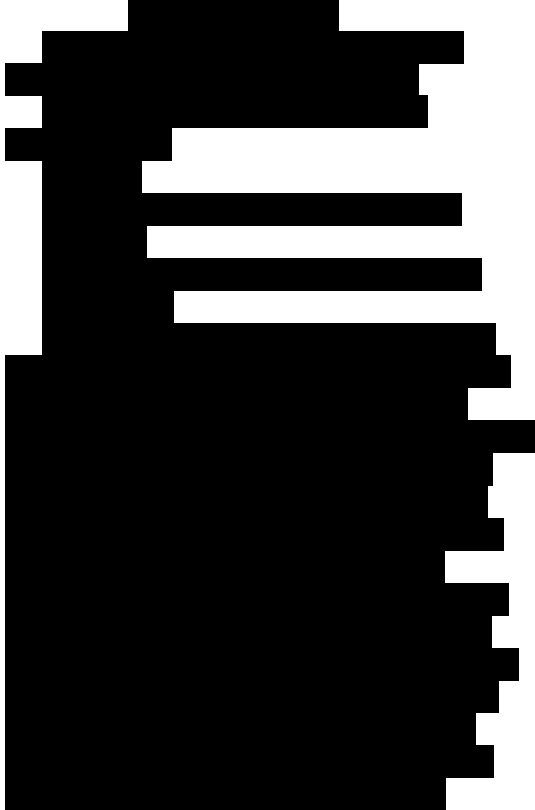
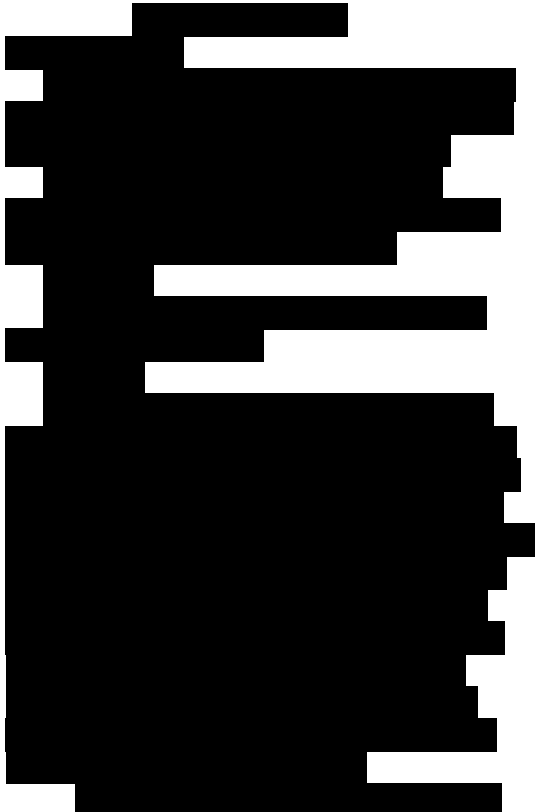
[REDACTED]

191

[REDACTED]

193

[REDACTED]

<p style="text-align: right;">194</p> <p>1                   <b>MICHAEL BROWN</b></p> <p>2 <b>explain why the rule would be outdated because now</b></p> <p>3 <b>traffic is no longer routed to comScore's proxy</b></p> <p>4 <b>servers?</b></p> <p>5       A. It's outdated because we no longer use</p> <p>6 proxy servers, so, therefore, there's no need to</p> <p>7 route traffic to proxy servers.</p> <p>8       <b>Q. When did comScore stop using proxy</b></p> <p>9 <b>servers?</b></p> <p>10      A. 2005.</p> <p>11      <b>Q. Why did it stop?</b></p> <p>12      A. We decided to upgrade the functionality</p> <p>13 of our software to no longer require using proxy</p> <p>14 servers.</p> <p>15      <b>Q. What's a proxy server?</b></p> <p>16      A. Proxy server is a piece of software that</p> <p>17 runs on a set of servers that receives requests from</p> <p>18 clients; in our case, panelists receive that request</p> <p>19 and initiate a new request on behalf of that</p> <p>20 requester to a target server; that data is then</p> <p>21 returned back to that proxy server, and that data is</p> <p>22 then sent from that proxy server to the respective</p> <p>23 client.</p> <p>24      <b>Q. It's like an intermediary server?</b></p> <p>25      A. Correct. It is acting as an</p>	<p style="text-align: right;">196</p> 
<p style="text-align: right;">195</p> <p>1                   <b>MICHAEL BROWN</b></p> <p>2 intermediary.</p> <p>3       <b>Q. So now is the -- is the data just</b></p> <p>4 <b>directly sent to comScore's servers instead of</b></p> <p>5 <b>routed through a proxy server?</b></p> <p>6       A. In the case of the proxy server, all --</p> <p>7 all -- give me a second. I'm trying to think of the</p> <p>8 best way to explain this. Data would be routed</p> <p>9 selectively to our proxy servers, and when we are</p> <p>10 operating with proxy servers prior, including and</p> <p>11 prior to 2005. With the CProxy running 100 percent</p> <p>12 locally, the rules are executed locally on the</p> <p>13 panelist's computer, so the information of interest</p> <p>14 gets sent to comScore's servers.</p> <p>15      <b>Q. From the panelist's computer?</b></p> <p>16      A. From the panelist's computer, correct.</p> <p>17      <b>Q. Okay. Can you turn your attention to</b></p> <p>18 <b>kind of halfway down the page where it says XPF.</b></p> <p>19      A. Yes.</p> <p>20      <b>Q. Do you know what XPF is?</b></p> <p>21      A. I know what XPF is in relation to this</p> <p>22 document, and specifically within this section of</p> <p>23 the document.</p> <p>24      <b>Q. Okay. Can you explain it to me --</b></p> <p>25      A. Sure.</p>	<p style="text-align: right;">197</p> 



<p>210</p> <p>[REDACTED]</p>	<p>212</p> <p>[REDACTED]</p>
<p>211</p> <p>[REDACTED]</p>	<p>213</p> <p>[REDACTED]</p>

214

[REDACTED]

216

[REDACTED]

215

[REDACTED]

217

[REDACTED]

218 220

1 MICHAEL BROWN  
2 of information. You have to look for two pieces to  
3 see if that DLL is valid; it has to be present and  
4 registered.  
5 THE WITNESS: If you guys don't mind, I'd like  
6 to take a break when there's an opportune time. I  
7 know you're in the vain here, not urgent, I'd just  
8 like to --  
9 MR. BALABANIAN: Yeah, we're just -- I'm  
10 afraid I'm finishing. Let's take one now. How  
11 about five minutes.  
12 (WHEREUPON, a recess was had from  
13 3:59 p.m. to 4:06 p.m.)  
14 BY MR. BALABANIAN:  
15 **Q. Why does comScore fuzzify data? Why does**  
16 **it collect fuzzified data? Why doesn't it just not**  
17 **collect the data at all?**  
18 A. You've got a couple questions in there.  
19 Do you want to break it down into a couple --  
20 **Q. Yeah.**  
21 A. We can take it one by one if you wish.  
22 **Q. Yeah. Why does it collect fuzzified**  
23 **data?**  
24 A. We collect fuzzified data because we  
25 don't want to collect data that would be harmful or

219 221

1 MICHAEL BROWN  
2 identify who that panelist is, you know. The last  
3 thing we want to have is a list of credit card  
4 numbers from panelists. That's an exposure for the  
5 panelist and exposure for us.  
6 **Q. It's important to filter the information?**  
7 A. In this case, we're not talking about  
8 filtering the information, we're talking about  
9 changing the information. So in this case, with  
10 respect to this, we're changing the information in a  
11 one-way manner that's not reversible; that is the  
12 goal of fuzzification.  
13 **Q. Filtering and fuzzifying are two**  
14 **different things?**  
15 A. In my opinion, filtering and fuzzifying  
16 are two different things.  
17 **Q. Filtering is just not accepting the data**  
18 **at all, right?**  
19 A. That is one possible -- that is one  
20 possible interpretation of the word filter.  
21 **Q. Can you flip to 15930, Mr. Brown?**  
22 A. Yes, I am there. Is there a particular  
23 section?  
24 **Q. Actually, 15929 is where I'd like you to**  
25 **start, sorry, in the very bottom. I'm looking at**

222

[REDACTED]

224

[REDACTED]

223

[REDACTED]

225

[REDACTED]