

# EXHIBIT 6

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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MIKE HARRIS and JEFF DUNSTAN,  
individually and on behalf of a class of similarly  
situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

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) Case No. 1:11-cv-5807  
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) Judge James F. Holderman  
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) Magistrate Judge Young B. Kim  
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**DEFENDANT COMSCORE, INC.'S RESPONSES  
TO PLAINTIFF JEFF DUNSTAN'S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant comScore, Inc, ("comScore"), by its undersigned attorneys, hereby objects and responds to Plaintiff Jeff Dunstan's ("Dunstan") First Set of Interrogatories to Defendant comScore, Inc. ("Interrogatories").

**General Objections**

The following general objections apply to each and every Interrogatory propounded by Dunstan and are incorporated into each of the following responses by reference as if fully set forth therein. comScore hereby incorporates its General Objections to Plaintiff Mike Harris's First Set of Interrogatories and Plaintiff Mike Harris's Second Set of Interrogatories.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1**

Identify each Person, Including Your present and former officers, director, agents, or employees, who were responsible for approving the categories of Personal Information that You Collected from Panelists through Your Panelist Software.

### **RESPONSE TO INTERROGATORY NO. 1**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

Mike Brown, Yvonne Bigbee, Frank Pecjak, Chris Lin, Thomas Cushing, and Richard Weaver are involved in approving the types of Personal Information collected by comScore's software.

### **INTERROGATORY NO. 2:**

Identify and Describe any and all policies and procedures, both written and oral, Relating To the Collection of all categories of information from Panelists through Your Panelist Software, and Include in Your answer the identities of all Persons who were involved in crafting all such policies and procedures. To the extent that these policies and procedures have changed over time, Identify any and all differences between each successive policy and procedure, the Date range during which each policy and procedure was operative, and the operative versions and

subversions of Your Panelist Software that each changed policy and procedure applied to.

**RESPONSE TO REQUEST NO. 2**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

*See* Response to Plaintiff Mike Harris’s First Set of Interrogatories, Response Nos. 16 and 17, and all subsequent supplemental responses thereto.

**INTERROGATORY NO. 3:**

Identify each Person, Including Your present and former officers, directors, agents, or employees, who were responsible for approving the categories of information Collected from Panelists through Your Panelist Software.

**RESPONSE TO INTERROGATORY NO. 3**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and to the extent it seeks information already produced by comScore. Subject to and without waiving the foregoing general and specific objections, comScore replies:

*See* Response to Interrogatory No. 1.

**INTERROGATORY NO. 4:**

Describe any and all steps that You have taken to ensure that the categories of information that You Collected from Panelists through your Panelist Software were Identified in any of the Terms of Service, User License Agreements, Privacy Policies or other agreements that You contend govern the relationship between You and Panelists. To the extent any of these steps have changed over time, Identify any and all differences in the action taken, the operative versions and subversions of Your Panelist Software at the time, the Date range during which the variations took place, and any difference in the categories of Information collected from Panelists.

**RESPONSE TO INTERROGATORY NO. 4**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3). Subject to and without waiving the foregoing general and specific objections, comScore replies:

Throughout the entire relevant time period, comScore has subjected itself to annual privacy audits and has been certified by the WebTrust, earning the Online Privacy Seal of assurance for comScore's privacy practices employed as part of its online research services. The principles and criteria applied during the course of the privacy audit can be found at <http://www.webtrust.org/principles-and-criteria/item27818.pdf>. *See also* Response to Dunstan's First Set Of Requests For Production Of Documents, Request Nos. 78 and 79.

**INTERROGATORY NO. 5:**

Identify each Person, Including Your present and former officers, directors, agents, or employees, who were responsible for ensuring that the categories of Personal Information Collected from Panelists through Your Panelist Software were Identified and disclosed in any of the Terms of Service, User License Agreements, Privacy Policies or other agreements that You contend govern the relationship between You and Panelists.

**RESPONSE TO INTERROGATORY NO. 5**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

comScore's internal and outside counsel are responsible for formulating comScore's legal agreements, with input from outside privacy experts, including TRUSTe and the auditors at Grant Thornton . See Response to Interrogatory No. 4.

**INTERROGATORY NO. 6:**

Identify all Persons responsible for drafting, revising, editing, commenting on, or approving any of the Terms of Service, User License Agreements, Privacy Policies or other agreements that You contend govern the relationship between You and Panelists.

**RESPONSE TO INTERROGATORY NO. 6**

comScore incorporates each of its general objections by reference. comScore further

objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

comScore's internal and outside counsel are responsible for formulating comScore's legal agreements, with input from outside privacy experts, including TRUSTe and the auditors at Grant Thornton . See Response to Interrogatory No. 4.

**INTERROGATORY NO. 7:**

Identify and Describe any and all policies and procedures, both written and oral, Relating To Your process for Filtering the Personal Information that You Collected from Panelists through Your Panelist Software.

**RESPONSE TO INTERROGATORY NO. 7**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

Pursuant to Federal Rule of Civil Procedure 33(d), comScore directs Plaintiffs to CS0015923-CS0015944. See Response to Interrogatory No. 2; Sept. 12, 2012 Deposition of

Yvonne Bigbee at 40:20-41:3, 54:19-57:11, and 58:14-77:9; Aug. 15, 2012 Deposition of Michael Brown at 146:25-148:20, 205:10-212:17, and 223:17-225:19; Sept. 14, 2012 Deposition of Randall McCaskill at 39:25-47:22 and 69:18-70:10.

**INTERROGATORY NO. 8:**

Identify each occurrence where You Collected Personal Information from Panelists through Your Panelist Software that was not Filtered. For each occurrence so Identified, specify the Date such information was Collected and the type of Personal Information that was Collected. If You are unable to Identify each occurrence, then at the very least, Identify the frequency with which You Collected Personal Information from Panelists through Your Panelists Software that was not Filtered.

**RESPONSE TO INTERROGATORY NO. 8**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

Each occurrence in which comScore was aware of collecting unfiltered sensitive panelist information is logged and tracked via comScore's JIRA ticketing software. Pursuant to Federal Rule of Civil Procedure 33(d), comScore states that it has previously produced all JIRA tickets related to any such collection to Plaintiffs. *See* CS0000001-CS0015890. Additionally, Plaintiffs inspected comScore's JIRA database for three days from September 12-14, 2012.



**INTERROGATORY NO. 9:**

Identify the Date(s) that You Purged Your database(s) of the Personal Information Identified in Your response to Interrogatory No. 8. For each occurrence so Identified, Describe the types of Personal Information Purged on those Date(s) and the manner in which You Purged Your database(s) of such Personal Information.

**RESPONSE TO INTERROGATORY NO. 9**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing general and specific objections, comScore replies:

Unintentionally collected information is purged by physical deletion from the collection medium and the medium is reused. The dates for purging are dependent upon the amount of new data being collected (*i.e.*, the dates may be accelerated during heavy collection periods based on how quickly the media needs to be recycled).

**INTERROGATORY NO. 10:**

Identify any and all monies or other benefits that You received from sharing, selling, transmitting, and/or disclosing the Class's and Subclass's Personal Information (broken down by year).

**RESPONSE TO INTERROGATORY NO. 10**

comScore incorporates each of its general objections by reference. comScore further

objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims. Subject to and without waiving the foregoing general and specific objections, comScore replies:

None.

**INTERROGATORY NO. 11:**

Identify the top-line revenue generated from Your sharing, selling, transmitting, and/or disclosing of the Class's and Subclass's Personal Information (broken down by year).

**RESPONSE TO INTERROGATORY NO. 11**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims. Subject to and without waiving the foregoing general and specific objections, comScore replies:

None.

**INTERROGATORY NO. 12:**

Identify Your total net worth as of the Date of Your answering this Interrogatory.

**RESPONSE TO INTERROGATORY NO. 12**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks highly confidential and sensitive information;

and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**INTERROGATORY NO. 13:**

Identify and Describe any and all complaints that You have received from any Person, Including Panelists, universities, governmental entities, and employees, Relating To Your Panelist Software (broken down by year).

**RESPONSE TO INTERROGATORY NO. 13**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or violates Fed. R. Civ. P. 26(b)(3); and it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence in that it purports to seek information not relevant to Plaintiffs' remaining claims.

**INTERROGATORY NO. 14:**

Identify the name and address of each Person who You intend to call as a witness at trial or other evidentiary hearing in this matter and state the nature of each Person's testimony.

**RESPONSE TO INTERROGATORY NO. 14**

comScore incorporates each of its general objections by reference. comScore further objects to this request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, harassing and oppressive; it seeks information protected by the attorney-client privilege, attorney work product privilege, other relevant privileges or immunities, and/or

violates Fed. R. Civ. P. 26(b)(3); it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence; and it is premature in that the Court has stated it will set deadlines for pretrial disclosures after the close of expert witness discovery. comScore will disclose its witnesses, if any, at the time prescribed by the Court.

DATED: August 30, 2013

By  /s/ Andrew Schapiro

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*Attorneys for Defendant comScore, Inc.*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of **DEFENDANT COMSCORE, INC.'S RESPONSES TO PLAINTIFF JEFF DUNSTAN'S FIRST SET OF INTERROGATORIES** has been caused to be served on August 30, 2013 to all counsel of record via email.

*/s/ Robyn M. Bowland*

Robyn M. Bowland