

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE 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 JEFF DUNSTAN’S FIRST SET OF  
INTERROGATORIES TO DEFENDANT COMSCORE, INC.**

Plaintiff Jeff Dunstan, pursuant to Federal Rule of Civil Procedure 33, hereby requests that Defendant comScore, Inc. answer the following Interrogatories within thirty (30) days of service hereof and supplement answers up to and including the time of trial pursuant to Fed. R. Civ. P. 26(e)(1), and to make service of said answers upon his counsel.

***I. Definitions***

1. “Collect” or “Collection” means or refers to the gathering and/or transfer of information from a Panelist’s Computer to You. Information is deemed Collected regardless of whether it is Filtered or otherwise altered prior to or following transmission.

2. “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.

3. “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 ESI (Including 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).

4. “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.

5. “Filter” means or refers to the same process or functionality referenced by Your use of the term “filter” in Your Privacy Policy and User License Agreement. (*See, e.g.*, Dkt. 156-9 at 3 (“[W]e make commercially viable efforts to automatically **filter** confidential personally identifiable information....”) (emphasis added).)

6. “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.

7. “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.

8. “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.

9. “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.

10. “Identify,” when used with respect to a communication, means to state type of communication (*e.g.*, 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.

11. “Including” means “including, but not limited to”; “Includes” means “includes, but not limited to.”

12. “Panelist” means or refers to Persons who, during the Relevant Time Period, had Your Panelist Software operating on their computers.

13. “Panelist Software” means or refers to Your data collection software, Including OSSProxy and MacMeter, and Includes all versions and/or builds released and/or available to the public during the Relevant Time Period.

14. “Person” means or refers to any natural person, corporation, partnership, association, organization, joint ventures, or other entity of any type or nature.

15. “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.

16. “Plaintiffs” means or refers to Plaintiffs Mike Harris and Jeff Dunstan.

17. “Purge” means or refers to the same process or functionality referenced by Your use of the term “purge” in Your Privacy Policy and User License Agreement. (*See, e.g.*, Dkt. 156-9 at 3 (“[W]e make commercially viable efforts to **purge** our database of such information.”) (emphasis added).)

18. “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.

19. “Relevant Time Period,” means 2005 until the present. Unless otherwise indicated, all Interrogatories shall refer to the Relevant Time Period.

20. “You,” “Your,” 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 an Interrogatory should have knowledge to answer said Interrogatory. If another Person has superior knowledge of the information requested in a specific Interrogatory, that other Person should respond to that Interrogatory 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 Interrogatories, furnish all information, however obtained, including hearsay that is available to You and any information known by You, or that is within Your possession, custody or control.

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

4. It is intended by this set of Interrogatories 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 respond. 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 an 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 un-responded to 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 Interrogatory is irrelevant, burdensome, or otherwise inappropriate, state what time period You consider proper for that Interrogatory and answer the Interrogatory for that time period, preserving Your objection to the remainder of the time period.

8. If You object or otherwise refuse to respond to any portion of any Interrogatory, You shall (i) 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 (ii) 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, Identify the privileged matter, materials and/or Document(s), and with respect to each, 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 material, Document or ESI was addressed;
- d. the name of each Person, other than the addressee(s) Identified in

subparagraph (c) above, to whom such material, Document or ESI, or copy thereof was sent, or with whom such material, Document or ESI was discussed;

- e. the name of each Person who signed such material, 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 material, Document or ESI;
- g. the job title or position of each Person Identified in subparagraphs (c), (d), (e), and (f) above;
- h. the Date such material, 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 material, Document or ESI, and where applicable, its number of pages;
- j. the name of each Person who currently has custody of such material, Document or ESI; and
- k. the specific ground(s) upon which the privilege or work product rests.

10. 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.

11. 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.

12. As used herein, the present tense shall also include the past tense.

13. 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.

14. 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.”

### ***III. Interrogatories***

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

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

**ANSWER:**

#### **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.

**ANSWER:**

**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.

**ANSWER:**

**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 variations took place, and any difference in the categories of Information Collected from Panelists.

**ANSWER:**

**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.

**ANSWER:**

**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.

**ANSWER:**

**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.

**ANSWER:**

**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 Panelist Software that was not Filtered.

**ANSWER:**

**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.

**ANSWER:**

**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).

**ANSWER:**

**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).

**ANSWER:**

**INTERROGATORY NO. 12**

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

**ANSWER:**

**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).

**ANSWER:**

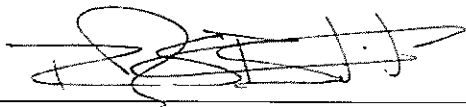
**INTERROGATORY NO. 14**

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.

**ANSWER:**

\* \* \*

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



By: \_\_\_\_\_  
One of Plaintiff's Attorneys

Dated: July 31, 2013

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CERTIFICATE OF SERVICE

I, David I. Mindell, an attorney, hereby certify that on July 31, 2013, I served the above and foregoing *Plaintiff Jeff Dunstan'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, Chicago, Illinois on this 31st day of July 2013.

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