

EXHIBIT F

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,
) Case No. 1:11-cv-5807
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Plaintiffs,
) Judge James F. Holderman
)
v.
) Magistrate Judge Young B. Kim
)
)
COMSCORE, INC., a Delaware corporation,
)
)
Defendant.
)
)

**COMSCORE, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' THIRD
30(b)(6) DEPOSITION NOTICE (TOPIC NOS. 1-10)**

Defendant comScore, Inc. (hereinafter, “comScore”) by and through its undersigned counsel responds and objects to the November 13, 2013 30(b)(6) Deposition Notice (“the Notice”) by Plaintiffs Mike Harris and Jeff Dunstan (hereinafter “Plaintiffs”) as follows:

GENERAL OBJECTIONS

comScore asserts the following General Objections to Plaintiffs’ 30(b)(6) Deposition Notice that apply to all Deposition Topics of the Notice. For select Topics, additional Specific Objections are set forth following these General Objections.

1. comScore objects to the date and time of the noticed Rule 30(b)(6) deposition. comScore will make a witness or witnesses available to testify on a mutually convenient date and at a location to be specified in separate correspondence.
2. comScore objects to each Topic, and to the Definitions, to the extent that they purport to impose any obligations or burdens upon comScore different from or in addition to what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, any governing case law, or other applicable authority.
3. comScore objects to any Topic to the extent it seeks information that is protected by the attorney-client privilege, work-product doctrine, or any other common law or statutory privilege or protection, including common interest or joint defense privileges or protections, or seeks other information that is otherwise protected from discovery or disclosure. Nothing contained in these responses or any testimony provided by a witness or witnesses on comScore’s behalf is intended to be nor should be considered to be a waiver of any attorney-client communication privilege, common interest privilege or protection, work product privilege or protection, or any other applicable privilege, protection or doctrine, and to the extent that any

interrogatory may be construed as calling for disclosure of information protected by such privileges or doctrines, a continuing objection to each and every such Topic is hereby asserted.

4. comScore objects to each and every Topic to the extent that it is overbroad and unduly burdensome.

5. comScore objects to each and every Topic to the extent that it is vague, ambiguous, or confusing, by failing to adequately define terms or by using terms the meaning of which are not readily available or decipherable.

6. comScore objects to each and every Topic to the extent that it seeks information that is not relevant to a claim or defense of any party nor reasonably calculated to lead to the discovery of admissible evidence.

7. comScore objects to each Topic to the extent it exceeds the scope of permissible discovery by calling for information that is neither relevant to any claim or defense in this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

8. comScore objects to each and every Topic to the extent it seeks information that is not within comScore's possession, custody, or control.

9. comScore objects to each and every Topic to the extent that any information requested is already in the possession, custody, or control of Plaintiffs, or may be obtained from publicly available sources.

10. comScore objects to each Topic to the extent that it requires comScore to provide information beyond what is available to comScore at present from a reasonable search of its own files likely to contain relevant or responsive documents and from a reasonable inquiry of its present employees.

11. comScore objects to each Topic to the extent it seeks confidential and proprietary information, including trade secrets and competitively sensitive business information, where such information is not necessary to the prosecution of Plaintiffs' claims and/or any purported marginal benefit of disclosure of the requested information is outweighed by the burden associated with disclosing such highly sensitive information. Subject to its other General Objections, and any specific objections set forth below, comScore will only provide relevant information in a manner consistent with the Protective Order entered by the Court in this matter.

12. comScore objects to each Topic to the extent it purports to require the disclosure of proprietary and confidential information of any third parties to whom comScore may be under obligations of confidentiality.

13. comScore objects to each Topic to the extent that it calls for a legal conclusion, presents a question of pure law, and/or calls for expert testimony.

14. comScore objects to the definition of "Your," "Your," "Defendant," and/or "comScore" as overly broad and unduly burdensome to the extent that it includes "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." comScore further objects to this definition to the extent it (i) seeks information that is not within comScore's possession, custody or control; (ii) is overly broad, oppressive, and unduly burdensome in that it encompasses entities who are not parties to this lawsuit and over whom comScore has no control; (iii) is not reasonably limited in time or scope, in that it is not limited to the time period relevant to this litigation; and (iv) explicitly seeks information that is protected from disclosure by the attorney-client privilege,

attorney work product doctrine, common purpose privilege, joint defense privilege, and/or any other applicable privilege or immunity, particularly in that the definition includes attorneys.

15. comScore objects to the definition of “Panelist” as vague and ambiguous, and as seeking information regarding comScore panelists not part of the class certified by the Court. comScore will limit its Responses to the Notice to comScore panelists who are part of the class certified by the Court.

16. comScore objects to the definition of “Panelist Software” as vague and ambiguous with respect to “all versions and/or builds” and “released and/or available,” and to the extent Plaintiffs seek information regarding comScore panelists not part of the class certified by the Court.

17. comScore objects to the definition of “Person” as overly broad, unduly burdensome, vague and ambiguous. comScore further objects to this definition on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. comScore further objects to this definition as seeking information that is not within comScore’s possession, custody, or control.

18. comScore reserves the right to assert additional objections to these Topics as appropriate.

19. comScore’s responses are not to be construed as an admission that any definition provided by Plaintiffs is either factually correct or legally binding upon comScore, or as a waiver of any of comScore’s objections, including but not limited to objections regarding discoverability of information or other evidence, that any of the requested information exists, that any information is admissible, relevant or reasonably calculated to lead to the discovery of

admissible evidence, or that any contention or assumption contained in the Topics, whether implicit or explicit, is correct.

20. comScore's investigation is ongoing in this matter, and it reserves the right to supplement its responses and objections as appropriate.

21. comScore incorporates by reference its General Objections in each of the specific responses set forth below.

DEPOSITION TOPICS

TOPIC NO. 1:

Third Party Application Providers ("TAPs"), including (i) Your decision to partner with TAPs, (ii) Your decision to distribute Panelist Software bundled with TAP applications, (iii) Your decision to distribute Panelist Software bundled with TAP applications, (iv) any methods used by You to vet potential TAPs, and (v) any methods used by You to exercise oversight over active TAPs.

RESPONSE TO TOPIC NO. 1:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's decision to partner with TAPs and distribute Panelist Software bundled with TAP applications; (ii) it is vague and ambiguous, including with respect to the terms and phrases "vet" and "oversight;" (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will offer a witness to testify regarding comScore's policies and procedures for selecting TAP partners and supervising TAP partners' offer of comScore's software.

TOPIC NO. 2:

Downloading Statements, including (i) Your decision to present a Downloading Statement with a link to the Panelist Software Privacy Policy and User License Agreement ("ULA") to potential Panelists, (ii) Your decision to recommend that TAPs include certain design elements in their Downloading Statements, and (iii) Your decision to design RKVerify to detect certain strings present in the Downloading Statement.

RESPONSE TO TOPIC NO. 2:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases "certain extra design elements" and "certain strings;" (iii) is not reasonably limited in time and scope; (iv) seeks privileged or work product information; (v) seeks irrelevant information regarding TAP partners' Downloading Statements; and (vi) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will offer a witness to testify regarding comScore's requirements regarding how TAP partners display comScore's ULA and comScore's decision to use RKVerify.

TOPIC NO. 3:

Distribution of Panelist Software, including (i) Your decision to create separate brands of Panelist Software (e.g. RelevantKnowledge), (ii) Your decision to distribute branded Panelist Software through program sponsors (e.g. TMRG, Inc.) and (iii) Your relationship and communications with program sponsors.

RESPONSE TO TOPIC NO. 3:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases "relationship" and "program sponsors;" (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will offer a witness to testify regarding comScore's TAP program-related subsidiaries and program sponsors.

TOPIC NO. 4:

Tracking of Data Concerning Panelist Software, including (i) Your tracking of Panelist Software installation rates and (ii) Your tracking of Panelist attrition rates.

RESPONSE TO TOPIC NO. 4:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases "installation rates" and "attrition rates;" (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will offer a witness to testify regarding comScore's procedures for tracking the rates at which TAP panelists download and remove comScore's software from TAP panelists' computers.

TOPIC NO. 5:

Complaints and Concerns About Panelist Software, including (i) Your knowledge of any Panelists not being aware that Panelist Software had been installed and/or was running on their computers, (ii) any policies and procedures established by You to review and address complaints about the Panelist Software, (iii) any concerns You have had regarding the legality of the distribution of Your Panelist Software.

RESPONSE TO TOPIC NO. 5:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome

in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases "aware," and "running;" (iii) is not reasonably limited in time and scope; (iv) seeks privileged or work product information; and (v) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will make a witness available to testify regarding policies and procedures established by comScore to address communications with TAP panelists and comScore's knowledge of TAP panelists who claimed to not know they had downloaded comScore's software.

TOPIC NO. 6:

Efforts Regarding the Public Perception of Panelist Software, including (i) Your relationships with anti-virus software companies, (ii) any arrangements between You and Search Engine Optimization ("SEO") companies, and (iii) any arrangements between You and companies that provide privacy compliance certifications.

RESPONSE TO TOPIC NO. 6:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class and information that is not relevant to the above-captioned matter; (ii) it is vague and ambiguous, including with respect to the terms and phrases "anti-virus

software companies” and “privacy compliance certifications;” (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will make a witness available to testify regarding comScore’s relationship with companies that audit, certify, or otherwise review comScore’s business practices with respect to privacy concerns.

TOPIC NO. 7:

Decisions Regarding Data Collected by Panelist Software, including (i) Your decisions about the types of data to access, or not access, on Panelists’ computers, (ii) Your decisions about the types of data to collect, or not collect, from Panelists’ computers, (iii) Your decision to begin and then continue “fuzzifying” data collected from Panelists’ computers, and (iv) Your decision to erase Panelist data from Your servers at certain intervals.

RESPONSE TO TOPIC NO. 7:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore’s capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases “erase,” “Your servers,” and “certain intervals;” (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately

obtained through, other forms of discovery and/or information that has already been provided by comScore during class and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore has already provided a 30(b)(6) witness on these topics, as well as responded to numerous Interrogatories and Document Requests regarding these topics. comScore will not make a witness available to testify regarding Topic No. 7.

TOPIC NO. 8:

Panelist Software ULAs, including (i) Your involvement in drafting the Panelist Software ULA, (ii) Your decision to use specific terms to describe the Panelist Software’s collection of Panelist data in the ULA, (iii) Your determination of what constitutes “confidential personally identifiable information,” (iv) Your determination of what constitutes “commercially viable efforts,” and (v) Your determination of what constitutes “purging” data.

RESPONSE TO TOPIC NO. 8:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore’s capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases “involvement” and “specific terms;” (iii) is not reasonably limited in time and scope; (iv) seeks privileged or work product information; and (v) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will make a witness available to testify regarding comScore's understanding of what constitutes "confidential personally identifiable information," "commercially viable efforts," and "purging" data.

TOPIC NO. 9:

Revenues and Profits, including the revenues and profits You derived from sharing or selling data that You collect from Panelists, whether individually or in aggregate.

RESPONSE TO TOPIC NO. 9:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore's capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases "sharing," "selling," and "in aggregate;" (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore does not have specific information regarding revenues and profits made from the sale of TAP panelists' aggregated information. comScore does not sell individual-level information. comScore will make a witness available to testify regarding comScore's overall revenues and profits.

TOPIC NO. 10:

Use of Panelist Data, including Your combining and/or “matching” of Panelist data with information from third parties.

RESPONSE TO TOPIC NO. 10:

In addition to its General Objections, which it hereby incorporates by reference, comScore objects to this Topic on the grounds that: (i) it is overly broad and unduly burdensome in that it seeks information regarding comScore’s capabilities with respect to panelists who are not members of the certified class; (ii) it is vague and ambiguous, including with respect to the terms and phrases “use,” “combining,” and “matching;” (iii) is not reasonably limited in time and scope; and (iv) it seeks information that is duplicative or, or more appropriately obtained through, other forms of discovery and/or information that has already been provided by comScore during class discovery and class notice discovery.

Subject to and without waiving the foregoing General and Specific Objections, comScore responds as follows:

comScore will make a witness available to testify regarding comScore’s use of third party matching companies.

DATED: December 2, 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 **COMSCORE, INC.'S
RESPONSES AND OBJECTIONS TO PLAINTIFFS' THIRD 30(b)(6) DEPOSITION
NOTICE (TOPIC NOS. 1-10)** has been caused to be served on December 2, 2013 to all counsel
of record via email.

/s/ Robyn M. Bowland
Robyn M. Bowland