

EXHIBIT

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CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

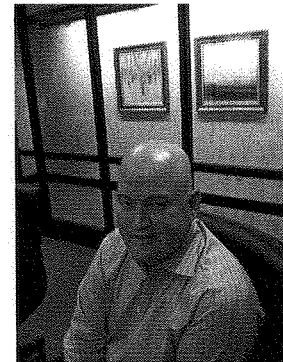
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PUBLIC ENGINES, INC.,)	Deposition of:
a Delaware)	
Corporation,)	<u>GREGORY SCOTT WHISENANT</u>
)	
Plaintiff,)	Case No. 2:10cv00317
)	
vs.)	Judge: Tena Campbell
)	
REPORTSEE, INC., a)	
Delaware Corporation,)	
)	
Defendant.)	
-----)	

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May 4, 2010
10:35 a.m.

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Susan Hellberg-Young
Registered Professional Reporter
Certified Shorthand Reporter
Notary Public in and for the State of Utah

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1 A. If they want to show a beat or other
2 type of subgeography of their jurisdiction, they
3 can show an outline of that area on our map on
4 CrimeReports.com.

5 They can provide shape files to us.
6 They can say, here's the blank neighborhood, and
7 they can show the outline of that neighborhood.
8 So they have some ability to administer that
9 functionality.

10 They have the ability, as Mr. Meyers
11 said, to go in and edit individual records, which
12 is a fail safe, even though we can generally
13 correct for those using Publisher, they have the
14 ability to log in directly the site to remove,
15 edit or add information as needed.

16 Q. So if they see something on the
17 websites that maybe names the is wrong hundred
18 block, they say it's not the 100 block, it's the
19 500 block?

20 A. Yeah. It's an efficiency thing. They
21 could probably go correct their raw database, and
22 that would eventually get corrected on its own.
23 But they're very sensitive to having the wrong
24 data up on the web, so we give them the ability to
25 go in and log in directly and change something if

1 a program. So the only thing we give to the
2 agency is the program itself, not the raw code
3 that we used to build the Publisher. All they can
4 do is configure it, install it, uninstall it.

5 Q. So what did you mean complete
6 unfettered access?

7 A. If it's installed on a machine, and by
8 virtue of having access to the machine and the
9 publisher residing there, they can anything they
10 want within the context of what the Publisher will
11 allow.

12 We have no ability to install it,
13 configure it, uninstall it ourselves. We always
14 have to do it with the agency. The agency has
15 access to the Publisher itself.

16 Q. Does the Publisher permit the agencies
17 to access the de-identified data?

18 A. Not that I'm aware of.

19 Q. So if the agencies wanted to see the
20 de-identified data, where would be the first point
21 that they could see where it is?

22 A. I told you about the button in the
23 administrative interface. We refer to that --
24 when it's not shown to the public, we refer to
25 that as the sandbox. So it's a place where they

1 the website. If a law enforcement agency goes to
2 sign up for our service, they collect the terms of
3 service. What's contained there is effectively
4 the same information that's contained on the order
5 form.

6 Q. So getting back to Annapolis. Around
7 October of 2009 is when Annapolis cancelled its
8 contract?

9 A. That's correct.

10 Q. Do you recall the name of the
11 individual at Annapolis who notified Public
12 Engines of that cancellation?

13 A. I don't. I spoke with her, and I
14 could produce that certainly, but I don't remember
15 her name. It was a woman. I think her first name
16 was Beth.

17 Q. Did this person say that the only
18 reason they were cancelling the contract was
19 because of a threat or actually lawsuit by
20 Reportsee?

21 A. No.

22 Q. What else, what other reason might
23 have been given?

24 A. She indicated that they had been
25 considering building their own tool and that this

1 was the event that pushed them to actually do it,
2 so it was the deciding factor.

3 Q. Do you know whether Annapolis has
4 built their own tool?

5 A. I don't.

6 Q. You haven't checked in to see?

7 A. I have not.

8 Q. So can you give me your best
9 recollection of your conversation with Mr. Drain
10 on that October date?

11 A. Yes. I sent him an e-mail and asked
12 if he could call me. And I think I called and
13 left a message, and he called me back. And I
14 said, hey, I'm just trying to figure out what's
15 going on here.

16 I wanted to call you up businessman to
17 businessman and just figure out what's going on.
18 We have had this complaint and we have had an
19 agency cancel, and we have seen a pattern now
20 that's -- we have had multiple agencies contacting
21 us and telling us that they're unhappy with the
22 way that they have been treated by Spot Crime.
23 And it's putting our company in peril, and it's
24 putting you in legal jeopardy, and we are
25 demanding that it stops.

1 this would be multiple e-mail messages culminating
2 in a threatening tone, at least from their
3 perspective, letter from Spot Crime's legal
4 representation requesting data under an open
5 records request and suggesting to the law
6 enforcement agency that they had a legal
7 obligation to produce this data in the format
8 requested by Spot Crime and there was a separate
9 issue.

10 First of the all, the question was now
11 we need to run through this process of determining
12 whether we have this obligation, and secondly do
13 we really want to be trying to manage different
14 types of data, different streams that are out
15 there. We wanted to have the ability to exert
16 some control and measure of control over what's
17 out there in the public. They saw it as a public
18 safety issue.

19 And the second one was the nature of
20 those complaints was that they had seen their
21 data, which Public Engines was contractually
22 authorized to produce and display showing up on a
23 third party website that did not have permission
24 to show that data from the agency, and they felt
25 that that was a violation and a shortcoming on the

1 part of Public Engines.

2 Q. Did they ever say why it is that they
3 didn't want data displayed anywhere but on Public
4 Engines' site?

5 A. They never really said that. They
6 said they wanted to be able to control it. So I
7 don't think they would be adverse to having the
8 data show up somewhere will else so long as they
9 had the abilities to go and edit that data and
10 remove it and change it as they saw fit. They saw
11 it as a public safety issue.

12 Q. Did they ever explain to you how it
13 was a public safety issue for them not to have the
14 type of editorial control or what have you over
15 the information?

16 A. Yeah. I had one agency, I believe it
17 was the Salt Lake City Police Department give me
18 an example which was when someone calls 911, for
19 example, they may receive a collection of calls to
20 their CAD, to 911, talking about a suspicious
21 person on the street and upload that data, and
22 they may have 11 calls all identifying the same
23 suspicious person would show up as 11 suspicious
24 person incidences.

25 When an officer is deployed or several

1 days later they might correct that and say it
2 turned out there was someone looking for his
3 wallet on the street and it wasn't a suspicious
4 person and they want to change that to be a
5 nonevent.

6 Well, if that initial cluster of
7 events has left their control and is now published
8 on third party websites they don't have the
9 ability to correct that, and it would give a
10 misperception in the eyes of the public that could
11 be to the benefit of the public or to -- whatever
12 the opposite of that is -- to the detriment of the
13 public.

14 Q. Now when they make that, let's just
15 use your example, if they were to go in and turn
16 those 11 incidents or a report to a guy who is
17 looking for his wallet, any normal, ordinary
18 consumer who would have just logged on and seen
19 the 11 incidents, would they know about that
20 change? Is anybody alerted to that?

21 A. If they went back the next day after
22 it had been corrected, they would see a change.
23 And on a third party site, they would persist.

24 Q. Now, the Crime Reports website has a
25 sign-up for e-mail alert updates, does it not?

1 A. It does, yes.

2 Q. In your example, would somebody that
3 signed up for an e-mail alert for say, just for
4 the 11 incidents happened in downtown Salt Lake,
5 would they have received an alert about that
6 incident, the 11 reported 911 calls on a suspicion
7 guy standing at the corner of --

8 A. Wherever? It depends on the alert
9 settings, but they could have potentially gotten
10 that.

11 Q. So there's settings, somebody could
12 say, I only want certain types of alerts?

13 A. That's right.

14 Q. Somebody that signed up for a certain
15 type of alert could have gotten that?

16 A. That's correct.

17 Q. So now does the alert function then
18 also create corrective alerts to go along with
19 your examples when the police change it from 11 to
20 one?

21 A. It would give the corrective data, but
22 it wouldn't say cancel out the other 11 before
23 them. It wouldn't by omission, but it wouldn't
24 say these 11 have changed to a nonevent.

25 Q. So the same person would receive the

1 11 event reports would then receive an e-mail
2 saying report of the one guy looking for his
3 wallet yesterday at 4:00?

4 A. In theory, yes.

5 Q. And then it would be up to them to
6 connect the dots and say, oh, those 11 incidents
7 must have been this poor guy looking for his
8 wallet?

9 A. Potentially, yes, that's right. Well,
10 what they would more likely do is click on the one
11 guy who lost his wallet and the map would show up
12 without the 11 incidents and they would be able to
13 infer from that information that the other 11
14 incidents for whatever reason had been cancelled
15 out.

16 Q. Are there any other public safety
17 issues that your attention has been drawn to by
18 police when it comes to --

19 A. No.

20 Q. Let me finish. When it comes to
21 posting that information on a third party website?

22 A. Not that my knowledge.

23 Q. Turning to Exhibit 4, we got
24 sidetracked, we are going to go to the beginning
25 of the complaint, to the very first page. And now

1 Q. Now, in that sentence in paragraph 6
2 of the complaint, you use the word much to
3 describe much of the information has been
4 misappropriated directly from Crime Reports. How
5 do you, for purposes of this allegation, define
6 the word much?

7 A. I think we weren't ready to say all.
8 And we had seen enough from the cities that we
9 looked at and just our own internal studies to
10 suggest to us that it was much. So we don't have
11 a number associated with that.

12 Q. So less than a hundred percent?

13 A. Correct.

14 Q. More than 50?

15 A. I'd be speculating.

16 Q. What type of -- I think you had
17 mentioned the word, maybe investigation?

18 Can I read the --

19 So what type of analysis have you done
20 to hazard a guess about the amount of information
21 on Spot Crime that, as your complaint says,
22 misappropriated from Crime Reports?

23 A. I have not been the one personally
24 involved in that. So Steve Meyers has been, a
25 couple of other individuals. So I'd look to them

1 things available to the public?

2 A. I think a lot of agencies have
3 indicated that it's really a lack of resources
4 that limits them from having a comprehensive
5 dialogue and engagement with the general public,
6 but they feel like a better informed public helps
7 them.

8 Q. And then it goes on in paragraph 11,
9 second clause of the first sentence, balanced by
10 their desire to maintain control of the
11 information.

12 We have discussed the public safety
13 issue. Is there any other basis for this
14 allegation about why a police department would
15 have a desire to maintain control?

16 A. Yes.

17 Q. What is that?

18 A. I think the very nature of crime data
19 is that it is open to interpretation in many
20 respects. As most people might know, there's a
21 lot of argument and debate about crime rates
22 across the country. It's a subject of budgets.
23 It's a subject of hiring, chiefs, allocating
24 resources, and even to elect people.

25 It's a big issue, and I think one of

1 A. Uh-huh (affirmative).

2 Q. Is that your understanding of what
3 will Spot Crime does?

4 A. It is.

5 Q. So the police concern is that that
6 mixing of information might skew the crime report
7 statistics for their area?

8 A. No. I think the real issue is that
9 both the collection of the 11 incidents plus the
10 other incident would add up to 12 on the Spot
11 Crime website, whereas on CrimeReports.com over
12 the long term or even in the short term would add
13 up to one incident and that that variance would
14 cause a problem for them.

15 Q. So that variance and the public safety
16 issue are two of the reasons that you've given me
17 for law enforcement agencies' desire to maintain
18 control over the information in the public. Any
19 other reason?

20 A. I guess I would expand the public
21 safety question. It's not just about the data
22 itself, but it's the perception of crime among the
23 public, so it might not be a public issue per se,
24 but also a perception issue as well.

25 Q. What is the perception issue, in your

1 understanding?

2 A. Well, it would be associated with the
3 public safety issue itself, but an individual
4 might visit the website and get a false sense was
5 security or conversely a false sense of danger for
6 anywhere neighborhood they live in or may be
7 visiting if the data is not kept up-to-date. And
8 that potentially there would be legal consequences
9 as well as political consequences for the agency
10 in that regard.

11 Q. So on the consequences, as you said
12 just a few minutes ago, the reporting of crime can
13 of course impact not only budgets and hiring, but
14 budgets and allocating resources, that goes to the
15 perception issue that you're discussing, those
16 concerns?

17 A. Yes.

18 Q. Is it fair to say that, at least to
19 your knowledge, if a high number of crimes appears
20 in a particular area there might be some political
21 heat for that?

22 A. I think it would depend on the
23 circumstances. I think an agency's imperative is
24 that what's shown to the public is an accurate
25 representation. It may be high, and it may be

1 low, but they would like it to reflect reality.

2 Q. Turning to paragraph 13 of the
3 complaint. In that paragraph there's an
4 allegation about the Public Engines' website being
5 user friendly whose content is limited to
6 information approved or controlled by the agencies
7 themselves.

8 The control portion of that
9 allegation, how is it that the agencies accomplish
10 control?

11 A. They have complete and unfettered
12 access to the Publisher which is behind their
13 firewall and Public Engines does not have any
14 access to the Publisher under any circumstances.
15 And they also have the ability to log in directly
16 to CrimeReports.com to make changes or temporarily
17 halt the display of information on the website.

18 Q. Who at the law enforcement agency is
19 given the rights, the credentials, passport or
20 whatever to make those changes to the website
21 data?

22 A. It would depend on the agency.

23 Q. Is it common or have you heard of an
24 incident where everybody at the agency has that
25 level of access?

1 A. No.

2 Q. What's the most common group of
3 individuals who have that type of access?

4 A. Again, it would depend on the agency,
5 but generally speaking it could be someone from
6 the chief to a commander to an IT person to an
7 analyst are generally the profiles of the people
8 that we deal with. It's whoever is designated by
9 the chief presumably.

10 Q. But usually the chief of that
11 particular agency or precinct makes that
12 determination?

13 A. To my knowledge, yes. And the larger
14 agencies the chief may not have any visibility
15 into that, but that's probably less common.

16 Q. Continuing on page 5, paragraph 15,
17 the allegation about in the last three years
18 Public Engines having invested more than
19 \$3 million, how did you arrive at that figure?

20 A. Through our books.

21 Q. What books?

22 A. Our financials.

23 Q. What in those financials led you to
24 arrive at the \$3 million figure?

25 A. Well, we allocate all of our costs

1 subsection two I's, so II?

2 A. Uh-huh (affirmative).

3 Q. Can you explain to me what internal
4 business purposes means?

5 A. Where it says internal business
6 purposes in connection with the establishment or
7 continuation of a business relationship with
8 Public Engines?

9 Q. Yes, that's it.

10 A. That means a contractual agreement,
11 authorization effectively to use the data.

12 Q. Contractual agreement with Public
13 Engines?

14 A. Yes.

15 Q. So unless a business entity has a
16 contractual relationship with Public Engines,
17 these terms of use would prohibit use of the site,
18 of the Public Engines sites?

19 A. Yes.

20 Q. What about access? Let's just say a
21 business entity that didn't have a contractual
22 relationship with Public Engines accessed the
23 website. Would these terms of use prohibit that
24 access?

25 A. No.

1 Q. So it's only after access that then
2 there's a kicking in of the prohibitions against
3 use, as we described?

4 A. I'm not sure I understand.

5 Q. Well, business entity accesses the
6 website, which is permitted?

7 A. Right.

8 Q. And then after that access, it's
9 subject to the use restrictions listed in section
10 1?

11 A. That are sounds correct. I'd have to
12 study it or understand exactly. I'm not even sure
13 the context of where you're going. But it sounds
14 right to me.

15 Q. Do you want to read it and make sure
16 you're comfortable with that?

17 A. Yes.

18 Q. Please, do that, and actually we could
19 take a short break while you do that.

20 (A recess was taken.)

21 Q. (By Mr. Glikin) Have you had an
22 opportunity to read through the section 1?

23 A. Yes.

24 Q. So is my description of the
25 restriction to not include access in the first

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1 is it?

2 A. No.

3 Q. So is it in violation of whatever
4 intellectual property rights you are claiming this
5 case for a scraper to scrape sex offender data off
6 of the Public Engines site?

7 A. I would still be -- to my
8 understanding, I would have to think it through,
9 but to my understanding, it would still be a
10 violation of our terms of use, but it would not be
11 a part of the de-identified data that we are
12 claiming rights to.

13 Q. Turn to page 34, please. Paragraph 34
14 talks about a complaint from a customer. Which
15 customer complained?

16 A. The San Jose Police Department.

17 Q. Who, if you can recall, is your
18 contact at that police department?

19 A. Steven DiNoto, S-T-E-V-E-N, capital
20 D-I capital N-O-T-O.

21 Q. Do you know Mr. DiNoto's title or
22 rank?

23 A. He's a civilian, and I believe his
24 title is chief administrative officer.

25 Q. How did you receive Mr. DiNoto's

1 complaint?

2 A. In a telephone call.

3 Q. When was that?

4 A. It would have been in the spring of
5 2008.

6 Q. What exactly was the concern that
7 Mr. DiNoto expressed?

8 A. That his understanding was that we had
9 a contractual agreement whereby we would be
10 provided access to this data for display on the
11 Public Engines CrimeReports.com website and that
12 was the only place where it was approved, and it
13 was showing up on a third party website, and he
14 wasn't happy about it.

15 Q. What was your response to him?

16 A. I'll look into it.

17 Q. After that spring of 2008 complaint,
18 has anybody, Mr. DiNoto or anybody from San Jose
19 called to complain again?

20 A. Yes.

21 Q. When?

22 A. San Jose has several times. I don't
23 know, even broadly, what those dates would be, but
24 a couple of times a year basically.

25 Q. Now, on the San Jose website, there

1 exists, I think it's Mr. Meyers testified a window
2 that would permit a search on Crime Reports
3 directly from the San Jose website; is that
4 correct?

5 A. That's correct.

6 Q. Does that window contain Public
7 Engines terms of use?

8 A. It does.

9 Q. Has it always?

10 A. No.

11 Q. When were the terms of use then added
12 to the San Jose website?

13 A. Roughly on March, at the end of
14 March 2010.

15 Q. How did it come to be that the terms
16 of use got added to that website?

17 A. I think it was Ken who pointed out
18 that we didn't have the terms of use on the
19 widget. That is the widget. And even though our
20 contract with the agency covered it, that that was
21 protected information, just for the avoidance of
22 doubt, we decided to include it on the widget.

23 Q. Now, does the San Jose website also
24 contain its own terms of use?

25 A. It does.

1 Q. How do you define opportunity cost?

2 A. What he could have been doing if he
3 hadn't been working on that.

4 Q. How do you turn that opportunity into
5 a monetary amount?

6 A. I don't know. I would have to think
7 about that.

8 Q. Have you involved your outside
9 accountants at all in these calculations?

10 A. No. The most logical would be to just
11 allocate his time. We would have to look at
12 whether something he could have done would have
13 given an amplified number to any of those. But my
14 guess would be a simple mathematics calculus.

15 Q. Turning to paragraph 53 on page 14.
16 Actually let's turn to paragraph 55, which is
17 still on page 14. In paragraph 55 when it
18 references these statements, is it referencing
19 paragraphs 53 and 54?

20 A. Yes.

21 Q. It's saying in 55 that these
22 statements and others are false, correct?

23 A. Yes.

24 Q. Why is it false for Reportsee to claim
25 that it obtains information displayed on Spot

1 Crime from news reports and other third-party
2 sources?

3 A. I would put that as a -- I would say
4 that it's not false, each of those -- collectively
5 that's as false statement. Individually they are
6 not.

7 Q. So it's not false for Reportsee to
8 claim that they obtained information from news
9 reports?

10 A. Correct.

11 Q. It's not false for Reportsee to claim
12 that they obtained information from third-party
13 sources?

14 A. Correct.

15 Q. Is it false for Reportsee to claim
16 that they obtained information from police
17 departments?

18 A. I guess that depends on how you define
19 obtain.

20 Q. Well, it's in your complaint.

21 A. Right. Actually, Reportsee claims
22 that it obtains the information. So it's a claim
23 of Reportsee.

24 Q. Well, but the allegation here, if I
25 understand, it is false for Reportsee to claim

1 that it obtains information on its website from
2 police departments. Do you believe that
3 allegation to be correct?

4 A. That it is false that Reportsee claims
5 to be obtaining the information from police
6 departments?

7 Q. Let me try and rephrase it without a
8 double negative? Is it your allegation that
9 Reportsee's claim about obtaining information from
10 police departments is a false claim?

11 A. It is.

12 Q. Is it also Public Engines claim that
13 it is false for Reportsee to claim that it has
14 employees that plot locations of crime reports?

15 A. Yes.

16 Q. What is the basis for the allegation
17 that that claim is false?

18 A. Well, I think it may be true that Spot
19 Crime's employees plot the locations of Crime
20 Reports on Google maps, but I don't think that's
21 exclusive to what they do, and we've collected
22 evidence to support that position.

23 Q. What evidence have you collected?

24 A. I would have to ask Steve Meyers
25 specifically about what he did, but when we

1 Q. The language that is underneath the
2 series of asterisks?

3 A. Uh-huh (affirmative).

4 Q. Did you draft that?

5 A. I did.

6 Q. Did anybody help you draft it?

7 A. No.

8 Q. So I understand the context here, who
9 is Leslee?

10 A. Leslee Hallenback is a sergeant with
11 the Jackson, Tennessee Police Department.

12 Q. So how is it that Leslee's e-mail
13 which I assume is below that says, Okay, they
14 won't leave well enough alone?

15 A. Yes.

16 Q. How did that come into your inbox?

17 A. Either through Erin or Ryan.

18 Q. Is what you're doing, drafting a
19 response for them to then copy and send?

20 A. Yes.

21 Q. Do you know whether they sent this
22 response?

23 A. I don't know. I suspect they did.

24 Q. In the response that you provided, you
25 say, we've only talked to a handful of agencies

1 Q. All under development?

2 A. Right.

3 (Deposition Exhibit 20 is marked for
4 identification.)

5 Q. (By Mr. Glikin) You've now been
6 handed Exhibit 20. At the very top where it says
7 e-mail sent to all customers?

8 A. Yes.

9 Q. Is that your notation?

10 A. That's my notation for you.

11 Q. For this litigation?

12 A. Yes.

13 Q. And all customers, would that be all
14 the police departments listed on Exhibit 15?

15 A. All those from Exhibit 15 that had
16 signed up before November 12th of 2009, the date
17 that e-mail was sent.

18 Q. Have you produced all of the responses
19 received for that e-mail?

20 A. I have.

21 Q. And those responses they come directly
22 to your inbox?

23 A. They do.

24 Q. Did you draft the language used in
25 Exhibit 20?

1 identification.)

2 Q. (By Mr. Glikin) So you've just been
3 handed Exhibit 22?

4 A. Yes.

5 Q. Can you just give me a context, what
6 is this document. I don't see a date on it or any
7 kind of send or recipient or anything like that?

8 A. So the e-mail from Exhibit 20 we sent
9 to customers as a one time event.

10 Q. Right.

11 A. We wanted to also have something we
12 could send subsequently to new customers as they
13 came onboard. So I prepared this document, as I
14 recall, that people could send out to a company in
15 e-mail that anyone might receive with respect to
16 Spot Crime or Reportsee or any other third party
17 requesting the data.

18 Q. Do you know if this document has
19 actually been sent out?

20 A. I have no idea.

21 Q. Who would be authorized to send this
22 out?

23 A. Anyone on the sales team, anyone
24 that's customer facing, anyone on the sales team
25 or marketing. But I don't think it makes any

1 mention of Spot Crime or Reportsee, as I recall,
2 but I could be wrong.

3 So the 500 agencies, bullet point, the
4 second bullet point is a proxy for a date so we
5 had 500 agencies roughly in the fall. So I assume
6 this is sort of end of September issue, end of
7 communication or maybe -- actually, maybe, well,
8 this is November 12th, it may have been after
9 that. I don't know for sure.

10 Q. But you had 500 agencies in the fall
11 of '09?

12 A. Uh-huh (affirmative).

13 Q. And you now have -- well, I think in
14 Exhibit 15 is close to 850?

15 A. Yeah.

16 Q. So say in the course of six to seven,
17 eight months, is it fair to say you signed up more
18 than 300?

19 A. Ballpark, yeah.

20 Q. Has it been an unusually active time
21 for signing up new law enforcement customers?

22 A. The company is better resourced. So
23 we have grown our sales team primarily is the
24 factor.

25 Q. So from the date of its inception

1 through the fall of '09 obviously understanding
2 that some people drop off. Some agencies drop off
3 and don't come on, about 500?

4 A. Ballpark I'd say that's about right.

5 Q. And now in the last six or
6 seven months, you've gained another 300 something?

7 A. Correct.

8 (Deposition Exhibit 23 is marked for
9 identification.)

10 Q. (By Mr. Glikin) So you now have in
11 front of you what's marked Exhibit 23. The e-mail
12 dated April 14, 2010, from you to Mr. Prettyman?

13 A. Yes.

14 Q. Did you draft this e-mail?

15 A. I did.

16 Q. And how many recipients were there to
17 this e-mail?

18 A. I don't know, but I would imagine
19 somewhere in the range of 750 or so.

20 Q. So were those recipients primarily the
21 law enforcement agencies that were customers?

22 A. Yes.

23 Q. Why not all?

24 A. I think that probably is all.

25 Q. So likely everybody on Exhibit 15 who

1 was a customer at the time April 14th --

2 A. Yeah, I -- it could have been double
3 that if we had two contacts in the law enforcement
4 agency. I suspect that every customer that we had
5 at the time received this e-mail. I could get an
6 exact figure for you if you would like.

7 Q. I would. Thank you. On the bottom of
8 the e-mail where it says, under example statements
9 to Spot Crime, that's your language as well?

10 A. It is.

11 Q. Did you send this e-mail to any media
12 outlets?

13 A. No.

14 Q. Did you send any press release to any
15 media outlets to the litigation?

16 A. Yes. We put a press release on the
17 wire, PR news wire or business wire, and beyond
18 that I don't think we sent it to anyone.

19 (Deposition Exhibit 24 is marked for
20 identification.)

21 Q. (By Mr. Glikin) So we have just
22 handed you Exhibit 24. Is this the agreement
23 between Public Engines and Soruka?

24 A. It is.

25 Q. Did you participate in the negotiation