

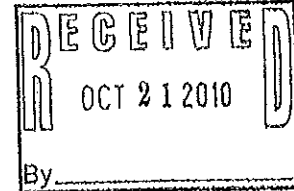
Exhibit 9:

Public Engines' Responses to ReportSee's First Set of Interrogatories

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Attorneys for Plaintiff



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

PUBLIC ENGINES, INC., a Delaware  
Corporation,

Plaintiff,

vs.

REPORTSEE, INC., a Delaware  
Corporation,

Defendant.

**ANSWERS TO DEFENDANT'S  
FIRST SET OF INTERROGATORIES**

Case No. 2:10-cv-317

Honorable Tena Campbell

Plaintiff Public Engines, Inc. ("Public Engines") through counsel, hereby submits the following objections and responses to Defendant's First Set of Interrogatories.

## GENERAL OBJECTIONS

1. Public Engines objects to Defendant's requests to the extent they seek to impose obligations different from or in addition to those imposed by the Federal Rules of Civil Procedure.

2. Public Engines objects to Defendant's requests to the extent they purport to require Public Engines to disclose information protected by the attorney-client privilege, work product or any other applicable privilege, protection, or rule.

3. Public Engines objects to Defendant's requests to the extent they seek information that is not relevant to the subject matter of the pending action, is immaterial, or is not reasonably calculated to lead to the discovery of admissible evidence.

4. Public Engines objects to the Defendant's requests to the extent they seek information that is not in the possession, custody, or control of Public Engines.

5. Public Engines objects to the Defendant's requests to the extent they are vague, ambiguous, overly broad, oppressive, unduly burdensome, vexatious, or intended to harass.

6. Public Engines objects to Defendant's requests to the extent they seek information which Defendant already possesses.

7. Public Engines further states that discovery is ongoing, and Public Engines reserves the right to supplement these responses.

8. In the event that Public Engines furnishes information coming within the scope of its objections, Public Engines does not waive any of its general or particular objections.

## INTERROGATORIES

**INTERROGATORY NO. 1:** Please identify all persons who are likely to have personal knowledge of any fact alleged in the Complaint, including manufacturers, accountants, and

website designers, and state the subject matter of the personal knowledge possessed by each such person.

**OBJECTION AND RESPONSE:** Public Engines objects that it has already disclosed this information in its Initial Disclosures, filed on July 21, 2010 and incorporates those disclosures here. Subject to this objection and without waiving the same, Public Engines states that the following individuals are likely to have personal knowledge about the facts alleged in the Complaint: Greg Whisenant, Chief Executive Officer, Public Engines; Steve Meyers, Director of Technical Operations, Public Engines; Ken Meyers, President and Chief Operations Officer of Public Engines; and Ryan Lufkin, Director of Marketing, Public Engines. Each of these individuals can be reached care of Snell & Wilmer, 15 West Temple, Suite 1200, Salt Lake City, Utah 84101.

**INTERROGATORY NO. 2:** If you contend that any other person (as defined above) has an obligation to indemnify, defend or otherwise reimburse Public Engines with respect to any of the claims asserted in the Complaint, please state the facts, including the identity of documents, concerning your contention.

**OBJECTION AND RESPONSE:** Public Engines objects that any obligation a third-party has to indemnify, defend or otherwise reimburse Public Engines with respect to any claims asserted in this lawsuit has nothing to do with ReportSee's potential liability or affirmative defenses and consequently Public Engines objects to this request on relevance grounds. Subject to this objection and without waiving the same, Public Engine's states that there is no entity obligated to indemnify, defend or otherwise reimburse Public Engines for the claims asserted in this lawsuit.

**INTERROGATORY NO. 3:** Please identify any persons whom you contend are persons needed for just adjudication within the meaning of Fed. R. Civ. P. 19, but who have not been named by Public Engines.

**OBJECTION AND RESPONSE:** Public Engines states that no additional parties are needed for the just adjudication of this lawsuit, but reserves the right to supplement its response.

**INTERROGATORY NO. 4:** Identify all persons who developed, or participated in the development, both initial development and any revisions thereto, of the publisher software.

**OBJECTION AND RESPONSE:** Subject to the general objections above, Public Engines identifies the following:

- Greg Whisenant
- Christian Faulconer, CEO, Franchise Foundry; Co-founder and Chief Operations Officer, Public Engines, January 2007-September 2008
- Nathan Fritz, Contract Engineer, &Yet Web Design, 8797 Gage Blvd #C-202, Kennewick, WA 99336
- Michael Garvin, Software Engineer, Public Engines, Fall 2007 - present
- Karl Hale, Director of Engineering, Public Engines, April 2009-present

Each of these individuals can be reached care of Snell & Wilmer, 15 West Temple, Suite 1200, Salt Lake City, UT 84101.

**INTERROGATORY NO. 5:** Identify all documents that concern the cost of developing, modifying and maintaining the publisher program, which you contend totals more than \$3 million.

**OBJECTION AND RESPONSE:** See Public Engines' response to ReportSee's Request for Production No. 16.

**INTERROGATORY NO. 6:** Identify every website or source of electronic information from which PE has obtained data by any automated means without the express permission of such website or source, including in your answer the date(s) when PE obtained such data, the type of data obtained, and whether any such data ever appeared on any website owned or operated by PE.

**OBJECTION AND RESPONSE:** There are no websites or electronic sources of information responsive to this interrogatory. All data that has ever appeared on Public Engines' websites has been posted with the express verbal or written permission of the source agency.

**INTERROGATORY NO. 7:** Please explain the bases for, and identify the data and documents that support your advertising claim with respect to CrimeReports that is, "Working with over 1,500 law enforcement agencies across North America, [and that] Crime Reports is the largest public crime-mapping and citizen tip network in North America."

**OBJECTION AND RESPONSE:** This claim is based on the number of agencies that Public Engines currently invoices, which is over 1,500 agencies in North America for Public Engines' suite of products. Public Engines' TipSoft service is used by more than 600 law enforcement agencies, and many third-party websites point people to Public Engines' TipSoft product.

**INTERROGATORY NO. 8:** Please identify every police agency that did not renew or that terminated its contract with Public Engines, or that did not contract with Public Engines after the agency's free trial period expired.

**OBJECTION AND RESPONSE:** See Public Engines' response to Request for Production No. 19.

**INTERROGATORY NO. 9:** Please identify every former employee or officer of Public Engines who has left the employ of the company, regardless of the reason, at any time since January 1, 2008.

**OBJECTION AND RESPONSE:** Public Engines objects that this request is irrelevant and is not calculated to lead to the discovery of admissible information.

**INTERROGATORY NO. 10:** Please identify all former board members of Public Engines.

**OBJECTION AND RESPONSE:** Public Engines objects that this request is irrelevant and is not calculated to lead to the discovery of admissible information.

**INTERROGATORY NO. 11:** Please identify the policy, procedures and guidelines for discovering and determining whether data should be quarantined and characterized as "unmappable."

**OBJECTION AND RESPONSE:** If an address provided is missing the city or state, it is unmappable for Public Engines' application. Otherwise, there is logic in place to map to the address, city or state. If the address is unmappable, Public Engine's maps to Google's center point for the city and state.

**INTERROGATORY NO. 12:** Please explain and calculate every loss to Public Engines incurred from and including April 9, 2009 through and including April 9, 2010, as a direct and proximate result of any actions by ReportSee, including in your response a detailed itemization of your calculation the identity of every document that establishes each itemized item in your calculation.

**OBJECTION AND RESPONSE:** Public Engines has been damaged by the actions of ReportSee because it has been required to devote extensive time and personnel resources to addressing ReportSee's scraping of Public Engines' data. Public Engines also has been damaged to the extent that it has lost revenue because of the scraping and other activities of ReportSee, and Public Engines is entitled to all revenue that ReportSee has received because of the inclusion of Public Engines' data on ReportSee's websites. Public Engines has been injured in being required to enforce its rights thereby incurring significant attorneys' fees and costs.

Additionally, Public Engines objects that Interrogatory No. 12 seeks information protected by the work product doctrine and the attorney client privilege. Plaintiff also objects that this request is premature in that Public Engines' is still analyzing and investigating the amount of its damages and reserves the right to supplement its response under Federal Rule of Civil Procedure 26(e).

**INTERROGATORY NO. 13:** Please identify every media outlet, including internet site, newspaper, television station or radio station, to which you have made any type of marketing, promotion or sales effort within the past 2 years, including in your answer the individuals at each media outlet with which you have been in contract.

**OBJECTION AND RESPONSE:** Public Engines objects that this request is irrelevant and is not calculated to lead to the discovery of admissible information. Subject to that objection and without waiving the same, see Public Engines' response to Request for Production No. 25.

Dated this 18<sup>th</sup> day of October, 2010.

SNELL & WILMER L.L.P.



Alan L. Sullivan  
Todd M. Shaughnessy  
J. Elizabeth Haws  
Attorneys for Plaintiff



**CERTIFICATE OF SERVICE**

I certify that on the 18 day of October, 2010, a true and correct copy of **ANSWERS TO**

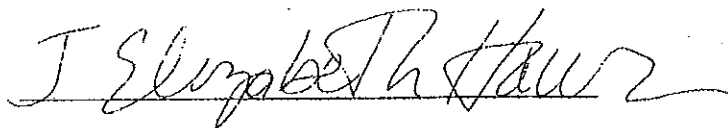
**DEFENDANT'S FIRST SET OF INTERROGATORIES** was served by electronic mail and

by U.S. Mail, postage-prepaid on the following:

Jeffrey J. Hunt  
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RECEIVED FROM PUBLIC ENGINES ON OCTOBER 21, 2010