

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN W. FERRON,)	Case No. 2:06-cv-322
)	
Plaintiff,)	
)	JUDGE Frost
vs.)	
)	Magistrate Judge Abel
VC E-COMMERCE SOLUTIONS, INC., et al.)	
)	
Defendants.)	
)	
)	

**DEFENDANT OPTINREALBIG.COM, LLC'S RESPONSES TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Defendant Optinrealbig.com, LLC makes the following responses to Plaintiff's First Set of Interrogatories.

Preliminary Statement

Optinrealbig.com, LLC ("OPTIN") is in the process of investigating the facts, conducting discovery, and analyzing the evidence surrounding the allegations contained in Plaintiff's First Amended Complaint. OPTIN reserves the right to amend or supplement its responses in accordance with the rules of court and any discovery orders entered in this matter.

These responses are made solely for the purpose of this action. Each response is made under all objections as to competence, materiality, relevance or other objection as to admissibility that may apply in the event that any such response, or the information contained, is sought to be used in court. OPTIN expressly reserves all such objections.

OPTIN objects to Plaintiff's instructions to the extent they seek to impose discovery obligations beyond those required by the applicable statutes and rules of court and to the extent that they attempt to ascribe meaning to certain words or phrases other than their customary and ordinary meanings.

INTERROGATORIES

Interrogatory No. 1: Please identify any and all persons and/or entities either residing at, or conducting business at or from, the following addresses at any time between January 1, 2005 and the present date:

- (A) 3250 W. Big Beaver Road
Suite 144
Troy, MI 48084
- (B) 1779 N. Congress Avenue
Suite 207
Boynton Beach, FL 33426-8205
- (C) 13900 Jog Road
Suite 203-251
Delray Beach, FL 33446
- (D) 1333 W. 120th Avenue
Suite 101
Westminster, CO 80234
- (E) 9301 Peppercorn Place
Largo, MD 20774
- (F) 22647 Ventura Blvd.
Suite 258
Woodland Hills, CA 91364
- (G) 950 Walnut Bottom Road
Suite 15-212
Carlisle, PA 17013
- (H) 111 East 14th Street
#104
New York, NY 10003
- (I) 2533 N. Carson Street
Suite 6029
Carson City, NV 89706
- (J) 4846 N. University Drive
#323
Lauderhill, FL 33351
- (K) 160 International Parkway
Heathrow, FL 32746

- (L) P.O. Box 3858
New Haven, CT 06525
- (M) Osianderstr.3
Nuernberg, 90443
Bavaria, Germany
- (N) 707 W. 38th Street
#103
Erie, PA 16508
- (O) 5023 W. 120th Avenue
#175
Broomfield, CO 80020
- (P) 1254 Davis Street
#225
San Landro, CA 94577
- (Q) 2355 Fairview Avenue
Suite 345
Roseville, MN 55113
- (R) 2637 N. Washington Blvd.
Suite 221
North Ogden, UT 84414
- (S) 2 Wisconsin Circle
Suite 700
Chevy Chase, MD 20815
- (T) 1894 Highway 50E
Suite #4
PMB 472
Carson City, NV 89701

- (U) 499 East Sheridan Street
#205
Dania Beach, FL 33004
- (V) 123 N. Congress Avenue
Suite 351
Boynton Beach, FL 33426
- (W) 244 Madison Avenue
#238
New York, NY 10016-2817
- (X) 999 Skyway Landing Road
Suite 200
San Carlos, CA 94070

- (Z) 707 W. 38th Street
#103
Erie, PA 16508
- (AA) 1344 Broadway
New York, NY 10001
- (BB) 303 Park Avenue South
Suite 1117
New York, NY 10010
- (CC) 4 Carmichael Street
#1470
Essex Junction, VT 05452
- (DD) 18565 Soledad Cyn Road
#117
Canyon Country, CA 91351
- (EE) 3439 N.E. Sandy Blvd.
#242
Portland, OR 97232
- (FF) 3818 Cedar Springs Road
#101-10
Dallas, TX 75219
- (GG) 5348 Vegas Drive
Suite 472
Las Vegas, NV 89108
- (HH) 23404 W. Lyons Avenue
Box 466
Newhall, CA 91321

- (II) P.O. Box 55246
Valencia, CA 91385
- (JJ) 427 E. 17th Street
#142
Costa Mesa, CA 92627
- (KK) 975 Wayne Avenue
Box 204
Chambersburg, PA 17201
- (LL) P.O. Box 390520
Mountain View, CA 94039-0520
- (MM) 4001 Kennett Pike
#527

Greenville, DE 19807-2000

Answer:

OPTIN objects to this request pursuant to Federal Rule of Civil Procedure 33(A), which states, "Without leave of court or written stipulation, any party may serve upon any other party written interrogatories, **not exceeding 25 in number including all discrete subparts**, to be answered by the party served..." F.R.C.P. 33(A), emphasis added. OPTIN states that Interrogatory No. 1 exceeds the limit provided by this rule, and that Plaintiff has not first sought leave of court or obtained written stipulation to propound such a request.

OPTIN further objects to this request to the extent it seeks information that is a matter of public record. OPTIN objects to searching for and making available information that may be requested and made equally available to Plaintiff by propounding this request on the appropriate individuals.

OPTIN further objects to this request because it is overly broad, unduly burdensome, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing objections, OPTIN states the following: (A) Search Cactus; (C) The Useful; (F) ValueClik; (O) Dustin Parker. As to all other subparts, this Defendant is without knowledge to adequately respond.

Interrogatory No. 2: Please identify the following persons:¹

- (A) Jaz Pester
- (B) Jazette Pester
- (C) Jazete Pester
- (D) Amanda Gomez

¹ If any of these names is not the name of an actual person, but rather is a fictitious name, please indicate that fact.

- (E) Joey Kemp
- (F) Caryn Stoll
- (G) Caryn Stottt
- (H) Caryn Stotlz
- (I) Laura Cruz
- (J) Sandy Henderson
- (K) Brian Murry

Answer:

OPTIN objects to this request pursuant to Federal Rule of Civil Procedure 33(A), which states, "Without leave of court or written stipulation, any party may serve upon any other party written interrogatories, **not exceeding 25 in number including all discrete subparts**, to be answered by the party served..." F.R.C.P. 33(A), emphasis added. OPTIN states that Interrogatory Nos. 1 and 2 exceed the limit provided by this rule, and that Plaintiff has not first sought leave of court or obtained written stipulation to propound such a request.

OPTIN further objects to this request to the extent it seeks information that is a matter of public record. OPTIN objects to searching for and making available information that may be requested and made equally available to Plaintiff by propounding this request on the appropriate individuals.

OPTIN further objects to this request because it is overly broad, unduly burdensome, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing objections, OPTIN states the following individuals are employees of this Defendant: (B) Jazette Pester; (E) Joey Kemp; (F) Caryn Stoll; (I) Larua Cruz. As to all other subparts, this Defendant is without knowledge to adequately respond.

Interrogatory No. 3: Please identify all persons who and/or entities that employed the following persons² at any time between January 1, 2005 and the present date:

- (A) Jaz Pester
- (B) Jazette Pester
- (C) Jazete Pester
- (D) Amanda Gomez
- (E) Joey Kemp
- (F) Caryn Stoll
- (G) Caryn Stolt
- (H) Caryn Stoltz
- (I) Laura Cruz
- (J) Sandy Henderson
- (K) Brian Murry

Answer:

OPTIN objects to this request pursuant to Federal Rule of Civil Procedure 33(A), which states, "Without leave of court or written stipulation, any party may serve upon any other party written interrogatories, **not exceeding 25 in number including all discrete subparts**, to be answered by the party served..." F.R.C.P. 33(A), emphasis added. OPTIN states that Interrogatory Nos. 1 through 3 exceed the limit provided by this rule, and that Plaintiff has not first sought leave of court or obtained written stipulation to propound such a request.

OPTIN further objects to this request to the extent it seeks information that is a matter of public record. OPTIN objects to searching for and making available information that may be

² If any of these names is not the name of an actual person, but rather is a fictitious name, please indicate that fact.

requested and made equally available to Plaintiff by propounding this request on the appropriate individuals.

OPTIN further objects to this request because it is overly broad, unduly burdensome, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiver of, the foregoing objections, OPTIN refers Plaintiff to its response to Interrogatory No. 2.

Interrogatory No. 4: Please identify any and all companies that have given either Defendant permission to use their logos, brands, service marks, trademarks or names in commercial email messages sent by or on behalf of either Defendant to Plaintiff in 2005 and/or 2006, and please also indicate whether such permission was given in writing.³

Answer:

OPTIN is in the process of investigating the facts, conducting discovery, and analyzing the evidence surrounding the allegation that it, or anyone on its behalf, transmitted e-mail messages to Plaintiff. On August 7, 2006, this Defendant was provided over 62,000 e-mails to review and analyze, which Plaintiff asserts were sent by OPTIN. There is no reasonable and adequate means to search for and produce the requested information without manually reviewing each of these e-mails, requiring an undue and unreasonable amount of manpower, time, burden and expense.

OPTIN objects to the term "permission," which is vague and undefined. OPTIN further objects to this request in that it can be read to seek information constituting confidential or proprietary business information and/or trade secrets, disclosure of which would cause

³ Plaintiff notes that the following companies' trademarks, service marks, brands and/or names appear in commercial email messages sent by Defendant or on its behalf to Plaintiff: Abercrombie, American Airlines, Amazon.com, Appel, Banana Republic, Best Buy, Bose, Bowflex, Burger King, Canon, Chili's, Circuit City, Coach, Coca-Cola, Dell, Delta Airlines, Disney, eBay, Gateway, Gucci, Home Depot, Kmart, Lowe's, MasterCard, McDonald's, Motorola, Nordstrom, Old Navy, Omaha Steaks, Outback Steakhouse, Overstock.com, Palm,

substantial competitive and economic harm to this Defendant and is also potentially invasive of the attorney-client privilege and/or attorney work product doctrine.

OPTIN further objects to this request because it is overly broad, unduly burdensome, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Respectfully Submitted,




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Attorney for Defendants,
VC E-Commerce Solutions, Inc. and
Defendant OpInRealBig.com, LLC

Panasonic, Pepsi, Prada, Sam's Club, Sirius Radio, Sony, Starbucks, T-Mobile, Target, Toshiba, Toys R Us, TurboTax, United Airlines, U.S. Airway, Victoria's Secret, Visa, Wal-Mart and Wendy's.

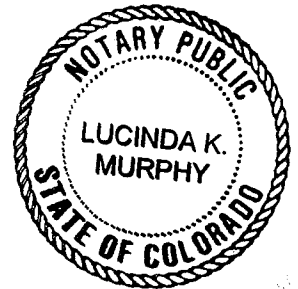
VERIFICATION

I hereby certify that I am authorized to answer "Plaintiff John W. Ferron's First Set of Interrogatories to Defendant VC E-Commerce, Inc. and Defendant OptInRealBig.com, LLC" on behalf of Defendant OptInRealBig.com, and that the foregoing answers to are each truthful, correct and complete to the best of my own personal knowledge, information and belief.

Signature: 
Name/Title: Steven S. Richter, Pres.
(Please type or print legibly)

Sworn to and subscribed before me this 21st day of September, 2006.

Lucinda K. Murphy
Notary Public
Expires - 12-27-08



CERTIFICATE OF SERVICE

A copy of the foregoing was forwarded via regular mail this 25th day of September, 2006

to the following:

Lisa A. Wafer
Ferron & Associates
580 North Fourth Street
Suite 450
Columbus, Ohio 13215-2125

Attorney for Plaintiff



Christina J. Marshall (0069963)