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INTERROGATORY NO. 2: Describe Defendant's procedures or practice relating to the gathering, selection, display, removal, supplementation or modification of cheat code content displayed on Defendant's Websites, including both content gathered manually and electronically, and identify all persons with knowledge thereof.

ANSWER:

Defendant Wise objects to Interrogatory No. 2 on the grounds that the request coupled

with the definitions is vague and ambiguous.

Additionally, Defendant Wise objects to Interrogatory No. 2 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 2 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 2 on the grounds that the definition for the phrase "cheat code content" far exceeds the subject matter of this lawsuit which relates only to content alleged to be infringing; and Plaintiff has failed to identify content that it alleges to be infringing. The definition of "cheat code content" causes this request to be over-broad, unduly burdensome, vague and ambiguous.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

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INTERROGATORY NO. 3: Identify all persons employed by or involved with Defendant in gathering, selection, display, removal, supplementation or modification of cheat code content displayed on Defendant's Websites.

ANSWER:

Defendant Wise objects to Interrogatory No. 3 on the grounds that the request coupled with the definitions is vague and ambiguous. Further, the request is over-broad and unduly burdensome to the extent that it is duplicative of Interrogatory No. 2.

Additionally, Defendant Wise objects to Interrogatory No. 3 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 3 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 3 on the grounds that the definition for the

phrase "cheat code content" far exceeds the subject matter of this lawsuit which relates only to content alleged to be infringing; and Plaintiff has failed to identify content that it alleges to be infringing. The definition of "cheat code content" causes this request to be over-broad, unduly burdensome, vague and ambiguous.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

1. Jeremy Wise identifies himself as a person involved in reviewing, gathering, creating and displaying cheats on his websites.

2. Lisa Lemke
2554 N 4670TH
Somonauk, IL 60552
email: lemkelm@comcast.net

Lisa Lemke is an independent contractor and at one time was involved in reviewing and gathering cheats for Defendant Wise's websites.

3. Gennyn Vela
1703 Loganrita Ave
Arcadia, CA 91006
email: tobinrawn@hotmail.com

Gennyn Vela is an independent contractor and is involved in reviewing and gathering cheats for Defendant Wise's websites.

INTERROGATORY NO. 4: Identify all sources of the cheat code content displayed on Defendant's Websites and describe your practices or procedures, if any, for review of that content prior to displaying the content on Defendant's Website.

ANSWER:

Defendant Wise objects to Interrogatory No. 4 on the grounds that the request coupled with the definitions is vague and ambiguous. Further, the request is over-broad and unduly

burdensome to the extent that it is duplicative of Interrogatory No. 2.

Additionally, Defendant Wise objects to Interrogatory No. 4 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 4 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 4 on the grounds that the definition for the phrase "cheat code content" far exceeds the subject matter of this lawsuit which relates only to content alleged to be infringing; and Plaintiff has failed to identify content that it alleges to be infringing. The definition of "cheat code content" causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

See Defendant Wise's Answer to Interrogatory No. 2 above.

INTERROGATORY NO. 5: Identify the date on which you first learned of the existence of Plaintiff's website, the Cheat Code Central (www.cheatcc.com) website.

ANSWER:

Defendant Wise objects to Interrogatory No. 5 on the grounds that it is not likely to lead to the discovery of admissible evidence and is not related to the subject matter of this lawsuit.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

To the best of his knowledge, Defendant Wise cannot recall when he first learned of the existence of Plaintiff's website, the Cheat Code Central (www.cheatcc.com) website.

INTERROGATORY NO. 6: State whether you have ever received notice that Defendant infringed copyrights owned by Plaintiff, and for each notice received, identify what, if any action you took as a result of the notice, and whether you continued to display cheat code content after receipt thereof.

ANSWER:

Defendant Wise objects to Interrogatory No. 6 on the grounds that the request coupled with the definitions is vague and ambiguous.

Additionally, Defendant Wise objects to Interrogatory No. 6 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 6 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 6 on the grounds that the definition for the phrase "cheat code content" far exceeds the subject matter of this lawsuit which relates only to content alleged to be infringing; and Plaintiff has failed to identify content that it alleges to be infringing. The definition of "cheat code content" causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 6 as calling for information protected from discovery by the attorney-client and work product privileges.

Defendant Wise objects to Interrogatory No. 6 as overbroad and unduly burdensome to

the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

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INTERROGATORY NO. 7: Identify all changes made to the cheat code content displayed on Defendant's Websites after receipt of notice of infringement from Plaintiff.

ANSWER:

Defendant Wise objects to Interrogatory No. 7 on the grounds that the request coupled with the definitions is vague and ambiguous.

Additionally, Defendant Wise objects to Interrogatory No. 7 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 7 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 7 on the grounds that the definition for the phrase "cheat code content" far exceeds the subject matter of this lawsuit which relates only to

content alleged to be infringing; and Plaintiff has failed to identify content that it alleges to be infringing. The definition of "cheat code content" causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 7 as calling for information protected from discovery by the attorney-client and work product privileges.

Defendant Wise objects to Interrogatory No. 7 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information. Further, this request is duplicative of Interrogatory No. 6.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

See Defendant Wise's Answer to Interrogatory No. 6 above.

INTERROGATORY NO. 8: Describe Defendant's procedures or practices relating to the sale of advertising on the Websites, and identify all persons with knowledge thereof.

ANSWER:

Defendant Wise objects to Interrogatory No. 8 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 8 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

All of the advertising revenue for Defendant Wise's websites comes from third-party agencies. These agencies provide banner "tags" which are placed on the websites for a given banner size, usually as HTML code. For the most part, it is impossible to determine how much revenue is generated by each site because one banner tag may be used across several sites. The agencies then display their banners via these tags and a percentage of the monies generated by each banner is received from the advertiser. Defendant Wise identifies himself as having knowledge of his site's advertising revenue processes. All other advertisements are for cross marketing of Defendant Wise's websites or affiliate websites and do not generate revenue.

INTERROGATORY NO. 9: Identify all persons or entities who have placed advertisements or whose advertisements have appeared anywhere on the Websites.

ANSWER:

Defendant Wise objects to Interrogatory No. 9 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 9 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to this Interrogatory as unduly burdensome to the extent that it calls for information in the possession, custody, or control of third-parties. The burden in obtaining this information from these third-parties is the same for Plaintiff as it would be for Defendant Wise.

Defendant Wise further objects to Interrogatory No. 9 to the extent that it calls for highly confidential information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

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INTERROGATORY NO. 10: For each person or entity identified in response to Interrogatory No. 9, state the time period during which the third party advertised on the Websites, the volume of the third party's advertisements on the Websites (by month), the amount charged to the third party by the defendant (by month), and whether the amount charged reflects a discount from Defendant's normal fees.

ANSWER:

Defendant Wise objects to Interrogatory No. 10 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 10 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information; is not likely to lead to the discovery of admissible evidence, and is not limited to the

relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 10 as overbroad and unduly burdensome to the extent that it is duplicative of Interrogatory No. 9.

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INTERROGATORY NO. 11: Explain how Defendant generates revenues from the operation of the Websites, and identify (a) the gross revenues, by month, derived by Defendant from operation of the Websites; (b) all costs or other deductions from the gross revenues; (c) pre-tax profits from its operation of the Websites; and (d) after-tax profits from its operation of the Websites.

ANSWER:

Defendant Wise objects to Interrogatory No. 11 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 11 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Defendant Wise objects to Interrogatory No. 11 as overbroad and unduly burdensome to the extent that it is duplicative of Interrogatory Nos. 9 and 10 above.

Defendant Wise objects to this Interrogatory to the extent that it calls for highly confidential information.

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INTERROGATORY NO. 12: Explain how Defendant measures and/or tracks user Traffic on the Websites, identify and describe all tools or processes used in measuring user Traffic, and identify the amount of user Traffic, by month, to each of the Websites from January 1, 2006 to present.

ANSWER:

Defendant Wise objects to Interrogatory No. 12 as it calls for information that is irrelevant to the litigation and outside the statute of limitations.

Further, Defendant Wise objects to Interrogatory No. 12 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

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INTERROGATORY NO. 13: Identify and describe all instances in which Defendant has received notification, by letter, legal complaint or otherwise, of allegations against Defendant of copyright infringement, unfair competition, or deceptive trade practices.

ANSWER:

Defendant Wise objects to Interrogatory No. 13 on the grounds that it is overly broad with language requiring a search for information that far exceeds the scope of relevant information, is not likely to lead to the discovery of admissible evidence, and is not limited to the relevant time frame and subject matter of this lawsuit.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

In August 2006, an individual who had authored a guide posted on <http://www.neopets.com> notified Defendant Wise via email that a guide they had allegedly authored had appeared on neopets-cheats.net. The matter was quickly and amicably resolved via email. Defendant Wise asked for permission to leave the guide on neopets-cheats.com and permission was immediately granted. With the exception of the instant lawsuit, there have been no other instances or notifications of alleged copyright infringement, unfair competition, or deceptive trade practices.

Defendant Wise will respond further to this Interrogatory by producing documents

pursuant to Federal Rule of Civil Procedure 33(d). The burden of obtaining the requested information from these documents is the same for the Plaintiff as it would be for Defendant Wise.

INTERROGATORY NO. 14: Explain fully and identify and describe all facts in support of any allegation that Wise did not copy and publicly display material residing on Allison's cheatcc.com website.

ANSWER:

Defendant Wise objects to Interrogatory No. 14 on the grounds that the request is vague and ambiguous to the extent that it fails to identify specific material residing on "Allison's cheatcc.com website".

Defendant Wise objects to Interrogatory No. 14 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 14 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 14 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

The cheat codes which previously appeared on the ten URLs listed by Plaintiff as containing infringing material have appeared and continue to appear, in some instances, on over twenty websites not owned by Defendant Wise. There is no evidence, nor has Plaintiff proven, that Plaintiff is the source of these cheat codes. Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 15: Explain fully and identify and describe all facts in support of any allegation in Wise's Third Affirmative Defense that Plaintiff's claims are barred pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 512.

ANSWER:

Defendant Wise objects to Interrogatory No. 15 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 15 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 15 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 16: Explain fully and identify and describe all facts in support of any allegation in Wise's Forth Affirmative Defense that Plaintiff's copyright infringement claim is barred by the doctrines of merger and/or scenes a faire.

ANSWER:

Defendant Wise objects to Interrogatory No. 16 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 16 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 16 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

Plaintiff has failed to specifically identify content that it alleges to be infringing. To the extent that Defendant Wise is able to identify the material alleged to be infringed, this material is not copyrightable subject matter and is purely factual. Any expression in this material is inextricably entwined with the ideas that it conveys, thus causing the affirmative defenses of scenes a faire and the merger doctrine. Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 17: Explain fully and identify and describe all facts in support of any allegation in Wise's Sixth Affirmative Defense that the doctrine of unclean hands bars the equitable relief sought by Plaintiff.

ANSWER:

Defendant Wise objects to Interrogatory No. 17 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 17 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 17 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

Defendant Wise is aware of several instances of third-parties accusing Plaintiff of using third-party cheat code content on his website without authorization. The following URLs contain statements by third-parties indicating that Plaintiff has made unauthorized use of third-party cheat code content:

http://wikifaqs.net/index.php?title=Cheat_Code_Central
<http://www.gamefaqs.com/portable/gbadvance/file/919562/30420>
<http://www.supercheats.com/pc/walkthroughs/medalofhonorpacificassault-walkthrough01.txt>
<http://www.gamefaqs.com/portable/ds/file/933043/46852?rec=605138874>
<http://faqs.ign.com/articles/452/452098p1.html>

<http://www.gamefaqs.com/boards/genmessage.php?board=2000094&topic=20885654&page=9>
<http://www.gamefaqs.com/boards/genmessage.php?board=2000094&topic=20885654&page=13>
<http://www.gamefaqs.com/boards/genmessage.php?board=2000094&topic=20885654&page=27>
http://74.125.45.104/search?q=cache:nWNyzmEjmtUJ:www.risefm.com/files/Microsoft_Xbox_Cheat_Codes/Games_Starting_with_the_Letter_G/Grand_Theft_Auto_Vice_City_-_Hidden_Packages_Guide_Page_01.html+cheatcc+permission&hl=en&ct=clnk&cd=80&gl=us
<http://mcbabblin.blogspot.com/2008/02/web-vs-print.html>
http://www.gamepro.com/community/forums/index.cfm?action=messagelist&topic_id=11184&cat_id=30
<http://forums.achaea.com/lofiversion/index.php/t19673.html>
<http://faqs.ign.com/articles/492/492516p1.html>
<http://www.gamefaqs.com/console/gamecube/file/914690/26047>
<http://www.pspcrazy.com/forums/psp-game-talk/36728-saves-cheats-walkthrough-site.html>
http://www.gcdtbes.com/Microsoft_Xbox_Cheat_Codes/Games_Starting_with_the_Letter_M/Medal_Of_Honor_Rising_Sun_-_Strategy_Guide_Page_01.html
<http://www.candiedskull.com/bully/>
<http://faqs.ign.com/articles/737/737758p1.html>
<http://www.supercheats.com/playstation2/walkthroughs/kingdomheartsiifinalmix-walkthrough01.txt>
<http://www.gamerhelp.com/ps2/RogueGalaxy/118400.shtml>
<http://www.neoseeker.com/resourcelink.html?rlid=60386>
<http://www.psxextreme.com/psp-guides/37.html>
<http://faqs.ign.com/articles/745/745511p1.html>
<http://pokedream.com/games/diamondpearl/pokeradar.php>
<http://www.gamerhelp.com/ps2/Killswitch/101364.shtml>
http://www.honestgamers.com/systems/guide.php?guide_id=1438&platform=PlayStation+2&abr=&gametitle=SpongeBob+Squarepants%3A+Battle+for+Bikini+Bottom
http://www.chaptercheats.com/downloads/guide/playstation2/200712100823442183_17002.txt

<http://talk.xboxsolution.com/showthread.php?p=142617>
<http://74.125.45.104/search?q=cache:mso2aCHTZsMJ:www.ewbattleground.com/forum/index.php%3Fshowtopic%3D31684%26st%3D30+cheatcc+permission&hl=en&ct=clnk&cd=107&gl=us>
<http://www.lifelearning.org/2007/05/08/hints-and-tips-for-playing-bookworm-adventures/>

<http://www.casperstartribune.net/articles/2005/12/01/news/regional/62470f05c2f69bdb872570c900771185.txt>
http://davis.ca/community/blogs/video_games/archive/2006/04/12/565.aspx
<http://www.websitepublisher.net/forums/showthread.php?t=4248>
http://www.mycheats.com/view/faq/4247/27034/metal_gear_solid/ps1
<http://www.neoseeker.com/resourcelink.html?rlid=68941&rid=63797>
<http://faqs.ign.com/articles/599/599388p1.html>
<http://www.stumbleupon.com/url/www.cheatcc.com/>
<http://faqs.ign.com/articles/599/599388p1.html>

Defendant Wise will respond further to this Interrogatory by producing documents

pursuant to Federal Rule of Civil Procedure 33(d). The burden of obtaining the requested information from these documents is the same for the Plaintiff as it would be for Defendant Wise.

Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 18: Explain fully and identify and describe all facts in support of any allegation in Wise's Nineteenth Affirmative Defense that Plaintiff failed to protect and/or enforce its rights.

ANSWER:

Defendant Wise objects to Interrogatory No. 18 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 18 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 18 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 19: Explain fully and identify and describe all facts in support of any allegations in Wise's Twentieth and Twenty-First Affirmative Defenses that Plaintiff's copyrights and/or copyright registrations are invalid.

ANSWER:

Defendant Wise objects to Interrogatory No. 19 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 19 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 19 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Subject to and without waiving the foregoing objections, Defendant Wise responds as follows:

Plaintiff has failed to specifically identify content that it alleges to be infringing. To the extent that Defendant Wise is able to identify the material alleged to be infringed, this material is not copyrightable subject matter and is purely factual. Any expression in this material is inextricably entwined with the ideas that it conveys, thus causing the affirmative defenses of scenes a faire and the merger doctrine. Discovery is ongoing and Defendant Wise reserves the right to supplement this response as more information becomes available.

INTERROGATORY NO. 20: Set forth with particularity the factual basis for each affirmative defense asserted by Wise not already addressed above, and identify the persons most knowledgeable about each such defense.

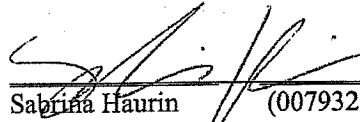
ANSWER:

Defendant Wise objects to Interrogatory No. 20 on the grounds that Plaintiff has failed to identify content that it alleges to be infringing. Plaintiff's failure to specify allegedly infringing content causes this request to be over-broad, unduly burdensome, vague, and ambiguous.

Defendant Wise objects to Interrogatory No. 20 as calling for information protected from discovery by the attorney-client and work product privileges and this Interrogatory calls for a legal conclusion.

Defendant Wise objects to Interrogatory No. 20 as overbroad and unduly burdensome to the extent that it calls for information already within the custody or control of Plaintiff, specifically the communications between the parties regarding allegations of infringement contain this information.

Defendant Wise objects to this request to the extent that it causes the number of Interrogatories herein to far exceed the limit set by the Federal Rules of Civil Procedure. Specifically, the request calls for separate answers setting forth the "factual basis for each affirmative defense...."



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Of Counsel:

Charles Lee Mudd, Jr., *pro hac vice*
Mudd Law Offices
3114 West Irving Park Road, Suite 1W
Telephone: (773) 588-5410
Telefax: (773) 588-5440
cmudd@muddlawoffices.com

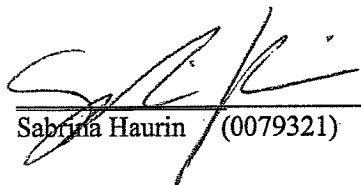
Bailey Cavalieri LLC
One Columbus
10 West Broad Street, 21st Floor
Columbus, OH 43215-3422
Telephone: (614) 229-3209
Telefax: (614) 221-0479

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was sent to Plaintiff by sending a copy of it to the following via electronic mail and first-class United States mail, postage prepaid, this ^{23rd}~~15th~~ day of April 2009.

Thomas P. Howard
GARLIN DRISCOLL HOWARD LLC
245 Century Circle, Suite 101
Louisville, Colorado 80027
Telephone: (303) 926-4222
Facsimile: (303) 926-4224
thoward@gdhlaw.com
Admitted Pro Hac Vice

Natalie Trishman Furniss
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-8918
Facsimile: (614) 227-2390



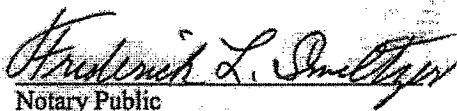
Sabrina Haurin (0079321)

VERIFICATION

I, Jeremy Wise, state that my amended answers to Plaintiff's First Set of Interrogatories in this action were prepared under my supervision; that I have read them; and that they reflect information as is currently known or available to me.


Jeremy Wise

Sworn to before me and subscribed in my presence this 23 day of April 2009.


Notary Public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ALLISON, doing business as)
CHEAT CODE CENTRAL, a sole)
proprietorship,)

Plaintiff,)

vs.)

JEREMY N. WISE, an individual,)

Defendant.)

Case No.:
2:08-cv-00157-MHW-MRA

**PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT'S AMENDED FIRST
REQUESTS FOR PRODUCTION**

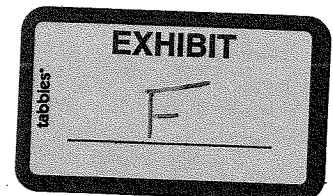
Plaintiff David Allison d/b/a Cheat Code Central ("Allison"), by and through his undersigned attorneys, hereby objects and responds to the Amended First Requests For Production from Defendant Jeremy Wise ("Wise").

GENERAL OBJECTIONS

1. Allison objects to each and every Request to the extent that it purports, through definitions or otherwise, to impose burdens and duties that exceed the scope of reasonable and permissible discovery under Fed. R. Civ. P. 26.

2. Allison objects to each and every Request to the extent that it seeks documents or information that is not within the possession, custody or control of Allison.

3. Nothing contained in any response to any Request shall be construed as an admission by Allison relative to the existence or nonexistence of any information, and no such response shall be construed as an admission respecting the relevance or admissibility of any



information or the truth or accuracy of any statement or characterization contained in any topic in this civil action.

4. Allison objects to each and every Request to the extent it seeks the production of information that is subject to the attorney-client privilege, work product doctrine, or other privileges, on the grounds that privileged matter is exempt from discovery.

5. To the extent the Requests seek confidential or proprietary information pertaining to Allison' business, trade secrets and/or economic relationships, Allison will only produce such information subject to the terms of the Stipulated Protective Order, entered on March 4, 2009 ("Stipulated Protective Order").

6. Allison objects to each and every Request to the extent that it seeks information not known or reasonably available to Allison.

7. Allison objects generally to each and every Request to the extent that it refers to "any," "each," or "all" when a limited amount of such information be sufficient, on the grounds that such a requirement makes the topic cumulative and duplicative, overbroad, and unduly burdensome.

8. Allison objects to the definition of "Plaintiff" or "Plaintiff Allison" to the extent it includes, without limitation, "any Officer, Employee, Representative, Agent, Director, or other person associated with and/or acting on behalf of Cheat Code Central" as overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence as it is not date restricted nor limited in scope.

9. Allison objects to the use of the phrase "electronic and/or video game strategy, tip, hint, trick and/or cheat code" as vague in that it is subject to multiple interpretations. Notwithstanding this objection, Allison will respond to Requests incorporating this phrase by

interpreting the phrase in question to refer to his copyright-protected original descriptions and unique compilations of the strategies, tips, hints, tricks and/or cheat codes incorporated into his Copyrighted Web Pages.

10. Allison has made reasonable efforts to object and respond to each Request as it understands and interprets the Request. If Wise subsequently asserts any interpretation of any Request that differs from Allison's interpretation, Allison reserves the right to supplement its objections and responses.

Subject to the objections and reservations set forth herein, the responses to follow are submitted by Allison and reflect his continuing investigation of facts and discovery of information and documents. Accordingly, Allison's responses are based only upon such information and documents that are presently available and specifically known to him through a diligent and reasonable search. Allison will produce responsive, non-privileged documents on an ongoing basis and reserves the right to supplement and/or amend these responses should additional or new information be uncovered.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO.1:

For the period 2005 to the present, financial statements showing all income and expenses for Cheat Code Central including, but not limited to, Profit and Loss Statements, tax returns, balance sheets, and income statements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Subject to and without waiving the general objections set forth herein, Allison states that he will produce tax returns for the years 2005 through 2007. These documents have been marked "Highly Confidential" and are produced subject to the Protective Order entered in this matter. Personal information not relevant to this dispute such as Social Security numbers has

been redacted.

REQUEST FOR PRODUCTION NO.2:

For the period 2005 to the present, financial statements showing all income and expenses for any business in which David Allison has an ownership share including, but not limited to, Profit and Loss Statements, tax returns, balance sheets, and income statements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide financial statements for “any” business in which Allison has an ownership share.

Subject to and without waiving the general and specific objections set forth herein, see response to Request for Production No. 1 above. Responsive documents have been marked “Highly Confidential” and are produced subject to the Protective Order entered in this matter.

REQUEST FOR PRODUCTION NO.3:

For the period 2005 to the present, complete Internet traffic reports for all domains relating to electronic and/or video games, strategies, tips, hints, tricks and cheat codes that are owned and/or licensed by David Allison.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide “complete” Internet traffic reports for “all” domains relating to electronic and/or video games, strategies, tips, hints, tricks and cheat codes that are owned and/or licensed by David Allison going back to the beginning of 2005. Allison further objects to this request insofar as it calls for the production of documents that are not reasonably accessible.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce responsive documents within his possession, custody or control. These documents have been marked “Highly Confidential” and are produced subject to

the Protective Order entered in this matter.

Allison notes that all traffic reports that predate December 2006 were stored on a hard-drive that has been damaged. Allison is working diligently with outside sources to recover this information. If and when it is recovered, he will produce the requested information for January 2005 through November 2006.

REQUEST FOR PRODUCTION NO.4:

For the period 2005 to the present, complete Internet traffic reports for all domains relating to electronic and/or video games, strategies, tips, hints, tricks and cheat codes that are owned and/or licensed by any and all business entities in which David Allison has an ownership share.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: See response to Request for Production No. 3.

REQUEST FOR PRODUCTION NO.5:

Copies of all web pages from Defendant's website(s) containing the electronic and/or video game strategies, tips, hints, tricks and cheat codes which Plaintiff has alleged and/or continues to allege infringe Plaintiff's copyright(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Allison objects to this interrogatory because it misstates the Complaint and the allegations set forth therein. Allison further objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide copies of "all" web pages from Defendant's websites(s) containing infringing material. Allison further objects to this request insofar as it calls for the production of documents that are not reasonably accessible.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce a CD with an electronic copy of significant portions of www.cheatmasters.com as it existed on January 22, 2007. Allison will produce a second CD

with an electronic copy of significant portions of the other Web sites owned or controlled by Wise and/or Wise Buy Now LLC and/or Wise Online. In addition, Allison will produce a sample set of his Web pages that were infringed, along with the corresponding infringing pages from www.cheatmasters.com. These pages have been separated out by game and then coded to make side-by-side comparisons of numerous examples of infringement easier to identify.

REQUEST FOR PRODUCTION NO.6:

Copies of all webpages from Plaintiff's website(s) containing the electronic and/or video game strategies, tips, hints, tricks and cheat codes which Plaintiff has alleged and/or continues to allege the Defendant has infringed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Allison objects to this interrogatory because it misstates the Complaint and the allegations set forth therein. Allison further objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide copies of "all" web pages from Plaintiff's website(s) containing material infringed by Wise. Allison further objects to this request insofar as it calls for the production of documents that are not reasonably accessible.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce a CD with an electronic copy of the significant portions of www.cheatcc.com as it existed on January 22, 2007. In addition, Allison will produce a sample set of his Web pages that were infringed, along with the corresponding pages from www.cheatmasters.com. These pages have been separated out by game and then coded to make side-by-side comparisons of numerous examples of infringement easier to identify.

REQUEST FOR PRODUCTION NO.7:

For the period 2005 to the present, any and all documents showing search engine traffic for any of Plaintiff's Cheat Code Domains.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide "any and all" documents showing search engine traffic for any of Plaintiff's Cheat Code Domains. Allison further objects to this request insofar as it is vague and ambiguous because the following terms and/or phrases are not defined: "search engine traffic." Allison further objects to this request insofar as it calls for the production of documents that are not reasonably accessible.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce reasonably accessible, responsive documents that are within his possession, custody, or control. These documents have been marked "Highly Confidential" and are produced subject to the Protective Order entered in this matter.

REQUEST FOR PRODUCTION NO.8:

All documents you contend exhibit damages and/or harm you have suffered as a result of Defendant's alleged actions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide "all" documents that exhibit damages and/or harm suffered by Allison.

Subject to and without waiving the general and specific objections set forth herein, please refer to the tax returns and traffic reports produced in response to Requests 1, 2 3, 4 and 7.

REQUEST FOR PRODUCTION NO.9:

All documents related to the creation of the original descriptions of electronic and/or video game strategies, tips, hints, tricks and cheat codes you allege Defendant infringed including, but not limited to, notes, drafts, and versions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide "all" documents related to the creation of the electronic and/or video game strategies, tips, hints, tricks and cheat codes that Allison alleges Defendant has infringed.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce reasonably accessible, responsive, documents that are within his possession, custody, or control. These documents are produced as "Highly Confidential" under the Protective Order entered in this matter.

REQUEST FOR PRODUCTION NO. 10:

A copy of The Ultimate Code Book.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

The Ultimate Code Book is no longer in print and Allison has only a couple of copies left in his possession. For this reason, a copy of the book will be sent to attorney Charles Mudd for a period of two weeks so that he can review it and make any necessary copies or scans. After two weeks, Allison requests that the book be returned to Garlin Driscoll Howard, LLC.

REQUEST FOR PRODUCTION NO. 11:

For each printed publication (e.g. book) that you allege Defendant has infringed, produce documents demonstrating for each month since January 2005 (a) the number of each publication sold; (b) the locations from which the sales of each publication have occurred; (c) the number of copies of each publication sold for each location; and (d) the resulting income to you from each publication.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

No copies of the Ultimate Code Book were sold between January 2005 and the present.

As such, no documents responsive to this request exist.

REQUEST FOR PRODUCTION NO. 12:

For all periods since January 1, 2005, traffic and expense reports for Google banner ads advertising CheatCC.com that were placed on any and all websites including, but not limited to, cheatmasters.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Allison objects to this request because it is not relevant to the claim or defense of any party and not reasonably calculated to lead to the discovery of admissible evidence.

In addition, it is overbroad and unduly burdensome insofar as it requests that Allison provide traffic and expense reports for Google banner ads advertising CheatCC.com that were placed on "any and all" Web sites. Allison further objects to this request insofar as it is vague and ambiguous because the following terms and/or phrases are not defined: "traffic and expense reports."

REQUEST FOR PRODUCTION NO. 13:

For all periods since January 1, 2005, traffic reports from Cheatoogle.com to CheatCC.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Allison objects to this request because it is not relevant to the claim or defense of any party and not reasonably calculated to lead to the discovery of admissible evidence.

Allison further objects to this request insofar as it is vague and ambiguous because the following terms and/or phrases are not defined: "traffic reports from Cheatoogle.com to CheatCC.com."

Subject to and without waiving the forgoing general and specific objections, Allison states that he is not in possession of any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 14:

Copies of all correspondence and documents received by Plaintiff from video game developers related to the electronic and/or video game strategies, tips, hints, tricks and cheat codes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide copies of "all" correspondence and documents. Allison also objects to this request as overbroad and unduly burdensome because it is not limited to a particular timeframe.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he will produce reasonably accessible, responsive, documents that are within his possession, custody, or control. Documents responsive to this request are produced as "Highly Confidential" under the Protective Order entered in this matter.

REQUEST FOR PRODUCTION NO. 15 (A):

As of February 1, 2008, all web pages on the websites owned by Defendant claimed to be "identical to pages from David Allison's Copyrighted Web Pages."

RESPONSE TO REQUEST FOR PRODUCTION NO. 15 (A):

Subject to and without waiving the general and specific objections set forth herein, Allison objects to this request because it is founded upon an arbitrary date from over one year ago and would require a historical Web-analysis founded on outdated web pages that are no longer in existence, except in the possession of Defendants. For that precise reason, Defendants have a discovery obligation to produce a complete page from every Internet website which they owned as of February 1, 2008, for the purpose of this analysis. In the event that such production

occurs, this comparative infringement analysis will be conducted. A comparative infringement analysis with current web site pages is ongoing. Supplementary production pursuant to this analysis will occur upon completion.

REQUEST FOR PRODUCTION NO. 15 (B):

Any and all documents supporting your allegation that "Defendant falsely represented to customers, potential customers, and/or others, directly or indirectly, that" the electronic and/or video game strategies, tips, hints, tricks and cheat codes found on the websites owned and/or operated by Defendant were authored by and/or originated from Defendant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15 (B):

Allison objects to this request because it is overbroad and unduly burdensome insofar as it requests that Allison provide copies of "any and all" documents.

Subject to and without waiving the general and specific objections set forth herein, please refer to the response to Request No. 5 above. See also Plaintiff's Response to Request for Admission No. 22.

REQUEST FOR PRODUCTION NO. 16:

For all periods since January 1, 2005, traffic reports for visitors to www.cheatcc.com arriving from links to www.cheatcc.com found on any and all of Defendant's websites.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Allison objects to this request as overbroad and unduly burdensome with respect to the phrase "any and all" of Defendant's websites. Allison further objects to this request insofar as it is vague and ambiguous because the following phrase "traffic reports" is not defined.

Subject to and without waiving the general and specific objections set forth herein, Allison states that he is not in possession of any document responsive to this request.

REQUEST FOR PRODUCTION NO. 17:

For all periods since January 1, 2005, monthly traffic reports for each webpage on the Cheat Code Websites that Plaintiff alleges Defendant infringed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Allison objects to this request as overbroad and unduly burdensome, in part with respect to the phrase "each" webpage. Allison further objects to this request insofar as it is vague and ambiguous because the following terms and/or phrases are not defined: "traffic reports."

Subject to and without waiving the general and specific objections set forth herein, see response to Request for Production No. 3 above.

Respectfully submitted this 5th day of March, 2009.

s/ Thomas P. Howard

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nfurniss@bricker.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2009, I served the foregoing **PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANT'S AMENDED FIRST REQUESTS FOR PRODUCTION** via e-mail and United States mail as follows:

Charles Lee Mudd Jr.
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3344 North Albany Ave.

Chicago, IL 60618
cmudd@muddlawoffices.com

Sabrina Haurin
One Columbus
Bailey Cavaleri LLC
10 West Broad Street, 21st Floor
Columbus, OH 43215
sabrina.haurin@baileycavaleri.com

s/ Thomas P. Howard

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID ALLISON, doing business as)
CHEAT CODE CENTRAL, a sole)
proprietorship,)

Plaintiff,)

vs.)

Case No. 2008-cv-157-MHW-MRA

JEREMY N. WISE, an individual, and)
WISE BUY NOW LLC, an Ohio)
Corporation,)

Defendants.)

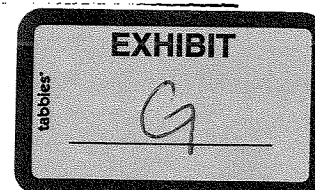
AFFIDAVIT OF JEREMY N. WISE

I, Jeremy N. Wise, being duly sworn, do hereby declare, testify and state as follows:

1. I am a resident and citizen of the State of Ohio.
2. I am a defendant in the above-captioned litigation.
3. I provide the following statements based upon my present knowledge.
4. I never received a cease and desist letter before the initial suit was filed.
5. Rather, I received a notice that I had been sued via email.
6. At the time I received notice that I had been sued, much of the Defendants'

database of cheats had existed prior to late 2006.

7. For, the database contained tens of thousands of cheat codes that had been obtained by the Defendants through the purchase of websites, our own diligent work, and other resources.



8. Indeed, I had been compiling a database for over six years and adding to an already substantial database I purchased in 2000. The database I purchased in 2000 had been in operation since 1994.

9. Consequently, much of the website www.cheatmasters.com and the cheat code database existed prior to any alleged infringement.

10. Upon receiving the notice that I had been sued, I removed all cheat code content obtained since October 2006 in good faith to investigate the matter and in the hope that it would remove any allegedly infringing content.

11. As the Plaintiff had not identified any specific cheats and it was impossible for Defendants to identify from where a cheat code had originated, the Defendants engaged in an effort to change language on many cheats, which in their essence represent factual statements, to avoid any issues of alleged infringement.

I declare under the penalty of perjury that the foregoing are true and correct statements.

Dated this 5th day of October 2009.

Jeremy N. Wise
Jeremy N. Wise

STATE OF Ohio)

COUNTY OF Muskingum)

)SS:

The foregoing AFFIDAVIT OF JEREMY N. WISE has been subscribed and sworn to me before this 5 day of October 2009, by Jeremy N. Wise.



REBECCA J. VANISCKLE
Notary Public, State of Ohio
My Commission Expires
November 22, 2009

Rebecca J. Vanisckle
Notary Public

My Commission Expires: