

**BEFORE THE U.S. POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001**

COMPLAINT ON ELECTRONIC POSTMARK

DOCKET NO. C2004-2

**AUTHENTIDATE, INC.'S MOTION TO COMPEL
RESPONSES TO INTERROGATORIES AND DOCUMENT REQUEST
AUTH/DS-T1-2-6, 8, 8(b), 9-10
(June 19, 2006)**

Pursuant to the Commission's Rules of Practice, AuthentiDate, Inc. ("AuthentiDate") hereby moves the Presiding Officer to order DigiStamp's witness, Rick Borgers, to answer interrogatories AUTH/DS-T1-2-6, 8, 8(b), 9-10, filed on May 26, 2006, and to produce the materials requested therein. A copy of each of the interrogatories is attached hereto as Exhibit A and DigiStamp's responses are attached hereto as Exhibit B. DigiStamp witness Rick Borgers filed his objections to AUTH/DS-T1-2-4, 8(b), 9-10 on June 5, 2006 ("Objections").

AuthentiDate's discovery requests were specifically focused on the allegations made by DigiStamp's witness, Rick Borgers, in his direct testimony submitted in this proceeding. Yet, DigiStamp refused to respond to the vast majority of requests on the bases that they seek commercially sensitive, proprietary and confidential information and are not relevant.

Unlike in many of the cases DigiStamp cites in its Objections,¹ DigiStamp has alleged that the USPS's offering of EPMs has caused it competitive injury. DigiStamp would like this Commission to consider its bald allegations that the USPS' EMP offering

¹ See P.O. Ruling R2000-1/102, P.O. Ruling R2000-1/112.

destroyed its purportedly thriving business, but refuses to produce any evidence to support these claims. Should the Commission consider these allegations relevant to this proceeding, it should compel DigiStamp to produce evidence in support of its allegations.

DigiStamp objects that the information AuthentiDate seeks is commercially sensitive. Yet it fails to so much as claim, much less demonstrate, that producing the information will cause it serious harm, i.e., competitive disadvantage. DigiStamp cannot avoid producing information relevant to the allegations in its complaint and direct testimony without showing that the information is truly commercially sensitive and will cause serious competitive harm if produced to the public. Any claim of harm by DigiStamp would be particularly specious since it alleges that the USPS' EPM has so much as driven it out of the marketplace. However, to the extent DigiStamp can and does meet this burden, AuthentiDate has no objection to this Commission ordering that the information be produced under protective conditions as provided by Rule 26(g).

ARGUMENT

I. THE REQUESTED INFORMATION SHOULD BE PRODUCED IN THIS PROCEEDING

DigiStamp argues, in its Objections, that the Commission should not require the information be produced unless it is essential to the Commission's resolution of any material issue before it. DigiStamp misstates the Commission's precedent on this

issue.² The Commission will consider whether confidential information must be produced on a case-by-case basis. See P.O. Ruling R2000-1/97 (July 25, 2000). While acknowledging that “disclosure of sensitive information when direct competitors in the marketplace are parties must be given careful consideration to protect the interests of each party,” a private party, like DigiStamp, that is “the proponent of a new rate or classification sometimes has a higher burden for disclosure to assure there is sufficient evidence on the record in support of their proposals.” Id. The Commission must consider that “[w]ithout sufficient, clear supporting evidence on which to base a decision, there is a risk of precluding the Commission from making an informed decision, or the Commission drawing an erroneous conclusion.” Id.

DigiStamp’s objections on the grounds that the information is commercially sensitive, proprietary or confidential do not necessarily mean it need not produce the information. “[T]here is ample Commission precedent to indicate that the mere fact that a document may contain sensitive business information does not itself preclude the production in a proceeding, although it may be subject to protective conditions.” P.O. Ruling 2000-1/53 (Apr. 27, 2000). The extent of protection, if any, “is for the agency to determine by balancing the harm of disclosure against the party’s need to prove his case and the public interest in just and accurate adjudication of disputes.” Order No. 1025 (Aug. 17, 1994) at 14; see also Order No. 1283 (Jan. 28, 2000); PO Ruling R2001-1/17 at 13 (“As the proponent of the protective conditions, the Postal Service,

² Indeed, many of the Rulings DigiStamp cites in its Objections orders the objecting party to produce certain information. See P.O. Ruling R94-1/22 (in looking at “whether the commercial sensitivity of the data outweighs any contribution the data would make to the record in this proceeding,” the Commission determined that data relating to the performance results of the service should be produced); P.O. Ruling C99-1/23 (directing the production of commercially sensitive information under protective conditions); P.O. Ruling R2000-1/97 (same).

which had objected to disclosure on various grounds including commercial sensitivity, has the burden of demonstrating that the information to be produced is confidential and that public disclosure will cause it serious harm, e.g. competitive disadvantage”); P.O. Ruling R97-1/62 at 8. As discussed in more detail below, if the Commission determines that the allegations regarding DigiStamp’s business are relevant, it should compel DigiStamp to respond to AuthentiDate’s interrogatories and document request. Aside from its self-serving conclusory statements that it was competitively harmed by the EPM, DigiStamp offers no evidence to support those statements.

II. DIGISTAMP SHOULD PRODUCE INFORMATION RELEVANT TO ITS ALLEGATIONS OF COMPETITIVE HARM (AUTH/DS T-1-2-4, 8-10)

DigiStamp objects to the following interrogatories as seeking commercially sensitive, proprietary and confidential information that is not relevant to the resolution of any issue before the Commission.

AUTH/DS-T1-2. Page 12 of the Direct Testimony of Rick Borgers states DigiStamp has already provided service to thousands of customers. Identify each customer of DigiStamp’s e-TimeStamp product by name and address. Include companies, research organizations and governments. Please explain fully.

a. For each such customer, describe how that customer was using the e-TimeStamp product.

b. For each customer, describe when the customer made its first purchase of the e-TimeStamp product.

AUTH/DS-T1-3. Provide the number of employees of DigiStamp in each year from 1999 to the present.

AUTH/DS-T1-4. Provide revenue figures of DigiStamp in each year from 1999 through 2005 as such amounts appear on DigiStamp’s tax returns. Please explain fully.

AUTH/DS-T1-8. In how many time stamp transactions has DigiStamp’s product been used? Please explain fully.

b. What was the total revenue derived from such transactions?

AUTH/DS-T1-9. Footnote 13 on page 9 of the Direct Testimony of Rick Borgers refers to DigiStamp's original business plan. Please provide the referenced business plan.

AUTH/DS-T1-10. Please identify DigiStamp's "costs" referred to in the first paragraph on page 13 of the Direct Testimony of Rick Borgers. Please explain fully.

These interrogatories and document request relate to DigiStamp's alleged competitive harm as a result of the USPS offering EPMs. To the extent this Commission deems DigiStamp's allegations regarding the success of its business before the USPS offered EPMs and its alleged demise thereafter as relevant, AuthentiDate should be entitled to test the credibility of these allegations with actual evidence.

In light of DigiStamp's allegations that the EPM destroyed its business, it is difficult to comprehend how the information AuthentiDate seeks could cause it serious harm, such as competitive disadvantage. If it no longer has customers, revenue, transactions or costs for its competing product, producing such historical information in this proceeding could not possibly cause it serious harm in the future. In other words, if you take DigiStamp's allegations as true, it no longer competes with the USPS because the USPS EPM drove DigiStamp out of the market, and there would be no serious harm in producing information regarding its former business. However, to the extent the Commission deems the information to be competitively sensitive, proprietary or confidential, and DigiStamp can demonstrate serious harm, AuthentiDate does not object to it being produced under protective conditions.

With respect to AUTH/DS-T1-2(a) and (b), 3 and 8, there simply is nothing commercially sensitive, proprietary or confidential about how DigiStamp's customers used the e-TimeStamp(T1-2(a)), when DigiStamp's customer made its first purchase of

the e-TimeStamp product (T1-2(b)), the number of employees DigiStamp has had since 1999 (T1-3) or the number of times a DigiStamp product has been used (T1-8).

DigiStamp's objections are unfounded, and this information should be produced, and need not be protected.

As to AUTH/DS-T1-10, in addition to the issue of competitive harm, the costs to provide a competitive product are relevant to the Commission's recommendation on the rate charged by the USPS for EPMs. DigiStamp's belief that this Commission would not be able to make an "accurate comparison" of DigiStamp's costs with USPS' is not a valid basis to withhold the costing information.

III. DIGISTAMP SHOULD PROVIDE FULL RESPONSES TO INTERROGATORIES TO WHICH IT FAILED TO OBJECT (AUTH/DS T-1-5-6)

DigiStamp did not object to Interrogatories AUTH/DS T1-5 and 6, yet it failed to provide full responses. These interrogatories are as follows:

AUTH/DS T1-5. Identify each customer that switched from using DigiStamp's e-TimeStamp to USPS' Electronic Postmark Service (EPM). Please explain fully.

AUTH/DS-T1-6. Identify each prospective customer of DigiStamp's that became a user of the EPM instead of the DigiStamp e-TimeStamp product. Please explain fully.

- a. For each such prospective customer, identify who DigiStamp had contact with at that prospective customer and when such contact was made.

DigiStamp failed to identify the actual or prospective customers in response to these Interrogatories. Despite having alleged that it lost actual and prospective customers to USPS's EPM, it states that it does not know the answer to the questions of which customers it lost. It further concedes that it may have lost customers for reasons unrelated to the USPS' EPM offering. DigiStamp proposes to have the USPS provide a list of its customers so that DigiStamp can review the list to identify those which were

DigiStamp's actual or potential customers. DigiStamp's allegations that it lost actual and prospective customers to the EPM are highly suspect when it cannot identify a single actual or prospective customer that it lost or why it lost them. Its summary statement that its decline in business in 2004 somehow demonstrates that such decline was because of the EPM is unpersuasive and unsupported, particularly when it declined to respond to any interrogatories regarding the extent and nature of its business (customers, revenue, sales volume, employees, business plans) before and after the EPM offering. DigiStamp failed to object to the interrogatories that requested that such customers be identified, and, therefore, DigiStamp should be ordered to respond in full to these interrogatories. Should DigiStamp be unable to do so, these allegations should be disregarded as unsubstantiated by any evidence.

IV. CONCLUSION

For the reasons stated herein, AuthentiDate respectfully requests that its motion to compel be granted.

Respectfully submitted,

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**AUTHENTIDATE, INC.'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND
DOCUMENT REQUEST AUTH/DS-T1-2-6, 8, 8(b), 9-10**

EXHIBIT A

Postal Rate Commission
Submitted 5/26/2006 3:56 pm
Filing ID: 49106
Accepted 5/26/2006

**BEFORE THE U.S. POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001**

COMPLAINT ON ELECTRONIC POSTMARK

DOCKET NO. C2004-2

**AUTHENTIDATE, INC.'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DIGISTAMP, INC. WITNESS RICK BORGERS
(AUTH/DS T1-1 through 11)**

Pursuant to sections 25 through 27 of the Rules of Practice of the Postal Rate Commission, AuthentiDate, Inc. (AuthentiDate) directs the following interrogatories and requests for the production of documents to DigiStamp, Inc. witness Rick Borgers:
AUTH/DS T1-1 through 11.

Respectfully submitted,

/s/ Scott M. Heimberg
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**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
OF AUTHENTIDATE, INC. TO DIGISTAMP, INC. WITNESS RICK BORGERS**

AUTH/DS-T1-1. Describe the e-TimeStamp product. Please explain fully.

a. Does DigiStamp hold any patents related to the e-TimeStamp product? If so, provide the patent number.

AUTH/DS-T1-2. Page 12 of the Direct Testimony of Rick Borgers states DigiStamp has already provided service to thousands of customers. Identify each customer of DigiStamp's e-TimeStamp product by name and address. Include companies, research organizations and governments. Please explain fully.

a. For each such customer, describe how that customer was using the e-TimeStamp product.

b. For each customer, describe when the customer made its first purchase of the e-TimeStamp product.

AUTH/DS-T1-3. Provide the number of employees of DigiStamp in each year from 1999 to the present.

AUTH/DS-T1-4. Provide revenue figures of DigiStamp in each year from 1999 through 2005 as such amounts appear on DigiStamp's tax returns. Please explain fully.

AUTH/DS T1-5. Identify each customer that switched from using DigiStamp's e-TimeStamp to USPS' Electronic Postmark Service (EPM). Please explain fully.

AUTH/DS-T1-6. Identify each prospective customer of DigiStamp's that became a user of the EPM instead of the DigiStamp e-TimeStamp product. Please explain fully.

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
OF AUTHENTIDATE, INC. TO DIGISTAMP, INC. WITNESS RICK BORGERS**

a. For each such prospective customer, identify who DigiStamp had contact with at that prospective customer and when such contact was made.

AUTH/DS-T1-7. Describe your understanding of how the EPM works. Please explain fully.

a. Describe your understanding of how the EPM is being used in the marketplace.

AUTH/DS-T1-8. In how many time stamp transactions has DigiStamp's product been used? Please explain fully.

- a. What percentage of such transactions were communications?
- b. What was the total revenue derived from such transactions?

AUTH/DS-T1-9. Footnote 13 on page 9 of the Direct Testimony of Rick Borgers refers to DigiStamp's original business plan. Please provide the referenced business plan.

AUTH/DS-T1-10. Please identify DigiStamp's "costs" referred to in the first paragraph on page 13 of the Direct Testimony of Rick Borgers. Please explain fully.

AUTH/DS-T1-11. Identify each time that DigiStamp has demonstrated through a transmission to the USPS or a governmental identity that a person can "get a certified receipt from the USPS for a document that, in fact, was never received." Please explain fully.

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
OF AUTHENTIDATE, INC. TO DIGISTAMP, INC. WITNESS RICK BORGERS**

a. For each transmission, describe (i) the date of the transmission, (ii) the recipient of the transmission and (iii) what DigiStamp did to create the false certified receipt.

b. Have you or anyone else at DigiStamp ever attempted to obtain a certified receipt for a document that was, in fact, never received and failed to obtain the certified receipt?

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 2006 a copy of AuthentiDate Inc.'s First Set of Interrogatories was served upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

/s/ Andrea T. Vavonese
Andrea T. Vavonese

**AUTHENTIDATE, INC.'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND
DOCUMENT REQUEST AUTH/DS-T1-2-6, 8, 8(b), 9-10**

EXHIBIT B

Postal Rate Commission
Submitted 6/9/2006 12:13 pm
Filing ID: 49425
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Before The
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on Electronic Postmark®

Docket No. C2004-2

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO
AUTHENTIDATE'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
(AUTH/DS T1-1,5-8(a),11)
(June 9, 2006)

Digistamp witness Rick Borgers hereby files his responses to the following interrogatories and request for production of documents of Authentidate: AUTH/DS T1-1-11, filed on May 26, 2006. The interrogatories are stated verbatim and are followed by the responses.

Respectfully submitted,

Rick Borgers
Lead Technologist, CEO
DigiStamp, Inc.
<http://www.digistamp.com>

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS-T1-1. Describe the e-TimeStamp product. Please explain fully.

a. Does DigiStamp hold any patents related to the e-TimeStamp product? If so, provide the patent number.

RESPONSE:

DigiStamp provides an extensive website at <http://www.digistamp.com> that describes the product. Specifically the page

<http://www.digistamp.com/timestamp.htm> then the title *How a digital time stamp works*. There is a detailed technical description of the time stamp service in the Internet Engineering Task Force document titled *Internet X.509 Public Key Infrastructure Time-Stamp Protocol (TSP) RFC 3161* August 2001 (copy is at: <http://www.ietf.org/rfc/rfc3161.txt>).

a. DigiStamp does not hold any patents related to the e-TimeStamp product.

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS T1-5. Identify each customer that switched from using DigiStamp's e-TimeStamp to USPS' Electronic Postmark Service (EPM). Please explain fully.

DigiStamp does not know the answer to this question. In general, I do not think most merchants could answer this question. As an analogy: as a shoe repair shop owner, I would not know if a customer did not return because they took their business elsewhere; or the customer has not had the need for a shoe repair.

To overcome the inherent problem with answering this question, consider a more feasible approach: the Postal Service supplies a list of their customers so that DigiStamp can identify its customers from that reduced domain of EPM customers. This would be the list that Authentidate seeks.

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS-T1-6. Identify each prospective customer of DigiStamp's that became a user of the EPM instead of the DigiStamp e-TimeStamp product. Please explain fully.

a. For each such prospective customer, identify who DigiStamp had contact with at that prospective customer and when such contact was made.

DigiStamp does not know the answer to this question. For example, DigiStamp does not have information that allows us to count these events: a person visits the DigiStamp website, then visits the Postal Service's website and then chooses to sign-up for an EPM account. In general, I don't think any merchant could know the list of "prospective customers"; those that considered using their service.

To overcome the inherent problem in answering this question, consider a more feasible approach: the Postal Service supplies a list of their customers so that DigiStamp can identify those that may have contacted DigiStamp directly. This would be a portion of the list that Authentidate seeks.

As an alternative, consider that at a summary level, DigiStamp's transaction volumes increased annually from 1999 to 2003, with a 200% increase in 2003. In 2004 transaction volumes decreased for the first time and growth has stalled since then. Given that the EPM rollout was in early 2004 then Authentidate may be able to infer an answer to their question.

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS-T1-7. Describe your understanding of how the EPM works. Please explain fully.

a. Describe your understanding of how the EPM is being used in the marketplace.

RESPONSE:

I understand that the EPM works as described on this Postal Service website page: <http://www.uspsepm.com/info/about.adate>

A more technical description, my understanding is that the EPM uses a time stamp as is defined in the Internet Engineering Task Force document titled *Internet X.509 Public Key Infrastructure Time-Stamp Protocol (TSP) RFC 3161* August 2001 (a copy is at: <http://www.ietf.org/rfc/rfc3161.txt>).

a. My understanding of how the EPM is being used in the marketplace is based primarily on the Authentidate press releases and other public descriptions about EPM customers. In each document I've submitted in this docket, there are examples of EPM marketing materials and customer usage: In my testimony, on page 6, example of the Social Security Administration's Secure Transport Service; on page 7, states using the EPM to replace certified mail; at the bottom of page 10 and top of page 11 there are additional examples of EPM usage in the marketplace. I give additional information about the Liberty Mutual customer in my Postal Service interrogatory response USPS/DS-T1-5.

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET
OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS-T1-8. In how many time stamp transactions has DigiStamp's product been used? Please explain fully.

- a. What percentage of such transactions were communications?
- b. What was the total revenue derived from such transactions?

RESPONSE:

Objections filed to the predicate question (concerning the number of Digistamp time transactions), as well as item "b."

- a. As stated in my testimony, the percentage of transactions that involve communication is more than 90 percent at DigiStamp (unnumbered line 22 of page 8).

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AUTH/DS-T1-11. Identify each time that DigiStamp has demonstrated through a transmission to the USPS or a governmental identity that a person can “get a certified receipt from the USPS for a document that, in fact, was never received.” Please explain fully.

a. For each transmission, describe (i) the date of the transmission, (ii) the recipient of the transmission and (iii) what DigiStamp did to create the false certified receipt.

b. Have you or anyone else at DigiStamp ever attempted to obtain a certified receipt for a document that was, in fact, never received and failed to obtain the certified receipt?

RESPONSE:

a. For each transmission, what DigiStamp did to create the false certified receipt is described in this Docket named DIGISTAMP RESPONSE TO ORDER NO. 1455 (March 20, 2006). See pages 5 and 6 for the section titled “Here are the simple instructions to create an acknowledgement for a document that is not received”.

As background for Authentidate’s question, in a press release on May 17, 2005 the public was assured that the Postal Service had reviewed and approved this flawed receipt capability:

May 17, 2005 Authentidate Holding Corp. (NASDAQ: ADAT) today announced that the United States Postal Service has approved an updated version of the USPS Electronic Postmark(R) (USPS EPM) Service. The new version offers enhancements including an optional return-receipt capability that allows users to track delivery and acceptance of electronic content.

I note that Authentidate’s question is limited to examples of transmissions to “the USPS or a governmental identity”. There were 2 transmissions to people in government positions and about 20 others in non-government positions. The 2 government transmissions:

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTICDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. A Postal Service "certified electronic communication"¹ email was sent using the USPS EPM service to Shelley Dreifuss, Director, Office of the Consumer Advocate at the Postal Rate Commission on 4/29/2008 to her email address dreifusss@prc.gov. This transmission is described in DIGISTAMP RESPONSE TO ORDER NO. 1455 (March 20, 2006) on page 5.

I was able to confirm by a phone call with Shelley Dreifuss that she had not actually opened or displayed the content of the Microsoft Word document that was sent to her by me using the USPS EPM service. But, I was easily able to create a certified receipt that is digitally signed by the Postal Service that said that the Word document that I emailed was acknowledged and then opened or displayed by her. If you would like to see Shelley's false receipt, here is the Word document with the digitally signed receipt (www.digistamp.com/epm/ShelleyTest.doc), and you will need the USPS EPM Microsoft Word plug-in from the Postal Service web site www.uspsepm.com .

2. A Postal Service "certified electronic communication" email was sent using the USPS EPM service to Maryland Delegate Jeannie Haddaway on 05/08/2005 to her email address: jeannie_haddaway@house.state.md.us Additionally, at about the same time I sent another email to that same address not using the EPM service and got a response from postmaster@mail.state.md.us saying that the "User mailbox exceeds allowed size". This means that no emails were being delivered to this email address. Even though, by using USPS EPM service I was easily able to get a digitally signed receipt from the United States Postal Service that falsely states:

¹ Postal Service web site at <https://www.uspsepm.com/info/main.adate>

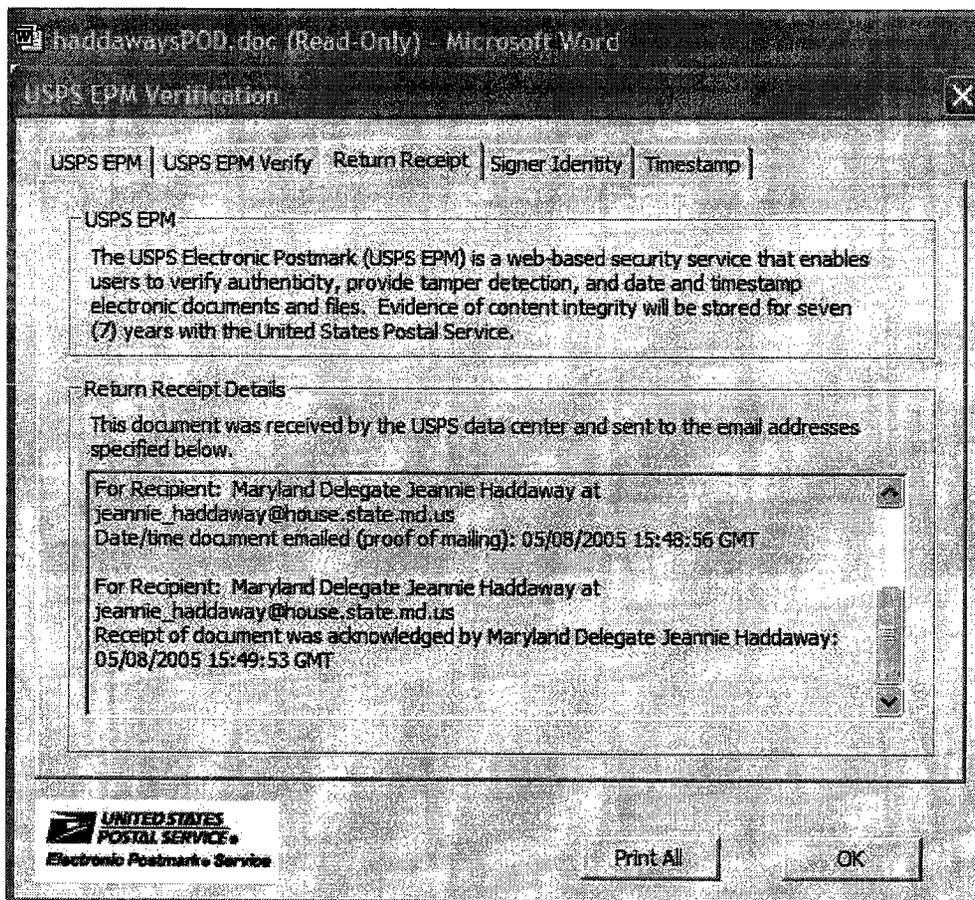
RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

You requested a return receipt notice from the United States Postal Service when your document was electronically delivered (opened or displayed).

Document Sender: Rick Borgers (rick.borgers@digistamp.com)

Document Recipient: Maryland Delegate Jeannie Haddaway (jeannie_haddaway@house.state.md.us)

Given that her mailbox was full and did not accept emails then clearly she had no opportunity to actually receive the email. The display of the signed receipt looks like this:



If you would like to see Delegate Haddaway's false receipt, here is the Word document with the digitally signed proof-of-delivery receipt (www.digistamp.com/epm/haddawaysPOD.doc), and you will need the USPS

RESPONSES OF DIGISTAMP WITNESS RICK BORGERS TO AUTHENTIDATE'S FIRST SET
OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

EPM Microsoft Word plug-in from the Postal Service web site

www.uspsepm.com .

As additional background to fully answer Authentidate's question, Maureen O'Gara, G2 News Editor, published an article titled "Rival Claims USPS-Authentidate EPM Upgrade Flawed" on May 20, 2005. I spoke with her about research for the article and she described to me that she had spoken with the Postal Service and Authentidate EPM support team members and they understood how I created the false receipts. I did another test about 3 months later and the flaw still existed.

b. No, to the best of my knowledge, no one at DigiStamp has tested the scenario that you describe in your question.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2006 a copy of AuthentiDate Inc.'s Motion to Compel Responses to Interrogatories and Document Request AUTH/DS-T1-2-6, 8(b), 9-10 was served upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

/s/ Andrea T. Vavonese

Andrea T. Vavonese