

computer(s), and therefore deny same and put plaintiff strictly to his proof.

IV.

Defendants specifically deny they engaged in any of the conduct alleged in the Complaint. Specifically, defendants deny they generated "pop-up" ads on plaintiff's computer; that they played any role in designing or infecting plaintiff's computer with a "Trojan" or any other program; or that they changed the plaintiff's home page.

V.

Defendants specifically allege that plaintiff's alleged computer problems, if any, are the result of visiting infected web pages over which the defendants have no responsibility or control.

VI.

Defendant Mailwiper, Inc. admits that it designed "Spy Wiper", a legitimate program designed to identify and remove spyware or adware programs on the user's computer. Defendants specifically deny that Spy Wiper, or any other computer programs designed or under their control were responsible for any of the alleged computer problems identified in plaintiff's Complaint.

VII.

Defendants specifically deny all allegations of criminal conduct, violations of RICO, computer fraud, or any wrongdoing whatsoever alleged in the Complaint.

VIII.

Defendants specifically deny that this action is suitable for class certification.

AFFIRMATIVE DEFENSES

IX.

That plaintiff's Complaint fails to state a claim upon which relief can be granted.

X.

That plaintiff's Complaint is improperly brought against Rob Martinson individually. That at all relevant times Martinson was acting in the course and scope of employment as an officer of the corporate defendants. Therefore, Rob Martinson is not a proper party defendant and should be dismissed from this lawsuit.

XI.

That as to the damages claimed by plaintiff, defendants deny that plaintiff was damaged at all, or to the extent claimed.

XII.

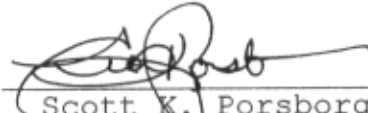
Pending completion of discovery, defendants assert and incorporate by reference all affirmative defenses available pursuant to Rules 8, 9 and 12 of the North Dakota Rules of Civil Procedure.

WHEREFORE, defendants request that plaintiff's complaint be in all things dismissed; that defendants recover their costs and disbursements herein; and that the Court award such other relief as the Court may deem just and proper.

Dated this 12th day of April, 2004.

SMITH BAKKE OPPEGARD PORSBORG WOLF

By



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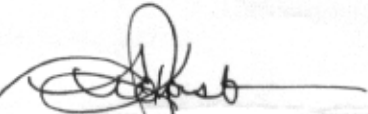
Attorneys for Defendants,
Rob Martinson, a/k/a Robert
Martinson; Eskrawl, Inc.;
Mailwiper, Inc.; and Spy
Deleter, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER OF DEFENDANTS** was on the 12th day of April, 2004, mailed to the following:

John J. Gosbee
Attorney at Law
103 3rd Avenue NW
Mandan, ND 58554

By


SCOTT K. PORSBORG