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14 *Attorneys for Defendant*  
15 **ROCKET LAWYER INCORPORATED**

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**  
18 **WESTERN DIVISION**

19 LEGALZOOM.COM, INC., a Delaware  
20 corporation,

21 Plaintiff,

22 v.

23 ROCKET LAWYER  
INCORPORATED, a Delaware  
24 corporation,

25 Defendant.

Case No. 2:12-cv-09942-GAF-AGR

**NOTICE FOR JUDGMENT  
INDEPENDENT OF MOTION  
PURSUANT TO FED. R. CIV. PROC.  
56(F)**

Date: August 18, 2014  
Time: 9:30 a.m.  
Judge: Judge Gary A. Feess  
Courtroom: 740  
255 East Temple Street  
Los Angeles, CA 90012  
Action Filed: November 20, 2012

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           **PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure  
3 56(f), Rocket Lawyer Incorporated (“Rocket Lawyer”) hereby seeks judgment in its  
4 favor on its Counterclaims, Counts IV, V and VI, based on the evidence submitted  
5 to the Court as part of its opposition to LegalZoom.com, Inc.’s (“LegalZoom”)  
6 motion for partial summary judgment. *See* ECF Nos. 69 and 82 (and unredacted  
7 versions filed under seal).

8           Under Rule 56(f), after giving notice and a reasonable time to respond, the  
9 court may grant summary judgment for a nonmovant or consider summary judgment  
10 on its own after identifying for the parties material facts that may not be genuinely  
11 in dispute. Fed. R. Civ. Proc. 56(f).

12           Rocket Lawyer has alleged that LegalZoom has violated the Lanham Act and  
13 California Business and Professions Code sections 17500 (false advertising) and  
14 17200 (unfair competition) by using LegalSpring.com, a review website for online  
15 legal services, as a marketing platform. LegalSpring.com has held itself out to be a  
16 neutral review website to assist consumers, and thus, consumers have been deceived  
17 by LegalZoom’s marketing on this website.

18           Based on the information recently produced by LegalZoom, the evidence  
19 submitted by Rocket Lawyer in opposition to LegalZoom’s motion for summary  
20 judgment demonstrates that there can be no dispute that LegalZoom:

- 21           • has control over content on LegalSpring.com, *see e.g.*, Statement of Genuine  
22           Issues, ECF No. 82-1 at ¶¶38-42, 44;
- 23           • has removed negative reviews from verified consumers from  
24           LegalSpring.com, *id.*;
- 25           • has replaced negative reviews with positive reviews, *id.*;
- 26           • has falsified its high four star rating by manipulating the balance of positive  
27           and negative reviews on LegalSpring.com, *id.* at 64;
- 28           • has approved falsifying the dates and times for positive reviews it has

- 1 requested be added to LegalSpring.com for the appearance of authenticity, *id.*  
2 at ¶¶ 36, 37, *see also* ¶41;
- 3 • was directly operating LegalSpring.com from about 2012 to 2013, *id.* at ¶ 56;
  - 4 and
  - 5 • added the disclaimer disclosing some affiliation with LegalSpring.com in  
6 April 2012, when it was directly operating the website, *id.* at ¶ 55.<sup>1</sup>

7 Such conduct was done with full knowledge of the importance of customer  
8 reviews to consumers. Indeed, consumers have actually relied on LegalSpring.com  
9 in making purchasing decisions since LegalSpring.com shows hundreds of  
10 consumers who have found the reviews helpful and because LegalZoom admits that  
11 it has paid LegalSpring.com for business provided to LegalZoom. *See id.* at ¶¶ 48-  
12 49; Declaration of Dorian Quispe, ECF No. 69-3 at ¶ 5.

13 The evidence submitted sufficiently supports that LegalZoom’s reputation as  
14 conveyed by LegalSpring.com is literally false, that such reputation is material to  
15 consumers’ purchasing decision, and that LegalZoom succeeded in deceiving  
16 consumers based on the well-established presumption of deception and harm where  
17 an advertiser intends to deceive consumers. With these undisputed facts, Rocket  
18 Lawyer has met its burden for judgment on its false advertising and unfair  
19 competition counterclaims. *See* 15 U.S.C. § 1125(a)(1)(B); *Southland Sod Farms*  
20 *v. Stover Seed Co.*, 108 F.3d 1134, 1139 (9th Cir. 1997) (Lanham Act elements);  
21 (elements of California False Advertising under Cal. Bus. & Prof. Code § 17500);  
22 *CytoSport, Inc. v. Vital Pharm., Inc.*, 894 F. Supp. 2d 1285, 1295 (E.D. Cal. 2012)  
23 (In the Ninth Circuit, claims of unfair competition and false advertising under [the  
24 FAL and UCL] are substantially congruent to claims made under the Lanham Act).

25  
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27 \_\_\_\_\_  
28 <sup>1</sup> Rocket Lawyer also refers the Court to all the evidence submitted with its  
Opposition., ECF No. 82 and unredacted underseal documents and exhibits.

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Thus, Rocket Lawyer respectfully requests judgment independent of the motion and/or invites the court to consider summary judgment on its own after identifying the material facts not genuinely in dispute.

Dated: July 30, 2014

Respectfully submitted,

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**ROCKET LAWYER INCORPORATED**

1 **PROOF OF SERVICE**

2 I am employed in the County of San Francisco, State of California. I am over  
3 the age of 18 and not a party to the within action. My business address is: Three  
Embarcadero Center, 24<sup>th</sup> Floor, San Francisco, CA 94111.

4 On July 30, 2014, I served the following documents by placing a true copy  
5 thereof in a sealed envelope(s) on the persons below as follows:

6 **NOTICE FOR JUDGMENT INDEPENDENT OF MOTION PURSUANT TO  
FED. R. CIV. PROC. 56(F)**

7 Patricia L. Glaser  
8 Fred D. Heather  
9 Mary Ann T. Nguyen  
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15  (MAIL). By United States mail. I enclosed the documents in a sealed  
16 envelope or package addressed to the persons at the addresses listed and  
17 placed the envelope for collection and mailing, following our ordinary  
18 business practices. I am readily familiar with this business's practice for  
19 collecting and processing correspondence for mailing. On the same day that  
20 correspondence is placed for collection and mailing, it is deposited in the  
21 ordinary course of business with the United States Postal Service, in a  
22 sealed envelope with postage fully prepaid at San Francisco, California.

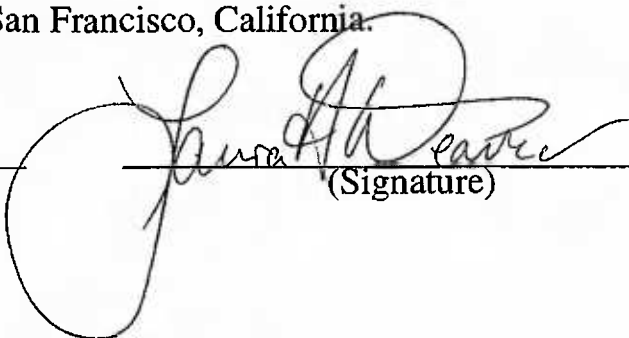
23  (OVERNIGHT DELIVERY). By overnight delivery. I enclosed the  
24 documents in an envelope or package provided by an overnight delivery  
25 carrier and addressed to the persons at the addresses listed. I placed the  
26 envelope or package for collection and overnight delivery at an office or a  
27 regularly utilized drop box of the overnight delivery carrier.

28  (E-MAIL or ELECTRONIC TRANSMISSION) By electronic service.  
Based on a court order or an agreement of the parties to accept electronic  
service, I caused the documents to be sent to the persons at the electronic  
service addresses listed.

I declare under penalty of perjury that I am employed in the office of a  
member of the bar of this Court at whose direction this service was made and that  
the foregoing is true and correct.

Executed on July 30, 2014, at San Francisco, California.

Laura A Weaver  
(Type or print name)



(Signature)