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 26 **ROCKET LAWYER INCORPORATED**

27 **UNITED STATES DISTRICT COURT**
 28 **CENTRAL DISTRICT OF CALIFORNIA**
WESTERN DIVISION

19 LEGALZOOM.COM, INC., a Delaware
 20 corporation,
 21 Plaintiff,
 22 v.
 23 ROCKET LAWYER
 24 INCORPORATED, a Delaware
 25 corporation,
 26 Defendant.

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

**DECLARATION OF HONG-
 AN VU III IN SUPPORT OF
 ROCKET LAWYER
 INCORPORATED'S MOTION FOR
 SUMMARY JUDGMENT**

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 I, Hong-An Vu, declare as follows:

2 1. I am an associate at Goodwin Procter LLP, counsel of record for
3 defendant and counterclaimant Rocket Lawyer Incorporated (“Rocket Lawyer”). I
4 submit this declaration in support of Rocket Lawyer’s Motion for Summary
5 Judgment and/or Adjudication (the “Motion”). I am over the age of 18 years.
6 Unless otherwise indicated, I have personal knowledge of the matters stated herein
7 and, if called upon to do so, I could and would competently testify to them under
8 oath.

9 2. Rocket Lawyer and LegalZoom.com, Inc. (“LegalZoom”)
10 corresponded about exchanging database information for their respective survey
11 experts on May 12, 2014. Attached hereto as **Exhibit A** is a copy of an email chain
12 between me and Ms. Winograd, counsel for LegalZoom, from May 12 to May 13,
13 2014, discussing the exchange of expert data.

14 3. At that time, both Rocket Lawyer and LegalZoom agreed to
15 independently investigate the best manner to transfer the data related to those
16 surveys. Rocket Lawyer had previously produced this data to LegalZoom in PDF
17 format twice. LegalZoom had previously produced this data to Rocket Lawyer in
18 PDF document format as well.

19 4. As indicated in Exhibit A, on May 13, 2014, counsel for Rocket
20 Lawyer contacted counsel for LegalZoom to further discuss that transfer of data.
21 Ms. Winograd had stated she was still determining in what format she would prefer
22 Rocket Lawyer’s survey data and whether the Isaacson survey data could be
23 provided to Rocket Lawyer in a non-PDF format.

24 5. Counsel for LegalZoom, did not subsequently follow-up about
25 transferring the survey data until over two months later.

26 6. Counsel for LegalZoom requested Rocket Lawyer’s survey data in a
27 database format on July 15, 2014 during Professor Wind’s deposition. The parties
28 agreed at that time to discuss the matter outside of the deposition. This July 15,

1 2014 conversation was, to my knowledge, the first time that such request was raised
2 by LegalZoom since the May 13, 2014 correspondence between the parties.

3 7. On July 15, 2014, also during the deposition of Professor Wind,
4 counsel for LegalZoom requested a link to Professor Wind's survey as respondents
5 would have viewed it. I understood this request to mean that the parties would also
6 discuss exchanging links to the survey after the deposition as well. To my
7 knowledge, this was the first time counsel for LegalZoom ever requested this link to
8 Professor Wind's survey.

9 8. Counsel for LegalZoom has not contacted counsel for Rocket Lawyer
10 since Professor Wind's deposition on July 15, 2014 to discuss (1) exchanging
11 databases of survey information, (2) the most helpful format for such exchange of
12 survey databases, or (3) obtaining a link to view Professor Wind's survey as
13 respondents would have viewed it.

14 9. As of today's date, Rocket Lawyer has provided all of the supporting
15 data for Professor Wind's survey to LegalZoom.

16 10. LegalZoom has flatly refused to produce documents in response to
17 Rocket Lawyer's request for documents which were relied upon by LegalZoom's
18 experts, as evidenced by LegalZoom's Response to Rocket Lawyer's Third Set of
19 Requests for Production (a true and correct copy of which is attached hereto as
20 **Exhibit B**), at No. 2.

21 11. As of the time of Rocket Lawyer's filing of the Motion, Rocket Lawyer
22 had produced in excess of 22,000 documents.

23 12. As of July 18, 2014, Rocket Lawyer completed its production of
24 documents (over 37,000 documents, 85,000 pages excluding native files) except for
25 potentially a small number of documents that may be declassified as privileged.

26 13. To date, LegalZoom has produced only approximately 3,300
27 documents (less than 10,000 pages) between itself and nonparty Travis Giggy.
28 LegalZoom has not confirmed whether its document production is complete.

1 14. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of
2 the Deposition of Professor Jerry (Yoram) Wind, taken July 15, 2014.

3 15. Attached hereto as **Exhibit D** is a true and correct copy of a document
4 Bates labeled LZ007420, produced by LegalZoom in this case.

5 16. Attached here as **Exhibit E** is a true and correct copy of Professor
6 Wind's invoices, Bates RLI0062117-0062125.

7 17. Attached hereto as **Exhibit F** is a true and correct copy of a report
8 issued by IBIS World, Cyber Security: Cheaper legal services online will lead to
9 higher revenue, IBISWorld Industry Report OD5638 Online Legal Services in the
10 US, May 2014, 16,692 business providing online legal services with LegalZoom
11 taking only 5.8% of market share.

12 18. LegalZoom first noticed depositions of Rocket Lawyer and its
13 employees in July 2014, 19 months since this action began, and 10 months since the
14 discovery stay was lifted.

15 19. RLI0003225, which is Exhibit 9 to the Declaration of Patricia
16 Winograd, is a log relating to customer service calls received by Rocket Lawyer.
17 By using the native version of the document produced by Rocket Lawyer and using
18 Excel's filtering feature, I calculated that out of the 638,816 calls referenced in the
19 log, 1,781 calls related to complaints or questions relating to "free." Therefore, the
20 customer calls relating to free account for 0.27% of Rocket Lawyer's calls based on
21 the evidenced provided by LegalZoom.

22 20. On August 1, 2014, I reviewed the BBB profiles of Rocket Lawyer and
23 LegalZoom. Over the last three years, Rocket Lawyer has received 181 complaints
24 (a vast majority of which have been resolved) which is approximately 5 complaints
25 a month. LegalZoom has received 133 complaints since March 10, 2013, which is
26 approximately 8.3 complaints a month.

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