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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

NC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 15 80003 MISC.

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7 Attorneys for Plaintiff
8 LegalZoom.com, Inc.

12 LEGALZOOM.COM, INC. a Delaware
corporation,

13 Plaintiff,

14 v.

15 ROCKET LAWYER INCORPORATED,
16 a Delaware corporation

17 Defendants.
18

**DECLARATION OF AARON P.
ALLAN IN SUPPORT OF MOTION
TO COMPEL COMPLIANCE
WITH SUBPOENA.**

[DECLARATION OF AARON P. ALLAN]

ORIGINAL

Glaser Weil

FAXED

Glaser Weil

DECLARATION OF AARON P. ALLAN

I, AARON P. ALLAN, declare and state as follows:

1. I am an attorney at law duly admitted to practice before this Court and am a Partner of the law firm of Glaser Weil Fink Howard Avchen & Shapiro LLP, attorneys of record for Plaintiff LegalZoom.com, Inc. I submit this declaration in support of the Motion to Compel Compliance with Subpoena brought by Plaintiff LegalZoom.com, Inc. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. In the underlying case in this matter, Plaintiff LegalZoom.com, Inc. ("LegalZoom"), sued a competitor, Rocket Lawyer Incorporated ("Rocket Lawyer"), for engaging in false advertising practices in violation of the Lanham Act and California unfair competition laws. A central issue in that litigation is whether Rocket Lawyer acted with an intent to deceive customers by using the term "free" in its online advertisements. The case is pending in the United States District Court for the Central District of California (Case No. 2:12-cv-09942-GAF). It had been scheduled for trial December 9, 2014, but trial was delayed to April 15, 2015 to enable the parties to engage in limited additional discovery.

3. Based on documentation produced in the case by Rocket Lawyer, LegalZoom learned that Google Inc. ("Google") had been communicating with Rocket Lawyer about the "free" Rocket Lawyer advertisements, and that Google had complained to Rocket Lawyer that its "free" advertisements were in violation of certain Google online advertising policies. These communications are extremely relevant to the claim being pursued by LegalZoom against Rocket Lawyer because they may provide supporting evidence that Rocket Lawyer was acting with knowledge that its advertisements had a potential to deceive consumers, and that Rocket Lawyer's decision to continue to run its advertisements in the face of such communications by Google demonstrated an intent to deceive. One of the Google employees involved in these communications is identified in an email as "Katherine

1 K,” but existing documents provide no other identifying information for that
2 employee.

3 4. Upon learning about Google’s communications with Rocket Lawyer
4 concerning the “free” advertisements as well as other documents that were produced
5 at a late stage of the case by Rocket Lawyer, LegalZoom requested an order from the
6 underlying court permitting additional discovery and a supplementation of the record
7 for purposes of an upcoming hearing on cross-motions for summary judgment. In
8 response, Rocket Lawyer made a similar request. At a court status conference on
9 November 10, 2014, the Court requested that the two parties negotiate an appropriate
10 stipulation. Attached hereto as Exhibit A is a true and correct copy of the Order
11 Granting Stipulation re Scheduling and Additional Discovery issued by United States
12 District Judge Gary A. Feess on November 10, 2014.

13 5. Pursuant to the underlying court’s order, LegalZoom promptly issued a
14 subpoena to Google which requests the same documentation permitted by the order.
15 Attached hereto as Exhibit B is a true and correct copy of the subpoena LegalZoom
16 served on Google dated November 14, 2014.

17 6. Attached hereto as Exhibit C is a true and correct copy of Google’s
18 Responses and Objections to LegalZoom’s subpoena dated November 26, 2014.

19 7. After receiving Google’s Responses and Objections to LegalZoom’s
20 subpoena, I initiated telephone conferences with Google’s counsel and exchanged
21 emails regarding the subpoena.

22 8. Attached hereto as Exhibit D is a true and correct copy of an email I
23 wrote to Google’s counsel, Jacob Veltman, dated December 3, 2014, summarizing
24 our meet and confer telephone conferences.

25 9. On December 5, 2014, I had a telephonic meet and confer with Google’s
26 counsel, during which Google’s counsel stated he had nothing new to report and was
27 unable to confirm whether Google intended to comply with LegalZoom’s subpoena.

28 10. Attached hereto as Exhibit E is a true and correct copy of a letter I wrote

1 to David H. Kramer and Jacob T. Veltman, counsel for Google, dated December 9,
2 2014, regarding our prior attempts to compromise on the subpoena and the need to
3 expedite production of the requested documents.

4 11. Attached hereto as Exhibit F is a true and correct copy of a letter
5 addressed to me from Google's counsel, Jacob Veltman, dated December 11, 2014.

6 12. Attached hereto as Exhibit G is a true and correct copy of email
7 correspondence between Jacob Veltman and myself dated December 11, 2014.

8 13. Attached hereto as Exhibit H is a true and correct copy of a letter I wrote
9 to Google's counsel dated December 11, 2014, which identified all outstanding
10 discovery issues and LegalZoom's analysis for why compliance should be required.

11 14. On December 18, 2014, I had a final telephonic meet and confer with
12 Google's counsel in an effort to avoid the need for court intervention. During this
13 meet and confer call, Google's counsel refused to produce any of the requested
14 communications with Rocket Lawyer, taking the position that these documents should
15 already be in Rocket Lawyer's possession. When I attempted to discuss the issue of
16 burden associated with producing these documents, Google's counsel refused to
17 engage on the subject, and stated, "this is not a deposition." Instead, Google's
18 counsel made a "take it or leave it" offer: Google would produce documents related
19 to a study performed by its affiliate Google Ventures, which is the subject of one of
20 the four subpoena requests, but no other documents; and Google would also provide
21 the last known contact information for "Katherine K," but reserved the right to object
22 to any deposition of Katherine K. After considering Google's offer, LegalZoom
23 declined the ultimatum and chose to pursue relief in court.


24 15. Attached hereto as Exhibit I is an email I wrote to Jacob Veltman, dated
25 December 18, 2014, which summarizes our telephonic meet and confer held that same
26 day.

27 16. During the course of deposition discovery in the underlying case,
28 LegalZoom learned that David C. Drummond, the Senior Vice President, Corporate

Glaser Weil

1 Development and Chief Legal Officer of Google, is also on the Board of Directors for
2 Rocket Lawyer. In addition, LegalZoom has learned that Mr. Drummond was
3 previously a partner in the same law firm that is representing Google with respect to
4 the subpoena. Lastly, Google Ventures, Google's investment group, is a significant
5 investor in Rocket Lawyer. These facts call into question whether Google is really
6 acting as a neutral third party with respect to its efforts to frustrate this limited
7 discovery. Attached hereto as Exhibit J to the Allan Decl. is a true and correct
8 printout of a list of Board of Directors of Rocket Lawyer printed on December 30,
9 2014 and an August 11, 2011 Forbes Article regarding Google's investment in Rocket
10 Lawyer.

11 I declare under penalty of perjury under the laws of the State of California and
12 the United States that the foregoing is true and correct. Executed on January 5, 2015,
13 at Los Angeles, California.

14 
15 _____
16 AARON P. ALLAN

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EXHIBIT A

1 Forrest A. Hainline III (SBN 64166)
2 *fhainline@goodwinprocter.com*
3 Hong-An Vu (SBN 266268)
4 *hvu@goodwinprocter.com*
5 **GOODWIN PROCTER LLP**
6 Three Embarcadero Center
7 24th Floor
8 San Francisco, California 94111
9 Tel.: 415.733.6000
10 Fax.: 415.677.9041

NOTE: CHANGES MADE BY THE COURT

11 Michael T. Jones (SBN 290660)
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13 **GOODWIN PROCTER LLP**
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15 Menlo Park, California 94025-1105
16 Tel.: 650.752.3100
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18 Brian W. Cook (*Pro Hac Vice*)
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20 **GOODWIN PROCTER LLP**
21 53 State Street
22 Boston, MA 02109-2802
23 Tel.: 617.570.1000
24 Fax.: 617.523.1231

25 *Attorneys for Defendant*
26 **ROCKET LAWYER INCORPORATED**

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

WESTERN DIVISION

LEGALZOOM.COM, INC., a Delaware corporation,

Plaintiff,

v.

ROCKET LAWYER INCORPORATED, a Delaware corporation,

Defendant.

Case No. 2:12-cv-09942-GAF (AGR_x)

**ORDER GRANTING STIPULATION
RE SCHEDULING AND
ADDITIONAL DISCOVERY**

Judge: Judge Gary A. Fees
Courtroom: 740
255 East Temple Street
Los Angeles, CA 90012
Action Filed: November 20, 2012

1 Upon consideration of the *Joint Stipulation for Order re Scheduling and*
 2 *Limited Additional Discovery* and good cause appearing, the Court hereby
 3 **ORDERS** the following:

4 The above-captioned action shall proceed on the following schedule:

Matter	Weeks before trial (at least)	New Date or Deadline
Trial Estimated length: 6 trial days		April 21, 2015 at 8:30 a.m.
Hearing on Motions in Limine; Hearing on Disputed Jury Instructions	-1	April 13, 2015 at 9:30 a.m.
Pretrial Conference; Motions in Limine to be filed; Proposed Voir Dire Qs Lodged and Agreed-to Statement of Case	-4	March 16, 2015 at 3:30 p.m.
Deadline to amend pretrial filings	-6	March 10, 2015
Last date to conduct Settlement Conference (with Magistrate Gandhi as originally proposed in Rule 26(f) Report)	-8	February 24, 2015
Hearing on Cross-Motions for Summary Judgment	N/A	February 23, 2015 at 9:30 a.m.
Deadline to supplement summary judgment record	N/A	February 2, 2015 (only one brief per side per motion)
Close of Limited Renewed Discovery (start date – November 14, 2014 or as soon as the court enters an order re scheduling and renewed discovery)	N/A	January 16, 2015

25 During the approximately 60-day renewed discovery period:

26 1. LegalZoom may pursue the following discovery:

27 a. Depositions of third-parties:

- 1 i. Dr. Elizabeth Ferguson;
- 2 ii. Jenn Mazzon;
- 3 iii. Michael Margolis;
- 4 iv. Katherine K (Google);
- 5 v. Google relating to Google's inquiry into Rocket Lawyer's free
- 6 advertisements
- 7 b. Deposition of Alan Hungate regarding the reports served on November
- 8 5, 2014;
- 9 c. Document Subpoenas:
 - 10 i. Dr. Elizabeth Ferguson;
 - 11 ii. Google Ventures relating to any and all Topline studies and/or
 - 12 any studies done by Google Ventures concerning Rocket
 - 13 Lawyer to the extent these studies relate to the advertisements at
 - 14 issue in this litigation or other similar free advertisements and
 - 15 have not been produced; and
 - 16 iii. Google relating to Google's inquiry into Rocket Lawyer's free
 - 17 advertisements; and
- 18 d. Documents from Rocket Lawyer:
 - 19 i. The other usability studies, including all videotapes and notes
 - 20 taken in conjunction with each of these studies referenced in
 - 21 RLI0040690 to the extent these studies relate to the
 - 22 advertisements at issue in this litigation and have not been
 - 23 produced.
 - 24 ii. Any and all Topline studies and/or any studies done by Google
 - 25 Ventures concerning Rocket Lawyer, including any videotapes
 - 26 and/or notes taken in conjunction thereto to the extent these
 - 27 studies relate to the advertisements at issue in this litigation or
 - 28 other similar free advertisements and have not been produced.

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iii. The identity of Katherine K of Google as referenced in RLI0042339.

2. Rocket Lawyer may pursue the following discovery:

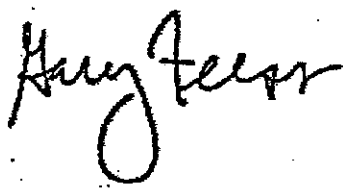
- a. Deposition of Dr. Goedde concerning his Second Supplemental Report served on October 6, 2014;
- b. Deposition of Dr. Isaacson's concerning his Second Supplement Report served on October 27, 2014;
- c. Document and deposition subpoenas for Google relating to any inquiry made to LegalZoom concerning double serving/bidding;
- d. Deposition of Matt Scanlan (Google); and
- e. Documents and Information from LegalZoom:
 - i. WTR/NPS reports from January 2009 to September 2013 that include (i) complaints relating to LegalZoom's business formation services; (ii) complaints relating to LegalZoom's free trial; (iii) complaints relating to ads both in search engine marketing and on your website for free products or services.
 - ii. Permissions from consumers to use their WTR/NPS responses in marketing.
 - iii. Studies and surveys (including usability studies, focus group studies, and awareness studies) conducted or commissioned by LegalZoom concerning: (i) Rocket Lawyer; (ii) freemium offerings/microsites (e.g., Legalcenterpro, lightwavelaw, creating will); (iii) LegalZoom's Free Trial offerings; and/or (iv) fee disclosures for LegalZoom's business formation offerings.
 - iv. Payments to LegalSpring.com, Own Vision, and/or Mr. Giggy relating to LegalSpring's affiliate relationship with LegalZoom, including data and reports from Cake, Direct track, and LegalZoom's payment tracking system.

1 A party who receives documents or information in response to a third party
2 subpoena shall produce to the other party a copy of all such documents and
3 information within three business days.

4 A non-subpoenaing party may ask questions at deposition in case the witness
5 become unavailable for trial and to avoid having such witnesses appear for more
6 than one deposition.

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8 **IT IS SO ORDERED.**

9 DATED: November 10, 2014



Honorable Gary A. Feess
United States District Court Judge
Central District of California

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EXHIBIT B

1 PATRICIA L. GLASER - State Bar No. 55668
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2 FRED D. HEATHER - State Bar No. 110650
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5 Los Angeles, California 90067
Telephone: (310) 553-3000
6 Facsimile: (310) 556-2920
7 Attorneys for Plaintiff
LegalZoom.com, Inc.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 LEGALZOOM.COM, INC., a Delaware
12 corporation,
13 Plaintiff,
14 v.
15 ROCKET LAWYER INCORPORATED,
16 a Delaware corporation,
17 Defendants.

CASE NO.: CV 12-9942-GAF (AGRx)

Hon. Gary A. Feess
Courtroom: 740

**LEGALZOOM.COM, INC.'S
NOTICE OF SUBPOENA TO
PRODUCE DOCUMENTS,
INFORMATION, OR OBJECTS OR
TO PERMIT INSPECTION OF
PREMISES IN A CIVIL ACTION
TO GOOGLE, INC.**

Date: December 1, 2014
Time: 3:00 PM
Place: Veritext – San Francisco
101 Montgomery Street
Suite 450
San Francisco, CA 94104

1 **TO THE DEFENDANT AND ITS ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** of Plaintiff LegalZoom.com, Inc.'s ("LegalZoom")
3 Subpoena To Produce Documents, Information, Or Objects Or To Permit Inspection
4 of Premises In A Civil Action ("Subpoena") to Google, Inc. ("Google"), located at
5 1600 Amphitheatre Parkway, Mountain View, California 94043), pursuant to Rules
6 34 and 45 of the Federal Rules of Civil Procedure. A true and correct copy of the
7 Subpoena to be served on Google, Inc. on November 14, 2014, is attached hereto as
8 Exhibit A.

9
10
11 DATED: November 14, 2014

Respectfully submitted,

12 **GLASER WEIL FINK JACOBS**
13 **HOWARD AVCHEN & SHAPIRO LLP**

14 By: s/ Fred D. Heather

15 **PATRICIA L. GLASER**

16 **FRED D. HEATHER**

17 **AARON P. ALLAN**

18 **BARAK VAUGHN**

Attorneys for Plaintiff

LegalZoom.com, Inc.

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**LEGALZOOM.COM, INC.'S NOTICE OF SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION TO GOOGLE, INC.**

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

EXHIBIT A

Glaser Weill Fink Jacobs
Howard Avchen & Shapiro LLP

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UNITED STATES DISTRICT COURT

for the
CENTRAL District of CALIFORNIA

LEGALZOOM.COM, INC.

Plaintiff

v.

ROCKET LAWYER INCORPORATED

Defendant

Civil Action No. 2:12-CV-09942-GAF-AGR

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

GOOGLE, INC. c/o CSC Lawyers Incorporating Service, 2710 Gateway Oaks, Suite To: 150N, Sacramento, CA 95833.

(Name of person to whom this subpoena is directed)

[X] Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment: Custodian of Records to authenticate the documents requested.

Table with 2 columns: Place/Street, Suite, City, State, Zip; Date and Time. Row 1: Veritext-San Francisco, 101 Montgomery Street, Suite 450, San Francisco, CA 94104; December 1, 2014; 3:00 p.m.

The deposition will be recorded by this method: Stenographically and Videotaped

[X] Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment "1"

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11/14/14

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

Barak Vaughn

The name, address, e-mail address, and telephone number of the attorney representing (name of party) LegalZoom.com, Inc., who issues or requests this subpoena, are: Fred Heather; GLASER WELL, 10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067; (310)553-3000

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT 1

DEFINITIONS

1
2
3 A. "YOU," "YOUR" and "GOOGLE" mean Google, Inc. located at 1600
4 Amphitheatre Way, Mountain View California 943043, and its current and former
5 parents, subsidiaries, affiliates, predecessors, successors, employees, managers,
6 officers, directors, partners, agents, representatives, attorneys, or anyone acting or
7 purporting to act on its behalf or under its control.

8 B. "LEGALZOOM" and "PLAINTIFF" mean and refer, without limitation,
9 to Plaintiff LegalZoom.com, Inc., its attorneys, agents and all PERSONS, as defined
10 below, acting on its behalf.

11 C. "ROCKET LAWYER" and "DEFENDANT" mean and refer, without
12 limitation, to Rocket Lawyer Incorporated, its employees, attorneys, agents,
13 independent contractors, officers, directors, shareholders, representatives, and all
14 PERSONS or entities acting on its behalf.

15 D. "ROCKET LAWYER FREE ADVERTISEMENTS" mean and refer to
16 any marketing, advertising and/or promotion of ROCKET LAWYER and/or
17 ROCKET LAWYER PRODUCTS AND SERVICES, in which the term "free"
18 appears in the marketing, advertisement and promotion and/or in which the term
19 "free" is used as a keyword or other search term to trigger the marketing,
20 advertisement and/or promotion of ROCKET LAWYER and/or ROCKET LAWYER
21 PRODUCTS AND SERVICES.

22 E. "COMMUNICATION" includes, without limitation, communications
23 by whatever means transmitted (i.e., whether oral, written, electronic, or other
24 methods are used), as well as any note, memorandum, or other document record
25 thereof.

26 F. "DOCUMENT" has the full meaning ascribed to it by the Federal Rules
27 of Civil Procedure and the Federal Rules of Evidence, and includes without limitation
28 any writing, COMMUNICATION, correspondence or tangible thing on which

1 information can be stored or from which information can be retrieved, whether signed
2 or unsigned, in draft or final form, an original or a copy, including electronic formats.

3 G. "CONSTITUTING," "CONCERNING," "REFERRING TO,"
4 "RELATED TO," and "RELATING TO," whether used alone or in conjunction with
5 one another, are used in their broadest sense and shall mean and refer to, without
6 limitation, constituting, summarizing, memorializing, or directly or indirectly
7 referring to, discussing, pertaining to, regarding, evidencing, supporting,
8 contradicting, containing information regarding, embodying, comprising, identifying,
9 stating, reflecting, dealing with, commenting on, responding to, describing, analyzing,
10 or in any way pertinent to the subject matter of the type of DOCUMENTS sought.

11 H. "PERSON" means an individual, firm, partnership, corporation,
12 proprietorship, association, governmental body, or any other organization or entity.

13 I. "Each" and "any" include both "each" and "every" whenever
14 appropriate. The terms "and" as well as "or" shall be construed either disjunctively or
15 conjunctively as necessary to bring within the scope of the inquiry or request any
16 information which might otherwise be construed to be outside of the scope.

17 J. "Or," "and," and "and/or" shall be interpreted both conjunctively and
18 disjunctively, so as to be inclusive rather than exclusive, and each term shall include
19 the other whenever such construction will serve to bring within the scope of a request
20 documents, information or tangible things which would not otherwise be within its
21 scope, and these terms shall not be interpreted to exclude any information, documents
22 or tangible things otherwise within the scope of a request.

23 K. The present tense of any verb shall include the past tense, and vice versa,
24 whenever such construction will serve to bring within the scope of a request
25 documents, information or tangible things which would not otherwise be within its
26 scope.

27 L. The singular shall include the plural and vice versa, and words in one
28 gender shall include the other gender.

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

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REQUEST TO PRODUCE DOCUMENTS

Pursuant to Federal Rule of Civil Procedure 34 *et seq.*, YOU are obligated to produce at the time and place identified above, on the designated date, those DOCUMENTS or COMMUNICATIONS responsive to the requests listed below:

REQUEST TO PRODUCE DOCUMENTS NO. 1

Any and all DOCUMENTS RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS between January 1, 2008 and present.

REQUEST TO PRODUCE DOCUMENTS NO. 2

Any and all COMMUNICATIONS between YOU and ROCKET LAWYER RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS between January 1, 2008 and present.

REQUEST TO PRODUCE DOCUMENTS NO. 3

Any and all DOCUMENTS RELATING TO studies managed or performed by Google Ventures for ROCKET LAWYER, to the extent those studies examine or concern ROCKET LAWYER FREE ADVERTISEMENTS.

REQUEST TO PRODUCE DOCUMENTS NO. 4

Any and all DOCUMENTS sufficient to show the complete name, address, and telephone number for Katherine K. whose email address is Katherine.k@google.com

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

ON NOVEMBER 14, I SERVED THE FORGOING DOCUMENTS:

LEGALZOOM.COM, INC.'S NOTICE OF SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION TO GOOGLE, INC.

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

"SEE ATTACHED LIST"

(BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

(BY E-MAIL SERVICE) I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

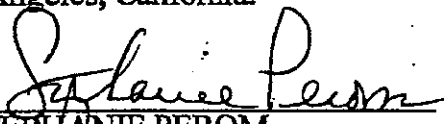
(BY OVERNIGHT DELIVERY) I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on November 14, 2014 at Los Angeles, California.


STEPHANIE PEROM

Glaser, Veil Fink Jacobs
Howard Avchen & Shapiro LLP

SERVICE LIST

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Tel (CA): (650) 752-3279
Tel (MA): (617) 570-1978

Brian W. Cook, Esq.
bcook@goodwinprocter.com
GOODWIN PROCTER LLP
53 State Street Exchange Place
Boston, Massachusetts 02109
Tel: (617) 570-1000
Fax: (617) 523-1231

EXHIBIT C

1 DAVID H. KRAMER, State Bar No. 168452
2 JACOB T. VELTMAN, State Bar No. 247597
3 WILSON SONSINI GOODRICH & ROSATI
4 Professional Corporation
5 650 Page Mill Road
6 Palo Alto, CA 94304-1050
7 Telephone: (650) 493-9300
8 Facsimile: (650) 565-5100
9 Email: dkramer@wsgr.com
10 Email: jvelmtan@wsgr.com
11 Attorneys for Nonparty
12 Google Inc.

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 LEGALZOOM.COM, INC.,
16 Plaintiff,
17 v.
18 ROCKET LAWYER INC.,
19 Defendant.

CASE NO.: 2:12-cv-09942-GAF-AGR
RESPONSES AND OBJECTIONS OF
NONPARTY GOOGLE INC. TO
PLAINTIFF'S SUBPOENA TO
TESTIFY AT A DEPOSITION IN A
CIVIL ACTION

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1 Pursuant to Federal Rule of Civil Procedure 45 ("Rule 45"), nonparty
2 Google Inc. ("Google") makes the following objections to the subpoena served by
3 Plaintiff Legalzoom.com, Inc. ("LegalZoom") dated November 14, 2014 (the
4 "Subpoena") and the requests for production ("Requests") therein.

5 GENERAL OBJECTIONS

6 1. Google objects to the Subpoena on the grounds that the specified date
7 of compliance – December 1, 2014 – is unreasonable. If Google produces
8 documents in response to the Subpoena, it will produce them at a later, more
9 reasonable, date.

10 2. Google objects to the Subpoena on the grounds that the Requests are
11 overbroad and unduly burdensome. Compliance with Plaintiff's repeated requests
12 for "any and all" documents would impose a substantial burden on Google in
13 contravention of Rule 45(c)(1)'s mandate that parties "must take reasonable steps
14 to avoid imposing undue burden or expense on a [non-party] subject to a
15 subpoena."

16 3. Google objects to the Subpoena under Rule 45(d)(2)(B)(ii) because
17 the cost of complying with the subpoena is estimated to exceed \$15,000 and would
18 thus impose a "significant expense" on nonparty Google.

19 4. Google will not produce information in response to the subpoena
20 unless Plaintiff first agrees to reimburse the costs and fees incurred by Google to
21 comply with the subpoena.

22 5. Google objects to the Subpoena because it seeks information beyond
23 the limitations of non-party discovery imposed by Rule 45, as the requested
24 information may be obtained from sources, such as parties to the action, from
25 whom production would be less burdensome.

26 6. Google objects to the Subpoena to the extent that it seeks information
27 protected from disclosure applicable privileges (hereinafter "Privileged
28 Information"). Any inadvertent disclosure of such information shall not be

1 deemed a waiver of any such privilege, and Google expressly requests that the
2 receiving party(ies) immediately return and do not make use of any inadvertently
3 produced Privileged Information.

4 7. Google objects to the Subpoena to the extent it seeks electronically
5 stored information that is not reasonably accessible by Google because of undue
6 burden or cost.

7 8. Google objects to the Subpoena to the extent it seeks confidential,
8 trade secret, or proprietary information belonging to Google or a third party
9 (“Confidential Information”). Google has not been provided with a copy of any
10 protective order that may have been entered in this action and cannot evaluate
11 whether sufficient restrictions on the disclosure and use of Confidential
12 Information requested to be produced by Google are in place. Google will not
13 produce documents containing Confidential Information in the absence of those
14 restrictions.

15 9. Google objects to the Subpoena to the extent it seeks the disclosure of
16 information that is neither relevant to the subject matter of the action nor
17 reasonably calculated to lead to the discovery of admissible evidence.

18 10. Google reserves the right to assert additional objections as appropriate
19 and to supplement these objections and responses if Google deems necessary.

20 OBJECTIONS TO DEFINITIONS

21 1. Google objects to the definition of “You,” “Your,” and “Google” on
22 the grounds that those terms are defined to include Google’s “subsidiaries,
23 affiliates, predecessors, successors, employees, managers, officers, directors,
24 partners, agents, representatives, attorneys, or anyone acting or purporting to act on
25 its behalf or under its control.” These definitions render the Requests overbroad,
26 unduly burdensome, and unintelligible. Google also objects to these definitions
27 on the grounds that they call for a legal conclusion.

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1 2. Google objects to the definition of "Rocket Lawyer" and "Defendant"
2 on the grounds that those terms are defined to include Rocket Lawyer's
3 "employees, attorneys, agents, independent contractors, officers, directors,
4 shareholders, representatives, and all Persons or entities action on its behalf." This
5 definition renders the Requests overbroad, unduly burdensome, and unintelligible.
6 Google also objects to these definitions on the grounds that they call for a legal
7 conclusion. In objecting and responding to the Requests, Google will construe the
8 terms "Rocket Lawyer" and "Defendant" to refer solely to Rocket Lawyer
9 Incorporated.

10 **OBJECTIONS TO AUTHENTICATING DEPOSITION**

11 Google objects to the deposition sought by the Subpoena of a "Custodian of
12 Records to authenticate the documents requested." To the extent Google produces
13 documents in response to the Subpoena, those documents may be authenticated
14 with much less burden and inconvenience to Google through an authenticating
15 declaration. Google will provide such a declaration upon request.

16 **SPECIFIC OBJECTIONS AND RESPONSES**

17 Google hereby incorporates by reference each of the foregoing objections
18 into each specific response that follows. A specific response may repeat an
19 objection for emphasis or some other reason. The failure to include any of the
20 foregoing objections in any specific response shall not be interpreted as a waiver of
21 any objection to that response.

22 **REQUEST NO. 1:**

23 Any and all DOCUMENTS RELATING TO ROCKET LAWYER FREE
24 ADVERTISEMENTS between January 1, 2008 and present.

25 **RESPONSE TO REQUEST NO. 1:**

26 Google objects to this Request on the grounds that it seeks irrelevant
27 information and is overbroad and unduly burdensome, especially given that Google
28 is a non-party. The demand for "any and all" documents relating to Rocket

1 Lawyer Free Advertisements is particularly burdensome, as it may encompass a
2 substantial amount of information, most of which is cumulative and/or irrelevant to
3 the claims and defenses asserted in this lawsuit. The specified relevant period of
4 almost seven years renders the Request particularly overbroad and oppressive
5 given that the claims and defenses asserted in this lawsuit relate to events
6 beginning in late 2011.

7 Google further objects to this Request on the grounds that many of the
8 documents encompassed by the Request, such as communications between Google
9 and Rocket Lawyer, are necessarily in the possession, custody or control of Rocket
10 Lawyer. As a nonparty, Google should not be subjected to the burden and expense
11 of searching for and producing these documents until LegalZoom has exhausted
12 reasonable means of obtaining them directly from Rocket Lawyer.

13 Subject to the foregoing objections, Google responds to this Request as
14 follows:

15 Google will not produce documents in response to this Request due to the
16 issues identified above. It is, however, open to a meet and confer process with
17 LegalZoom to discuss whether this Request can be appropriately revised, clarified
18 and narrowed.

19 **REQUEST NO. 2:**

20 Any and all COMMUNICATIONS between YOU and ROCKET LAWYER
21 RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS between
22 January 1, 2008 and present.

23 **RESPONSE TO REQUEST NO. 2:**

24 Google objects to this Request on the grounds that it seeks irrelevant
25 information and is overbroad and unduly burdensome, especially given that Google
26 is a non-party. The demand for "any and all" communications is particularly
27 burdensome, as it encompasses information that is cumulative and/or irrelevant to
28 the claims and defenses asserted in this lawsuit. The specified relevant period of

1 almost seven years renders the Request particularly overbroad and oppressive
2 given that the claims and defenses asserted in this lawsuit relate to events
3 beginning in late 2011.

4 Google further objects to this Request on the grounds that the
5 communications between Google and Rocket Lawyer sought by the Request are
6 necessarily in the possession, custody or control of Rocket Lawyer. As a nonparty,
7 Google should not be subjected to the burden and expense of searching for and
8 producing these documents until LegalZoom has exhausted reasonable means of
9 obtaining them directly from Rocket Lawyer.

10 Subject to the foregoing objections, Google responds to this Request as
11 follows:

12 Google will not produce documents in response to this Request due to the
13 issues identified above. It is, however, open to a meet and confer process with
14 LegalZoom to discuss whether this Request can be appropriately revised, clarified
15 and narrowed.

16 **REQUEST NO. 3:**

17 Any and all DOCUMENTS RELATING TO studies managed or performed
18 by Google Ventures for ROCKET LAWYER, to the extent those studies examine
19 or concern ROCKET LAWYER FREE ADVERTISEMENTS.

20 **RESPONSE TO REQUEST NO. 3:**

21 Google objects to this Request on the grounds that it seeks irrelevant
22 information and is overbroad and unduly burdensome, especially given that Google
23 is a non-party. The demand for "any and all" documents is particularly
24 burdensome, as it may encompass a massive amount of information that is
25 cumulative and/or irrelevant to the claims and defenses asserted in this lawsuit.
26 The failure to specify a relevant time period renders the Request particularly
27 overbroad and oppressive given that the claims and defenses asserted in this
28 lawsuit relate to events that did not begin until late 2011.

1 Google further objects to this Request on the grounds that many of the
2 documents encompassed by the Request (to the extent any such studies were
3 managed or performed by Google Ventures for Rocket Lawyer) are necessarily in
4 the possession, custody or control of Rocket Lawyer. As a nonparty, Google
5 should not be subjected to the burden and expense of searching for and producing
6 these documents until LegalZoom has exhausted reasonable means of obtaining
7 them directly from Rocket Lawyer.

8 Subject to the foregoing objections, Google responds to this Request as
9 follows:

10 Google will not produce documents in response to this Request due to the
11 issues identified above. It is, however, open to a meet and confer process with
12 LegalZoom to discuss whether this Request can be appropriately revised, clarified
13 and narrowed.

14 **REQUEST NO. 4:**

15 Any and all DOCUMENTS sufficient to show the complete name, address,
16 and telephone number for Katherine K. whose email address is
17 Katherine.k@google.com.

18 **RESPONSE TO REQUEST NO. 4:**

19 Google objects to this Request on the grounds it seeks irrelevant
20 information. It is not clear to Google why the identity of the person using the
21 email address Katherine.k@google.com bears on the claims and defenses asserted
22 in this litigation.

23 Google will not produce documents in response to this Request due to the
24 issues identified above. It is, however, open to a meet and confer process with
25 LegalZoom to discuss whether this Request can be appropriately revised, clarified
26 and explained.

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Dated: November 26, 2014

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 
David H. Kramer

Attorneys for Nonparty
Google Inc.

1 **CERTIFICATE OF SERVICE**

2 I, Deborah Grubbs, declare:

3 I am employed in Santa Clara County, State of California. I am over the age
4 of 18 years and not a party to the within action. My business address is Wilson
5 Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-
6 1050.

7 On this date, I served:

8 **1. RESPONSES AND OBJECTIONS OF NONPARTY GOOGLE**
9 **INC. TO PLAINTIFF'S SUBPOENA TO TESTIFY ATA**
10 **DEPOSITION IN A CIVIL ACTION**

11 By placing the document(s) in a sealed envelope for collection and
12 mailing with the United States Postal Service on this date to the
13 following person(s):

14 Mr. Fred Heather
15 Glaser Weil
16 10250 Constellation Blvd.
17 Suite 1900
18 Los Angeles, CA 90067

19 By forwarding the document(s) by electronic transmission on this date
20 to the Internet email address listed below:

21 Fred Heather Email: fheather@glaserweil.com

22 I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for
23 collection and processing of documents for delivery according to instructions
24 indicated above. In the ordinary course of business, documents would be handled
25 accordingly.

26 I declare under penalty of perjury under the laws of the United States of
27 America foregoing is true and correct. Executed at Palo Alto, California on
28 November 26, 2014.


Deborah Grubbs

EXHIBIT D

Aaron Allan

From: Aaron Allan
Sent: Wednesday, December 03, 2014 5:04 PM
To: 'jveitman@wsgr.com'
Cc: Fred Heather; Barak Vaughn; 'dkramer@wsgr.com'
Subject: LegalZoom v. Rocket Lawyer
Attachments: 969827_1.pdf; 828861_1.pdf

Jacob,

Thanks for calling me back today to discuss the subpoenas that LegalZoom served on Michael Margolis and Google. As we discussed, attached is the court order which permits this discovery. Also attached, per your request, is a copy of the protective order entered in the case.

We agreed during the call to limit the time/scope of these subpoenas to 1/1/10 -- 12/31/13. We also discussed the fact that we are willing to postpone Mr. Margolis' deposition to January 9, 2015, and that we would limit the time involved to two hours (assuming that we have an opportunity to first review the documents that he produces). With respect to Google, we discussed our willingness to rely upon a declaration of a custodian of records, without the need for live testimony, to authenticate any records produced. We are requesting, however, that Google's documents be produced by December 17, 2014, if possible. We are willing to work with you and Google to address any burden issues in meeting that deadline, and in particular you have asked that we attempt to provide (a) the RL email addresses associated with this account; and (b) the customer ID number, bank reference number or URL transfer number/address associated with the adwords account. We will look at our existing documents, and attempt to provide this information tomorrow by email.

Based on the answers that I gave concerning the case and the relevance of this material, you agreed to pursue further discussions with your clients about resolving the objections and proceeding to provide the discovery. In particular, you agreed to explore whether there is any need for us to separately pursue documents from Google Ventures, and you agreed to explore how we may proceed to take a brief deposition of Katherine K.

Finally, you agreed to get back to me within a couple of days on these topics. Thank you for your time and cooperation.

Aaron P. Allan | Partner
Glaser Weil Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067
Main: 310.553.3000 | Direct: 310.282.6279 | Fax: 310.785.3579

EXHIBIT E

Glaser Weil

10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067
310.553.3000 TEL
310.556.2920 FAX

Aaron P. Allan

December 9, 2014

Direct Dial
310.282.6279
Direct Fax
310.785.3579
Email
aallan@glaserweil.com

VIA FACSIMILE & EMAIL

David H. Kramer
Jacob T. Veltman
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Re: **LegalZoom.com, Inc. v. Rocket Lawyer Incorporated – USDC Case No. 2:12-CV-09942 – Subpoena to Google**

Dear Counsel:

I write in response to your November 26, 2014 Responses and Objections regarding the deposition subpoena served on Google, Inc., and further to the various communications that I have had with Jacob Veltman to meet and confer regarding those objections.

United States District Judge Gary Feess has ordered in the above matter that LegalZoom be permitted to take third party discovery from Google, Inc. on a limited basis, and we have a limited amount of time by which to complete this and other discovery in the case. By an email sent on December 3, 2014, I provided you with a copy of Judge Feess' order. The subjects for production identified in our subpoena conformed to the narrow parameters of the Court's order. We also provided, at your request, a copy of the protective order entered in this case.

Notwithstanding that any denial by Google of the requested information would be inconsistent with the Court's Order, we agreed as part of a meet and confer effort to limit the scope of the production to 1/1/10 – 12/31/13, and we also agreed to provide you with some information that you requested to assist your search: (a) the Rocket Lawyer email addresses associated with the subject Google adwords account; and (b) the customer ID number, bank reference number or URL transfer number/address associated with the adwords account. In reviewing our documents, we have found the following responsive emails addresses:

cm@rocketlawyer.com

aweiner@rocketlawyer.com

svolkov@rocketlawyer.com

David H. Kramer
Jacob T. Veltman
Wilson Sonsini Goodrich & Rosati
December 9, 2014
Page 2

mike@ppcassociates.com

We were unable to locate any customer ID number, bank reference number or URL transfer number/address associated with the adwords account, but I offered to "work with" Google to help alleviate any burden associated with locating and producing responsive documents. For example, we agreed to accept a declaration from a custodian of records in lieu of live testimony for authenticating any responsive documents produced. We are open to considering other proposals.

In my email dated December 3, 2014, I made clear our desire that Google adhere to the December 17, 2014, date for production, if possible. Part of the reason for our need to expedite the production is that we have a January 16, 2015, deadline to complete all discovery in the case, including a deposition of "Katherine K" who was a Google employee (based on emails communications with Rocket Lawyer) that we have requested be identified by Google. Katherine K. was an instrumental party regarding some of the Rocket Lawyer advertisements that are at issue in this lawsuit and that violated Google's Offer Not Found Policy. Katherine K's knowledge, understanding, and actions taken with regards to Rocket Lawyer's violation of Google's Offer Not Found Policy are not within the possession of Rocket Lawyer, and are matters that we may appropriately inquire about from her at a deposition once her identity has been produced to us.

We remain willing to work with your firm and with Google to extend out the December 17 production date, but only if I receive some confirmation from your office that the production is proceeding and that Google is not intending to rely upon its objections to avoid producing responsive documents and information. During our December 3 telephone call, Mr. Veltman agreed to get back to me on this subject by December 5. On December 5, Mr. Veltman emailed me to tell me that he had no update, and that he was still discussing the issue internally and would respond "as soon as [he] can."

Given our January 16, 2015, deadline to complete all discovery, we must insist upon a response by close of business tomorrow, December 10, 2014, confirming Google's intentions with respect to the subpoena, or we will have no alternative but to begin the process to pursue a motion to compel. Because the original subpoena provided adequate notice under the rules, and was limited in scope to the subjects allowed by the Court order, we would move with respect to that original subpoena and would not have a need to serve any new subpoena (as I mistakenly indicated we planned to do in my email earlier today). We would also seek monetary sanctions based on the legal fees required to bring the motion.

As I previously indicated, we greatly prefer to work this out with Google on a consensual basis rather than to involve the Court with expensive motion practice. But absent hearing from

David H. Kramer
Jacob T. Veltman
Wilson Sonsini Goodrich & Rosati
December 9, 2014
Page 3

you by tomorrow on this subject, you leave us with no alternative but to proceed with motion practice. I look forward to hearing from you as soon as possible on this subject.

Sincerely,



AARON P. ALLAN
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

APA:cc

EXHIBIT F

December 11, 2014

Via E-Mail

Aaron P. Allan
Glaser Weil Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067

Re: LegalZoom.com, Inc. v. Rocket Lawyer Incorporated – USDC Case No. 2:12-
CV-09942 – Subpoena to Google

Dear Aaron:

I write in response to your letter dated December 9, 2014. I frankly do not appreciate the false urgency and unreasonable, artificial deadlines you and your colleagues continue to inject in this routine discovery process.

Although the Court authorized additional discovery on November 10, you waited until the day before Thanksgiving to serve Mr. Margolis with a subpoena, and that subpoena demanded his appearance at a deposition only four business days later despite the fact that discovery does not close until January 16, 2015. You similarly waited a week to serve Google with a second subpoena yet demanded that it produce documents the day after Thanksgiving weekend. After Google timely asserted objections despite your unnecessarily compressed time frame, you waited a week before communicating further with my office, at which point you insisted that we call you back that afternoon. After I complied and discussed the subpoena with you that day, you provided a copy of the study necessary for us to evaluate your requests on Friday, December 5. Then on December 9, you demanded that I “confirm[] that the production is proceeding.”

As I communicated to you on Friday, we are continuing to discuss your subpoena with Google and will provide you with a substantive response regarding which documents we are willing to produce as soon as possible. Your insistence that we conclude this process within three business days of having received the study at issue is simply unreasonable. Google is an extremely large corporation and ascertaining what documents are available to be produced, what the burden associated with that production would be, and whether there are privacy or confidentiality concerns relating to those documents takes time, particularly given that Google is a third party and had no familiarity with this dispute until our conversation last week.

Although your subpoenas seek documents that are largely in the possession of Rocket Lawyer Inc. and that therefore should have been sought from Rocket Lawyer, I assure you that they have not been forgotten or ignored and that we will respond to you as soon as possible, and

Aaron P. Allan
December 11, 2014
Page 2

within a reasonable time frame. I realize you would prefer to receive Google's production by December 17, but that may not be practicable. Yours are certainly not the only subpoenas currently being processed by Google at this time, and any firm expectation that discovery from Google would be concluded in less than a month from the service of your subpoenas is, again, unreasonable. This case has been pending for more than two years. If there is any urgency in your discovery demands, it is due to your decision to wait until the eleventh hour to seek discovery from Google.

You may opt to short-circuit the meet and confer process and move to compel as you seem to threaten. Doing so, however, will not get you the discovery you seek any faster, and Google will seek redress for your failure to abide by Rule 45's mandate to avoid undue burden on non-parties.

Sincerely,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

Jacob Veltman

EXHIBIT G

Aaron Allan

From: Aaron Allan
Sent: Thursday, December 11, 2014 11:52 AM
To: 'Veltman, Jacob'
Cc: Barak Vaughn; Fred Heather
Subject: RE: LegalZoom v. Rocket Lawyer

If we are able to reach agreement, then that would be to everyone's benefit. But given the timing requirements for pursuing a motion to compel, we simply don't have the luxury of waiting indefinitely to hear whether Google intends to cooperate in discovery, or will continue to obstruct with objections. We therefore intend to bring Google's conduct to the Court's attention at the earliest opportunity in an effort to compel compliance with our focused and reasonable requests. We also remain open to having further dialogue if that can lead to a resolution short of court involvement.

Aaron P. Allan | Partner
Glaser Weil Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067
Main: 310.553.3000 | Direct: 310.282.6279 | Fax: 310.785.3579

From: Veltman, Jacob [<mailto:jveltman@wsgr.com>]
Sent: Thursday, December 11, 2014 11:38 AM
To: Aaron Allan
Cc: Barak Vaughn; Fred Heather
Subject: RE: LegalZoom v. Rocket Lawyer

Aaron,

We are still trying to figure out what we have, and how long it might take to locate, review and if appropriate, produce. Your continued insistence on a deadline, particularly an expedited one, is just harassment.

Once again, your lack of planning here should not be used to foster an artificial urgency for a non-party. And your conduct in this regard flouts Rule 45's dictates and borders on sanctionable.

We will address Mr. Margolis separately.

Best,

Jake

From: Aaron Allan [<mailto:aallan@glaserweil.com>]
Sent: Thursday, December 11, 2014 9:19 AM
To: Veltman, Jacob
Cc: Barak Vaughn; Fred Heather
Subject: RE: LegalZoom v. Rocket Lawyer

Jake,

I've reviewed your letter, and I'm disappointed at Google's unwillingness to confirm that it will endeavor to produce responsive documents along with the identity of Katherine K by some agreed upon deadline (which is all that we have asked Google to do at this point). The urgency is not false, and the deadlines are not artificial, and the record will reflect that we have made every reasonable attempt to meet and confer to address Google's timing and burden concerns. In light of your response, we will be sending you a letter today pursuant to Local Rule 37-1 to start the motion to compel

process, and we will be ultimately asking Google to reimburse the legal fees spent in pursuit of that process and any order compelling the production. If you wish to discuss, please feel free to call me.

With respect to Mr. Margolis, we reserved his subpoena to address your complaint about timing and notice, and we are assuming that he plans to appear for his deposition on January 9, 2015, as commanded by the subpoena. If that assumption is in error, I would appreciate you letting me know immediately so that we can also place that discovery dispute before the Court.

Aaron

Aaron P. Allan | Partner
Glaser Weill Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067
Main: 310.553.3000 | Direct: 310.282.6279 | Fax: 310.785.3579

From: Veltman, Jacob [mailto:jveltman@wsgr.com]
Sent: Thursday, December 11, 2014 8:20 AM
To: Aaron Allan
Subject: LegalZoom v. Rocket Lawyer

Aaron,

Please see the attached. Regarding your email, I am able to accept service on behalf of Google Inc. and/or Google Ventures.

Best,

Jake Veltman

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.



EXHIBIT H

Glaser Weil

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19th Floor
Los Angeles, CA 90067
310.553.3000 TEL
310.556.2920 FAX

Aaron P. Allan

December 11, 2014

Direct Dial
310.282.6279
Direct Fax
310.785.3579
Email
aallan@glaserweil.com

VIA FACSIMILE & EMAIL

David H. Kramer
Jacob T. Veltman
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Re: LegalZoom.com, Inc. v. Rocket Lawyer Incorporated – USDC Case No. 2:12-CV-09942 – Subpoena to Google – Meet and Confer Pursuant to USDC Local Rule 37-1

Dear Counsel:

I write pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37-1 regarding the discovery dispute that has arisen by Google's objections and refusal to produce documents responsive to a properly served subpoena. Pursuant to Local Rule 37-1, we are providing this letter to identify each issue and/or discovery request in dispute, along with LegalZoom's position on each issue and the terms of the discovery order to be sought. We are also requesting, pursuant to that same local rule, that you participate in a telephonic conference to be held within ten (10) days from the date of this letter as part of an attempt to settle our differences.

Please find quoted below LegalZoom's document requests, Google's objections. Following those requests and objections, we provide LegalZoom's analysis for the production of the requested documents.

REQUEST NO. 1:

Any and all DOCUMENTS RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS BETWEEN January 1, 2018 and present.

RESPONSE TO REQUEST NO. 1:

Google objects to this Request on the grounds that it seeks irrelevant information and is overbroad and unduly burdensome, especially given that Google is a non-party. The demand for "any and all" documents relating to Rocket Lawyer Free Advertisements is particularly burdensome, and it may encompass a substantial amount of information, most of which is

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cumulative and/or irrelevant to the claims and defenses asserted in this lawsuit. The specified relevant period of almost seven years renders the Request particularly overbroad and oppressive given the claims and defenses asserted in this lawsuit relate to events beginning in late 2011.

Google further objects to this Request on the grounds that many of the documents encompassed by the Request, such as communications between Google and Rocket Lawyer, are necessarily in the possession, custody and control of Rocket Lawyer. As a nonparty, Google should not be subjected to the burden and expense of searching for and producing these documents until LegalZoom has exhausted reasonable means of obtaining them directly from Rocket Lawyer.

Subject to the foregoing objections, Google responds to the Request as follows:

Google will not produce documents in response to this Request due to the issues identified above. It is, however, open to a meet and confer process with LegalZoom to discuss whether this Request can be appropriately revised, clarified and narrowed.

LEGALZOOM'S ANALYSIS

United States District Judge Gary Feess has ordered in the above matter that LegalZoom be permitted to take third party discovery from Google, Inc. on a limited basis, and we have a limited amount of time by which to complete this and other discovery in the case. By an email sent on December 3, 2014, I provided you with a copy of Judge Feess' order. The subjects for production identified in our subpoena conformed to the narrow parameters of the Court's order. We also provided, at your request, a copy of the protective order entered in this case.

In an attempt to reach a resolution of Google's objections, we agreed as part of a meet and confer effort to limit the scope of the production to 1/1/10 – 12/31/13, and we also provided you with the Rocket Lawyer email addresses associated with the subject Google adwords account that you requested. We further offered to "work with" Google to help alleviate any burden associated with locating and producing responsive documents. For example, we agreed to accept a declaration from a custodian of records in lieu of live testimony for authenticating any responsive documents produced. I have indicated we are open to considering other proposals, and yet you have failed to make such a proposal or otherwise identify the nature of the burden that Google is facing.

In my email dated December 3, 2014, I made clear our desire that Google adhere to a December 17, 2014, date for production, if possible, but I also made clear that we were willing to provide more time as long as we get a clear indication that Google would be producing by some

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set time period within our limited discovery period. Part of the reason for our need to expedite the production is that we have a January 16, 2015, deadline to complete all discovery in the case, including a deposition of "Katherine K" who was a Google employee (based on email communications with Rocket Lawyer) that we have requested be identified by Google.

Even though we have attempted to accommodate Google at every turn, Google has refused to agree to the production of a single document, refused to propose any time period by which they would produce documents, and has failed to agree to produce the identity of Katherine K. Courts have ruled that "Vague, open-ended responses to some discovery requests, which merely stated an intention to make some production at an unspecified date of party's own choosing, was not a complete answer as required by rule and, therefore, would be treated as a failure to answer or respond." See, Silicon Knights, Inc. v. Epic Games, Inc., E.D.N.C.2012, 917 F.Supp.2d 503, affirmed 551 Fed.Appx. 646, 2014 WL 30865. Under the circumstances, and without any commitment to produce by Google, we are left with no choice but to seek a court order.

REQUEST NO. 2

Any and all COMMUNICATIONS between YOU and ROCKET LAWYER RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS between January 1, 2008 and present.

RESPONSE TO REQUEST NO. 2:

Google objects to this Request on the grounds that it seeks irrelevant information and is overbroad and unduly burdensome, especially given that Google is a non-party. The demand for "any and all" communications is particularly burdensome, and it may encompass a substantial amount of information, most of which is cumulative and/or irrelevant to the claims and defenses asserted in this lawsuit. The specified relevant period of almost seven years renders the Request particularly overbroad and oppressive given the claims and defenses asserted in this lawsuit relate to events beginning in late 2011.

Google further objects to this Request on the grounds that communications between Google and Rocket Lawyer, are necessarily in the possession, custody and control of Rocket Lawyer. As a nonparty, Google should not be subjected to the burden and expense of searching for and producing these documents until LegalZoom has exhausted reasonable means of obtaining them directly from Rocket Lawyer.

Subject to the foregoing objections, Google responds to the Request as follows:

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Google will not produce documents in response to this Request due to the issues identified above. It is, however, open to a meet and confer process with LegalZoom to discuss whether this Request can be appropriately revised, clarified and narrowed.

LEGALZOOM'S ANALYSIS

The same analysis set forth above with respect to Request No. 1 applies here.

REQUEST NO. 3

Any and all DOCUMENTS RELATING TO studies managed or performed by Google Ventures for ROCKET LAWYER, to the extent those studies examine or concern ROCKET LAWYER FREE ADVERTISEMENTS

RESPONSE TO REQUEST NO. 3:

Google objects to this Request on the grounds that it seeks irrelevant information and is overbroad and unduly burdensome, especially given that Google is a non-party. The demand for "any and all" documents relating to Rocket Lawyer Free Advertisements is particularly burdensome, and it may encompass a substantial amount of information, most of which is cumulative and/or irrelevant to the claims and defenses asserted in this lawsuit. The specified relevant period of almost seven years renders the Request particularly overbroad and oppressive given the claims and defenses asserted in this lawsuit relate to events beginning in late 2011.

Google further objects to this Request on the grounds that many of the documents encompassed by the Request (to the extent any such studies were managed or performed by Google Ventures for Rocket Lawyer) are necessarily in the possession, custody and control of Rocket Lawyer. As a nonparty, Google should not be subjected to the burden and expense of searching for and producing these documents until LegalZoom has exhausted reasonable means of obtaining them directly from Rocket Lawyer.

Subject to the foregoing objections, Google responds to the Request as follows:

Google will not produce documents in response to this Request due to the issues identified above. It is, however, open to a meet and confer process with LegalZoom to discuss whether this Request can be appropriately revised, clarified and narrowed.

David H. Kramer
Jacob T. Veltman
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LEGALZOOM'S ANALYSIS

The same analysis set forth above with respect to Request No. 1 applies here.

REQUEST NO. 4

Any and all DOCUMENTS sufficient to show the complete name, address, and telephone number for Katherine K. whose email address is Katherine.k@google.com

RESPONSE TO REQUEST NO. 4

Google objects to this Request on the grounds it seeks irrelevant information. It is not clear to Google why the identity of the person using the email address Katherine.k@google.com bears on the claims and defenses asserted in this litigation.

Google will not produce documents in response to this Request due to the issues identified above. It is, however, open to a meet and confer process with LegalZoom to discuss whether this Request can be appropriately revised, clarified and explained.

LEGALZOOM'S ANALYSIS

As we have previously indicated to you through a letter sent to your office on December 3, 2014, Katherine K. was a Google employee who communicated to Rocket Lawyer that some of the Rocket Lawyer advertisements at issue in this lawsuit violated Google's Offer Not Found Policy. The nature and extent of those communications are relevant, and may be significant, in putting Rocket Lawyer on notice that its advertisements were potentially deceptive to consumers. Katherine K's knowledge, understanding, and actions taken with regards to Rocket Lawyer's violation of Google's Offer Not Found Policy are not within the possession of Rocket Lawyer, and are matters that we may appropriately inquire about from her at a deposition once her identity has been produced to us. We simply wish to take her deposition, and we need you to provide her contact information so that we may properly issue a subpoena for that testimony. Google has identified no basis for withholding that information.

As I have previously indicated, we greatly prefer to work this out with Google on a consensual basis rather than to involve the Court with expensive motion practice. However, Google has failed to comply with the original subpoena and thus requires LegalZoom to conduct a Rule 37-1 conference.

David H. Kramer
Jacob T. Veltman
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Please respond to this letter by providing me with three different dates and times during regular business hours over the next ten (10) days when you would be available to participate in this Rule 37-1 conference. I look forward to hearing from you.

Sincerely,

AARON P. ALLAN
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

APA:cc

EXHIBIT I

Aaron Allan

From: Aaron Allan
Sent: Thursday, December 18, 2014 10:56 AM
To: 'Veitman, Jacob'; 'dkramer@wsgr.com'
Cc: Barak Vaughn; Fred Heather
Subject: LegalZoom v. Rocket Lawyer - Subpoenas to Google, Google Ventures and Michael Margolis

Dear Counsel,

This will confirm that we had a telephonic meet and confer discussion this morning that lasted approximately 15 minutes. During our discussion, you revealed the following:

1. Google is unwilling to produce communications with Rocket Lawyer because Google takes the position that such documents are already in Rocket Lawyer's possession, and there is no evidence that Rocket Lawyer engaged in spoliation of evidence. When I asked about the burden associated with producing such materials, you refused to provide me with any answer (or to even engage) on that subject. Instead you stated that the issue of burden would be addressed by you only in opposing a motion to compel, and that this was "not a deposition." When I attempted to further meet and confer on that subject, you refused to engage.
2. As part of a compromise, Google would be willing to make a production of all documents relating to the study performed by Michael Margolis and Google Ventures, but would be unwilling to produce any other documents in response to our subpoena (i.e., documents relating to Rocket Lawyer's free advertisements or communications with Rocket Lawyer concerning such advertisements). Google would also be willing to provide the last known contact information for "Katherine K," but is not willing to produce any witness for deposition and would reserve the right to object to the taking of any deposition of Katherine K. You also stated that Mr. Margolis would not be appearing for deposition.
3. You were uncertain whether any of Katherine K's emails or documents remain available at Google, but were told this was "very unlikely" because she was terminated in 2012, well prior to the subpoena. You were therefore unwilling to search for, or produce, Katherine K's emails or other documents.
4. You agreed to put your proposal into written form so that it may be considered by LegalZoom.

Please provide me with Google's written proposal today, or you may alternatively confirm that this email accurately states that proposal. Absent hearing from you by the close of business today, we will assume that Google is are refusing to cooperate in discovery and we will proceed with drafting a joint stipulation for purposes of moving to compel.

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EXHIBIT J



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Charley Moore

Rocket Lawyer

Founder and CEO

Charley is the Founder and CEO of Rocket Lawyer. His experience as a lawyer working with consumer services, start up businesses, and small law firms taught him that something was missing...

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Dan Nye

Rocket Lawyer

Director

Dan joined Rocket Lawyer's Board of Directors in December 2009 and served as Rocket Lawyer's CEO for five years, from 2010 to 2014. Dan has more than 20 years of experience in the high-tech field with a focus on online software and services...

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David C. Drummond

Google

Senior Vice President, Corporate Development and Chief Legal Officer

David Drummond joined Google in 2002, initially as vice president of corporate development. Today as senior vice president and chief legal officer, he leads Google's global teams for legal, government relations, corporate development (M&A and investment projects) and new business development (strategic partnerships and licensing opportunities).

David was first introduced to Google in 1998 as a partner in the corporate transactions group at Wilson Sonsini Goodrich and Rosati, one of the nation's leading law firms representing technology businesses. He served as Google's first outside counsel and worked with Larry Page and Sergey Brin to incorporate the company and secure its initial rounds of financing. During his tenure at Wilson

Sonsini, David worked with a wide variety of technology companies to help them manage complex transactions such as mergers, acquisitions and initial public offerings.

David earned his bachelor's degree in history from Santa Clara University and his JD from Stanford Law School.

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Abhijeet Lele

Investor Growth Capital (IGC)

Managing Director

Abhijeet leads Investor Growth Capital's Healthcare investing activities in North America. He joined as a Managing Director in April 2009, and is based in Investor Growth Capital's New York office...

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General Partner

For more than a decade, David has worked with technology startups throughout the software sector. In 2000, David joined August Capital to invest broadly in information technology companies, with a focus on enterprise application and...

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Melissa Daniels
Morgan Stanley
Managing Director

Melissa is a Managing Director at Morgan Stanley and a Managing Partner of Morgan Stanley Expansion Capital. Over the last fifteen years at Morgan Stanley, Melissa has been an active growth equity investor and board member in numerous software and service companies in both the IT and healthcare sectors...

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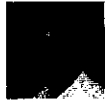
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Google Jumps Into Online-Law Business With Rocket Lawyer

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Traditional lawyers may not like it, but venture capitalists are pouring money into one of the last industries to resist commoditization on the Web. Google Ventures today announced it is part of a group that infused \$18.5 million into Rocket Lawyer, which bills itself as the “fastest growing online legal service.”

Image via Wikipedia

Founder Charley Moore told me the firm has 70,000 users a day and has doubled revenue for four years straight to more than \$10 million this year. Rocket Lawyer provides online legal forms, from wills to Delaware certificates of incorporation, that non-lawyers can fill out and store and share on the Web. For \$19.95 a month, consumers can also have their documents reviewed by a real lawyer and even get legal advice at no additional cost.

The multibillion-legal industry would seem to be a natural for disintermediation, or in layman's terms, breaking up into higher-volume, lower-margin parts. Online competitor LegalZoom, about which IPO chatter swirls, claims 1 million customers and has executives from Berkshire Hathaway, Intel and Polaris Ventures on its board. Rocket Lawyer raised \$7 million in June from Investor Growth Capital, put former LinkedIn Chief Executive Dan Nye in charge as president, and its directors include David Drummond, Google's top lawyer.

Moore was careful to differentiate his company from LegalZoom, which has tangled with lawyers and bar officials in several states who accuse it of practicing law without a license. (A trap that people who provide legal documents can find hard to escape.) Rocket Lawyer is also affiliated with real lawyers who can provide advice in a pinch. Federal issues are handled nationwide, while somebody with a question about, say, New York contract law would be hitched up with a lawyer licensed in that state. (NOTE: LegalZoom offers similar legal services, for a fee.)

“Rocket Lawyer gives consumers technology to do things themselves with no human intervention at all,” said Moore. “When they do need help, and they do, they can consult with a lawyer.”

The model is similar to those pre-paid legal services that have generated controversy over the years, but with Google technology in the background. Documents are stored, Google Docs fashion, on Rocket Lawyer’s servers and can be edited and passed around before the consumer prints them out to be filed at the nearest courthouse.

Google, Moore said, is interested in anything that “changes the world in a big way.” It doesn’t hurt that legal documents are one of the most searched-for categories on the web. Moore declined to say what value the latest round puts on his company but you can bet more will be pushing into this market once the pioneers work out a *modus vivendi* with offline lawyers and their bar association enforcers, who are still resisting the Internet invasion of some of their highest-volume, most lucrative businesses.

LegalZoom has drawn attention of Silicon Valley VCs as well. It raised \$66 million in its latest round, announced last month, from firms including Kleiner Perkins and Institutional Venture Partners.