

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**GOOGLE, INC.,**

Plaintiff,

v.

**TRAFFIC INFORMATION, LLC.**

Defendant.

From: Civil Action No. 09-642  
U.S.D.C., District of Oregon

**OBJECTIONS TO SUBPOENA  
DUCES TECUM DIRECTED TO  
CINCINNATI BELL INC.**

Pursuant to Federal Rule of Civil Procedure 45, Cincinnati Bell Inc. (“Cincinnati Bell”) hereby objects to the subpoena duces tecum (“Subpoena”) purportedly issued on or about January 6, 2012, and directed to Cincinnati Bell for the benefit of Traffic Information, LLC, the defendant in the above-captioned action, which is pending in the U.S. District Court for the District of Oregon. By way of a motion to quash and/or modify under Fed. R. Civ. P. 45(c)(3), Cincinnati Bell will address deficiencies in the Subpoena related to the command to appear for deposition testimony.

1. Cincinnati Bell was not properly served with the Subpoena, the Subpoena was not served with the requisite witness fee, and the Subpoena fails to allow Cincinnati Bell a reasonable time to comply. Although Cincinnati Bell has no obligation to respond to the Subpoena under Fed. R. Civ. P. 45, Cincinnati Bell—without waiving the foregoing objections or any other objections or rights—further objects to the Subpoena on the grounds stated below.

2. Cincinnati Bell is not a party to the above-captioned litigation. Many, if not all, of the information sought from the documents requested in the Subpoena is likely to be cumulative of information that can be obtained from testimony of parties to this litigation or

documents within the possession of parties to the litigation that are unrelated to Cincinnati Bell. The Subpoena therefore subjects Cincinnati Bell to undue burden.

3. Cincinnati Bell objects to the Subpoena to the extent that the information sought is no longer relevant due to the settlement reached previously between Cincinnati Bell and Traffic Information, LLC.

4. Cincinnati Bell objects to the Subpoena on grounds that the information sought is confidential and/or proprietary to Cincinnati Bell, and which Cincinnati Bell protects from its competitors. Moreover, some of the information sought relates to customers of Cincinnati Bell, which Cincinnati Bell is prohibited from disclosing. In the absence of an appropriate Protective Order, Cincinnati Bell will not provide such documents to the extent Cincinnati Bell possesses them.

5. Cincinnati Bell objects to the Subpoena because it is so vague and ambiguous as to leave Cincinnati Bell unable to determine the relevant documents to be produced.

6. Cincinnati Bell objects to the Subpoena because it is overly broad, burdensome, and oppressive.

7. Cincinnati Bell objects to the Subpoena to the extent it seeks information that is privileged and/or protected by the attorney work product doctrine.

Each of the foregoing objections is hereby incorporated by reference into the specific objections below:

### **SPECIFIC OBJECTIONS**

**REQUEST NO. 1:** Document(s) (e.g., computer generated summary report) summarizing the monthly number of each of the MOBILE PHONES sold by YOU from July 1, 2005 to the present (or most recently available information).

**OBJECTION:** Cincinnati Bell objects on the grounds that this request is vague and ambiguous in regard to its use of the terms “summary report” and “each of the MOBILE PHONES.” Cincinnati Bell further objects on the grounds that this request subjects Cincinnati Bell to undue burden because it seeks information that is likely to be cumulative of information that can be obtained from documents within the possession of parties to the litigation that are unrelated to Cincinnati Bell or testimony of parties to this litigation. Cincinnati Bell will not produce any documents in response to this request without an appropriate Protective Order, as the request appears to implicate documents containing information confidential and/or proprietary to Cincinnati Bell, and which Cincinnati Bell protects from its competitors. Moreover, some of the information sought may relate to customers of Cincinnati Bell, which Cincinnati Bell is prohibited from disclosing. Cincinnati Bell further objects to the extent this request seeks documents protected by the attorney-client privilege and/or attorney work product doctrine. Cincinnati Bell further objects on the ground that the Subpoena does not provide Cincinnati Bell a reasonable time to comply. Based on the foregoing objections, Cincinnati Bell will not produce documents in response to the Subpoena.

Dated: January 23, 2012

/s/ Kevin W. Kirsch  
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*Attorneys for Non-Party  
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**CERTIFICATE OF SERVICE**

I certify that on January 23, 2012, the foregoing was served via U.S. mail and electronic mail upon the following:

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/s/ John F. Bennett

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