NO. *12 CO 247-102*

CAROL BETH DAVIS,	**IN THE DISTRICT COURT**
Plaintiff	**OF**
v.	
GOOGLE, INC., and AMAZON.COM, INC., d/b/a ZAPPOS.COM, INC.	**BOWIE COUNTY, TEXAS**
Defendants	

PLAINTIFF'S REQUESTS FOR (1) ADMISSIONS AND (2) INTERROGATORIES PROPOUNDED TO DEFENDANT, GOOGLE, INC.

TO: GOOGLE, INC.

Pursuant to Texas Rules of Civil Procedure 197 and 198, PLAINTIFF serves the attached Requests for Admission and Interrogatories to Defendant, Google, Inc. Pursuant to Rule 197(a), you are required to answer separately and fully in writing under oath each interrogatory within 50 days after the service of the summons and complaint upon Google, Inc. Pursuant to Rule 198, you are required to provide a written answer to each request for admission within 50 days after the service of the summons and complaint upon Google, Inc.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

DEFINITIONS

1. "You," "your," or "Google" means Defendant Google, Inc., its subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any joint venture to which it may be a party, and/or each of its employees, agents, officers, directors, and representatives, including any person who served in any such capacity at any time.

2. The word "lawsuit" means the above-styled action.

3. The phrases "relating to," "relate to," and "relates to" means concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commencing upon, evidencing, or describing the subject matter.

4. The terms "person(s)" is defined to mean all individuals and entities, and shall be deemed to include, without limitation, natural persons, firms, partnerships, associations, organizations, joint ventures, limited liability companies, and any other entities.

5. The term "document(s)" is defined to be synonymous in meaning and equal in scope to the usage of this term in Arkansas Rule of Civil Procedure 34(a) and encompasses both documents and electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by YOU into a reasonably usable form. A draft of a nonidentical copy is a separate document within the meaning of this term.

6. The term "identify" or "identity" means:

   (a) With respect to a person, to provide that person's full name, title, responsibilities with respect to the subject matter of the interrogatory, and the periods of time that person had such responsibilities, and last know home telephone number and home and business address.

   (b) With respect to a corporation, partnership or other business entity, to provide that entity's full name including any "dba" names, form of organization, and telephone number and address of principal place of business;

   (c) With respect to facts and events, to state with particularity all facts known that bear upon or are related to the matter that is the subject of the inquiry, using the simplest and most factual statements of which you are capable.

7. The words "and" and "or" shall be construed in the conjunctive or disjunctive, whichever makes the request more inclusive.

8. "Any" shall mean one or more; "each" shall mean "each and every."

9. The words "use" or "uses" shall include but not be limited by the act or practice of employing something; the fact or state of being used; a method or manner of employing or applying something; a particular service or end; and the quality of being suitable for employment.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit or deny that Google makes the following statement, "Google scans the text of Gmail messages in order to filter spam and detect viruses."

REQUEST FOR ADMISSION NO. 2: Admit or deny that Google "scans the text" of sent or outgoing Gmail messages from Gmail users "in order to filter spam and detect viruses."

REQUEST FOR ADMISSION NO. 3: Admit or deny that Google "scans the text" of incoming email messages to Gmail users "in order to filter spam and detect viruses."

REQUEST FOR ADMISSION NO. 4: Admit or deny that Google "scans the text" of incoming email messages to Gmail users "in order to filter spam and detect viruses" prior to those messages being received and displayed by Gmail users.

REQUEST FOR ADMISSION NO. 5: If Google does copy or create in any way a derivative form of the scanned text in order to filter spam and detect viruses, admit or deny that the Gmail users have access to or a proprietary interest in the copy or derivative form of that scanned text.

REQUEST FOR ADMISSION NO. 6: If Google does copy or create in any way a derivative form of the scanned text in order to filter spam and detect viruses, admit or deny that Google uses the copy or derivative form of the scanned text for purposes other than the filtering for spam and detection of viruses in that particular message.

REQUEST FOR ADMISSION NO. 7:   Admit or deny that Google makes the following statement, "The Gmail filtering system also scans for keywords in users' emails which are then used to match and serve ads."

REQUEST FOR ADMISSION NO. 8:   Admit or deny that "The Gmail filtering system" that "also scans for keywords in users' emails which are then used to match and serve ads" is the exact same scanning system that "scans the text of Gmail messages in order to filter spam and detect viruses."

REQUEST FOR ADMISSION NO. 9:   Admit or deny that when "The Gmail filtering system" "scans for keywords in users' emails which are then used to match and serve ads" this scanning is performed at the same time as when Google "scans the text of Gmail messages in order to filter spam and detect viruses."

REQUEST FOR ADMISSION NO. 10:   Admit or deny that Google "scans for keywords" in sent or outgoing Gmail messages from Gmail users "which are then used to match and serve ads."

REQUEST FOR ADMISSION NO. 11:   Admit or deny that Google "scans for keywords" in incoming email messages to Gmail users "which are then used to match and serve ads."

REQUEST FOR ADMISSION NO. 12:   Admit or deny that when Google states, "The Gmail filtering system also scans for keywords in users' emails which are then used to match and serve ads," that the phrase "users' emails" relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 13:   Admit or deny that when Google states, "The Gmail filtering system also scans for keywords in users' emails which are then used to

match and serve ads," that the phrase "users' emails" relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 14:   Admit or deny that for incoming email to Gmail users, Google "scans for keywords" "which are then used to match and serve ads" prior to those email messages being received and displayed by Gmail users.

REQUEST FOR ADMISSION NO. 15: If Google does copy or create in any way a derivative form of the scanned keywords in order to match and serve ads, admit or deny that the Gmail users have access to or a proprietary interest in the copy or derivative form of the scanned keywords.

REQUEST FOR ADMISSION NO. 16: If Google does copy or create in any way a derivative form of the scanned keywords in order to match and serve ads, admit or deny that Google uses the copy or derivative form of the scanned keywords instead of the original email message in order "to match and serve ads."

REQUEST FOR ADMISSION NO. 17: If Google does copy or create in any way a derivative form of the scanned keywords in order to match and serve ads, admit or deny that Google uses the copy or derivative form of the scanned text for purposes other than "to match and serve ads" in that particular message.

REQUEST FOR ADMISSION NO. 18:   Admit or deny that Google makes the following statement, "Google does not claim any ownership in any of the content, including any text, data, information, images, photographs, music, sound, video, or other material, that you upload, transmit or store in your Gmail account."

REQUEST FOR ADMISSION NO. 19:   Admit or deny that Google states, "The whole process is automated and involves no humans matching ads to Gmail content."

REQUEST FOR ADMISSION NO. 20: Admit or deny that "The whole process is automated and involves no humans matching ads to Gmail content" occurs prior to the incoming message to the Gmail user being displayed to the Gmail user.

REQUEST FOR ADMISSION NO. 21: Admit or deny that Google states, "In Gmail, ads are related to the content of your messages."

REQUEST FOR ADMISSION NO. 22: Admit or deny that when Google states, "In Gmail, ads are related to the content of your messages," the phrase "your messages" relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 23: Admit or deny that when Google states, "In Gmail, ads are related to the content of your messages," the phrase "your messages" relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 24: Admit or deny that Google states, "Ad targeting in Gmail is fully automated, and no humans read your email in order to target advertisements or related information."

REQUEST FOR ADMISSION NO. 25: Admit or deny that when Google states, "Ad targeting in Gmail is fully automated, and no humans read your email in order to target advertisements or related information," that Google targets ads to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 26: Admit or deny that when Google states, "Ad targeting in Gmail is fully automated, and no humans read your email in order to target advertisements or related information," that Google targets ads to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 27:   Admit or deny that when Google states "Ad targeting in Gmail is fully automated, and no humans read your email in order to target advertisements or related information," that the phrase "your email" relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 28:   Admit or deny that when Google states "Ad targeting in Gmail is fully automated, and no humans read your email in order to target advertisements or related information," that the phrase "your email" relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 29:   Admit or deny that "Ad targeting in Gmail" occurs prior to the incoming message to the Gmail user being displayed to the Gmail user.

REQUEST FOR ADMISSION NO. 30:   Admit or deny that Google states, "Ads are selected for relevance and served by Google computers using the same contextual advertising technology that powers Google's AdSense program."

REQUEST FOR ADMISSION NO. 31:   Admit or deny that the ads that "are selected for relevance and served by Google computers using the same contextual advertising technology that powers Google's AdSense program," include ads selected for relevance relating to sent or outgoing Gmail messages sent from Gmail users.

REQUEST FOR ADMISSION NO. 32:   Admit or deny that the ads that "are selected for relevance and served by Google computers using the same contextual advertising technology that powers Google's AdSense program," include ads selected for relevance relating to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 33:   Admit or deny that Google does not disclose to the Gmail user at what point in time Google "scans the text" of an email in relation to when the Gmail user views the received message.

REQUEST FOR ADMISSION NO. 34:   Admit or deny that Google does not disclose to the Gmail user at what point in time Google "scans for keywords" of an email in relation to when the Gmail user views the received message.

REQUEST FOR ADMISSION NO. 35:   Admit or deny that Google states:

> Is Google reading my mail? No, but automatic scanning and filtering technology is at the heart of Gmail. Gmail scans and processes all messages using fully automated systems in order to do useful and innovative stuff like filter spam, detect viruses and malware, show relevant ads, and develop and deliver new features across your Google experience. Priority Inbox, spell checking, forwarding, auto-responding, automatic saving and sorting, and converting URLs to clickable links are just a few of the many features that use this kind of automatic processing.

REQUEST FOR ADMISSION NO. 36:   Admit or deny that when Google states it "scans and processes all messages" "in order to" "do useful and innovative stuff like filter spam, detect viruses and malware, show relevant ads, and develop and deliver new features across your Google experience," that the phrase "all messages" relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 37:   Admit or deny that when Google states it "scans and processes all messages" "in order to" "do useful and innovative stuff like filter spam, detect viruses and malware, show relevant ads, and develop and deliver new features across your Google experience," that the phrase "all messages" relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 38:   Admit or deny that when Google states it "scans and processes all messages" "in order to" "show relevant ads" that this relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 39:   Admit or deny that when Google states it "scans and processes all messages" "in order to" "show relevant ads" that this relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 40:   If Google does copy or create in any way a derivative form of the scanned and processed "messages" "in order to" "show relevant ads," admit or deny that the Gmail users have access to or a proprietary interest in the copy or derivative form of that scanned or processed message.

REQUEST FOR ADMISSION NO. 41:   If Google does copy or create in any way a derivative form of the scanned or processed messages in order to "show relevant ads," admit or deny that Google uses the copy or derivative form of the scanned or processed "all messages" instead of the original email message to "show relevant ads."

REQUEST FOR ADMISSION NO. 42:   If Google does copy or create in any way a derivative form of the scanned or processed messages in order to "show relevant ads," admit or deny that Google creates the copy or derivative form of the scanned or processed "all messages" prior to the incoming message to the Gmail user being displayed to the Gmail user.

REQUEST FOR ADMISSION NO. 43:   Admit or deny that when Google states it "scans and processes all messages" "in order to" "develop and deliver new features across your Google experience" that this relates to sent or outgoing Gmail messages from Gmail users.

REQUEST FOR ADMISSION NO. 44: Admit or deny that when Google states it "scans and processes all messages" "in order to" "develop and deliver new features across your Google experience" that this relates to incoming email messages to Gmail users.

REQUEST FOR ADMISSION NO. 45: If Google does copy or create in any way a derivative form of the scanned and processed "messages" as a result of the scanning and processing in order to "develop and deliver new features across your Google experience," admit or deny that the Gmail users have access to or a proprietary interest in the copy or derivative form of that scanned or processed message.

REQUEST FOR ADMISSION NO. 46: If Google does copy or create in any way a derivative form of the scanned and processed "messages" as a result of the scanning and processing in order to "develop and deliver new features across your Google experience," admit or deny that the Gmail uses the copy or derivative form of the scanned or processed "all messages" instead of the original email message to "develop and deliver new features across your Google experience."

REQUEST FOR ADMISSION NO. 47: If Google does copy or create in any way a derivative form of the scanned and processed "messages" as a result of the scanning and processing in order to "develop and deliver new features across your Google experience," admit or deny that Google creates the copy or derivative form of the scanned or processed "all messages" prior to the incoming message to the Gmail user being displayed to the Gmail user.

INTERROGATORIES

INTERROGATORY NO. 1: When Google "scans the text of Gmail messages in order to filter spam and detect viruses," does Google copy or create in any way a derivative form of the scanned text?

INTERROGATORY NO. 2: If Google does copy or create in any way a derivative form of the scanned text in order to filter spam and detect viruses, identify the copy or derivative form of the scanned text.

INTERROGATORY NO. 3: When Google "scans for keywords in users' emails which are then used to match and serve ads," does Google copy or create in any way a derivative form of the scanned "keywords?"

INTERROGATORY NO. 4: If Google does copy or create in any way a derivative form of the scanned "keywords in users' emails which are then used to match and serve ads," identify the copy or derivative form of the scanned keywords.

INTERROGATORY NO. 5: When Google "scans and processes all messages" "in order to" "show relevant ads" does Google copy or create in any way a derivative form of "all messages?"

INTERROGATORY NO. 6: If Google does copy or create in any way a derivative form of "all messages" it "scans and processes" "in order to" "show relevant ads," identify the copy or derivative form of the scanned and processed messages.

INTERROGATORY NO. 7: When Google "scans and processes all messages" "in order to" "develop and deliver new features across your Google experience" does Google copy or create in any way a derivative form of the "messages?"

INTERROGATORY NO. 8:   If Google does copy or create in any way a derivative form of "all messages" it "scans and processes" in order to "develop and deliver new features across your Google experience," identify the copy or derivative form of the scanned and processed messages.