



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

John Simpson
Consumer Watchdog
413 E. Capitol St SE, First Floor
Washington, DC 20003

JUL 29 2013

Re: FOIA-2013-01094
Google

Dear Mr. Simpson:

This is in partial response to your request dated July 2, 2013, under the Freedom of Information Act seeking access to correspondence between the FTC and Google, relating to settlement negotiations in matter numbers 1210120 and 1110163. In accordance with the FOIA and agency policy, we have searched our records as of July 3, 2013, the date we received your request in our FOIA office.

We have located approximately 650 pages of responsive records thus far, and are continuing to search for responsive records. We hope to complete our search within the coming weeks, at which point we will send a further response. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which exempts from disclosure any information that is protected from disclosure under another federal statute.

Additionally, I am denying access to individuals' personal cell phone numbers. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

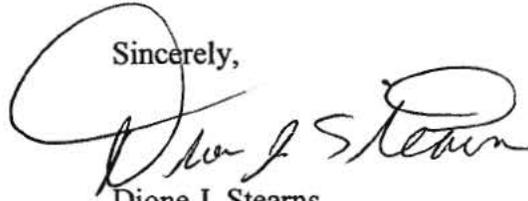
Some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe

that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns". The signature is fluid and cursive, with a large initial "D" and "S".

Dione J. Stearns
Assistant General Counsel

Enclosed: Disk

Kelly, Andrea

From: Nikhil Shanbhag <nshanbhag@google.com>
Sent: Tuesday, January 01, 2013 11:46 AM
To: Feinstein, Richard; Renner, Christopher; Kent Walker; Donald Harrison
Subject: Full Google Letter
Attachments: Google Letter to Chairman Leibowitz.pdf

Dear Rich,

I understand that Kent has sent you the signature page of the Google letter with David Drummond's signature. I attach here a PDF of the entire letter on Google letterhead (of which David signed the third page).

Thanks,
Nikhil

Nikhil Shanbhag | Senior Competition Counsel | Google Inc.
nshanbhag@google.com | 650-214-5313



December 27, 2012

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Re: Google Inc., File No. 111-0163

Dear Chairman Leibowitz:

We understand that the Federal Trade Commission ("FTC" or the "Commission") has decided to close the above-captioned investigation of the business practices of Google Inc. ("Google"). Google is confident that our practices are entirely consistent with all applicable laws and regulations. However, in connection with the closing of the FTC's investigation, Google is making the commitments described below with respect to its display of content from third-party websites and with respect to its AdWords API Terms and Conditions. Google will honor these commitments for a period of five years from the date of this letter.

Google will publish the commitments on our website in a location easily accessible to the relevant audiences. Google understands that these commitments are important; and Google agrees that a material violation of these commitments would be actionable by the FTC under Section 5 of the FTC Act, 15 U.S.C. §45, and that the jurisdictional elements of such an action by the Commission would be satisfied. As more fully described below, Google will cooperate with the FTC to ensure that Google is complying with its commitments under this letter.

I. GOOGLE'S DISPLAY OF THIRD-PARTY CONTENT

Within 90 days, Google will make available a web-based notice form that provides website owners with the option to opt out from display on Google's Covered Webpages¹ of content from their website that has been crawled by

¹ "Covered Webpages" means only Google's (i) current Shopping, G+ Local, Flights, Hotels, and Advisor webpages, and any successors unless such successors do not have the primary purpose of connecting users with merchants in a manner substantially similar to Google's current Shopping, G+ Local, Flights, Hotels, and Advisor webpages; and (ii) future or modified non-experimental specialized webpages launched within three years of the date of this letter that are linked to from the google.com search results page and that have the primary purpose of connecting users with merchants in a manner substantially similar to Google's current Shopping, G+ Local, Flights, Hotels, and Advisor webpages. All other Google

Google.² When a website owner exercises this option, Google will cease displaying crawled content from the domain name designated by the website owner on Covered Webpages on the google.com domain in the United States.

Website owners will be able to exercise the opt-out described above by completing a web-based notice form. Google will implement the opt-out within 30 business days of receiving a properly completed notice form.

Exercise of this option will not (1) prevent content from the website from appearing in conventional search results on the google.com search results page, or (2) be used as a signal in determining conventional search results on the google.com search results page.

Beyond these specific commitments, nothing described above will impact Google's ability to (i) display content that it has sourced or derived independently even if it is the same as or overlaps with content from the opting-out web site, or (ii) otherwise crawl, organize, index and display information from the Internet or innovate in search.

II. ADWORDS API TERMS AND CONDITIONS

Within 60 days, Google will remove from its AdWords API Terms and Conditions the AdWords API Input and Copying Restrictions currently contained within Section III(2)(c)(i-ii) of the AdWords API Terms and Conditions for all AdWords API licensees with a primary billing address in the United States.³ In addition, Google will not add any new provisions to its AdWords API Terms and Conditions, or adopt new technical requirements in connection with use of the AdWords API, that prevent an AdWords API client from (a) showing input fields for the collection or transmission of AdWords API campaign management data in the same tab or screen with (i) the content of third party ad networks or (ii) input fields for the collection or transmission of campaign management data to third party ad

webpages (including but not limited to Google's current News, Image Search, Video Search, Maps, Book Search, Finance, and future or modified Google webpages falling outside of the parameters in (ii) above) are not Covered Webpages.

² Website owners will be permitted to exercise the opt-out on a domain name basis. For instance, a website owner may designate [www.example.com] to subject all content on that domain name to the opt-out. A website owner may not designate only individual sub-domains (such as [sub.example.com]) or individual directories within a domain (such as [www.example.com/sub]) for the opt-out. Google may use reasonable authentication measures to ensure that website owners selecting the opt-out are the legitimate owners of the website that is the subject of the web form notice.

³ The current version of the AdWords API Terms and Conditions is located at <https://developers.google.com/adwords/api/docs/terms>.

networks; or (b) offering functionality that copies campaign management data between AdWords and a third party ad network. Google will not treat AdWords API licensees differently from similarly situated licensees with respect to the provision or administration of the AdWords API as a result of their development or distribution of AdWords API clients that implement the functionality currently prohibited by Section III(2)(c)(i-ii) of the AdWords API Terms and Conditions.

Nothing in the foregoing will prevent or otherwise restrict Google from maintaining minimum functionality requirements as they currently exist or as they may be modified in the future as part of Google's AdWords API Terms and Conditions or in any other provisions governing the use of the AdWords API, so long as such modifications do not have the effect of reinstating the restrictions described above.

* * *

Within 60 days, Google will file with the Secretary of the FTC, with a copy to the Bureau of Competition's Compliance Division, a report describing in reasonable detail how Google has complied with its commitments, and Google will file an update to this report annually during the duration of its commitments.

If Google receives written notice from the Commission that the Commission believes Google has acted contrary to its commitments on the display of third-party content or the AdWords API Terms and Conditions, Google will, within 60 days, address the Commission's concerns or explain to the Commission why it believes that it has acted in a manner consistent with its commitments.

In addition, if the FTC has reason to suspect that Google has violated its commitments and with reasonable prior written notice from FTC staff, subject to claims of any legally recognized privilege, Google will (1) make available electronic and paper documents related to compliance with the above commitments, and (2) in the presence of Google's legal counsel, Google will permit FTC staff to interview its officers, directors, employees and agents on subjects related to Google's compliance with these commitments.

Sincerely,

David Drummond
Google Inc.
Senior Vice President of Corporate Development
and Chief Legal Officer

Kelly, Andrea

From: Proscia, Jacqueline <JProscia@wsgr.com> on behalf of Creighton, Susan <screighton@wsgr.com>
Sent: Wednesday, November 07, 2012 11:32 AM
To: Leibowitz, Jonathan D.; Brill, Julie; Ramirez, Edith; Rosch, Tom; Ohlhausen, Maureen
Cc: Feinstein, Richard; Shelanski, Howard; Levitas, Pete; Blank, Barbara; Renner, Christopher; Tucker, Darren; Luib, Gregory; Slater, Abigail A.; Kimmel, Lisa; Creighton, Susan; Rubinstein, Franklin; Sher, Scott
Subject: Google, FTC File No. 111-0163 | PRIVILEGED ATTORNEY CLIENT COMMUNICATION
Attachments: (b)(3);6(f),(b)(4)

All,

Per Susan Creighton, attached is a letter dated November 7 addressed to The Honorable Jon Leibowitz.

Jacki Proscia
Assistant to Susan Creighton
Wilson Sonsini Goodrich & Rosati
1700 K Street, NW, 5th Floor
Washington, DC 20006

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.

Kelly, Andrea

From: Creighton, Susan <screighton@wsgr.com>
Sent: Wednesday, November 07, 2012 12:49 PM
To: Leibowitz, Jonathan D.; Brill, Julie; Ramirez, Edith; Rosch, Tom; Ohlhausen, Maureen
Cc: Feinstein, Richard; Shelanski, Howard; Levitas, Pete; Blank, Barbara; Renner, Christopher; Tucker, Darren; Luib, Gregory; Slater, Abigail A.; Kimmel, Lisa
Subject: Re-sending letter re Google
Attachments: (b)(3):6(f),(b)(4)

With apologies, the letter we sent earlier today was copied twice in the pdf. Attached is a corrected version. Apologies again, and best regards, Susan Creighton

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.

(b)(3):6(f),(b)(4)

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20580

Re: Google Inc., File No. 111-0163

Dear Chairman Leibowitz:

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Google will publish the commitments on our website in a location easily accessible to the relevant audiences. Google understands that these commitments are important; and Google agrees that a material violation of these commitments would be actionable by the FTC under Section 5 of the FTC Act, 15 U.S.C. §45, and that the jurisdictional elements of such an action by the Commission would be satisfied. As more fully described below, Google will cooperate with the FTC to ensure that Google is complying with its commitments under this letter.

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Google.² When a website owner exercises this option, Google will cease displaying crawled content from the domain name designated by the website owner on Covered Webpages on the google.com domain in the United States.

Website owners will be able to exercise the opt-out described above by completing a web-based notice form. Google will implement the opt-out within 30 business days of receiving a properly completed notice form.

Exercise of this option will not (1) prevent content from the website from appearing in conventional search results on the google.com search results page, or (2) be used as a signal in determining conventional search results on the google.com search results page.

Beyond these specific commitments, nothing described above will impact Google's ability to (i) display content that it has sourced or derived independently even if it is the same as or overlaps with content from the opting-out web site, or (ii) otherwise crawl, organize, index and display information from the Internet or innovate in search.

II. ADWORDS API TERMS AND CONDITIONS

Within 60 days, Google will remove from its AdWords API Terms and Conditions the AdWords API Input and Copying Restrictions currently contained within Section III(2)(c)(i-ii) of the AdWords API Terms and Conditions for all AdWords API licensees with a primary billing address in the United States.³ In

substantially similar to Google's current Shopping, G+ Local, Flights, Hotels, and Advisor webpages; and (ii) future or modified non-experimental specialized webpages launched within three years of the date of this letter that are linked to from the google.com search results page and that have the primary purpose of connecting users with merchants in a manner substantially similar to Google's current Shopping, G+ Local, Flights, Hotels, and Advisor webpages. All other Google webpages (including but not limited to Google's current News, Image Search, Video Search, Maps, Book Search, Finance, and future or modified Google webpages falling outside of the parameters in (ii) above) are not Covered Webpages.

² Website owners will be permitted to exercise the opt-out on a domain name basis. For instance, a website owner may designate [www.example.com] to subject all content on that domain name to the opt-out. A website owner may not designate only individual sub-domains (such as [sub.example.com]) or individual directories within a domain (such as [www.example.com/sub]) for the opt-out. Google may use reasonable authentication measures to ensure that website owners selecting the opt-out are the legitimate owners of the website that is the subject of the web form notice.

³ The current version of the AdWords API Terms and Conditions is located at <https://developers.google.com/adwords/api/docs/terms>.

addition, Google will not add any new provisions to its AdWords API Terms and Conditions, or adopt new technical requirements in connection with use of the AdWords API, that prevent an AdWords API client from (a) showing input fields for the collection or transmission of AdWords API campaign management data in the same tab or screen with (i) the content of third party ad networks or (ii) input fields for the collection or transmission of campaign management data to third party ad networks; or (b) offering functionality that copies campaign management data between AdWords and a third party ad network. Google will not treat AdWords API licensees differently from similarly situated licensees with respect to the provision or administration of the AdWords API as a result of their development or distribution of AdWords API clients that implement the functionality currently prohibited by Section III(2)(c)(i-ii) of the AdWords API Terms and Conditions.

Nothing in the foregoing will prevent or otherwise restrict Google from maintaining minimum functionality requirements as they currently exist or as they may be modified in the future as part of Google's AdWords API Terms and Conditions or in any other provisions governing the use of the AdWords API, so long as such modifications do not have the effect of reinstating the restrictions described above.

* * *

Within 60 days, Google will file with the Secretary of the FTC, with a copy to the Bureau of Competition's Compliance Division, a report describing in reasonable detail how Google has complied with its commitments, and Google will file an update to this report annually during the duration of its commitments.

If Google receives written notice from the Commission that the Commission believes Google has acted contrary to its commitments on the display of third-party content or the AdWords API Terms and Conditions, Google will, within 60 days, address the Commission's concerns or explain to the Commission why it believes that it has acted in a manner consistent with its commitments.

In addition, if the FTC has reason to suspect that Google has violated its commitments and with reasonable prior written notice from FTC staff, subject to claims of any legally recognized privilege, Google will (1) make available electronic and paper documents related to compliance with the above commitments, and (2) in the presence of Google's legal counsel, Google will permit FTC staff to interview its officers, directors, employees and agents on subjects related to Google's compliance with these commitments.

Kelly, Andrea

From: JDL
Sent: Tuesday, January 01, 2013 10:21 PM
To: 'ddrummond@google.com'
Subject: Re: Hi,

Got it.
Aloha.
Jon

Sent by Jon Leibowitz from his BlackBerry

From: David Drummond [<mailto:ddrummond@google.com>]
Sent: Tuesday, January 01, 2013 10:14 PM
To: JDL
Subject: Re: Hi,

Hi Jon

Happy new year to you too. I'm 5 hours behind east coast but rise pretty early.

Best
David

(b)(7)(A)



From: JDL
Sent: Saturday, December 29, 2012 05:08 PM
To: 'ddrummond@google.com' <ddrummond@google.com>
Subject: Re: Call with Chairman Leibowitz

Just had exactly the same issue calling you. (You might be beyond coverage now just as I was before.)

In any event, I'm available for the next several hours so hopefully we'll be able to catch up.

Yours,

Jon

Sent by Jon Leibowitz from his BlackBerry

From: David Drummond [<mailto:ddrummond@google.com>]
Sent: Saturday, December 29, 2012 02:16 PM

To: JDL

Subject: Re: Call with Chairman Leibowitz

Tried you but wouldn't go through. Not sure if it's me or you. Will be out of coverage for a few hours but will try you then. Best, David

On Dec 29, 2012 5:13 AM, "JDL" <JDL@ftc.gov> wrote:

Hi David,

Have moved from tropical rainforests to snow covered mountains (Virginia), where cell service is much spottier. But my afternoon will be spent in a town at a bowling alley and a gym, so just call me when you get a chance. (If you get my vm, pls shoot me an email and I'll call you back.)

Best,

Jon

Sent by Jon Leibowitz from his BlackBerry

From: David Drummond [mailto:ddrummond@google.com]

Sent: Friday, December 28, 2012 09:11 PM

To: JDL

Subject: Re: Call with Chairman Leibowitz

Jon

Sorry I missed you. Wanted to touch base on one item. Thanks. David

On Dec 28, 2012 11:37 AM, "JDL" <JDL@ftc.gov> wrote:

Mr. Drummond,

Chairman Leibowitz has tried to return your call but he is having trouble getting through (he wonders whether you are on the beach?). He is currently driving, and his cell phone (b)(6) should have reception for the next few hours.

If you are having trouble reaching the Chairman, please call the main office at [\(202\) 326-3400](tel:202-326-3400).

Kelly, Andrea

From: JDL
Sent: Monday, December 24, 2012 9:57 AM
To: 'ddrummond@google.com'
Subject: Re: Next Steps

I'll wait until it's at least 9:00 AM on the Big Island (and various smaller ones).

Jon

Sent by Jon Leibowitz from his BlackBerry

From: David Drummond [<mailto:ddrummond@google.com>]
Sent: Sunday, December 23, 2012 10:26 PM
To: JDL
Subject: Re: Next Steps

Just tried you. Am in much more pedestrian Hawaii, so it sounds like we're in the same time zone. Am on my cell so any time works for me too.

Best
David

On Dec 23, 2012 4:52 PM, "JDL" <JDL@ftc.gov> wrote:

Hi,

Actually, I am in Costa Rica, which is only two hours behind CA time.

(b)(6)

Cell phone service is generally good--feel free to call any time.

Best,

Jon

Sent by Jon Leibowitz from his BlackBerry

(b)(7)(A)

(b)(7)(A)

From: JDL
Sent: Tuesday, December 18, 2012 12:31 PM
To: 'David Drummond' <ddrummond@google.com>
Subject: RE: Re:

Just tried reaching you but, as you know, you are a hard person to track down! Call me when you get a chance.

Jon

From: David Drummond [mailto:ddrummond@google.com]
Sent: Monday, December 17, 2012 11:42 PM
To: JDL
Subject: RE: Re:

Hi Jon

Thanks for the note. I'll try you tomorrow. I can understand how frustrating the current environment must be. At your service to close this out.

Best
David

On Dec 17, 2012 6:05 PM, "JDL" <JDL@ftc.gov> wrote:

Hi David,

Thanks, just left you a vm in response to yours—and very much appreciate your note. Just give me a call when you get a chance. (b)(6) tonight or [\(202\) 326-2533](tel:202-326-2533) (o) tomorrow.

Best,

Jon

(b)(7)(A)

(b)(3);6(f),(b)(4),(b)(7)(A)

From: David Drummond [mailto:ddrummond@google.com]
Sent: Monday, December 17, 2012 2:35 PM
To: JDL
Subject:

Hi Jon-

Sounds like it might make sense to chat. Do you have a free moment today?

Thanks,

David

Not Responsive

From: Kent Walker [<mailto:kwalker@google.com>]
Sent: Tuesday, January 01, 2013 11:20 AM
To: Feinstein, Richard
Subject: Fwd: [FOR SIGNATURE] Commitments Letter

Rich --

Good to talk with you. Here's the signature page for the commitment letter. With that, I think you have everything you need from us, but let me know if there's anything outstanding on our end. We're currently assuming that the Commission will announce on Thursday, so if Wednesday starts to look more likely, please let us know as soon as you can. Also, we're happy to have the press people in touch whenever it's appropriate.

Thanks, and all the best for the new year.

-- Kent

networks; or (b) offering functionality that copies campaign management data between AdWords and a third party ad network. Google will not treat AdWords API licensees differently from similarly situated licensees with respect to the provision or administration of the AdWords API as a result of their development or distribution of AdWords API clients that implement the functionality currently prohibited by Section III(2)(c)(i-ii) of the AdWords API Terms and Conditions.

Nothing in the foregoing will prevent or otherwise restrict Google from maintaining minimum functionality requirements as they currently exist or as they may be modified in the future as part of Google's AdWords API Terms and Conditions or in any other provisions governing the use of the AdWords API, so long as such modifications do not have the effect of reinstating the restrictions described above.

* * *

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In addition, if the FTC has reason to suspect that Google has violated its commitments and with reasonable prior written notice from FTC staff, subject to claims of any legally recognized privilege, Google will (1) make available electronic and paper documents related to compliance with the above commitments, and (2) in the presence of Google's legal counsel, Google will permit FTC staff to interview its officers, directors, employees and agents on subjects related to Google's compliance with these commitments.

Sincerely,



David Drummond
Google Inc.
Senior Vice President of Corporate Development
and Chief Legal Officer



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

John Simpson
Consumer Watchdog
413 E. Capitol St SE, First Floor
Washington, DC 20003

AUG 19 2013

Re: FOIA-2013-01094
Google

Dear Mr. Simpson:

This letter serves as our second and final response to your request dated July 2, 2013, under the Freedom of Information Act seeking access to all communications between the FTC and Google regarding settlement negotiations. In accordance with the FOIA and agency policy, we have searched our records as of July 3, 2013, the date we received your request in our FOIA office.

We have located approximately 430 additional pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which exempts from disclosure any information that is protected from disclosure under another federal statute.

I am also denying access to individuals' names and addresses and any other identifying information found in these records. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

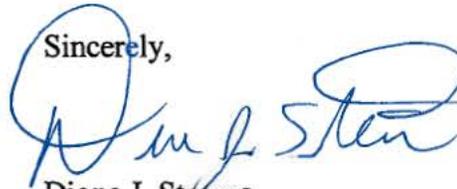
Some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

Finally, some information is exempt from disclosure under FOIA Exemption 7(E), 5 U.S.C. § 552(b)(7)(E). Exemption 7(E) protects information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. *See Foster v. DOJ*, 933 F. Supp. 687(E.D. Mich. 1996).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Andrea Kelly at (202) 326-2836.

Sincerely,



Dione J. Stearns
Assistant General Counsel

Enclosed: Disk

Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Monday, December 17, 2012 4:40 PM
To: Widnell, Nicholas; Feinstein, Richard; Donald Harrison
Subject: 5PM ET/2PM PT Call

We'd like to have a call at 5pm ET/2pm PT regarding the SEP Package – will that work for everybody?

(b)(3)-6(f),(b)(4),
(b)(7)(E)
(b)(3)-6(f), Participant Passcode
(b)(4),(b)(7)

John D. Harkrider
Partner
Axinn | Veltrop | Harkrider | LLP
114 West 47th Street
New York, New York 10036
(212) 728-2210
jdh@avhlaw.com
www.avhlaw.com

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IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Kelly, Andrea

From: Huber, Susan
Sent: Tuesday, May 21, 2013 9:18 AM
To: 'Harkrider, John D.'; Widnell, Nicholas; Bayer Femenella, Peggy
Cc: 'Steinthal, Russell M.'; 'Barstad, Eric P.'
Subject: RE: Call Tomorrow

John –

3:30 pm eastern today (Tuesday) works for the FTC. We can use this call-in:

Call-In Number: (b)(7)(E)
Pass Code: (b)(3);(b)(1);(b)(4);(b)(7)(E)

Talk to you then,

Susan

Susan Huber
Federal Trade Commission
202.326.3331

From: Harkrider, John D. [<mailto:JDH@avhlaw.com>]
Sent: Monday, May 20, 2013 5:14 PM
To: Huber, Susan; Widnell, Nicholas; Bayer Femenella, Peggy
Cc: Steinthal, Russell M.; Barstad, Eric P.
Subject: Call Tomorrow

Please reply to this string – earlier message had the wrong Nick.

Will 3:30pm work?

John D. Harkrider
Partner
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114 West 47th Street
New York, New York 10036
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jd@avhlaw.com
www.avhlaw.com

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written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Monday, May 20, 2013 5:13 PM
To: Huber, Susan; (b)(6) Bayer Femenella, Peggy
Cc: Steinthal, Russell M.
Subject: Can we talk at 3:30pm?

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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Tuesday, June 25, 2013 2:32 PM
To: Huber, Susan
Cc: Bayer Femenella, Peggy
Subject: RE: Google

Close enough :-)

"Huber, Susan" <SHUBER@ftc.gov> wrote:

Can't promise cookies but I got you a break-out room.

Susan

Susan Huber
Federal Trade Commission
202.326.3331

-----Original Message-----

From: Harkrider, John D. [<mailto:JDH@avhlaw.com>]
Sent: Tuesday, June 25, 2013 11:23 AM
To: Huber, Susan
Cc: Bayer Femenella, Peggy
Subject: RE: Google

Hi Susan:

I will be at 601 at 3pm (may come with some other Axinn lawyers).

Google (Matthew Bye and Brian Blasius) are both travelling but will be available by phone so would be great to have a breakout room. (b)(3)-6(f),(b)(4),(b)(7)(A)

(b)(3)-6(f),(b)(4),(b)(7)(A)

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>www.avhlaw.com
>

-----Original Message-----

From: Huber, Susan [<mailto:SHUBER@ftc.gov>]
Sent: Tuesday, June 25, 2013 7:06 AM

To: Harkrider, John D.
Cc: Bayer Femenella, Peggy
Subject: Google

John,

Peggy and I can meet on Thursday at 3:00 but we have a hard stop at 4:30. Can you come to 601?

(b)(3):6(f),(b)(4),(b)(7)(A)

S

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From: [Huber, Susan](#)
To: "jd@avhlaw.com"
Cc: [Bayer Femenella, Peggy](#); "rms@avhlaw.com"; [Ducore, Daniel P.](#)
Subject: Re: Google Order Modifications
Date: Monday, June 03, 2013 6:21:04 PM

Ok with me. S

From: Harkrider, John D. [mailto:JDH@avhlaw.com]
Sent: Monday, June 03, 2013 06:12 PM
To: Huber, Susan
Cc: Bayer Femenella, Peggy; Steinthal, Russell M. <RMS@avhlaw.com>; Ducore, Daniel P.
Subject: RE: Google Order Modifications

Hi guys:

I have a 10:00am on Wednesday that should be over by 10:30. Would that work for you?

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From: Huber, Susan [mailto:SHUBER@ftc.gov]
Sent: Monday, June 03, 2013 5:22 PM
To: Harkrider, John D.
Cc: Bayer Femenella, Peggy; Steinthal, Russell M.; Ducore, Daniel P.
Subject: Re: Google Order Modifications

Unfortunately I am tied up tomorrow. On Wed Peggy and I could do a call between 8:30 and 11a.
On thursday we could do a call between 1 and 4.

Susan

(b)(3)-6(f),(b)(4),(b)(7)(A)



Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Monday, December 10, 2012 5:44 PM
To: Bayer Femenella, Peggy
Subject: Hi

Hey Peggy:

Been trying to reach Nick - any idea when you guys will be available?

Sent from a device

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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Wednesday, November 28, 2012 5:32 PM
To: Widnell, Nicholas; Bayer Femenella, Peggy
Subject: Meeting Tomorrow?

Importance: High

Is it possible to set up a meeting tomorrow in DC at 3pm to 6pm (b)(3):6(f),(b)(4),(b)(7)(A)

Matthew will be taking a red-eye from MTV so let us know as soon as you can.

John

John D. Harkrider
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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Sunday, December 09, 2012 3:30 PM
To: Bayer Femenella, Peggy; Huber, Susan; Ducore, Daniel P.; Widnell, Nicholas; 'alo@google.com'
Cc: Matthew Warren (matthewwarren@quinnemanuel.com); Steintal, Russell M.
Subject: RE: Google SEP

[plus Russell and Matthew]

Sure.

>John D. Harkrider
>Partner
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>New York, New York 10036
>(212) 728-2210
>jdh@avhlaw.com
>www.avhlaw.com
>

-----Original Message-----

From: Bayer Femenella, Peggy [<mailto:PBAYER@ftc.gov>]
Sent: Sunday, December 09, 2012 3:30 PM
To: Harkrider, John D.; Huber, Susan; Ducore, Daniel P.; Widnell, Nicholas; 'alo@google.com'
Subject: Google SEP

Can we talk at 3:45pm?

Here is the call in number:

Call-In Number:

(b)(7)(E) or
Pass Code:

(b)(3):6(f),(b)
(4),(b)(7)(E)

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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Thursday, December 27, 2012 10:29 AM
To: Feinstein, Richard
Cc: Bayer Femenella, Peggy; Widnell, Nicholas; Matthew Bye
Subject: Re: Google SEPs

Sure.

John D. Harkrider
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jdh@avhlaw.com
www.avhlaw.com

On Dec 27, 2012, at 4:27 PM, "Feinstein, Richard" <rfeinstein@ftc.gov> wrote:

> Thanks. Can we use the same dial-in # as yesterday?

>

> -----Original Message-----

> From: Harkrider, John D. [mailto:JDH@avhlaw.com]

> Sent: Thursday, December 27, 2012 10:27 AM

> To: Feinstein, Richard

> Cc: Bayer Femenella, Peggy; Widnell, Nicholas; Matthew Bye

> Subject: Re: Google SEPs

>

> That works for me.

>

> John D. Harkrider

> Partner

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> New York, New York 10036

> (212) 728-2210

> jdh@avhlaw.com

> www.avhlaw.com

>

>

> On Dec 27, 2012, at 4:12 PM, "Feinstein, Richard" <rfeinstein@ftc.gov> wrote:

>

>> John--

>> Nick and I would like to touch base with you by phone this afternoon to follow up on yesterday's call. Given our schedules, we propose 3:30 again, if that works for you. Let me know. Thanks.

>> Rich

>>

>> -----Original Message-----

>> From: Harkrider, John D. [mailto:JDH@avhlaw.com]

>> Sent: Wednesday, December 26, 2012 3:23 PM

>> To: Feinstein, Richard

>> Cc: Bayer Femenella, Peggy; Widnell, Nicholas; 'Matthew Bye'

>> Subject: RE: Google SEPs

>>

>> Thanks. Talk with you then.

>>

>>> John D. Harkrider

>>> Partner

>>> Axinn | Veltrop | Harkrider | LLP

>>> 114 West 47th Street

>>> New York, New York 10036

>>> (212) 728-2210

>>> jdh@avhlaw.com

>>> www.avhlaw.com

>>

>> -----Original Message-----

>> From: Feinstein, Richard [mailto:rfeinstein@ftc.gov]

>> Sent: Wednesday, December 26, 2012 3:10 PM

>> To: Harkrider, John D.

>> Cc: Bayer Femenella, Peggy; Widnell, Nicholas; 'Matthew Bye'

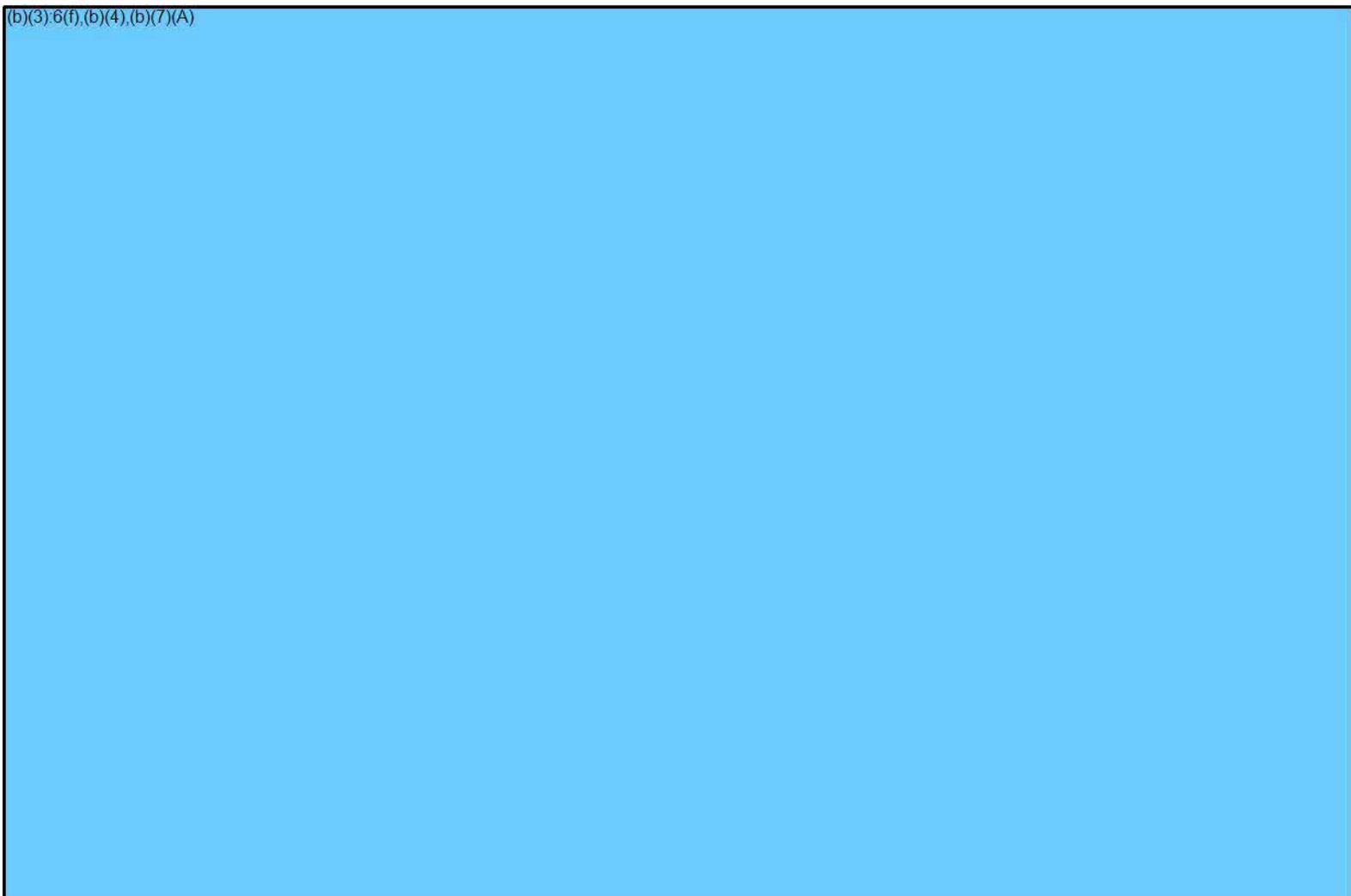
>> Subject: RE: Google SEPs

>>

>> 3:30 is fine.

>>

(b)(3):6(f),(b)(4),(b)(7)(A)



>> If 3:30 works, can we use the following dial-in in case others want to join:

>> (b)(7)(E)
>> (b)(3):6 Participant Passcode
>> (f) (b)(4) /

>> If 3:30 does not work, feel free to suggest another time.

>>

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>>> Partner

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>>> (212) 728-2210

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>>> www.avhlaw.com

>>

(b)(3):6(f),(b)(4),(b)(7)(A)

>>
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>>
>> *****
>>
>>
>> *****
>>

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>>
>> *****
>
> *****
>

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>
> *****
>

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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Wednesday, January 09, 2013 9:54 AM
To: Widnell, Nicholas; Bayer Femenella, Peggy
Subject: RE: Google

Sure. Will call you then.

John D. Harkrider
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(212) 728-2210
jdh@avhlaw.com
www.avhlaw.com

From: Widnell, Nicholas [<mailto:NWIDNELL@ftc.gov>]
Sent: Wednesday, January 09, 2013 9:54 AM
To: Harkrider, John D.; Bayer Femenella, Peggy
Subject: Re: Google

John,

I have a meeting that will likely run until 11:30. Can we talk then?

From: Harkrider, John D. [<mailto:JDH@avhlaw.com>]
Sent: Wednesday, January 09, 2013 09:43 AM
To: Widnell, Nicholas; Bayer Femenella, Peggy
Subject: Google

Will call to discuss

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Kelly, Andrea

From: Harkrider, John D. <JDH@avhlaw.com>
Sent: Thursday, December 06, 2012 9:07 PM
To: Widnell, Nicholas; Huber, Susan; Bayer Femenella, Peggy
Subject: RE: New Draft

Sure.

John D. Harkrider
Partner
Axinn | Veltrop | Harkrider | LLP
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New York, New York 10036
(212) 728-2210
jdh@avhlaw.com
www.avhlaw.com

From: Widnell, Nicholas [<mailto:NWIDNELL@ftc.gov>]
Sent: Thursday, December 06, 2012 9:03 PM
To: Harkrider, John D.; Huber, Susan; Bayer Femenella, Peggy
Subject: FW: New Draft

John,

Here is the call in info:

Call-In Number: (b)(7)(E)

Pass Code: (b)(3):6(f),
(b)(4), (b)(7)(C)

Can we do the call at 9:15?

Thanks,
Nick

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