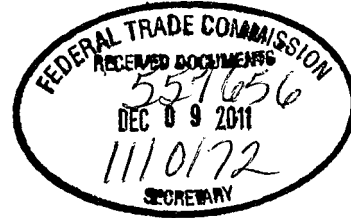


ORIGINAL



**PETITION TO QUASH OR LIMIT CIVIL INVESTIGATIVE DEMAND ISSUED TO
COMMERCIAL INVESTMENT MULTIPLE LISTINGS SERVICE (CIMLS.COM) ON
NOVEMBER 28, 2011**

**Cy Khormae
Chief Operating Officer
CIMLS.com
PO BOX 2485
Vancouver, WA 98668**

December 8, 2011

Introduction

CIMLS.com (“CIMLS”) hereby petitions to limit or quash the civil investigative demand (“CID”) served on December 1, 2011. More specifically CIMLS petitions to limit or quash the CID’s request for private financial data (section 2 of the CID), and all CIMLS.com listings (section 3 of the CID). The release of such documentation places the welfare of CIMLS.com in jeopardy. Furthermore, the production of the documentation that is requested in section 3 of the CID would be unduly burdensome and required the company to invest significant assets to fulfill the FTC’s requests.

Background

On November 29, 2011, the FTC issued a CID to CIMLS.com in connection with its investigation of the proposed acquisition of LoopNet, Inc. by CoStar Group, Inc. No other context was provided for the involvement of CIMLS.com which is not a party to the acquisition or affiliated with LoopNet, Inc. or CoStar Group Inc.

The receipt of the CID on December 1, 2011 was the first opportunity that CIMLS.com has had an opportunity to respond to the CID. While contact was first made by Rebecca Dick through an unsolicited call to a company director’s personal cell phone on November 16, 2011, she refused to provide any details as to the requirements of the CID on that occasion as well as in an email on November 17, 2011 (Exhibit A).

The CID demands a response by December 9, 2011. This provides, CIMLS a maximum of six business days to assess and respond. As a small business this places undue burden on the company to respond to these demands under an unreasonable timeframe.

I. THE RELEASE OF PRIVATE DOCUMENTATION REQUESTED IN SECTION 2 AND 3 OF THE CID PLACES CIMLS.COM IN JEPORDY

As a minority player in our market, CIMLS relies on the private operations of our business. Any release of our financial or market position would enable our

competitors to act against CIMLS.com in a more precise and cost effective manner. Furthermore, it may discourage potential customers and partners from choosing to use or align with CIMLS.com.

An even greater risk comes with the bulk release of our commercial real estate listings. The contents of our internal database in aggregate are private and serve as the proprietary basis and foundation of our business. The release of the data requested by the CID in section 3 would directly diminish the unique value proposition of commercial real estate professionals to become customers or even users of CIMLS.com.

II. THE DOCUMENTATION REQUESTED IN SECTION 3 OF THE CID IS OVERLY BROAD

The information requested in the CID is overly broad and requires the release of proprietary data that has little bearing on the anti-trust case in question. There is no indication that aggregate number of listings or market share of CIMLS.com is insufficient to determine whether the proposed acquisition would violate Section 7 of the Clayton Act, 15 U.S.C 18 or Section 5 of the Federal Trade Commission Act.

III. THE EXPENSE OF PRODUCING THE DOCUMENTS REQUESTED IN SECTION 3 OF THE CID WOULD BE UNDULY BURDENSOME

Even if possession of every commercial real estate listing on CIMLS.com were relevant to the issues of the FTC's investigation, the cost of producing the documents would be unduly burdensome. The current system operates on largely an automated basis with little manual intervention. The extraction of any data would require us to use our limited financial resources to enlist a contractor to export this data for us.

Furthermore, the specific data types, formatting, and 7 region geographical segmentation comprising around 50 counties required by the CID would require far more time than is provided in the CID as it requires hours of paid contract work that would cost CIMLS a significant portion of our revenue.

III. THE CID FAILS TO ALLOW A REASONABLE TIME TO COMPLY

As was mentioned before, compliance with section 3 of this request requires significantly more time than the 6 days allowed for by the CID. This would require the employ of a specialized contractor to compile this documentation. In addition to the significant cost of hiring such a contractor, designing the property queries to meet the very specific regional segmentation requirements outlined in the CID requires additional processing and consideration that cannot be reasonably accomplished in 6 days.

IV. CONCLUSION

For the reasons discussed above, the Petitioners request that the Commission quash the CIDs, or in the alternative, extensively limit them with a guarantee of strict confidentiality to protect CIMLS.com's proprietary information from exposure and the business from overly burdensome requirements.



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Exhibit A

☆ from Dick, Rebecca rdick@ftc.gov
to CIMLS Support <support@cimls.com>
date Fri, Nov 18, 2011 at 12:13 PM
subject RE: FTC subpoena
signed-by ftc.gov

[hide details](#) Nov 18

[Reply](#)

Important mainly because of your interaction with messages in the conversation.

CIMLS Support:

The information request will be set forth in detail in a Civil Investigative Demand to be issued by the Federal Trade Commission and then served on CIMLS. At this time, I only request the name of the person on whom the Demand should be served, that person's telephone number and email address, and a street address (not a post office box) where that person can be served with the Demand.

If you have any questions, please email or call me using the contact information shown below.

Best regards,
Rebecca Dick

Rebecca P. Dick
Mergers III, Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580
rdick@ftc.gov
[202.326.3566](tel:202.326.3566)

From: CIMLS Support [<mailto:support@cimls.com>]
Sent: Friday, November 18, 2011 3:02 PM
To: Dick, Rebecca
Subject: Re: FTC subpoena

Hello Rebecca,

What data are you looking for? This will help us find you the correct internal resource to connect you with.

Thank you,
CIMLS.com Support

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