

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Monday, July 20, 2020 12:59 PM
To: Walsh, Kathryn E.; Berg, Karen E.; Carson, Timothy; Sheinberg, Samuel I.; Whitehead, Nora; Musick, Vesselina
Subject: FW: Instant Messages

From: Six, Anne
Sent: Monday, July 20, 2020 12:58:32 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Instant Messages

Yes, instant messages and chat conversations may be excluded.

Best,
Anne

From: [REDACTED]
Sent: Friday, July 17, 2020 11:30:31 AM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: Instant Messages

Dear all,

Does the position that text messages are not responsive (stated in informal interpretations 1810002 and 1906008) extend to instant messaging/chat conversations? We have recently seen a few brief chat conversations that make mention of market shares and other 4(c) content, but the medium does not really lend itself to preparation of responsive analysis. Most of the messages that could arguably qualify are only a few words, and no more than a sentence, long. These may be unresponsive either way, but we are wondering if they can be categorically excluded for similar reasons that text messages are categorically nonresponsive. We believe they could be but want to be sure of the PNO's view.

[REDACTED]

[REDACTED]


