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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056816
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

OPPOSITION TO PETITIONER GOOGLE INC.'S MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES

Petitioner Google Inc. ("Google") tries to paint itself as a victim of discovery misconduct by Registrant VIA Technologies, Inc. ("VIA") and thereby garner unnecessary and undeserved relief from the Board. The indisputable ***facts***, however, belie Google's efforts and make clear that it is Google, not VIA, who has been engaged in bad faith and gamesmanship from the very outset of discovery in these proceedings. More specifically, Google refused to participate in discovery for almost an entire year, ***literally failing to provide VIA with even one substantive written discovery response or a single page of documents until a few days before the close of discovery on June 26, 2014***, notwithstanding its promises to do so and the extensions it had requested and received for that purpose. In contrast, as even Google's own recitation of the facts shows, VIA not only timely responded to Google's discovery requests in writing and by producing responsive documents, it consistently sought to meet and confer with Google and to supplement its responses and productions in an effort to resolve Google's concerns (warranted or not) and thereby avoid burdening the Board with a discovery dispute.

This pattern of VIA continually working in good faith to fulfill its discovery obligations and avoid burdening the Board with needless motion practice in the face of Google's bad faith

stonewalling and baseless complaints is best illustrated by the circumstances surrounding this motion. As detailed further below, Google filed this motion to compel and for an extension without cause and ***without bothering to meet and confer with VIA about any of the issues presented therein***. Google did so even though VIA consented to a 60-day extension subject only to Google's agreement that it would not abuse the extension by propounding new discovery, but rather would use it to complete outstanding discovery and depositions, and had expressly offered Google times that it was available to meet and confer regarding the same.

Worst of all, Google's motion is rife with demonstrably false statements, such as the assertion that, "Registrant declined to produce a witness on [the topics of document preservation, collection, and production] – leaving Google with no assurance that it has the information necessary to prosecute its case." Mot. at 16. In reality, VIA had agreed ***in April*** to produce a witness to testify on these ***exact*** 30(b)(6) topics (among others noticed by Google), but Google waited until the eve of the discovery cutoff to suddenly raise ***for the very first time*** that it wanted VIA to split the 30(b)(6) topics and "make a witness available for a 30(b)(6) deposition relating to VIA's document preservation, collection, review, and production efforts ***well in advance of*** any other individual depositions or the 30(b)(6) deposition of VIA relating to other substantive topics." Furthermore, within days of Google's filing of this motion, VIA initiated a telephonic meet and confer with Google's counsel and acquiesced even to this eleventh-hour demand by Google in yet another effort to spare the Board from this "dispute" that Google concocted to divert attention from its own failure to timely proceed with a deposition that it had noticed and that VIA had long ago agreed to submit to.

In sum, Google's conduct throughout these proceedings conclusively demonstrates that it has never had any interest whatsoever in engaging in any aspect of the discovery process in good faith, whether in responding to VIA's discovery requests or complying with Trademark Rule

2.120(e)(1)'s requirement that parties make good faith efforts to resolve discovery disputes before moving to compel. In fact, it is clear that Google was never even interested in the relief it is purportedly seeking here, as it could have obtained that by agreement, without the added delay and inconvenience of motion practice. Rather, Google appears intent on delaying these proceedings for far longer than the requested 60 days for no other reason than its own failure to diligently review documents and take depositions in the ample time it was previously allotted. Accordingly, the Board should deny Google's motion to compel further discovery and for an extension of time for a failure of good cause and good faith.

I. BACKGROUND

After Google initiated these cancellation proceedings on February 19, 2013, it failed to provide VIA with any written or document discovery relating to its positions until just four business days before the June 26, 2014 discovery cutoff. Lee Decl. ¶ 2. With respect to documents, VIA served requests for production ("RFPs") and interrogatories on Google on September 23, 2013, and on October 31, 2013, Google responded to several of these RFPs by promising that it would produce responsive documents on a rolling basis. *Id.* at ¶ 2 & Exs. A-B. Having made this promise, however, Google thereafter refused to even so much as confirm whether it would or would not, in fact, be producing any documents in these proceedings – including documents it intended to rely on to support its positions. *Id*. at ¶ 3. Instead, every time VIA attempted to confirm whether Google would be producing documents, Google gave VIA a different response – first stating orally during a June 9, 2014 telephonic conference of counsel that no documents would be forthcoming, and then responding to VIA's request for written confirmation of that oral statement with a letter dated June 13, 2014 stating that, consistent with its RFP responses served ***more than seven months prior***, Google did still intend to produce "all documents it intends to rely on in its case, as well as any documents that are relevant to the

abandonment and non-use issues in this proceeding" at some as-yet unspecified time. *Id*. at ¶¶ 3-4 & Exs. C, p. 3 & D, p. 3. Only after VIA insisted that Google either complete its production by June 20, 2014 or provide its availability to meet and confer about its ongoing failure to do so in order for VIA to determine whether Board involvement was necessary, did Google finally produce a total of 806 pages of documents. *Id*. at ¶¶ 5-6, Exs. E, pp. 4-5 & F, p. 3.

Similarly, Google has flip-flopped on whether it would stand on a baseless general excessiveness objection to VIA's interrogatories served on September 23, 2013 or provide substantive responses thereto; Google initially promised during a meet and confer to supplement to provide substantive answers to VIA's interrogatories and obtained a 60-day extension of the discovery cutoff on that basis, but thereafter reneged on this promise and insisted that it would only furnish substantive responses if VIA served amended interrogatory responses. Gookin Decl. ¶ 7 & Ex. G; Krajeck Decl.[1] ¶ 37, Ex. Z, p. 3. While continuing to disagree that its initial interrogatories were excessive, and even though Google waited until the end of the discovery period to change its mind, VIA served revised interrogatories in an effort to resolve the dispute without Board intervention. Lee Decl. ¶ 5, Ex. G, p. 9.

On VIA's part, as Google itself admits, VIA not only timely served written responses to Google's discovery requests and promptly produced responsive documents, it supplemented its responses and productions numerous times to address Google's complaints – whether they were warranted or not – in an effort to avoid disturbing the Board with unnecessary motion practice. More specifically, VIA served written objections and responses to July 2, 2013 document requests and interrogatories propounded by Google on August 6, 2013, Krajeck Decl. ¶¶ 2-5 & Exs. A-D, and made its first document production on August 9, 2013, Gookin Decl. ¶ 2 & Ex. A.

[1] References to "Krajeck Decl." are to the June 24, 2014 Declaration of Katie Krajeck submitted in support of Google's motion.

On August 26, 2013, the parties met and conferred regarding VIA's objections to Google's interrogatories, Gookin Decl. ¶ 3, and VIA served supplemental responses thereto on September 9, 2013, Krajeck Decl. ¶ 6, Ex. E. VIA also produced more documents on September 9, 2013, December 5, 2013, and January 30, 2014. Gookin Decl. ¶ 2 & Exs. B-D.

On February 12, 2014, the parties met and conferred by phone about concerns raised by Google that VIA's productions appeared incomplete, in part because they contained what Google perceived to be an insufficient number of internal emails. Gookin Decl. ¶ 4. During this call, VIA's counsel explained that they were experiencing logistical difficulties in working with legal personnel at VIA's headquarters in Taiwan to coordinate document collection and review efforts across offices in Taiwan and San Jose due to the time difference and language barriers, and stated that they would continue to work closely with VIA to continue VIA's search for responsive documents would timely produce any additional documents. *Id*. VIA's counsel never stated that VIA was "relying in large part on a self-directed document search process," as Google claims. *Id.* In fact, when Google's counsel expressed concern that VIA's document search process was "self directed," VIA's counsel explicitly denied that this was the case, explaining that they were working closely with VIA personnel to guide their search for responsive documents. *Id.* Google also complained during that call about VIA's supplemental responses to various interrogatories that are not part of this motion, and VIA's counsel agreed that VIA would further supplement its responses to those interrogatories. *Id.* The parties therefore agreed to extend the discovery period from February 26, 2014 to April 27, 2014 to give VIA time to address Google's concerns. *Id.*

On March 14, 2014, Google served a 30(b)(6) deposition notice on VIA, giving notice of its intention to take VIA's deposition on, *inter alia*, the following document collection topics:

> **17.** All steps taken by YOU to search for, collect, identify, and produce DOCUMENTS and information in response to the discovery requests propounded by PETITIONER, including but not limited to (a) the location and storage of such

> DOCUMENTS, (b) the criteria used to determine whether such DOCUMENTS were responsive to PETITIONER's discovery requests, (c) the identity of the individuals possessing such DOCUMENTS and information, (d) the DOCUMENTS and information produced by YOU in response to PETITIONER's discovery requests, and (e) YOUR basis for withholding any DOCUMENTS responsive to PETITIONER's discovery requests.
>
> **27.** YOUR DOCUMENT retention policy and efforts to preserve DOCUMENTS that may contain evidence relating to the subject matter of the PETITION FOR CANCELLATION.

Id. at ¶ 5, Ex. F.

On March 19, 2014, VIA produced more documents to bring its total production to over 1000 pages. *Id.* at ¶ 2 & Ex. E. On March 25, 2014, Google's counsel wrote a letter complaining again that VIA had yet to produce what Google believed to be a sufficient amount of internal emails, and mischaracterizing VIA's March 19, 2014 production as "consist[ing] almost entirely of third-party website screenshots." Krajeck Decl. ¶ 20, Ex. M. VIA's counsel responded to this letter on March 26, 2014, stating that, contrary to Google's assertions, "the bulk of those documents [in VIA's March 19, 2014 production] are confidential internal VIA documents that clearly establish VIA's strategic partnerships with some of the largest computer manufacturers in the world." *Id.* at ¶ 21, Ex. N. VIA's counsel further stated that, based on these additional responsive documents they had just received, they had instructed VIA "to undertake additional investigation with respect to those corporate partners and are confident that VIA will discover and produce additional responsive documents." *Id.* VIA's counsel also reiterated that VIA's discovery efforts had to be coordinated over two continents and with the added complication of language barriers, and asked Google to consent to extend the discovery cutoff to May 27, 2014 to allow VIA sufficient time to complete this additional investigation and production. *Id.*

On April 11, 2014, Google's counsel wrote a letter to VIA's counsel raising concerns with VIA's supplemental response to Interrogatories Nos. 4 and 5 for the first time, and demanding that VIA provide further supplemental interrogatory responses and complete its additional document production by April 18, 2014. *Id.* at ¶ 22, Ex. O. On April 18, 2014, VIA's counsel responded to this April 11, 2014 demand, pointing out that the one-week deadline set by Google was unreasonable in light of the fact that it had never before objected to VIA's supplemental responses to Interrogatories Nos. 4 and 5. *Id.* at ¶ 23, Ex. P. VIA's counsel further stated that VIA would nevertheless provide the requested responses and also produce additional documents the following week, and offered to meet and confer about Google's concerns by telephone. *Id.*

On April 25, 2014, the parties met and conferred by telephone as VIA's counsel had suggested. Lee Decl. ¶ 8. During this call, Google's counsel reiterated their suspicions that VIA had yet to produce what they believed to be an appropriate number of internal emails and speculated that VIA was withholding emails admitting that it had abandoned the CHROME marks or never used them in the U.S. *Id.* Google's counsel also asked when VIA would complete its production. *Id.* In response, VIA's counsel explained again that VIA was experiencing delay in producing documents notwithstanding its diligence due to the added complications of having to coordinate discovery efforts across two offices in different countries, but did not "express[] their own frustration with their client's discovery efforts" as Google asserts. *Id.* VIA's counsel also told Google's counsel that Dr. Ken Weng would be VIA's 30(b)(6) witness and, because Dr. Weng was not available for deposition until the beginning of June, asked Google to consent to extend the then-discovery cutoff of May 27, 2014 by 30 days. *Id.* at ¶¶ 8-9 & Ex. H. Google's counsel said Google was open to an extension if VIA provided a date by which it would supplement its production and responses to various interrogatories, including Interrogatory No. 4, and later dates for Dr. Weng's deposition. *Id*. On May 2, 2014,

VIA's counsel stated that VIA would supplement its interrogatory responses and document production by May 30, 2014, and could produce Dr. Weng for deposition on June 19 or June 20. *Id*. at ¶ 9, Ex. H, pp. 5-6. On May 6, 2014, Google's counsel asked VIA to confirm their understanding from previous discussions that "Mr. Weng will be VIA's designee for all noticed 30(b)(6) topics," and to "[p]lease keep [June 19 and 20] reserved," promising to let VIA know "soon" whether those dates would work for Google. *Id.* at 4. On May 12, 2014, VIA's counsel provided the requested confirmation and asked Google to "please advise whether June 19 or 20 works" as Dr. Weng was holding both dates and needed to know his schedule soon. On May 16, 2014, Google moved to extend discovery to June 26, 2014. *Id.* at 2-3. On May 23, 2014, VIA's counsel asked again whether Google would depose Dr. Weng on June 19 or 20. *Id.* at 1.

On May 30, 2014, VIA produced an additional 994 pages of documents and served second amended responses to Google's interrogatories, including an amended response to Interrogatory No. 4. *Id*. at ¶ 11, Ex. J; Krajeck Decl. ¶ 7, Ex. F. On June 5, 2014, Google's counsel complained again that VIA's supplemental production was incomplete because it contained only a few emails, and objected to VIA's supplemental response to Interrogatory No. 4, which asked VIA to describe all goods and services with which the CHROME marks have been or are being used, because VIA had used some of the same "basic" descriptors used in the subject registrations. Krajeck Decl., ¶ 29, Ex. T. Google's counsel demanded that VIA correct these alleged deficiencies by June 9, 2014, *i.e.*, within two business days. *Id.* VIA's counsel responded to this letter on the same day, and due to preexisting travel plans the next business day, asked to meet and confer on June 9, 2014, which Google's counsel agreed to do. Lee Decl., ¶ 10, Ex. I. VIA's counsel agreed on this call that VIA would substantively respond to Google's June 5, 2014 letter and do a final check for additional responsive documents in the next couple of days. *Id.*

On June 11, 2014, VIA supplemented its response to Interrogatory No. 4 for a third time and produced 923 pages, consisting of 384 pages of new materials, and 539 pages of previously-produced materials that VIA was reproducing to correct Bates numbering issues. *Id.* at ¶ 11, Ex. C. The letter accompanying this discovery explained that (1) the bulk of the new materials had been in the custody of an employee who had passed away a few years prior and whose files were not brought to counsel's attention until June 6, 2014; (2) VIA was unaware of any requirement that it had to refrain from using certain descriptors in its interrogatory responses because they also appeared in the subject registrations or because Google thought them "basic"; and (3) "[a]lthough VIA believes it responses to [Interrogatory No. 4] to be adequate, in the interests of avoiding unnecessary motion practice . . . VIA is . . . ***supplementing*** to ***add*** Bates numbers for documents that contain information responsive to [Interrogatory No. 4] pursuant to Federal Rule of Civil Procedure 33(d)," not replacing its direct response to the interrogatory with document citations. *Id.* VIA's counsel also asked a fourth time when Google would take its 30(b)(6) deposition. *Id.*

On June 13, 2014, Google's counsel: (1) again questioned the number of emails produced by VIA because they "feel" that more emails must exist; (2) objected to VIA's supplemental response to Interrogatory No. 4 on the grounds that it did not appear to provide "a complete list, but rather is 'without limitation' to other unidentified products," and that VIA could not satisfy its obligations by reliance on FRCP 33(d); and (3) alleged that VIA's initial disclosures were deficient because they did not identify Amy Wu, a witness that Google had apparently only just realized had relevant information despite the documents previously produced to Google bearing her name. *Id.* at ¶ 4 & Ex. D. On June 17, 2014, VIA's counsel: (1) confirmed that "VIA has already produced all non-privileged, relevant email communications authored or received by [various custodians] that could be located upon a reasonably diligent search performed utilizing [various keywords]"; (2) clarified that the list VIA had provided was a "complete, unqualified

list" of the goods and services on which the CHROME marks are or were used and "[t]he only place in which VIA used the 'without limitation' language was in reference to the documents that VIA identified as additional support for its substantive written response[]" and not in lieu of responding directly to the interrogatory; (3) noted that VIA had produced documents authored by Ms. Wu months earlier and that VIA was enclosing revised initial disclosures in an effort to obviate a discovery dispute despite that no such disclosures were required; and (4) again asked whether and when Google would proceed with Dr. Weng's deposition. *Id.* at ¶ 5 & Ex. E.

Google's counsel wrote to VIA's counsel after the close of business on June 19, 2014, demanding that VIA respond in less than 24 hours and consent to (1) a deposition on just the document collection 30(b)(6) topics "well in advance of any other individual depositions or the 30(b)(6) deposition of VIA relating to other substantive topics"; and (2) a 60-day extension of the discovery period to allow Google to fully review the "new materials" provided by VIA since May 30, 2014. Krajeck Decl. ¶ 35, Ex. X. Given that Google's request for two 30(b)(6) depositions was made for the first time on the eve of the discovery cutoff and more than six weeks after the parties had agreed to a single, 7-hour 30(b)(6) deposition, the incredibly limited amount of new information that VIA had provided after May 30, 2014 (consisting of 384 pages of new documents, amended responses to three interrogatories, and revised initial disclosures identifying four witnesses previously disclosed in VIA's interrogatory responses and document productions, two of whom Google had already approached and/or noticed for deposition), and that Google expected a response in a matter of hours, VIA's counsel responded at 8:05 AM on June 20, 2014 that Google's demand was "unreasonable." *Id.* at ¶ 36, Ex. Y. On June 23, 2014, to avert needless motion practice, VIA offered to: (1) consent to a 60-day extension provided that Google agree to use the additional time only to complete any outstanding discovery, including depositions, but not to propound any new discovery requests; and (2) meet and confer with

Google regarding its demand, providing several dates and times that counsel was available to do so. *Id.* at ¶ 37, Ex. Z. Google rejected VIA's proposal that the requested extension only be used to complete outstanding discovery and depositions as "improper," simultaneous with giving notice of its "intention" to file this motion at 3:39 PM on June 24, 2014, and at 4:11 PM, Google informed VIA that the motion had already been filed. Lee Decl. ¶ 12, Exs. K-L.

VIA's counsel was finally able to meet and confer with Google's counsel about this motion by phone on June 25, 2014. *Id.* at ¶ 13. During this call, Google's counsel claimed that Google had rejected VIA's proposal because of concern that it would be foreclosed from obtaining additional materials responsive to its outstanding document requests in the event that depositions revealed the existence of such materials. *Id.* VIA's counsel explained that VIA's proposal expressly allowed for the completion of outstanding discovery, including obtaining newly-revealed materials responsive to outstanding RFPs, and only sought to prevent Google from taking new discovery. Google's counsel then conceded that Google's only remaining concern was that (1) it have sufficient time to complete depositions, and (2) to be able to structure them to take a separate 30(b)(6) deposition about document collection topics roughly two weeks in advance of the rest. *Id.* at ¶ 13 & Ex. G, pp. 5-10. To avoid further burdening Dr. Weng, whom Google had already forced to reserve dates needlessly, who is not available in July due to family commitments, and would have to be educated to testify regarding VIA's document collection efforts, on July 1, 2014, VIA agreed to produce Inky Chen, an employee in VIA's in-house legal department in Taiwan who directly helped coordinate VIA's discovery efforts, to testify about these issues two weeks in advance of other depositions and reiterated its willingness to consent to a 60-day extension for Google to complete depositions "and any follow up relating to outstanding discovery requests (but not to pursue any entirely new discovery requests)." *Id.* at ¶ 14 & Ex. G, pp. 5-6. At 10:58 PM on July 7, 2014, Google stated that the dispute could only be

resolved by VIA's additional concession to produce Ms. Chen for oral deposition in the U.S. and further supplementation of Interrogatory No. 4. VIA's July 8, 2014 reply confirmed that it did not have additional information to provide in response to Interrogatory No. 4, and noting that Google was demanding that VIA produce Ms. Chen in the U.S. when the Board could not even order such relief. *Id.* at Ex. G, pp. 2-4. At 10:13 PM on July 8, 2014, Google admitted that Dr. Weng had previously been designated to testify regarding all of its 30(b)(6) topics, including the discovery-related ones, and tried to extract VIA's concession to produce Ms. Chen for deposition in Taiwan or by videoconference. *Id.* at 1-2. Google also falsely accused VIA of trying to condition its consent to an extension on a "release" from its duty to respond fully to Interrogatory No. 4, when VIA had repeatedly stated that it did not have additional information to provide. *Id.*

II. GOOGLE'S BLATANT DISREGARD OF ITS GOOD FAITH OBLIGATIONS

Trademark Rule 2.120(e) provides that motions to compel "must be supported by a written statement from the moving party showing that the party has made a good faith effort, by conference or correspondence, to resolve the issues with the other party, but that the parties were unable to resolve their differences." *Hot Tamale Mama . . . and more, LLC v. SF Investments, Inc.*, 110 USPQ2d 1080, 1081 (TTAB 2014). One purpose of this rule is to "relieve the Board of the burden of ruling on motions to compel in proceedings where the parties can resolve their discovery disputes if they make a good faith effort to do so." *Id.* To this end, a party moving to compel must demonstrate ***both*** that it made a good faith effort to resolve the issues presented in its motion, ***and*** that the parties were unable to resolve their issues "by agreement or to at least narrow and focus the matters in controversy before judicial resolution is sought." *Id.* "Mere dissatisfaction with the adversary's answer to an initial inquiry, in itself, does not discharge the duty to undertake a good faith effort to resolve the dispute . . . ." *Id.* Rather, "the good faith efforts of the parties should be directed to understanding differences and actually investigating

ways in which to resolve the dispute." *Id.* "Where it is apparent that the effort toward resolution is incomplete, establishing the good faith effort that is a prerequisite for a motion to compel necessitates that the inquiring party engage in additional effort toward ascertaining and resolving the substance of the dispute." *Id.* Here, far from making the required good faith efforts to resolve or narrow the issues it brings before the Board, Google went out of its way to avoid doing so.

To try and distract from its own failure to comply with its basic meet and confer obligations, Google makes reference to prior communications between the parties concerning earlier disputes over ***other*** discovery issues, but the fact still remains that it ***never once*** tried to confer with VIA regarding ***any*** of the issues that are actually the subjects of the current motion. Google never made its requests to take a separate deposition just on its 30(b)(6) topics regarding VIA's discovery efforts well in advance of the other 30(b)(6) topics it had noticed or any other depositions, and for 60 more days to complete the same and review the new discovery VIA had provided on June 11, until the evening of June 19, 2014 **– *i.e., less than a week before the close of discovery, and just 2 business days before it filed this motion***. While VIA expressed that these last-minute demands were unreasonable, particularly in light of the parties' prior understanding that Google would take a single 30(b)(6) deposition on all topics and the limited discovery that VIA had provided on June 11, VIA nevertheless wrote to Google on June 23, 2014, stating that in the spirit of avoiding unnecessary motion practice, it would consent to the extension provided that Google agree to use the additional time only to complete any outstanding discovery – including, specifically, any depositions it needed to take – and offering several times that it was available to meet and confer with Google about the same. Krajeck Decl. ¶ 37, Ex. Z.

On June 24, 2014, Google emailed VIA and, instead of responding to VIA's express offer to meet and confer, flatly rejected VIA's proposal that the requested extension only be used to complete outstanding discovery and depositions as "improper," simultaneous with giving notice

of its "intention" to file this motion. Lee Decl. ¶ 12, Ex. K. A mere half-hour later, Google informed VIA that the motion had already been filed, thereby ensuring that the parties would not have any pre-filing opportunity to confer. *Id.* at Ex. L.

That these issues were imminently resolvable by the parties is clearly evidenced by the fact that when Google finally conferred with VIA about this motion the day ***after*** it was filed, Google's counsel claimed that Google had rejected VIA's proposal out of concern that VIA was trying to foreclose it from obtaining additional materials responsive to its outstanding document requests in the event that depositions revealed the existence of such materials. Even setting aside that VIA's proposal unambiguously permitted Google to complete any outstanding discovery and only sought to prevent it from trying to take new discovery, had Google bothered to articulate this concern to VIA before rushing to file its motion, VIA could obviously have allayed it then. Additionally, following the meet and confer, VIA consented to dividing the previously agreed-on single 30(b)(6) deposition into two separate depositions to enable Google to take testimony regarding document collection issues in advance of any others. *Id.* at ¶¶ 13-14 & Ex. G, pp. 5-6.

As for Google's request that the Board compel VIA to further supplement its response to Google's Interrogatory No. 4, VIA had provided a third supplemental response to this interrogatory on June 11, 2014. When Google objected to this supplemental response on the grounds that it did not appear to provide "a complete list, but rather is 'without limitation' to other unidentified products," and that VIA could not satisfy its obligations by reliance on FRCP 33(d), VIA promptly and repeatedly clarified for Google that its list was, in fact, complete standing alone, and that the "without limitation" language referred solely to documents that it was referencing as additional support for its substantive written response, rather than in lieu of providing a substantive written response. In other words, VIA never tried to stand on Rule 33(d). It only provided additional information in the form of citations to documents to further support its

written response to Interrogatory No. 4. To manufacture a dispute for the Board, however, Google pretends as though VIA never tendered these explanations, omitting to even mention them in its motion that continues to mischaracterize the substance of VIA's response to Interrogatory No. 4.

Google's outright refusals to try and resolve the issues raised here in advance of seeking Board involvement fall painfully short of the good faith effort required under Trademark Rule 2.120(e)(1). This motion should be summarily denied on this ground alone. *Hot Tamale*, 110 USPQ2d at 1081-82 (denying motion to compel where movant never attempted to ascertain the nature of any disputed matter and possibility of resolution but instead tried to rely on a single email exchange, which did not suggest disagreement between the parties or recalcitrance or uncooperativeness on respondent's part, to satisfy its good faith obligations).

III. GOOGLE LACKS GOOD CAUSE FOR ANY OF THE RELIEF IT SEEKS

Even assuming *arguendo* that Google fulfilled its obligations to try and resolve or narrow the issues presented in good faith prior to bringing this motion (which, it plainly did not), the motion fails due to the absence of good cause to support either the additional discovery that Google belatedly seeks or an extension of time for Google to complete discovery that it could and should have previously pursued.

A. VIA Cannot Search For And Produce Emails That It Does Not Have

Because of its unfounded belief that VIA is withholding non-privileged, responsive internal emails, Google seeks an order compelling VIA to "engage in a reasonable search of its hardcopy and electronic files and produce all non-privileged documents and communications responsive to Document Requests Nos. 3, 7-8, 12-14, 16-18 and 26-27" served by Google. Mot. at 12-16 & n. 1. But Google's request finds no support in fact or law.

Factually-speaking, not only does Google's analysis ignore that VIA also produced a privilege log identifying several dozen more responsive but privileged emails relating to its use of

the CHROME marks, Lee Decl. ¶ 15, Ex. M, but it also rests in part on the wholly unsupported assumption drawn by Google that some of the emails produced by VIA "appear to be irrelevant" simply because they do not expressly mention the marks, Mot. at 14. Google also misrepresents what VIA's counsel previously stated regarding the search that was conducted by VIA both affirmatively and through misleading omissions, claiming that VIA's counsel had "revealed that Registrant had conducted a self-directed search for documents with little or no involvement from in-house or outside counsel." *Id*. at 15. While VIA's counsel had told Google that they were having logistical difficulties in working with VIA to coordinate document collection and review that were causing delays in document production (which is hardly surprising given that Google initiated proceedings against a corporation that is headquartered in a foreign country and has its relevant operations divided between two offices), this does not mean that counsel had little to no involvement in the process or that responsive documents were withheld as Google now suggests. Rather, as previously and repeatedly explained to Google, and set forth in the accompanying declarations of Inky Chen, Robert F. Gookin, and Irene Y. Lee, VIA has already produced all non-privileged, responsive documents, including emails, that it was able to locate upon a reasonably diligent search carried out under the joint direction of in-house legal personnel at VIA's Taipei headquarters and VIA's outside counsel. This search involved identifying a dozen custodians that potentially had materials responsive to Google's document requests, and instructing them to search their records, including ESI stored on computers and backup drives, using keywords jointly derived by VIA's in-house and outside legal teams, such as CHROME and the names of various CHROME-related customers and products. Documents gathered by these custodians were then reviewed by VIA's in-house and outside legal teams, and relevant items were either logged or produced. Chen Decl. ¶¶ 2-6; Gookin Decl. ¶¶ 2, 4, 6; Lee Decl. ¶¶ 5, 8, 11, 15 & Exs. E, M.

Legally-speaking, despite Google's dissatisfaction with the reasonable ESI production processes used by VIA, Board precedent does not mandate that parties responding to ESI production requests engage in attorney-conducted ESI searches or follow any other particular processes. On the contrary, in *Frito-Lay N. Am., Inc. v. Princeton Vanguard, LLC*, 100 USPQ2d 1904, 2011 TTAB LEXIS 364 (TTAB 2011), the Board denied a virtually identical motion to compel a supplemental ESI production to the extent that it was premised on the argument that the respondent's ESI discovery efforts were "insufficient, in that [the respondent] did not conduct 'attorney-managed electronic data retrieval and search.'" The *Frito-Lay* respondent had identified custodians that it deemed most likely to have relevant information and had instructed them to search their records, including ESI, using "categories keyed to [the movant's] requests," and the Board's decision recited several reasons why these ESI production processes were adequate under the circumstances.

First, the Board stated that having failed to reach any agreement with the respondent regarding the ESI processes they should use in responding to document requests, the movant could not fairly insist that the respondent start over using a different process after the fact. 2011 TTAB LEXIS at *13-*14. Second, the Board stated that the mere fact that the movant would use broader and more expensive processes than the respondent was "simply not a basis upon which to compel [the respondent] to do the same in this Board proceeding." *Id.* at *14. Rather, the Board observed that the Federal Circuit had expressed concerns about the excessiveness of routine requests seeking all categories of ESI and had provided in its e-discovery model order that, "General ESI production requests . . . shall not include email or other forms of electronic correspondence. . . . Email production requests shall only be propounded for specific issues, rather than general discovery of a product or business." *Id.* at *15-*16. The Board further acknowledged that, "it is well-settled that the producing party is in 'the best position to determine

the method by which [it] will collect documents,' at least 'absent an agreement or timely objection.'" *Id.* at *17.

Third, the Board stated that "a mere 'belief that documents must exist simply is not enough to grant a motion to compel that would require [the party] to go back to square one and begin its document collection efforts anew,'" and pointed out that the movant had not supported its allegation that responsive documents "must exist" which the respondent had failed to produce. *Id.* Lastly, the Board admonished that:

> In view of our limited jurisdiction, the narrowness of the issues to be decided by the Board, and the concerns expressed by the Federal Circuit, the burden and expense of e-discovery will weight heavily against requiring production in most cases. Parties are advised to be precise in their requests and to have as their first consideration how to significantly limit the expense of such production. Absent such a showing, the likelihood of success of any motion to compel will be in question.

Id.

Frito-Lay is on all fours with the instant case. First, similar to the movant in *Frito-Lay*, Google never raised with VIA the ESI production processes it believed should be used before VIA began gathering and producing documents. Gookin Decl. ¶ 8. Instead, by its own admission, it waited until months after VIA had made several productions to question the adequacy of VIA's ESI production processes. *Id.* at ¶ 4; Mot. at 6. Thus, Google cannot now in fairness insist that VIA redo its productions using a different process. Second, the mere fact that Google now wants VIA to use more extensive and expensive ESI productions processes is not a basis for compelling VIA to do so. Google propounded very broad requests that each sought all categories of ESI rather than limiting email production requests only to specific issues, and VIA produced all responsive, non-privileged e-mails that it could locate using the above-described processes, which were jointly devised by its in-house and outside legal teams to take into account the added

logistical issues of having relevant documents split between domestic and foreign custodians. The parties never agreed on different processes for VIA, and Google waited for months to object that it felt that VIA's processes were insufficient.

Third, Google has adduced no facts[2] whatsoever to support its rampant speculations that it is "not possible" that VIA has produced all responsive, non-privileged emails that could be located based on a reasonably diligent search. Pursuant to *Frito-Lay*, Google's "mere 'belief that documents must exist simply is not enough to grant a motion to compel that would require [VIA] to go back to square one and begin its document collection efforts anew.'" 2011 TTAB LEXIS at *17. On the other hand, VIA has now repeatedly represented through counsel and under oath that it does not have more emails to produce, and the Board's decision in *Byer California v. Clothing for Modern Times Ltd.* makes clear that a party "cannot be compelled to produce what it does not have." 95 USPQ2d 1175, 2010 TTAB LEXIS 131 at *6 (TTAB 2010) (denying motion to compel further production where respondent "claimed . . . that it has produced all responsive documents in its possession."). Finally, Google has not even bothered to try and show that it considered limiting VIA's e-discovery burdens as admonished by *Frito-Lay*.

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[2] Google tries to make hay out of the fact that VIA amended its initial disclosures to identify Amy Wu, a Product Marketing Manager, to resolve Google's complaint that VIA's original initial disclosures served in the incipient stages of the case were deficient because they did not include her. But Google misunderstands the nature of initial disclosure obligations, which only require a party to disclose the names of the witnesses it might rely on to support its positions, not every single witness that might have discoverable information, TBMP § 401.02, a possibility that VIA had not considered as of the time it served its initial disclosures in July 2013 when its factual investigation had just begun. Lee Decl. ¶ 16. And even if VIA ultimately decides to rely on Ms. Wu at trial, "there is no need, as a matter of course, to submit a supplemental disclosure to include information already revealed by a witness in a deposition or otherwise through formal discovery, including the identity of the witness," *Galaxy Metal Gear Inc. v. Direct Access Tech. Inc.*, 91 USPQ2d 1859, 1861 (TTAB 2009), and Google cannot deny that it has had for months multiple documents that expressly identify Ms. Wu by name and position, and make clear that she was involved in VIA's use of the CHROME mark. For instance, Google has indisputably had since March a letter sent to Fujitsu regarding its use of CHROME stickers on computers incorporating CHROME components signed by Ms. Wu in her capacity as "Sr. Product Marketing Manager." Lee Decl. ¶ 17 & Ex. N.

Accordingly, the Board should deny Google's motion to compel VIA to search for and produce more documents on the independently sufficient grounds that: (1) Google has utterly failed to show that the method VIA used for searching and producing documents was insufficient; and (2) VIA cannot be compelled to produce documents that it does not have as a matter of law.

B. No Good Cause Exists For Compelling An Additional 30(b)(6) Deposition Regarding VIA's Discovery Efforts

Although VIA agreed to Google's belated demand for a separate 30(b)(6) deposition on its document collection efforts in advance of other depositions in order to avoid burdening the Board with unnecessary motion practice, Google never had cause for making such a demand in the first place. Google now claims that relief from the Board is warranted because VIA refused to provide this testimony, which it needs "in order to assess whether it is appropriate to take fact witness depositions, or whether there are additional relevant documents that Registrant has not produced or other relevant witnesses that Registrant has not disclosed." But this is patently false.

Google has actually known ***since April*** that VIA was willing to produce one witness for one day in early June to testify as to all of the 30(b)(6) topics noticed by Google, ***which included every single one of the document-related topics that Google now says VIA "declined to produce a witness for,"*** because VIA stated that it would do so. Lee Decl. ¶¶ 8-9 & Ex. H. In fact, based on Google's request for later dates for this single 30(b)(6) deposition, both VIA's witness and counsel held June 19 and 20 open ***for over 6 weeks***, waiting for Google to commit to a date specific. Having asked VIA to hold these dates during what it knew would be the final week before the discovery cutoff – and even as it was claiming it had grave concerns about the adequacy of VIA's document production – Google then refused to proceed as it had indicated it would. Rather, Google stonewalled VIA's repeated inquiries about whether this deposition would go forward on June 19 or 20 and whether it planned to take other depositions until the

evening of June 19, when it suddenly raised for the first time that it wanted to split its 30(b)(6) topics over two staggered depositions. *Id*. at ¶¶ 3, 5, 9 & Exs. C, E, & H.

Google therefore had ample opportunities to take VIA's 30(b)(6) deposition regarding these very topics well before the close of the discovery period, in advance of other fact depositions, but opted to forgo them. Likewise, Google had ample opportunities to broach with VIA that it wanted to take two separate 30(b)(6) depositions, not one, but opted to wait until less than a week before the close of discovery period to spring this request on VIA. These inexcusable delays on Google's part establish that the lack of testimony about VIA's document collection efforts is actually a problem of its own creation, not VIA's, and undermine its assertions that it has concerns about VIA's document productions and needs this testimony in order to properly prosecute its case. *Cf. Byer Cal.*, 2010 TTAB LEXIS 131 at *11 ("[A]pplicant's claim that it is prejudiced by being 'deprived of the opportunity' to take a discovery deposition of [one witness] is belied by its failure to take the discovery deposition of [a different witness that was timely disclosed and available].").

Even if one could believe that Google's current expressions of concern about its lack of insight into VIA's document production processes are genuine in light of its unjustifiable failure to take sworn testimony about them when it was previously offered, Google's concern is grounded in nothing more than its wholly unsupported speculations that there must exist more responsive emails to produce. And, as set forth above, an unsupported "belief that documents must exist simply is not enough to grant a motion to compel" further discovery. *Frito-Lay*, 2011 TTAB LEXIS 364 at *17. Additionally, because VIA has (repeatedly) explained that it followed document production processes that were approved by the Board in *Frito-Lay* and represented that it does not have more emails to produce both through counsel and now also by way of a sworn statement submitted by the very deponent it would offer on these topics, Google's request

is now moot. *Byer Cal.*, 2010 TTAB LEXIS 131 at *6 (holding that a party "cannot be compelled to produce what it does not have" and denying motion to compel further discovery where respondent stated that it had already provided the information sought). The Board should therefore decline to allow Google yet another opportunity to take purely duplicative testimony regarding VIA's document production processes.

C. No Good Cause Exists To Compel VIA To Further Supplement Its Response To Google's Interrogatory No. 4

Google asks the Board to compel VIA to further supplement its response to Google's Interrogatory No. 4, which was simply phrased as follows: "Describe in detail all goods and/or services with which the CHROME MARKS have been or are currently being used by any PERSON." Krajeck Decl., ¶ 3 & Ex. B. Nowhere in this interrogatory or in the accompanying instructions does Google explain what detail it was seeking in response to this interrogatory, prompting VIA's consistent objections that it is vague. *Id*. Although VIA specifically asked Google to cure this and other deficiencies in its interrogatories by amendment or supplementation, Google refused. Gookin Decl. ¶ 3. Thus, VIA consistently tried to provide Google with a full and complete substantive written response to Interrogatory No. 4 based on its good faith understanding as to what it required. *Id.* To this end, VIA supplemented its response several times to try and address Google's complaints and, as of June 11, 2014, had not only provided Google with a comprehensive list of each and every good and service with which the CHROME marks have ever been used, but had gone above and beyond what it was required to do by providing citations to specific documents further supporting its written response. Krajeck Decl. ¶ 8, Ex. G.

For its part, Google has continually objected to the responses VIA has provided to its vague interrogatory with baseless and equally vague objections. For instance, Google asserted

that VIA was not allowed to list the individual products and services with which the CHROME marks have been used by the same product and service descriptors used in its registrations, characterizing them as "basic." *Id.* at ¶ 29, Ex. T. After VIA stated that it was unaware of any requirement that it refrain from using certain product and service descriptors because they also appeared in the subject registrations or because Google had asserted that they were "basic," Google simply reiterated without explanation that the interrogatory had asked for "a detailed" description. Lee Decl. ¶¶ 3-4, Exs. C-D.

When Google later objected to VIA's response to Interrogatory No. 4 on the unfounded grounds that it did not appear to provide "a complete list, but rather is 'without limitation' to other unidentified products," and that VIA could not satisfy its obligations by reliance on FRCP 33(d), VIA promptly and repeatedly clarified that its list was, in fact, complete standing alone, and was not qualified by the "without limitation" language which ***on its face*** does ***not*** apply to the list, but rather appears in a separate paragraph referring only to the ***documents*** that VIA produced as ***additional*** support for its complete list. Lee Decl. ¶ 5, Ex. E; Krajeck Decl. ¶ 37, Ex. Z. Specifically, VIA's third supplemental response to Interrogatory No. 4 first individually lists the relevant products and services, and then separately states that:

> VIA has produced ***documents*** relating to the ***aforementioned*** goods and/or services with which the CHROME MARKS have been or are currently being used that are non-privileged and non-attorney work product, within its possession, custody, or control, and could be located upon a reasonably diligent search. ***These documents include, without limitation,*** the documents bearing the following Bates numbers . . . .

Krajeck Decl. ¶ 8, Ex. G. VIA also pointed out that Google's reliance on *E&J Gallo Winery v. Rallo*, 2006 U.S. Dist. LEXIS 84048 (E.D. Cal. Nov. 8, 2006), for the proposition that VIA could not cite to documents in responding to Interrogatory No. 4 was misplaced because unlike the respondent in *E&J Gallo*, VIA had (1) indisputably produced numerous ***internal*** documents as

well as third-party documents; and (2) already provided a freestanding substantive written response to Interrogatory No. 4 and was merely citing the documents as additional support for that response rather than in lieu of any substantive response. Lee Decl. ¶ 5, Ex. E.

Google, however, failed to respond to or even acknowledge VIA's arguments during the meet and confer process that it cut short, and has entirely omitted to mention them in its moving papers. Mot. at 18-19. Google's persistence in mischaracterizing VIA's response to Interrogatory No. 4 and refusing to fairly present and address the arguments previously raised by VIA in its motion is not only the epitome of bad faith, it should be taken as a concession that Google has no real basis for requesting that the Board compel a further supplemental response to its Interrogatory No. 4. *Cf. Johnston Pump/Gen. Valve Inc. v. Chromalloy Am. Corp.*, 13 USPQ2d 1719, 1720 n.3 (TTAB 1989) ("The presentation of one's arguments and authority should be presented thoroughly in the motion."). Google's request for a supplemental response to Interrogatory No. 4 should therefore be denied for lack of good cause.

D. A 60-day Extension Of The Discovery Period Is Wholly Unwarranted

Google gives two reasons for needing a 60-day extension of the discovery period: (1) it needs the time to obtain from VIA a supplemental document production and supplemental response to its Interrogatory No. 4; and (2) it was unable to timely complete any depositions, including a 30(b)(6) deposition into VIA's discovery efforts, because it needed more time to "thoroughly review the new documents and discovery responses produced [by VIA] since May 30, 2014." Mot. at 3, 20-21. But neither of these reasons have merit.

First, as set forth above, Google cannot obtain a supplemental document production from VIA because it has no documents left to produce and Google has no factual or legal basis for requiring VIA to redo its search and production. Second, as is also set forth above, Google deliberately and inexplicably squandered the opportunities it previously had to timely conduct all

depositions that it wanted, including a 30(b)(6) deposition agreed to by VIA that would undeniably have covered VIA's discovery efforts, never once raising that it wanted to take this 30(b)(6) deposition separate from its other 30(b)(6) topics and in advance of other depositions until the eve of the discovery cutoff. Additionally, VIA respectfully submits that it strains all credulity that Google would require more than a day or two to thoroughly review the mere ***384 pages*** of new documents and the supplemental responses to ***three interrogatories*** that VIA provided after May 30, 2014. Lee Decl. ¶ 11, Ex. C. Even accepting Google's exaggerated count of "nearly 1,000 pages of documents" (which it was only able to achieve by omitting to mention that of the 923 pages produced by VIA after May 30, 2014, only 384 represented new materials, and the remaining 539 were reproductions made to correct Bates numbering issues with previously-produced documents), it does not seem possible that anyone, let alone Google, could need 60 days to thoroughly digest this amount of new material and complete a handful of depositions. Thus, the Board should deny the requested extension for lack of good cause.

IV. CONCLUSION

For all of the foregoing reasons, the Board should deny Google's motion in its entirety.

Date: July 9, 2014

Respectfully submitted,

/s/ Jean Rhee

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **OPPOSITION TO PETITIONER GOOGLE INC.'S MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES** was served by electronic mail on July 9, 2014 upon counsel of Petitioner:

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Anne Zivkovic

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

DECLARATION OF IRENE Y. LEE IN SUPPORT OF OPPOSITION TO PETITIONER GOOGLE, INC.'S MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES

I, Irene Y. Lee, hereby declare as follows:

1. I am a partner at the law firm Russ, August & Kabat, counsel of record for Registrant VIA Technologies, Inc. ("VIA") in these cancellation proceedings. Unless otherwise stated herein, I make this statement in support of VIA's Opposition to the Motion to Compel Discovery and for an Extension of Deadlines filed by Petitioner Google, Inc. ("Google") based on my personal knowledge.

2. Google did not provide VIA with a single item of written or document discovery until June 20, 2014. For instance, VIA served requests for production ("RFPs") on Google on September 23, 2013, and Google responded thereto on October 31, 2013. Attached as **Exhibits A and B**, respectively, are VIA's RFPs and Google's responses.

3. Although Google stated in several of its responses to VIA's RFPs (Ex. B) that it would produce on a rolling basis responsive, non-privileged documents that it could locate on "a reasonable search," it did not produce even one page of documents for more than seven months after that. Indeed, Google refused to even confirm whether it was going to produce any

documents, including documents that it intended to rely on to support its position until more than seven months had passed. On June 9, 2014, when I asked Janet Cullum at Cooley LLP, counsel of record for Google in these cancellation proceedings, over the phone whether Google intended to produce documents in these proceedings, including, specifically, documents to support its allegations that VIA somehow consented to Google's use of the CHROME marks and abandoned the CHROME marks, she conceded that Google had not produced a single page of documents in these proceedings and believed Google would not be producing anything. Based on this telephone conversation, I asked my colleague, Jean Rhee, to send a letter to Google asking it to confirm Ms. Cullum's statement in writing, which Ms. Rhee did on June 11, 2014. A true and correct copy of this letter sent by Ms. Rhee on June 11, 2014 is attached as **Exhibit C**.

4. In response, Katie Krajeck, another Cooley attorney representing Google in these proceedings, sent a letter on June 13, 2014. On page 3 of this letter, Ms. Krajeck falsely claims "VIA did not request and Google has not agreed to produce 'documents to support its position that VIA consented to Google's use of the CHROME mark or [that] VIA has abandoned the CHROME mark.'" She then directly contradicts this statement, by stating that, "***[a]s set forth in its responses to VIA's document requests***, Google will produce all documents it intends to rely upon in its case, as well as any documents that are relevant to the abandonment and non-use issues in this proceeding." However, Google did not produce any documents then, nor did it specify when it would produce such documents, even though there were less than two weeks before the discovery period was scheduled to expire. Attached as **Exhibit D** is a true and correct copy of Ms. Krajeck's letter dated June 13, 2014.

5. In response, Ms. Rhee sent a letter on June 17, 2014. On pages 4-5 of this letter, Ms. Rhee identifies VIA's previously served document requests calling for the production of

documents relating to, among other things, VIA's CHROME marks, Google's awareness of VIA's trademark applications and registrations and use of the CHROME marks, and documents Google intends to rely upon in its case. Attached as **Exhibit E** is a true and correct copy of Ms. Rhee's letter dated June 17, 2014.

6. Attached as **Exhibit F** is a true and correct copy of a letter received from Ms. Krajeck on June 20, 2014. On page 3 of this letter, Ms. Krajeck states that she is enclosing documents with Bates numbers, GOOG-00000001-806, *i.e.*, Google's first production of documents, together with its first privilege log.

7. Attached as **Exhibit G** are true and correct copies of emails that Ms. Rhee exchanged with Ms. Krajeck between June 25, 2014 and July 8, 2014.

8. On April 25, 2014, my colleague, Robert F. Gookin, and I met and conferred with Brendan Hughes, another attorney for Google, by phone. During this call, Mr. Hughes expressed his belief that VIA was withholding responsive emails because he felt that there had to be more emails, including emails admitting that VIA had abandoned the CHROME marks or had never used them in the U.S. Mr. Hughes also asked when VIA would complete its production. I responded to this question by explaining that VIA was experiencing delay in producing documents notwithstanding its diligence due to the added complications of having to coordinate discovery efforts across two offices in different countries. I did not express frustration with the efforts that VIA was making to comply with its discovery obligations as Google claims I did. Also during this call, I told Mr. Hughes that VIA was designating Dr. Ken Weng as its 30(b)(6) witness, and asked Google to consent to extend the then-discovery cutoff of May 27, 2014 by 30 days because Dr. Weng was not available until the first week of June for such a deposition. Mr. Hughes said that Google would be open to a 30-day extension if VIA provided a date by which it

would supplement its production and responses to various interrogatories, including Interrogatory No. 4. Mr. Hughes also asked that VIA provide later dates in June for Dr. Weng's deposition.

9. Attached as **Exhibit H** are true and correct copies of emails that I exchanged with Google's counsel between April 30, 2014 and May 23, 2014.

10. Attached as **Exhibit I** are true and correct copies of emails that I exchanged with Google's counsel between June 5, 2014 and June 9, 2014.

11. VIA produced documents to Google on, *inter alia*, May 30, 2014 and June 11, 2014. Attached as **Exhibits J and C** are true and correct copies of the respective cover letters for each of these productions. Earlier document productions made by VIA are described in Mr. Gookin's concurrently-filed declaration.

12. Attached as **Exhibits K and L** are true and correct copies of emails that my colleagues and I received from Ms. Krajeck at 3:39 PM and 4:11 PM on June 24, 2014, respectively.

13. Ms. Rhee and I initiated and conducted a meet and confer with Mr. Hughes and Ms. Krajeck about this motion by phone on June 25, 2014. During this call, Mr. Hughes claimed that Google had rejected VIA's offer of a 60-day extension subject to Google's agreement to use the additional time only to complete any outstanding discovery, including depositions, but not to propound any new discovery requests, because of concern that it would be foreclosed from obtaining additional materials responsive to its outstanding document requests in the event that depositions revealed the existence of such materials. I explained to him that that VIA's proposal expressly allowed for the completion of this type of outstanding discovery. I then repeatedly asked whether Google's only remaining concern was that it have sufficient time to complete

depositions, and to be able to structure them to take a separate 30(b)(6) deposition about discovery topics roughly two weeks in advance of the rest, and because Mr. Hughes confirmed that this was the case, I stated that I would go back to VIA to see whether an agreement could be reached along these lines to obviate the need for this motion.

14. To avoid further burdening Dr. Weng, whom Google had already forced to reserve dates needlessly, is not available in July due to family commitments, and would have to be educated to testify regarding VIA's discovery efforts, on July 1, 2014, VIA agreed to produce Inky Chen, an employee in VIA's in-house legal department in Taiwan who directly helped coordinate VIA's discovery efforts, to testify regarding these issues two weeks in advance of other depositions and reiterated its willingness to consent to the 60-day extension to allow Google to complete depositions and any follow up relating to outstanding discovery requests.

15. Attached as **Exhibit M** is a true and correct copy of the combined privilege log that was given to Google in three separate parts on March 26, 2014, May 30, 2014, and June 11, 2014.

16. When VIA served its initial disclosures on July 31, 2013, its factual investigation had only just begun, and it was not considering relying on Amy Wu to support its positions at that time.

17. Attached as **Exhibit N** is a true and correct copy of a letter that VIA produced to Google on March 19, 2014, among other documents relating to VIA's use of the CHROME mark authored by Ms. Wu, and which explicitly identify her title as "Sr. Product Marketing Manager."

Pursuant to 28 U.S.C. § 1746 and Rule 2.20 of the Trademark Rules of Practice, I hereby declare that all statements made herein on personal knowledge are true; and all statements made herein on information and belief are believed to be true.

Executed on July 9, 2014 at Los Angeles, California.

Irene Y. Lee

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google, Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

REGISTRANT VIA TECHNOLOGIES, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PETITIONER GOOGLE, INC.

PROPOUNDING PARTY: REGISTRANT VIA TECHNOLOGIES, INC.

RESPONDING PARTY: PETITIONER GOOGLE, INC.

SET NUMBER: ONE

Pursuant to the provisions of 37 C.F.R. § 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Petitioner Google, Inc. ("Google") is required to provide both: (a) the actual physical production of the items requested to be produced; and (b) written responses under oath. Actual physical production shall be at Russ, August & Kabat, Twelfth Floor, 12424 Wilshire Boulevard, Los Angeles, California 90025, to the attention of Irene Y. Lee within thirty (30) days of service thereof.

INSTRUCTIONS AND DEFINITIONS

The following instructions and definitions shall apply to these and all subsequent requests for production of documents and things:

A. Instructions.

1. This request requires the production of all of the specified items in the actual or constructive possession, custody or control of the responding party and/or the responding party's present and/or former employees, officers, directors, agents, representatives, attorneys, accountants, underwriters, investigators or other persons in any way acting or purporting to act on behalf of or attributable to the responding party. If any item was, but no longer is, in such possession, custody or control of the responding party, please state whether and when it: (a) is lost or destroyed; (b) has been transferred to another person, either voluntarily or involuntarily; or (c) has been otherwise disposed of. In each such case, explain the circumstances and dates surrounding such disposition, *e.g.*, at whose direction, for what purpose, pursuant to what authority, what record was made, etc.

2. Whenever objection is asserted to a particular request or portion thereof, please produce all responsive items or parts thereof which are not subject to such objection. Similarly, wherever an item is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief and with as much particularity as possible, those portions of the item which are not produced.

3. Please produce items in such a manner as will facilitate their identification with the particular request or category of requests to which they are responsive.

4. The words "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual constructions will serve to bring within the course and scope of a request any item(s) which would otherwise not be brought within its scope.

5. The singular form shall include the plural and vice versa wherever such dual construction will serve to bring within the scope of a request any item(s) which would otherwise not be brought within its scope.

6. This request requires the production of items in the same form and in the same filing manner and order as existing and maintained prior to production. The items are to be produced in the same boxes, files, folders or other containers or storage media in which the items were found. All titles, labels or other descriptions of the files, documents, etc. are to be left intact.

7. With respect to any item that you withhold on a claim of privilege, provide a statement, signed by one of your attorneys, setting forth as to each such document:

(a) The name(s) of the sender(s) of the item;

(b) The name(s) of the author(s) of the item;

(c) The name(s) of the person(s) to whom the original or copies were sent;

(d) The date of the item;

(e) The date on which the item was received by those having possession of the item;

(f) The statute, rule or decision which is claimed to give rise to the privilege;

(g) A summary of the contents of the item without disclosing the matter that you claim is privileged.

B. Definitions.

1. "PETITIONER" refers to the petitioner Google, Inc. and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with the applicant, including all

of the partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for the applicant.

2. "CHROME" refers to the designation and/or trademark(s) or service mark(s) containing "Chrome" PETITIONER has used or intends to use, including without limitation, the one(s) sought to be registered by means of Registration Nos. 3,360,331 and 3,951,287.

3. "COMMUNICATION" means any oral or written transmission of information between PERSONS, including but not limited to, meetings, discussions, conversations, telephone calls, memoranda, electronic mail, instant messages (including, without limitation, text messages), letters, telegram, record or notation of any conversation, inter-office memorandum, telecopies, telexes, conferences or seminars.

4. "DOCUMENT" or "ITEM" or any similar term shall be used in their broadest sense and shall include, but not be limited to, the following: any written, printed, typed or other graphic matter of any kind or nature; all mechanical, magnetic or electrical sound recordings or transcripts thereof; any retrievable data, information or statistics contained on any memory device or other information retrieval systems (whether encarded, taped or coded electrostatically, electromagnetically, or otherwise); and also without limitation, agreements, bills of sale, books, charts, checks, computer records, compilations, conversations, correspondence, descriptions, diagrams, diaries, directives, drawings, electronic recordings, files, films, financial memoranda, financial records, financial statements, graphs, inspection reports, interoffice correspondence, instructions, invoices, journals or other books of account, ledgers, letters, maps, measurements, memoranda, minutes, notes, notebooks, notices, pamphlets, periodicals, photocopies, photographs, plans, plats, proposals, publications and published or

unpublished speeches or articles, purchase orders, receipts, recordings, records, reports, reproductions, samples, schedules, sketches, specifications, statements, studies, summaries, surveys, telegrams, telephone call slips and transcripts of telephone conversations, e-mails, instant messages (commonly called IMs), texts, voice mail transcripts, test results, transcripts, work sheets, working papers, reports and/or summaries of interviews, reports and/or summaries of investigations, opinions or reports of consultants, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1) of the Federal Rules of Civil Procedure. The term "ITEM" or "DOCUMENT" or any similar term shall also mean all drafts and final versions, and all copies of documents, by whatever means made (including, but not limited to, carbon, handwritten, microfilmed, photostatic, xerographic, scanned or other copies), and include all non-identical copies (whether different from the original because of any alterations, notes, comments or other material contained thereon or attached thereto, or otherwise). The term "ITEM" or "DOCUMENT" or any similar term shall also include any attachment thereto or enclosures therewith. The term "ITEM" or "DOCUMENT" or any similar term shall also include any and all data compilations from which information can be obtained. The term "ITEM" or "DOCUMENT" or any similar term shall also mean and include any "writing" as defined in Rule 1001 of the Federal Rules of Evidence.

5. "REGISTRANT" refers to VIA Technologies, Inc..

6. "REGISTRANT'S MARKS" refers to any designation and/or trademarks used or intended to be used by REGISTRANT to identify REGISTRANT in connection with the goods and/or services offered or promoted by REGISTRANT, and collectively refers to the REGISTRANT'S MARKS owned by REGISTRANT, including without limitation, United States Trademark

Registration Nos. 3,360,331 and 3,951,287 and cited by PETITIONER in its Petition for Cancellation.

7. "PERSON" means any natural person, general partnership, limited partnership, limited liability partnership, joint venture, corporation, limited liability company, association, firm, trust, or any other kind of organization or entity.

"YOU" or "YOUR" refers to PETITIONER, any of its present and former agents, officers, directors, principals, employees, affiliates, licensees, franchisees, distributors, consultants, advisors, accountants, attorneys and all other PERSONS or entities acting or purporting to act on its behalf.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All DOCUMENTS recording, referring to, or relating to the organization, incorporation, structure, operation and activities of PETITIONER insofar as they relate to any products sold and/or services offered by and/or intended to be sold, offered or promoted by PETITIONER under CHROME or any designation containing the term "Chrome."

REQUEST NO. 2:

All DOCUMENTS recording, referring to, or relating to any licenses, assignments, agreements, contracts, and/or arrangements between PETITIONER and any third party which relate in any manner to CHROME and/or any designation containing the term "Chrome."

REQUEST NO. 3:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR expressed intended use of CHROME or any designation containing the term "Chrome," including any investigation of the term "Chrome" for its availability for adoption, use or registration, its licensing, use, intended use, exploitation, and/or intended exploitation.

REQUEST NO. 4:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR use or intended use of CHROME or any designation containing the term "Chrome."

REQUEST NO. 5:

All DOCUMENTS evidencing, recording, referring to, or relating to goods and/or services which are or are to be provided by or on behalf of YOU under CHROME or any designation containing the term "Chrome."

REQUEST NO. 6:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR advertising, intended advertising, promotion, and/or intended promotion of any goods and/or services under CHROME or any designation containing the term "Chrome."

REQUEST NO. 7:

DOCUMENTS sufficiently identifying the name and address of the PERSON(S) who created, came up with, or conceptualized CHROME.

REQUEST NO. 8:

All DOCUMENTS evidencing, recording, referring to, or relating to the selection, design, adoption, proposed use of, decision to use, and first use of CHROME and/or any designation containing the term "Chrome" including samples of any names, designations and/or other marks conceived, considered and/or rejected by or on behalf of PETITIONER.

REQUEST NO. 9:

All DOCUMENTS evidencing, recording, referring to, or relating to any searches, investigations, studies, analyses, or inquiries conducted by or on behalf of YOU regarding the availability and/or registrability of CHROME, or of the term "Chrome."

REQUEST NO. 10:

All DOCUMENTS that refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution of any applications for registration, state, federal or foreign, of marks incorporating the term "Chrome" including, without limitation, Application Serial No. 85/445,797, including, without limitation, prosecution history, opposition pleadings and registration certificate.

REQUEST NO. 11:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR consideration or decision to select, adopt and/or use CHROME and/or any designation containing the term "Chrome" in each different logotype, label, design, hang tag, packaging, font of type or style in which CHROME and/or said designation is being used, or is intended to be used, by or on behalf of YOU.

REQUEST NO. 12:

Produce a sample of each different logotype, label, design, hang tag, packaging, font of type or style in which CHROME and/or any designation including the term "Chrome" is being used, or is intended to be used, by or on behalf of YOU.

REQUEST NO. 13:

Produce a sample of each and every different advertisement, intended advertisement, item of promotional material and/or intended item of promotional material printed and/or disseminated by or for YOU in which CHROME appears and/or any designation that includes the term "Chrome."

REQUEST NO. 14:

A specimen of each product on which CHROME or any designation containing the term "Chrome" has been used or is intended to be used.

REQUEST NO. 15:

Copies of all television commercials, web commercials, press releases, publications (paid or unpaid), radio scripts, smart phone apps, and other media advertising, prepared by or for YOU whether or not released or aired, in which CHROME and/or the term "Chrome" appears.

REQUEST NO. 16:

All DOCUMENTS evidencing, reflecting, recording, referring to, or relating to YOUR advertising and/or promotional expenditures, or expected advertising and/or

promotional expenditures, for any goods offered for sale, sold and/or distributed under CHROME or any designation containing the term "Chrome" including, without limitation, the advertising medium, the dates of any such advertisements or promotions, and the cost associated with each of such advertisements and/or promotions.

REQUEST NO. 17:

All DOCUMENTS evidencing, reflecting, recording, referring to, or relating to the amount of sales, actual and/or projected, by month of goods or services sold by or for YOU under CHROME or any designation containing the term "Chrome" including, without limitation, the identification of the goods and/or services, the number of units of the goods and/or services rendered, separately for each of the goods or services, the dates of the sales, and the dollar value of the sales.

REQUEST NO. 18:

All DOCUMENTS evidencing, recording, referring to, or relating to any COMMUNICATION, oral or written, received by YOU from any PERSON which suggests, implies, or infers any connection or association between REGISTRANT and YOU.

REQUEST NO. 19:

All DOCUMENTS evidencing, recording, referring to, or relating to any COMMUNICATION, oral or written, received by YOU from any PERSON which inquires as to whether there is or may be such a connection or association between REGISTRANT and YOU.

REQUEST NO. 20:

All DOCUMENTS evidencing, recording, referring to, or relating to any instance or occurrence of likelihood of confusion and/or actual confusion on the part of any PERSON between YOU, YOUR licensees' or sublicensees' use of CHROME

and/or any designation containing the term "Chrome" and any of the REGISTRANT'S MARKS.

REQUEST NO. 21:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's use of any of REGISTRANT'S MARKS.

REQUEST NO. 22:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's use of a designation that includes the term "Chrome."

REQUEST NO. 23:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's application(s) for registration of any of REGISTRANT'S MARKS.

REQUEST NO. 24:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's trademark registration(s) for any of REGISTRANT'S MARKS.

REQUEST NO. 25:

All DOCUMENTS evidencing, recording, referring to, or relating to any inquiry, investigation, evaluation, analysis, or survey conducted by YOU or any person acting for or on behalf of YOU regarding any issues involved in the present opposition proceeding.

REQUEST NO. 26:

All DOCUMENTS evidencing, recording, referring to, or constituting any research, reports, surveys, or studies conducted by or on behalf of YOU of consumer or customer perception of CHROME or the mark "Chrome."

REQUEST NO. 27:

All DOCUMENTS in YOUR possession, custody or control that refer or relate to REGISTRANT.

REQUEST NO. 28:

All DOCUMENTS in YOUR possession, custody or control that refer or relate to any of REGISTRANT'S MARKS.

REQUEST NO. 29:

All press releases, articles and clippings relating to or commenting on goods or services marketed or sold under CHROME or the mark "Chrome."

REQUEST NO. 30:

All DOCUMENTS sufficient to identify all goods and/or services in connection with which YOU have used, use and/or intend to use CHROME and/or any mark that includes the term "Chrome."

REQUEST NO. 31:

All DOCUMENTS referring to, relating to, or including any statements and/or opinions of any consultant or expert obtained by YOU or any person acting for or on behalf of YOU regarding any of the issues in this opposition proceeding.

REQUEST NO. 32:

All DOCUMENTS evidencing YOUR first use of CHROME.

REQUEST NO. 33:

All DOCUMENTS evidencing YOUR first use of a designation containing the term "Chrome."

REQUEST NO. 34:

All DOCUMENTS, other than those produced to any of the foregoing requests, upon which YOU intend to rely in connection with this opposition proceeding.

REQUEST NO. 35:

All DOCUMENTS identified in response to VIA Technologies, Inc.'s First Set of Interrogatories to Google, Inc.

REQUEST NO. 36:

All DOCUMENTS that contain the word "Chrome."

Dated: September 23, 2013

Respectfully submitted,

/s/ Robert F. Gookin

Robert F. Gookin
RUSS, AUGUST & KABAT
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Attorneys for Registrant
VIA Technologies, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **REGISTRANT VIA TECHNOLOGIES, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO PETITIONER GOOGLE, INC.,** was served by electronic mail on September 23, 2013, upon counsel of Petitioner:

COOLEY LLP
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/s/ Josie Mercado
Josie Mercado

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GOOGLE, INC.,	)	Cancellation No.: 92056816
	)	
Petitioner,	)	
	)	Registration No.: 3,360,331
v.	)	Mark: CHROME
	)	Issued: December 25, 2007
VIA TECHNOLOGIES, INC.,	)	
	)	Registration No.: 3,951,287
Registrant.	)	Mark: CHROME
	)	Issued: April 26, 2011
_____	)	

PETITIONER'S OBJECTIONS & RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

PROPOUNDING PARTY: **REGISTRANT VIA TECHNOLOGIES, INC.**

RESPONDING PARTY: **PETITIONER GOOGLE, INC.**

SET NUMBER: **ONE**

Pursuant to Federal Rules of Civil Procedure 26 and 34 and 37 C.F.R. § 2.120, Petitioner Google, Inc. ("Google") hereby submits the following objections and responses to the First Set Requests for Production of Document ("Requests") propounded by Registrant VIA Technologies, Inc. ("Registrant"). The responses contained herein are based on information reasonably available to Google as of the date of the response. Google's discovery efforts are ongoing. Google expressly reserves the right to revise or supplement these responses.

I. GENERAL RESPONSES.

The following General Responses apply to each Request and are hereby incorporated by reference into the individual responses to each Request, and shall have the same force and effect

as if fully set forth in the individual response to each Request.

1. Google's responses to the Requests are (a) made to the best of Google's current employees' present knowledge, information, and belief; (b) at all times subject to such additional or different information that discovery or further investigation may disclose; and (c) while based on the present state of Google's recollection, subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Google's further discovery or investigation.

2. Google reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. To the extent Google agrees to produce documents in response to any Requests, Google will respond with responsive, non-privileged information currently in its corporate possession, custody, or control. Google has no duty to produce or identify information outside of its possession, custody, or control. By stating in these responses that Google will produce documents or is searching for documents, Google does not represent that any document actually exists, but rather that it will make a good faith search and reasonable inquiry to ascertain whether documents responsive to the Requests do, in fact, exist, and to produce such documents if they are found to exist and are within Google's possession, custody, or control.

4. To the extent that Google responds to Registrant's Requests by stating that Google will provide information or documents which Google or any other party to this litigation deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c), Federal Rule of Evidence 501, Google will do so only upon the entry of, and subject to, an appropriate

protective order governing the unauthorized use or disclosure of such information or documents.

5. Unless otherwise stipulated in a production protocol or ordered by the Court, Google will produce each document in response to the Requests in a form in which it is ordinarily maintained or in a reasonably usable form. Further, Google reserves its right to only produce one copy of any document responsive to a document request.

6. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Google reserves all objections or other questions as to competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Google's responses herein and any information, document or thing identified or produced in response to the Requests.

7. Google reserves the right to object on any grounds at any time to such other or supplemental requests for production as Registrant may at any time propound involving or relating to the subject matter of these Requests.

II. GENERAL OBJECTIONS.

Whether or not separately set forth in response to each Request, Google makes the following General Objection to each and every Definition, Instruction, and Request made in Registrant's First Set of Requests for Production of Documents.

1. Google objects generally on the ground that most of Registrant's discovery requests seek information regarding Google's use of the CHROME mark and any potential confusion with Registrant's claimed marks, which are not at issue in this Cancellation proceeding. Registrant appears to fundamentally misunderstand the nature of this Cancellation action, which seeks cancellation of Registrant's trademark registrations for abandonment and

lack of use. Registrant's misunderstanding is reflected in the several Requests in which Registrant refers to this proceeding as an "opposition" proceeding rather than a "cancellation" proceeding. Google therefore objects to Registrant's discovery requests that seek information on Google's marks and/or confusion between Registrant's and Google's marks as seeking information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. These Requests are also unduly burdensome.

2. Google objects to Registrant's definitions of CHROME and "Chrome" as set forth in Definition No. 2 as being vague, ambiguous and unintelligible.

3. Google objects generally to all Definitions, Instructions, and Requests inclusive, insofar as any such Request seeks information or production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information or documents shall not be produced in response to the Requests. Any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such information or documents or of any work product immunity that may attach thereto.

4. Google objects generally to all Definitions, Instructions, and Requests inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

5. Google objects generally to all Definitions, Instructions, and Requests inclusive, to the extent they seek documents not currently in Google's possession, custody or control, or refer to persons, entities or events not known to Google, on the grounds that such Definitions, Instructions, or Requests seek to require more of Google than any obligation imposed by law,

would subject Google to unreasonable and undue annoyance, oppression, burden, and expense, and would seek to impose upon Google an obligation to investigate or discover information or materials from third parties or services who are equally or more readily accessible to Registrant.

6. Google objects generally to all Definitions, Instructions, and Requests inclusive, to the extent that they seek unilaterally to impose an obligation to provide information greater than that required by the Federal Rules of Civil Procedure, the Trademark Rules, or any order in this matter.

7. Google objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each such Request seeks electronically stored information that is not reasonably accessible to Google because of undue burden or costs (*e.g.*, documents stored on systems for archival or disaster recovery purposes, data residing in hardware buffer memories, deleted files that have not been fully overwritten, replica data resulting from automatic back-up functions, etc.).

8. Google objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each such Request seeks information protected from disclosure pursuant to Federal Rule of Evidence 501. Such information shall not be produced in response to the Requests and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

9. Google objects generally to all Definitions, Instructions, and Requests in which the terms "refer," "referring," "relate," "relating to," "concerning," "evidence," "reflect," "containing," "pertaining," "indicating," "showing," "constituting," "describing," "discussing," or "pertaining," or similar phrases appears. These terms are overly broad, vague, ambiguous, and unintelligible, require subjective judgment on the part of Google and its counsel, and would

require a conclusion or opinion of counsel in violation of the attorney work product doctrine. Without waiving this objection, and subject to all other applicable responses, objections, or privileges stated herein, in response to any Request that contains such terms, Google will produce such documents, to the extent they exist, that expressly refer or reflect on their face to information relevant to the specified subject.

10. Google objects generally to the purported definitions of "you," "your," "yours," or "person" as vague, ambiguous, overbroad, and unduly burdensome. In the context of these Requests, Google construes the terms "you" and "your(s)" to mean Google, Inc. and its officers, directors, and employees when such persons are expressly acting on Google's behalf with respect to the subject matter at issue.

11. Google objects generally to Definition Nos. 3 and 4, which define the terms "document" and "communication," to the extent the definitions attempt or purport to impose discovery obligations on Google beyond those authorized by the Federal Rules of Civil Procedure, the Trademark Rules, or any order in this matter.

12. Google objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to proving one or more of the parties' claims or defenses, as provided by Federal Rule of Civil Procedure 26(b)(1) and Federal Rules of Evidence 401 and 402. Google objects on the grounds that said demands are overly broad, and would subject Google to undue annoyance, oppression, burden, and expense. Such information shall not be produced in response to the Requests.

13. Google objects to Registrant's attempt to impose unilaterally a date, time, and place for producing and/or making available documents, if any, responsive to the Requests.

Google also objects to Registrant's instruction purporting to require Google to state whether information is being withheld pursuant to privilege. Google invites Registrant to confer about a mutually agreeable date for the exchange of privilege logs.

III. SPECIFIC OBJECTIONS & RESPONSES TO DOCUMENT REQUESTS.

Without waiving or limiting in any manner any of the foregoing General Responses or Objections, but rather incorporating them into each of the following responses to the extent applicable, Google responds to the specific requests of Registrant's First Set of Requests for Production of Documents as follows.

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS recording, referring to, or relating to the organization, incorporation, structure, operation and activities of PETITIONER insofar as they relate to any products sold and/or services offered by and/or intended to be sold, offered or promoted by PETITIONER under CHROME or any designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS recording, referring to, or relating to any licenses, assignments,

agreements, contracts, and/or arrangements between PETITIONER and any third party which relate in any manner to CHROME and/or any designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR expressed intended use of CHROME or any designation containing the term "Chrome," including any investigation of the term "Chrome" for its availability for adoption, use or registration, its licensing, use, intended use, exploitation, and/or intended exploitation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR use or intended use of CHROME or any designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS evidencing, recording, referring to, or relating to goods and/or services which are or are to be provided by or on behalf of YOU under CHROME or any designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further

objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR advertising, intended advertising, promotion, and/or intended promotion of any goods and/or services under CHROME or any designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 7:

DOCUMENTS sufficiently identifying the name and address of the PERSON(S) who created, came up with, or conceptualized CHROME.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the

discovery of admissible evidence. Google also objects to this Request because it seeks information that is in the possession, custody or control of Registrant. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS evidencing, recording, referring to, or relating to the selection, design, adoption, proposed use of, decision to use, and first use of CHROME and/or any designation containing the term "Chrome" including samples of any names, designations and/or other marks conceived, considered and/or rejected by or on behalf of PETITIONER.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS evidencing, recording, referring to, or relating to any searches, investigations, studies, analyses, or inquiries conducted by or on behalf of YOU regarding the availability and/or registrability of CHROME, or of the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS that refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution of any applications for registration, state, federal or foreign, of marks incorporating the term "Chrome" including, without limitation, Application Serial No. 85/445,797, including without limitation, prosecution history, opposition pleadings and registration certificate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR consideration or decision to select, adopt and/or use CHROME and/or any designation containing the term "Chrome" in each different logotype, label, design, hang tag, packaging, font of type or style in which CHROME and/or said designation is being used, or is intended to be used, by or on behalf of YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 12:

Produce a sample of each different logotype, label, design, hang tag, packaging, font of type or style in which CHROME and/or any designation including the term "Chrome" is being used, or is intended to be used, by or on behalf of YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks

information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google also objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 13:

Produce a sample of each and every different advertisement, intended advertisement, item of promotional material and/or intended item of promotional material printed and/or disseminated by or for YOU in which CHROME appears and/or any designation that includes the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google also objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 14:

A specimen of each product on which CHROME or any designation containing the term "Chrome" has been used or is intended to be use.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 15:

Copies of all television commercials, web commercials, press releases, publications (paid or unpaid), radio scripts, smart phone apps, and other media advertising, prepared by or for YOU whether or not released or aired, in which CHROME and/or the term "Chrome" appears.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS evidencing, reflecting, recording, referring to, or relating to YOUR advertising and/or promotional expenditures, or expected advertising and/or promotional expenditures, for any goods offered for sale, sold and/or distributed under CHROME or any designation containing the term "Chrome" including, without limitation, the advertising medium, the dates of any such advertisements or promotions, and the cost associated with each of such advertisements and/or promotions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

In addition to the General Objections, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS evidencing, reflecting, recording, referring to, or relating to the amount of sales, actual and/or projected, by month of goods or service sold by or for YOU under CHROME or any designation containing the term "Chrome" including, without limitation, the identification of the goods and/or services, the number of units of the goods and/or services rendered, separately for each of the goods or services, the dates of the sales, and the dollar value

of the sales.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS evidencing, recording, referring to, or relating to any COMMUNICATION, oral or written, received by YOU from any PERSON which suggest, implies, or infers any connection or association between REGISTRANT and YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS evidencing, recording, referring to, or relating to any COMMUNICATION, oral or written, received by YOU from any PERSON which inquires as to whether there is or may be such a connection or association between REGISTRANT and YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS evidencing, recording, referring to, or relating to any instance or occurrence of likelihood of confusion and/or actual confusion on the part of any PERSON between YOU, YOUR licensees' or sublicensees' use of CHROME and/or any designation containing the term "Chrome" and any of the REGISTRANT'S MARKS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the

work product doctrine, or otherwise. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's use of any of REGISTRANT'S MARKS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's use of a designation that includes the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected

from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's application(s) for registration of any of REGISTRANT'S MARKS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS evidencing, recording, referring to, or relating to YOUR knowledge and/or awareness of REGISTRANT's trademark registration(s) for any of REGISTRANT'S MARKS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible

evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS evidencing, recording, referring to, or relating to any inquiry, investigation, evaluation, analysis, or survey conducted by YOU or any person acting for or on behalf of YOU regarding any issues involved in the present opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google objects to this Request because it is vague and ambiguous, as this is a cancellation proceeding and not an opposition proceeding. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request as premature to the extent it seeks the disclosure of expert opinion before such disclosure is required.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Google will provide expert testimony, if any, according to the schedule established by the Board, to the extent such testimony is discoverable and relevant to the abandonment and non-use issues in this proceeding.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS evidencing, recording, referring to, or constituting any research, reports, surveys, or studies conducted by or on behalf of YOU of consumer or customer

perception of CHROME or the mark "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request as premature to the extent it seeks the disclosure of expert opinion before such disclosure is required. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS in YOUR possession, custody or control that refer or relate to REGISTRANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Google will

conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody, or control to the extent any such documents exist and are relevant to the abandonment and non-use issues in this proceeding.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS in YOUR possession, custody or control that refer or relate to any of REGISTRANT'S MARKS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Google will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody, or control to the extent any such documents exist and are relevant to the abandonment and non-use issues in this proceeding.

REQUEST FOR PRODUCTION NO. 29:

All press releases, articles and clippings relating to or commenting on goods or services marketed or sold under CHROME or the mark "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 30:

All DOCUMENTS sufficient to identify all goods and/or services in connection with which YOU have used, use and/or intend to use CHROME and/or any mark that includes the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further

objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 31:

All DOCUMENTS referring to, relating to, or including any statements and/or opinions of any consultant or expert obtained by YOU or any person acting for or on behalf of YOU regarding any of the issues in this opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google objects to this Request because it is vague and ambiguous, as this is a cancellation proceeding and not an opposition proceeding. Google also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request as premature to the extent it seeks the disclosure of expert opinion before such disclosure is required.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Google will provide expert testimony, if any, according to the schedule established by the Board, to the extent such testimony is discoverable and relevant to the abandonment and non-use issues in this proceeding.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS evidencing YOUR first use of CHROME.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant. Google further objects to this Request on the ground that Registrant's definition of CHROME is vague, ambiguous and unintelligible.

REQUEST FOR PRODUCTION NO. 33:

All DOCUMENTS evidencing YOUR first use of a designation containing the term "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Google further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. In addition, Google objects to this Request to the extent it seeks information that is publicly available and equally accessible to Registrant.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS, other than those produced to any of the foregoing requests, upon

which YOU intend to rely in connection with this opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Google objects to this Request because it is vague and ambiguous, as this is a cancellation proceeding and not an opposition proceeding.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Google will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody, or control to the extent any such documents exist and are relevant to the abandonment and non-use issues in this proceeding.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS identified in response to VIA Technologies, Inc.'s First Set of Interrogatories to Google, Inc.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Google responds that no documents have been identified in response to VIA Technologies, Inc.'s First Set of Interrogatories to Google, Inc.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS that contain the word "Chrome."

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

In addition to the General Objections above, Google objects to this Request because it is overbroad, unduly burdensome, and oppressive. Google further objects to this Request because it is vague and ambiguous. Google also objects to this Request because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. In addition, Google objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Dated: October 31, 2013

COOLEY LLP

/s/ Jeffrey T. Norberg

Janet Cullum
Jeffrey T. Norberg
Timothy Hance
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San Francisco, CA 94111-5800
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thance@cooley.com

Counsel for Petitioner Google, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS & RESPONSES TO REGISTRANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** was, pursuant to the parties' stipulation, served electronically upon Registrant's counsel of record via email to the following email addresses:

rgookin@raklaw.com; ilee@raklaw.com; jmercado@raklaw.com; azivkovic@raklaw.com

Date: October 31, 2013

/s/ Jeffrey T. Norberg

Jeffrey T. Norberg
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Email: jnorberg@cooley.com

Counsel for Petitioner Google, Inc.

EXHIBIT C

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June 11, 2014

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Katie Krajeck
Cooley LLP
Palo Alto—Hanover Campus
3175 Hanover Street
Palo Alto, California 94304-1130

Re: Google, Inc. v. VIA Technologies, Inc.
Cancellation No. 92056816

Dear Katie:

I write in response to your June 5, 2014 letter.

VIA'S INTERROGATORY RESPONSES

In response to Interrogatory No. 4, VIA served a full and complete response by identifying all of the products and services with which the CHROME MARKS have been or are currently being used. The fact that you may consider these products and services to be "basic" and that they are listed in the subject registrations does not render VIA's response deficient or incomplete. We are not aware of any legal authority requiring a party in cancellation proceedings to avoid using the names of the relevant goods and services in an interrogatory response simply because they also appear in the subject registrations, and you have not provided us with any. Although you cite to Federal Rule of Civil Procedure 33(b)(3), nowhere does that rule provision state that a party is precluded in any way from using the names of relevant goods and services in responding to an interrogatory. Rather, Rule 33(b)(3) provides that interrogatories should be answered separately and fully, to the extent not objected to, which VIA has done.

In response to Interrogatories Nos. 10 and 11, VIA identified the names of various computer devices on which the CHROME MARKS are currently being used and/or have been used in the last four years in the United States: ARTIGO series, AMOS series, ZOTAC and Fujitsu. We are puzzled by your assertion that VIA's response is deficient because Fujitsu is "a third party provider of IT services and products (and not a computer product)," as Fujitsu has long been a world leader in the field of computer devices. I therefore attach a screenshot from Fujitsu's website reflecting "Computing Products," and, specifically, "PCs and Notebooks" among its product offerings to clear up any confusion in this regard.

Although VIA believes its responses to Interrogatories Nos. 4, 10, and 11 to be adequate, in the interests of avoiding unnecessary motion practice, VIA is further supplementing to add additional computer devices to VIA's responses to Interrogatories Nos. 10 and 11. VIA is also supplementing to add Bates numbers for documents that contain information responsive to Interrogatories Nos. 4, 10, and 11 pursuant to Federal Rule of Civil Procedure 33(d). Accordingly, please find enclosed VIA's third amended responses to Interrogatories Nos. 4, 10, and 11 with this information.

VIA'S DOCUMENT PRODUCTION

Contrary to Google's assertions, VIA has produced more than two strings of internal communications in VIA's production and the produced communications are relevant to the goods and services with which the CHROME MARKS are used.

However, since our production of May 30, 2014, we have received additional documents from VIA. The bulk of these additional documents were previously in the custody of VIA's former Senior Paralegal, Donna Lee. Unfortunately, Ms. Lee passed away unexpectedly a few years ago, and thus her files were not reviewed, and were not brought to our attention until June 6, 2014. We are producing the additional documents today that we have gathered with the Bates Nos. VIA02095-2409, 2496-2532 and VIA02542-2576. Please note that documents with the Bates Nos. VIA02095-2409 are marked CONFIDENTIAL/ATTORNEYS' EYES ONLY and should be treated as such.

We have also noticed an irregularity with the Bates numbering in our May 30, 2014 production that we are correcting in today's production. Specifically, on May 30, 2014, we produced a DVD containing, *inter alia*, documents with the Bates numbers VIA01099-VIA01911. Also, on May 30, 2014, we produced some documents by email, including a second set of documents with the Bates numbers VIA01903-VIA01911 that was sent in an email at 6:16 PM. Because we inadvertently used the Bates numbers VIA01903-VIA01911 twice, we would ask that you delete all copies in your possession of the documents bearing Bates numbers VIA01903-VIA01911 that we sent by email at 6:16 PM on May 30, 2014. These same documents are being reproduced in today's supplemental production with the following new Bates numbers: VIA02533-02541. These documents are marked CONFIDENTIAL/ATTORNEYS' EYES ONLY and should be treated as such.

Lastly, VIA's May 30, 2014 DVD production included a subfolder containing documents (some of which are duplicates of one another) without any Bates numbering. These same documents are being reproduced today (sans duplicates) with the following Bates numbers: VIA02410-2495 and VIA02577-03018.

PRIVILEGE LOG

Enclosed please find VIA's supplemental privilege log.

With respect to the log served on May 30, 2014, please be advised that Donna Lee was a Senior Paralegal at VIA and Claire Lin is In-House Counsel for VIA.

DEPOSITION

Please advise when you plan to conduct the deposition of VIA's 30(b)(6) witness. As we previously indicated, Mr. Ken Weng will testify on behalf of VIA and in his individual capacity for up to seven hours.

Further, please advise by Friday, June 13, 2014 whether you plan to depose Young Kwon, Miller Chen, and Jonathan Chang.

GOOGLE'S DOCUMENT PRODUCTION

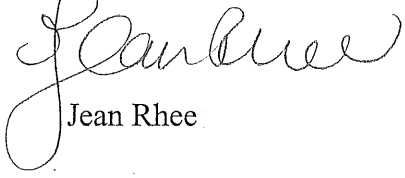
Finally, your colleagues have previously indicated that Google has no documents to produce in this proceeding. Particularly, contrary to Google's repeated assertions, Google does not have any documents to support its positions that VIA consented to Google's use of the CHROME mark or VIA has abandoned the CHROME mark. Please confirm in writing by Friday, June 13, 2014 that (i) Google has no such documents to support its position; and (ii) it has no documents to produce in this proceeding.

* * *

In sum, as we have previously indicated to Google on a number of occasions, VIA has consistently worked in good faith to fully comply with its discovery obligations, including by supplementing its productions and interrogatory responses. Accordingly, we do not believe that there are grounds for a motion to compel. If, however, Google continues to believe that a motion to compel is warranted, we are generally available this week to meet and confer regarding the issues Google intends to raise in such a motion.

Sincerely,

Russ, August & Kabat



Jean Rhee

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EXHIBIT D

Katie Krajeck
T: +1 650 849 7048
kkrajeck@cooley.com

BY EMAIL

June 13, 2014

Jean Rhee, Esq.
Russ, August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
jrhee@raklaw.com

RE: *Google Inc. v. VIA Technologies, Inc.* - Discovery Deficiencies

Dear Jean:

I write in response to your letter dated June 11, 2014. VIA's belated production of additional documents and Third Amended Interrogatory Responses fails to cure the deficiencies addressed in my prior letters dated February 11, 2014, March 25, 2014, April 11, 2014, and June 5, 2014.

Interrogatory Responses

VIA's amended interrogatory responses are still evasive.

Google requested that VIA provide a detailed description all goods and services, including computers, with which the CHROME mark has been or is currently being used. (*See* Interrogatories No. 4, 10 and 11.) VIA's recitation of the generic goods and services set forth in its trademark registrations and reference to various series of products and third-party computer providers fail to fully answer Google's interrogatories and fall far short of the comprehensive list, including model numbers, promised by VIA in Mr. Gookin's March 26, 2014 letter.

In addition, while VIA claims that "the burden and expense of summarizing the contents" of the documents identified by VIA in response to Interrogatories Nos. 4, 10 and 11 is "substantially the same for VIA as for Google," this is not the case. Google has requested a discrete list of all goods and services on which the CHROME mark has been used. The documents cited in VIA's response consist of photographs, invoices, screenshots, product manuals and various other documents. The burden to Google to identify the relevant goods or service in each such document is manifestly greater than the burden to VIA to simply list the goods and services on which its own CHROME trademark has been used.

Moreover, even if Google were able to discern the goods and services at issue from the documents identified by VIA, VIA makes clear that this is not a complete list, but rather is "without limitation" to other unidentified products.

Finally, VIA purports to satisfy its obligation under Federal Rule of Civil Procedure 33(d) by reference to numerous third-party website screenshots and product manuals. However, it is well settled that third-party records "do not qualify as 'business records of the party upon whom the interrogatory has been served.'" *E. & J. Gallo Winery v. Rallo*, No. 1:04cv5153 OWW DLB, 2006 U.S. Dist. LEXIS 84048, at *7-*8 (E.D. Cal. Nov. 8, 2006) (ordering that "clear and straightforward answers" be provided to interrogatories seeking "information . . . regarding . . . products which bear [certain] Trademark[s]").

Document Production

We have reviewed the additional documents included in VIA's most recent production. Despite the production of a handful of responsive communications, it remains evident that VIA has not undertaken a reasonable search of its hardcopy and electronic files and, in particular, its email files. For example, VIA's document production to date contains almost no relevant communications authored or received by Mr. Ken Weng, the sole witness identified in VIA's initial disclosures.

Moreover, Google notes that VIA's most recent document production contains responsive documents authored by, among other individuals, Ms. Amy Wu, an Assistant Director of Product Marketing, who appears to be involved in the marketing of goods and services under the CHROME mark since at least 2011. VIA's failure to identify Ms. Wu in its initial disclosures and interrogatory responses gives Google great concern that there are other witnesses with relevant information that Google will not be able to identify until VIA fully complies with its discovery obligations.

VIA has also failed to identify the document custodians whose files were searched, the nature of the files searched, the search terms run across VIA's electronically stored data, or the number of documents retrieved in connection with its searches.

Depositions of VIA's Witnesses

In the absence of the relevant universe of responsive documents and communications, as well as complete information regarding the goods and services in connection with which VIA has used its CHROME mark, Google is not in a position to proceed with the deposition of any VIA witnesses, or to determine which witness(es) it will depose.

Google's Document Production

Despite your assertion otherwise, VIA did not request and Google has not agreed to produce "documents to support its position that VIA consented to Google's use of the CHROME mark or [that] VIA has abandoned the CHROME mark." As set forth in its responses to VIA's document requests, Google will produce all documents it intends to rely upon in its case, as well as any documents that are relevant to the abandonment and non-use issues in this proceeding.

Google has repeatedly consented to extending deadlines in an effort to reach resolution of these discovery matters. However, each effort to compromise has been met with further delay, evasiveness and obfuscation. In light of the discovery deficiencies identified above and the upcoming deadline for the close of discovery, Google is left with no choice but to move to compel.

Sincerely,

Katie M. Krajeck

cc: Janet L. Cullum, Brendan J. Hughes – *Counsel for Google Inc.*
Irene Lee, Robert Gookin – *Counsel for VIA Technologies, Inc.*

EXHIBIT E

RUSS AUGUST & KABAT
LAWYERS

12TH FLOOR
12424 WILSHIRE BOULEVARD
LOS ANGELES CALIFORNIA 90025
TELEPHONE 310.826.7474
FACSIMILE 310.826.6991
WWW.RAKLAW.COM

June 17, 2014

VIA ELECTRONIC MAIL

Katie Krajeck
Cooley LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306
kkrajeck@cooley.com

Re: Google Inc. v. VIA Technologies, Inc.
Cancellation No. 92056816

Dear Katie:

This letter responds to your correspondence of June 13, 2014. As set forth below, Google's attempts to raise new issues that were never previously brought to VIA's attention on the eve of the discovery cutoff and distort the facts to create a false record to support its threatened motion to compel are not well taken. Indeed, Google's blustering response to VIA's repeated, good faith attempts to address Google's concerns regarding discovery is particularly inappropriate (and ironic) given ***Google's own abject failure to provide VIA with even one substantive discovery response or a single page of documents throughout the entire course of these proceedings***, notwithstanding its prior promises to do so. To date, VIA has supplemented its interrogatory responses three times and produced over 3000 pages of documents, whereas Google has supplemented its interrogatory responses zero times and produced zero pages of documents.

VIA's Interrogatory Responses

Google's interrogatories are utterly silent with respect to the information that you now claim Google was seeking; although, as is customary practice, Google could have specified the various details it was looking to receive from VIA, neither the interrogatories at issue nor the accompanying instructions and definitions ask VIA to provide more than the comprehensive lists that it has already provided of the various goods and services on which the CHROME mark has been or is currently being used. In the spirit of cooperation and avoiding unnecessary motion practice, my colleague, Mr. Gookin, nevertheless agreed by letter on March 26, 2014 to provide you with model numbers for computing devices responsive to Interrogatories Nos. 10 and 11 once such information was compiled. Because I did not join this matter until April of this year, I was unaware that Mr. Gookin had made this agreement with you until you

mentioned it in your letter of June 13, 2014. Thus, now that I have been made aware, I have compiled this information from the documents that we identified to you by Bates number in our Third Amended Interrogatory Responses for you. I reiterate, however, that the burden for Google to perform this reading comprehension exercise would have been substantially the same as for VIA given that VIA does not maintain comprehensive lists of all of the goods and services on which its CHROME marks are or were used in the ordinary course of its business.

I further note that you have falsely stated that, "VIA makes clear that this is not a complete list, but rather is 'without limitation' to other identified products." In fact, VIA's responses to Interrogatories Nos. 4, 10, and 11 provided complete, unqualified lists of the goods, services, and computers on which the CHROME marks are or were used. The only place in which VIA used the "without limitation" language was in reference to the documents that VIA identified as additional support for its substantive written responses.

Similarly, your statement that "VIA purports to satisfy its obligation under Federal Rule of Civil Procedure 33(d) by reference to numerous third-party website screenshots and product manuals" is false and your reliance on *E&J Gallo Winery & Rallo*, No. 1:04-cv-5153-OWW-DLB, 2006 U.S. Dist. LEXIS 84048 (E.D. Cal. Nov. 8, 2006) misplaced for two reasons. First, many of the documents cited by VIA in its response are clearly, on their face, VIA documents. Second, unlike in *E&J* where the responding party simply cited to a voluminous set of documents in lieu of providing any substantive written responses to the interrogatories at issue, here, as noted above, VIA had already provided substantive written responses to Interrogatories Nos. 4, 10, and 11, and was providing citations to specific documents as additional support for those written responses.

VIA's Document Production

In your letter, you again speculate without basis that VIA's production is incomplete because it does not contain many email communications authored or received by Dr. Ken Weng. But VIA has already produced all non-privileged, relevant email communications authored or received by Dr. Weng, Amy Wu, Donna Lee, Jonathan Chang, Young Kwon, and Jack Tsai in its custody or control that could be located upon a reasonably diligent search performed utilizing "CHROME," "Google," "laptop," "computer," "Artigo," and "Fujitsu," as key words, and the mere fact that Google's counsel insists that there should be more emails does not actually mean that any such emails exist.

Your letter also raises for the very first time that VIA's initial disclosures served on July 13, 2013 when VIA's factual investigation had only just begun are somehow deficient because VIA failed to disclose Amy Wu therein. It is unclear to us why Google waited until ten business days before the close of discovery to raise this issue despite that it has had documents authored by Ms. Wu since at least mid-March (*i.e.*, for three months). *See, e.g.*, VIA00968-969. We also note that, "there is no need, as a matter of course, [for VIA] to submit a supplemental disclosure to include information ***already revealed*** by a witness in a deposition or ***otherwise through formal discovery***, including the identity of the witness." *Galaxy Metal Gear, Inc. v. Direct Access Tech., Inc.*, 2009 TTAB LEXIS 529, at *9 (TTAB 2009); *see also* Fed. R. Civ. P. 26(e) Adv. Comm. Notes (same). Nonetheless, as a further sign of our efforts to resolve, or at least narrow, the parties' discovery disputes and thereby avoid unnecessarily burdening the Board, we now enclose a supplement to VIA's initial disclosures.

Previously-noticed Depositions of VIA Witnesses

Google's statement that it "is not in a position to proceed with the deposition of ***any*** VIA witnesses, ***or to determine which witness(es) it will depose***" because of the claimed "absence of the relevant universe of responsive documents and communications, as well as complete information regarding the goods and services in connection with which VIA has used its CHROME mark" is disingenuous. In March 2014, Google served deposition notices for at least some witnesses that it had already clearly determined that it wanted to depose based on the information available to it as of that time, including, Dr. Weng and VIA's 30(b)(6) witness. VIA has for weeks been holding June 19 and 20 open for Dr. Weng's deposition in his personal capacity and as VIA's 30(b)(6) because Google represented that either of those dates would work for Google. Although VIA has since attempted to confirm the exact date for Dr. Weng's deposition (and deposition dates for other witnesses) with Google on several occasions, Google has failed to extend VIA and Dr. Weng the basic professional courtesy of doing so. Now, with less than a week to go, Google claims that it is not in a position to proceed with any depositions at all, in part, because it does not know which witnesses to depose, even though such an excuse obviously has no bearing as to a 30(b)(6) witness that the company, and not the deposing party, is entitled to identify, and also rings hollow to the extent that Dr. Weng is a witness that Google already noticed. Additionally, as noted above, Google's other stated reason for refusing to proceed with any depositions because it believes that it does not have the relevant universe of responsive documents, communications, and information is purely speculative.

Accordingly, please confirm by no later than **5 p.m. on Friday, June 20, 2014** whether you intend to proceed with Dr. Weng's deposition and the dates that you are proposing for proceeding, or whether you will be withdrawing your deposition notices for Dr. Weng and VIA's 30(b)(6).

Google's Failure to Produce Any Documents In These Proceedings

Your statement that, "[d]espite [my] assertion otherwise, VIA did not request and Google has not agreed to produce 'documents to support its position that VIA consented to Google's use of the CHROME mark or [that] VIA has abandoned the CHROME mark" grossly misstates my letter of June 11, 2014 and the facts. As to whether VIA requested such documents, it is indisputable that VIA served Google with document requests on September 23, 2013. Among VIA's document requests were the following, any of which would cover documents that Google intends to rely on to support its positions that VIA consented to Google's use of the CHROME mark and abandoned the CHROME mark:

> **REQUEST FOR PRODUCTION NO. 27:**
> All DOCUMENTS in YOUR possession, custody or control that refer or relate to REGISTRANT.
>
> **REQUEST FOR PRODUCTION NO. 28:**
> All DOCUMENTS in YOUR possession, custody or control that refer or relate to any of REGISTRANT'S MARKS.
>
> **REQUEST FOR PRODUCTION NO. 34:**
> All DOCUMENTS, other than those produced to any of the foregoing requests, upon which YOU intend to rely in connection with this opposition proceeding.

As to whether Google ever agreed to produce such documents, it is likewise indisputable that on October 31, 2013, Google responded to each of these requests by stating that, subject to certain objections "and upon the entry of and subject to an appropriate protective order, Google will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody, or control to the extent any such documents exist and are relevant to the abandonment and non-use issues in this proceeding." ***More than 7 months have since elapsed, and Google still has not produced any documents to VIA.***

When my colleague, Irene Lee, conferred with Janet Cullum by telephone on June 9, 2014, Ms. Lee asked whether Google intended to produce any documents in

these proceedings, including, specifically, documents to support its positions that VIA consented to Google's use of the CHROME mark and abandoned the CHROME mark. At that time, Ms. Cullum indicated orally that Google would **not** be producing any documents, which prompted my request of June 11, 2014 that Google confirm this in writing. Your response to my request, however, was the epitome of evasiveness and obfuscation; you denied that Google had ever agreed to produce documents to support its positions before turning around and admitting in the very next sentence that Google had "set forth in its responses to VIA's document requests" that it "will produce all documents it intends to rely on in its case, as well as any documents that are relevant to the abandonment and non-use issues in this proceeding" and indicating that Google still intended to honor this promise made more than seven months prior at some as-yet unspecified time. In view of the fact that discovery closes on June 26, 2014 and that Google has had since at least last October to search for and produce the documents in question, VIA asks that Google complete its long overdue productions in response to Requests for Production Nos. 27, 28, and 34 by no later than **5 p.m. on Friday, June 20, 2014**.

VIA further asks that Google produce by **5 p.m. on Friday, June 20, 2014**, documents responsive to Requests for Production Nos. 21 through 24 insofar as they seek documents relating to Google's awareness of VIA's trademark applications and registrations and use of the CHROME marks or designations including the term CHROME. Although Google raised a number of boilerplate objections to these requests, VIA is clearly entitled to documents in Google's custody or control that relate to VIA's ownership and use of the subject marks.

Moreover, to the extent that Google is asserting privilege as grounds for withholding documents responsive to any of the aforementioned requests, VIA is entitled to a privilege log with information sufficient to enable VIA to assess the validity of such assertions. Fed. R. Civ. P. 26(b)(5).

If Google is unwilling or unable to comply with VIA's requests that it fulfill its document production obligations by the close of business on June 20, 2014, please provide your availability on or before Monday, June 23, 2014 to meet and confer regarding the same so that VIA can determine whether it is necessary to seek the Board's intervention in resolving Google's total failure to participate in document discovery in good faith.

Google's Failure to Produce Any Responses to VIA's Interrogatories

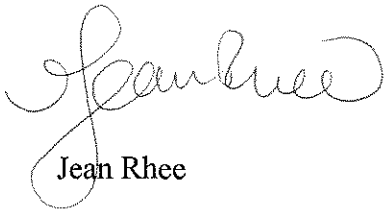
VIA served interrogatories on Google on September 23, 2013. On October 31, 2013 – after having sought and received an extension of time to respond – Google

objected to VIA's interrogatories as exceeding the 75 permitted by the Board and refused to furnish any substantive responses. On November 6, 2013, my colleague, Robert Gookin, had a meet-and-confer with Jeffrey Norberg, during which Mr. Norberg agreed that Google would provide substantive responses to the relevant interrogatories. ***It has now been more than six months, however, and Google has yet to serve any substantive responses whatsoever to VIA's interrogatories***. Such delay is plainly inexcusable. Please provide Google's responses by **5 p.m. on Friday, June 20, 2014**.

At a bare minimum, Google should respond to Interrogatories 30 through 39, which relate to the factual bases for the allegations in its cancellation petition. Again, if Google is unwilling or unable to comply with VIA's requests that it fulfill its written discovery obligations by the close of business on June 20, 2014, please provide your availability on or before Monday, June 23, 2014 to meet and confer regarding the same so that VIA can determine whether it is necessary to seek the Board's intervention with regard to Google's total failure to participate in written discovery in good faith.

Sincerely,

Russ, August & Kabat



Jean Rhee

EXHIBIT F

Cooley LLP

Katie Krajeck
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kkrajeck@cooley.com

BY EMAIL AND FEDERAL EXPRESS

June 20, 2014

Jean Rhee, Esq.
Russ, August & Kabat
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Los Angeles, California 90025
jrhee@raklaw.com

RE: *Google Inc. v. VIA Technologies, Inc.*

Dear Jean:

I write to address certain matters raised in your letter dated June 17, 2014, as well as recent email communications between you and Irene Lee and my colleague Brendan Hughes.

VIA's Refusal to Extend the Discovery Period to Allow for Review of Newly Produced Materials

VIA's refusal to extend the discovery period to allow Google to review the materials produced by VIA since May 30, 2014 is unwarranted and disingenuous. Since VIA's initial deficient production of documents and interrogatory responses in August 2013, Google has consented to four separate extensions of the discovery period totaling 180 days in order to allow VIA the opportunity to fully comply with its discovery obligations. Google did so in light of the admitted difficulties Ms. Lee and Mr. Gookin encountered in convincing your client VIA to respond to Google's discovery requests, and to ensure that VIA produced all relevant materials well in advance of any fact witness depositions.

VIA promised to cure its discovery deficiencies no later than May 30, 2014. Google consented to the most recent extension of the discovery period based on this representation, and filed the consent motion on the grounds that "Registrant VIA Technologies, Inc. has agreed to complete its document production and satisfy its written discovery obligations no later than May 30, 2014." VIA failed to do so.

Instead, VIA produced nearly 1,000 pages of additional documents on June 11, 2014. VIA also amended its interrogatory responses twice. In its most recent amended responses dated June 17, 2014, VIA cites hundreds of pages of documents that it asserts that Google must review and summarize to determine the full list of goods and services on which VIA has used the CHROME mark.

VIA also amended its initial disclosures to include new witnesses, including Ms. Amy Wu, a Senior Product Marketing Manger. One of the few internal emails that VIA produced on June 11, 2014 makes clear that Ms. Wu plays a key role in naming VIA's products, and in particular, in the decision to use the CHROME mark in connection with VIA's products. Nothing in VIA's prior document productions hints at the nature of Ms. Wu's role (including VIA00969, which is a

letter to Fujitsu regarding product stickers), and Google had no notice of this witness's relevance until just days before the close of the discovery period.

On June 19, 2014, my colleague Brendan Hughes requested that VIA consent to a 60-day extension of the discovery period to allow Google to review these newly produced materials thoroughly and to assess the relevance of the newly identified witnesses. VIA refused.

VIA's refusal to consent to extend the discovery period, in light of the many months of delay prior its purported production of "all non-privileged relevant email communications" on June 17, 2014 (less than 10 days prior to the close of the discovery period on June 26, 2014), is emblematic of bad faith discovery gamesmanship.

Depositions of VIA's Witnesses

Given VIA's belated production of documents and additional written discovery, Google is not currently in a position to depose Mr. Ken Weng individually or as VIA's 30(b)(6) witness.

Google fully intends to depose all relevant witnesses including Mr. Weng (who we understand will be VIA's designated 30(b)(6) witness on all topics) as well as all other pertinent witnesses at the appropriate juncture, after Google has carefully reviewed VIA's newly produced documents and discovery responses. Furthermore, as set forth in the email sent to you by Mr. Hughes on June 19, 2014, Google is very concerned that despite VIA's representation otherwise, VIA has not undertaken a reasonable search of its electronic files and communications. Google will be severely prejudiced if it is the case that VIA has not complied with its discovery obligations and did not perform an adequate search

Accordingly, in response to your question, Google does not withdraw its previously served deposition notices. Google remains willing to work with VIA to find mutually agreeable times to conduct depositions of VIA's witnesses at a later point, once Google is assured that all relevant documents have been produced and all relevant witnesses have been identified.

Google's Response to VIA's Interrogatories

VIA's interrogatories substantially exceed the number permitted by the Board. Google's General Objection, dated October 31, 2013, is in full compliance with TBMP § 405.03(e), which provides that "[i]f a party upon which interrogatories have been served believes that the number of interrogatories served exceeds the limitation specified in this paragraph, . . . the party shall, within the time for (and instead of) serving answers and specific objections to the interrogatories, serve a general objection on the ground of their excessive number." TBMP § 405.03(e). Thus, Google stands on its General Objection to VIA's interrogatories. Furthermore, despite your suggestion otherwise, Google never subsequently agreed to provide responses to VIA's interrogatories in their existing, non-compliant form.

In the nearly eight months since Google served its General Objection, VIA has not served amended interrogatory requests which comply with the rules, nor moved to compel pursuant to TBMP § 405.03(3). *See, e.g.*, TBMP §§ 405.03(d)-(e). In fact, VIA did not address this matter

Cooley LLP

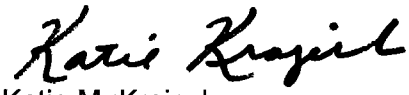
in writing until your letter dated June 17, 2014. Accordingly, VIA's recent demand that Google respond to each of VIA's interrogatories in three days is not permitted under the applicable rules or otherwise warranted or reasonable – particularly where VIA failed to amend its own First Amended Interrogatory Responses for more than eight months despite repeated requests from Google.

In light of the procedures set forth in TBMP § 405.03(e), please let us know if VIA still wishes to meet and confer about this matter and provide dates and times in the next week that you are available.

Google's Document Production and Privilege Log

Enclosed herewith please find a CD of documents bearing Bates stamps GOOG-00000001-806, along with a log of documents withheld by Google on the basis of applicable privileges.

Sincerely,



Katie M. Krajeck

cc: Janet L. Cullum, Brendan J. Hughes – *Counsel for Google Inc.*
Irene Lee, Robert Gookin – *Counsel for VIA Technologies, Inc.*

Encl.

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

#	Bates Number	Date	Email From/ Author/ Custodian	Recipient(s)	Privilege Description	Privilege Assertion	Redacted
1		7/15/2010	Christine Hsieh* <chsieh@google.com>	Janet Cullum* <jcullum@cooley.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
2		7/15/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
3		7/20/2010	Christine Hsieh* <chsieh@google.com>	Janet Cullum* <jcullum@cooley.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
4		7/20/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
5		7/25/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
6		9/28/2010	Christine Hsieh* <chsieh@google.com>	Johanna Sistek* <johannas@google.com>; Michael Young* <mikeyoung@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
7		10/5/2010	Christine Hsieh* <chsieh@google.com>	Minsi Su* <minsis@google.com>; tm-search <tm-search@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
8		10/5/2010	Minsi Su* <minsis@google.com>	Christine Hsieh* <chsieh@google.com>; tm-search <tm-search@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
9		7/18/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
10		10/15/2010	Christine Hsieh* <chsieh@google.com>	Jackie Lawrence* <jlawrence@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
11		10/15/2010	Jackie Lawrence* <jlawrence@google.com>	Christine Hsieh* <chsieh@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
12		10/22/2010	Jackie Lawrence* <jlawrence@google.com>	Christine Hsieh* <chsieh@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
13		10/26/2010	Terri Chen* <terrichen@google.com>	Christine Hsieh* <chsieh@google.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
14		10/26/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
15		9/28/2010	Johanna Sistek* <johannas@google.com>	Christine Hsieh* <chsieh@google.com>; Michael Young* <mikeyoung@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
16		9/28/2010	Charlston, Gavin <gcharlston@cooley.com>	Christine Hsieh* <chsieh@google.com>; tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
17		10/26/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
18		8/30/2007	Terri Chen* <terrichen@google.com>	Eric Antonow <antonow@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	

*Attorney

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

19		9/1/2007	Terri Chen* <terrichen@google.com>	Eric Antonow <antonow@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark rights.	Attorney Client Communication	
20		9/1/2007	Eric Antonow <antonow@google.com>	Terri Chen* <terrichen@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	
21		9/6/2007	Terri Chen* <terrichen@google.com>	Rose Hagan* <hagan@google.com>; Tu Tsao* <tu@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	
22		11/3/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Document collected by and reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
23		11/2/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
24		3/23/2012	Rashida Abdullah* <rashida.abdullah@onelegal.sg>	Emily Burns* <emilyburns@google.com>; Mike Young* <mikeyoung@google.com>; Regina Quek* <regina.quek@onelegal.sg>; Anne Loh*	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
25		12/10/2010	Trevor Callaghan <trevorc@google.com>	Emily Burns* <emilyburns@google.com>; Noah Richmond* <nrichmond@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
26		12/9/2010	Emily Burns* <emilyburns@google.com>	Noah Richmond* <nrichmond@google.com>; Trevor Callaghan* <trevorc@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
27		12/10/2010	Emily Burns* <emilyburns@google.com>	Trevor Callaghan* <trevorc@google.com>; Noah Richmond* <nrichmond@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
28		12/9/2010	Trevor Callaghan <trevorc@google.com>	Emily Burns* <emilyburns@google.com>; Noah Richmond* <nrichmond@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
29	GOOG-00000026 - GOOG-00000027	10/25/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
30	GOOG-00000028 - GOOG-00000043	10/29/2012	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
31		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
32		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
33	GOOG-00000046 - GOOG-00000071	7/17/2012	Emily Burns* <emilyburns@google.com>	Jim Kolotouros <jimk@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
34	GOOG-00000072 - GOOG-00000097	7/17/2012	Emily Burns* <emilyburns@google.com>	Jim Kolotouros <jimk@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
35	GOOG-00000098 - GOOG-00000123	7/17/2012	Jim Kolotouros <jimk@google.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
36		7/16/2012	Emily Burns* <emilyburns@google.com>	Geoffrey Zha* <geoffrey.zha@lexfieldlaw.com>; Jan Liu* <jan.liu@lexfieldlaw.com>; Mike Young* <mikeyoung@google.com>;	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
37		8/6/2012	Karen Robertson* <krobertson@google.com>	Christine Hsieh* <chsieh@google.com>; Karen Robertson* <krobertson@google.com>; tm-search@google.com	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

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Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
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38		8/6/2012	Susan Mobley* <mobleysg@cooley.com>	tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email reflecting legal advice of Google Trademark Counsel* re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
39		8/7/2012	Emily Burns* <emilyburns@google.com>	Ben Fohner <bfohner@google.com>; tm-search <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
40		4/6/2011	Emily Burns* <emilyburns@google.com>	Gavin Mcginty* <mcginty@google.com>; Noah Richmond* <nrichmond@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
41		10/22/2012	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Sheri Corallo* <scorallo@cooley.com>; tm-search <tm-search@google.com>; z/googletm	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
42	GOOG-00000124 - GOOG-00000125	10/25/2012	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
43		10/25/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Sheri Corallo* <scorallo@cooley.com>; tm-search <tm-search@google.com>; z/googletm	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
44	GOOG-00000126 - GOOG-00000151	10/29/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
45		11/2/2012	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Aaron Fennimore* <afennimore@cooley.com>	Draft letter reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
46		11/30/2012	Pam Rolph* <pamrolph@google.com>	Anne Peck* <peckah@cooley.com>; Sheri Corallo* <scorallo@cooley.com>; Emily Burns* <emilyburns@google.com>; tm-search <tm-	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
47	GOOG-00000170 - GOOG-00000172	12/4/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
48		11/30/2012	Anne Peck* <peckah@cooley.com>	Pam Rolph* <pamrolph@google.com>; Sheri Corallo* <scorallo@cooley.com>; Emily Burns* <emilyburns@google.com>; tm-search <tm-	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
49	GOOG-00000173 - GOOG-00000175	12/4/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
50		12/5/2012	Emily Burns* <emilyburns@google.com>	Pam Rolph* <pamrolph@google.com>	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
51		12/6/2012	Jesimy Yu*<jesimy@winklerpartners.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Document collected at the direction of and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
52		12/8/2012	Katie Krajeck* <kkrajeck@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
53		12/14/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
54		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
55		12/17/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
56		12/18/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Julie Harting <jharting@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

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57		12/18/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Julie Harting <jharting@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
58		12/14/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Document collected by and reflecting legal advice of counsel re trademark use prepared in connection with litigation.	Attorney Client Communication; Attorney Work Product	
59		12/14/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email containing legal advice of counsel re trademark application prepared in connection with litigation.	Attorney Client Communication; Attorney Work Product	
60		12/21/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
61		12/21/2012	Emily Burns* <emilyburns@google.com>	Jesimy Yu* <jesimy@winklerpartners.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
62		12/21/2012	Jesimy Yu* <jesimy@winklerpartners.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
63		12/21/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email collected by and reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
64		12/21/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
65		1/24/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
66		1/23/2013	Emily Burns* <emilyburns@google.com>	Jesimy Yu* <jesimy@winklerpartners.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
67		1/28/2013	Emily Burns* <emilyburns@google.com>	Noah Richmond* <nrichmond@google.com>; Kent Walker* <kwalker@google.com>; Linus Upson <linus@google.com>; Sundar Pichai	Email seeking, containing and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
68		1/28/2013	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
69	GOOG-00000178 - GOOG-00000181	2/6/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
70	GOOG-00000182 - GOOG-00000186	2/6/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
71	GOOG-00000194 - GOOG-00000198	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
72	GOOG-00000199 - GOOG-00000204	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
73	GOOG-00000205 - GOOG-00000209	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
74	GOOG-00000210 - GOOG-00000216	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
75	GOOG-00000217 - GOOG-00000222	2/7/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes

*Attorney

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Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

76	GOOG-00000223 - GOOG-00000229	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
77	GOOG-00000230 - GOOG-00000235	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Tarsha Howard <thoward@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
78	GOOG-00000236 - GOOG-00000239	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
79	GOOG-00000240 - GOOG-00000247	2/8/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
80	GOOG-00000248 - GOOG-00000254	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
81	GOOG-00000255 - GOOG-00000260	2/7/2013	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
82	GOOG-00000261 - GOOG-00000267	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
83	GOOG-00000274 - GOOG-00000279	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
84	GOOG-00000280 - GOOG-00000286	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
85	GOOG-00000287 - GOOG-00000293	2/14/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
86	GOOG-00000294 - GOOG-00000301	2/14/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
87	GOOG-00000302 - GOOG-00000308	2/14/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
88		2/19/2013	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Peggy Bimrose* <pbimrose@cooley.com>; Janet Cullum* <jcullum@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
89		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Document collected by and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
90		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
91		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
92		10/7/2011	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
93		10/7/2011	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark application prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
94		10/7/2011	Emily Burns* <emilyburns@google.com>	Susan Mobley* <mobleysg@cooley.com>; tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

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Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

95		10/8/2011	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
96		10/7/2011	Susan Mobley* <mobleysg@cooley.com>	tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email reflecting legal advice of Google Trademark Counsel* re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
97		10/8/2011	John Fu <fu@google.com>	Emily Burns* <emilyburns@google.com>; tm-search <tm-search@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
98		10/8/2011	Emily Burns* <emilyburns@google.com>	John Fu <jefu@google.com>; tm-search <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
99		11/2/2011	Jesimy Yu*<jesimy@winklerpartners.com>	Michael Young* <mikeyoung@google.com>; Emily Burns* <emilyburns@google.com>; Peter Dembach* <pdembach@winklerpartners.com>; tmdocketing <tmdocketing@google.com>	Email collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
100		11/2/2011	Emily Burns* <emilyburns@google.com>	Michael Young* <mikeyoung@google.com>	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
101		12/8/2011	Emily Burns* <emilyburns@google.com>	network@assetsearch.com	Email containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
102		12/8/2011	Cliff Petrovsky <network@assetsearch.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
103		1/9/2012	Cliff Petrovsky <invnetwork@cableone.net>	Emily Burns* <emilyburns@google.com>	Email seeking legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
104		2/1/2012	Cliff Petrovsky <invnetwork@cableone.net>	Emily Burns* <emilyburns@google.com>	Email seeking legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
105		2/17/2012	Emily Burns* <emilyburns@google.com>	network@assetsearch.com	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
106		8/25/2012	Emily Burns* <emilyburns@google.com>		Draft memorandum containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
107		8/25/2012	Emily Burns* <emilyburns@google.com>		Draft memorandum containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
108		1/16/2013	Noah Richmond* <nrichmond@google.com>		Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
109		8/25/2012	Eric Antonow <antonow@google.com>		Draft memorandum reflecting legal advice of Terri Chen* re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

From: (650) 843-5000
Katie Krajeck
Cooley LLP
3175 Hanover Street

Palo Alto, CA 94304

Origin ID: HGTA

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Jean Rhee, Esq.
Russ, August & Kabat
12424 WILSHIRE BLVD

LOS ANGELES, CA 90025

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PO #
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FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

#	Bates Number	Date	Email From/ Author/ Custodian	Recipient(s)	Privilege Description	Privilege Assertion	Redacted
1		7/15/2010	Christine Hsieh* <chsieh@google.com>	Janet Cullum* <jcullum@cooley.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
2		7/15/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
3		7/20/2010	Christine Hsieh* <chsieh@google.com>	Janet Cullum* <jcullum@cooley.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
4		7/20/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
5		7/25/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
6		9/28/2010	Christine Hsieh* <chsieh@google.com>	Johanna Sistek* <johannas@google.com>; Michael Young* <mikeyoung@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
7		10/5/2010	Christine Hsieh* <chsieh@google.com>	Minsi Su* <minsis@google.com>; tm-search <tm-search@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
8		10/5/2010	Minsi Su* <minsis@google.com>	Christine Hsieh* <chsieh@google.com>; tm-search <tm-search@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
9		7/18/2010	Janet Cullum* <jcullum@cooley.com>	Christine Hsieh* <chsieh@google.com>; Terri Chen* <terrichen@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
10		10/15/2010	Christine Hsieh* <chsieh@google.com>	Jackie Lawrence* <jlawrence@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
11		10/15/2010	Jackie Lawrence* <jlawrence@google.com>	Christine Hsieh* <chsieh@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
12		10/22/2010	Jackie Lawrence* <jlawrence@google.com>	Christine Hsieh* <chsieh@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
13		10/26/2010	Terri Chen* <terrichen@google.com>	Christine Hsieh* <chsieh@google.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
14		10/26/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
15		9/28/2010	Johanna Sistek* <johannas@google.com>	Christine Hsieh* <chsieh@google.com>; Michael Young* <mikeyoung@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
16		9/28/2010	Charlston, Gavin <gcharlston@cooley.com>	Christine Hsieh* <chsieh@google.com>; tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
17		10/26/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
18		8/30/2007	Terri Chen* <terrichen@google.com>	Eric Antonow <antonow@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	

*Attorney

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

19		9/1/2007	Terri Chen* <terrichen@google.com>	Eric Antonow <antonow@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark rights.	Attorney Client Communication	
20		9/1/2007	Eric Antonow <antonow@google.com>	Terri Chen* <terrichen@google.com>; Rose Hagan* <hagan@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	
21		9/6/2007	Terri Chen* <terrichen@google.com>	Rose Hagan* <hagan@google.com>; Tu Tsao* <tu@google.com>	Email seeking and containing legal advice of counsel re trademark use.	Attorney Client Communication	
22		11/3/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Document collected by and reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
23		11/2/2010	Christine Hsieh* <chsieh@google.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
24		3/23/2012	Rashida Abdullah* <rashida.abdullah@onelegal.sg>	Emily Burns* <emilyburns@google.com>; Mike Young* <mikeyoung@google.com>; Regina Quek* <regina.quek@onelegal.sg>; Anne Loh*	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
25		12/10/2010	Trevor Callaghan <trevorc@google.com>	Emily Burns* <emilyburns@google.com>; Noah Richmond* <nrichmond@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
26		12/9/2010	Emily Burns* <emilyburns@google.com>	Noah Richmond* <nrichmond@google.com>; Trevor Callaghan* <trevorc@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
27		12/10/2010	Emily Burns* <emilyburns@google.com>	Trevor Callaghan* <trevorc@google.com>; Noah Richmond* <nrichmond@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
28		12/9/2010	Trevor Callaghan <trevorc@google.com>	Emily Burns* <emilyburns@google.com>; Noah Richmond* <nrichmond@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
29	GOOG-00000026 - GOOG-00000027	10/25/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
30	GOOG-00000028 - GOOG-00000043	10/29/2012	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
31		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
32		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
33	GOOG-00000046 - GOOG-00000071	7/17/2012	Emily Burns* <emilyburns@google.com>	Jim Kolotouros <jimk@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
34	GOOG-00000072 - GOOG-00000097	7/17/2012	Emily Burns* <emilyburns@google.com>	Jim Kolotouros <jimk@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
35	GOOG-00000098 - GOOG-00000123	7/17/2012	Jim Kolotouros <jimk@google.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
36		7/16/2012	Emily Burns* <emilyburns@google.com>	Geoffrey Zha* <geoffrey.zha@lexfieldlaw.com>; Jan Liu* <jan.liu@lexfieldlaw.com>; Mike Young* <mikeyoung@google.com>;	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
37		8/6/2012	Karen Robertson* <krobertson@google.com>	Christine Hsieh* <chsieh@google.com>; Karen Robertson* <krobertson@google.com>; tm-search@google.com	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

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Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

38		8/6/2012	Susan Mobley* <mobleysg@cooley.com>	tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email reflecting legal advice of Google Trademark Counsel* re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
39		8/7/2012	Emily Burns* <emilyburns@google.com>	Ben Fohner <bfohner@google.com>; tm-search <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
40		4/6/2011	Emily Burns* <emilyburns@google.com>	Gavin Mcginty* <mcginty@google.com>; Noah Richmond* <nrichmond@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
41		10/22/2012	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Sheri Corallo* <scorallo@cooley.com>; tm-search <tm-search@google.com>; z/googletm	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
42	GOOG-00000124 - GOOG-00000125	10/25/2012	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
43		10/25/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Sheri Corallo* <scorallo@cooley.com>; tm-search <tm-search@google.com>; z/googletm	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
44	GOOG-00000126 - GOOG-00000151	10/29/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
45		11/2/2012	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Aaron Fennimore* <afennimore@cooley.com>	Draft letter reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
46		11/30/2012	Pam Rolph* <pamrolph@google.com>	Anne Peck* <peckah@cooley.com>; Sheri Corallo* <scorallo@cooley.com>; Emily Burns* <emilyburns@google.com>; tm-search <tm-	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
47	GOOG-00000170 - GOOG-00000172	12/4/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
48		11/30/2012	Anne Peck* <peckah@cooley.com>	Pam Rolph* <pamrolph@google.com>; Sheri Corallo* <scorallo@cooley.com>; Emily Burns* <emilyburns@google.com>; tm-search <tm-	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
49	GOOG-00000173 - GOOG-00000175	12/4/2012	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
50		12/5/2012	Emily Burns* <emilyburns@google.com>	Pam Rolph* <pamrolph@google.com>	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
51		12/6/2012	Jesimy Yu*<jesimy@winklerpartners.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Document collected at the direction of and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
52		12/8/2012	Katie Krajeck* <kkrajeck@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
53		12/14/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
54		12/17/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
55		12/17/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
56		12/18/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Julie Harting <jharting@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

57		12/18/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Julie Harting <jharting@cooley.com>; Anne Peck* <peckah@cooley.com>	Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
58		12/14/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Document collected by and reflecting legal advice of counsel re trademark use prepared in connection with litigation.	Attorney Client Communication; Attorney Work Product	
59		12/14/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email containing legal advice of counsel re trademark application prepared in connection with litigation.	Attorney Client Communication; Attorney Work Product	
60		12/21/2012	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
61		12/21/2012	Emily Burns* <emilyburns@google.com>	Jesimy Yu* <jesimy@winklerpartners.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
62		12/21/2012	Jesimy Yu* <jesimy@winklerpartners.com>	Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
63		12/21/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email collected by and reflecting legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
64		12/21/2012	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
65		1/24/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
66		1/23/2013	Emily Burns* <emilyburns@google.com>	Jesimy Yu* <jesimy@winklerpartners.com>; Pam Rolph* <pamrolph@google.com>; Peter Dembach* <pdembach@winklerpartners.com>;	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
67		1/28/2013	Emily Burns* <emilyburns@google.com>	Noah Richmond* <nrichmond@google.com>; Kent Walker* <kwalker@google.com>; Linus Upson <linus@google.com>; Sundar Pichai	Email seeking, containing and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
68		1/28/2013	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>; Pam Rolph* <pamrolph@google.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
69	GOOG-00000178 - GOOG-00000181	2/6/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
70	GOOG-00000182 - GOOG-00000186	2/6/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
71	GOOG-00000194 - GOOG-00000198	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
72	GOOG-00000199 - GOOG-00000204	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
73	GOOG-00000205 - GOOG-00000209	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
74	GOOG-00000210 - GOOG-00000216	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
75	GOOG-00000217 - GOOG-00000222	2/7/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes

*Attorney

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Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

76	GOOG-00000223 - GOOG-00000229	2/7/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
77	GOOG-00000230 - GOOG-00000235	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Tarsha Howard <thoward@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
78	GOOG-00000236 - GOOG-00000239	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
79	GOOG-00000240 - GOOG-00000247	2/8/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
80	GOOG-00000248 - GOOG-00000254	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
81	GOOG-00000255 - GOOG-00000260	2/7/2013	Anne Peck* <peckah@cooley.com>	Emily Burns* <emilyburns@google.com>; Janet Cullum* <jcullum@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
82	GOOG-00000261 - GOOG-00000267	2/7/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
83	GOOG-00000274 - GOOG-00000279	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
84	GOOG-00000280 - GOOG-00000286	2/8/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
85	GOOG-00000287 - GOOG-00000293	2/14/2013	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
86	GOOG-00000294 - GOOG-00000301	2/14/2013	Emily Burns* <emilyburns@google.com>	Janet Cullum* <jcullum@cooley.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
87	GOOG-00000302 - GOOG-00000308	2/14/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	Yes
88		2/19/2013	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Peggy Bimrose* <pbimrose@cooley.com>; Janet Cullum* <jcullum@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
89		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Document collected by and reflecting legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
90		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
91		2/19/2013	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
92		10/7/2011	Janet Cullum* <jcullum@cooley.com>	Emily Burns* <emilyburns@google.com>; Anne Peck* <peckah@cooley.com>	Email seeking and containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
93		10/7/2011	Anne Peck* <peckah@cooley.com>	Janet Cullum* <jcullum@cooley.com>; Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re trademark application prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
94		10/7/2011	Emily Burns* <emilyburns@google.com>	Susan Mobley* <mobleysg@cooley.com>; tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

Google Inc. v. VIA Technologies, Inc.
Documents Withheld on the Basis of Applicable Privileges by Petitioner Google Inc.
June 20, 2014

95		10/8/2011	Emily Burns* <emilyburns@google.com>	Anne Peck* <peckah@cooley.com>; Janet Cullum* <jcullum@cooley.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
96		10/7/2011	Susan Mobley* <mobleysg@cooley.com>	tm-search@google.com <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email reflecting legal advice of Google Trademark Counsel* re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
97		10/8/2011	John Fu <fu@google.com>	Emily Burns* <emilyburns@google.com>; tm-search <tm-search@google.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
98		10/8/2011	Emily Burns* <emilyburns@google.com>	John Fu <jefu@google.com>; tm-search <tm-search@google.com>; z/googletm <googletm@cooley.com>	Email containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
99		11/2/2011	Jesimy Yu*<jesimy@winklerpartners.com>	Michael Young* <mikeyoung@google.com>; Emily Burns* <emilyburns@google.com>; Peter Dernbach* <pdernbach@winklerpartners.com>; tmdocketing <tmdocketing@google.com>	Email collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
100		11/2/2011	Emily Burns* <emilyburns@google.com>	Michael Young* <mikeyoung@google.com>	Document collected by and reflecting legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
101		12/8/2011	Emily Burns* <emilyburns@google.com>	network@assetsearch.com	Email containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
102		12/8/2011	Cliff Petrovsky <network@assetsearch.com>	Emily Burns* <emilyburns@google.com>	Email seeking and containing legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
103		1/9/2012	Cliff Petrovsky <invnetwork@cableone.net>	Emily Burns* <emilyburns@google.com>	Email seeking legal advice of counsel re investigation of defendant, Via Technologies prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
104		2/1/2012	Cliff Petrovsky <invnetwork@cableone.net>	Emily Burns* <emilyburns@google.com>	Email seeking legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
105		2/17/2012	Emily Burns* <emilyburns@google.com>	network@assetsearch.com	Email seeking and containing legal advice of counsel re trademark use prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
106		8/25/2012	Emily Burns* <emilyburns@google.com>		Draft memorandum containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
107		8/25/2012	Emily Burns* <emilyburns@google.com>		Draft memorandum containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
108		1/16/2013	Noah Richmond* <nrichmond@google.com>		Draft letter containing legal advice of counsel re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	
109		8/25/2012	Eric Antonow <antonow@google.com>		Draft memorandum reflecting legal advice of Terri Chen* re trademark rights prepared in anticipation of litigation.	Attorney Client Communication; Attorney Work Product	

*Attorney

From: (650) 843-5000
Katie Krajeck
Cooley LLP
3175 Hanover Street

Palo Alto, CA 94304

Origin ID: HGTA

FedEx Express

J14101402070326

Ship Date: 20JUN14
ActWgt: 0.5 LB
CAD: 103882855/WSXI2500

Delivery Address Bar Code

SHIP TO: (310) 826-7474

BILL SENDER

Jean Rhee, Esq.
Russ, August & Kabat
12424 WILSHIRE BLVD

LOS ANGELES, CA 90025

Ref # 278714-20062-62187
Invoice #
PO #
Dept #

MON - 23 JUN 10:30A
PRIORITY OVERNIGHT

TRK# 7703 7621 0347
0201

WZ CIBA

90025
CA-US
LAX

522G5/9B04/F220

FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

EXHIBIT G

"Krajeck, Katie" <kkrajeck@cooley.com> July 8, 2014 10:13 PM
To: Jean Rhee <jrhee@raklaw.com>
Cc: Irene Lee <ilee@raklaw.com>, "Cullum, Janet" <jcullum@cooley.com>, "Hughes, Brendan" <bhughes@cooley.com>
RE: Google/VIA Cancellation Proceeding

Dear Jean,

We are disappointed by VIA's continued mischaracterizations of Google's position and VIA's conditions on the 30(b)(6) deposition regarding VIA's discovery efforts.

VIA previously designated Mr. Ken Weng to testify as a 30(b)(6) witness in California regarding all of the topics included in Google's 30(b)(6) notice, including topics relating to VIA's document preservation, collection, review, and production efforts. We understand from your emails that VIA is now willing to "split the 30(b)(6) deposition topics noticed by Google into two depositions to permit Google to inquire regarding the document production-related topics in advance of other witnesses and the remaining 30(b)(6) topics;" however, VIA is no longer willing to have Mr. Weng testify in California regarding VIA's discovery efforts and instead is requiring Google to seek testimony, presumably by written question, from a designee located in Taiwan. If Mr. Weng was previously able to testify as a 30(b)(6) witness in California regarding VIA's discovery efforts, there is no reason he cannot testify about them now. Please let us know what has caused VIA to change its designation and whether VIA will agree to keep Mr. Weng as the designee. Please also clarify whether Ms. Inky Chen, VIA's new 30(b)(6) designee regarding its discovery efforts, could be available for an oral deposition in Taiwan or via videoconference.

With respect to the proposed 60-day extension of all deadlines, VIA once again seeks to condition its consent upon limitations to Google's written discovery and Google's agreement to release VIA from its duty to respond

fully to Interrogatory No. 4. Google cannot agree to those conditions on the 60-day extension. We again note that Google previously consented to four separate extensions of the discovery period totaling 180 days to allow VIA to produce documents and to respond to Google's interrogatories. It is surprising that VIA will not extend the same courtesy.

If you believe there is a way to resolve this discovery dispute, we remain willing to discuss any additional proposals. At this time, however, it appears that the parties are still at an impasse as they were before Google filed its motion to compel.

Thank you,
-Katie

Katie Krajeck
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: +1 650 849 7048 • Fax: +1 650 849 7400
Email: kkrajeck@cooley.com • www.cooley.com

From: Jean Rhee [mailto:jrhee@raklaw.com]
Sent: Tuesday, July 08, 2014 3:36 PM
To: Krajeck, Katie
Cc: Irene Lee; Cullum, Janet; Hughes, Brendan
Subject: Re: Google/VIA Cancellation Proceeding

Dear Katie:

Thank you for your reply. Unfortunately, it seems that Google has no interest in trying to resolve this dispute. Rather, it seems to be trying to extract additional concessions from VIA above and beyond what the rules require. Although Google's initial request, which it waited until the eve of the discovery cutoff to make, was unreasonable and unwarranted, VIA agreed in the spirit of cooperation to split the 30(b)(6) deposition topics noticed by Google into two depositions to permit Google to inquire regarding the document production-related topics in advance of other witnesses and the remaining 30(b)(6) topics. But Google is now further asking to depose this second witness, who resides and works in Taiwan, in the US. There

was no cause for the original request, and likewise none for such an additional request. TBMP 404.03(b). In fact, what Google is now asking for is beyond what the Board would ever order irrespective of the showing made by Google. *Id.* VIA cannot agree to this additional condition that Google would impose.

Further, as we previously indicated, VIA does not have additional information to provide in response to Interrogatory No. 4 as it has already provided a complete list of the goods and services on which the CHROME marks were used. The motion to compel does not explain how VIA has failed to respond to the interrogatory as written. Instead, it simply
rehashes arguments Google previously made, which misstate the substance of VIA's response, including by pretending as though VIA qualified its response using "without limitation" language when it plainly did not.

Jean

Jean Rhee
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
310 826-6991 Fax
jrhee@raklaw.com

* *
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On Jul 7, 2014, at 10:58 PM, "Krajeck, Katie" <kkrajeck@cooley.com> wrote:

Dear Jean,

Google is inclined to agree to resolve this dispute, provided VIA confirms the following:

(1) That VIA will produce Ms. Inky Chen to testify as a 30(b)(6) witness on the issues of document preservation, collection, review and production two weeks in advance of all other depositions (including the deposition of VIA's 30(b)(6) deponent for all other noticed topics), and that Ms. Chen will be made available for deposition in the United States (not Taiwan);

(2) That the 60-day extension will begin from the date the parties' consent motion is filed; and

(3) That VIA will supplement Interrogatory No. 4 as set forth in Google's motion to comel.

If VIA confirms the foregoing, we will send a more formal email documenting the terms of the proposed agreement.

Thank you,

-Katie

From: Jean Rhee [jrhee@raklaw.com]
Sent: Tuesday, July 01, 2014 2:50 PM
To: Krajeck, Katie
Cc: Irene Lee; Cullum, Janet; Hughes, Brendan
Subject: Re: Google/VIA Cancellation Proceeding

Katie:

During our June 25 meet and confer, you and Brendan unequivocally indicated that the only concerns you have are to ensure that Google has sufficient time – i.e., 60 days – to complete its depositions, and is able to take a 30(b)(6) deposition regarding VIA's document preservation, collection, review, and production efforts in advance of its other depositions, including the deposition on the remaining 30(b)(6) topics that it noticed. In response, we indicated that we would go back to VIA and see whether it can agree to split the 30(b)(6) notice topics between two depositions that are staggered in the manner requested and agree to a 60-day extension, all to avoid needlessly burdening the Board with a discovery dispute.

Neither you nor Brendan raised during the call that Google required a supplemental response to Interrogatory No. 4 when we repeatedly asked

whether there were any other outstanding issues the parties could try and resolve without Board intervention. Nevertheless, VIA's response to Interrogatory No. 4 is full and complete as is and VIA will not be supplementing to add any further information to it.

Thus, further to the discussions we actually had during the June 25, 2014 call, VIA is willing to produce two weeks in advance of other depositions, Inky Chen, as a witness regarding VIA's document preservation, collection, review, and production efforts. Ms. Chen is an employee in VIA's Taiwan office, which, as we previously informed you, led the document collection and production efforts for this matter with our direction.

VIA is also willing to agree to extend the existing discovery cut-off by an additional 60 days in order to allow Google to complete its depositions of Ms. Chen and other witnesses and any follow up relating to outstanding discovery requests (but not to pursue any entirely new discovery requests).

Please let us know by 5 pm PST on Thursday, July 3, 2014 whether Google still intends to pursue its motion to compel in light of the above.

Best,
Jean

Jean Rhee
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
310 826-6991 Fax
jrhee@raklaw.com<mailto:jrhee@raklaw.com>

* *

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On Jun 27, 2014, at 1:16 PM, "Krajeck, Katie" <kkrajeck@cooley.com<mailto:kkrajeck@cooley.com>> wrote:

Dear Jean,

We write to clarify a few matters set forth in your email below and discussed during our telephone conversation on June 25, 2014.

* After conducting a reasonable search, Google has produced all non-privileged, responsive documents in its possession, custody, or control that are known to Google at this time and that are relevant to the abandonment and non-use issues in this proceeding. Going forward, Google may rely upon some, all, or none of these documents in connection with this proceeding. Google will likely also rely upon documents produced by VIA.

In addition, we are in possession of an ARTiGO A1150 that Google may rely upon in connection with this proceeding. We will make the ARTiGO A1150 available for your inspection at a mutually agreeable time in the future, if you would like.

* As set forth in Google's motion to compel dated June 24, 2014, Google is concerned that VIA has not undertaken adequate steps to preserve, collect, review, and produce internal documents and communications relevant to this proceeding. Google is also concerned that VIA has failed to list with particularity the goods and services with which the CHROME mark has been or is being used in response to Google's Interrogatory No. 4.

Accordingly, Google requested in its motion to compel that the Board order VIA to produce a witness to testify regarding VIA's document preservation, collection, review, and production efforts well in advance of any fact witness depositions. In light of VIA's self-directed document collection and production, along with the holes in VIA's document production to date, Google requires this testimony in order to assess whether it has the documents and information necessary to prepare for and take fact witness depositions, or whether there are additional relevant documents that VIA has not produced or other relevant witnesses that Registrant has not disclosed.

The 60-day extension requested in Google's motion to compel is to allow time for Google to review documents and to prepare for and take depositions of VIA's witnesses after VIA provides a complete response to Interrogatory No. 4 and either: (1) Google is satisfied after conducting a separate 30(b)(6) deposition of VIA relating to document preservation, collection, review and production that all responsive documents have been produced; or (2) VIA fully satisfies its discovery obligations by producing additional documents (voluntarily or in response to an order by the Board). Google is not willing to limit its discovery efforts in exchange for a 60-day extension.

We look forward to hearing back from you regarding VIA's proposal to resolve this discovery dispute.

Thank you,
-Katie

Katie Krajeck
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: +1 650 849 7048 • Fax: +1 650 849 7400
Email: kkrajeck@cooley.com<mailto:kkrajeck@cooley.com> •
www.cooley.com<http://www.cooley.com>

-----Original Message-----
From: Jean Rhee [mailto:jrhee@raklaw.com]
Sent: Wednesday, June 25, 2014 5:00 PM
To: Hughes, Brendan; Krajeck, Katie
Cc: Irene Lee
Subject: Google/VIA Cancellation Proceeding

Dear Brendan and Katie:

Thank you for taking the time to meet and confer today. This confirms that:

- We agreed to serve revised interrogatories on behalf of VIA in an effort to resolve the parties' dispute over the excessiveness of VIA's initial set of interrogatories without the need for Board intervention. These revised interrogatories are attached.

- You have confirmed that Google's production of June 20, 2014 contains all of the documents that Google intends to rely on in these cancellation proceedings that Google is aware of as of today.

- We discussed Google's pending motion to compel. In view of your statements that your only concerns are to ensure that Google has sufficient time – i.e., 60 days – to complete its depositions, and is able to take a 30(b)(6) deposition regarding VIA's document preservation, collection, review, and production efforts in advance of its other depositions,

including the deposition on the remaining 30(b)(6) topics that it noticed, we said that we would go back to VIA and see whether it can agree to split the 30(b)(6) notice topics between two depositions that are staggered in the manner requested. We will get back to you regarding this next week.

Sincerely,

Jean

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EXHIBIT H

Irene Lee <ilee@raklaw.com> May 23, 2014 12:49 PM
To: "Krajeck, Katie" <kkrajeck@cooley.com>
Cc: "Hughes, Brendan" <bhughes@cooley.com>, "Cullum, Janet" <jcullum@cooley.com>, Robert Gookin <rgookin@raklaw.com>, Jean Rhee <jrhee@raklaw.com>
Re: Google v. VIA/ Discovery Issues

Hi Katie,

I'm writing to follow up on our 5/16 telephone conversation and my 5/17 follow-up email.

1. Can you let us know if Google is taking Mr. Weng's deposition on June 19 or 20?

2. With respect to the deposition of Mr. Young Kwon, please let us know how you plan to proceed. If you plan to take his deposition, please let us know your proposed dates.

3. As for Mr. Jonathan Chang's deposition, we have not heard from him. Here is his last known address. If you wish to contact him, please do so directly.

Jonathan Chang
22215 Rae Lane
Cupertino, CA 95014

4. Finally, as for Mr. Miller Chen's deposition, I asked you how Google plans to proceed given that he resides in Taiwan. Please advise.

Regards,

Irene
--
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor

12424 Wilshire Boulevard
Los Angeles, California 90025
Main: 001.310.826.7474
Direct: 001.310.979.8224

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On May 16, 2014, at 6:03 PM, Krajeck, Katie <kkrajeck@cooley.com> wrote:

Hi Irene,

As we discussed on the phone earlier, please see the attached Motion for Extension that Google Inc. submitted today.

Thank you,
-Katie

From: Irene Lee [mailto:ilee@raklaw.com]
Sent: Monday, May 12, 2014 2:32 PM
To: Krajeck, Katie; Hughes, Brendan; Cullum, Janet
Cc: Robert Gookin; Josie Mercado; Jean Rhee
Subject: Re: Google v. VIA/ Discovery Issues

Hi Katie and Brendan,

1. I confirm that Mr. Weng will be VIA's designee for all noticed 30(b)(6) topics.

2. For Mr. Weng's deposition, would you please advise whether June 19 or 20 works for you? He is keeping both dates open for now and needs to know his schedule soon.

3. With respect to the deposition of Mr. Young Kwon, he has just indicated to us that he would not appear for a deposition in this matter. If you wish to contact him, please do so directly. He can be reached at ykwonusa@yahoo.com.

4. We are in the process of getting the dates for the deposition of Mr. Jonathan Chang and Mr. Miller Chen in June and will let you know in the next few days.

Regards,

Irene
--
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Main: 001.310.826.7474
Direct: 001.310.979.8224

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On May 9, 2014, at 1:07 PM, Krajeck, Katie <kkrajeck@cooley.com> wrote:

Dear Irene and Robert,

We would appreciate your response to the issues raised in our email to you on May 6. Once you have agreed to make these deponents available as outlined below, we will file the consent motion.

Thank you,
-Katie

From: Hughes, Brendan
Sent: Tuesday, May 06, 2014 5:15 PM
To: Ilee@raklaw.com
Cc: Robert Gookin; jmercado@raklaw.com; Krajeck, Katie; Cullum, Janet
Subject: RE: Google v. VIA/ Discovery Issues

Irene –

I understand from our previous discussions that Mr. Weng will be VIA's designee for all noticed 30(b)(6) topics. Please confirm that my understanding is correct. CORRECT

We will let you know soon if either June 19 or 20 works for the deposition of Mr. Weng. Please keep those dates reserved.

With respect to the deposition of Mr. Young Kwon, I understand from you

that he is no longer an employee of VIA, but that you have been in contact with him. Please provide us with his contact information. As I previously mentioned, we would like to depose him in June as well. If you are representing him, please confirm that he is available in June as well.

Finally, in your March 26, 2014 letter, you indicated that both Mr. Jonathan Chang and Mr. Miller Chen may be contacted through your firm. Please confirm this is still the case, and that you will make these individuals available for depositions in June as well.

Assuming that you will agree to make these deponents available for depositions in June (after VIA fully satisfies its discovery obligations by May 30), I will file the consent motion extending all deadlines by 30 days.

Best regards,

Brendan

Brendan Joseph Hughes
Cooley LLP
1299 Pennsylvania Avenue, NW • Suite 700
Washington, DC 20004-2400
Direct: (202) 842-7826 • Fax: (202) 842-7899
Bio: www.cooley.com/bhughes • Practice: www.cooley.com/litigation

---

From: Ilee@raklaw.com [mailto:ilee@raklaw.com]
Sent: Friday, May 02, 2014 8:42 PM
To: Hughes, Brendan
Cc: Robert Gookin; jmercado@raklaw.com; Krajeck, Katie; Cullum, Janet
Subject: Re: Google v. VIA/ Discovery Issues

Brendan,

VIA will produce outstanding documents and supplement interrogatory responses by May 30. Mr. Ken Weng is available for deposition on June

19 or 20. Would you let me know either date works for Google?

--
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Tel: 001.310.826.7474
Fax: 001.310.826.6991

On May 2, 2014, at 7:52 AM, "Hughes, Brendan" <bhughes@cooley.com> wrote:

> Irene –
>
> Following up on our call on Wednesday, please let me know if your client will commit to a date certain in May for satisfying its discovery obligations and will agree to make its deponents available for deposition in mid-June. We need to resolve this issue today.
>
> Best regards,
>
> Brendan
>
> **Brendan Joseph Hughes**
> Cooley LLP
> 1299 Pennsylvania Avenue, NW • Suite 700
> Washington, DC 20004-2400
> Direct: (202) 842-7826 • Fax: (202) 842-7899
> Bio: www.cooley.com/bhughes • Practice: www.cooley.com/litigation

On Apr 30, 2014, at 10:15 AM, Hughes, Brendan

<bhughes@cooley.com> wrote:

Irene and Bob --

Following up on our call last week, please let me know if you are available any time this afternoon to discuss the proposed 30 day extension. Are you able to provide us with a date certain in May for VIA to commit to fully satisfying its discovery obligations?

I note that you previously stated that VIA intended to "(1) supplement its interrogatory responses, (2) produce additional documents, and (3) provide Google with dates as to the availability of VIA's deponents" by last Friday, April 25. Please let me know the status of those discovery efforts. While we discussed the availability of Mr. Weng for a deposition and VIA's efforts overall during our call, I do not believe that you supplemented your interrogatories or produced any additional documents.

Best regards,

Brendan

Brendan Joseph Hughes
Cooley LLP
1299 Pennsylvania Avenue, NW • Suite 700
Washington, DC 20004-2400
Direct: (202) 842-7826 • Fax: (202) 842-7899
Bio: www.cooley.com/bhughes • Practice: www.cooley.com/litigation

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penalties under the Internal Revenue Code or (ii) for promoting, marketing or recommending to another party any transaction or matter addressed herein.

<USPTO. ESTTA.pdf>

EXHIBIT I

Irene Lee <ilee@raklaw.com> June 9, 2014 1:56 PM
To: "Cullum, Janet" <jcullum@cooley.com>
Cc: Robert Gookin <rgookin@raklaw.com>, "Hughes, Brendan" <bhughes@cooley.com>, Jean Rhee <jrhee@raklaw.com>, "Krajeck, Katie" <kkrajeck@cooley.com>
Re: Google Inc. v. VIA Technologies, Inc.

Dear Janet,

I appreciate our conversation today.
As discussed, we will provide a substantive response to the June 5 letter and any additional documents in the next couple days.

Best regards,

Irene
--
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Main: 001.310.826.7474
Direct: 001.310.979.8224

* *
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dissemination, distribution, or copying of this communication is prohibited.

On Jun 6, 2014, at 3:24 PM, Ilee@raklaw.com <ilee@raklaw.com> wrote:

Janet,

No worries. 4 works on 6/9. I will call you then. Have a great weekend!

--
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Tel: 001.310.826.7474
Fax: 001.310.826.6991

On Jun 6, 2014, at 12:48 PM, "Cullum, Janet" <jcullum@cooley.com> wrote:

> Hi Irene.
>
> Sorry to be so long responding due to some travel. Yes, I'm in the office and Monday and could do a call in the afternoon, say 4 p.m. EST? Let me know if that works and in the meantime I hope your weekend is enjoyable.
>
> Best regards, Janet
>
> **Janet L. Cullum**
> Cooley LLP
> 1114 Avenue of the Americas
> New York, NY 10036-7798

Direct: (212) 479-6500 • Fax: (212) 479-6275
Email: jcullum@cooley.com • www.cooley.com

From: Irene Lee [mailto:ilee@raklaw.com]
Sent: Thursday, June 05, 2014 8:34 PM
To: Cullum, Janet
Cc: Robert Gookin; Hughes, Brendan; Jean Rhee; Krajeck, Katie
Subject: Re: Google Inc. v. VIA Technologies, Inc.

Hi Janet,

Hops all is well.
Can we set up a time for a call?
I'm traveling tomorrow, but available on 6/9 (except 8:30 am - 10 am).
Let me know if you are available on 6/9.
—
Irene Y. Lee
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Main: 001.310.826.7474
Direct: 001.310.979.8224

* *
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for the named addressee(s). If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is prohibited.

On Jun 5, 2014, at 2:00 PM, Krajeck, Katie <kkrajeck@cooley.com> wrote:

Dear Irene and Robert,

Please see the attached correspondence.

Thank you,
-Katie

Katie Krajeck
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: +1 650 849 7048 • Fax: +1 650 849 7400
Email: kkrajeck@cooley.com • www.cooley.com

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<2014-06-05 Letter from K. Krajeck to I. Lee and R. Gookin.pdf>

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EXHIBIT J

RUSS AUGUST & KABAT
LAWYERS

12424
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12th Floor
Los Angeles
California
90025

Tel 310.826.7474
Fax 310.826.6991
www.raklaw.com

May 30, 2014

VIA ELECTRONIC MAIL (W/O ENCLOSURES)
VIA FEDERAL EXPRESS (W/ ENCLOSURES)

Janet L. Cullum, Esq. - jcullum@cooley.com
Brendan Joseph Hughes, Esq.- bhughes@cooley.com
Katie Krajeck, Esq.- kkrajeck@cooley.com, trademarks@cooley.com
Cooley LLP
Palo Alto—Hanover Campus
3175 Hanover Street
Palo Alto, California 94304-1130

Re: Google, Inc. v. VIA Technologies, Inc.
TTAB Proceeding No. 92056816

Dear Counsel:

Please find enclosed a DVD containing the following materials:

- Documents, Bates No. VIA01099-VIA01911;
- Additional documents, not Bates labeled, in a folder entitled "VIA NON BATES LABELED DOCUMENTS; and
- A supplemental privilege log.

Please note Bates Nos. VIA01560-VIA01902 are designated "CONFIDENTIAL / ATTORNEYS' EYES ONLY" and should be so treated.

Further enclosed is Registrant VIA Technologies, Inc.'s Second Amended Responses to Petitioner Google, Inc.'s First Set of Special Interrogatories. Please contact us if you have any questions.

Sincerely,

Russ, August & Kabat

J Mercado

Josie Mercado
Assistant to Robert F. Gookin

/jm

Enclosures.

3329-US2 140530 LT Google.doc

EXHIBIT K

"Krajeck, Katie" <kkrajeck@cooley.com> June 24, 2014 3:39 PM
To: "jrhee@raklaw.com" <jrhee@raklaw.com>, Irene Lee <ilee@raklaw.com>, Robert Gookin <rgookin@raklaw.com>
Cc: "Cullum, Janet" <jcullum@cooley.com>, "Hughes, Brendan" <bhughes@cooley.com>
Google v. VIA

Dear Jean,

We have reviewed your letter dated June 23, 2014.

For the reasons set forth in my letter to you on Friday, June 20, 2014, VIA's refusal to consent to the requested 60-day extension is unreasonable and unwarranted. Google likewise rejects VIA's most recent proposal, which conditions VIA's consent to an extension upon certain terms designed to improperly limit the scope of discovery in this cancellation action.

In light of the parties' disagreement regarding this matter, as well as VIA's ongoing failure to produce responsive internal documents and communications relating to its use of the CHROME mark from July 2001 to present and its repeated failure to answer a highly relevant and related interrogatory (as documented in letters dated February 11, 2014, March 14, 2014, March 25, 2014, April 11, 2014, June 5, 2014 and June 13, 2014), Google intends to file a motion to compel discovery and for an extension of deadlines.

As previously noted in my June 20, 2014 letter to you, Google stands on its written objection to VIA's non-compliant interrogatories. To the extent VIA wishes to serve amended interrogatories, Google will comply with its obligations under Federal Rule of Civil Procedure 33 and TBMP Section 405. If you would like to discuss this issue further, we are available to meet & confer between 1:15 p.m. and 3:00 p.m. on Wednesday, June 25. Please confirm whether you would like to meet & confer regarding this issue and what time works for you.

Finally, I understand that a paralegal in your firm reported to my assistant that there is a technical issue with the CD of documents produced by Google on June 20, 2014, such that the documents are accessible and readable, but cannot be downloaded. I will email you separately through Cooley's Secure File Transfer site, and resend the file of previously produced documents.

Thank you,
-Katie

Katie Krajeck
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: +1 650 849 7048 • Fax: +1 650 849 7400
Email: kkrajeck@cooley.com • www.cooley.com

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EXHIBIT L

"Krajeck, Katie" <kkrajeck@cooley.com> June 24, 2014 4:11 PM
To: Irene Lee <ilee@raklaw.com>, Robert Gookin <rgookin@raklaw.com>, "jrhee@raklaw.com" <jrhee@raklaw.com>, "azivkovic@raklaw.com" <azivkovic@raklaw.com>, "trademark@raklaw.com" <trademark@raklaw.com>
Cc: "Cullum, Janet" <jcullum@cooley.com>, "Hughes, Brendan" <bhughes@cooley.com>
Google v. VIA - Motion to Compel

6 Attachments, 16.2 MB

Dear Counsel,

Please see the attached Motion to Compel Discovery and for an Extension of Deadlines, along with the supporting declarations and exhibits which were filed earlier today.

Please note that Google cited certain details regarding emails produced by VIA in a chart in my declaration. While Google does not consider information regarding the author, recipients and dates of these emails to be confidential, it publicly filed a redacted version of the Krajeck Declaration to ensure the confidentiality of any protected information.

For your reference, we have included a copy of the motion and unredacted Krajeck Declaration included in the confidential filing, as well as a copy of the motion and redacted Krajeck Declaration that were filed publicly.

Thank you,
-Katie

Katie Krajeck
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: +1 650 849 7048 • Fax: +1 650 849 7400

Email: kkrajeck@cooley.com • www.cooley.com

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2014-06-2....pdf (1.3 MB) 2014-06-2....pdf (1.4 MB) Krajeck Decl...pdf (114 KB)

Krajeck Decl...pdf (1.9 MB) Krajeck Decl...H.pdf (6 MB) Krajeck Decl...pdf (5.4 MB)

EXHIBIT M

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
1.	Apr. 25, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
2.	Apr. 30, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
3.	May 15, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
4.	May 15, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
5.	May 17, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
6.	May 17, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
7.	May 22, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark	Attorney-Client Privilege	RAK

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Cancellation No.: 92056816

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8.	Sept. 26, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
9.	Sept. 27, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
10.	Sept. 27, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
11.	Sept. 28, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
12.	Oct. 10, 2012	Jack Tsai, Inky Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re letter to Google	Attorney-Client Privilege	RAK
13.	Oct. 12, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re letter to Google	Attorney-Client Privilege	RAK
14.	Oct. 12, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re letter to Google	Attorney-Client Privilege	RAK
15.	Oct. 23, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re letter to Google	Attorney-Client Privilege	RAK
16.	Nov. 3, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK

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Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

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17.	Nov. 7, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
18.	Nov. 12, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
19.	Nov. 13, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
20.	Nov. 15, 2012	Jack Tsai, Inky Chen, Peichi Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
21.	Nov. 16, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
22.	Nov. 28, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
23.	Nov. 28, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re meeting with Google	Attorney-Client Privilege	RAK
24.	Nov. 29, 2012	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
25.	Nov. 29, 2012	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
26.	Dec. 29, 2012	Jack Tsai, Inky Chen, Peichi Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

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27.	Jan. 2, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
28.	Jan. 2, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
29.	Jan. 29, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
30.	Feb. 1, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
31.	Feb. 1, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
32.	Feb. 3, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
33.	Feb. 4, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

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Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

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34.	Feb. 5, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
35.	Feb. 7, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
36.	Feb. 7, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
37.	Feb. 7, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
38.	Feb. 7, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
39.	Feb. 8, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
40.	Feb. 8, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

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Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
41.	Feb. 8, 2013	Jack Tsai, Inky Chen, Peichi Chen	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
42.	Feb. 8, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
43.	Feb. 8, 2013	Claire Lin, Jack Tsai, Inky Chen, Peichi Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
44.	Feb. 8, 2013	Jack Tsai, Inky Chen, Peichi Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
45.	Feb. 8, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
46.	Feb. 8, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
47.	Feb. 8, 2013	Claire Lin of VIA Technologies	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
48.	Feb. 8, 2013	Irene Y. Lee of RAK	Claire Lin of VIA Technologies	Email correspondence re a strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
49.	Feb. 8, 2013	Claire Lin of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
50.	Feb. 12, 2013	Jack Tsai, Claire Lin, Peichi Chen, & Inky Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
51.	Feb. 13, 2013	Jack Tsai, Claire Lin, Peichi Chen, & Inky Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
52.	Feb. 13, 2013	Claire Lin, Peichi Chen, Johnny Lee, Inky Chen of VIA Technologies; Irene Y. Lee of RAK; Ken Weng of S3 Graphics	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
53.	Feb. 14, 2013	Jack Tsai, Claire Lin, Peichi Chen, Johnny Lee & Inky Chen of VIA	Ken Weng of S3 Graphics	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

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Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
		Technologies; Irene Y. Lee of RAK				
54.	Feb. 14, 2013	Ken Weng of S3 Graphics	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
55.	Feb. 14, 2013	Irene Y. Lee of RAK	Ken Weng of S3 Graphics	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
56.	Feb. 14, 2013	Jack Tsai, Claire Lin, Peichi Chen, Johnny Lee, Inky Chen, Melody Chao of VIA Technologies; Ken Weng of S3 Graphics	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
57.	Feb. 14, 2013	Jack Tsai, Claire Lin, Peichi Chen, & Inky Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
58.	Feb. 14, 2013	Jack Tsai, Claire Lin, Peichi Chen, & Inky Chen of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
59.	Feb. 14, 2013	Jack Tsai, Claire	Irene Y. Lee of	Email correspondence	Attorney-Client	RAK

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No.	Date	Recipient	Author	Description	Privilege	Location
		Lin, Peichi Chen, & Inky Chen of VIA Technologies; Ken Weng of S3 Graphics	RAK	re strategy with respect to VIA's trademark rights in CHROME	Privilege	
60.	Feb. 14, 2013	Jack Tsai of VIA Technologies	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
61.	Feb. 14, 2013	Irene Y. Lee of RAK	Jack Tsai of VIA Technologies	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK
62.	Feb. 15, 2013	Jack Tsai, Claire Lin, Peichi Chen, Johnny Lee, Inky Chen, Melody Chao of VIA Technologies; Ken Weng of S3 Graphics	Irene Y. Lee of RAK	Email correspondence re strategy with respect to VIA's trademark rights in CHROME	Attorney-Client Privilege	RAK

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Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
63.	Oct. 31, 2005	Donna Lee, Gaynor de Wit, Nadeem Mohammad, and Richard Brown	Keith Kowal	Email correspondence re strategy with respect to use of CHROME	Attorney-Client Privilege	RAK
64.	Oct. 31, 2005	Keith Kowal, Gaynor de Wit, Nadeem Mohammad, Richard Brown, Jonathan Chang, Claire Lin, Ken Weng, and Timothy Chen	Donna Lee	Email correspondence re strategy with respect to use of CHROME	Attorney-Client Privilege	RAK
65.	Oct. 31, 2005	Keith Kowal, Gaynor de Wit, Nadeem Mohammad, Richard Brown, Jonathan Chang, Claire Lin, Ken Weng, and Timothy Chen	Donna Lee	Email correspondence re strategy with respect to use of CHROME	Attorney-Client Privilege	RAK
66.	Oct. 31, 2005	Donna Lee, Gaynor de Wit, Nadeem Mohammad,	Keith Kowal	Email correspondence re strategy with respect to use of CHROME	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

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No.	Date	Recipient	Author	Description	Privilege	Location
		Richard Brown, Jonathan Chang, Claire Lin, Ken Weng, and Timothy Chen				
67.	Oct. 31, 2004	Keith Kowal, Gaynor de Wit, Nadeem Mohammad, Richard Brown, Jonathan Chang, Claire Lin, Ken Weng, and Timothy Chen	Donna Lee	Email correspondence re strategy with respect to use of CHROME	Attorney-Client Privilege	RAK
68.	July 13, 2006	Gerry Liu, Ken Weng, and Jonathan Chang	Donna Lee	Email correspondence re CHROME family and series	Attorney-Client Privilege	RAK
69.	Oct 17, 2006	Jonathan Chang, Claire Lin, Ken Weng, Richard Brown, Gerry Liu, Gaynor de Wit, Keith Kowal, Jaco Chen, and Inky Chen	Donna Lee	Email correspondence re CHROME family and series	Attorney-Client Privilege	RAK
70.	June 29, 2007	Gaynor de Wit, Ken Weng, Claire	Inky Chen			RAK

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No.	Date	Recipient	Author	Description	Privilege	Location
		Lin, Jack Tsai, and Jaco Chen				
71.	June 29, 2007	Donna Lee and Jonathan Chang	Ken Weng	Email correspondence re CHROME trademark applications in Taiwan	Attorney-Client Privilege	RAK
72.	June 29, 2007	Ken Weng and Jonathan Chang	Donna Lee	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK
73.	June 29, 2007	Ken Weng and Jonathan Chang	Donna Lee	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK
74.	July 3, 2007	Inky Chen, Gaynor de Wit, Claire Lin, Jack Tsai, and Jaco Chen	Ken Weng	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK
75.	July 9, 2007	Ken Weng and Jonathan Chang	Donna Lee	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK
76.	Jan 9, 2008	Ken Weng, Jonathan Chang, Claire Lin, Richard Brown, Gaynor de Wit, Jack Tsai, Jaco Chen, Inky Chen,	Donna Lee	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK

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No.	Date	Recipient	Author	Description	Privilege	Location
		Cher Wang, Wenchi Chen and S3G Marketing				
77.	Feb 11, 2008	Thomas Wong	Donna Lee	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK
78.	Feb 12, 2008	Donna Lee, Benson Tao, Chris Stevenson, and Ken Weng	Thomas Wong	Email correspondence re protection of the CHROME brand	Attorney-Client Privilege	RAK

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No.	Date	Recipient	Author	Description	Privilege	Location
79.	Unknown		Donna Lee (Senior Paralegal of VIA Technologies)	Notes re trademark application (DELTACHROME)	Attorney-Client Privilege; work product	RAK
80.	May 14, 2004			USPTO Credit Card Payment Page (DELTACHROME) - credit card number – redacted	Privacy/Financial information	RAK
81.	May 14, 2004			USPTO Credit Card Payment Page (DELTACHROME) - credit card number – redacted	Privacy/Financial information	RAK
82.	May 24, 2004			USPTO Credit Card Payment Page (ALPHACHROME) - credit card number – redacted	Privacy/Financial information	RAK
83.	May 24, 2004			USPTO Credit Card Payment Page (ALPHACHROME) - credit card number – redacted	Privacy/Financial information	RAK
84.	May 24, 2004			USPTO Credit Card Payment Page	Privacy/Financial information	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
				(BETACHROME) - credit card number – redacted		
85.	May 24, 2004			USPTO Credit Card Payment Page (BETACHROME) - credit card number – redacted	Privacy/Financial information	RAK
86.	May 24, 2004		Donna Lee (Senior Paralegal of VIA Technologies)	Research re availability of CHROME mark	Attorney-Client Privilege; work product	RAK
87.	June 16, 2004		Donna Lee (Senior Paralegal of VIA Technologies)	Research re availability of CHROME mark	Attorney-Client Privilege; work product	RAK
88.	Jul. 9, 2004	S3 Graphics Co., Ltd.	C.V. Chen of Lee and Li Attorneys of Law	Invoice for legal services (CHROMOTION)	Attorney-Client Privilege	RAK
89.	Jul. 9, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	C.V. Chen of Lee and Li Attorneys of Law	Letter re trademark application (CHROMOTION)	Attorney-Client Privilege	RAK
90.	Jul. 23, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	C.V. Chen of Lee and Li Attorneys of Law	Letter re trademark registration (CHROMOTION)	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

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Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
91.	Sep. 29, 2004	S3 Graphics Co., Ltd.	C.V. Chen of Lee and Li Attorneys of Law	Invoice for legal services (CHROMOTION)	Attorney-Client Privilege	RAK
92.	Sep. 29, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	C.V. Chen of Lee and Li Attorneys of Law	Letter re trademark registration (CHROMOTION)	Attorney-Client Privilege	RAK
93.	Oct. 11, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Email re trademark application (DELTACHROME)	Attorney-Client Privilege	RAK
94.	Oct. 13, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	Laura Michelsen and Juan Uribe (Donna Lee (Senior Paralegal of VIA Technologies)	Letter re trademark application (DELTRACHROME)	Attorney-Client Privilege	RAK
95.	Oct. 15, 2004	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Letter re invoices for legal services (DELTACHROME)	Attorney-Client Privilege	RAK
96.	Oct. 15, 2004	Henry Klein (Outside Counsel)	VIA Technologies	Copy of check and invoice items for legal services	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

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Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
				(DELTACHROME)		
97.	Jan. 4, 2005	Henry Klein (Outside Counsel)	Donna Lee (Senior Paralegal of VIA Technologies)	Letter re trademark applications (DELTACHROME)	Attorney-Client Privilege	RAK
98.	Jun. 27, 2005	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Letter re office action (DELTACHROME)	Attorney-Client Privilege	RAK
99.	Aug. 10, 2005	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Letter re office action (DELTACHROME)	Attorney-Client Privilege	RAK
100.	Sep. 21, 2005	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Letter re trademark registration (DELTACHROME)	Attorney-Client Privilege	RAK
101.	Unknown		Donna Lee (Senior Paralegal of VIA Technologies)	Draft application for DELTACHROME trademark	Attorney-Client Privilege; work product	RAK
102.	Feb. 27, 2007	S3 Graphics Co., Ltd.	C.V. Chen of Lee and Li Attorneys	Letter re use requirements in Taiwan	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
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No.	Date	Recipient	Author	Description	Privilege	Location
			of Law	(CHROMOTION)		
103.	Mar. 3, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Henry Klein (Outside Counsel)	Letter re trademark registration (DELTACHROME)	Attorney-Client Privilege	RAK
104.	Sep. 9, 2008	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re potential E.U. marks (CHROMEZONE)	Attorney-Client Privilege	RAK
105.	Sep. 9, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re potential E.U. marks (CHROMEZONE)	Attorney-Client Privilege	RAK
106.	Sep. 11, 2008	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re potential E.U. marks (CHROMEZONE)	Attorney-Client Privilege	RAK
107.	Sep. 12, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re potential E.U. marks (CHROMEZONE)	Attorney-Client Privilege	RAK
108.	Sep. 17, 2008	Graham	Donna Lee	Email correspondence	Attorney-Client	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
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No.	Date	Recipient	Author	Description	Privilege	Location
		Farrington (Outside counsel at Ladas & Parry LLP)	(Senior Paralegal of VIA Technologies)	re potential E.U. marks (CHROMEZONE)	Privilege	
109.	Oct. 28, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Letter re E.U. application (CHROMEZONE)	Attorney-Client Privilege	RAK
110.	Oct. 31, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re Office Action (CHROMEZONE)	Attorney-Client Privilege	RAK
111.	Nov. 5, 2008	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re WIPO fee deficiencies (CHROME)	Attorney-Client Privilege	RAK
112.	Nov. 5, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re WIPO (CHROME)	Attorney-Client Privilege	RAK
113.	Nov. 20, 2008	Graham Farrington (Outside counsel	Donna Lee (Senior Paralegal of VIA	Email correspondence re WIPO (CHROME)	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
		at Ladas & Parry LLP)	Technologies)			
114.	Nov. 21, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK
115.	Nov. 21, 2008	Cynthia Thomas (Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK
116.	Nov. 21, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Cynthia Thomas (Ladas & Parry LLP)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK
117.	Dec. 4, 2008	Cynthia Thomas (Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK
118.	Dec. 4, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK

Registrant VIA Technologies, Inc.'s Privilege Log

Google, Inc. v. VIA Technologies, Inc.
Cancellation No.: 92056816

No.	Date	Recipient	Author	Description	Privilege	Location
119.	Dec. 4, 2008	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re E.U. application (CHROMEZONE)	Attorney-Client Privilege	RAK
120.	Dec. 4, 2008	Donna Lee (Senior Paralegal of VIA Technologies)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re E.U. application (CHROMEZONE)	Attorney-Client Privilege	RAK
121.	Dec. 8, 2008	Graham Farrington (Outside counsel at Ladas & Parry LLP); Cynthia Thomas (Ladas & Parry LLP)	Donna Lee (Senior Paralegal of VIA Technologies)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK
122.	Dec. 9, 2008	Donna Lee (Senior Paralegal of VIA Technologies); Cynthia Thomas (Ladas & Parry LLP)	Graham Farrington (Outside counsel at Ladas & Parry LLP)	Email correspondence re international applications (PANOCHROME)	Attorney-Client Privilege	RAK

EXHIBIT N

Chrome 430 ULP MDF letter
For Fujitsu MG model

For S3 Graphics
Mobile Processors

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www.s3graphics.com

10/16/2008

VIA00968

CONFIDENTIAL

Dear Fujitsu:

Thank you for your support of S3 Graphics in the PC market. S3 Graphics, Inc. is agrees to give Fujitsu our MDF program for MG model with below requirements

1. S3 agree to give Fujitsu our MDF program at $1.50 USD per S3 logo sticker on each selling Fujitsu Notebook PC start from PO number "P-113657".
   a. Please issue another 1K PO for S3 logo sticker for PO number "P-113657
   b. On future PO please order S3 logo sticker together with the amount of part you order

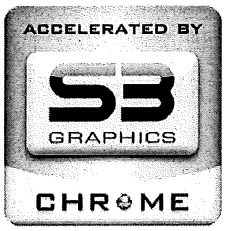
2. Total promotion amount is $40K USD and Max 26,666pcs for this MDF program.

3. If Fujitsu has extra inventory currently in stock will like to put S3 logo sticker on please provide S3 following.
   a. Total amount and from which PO were these parts ordered
   b. Please issue PO for the extra S3 logo for this claim

4. In order to claim for this MDF fund Fujitsu must provide below
   a. A picture of selling PC contain S3 logo sticker on it
   b. Two pictures of the retail shops where Fujitsu PC is contain with S3 logo on it.
   c. Fujitsu need to issue MDF invoice to S3 quarterly

5. S3 logo sticker part number for ordering is 25-S3G-0D-010-010-010

6. S3 logo sticker image



Customer satisfaction is important to us at S3 Graphics, Inc. and we remain committed to helping you achieve your goals.

Sincerely,

Amy Wu
Sr. Product Marketing Manager
S3 Graphics, Inc.

1025 Mission Court
Fremont, CA 94539
Tel: (510) 687-4970
Fax: (510) 687-3402

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www.s3graphics.com

10/16/2008

VIA00969

CONFIDENTIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

DECLARATION OF ROBERT F. GOOKIN IN SUPPORT OF OPPOSITION TO PETITIONER GOOGLE, INC.'S MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES

I, Robert F. Gookin, hereby declare as follows:

1. I am an attorney at the law firm Russ, August & Kabat ("RAK"), counsel of record for Registrant VIA Technologies, Inc. ("VIA") in these cancellation proceedings. Unless otherwise stated herein, I make this statement in support of VIA's Opposition to the Motion to Compel Discovery and for an Extension of Deadlines filed by Petitioner Google, Inc. ("Google") based on my personal knowledge.

2. VIA produced documents to Google on, *inter alia*, August 9, 2013, September 9, 2013, December 5, 2013, January 30, 2014, and March 19, 2014. Attached as Exhibits A, B, C, D, and E are true and correct copies of the respective cover emails or letters for each of these productions. Later document productions made by VIA are described in the declaration concurrently-filed by my colleague, Irene Y. Lee.

3. On August 26, 2013, I had a telephonic meet and confer with Jeffrey Norberg regarding objections that VIA had made to Google's interrogatories. At that time, Mr. Norberg was an attorney at Cooley LLP, counsel for Google in these proceedings. In that conversation, I

raised VIA's legitimate concerns, objections, and questions regarding Google's interrogatories. Mr. Norberg declined to amend or supplement Google's interrogatories. Accordingly, I said that VIA would supplement its responses based on my good faith understanding as to what information Google was seeking.

4. On February 12, 2014, I participated in a telephonic meet and confer with Mr. Norberg and his colleague, Katie Krajeck, regarding Google's belief that VIA's document productions were incomplete, in part because they contained what Google perceived to be an insufficient number of internal emails. During this meet and confer, I explained that my colleagues and I were experiencing logistical difficulties in working with legal personnel at VIA's headquarters in Taiwan to coordinate document collection and review efforts across offices in Taiwan and San Jose due to the time difference and language barriers, and stated that I would continue to work closely with VIA to continue VIA's search for responsive documents and would produce any additional documents in a timely fashion. I never stated that VIA was "relying in large part on a self-directed document search process," as is now claimed by Google. In fact, quite to the contrary. When Google asserted that they were concerned that VIA's document search process was being "self directed," I expressly indicated and explained that was not the case. At that time, I explained that I was working closely with VIA personnel, by email and telephonically, to guide them in their search for responsive documents. During that call, Google also complained that VIA's supplemental responses to various interrogatories that are not part of Google's current motion were deficient, and I agreed that VIA would further supplement its responses to those interrogatories. We agreed to extend the discovery period from February 26, 2014 to April 27, 2014 to give VIA time to address Google's concerns.

5. Attached as Exhibit F is a true and correct copy of the 30(b)(6) deposition notice that Google served on March 14, 2014.

6. Google claims in its motion that VIA's counsel "revealed that Registrant had conducted a self-directed search for documents with little or no involvement from in-house or outside counsel." Google's disingenuous and self-serving assertion is categorically denied. As noted above, in response to Google's expressed concern that VIA's document search was "self directed," I explained that we were working closely with VIA on its document search, and further explained that it was a slow process due to the logistical difficulties we were experiencing as a result of documents being spread across two different continents. In an effort to ensure that all responsive documents were located and produced, I personally worked with Inky Chen, VIA's in-house legal specialist in Taiwan, to coordinate VIA's document collection and review efforts. I continually gave direction to Ms. Chen regarding, among other things, keywords to be used by the identified custodians in searching for documents responsive to Google's document requests. Additionally, other RAK attorneys and I reviewed all the documents forwarded by Ms. Chen for responsiveness and privilege. We produced the non-privileged relevant documents and recorded any privileged relevant documents in a privilege log that we provided to Google.

7. VIA served interrogatories on Google on September 23, 2013, and after having sought and received an extension of time from VIA to respond thereto, Google generally objected that they exceeded the limit permitted by the Board and refused to furnish any substantive answers. Attached as Exhibit G is a true and correct copy of an email I sent to Google's counsel on November 1, 2013, asking to meet and confer regarding, *inter alia*, the improper and facially deficient response that Google had served to VIA's interrogatories despite

the extra time it had to respond. I met and conferred with Mr. Norberg by telephone on November 6, 2013. During this call, I explained that Google's "excessiveness" objection lacked merit. Additionally, while conceding that certain of VIA's interrogatories were at least arguably not relevant to this proceeding, I maintained that others clearly were directly relevant. Following that discussion, Mr. Norberg agreed to supplement Google's responses to provide substantive answers to all relevant interrogatories. In light of Mr. Norberg's agreement on this matter, I consented to extend the discovery cutoff by 60 days to give Google sufficient time to make its responses. Accordingly, on November 22, 2013, Mr. Norberg filed a Motion for an Extension of Answer or Discovery or Trial Periods With Consent to extend the cutoff from December 28, 2013 to February 26, 2014.

8. Google never raised with VIA the ESI production processes it believed that VIA should use before VIA began gathering and producing documents, either during the parties' Rule 26(f) conference or otherwise. To this day, the parties have no agreement to use specific ESI production processes.

Pursuant to 28 U.S.C. § 1746 and Rule 2.20 of the Trademark Rules of Practice, I hereby declare that all statements made herein on personal knowledge are true; and all statements made herein on information and belief are believed to be true.

Executed on July 9, 2014 at Los Angeles, California.

Robert F. Gookin

EXHIBIT A

Josie Mercado <jmercado@raklaw.com> August 9, 2013 12:10 PM
To: "jcullum@cooley.com" <jcullum@cooley.com>, "apeck@cooley.com" <apeck@cooley.com>, "jnorberg@cooley.com" <jnorberg@cooley.com>, "thance@cooley.com" <thance@cooley.com>, "smartinez@cooley.com" <smartinez@cooley.com>, "trademarks@cooley.com" <trademarks@cooley.com>
Cc: Robert Gookin <rgookin@raklaw.com>, Irene Lee <ilee@raklaw.com>, Anne Zivkovic <azivkovic@raklaw.com>
Google, Inc. v. VIA Technologies, Inc.

Dear Counsel,

Below please find two links to access documents Bates-labeled VIA00001-00441 and VIA00442-00454, in connection with Registrant VIA Technologies, Inc.'s Response to Petitioner Google, Inc.'s First Set of Requests for Production of Documents. Please contact our office if you have any questions.

https://www.dropbox.com/s/4fc835wnwi2z0kc/VIA00001-00441.pdf

https://www.dropbox.com/s/5ge93zph60ftz3i/VIA00442-00454.pdf

Thank you,

Josie Mercado
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
310 826-6991 Fax
jmercado@raklaw.com

* *
IRS Circular 230 Notice: This communication is not intended to be used and cannot be used, for the purpose of avoiding U.S. federal tax-related

penalties or promoting, marketing or recommending to another party any tax-related matter addressed herein.

- -

This communication shall not create, waive or modify any right, obligation or liability, or be construed to contain or be an electronic signature. This communication may contain information that is legally privileged, confidential or exempt from disclosure, and is intended only for the named addressee(s). If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is prohibited.

EXHIBIT B

Josie Mercado <jmercado@raklaw.com> September 9, 2013 11:44 AM
To: "jcullum@cooley.com" <jcullum@cooley.com>, "apeck@cooley.com" <apeck@cooley.com>, "jnorberg@cooley.com" <jnorberg@cooley.com>, "thance@cooley.com" <thance@cooley.com>, "smartinez@cooley.com" <smartinez@cooley.com>, "trademarks@cooley.com" <trademarks@cooley.com>
Cc: Robert Gookin <rgookin@raklaw.com>, Anne Zivkovic <azivkovic@raklaw.com>
Google, Inc., v. VIA Technologies, Inc.

2 Attachments, 21.7 MB

Dear Counsel,

Attached please find Registrant VIA Technologies, Inc.'s Amended Responses to Petitioner Google, Inc.'s First Set of Special Interrogatories, along with additional documents Bates-labeled VIA00455-VIA00487.

Please contact us should you have any questions.

Thank you,

Josie Mercado
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
310 826-6991 Fax
jmercado@raklaw.com

* *
IRS Circular 230 Notice: This communication is not intended to be used and cannot be used, for the purpose of avoiding U.S. federal tax-related penalties or promoting, marketing or recommending to another party any tax-related matter addressed herein.
- -
This communication shall not create, waive or modify any right, obligation or liability, or be construed to contain or be an electronic signature. This

communication may contain information that is legally privileged, confidential or exempt from disclosure, and is intended only for the named addressee(s). If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is prohibited.

VIA00455-0...df (18.5 MB) 3329-US2 1...pdf (3.3 MB)

EXHIBIT C

RUSS AUGUST & KABAT
LAWYERS

12424
Wilshire Boulevard
12th Floor
Los Angeles
California
90025

Tel 310.826.7474
Fax 310.826.6991
www.raklaw.com

December 5, 2013

Via Federal Express

Jeffrey T. Norberg
Cooley LLP
101 California Street • 5th Floor
San Francisco, CA 94111-5800

Re: Google/VIA: TTAB Proceeding No. 92056816

Dear Jeff:

Pursuant to our previous conversations and in further response to Google's Requests for Production in the above-referenced action, I am enclosing a CD containing documents Bates labeled VIA00488-VIA00554.

Be advised that our client has identified some additional responsive documents. However, as those documents contain VIA's confidential sales information, we will not produce them until the parties have entered into an appropriate protective order. In the interest of keeping this process moving forward, I will take the first pass at drafting such an order and will send it to you for comment early next week.

As always, please feel free to contact me if you have any questions or want to discuss any of the above.

Sincerely,

Russ, August & Kabat

Robert F. Gookin

RFG/jm

Enclosure.

3329-US2 131205 LT J. Norberg.doc

EXHIBIT D

RUSS AUGUST & KABAT
LAWYERS

12424
Wilshire Boulevard
12th Floor
Los Angeles
California
90025

Tel 310.826.7474
Fax 310.826.6991
www.raklaw.com

January 30, 2014

Via Federal Express

Jeffrey T. Norberg
Cooley LLP
101 California Street • 5th Floor
San Francisco, CA 94111-5800

Re: Google/VIA: TTAB Proceeding No. 92056816

Dear Jeff:

Pursuant to our previous conversations and in further response to Google's Requests for Production in the above-referenced action, I have enclosed a CD containing documents Bates labeled VIA00555-VIA00735. Please be advised that, pursuant to the provisions of the TTAB's standard protective order, the documents labeled VIA00555-VIA00717 have been designated "Confidential," and the documents labeled VIA00718-VIA00735 have been designated "Trade Secret/Commercially Sensitive."

As always, please feel free to contact me if you have any questions or want to discuss any of the above.

Sincerely,

Russ, August & Kabat

Robert F. Gookin

RFG/jm

Enclosure.

EXHIBIT E

RUSS AUGUST & KABAT
LAWYERS

12424
Wilshire Boulevard
12th Floor
Los Angeles
California
90025

Tel 310.826.7474
Fax 310.826.6991
www.raklaw.com

March 19, 2014

Via Federal Express

Katie Krajeck
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121

Re: Google/VIA: TTAB Proceeding No. 92056816

Dear Ms. Krajeck:

I am writing in response to your March 14, 2014. As a threshold matter, while I realize that you are new to this matter, your hyperbolic tone, threats, and allegations of discovery abuse and spoliation are not well taken. Please be advised that VIA has worked, and continues to work, diligently to comply with its discovery obligations.

Accordingly, and in further response to Google's Requests for Production in the above-referenced action, I have enclosed a CD containing documents Bates labeled VIA00736-VIA01098. Pursuant to the provisions of the TTAB's standard protective order, the documents labeled VIA00952-VIA01009 have been designated "Confidential," and the documents labeled VIA01010-VIA01098 have been designated "Trade Secret/Commercially Sensitive." As VIA's investigations are ongoing, VIA reserves the right to supplement this production with additional responsive, non-privileged documents prior to the close of discovery.

Please feel free to contact me if you have any questions.

Sincerely,

Russ, August & Kabat

Robert F. Gookin

RFG/jm

Enclosure.

cc: Irene Lee, Esq.

3329-US2 140319 LT K. Krajeck.doc

EXHIBIT F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

NOTICE OF DISCOVERY DEPOSITION OF VIA TECHNOLOGIES, INC.

To: Irene Lee
Robert Gookin
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025

NOTICE IS HEREBY GIVEN that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, counsel for Petitioner Google Inc. ("Petitioner") will take the discovery deposition upon oral examination of Registrant VIA Technologies, Inc., Inc. ("VIA" or "Registrant"), commencing on April 15, 2014, at 9:30 a.m. at the offices of Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304-1130, or at another date and location as may be agreed upon by the parties. Said deposition shall continue from day to day thereafter until completed, excluding weekends and holidays.

NOTICE IS FURTHER GIVEN that said deposition will be conducted before an officer authorized by law to administer oaths and will be recorded by stenographic means, and may also be recorded by videotape, audiotape, and/or through the use of instant visual display (*e.g.*, LiveNote).

VIA shall designate one or more of its officers, directors, managing agents, employees or other persons who consent to testify on VIA's behalf and who are qualified, knowledgeable and competent to testify regarding the deposition topics set forth below. VIA shall identify its designees, including names, titles or positions, and the subject matter on which each designee will provide testimony at least seven days in advance of the deposition.

DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in this Notice of Deposition is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in this Notice of Deposition, the following terms are to be interpreted in accordance with these definitions:

1. "PETITIONER" or "GOOGLE" means Google Inc.

2. "YOU" and "YOUR" mean VIA Technologies, Inc, and any former or current employee, representative, attorney, agent, or licensee of VIA Technologies, Inc.

3. "YOUR MARK" refers to the any trademark you claim to own that includes or incorporates "Chrome," including but not limited to the trademarks identified in Registration Nos. 3,360,331 and 3,951,287.

4. "PETITION FOR CANCELLATION" refers to Cancellation No. 92056816 filed by Google on February 19, 2013.

5. "DOCUMENT" is used in its broadest sense, and has the same meaning as "documents" as defined in Federal Rule of Civil Procedure 34(a).

6. "COMMUNICATION" is used in its broadest sense, and means any transmission of information from one person or entity to another, by any means.

7. The terms “and” and “or” shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of this Notice of Deposition subject matter which might otherwise be considered beyond their scope.

8. Wherever used herein, the singular shall include the plural and the plural shall include the singular.

SUBJECTS OF DEPOSITION

1. YOUR consideration, design, development, selection, and adoption of YOUR MARK.

2. COMMUNICATIONS between YOU and any third party regarding YOUR consideration, design, development, selection, and adoption of YOUR MARK.

3. YOUR past, present, and planned use of YOUR MARK in connection with any products and services, including, but not limited to, the extent and manner in which YOU used YOUR MARK at the time in which YOU filed any declaration with the U.S. Patent and Trademark Office attesting to the use of YOUR MARK.

4. The past, present, and planned use of YOUR MARK by any third party in connection any products and services, including, but not limited to, the extent and manner in which any third party used YOUR MARK at the time in which YOU filed any declaration with the U.S. Patent and Trademark Office attesting to the use of YOUR MARK.

5. The products and services offered in the past, currently offered, or planned to be offered in connection with YOUR MARK.

6. YOUR past, present, and planned advertising, marketing, and promotion of products and services in connection with YOUR MARK, including without limitation any

advertising, marketing or promotion of products and services under YOUR MARK via online channels.

7. COMMUNICATIONS between YOU and any third party regarding YOUR past, present, and planned advertising and marketing of products and services offered or intended to be offered under YOUR MARK.

8. YOUR business plans reflecting or discussing use of YOUR MARK at any time.

9. The time periods of use and non-use of YOUR Mark in connection with each of the products and services identified at any time in any U.S. trademark registrations for YOUR MARK.

10. Any personal computer(s), desktop computer(s), portable computer(s), notebook computer(s), laptop computer(s), or any other computer device on which YOUR MARK is currently being used or has in the past been used in commerce in the United States and the time periods of use of YOUR MARK on each of those products.

11. The preparation, filing, and prosecution of any U.S. trademark applications for YOUR MARK.

12. YOUR decision to remove any products or services identified in the U.S. registrations for YOUR MARK.

13. The channels of trade through which YOU have advertised, marketed, or promoted, or plan to advertise, market, or promote, products and services in connection with YOUR MARK.

14. All COMMUNICATIONS between YOU and PETITIONER.

15. All COMMUNICATIONS between YOU and anyone else regarding PETITIONER.

16. Any rights in YOUR MARK that YOU have granted, whether through a license, assignment, security interest, or otherwise to a third party or acquired from any third party.

17. All steps taken by YOU to search for, collect, identify, and produce DOCUMENTS and information in response to the discovery requests propounded by PETITIONER, including but not limited to (a) the location and storage of such DOCUMENTS, (b) the criteria used to determine whether such DOCUMENTS were responsive to PETITIONER's discovery requests, (c) the identity of the individuals possessing such DOCUMENTS and information, (d) the DOCUMENTS and information produced by YOU in response to PETITIONER's discovery requests, and (e) YOUR basis for withholding any DOCUMENTS responsive to PETITIONER's discovery requests.

18. All responses and objections to Interrogatories, Requests for Production, and Requests for Admission propounded by PETITIONER.

19. YOUR business plans, presentations to, and discussions with investors and potential investors, board members and potential board members, and officers and potential officers related or referring in any way to YOUR MARK.

20. YOUR annual sales in the United States of products and services in connection with YOUR MARK for each year since YOU began use of YOUR MARK.

21. YOUR customers who have at any time purchased from YOU, directly or via a distributor or retailer or other intermediary, any product or service sold in connection YOUR MARK.

22. Any and all discussions, DOCUMENTS and COMMUNICATIONS, whether internal or with third parties, relating to a sale or contemplated or possible sale of YOUR MARK.

23. Any and all COMMUNICATIONS whether written or oral between or among YOU and any person at HTC concerning any agreement or contemplated agreement between YOU and Google relating to YOUR MARK.

24. The identity of any third party having any knowledge of any agreement or contemplated agreement between YOU and any party relating to YOUR MARK, including, but not limited to, any effort by YOU to sell, assign, or otherwise transfer YOUR purported rights in YOUR MARK.

25. Any efforts by YOU to police or enforce YOUR alleged rights in YOUR MARK.

26. The abandonment of YOUR MARK, including, but not limited to, any and all DOCUMENTS and COMMUNICATIONS relating to the discontinued use of YOUR MARK in connection with any products or services, and YOUR lack of intent to resume use of YOUR MARK in connection with any products or services.

27. YOUR DOCUMENT retention policy and efforts to preserve DOCUMENTS that may contain evidence relating to the subject matter of the PETITION FOR CANCELLATION.

28. The basis for each denial in YOUR Answer to the PETITION FOR CANCELLATION.

29. YOUR knowledge of any current or past contact information for Jonathan Chang and Miller Chen.

Dated: March 14, 2014

COOLEY LLP
Janet L. Cullum
Brendan J. Hughes
Katie Krajeck

By: /s/ Katie Krajeck
Katie Krajeck
COOLEY LLP
4401 Eastgate Mall
San Diego, California 92121-1909

Attorneys for Petitioner Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing **NOTICE OF DISCOVERY DEPOSITION OF VIA TECHNOLOGIES, INC.** was e-mailed pursuant to the agreement of the parties to counsel for Registrant at the following e-mail addresses:

trademark@raklaw.com
ilee@raklaw.com
rgookin@raklaw.com
azivkovic@raklaw.com

Date: March 14, 2014

By: /s/ Katie Krajeck
Katie Krajeck
Attorney for Petitioner Google Inc.

EXHIBIT G

Robert Gookin <rgookin@raklaw.com> November 1, 2013 1:20 PM
To: "Hance, Timothy" <thance@cooley.com>
Cc: "ilee@raklaw.com" <ilee@raklaw.com>, "jmercado@raklaw.com" <jmercado@raklaw.com>, "azivkovic@raklaw.com" <azivkovic@raklaw.com>, "Cullum, Janet" <jcullum@cooley.com>, "Norberg, Jeffrey" <jnorberg@cooley.com>, "Martinez, Suenmy" <smartinez@cooley.com>, "Corallo, Sheri" <scorallo@cooley.com>, "Trademark Mailbox-Docketing" <trademarks@cooley.com>
Re: Google, Inc. v. VIA Technologies, Inc. - Responses to Via's First Set of Requests for Production and Interrogatories

---

Tim,

I have reviewed Google's Responses to Registrant VIA Technologies, Inc.'s First Set of Special Interrogatories and First Set of Requests for Production of Documents, both of which are improper and facially deficient, all the more so in light of the fact that Google requested and received an extension of time to respond.

Please advise as to your availability next Monday, November 4th or Tuesday, November 5th for a meet and confer in order to discuss Google's responses in the hope of avoiding motion practice.

All best,

Bob

Robert Gookin
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310 826-7474
rgookin@raklaw.com

* *
IRS Circular 230 Notice: This communication is not intended to be used and cannot be used, for the purpose of avoiding U.S. federal tax-related penalties or promoting, marketing or recommending to another party any tax-related matter

addressed herein.

- -

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On Oct 31, 2013, at 3:36 PM, Hance, Timothy wrote:

> Dear Counsel,
>
> Attached please find Petitioner Google Inc.'s Responses to Registrant VIA Technologies, Inc.'s First Set of Special Interrogatories and First Set of Requests for Production of Documents. Please contact us if you have any questions.
>
> Thanks,
>
> **Tim Hance**
> Cooley LLP
> 4401 Eastgate Mall
> San Diego, CA 92121-1909
> Direct: (858) 550-6132 • Fax: (858) 550-6420
> Email: thance@cooley.com • www.cooley.com
>
> ---
>
> This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

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

<Google_-
_General_Objections_to_Via_s_1st_Set_of_Interrogatories.pdf><Google_V
IA_-
_Response_to_VIA_s_1st_Requests_for_Production_of_Documents.pdf>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Google Inc., Petitioner, v. VIA Technologies, Inc., Registrant.	Cancellation No.: 92056816 Registration No.: 3,360,331 Mark: CHROME Issued: December 25, 2007 Registration No.: 3,951,287 Mark: CHROME Issued: April 26, 2011

DECLARATION OF INKY CHEN IN SUPPORT OF OPPOSITION TO PETITIONER GOOGLE, INC.'S MOTION TO COMPEL DISCOVERY AND FOR AN EXTENSION OF DEADLINES

I, Inky Chen, hereby declare as follows:

1. I graduated from the law department of Ming Chuan University in Taipei, Taiwan, and currently work as a Legal Specialist in the in-house legal department of Registrant VIA Technologies, Inc. ("VIA"), which is based at corporate headquarters in Taipei, Taiwan. My regular job duties are (1) reviewing legal documents/contracts and providing legal opinions and (2) maintaining and applying for corporate trademarks. I carry out these duties under the direct supervision of Claire Lin, VIA's in-house attorney in Taiwan. Unless otherwise stated herein, I make this statement in support of VIA's Opposition to the Motion to Compel Discovery and for an Extension of Deadlines filed by Petitioner Google, Inc. ("Google") based on my personal knowledge.

2. Because of the logistical challenges involved in having to coordinate the collection of responsive materials from both VIA's Taiwan and Fremont, California offices, I was assigned to work with the attorneys at Russ, August & Kabat ("RAK") in responding to the document requests that Google propounded in these cancellation proceedings on July 2, 2013.

3. First, I reviewed Google's document requests and worked to identify persons in the sales and marketing departments of the graphics, chipset, and embedded products divisions of VIA, that we believed might have information responsive to those requests, including Joseph Chung, Nicole Kuo, Howard Yang, William Wan, Audry Tsai, Kevin Wang, Epan Wu, Dr. Ken Weng, Benjamin Pan, Amy Wu, and Melody Chou (collectively, "custodians"). Depending on whether a custodian was based in the U.S. or in Taiwan, I either discussed with him or her face-to-face or over the phone or email, the nature of these proceedings, the scope of Google's document requests, and VIA's obligation to preserve and produce responsive documents, including electronically-stored information ("ESI"), such as emails.

4. I then instructed the custodians to search their respective records, including ESI saved on their computers and personal backup drives, using a list of keywords that we derived together with Robert Gookin at RAK. This list was comprised of the terms CHROME, Google, S3 Graphics, and trade show, and the names of customers and products associated with the CHROME marks, including, HP, Artigo, Amos, Dell, Wyse, Fujitsu, Thin Client, Jupiter, Lenovo, and Samsung. As VIA's factual investigation continued, we would come up with additional keywords that I would ask the custodians to use to search their records.

5. I reviewed for responsiveness the documents that the custodians located using the aforementioned keywords I had provided, and then sent all of the responsive documents to RAK for additional review. From speaking to RAK and reviewing copies of the productions ultimately made to Google, I am informed and believe that RAK attorneys re-reviewed all of the documents we provided for privilege as well as responsiveness, and produced all responsive, non-privileged documents to Google. Thus, the only responsive documents located by our

custodians that were withheld from Google were those deemed privileged by RAK and which were itemized on a privilege log that was provided to Google instead.

6. VIA made its last production of documents to Google on June 11, 2014, and I am not aware of any additional documents in VIA's possession, including ESI, responsive to Google's requests that VIA has yet to produce. Nor do I have any reason to doubt that the custodians searched for and forwarded to us all documents, including ESI, matching the aforementioned keywords as expressly instructed.

Pursuant to 28 U.S.C. § 1746 and Rule 2.20 of the Trademark Rules of Practice, I hereby declare that all statements made herein on personal knowledge are true; and all statements made herein on information and belief are believed to be true.

Executed on July 9, 2014 at Taipei, Taiwan.

Inky Chen

Inky Chen