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interactive pages designed to provide information to advertisers (e.g., Google Trends, which provides interactive information regarding the historical number of searches conducted on queries). The display of actual internet pages will allow for inputs into these sites that are not captured in static printouts.

If Respondent's request were granted, Respondent would display actual internet pages to witnesses pursuant to a protocol (described below) designed to preserve the record and to protect each side's ability to further examine the witness using the same results. Respondent would use this procedure with Complaint Counsel's next witness, Dr. Susan Athey, who is tendered as an expert in analyzing search engine data.

The parties met and conferred in good faith on multiple occasions to work through potential concerns raised by Complaint Counsel. Although Complaint Counsel have not agreed to the proposed procedures, the protocol discussed below reflects Respondent's best effort to address the reasonable concerns raised by Complaint Counsel.

To allow the Court to better evaluate the request, Respondent is prepared to present to the Court a short demonstration of the procedures discussed below, which would take only a few minutes. If the Court would find such a demonstration useful, Respondent could do so prior to the start of the next witness on Tuesday, April 18, 2017, at 10:30 a.m., or earlier if the Court desires.

**PROPOSED PROTOCOL**

**Browser:** Respondent would use Internet Explorer. To prevent the user search history from influencing any search results, Respondent would use the "Private" mode, clear the browser search history, and clear all cookies.

**Preserving the Record:**

DATED: April 17, 2017

Respectfully submitted,

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**CERTIFICATE OF COUNSEL REGARDING MEET AND CONFER**

I, Sean Gates, hereby certify that on April 7, 12, and 15, 2017, I conferred with Complaint Counsel in a good faith effort to come to an agreement with regard to Respondent's request. The parties also exchanged numerous emails on the subject. We were unable to reach agreement.

DATED: April 17, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2017, I filed **RESPONDENT 1-800 CONTACTS, INC.'S REQUEST FOR EXCEPTION TO WI-FI ACCESS RULE TO EXAMINE WITNESSES USING INTERNET** using the FTC's E-Filing System, which will send notification of such filing to all counsel of record as well as the following:

Donald S. Clark  
Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

DATED: April 17, 2017

By: \_\_\_\_\_  
Sean Gates

**CERTIFICATE FOR ELECTRONIC FILING**

I hereby certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document

Notice of Electronic Service

**I hereby certify that on April 17, 2017, I filed an electronic copy of the foregoing Respondent's Request re Internet, with:**

D. Michael Chappell  
Chief Administrative Law Judge  
600 Pennsylvania Ave., NW  
Suite 110  
Washington, DC, 20580

Donald Clark  
600 Pennsylvania Ave., NW  
Suite 172  
Washington, DC, 20580

**I hereby certify that on April 17, 2017, I served via E-Service an electronic copy of the foregoing Respondent's Request re Internet, upon:**

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