

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON DC 20268-0001

UNFAIR COMPETITIVE ADVANTAGES;)
ENHANCEMENT OF THE FORMAL)
COMPLAINT PROCESS) Docket No. RM2013-4

COMMENTS OF
GRAYHAIR SOFTWARE INC.
(July 29, 2013)

GrayHair Software Inc. respectfully submits these comments in response to Order No. 1739, 78 Fed. Reg. 35826 (June 14, 2013).

I. INTRODUCTION AND SUMMARY

The Commission's notice sheds a welcome light on important issues that have deserved more attention. The Commission properly recognizes that the risk of anticompetitive conduct by the Postal Service is a serious concern, that overly protracted proceedings can undermine the effectiveness and perceived value of the complaint remedy, and that reforms are in order. GrayHair Software respectfully submits, however, that these goals would be better achieved through other reforms—in particular, through (1) the establishment of a summary judgment remedy similar to that used by federal and state civil courts and many federal agencies, including the Postal Service itself, and (2) tighter enforcement of existing discovery rules. Perhaps the most urgent need, however, is flesh out the existing competition rules with more detailed substantive standards.

II. BUSINESS AND INTERESTS OF GRAYHAIR SOFTWARE

A. Description of GrayHair Software's Business

GrayHair Software is a privately held company, founded in 2000, that offers value added mail-related services to business mail owners and resellers. GrayHair Software first gained prominence through a pioneering set of applications and services that used raw customer barcode scan data from the Postal Service to generate sophisticated and detailed reports about a customer's mail performance. The services currently offered by GrayHair Software include IMB-based tracking and performance measurement services for outbound and inbound mail; mail monitoring services that alert mailers to missing containers, inefficient mail movement, natural disasters and other disruptions in the postal mailstream; NCOA^{Link}, ACS, CASS, AEC and other address hygiene services; list duplication and address suppression services; and similar services for mail addressed to foreign destinations.

GrayHair Software's services have several characteristics in common. First, they are complements of mail products offered by the Postal Service. Second, GrayHair Software's services provide valuable functionalities that the Postal Service did not offer before, and often still does not offer. GrayHair Software's pioneering services that interpret Postal Service barcode scan data are a good example: without the interpretive reports generated by GrayHair Software and other private competitors, the raw scan data supplied by the Postal Service would have less value to any mail owner, and indeed would be incomprehensible for most mail owners.

The services provided by GrayHair Software and its peers to mail owners benefit the Postal Service as well. By making mail more valuable and less costly for mail

owners, GrayHair increases its customers' demand for mail service. By improving the address quality and other attributes of mail entered by GrayHair's clients, GrayHair also reduces the Postal Service's costs of service.

B. GrayHair Software's Competitive Concerns

GrayHair Software's services, while valuable to the company's customers, are vulnerable to competitive foreclosure by the Postal Service. Most of GrayHair Software's revenue is generated by services purchased by users of market dominant postal products, especially First-Class and Standard Mail. That fact gives the Postal Service "monopsony power over the (largely competitive) providers of upstream services." John C. Panzar, "Toward a 21st century postal service," in Crew and Kleindorfer, eds., *Multi-modal Competition and the Future of Mail* 147 (2012). This market power, if misused, enable the Postal Service to start offering the complementary products in competition with independent suppliers like GrayHair Software, foreclose the independent firms from competing effectively, and even force them out of business—even when their services are better and cheaper than the Postal Service's. If that were to happen, the losers would include mail owners and consumers as well as GrayHair Software and its peers. R. Richard Geddes, *Competing with the Government: Anticompetitive Behavior and Public Enterprises* xii-xiii (2004).

The regulatory literature reveals several recurring ways in which market dominant firms foreclose, or attempt to foreclose, competition in adjacent product markets for complementary goods:

- (1) Bundling or tying otherwise competitive services with the market dominant service, at no extra cost for the competitive service. (Even the best mouse trap in the world can't compete with free.) Patrick Rey and Jean Tirole, "A Primer on Foreclosure," in 3 Mark Armstrong and Robert Porter, *Handbook of Industrial Organization* 2149 (2007); P. Areeda and H. Hovenkamp, III *B Antitrust Law* (3rd ed. 2008) at ¶ 787 at 354 & 358 n. 13; *Cantor v. Detroit Edison Co.*, 428 U.S. 579 (1976) (provision of "free" light bulbs by electric utility).

- (2) Offering otherwise competitive services at a price that fails to cover its incremental costs, and subsidizing the losses with revenue from market dominant services. And covering up the cross subsidy by misattributing the costs of the competitive service to other services, misclassifying them as institutional costs, or using inefficient technologies with high fixed or common costs. D. Sappington and J.G. Sidak, "Incentives for Anticompetitive Behavior by Public Enterprises," 22 *Rev. of Industrial Org.* 183 (2003) at 193-195; Sappington and Sidak, "Competition Law for State-Owned Enterprises," 71 *Antitrust L.J.* 479, 482, 494-98 (2003) (discussing *Deutsche Post* cross subsidy case); *id.* at 507-510; Sappington and Sidak, "Anticompetitive Behavior by State-Owned Enterprises: Incentives and Capabilities," in R. Geddes, ed., *Competing with the Government* 8-11 (2004); P. Areeda and H. Hovenkamp, III *B Antitrust Law* (3rd ed. 2008) at ¶ 787 at 355.

- (2) Price squeezes—i.e., charging independent competitors like GrayHair Software a higher price for an essential facility or service than end users (i.e., mail owners) are charged. Patrick Rey and Jean Tirole, “A Primer on Foreclosure,” in 3 Mark Armstrong and Robert Porter, *supra*, at 2152 (1st paragraph).
- (4) Misuse of standard setting to exclude independent competitors by defining their complementary services as noncompliant. 2 Alfred E. Kahn, *The Economics of Regulation: Principles and Institutions* 140-145 (1971) (history of Bell System rules designed to bar the attachment of non-Bell customer equipment to the phone network).
- (5) Selectively releasing information about the specifications or technology of the dominant firm’s essential services, for the purpose of giving the firm (here, the Postal Service or private firm working as a contractor for the Postal Service) a head start over other competitors in developing complementary services.
- (6) Requiring independent competitors to disclose to the market dominant firm proprietary commercial information about the competitors’ business methods or downstream customers, and then exploiting the information to compete for those customers. Cf. *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information and Implementation of Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*,

13 FCC Rcd 8061, 8068-70, ¶ 7 (1998) (history of FCC efforts to prevent market dominant common carriers from disclosing customer proprietary network information (“CPNI”)).

- (7) Premature public announcements of products before they are ready for commercial deployment (“vaporware”) for the purpose of inducing customers not to use competing products offered by rivals that are already in the market. See R. Geddes, *Competing with the Government*, *supra*, at xiii & 29 (“if there is uncertainty over a government firm’s intention or ability to expand into an activity, that uncertainty will contribute to private disinvestment.”).

The regulatory literature also makes clear that the risk of competitive foreclosure is heightened when the dominant firm is a common carrier, public utility or other regulated monopoly. One important reason is that the absence of equity shareholders (“residual claimants”) weakens the incentive to maximize profits instead of revenue or volume. D. Sappington and J.G. Sidak, “Incentives for Anticompetitive Behavior by Public Enterprises,” 22 *Rev. of Industrial Org.* 183-206 (2003); Sappington and Sidak, “Competition Law for State-Owned Enterprises,” 71 *Antitrust L.J.* 479, 498-507 (2003); Sappington and Sidak, “Anticompetitive Behavior by State-Owned Enterprises: Incentives and Capabilities,” in R. Geddes, ed., *Competing with the Government* 5-7 (2004); *cf.* Order Nos. 26 and 27, Docket No. RM2007-1, *Administrative Practice and Procedure, Postal Service*, 72 *Fed. Reg.* 50744, 50761 (2007) (“Unlike its private enterprise counterparts . . . the Postal Service has no residual claimants, i.e.,

stockholders, to shoulder the consequences of an improvident decision to change rates.”).

For firms like GrayHair Software, these concerns are more than theoretical. Private competitors that provide complementary services to users of mail products (especially market dominant mail products) have faced repeated attempts by the Postal Service in recent years to foreclose competition in adjacent competitive markets. Although most of these efforts have been disallowed by the Commission or withdrawn by the Postal Service after mailers protested, the temptation to expand the Postal Service’s market reach through anticompetitive conduct seems to be a recurring temptation.

Misuse of proprietary commercial information about mail owners. In 2006, a report of the Office of Inspector General disclosed that the Postal Service was collecting information on mail owners submitted by mail service providers on mailing statements submitted through the PERMIT system, and using the information to solicit mail owners to use Mailing Online, a service offered by the Postal Service in competition with many of the same mail service providers. OIG Report No. MS-MA-06-002, *Management Advisory Report—Postal Service’s Use of Ghost Numbers* (Sept. 19, 2006).

The issue surfaced again in late 2012, when the Postal Service proposed to require mail service providers to identify the mail owner for all pieces in any mailing entered at automation discounts. The proposed disclosure, known as the “By/For” requirement, was mandatory. See *Implementation of Full-Service Intelligent Mail Requirements for Automation Prices*, 77 Fed. Reg. 23643, 23646 (2012) (Advanced

Notice of Proposed Rulemaking); *id.*, 77 Fed. Reg. 63771, 63777 (2012) (Notice of Proposed Rulemaking). Although a mailing industry outcry ensued, the Postal Service did not back down from this disclosure requirement. See *Implementation of Full-Service Intelligent Mail Requirements for Automation Prices*, 78 Fed. Reg. 23137, 23138, 23139 (April 18, 2013). The Postal Service did announce in March 2013 that it would not disclose the customer information thereby obtained “to competitors of a mailing agent” or “to secure direct entry of volume from a mail owner that is otherwise received through a mailing agent.” The Postal Service added, however, that these restrictions “of course, would not prevent the Postal Service from continuing to engage in the type of direct sales with mail owners which it pursues in the normal course of business.”

Confirm[®] Platinum Pricing. In Docket No. R2009-2, *Notice of Price Adjustment*, the Postal Service proposed to increase the price of a one-year subscription to the Platinum level of Confirm tracking service to \$25,000 for mail owners, but \$250,000 to “mailing agents” (i.e., mail service providers). A coalition of mail service providers, including GrayHair Software, challenged the higher rate as unlawfully discriminatory vis-à-vis the lower rate (a violation of 39 U.S.C. § 403(c)), and unjust and unreasonable in absolute terms. The Commission agreed, and the Postal Service eliminated the higher rate for mail service providers. Docket No. R2009-2, Order No. 191 (March 16, 2009) at 69-72; *id.*, Order No. 201 (April 9, 2009).

IMsb. In early 2012, the Postal Service proposed offering a suite of IMB-related services for small businesses called Intelligent Mail Small Business (“IMsb”). Among the functionalities indicated by the Postal Service were concessions from applicable mailing standards, such as relaxed mail preparation requirements, access to reduced

rates, and no-charge address matching services. The Postal Service did not, however, propose to offer the same benefits to GrayHair Software and other mail service providers when serving equally small mailers. Moreover, the Postal Service apparently intended to offer, without any separate or additional charge, complementary services that would compete with the services offered by mail service providers. This issue is still unresolved.

GrayHair Software sympathizes with the Postal Service's desire to expand the use of IMB among all mailers, large and small. The appropriate way to increase non-mandatory use of IMBs, however, is by offering price incentives to mail owners and mail service providers in a nondiscriminatory fashion. Promoting greater use of IMBs through competitive foreclosure of mail services providers, potentially the Postal Service's strongest allies in this campaign, is not only unlawful but self-defeating.

Informed Visibility. In November 2012, the Postal Service announced an "Informed Visibility" initiative for "real-time, end-to-end mail tracking," including "new business intelligence capabilities," "powerful analytics," "expanded measurement and diagnostics capabilities," and "adaptive predictive workload tools." Although the Postal Service's pronouncements were vague, the project appeared to be designed as a set of "free" value-added services that would compete with the services offered by GrayHair Software and other private firms. After a series of meetings with senior management, the Postal Service disclaimed any in such intention, insisting that the data reports would be used solely for internal operational management and troubleshooting, and would not be marketed in competition with the services offered by private vendors. This clarification has not been codified in any published rule or statement, however.

Meanwhile, the Postal Service has launched a new website to promote Informed Visibility-like services to mail owners, apparently at no additional charge. See www.usps.com/lastmile (“Scanning data is captured throughout mail processing and delivery, yielding robust analytics about the performance of your mail and delivery. The Postal Service™ provides valuable insight, foresight and hindsight for your business through a variety of Business Intelligence tools.”).

III. COMMENTS ON PROPOSED CHANGES IN PROCEDURES

The notice proposes two ways to streamline complaint procedures in Section 404a cases: (1) create “special accelerated procedures” that would omit discovery and further testimony after the initial pleadings; and (2) allow depositions in Section 404a cases under standards comparable to Rule 30 of the Federal Rules of Civil Procedure. The Commission’s recognition of the need for quicker resolution of complaint cases is well-founded. For the reasons explained below, however, other procedural and substantive rules are likely to accomplish the goal more effectively.

A. Special accelerated procedures

The first procedural reform proposed by the Commission is the adoption of optional “special accelerated procedures” under which a complainant could “opt to have the Commission decide the case on the basis of only a complaint and answer, and in limited circumstances, a reply.” 78 Fed. Reg. at 35829-35830. There would be no discovery. *Id.* at 35830.

The Commission’s desire to streamline litigation is commendable. For a small independent competitor facing extinction through competitive foreclosure by a much

larger vertically-integrated rival, justice delayed indeed can be justice denied. In this regard, the Commission's reference by analogy to the *GameFly* complaint case (Docket No. C2009-1) is well taken. The four-year duration of *GameFly* case has indeed raised serious questions among mailers about the timeliness, efficacy and cost of the Section 3662 complaint remedy.

The special alternative procedures proposed in Order No. 1739, however, would achieve expedition at the cost of effective advocacy. The Commission's assumption that "complainants should have the information and documentation needed to support their claims well in advance of filing of a complaint" for "the vast majority of issues expected to arise under 39 U.S.C. 404a" (78 Fed. Reg. 35830) is overoptimistic. Section 404a complaints are often likely to raise disputed issues of fact. The Postal Service is likely to defend against allegations of competitive foreclosure by asserting that low prices for complementary services offered by the Postal Service are justified because costs are even lower; that bundling and tying are justified by supposedly large economies of scope; that restrictions on the use of complementary services offered by private competitors are justified by economic efficiency or the Postal Service's operational needs; and that the Postal Service has not misused mailing agent-supplied proprietary information about mail owners to market competing services offered by the Postal Service. Each of these defenses, if asserted, would raise issues of fact; some of the most useful and probative information on these issues is likely to be found in the exclusive possession of the Postal Service; and the only reliable way to obtain and use this information is discovery, cross-examination and rebuttal testimony.

The *GameFly* case provides a compelling demonstration of this. In response to GameFly's discrimination claim, the Postal Service asserted a welter of defenses: e.g., that GameFly and Netflix were not "similarly situated" because of differences between their businesses, mailpiece designs, mail volume and density, and the number of entry points; and that any discrimination by the Postal Service between the two customers was the result of processing decisions made at the local level, was the most efficient, cost-minimizing choice for the Postal Service, and was required by operating constraints. GameFly was able to overcome these defenses only by serving extensive document requests on the Postal Service, and by using the documents to refute the Postal Service's litigation claims. See Order No. 718 (April 20, 2011) at 30-107 (rejecting USPS claims in light of the record). Without document discovery, there would have been no effective way to refute the Postal Service's claims.

The existence of truncated procedural option in FCC complaint cases does not establish to the contrary. Cf. 78 Fed. Reg. at 35829 n. 11 (citing *Amendment of Rules Governing Procedures to be Followed When Formal Complaints are Filed Against Common Carriers*, 12 F.C.C.Rcd. 22479 (1997)). FCC and PRC complaint proceedings differ in two critical respects. First, the need for discovery in Accelerated Docket proceedings is reduced by broad mandatory disclosure at the outset of the case. The FCC rules for Accelerated Docket proceedings require each party, simultaneously with its *initial* pleading in the case, to produce copies of "all documents in the possession, custody or control of the party that are likely to bear significantly on any claim or defense." 47 C.F.R. § 1.729(i)(2) (emphasis added). Second, and in any event, parties, upon a showing of good cause, may still "request the production of additional documents" from their adversaries. *Id.*, § 1.729(i)(2).

Moreover, while there may be some cases in which the disputed issues are narrow enough to be litigated effectively through the proposed expedited procedures, a complainant will not know whether this is true case until the Postal Service discloses its defenses in its answer. By then, however, the complainant will be stuck with whatever procedure it chose at the outset. See proposed Rule 3033.1(c)(1) (reproduced at 78 Fed. Reg. 35634 col. 3); 78 Fed. Reg. at 35832 (col. 1) (under the proposed rules, a “complainant may not file a complaint under part 3033, withdraw the complaint, and then refile it under 3030.”).

The accelerated procedures could be unfair to the Postal Service as well. The Postal Service may wish to assert defenses that legitimately require either (1) discovery from the complainant or (2) economic analysis and testimony that may require more than 20 days to develop. *Cf.* proposed Rule 3033.8(a) (requiring the USPS to file answer within 20 days); proposed Rule 3033.8(b) (requiring the USPS to file motions to dismiss and other dispositive motions within 7 days).

B. Discovery depositions

The second proposed procedural reform is to allow depositions during the discovery phase of non-accelerated Section 404a complaints. 78 Fed. Reg. at 35830, 35831, 35834 (proposed Rule 3032.15). This proposal should be adopted, if at all, only in a tightly restricted form.

Depositions are commonly used for several purposes in civil litigation—e.g., narrowing the issues in dispute by locking in the adversary’s position, and identifying the individuals within a large organization who possess relevant information and documents

on specific subjects for further discovery. For issue-narrowing in administrative cases, however, mandatory stipulations and requests for admissions are typically a less costly alternative. For information-gathering, interrogatories and requests for production of documents are usually more effective and economical. Even in routine fact litigation—disputes over who did what to whom—depositions without interrogatories and document production often involve shooting blind. “Where the goal is fact-finding or case building, the deposition should not be taken until after an adequate informational foundational has been established.” Lisnek, Paul M., and M. J. Kaufman, *Depositions: Procedure, Strategy & Technique* (3d. ed. 2012); see also Presiding Officer’s Ruling No. C2008-3/7 (Aug. 28, 2008) at 3 (“It appears that more time has been spent [during the deposition] on argument from counsel than on collecting testimony.”).

Moreover, the routine availability of depositions creates a significant potential for harassment, particularly if a larger party uses depositions as part of a scorched-earth strategy of exhausting the resources of its smaller adversary. “Depositions are often overused and conducted inefficiently, and thus tend to be the most costly and time-consuming activity in complex litigation.” David F. Herr, *Annotated Manual for Complex Litigation* (4th ed. 2013) at § 11.45.

Consistent with these facts, existing Rule 3001.33 “requires an application for authorization from the Commission to take depositions. Furthermore, depositions are only available in very limited circumstances.” Order No. 195, Docket No. RM2008-3, *Rules for Complaints* (March 24, 2009) at 34 (citing 39 C.F.R. § 3001.33). The balance struck in this rule remains appropriate, and should be retained.

C. Alternatives Reforms That Would Achieve The Commission's Goals More Effectively

GrayHair Software believes that several alternative procedural tools could accomplish the Commission's goals more effectively: summary judgment and stricter enforcement of discovery deadlines. We discuss each in turn.

1. Summary judgment

Summary judgment is a procedure whereby a litigant can obtain a decision on all or part of the issues in a case, without further discovery or live testimony, by demonstrating that "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." Fed. R. Civ. P. Rule 56. Summary judgment is a well-established procedure in federal and state trial courts, and at many federal regulatory commissions. *Id.*; 18 C.F.R. § 385.217 (FERC rule); 47 C.F.R. § 1.251 (FCC rule). Indeed, the Postal Service uses the summary judgment mechanism in its own administrative hearings. See 39 C.F.R. § 953.4(c) (mailability cases); *id.*, § 955.6(c) (Board of Contract Appeals); *id.*, § 958.9(b)(11) (hearings for enforcement of hazmat regulations); *id.*, § 962.9(b)(12) (hearings under Program Fraud Civil Remedies Act); *id.*, § 963.3(e) (hearings under Pandering Advertisements statute); § 964.4(d) (hearings re withheld mail). Through summary judgment, "dilatatory tactics resulting from the assertion of unfounded claims or the interpretation of specious denials or sham defenses can be defeated, parties may be accorded expeditious justice, and some of the pressure on court docket may be alleviated." 10A Wright, Miller & Kane, *Federal Practice and Procedure: Civil* (3d ed. 1998) at § 2712.

For reasons that are unclear, however, the Commission has never developed a summary judgment remedy. This omission is unnecessary and unwarranted. The Administrative Procedure Act requires the Commission, “as a matter of policy,” to “provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.” 5 U.S.C. § 556(d). Consistent with this, Rule 3001.24(d)(7) directs presiding officers to limit “the scope of the evidence . . . to eliminate irrelevant” and “immaterial . . . evidence.” There is no reason why the Commission cannot adopt a summary judgment remedy by exercise of its rulemaking authority. Doing so would achieve the goal of expedition more flexibly than would the accelerated procedures set forth in proposed Part 3033.

2. Stricter enforcement of existing discovery deadlines

Another valuable procedural reform would be to enforce the discovery deadlines that are already codified in the Commission’s existing discovery rules, so that the Postal Service is not allowed to leave discovery requests unanswered for weeks or even months. That reform alone would greatly streamline the complaint process. *Cf.* 39 C.F.R. §§ 3001.26(b), 3001.27(b) and 3001.28(b) (requiring that interrogatories, document requests, and requests for admissions be answered within 14 days); *cf.*, Presiding Officer’s Ruling No. C2009-1/18 (April 27, 2010). In this regard, the drawing of negative inferences and the foreclosure of claims is an effective sanction for failure to respond to discovery that should be used more often. 39 C.F.R. § 3001.25(c); Presiding Officer’s Ruling No. C2009-1/15 (Jan. 13, 2010) at 8-9.

IV. THE COMMISSION SHOULD BEGIN A FOLLOW-UP RULEMAKING PROCEEDING TO CONSIDER SPECIFIC SUBSTANTIVE STANDARDS AGAINST COMPETITIVE FORECLOSURE.

Perhaps the single most effective way to provide greater clarity and expedition in the regulation of anticompetitive competitive conduct would be to adopt more specific *substantive* conduct standards. This is certainly true for potential disputes over competitive foreclosure of suppliers of complementary services. The substantive standards proposed in 39 C.F.R. §§ 3032.5 through 3032.8 are reasonable as far as they go. But those provisions—particularly Rule 3032.5—are at a high level of generality, and leave many critical issues unresolved. The PRC should go further, and begin a separate docket or sub-docket to consider substantive standards on competitive foreclosure. The following is a brief summary of the most important subject areas.

(1) What limits should be imposed on the bundling or tying of competitive complementary services with core postal products, including market dominant products?

(2) What cost floor should be set for the prices of complementary services offered by the USPS?

(3) What cost standards should be adopted to protect against vertical price squeezes against complementary services offered by competing suppliers?

(4) In determining the incremental or attributable costs of complementary services offered by the Postal Service, how should the Commission safeguard against misattributing the costs of competitive services to other services, or treating an excessive share of costs as institutional costs?

(5) What safeguards should be established to prevent the Postal Service from misusing its standard-setting authority to exclude complementary services offered by private firms?

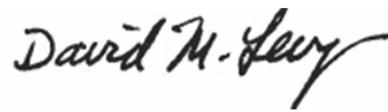
(6) What safeguards should be adopted to prevent the Postal Service from foreclosing competition by disclosing the specifications and attributes (or any plans to change the specifications or attributes) to its private competitors after disclosing this information to the Postal Service employees or contractors who are responsible for designing and producing the competing services?

(7) What safeguards should be adopted to prevent the Postal Service from foreclosing competition by discriminating with respect to any other information or input that both the Postal Service and private competitors need to provide a competitive ancillary service?

(8) What safeguards should be adopted to prevent the Postal Service from misusing proprietary customer information supplied by mailing agents and mail service providers?

(9) What safeguards should be adopted to prevent the Postal Service from suppressing competition by announcing the availability of complementary services that do not yet exist or are not yet ready for commercial deployment?

Respectfully submitted,

A handwritten signature in black ink that reads "David M. Levy". The signature is written in a cursive style with a prominent flourish at the end of the name.

David M. Levy
Matthew D. Field
VENABLE LLP
575 Seventh Street, N.W.
Washington DC 20004
(202) 344-4732

Counsel for GrayHair Software Inc.

July 29, 2013