Mike Swift
MLex Market Intelligence
32 7th Street
San Francisco, CA 94103

FEB 1 2 2013

Re: FOIA-2013-00353
       Google

Dear Mr. Swift:

      This is in response to your request dated January 14, 2013 under the Freedom of Information Act seeking access to communication between the Federal Trade Commission and outside federal agencies, including the White House, regarding the Google "search" investigation (Matter 1110163) in the last six months. In accordance with the FOIA and agency policy, we have searched our records, as of January 15, 2013, the date we received your request in our FOIA office.

      We have located one responsive record, to which we are denying you access. The responsive record is exempt from disclosure under the deliberative process privilege of FOIA Exemption 5, 5 U.S.C. § 552(b)(5) because it is deliberative and pre-decisional, and therefore constitutes an integral part of the agency's decision making process. *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, the document is exempt under the attorney work-product privilege of Exemption 5 because it was prepared by or at the direction of an attorney in contemplation of litigation. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

      If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, or by facsimile at (202) 326-2477 within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

      If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Julian Chender at (202) 326-2631.

Sincerely,

Dione J. Stearns
Assistant General Counsel