

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Junk Fax Prevention Act of 2005	)	CG Docket No. 02-278
	)	
Rules and Regulations Implementing the	)	CG Docket No. 05-338
Telephone Consumer Protection Act of 1991	)	
	)	
Petitions for Declaratory Ruling and Retroactive	)	
Waiver of 47 C.F.R. § 64.1200(a)(4)(iv) Regarding	)	
the Commission's Opt-Out Notice Requirement	)	
for Faxes Sent with the Recipient's Prior Express	)	
Permission	)	

**ZOCDOC, INC.'S OPPOSITION**  
**TO APPLICATION FOR REVIEW**

To: Office of the Secretary

Attention: The Commission  
Consumer and Governmental Affairs Bureau

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Dated: October 21, 2015

Pursuant to Section 1.115(d) of the Commission’s rules, ZocDoc, Inc. (“ZocDoc”), through its counsel, respectfully files this opposition to the Application for Review filed on September 28, 2015, by a group of TCPA plaintiffs represented by Anderson + Wanca (the “Applicants”).<sup>1</sup> Although Applicants do not seek relief specifically targeted at ZocDoc, ZocDoc was one of the 117 petitioners granted a retroactive waiver by the Consumer and Governmental Affairs Bureau’s August 28, 2015 Order. Thus, ZocDoc objects to Applicants’ Application for Review, which asks the Commission to vacate all 117 waivers.<sup>2</sup>

Applicants’ arguments have been repeatedly addressed by the Commission and in numerous filings with the Commission, including ZocDoc’s December 4, 2014 Petition for Waiver and ZocDoc’s January 20, 2015 Reply Comments. To date, 12 parties have filed responses in opposition to various applications for review of the August 28, 2015 order.<sup>3</sup> The various arguments against Applicants’ position embodied in these filings can be summarized as follows: (1) the Commission has authority to waive violations of the TCPA regulations, (2) the record supports a “presumption of confusion” with respect to the opt-out requirements and (3) it is not appropriate for the Commission to engage in individual fact-finding to determine whether each petitioner was confused about the opt-out requirements. Rather than repeat these arguments

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<sup>1</sup> Per a motion filed by ZocDoc on October 13, 2015, with the consent of applicants’ counsel, ZocDoc requested a two-week extension of its obligation to respond to the Application for Review because ZocDoc’s counsel was not aware until October 13, 2015 that the Application for Review had been filed.

<sup>2</sup> To the extent any other applications seek to vacate the waiver granted to ZocDoc, ZocDoc opposes those applications as well.

<sup>3</sup> See oppositions filed by ACT, Inc., Esaote North America, Inc., American Association for Justice, Houghton Mifflin Harcourt Publishers, Inc., ASD Specialty Healthcare, Inc., Sunwing Airlines, Inc., McKesson Corporation, Amicus Mediation & Arbitration Group, Inc., Alma Lasers, Inc., Essendant, Inc., Medversant Technologies, LLC, and Philadelphia Consolidated Holding Corp.

again (which are by now well known to the Commission), ZocDoc incorporates by reference its Petition for Waiver, Reply Comments, and the 12 other oppositions that have been filed in response to the Applications for waiver (as well as similar filings by other similarly situated respondents in the future).

For the foregoing reasons, as set forth more fully in the referenced pleadings, the Commission should deny Applicants' Application for Review.

Dated: October 21, 2015

VEDDER PRICE, P.C.

By: /s/ Blaine C. Kimrey

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**CERTIFICATE OF SERVICE**

I, Blaine C. Kimrey, hereby certify that on this 21st day of October, 2015, a true and correct copy of the foregoing was served by email and U.S. mail to the following parties:

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*/s/ Blaine C. Kimrey*  
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