



# ***United States & Co-Plaintiff States v. Google LLC***

Plaintiffs' Remedies Opening Statement

*April 21, 2025*

Ex. No.  
PXRD001

1:20-cv-03010-APM  
1:20-cv-03715-APM

**“Google is a monopolist,  
and it has acted as one to  
maintain its monopoly.”**

August 5, 2024 Memorandum Opinion at 4.



# *United States v. Microsoft*

“The Supreme Court has explained that a remedies decree in an antitrust case must seek to

[1] ‘unfetter a market from anticompetitive conduct,’

[2] to ‘terminate the illegal monopoly,’

[3] ‘deny to the defendant the fruits of its statutory violation, and’

[4] ‘ensure that there remain no practices likely to result in monopolization in the future.’”



# Forward-Looking Remedies

## Remedies can go beyond specific violations

- Court may order “forward-looking provisions” to address conduct that “played no role in [the] holding [that the defendant] violated the antitrust laws.” *Massachusetts v. Microsoft Corp.*, 373 F.3d 1199, 1215 (D.C. Cir. 2004).
- A proper remedy can “go[] beyond a simple proscription against the precise conduct previously pursued.” *Nat’l Soc’y of Pro. Eng’rs. v. United States*, 435 U.S. 679, 698 (1978).

## Remedies must end the consequences of the conduct

- A decree that “end[s] specific illegal practices,” without eliminating the *consequences* of the illegal conduct, will leave Plaintiffs having “won a lawsuit and lost a cause.” *International Salt Co. v. United States*, 332 U.S. 392, 401 (1947); *Nat’l Soc’y of Pro. Eng’rs.*, 435 U.S. at 698.

## All doubts resolved in favor of the Plaintiffs

- Now that “the Government has successfully borne the considerable burden of establishing a violation of law, all doubts as to the remedy are to be resolved in its favor.” *Ford Motor*, 405 U.S. at 575 (quoting *United States v. E.I. du Pont de Nemours & Co.*, 366 U.S. 316, 334 (1961)).



# Agenda

## 1 Plaintiffs' Proposed Remedies

- Distribution Remedies
- Chrome Divestiture
- Data Remedies
- Advertising Remedies
- Anticircumvention Provisions

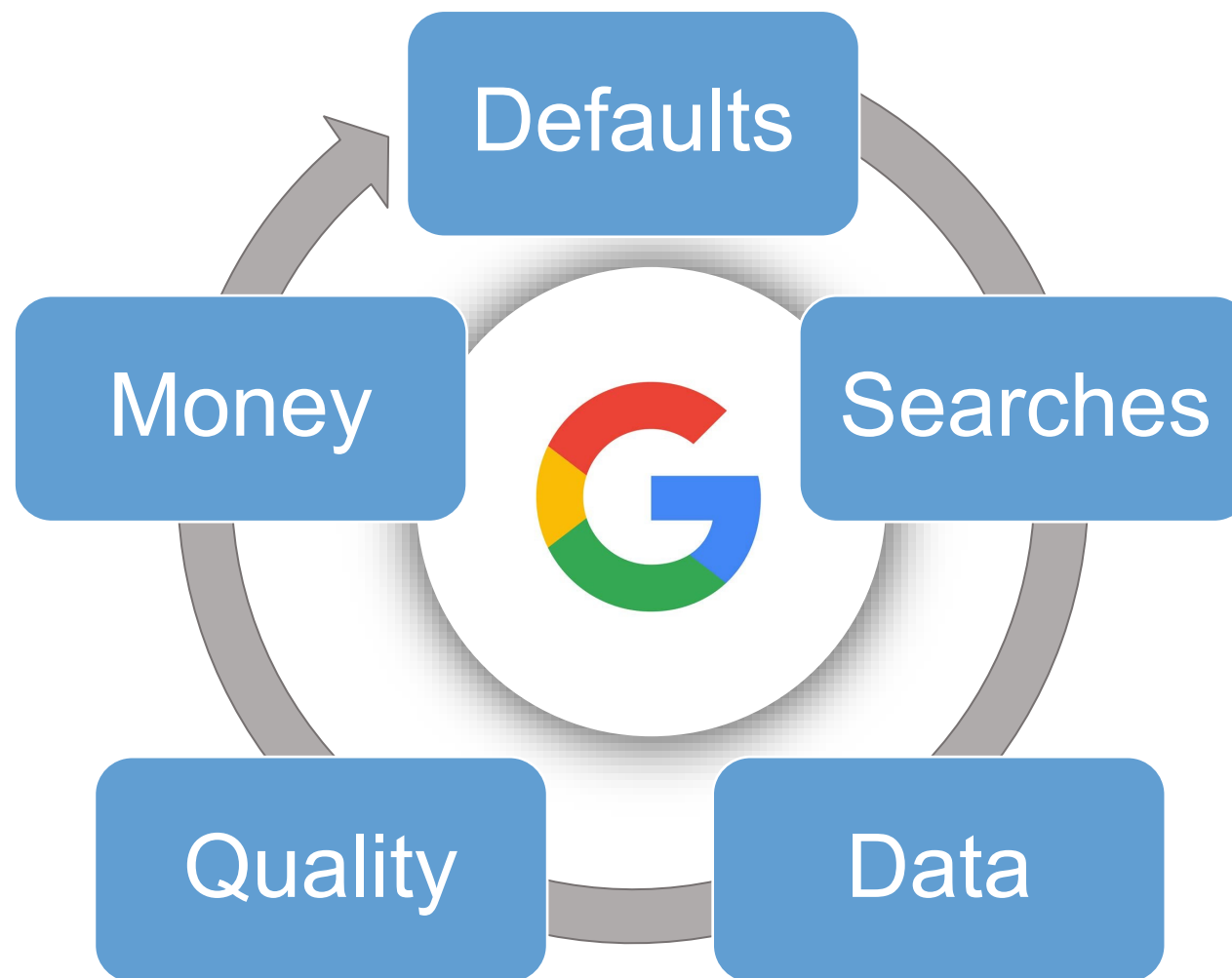
## 2 Google's Arguments Fail

- Privacy
- Causation
- Competition
- Security

# Plaintiffs' Proposed Remedies

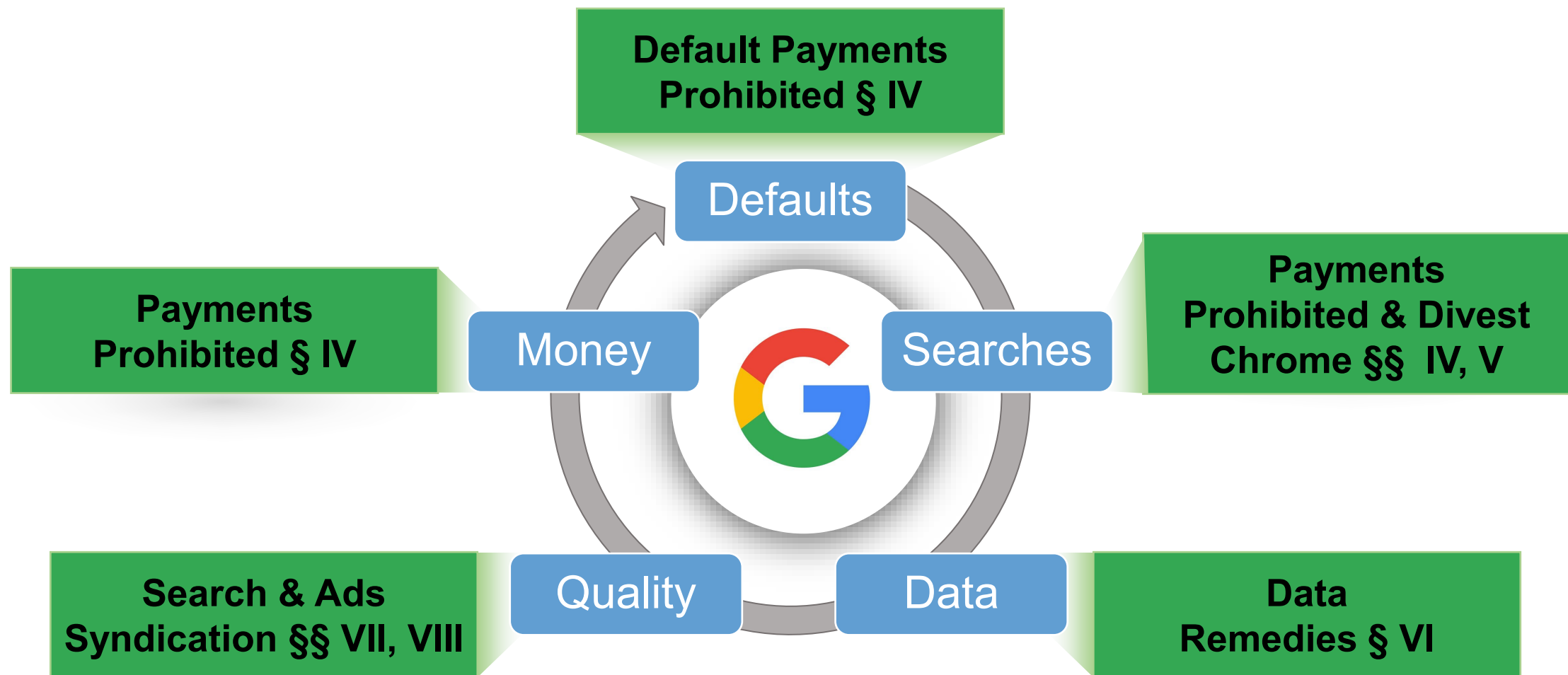


# Google's Feedback Loop













# Plaintiffs' Remedies Enable Competition












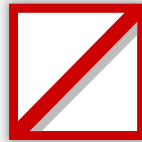


# Plaintiffs' Remedies Align With Court's Findings

Liability Opinion		Plaintiffs' Proposed Remedy	Google's Proposed Remedy
<b>Apple, Android, and Browser Distribution Agreements:</b> Google's agreements are unlawful under exclusive dealing framework.	§IV		
<b>Foreclosure:</b> "Google's exclusive distribution agreements foreclose 50% of the general search services market by query volume."	§IV, V		
<b>Defaults:</b> "supply Google with unequalled query volume that is effectively unavailable to rivals."	§IV		
<b>Entry:</b> Payments to Apple disincentivized entry into search.	§IV		



# Plaintiffs' Remedies Align With Court's Findings

Liability Opinion		Plaintiffs' Proposed Remedy	Google's Proposed Remedy
<b>Investment and Innovation:</b> Agreements “have reduced the incentive to invest and innovate in search.”	§ IV		
<b>Scale and Data:</b> Agreements “deny rivals access to user queries, or scale, needed to effectively compete.”	§ VI		
<b>Advertising:</b> “(1) advertisers receive less information in search query reports (SQRs) and (2) they no longer can opt out of keyword matching.”	§§ VII, VIII		
<b>Anticircumvention Provisions</b>	§ X		



# Plaintiffs' Remedies Will Increase Competition



**Tasneem Chipty, Ph.D.**

**Plaintiffs' Expert**

Founder & Managing Principal

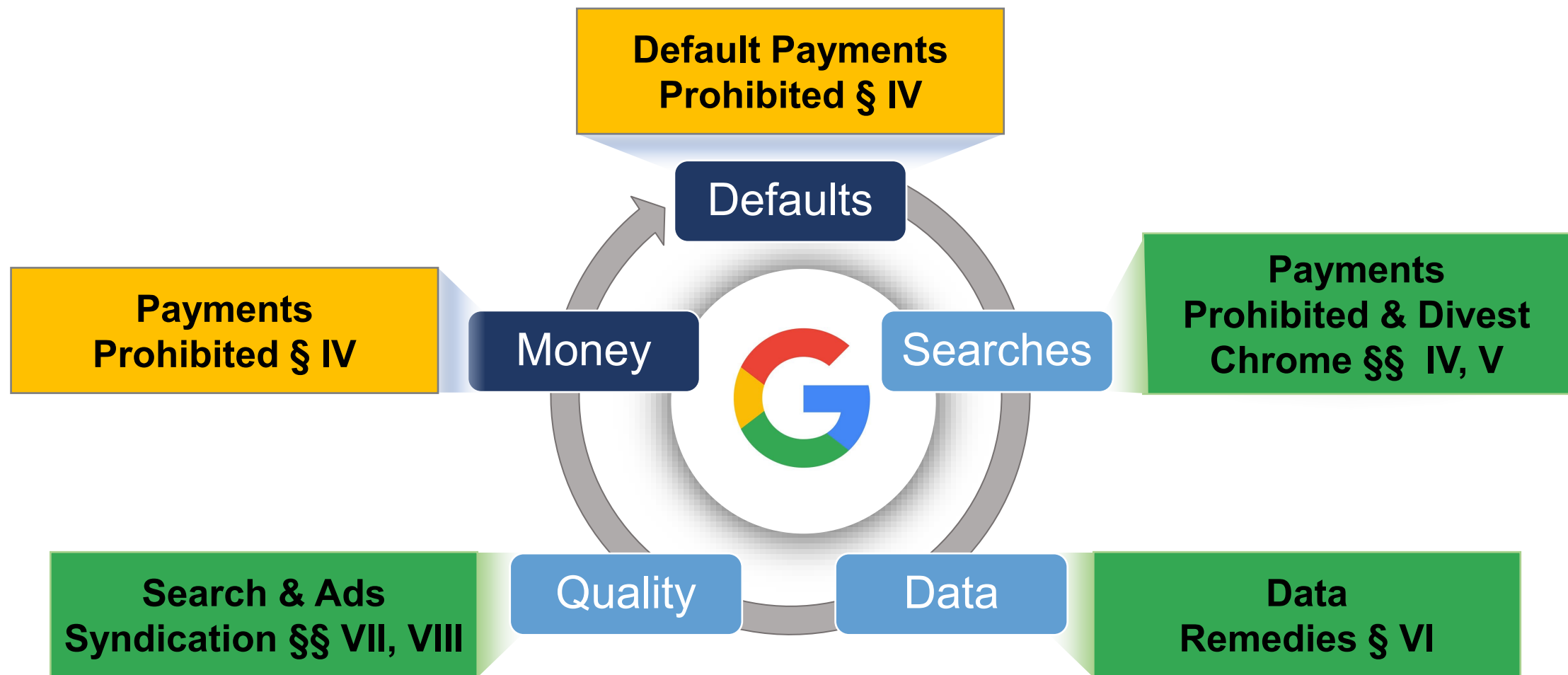
**Chipty Economics, LLC**

- Plaintiffs' remedies facilitate competition by reducing barriers
- Plaintiffs' remedies create incentives for Google and rivals to innovate
- Google's remedies will prolong the status quo

# Distribution Remedies



# Plaintiffs' Remedies Enable Competition





**“Google Must Not Offer or Provide Anything of Value”**

**“And so that’s the net effect  
of the - of the payments. They  
basically freeze the ecosystem in  
place effectively.”**

**- Sridhar Ramaswamy**



# Forward-Looking Search Access Points

**Any product or service where a user can enter a query and receive a response that includes information from a general search engine.**

Product or Service	Search Access Point
Browsers	<input checked="" type="checkbox"/>
Widgets	<input checked="" type="checkbox"/>
Search Apps	<input checked="" type="checkbox"/>
Circle to Search	<input checked="" type="checkbox"/>
Gemini App	<input checked="" type="checkbox"/>



# Search And GenAI Overlap

@OpenAI

Why are we solving 'Search'?

g0lw1ry-search  
Jun 2024  
adsm1rylg, #sonic-eng team

Search

Ex. No.  
PXR0176  
1:20-cv-03010-APM  
1:20-cv-03715-APM

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SearchGPT ●

And there's lots we can solve beyond what Search does today



Proprietary and confidential





# Search And GenAI Overlap



**Nicholas Fox**

Vice President of Knowledge &  
Information

**Google**

**Q.** Sir, do you agree today that chatbots are complementary to Search?

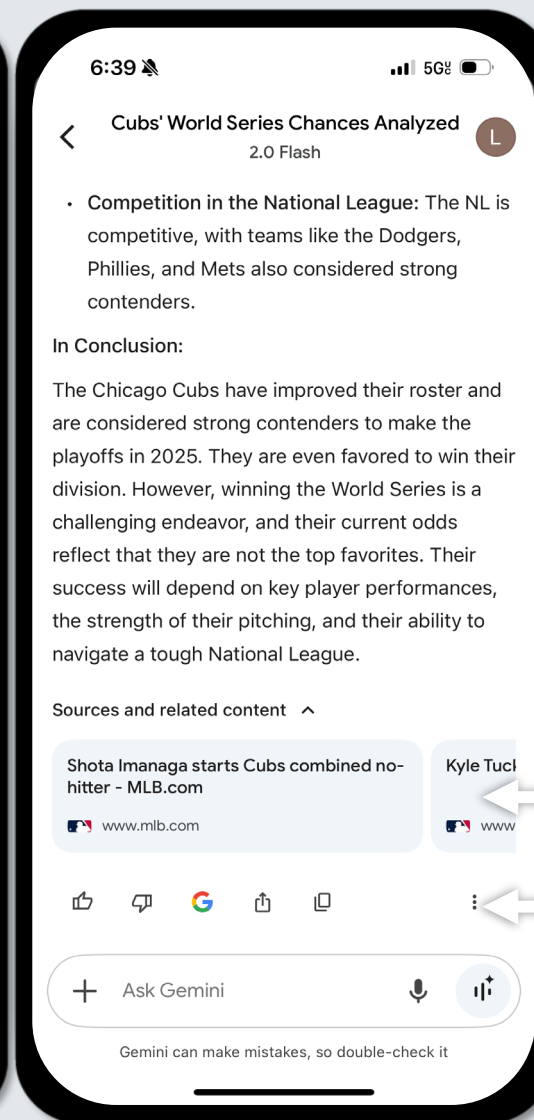
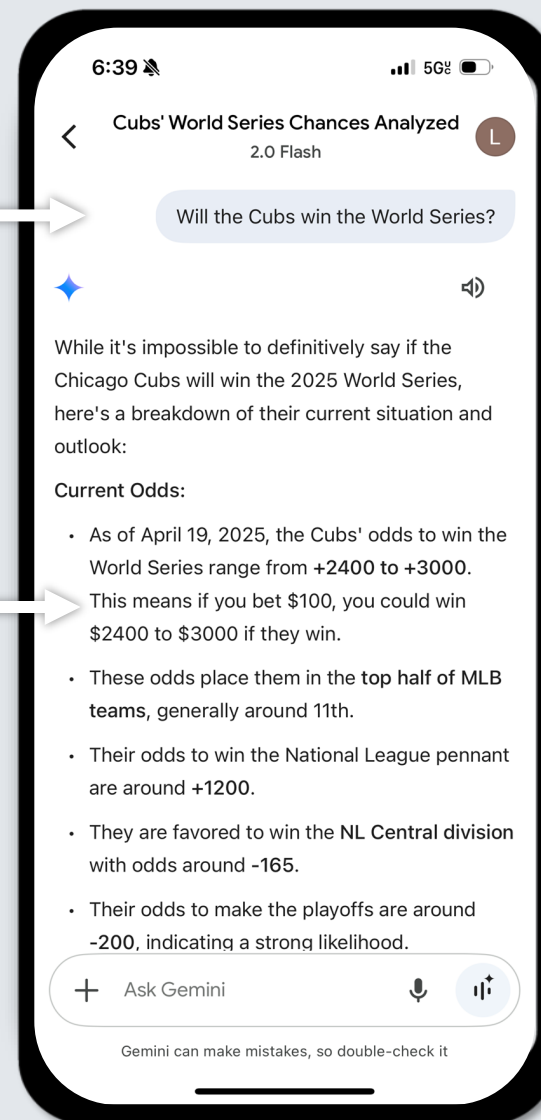
**A.** . . . I think there are – I think of it more like a Venn diagram. I see them as quite overlapping. I don't think they are fully overlapping. I don't know the extent of the overlap. But complementary would mean, I think, largely that they are just – just like totally distinct things, and I don't think they are totally distinct things.



# Gemini App Incorporates Search

Query:  
“Will the Cubs win  
the World Series?”

Gemini Response



Search Results

Search Link



# Google GenAI Incorporates Search



**Gregory Durrett, Ph.D.**

**Plaintiffs' Expert**

Assoc. Professor of Computer Science

**University of Texas at Austin**

- How GenAI works
- How GenAI is used in Google's models and products
- How Google's GenAI products rely on Google Search, Search Index, and User-Side data



# GenAI Relies On Search



**Nick Turley**

Head of Product for ChatGPT  
OpenAI

- Importance of Search to GenAI
- Data Remedies helpful to competition
- Difficulty in distributing product



**Dmitry Shevelenko**

Co-Founder  
Perplexity

- Difficulties in distributing its products
- How Plaintiffs' distribution remedies will help competition
- How Plaintiffs' data access remedies will help competition

# Google's GenAI Agreements



# Google Paying For Gemini Default

## GEMINI COMMERCIAL AGREEMENT

This Gemini Commercial Agreement, including all attachments (collectively referred to as this "Agreement"), effective as of the date noted above (the "Effective Date"), is made between:

**GOOGLE LLC**, organized in the state of Delaware, **GOOGLE ASIA PACIFIC PTE. LTD.**, organized in Singapore, and **GOOGLE IRELAND LIMITED**, organized in Ireland (in this Agreement, "Google" will mean Google LLC, Google Asia Pacific Pte. Ltd., and/or Google Ireland Limited, as the context requires), on the one hand; and

**SAMSUNG ELECTRONICS CO., LTD.**, a company existing under the laws of the Republic of Korea ("Company"), on the other hand.

### Fixed Monthly Payment.

(i) Google will pay Company [REDACTED] dollars [REDACTED] per calendar month during the Term (each, a "Fixed Monthly Payment").

**Activation Bonus.** For each calendar month during the Term, Google will pay Company a bonus for each Gemini Qualified Device that is Activated by an End User in a Territory during such calendar month (collectively, the "Activation Bonus"). The Activation Bonus amount for each Activated Gemini Qualified Device that is a New Device or Installed Base Device (as applicable) in a given Territory will be based on the pricing described in Attachment A-2. Company may only receive an Activation Bonus once for each Gemini Qualified Device.

**Shared Net Gemini Ad Revenue.** For each calendar month during the Term, Google will pay Company [REDACTED] % of Net Gemini Ad Revenue ("Shared Net Gemini Ad Revenue") generated during such calendar month.

Google Confidential

### GEMINI COMMERCIAL AGREEMENT

	Google LLC Google Asia Pacific Pte. Ltd. Google Ireland Limited	Mobile Partnerships: Christopher Li, Jinyoung Baik, David Kim
	Google Legal: Kate Lee, Larry Huang, Melle Mackey	
Address for Legal Notices: 1600 Amphitheatre Parkway Mountain View, CA 94043		
COMPANY CONTACT DETAILS		
Company Contact Information:		
Attention:	Jay Kim, Seung Song	Ja-Hyun Yoo, Jayun Chung
Title:	Strategic Partnership Team (Mobile)	Legal Support & Compliance Group (Mobile)
Address, City, State, Postal Code, Country:	129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea 16677	129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea 16677
Email:	[REDACTED]@samsung.com [REDACTED]@samsung.com	[REDACTED]@samsung.com [REDACTED]@samsung.com
Effective Date: January 1, 2025		
Term: Starting on the Effective Date and continuing through December 31, 2027 (inclusive) ("Term")		
Renewal Terms: The Term will automatically be extended through December 31, 2028 (inclusive), unless either party provides written notice to the other party in accordance with Section 8.1. For clarity, the Term will include the Renewal Term, if extended.		

1

Gemini Commercial Agreement

Ex. No.  
PXR0571

1:25:40:2810:4PM  
1:25:40:2810:4PM

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GOOG-DOJ-33743363



# GenAI Increases Search Queries



**Nicholas Fox**

Vice President of Knowledge &  
Information

**Google**

**Q.** Has the incorporation of generative Ai responses into Search increased the number of queries that run through Search?

**A.** Yes.





# Distribution Contracts Include Gemini App



**Peter Fitzgerald**

Vice President of Platforms  
& Device Partnerships  
**Google**

- Google extended existing revenue share agreements
- Google executed Gemini App revenue share agreements



**Sissie Hsiao**

General Manager of Gemini Application  
**Google**

- GenAI products do not cannibalize Search
- Gemini App relies on Google Search for web results





# Google Considered New Exclusive Contract (ACIA)

*Must Have The Following To Receive Any Incentives*

## ACIA (Preferred Placement + Exclusivity + More Services)



- ❑ Device search **exclusivity** (DHS in sensitive Geos)
- ❑ **Implementation requirements for QSB, CtoS, Discover**



- ❑ DHS, -1, OOB hotword, & hardware affordance exclusivity (excl. 1P assistants)
- ❑ **Gemini icon on DHS and LPP (excl. SS<sup>1</sup>)**

Under  
Evaluation  
π



- ❑ Default browser & placed in hotseat
- ❑ All browser home pages, new tab, omniboxes set to Google

### Android and the Partner Ecosystem

Evolving commercial agreements

Introduction to the **Android Commercial Incentive Agreement (ACIA)**

June 2024

CONFIDENTIAL // WORKING DRAFT FOR DISCUSSION -- [Link to V2 ACIA BG Deck \(NTK only\)](#)

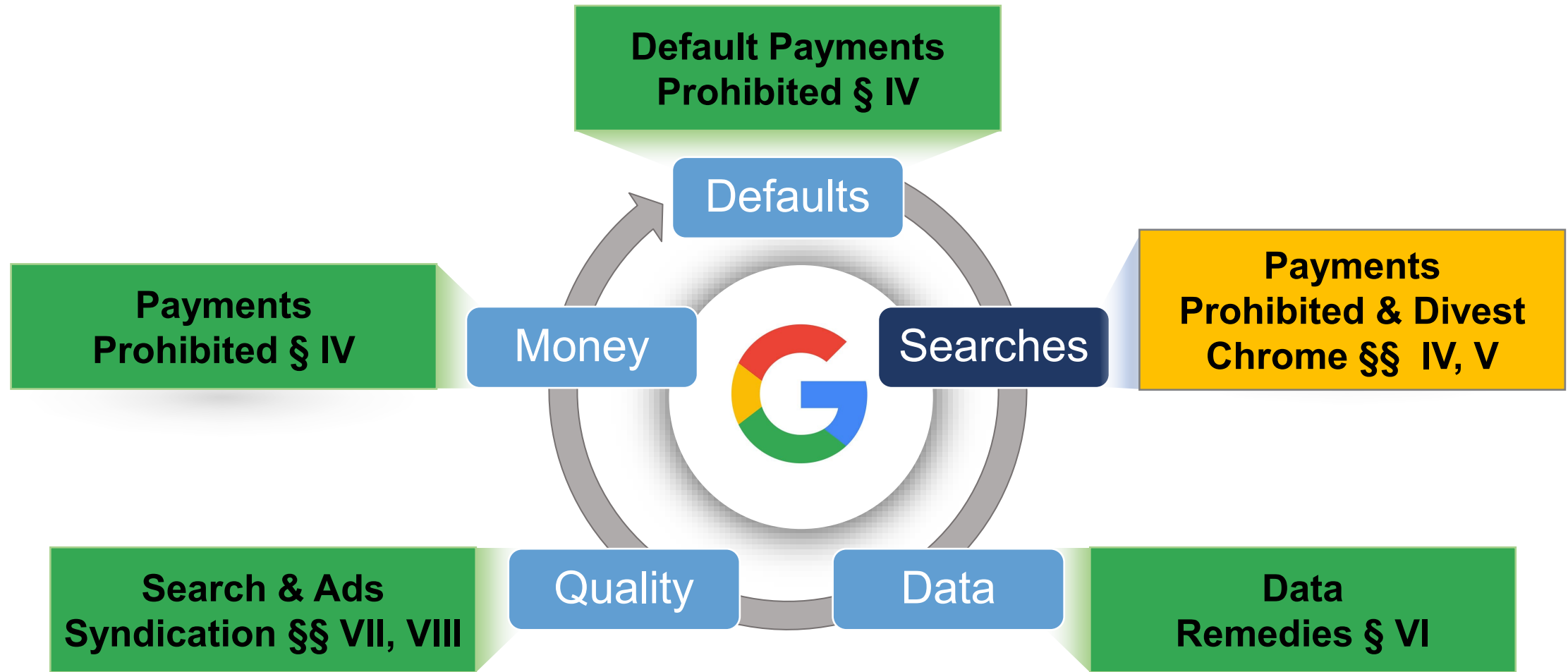
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# Chrome Divestiture



# Plaintiffs' Remedies Enable Competition





# Remedy Requires More Than Choice Screens



**Antonio Rangel, Ph.D.**

**Plaintiffs' Expert**

Professor of Neuroscience, Behavioral  
Biology, & Economics  
**Caltech**

- Choice screens help reduce user biases
- Choice screens need to work with other remedies to be effective
- The performance of choice screens depends on choice architecture

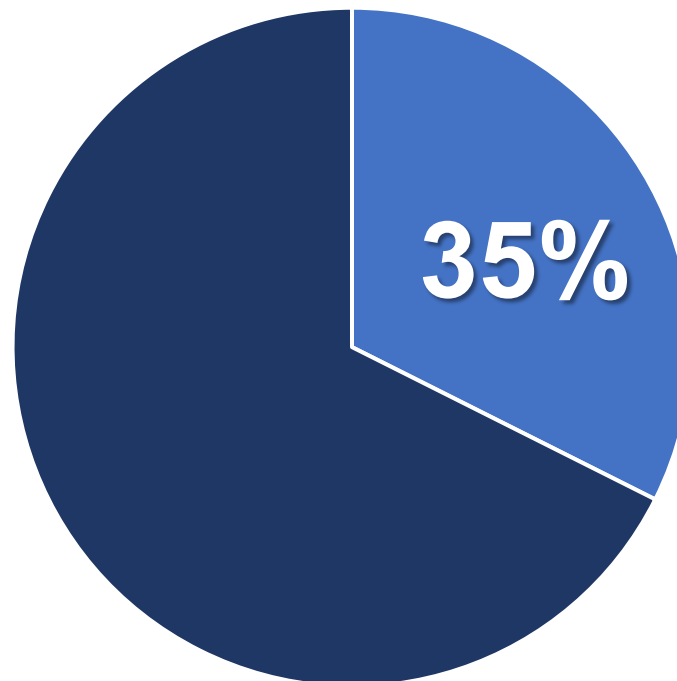


# Chrome Is Search Access Point For 35% Of Google Queries

## Google Queries Through Chrome



% of Total Google Queries 2024





# Chrome Drives Significant Search Revenue

## Chrome Review

May 2<sup>nd</sup> 2024



Ex. No.  
PX00206  
Classified under  
EO 13526/1.4(a)

[go/chrome-strategy](#)  
[go/chrome-2024](#)  
[go/chrome-OKRs](#)

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or [redacted] of Google's  
2023 Search &  
Display Revenue  
flowed through  
Chrome clients

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GOOG-DOJ-34243500



# Chrome Generates Significant Revenue



**Parisa Tabriz**

Vice President of Engineering &  
General Manager for Chrome  
**Google**

- Chrome drives billions in Search revenue
- Google underinvests in Chrome
- Google is integrating AI-based search into Chrome



# Chrome Divestiture Is Feasible And Valuable



**James Mickens, Ph.D.**

**Plaintiffs' Expert**

Gordon McKay Professor of Computer Science  
Harvard University

- Technical Expert on Distributed Systems and Security
- Chrome divestiture and data remedies are all feasible
- Chrome can operate independent of Google



**David Locala**

**Plaintiffs' Expert**

Former Head of Global Technology M&A  
Citi

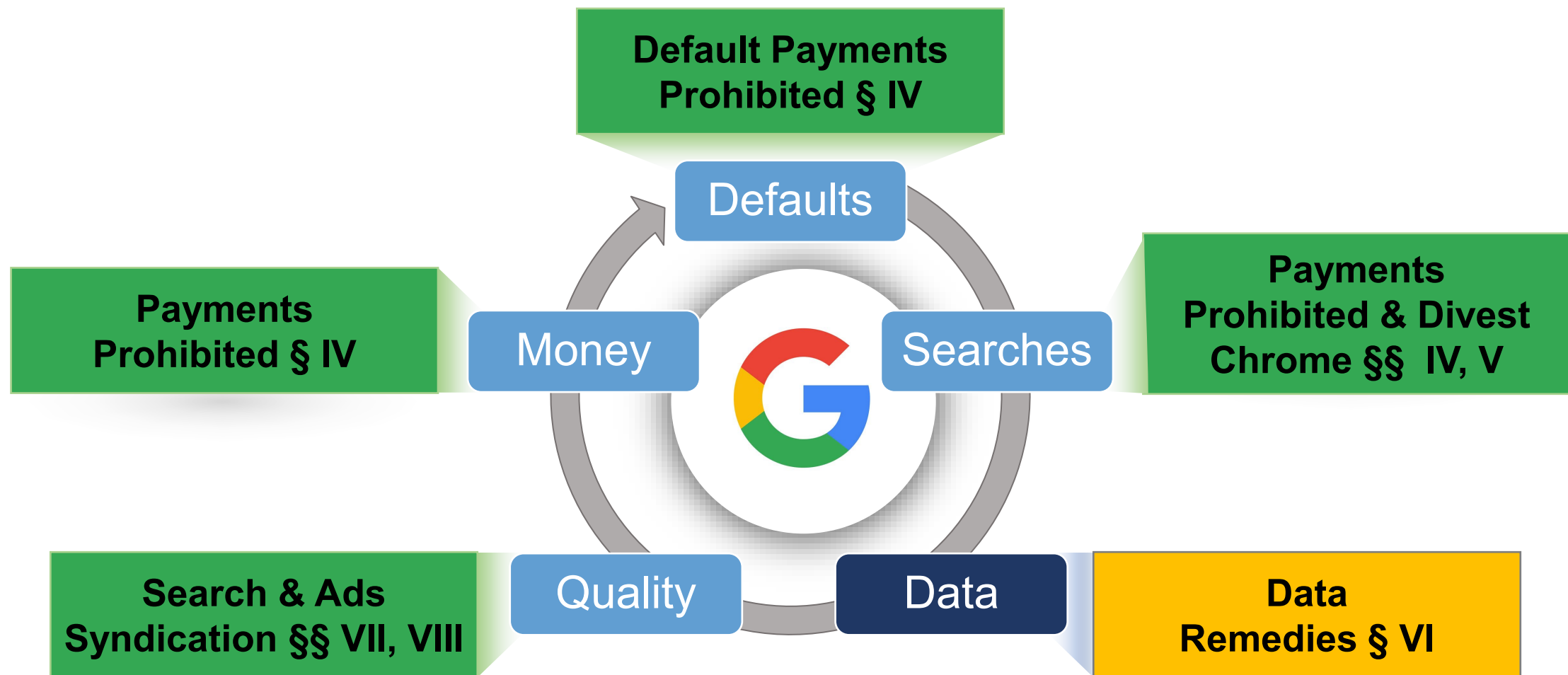
- Corporate M&A Expert
- Chrome can be divested from Google
- Chrome generates revenue and will be an attractive asset for buyers



# Data Sharing Remedies



# Plaintiffs' Remedies Enable Competition





# Overcoming Google's Data Advantage Will Take Years



**Nick Turley**

Head of Product, ChatGPT  
OpenAI

A. Our hope for a while on the index has been to get to about, you know, 80 percent or so of coverage of our query space and the server could be our own tech. There's many reasons for that, but – but that has been the goal. Because we know that **the remaining 20 percent are going to take a very, very long time.**

\* \* \*

A. So we often refer to sort of an 80/20 rule here where hopefully we can get to 80 percent coverage fast, and then **the 20 percent will take years.**



# Impact Of Data Remedies Timeline

**TODAY**

*Short Term*

*Long Term*

**TOMORROW**

**Search Syndication Remedies**

**Search Data Sharing Remedies**

**Ads Syndication and Data Remedies**



# Data Sharing Remedies Will Increase Competition



**Michael Schechter**

Vice President of Growth, Bing  
Microsoft

- GenAI is insufficient to overcome scale barriers
- Plaintiffs' Data Remedies will help overcome scale barriers
- GenAI ChatBots rely on general search engines



**Gabriel Weinberg**

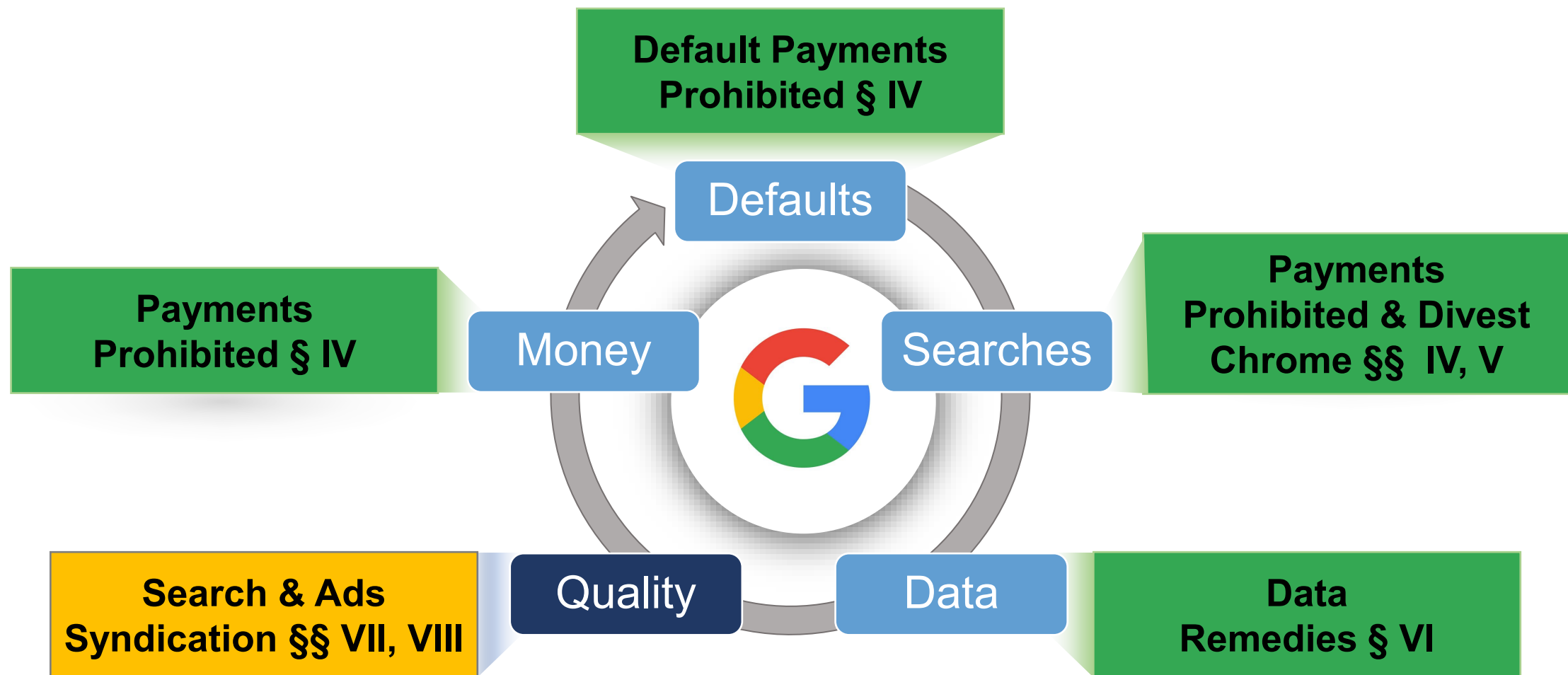
Chief Executive Officer  
DuckDuckGo

- Search syndication will improve competition
- User-side data will improve ranking and search results
- Search Text Ads syndication will generate investment dollars

# Advertising Remedies



# Plaintiffs' Remedies Enable Competition





# Advertising Remedies Will Help Advertisers

## Search Ads Click Data in Ads Data Hub

last update: 2018-06-01, first proposed: 2017-10-11  
by: Monica McArthur [REDACTED]@google.com)  
status: Approved  
canonical link: [go/adh-search-clicks](https://go/adh-search-clicks)

### Objective

This document lays out the design for an initial prototype of importing search ads click events into Ads Data Hub BigQuery for one selected client. This includes the overall design, the changes that will be required for various parts of Ads Data Hub, how issues of specific concern such as privacy and data leakage will be addressed, and what the success criteria of the prototype will be.

### Background

**Ads Data Hub (ADH)** is a project that allows customers to join their data with Google ads data derived from multiple sources (currently Doubleclick, AdWords GDN, YouTube Viral, and XFP/YouTube reserve logs, and match tables between external customer IDs and Biscotti IDs, external customer IDs and GAIA IDs, and device IDs). This functionality is intended to be a replacement for third party reporting and attribution use cases that utilize pixels (e.g. DMPs, ad servers, research vendors), as well as providing information on mobile app impressions that is not currently available.

The data is imported into BigQuery and made available for advertisers, agencies, and ad tech vendors to query using SQL, with aggregation and other privacy checks imposed on the final results (see [go/full-circle-phase-1](https://go/full-circle-phase-1) for an outline). These checks protect the end user's privacy, leakage of Google's business data, and leakage of the customers' business data.

An overarching objective of ADH is to provide access to all ads data available within Google that can be done so while maintaining the privacy and business protection requirements. One source of data that has been requested by many customers is search ads data. However, as search ads data has additional sensitivity both for privacy and Google business data leakage, we did not add it along with the other, less-sensitive data sources.

In 2017 Q3, ADH received executive permission from the search team to create a pilot that would import search ads clicks for a single customer into ADH; if the pilot could prove usable while maintaining privacy and data leakage protections, we could then proceed with the project of making search ads data more generally available in ADH.

Ex. No.  
PXR0230  
1:20-cv-03010-APM  
1:20-cv-03715-APM

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GOOG-DOJ-33847929

## Search Ads Click Data in Ads Data Hub

last update: 2018-06-01, first proposed: 2017-10-11  
by: Monica McArthur [REDACTED]@google.com)  
status: Approved  
canonical link: [go/adh-search-clicks](https://go/adh-search-clicks)

C3

yes, this seems to be providing more data than we usually do. for example, we currently don't report position data to advertisers (we only report slot and avg. position). we also don't provide query\_id, os, device height or width, user\_id. i don't understand what advertisers would do with this data that would be beneficial for our users or Google, nor do I think that it is necessary for them to run their business.

I agree that with a lot more granularity of data, we run the risk of advertisers cherry picking or attempting to game our auction in other ways. It also makes it harder for us to pursue our pricing work, since advertisers can use this precise data to better understand the distribution and actively work against it.

However, I am not an expert on data sharing issues. + [REDACTED]@google.com is the expert on what kind of data we can share, so it will be important for him to sign off on the fields and aggregation levels.

Chris Monkman, 11/13/2017 05:40 PM





# Ads Data Remedies Will Improve Competition

LEMs drive **85-90%** incremental LT-RPM of Ads. They are critical for Ads and Google.

## User Actions

- Text / image ads click-throughs
- Video view-throughs
- App clicks / downloads

## Automatic Bidding

- Advertiser-reported conversions
- conversion values
- In-app / in-store purchases

## User Experience

- Goodclick: whether users will stay on a landing page; modify auction weight based on GC
- Relevance of {query, ad} pairs

## Resource Efficiency

- Retrieve likely auction winners
- Filter queries without ads
- Save resources on low revenue queries

## Spam Detection

- Catch anomalous click and conversion patterns
- Detect out-of-distribution clicks and click durations

## Signal Generation

- Privacy-safe user behavior embeddings
- X-MEN: Co-trained query and creative embeddings

Engagement Predictions

System Improvements Google

8

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Google



## Search Ads/AI

Vidhya Review

September 10, 2025

Ex No.  
PXR0246  
12/01/2025  
12/01/2025

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GOOG-DOJ-34345155



# Advertising Remedies Will Improve Competition



**Paul Vallez**

Executive VP Strategic Business  
Development & Product Partnerships  
**Skai**



**Adam Epstein**

Co-CEO & President  
**Ad Marketplace**

## Advertising Entities

- Plaintiffs' Data Remedies will improve competition
- Plaintiffs' Syndication Remedies will help rivals overcome the scale gap
- Plaintiffs' Advertising Remedies will help advertisers shift spend away from Google

# Anticircumvention Provisions



# Google Distribution Partners Worry About Retaliation



**Google Distribution  
Partners**





# Technical Committee Is A “Model for Monitoring”

“[T]he concept of the technical committee and its use as a vehicle for monitoring the implementation of the Final Judgment has been ingenious... And I think particularly it’s lend[ed] itself as being the perfect vehicle in a technical and complex subject matter... The TC, I think, is a model for monitoring that I would heartily recommend and I would use again.”

- *United States District Court Judge Kollar-Kotelly*  
*United States v. Microsoft (April 27, 2011)*



# Conditional Android Divestiture

- Contingent structural relief
- If monopolized markets have not experienced substantial increase in competition in 5 years
- Incentivizes Google to adhere to Court's final remedy



**android**

# Google's Arguments Fail



# Google's Arguments Against Plaintiffs' Remedies Fail

1

Privacy

2

Causation

3

Competition

4

Security



# Privacy



# Google Can Use Privacy Controls On Data Remedies



**David Evans, Ph.D.**

**Plaintiffs' Expert**

Professor of Computer Science

**University of Virginia**

- Privacy-enhancing techniques can protect sensitive information
- Google routinely implements privacy-enhancing techniques
- Google can share data that provides high utility while ensuring privacy



# Google's Expert Agrees Data Can Be Shared



**Chris Culnane, Ph.D.**

**Google's Expert**

**Principal & Consultant**

**Castellate Consulting Ltd.**

**Q.** Dr. Culnane, you believe that it is possible for Google to share what you call the DOJ search data by applying privacy-enhancing techniques to achieve suitable privacy safeguards, don't you?

**A.** Yes.

# Causation



# Plaintiffs Established A Causal Connection

## Causal Connection Has Been Established

“In devising an appropriate remedy, the District Court also should consider whether plaintiffs have established a sufficient causal connection between [Google’s] anticompetitive conduct and its dominate position in the [relevant] market.”  
*Microsoft*, 253 F.3d at 106.

## But For World Not Required

“[N]either plaintiffs nor the court can confidently reconstruct . . . a world absent the defendant’s exclusionary conduct.” *Microsoft*, 253 F.3d at 79.

# Competition

# Security



# Facts Do Not Support Google's Security Claims



**Sundar Pichai**

Chief Executive Officer  
**Google**

**Q.** In your view, is Google the only U.S. company capable of providing data security to its -- to users?

**A.** No.





# National Security Is Purview Of The United States

“It is . . . well-established that the judiciary owes some measure of deference to the executive in cases implicating national security, a uniquely executive purview.”

*Ctr. for Nat. Sec. Stud. v. U.S. Dep’t of Just.*, 331 F.3d 918, 926–27 (D.C. Cir. 2003).

**“Google is a monopolist,  
and it has acted as one to  
maintain its monopoly.”**

August 5, 2024 Memorandum Opinion at 4.