



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

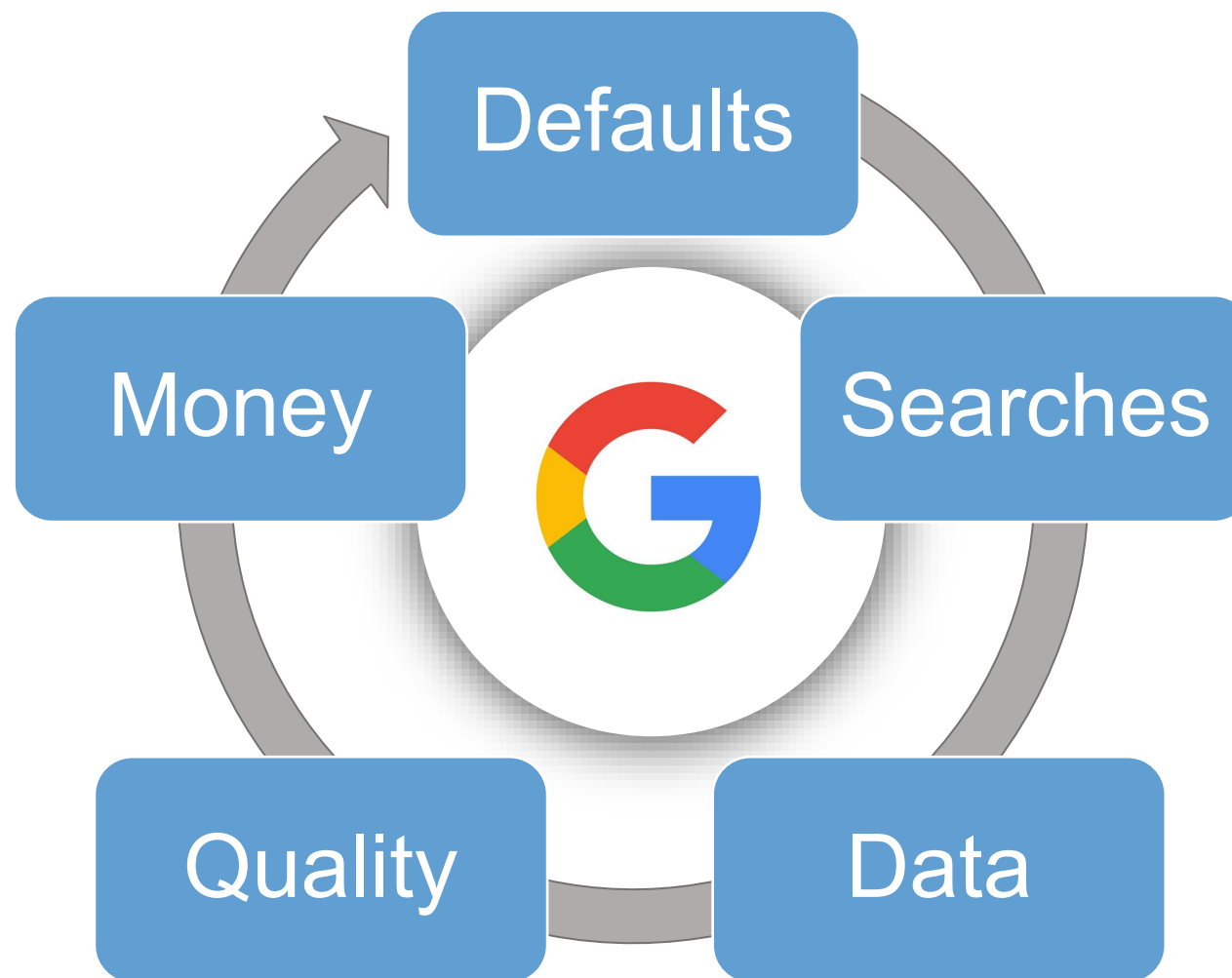
2 Google's Arguments Fail

- Privacy
- Causation
- Competition
- Security

Plaintiffs' Proposed Remedies

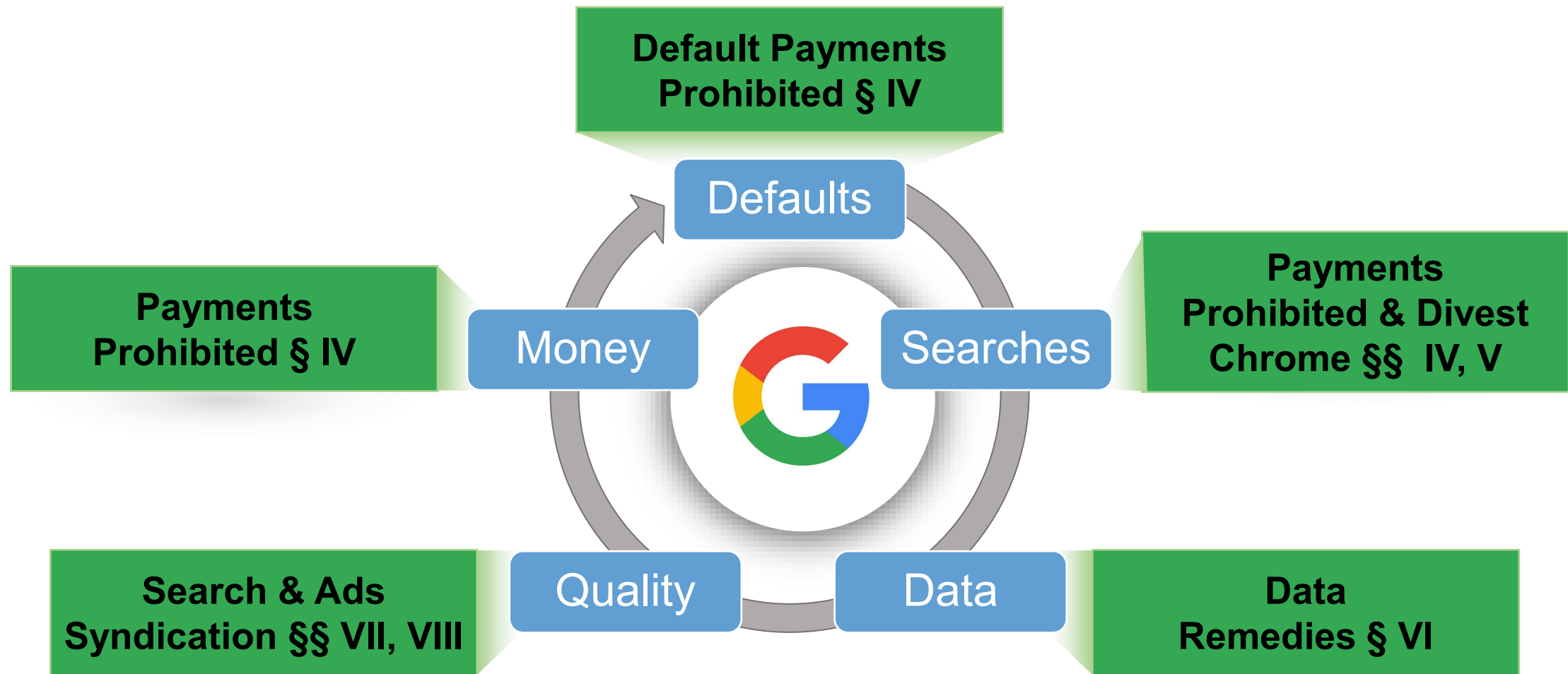


Google's Feedback Loop













Plaintiffs' Remedies Enable Competition













Plaintiffs' Remedies Align With Court's Findings

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



Plaintiffs' Remedies Align With Court's Findings

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



Plaintiffs' Remedies Will Increase Competition



Tasneem Chipty, Ph.D.

Plaintiffs' Expert

Founder & Managing Principal

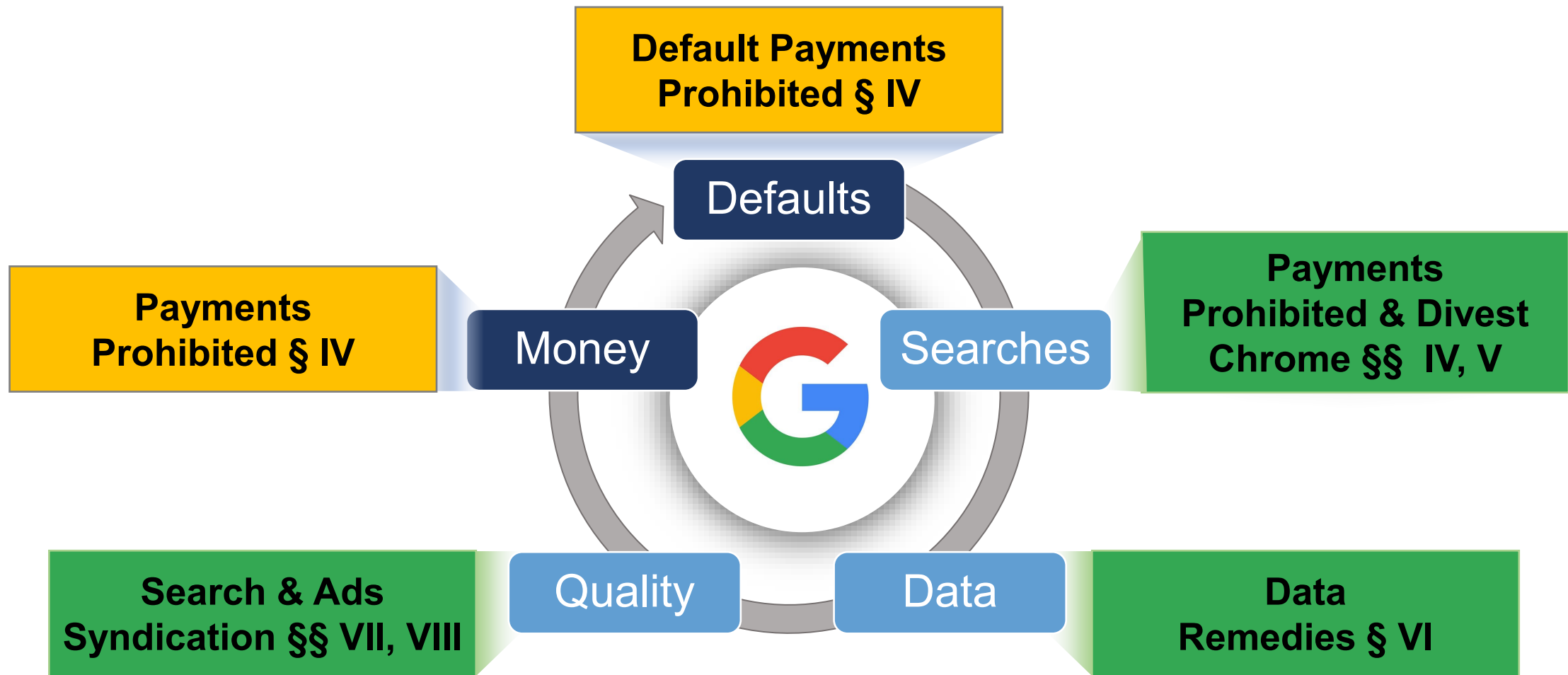
Chipty Economics, LLC

- 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



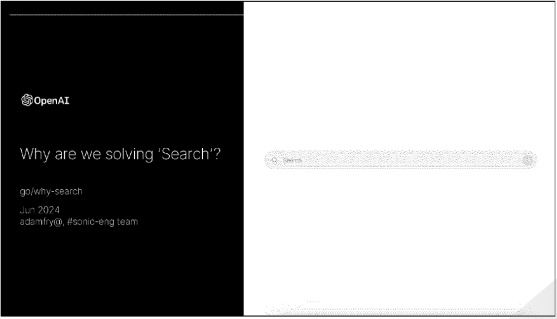
Forward-Looking Search Access Points

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"/>



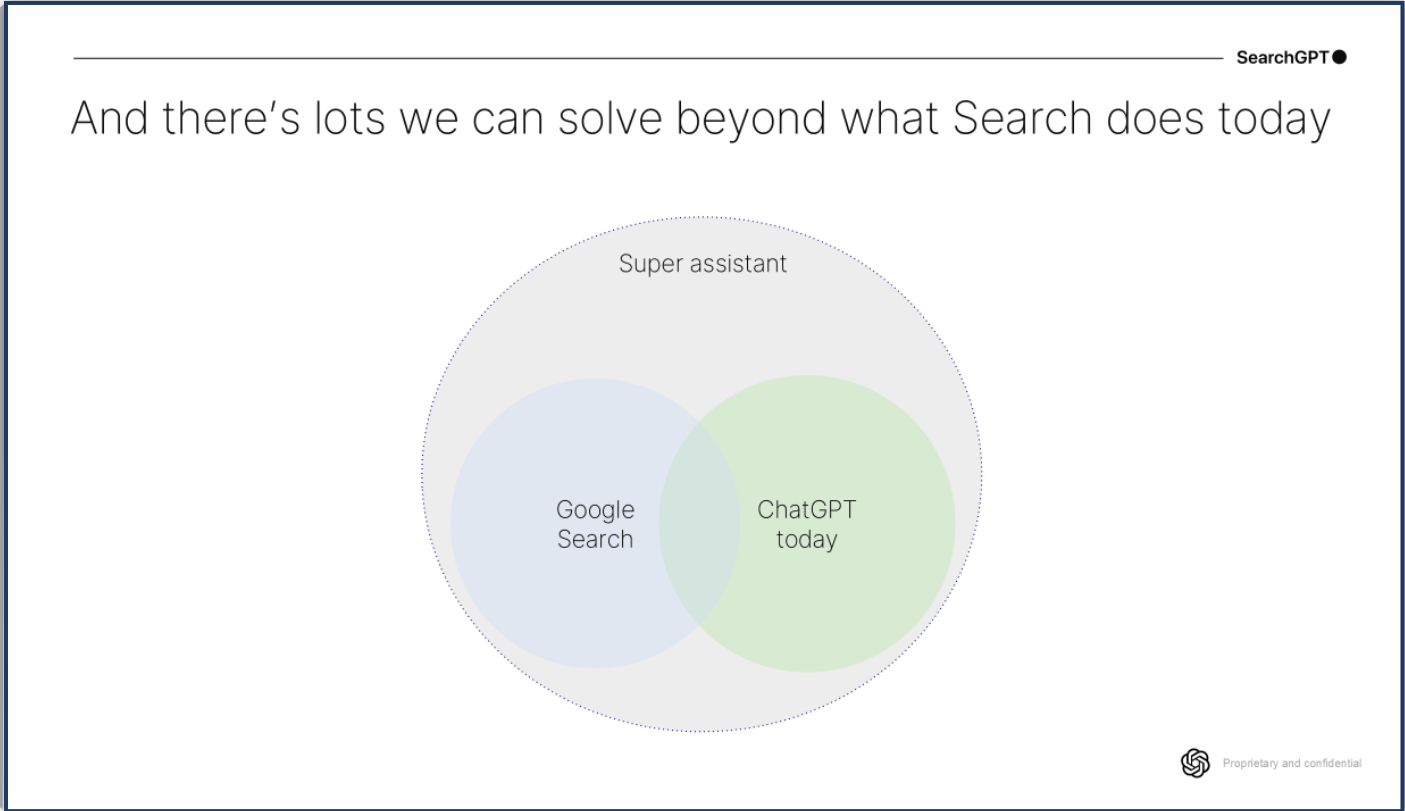
Search And GenAI Overlap



@OpenAI
Why are we solving 'Search'?
g0w1hy=search
Jun 2024
admitfy0j, #sonic-eng team

Ex. No.
PXR0176
1:20-cv-03010-APM
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Search And GenAI Overlap



Nicholas Fox

Vice President of Knowledge &
Information

Google

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

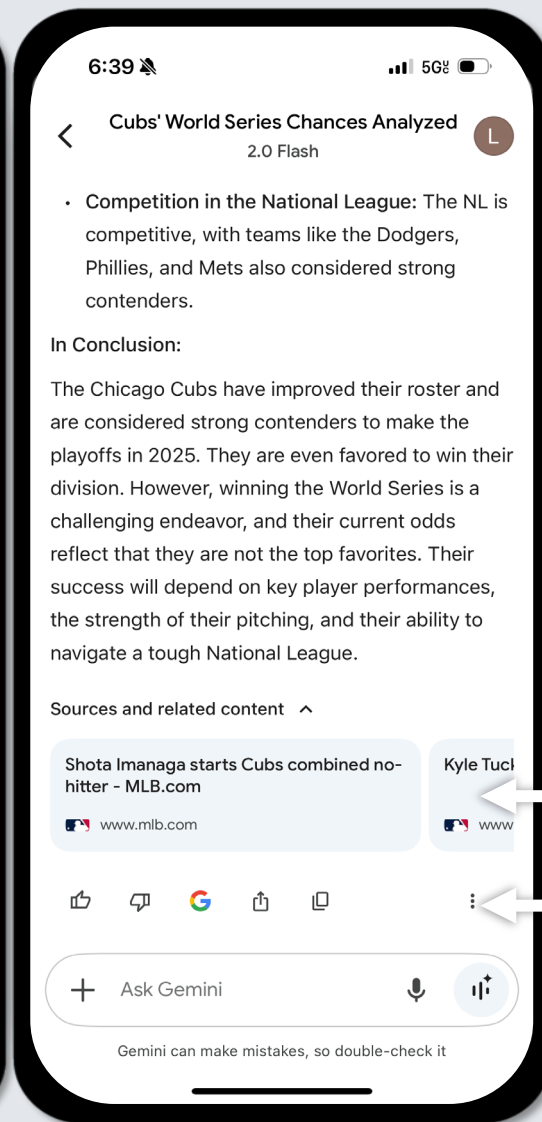
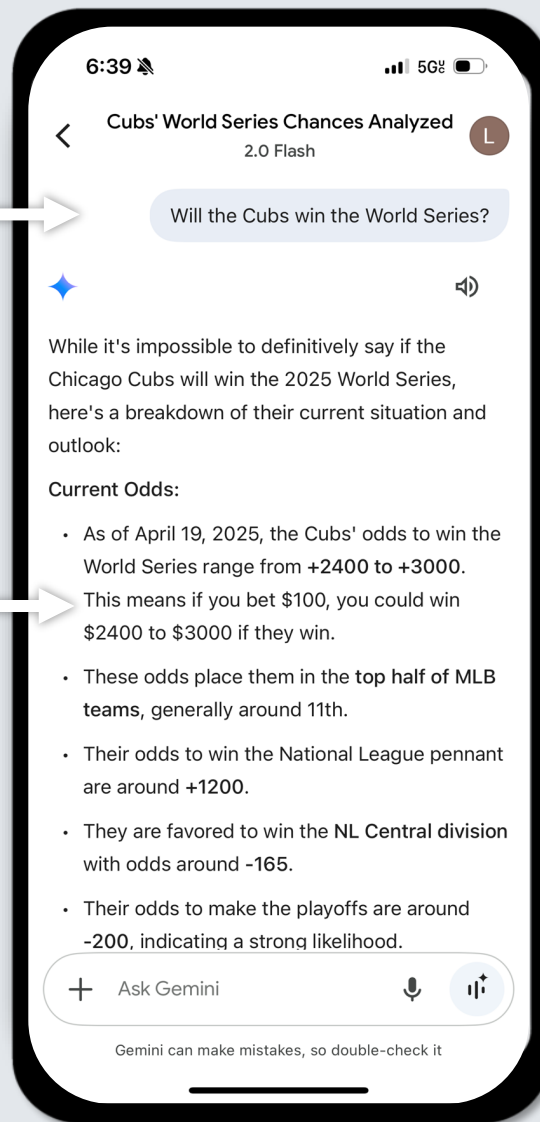
A. . . . I think there are – I think of it more like a Venn diagram. I see them as quite overlapping. I don't think they are fully overlapping. I don't know the extent of the overlap. But complementary would mean, I think, largely that they are just – just like totally distinct things, and I don't think 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 L. Jinyoung Baik, David Kim
	Address for Legal Notices: 1600 Amphitheatre Parkway Mountain View, CA 94043	Google Legal: Kato Lee, Larry Huang, Mela Mackey

COMPANY CONTACT DETAILS

	Company Contact Information:	Company Legal Notices to:
Attention:	Jay Kim, Seung Song	Ju-Hyun Yoo, Jayan 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

Ex. No. PXR0571
120-cv-02154-APM
120-cv-02154-APM

GOOG-DOJ-33743303

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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. SS¹)**

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 BC Deck \(NTX only\)](#)

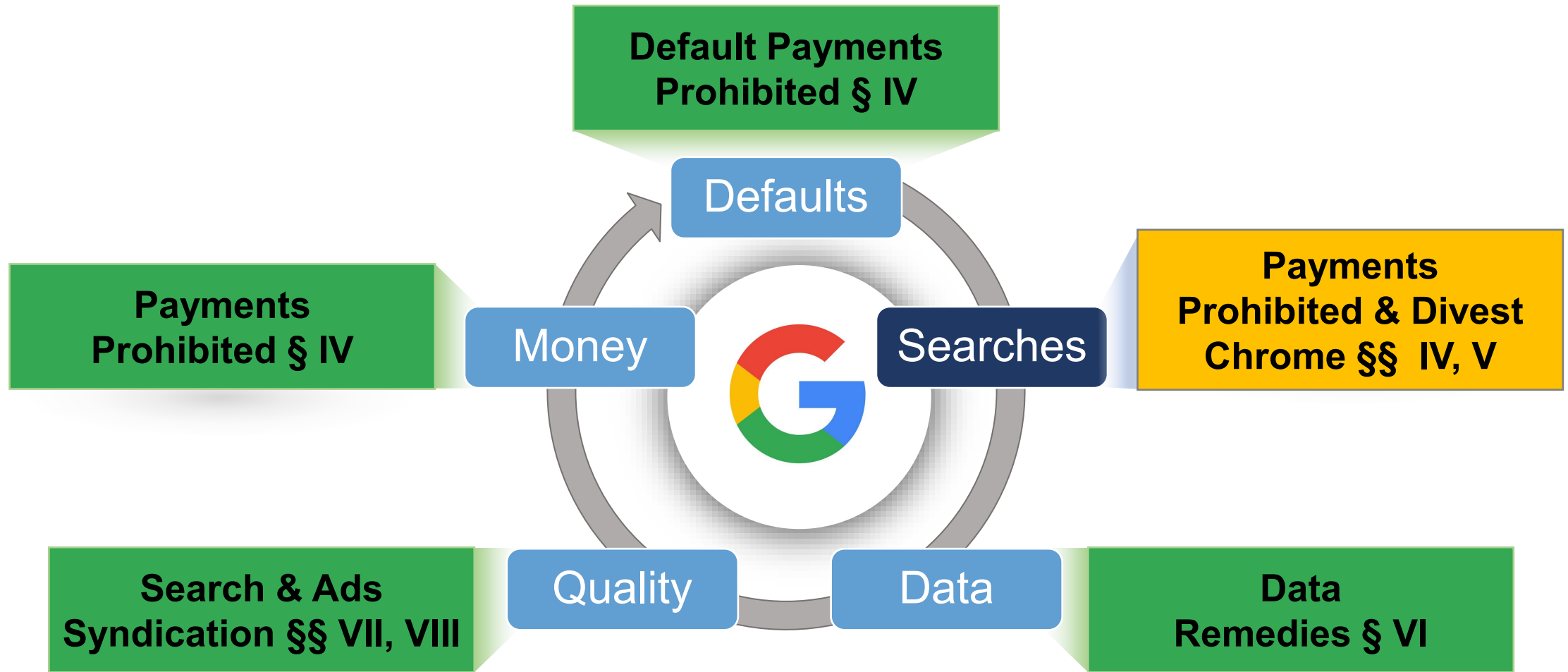
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Chrome Divestiture



Plaintiffs' Remedies Enable Competition



Remedy Requires More Than Choice Screens



Antonio Rangel, Ph.D.

Plaintiffs' Expert

Professor of Neuroscience, Behavioral
Biology, & Economics

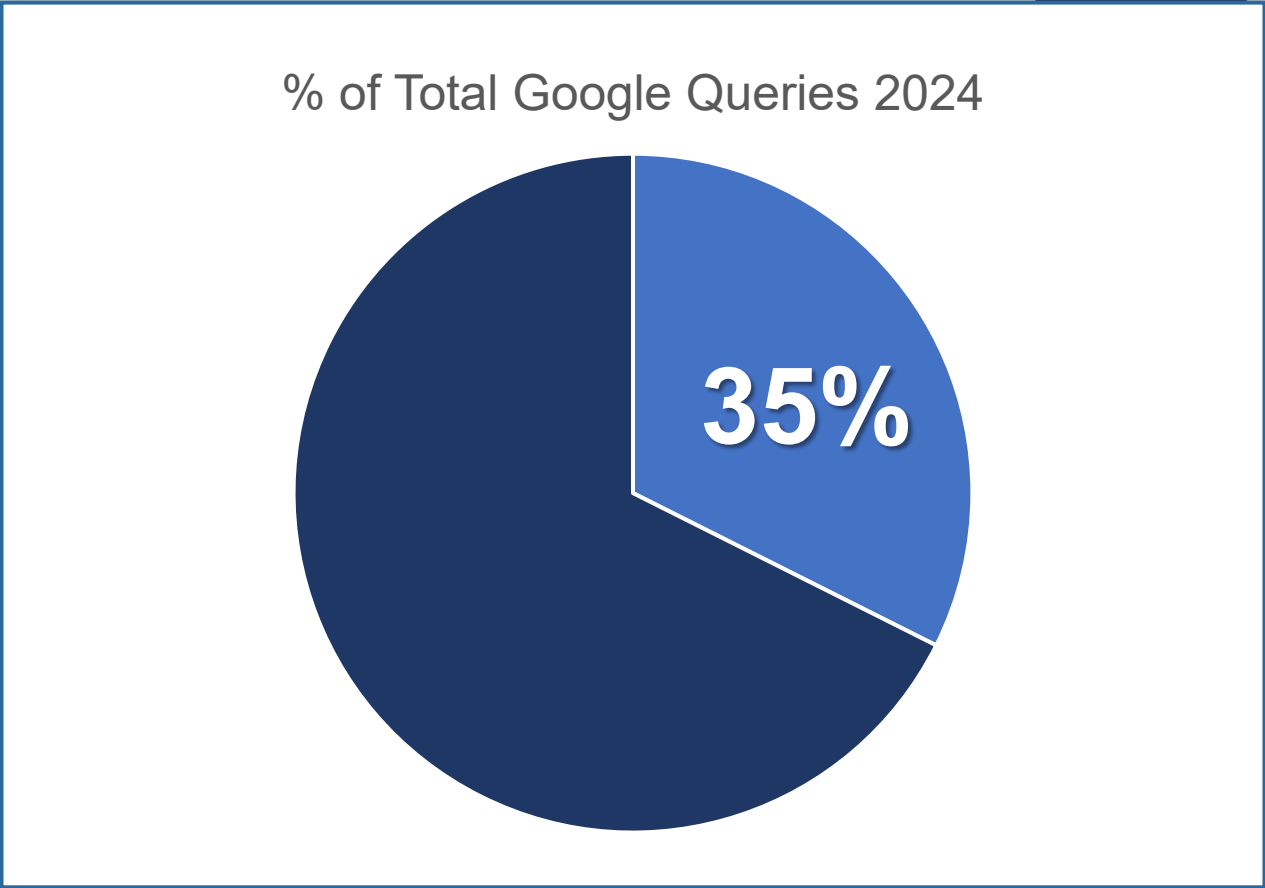
Caltech

- 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





Chrome Drives Significant Search Revenue

Chrome Review
May 2nd 2024




Ex. No. PXR0206

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

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or 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

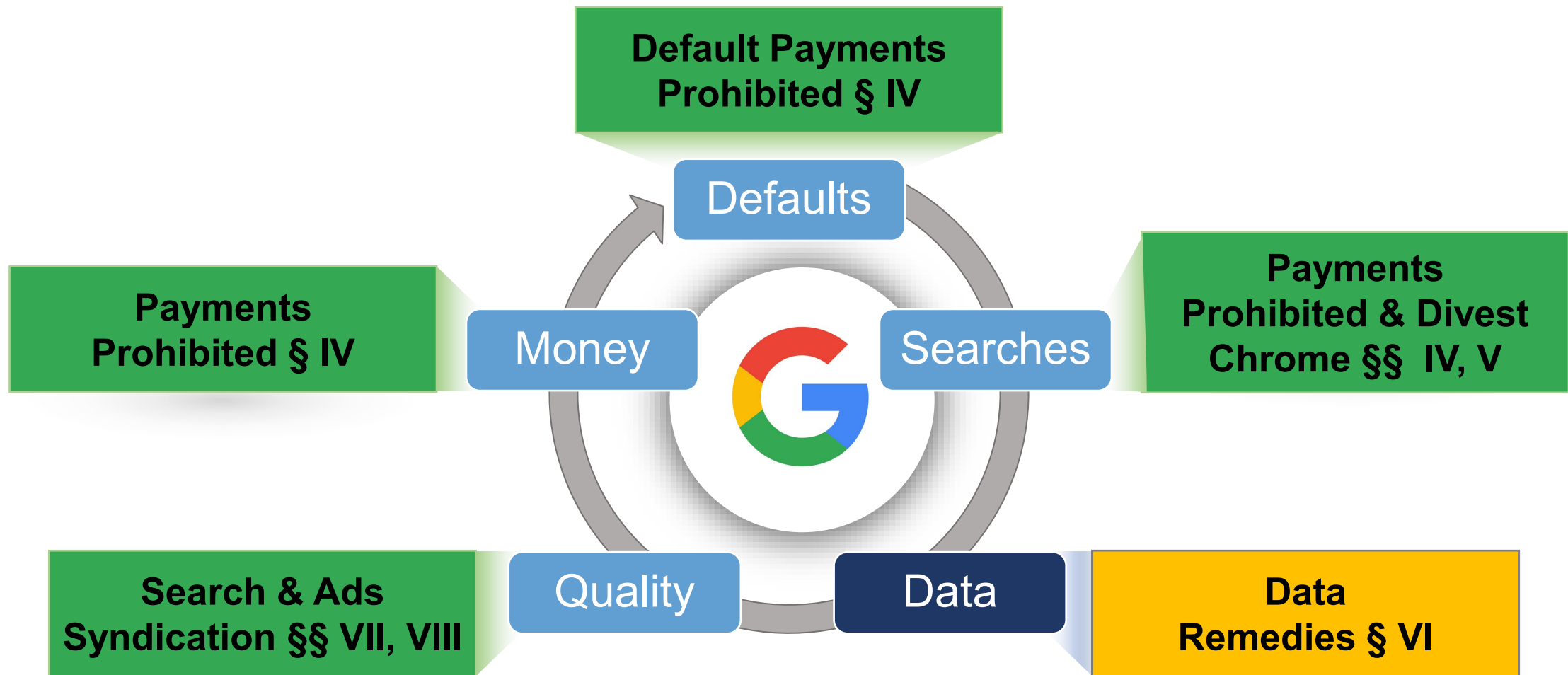
Former Head of Global Technology M&A
Citi

- 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

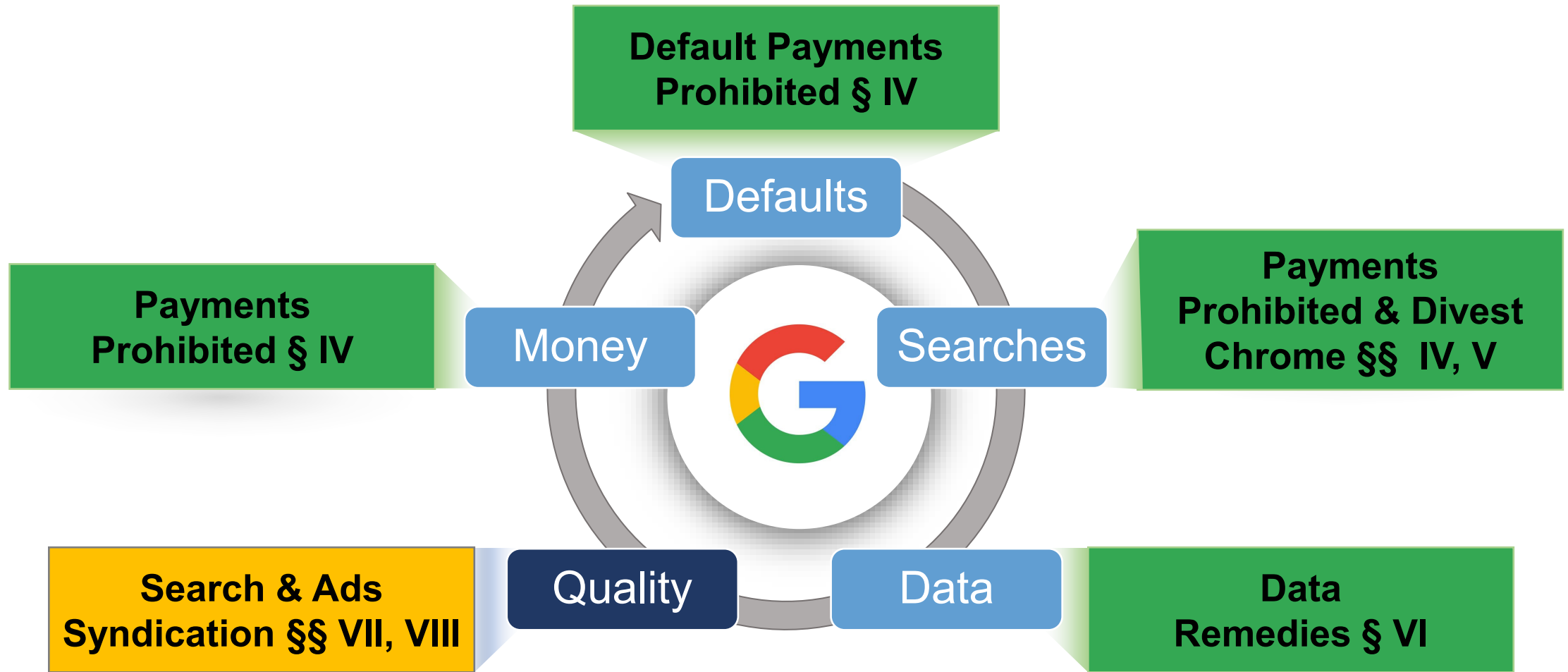
Chief Executive Officer
DuckDuckGo

- 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

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 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.
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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

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.

Engagement Predictions

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

System Improvements Google

8

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Google



Search Ads/AI

Vidhya Review

September 10, 2025

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987654321

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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 lended 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.