

Rowley

DESIGNATION	SOURCE	DURATION
8:16 - 8:24	Rowley, Bryan 2021-07-22-Revised 8:16 So Mr. Rowley, could you 8:17 please start by spelling your full name 8:18 for the record? 8:19 A. Just first and last or would 8:20 you like a middle? 8:21 Q. Full name with middle. 8:22 A. All right. It's Bryan Dyer 8:23 Rowley; B-R-Y-A-N, D-Y-E-R, R-O-W-L-E-Y. 8:24 Q. Thank you.	00:00:19
19:14 - 19:19	Rowley, Bryan 2021-07-22-Revised 19:14 Q. You started to work at Google 19:15 in June 2011? 19:16 A. Correct. 19:17 Q. And your title was strategic 19:18 partner lead? 19:19 A. Yes.	00:00:11
20:07 - 20:18	Rowley, Bryan 2021-07-22-Revised 20:07 Q. What were your 20:08 responsibilities as strategic partner 20:09 lead? 20:10 A. I was client facing, 20:11 interfacing with a book of business that 20:12 largely reflected the news publishers. 20:13 Q. So when you say "client 20:14 facing," you were generally facing -- 20:15 interfacing with publishers; is that 20:16 correct? 20:17 A. Yes; a designated set of 20:18 publishers.	00:00:28
20:19 - 20:25	Rowley, Bryan 2021-07-22-Revised 20:19 Q. And what were your 20:20 responsibilities with respect to those 20:21 publishers? 20:22 A. The primary responsibilities 20:23 were selling ad products. 20:24 Q. And by "ad products," do you 20:25 mean advertising technology products?	00:00:18
21:02 - 21:09	Rowley, Bryan 2021-07-22-Revised	00:00:23

Rowley

DESIGNATION	SOURCE	DURATION
	21:02 A. I do, yes.	
	21:03 Q. What were some of the	
	21:04 products that you sold to them?	
	21:05 A. DFP and AdX were the primary	
	21:06 two. There was another product that I	
	21:07 know was in the book that Google has since	
	21:08 deprecated, which I don't recall the name	
	21:09 of.	
22:03 - 22:10	Rowley, Bryan 2021-07-22-Revised	00:00:26
	22:03 Q. So within this position, whom	
	22:04 did you report to?	
	22:05 A. Aidan Booth.	
	22:06 Q. Any others?	
	22:07 A. So there was a transition	
	22:08 where Aidan moved on and I began reporting	
	22:09 to Chris LaSala. I don't remember when	
	22:10 that was.	
26:25 - 27:12	Rowley, Bryan 2021-07-22-Revised	00:00:32
	26:25 Q. In March 2017, you became	
	27:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	27:02 head of global strategy and	
	27:03 commercialization, programmatic indirect	
	27:04 and ad serving; is that right?	
	27:05 A. Yes. Correct.	
	27:06 Q. Was that a promotion from	
	27:07 your previous position?	
	27:08 A. Yeah, that was a promotion.	
	27:09 Q. What does "programmatic"	
	27:10 mean?	
	27:11 A. Programmatic, I would say, is	
	27:12 synonymous with realtime bidding.	
27:14 - 28:03	Rowley, Bryan 2021-07-22-Revised	00:00:42
	27:14 And what does "indirect"	
	27:15 mean?	
	27:16 A. That would mean indirect	
	27:17 demand from a publisher's perspective;	
	27:18 advertiser dollars flowing to a publisher	
	27:19 that they did not directly negotiate.	
	27:20 Q. And is there a type of direct	
	27:21 demand from a publisher's perspective?	

Rowley

DESIGNATION	SOURCE	DURATION
	27:22 A. Yes.	
	27:23 Q. And how would you describe	
	27:24 direct demand?	
	27:25 A. A publisher negotiating	
	28:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	28:02 directly with advertisers or agencies to	
	28:03 serve demand on their site.	
28:10 - 28:15	Rowley, Bryan 2021-07-22-Revised	00:00:17
	28:10 Q. And in this role, whom did	
	28:11 you report to?	
	28:12 A. I believe at this point Chris	
	28:13 LaSala was my boss. I don't have a	
	28:14 hundred percent certainty of when the	
	28:15 switch took place between Aidan and Chris.	
31:10 - 31:14	Rowley, Bryan 2021-07-22-Revised	00:00:11
	31:10 Q. In July 2018, you became head	
	31:11 of global strategy and commercialization,	
	31:12 Ad Manager and authorized buyer; is that	
	31:13 right?	
	31:14 A. That's correct.	
40:09 - 40:25	Rowley, Bryan 2021-07-22-Revised	00:00:49
	40:09 Q. And when -- when you're	
	40:10 identifying that competitor to AdX, for	
	40:11 example, how would you go about	
	40:12 identifying that competitor?	
	40:13 A. In order to identify a	
	40:14 competitor, it would require us to look	
	40:15 at, you know, the entire ecosystem again	
	40:16 of -- including demand and supply and how	
	40:17 that flowed within the digital	
	40:18 marketplace.	
	40:19 Q. Demand and supply of	
	40:20 impressions?	
	40:21 A. Of -- well, I guess demand	
	40:22 and supply as it relates to monetization	
	40:23 of ad impressions.	
	40:24 Q. And who would you say are	
	40:25 AdX's competitors?	
41:02 - 41:18	Rowley, Bryan 2021-07-22-Revised	00:00:54

Rowley

DESIGNATION	SOURCE	DURATION
	41:02 A. AdX's competitors?	
	41:03 Q. Yes.	
	41:04 A. The most direct set would be	
	41:05 Rubicon, which I know has changed their	
	41:06 name, but I don't -- actually, it's	
	41:07 Magnite now; Index Exchange. You know,	
	41:08 those are sort of the immediate two	
	41:09 exchange names that pop into my head.	
	41:10 But then as I said, we have	
	41:11 to look at the demand to the supply. So	
	41:12 that would be, you know, the Facebooks of	
	41:13 the world, the Amazons of the world; any	
	41:14 large demand source or, you know, anyone	
	41:15 else who is looking to buy or execute	
	41:16 programmatic buying.	
	41:17 Q. And what do you mean by	
	41:18 "demand source"?	
41:19 - 41:24	Rowley, Bryan 2021-07-22-Revised	00:00:24
	41:19 A. Those companies, agencies,	
	41:20 advertisers, digital technology platforms	
	41:21 that bring demand to the digital ecosystem	
	41:22 that we are discussing.	
	41:23 Q. Do you see those demand	
	41:24 sources as competitors to AdX?	
41:25 - 42:03	Rowley, Bryan 2021-07-22-Revised	00:00:11
	41:25 A. I see them as integral in the	
	42:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	42:02 overall ecosystem and how AdX is able to	
	42:03 function and bring solutions to partners.	
42:04 - 42:05	Rowley, Bryan 2021-07-22-Revised	00:00:03
	42:04 Q. Are they direct competitors	
	42:05 to AdX?	
42:06 - 42:21	Rowley, Bryan 2021-07-22-Revised	00:00:58
	42:06 A. No, not all of them.	
	42:07 Q. When you say "not all of	
	42:08 them," are there any that you would	
	42:09 consider as direct competitors to AdX?	
	42:10 A. So that would get into the	
	42:11 Magnites, the Index Exchanges, you know,	

Rowley

DESIGNATION	SOURCE	DURATION
	42:12 would also be, you know, FreeWheel or	
	42:13 MoPub, InMobi; you know, anyone that's in	
	42:14 that technological monetization space.	
	42:15 Q. Okay.	
	42:16 With respect to DFP, who	
	42:17 would you consider to be DFP's	
	42:18 competitors?	
	42:19 A. The most direct competitors	
	42:20 would be AppNexus, OpenX, FreeWheel,	
	42:21 MoPub -- from an ad serving standpoint.	
42:22 - 43:07	Rowley, Bryan 2021-07-22-Revised	00:00:38
	42:22 Q. Does DFP have functions	
	42:23 outside of ad serving?	
	42:24 A. So DFP at the time when that	
	42:25 was a standalone product was only an ad	
	43:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	43:02 server.	
	43:03 Q. Has that changed?	
	43:04 A. DFP and AdX have combined and	
	43:05 they are now called Ad Manager.	
	43:06 Q. Is that known as GAM, G-A-M?	
	43:07 A. Google Ad Manager, yes.	
80:18 - 80:23	Rowley, Bryan 2021-07-22-Revised	00:00:17
	80:18 Q. Are there benefits to Google	
	80:19 from owning the tag?	
	80:20 A. Yeah. I mean that -- that is	
	80:21 the business. That means you are -- it	
	80:22 means you've got a new client if you get	
	80:23 somebody to put your tag on the page.	
80:24 - 81:08	Rowley, Bryan 2021-07-22-Revised	00:00:26
	80:24 Q. In your experience, do	
	80:25 publishers only put one tag on a page?	
	81:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	81:02 A. No; many don't. Many choose	
	81:03 to put more than one.	
	81:04 Q. Can you think of an example	
	81:05 of a publisher who puts more than one tag	
	81:06 on a page?	
	81:07 A. Anyone who uses Outbrain or	
	81:08 Taboola to monetize inventory.	

Rowley

DESIGNATION	SOURCE	DURATION
105:02 - 105:10	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>105:02 Q. Has Google ever limited what 105:03 AdWords spend goes to non-Google 105:04 exchanges? 105:05 A. There was a period of time 105:06 where AdWords spend did not monetize -- or 105:07 did not monetize inventory from 105:08 third-party exchanges. But I don't know 105:09 beyond that what you mean by the term 105:10 "limited."</p>	00:00:27
105:16 - 106:02	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>105:16 Q. And at what point in time did 105:17 AdWords spend not go to third-party 105:18 exchanges? 105:19 A. I don't recall the date of 105:20 the change. I don't even recall which 105:21 year it was. 105:22 Q. So at some point in time, 105:23 only Google exchanges or Google products 105:24 had access to AdWords spend, right? 105:25 A. Yeah. At a point in time; 106:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL 106:02 that's correct.</p>	00:00:38
108:18 - 109:03	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>108:18 Q. When you joined Google, was 108:19 AdWords demand only available on Google 108:20 products? 108:21 A. Yes. 108:22 Q. And did that fact benefit 108:23 AdX? 108:24 A. Yeah. I think that was a 108:25 selling point. When demand can only be 109:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL 109:02 found through certain sources, it compels 109:03 publishers to work with that product.</p>	00:00:32
111:20 - 111:23	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>111:20 Q. Did you work on AWBid? 111:21 A. I did not work on it, like, 111:22 the product of it, but I had to explain</p>	00:00:11

Rowley

DESIGNATION	SOURCE	DURATION
	111:23 what it was.	
112:17 - 112:19	Rowley, Bryan 2021-07-22-Revised	00:00:07
	112:17 Q. When did AWBid start?	
	112:18 A. Again, I don't remember when	
	112:19 it was rolled out.	
112:24 - 112:25	Rowley, Bryan 2021-07-22-Revised	00:00:06
	112:24 Q. Within Google, did you hear	
	112:25 anyone argue against AWBid?	
113:02 - 113:20	Rowley, Bryan 2021-07-22-Revised	00:00:50
	113:02 A. Yeah. There were folks on	
	113:03 the sell side.	
	113:04 Q. Do you recall who?	
	113:05 A. Not by specific name, no.	
	113:06 Q. Why did they argue against	
	113:07 it?	
	113:08 A. Touching on one of my	
	113:09 previous answers, it -- it addressed one	
	113:10 of the selling points that AdX had on the	
	113:11 market.	
	113:12 Q. And that selling point was	
	113:13 the only exchange with access to AdWords	
	113:14 demand?	
	113:15 A. Yeah. The fact that AdX had	
	113:16 access to AdWords demand, correct.	
	113:17 Q. And other exchanges did not,	
	113:18 right?	
	113:19 A. At that point in time,	
	113:20 correct.	
127:09 - 127:16	Rowley, Bryan 2021-07-22-Revised	00:00:27
	127:09 Q. If AWBid became public, then	
	127:10 the value proposition of AdX would be	
	127:11 greatly impacted, right?	
	127:12 A. As we discussed, it would --	
	127:13 with GDN or with Google Ads buying	
	127:14 elsewhere, the AdX would no longer be able	
	127:15 to state that it was the only way to get	
	127:16 access to that --	
127:18 - 127:18	Rowley, Bryan 2021-07-22-Revised	00:00:02
	127:18 THE WITNESS: -- that demand.	

Rowley

DESIGNATION	SOURCE	DURATION
127:20 - 127:24	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>127:20 Q. Would that affect AdX's 127:21 competitive positioning? 127:22 A. It would reduce one of the 127:23 selling propositions for AdX and 127:24 presumably increase it for competitors.</p>	00:00:22
129:11 - 129:24	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>129:11 Q. The last sentence of this 129:12 paragraph reads, "Our buy-side positioning 129:13 will put sell-side relationships at risk." 129:14 Do you see that? 129:15 A. I do. 129:16 Q. How would the buy-side 129:17 positioning put sell-side relationships at 129:18 risk? 129:19 A. I think it comes back to the 129:20 core selling proposition we have been 129:21 talking about. Partners would understand 129:22 that there were other sources of -- other 129:23 technological partners that they could get 129:24 Google Demand through.</p>	00:00:33
138:12 - 139:05	<p>Rowley, Bryan 2021-07-22-Revised</p> <p>138:12 Q. Is Amazon a competitor to 138:13 Google in the ad space? 138:14 A. Yes. 138:15 Q. In what way? 138:16 A. Well, so we are talking about 138:17 header bidding; it developed its own 138:18 header bidding technology. It's a major 138:19 aggregator of demand. You know, so in 138:20 terms of aggregating demand from 138:21 advertisers and aggregating inventory from 138:22 publishers, they were an ad tech 138:23 competitor. 138:24 Q. So you mentioned demand 138:25 aggregation, I think inventory 139:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL 139:02 aggregation. 139:03 Any other ways in which 139:04 Amazon competes with Google's ad tech</p>	00:00:50

Rowley

DESIGNATION	SOURCE	DURATION
	139:05 products?	
139:06 - 139:10	Rowley, Bryan 2021-07-22-Revised	00:00:20
	139:06 A. I think the monetization of	
	139:07 inventory and the aggregation of demand	
	139:08 covers most of ad tech, in my mind.	
	139:09 Q. With demand aggregation, what	
	139:10 Google products does Amazon compete with?	
139:11 - 139:19	Rowley, Bryan 2021-07-22-Revised	00:00:27
	139:11 A. I mean, my take is they	
	139:12 compete with Google Ads, DV360 -- you	
	139:13 know, from a technological standpoint,	
	139:14 they sought to work with exchanges and	
	139:15 other third-party buyers that --	
	139:16 (Reporter Clarification.)	
	139:17 THE WITNESS: Other	
	139:18 third-party buyers that worked with	
	139:19 AdX.	
139:24 - 140:03	Rowley, Bryan 2021-07-22-Revised	00:00:12
	139:24 Q. Is Amazon a DSP?	
	139:25 A. Oh, yeah; Amazon did operate	
	140:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	140:02 as a DSP within the AdX environment and	
	140:03 other exchanges.	
141:17 - 142:02	Rowley, Bryan 2021-07-22-Revised	00:00:35
	141:17 Q. Did you ever believe that	
	141:18 header bidding posed a competitive threat	
	141:19 to AdX?	
	141:20 A. Yeah. I think we saw header	
	141:21 bidding as a competitive threat.	
	141:22 Q. In what ways did header	
	141:23 bidding compete with AdX?	
	141:24 A. It aggregated publisher	
	141:25 inventory and tried to bring the best	
	142:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	142:02 demand sources to monetize inventory.	
142:03 - 143:02	Rowley, Bryan 2021-07-22-Revised	00:01:26
	142:03 Q. Do you recall our earlier	
	142:04 discussion about own the tag?	
	142:05 A. Yes.	

Rowley

DESIGNATION	SOURCE	DURATION
	142:06 Q. And see more?	
	142:07 A. I do.	
	142:08 Q. And win more?	
	142:09 A. Yes.	
	142:10 Q. Did header bidding pose a	
	142:11 threat to the own-the-tag strategy?	
	142:12 A. So header bidding was another	
	142:13 tag on the page. It was -- header bidding	
	142:14 was bringing more demand into the	
	142:15 publisher monetization space.	
	142:16 So, yes, as demand flowed	
	142:17 through other channels, our -- certainly	
	142:18 our ability to win was challenged.	
	142:19 Q. And why was your ability to	
	142:20 win challenged?	
	142:21 A. More demand flowing through	
	142:22 different ad technology channels leads to	
	142:23 greater competition.	
	142:24 Q. Greater competition with AdX?	
	142:25 A. AdX would be one of the	
	143:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	143:02 competitors in that space.	
146:14 - 147:07	Rowley, Bryan 2021-07-22-Revised	00:01:17
	146:14 Q. Ad serving decision engine	
	146:15 refers to DFP; is that right?	
	146:16 A. Again, I don't really recall	
	146:17 the document but that makes sense. The ad	
	146:18 serving decision engine seems like a	
	146:19 generic way of referring to ad serving.	
	146:20 Q. Is it a strategic risk to	
	146:21 Google if Google is no longer the sole ad	
	146:22 serving decision engine?	
	146:23 A. Yeah. I mean to -- yeah. I	
	146:24 mean, one of our goals was to represent	
	146:25 the publisher inventory in the best manner	
	147:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL	
	147:02 possible to have stronger competition, you	
	147:03 know, which potentially lowers our value,	
	147:04 is a strategic risk.	
	147:05 You know, again, reading this	

Rowley

DESIGNATION	SOURCE	DURATION
	147:06 sentence, whether Google refers to DFP or 147:07 a broader Google, is not clear to me.	
147:24 - 148:22	Rowley, Bryan 2021-07-22-Revised	00:01:23
	147:24 Q. So did exchange bidding allow 147:25 Google to remain the primary decision 148:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL 148:02 engine? 148:03 A. So I would say, you know, 148:04 again, based on my recollection from when 148:05 I left this role, you know, most 148:06 publishers continued to use, you know, 148:07 many different monetization sources. You 148:08 know, to my knowledge, header bidding has 148:09 not gone away. 148:10 You know, so I don't believe 148:11 the launch of exchange bidding has changed 148:12 the competitive environment significantly. 148:13 Q. When you say "monetization 148:14 sources," what do you mean by that? 148:15 A. It could be header bidders. 148:16 It could be exchanges. You know, could be 148:17 different companies like Outbrain and 148:18 Taboola that we have mentioned before. 148:19 Q. Do you believe that Outbrain 148:20 and Taboola compete with DFP? 148:21 A. Insofar as it monetizes 148:22 publisher pages, yes.	
225:25 - 226:12	Rowley, Bryan 2021-07-22-Revised	00:00:41
	225:25 Q. What is your recollection of 226:01 BRYAN ROWLEY - HIGHLY CONFIDENTIAL 226:02 unified pricing rules? 226:03 A. My recollection of unified 226:04 pricing rules was it was a new way of 226:05 setting pricing rules for inventory that 226:06 was launched in conjunction with the first 226:07 price auction. 226:08 Q. Do you have an understanding 226:09 as to why Google introduced unified 226:10 pricing rules? 226:11 A. At the moment, I don't recall	

Rowley

DESIGNATION	SOURCE	DURATION
	226:12 the logic that was at play.	
226:13 - 226:21	Rowley, Bryan 2021-07-22-Revised	00:00:29
	226:13 Q. Do you recall whether Google	
	226:14 introduced unified pricing rules to stop	
	226:15 publishers from engaging in certain	
	226:16 behavior?	
	226:17 A. I don't recall it being an	
	226:18 effort to stop publishers from doing	
	226:19 anything in particular. I recall it being	
	226:20 a solution that was most appropriate given	
	226:21 the change to first-price auction.	
236:09 - 236:25	Rowley, Bryan 2021-07-22-Revised	00:01:01
	236:09 Q. And how did this -- did you	
	236:10 believe this would increase the health of	
	236:11 the ecosystem?	
	236:12 A. I think, you know, it's a	
	236:13 function of, you know, sort of making it	
	236:14 the most attractive environment for	
	236:15 demand. You know, if there were floors	
	236:16 being set to artificially raise prices	
	236:17 from an auction standpoint, that could	
	236:18 scare buyers away.	
	236:19 Q. Do you think publishers were	
	236:20 artificially -- or setting artificially	
	236:21 high floors?	
	236:22 A. I think if you set multiple	
	236:23 different floors for the same piece of	
	236:24 inventory, yeah, you're artificially	
	236:25 influencing an auction outcome.	
237:02 - 237:20	Rowley, Bryan 2021-07-22-Revised	00:01:13
	237:02 Q. Why do you think that is	
	237:03 artificial?	
	237:04 A. Well, an auction is meant	
	237:05 to -- the winner of an auction should be	
	237:06 willing to pay the most. And, you know,	
	237:07 historically, in a second-price auction,	
	237:08 that was always dictated by other	
	237:09 competitors within the auction or rules	
	237:10 set by publishers. But when publishers	
	237:11 set multiple floors, they are effectively	

Rowley

DESIGNATION	SOURCE	DURATION
	237:12 trying to raise the second price.	
	237:13 Q. Do you believe there are any	
	237:14 legitimate reasons for a publisher to set	
	237:15 multiple floors for the same impression?	
	237:16 A. I believe there are	
	237:17 legitimate reasons for publishers to set	
	237:18 floors. I can't think of a reason that a	
	237:19 publisher would need to set multiple	
	237:20 floors for the same piece of inventory.	
237:21 - 237:25	Rowley, Bryan 2021-07-22-Revised	00:00:19
	237:21 Q. If a publisher sets multiple	
	237:22 floors for an impression and someone buys	
	237:23 it at a higher price under the highest	
	237:24 floor, that advertiser is still willing to	
	237:25 bid at that price, right?	
238:02 - 238:05	Rowley, Bryan 2021-07-22-Revised	00:00:10
	238:02 A. Yeah. I think an	
	238:03 advertiser's willingness to -- if they are	
	238:04 not willing to pay, they wouldn't win that	
	238:05 auction.	
248:15 - 248:23	Rowley, Bryan 2021-07-22-Revised	00:00:30
	248:15 Q. And there's a statement here	
	248:16 that expanding AWBid puts DFP and Google's	
	248:17 own the tag strategy at risk?	
	248:18 A. Yeah. I mean, re-reading it	
	248:19 here, I think we touched back on a topic	
	248:20 we've covered before, that, you know, as	
	248:21 the demand is made available elsewhere, a	
	248:22 selling proposition from a Google products	
	248:23 standpoint is diminished.	