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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
et al.,
Plaintiffs,

Civil Action
No. 1:20-cv-3010

vs.

Washington, DC
September 19, 2023
3:22 p.m.

GOOGLE, LLC,
Defendant.

Day 6
Afternoon Session

_____ /

** [REDACTED] PROCEEDINGS **

TRANSCRIPT OF BENCH TRIAL
BEFORE THE HONORABLE AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE

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I N D E X

WITNESS

PAGE

JONATHAN YOO

Continued Direct Examination by Mr. Jones

4

Cross-Examination by Mr. Bennett

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E X H I B I T S

(None were marked)

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[REDACTED] PROCEEDINGS

THE COURT: Just to confirm that no one in the courtroom -- or I should say everyone in the courtroom is associated with either side of the case? Okay, terrific. Let's move forward.

MR. JONES: May I proceed, Your Honor?

THE COURT: Yes.

CONTINUED DIRECT EXAMINATION OF JONATHAN YOO

BY MR. JONES:

Q. Welcome back, Mr. Yoo. I'd like to talk about Samsung a bit. Samsung is Google's largest Android OEM partner, correct?

A. Yes.

Q. You did a lot of work related to Samsung when you were at Google?

A. Yes.

Q. You built financial models looking at the Samsung revenue share agreement?

A. Yes.

Q. You know that Samsung puts the Play Store on its phones, right?

A. Sorry?

Q. Samsung puts the Play Store on its phones?

A. Yes.

Q. That means Samsung users can download apps from the

1 Play Store and use those apps?

2 A. Yes.

3 Q. Sir, you've expressed the view that there's a near
4 zero probability of Samsung not wanting the Play Store on its
5 phones, correct?

6 A. I believe so.

7 Q. Let's pull up UPX312. Mr. Yoo, this is an e-mail that
8 you wrote to Joshua O'Connor and others within Google on
9 April 8th, 2019, correct?

10 A. Yes.

11 Q. It has the subject line: Value of Play to Google via
12 MADA and App Distribution.

13 Do you see that?

14 A. Yes.

15 Q. At the time, Mr. O'Connor, who you were e-mailing, was
16 on the finance team for the Play Store, right?

17 A. Yes.

18 Q. And you worked in finance for Android partnerships?

19 A. Yes.

20 Q. I'll direct your attention to Mr. O'Connor's original
21 e-mail at the bottom of the second page, which has the Bates
22 number ending in 154. Are you with me?

23 A. Yes.

24 Q. In his e-mail, Mr. O'Connor asks you a question about
25 the value of the Play Store to Google, right?

1 **A.** Well, I see, yes, if we should value Play being a
2 premier destination for app installs.

3 **Q.** He asked if Google should value Play being a premier
4 destination for app installs for other app distribution and
5 MADA, correct?

6 **A.** Yes.

7 **Q.** And in the second sentence, he asks what the impact to
8 Google would be if Samsung no longer cared about having the
9 Play Store on its phones, correct?

10 **A.** Yes.

11 **Q.** And you respond in the next e-mail up, right?

12 **A.** Yes.

13 **Q.** You start by saying you think there's a near zero
14 probability of Samsung not wanting the Play Store on their
15 phone, right?

16 **A.** Yes.

17 **Q.** You understood that Samsung wants to offer users a
18 variety of apps on its phones, right?

19 **A.** Yes.

20 **Q.** And the Play Store let's them do that?

21 **A.** Yes.

22 **Q.** Now, the fact that Samsung wants the Play Store on its
23 phones gives Google leverage to secure Google's other apps on
24 Samsung's phones as well, correct?

25 **A.** So in this hypothetical scenario that I'm presenting

1 to my colleague, this is a thought exercise, let's say. What I
2 meant by that is at the time how GMS bundle was distributed, it
3 all came together. And so it's tough to value one component of
4 that, because I believe that although it might not be -- I
5 might not have a direct answer to the value of each of the
6 components, that the sum of the parts was greater than each
7 individual app put together. And so --

8 Q. Let's take a look -- I'm sorry, I didn't mean to
9 interrupt you. Were you done?

10 A. So that's what I meant by, yes, the Play Store as a
11 part of the bundle, it gets on the device, and there are other
12 apps in that bundle.

13 Q. That also get on the device?

14 A. That also get on the device.

15 Q. Let's take a look at what you wrote. You wrote to
16 Mr. O'Connor: "I will say, there is value in the leverage that
17 Play provides to get some of the noncritical GMS apps on a
18 phone. What I mean by that is that the OEMs want the Play
19 Store on their phone, and in return we are able to get other
20 apps like Google Search and Chrome, Maps and Duo, YouTube and
21 Drive, for instance, on the phone as a result."

22 Do you see that?

23 A. I see that. What I meant by this was that -- you
24 know, I knew that the Play Store -- for Samsung, let's say, the
25 Play Store was an important part of their -- an important part

1 to the MADA package that they negotiated with us. [REDACTED]
2 [REDACTED]. It's tough for me to say
3 what the value of each of these individual components are --
4 which was kind of his original question, but I knew that there
5 was value in the whole package that is presented. And amongst
6 those, I thought that Samsung might value the Play Store the
7 most.

8 Q. And the MADA secures these other apps on the phone in
9 addition to the Play Store, right?

10 A. Yes.

11 Q. Including search and Chrome?

12 A. Yes.

13 Q. Let's take a look at the top e-mail in the chain,
14 which is an e-mail from you at 5:47 p.m.

15 A. Okay.

16 Q. Sir, you say: "Right now, we require Play plus other
17 GMS apps. Yes, we require Samsung to take all or nothing."

18 Do you see that?

19 A. Yes.

20 Q. That refers to the MADA bundle, correct?

21 A. I'm sorry?

22 Q. That refers to the MADA bundle?

23 A. The MADA, so it refers to the MADA in -- in this
24 hypothetical scenario that Josh was trying to present, my
25 belief was that -- and, you know, I'm not a part of these

1 negotiations, but it was -- he was asking for my opinion. So
2 my opinion was that this -- from the MADA as they had
3 negotiated it at this time, my understanding was that Play is
4 very important to Samsung. And it was also important to our
5 sort of ecosystem, because Play is a mechanism that allows
6 security updates or allows developers to use some of the APIs
7 that the Play Store or other apps expose to create things like,
8 you know, showing a map within Uber or something like that, a
9 different app. There's a bunch of APIs that comes with the
10 Play Store. Not only distribution, but app functionality,
11 let's say, that I thought was valuable in their MADA.

12 Q. And, sir, I'm not asking you about security updates.
13 When you wrote Mr. O'Connor that Google requires Samsung to
14 take all or nothing, you meant it has to take the whole MADA
15 bundle if it wants any of it, right?

16 A. It's a negotiated agreement with Samsung. But as it
17 was, was that the MADA was a package of apps. It had Play
18 Store amongst search, Chrome, other aspects. And especially
19 with Samsung, these are negotiated, so there's -- for a time we
20 had, you know, VR integration; I'm not sure about today. But
21 there were other components to it that was a part of the MADA
22 itself.

23 Q. And if Samsung wanted the Play Store or anything else
24 in the MADA bundle, it would have to take the whole payload,
25 right?

1 **A.** You keep saying bundle. I'm not saying bundle, but
2 I'm saying that these agreements are negotiated; and that as
3 the MADA was negotiated at this time, as I understood it, it
4 included these other apps.

5 **Q.** And it included search and Chrome?

6 **A.** It included search and Chrome.

7 **Q.** Okay. You go on to write: "In this hypothetical
8 world where Samsung no longer wants the Play Store, Maps and
9 YouTube would be the apps that they would independently want
10 out of the current MADA package," correct?

11 **A.** Again, in this thought exercise that we set up --
12 which, you know, if you look two e-mails down, I say "as a
13 thought exercise in this scenario." Within that, my
14 understanding was that if we stack rank the value that an
15 OEM like -- or Samsung specifically in here, my understanding
16 is that the Play Store is very important because it gets them
17 access to the APIs, the updates that come through the Play
18 Store. But also, Maps and YouTube were very important to make
19 a very competitive phone that they would want to sell.

20 **Q.** You didn't say they'd want search or Chrome?

21 **A.** Well, it's inherent that they want search and Chrome,
22 because that's also where users search, that's also where the
23 revenue share agreement also comes into play as well. So there
24 was financial value to them in search and Chrome, too. In this
25 exercise, out of the apps, what I was trying to highlight was

1 that like from an app functionality perspective and a phone
2 functionality perspective, Samsung couldn't sell a phone that
3 didn't have Maps or YouTube on it to try and compete with Apple
4 in a lot of these markets, especially on the premium side.

5 Q. And if it wants those, it has to take search and
6 Chrome also?

7 A. Those were also included in a negotiated MADA.

8 Q. Thank you, sir. Your Honor, this document, UPX312,
9 has been admitted.

10 **THE COURT:** Okay.

11 **BY MR. JONES:**

12 Q. Mr. Yoo, now, if OEMs no longer needed the Play Store
13 for apps, that would weaken the leverage that MADA provides,
14 right?

15 A. No, OEMs also have other app stores. I mean, my view
16 is that if Play Store became less important as the premier app
17 destination, you know, other OEMs have their own app stores,
18 carriers have their own app stores. But from an ecosystem
19 perspective, if you think about developers, small startup
20 developers trying to make an app for distribution, on an iPhone
21 they can upload it to the App Store and it goes out to all of
22 their devices, it all works. Similarly, on an Android device,
23 what I believe Play was trying to do was that if a developer
24 then also uploads it on Play, then there's a promise that that
25 app would also work on all the other Android devices, because

1 there's a lot out there, there's a lot of OEMs.

2 If that premier app destination of the Play Store weakens,
3 then, yeah, the developer would have to test their apps on the
4 Verizon app store or Samsung Galaxy app store or Xiaomi's app
5 store, et cetera. I suppose it's doable, but from a developer
6 and an ecosystem sort of health perspective, it kind of weakens
7 the competitiveness of that ecosystem.

8 Q. Are you aware of any Android smartphones sold in the
9 United States without the Play Store?

10 A. No.

11 Q. Let's take a look at UPX316. Sir, this is an e-mail
12 you wrote to Mike Herring, Yuki Richardson and others within
13 Google on June 14th, 2019, right?

14 A. Yes.

15 Q. Ms. Richardson was your boss at the time?

16 A. Yes.

17 Q. And Mr. Herring was the business finance officer for
18 your product area?

19 A. Yes.

20 Q. I'll direct your attention to Ms. Richardson's
21 original e-mail to Mr. Herring at the bottom of the second
22 page. This is the page with the Bates number ending in 9078.

23 Ms. Richardson had just come from a meeting with Phillipp
24 Schindler, right?

25 A. Yes.

1 Q. I guess she said she had the meeting yesterday?

2 A. Yes.

3 Q. Again, he's the chief business officer of Google -- or
4 if you don't remember his title, he's a very senior executive
5 at Google, right?

6 A. He was very senior, yes.

7 Q. I'll focus your attention on the second bullet in
8 Ms. Richardson's e-mail.

9 A. Okay.

10 Q. Ms. Richardson writes: "Phillipp is starting to
11 become comfortable with the payments on Play to OEMs in order
12 to protect our app store. After learning that losing Play
13 protections could lead to a material drop in the value of MADA,
14 and thus loss of our potential ability to secure search and
15 other apps."

16 Do you see that?

17 A. I see that. This was in context of -- so, again, I
18 wasn't in this meeting, but this was in context of our GDAF
19 agreements which was ex Samsung, which wasn't covering the
20 United States, it was covering other OEMs specifically like the
21 fast growing Chinese OEMs like Xiaomi, Oppo, Vivo which don't
22 sell devices in the U.S. to begin with. But, yes, I just
23 wanted to add a little bit more context.

24 Q. I appreciate that, sir. Google was considering

25

1 right?

2 A. So we were in discussions to propose that [REDACTED]
3 [REDACTED] to our agreements whereby the
4 OEMs -- specific OEMs, specifically the Chinese OEMs who were
5 fast growing at the time, [REDACTED]
6 [REDACTED] That was the proposal that we were putting together
7 at the time.

8 Q. And Ms. Richardson described this as [REDACTED]
9 [REDACTED] right?

10 A. So I -- I mean, I don't know what she meant
11 specifically by that. I mean, I didn't write it. But, again,
12 how I saw -- and, you know, I'm trying to speak of my view of
13 this at the time, is that the ecosystem is only really as
14 strong and competitive as the health of its constituent
15 members. Amongst those, the app developers were very key, but
16 also was consumer trust. And one of the things that Play did a
17 really good job of, and invested a lot of money to build, is
18 that user trust; that a user downloading an app through the
19 Play Store knows that it's secure, knows that it's been tested,
20 and it has Google's sort of brand name attached to it.

21 And so if the value or the -- let's say a user downloads
22 the same app on Play Store and then a different store, but they
23 download it on a different store and it crashes their phone, it
24 does something that they don't want. My view is that that
25 materially could impact the brand equity that Play Store had or

1 the Android device in general. And then, as a small developer,
2 why would you want to go through all the hoops to upload to all
3 these different stores and develop across these different
4 platforms when you can just upload it to the Apple App Store
5 and have it work to all the premium users that's already on it.
6 So my view is that that is something that is very crucial to
7 Android.

8 Q. But the consideration that Ms. Richardson mentioned
9 was "loss of our potential ability to secure search and other
10 apps," right?

11 A. Yes, she wrote that.

12 Q. Okay. Let's take a look at your response up at the
13 top. I'll focus your attention on point number two in your
14 e-mail. Do you see that?

15 A. Yes.

16 Q. I know there's a lot of text here, so feel free to
17 take a minute. But just above your bullets you say: "[REDACTED]
18 [REDACTED], we believe there is a
19 non-zero risk of the following scenario materializing."

20 Do you see that sentence just before the colon?

21 A. Yes.

22 Q. And we don't have to go through each bullet, but you
23 described a scenario here, right?

24 A. So a part of my job is to think of all the various
25 risks and opportunities that something can make. And so here

1 in this, I think it's important to kind of consider all of
2 them. Because at the time, these were sort of all of my -- all
3 of the scenarios that were keeping me up at night, so to speak,
4 something that could happen with the non-zero risk.

5 Q. Sure. And the scenario you describe here was the
6 possibility of other entities promoting app stores that would
7 be alternatives to the Play Store, right?

8 A. Yes.

9 Q. In your fourth bullet down you say: "The worst risk
10 to come out of this would be that certain OEMs would no longer
11 need the Play Store for apps on their phones, which would then
12 weaken the leverage that MADA provides," correct?

13 A. Again, I think that points to what I was explaining
14 before, that my belief of the MADA package as a whole is
15 greater than the sum of its parts. And therefore, if one of
16 those components becomes weaker, there is or could be the
17 potential for the entire ecosystem to lose more value than any
18 one of those components.

19 Q. You're referring to the leverage that the MADA
20 provides Google to secure search, Chrome and other apps,
21 correct?

22 A. The reason I emphasized those is because those were
23 our highest revenue generating sort of apps, and so they're
24 very important to -- in the context of a finance organization,
25 so to speak. And the leverage that I'm talking about is that

1 there is -- again, not to repeat, but there's a value in all
2 these apps being on a phone pre-loaded when a user first turns
3 on their device.

4 Q. This is the same leverage you were referring to in the
5 last exhibit, right?

6 A. I used the same word. You know, I'm trying to give
7 more context behind what I meant.

8 Q. Let's take a look at your fifth bullet. You say: "At
9 the time, the Google search widget accounted for about
10 [REDACTED] percent of Google's search revenue on an Android device,"
11 right?

12 A. Yes.

13 Q. I'm just asking if that's what you said, sir?

14 A. Yeah, I wrote that, yes.

15 Q. And Google uses the MADA to secure that widget?

16 A. Yes.

17 Q. The widget is part of the Google Search app that the
18 MADA requires to be on the device, right?

19 A. So, again, in this list of hypotheticals of -- which
20 there is a non-zero risk, it's sort of a domino effect. I'm
21 highlighting here that if all of these above scenarios sort of
22 materialize, then it might -- yes, it might -- if we can't get
23 the Google Search app on the device, at this time it generated
24 a significant portion of the revenue on a device. So I was
25 highlighting that risk from a financial perspective.

1 Q. And I'm just confirming that the widget that you
2 mention here is part of the Google Search app that the MADA
3 requires to be on the device, right?

4 A. Yes.

5 Q. And as of the time of your e-mail, that widget was
6 driving [REDACTED] percent of Google's search revenue on Android
7 devices, correct?

8 A. Yes, I wrote that, but I think it should actually say
9 the Google Search app. Because we don't have a great idea of
10 what the widget versus the rest of the app drives specifically.

11 Q. All right, sir. In the United States, this Google
12 Search app, which includes the widget, has grown to dominate as
13 a search access point on Android devices, correct?

14 **THE COURT:** I'm sorry, what was the question?

15 **BY MR. JONES:**

16 Q. In the United States, this Google Search app, which
17 includes the widget, has grown to dominate as a search access
18 point on Android devices?

19 A. I wouldn't use that word, but it's -- the Google
20 Search app over time started to become a premier sort of access
21 point that users were using on Android devices.

22 Q. Let's take a look at UPX1107. I should note for the
23 record, Your Honor, UPX316 that we were just reviewing has been
24 admitted, and so has UPX1107.

25 Mr. Yoo, UPX1107 is an e-mail from you to Jim Kolotouros

1 and others on April 16th, 2018, correct?

2 A. Yes.

3 Q. In this e-mail, you were running some numbers for
4 Mr. Kolotouros about Samsung devices?

5 A. Yes, so I was trying to estimate the amount of revenue
6 flowing through Chrome on specific Samsung devices. So here,
7 the Note 10 and Galaxy S10 on these two carriers.

8 Q. And you labeled it privileged and confidential, right?

9 A. Yes.

10 Q. And then you send your data?

11 A. And I what?

12 Q. And then you send some data?

13 A. Yes.

14 Q. Below your numbers you write: "While performing this
15 analysis, I also wanted to point out some interesting trends as
16 FYI." Do you see that?

17 A. Yes.

18 Q. You pointed out that in the U.S., GSA had grown to
19 dominate as a distribution search access point, correct?

20 A. Amongst the traffic in the device, but yes.

21 Q. At this time, GSA represented nearly [REDACTED] percent of
22 search revenue flowing through the devices that you were
23 studying, correct?

24 A. Yes.

25 Q. And the MADA requires GSA to be on the device, right?

1 A. Yes.

2 Q. Sorry, sir?

3 A. Yes.

4 Q. And that's true regardless of whether there's an RSA
5 in place?

6 A. Yes.

7 Q. Now, the importance of GSA as an access point is not
8 limited to these particular Samsung devices, fair?

9 A. Sorry, say the question again.

10 Q. The importance of GSA as an access point is not
11 limited to these Samsung devices that you were discussing here,
12 correct?

13 A. Yes, because GSA became a very prominent destination
14 for users to search on an Android device.

15 Q. I think you mentioned earlier that most Android phones
16 in the U.S. are actually sold by wireless carriers, right?

17 A. Yes.

18 Q. And when you were at Google, you had access to data on
19 how Google's search revenue breaks down across the search
20 access points on the devices sold by those carriers, right?

21 A. It was imperfect, but we knew the revenue flowing
22 through certain search access points for a partner.

23 Q. Okay. Let's take a look at UPX146. This has been
24 admitted. Mr. Yoo, Your Honor, 146 is a PowerPoint
25 presentation titled Android Commercial Agreements - Executive

1 Discussion. Do you see that?

2 A. Yes.

3 Q. You helped create this document when you were at
4 Google?

5 A. Yes.

6 Q. Let's turn to page four, which has the Bates number
7 ending in 388.

8 A. Okay.

9 Q. If we can get page four up on the screen. Mr. Yoo,
10 this slide is titled Carrier Revenue Share and Access Points
11 (TTM through Sept 20). Do you see that?

12 A. Yes.

13 Q. TTM means trailing 12 months?

14 A. Yes.

15 Q. And this slide contains data from the 12 months
16 leading up to September of 2020, right?

17 A. Through September '20.

18 Q. Through September 2020?

19 A. Yes.

20 Q. Thank you, sir. There's a list of carriers on the
21 left, right?

22 A. Uh-huh, yes.

23 Q. And those are carriers with which Google had revenue
24 share agreements as of this time, correct?

25 A. So one thing I'm not entirely sure of now is whether

1 all of these agreements were active at this time or whether we
2 had an agreement with these carriers at one point, but the
3 tracking for those old devices was still in the system.

4 Q. I appreciate the clarification. Google had revenue
5 share agreements with each of the carriers in this list at some
6 point during the trailing 12 months leading up through
7 September of 2020?

8 A. So I don't know if it was during that trailing 12
9 months or if they were active, let's say, like two years before
10 this. But those devices were still in the hands of users, and
11 our systems were picking it up.

12 Q. Google had revenue share agreements with each of these
13 carriers at some point, right?

14 A. Yes.

15 Q. Okay. And again, this list includes -- looking at the
16 top, Verizon, T-Mobile, AT&T and Sprint as well as some
17 carriers in other countries, correct?

18 A. Yes.

19 Q. Let's focus on the U.S. carriers. There's a section
20 on the right that says Access Point Percentage of Rev. Do you
21 see that?

22 A. Yes.

23 Q. And that section shows how the revenue covered by
24 Google's RSAs with these carriers broke down across different
25 search access points on the device, right?

1 A. Yes.

2 Q. For example, the first row is Verizon?

3 A. Yes.

4 Q. And as of this time period, [REDACTED] percent of this revenue
5 from Verizon came through the Google Search app, which includes
6 the widget, right?

7 A. So amongst the access points that are covered, with --
8 so sometimes there's -- some of these access points aren't
9 tagged correctly. But keeping in mind all these caveats, yes,
10 this was generally the proportion of correctly tagged revenue
11 under these RSAs for these partners.

12 Q. About [REDACTED] of the Verizon RSA revenue that was
13 correctly tagged was coming through GSA, correct?

14 A. Yes.

15 Q. And for each of the other carriers, the GSA number is
16 even higher, right?

17 A. Yes.

18 Q. And the MADA requires GSA to be on the device, right?

19 A. The MADA places GSA on the device, yes.

20 Q. And that's true regardless of whether a carrier also
21 signs an RSA with Google, right?

22 A. Yes.

23 Q. The OEM's MADA will apply either way?

24 A. Yes.

25 Q. No further questions on that document, sir. Now, I

1 think you may have alluded to this before. There is a portion
2 of Android searches that come from a user manually typing in
3 www.google.com into a browser and entering the query on a web
4 page, right?

5 A. Yes.

6 Q. You call those organic queries?

7 A. Yes.

8 Q. You refer to all other queries as distribution
9 queries?

10 A. Yes.

11 Q. Searches conducted through the widget, the Chrome
12 address bar, the SBrowser address bar, those are all examples
13 of distribution queries, right?

14 A. Yes.

15 Q. And when you were at Google, you had access to data on
16 how Android search revenue breaks down between organic queries
17 and distribution queries, right?

18 A. Yes.

19 Q. And sir, based on that data, you understand that
20 organic queries account for a very small portion of the
21 searches conducted on Android devices, right?

22 A. It came down over time, but represented a larger
23 proportion before we made certain UX changes to make the widget
24 more fast, I suppose.

25 Q. After you made those changes, the percentage of

1 organic queries went down?

2 A. It started -- it trended down over the years.

3 Q. I'll direct your attention to UPX1111. This has been
4 admitted. Mr. Yoo, UPX1111 is a monthly report that your team
5 sent out, correct?

6 A. Yes.

7 Q. It's called the Android Partnership Financials Report?

8 A. Yes.

9 Q. And you were the one distributing it here in December
10 of 2020, right?

11 A. Yes.

12 Q. It's the October report, but you're distributing it in
13 December, right?

14 A. Yes. We wanted to do monthly, but it wasn't ever
15 really cadence.

16 Q. Totally understand. I'll direct your attention to
17 page 16 of the exhibit, which has the Bates number ending in
18 014. This is a slide titled Search Revenue via Android
19 Revshare. Are you with me?

20 A. Yes.

21 Q. Sir, the graph on the left hand side of this page 014
22 shows the percentage of Google's Android search revenue that
23 came from organic queries versus distribution queries, right?

24 A. For the revenue share partners -- oh, actually hold
25 on, sorry. Yeah, no, this would be overall on Android, sorry.

1 Q. So this would be all of the search revenue that Google
2 is earning through Android devices?

3 A. Yes.

4 Q. And in the bars on the graph, the gray part
5 corresponds to the organic queries and the blue part
6 corresponds to distribution queries, right?

7 A. Yes.

8 Q. Focusing on the header at the top, the latest month
9 reported here was October of 2020, right?

10 A. Yes.

11 Q. As of that time, only [REDACTED] percent of Google's Android
12 search revenue came from organic queries?

13 A. Yes, in that month.

14 Q. I'll direct your attention to the chart at the bottom,
15 sir. This covers -- I haven't counted them, but probably about
16 12 months leading up to October of 2020; is that fair?

17 A. Yes.

18 Q. And would you agree with me that for each of the
19 months covered here, the percentage of Google's Android search
20 revenue that came from organic queries was less than
21 [REDACTED] percent?

22 A. Yes.

23 Q. All the rest of the revenue came from distribution
24 queries?

25 A. So distribution as in anything outside of -- whether

1 paid or unpaid, the Google.com organic queries.

2 Q. The organic queries were less than [REDACTED] percent?

3 A. Yes.

4 MR. JONES: I have no further questions for Mr. Yoo and
5 pass the witness.

6 THE COURT: Thank you. Anything from the plaintiff states
7 for Mr. Yoo?

8 MR. CAVANAUGH: No, Your Honor.

9 THE COURT: Let's begin the examination in closed session,
10 and then we'll open up the courtroom.

11 MR. BENNETT: I have like two questions, Your Honor.

12 THE COURT: Okay, terrific. And can you state your name,
13 please.

14 MR. BENNETT: Ed Bennett, Williams & Connolly, on behalf
15 of Google.

16 THE COURT: Mr. Bennett.

17 CROSS-EXAMINATION OF JONATHAN YOO

18 BY MR. BENNETT:

19 Q. Good afternoon, Mr. Yoo. In your testimony just a
20 moment ago, you mentioned something about correctly tagged
21 searches in terms of determining what came in through the
22 Google search app, which includes the widget, and from some
23 other source.

24 What did you mean by correctly tagged?

25 A. Yeah, for these queries to be tagged, our internal

1 systems require something called the web property code, or
2 shortened to something called the client ID. And it is up to
3 the OEMs or the partners who create the device to correctly add
4 those tags to the various search access points. And so our
5 data is limited by whether or not those tags are correctly
6 placed. Sometimes it's not, most times it is. And so that's
7 what I meant by correct tagging of the different access points,
8 but also browser data or for the revenue share partner.

9 Q. So if it's not properly tagged, it doesn't show up in
10 the right bucket on that exhibit we looked at; is that right?

11 A. Yes.

12 Q. And then just a moment ago you mentioned, looking at
13 Exhibit UPX1111, there's something called organic and
14 distribution. What does a user have to do to make an organic
15 search on an Android phone?

16 A. An organic search on an Android phone would be opening
17 up any browser, typing in www.google.com and then searching
18 from the Google website.

19 Q. So would a search on the widget be an organic search?

20 A. On the widget, no, that would be a distribution
21 search.

22 Q. Only if you type in www.google.com does that count as
23 an organic search?

24 A. Yes.

25 MR. BENNETT: No further questions, Your Honor.

1 **THE COURT:** Why don't we open up the courtroom. Are you
2 done-done with Mr. Yoo or just for the closed portion?

3 **MR. BENNETT:** I'm done-done with Mr. Yoo. There is an
4 issue with the next witness that I'd like to address, if the
5 Court's amenable, before we fill the courtroom back up.

6 **THE COURT:** Well, let me just confirm whether there's any
7 redirect of Mr. Yoo?

8 **MR. JONES:** No, Your Honor.

9 **THE COURT:** Mr. Yoo, you're all done. Thank you for your
10 time and your testimony.

11 **THE WITNESS:** Thank you.

12 (Brief interruption)

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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C E R T I F I C A T E

I, Jeff M. Hook, Official Court Reporter,
certify that the foregoing is a true and correct transcript of
the record of proceedings in the above-entitled matter.

September 19, 2023

DATE



Jeff M. Hook