

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

United States of America, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

**DEFENDANT GOOGLE LLC'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFFS' COMPLAINT**

Defendant Google LLC (“Google”) answers Plaintiffs’ Complaint, through its undersigned counsel, as set forth below. Google generally denies the legal claims asserted in Plaintiffs’ Complaint. Google further states that for nearly a quarter century, Google’s mission has been to organize the world’s information and make it universally accessible and useful. To further that mission, Google has developed, continually innovated, and promoted Google Search for use by consumers all over the world. People use Google Search because they choose to, not because they are forced to or because they cannot easily find alternative ways to search for information on the Internet.

RESPONSE TO NUMBERED PARAGRAPHS

The section headings in the Complaint do not require a response. To the extent that the section headings contain allegations requiring a response, Google denies all such allegations.

1. Google admits that it was founded in a Menlo Park garage 22 years ago and that it created an innovative way to search the internet, Google Search, but denies the remaining

allegations in the first sentence of Paragraph 1 of the Complaint. Google admits that its parent company, Alphabet Inc., has a roughly \$1 trillion market capitalization and had revenue exceeding \$160 billion in 2019, but denies that these allegations apply to Google LLC, the Defendant in this case. Google denies the remaining allegations in Paragraph 1 of the Complaint.

2. Google admits that consumers often access search products and services through mobile devices, laptops, and desktops that contain web browsers and other search access points. Google denies the remaining allegations in the first, second, and third sentences of Paragraph 2 of the Complaint. As to the fourth sentence of Paragraph 2 of the Complaint, Google admits that over the last ten years, internet searches on mobile devices have grown and by some measures today exceed searches on laptops and desktops, but denies the remaining allegations in this sentence.

3. Google denies the allegations in Paragraph 3 of the Complaint.

4. Google denies the allegations in the first sentence of Paragraph 4 of the Complaint. As to the second sentence of Paragraph 4 of the Complaint, Google admits that it has entered into various agreements with mobile device manufacturers (such as Apple, LG, Motorola, and Samsung), carriers (such as AT&T, T-Mobile/Sprint, and Verizon), and browser developers (such as Mozilla, Opera, and UCWeb) for the promotion of Google's products and services, including agreements that provide for Google's search service to be the out-of-the-box default search service for certain search access points, that, in exchange, Google shares a portion of revenue received from devices enrolled, and that Google has shared revenue in cumulative amounts in the billions, but denies Plaintiffs' characterization of those agreements and denies that Google prohibits counterparties from dealing with Google's competitors. As to the third sentence of Paragraph 4 of the Complaint, Google admits that it has entered into agreements that provide for preinstallation of a suite of Google apps and that these agreements contain various provisions regarding placement

of certain Google apps on devices' system partitions and default home screen for the out-of-the-box settings, but denies Plaintiffs' characterization of those agreements. Google denies the remaining allegations in this paragraph.

5. Google denies the allegations in Paragraph 5 of the Complaint.

6. Google denies the allegations in Paragraph 6 of the Complaint except Google admits that some dictionaries do refer to "Google" as a verb.

7. Google denies the allegations in the first sentence of Paragraph 7. As to the allegations in the second sentence of Paragraph 7 of the Complaint, Google admits that its products and services sometimes return advertisements in response to user search queries, but denies the remainder of the allegations on the grounds that "consumer search queries" and "consumer information" are undefined, rendering those allegations vague as a matter of law. Google admits that advertisers made payments to Google to place ads on Google's search engine results page (SERP). Google denies the remaining allegations in Paragraph 7 of the Complaint.

8. Google denies the allegations in the first and fourth sentences of Paragraph 8 of the Complaint. As to the second sentence of Paragraph 8 of the Complaint, Google admits that its search products and services use complex algorithms that may take into account data generated as a result of earlier queries, but lacks sufficient information regarding the use of algorithms by other search products and services, and on that basis denies the remaining allegations in this sentence. As to the third sentence of Paragraph 8 of the Complaint, Google admits that in 2009, BusinessWeek published an article attributing the quoted language to Eric Schmidt, Google's former CEO.

9. Google denies the allegations in the first and fourth sentences of Paragraph 9 of the Complaint. Google lacks sufficient information as to the second sentence of Paragraph 9 of the

Complaint and, on that basis, denies the allegation. As to the third sentence of Paragraph 9 of the Complaint, Google admits that DuckDuckGo claims to differentiate itself from Google, but lacks sufficient information regarding DuckDuckGo's policies and practices, and on that basis denies the remaining allegations in this sentence.

10. Google denies the allegations in the first sentence of Paragraph 10 of the Complaint. The allegations in the second sentence of Paragraph 10 of the Complaint contain legal conclusions to which no answer is required, and to the extent any answer is required, Google refers to the D.C. Circuit's decision in *United States v. Microsoft* for its content and denies the remaining allegations regarding Google's conduct.

11. Google denies the allegations in the first and second sentences in Paragraph 11 of the Complaint. As to the allegations in the third sentence of Paragraph No. 11 of the Complaint, Google admits the existence of a document with the quoted language, but denies the remainder of Plaintiffs' allegations characterizing the substance of that document. As to the remaining allegations in Paragraph 11 of the Complaint, Google admits the existence of public reports containing the quoted language, but denies the remainder of Plaintiffs' allegations characterizing the substance of that language.

12. Google denies the allegations in Paragraph 12 of the Complaint.

13. Google denies the allegations in Paragraph 13 of the Complaint.

14. The allegations in Paragraph 14 of the Complaint are legal conclusions not subject to admission or denial. To the extent a response is required, Google denies the allegations in Paragraph 14 of the Complaint.

15. The allegations in Paragraph 15 of the Complaint are legal conclusions not subject to admission or denial. To the extent a response is required, Google denies the allegations in

Paragraph 15 of the Complaint.

16. The allegations in Paragraph 16 of the Complaint are legal conclusions not subject to admission or denial. To the extent a response is required, Google does not dispute subject matter jurisdiction.

17. The allegations in Paragraph 17 of the Complaint are legal conclusions not subject to admission or denial. To the extent a response is required, Google does not dispute—for purposes of this action only—the personal jurisdiction of this Court, but Google otherwise denies the allegations in Paragraph 17 of the Complaint.

18. Google admits that it is a limited liability company organized and existing under the laws of the State of Delaware and that it maintains a Mountain View, California business address. Google further admits that it is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc. Google further admits that Alphabet Inc. is a publicly traded company that is incorporated and existing under the laws of the State of Delaware and that maintains its principal executive offices in Mountain View, California. The allegations of the third sentence in Paragraph 18 of the Complaint are legal conclusions not subject to admission or denial. Google admits the allegations of the fourth sentence in Paragraph No. 18 of the Complaint.

19. Google admits the allegations in Paragraph 19 of the Complaint, but denies the characterization of these search products and services as “general search engines” as Plaintiffs use that term in their Complaint.

20. Google admits that some search products and services, including Google Search, use software to “crawl” the internet and index webpages, but lacks sufficient information as to the precise methodology of “[m]ost modern” search products and services and, on that basis, denies the remaining allegations in the first sentence of Paragraph 20 of the Complaint. Google admits

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