

# Telling Timeline of Google Guardian's Government Influence

Note: Bolded entire sections spotlight likely improper Google government influence.

## Top Takeaways

1. Neutralization of Google's Federal Law Enforcement Risks in Antitrust, IP, & Privacy
2. Extension of Google's Monopoly to Android & the Mobile Ecosystem
3. Elimination of Much Direct Competition to Google
4. Winner-take-all is consumer-down-fall

## 2008

1. *DOJ blocks Google-Yahoo Ad Agreement with threat of monopolization case against Google:* November 5, 2008, the W. Bush DOJ [threatened](#) a Sherman Section 1 & 2 antitrust case against Google to [block](#) the proposed Google-Yahoo ad agreement. Importantly, the DOJ **"concluded that Google and Yahoo would have become collaborators rather than competitors... materially reducing important competitive rivalry between the two companies."** [Bold added.] *"The Department's investigation revealed that Internet search advertising and Internet search syndication are each relevant antitrust markets and that Google is by far the largest provider of such services, with shares of more than 70 percent in both markets. Yahoo! is by far Google's most significant competitor in both markets, with combined market shares of 90 percent and 95 percent in the search advertising and search syndication markets, respectively."*

## 2009

2. *FTC urged Google CEO Schmidt to resign from Apple's Board as anticompetitive:* August 3, 2009, the FTC [forced](#) Google's CEO Eric Schmidt off Apple's board as an anti-competitive **opportunity for collusion** because *"because Google and Apple increasingly compete with each other"* (i.e. via iPhone and Android smartphone competition).

## 2010

3. *DOJ Opposed the Google-book settlement with book authors & publishers as anticompetitive:* February 4, 2010, the DOJ [opposed](#) Google's proposed Book Settlement as anti-competitive and illegal because *"other digital distributors may be effectively precluded from competing with Google."* ([p.19](#)) and because *"The seller of an incomplete database... cannot compete effectively with the seller of a comprehensive product."* ([p.24](#))

4. *DOJ approves Microsoft-Yahoo Agreement to try to provide scale to compete against Google:* February 18, 2010, the DOJ [approved](#) the Microsoft-Yahoo agreement to combine their #3 and #2 search and search advertising businesses to “increase competition by creating a more viable competitive alternative to Google, the firm that now dominates these markets.”
5. *DOJ required a Court decree and conditions for Google to buy ITA airline software:* April 8, 2010, the DOJ in a DOJ filed a [complaint](#) in federal court, that ultimately [required](#) Google to license ITA travel software to competitors to “protect competition for airfare comparison and booking websites and ensure those websites using ITA’s software will be able to compete against any airfare website Google may introduce.”
6. *FTC approves Google-AdMob despite “serious antitrust concerns:”* May 21, 2010 FTC [closes](#) its review of Google’s acquisition of AdMob the number one mobile advertiser with ~50% market share and stated that “although the combination of the two leading mobile advertising networks raised serious antitrust issues, the agency’s concerns ultimately were overshadowed by recent developments in the market, most notably a move by Apple Computer Inc. – the maker of the iPhone – to launch its own, competing mobile ad network.” (That competition never materialized given that Apple had tried to buy AdMob but Google’s purchase of AdMob apparently foreclosed Apple’s opportunity to compete in mobile advertising.)
7. *Apple accuses Google’s Android from stealing from the iPhone :* In 2010, per Walter Isaacson’s 2011 [book](#) “Steve Jobs,” (pages 511-512) Apple’s Steve Jobs was furious with Google stealing his iPhone ideas with Android at a 2010 Apple town hall meeting. “Jobs was furious that Google had decided to compete with Apple in the phone business. “We did not enter the search business,” he said. “they entered the phone business. Make no mistake. They want to kill the iPhone. We won’t let them.”” ... “Jobs felt personally betrayed. Google’s CEO had been on Apple’s board during the development of the iPhone and the iPad, and Google’s founders, Larry Page and Sergey Brin had treated him as a mentor. He felt ripped off.” “...in January 2010, HTC introduced (and, by extension Android) alleging infringement of twenty of its patents. ... “As he sat in his house in Palo Alto the week the lawsuit was filed, he became angrier that I had ever seen him: Our lawsuit is saying, “Google, you f\_\_\_ing ripped off the iPhone, wholesale ripped us off.” Grand theft. I will spend my last dying breath if I need to, and I will spend every penny of Apple’s \$40 billion in the bank, to right this wrong. I am going to destroy Android, because it is a stolen product. I’m willing to go thermonuclear war over this. They are scared to death, because they know they are guilty.”
8. *Viacom v. Google-YouTube for mass willful copyright infringement:* In June 2010, in Viacom’s \$1b copyright infringement [suit](#) against Google-YouTube, Federal Judge Louis Stanton wrote in his Viacom vs. Google-YouTube opinion that sided with Google, (p.6) “From plaintiffs’ submissions on the motions, a jury could find that the defendants [Google] not only were generally aware of, but welcomed, copyright-infringing material being placed on their website. Such material was attractive to users, whose increased

*usage enhanced defendants' income from advertisements displayed on certain pages of the website, with no discrimination between infringing and non-infringing content."*

9. *Oracle Sued Google-Android for intellectual property infringement for not licensing Java:* August 12, 2010, Oracle [sued](#) Google-Android for billions of dollars because it "*knowingly, directly and repeatedly infringed Oracle's Java-related property.*" The presiding Federal judge in the case has agreed to include an incriminating [Google email](#) that shows Android officials in Google did know they needed to license the Java patents in dispute. Google's founders wanted Google "*to investigate what technical alternatives exist to Java for Android,*" but Google employee Tim Lindholm said in an email: "*We have been over a bunch of these and they all suck. We conclude we need to negotiate a license for Java.*" And a Google employee admitted in a deposition that Google copied Java code.
10. *Skyhook Wireless sues Google for infringement of its WiFi location algorithm patents:* September 15, 2010, Skyhook Wireless [sued](#) Google for infringing several of its WiFi location engine patents that collectively enabled most location-driven mobile applications. Google's competitors had licensed Skyhook's patents.
11. *DOJ sanctioned Google-Apple et al with illegal collusion in hiring practices:* September 24, 2010, the DOJ, in a court-approved consent decree, [sanctioned](#) Google, Apple and four other companies for entering into illegal collusive "*agreements that restrained competition between them for highly skilled employees...*" and that the agreements "*were formed and actively managed by senior executives of these companies.*"

## **2011**

12. *Federal Judge rejects Google Book Settlement as anticompetitive:* March 23, 2011, a Federal Court Judge Chin [rejected](#) the proposed Google Books Settlement [because](#) it "*would grant Google significant rights to exploit entire books without the permission of the copyright owners. Indeed, the ASA would give Google a significant advantage over competitors, rewarding it for engaging in wholesale copying of copyrighted works without permission, while releasing claims well beyond the scope of this case.*"
13. *FTC requires 20-year Google privacy consent decree & accountability for deceptive privacy practices:* March 20, 2011, the FTC [charged](#) that Google "*used deceptive tactics and violated its own privacy promises to consumers when it launched its social network, Google Buzz, in 2010. ... According to the FTC [complaint](#), Google launched its Buzz social network through its Gmail web-based email product. Although Google led Gmail users to believe that they could choose whether or not they wanted to join the network, the options for declining or leaving the social network were ineffective. For users who joined the Buzz network, the controls for limiting the sharing of their personal information were confusing and difficult to find, the agency alleged. ... The [proposed settlement](#) bars the company from future privacy misrepresentations, requires it to implement a*

*comprehensive privacy program, and calls for regular, independent privacy audits for the next 20 years.”*

14. **Renata Hesse, Google’s outside antitrust counsel defends Google on Texas Antitrust case: March 23, 2011, [per Yahoo News](#). Note: In 2012, Ms. Hesse will be the DOJ Acting Chief of the Antitrust Division who will broker the FTC-Google Antitrust settlement and closure of all FTC antitrust probes.**
15. *Microsoft announces it filed a search complaint against Google in the EU: March 30, 2011, Microsoft [blogged](#): “Microsoft is filing a formal complaint with the European Commission as part of the Commission’s ongoing investigation into whether Google has violated European competition law. We thought it important to be transparent and provide some information on what we’re doing and why. At the outset, we should be among the first to compliment Google for its genuine innovations, of which there have been many over the past decade. As the only viable search competitor to Google in the U.S. and much of Europe, we respect their engineering prowess and competitive drive. Google has done much to advance its laudable mission to “organize the world’s information,” but we’re concerned by a broadening pattern of conduct aimed at stopping anyone else from creating a competitive alternative. We’ve therefore decided to join a large and growing number of companies registering their concerns about the European search market.*
16. *Larry Page becomes Google CEO: April 1, 2011, after a ten-year CEO hiatus, Larry Page [resumes](#) role of CEO.*
17. *Google Starts Bidding for Nortel Patent Portfolio: In April 2011, Google made a “stalking horse” bid of about \$900 million for the Nortel patents in its bankruptcy proceeding. In a Google [blogpost](#) Google began to reveal its anti-competitive strategy, explaining: “we hope this portfolio will... create a disincentive for others to sue Google...”*
18. *Yelp Complains about Google Scraping Reviews: Google is [caught](#) scraping Yelp reviews and representing them as Google’s on Google Places; Yelp complains unfair business practices to the FTC.*
19. *Rockstar Consortium Buys Nortel’s Patent Portfolio: In June 2011, as part of the ongoing [smartphone patent wars](#), Apple, Microsoft, Blackberry, Ericson, and Sony, won the Nortel patent auction with a bid of \$4.5b. Apple is the Rockstar [controlling entity](#) owning a \$2.6b majority share of the Rockstar Consortium.*
20. *FTC Launches Google Search Antitrust Probe: June 24, 2011, the FTC [confirmed](#) it opened an antitrust investigation into Google search to determine if it is anti-competitively manipulating search results to advantage Google content and disadvantage competitors.*
21. *Google publicly launches new social platform Google+: June 28, 2011, new Google CEO Larry Page, in his first major initiative, [launched](#) Google+, Google’s comprehensive new social sharing alternative to Facebook.*

22. *Facebook immediately responds to Google+ “existential threat:”* June 28, 2011 [reportedly](#), Facebook CEO Zuckerberg took the Google+ announcement “*as an existential threat*” and “*he declared a companywide “lockdown”*” to respond. The author of a new book then on Facebook [described](#) that day by explaining “*that Facebook employees received an e-mail the day Google Plus launched, instructing employees to meet up for an announcement where Zuckerberg explained to Facebook’s employees that they were engaged in a zero-sum contest and challenged his team to ensure victory.*” Clearly, Facebook’s CEO Mark Zuckerberg viewed Google+ to be a very powerful direct competitor to Facebook in social and social advertising.
23. *Google Buys Motorola:* In August 2011, Google buys Motorola largely for its exceptional patent portfolio per a blog [post](#) by Google CEO Larry Page who stated: “*Our acquisition of Motorola will increase competition by strengthening Google’s patent portfolio, which will enable us to better protect Android from anti-competitive threats from Microsoft, Apple and other companies.*”
24. *DOJ-Google Criminal Forfeiture Settlement:* In August 2011, Google admitted in a DOJ [Non-Prosecution Agreement](#) that imposed a \$500m criminal forfeiture disgorgement of illegal profits stemming from Google’s illegal facilitation of the “*unsafe and unlawful importation of prescription drugs into the U.S.*” A [sting operation](#) by the United States Attorney for Rhode Island and the DOJ found Google, willfully, systematically, over a period of years, and after repeated warnings from U.S. law enforcement, illegally profited ~\$500m from advertising for known illegal drug websites selling steroids and illegal pharmaceuticals online. The Rhode Island U.S. Attorney [stated](#) that Google founder and CEO “*Larry Page knew what was going on.*”
25. *Apple’s Steve Jobs resigns as CEO, Tim Cook becomes CEO;* August 24, 2011, per [Reuters](#).
26. *Google acquires Zagat restaurant review service:* September 8, 2011, Google [purchased](#) Zagat restaurant review business, to compete with Open Table and Yelp, which Google [tried](#) to buy in December 2009.
27. *Yelp says it is cooperating with FTC lawsuit against Google for stealing its reviews:* September 21, 2011, Yelp [said](#) it told FTC investigators that it believed that “*Google has acted anti-competitively in at least two key ways: by misusing Yelp review content in their competing Places product and by favoring their own competing Places product in search results.*”
28. *Senate Judiciary Google-Antitrust Hearing:* September 21, 2011, the U.S. Senate Judiciary Antitrust Subcommittee [finds](#) anti-competitive [complaints](#) against Google warrant “*thorough*” investigation. Business Insider [reported](#): “*Senator Herb Kohl, a Wisconsin Democrat who chairs a Senate antitrust panel, asked Schmidt: “But you do recognize that in the words that are used and antitrust kind of oversight, your market share constitutes monopoly, dominant -- special power dominant for a monopoly firm. You recognize you’re in that area?” [Google Chairman Eric] Schmidt replied: I would agree, sir, that we’re in*

*that area....I'm not a lawyer, but my understanding of monopoly findings is this is a judicial process.” Per Fox News [reports](#): Senator Mike “Lee aggressively quizzed Schmidt over whether Google deviates from its search algorithm to boost its own listings. He brought a chart that showed a study comparing the success rate for shopping-related key word searches. Lee said that search rankings for price comparison sites -- Nextag, PriceGrabber and Shopper -- varied while Google's shopping site consistently ranked third. “I see you magically coming up third every time,” Lee said. “I don't know whether you call this a separate algorithm or whether you've reverse engineered one algorithm, but either way you've cooked it, so that you're always third.” Schmidt replied: “Senator, may I simply say that I can assure you we've not cooked anything.”” Yelp [testified](#) how Google misappropriated Yelp’s reviews and misrepresented them as Google’s.*

29. *Apple Co-Founder and Chairman, Steve Jobs, passes away; October 5, 2011, per [reports](#).*
30. *FTC requires 20-year Facebook privacy consent decree & accountability for deceptive privacy practices: November 29, 2011, the FTC [stated](#): The social networking service Facebook has agreed to settle Federal Trade Commission charges that it deceived consumers by telling them they could keep their information on Facebook private, and then repeatedly allowing it to be shared and made public. The [proposed settlement](#) requires Facebook to take several steps to make sure it lives up to its promises in the future, including giving consumers clear and prominent notice and obtaining consumers' express consent before their information is shared beyond the privacy settings they have established. ... The FTC complaint lists a number of instances [8] in which Facebook allegedly made promises that it did not keep... The proposed settlement bars Facebook from making any further deceptive privacy claims, requires that the company get consumers' approval before it changes the way it shares their data, and requires that it obtain periodic assessments of its privacy practices by independent, third-party auditors for the next 20 years.”*
31. *DOJ approves Google’s Admeld advertising acquisition after six month investigation: December 2, 2011, DOJ [stated](#): “Although the Antitrust Division concluded that this particular transaction was unlikely to cause consumer harm, the division will continue to be vigilant in the enforcement of the antitrust laws to protect competition in display and other forms of online advertising. ... “Given Google’s significant presence in search, as previously noted during our [2010 investigation involving Microsoft/Yahoo!](#) and [2008 investigation involving Google/Yahoo!](#), the Antitrust Division also carefully evaluated whether Google’s acquisition of Admeld would enable Google to extend its market power in the Internet search industry to online display advertising through anticompetitive means. The division will continue to rigorously enforce the antitrust laws to ensure that transactions affecting evolving markets such as display and other forms of online advertising, as well as search, do not inhibit competition or innovation in any way.”*

32. *DOJ Approves Google-Motorola*: In February 2012, in [approving](#) Google-Motorola it did warn Google to not abuse its new Standard Essential Patent (SEP) portfolio. “... how Google may exercise its patents in the future remains a significant [DOJ] concern...” ...the DOJ “will continue to monitor the use of SEPs in the wireless device industry, particularly as they relate to smartphones and computer tablets.”
33. ***Former senior Google antitrust counsel as of 6-11, Renata Hesse, joins DOJ Antitrust Division 3-12***: [March 2012](#), a month after the DOJ approved the Google-Motorola transaction with a warning to not abuse its newly acquired standard essential patents (SEP), Renata Hesse rejoins the DOJ Antitrust Division, [as](#) a Special Advisor for Civil Enforcement and where she would soon [become](#) the Deputy Assistant Attorney General for Criminal and Civil Enforcement, and then Acting Antitrust Chief “*leading the Department’s efforts on intellectual property matters*” [per the Hill](#) during the smartphone patent wars era and when Google was being sued for IP infringement on Books, Oracle-Java, Google-YouTube-Viacom, and Skyhook Wireless among other patent and copyright lawsuits. 2002-2006, she served as Chief of the Networks and Technology Section of the DOJ Antitrust Division. From July 2006 to June 2011 Ms. Hesse [was](#) a Member/Partner in the Washington Office of Wilson Sonsini Goodrich & Rosati, Google’s primary law firm, and from June 2011 to March 2012, Ms. Hesse [served](#) at the FCC as Special Counsel for Transactions for the FCC Chairman. In 2008, Ms. Hesse [served](#) as an outside antitrust counsel to Google on the proposed Google-Yahoo Ad Agreement which the W. Bush DOJ [blocked](#) November 5, 2008 with a [threatened](#) Sherman Section 1& 2 monopolization case. In 2010-11, Ms. Hesse [served](#) as Google outside antitrust counsel on the Texas-Google antitrust probe.
34. *FTC Hires Outside Litigator for Google Probe*: In April 2012, the FTC [hired](#) outside top litigator Beth Wilkinson, to lead the FTC probe and antitrust search case against Google, a process signal that the FTC viewed it was on path to file an antitrust lawsuit.
35. **Hesse reported in running for DOJ antitrust position less than year after working on Google antitrust: May 4, 2012, *Global Competition Review* [reported](#) Ms. Hesse had “emerged as a likely candidate to take over the vacant deputy assistant attorney general position at the Department of Justice.”**
36. *EU antitrust chief explains its Google antitrust objections*: May 21, 2012, EU VP Almunia [explains](#) its four alleged abuses of Google’s dominance that it wants Google to propose an enforceable remedy to rectify: 1) discriminating in favor of its content in search results; 2) scraping competitors reviews and representing them as Google’s; 3) anticompetitive exclusions in search advertising syndication agreements; 4) and blocking portability of advertising campaigns.
37. *FTC Sanctions Google for Violating Privacy Framework*: August 9, 2012, the FTC [fined](#) Google a record \$22.5 million civil penalty because “it misrepresented to users of Apple Inc.’s Safari Internet browser that it would not place tracking “cookies” or serve targeted

*ads to those users, violating an earlier privacy settlement between the company and the FTC.”*

38. *FTC Outside Litigator Beth Wilkinson Recommends FTC Antitrust Suit Against Google in Staff Report.* August 8, 2012, the FTC Staff Report [recommends](#) “that the Commission Issue the following complaint (p.116). *“Conclusion: “Staff Concludes that Google’s conduct has resulted – and will result – in real harm to consumers and to innovation in the online search and search advertising markets. Google has strengthened its monopolies over search and search advertising through anticompetitive means, and has forestalled competitors and would be competitors’ ability to challenge those monopolies, and this will have lasting negative effects on consumer welfare.*”
39. ***Former Google Antitrust Counsel made DOJ antitrust deputy for criminal and civil operations:*** In August 2012, Renata Hesse [becomes](#) Deputy Assistant Attorney General for Antitrust Criminal and Civil Operations, 14 months after serving as Google’s outside antitrust counsel on matters involving DOJ, more importantly, Google was under DOJ supervision for its 2011 Criminal Non-Prosecution Agreement and \$500m criminal forfeiture penalty; Google-ITA consent decree, Google-Motorola monitoring for SEP abuses; Microsoft-Yahoo ad agreement; the Google-Book settlement; etc. Apparently, there is no known evidence of any Ms. Hesse Google recusals.
40. ***Google academic consultant Josh Wright nominated to a FTC republican commissioner slot; September 10, 2012, President Obama [nominated](#) of Joshua Wright as a Republican Commissioner to the FTC. White House Presidential Personnel had to know Mr. Wright had a financial conflict of interest in that Google had funded some of Mr. Wright academic research related to Google’s business. To get confirmed by the Senate, Mr. Wright had to [recuse himself](#) from all Google matters for two years. Mr. Wright was confirmed by the Senate one day before the FTC-Google settlement was announced. A normal vetting process focused on avoiding the appearance of conflicts, would not have allowed an appointment of an FTC commissioner with Google conflicts of interest knowing that the FTC was undergoing an antitrust probe of Google ad overseeing Google would be significant part of any new FTC Commissioner’s duties -- unless that was what those running the process wanted to accomplish.***
41. *Google attempts Yahoo ad syndication deal like what 2008 DOJ opposed as monopolistic:* September 25, 2012, when Google senior executive Marisa Mayer left Google to become CEO of Yahoo, Google Chairman Eric Schmidt apparently [tried](#) to collude with his old report to break up the 2010 DOJ-approved, Microsoft-Yahoo search partnership, and do an ad agreement with Yahoo similar to the one DOJ threatened a monopolization antitrust suit over, in 2008.
42. *FTC Hires Litigation Economist for Google Antitrust Case:* October 2, 2012, seven weeks after outside litigator Beth Wilkinson recommended in its the FTC also [hired](#) outside expert economist, Rich Gilbert, to assist in its emerging search antitrust case against Google.



43. *Bloomberg: FTC staff recommend two Google antitrust suits: abuse of search dominance & SEP patents; October 13, 2012, Bloomberg [reports](#): “Federal Trade Commission investigators are circulating an internal draft memo that recommends suing Google for abusing its dominance of Internet search in violation of antitrust laws, three people familiar with the matter said. The more than 100-page memo has been distributed to the agency’s five commissioners, who will decide whether to sue, two of the people said. A majority of commissioners, including FTC Chairman Jon Leibowitz, have expressed concerns internally about Google’s practices, and are deciding how to proceed, two of the people said. Separately, the FTC is considering a second lawsuit against Google for misusing patent protections to block rivals’ smartphones from coming to market, said four people familiar with the matter who asked not to be named because they weren’t authorized to speak publicly about the investigation.”*

#### **November 6, 2012 Presidential Election, President Obama Reelected**

44. ***Google was publicly credited with successfully helping the 2012 Presidential Reelect campaign; Bloomberg [reported](#): “During the 2012 campaign, Barack Obama’s reelection team had an underappreciated asset: Google’s executive chairman, Eric Schmidt. He helped recruit talent, choose technology, and coach the campaign manager, Jim Messina, on the finer points of leading a large organization. “On election night he was in our boiler room in Chicago,” says David Plouffe, then a senior White House adviser. Schmidt had a particular affinity for a group of engineers and statisticians tucked away beneath a disco ball in a darkened corner of the office known as “the Cave.” The data analytics team, led by 30-year-old Dan Wagner, is credited with producing Obama’s surprising 5 million-vote margin of victory.” [Note: this article was published May 30, 2013 but it placed here a second time for important context.]***
45. ***Time Magazine explained the importance of data analytics to the 2012 Presidential election outcome; November 7, 2012, Time [explained](#): “Inside the Secret World of the Data Crunchers Who Helped Obama Win ... Data-driven decision-making played a huge role in creating a second term for the 44th President and will be one of the more closely studied elements of the 2012 cycle.”***
46. ***Obama Reelect campaign manager considered Google’s Chairman Eric Schmidt a mentor, November 9, 2012 per [Stuff.com.nz](#).***
47. **November 16, 2012, Former Google Deputy General Counsel, Michelle Lee is [announced](#) as Director of the new satellite Silicon Valley Office of the U.S. Patent and Trademark Office USPTO. Ms. Lee was Google Deputy General Counsel for Patents and Patent Strategy [from](#) 2003-2012, where she “[built](#) Google’s IP legal team from scratch,” and where she led Google’s acquisition of Motorola and its rich smartphone-relevant patent portfolio and standard essential patents from August 2011-May 2012. Note: Ms. Lee**

joined the USPTO just nine months after working on getting Google-Motorola approved by DOJ and just five months after leaving Google.

48. ***DOJ picks former Google counsel (6-11) acting DOJ antitrust chief as FTC threatens Google antitrust suit:*** November 19, 2012, AntitrustLawyerBlog [reports](#): ***“DOJ announced that Renata B. Hesse was appointed Acting Assistant Attorney General for the Antitrust Division. Ms. Hesse takes over for Joseph Wayland.”*** Ms. Hesse was selected over four other deputies with more seniority and no apparent Google antitrust representation conflicts. Ms. Hesse had Google conflicts having represented Google on multiple antitrust and intellectual property matters as recently June 2011, just seventeen months earlier, right in the middle of FTC signaled antitrust cases against Google, (given the hiring of an outside litigator and a litigation economist and leaks prior to the election about the FTC Staff Report recommendations on search and SEP patent abuses), when Ms. Hesse may have been involved in the DOJ’s review of Google-Motorola transaction with no apparent public evidence that Ms. Hesse recused herself from such Google antitrust matters like that that she may have had some involvement in.
49. ***Bloomberg: “U.S. Said to Waver on Antitrust Case Against Google;”*** November 20, 2012, Bloomberg [reported](#): ***“Google Inc. may skirt the most serious antitrust allegations under investigation by the U.S. as regulators waver on whether they can prove consumers are hurt by the way the company ranks its search results, three people familiar with the matter said.” “Google... may skirt the most serious antitrust allegations under investigation by the U.S. as regulators waver on whether they can prove consumers are hurt by the way the company ranks its search results, three people familiar with the matter said.” ... “FTC Chairman Jon Leibowitz told Google to propose a resolution to a host of antitrust concerns in the coming days or face a lawsuit, two people familiar with the matter said last week.”*** Note: Three weeks after Google was credited by multiple sources for having an important role in the re-election of the President, and one day after Google’s former longtime outside antitrust counsel, Renata Hesse, is chosen to replace the then current Acting DOJ antitrust chief, Joseph Wayland, Bloomberg reporting by Sara Forden tellingly flipped from a likely antitrust case to a likely settlement.
50. ***Bloomberg: Google Chief Page Said to Meet FTC Over Antitrust Probe;*** November 27, 2012, Bloomberg [reports](#): ***“Google Inc. Chief Executive Officer Larry Page met with U.S. Federal Trade Commission officials today in Washington as the agency moves to wrap up its 19-month investigation of the company’s business practices, according to a person familiar with the discussions.”***
51. ***Google announces Google+ as fastest growing network ever:*** December 6, 2012, Google [announced](#) on its blog that: ***“Today Google+ is the fastest growing network thingy ever. More than 500 million people have upgraded, 235 million are active across Google”*** just eighteen months after its launch.

52. *Bloomberg: "Google Said to End FTC Probe With Letter Promising Change" December 17, Bloomberg's Sara Forden [reports](#): "Google Inc. is poised to make voluntary concessions that will end a 20-month U.S. antitrust probe of its business practices without any enforcement action, two people familiar with the matter said." Then previous FTC Chairman William Kovacich criticized the then Google rumored settlement in the [Bloomberg story](#) saying that: "The notion of voluntary commitments is close to worthless...They are feeble policy-making instruments and they will not in any way placate the complainants, who will correctly see them for what they are, which is an attempt to provide cover to walk away."*
53. *Washington Post: "Google, FTC said to be near deal to end probe;" December 17, 2012, Washington Post [reports](#): "Google and the Federal Trade Commission are on the verge of a deal that would end a nearly two-year-old investigation into allegations of monopolistic behavior by implementing concessions that [fall far short](#) of what the company's rivals have sought, said people familiar with the negotiations. Under the deal, which still - requires the approval of the five-member commission, Google would agree to new limits on its ability to use snippets of content from other Web sites and would agree to make it easier for marketers to transfer their online ads to other services. But there would no action by the FTC on persistent claims that Google uses its power over the search market to hurt rival companies and give advantage to its own online services. The final phase of talks, which have been underway for weeks, have focused on whether Google would accept a binding agreement, called a consent decree, limiting its future business practices..."*

## 2013

54. *Senate Judiciary Committee Chairman Patrick Leahy criticized the FTC-Google antitrust Settlement: January 3, 2013 per Chairman Leahy's [release](#): "I am disappointed... [the FTC-Google settlement] relied on simple, voluntary commitments from Google to end certain practices that a majority of Commissioners found to have raised strong concerns about impeding innovation."*
55. *FTC Closes All Google Antitrust Matters: January 3, 2013, the FTC [decided](#) the following: "Under a settlement reached with the FTC, Google will (1) meet its prior commitments to allow competitors access – on fair, reasonable, and non-discriminatory terms – to [patents on critical standardized technologies needed to make popular devices](#) such as smart phones, laptop and tablet computers, and gaming consoles. (2) In a [separate letter of commitment to the Commission](#), Google has agreed to give online advertisers more flexibility to simultaneously manage ad campaigns on Google's AdWords platform and on rival ad platforms; and (3) to refrain from misappropriating online content from so-called "vertical" websites that focus on specific categories such as shopping or travel for use in its own vertical offerings. ...regarding the specific allegations that the company biased its*

*search results to hurt competition, the evidence collected to date did not justify legal action by the Commission..."*

56. ***FTC Commissioners Criticized Closure of Google Antitrust Probe: January 3, 2013, Democrat FTC Commissioner Edith Ramirez [stated](#) officially in a footnote she "objects to the form of the commitments made by Google."*** (Three months later in testimony to the Senate Antitrust Subcommittee FTC Chairwoman Ramirez stated: *"That matter [the voluntary Google search settlement] should not be considered precedent. When there is a majority of commissioners who find there is a violation, any remedy should be in a formal commitment order. That's what happened before the Google matter and that's what's going to happen after the Google matter."*) In addition, January 3, 2013, Republican FTC Commissioner Tom Rosch [told Bloomberg](#) that the FTC agreement *"creates very bad precedent and may lead to the impression that well-heeled firms such as Google will receive special treatment at the commission. Instead of following standard commission procedure and entering into a binding consent agreement to resolve the majority's concerns, Google has instead made non-binding commitments with respect to its search practices."*
57. ***FTC Secretly Closes Android Antitrust Probe with No Vote or Public Comment: January 3, 2017, the FTC Chairman's [statement](#) at the time that "all of its competition-related investigations of Google were settled," without a vote on any public comment on the closing its Google-Android tying investigation, that was referenced in the FTC [staff report](#) and which stated: "Staff continues to investigate Google's conduct in the mobile [Android] arena and will address these issues in a supplemental memorandum;" (fn. 51, p120) and noted that "Since Google's release of the first commercially available mobile device running Android OS in October 2008, Android's market share has grown exponentially." (fn. 51, p120)***
58. ***New DOJ Antitrust Chief Sworn In: January 3, 2013 William J. Baer was [sworn in](#) as new DOJ Antitrust Chief.***
59. ***Former Google Academic consultant sworn in as FTC commissioner and recuses from Google matters; January 11, 2013, FTC [reports](#): "Federal Trade Commission Chairman Jon Leibowitz welcomed Joshua D. Wright as an FTC Commissioner at a swearing-in ceremony today. President Obama named Wright, a Republican, to a term that ends on September 25, 2019."***
60. ***Facebook launches a competitive search offering to Google partnering with Microsoft's Bing: January 15, 2013, Facebook directly and competitively responded to Google by [launching](#) in beta a search engine offering called Graph Search that searched Facebook's corpus of a trillion posts and also integrated Microsoft Bing's search capability into Facebook's Graph Search. This Facebook-Bing search offering was a direct competitor to Google Search and was rolled out to all U.S. Facebook users by the end of 2013.***

61. *Consumer Watchdog asks for FTC enforcement of Google sharing personal info with app developers: February 25, 2013 -- Consumer Watchdog [called on](#) the FTC to act immediately to enforce the FTC-Google-Buzz privacy decree for Google's most recent privacy violation – sharing users' personal information with Android App Store apps developers – and said the penalties for violating a previous consent order should reach into the billions of dollars, given the record \$22.5m [fine](#) in August of 2012 for Google violating so-called "Buzz Consent Order" again.*
62. *Microsoft sells its Atlas online ad-serving ad platform to Facebook; March 1, 2013, per [reports](#).*
63. *FTC spares Google a privacy enforcement fine when it stops sharing personal info with app developers: April 23, 2013 – The FTC apparently looked the other way and did not sanction Google with a fine for de facto admitting they violated the FTC-Google-Buzz Privacy consent decree by stopping the offending privacy violation of sending Google Wallet users' personal information to app developers via Google Play without their knowledge or meaningful consent. Consumer Watchdog's blog post is [here](#); Consumer Watchdog's complaint is [here](#); and Representative Hank Johnson's letter to the FTC asking for answers is [here](#).*
64. **Google Chairman Schmidt was an underappreciated asset in President Re-elect success; May 30, 2013, Bloomberg [reported](#): "During the 2012 campaign, Barack Obama's reelection team had an underappreciated asset: Google's (GOOG) executive chairman, Eric Schmidt. He helped recruit talent, choose technology, and coach the campaign manager, Jim Messina, on the finer points of leading a large organization. [See [here](#) for more] "On election night he was in our boiler room in Chicago," says David Plouffe, then a senior White House adviser. Schmidt had a particular affinity for a group of engineers and statisticians tucked away beneath a disco ball in a darkened corner of the office known as "the Cave." The data analytics team, led by 30-year-old Dan Wagner, is credited with producing Obama's surprising 5 million-vote margin of victory."**
65. *Apple makes Bing the default search engine for Apple's voice assistant Siri; June 10, 2013, [per Search Engine Land](#).*
66. *Google's \$1b Waze acquisition gives it near exclusive access to world's largest crowd-sourced map data: June 11, 2013 Google [announces](#) it purchased Waze, the world's leading traffic management application, for \$1b.*
67. *Consumer Watchdog calls for FTC to block Google-Waze acquisition on antitrust grounds: June 12, 2013, Consumer Watchdog wrote the FTC and DOJ letters urging that the Google Waze deal should be blocked as anti-competitive. The letters [explained](#): "Google already dominates the online mapping business with Google Maps. The Internet giant was able to muscle its way to dominance by unfairly favoring its own service ahead of such competitors as Mapquest in its online search results. **Now with the proposed Waze acquisition the Internet giant would remove the most viable competitor to Google Maps***

*in the mobile space. Moreover, it will allow Google access to even more data about online activity in a way that will increase its dominant position on the Internet. **Waze CEO Noam Bardin, publicly [described](#) Google as his only competitor at last May's All Things Digital conference. He said, "What search is for the Web, maps are for mobile...We feel that we're the only reasonable competition to [Google] in this market of creating maps that are really geared for mobile, for real-time, for consumers — for the new world that we're moving into."***

68. *FTC and DOJ stopped taking turns on Google Antitrust Matters: June 11, 2013, with the FTC keeping review of Google matters, **this would ensure that the FTC's Android investigation that the FTC closed January 3, 2013, without a vote or comment, would not be re-opened by the DOJ and the Android antitrust risk would stay buried allowing Google to tie its search to Android and to other Apps like Play and Maps and extend Google's search dominance throughout the mobile ecosystem.***
69. *Mississippi AG advised DOJ they had evidence Google violated the DOJ-Google, \$500m criminal NPA; June 18, 2013, the Mississippi AG [urged](#) AG colleagues to issue subpoenas related to the DOJ-Google NPA. Per [reports](#), "According to Mississippi Attorney General Jim Hood, Google gives internet searchers easy access to illegal prescription drugs. Hood co-chairs the National Association of Attorneys General's (NAAG) Intellectual Property Committee. "On every check we have made, Google's search engine gave us easy access to illegal goods including websites [that] offer dangerous drugs without a prescription," Hood said on Thursday. "This behavior means that Google is putting consumers at risk and facilitating wrongdoing, all while profiting handsomely from illegal behavior." The allegations come on the heels of a federal task force working undercover to buy ads for steroids and human growth hormones on Google's U.S. search page back in 2011. The company paid \$500 million to settle the case with the U.S. Justice Department. ... "We attorneys general are duty-bound to enforce our consumer protection laws and other civil and criminal statutes," [Hood said](#). "**Google is aiding and abetting criminal activity and putting consumers at risk. This is of grave concern to the chief law enforcement officers of this nation.**" [Bold added.] USA Today also covered it [here](#).*
70. ***Former Google Deputy General Counsel joins Administration as Deputy CTO for Privacy: June 20, 2013, the Washington Post [reported](#), that Nicole Wong, Twitter's Legal Director for Products for 8 months, and Google's Deputy General Counsel for Privacy from 2004 to August 2011 joined the White House as Deputy CTO for Privacy.***
71. *Amazon Founder and CEO buys the Washington Post; August 5, 2013 for \$250m; [per Washington Post](#).*
72. ***DOJ let DOJ-Google \$500m Criminal NPA expire without comment, despite evidence of noncompliance: August 19, 2013, Precursor LLC submitted substantial evidence of Google NPA non-compliance [here](#).***

73. ***Google's outside antitrust counsel for 2010 FTC Google-AdMob made DOJ Antitrust Litigation Deputy: August 26, 2013, the DOJ [announced](#): "David Gelfand joined the Antitrust Division as the Deputy Assistant Attorney General for Litigation. [Coincidentally this was one week after the DOJ let the DOJ-Google [Non-Prosecution Agreement](#) expire despite State AGs advising that Google was violating the NPA.] In that role, Gelfand is responsible for overseeing the Division's litigation efforts and, along with Director of Litigation Mark Ryan, works hand-in-hand with Division staff on matters likely to result in litigation. AmLawDaily [reported](#) in 2010, that Mr. Gelfand led Google's defense of the Google-AdMob transaction at the FTC, and represented Google in the DOJ review of the Google-Yahoo Ad Agreement: "Cleary Gottlieb Steen & Hamilton has secured the role as lead counsel for Google in what appears to be a pretty pitched battle between the search giant and the Federal Trade Commission over Google's proposed \$750 million acquisition of mobile advertising firm AdMob, according to two sources familiar with the matter. Cleary partner David Gelfand is leading the firm's team advising Google on the matter, according to the sources. Gelfand did not immediately return a call seeking comment. The FTC is leaning toward recommending that the government block the deal, which Google announced in November, [according to Reuters](#). [The Wall Street Journal reported](#) late Tuesday that the FTC has readied a group of litigators to fight the proposed acquisition. Regulators are concerned that Google could lock up a dominant position for itself in the mobile phone ad market by acquiring AdMob, which supplies ads for Apple's iPhone and other smartphones, according to the WSJ. ... Cleary has been down this antitrust road with Google before. The firm, along with Wilson Sonsini Goodrich & Rosati, advised Google on its unsuccessful battle with antitrust regulators over its proposed 2008 advertising partnership with Yahoo!. ... Google abandoned the deal after the Justice Department indicated it would move to block the tie-up."***
74. *Microsoft CEO Steve Balmer announced he would retire in 12 months after successor named: August 23, 2013 per [reports](#).*
75. *Microsoft buys Nokia for \$7b to bolster Microsoft's mobile offerings; September 3, 2013 per [reports](#).*
76. *November 6, 2013, [Law360](#) reports: **The FTC "dropped its inquiry into whether [Google Inc.](#)'s \$1 billion acquisition of traffic mapping and navigation startup Waze Inc. would be anti-competitive by further strengthening the search giant's dominance in the market for mobile-device map apps, Google confirmed Tuesday. ... An FTC spokesman and a Google representative on Tuesday both declined to comment on the agency's decision. Google announced in early June that it had purchased Waze, an Israeli company that had garnered interest from fellow tech heavyweight [Facebook Inc.](#) The Waze application, which has been growing in popularity and had 50 million users when the deal was announced, helps drivers find the quickest routes with real-time traffic information. Waze was an important pickup for Google, already a market leader with its Google Maps application. The search giant said it made the purchase to enhance the mapping***

*capabilities of its Android smartphones and to combine Waze's popular traffic monitoring features with its own mapping software."*

77. *Six privacy groups call on FTC to enforce Facebook decree for privacy changes without user consent: September 4, 2013, Consumer Watchdog [stated](#): "A coalition of six consumer privacy groups is calling on the Federal Trade Commission to enforce an earlier consent order with Facebook and block proposed changes in the social network's Statement of Rights and Responsibilities and its Data Use Policy because the proposed changes violate the 2011 settlement with the Commission. "The changes will allow Facebook to routinely use the images and names of Facebook users for commercial advertising without consent," the groups said. "The changes violate Facebook's current policies and the 2011 Facebook settlement with the FTC. The Commission must act to enforce its order." Signing the [letter](#) were Consumer Watchdog, the Electronic Privacy Information (EPIC), the Center for Digital Democracy, Patient Privacy Rights, U.S. PIRG, and Privacy Rights Clearing House."*
78. *Consumer Watchdog files FTC complaint Google deceptive display for shopping results: December 4, 2012, Consumer Watchdog filed a formal [complaint](#) with the FTTC "about the deceptive and unfair way Google displays results from its comparison shopping engine, Google Shopping, in its search results, the nonprofit public interest group said today. "The way that the Internet giant is featuring results from Google Shopping without making it clear that the highlighted results are nothing more than advertisements for merchants who bid for placement is an unfair and deceptive act, violating Section 5 of the Federal Trade Commission Act," wrote John M. Simpson, Consumer Watchdog's Privacy Project Director, in a letter to the Commission. "Moreover, consumers are actually being harmed because the featured results from Google Shopping more often than not return higher prices than can be found elsewhere, when consumers would reasonably expect Google's suggestions to be the best."*
79. *Google-Android Sued by Rockstar Consortium: In October 2013, Rockstar (Apple, Microsoft, et al) [sued](#) eight companies in the Google-Android smartphone ecosystem for patent infringement: Google, Huawei, Samsung, Asustek, HTC, LG Electronics, Pantech, and ZTE.*
80. ***Former Google Deputy General for Patents 2003-12 becomes Acting Director of USPTO; December 11, 2013, per [IPWatchdog](#): "U.S. Secretary of Commerce Penny Pritzker today announced the appointment of Michelle K. Lee as the next Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the U.S. Patent and Trademark Office (USPTO). Lee currently serves as the Director of the USPTO's Silicon Valley satellite office and will begin her new role at USPTO headquarters in Alexandria, VA, on January 13, 2014." Note: since David Kappos stepped down as Director of the USPTO in February 2013, Michelle Lee was promoted to the Deputy Director position December 11, 2013, she was designated Acting Director of the USPTO in January 2014 [per reports](#), meaning Google's former Deputy General Counsel for Patents, Michelle Lee***



**went from that role to the the acting top Patent and intellectual policy official in the U.S. Government in about 18 months.**

81. *Google Countersues Rockstar*: December 26, 2013, Google [countersued](#) Rockstar (Apple, Microsoft, et al).
82. *Google Chairman Schmidt took responsibility for missing social media trend*: December 30, 2013, Google Chairman Eric Schmidt [admitted](#) missing the social wave was his fault: *"The biggest mistake that I made was not anticipating the rise of the social media phenomenon."* This Indicates he continued to believe Facebook was a direct competitive threat to Google.

## 2014

83. *FTC approves Google's acquisition of Thermostat maker Nest Labs for \$3.2b in 3 weeks*: January 13, 2014, Google [announced](#) its acquisition of Nest Labs and the FTC [approved](#) it 23 days later, granting "early termination" of the FTC's review.
84. *Consumer Watchdog files complaint that Google+ violates FTC-Google-Buzz consent decree*: Jan. 22, 2014, Consumer Watchdog filed a [complaint](#) that: *"a newly announced "feature" that would allow people to send emails to Gmail accounts without knowing their email address, violates the "Buzz" Consent agreement. First, Consumer Watchdog urges you to take immediate action to halt the unfair practice, which allows people to be forced to be associated with people with whom they do not wish to be connected. Second, we call on you to block Google's announced plan to open Gmail users' inboxes to anyone on the Google+ social network. ... To understand the unfair practice that violates Section 5 it is necessary to compare Google+ with other social networks such as Facebook. In Facebook for example, a person receiving a request from an individual to be their "friend" must approve that request. If the person chooses not to accept, he or she is in no way associated with the individual. On Google+ any individual can add a user to his "Circles." If the user does not appreciate the posts he receives from them, they can block the individual. However, if anyone visits the person's profile and he has opted to display publicly who is in his Circles, the user's name and picture will still appear there. The second user cannot remove himself from the first user's Circles, no matter what, once that person has placed them in their Circles. A user can be forced to be publicly associated with someone with whom they do not wish to be associated. This is a fundamental privacy flaw and must be fixed. People must have the right to choose with whom they are associated."*
85. *Google Play becomes the first Android app to be downloaded one billion times*: January 29, 2014 [per AndroidRank](#). This is evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google

- Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.
86. *Microsoft CEO Steve Balmer retires, Satya Nadella becomes Microsoft CEO*; February 4, 2014, per [reports](#).
87. *Facebook buys 450m-user WhatsApp social platform*: February 20, 2014, Facebook [paid](#) \$19b to buy WhatsApp, a cross-platform mobile messaging app with ~450m users. The Information's reporting of the purchase [explained](#) that Google CEO Larry Page offered WhatsApp more than the Facebook \$19b offer and said that WhatsApp was a "*big threat to Facebook*." WhatsApp founders reportedly turned down Google's higher offer because **they thought Google only wanted to keep WhatsApp out of Facebook's hands** and because Google did not offer WhatsApp a board seat like Facebook did. This reaffirms that Google still considered Facebook to be a direct competitive threat to Google.
88. *Google abruptly abandons Google+ its top priority social media initiative*: April 4, 2014, Google's head of Google+, Vic Gundotra, [departed](#) Google suddenly as Google ended the forced integration of Google+ into all other Google products and services and as Google moved one thousand Google+ employees into mobile roles at Google.
89. *EU sanctioned Google for misusing standard essential patents*: April 29, 2014, EU competition authorities [sanctioned](#) Google's Motorola subsidiary because it "*infringed EU competition rules by misusing Standard Essential Patents*" **in precisely the way that the DOJ feared Google would, and also in direct contravention of Google's commitments to the FTC to not misuse standard essential patents that was the pretext for closing to the FTC [closing](#) all Google antitrust matters January 3, 2012.**
90. *Google's Gmail becomes the second Android app to be downloaded one billion times*: May 10, 2014 [per Google Play](#). This is more evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.
91. Apple replaces Google with Bing search in OSX Yosemite; June 2, 2014, per [reports](#).
92. *Google Maps becomes the third Android app to be downloaded one billion times*: June 6, 2014 [per Google Play](#). This is more evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.

93. *FTC approves Google-Nest's acquisition of home video surveil-er DropCam for \$555m in 20 days: June 20, 2014, Google Nest [announced](#) its acquisition of home video surveillance provider, Dropcam, and the FTC [approved](#) it 20 days later, granting "early termination" of the FTC's review.*
94. *Google announces its exit from competing directly with Facebook: June 30, 2014, Google [announced](#) it was closing Orkut, Google's other [300 million](#) user social network, that predated Google+, was separate from Google+, and was strong in Brazil and India.*
95. *Google-YouTube becomes the fourth Android app to be downloaded one billion times: July 18, 2014 [per Google Play](#). This is more evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.*
96. ***August 20, 2014, former Google engineer 2006-14 named first Administrator of new U.S. Digital Service: Per a White House [release](#): Mikey Dickerson was named Administrator of the newly created U.S. Digital Service. Before he was a Google Site Reliability engineer for Google for nine years from 2006-2014 [per LinkedIn](#) and was the lead outside engineer and "[invisible man](#)" to help fix the initially-dysfunctional, ObamaCare website.***
97. ***DOJ Antitrust Deputy Chief Renata Hesse made Co-Chair of ABA Antitrust Section IP Committee: per Ms. Hesse's [LinkedIn](#) Ms. Hesse served as Co-Chair of the Intellectual Property Committee of the American Bar Association's Antitrust Section from August 2014-April 2016, a period that just happens to exactly coincide with the settlement of all of major patent suits against Google.***
98. ***Google executive Megan Smith leaves Google to become U.S. CTO & Assistant to the President; September 4, 2014, per the White House press [release](#): "As U.S. CTO, Smith will guide the Administration's information-technology policy and initiatives, continuing the work of her predecessors to accelerate attainment of the benefits of advanced information and communications technologies across every sector of the economy and aspect of human well-being. Smith is an internationally recognized and award-winning entrepreneur, engineer, and tech evangelist. She joins the White House from her most recent post as a Vice President at Google[x], where she worked on several projects, including co-creating the "SolveForX" innovation community project and the company's "Women Techmakers" tech-diversity initiative. [\[Google 2003-2014 LinkedIn\]](#) For nine years prior, Smith was the VP of New Business Development at Google, where she managed early-stage partnerships, pilot explorations, and technology licensing globally across engineering and product teams. During that time, she led the company's acquisition of major platforms such as Google Earth, Google Maps, and Picasa, and served as GM of Google.org during its engineering transition."***

99. **Former Google Deputy General Counsel for IP becomes Deputy U.S. CTO for IP and privacy:** September 4, 2014, per the White House press [release](#): **As a Deputy U.S. CTO, Alexander Macgillivray will focus on a portfolio of key priority areas for the Administration, including Internet policy, intellectual property policy, and the intersection of big data, technology, and privacy. Macgillivray is an internationally recognized expert in technology law and policy, most recently serving as General Counsel and Head of Public Policy at Twitter from 2009–2013.** Mr. Macgillivray served as Deputy General Counsel for Product and Intellectual Property 2003-2009 [per LinkedIn](#). Mr. Macgillivray, replaced another former Google Deputy General Counsel who served as U.S. Deputy CTO, departing Nicole Wong, who served from 2013-2014, and who followed yet another Google executive as U.S. Deputy CTO, Andrew McLaughlin, who served from 2009-2011 [per LinkedIn](#) and who was [reprimanded](#) for ethics violations for communicating official business with Google personnel on a personal account.
100. *The Information scoop shows Google’s Android contracts tied search to Android & other Google Apps:* September 26, 2014, Amir Efrati of The Information, in his [story](#) “*Google’s Confidential Android Contracts Show Rising Requirements,*” made public for the first time the existence of Google’s contractual tying of its dominant search with the Android mobile operating system and other Google apps: “*Confidential documents viewed by The Information show Google has been adding requirements for dozens of manufacturers like Samsung Electronics, Huawei Technologies and HTC that want to build devices powered by Android. Among the new requirements for many partners: increasing the number of Google apps that must be pre-installed on the device to as many as 20, placing more Google apps on the home screen or in a prominent icon folder and making Google Search more prominent.*” (This article was the factual predicate and spark for the EU’s eventual Android antitrust case and [Statement of Objections](#).)
101. *Google completes its exit from competing directly with Facebook:* September 30, 2014, Google [closed](#) Orkut, Google’s other [300 million](#) user social network, that predated Google+, was separate from Google+, and was strong in Brazil and India. **That meant that in seven months, 1.3b-user Facebook’s three biggest competitors were eliminated: Facebook bought #3 WhatsApp with 450m users, and Google abruptly exited social by de-funding Google+ with 540m+ and closing Orkut with 300m.**
102. **President Obama nominates former Google Deputy General Counsel for patents to head the USPTO:** October 16, 2014, Law360 [reported](#) “**President Barack Obama on Thursday nominated former Google Inc. deputy general counsel Michelle Lee to serve as director of the U.S. Patent and Trademark Office, which she has led on an interim basis for several months.**”
103. *Rockstar Settles Patent War with Google:* In November 2014, Apple effectively [settled](#) its “thermonuclear war” and much of the [smartphone war](#) with Google over Android, as Apple controlled majority \$2.6b share of Rockstar.

104. *Google (Tools) becomes the fifth Android app to be downloaded one billion times:* December 2, 2014 [per AndroidRank](#). This is more evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.
105. *Facebook quietly stops competing directly with Google in Search:* December 12, 2014, Facebook quietly dropped its Graph Search alternative offered by Bing [per](#) Reuters. **That meant that Google's only three biggest direct search competitors went away or were fatally wounded: Facebook forfeited the search advertising revenue from Microsoft with a generous revenue split, and the loss of the most potential search traffic given Facebook's #3 website traffic ranking, doomed Microsoft and Yahoo to subscale which ultimately prompted Microsoft to sell most of its ad effort to cut its losses at about ~\$15b.**
106. *Google+ becomes the sixth Android app to be downloaded one billion times:* December 27, 2014 [per AndroidRank](#). This is more evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.
107. *Google paid Apple \$1b in 2014 to be the default search engine for its iPhone Safari browser:* December 31, 2014, per [reports](#) of Oracle v. Google court documents discovered January 2016.

## 2015

108. *Google publicly commits to "Student Privacy Pledge" but does not respect it & FTC does not enforce it:* January 22, 2015, Precursorblog catalogues evidence of Google's public commitment to the Student Privacy Pledge: "Google quietly signed the U.S. [Student Privacy Pledge](#), which makes its new privacy representations legally [enforceable](#) by the FTC and State Attorneys General. ... Importantly, Google initially chose not to sign the Student Privacy Pledge with the original 75 companies that did. It only signed under brand duress after President Obama [announced](#) at the FTC that his Administration would "make sure that those schools and those parents know" which companies have not signed the Student Privacy Pledge. Uncharacteristically, Google signed the pledge without any public relations announcement. Importantly, when Google was asked by the WSJ about its signing of the pledge, a Google spokeswoman [said](#): "We've signed the pledge to reaffirm the commitments we've made directly to our customers." That's an untrue public

representation. This Student Privacy Pledge is actually a much stronger public commitment than the Google Apps for Education contractual commitments Google has made with school administrators. ...When school administrators study the fine print in the context of this new Student Privacy Pledge, they will learn they have been duped into unwittingly signing a contract that does not actually fully protect their students from data collection for the ultimate purposes of monetization as Google represents. ... Google's new [Student Privacy Pledge](#) requires Google to not collect and use student information for profit. However, most people don't know that Google's Apps for Education's contracts only agree to not advertise to students on Google's "core" education products like Gmail, Docs, Drive, etc., but the contracts exclude many Google student-popular products like YouTube, Maps, Android, Play, Google+, Chrome, etc. that students clearly could need or demand in their Google Apps for Education experience. This is a classic case of deceptive exceptions becoming the real rule. Thus, if students and school administrators are like most people, they would believe that the same privacy policy and protections would apply to all Google services that would be normally needed and used in schools, but they would be wrong."

109. ***Senate confirms former Google top patent official to top U.S. Patent official as Director of USPTO: March 9, 2015, IPWatchdog [reports](#): "the United States Senate confirmed Michelle Lee to head the United States Patent and Trademark Office, a position that has been vacant since the resignation of David Kappos at the end of January 2013. Lee's official title will be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office."***
110. *Skyhook Wireless settles with Google: March 9, 2015, Skyhook Wireless [settled](#) all its WiFi location patents with Google for a [reported](#) ~\$61m.*
111. *Viacom Settles with Google-YouTube: On March 18, 2015 Google-YouTube [settled](#) with Viacom ending its \$1b copyright infringement suit, terms were not disclosed.*
112. *WSJ FOIA of FTC yielded copy of the FTC Staff Report recommending Google Antitrust suit: March 19, 2015, the WSJ [reported](#): "Officials at the Federal Trade Commission concluded in 2012 that [Google Inc. GOOGL -1.94%](#) used anticompetitive tactics and abused its monopoly power in ways that harmed Internet users and rivals, a far harsher analysis of Google's business than was previously known. The staff report from the agency's bureau of competition recommended the commission bring a lawsuit challenging three Google practices. The move would have triggered one of the highest-profile antitrust cases since the Justice Department sued [Microsoft Corp.](#) in the 1990s. The 160-page critique, which was supposed to remain private but was inadvertently disclosed in an open-records request, concluded that Google's "conduct has resulted—and will result—in real harm to consumers and to innovation in the online search and advertising markets." The findings stand in contrast to the conclusion of the FTC's commissioners, who voted unanimously in early 2013 to end the investigation after Google agreed to some voluntary changes to its practices. It is unusual for the commissioners to not take staff recommendations."*

113. *WSJ FOIA release of FTC-Google Staff Report -- Consumer Watchdog asks FTC to reopen its Google probe:* March 20, 2015, given the Wall Street Journal FOIA release of the FTC-Google antitrust Staff Report that recommended prosecution of Google, Consumer Watchdog [called](#) on the FTC “to re-open its antitrust investigation of Google and urged the Senate Judiciary Antitrust Subcommittee to hold a hearing probing how the Internet giant escaped prosecution for its anticompetitive practices. ... The 160-page critique concluded that Google’s “conduct has resulted—and will result—in real harm to consumers and to innovation in the online search and advertising markets,” the Wall Street Journal reported. “It is unfathomable that the FTC declined to sue the Internet giant, in the face of pervasive and persuasive evidence from its expert staff...” “The only way the FTC can redeem itself and regain public trust is to re-open the case. Indeed, Google’s anticompetitive and abusive practices of favoring its own services in search results continue.” WSJ Excerpts of FTC Staff Report [here](#); and the FTC Staff Report (every other page) is [here](#).
114. *WSJ: Google CEO Page and Chairman Schmidt met with White House prior to end of FTC-Google case:* March 25, 2015, WSJ reports: “As the federal government was wrapping up its antitrust investigation of [Google Inc.](#), company executives had a flurry of meetings with top officials at the White House and Federal Trade Commission, the agency running the probe. Google co-founder Larry Page met with FTC officials to discuss settlement talks, according to visitor logs and emails reviewed by The Wall Street Journal. Google Chairman Eric Schmidt met with Pete Rouse, a senior adviser to President Barack Obama, in the White House. The documents don’t show exactly what was discussed in late 2012. Soon afterward, the FTC closed its investigation after Google agreed to make voluntary changes to its business practices.”
115. *EU charges Google with abusing its search dominance in comparison Shopping:* April 15, 2015, EU antitrust authorities formally [charged](#) Google in a Statement of Objections with being dominant in search and abusing that dominance by discriminating against comparison shopping competitors.
116. *EU launches Android tying antitrust investigation:* April 15, 2015, the EU [opens](#) a new separate antitrust probe into whether Google’s Android contracts with manufacturers and carriers were anti-competitively tying search to other Google applications.
117. ***FTC Issues Google-Requested Press Release on FTC Closure of Google Antitrust Probe:*** May 14, 2015, a BuzzFeed [article](#) exposes a March 23, 2015 [email](#) from a top Google lobbyist to the FTC Chairman’s Chief of Staff that urged the FTC to issue a press release to explain the FTC’s closure of its Google antitrust investigation (which included its Android investigation without a vote or public notice. Two days later, the FTC complied with a press [release](#) doing what a top Google lobbyist urged the FTC do in its email. Compare the Google lobbyist’s urgent [email](#) request for FTC action and the FTC’s prompt and responsive press [release](#) reply side by side, and it is clear the Google email resulted in the FTC press release.

118. **PrecursorBlog: “The Appearance of Google-USG Conflicts of Interest Grows;” March 25, 2015, PrecursorBlog [exposed](#) for the first time the pattern of how Google positioned seven of its former executives and top outside consultants/counsels in all of the most important government positions of decision-making influence over only the USG law enforcement and policy areas of most commercial relevance and interest to Google, and how that created at least a serious appearance of conflicts of interests in violation of federal ethics rules and the Administration’s Executive Order on the matter.**
119. *Consumer Groups file FTC complaint that Google’s YouTube kids app engaged in deceptive ad practices: April 7, 2015, consumer groups filed an FTC [complaint](#) against Google-YouTube for “unfair and deceptive practices in connection with its new YouTube Kids app. The complaint details a number of the app’s features that take advantage of children’s developmental vulnerabilities and violate long-standing media and advertising safeguards that protect children viewing television. ... The complaint also charges that Google is violating its own advertising policies for YouTube Kids. For example, while the company promises that food and beverage ads will not appear on the app, advertising and promotions for junk food are prominently featured throughout. ... “YouTube Kids is the most hyper-commercialized media environment for children I have ever seen,” commented Dale Kunkel, Professor of Communication, University of Arizona. “Many of these advertising tactics are considered illegal on television, and it’s sad to see Google trying to get away with using them in digital media. “There is nothing ‘child friendly’ about an app that obliterates long-standing principles designed to protect kids from commercialism,” added Josh Golin, Associate Director of Campaign for a Commercial-Free Childhood. “YouTube Kids exploits children’s developmental vulnerabilities by delivering a steady stream of advertising that masquerades as programming.”*
120. *Consumer groups file complaint Google is deceptive in marketing YouTube kids app as “family friendly;” May 19, 2015 – Consumer Watchdog [states](#): the “Campaign for Commercial-Free Childhood and Center for Digital Democracy update complaint against Google’s YouTube Kids app showing that the app is featuring many videos that would not meet any definition of “family friendly.” The videos included explicit sexual language presented amidst cartoon animation and videos that model unsafe behaviors such as playing with lit matches, shooting a nail gun, juggling knives, tasting battery acid, and making a noose.” The new FTC [complaint](#) states: “Google does not, in fact, “screen out the videos that make parents nervous” and its representations of YouTube Kids as a safe, child-friendly version of YouTube are deceptive. Parents who download the app are likely to expose their children to the very content they believed they would avoid by using the preschool version of YouTube. In addition to the unfair and deceptive marketing practices we identified in our initial request for an investigation, it is clear that Google is deceiving parents about the effectiveness of their screening processes and the content on YouTube Kids.”*
121. *Google Chrome becomes the thirteenth Android app to be downloaded one billion times: June 26, 2015 [per AndroidRank](#). This is evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#)*



Android mobile software apps, via Google tying search and top Google apps in contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.

122. *Consumer Watchdog files FTC Google complaint that no U.S. right to be forgotten is unfair practice:* July 7, 2015, Consumer Watchdog's [complaint](#) states "Google's failure to offer U.S. users the ability make Right To Be Forgotten requests while honoring such requests in Europe is "unfair and deceptive" practice. ... U.S. users should be able to request the removal of search engine links from their name to information that is "inadequate, irrelevant, no longer relevant, or excessive."
123. *Microsoft sells most of its advertising business to AOL, AOL swaps Bing for Google search;* June 29, 2015, per [reports](#) selling its display advertising business and keeping its search ad business, because search is key to Microsoft's Cortana personal assistant offering.
124. *Microsoft sells its map imagery business to Uber, and stops collecting own map data;* June 29, 2015, per [ReCode](#).
125. *Google announces restructuring of Google into Alphabet with Page CEO & Sundar Pichai Google CEO:* August 10, 2015, Google's blogpost [said](#): "What is Alphabet? Alphabet is mostly a collection of companies. The largest of which, of course, is Google. This newer Google is a bit slimmed down, with the companies that are pretty far afield of our main Internet products contained in Alphabet instead. ... In general, our model is to have a strong CEO who runs each business, with Sergey and me in service to them as needed. We will rigorously handle capital allocation and work to make sure each business is executing well. We'll also make sure we have a great CEO for each business, and we'll determine their compensation."
126. *FTC Commissioner Josh Wright resigns from the FTC;* August 24, 2015, FTC [reports](#): "Joshua D. Wright, who has served as a Commissioner of the Federal Trade Commission since January 2013, will resign his position with his last day as a commissioner on Monday, August 24, 2015."
127. *Microsoft and Google Settle Their Patent Disputes:* September 30, 2015, Microsoft and Google [settled](#) all Android-related patent disputes between them. CNET [reported](#): "the companies, which didn't disclose the terms of the settlement, also **said they had "agreed to collaborate on certain patent matters and anticipate working together in other areas in the future to benefit our customers."** Neither company elaborated on what that collaboration entails."
128. *Google Drive becomes the nineteenth Android app to be downloaded one billion times:* October 12, 2015 [per AndroidRank](#). This is evidence of Google anticompetitively extending its search monopoly market power to the Android mobile operating system and to the [top](#) Android mobile software apps, via Google tying search and top Google apps in

contracts with device manufacturers and wireless carriers. It also spotlights the benefit from Google Guardians in government apparently [shutting down](#) the FTC Android tying investigation without a vote or public comment, January 3, 2013.

129. *Google enters a search syndication deal with Yahoo that the 2008 DOJ alleged was illegal:* October 20, 2015, Google finally was successful in concluding search ad deal with Yahoo [inking](#) a three-year, partial, Google-Yahoo search syndication deal.

## 2016

130. ***The Intercept: The Android Administration: Google's remarkably close relationship with the White House:*** April 22, 2016, *The Intercept* teamed up with Campaign for Accountability to [present](#) two revealing data sets from that forthcoming project: one on the number of White House meetings attended by Google representatives, and the second on the revolving door between Google and the government. *"Google representatives attended White House meetings more than once a week, on average, from the beginning of Obama's presidency through October 2015. Nearly 250 people have shuttled from government service to Google employment or vice versa over the course of his administration. No other public company approaches this degree of intimacy with government. According to an analysis of White House data, the Google lobbyist with the most White House visits, Johanna Shelton, visited 128 times, far more often than lead representatives of the other top-lobbying companies — and more than twice as often, for instance, as Microsoft's Fred Humphries or Comcast's David Cohen."* With the Google Transparency Project, the Intercept published detailed interactive graphics: one of [Google's White House visits](#) and the other of the [Google-Obama Administration revolving door](#). Additional important data sets are: Google Chairman Schmidt's political influence via [Civis Analytics](#); Google Chairman Schmidt's [personal political influence](#); Googler's influence with procurement via [the U.S. Digital Service](#); Google's leveraging [YouTube for White House political influence](#); Did Google White House access [violate ethics rules](#); a [network analysis](#) of Google's WH visits.
131. *Microsoft withdrew financial support from Fairsearch the entity backing Google antitrust enforcement:* January 22, 2016, Recode [reported](#) that in December 2015 "Microsoft quietly removed its financial support from FairSearch, an organization behind multiple legal threats to Google, including the pending one in the European Union. "We routinely evaluate our participation in industry organizations and decided not to continue our membership in FairSearch," a Microsoft spokesman said."
132. ***PrecursorBlog: Questioning Google's Extraordinary Influence over Government Decisions:*** February 11, 2016, PrecursorBlog [exposed](#) for the first time the many USG policy and enforcement outcomes in the areas of commercial interest to Google that benefited Google commercially substantially.

133. *PrecursorBlog: The FTC-Google Antitrust Cover-up Evidence Piles Up; April 1, 2015, PrecursorBlog [documented](#): “The Politically Messy Closure of FTC-Google Antitrust Investigation: 1) Four questionable Google-related law enforcement hires during the FTC Google investigation. 2) The FTC’s Democrat majority folded on enforcing their “most troubling” search concern. 3) FTC Commissioners/overseers spotlighted political problems at the time of the closure. 4) FTC created a special and highly-unusual one-time political fix mechanism for Google. 5) The FTC was very politically connected at the time. 6) 2012 re-election looks like inflection point that flipped case from prosecution to settlement. 7) FTC case closure was apparent political quid pro quo for Eric Schmidt’s key re-election help. 8) Schmidt’s reelection help apparently rewarded with multiple White House Google hires. 9) Google got more than an antitrust pass, it’s getting a pass on 8 more FTC actionable problems.”*
134. *Attorney General names Renata Hesse to be Acting DOJ Antitrust Division Chief: April 15, 2016, the DOJ [release](#) announced Renata Hesse as Acting Assistant Attorney General for Antitrust: “Before her selection to run the Antitrust Division, Hesse served as the Deputy Assistant Attorney General for Criminal and Civil Operations in the division for almost four years. During this time, she also served as the division’s Acting Assistant Attorney General immediately prior to Baer’s confirmation. Hesse was a career trial attorney in the division between 1997 and 2006, in the last four years of which she served as the Chief of the Networks and Technology Section.”*
135. *EU antitrust authorities charged Google-Android with tying search anticompetitively: April 20, 2016, EU DGComp [charged](#) in a Statement of Objections that Google abused its dominant search position by tying it and other Google apps to Android in exclusive contracts with device manufacturers and carriers.*
136. *Consumer Watchdog calls for FTC to enforce antitrust law against Google-Android per EU Android charges: April 20, 2016, Consumer Watchdog [urged](#) “the Federal Trade Commission to file antitrust charges against Alphabet Inc.’s Google for using its monopoly power over the Android operating system to stifle competition and unfairly drive consumers to its own services. ... the European Commission filed formal charges in its Android antitrust case against the Internet giant. The Commission said in its [statement of objections](#) that its preliminary view was “that the company has, in breach of EU antitrust rules, abused its dominant position by imposing restrictions on Android device manufacturers and mobile network operators.” **“Google is well connected at the highest levels of government and throws its money around,” said Simpson. “But our antitrust enforcers can’t let that sway them. They’ve got the facts and need to act.”***
137. *Questions raised why the FTC’s Google Android antitrust probe closed without a vote or comment: April 20, 2016, PrecursorBlog [raised questions](#) “about the strange secrecy and lack of normal due process in shuttering its active Android tying antitrust investigation. This is an excerpt from the 4-20-16 PrecursorBlog [post](#): We now know from the 2012 Google-FTC staff report that just before the FTC closed all its Google antitrust investigations, the FTC [staff report](#) stated: “Staff continues to investigate Google’s*

conduct in the mobile [Android] arena and will address these issues in a supplemental memorandum;" (fn. 51, p120) and noted that "Since Google's release of the first commercially available mobile device running Android OS in October 2008, Android's market share has grown exponentially." (fn. 51, p120) The inexplicable nature of the FTC's closure of its Android-tying investigation in 2013, adds to the [many other facts](#) that suggest that the FTC abruptly closed all FTC antitrust probes into Google for political reasons after the 2012 election. The FTC Chairman's [statement](#) at the time made it clear "all of its competition-related investigations of Google were settled," which would obviously include the Android-tying probe that the FTC staff in October 2012 said they were continuing to investigate and would prepare an Android "supplemental memorandum" for the Commissioners. However, in all the [statements](#) explaining the settlement of supposedly all of the Google antitrust issues the FTC staff were investigating, there inexplicably is zero mention of the existence of the FTC staff's official Android-tying investigation; what the staff discovered/concluded; or how the FTC finally decided to officially resolve the probe for the public record. Even worse, there was no official vote of the FTC commissioners on closing the Android tying matter when they voted on four other issues in four different ways, 4-1; 3-0-2; 4-0-1; and 5-0. Were the other commissioners even told in the frenzied political rush to shut down all FTC Google antitrust probes, that they did not have a say in closing the FTC's separate Android-tying investigation? Tellingly FTC Commissioner Rosch warned in his concurring and dissenting [statement](#) that: "... our "settlement" with Google creates very bad precedent and may lead to the impression that well-heeled firms such as Google will receive special treatment at the Commission." The FTC's closure of its Android probe, is even more inexplicable and deceptive because in the FTC press [statement](#) the FTC Chairman claimed the FTC conducted an "incredibly thorough and careful investigation" in publicly explaining the three parts of the investigation that were settled with Google (i.e. abuse of: SEP patents, advertising APIs, and website opt-outs) and the two matters that resulted in no action or settlement despite commissioner concerns (i.e. search bias and unauthorized content scraping)."

138. *Microsoft & Google drop regulatory disputes against the other: April 22, 2016, Recode [reports](#): "Microsoft and Google say they have recently reached an agreement under which they will drop pending regulatory complaints against one another across the globe. The pair have also agreed that they will try to work among themselves to settle any future issues before running to regulators. "Microsoft has agreed to withdraw its regulatory complaints against Google, reflecting our changing legal priorities," a Microsoft representative said in a statement to Re/code. "We will continue to focus on competing vigorously for business and for customers." Google, meanwhile, offered up a similar statement, affirming that it too will withdraw any regulatory complaints it has made. "Our companies compete vigorously, but we want to do so on the merits of our products, not in legal proceedings." Neither company made any product commitments to one another as part of this deal."*
139. *Microsoft sells Nokia mobile assets for \$350m writing off ~\$7b loss; May 18, 2016, per [reports](#) largely ceding the mobile and smartphone market to Android and Apple.*

140. *EU antitrust authorities charge Google with foreclosing search advertising competition: July 14, 2016, EU DGComp [charged](#) Google with abusing “its dominant position by artificially restricting the possibility of third party websites to display search advertisements from Google's competitors.”*
141. *Investigation: White House kept close tabs on FTC-Google antitrust probe: August 27, 2016, the Google Transparency Project’s [investigation](#) analyzes Google and Obama Administration emails showing the White House’s keen interest in the direction and outcome of the FTC-Google antitrust probe.*
142. *FTC approves Google’s acquisition of cloud software API provider for \$625m in 34 days: September 8, 2016, Google [announced](#) its acquisition of Apigee, a leader in the application programming interface are of cloud computing and October 12, 2016 the FTC [granted](#) early termination of the FTC review of the acquisition.*
143. *FTC complaint that Google violated the Google-Buzz consent decree in forcing privacy policy change: December 19, 2016, Consumer Watchdog and Privacy Rights Clearinghouse filed a FTC [complaint](#) “charging that Google violated the law and an earlier consent agreement when it forced a change in its privacy policy on users in a highly deceptive manner, without meaningful notice and consent. The Internet giant’s action, taken on June 28, is an unfair and deceptive practice, violating Section 5 of the Federal Trade Commission Act and also violates the terms of the “Buzz Consent Agreement” Google signed with the agency, the two California-based consumer advocacy organizations’ formal complaint said. ... Consumer Watchdog and Privacy Rights Clearing House asked the FTC to claw back all advertising revenue earned by Google since the date of the change, citing past privacy violations by the internet giant as evidence that lesser penalties would not be enough to make the company respect consumers’ privacy rights.”*

## 2017

144. *EU rules Google search dominant and fined Google ~\$3b for abusing its dominance: June 27, 2017, EU antitrust authorities “[fined](#) Google €2.42 billion for breaching EU antitrust rules. Google has abused its market dominance as a search engine by giving an illegal advantage to another Google product, its comparison shopping service.”*
145. *WSJ investigation exposed Google’s hidden influence paying for friendly academic antitrust analysis: July 11, 2017, the WSJ’s investigative analysis by Brody Mullins and Jack Nicas, *Hidden Influence, Paying Professors, Inside Google’s Academic Influence Game*, [reported](#): “Google operates a little-known program to harness the brain power of university researchers to help sway opinion and public policy, cultivating financial relationships with professors at campuses from Harvard University to the University of California, Berkeley. Over the past decade, Google has helped finance hundreds of research papers to defend against regulatory challenges of its market dominance, paying*

*\$5,000 to \$400,000 for the work, The Wall Street Journal found. Some researchers share their papers before publication and let Google give suggestions, according to thousands of pages of emails obtained by the Journal in public-records requests of more than a dozen university professors. The professors don't always reveal Google's backing in their research, and few disclosed the financial ties in subsequent articles on the same or similar topics, the Journal found."*

146. *EPIC files FTC privacy complaint to stop Google from tracking in-store purchases: July 31, 2017, EPIC "filed a [complaint](#) with the FTC asking the Commission to investigate Google's [tracking of in-store purchases](#). According to EPIC, Google [collects](#) billions of credit and debit card transactions and then links that personal data to the activities of Internet users. Google claims that it protects online privacy but refuses to reveal details of the algorithm that "deidentifies" consumers while tracking their purchases. EPIC's complaint asks the FTC to stop Google's tracking of in-store purchases and determine whether Google adequately protects consumer privacy. EPIC has filed several successful FTC complaints that led to FTC investigations, including complaints about changes to Facebook's [privacy preferences](#) and the launch of [Google Buzz](#). EPIC has also focused on the adequacy of privacy techniques, with complaints against [AskEraser \(search histories that are not deleted\)](#) and [Snapchat \(images that do not "vanish"\)](#). EPIC's recent complaint against Google notes that the company is seeking to extend its dominance of online advertising to the physical world."*
147. **Antitrust Partner from Google's main antitrust law firm elected chair of ABA Antitrust Section: August 17, 2017, Wilson Sonsini antitrust litigation partner, Jon Jacobson, was [elected](#) chair of the American Bar Association's Antitrust Section for 2017-2018, while Google is facing three antitrust cases in EU and pressure in the U.S. to reopen the FTC-Google antitrust cases.**
148. *Analyst estimates Google pays Apple \$3b in 2017 to be the default search engine for iPhone Safari; August 24, 2017, per [reports](#).*
149. *New America think tank fired Google critic at Google's request for supporting EU's Google antitrust fine: August 30, 2017, [news](#) broke that Google got New America Monopoly expert Barry Lynn, and his team fired from the New America Foundation for issuing a public endorsement of the EU's finding Google a monopoly and fining the company ~\$3b. The Guardian [reports](#): "Barry Lynn, until this week a senior fellow at Washington thinktank the New America Foundation, has spent years studying the growing power of tech giants like Google and Facebook. He believes the answer is yes. And that opinion, he argues, [has cost him his job](#). This week Lynn and his team were ousted from New America after [the New York Times](#) published emails that suggested Google was unhappy with his research. The tech giant, along with executive chairman Eric Schmidt, have donated \$21m to New America since 1999. Schmidt chaired the organisation for years and its main conference room is called the "Eric Schmidt Ideas Lab". "I've been there for 15 years," Lynn told the Guardian. "And for 14 everything was great. In the last year or so it has got more*

*difficult. And from every piece of evidence that we are seeing that has to do with pressure from Google."*

150. *Google announces a restructuring of Alphabet into a holding company called XXVI Holdings Inc: September 1, 2017, Bloomberg [reported](#) on the change. "The new entity, called XXVI Holdings Inc., will own the equity of each Alphabet company, including Google. The new structure legally separates Google from other units such as Waymo, its self-driving car business, and Verily, a medical device and health data firm. The switch is partly related to Google's transformation from a listed public company into a business owned by a holding company. The change helps keep potential challenges in one business from spreading to another, according to Dana Hobart, a litigator with the Buchalter law firm in Los Angeles. ... By separating them, it allows the parent company to limit the exposure of the various obligations of the LLCs," Hobart said. ... Corporations are often formed to raise money from public investors who expect disclosures on financial performance, and Google did that in a 2004 initial public offering. **Now, it's owned by Alphabet, so it effectively has only one investor and no public disclosure obligations.** An LLC structure is better suited to this situation. Waymo is also an LLC."*
151. *Yelp accuses Google of stealing its content again: September 12, 2017, Yelp [accused](#) Google of again illegally scraping its reviews and representing them as Google's in direct violation of the FTC-Google voluntary [agreement](#) that Google would stop misappropriating competitors content and representing them as Google's.*
152. *Apple switches to Google for Siri search leaving Microsoft Bing; September 25, 2017, per [reports](#).*
153. *Microsoft & Amazon struck a partnership to take on Google in the next big thing for cloud computing; October 13, 2017, per [Business Insider](#).*
154. *Consumer Groups Ask Safety Commission to Recall Google Home Mini "smart speaker:" October 13, 2017 EPIC [stated](#): "a coalition of leading consumer groups have [asked](#) the [Consumer Product Safety Commission](#) to recall the Google Home Mini "smart speaker." The touchpad on the Google device is permanently set to "on" so that it records all conversations without a consumer's knowledge or consent. The consumer groups said that "as new risks to consumers arise in consumer products, it is the responsibility of the Consumer Product Safety Commission to respond." The groups also urged the Safety Commission to enforce the Duty to Report to CPSC against manufacturers of "IoT" devices. Last year, a coalition of consumer groups pursued a [complaint](#) about My Friend Cayla, an Internet connected toy that recorded the private conversations of young children. The Cayla complaint spurred a [Congressional investigation](#) and toy stores across Europe [removed](#) the doll from their shelves."*