

Exhibit 1

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Volume 1

Pages 1 - 144

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable James Donato, Judge

IN RE GOOGLE PLAY STORE)
ANTITRUST LITIGATION) NO. 21-md-02981-JD
_____)

THIS DOCUMENT RELATES TO:)

Epic Games, Inc. vs. Google LLC, et al.,)
Case No. 3:20-cv-05671-JD)

In Re Google Play Consumer Antitrust)
Litigation, Case No. 3:20-cv-05761-JD)

State of Utah, et al. v. Google LLC,)
et al., Case No. 3:21-cv-05227-JD)

Match Group, LLC, et al. vs. Google LLC,)
et al., Case No. 3:22-cv-02746-JD)

San Francisco, California
Thursday, January 12, 2023

TRANSCRIPT OF PROCEEDINGS

IN RE EVIDENTIARY HEARING ON CHAT PRESERVATION

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1 Thursday - January 12, 2023

1:05 p.m.

2 P R O C E E D I N G S

3 ---o0o---

4 **THE CLERK:** Calling Civil 20-5671, Epic Games, Inc. vs.
5 Google LLC; Civil 20-5761, In Re Google Play Consumer Antitrust
6 Litigation; Civil 21-5227, State of Utah vs. Google;
7 Multidistrict Litigation 21-2981, In Re Google Play Antitrust
8 Litigation; and Civil 22-2746, Match Group LLC vs. Google.

9 Counsel, please state your appearances for the record.

10 **MR. BORNSTEIN:** Your Honor, Gary Bornstein.

11 **THE CLERK:** I need -- I'm going to need --

12 **THE COURT:** Oh. Microphone, please.

13 **THE CLERK:** Counsel, please use the microphone.

14 **MR. BORNSTEIN:** Good afternoon, Your Honor. Gary
15 Bornstein for Epic Games.

16 **MS. MOSKOWITZ:** Good afternoon, Your Honor. Lauren
17 Moskowitz, also for Epic.

18 **MS. WEINSTEIN:** Good afternoon, Your Honor. Lauren
19 Weinstein, the State of Utah Attorney General's Office, on
20 behalf of the State of Utah and the plaintiff states.

21 **MR. GLACKIN:** Good afternoon, Your Honor. Brendan Glackin
22 for the states.

23 **MS. GIULIANELLI:** Good afternoon. Karma Giulianelli for
24 the consumers.

25 **THE CLERK:** Counsel in the back, come forward and use the

PROCEEDINGS

1 microphone.

2 **MR. BYARS:** Good afternoon, Your Honor. John Byars from
3 Bartlit Beck for consumer plaintiffs.

4 **MR. SUMMERS:** Also Glen Summers of Bartlit Beck for the
5 consumer plaintiffs.

6 **MR. DIXON:** Good afternoon, Your Honor. Doug Dixon of
7 Hueston Hennigan for Match Group LLC.

8 **MS. NAM:** Good afternoon, Your Honor. Hae Sung Nam for
9 the consumer plaintiffs.

10 **MR. POMERANTZ:** Good afternoon, Your Honor. Glen
11 Pomerantz of Munger, Tolles & Olson on behalf of defendants.
12 And with me is my colleague Jonathan Kravis of our firm. Also,
13 Mr. Phil Nickels is sitting up front there. He's going to be
14 running the technology on our side.

15 And we apologize. He's sitting there because the cord on
16 our side, the cable doesn't work.

17 **THE COURT:** Oh, it's fine.

18 **MR. POMERANTZ:** Thank you.

19 **MR. ROCCA:** Your Honor, it's Brian Rocca and my partner
20 Michelle Park Chiu from Morgan Lewis representing Google
21 defendants.

22 **THE COURT:** Okay. Is that it?

23 Now, if you are fully immunized -- or vaccinated, I should
24 say. If you're fully vaccinated and you're comfortable, you
25 can take off your masks. Leave it up to you, but you're

PROCEEDINGS

1 perfectly free to do that.

2 Okay. Who are we going to start with?

3 **MR. POMERANTZ:** Your Honor, I know that you had said in a
4 recent order that you wanted to discuss scheduling.

5 We had jointly submitted a stipulation for a July 31 --

6 **THE COURT:** Oh, no.

7 **MR. POMERANTZ:** -- trial date.

8 **THE COURT:** We'll do that later.

9 **MR. POMERANTZ:** Okay.

10 **THE COURT:** I just want to get --

11 **MR. POMERANTZ:** You want to start with --

12 **THE COURT:** I want to get going with the witnesses,
13 please. Yeah, that'd be great.

14 **MR. POMERANTZ:** That's fine, Your Honor.

15 So I thought what I -- if Your Honor would allow me, I
16 just want to give you a brief roadmap for the witnesses that
17 we're calling today so you know what the lineup is and who they
18 are and what they'll be discussing.

19 **THE COURT:** Let me find that. Okay. I have your list.
20 All right.

21 **MR. POMERANTZ:** All right. So we will start with
22 Mr. Genaro Lopez. He is the information governance lead at
23 Google.

24 He's going to directly address two of the three issues
25 that you identified in your order. First, he'll address the

PROCEEDINGS

1 use and operation of Google's chat system. He's going to
2 explain what Google does to retain chats. He's going to
3 explain how that differs from ways that it retains e-mails and
4 other kinds of electronic documents, and he'll explain why
5 those differences exist.

6 He'll also explain why Google's retention and preservation
7 of e-mails and of chats is reasonable, why they do something
8 different for each kind, and that it's consistent with the way
9 that Google's employees use these various types of
10 communication.

11 And then he'll also address the second topic in your
12 order, which is the guidelines for chat content.

13 We'll then call Mr. Jamie Rosenberg. Mr. Rosenberg is
14 currently a part-time consultant for Google, but he was a
15 senior executive for a number of years at Google, and he
16 stepped down from that position in September of last year.

17 The plaintiffs asked to have Mr. Rosenberg here today, and
18 we agreed with them to make him available. We will question
19 him briefly, and we'll ask him about his own use of chats, and
20 we'll describe what -- he will describe what a typical chat is
21 in the way that he uses chats.

22 The next witness is Mr. Tian Lim. That's T-i-a-n L-i-m.
23 Mr. Lim was the one who we asked to have --

24 **THE COURT:** Oh. So no Lawrence Koh?

25 **MR. POMERANTZ:** Correct. The plaintiffs asked for Tian

PROCEEDINGS

1 Briefly, our three arguments are as follows: first,
2 that Google's preservation of chats and, frankly, other
3 documents was both reasonable and proportional, as the rules
4 require. And given the way that chats are used --

5 **THE COURT:** You know, Mr. Pomerantz, I do want to hear
6 what you have to say. I need an evidentiary foundation first.

7 **MR. POMERANTZ:** That's why I said I would be brief.

8 **THE COURT:** Why don't we --

9 **MR. POMERANTZ:** I will stop. I will stop.

10 **THE COURT:** I know you think everything's great; they
11 think everything's terrible. I get it.

12 (Laughter.)

13 **THE COURT:** But let me do the witnesses, and then --

14 **MR. POMERANTZ:** That's totally fine.

15 **THE COURT:** -- I'll be a much more informed consumer of
16 your argument at that point. Okay?

17 **MR. POMERANTZ:** I totally get that.

18 Mr. Rocca is going to handle Mr. Lopez, who's our first
19 witness.

20 **THE COURT:** Okay. Let's bring him in.

21 **MR. ROCCA:** Brian Rocca for Google.

22 Your Honor, Google calls Genaro Lopez.

23 (Witness enters the courtroom and steps forward to be sworn.)

24 **THE CLERK:** Please come forward and take the witness
25 stand.

PROCEEDINGS

1 Stand and raise your right hand.

2 **GENARO LOPEZ,**

3 called as a witness for the Defendants, having been duly sworn,
4 testified as follows:

5 **THE WITNESS:** I do.

6 **THE CLERK:** Please be seated.

7 Move the microphone in front of you.

8 **THE WITNESS:** All right.

9 **THE CLERK:** Please state your full name for the Court and
10 spell your last name.

11 **THE WITNESS:** Genaro Lopez, L-o-p-e-z.

12 **THE CLERK:** And what's your first name?

13 **THE WITNESS:** Genaro, G, as in "George," e-n-a-r-o.

14 **THE CLERK:** Thank you.

15 **MR. ROCCA:** Your Honor, with your permission, I have a
16 smaller binder that's a subset of the exhibits. It might be
17 more efficient if I hand the exhibits to Mr. Lopez. It'll be
18 easier for him. And I have a copy for the Court as well.

19 **THE COURT:** Good. Yes, please.

20 Do you have two copies for me?

21 **MR. ROCCA:** I'll get one more copy.

22 **MS. MOSKOWITZ:** Can I have one too, please?

23 **MR. ROCCA:** It's the same exhibit binder you have with the
24 exhibits.

25 **MS. MOSKOWITZ:** Yeah, but do you have one for me, or no?

LOPEZ - DIRECT / ROCCA

1 Thank you.

2 **DIRECT EXAMINATION**

3 **BY MR. ROCCA:**

4 **Q.** Mr. Lopez, can you please, again, introduce yourself for
5 the Court?

6 **A.** Yes. I'm Genaro Lopez.

7 **Q.** Where are you currently employed?

8 **A.** I work for Google.

9 **Q.** Where are you based?

10 **A.** I'm based in the Bay Area. My office is here in
11 San Francisco, and I live in Berkeley, California.

12 **Q.** How long have you been employed at Google?

13 **A.** A little over three years.

14 **Q.** What is your current job title?

15 **A.** I am the information governance lead.

16 **Q.** As information governance lead, what are your job
17 responsibilities?

18 **A.** Yeah. I manage a team that's responsible for ensuring
19 that Google's corporate data is appropriately retained,
20 communicated to employees, secured, and disposed of after its
21 useful life.

22 **Q.** Why does Google need someone like you, information
23 governance lead, to help manage information as you just
24 described?

25 **A.** Yeah. Well, Google is a very complex and diverse place.

LOPEZ - DIRECT / ROCCA

1 So I spend a lot of my time helping to coordinate our
2 activities across functions, internal teams, to make sure that,
3 to the fullest extent possible, we're making holistic decisions
4 about our management of corporate data.

5 **Q.** Do you have any prior experience in information
6 management?

7 **A.** Yes.

8 **Q.** Please briefly describe that to the Court.

9 **A.** Yeah. So prior to Google, I spent almost a decade at
10 Nike, where I was the director of information governance.

11 **Q.** Briefly describe your educational background.

12 **A.** I have a bachelor's in biology from UC Berkeley and a J.D.
13 from Lewis & Clark Law School.

14 **Q.** Are you a practicing lawyer?

15 **A.** No.

16 **Q.** Do you have any professional certifications related to
17 information management?

18 **A.** Yes. I have an Information Governance Professional
19 certificate from ARMA International.

20 **Q.** Mr. Lopez, as information governance lead, do you play a
21 role in setting the retention periods for categories of
22 documents at Google?

23 **A.** Yes.

24 **Q.** What is your general approach for setting those retention
25 periods?

LOPEZ - DIRECT / ROCCA

1 Q. Does this screenshot accurately reflect what a typical
2 group chat would look like at Google?

3 A. Yes, it does.

4 Q. Again, if you could describe the elements of what's on the
5 screen for the Court.

6 A. Sure. So obviously, there are more people involved in
7 this chat. So at the top, you see the names, as much as screen
8 real estate will allow. There are nine members here. So you
9 see who's involved in the chat. You see, again, the retention
10 and the history state indicators on the screen. You see the
11 conversation stream, who's -- the different messages. And
12 then, again, on the left-hand side, you see a running list of
13 all the other conversations that this particular employee is
14 involved in.

15 Q. Mr. Lopez, are group chats always related to business
16 issues?

17 A. No.

18 Q. Can you please give the Court an example of what you mean?

19 A. Yeah. So like we talked about before, there is no
20 limitation on the topic of a group chat. And so internally, we
21 have even really sensitive things, like folks who are in
22 recovery and they have a community and an ongoing group chat
23 where they share their own personal stories, really sensitive
24 information. And those all are happening on -- via group chat.

25 **MR. ROCCA:** Your Honor, Google requests that Exhibit 105

LOPEZ - DIRECT / ROCCA

1 be admitted into evidence.

2 **THE COURT:** All right. It's admitted.

3 (Defense Exhibit DXCH-105 received in evidence.)

4 **BY MR. ROCCA:**

5 **Q.** Mr. Lopez, the third category you mentioned were something
6 called rooms and spaces. Do you recall that?

7 **A.** Yes.

8 **Q.** Please describe those for the Court.

9 **A.** Yeah. Those are more topic- or project-based type of
10 conversations that are specifically oriented around a
11 particular item or subject matter.

12 **Q.** Please turn to Exhibit DXCH-106. That's the next tab in
13 your binder.

14 Are you there?

15 **A.** Yes.

16 **Q.** What is that exhibit?

17 **A.** Yep. This is a screenshot of a threaded room.

18 **Q.** Does this accurately depict what a threaded room looks
19 like?

20 **A.** Yes, it does.

21 **Q.** Can you describe for the Court what's in this
22 threaded room example?

23 **A.** Sure. So, yeah, as a difference from the group chats that
24 we were just looking at, this has a name. So "Design Systems"
25 is the topic of this room or this -- yeah, this room. There

LOPEZ - DIRECT / ROCCA

1 are 22 members in this room. And as before, you'll see the
2 individual messages and the names of the folks who are involved
3 in that room conversation.

4 **MR. ROCCA:** Your Honor, Google requests that
5 Exhibit DXCH-106 be admitted into evidence.

6 **THE COURT:** It is admitted.

7 (Defense Exhibit DXCH-106 received in evidence.)

8 **BY MR. ROCCA:**

9 **Q.** Mr. Lopez, are Google employees provided any guidelines on
10 how chats are retained in the normal course of business?

11 **A.** Yes.

12 **Q.** What are those guidelines?

13 **A.** We have a Google Chat retention policy that's made
14 available to employees.

15 **Q.** If you'll turn to the first tab in that binder, which is
16 DXCH-1. Please let me know when you're there.

17 **A.** Okay. Yep.

18 **Q.** What is this document?

19 **A.** This is the Google Chat retention policy I just mentioned.

20 **Q.** Is this a true and correct copy of the Chat retention
21 policy?

22 **A.** Yes.

23 **Q.** And is this policy maintained in the normal course of
24 business at Google?

25 **A.** Yes.

LOPEZ - DIRECT / ROCCA

1 Q. Would you please read the first sentence of the first
2 paragraph of this Chat retention policy.

3 A. Sure. So (as read):

4 "Our Google Chat retention policy aims to reduce
5 redundant, obsolete, and trivial information in
6 corporate chats."

7 Q. My question is: Why is that an aim of the Google Chat
8 retention policy, to reduce redundant, obsolete, and trivial
9 information?

10 A. Yeah. Very simply, it's because Google, like any large
11 organization, is experiencing an explosion of information
12 that's created by every single employee every single day in
13 their everyday roles. So it's really critical for us to do
14 everything we can to minimize the amount of obsolete or trivial
15 information and try to ensure that we're only keeping those
16 items that are absolutely necessary to do our jobs.

17 Q. Now, are there privacy issues that you have in mind when
18 you try to achieve this aim?

19 A. Yes.

20 Q. Can you please describe that for the Court?

21 A. Sure. You know, one of the things that I monitor in my
22 role are developments in things like Europe's GDPR regulation.
23 California has CCPA. All of those are focused on ensuring that
24 we have a legitimate business reason to continue to retain data
25 on our systems.

LOPEZ - DIRECT / ROCCA

1 substantive type of communication, to a one-on-one chat, which
2 even with history on is judged to be less substantive, probably
3 more quick one-on-one, you know, conversation back and forth.
4 And so as a result, we've adjusted the retention period for
5 those one-on-one conversations.

6 **MR. ROCCA:** Your Honor, Google requests that DXCH-1 be
7 admitted into evidence.

8 **THE COURT:** It's admitted.

9 (Defense Exhibit DXCH-1 received in evidence.)

10 **BY MR. ROCCA:**

11 **Q.** Mr. Lopez, what steps does an employee need to take in
12 order to turn history on for a chat?

13 **A.** Yeah. Very straightforward. So in the product, there's a
14 little three-button menu. You click on that. The next section
15 you get to has a button that says "Turn history on."

16 **Q.** If you refer to Exhibit DXCH-107 in your binder,
17 Mr. Lopez.

18 **A.** Yep.

19 **Q.** Can you please tell the Court what that is?

20 **A.** Sure. So the left-hand screenshot is just showing where
21 you're starting from. So you're in a one-on-one chat; the
22 history is off.

23 Then you would click on those three dots up on the upper
24 right. That would open a menu. That's the center screenshot.
25 There you see a prominent option which says "Turn on history."

LOPEZ - DIRECT / ROCCA

1 If you click on that "Turn on history" button, now when
2 you return to the chat, you'll see that history is now on.

3 **Q.** Does this exhibit with these steps accurately reflect the
4 steps for turning history on?

5 **A.** Yes.

6 **Q.** Is there any other terminology that Googlers use when
7 referencing history on?

8 **A.** Yeah. So we internally use the terms "history on" or
9 "on the record." They're synonymous. And actually, if you
10 look at the support pages for Google Vault, they use the terms
11 side by side in the same sentence to indicate they are
12 synonymous.

13 **Q.** If an employee turns history on for a particular
14 conversation, how long does that setting remain in place for
15 the conversation?

16 **A.** Yeah. That setting will remain the same until manually
17 changed by that user.

18 **MR. ROCCA:** Your Honor, Google requests that DXCH-107 be
19 admitted into evidence.

20 **THE COURT:** It is admitted.

21 (Defense Exhibit DXCH-107 received in evidence.)

22 **BY MR. ROCCA:**

23 **Q.** Mr. Lopez, besides turning history on, are there any other
24 tools available within the Google Chat product to help
25 employees retain a message?

LOPEZ - DIRECT / ROCCA

1 A. Yes.

2 Q. Please describe that.

3 A. Yeah. Within the product, there's a feature called
4 "Forward to inbox" that allows a user to select an individual
5 message and up to four preceding messages and send those to
6 their e-mail inboxes for longer-term archiving.

7 Q. If you flip to Exhibit 108 in your binder, can you please
8 tell the Court what this exhibit is?

9 A. Yep. This is a screenshot showing the steps to forward
10 messages to your inbox.

11 Q. Can you briefly describe what the Court is seeing in this
12 exhibit?

13 A. Yeah. So as before, in this case, you're wanting to
14 forward an individual message. So the three dots will hover
15 over an individual message. That will take you to a menu.
16 Within that menu, there's an option named "Forward to inbox."
17 Click on that and the action will happen.

18 Q. And what inbox does this refer to?

19 A. Yeah. This is sending to your personal Gmail inbox, where
20 it will then be subject to the 18-month default retention
21 period.

22 Q. Does Exhibit 108 accurately reflect the steps necessary to
23 use the "Forward to inbox" function?

24 A. Yes.

25 **MR. ROCCA:** Your Honor, at this point, Google requests

LOPEZ - DIRECT / ROCCA

1 refer back to that information because it's, you know, relevant
2 to some other project that they're working on.

3 **BY MR. ROCCA:**

4 **Q.** Now, Mr. Lopez, so far we've been talking about Google's
5 retention policies in the absence of a legal hold.

6 I'd like to now ask you about retention and preservation
7 policies that come into play when a legal hold is in place.

8 Do you have any role in implementing legal holds for
9 specific matters?

10 **A.** No.

11 **Q.** Do you have a general understanding of how Google
12 approaches this from a standard practice perspective?

13 **A.** Yes.

14 **Q.** Is there any general guidance available to Google
15 employees related to the preservation of chats that may be
16 subject to a legal hold?

17 **A.** Yes.

18 **Q.** Where is that guidance maintained?

19 **A.** That's maintained in a FAQs page that accompanies our
20 Chat retention policy.

21 **Q.** Please turn to Exhibit 2, DXCH-2 in the binder.

22 Are you with me?

23 **A.** Yep.

24 **Q.** What is this document?

25 **A.** This is the page of the FAQs that I just described.

LOPEZ - DIRECT / ROCCA

1 Q. Is this a true and correct copy of the Chat retention
2 FAQs?

3 A. Yes.

4 Q. Is this a document that's maintained in the normal course
5 of business at Google?

6 A. Yes.

7 Q. Midway down, Mr. Lopez, there is a question that says,
8 quote (as read):

9 "Under what circumstances should history
10 settings be turned on in Chat?"

11 Do you see that?

12 A. Yep.

13 Q. What is the response?

14 A. Yeah. We outline two specific scenarios where history
15 should be on.

16 One of them is, if you are on legal hold and there's a
17 topic that comes up in your conversation that's related to that
18 hold, you are expected to turn history on at that point if it's
19 not already on.

20 And then also, if the subject matter of your conversation
21 is of substantive business value, you are expected to also turn
22 history on at that point for longer-term archiving.

23 Q. And, again, is this FAQ document available internally at
24 Google to all employees who are looking for information on chat
25 retention?

LOPEZ - DIRECT / ROCCA

1 **A.** Yes. It's a live page. It's available 24/7.

2 **Q.** Now let's turn to this particular case.

3 Do you have an understanding of how Google's standard
4 approach for chats was implemented specifically for the
5 employees on legal hold for this case?

6 **A.** Yes.

7 **MR. ROCCA:** Your Honor, before moving on to the next
8 series of questions, we would like the Court's guidance on an
9 attorney-client privilege issue.

10 We're prepared to provide testimony from Mr. Lopez on the
11 specific Chat preservation instructions that were included in
12 the litigation hold notice for employees for this specific
13 case. We think that that testimony may be helpful for
14 the Court because the Court asks about guidelines for chat
15 content as part of this hearing.

16 **THE COURT:** Just talk to me. You don't have to -- so
17 what's the issue? You have a litigation hold that a lawyer
18 wrote, and you're worried about sharing it. Is that the issue?

19 **MR. ROCCA:** The issue is, Your Honor, the legal hold
20 notice itself is privileged. We want to provide testimony to
21 you, if it would be helpful to the Court, about the specific
22 preservation practices for chats.

23 **THE COURT:** Is it in here?

24 **MR. ROCCA:** It is not -- the legal hold is not in there,
25 Your Honor. It's a privileged document.

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1 hear from you. I don't want to hear from you when I have ten
2 minutes to prepare, figuratively speaking. That's the issue.

3 **MS. MOSKOWITZ:** Understood.

4 **THE COURT:** All right. Look, why don't you ask your
5 questions without showing him the hold. You should be able to
6 ask him questions about the hold without showing him the hold.

7 **MR. ROCCA:** And just --

8 **MS. MOSKOWITZ:** And, Your Honor, we will take the position
9 that that just -- you'll decide it, but that that is a waiver
10 of all of the instructions that they provided.

11 **THE COURT:** Not a waiver. You can ask the questions.
12 What happened? What did the company do? What were people
13 told? That's fine. Okay? But you don't have to show him the
14 thing you're worried about.

15 **MR. ROCCA:** Your Honor, counsel just said they're going to
16 take the position that it's a waiver of all privilege. She
17 admitted exactly the issue.

18 **THE COURT:** Can I share something with you? It's my
19 position that counts.

20 **MR. ROCCA:** And so --

21 **THE COURT:** And I'm taking the position that you can ask
22 the questions and you're not going to face a waiver because I
23 will decide the waiver issue. Okay?

24 **MR. ROCCA:** Thank you, Your Honor.

25 **THE COURT:** I've given you the biggest blanket I can give

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1 you to wrap yourself in. So just go ahead and do it.

2 All right?

3 **MR. ROCCA:** Very well, Your Honor.

4 **Q.** Mr. Lopez, in this litigation specifically, the
5 Google Play cases, what specific actions did Google instruct
6 custodians to take with respect to Google Chats?

7 **MS. MOSKOWITZ:** Your Honor, I will object again, just on
8 foundation, for him being able to talk about the specific steps
9 that anyone took.

10 **THE COURT:** Let's see what he says and we'll go from
11 there.

12 Go ahead.

13 **THE WITNESS:** Yeah. So in the legal hold notice, there
14 are two specific instructions related to chats.

15 One is that folks on legal hold are asked not to use the
16 product to discuss any topics that are related to their legal
17 hold. And also, if they do find themselves in a conversation
18 that strays into a topic related to the legal hold, they're
19 asked to turn history on at that point to make sure that those
20 messages are properly preserved.

21 **BY MR. ROCCA:**

22 **Q.** Mr. Lopez, does Google have the technical ability to set
23 "History on" as the default for all employees on legal hold?

24 **A.** Yes.

25 **Q.** Why don't you do that?

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1 **A.** Yeah. So our decision not taking that route is based on a
2 variety of different factors. The most, you know, kind of
3 relevant to my work is that would lead to a massive
4 over-retention of corporate data.

5 And then, very specifically, because of the way the
6 product works, it wouldn't actually change any of the history
7 settings for existing conversations. So that would have very
8 little effect to the active conversations of the custodians
9 involved.

10 **Q.** So let's focus on that piece of --

11 **THE COURT:** If I may, just pardon me.

12 So Google never did a blanket preservation order for chats
13 relevant to this case; is that right?

14 **THE WITNESS:** I believe on-the-record chats are preserved.

15 **THE COURT:** Which chats?

16 **THE WITNESS:** The chat messages that were exchanged when
17 the history was on, on the product.

18 **THE COURT:** But the question that you were just asked, if
19 I understood it -- and you can help me if I didn't -- is: Does
20 Google have the ability, figuratively speaking, to flip a
21 switch and preserve all chats? You said "yes." You didn't
22 choose to do that, but the answer is "yes."

23 My question is: Did Google, in fact, flip that switch and
24 preserve all chats with respect to this litigation?

25 **THE WITNESS:** Well, just to clarify, the switch that we're

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1 talking about is to set the default. So it's kind of a
2 starting point of a conversation. So it doesn't change the
3 ability to toggle history on or off.

4 And like we were just talking about, if you have an
5 existing conversation and we were to flip that switch, it
6 wouldn't change the history setting of any existing
7 conversation. Only new conversations that were started after
8 that switch was flipped would start with history on, which
9 would be the effect of making the change that we were just
10 talking about.

11 **THE COURT:** I understand that. You save only after the
12 switch is on. I get that. Is that what you're saying?

13 **THE WITNESS:** Yeah.

14 **THE COURT:** I get that.

15 But did Google at any point turn the switch on for
16 everybody's chat related to this case?

17 **THE WITNESS:** No.

18 **BY MR. ROCCA:**

19 **Q.** Mr. Lopez, let's go back to Exhibit --

20 **THE COURT:** I'm sorry. Why not? You were saying, why did
21 Google choose not to preserve all the chats?

22 **THE WITNESS:** Yeah. Because to -- you know, in our
23 estimation, the kind of substantive business value of chats is
24 sufficiently low that we were confident that custodians would
25 take the instruction seriously. They would follow -- they

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1 would make sure that any relevant conversations were being
2 preserved because history was turned on in those cases and that
3 all the other conversations they were involved in were able to
4 continue in the history-off state that they were previously.

5 **THE COURT:** Okay. So, basically, you left it up to each
6 individual Google employee to decide about the history?

7 **THE WITNESS:** Yes.

8 **THE COURT:** Okay. And did anybody ever audit that? Did
9 anybody in your department ever audit the chats to make sure
10 that nothing relevant to the litigation was getting missed?

11 **THE WITNESS:** That's the thing. We don't actually monitor
12 the substance of employee conversations. So we wouldn't -- we
13 wouldn't be able to know that.

14 **THE COURT:** All right. So there was never any check to
15 make sure relevant evidence wasn't being missed?

16 **THE WITNESS:** No. We wouldn't have the ability to do
17 that.

18 **THE COURT:** Okay. And just one other -- if I may, just
19 one other question.

20 You mentioned earlier that the chat space was kind of a
21 place where people felt maybe more comfortable about airing,
22 I think you said, substance abuse issues, personal concerns and
23 the like. Is that right?

24 **THE WITNESS:** That was a group chat versus a -- a space
25 was more where, like, substantive project conversations were

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1 happening. So a group chat was what we were talking about.

2 **THE COURT:** Okay. But in your experience, is Google Chat
3 a place where people feel a little more -- sort of letting
4 their hair down, so to speak, more likely to give personal
5 opinions, that kind of a thing?

6 **THE WITNESS:** It's definitely more informal, yeah.

7 **THE COURT:** Things that they may not necessarily want to
8 put in an e-mail?

9 **THE WITNESS:** Anything under the sun that they want to
10 communicate, for sure.

11 **THE COURT:** Okay. But is it seen as something -- as a
12 place where you might say something you didn't necessarily --
13 that you thought might be too sensitive or something that you
14 didn't want to put in an e-mail?

15 **THE WITNESS:** That hasn't been my experience. I think
16 it's more down to the expediency and the speed of the
17 communication which is why you go to Chat versus using e-mail
18 for your other communications.

19 **THE COURT:** Okay. Please.

20 **BY MR. ROCCA:**

21 **Q.** Mr. Lopez, if Google were to take a big group of
22 custodians and turn the default history on, how would that
23 impact the group chat conversations that the Court was just
24 referring to that are of the more personal nature, in your
25 experience?

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1 A. Yeah. So the challenge with doing that is that you then
2 may surprise participants in group chats that were previously
3 comfortable having a conversation in a history-off state
4 because they knew those sensitive items were not going to be
5 available for longer than 24 hours. You are then changing and
6 maybe surprising folks. And, you know, with the kind of longer
7 time frame that those messages might be available, folks might
8 be less willing to share, you know, kind of those really
9 sensitive, important pieces of information.

10 Q. What impact would it have on the chat behavior of
11 participants in those groups in your experience at Google?

12 A. Yeah. I think it would just make it a less intimate space
13 to have a conversation. I think it would just change the
14 nature and folks would just be less willing to share, which,
15 you know, as we're all kind of working from home more, is even
16 more important in just building communities and relationships
17 internally.

18 Q. Finally, Mr. Lopez, have you heard of the concept of an
19 organizational unit?

20 A. Yes.

21 Q. For purposes of the chat product, what is an
22 organizational unit?

23 A. Yeah. So as far as I understand -- and this is the
24 non-engineer speaking -- an organizational unit is basically
25 just a way for a system admin to group users for the purpose of

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1 **MR. ROCCA:** Your Honor, I don't know if I moved
2 Exhibit DXCH -- those were the FAQs -- into evidence.

3 **THE COURT:** What do we have, Ms. Clark?

4 **MR. ROCCA:** Number 2. Sorry. Tab 2.

5 **THE CLERK:** You did not.

6 **MR. ROCCA:** Your Honor, may I move Exhibit 2 into
7 evidence?

8 **THE COURT:** Exhibit 2? Yes, it's admitted.

9 (Defense Exhibit DXCH-2 received in evidence.)

10 **MR. ROCCA:** Thank you, Your Honor.

11 **MS. MOSKOWITZ:** Thank you, Your Honor.

12 **CROSS-EXAMINATION**

13 **BY MS. MOSKOWITZ:**

14 **Q.** Good afternoon, Mr. Lopez. My name is Lauren Moskowitz.
15 I represent Epic Games, and I'll be questioning you on behalf
16 of all the plaintiffs here today.

17 A couple of things off the top. You say that the primary
18 way that Google employees communicate is to use Gmail. Do you
19 remember saying that?

20 **A.** Yes.

21 **Q.** Did you do any quantitative analysis to understand how
22 many chats are sent within Google on a daily basis?

23 **A.** No.

24 **Q.** So you can't tell us how many chats versus how many
25 e-mails are sent on a given day?

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1 **A.** No.

2 **Q.** And you talked about history on and history off a little
3 bit. Do you remember that?

4 **A.** Yes.

5 **Q.** And you said history on is called "on the record"; right?

6 **A.** That's right.

7 **Q.** And history off is called "off the record" at Google;
8 right?

9 **A.** They're used synonymously, yep.

10 **Q.** And in terms of the normal course document retention, you
11 said that the history-on chats are preserved for either 30 days
12 or 18 months, depending on how many participants?

13 **A.** That's right.

14 **Q.** And history-off chats are preserved for only 24 hours;
15 correct?

16 **A.** That's right.

17 **Q.** And we confirmed with you earlier, it sounds like that
18 when history on is turned on, it applies only to messages sent
19 after that setting change; right?

20 **A.** That's correct.

21 **Q.** So even if a history on is later in the chat, the prior
22 discussions will be deleted after 24 hours; right?

23 **A.** Unless you've used the "Forward to inbox" feature that we
24 discussed.

25 **Q.** Unless you have. So if you haven't, just based on the

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1 history settings, those chats before the setting change go away
2 and are deleted forever after 24 hours?

3 A. That's right.

4 Q. And there's no way to recover those deleted chats after
5 that 24 hours expires; correct?

6 A. Correct.

7 Q. And you talked a little bit about the e-mail retention of
8 18 months. Do you recall that?

9 A. Yes.

10 Q. And you said that employees could opt out and make
11 individual e-mails indefinitely saved; right?

12 A. That's right.

13 Q. Do you make that option available for chats?

14 A. No.

15 Q. And the default policy for threaded rooms is history on,
16 but the default is history off for all other chats; right?

17 A. There are multiple different kinds of rooms. So if we're
18 talking about threaded rooms, they're always on. But there are
19 also flat rooms where you have the option to toggle history,
20 like for the other chat types.

21 Q. So for all other chat types other than threaded rooms,
22 history is off by default?

23 A. That's right.

24 Q. The Court asked you -- well, withdrawn.

25 You talked about setting retention periods based on the

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1 business value to Google. Do you recall that?

2 **A.** Yes.

3 **Q.** But in terms of when a litigation hold scenario is in
4 place, the business value to Google is not the same as what is
5 relevant for preservation for litigation purposes. Would you
6 agree with that?

7 **A.** There is a different obligation that attaches for sure.

8 **Q.** The business value to Google really doesn't have anything
9 to do with what those obligations are; right?

10 **A.** It's not part of the -- the analysis at that point; you're
11 right.

12 **Q.** And when a litigation hold is in place, Google preserves
13 all e-mails from relevant custodians automatically; right?

14 **A.** That's right.

15 **Q.** Custodians don't have to do anything to make sure that
16 their e-mails are preserved; correct?

17 **A.** That's right.

18 **Q.** And custodians cannot override that automated preservation
19 of their e-mails; correct?

20 **A.** That's right.

21 **Q.** You don't require employees to manually select individual
22 e-mails to be marked as that "Indefinite"; right?

23 **A.** That's right.

24 **Q.** And so Google does not leave it up to their employees to
25 decide which e-mails are preserved; correct?

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1 please. This is a February 8th, 2016, chat between two Google
2 employees.

3 Which I will also move into evidence, Your Honor.

4 **THE COURT:** It's admitted.

5 **THE CLERK:** I'm sorry. What was the number?

6 **MS. MOSKOWITZ:** PX-11.

7 (Plaintiffs' Exhibit PX-11 received in evidence.)

8 **BY MS. MOSKOWITZ:**

9 **Q.** Are you there?

10 **A.** Yes.

11 **Q.** This is also a substantive business discussion between two
12 Google employees; correct?

13 **A.** It looks like it, yep.

14 **Q.** If you could turn to PX-106, please. This is a March 3rd,
15 2021, chat between Karan Gambhir and Mike, Michael Marchak. Do
16 you see that?

17 (Official Reporter clarifies.)

18 **BY MS. MOSKOWITZ:**

19 **Q.** -- 2021 chat between K-a-r-a-n, Gambhir, G-a-m-b-h-i-r,
20 and Michael Marchak, M-a-r-c-h-a-k.

21 Do you see that?

22 **A.** Yes.

23 **MS. MOSKOWITZ:** Your Honor, I move PX-106 into evidence.

24 **THE COURT:** Admitted.

25 (Plaintiffs' Exhibit PX-106 received in evidence.)

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1 **BY MS. MOSKOWITZ:**

2 **Q.** And these two individuals are members of the Google Play
3 team; right?

4 **A.** I don't actually know their role at the company.

5 **Q.** This is a substantive business discussion between these
6 two employees; correct?

7 **A.** It appears to be, yep.

8 **Q.** Google employees know that the default is for their chats
9 to be off the record; right?

10 **A.** Yes.

11 **Q.** And they know that off-the-record chats are not retained;
12 right?

13 **A.** I assume so.

14 **Q.** So they know that if they do want to talk about something
15 sensitive, whatever that might mean, without leaving behind a
16 record, they can do that over Google Chat; right?

17 **A.** I don't have an idea of their mental state when they use
18 the product; so no ability to answer that.

19 **MS. MOSKOWITZ:** All right. Why don't you take a look at
20 PX-9. This is GOOG-PLAY-007653956. This is a March 2021
21 document regarding "Play Apps BD Updates."

22 Let me know when you have that.

23 And, Your Honor, I will move this into evidence.

24 **THE COURT:** Okay. It's admitted.

25 (Plaintiffs' Exhibit PX-9 received in evidence.)

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1 **BY MS. MOSKOWITZ:**

2 **Q.** And really, it's a long document. I'm really going to
3 focus just on the first page. There's a heading (as read):

4 "Read me before inputting to this document."

5 Do you see that?

6 **A.** Yep.

7 **Q.** And this is some points for communications between what
8 are called BDMS -- that's business development managers; right?

9 **A.** I actually don't know what that stands for. We have a lot
10 of acronyms internally.

11 **Q.** I've noted.

12 The fourth instruction here states, quote (as read):

13 "Comment freely but please be aware that this
14 doc is not privileged."

15 End quote. And it says, continues, quote (as read):

16 "For anything sensitive, please move to
17 Chat/video call."

18 Do you see that?

19 **A.** Yep.

20 **Q.** Let's please look at PX-31, GOOG-PLAY4-003752440. This is
21 a document for a September 13th, 2018, event entitled
22 "Roundtable Breakfast with Don Harrison." Do you see that?

23 **A.** Yes.

24 **MS. MOSKOWITZ:** Your Honor, I move this into evidence as
25 well.

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1 Q. And, Mr. Rosenberg, when you were in that last full-time
2 role, did you ever intentionally delete any chats related to
3 this litigation?

4 A. No, I did not.

5 **MR. KRAVIS:** Thank you, Mr. Rosenberg.

6 I have no further questions.

7 **THE COURT:** Okay. You want to pass the witness to what
8 should be a brief exam, I would imagine.

9 **MS. MOSKOWITZ:** Thank you, Your Honor. May I proceed?

10 **THE COURT:** Yes.

11 **MS. MOSKOWITZ:** Thank you.

12 **CROSS-EXAMINATION**

13 **BY MS. MOSKOWITZ:**

14 Q. Good afternoon, Mr. Rosenberg.

15 A. Good afternoon.

16 Q. My name is Lauren Moskowitz. I represent Epic Games, and
17 I'll be questioning you on behalf of the plaintiffs.

18 You just ended your direct by talking about what your role
19 was at the time this litigation was commenced. Do you remember
20 that?

21 A. I do.

22 Q. And I think you -- you said your team wasn't responsible
23 for Google Play, but you acknowledge that you were consulted
24 and communicated about Google Play throughout the rest of your
25 tenure at Google; correct?

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1 A. That happened from time to time.

2 Q. Right. You received plenty of e-mails about Google Play
3 issues throughout the rest of 2020 and 2021 and 2022; correct?

4 A. I might have been on e-mails as part of larger groups that
5 were included on those e-mails.

6 Q. You were involved; right? It's not a "might." You know
7 you got those e-mails; right? Do I have to show them to you?

8 A. No. If you're asking whether I received e-mails about
9 Google Play during that period, yes, I did.

10 Q. And you also participated in chats about issues relating
11 to this lawsuit throughout that time; right?

12 A. I don't know.

13 Q. Do you remember your counsel just showed you one?

14 A. A chat relating to the lawsuit?

15 Q. About the MADA and the contract from December of 2020,
16 PX-92?

17 A. There was a -- yes, I remember seeing a chat about MADA.

18 Q. Right. Do you understand whether MADAs are at issue in
19 this case or not?

20 A. I'm not familiar with the specific details of the case.

21 Q. You can't tell me sort of what topics are and are not
22 relevant to this case; right?

23 A. Not in detail, no.

24 Q. All right. So moving ahead here, you testified that you
25 used Google Chat, I think you said probably a few times a day

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1 for various purposes. Right?

2 **A.** Yes.

3 **Q.** So you were at Google for 11 years, I think. If we do the
4 math, we're talking about thousands and thousands of chats;
5 right?

6 **A.** Potentially.

7 **Q.** Do you have any reason to believe it's not thousands and
8 thousands of chats?

9 **A.** No, not necessarily.

10 **Q.** You testified to your counsel about various ways that you
11 used Chat and saw some examples of those. Do you remember
12 that?

13 **A.** I do.

14 **Q.** I just want to make sure I understand your testimony. I
15 want to make sure I heard it.

16 Did you -- is it your testimony that you did not use Chat
17 for substantive business discussions at all?

18 **A.** That was not my testimony.

19 **Q.** So you did, in fact, use Chat -- in addition to those
20 other reasons, you also used Chat to conduct substantive
21 business discussions; correct?

22 **A.** Not that I recall, but it's possible.

23 **Q.** Do you think it didn't happen?

24 **A.** It's possible.

25 **Q.** All right. Let's look. Let's look at a couple.

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1 Let's hand up those books. Sorry we didn't do that.

2 Let's hand those up, please.

3 While that's being handed up, you recall sitting for a
4 deposition in this case?

5 **A.** I do.

6 **Q.** All right. And do you remember testifying about
7 Project Banyan in that deposition?

8 **A.** I do.

9 **Q.** And Project Banyan is a code name for a potential deal
10 where Google proposed paying \$200 million to Samsung in
11 exchange for, among other things, Samsung agreeing to use
12 Google Play instead of the Samsung store to distribute apps?

13 **A.** I would characterize it a bit differently, but
14 Project Banyan was related to a potential collaboration with
15 Samsung on app stores.

16 **Q.** And it was on the order of hundreds of millions of
17 dollars?

18 **A.** There were economics involved, yes.

19 **Q.** On the order of \$200 million?

20 **A.** That, I -- that sounds familiar as part of our proposal.

21 **Q.** And Mr. Kolotouros, Jim Kolotouros, K-o-l-o-t-o-u-r-o-s,
22 managed Google's relationship with Samsung; is that right?

23 **A.** He managed -- yes. He was a member of our business
24 development team, and the Samsung account was one of the
25 accounts he was responsible for.

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1 Q. And you and Mr. Kolotouros discussed this \$200 million
2 deal over Google Chat; right?

3 A. I don't recall.

4 Q. All right. Let's look at PX-37 in your binder, please,
5 GOOG-PLAY-001974461, a June 8th, 2019, e-mail between
6 Mr. Kolotouros and yourself.

7 Please let me know when you're there.

8 A. Yes, I see it.

9 Q. And it may look familiar. It was marked during your
10 deposition as Exhibit 786. Do you see that?

11 A. Yes.

12 **MS. MOSKOWITZ:** Your Honor, I move PX-37 into evidence.

13 **THE COURT:** It's admitted.

14 (Plaintiffs' Exhibit PX-37 received in evidence.)

15 **BY MS. MOSKOWITZ:**

16 Q. According to your e-mail that you sent at 10:28 a.m. -- do
17 you see where I am?

18 A. Yes.

19 Q. At 10:28 a.m., you said in this e-mail to Mr. Kolotouros,
20 quote (as read):

21 "You mentioned in our IM chat yesterday that
22 Samsung broached the topic of asking for rev share on
23 the Play Store."

24 Do you see that?

25 A. I do.

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- 1 Q. So you're referencing in an e-mail the fact that you had a
2 Google Chat conversation with Mr. Kolotouros about negotiations
3 with Samsung; correct?
- 4 A. Yes.
- 5 Q. And those chats no longer exist; right?
- 6 A. I assume they don't.
- 7 Q. And they no longer exist because when you had those
8 conversations, your chat history was turned off and so was
9 Mr. Kolotouros's; correct?
- 10 A. I can't speak for his, but mine was turned off.
- 11 Q. You also understood that he kept his off too?
- 12 A. I -- I didn't -- didn't know that.
- 13 Q. Okay. All right. Well, we have his testimony.
14 So the only reason we ever knew that these chats even
15 existed is the mention of them in an instant message -- I'm
16 sorry -- of an instant message in this e-mail; right?
- 17 A. I assume so.
- 18 Q. Okay. Can I get your agreement that the IM chat
19 referenced in this e-mail was not the only conversation you had
20 with Mr. Kolotouros about the status of negotiations with
21 Samsung and other OEMs?
- 22 A. Not the only conversation --
- 23 Q. This wasn't the only chat you ever had with him; right?
- 24 A. I don't -- I don't know if it was.
- 25 Q. Do you think it was even possible that that was the single

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1 chat you ever had with Mr. Kolotouros over your entire time
2 working with him at Google?

3 **MR. KRAVIS:** Objection. Vague. And misstates the prior
4 testimony.

5 **THE COURT:** Overruled.

6 **THE WITNESS:** I'm sorry. Can you repeat the question?

7 **BY MS. MOSKOWITZ:**

8 **Q.** Sure. I'm trying to understand if it's your testimony
9 that you think it's even in the realm of possibility that the
10 one chat referenced in this e-mail that we don't have was the
11 only time you ever communicated over Chat with Mr. Kolotouros.

12 **A.** No, it wasn't the only time I communicated over Chat with
13 him.

14 **Q.** And you had substantive business communications with him
15 over Chat; right?

16 **A.** Not typically, no.

17 **Q.** But you did it; right? You did have some; right?

18 **A.** Are you -- if I could just ask a question. Are you
19 clarifying -- are you categorizing this as a substantive
20 business conversation?

21 **Q.** Well, let's see what your definition is because I think
22 that might be part of the problem.

23 **A.** Right.

24 **Q.** Do you think having a chat about negotiation status with a
25 \$200 million deal with Samsung is a substantive business

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1 communication?

2 **A.** It would be, but what I want to point out to you is that
3 the rest of the discussion on that topic was happening in
4 e-mail.

5 **Q.** Yeah, I get that --

6 **A.** And so what we --

7 **Q.** -- there's something in the e-mail.

8 **A.** What we did here is actually bring the conversation into
9 the -- into the e-mail.

10 **Q.** We will never know if that's right; right? We don't have
11 the chat. You can't tell me that's what happened, can you?

12 **A.** I -- I don't know, but I know that the discussion was
13 happening in the e-mail and we added this topic to that
14 discussion.

15 **Q.** Yeah, I got the e-mail. We're very happy to have the
16 e-mails. I'm talking about the chat. You cannot tell me what
17 was and was not in that chat; right?

18 **A.** I don't recall what was in the chat.

19 **Q.** And you had other substantive business communications with
20 Mr. Kolotouros over Chat; right?

21 **A.** It's possible that I did.

22 **Q.** It's likely you did; right?

23 **A.** I -- I don't know.

24 **Q.** All right. How about other people? You had substantive
25 business communications over Chat with other Google employees

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1 over the time you worked at Google; correct?

2 **A.** It wouldn't be typical, but it's possible.

3 **Q.** It's not only possible. I just want to understand your
4 testimony. Do you or do you not concede that you did have
5 substantive business communications over Chat with colleagues
6 at Google over your time there?

7 **A.** I don't recall the chat conversations I had.

8 **MS. MOSKOWITZ:** All right. PX-16, please, March, 17th,
9 2017, chat between you and Ashish, A-s-h-i-s-h, Pimplapure,
10 P-i-m-p-l-a-p-u-r-e. Let me know when you have it.

11 And I will move this PX-16 into evidence, please,
12 Your Honor.

13 **THE COURT:** It is admitted.

14 (Plaintiffs' Exhibit PX-16 received in evidence.)

15 **BY MS. MOSKOWITZ:**

16 **Q.** Do you have it?

17 **A.** I do have it.

18 **Q.** This is a conversation over Chat between you and
19 Mr. Pimplapure, who was one of the individuals responsible for
20 the Google relationship with Samsung; right?

21 **A.** Yes.

22 **Q.** This is an eight-page-long chat conversation; right?

23 **A.** I see that.

24 **Q.** Yeah. And it lasted over six hours; right?

25 **A.** I could double-check, but I believe you on that.

ROSENBERG - CROSS / MOSKOWITZ

1 Q. All right. And without having to spend time reading this
2 out loud, can you agree that this is a substantive business
3 communication that you had over Chat at Google?

4 A. So there are a couple of things going on here. One is, we
5 are coordinating on getting to a final contract signature, and
6 so we're trying to -- I think we were going back and forth on,
7 you know, where are we on that. So more in the sort of
8 logistics realm.

9 Q. Okay. So you put this in the logistical bucket?

10 A. Part of it. And then another part of it was preparing for
11 a meeting that was going to happen and going back and forth in
12 terms of what we needed in advance of the meeting. I mean,
13 there's certainly topic -- you know, topics here that are
14 implicated, but it's in reference to this contract or it's in
15 reference to the meeting that's about to happen.

16 Q. Just a clean question. Does this chat contain substantive
17 business discussions at Google or not?

18 A. So this chat includes discussions about business topics,
19 but the reason I struggle with the question is they're very
20 incomplete. Like, this is not where the entire discussion is
21 happening. It's not where the full issue is being -- is being
22 framed up.

23 Q. That may be true, but it contains part of the discussion
24 on a substantive business topic; agree?

25 A. I would characterize this more as coordination.

ROSENBERG - CROSS / MOSKOWITZ

1 **MS. MOSKOWITZ:** Okay. PX-25, please, July 20, 2018, chat
2 between you and Mr. Borchers, B-o-r-c-h-e-r [sic]. Let me know
3 when you have it.

4 I will move PX-25 into evidence, please.

5 **THE COURT:** Admitted.

6 (Plaintiffs' Exhibit PX-25 received in evidence.)

7 **BY MS. MOSKOWITZ:**

8 **Q.** You there?

9 **A.** I have it.

10 **Q.** All right. This is a chat describing business counsel at
11 Google approving a proposal to offer Epic 100 to 200 million
12 dollars to try to persuade it to launch Fortnite on
13 Google Play. Do you see that?

14 **A.** I don't see those numbers mentioned here, but I see the
15 reference to business counsel.

16 **Q.** And there was a discussion in Chat about the strategy of
17 how to make that offer and how to make it more attractive than
18 whatever Samsung might be offering; right?

19 **A.** Yeah, based on the cont- -- I don't remember this chat
20 specifically; but based on the context, I think we were nearing
21 a meeting with Epic. Bob, who was running marketing for us at
22 the time, was reaching out to me, asking if I had everything I
23 needed for the meeting.

24 **Q.** Okay. So was this a substantive business communication,
25 in your view?

ROSENBERG - CROSS / MOSKOWITZ

1 **A.** Again, I would put this more in that sort of
2 coordination/meeting readiness category.

3 **Q.** Okay. All right. That's good to know.

4 All right. So let's talk about the holds. You've been
5 placed under many litigation holds over your time at Google;
6 right?

7 **A.** I believe so, yes.

8 **Q.** During the last five or six years at Google, do you recall
9 a time where you were not under at least one litigation hold?

10 **A.** I don't.

11 **Q.** And is it fair to say that in the aggregate, the holds
12 cover pretty much every aspect of your job?

13 **A.** I assumed they did.

14 **Q.** Let's see. So I think you talked about not really
15 communicating after the litigation hold. Is that your -- is
16 that your testimony, that you didn't really communicate over
17 Chat after getting a hold?

18 **A.** I don't recall --

19 **Q.** Okay.

20 **A.** -- testifying exactly that way.

21 **Q.** All right. So you did use chats after getting the
22 litigation holding?

23 **A.** Yes. I use Chat every day.

24 **Q.** You recall receiving live training on written
25 communications several times throughout your career at Google;

ROSENBERG - CROSS / MOSKOWITZ

1 right?

2 **A.** I definitely recall training -- receiving training once or
3 twice.

4 **Q.** And those were live discussion sessions with a group of
5 people; right?

6 **A.** Yes, typically.

7 **Q.** And many people at Google received that same training you
8 got; right?

9 **A.** I think others did, yes.

10 **Q.** And those training sessions were presented by lawyers?

11 **A.** The ones that I was in, yes.

12 **Q.** And those trainings included presentation slides?

13 **A.** Yes.

14 **MS. MOSKOWITZ:** Please take a look at PX-120. This is a
15 June 14th, 2021, slide deck.

16 I would move PX-120 into evidence, please, Your Honor.

17 **THE COURT:** What is this?

18 **MS. MOSKOWITZ:** What is it?

19 **THE COURT:** Yes.

20 **MS. MOSKOWITZ:** Oh, we are going to talk about it. It is
21 a presentation that Google trains its employees on how to,
22 quote, communicate with care.

23 **MR. KRAVIS:** I object on relevance grounds. This is
24 irrelevant. It has nothing to do with the issues before
25 the Court at the hearing. This is a separate issue that was

ROSENBERG - CROSS / MOSKOWITZ

1 litigated by the state plaintiffs in another case. They did
2 not prevail there. It is not relevant here.

3 **MS. MOSKOWITZ:** A very different issue. And I'm happy to
4 lay the foundation by pointing everyone's attention to the
5 relevant pages.

6 **THE COURT:** Okay. It's admitted. Go ahead.

7 **MS. MOSKOWITZ:** Thank you.

8 (Plaintiffs' Exhibit PX-120 received in evidence.)

9 **BY MS. MOSKOWITZ:**

10 **Q.** So the first page is -- it shows that it's an interactive
11 set of slides, right, that you click through?

12 **A.** I assume so, yes.

13 **Q.** And if you turn to the second page --

14 **THE COURT:** Well, have you ever seen this document
15 before --

16 **THE WITNESS:** I don't recall this --

17 **THE COURT:** -- Mr. Rosenberg?

18 **THE WITNESS:** I don't recall this specifically. This is
19 not -- this is the not training that I remember.

20 **THE COURT:** He has to be familiar with it before you start
21 asking questions.

22 **BY MS. MOSKOWITZ:**

23 **Q.** Okay. You received "Communicate with Care" training;
24 correct?

25 **A.** I did receive training, but I don't -- I don't recognize

ROSENBERG - CROSS / MOSKOWITZ

1 this particular training.

2 **MS. MOSKOWITZ:** All right. Your Honor, I think the
3 contents, even if not this specific document, may have been
4 provided in the training. Can I ask whether he has received
5 training along the lines of some of the contents of
6 these pages?

7 **THE COURT:** If you want to use it as a door opener, sure,
8 but don't ask him to testify about a document he hasn't seen
9 before.

10 **BY MS. MOSKOWITZ:**

11 **Q.** Okay. Did you receive training from Google that reminded
12 employees that Google is in the public eye and often in the
13 courthouse and has to produce documents in connection with
14 those proceedings?

15 **A.** I don't know if that was the specific content of the
16 training I received.

17 **Q.** Did you have that understanding as a Google employee?

18 **A.** Which -- understanding of what? Sorry?

19 **Q.** That Google was going to have to produce lots of records
20 in lots of litigation and government proceedings based on
21 Google being in the public eye.

22 **A.** I mean, I had that understanding generally. I don't know
23 if that understanding came from one of these trainings.

24 **Q.** Okay. So do you recall ever being presented with
25 hypothetical scenarios of how to approach communicating about

ROSENBERG - CROSS / MOSKOWITZ

1 certain issues in those trainings?

2 **A.** I don't recall.

3 **Q.** Do you ever recall getting trained on moving conversations
4 over to Chat in connection with those trainings?

5 **A.** I don't recall.

6 **Q.** Okay. Well, we'll reserve that for closing. I'll move
7 on.

8 During your time at Google, you kept your chat history off
9 the entire time; correct?

10 **A.** Correct. I didn't change the default.

11 **Q.** And when you were deposed on February 10th of 2022, your
12 chat history was still turned off; correct?

13 **A.** Correct.

14 **Q.** You have done nothing to preserve chats for purposes of
15 this litigation; correct?

16 **A.** I have not done anything to preserve chats for this
17 litigation.

18 **MS. MOSKOWITZ:** I pass the witness, Your Honor.

19 **THE COURT:** Did you get one of those litigation hold
20 notices for this case?

21 **THE WITNESS:** I did.

22 **THE COURT:** Okay.

23 Okay. Is that it?

24 **MR. KRAVIS:** Your Honor, may I just very briefly inquire
25 about these exhibits?

ROSENBERG - REDIRECT / KRAVIS

1 **THE COURT:** Very briefly, please.

2 **MR. KRAVIS:** Thank you.

3 REDIRECT EXAMINATION

4 **BY MR. KRAVIS:**

5 **Q.** Mr. Rosenberg, very briefly. I think I heard you testify
6 on direct examination that the last full-time position you held
7 at Google was from March of 2020 until September of 2022. Did
8 I have that right?

9 **A.** May of 2020 --

10 **Q.** May of 2020.

11 **A.** -- to September of 2022.

12 **Q.** Thank you. Yes.

13 And I think, as we had discussed, you were in that
14 position when this litigation was filed in August of 2020. Do
15 I have that right?

16 **A.** Yes.

17 **Q.** Can I ask you to just take a look at Plaintiffs'
18 Exhibit 37, one of the exhibits you were shown. What's the
19 date on that exhibit?

20 **A.** The date is June 8th, 2019.

21 **Q.** Before the lawsuit was filed?

22 **A.** Yes.

23 **Q.** Plaintiffs' Exhibit 16, can you take a look at that. The
24 date of that one is March 17th, 2017?

25 **A.** Correct.

PROCEEDINGS

1 **THE COURT:** Okay. Here's what I would like to do. I
2 actually think I need to hear a little bit more.

3 I'm going to put this in the minute order, but I would
4 like to have answers to the following questions.

5 Number one, how many --

6 I'm sorry. You can step down. Be careful on the way
7 down.

8 (Witness excused.)

9 **THE COURT:** Number one, how many of the Google individuals
10 who received a litigation hold elected to preserve their chats?
11 So we've heard testimony there are about 360 people who got the
12 hold notice. How many of those people actually preserved their
13 chats?

14 If it's possible -- meaning not too much work. If it's
15 some work, that's okay, but not too much work -- when did those
16 individuals elect to start preserving their chats, by date?

17 I'd also like to know that for those people who did elect
18 to preserve their chats, did they stop at any point? And if
19 so, when?

20 I'd like to know has there been any case -- any case -- in
21 which Google has been a party in the last five years where the
22 company has systematically preserved chats or prevented
23 deletions of chats or suspended -- turned history on -- however
24 you want to put it -- I want to know if there's been any case
25 in the United States in the last five years where Google has

PROCEEDINGS

1 preserved the chats systematically and not just left it up to
2 individual users to make their own call. So that's what -- I
3 need more on that.

4 If you can present that in a written form, that's fine.
5 If you want to bring somebody in for further testimony, that's
6 fine.

7 I do want to have a more expanded opportunity for closing.
8 Let me just give you some initial thoughts. All right? These
9 are all tentative thoughts. It's a little more than what I
10 typically say of "speaking among friends," but it's by no means
11 a finding and I could very well change my thinking on it,
12 depending on how we go.

13 But I'll tell you where I am right now. And that is,
14 I think there's little doubt on the evidence that we've heard
15 so far that Chat, Google's Chat function could, in fact, have
16 contained evidence relevant, as "relevance" is defined in the
17 Federal Rules of Evidence, to this case.

18 I think the evidence also shows that Google did not
19 systematically preserve those chats but, instead, left the
20 preservation of chats to the discretion of each individual who
21 received a hold notice.

22 It also is clear to me from the evidence that Google never
23 monitored the chats to see if relevant evidence was possibly
24 being lost.

25 I'm concerned about all this for a variety of reasons, but

PROCEEDINGS

1 one of them is, at our very first case management conference in
2 October of 2020, Docket Number 45, Google represented to me
3 that it had taken all appropriate steps to preserve all
4 evidence relevant to the issues reasonably evident in this
5 action. I'm finding that representation to the Court to be
6 hard to square with what appears to have been failure to
7 preserve the chats. So I'd like to hear more about whether
8 that representation was, in fact, accurate or not.

9 I also want to hear about when the chat issue first came
10 up. Now, this is the first I'm hearing about it. I don't know
11 when it came up between the parties. But I have to say, a good
12 argument can be made that if Google didn't intend to preserve
13 the chats, they should have told me about that in October of
14 2020. We could have had a much better discussion about why and
15 what you're going to do and burden and everything else. I
16 don't recall that happening. Now, maybe it did, and you can
17 help me figure that out, but I don't recall that happening.

18 At the very least, you should have shared that with your
19 colleagues across the aisle and had a discussion with them
20 because they're a stakeholder in the collection of that
21 evidence. I don't believe that happened either. So I want to
22 hear more about that.

23 Now, I also want to hear, assuming I stick with those
24 tentative impressions, what the remedy is going to be. Now,
25 I'll just tell you, think of it as a U-curve, U-shaped curve.

PROCEEDINGS

1 The 10 percent side that says, "You win by default, plaintiffs"
2 is just not going to happen. All right? That's not going to
3 happen. So don't even propose that to me. The next 10 percent
4 of just inviting the jury to conclude that Google's guilty
5 because they didn't produce chats is not going to happen. I'm
6 not going to do that.

7 On the other hand, I'm not going to let -- assuming I
8 stick with these tentative conclusions, I'm not going to let
9 Google get away with this is. There is going to be a
10 substantial trial-related penalty. Now, what that is, I don't
11 know. I'm thinking purely off the top of my head. Here are
12 some options that I have considered.

13 Well, you know what? I'm not going to do that.

14 I want you to tell me, in the first instance, what you
15 think an appropriate remedy is. Now, you have to put some
16 specificity on it. Just saying, "Oh, you know, the general
17 principles of FRCP 37(e)(2)," that's not going to help me. You
18 need to tell me exactly what you would like to have done in
19 this case.

20 As I said, this is a sizable, important, complicated
21 antitrust case. I'm not going to give an invitation to the
22 jury to decide it all on the basis of missing chats. It's just
23 not fair. I think that could be a due process violation.

24 The reason I say that is, this is going to be a challenge
25 for the jury. I have a hundred percent confidence in juries.

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PX-16

Message

From: Jamie Rosenberg (jamierosenberg@google.com) [jamierosenberg@google.com]
Sent: 3/17/2017 12:36:52 AM
To: Ashish Pimplapure [pimplapure@google.com]

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 17:36:52

i'm going to try to reach Peter now... any update from ES on getting final devices with final software?

- **Ashish Pimplapure**, 2017-03-16 17:39:30

I spoke with Jay. He is looking into giving us access to final hardware ID. (We may need to visit Samsung office as they won't release it outside). For build software, they are saying that current build software is final. However, the apps will update closer to launch as the apps are not finalized (including Bixby)

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 17:43:08

That sounds a bit evasive. How are they planning to get the "updated" apps on the device? I can't see how they'd deliver Bixby over the air if they don't have voice input wired up now and it's a key part of the device proposition.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 17:43:23

Also, can we get sample builds for all the configurations contemplated in our waiver so we can validate placement?

- **Ashish Pimplapure**, 2017-03-16 17:44:00

For placement, yes. That is an approval condition.

- **Ashish Pimplapure**, 2017-03-16 17:44:17

(on a per sku basis)

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 17:44:39

Right... but they need to deliver us devices for our "TA", where it's actually feasible for them to address issues if we find them

- **Ashish Pimplapure**, 2017-03-16 17:47:26

for the build approval, our TAMs will just reflash an existing device (lunchbox version of GS8) with the build to review and approve it.

- **Ashish Pimplapure**, 2017-03-16 17:47:54

so for h/w, we have lunchbox only

- **Ashish Pimplapure**, 2017-03-16 17:48:21

but for s/w, we get all build variations...

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 17:48:37

that's an OK approach for things like placement

- **Ashish Pimplapure**, 2017-03-16 17:54:59

So CTS / GTS: automated tests, placement, other contractual requirements: manual review of build on flagship lunchbox. But no final form hardware disclosure from Samsung as it is not covered under any requirement, and they guard it till unpacked.

- **Ashish Pimplapure**, 2017-03-16 18:18:19

Hi Jamie, I just sent you and others a note re: final h/w & s/w, including ES's response.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 18:19:40

what do you think we should do about the long press issue?

- **Ashish Pimplapure**, 2017-03-16 18:20:12

two things:

- **Ashish Pimplapure**, 2017-03-16 18:20:28

1. checking if there is a bug ... the issue that Hiroshi identified

- **Ashish Pimplapure**, 2017-03-16 18:21:27

2. since both long and short press map to the assistant, require that they should have the same time delay. (500ms).

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 18:30:30

Can you please send an email to Jay + Peter with exactly what we want, so there is no confusion? Btw, on my call with Peter he said he considers is done with MADA. I said let's start the signing process...and he agreed...so pls follow up on that.

- **Ashish Pimplapure**, 2017-03-16 18:31:11

Thanks. That is great news. Will do.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 18:35:02

Btw, I don't know if that means they fully reviewed the last draft you sent over, but let's be presumptive and start the signing process anyway.

- **Ashish Pimplapure**, 2017-03-16 18:35:54

understood. We typically do one final review with redlines of final draft against original (in this case 2014 MADA), which we get started

- **Ashish Pimplapure**, 2017-03-16 18:36:12

(just want to make sure that nothing was slipped inadvertently)

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 19:52:46

yt?

- **Ashish Pimplapure**, 2017-03-16 19:57:55

Hello

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 19:59:30

hi. hiroshi and I are talking to Injong and Peter at 10 p.m. about the home button issue. can I call you to make sure I have background on anything else that's open?

- **Ashish Pimplapure**, 2017-03-16 20:00:23

Happy to chat. We shared the draft earlier today, but have not seen their response yet.

- **Ashish Pimplapure**, 2017-03-16 20:00:59

for non business issues, we need their email confirmation on things like supporting Hotword and Duo reset by MR, etc.

- **Ashish Pimplapure**, 2017-03-16 20:01:07

let me prepare a list and send it to you

- **Ashish Pimplapure**, 2017-03-16 20:01:18

and then we can chat on phone.

- **Ashish Pimplapure**, 2017-03-16 20:03:27

actually

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:03:32

It's less about MADA and what we need for device approval. They are going to push us on the call to articulate where the finish line is.

- **Ashish Pimplapure**, 2017-03-16 20:03:32

let me update the S8 blocker doc

- **Ashish Pimplapure**, 2017-03-16 20:03:37

got it

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:03:59

And is there a distinction between CTS approval and device approval?

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:04:29

Finally, what asks do we have of them for dogfood devices and additional build configurations? i.e., do we need to see all app placement configurations before we can approve... and have we communicated that to them?

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:04:53

And have we confirmed that no carriers are getting final HW devices for their TA, or are they treating us differently?

- **Ashish Pimplapure**, 2017-03-16 20:05:12

they are treating us differently

- **Ashish Pimplapure**, 2017-03-16 20:05:20

they are only providing what is contractually required

- **Ashish Pimplapure**, 2017-03-16 20:05:35

so they send us lunchbox devices + all builds

- **Ashish Pimplapure**, 2017-03-16 20:05:48

(this is for flagships)

- **Ashish Pimplapure**, 2017-03-16 20:06:24

will update the doc now

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:12:50

are you suggesting that we hold up approval until all blockers are resolved? CTS approval? Full device approval? And has this been communicated to them?

- **Ashish Pimplapure**, 2017-03-16 20:13:04

CTS is clean

- **Ashish Pimplapure**, 2017-03-16 20:13:23

GTS has one issue (flexible apps in user partition) which goes away after MADA is confirmed

- **Ashish Pimplapure**, 2017-03-16 20:13:36

so it is really about the open issues in the doc that I am listing

- **Ashish Pimplapure**, 2017-03-16 20:13:42

we have communicated these to them

- **Ashish Pimplapure**, 2017-03-16 20:13:53

https://docs.google.com/document/d/1tspCxiHeUXn0sSxXwEtsWNhvOqS0XAcBc4IEvrdQr_4/edit

- **Ashish Pimplapure**, 2017-03-16 20:14:17

Our TAM (Andrew Back) communicates these right after each build review

- **Ashish Pimplapure**, 2017-03-16 20:14:32

so their tech team has known these for a while

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:15:34

Has their business team known about them?

- **Ashish Pimplapure**, 2017-03-16 20:15:42

Jay has

- **Ashish Pimplapure**, 2017-03-16 20:16:08

although it appears that they just bundle everything as "CTS approval";

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:17:44

the doc doesn't seem up to date. All issues you list seem closed... though a few need verification. So where is the finish line for them?

- **Ashish Pimplapure**, 2017-03-16 20:22:34

it is the items in bulleted list: a few verifications + resolution of long touch / press.

- **Ashish Pimplapure**, 2017-03-16 20:22:45

and I am re-checking with TAM team on any other open items.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:29:45

Ok

- **Ashish Pimplapure**, 2017-03-16 20:38:39

btw, Samsung just pinged me and asked about the list. would be helpful to share it in advance with them so both parties are on the same page.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:43:44

yes, please do.

- **Ashish Pimplapure**, 2017-03-16 20:44:20

thanks

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:49:25

also, pls try to get a better answer on hotword... I don't understand why it's taking that long, particularly since all the code seems to be done

- **Ashish Pimplapure**, 2017-03-16 20:50:16

they are dragging their feet. Really disappointed that in spite of all our efforts with both SoCs (Qualcomm & SLSI), Samsung is taking so long

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 20:55:06

so we should ask Samsung to commit to first MR for this, right? Also, have they committed to Daydream for first MR?

- **Ashish Pimplapure**, 2017-03-16 20:56:03

Hotword: they did commit to first MR at MWC.

- **Ashish Pimplapure**, 2017-03-16 20:56:19

so we should just hold them to that date

- **Ashish Pimplapure**, 2017-03-16 20:56:27

Same for Daydream

- **Ashish Pimplapure**, 2017-03-16 20:56:39

there is really no excuse for them to slip either of these

- **Ashish Pimplapure**, 2017-03-16 20:57:14

(we have not brought up Daydream in our MADA review process)

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:02:05

Reading through the doc, it seems that we should be able to verify most things with the build we have (and should do that ASAP, no later than tomorrow). Pls split the doc into 1) things we can (and should) verify with the build we have. 2) Asks of Samsung for additional verification (seems like Gmail, plus additional configurations of app placement [i.e., open market, non-US carrier, etc.]; and 3) Commitments for first MR. I should only be talking about #2 and #3 on the call.

- **Ashish Pimplapure**, 2017-03-16 21:02:30

ok

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:16:08

when you have that ready, pls send in that format to Samsung as well, so we can all be working off the same list. And lmk when it's ready so I can send to Hiroshi.

- **Ashish Pimplapure**, 2017-03-16 21:16:40

ok

- **Ashish Pimplapure**, 2017-03-16 21:24:05

resolved all comments

- **Ashish Pimplapure**, 2017-03-16 21:24:16

no other inputs from APES

- **Ashish Pimplapure**, 2017-03-16 21:24:22

so it is ready for your review

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:27:55

i added one more question

- **Ashish Pimplapure**, 2017-03-16 21:28:39

we approve builds on a SKU basis

- **Ashish Pimplapure**, 2017-03-16 21:28:54

GS8 launch is staggered over a few months

- **Ashish Pimplapure**, 2017-03-16 21:28:59

so we won't get all builds in one go

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:29:05

ok

- **Ashish Pimplapure**, 2017-03-16 21:29:19

we are getting the big ones: VZ, AT&T, etc.

- **Ashish Pimplapure**, 2017-03-16 21:29:42

other builds (smaller countries) may come later

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:33:01

ok. you can resolve the comment and then pls send to Samsung

- **Ashish Pimplapure**, 2017-03-16 21:33:25

Done. Sent to Jay.

- **Ashish Pimplapure**, 2017-03-16 21:34:56

got the message that they are reviewing it now

- **Ashish Pimplapure**, 2017-03-16 21:39:51

just one minor tweak, this is for us to verify.... Gmail will be in the folder for carrier version. (I also clarified with Samsung)

- **Ashish Pimplapure**, 2017-03-16 21:41:38

Also, please let me know if I should join the call. Happy to listen in.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:42:19

who is attending from their side?

- **Ashish Pimplapure**, 2017-03-16 21:42:40

checking...

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:43:05

I told them Hiroshi and I were joining and am expecting Injong and Peter

- **Ashish Pimplapure**, 2017-03-16 21:43:15

ok

- **Ashish Pimplapure**, 2017-03-16 21:49:31

they responded with four: Injong / Peter / Jay / Seung. If a small group is preferred, I can ask them to have just Injong & Peter.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 21:51:42

if they are bringing four then you should join. i will add you to the invite

- **Ashish Pimplapure**, 2017-03-16 21:51:59

sounds good. thanks

- **Ashish Pimplapure**, 2017-03-16 22:01:09

btw, feedback from Samsung:

- **Ashish Pimplapure**, 2017-03-16 22:01:48

On 500ms: they want to find out the right value.

- **Ashish Pimplapure**, 2017-03-16 22:02:12

Hotwords: they say that both teams agreed to finish dev / QA by 6/15 and then do next MR

- **Ashish Pimplapure**, 2017-03-16 22:02:24

Email: they want to fix it via an app update

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:02:24

which teams?

- **Ashish Pimplapure**, 2017-03-16 22:02:49
samsung / soc / google. QA is from samsung, and that is the long pole
- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:03:28
i don't feel very well informed on the hotword issue. is the development work done or not?
- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:03:50
and on 500ms, have we shared any data or research from our side on the right value?
- **Ashish Pimplapure**, 2017-03-16 22:05:37
500ms:
- **Ashish Pimplapure**, 2017-03-16 22:05:38
we have not shared any data
- **Ashish Pimplapure**, 2017-03-16 22:05:59
Assistant team's first priority was that they both have the same value (touch / press)
- **Ashish Pimplapure**, 2017-03-16 22:06:04
and preference is 500ms
- **Ashish Pimplapure**, 2017-03-16 22:06:18
but worst case time would be scott's decision
- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:06:18
would be good to know (maybe from Glen/ Pixel team) what research we did on the right value for Pixel
- **Ashish Pimplapure**, 2017-03-16 22:07:41
Pixel is 500 ms
- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:07:47
we've had long press on home on Android much longer than Assistant has existed
- **Ashish Pimplapure**, 2017-03-16 22:12:24
We will send them a report
- **Ashish Pimplapure**, 2017-03-16 22:24:31
Either they truly don't know what their team has implemented, or they don't want to share future plans.
- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 22:44:27
ji soo is in mtv?
- **Ashish Pimplapure**, 2017-03-16 22:44:52
We met him yesterday.
- **Ashish Pimplapure**, 2017-03-16 22:47:36
Licensed content
- **Ashish Pimplapure**, 2017-03-16 22:48:41
Injong is asking for content that our team is not syndicating.
- **Ashish Pimplapure**, 2017-03-16 23:04:27
Hotword is really a resourcing issue
- **Ashish Pimplapure**, 2017-03-16 23:05:08

They just need to dedicate resources and commit.

- **Ashish Pimplapure**, 2017-03-16 23:18:50

I am drafting up a response to Hiroshi's question: "what percent of domains can we not provide?"

- **Ashish Pimplapure**, 2017-03-16 23:19:21

short answer: it is complicated. For example,

- **Ashish Pimplapure**, 2017-03-16 23:19:26

we cannot provide answer to :

- **Ashish Pimplapure**, 2017-03-16 23:19:32

[michael jackson thriller]

- **Ashish Pimplapure**, 2017-03-16 23:19:33

but

- **Ashish Pimplapure**, 2017-03-16 23:19:37

we can answer

- **Ashish Pimplapure**, 2017-03-16 23:19:42

[composer of thriller]

- **Ashish Pimplapure**, 2017-03-16 23:19:57

or

- **Ashish Pimplapure**, 2017-03-16 23:20:18

Images: we cannot provide an image if it comes from Google+

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 23:21:14

I understand there are limitations. At the same time, there is probably more we can do on domains if we push the Assistant team to put some effort in. We need to get their P0 domain list ASAP and sit down with the Assistant team to find out what's possible with a hard push.

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 23:22:11

Also, to the point the Assistant team made about being able to provide some incremental TTS support by 3/31, can you float that by Ji Soo and see if the additional support we can provide there would make a difference?

- **Ashish Pimplapure**, 2017-03-16 23:23:46

I will check with Ji Soo, but he tends to defer to Injong. So we should also bring this up with Injong again (maybe a call on Monday)

- **Jamie Rosenberg (jamierosenberg@google.com)**, 2017-03-16 23:24:46

we should have a call when we have a full update on domains as well... so we just need to know how soon we'd be ready for that

Case 3:21-md-02981-JD Document 414-4 Filed 01/13/23 Page 1 of 2

PX-25

Message

From: Bob Borchers [bborchers@google.com]
Sent: 7/20/2018 12:04:15 AM
To: Jamie Rosenberg [jamiero@google.com]

- **Bob Borchers**, 2018-07-19 17:04:15

Have everything you need for epic?

- **Jamie Rosenberg**, 2018-07-19 17:08:06

yes, I think so... we got BC approval today for the \$\$\$. I just scanned through Albert's slides.... I don't know if tomorrow will be a "slides" type discussion... but there are a couple that are very cool visuals, so I'll have them at the ready

- **Jamie Rosenberg**, 2018-07-19 17:08:46

Also, I want to make sure pick the things that would look good compared to whatever Samsung offered them

- **Jamie Rosenberg**, 2018-07-19 17:09:02

The OOH mockup is awesome, but I'm a bit worried that Samsung might have courted them with lots of ATL associated with Note 9

- **Jamie Rosenberg**, 2018-07-19 17:09:10

The gift card thing is something Samsung can't do

- **Bob Borchers**, 2018-07-19 17:09:48

The wild card for me are the cause related pieces. Might appeal to his current mindset even if they don't drive dowlads

- **Bob Borchers**, 2018-07-19 17:09:57

Downloads that is

- **Jamie Rosenberg**, 2018-07-19 17:10:40

yes... and part of our financial offer is to co-fund philanthropic and developer-focused initiatives together

- **Jamie Rosenberg**, 2018-07-19 17:12:57

I think that stuff will resonate conceptually... but they have some philanthropic/ community initiatives of their own, so we'll have to get a feel for how much would be about introducing fortnite to our initiatives or Google making contributions to their stuff.

Case 3:21-md-02981-JD Document 414-6 Filed 01/13/23 Page 1 of 3

PX-37

Message

From: Jim Kolotouros [jimk@google.com]
Sent: 6/8/2019 5:29:51 PM
To: Jamie Rosenberg [jamiero@google.com]
CC: Donald Harrison [harrison@google.com]; Sameer Samat [ssamat@google.com]; Christopher Li [lichristopher@google.com]; Kate Lee [katelee@google.com]; jinyoungbaik [jinyoungbaik@google.com]
Subject: Re: Notes from Samsung / Play / IAP conversation

** attorney client privileged **

They would align on IAP as well...

On Sat, Jun 8, 2019 at 10:28 AM Jamie Rosenberg <jamiero@google.com> wrote:
Privileged

Thanks, Jim.

You mentioned in our IM chat yesterday that Samsung broached the topic of asking for rev share on the Play Store. Did they offer what they would give in return for that?

On Sat, Jun 8, 2019 at 10:22 AM Jim Kolotouros <jimk@google.com> wrote:
** attorney client privileged **

Don/Sameer/Jamie:

Last night Chris, Jinyoung and I had a call with Samsung (Jay Kim & Seung) to discuss our Play Store proposal. The notes are [here](#).

Long story short: They are committed to developing a financial relationship with developers to enhance the fundamental economics of their mobile hardware business. They think that gaming in particular is a vertical that would yield good economics.

I think our trip next week will be productive, if for no other reason than we can have honest discussions about how to align moving forward while also achieving Hiroshi's goal of bringing them closer to us.

Some very important points:

- Chris has pre-flighted with Samsung that we want the MADA renewal to be free of friction. He noted that we're looking to do an "as is" extension with a short amendment to cover a limited number of items (e.g., pre-load policy, GMS expiration on old letter versions, hardware affordance). Chris will publish more detailed notes of their initial reactions before we jump on a plane.

- In fact, we DO have a short-term AFA in place that was executed concurrent to the Becker deals. So the risk that I had thought was there is in fact not present. So we have that going for us. We will still push hard on getting the ACC in place and digging deep on the non-supported form factor exceptions they'd like.

- We have not brought up search revenue share (RSA) at all. I think it will and should come up in our meetings on Tuesday as part of a broader plan for alignment. And I'd like us to align on the potential message of "alot of the things that we valued and included in revenue share 2 years ago are things that we do not believe are as important within the context of a revenue share deal... we don't think you made any changes to

letter/search update cadence/frequency at all, so why include it in RSA (since it doesn't alter behavior)? Daydream? search exclusivity (especially in Europe where so much revenue flows and in a choice screen world?), etc.,")

Happy to discuss before jumping on a plane on Sunday night.

thanks.

Case 3:21-md-02981-JD Document 414-11 Filed 01/13/23 Page 1 of 2

PX-103

Message

From: kamdar@google.com [kamdar@google.com]
Sent: 2/9/2021 10:02:41 PM
To: kamdar@google.com; ssamat@google.com
Subject: AAAATEh6aUk-CgfnQTbfM_Y

- **kamdar@google.com** 2021-02-09T16:02:41.521-06:00

<https://stratechery.com/2021/an-interview-with-eric-seufert-about-apple-facebook-and-mobile-advertising/>

o <https://stratechery.com/2021/an-interview-with-eric-seufert-about-apple-facebook-and-mobile-advertising/>

- **kamdar@google.com** 2021-02-09T16:03:16.820-06:00

i hadn't thought about things in this way

- **kamdar@google.com** 2021-02-09T16:03:18.845-06:00

The thing that is always kind of weird to me about this is I think people underestimate and frankly I think Apple underestimates the degree to which Apple's growth in services revenue and the growth in the App Store is because of Facebook and that Facebook and Apple have had this very symbiotic relationship where Facebook has done all of Apple's dirty work, and Apple has harvested 30% on the backend just by virtue of owning the App Store. The question I have is, is it possible that Apple is shooting themselves in the foot here where their services revenue actually takes a meaningful hit because they've destroyed the engine driving it and they didn't even realize it because they actually didn't understand Facebook's role in this?

ES: I don't think so. I think Apple very much recognizes the role that it plays in the app ecosystem, which is the distribution engine for apps, and I think that's what Apple doesn't like. I think Apple sees that the App Store has basically become irrelevant as a point of content discovery. It's basically this kind of frictional, annoying moment between clicking an ad and installing an app. Almost all discovery happens via ads or word of mouth and I think what Apple is doing in this, in recognizing the power that Facebook has in terms of influencing which apps become big, which apps are popular, how people are using their iPhones essentially.

In recognizing that, Apple is trying to regain control of that because if Apple cripples advertising, which it basically is doing, mobile advertising — this is all happening within the context of all this stuff that's happening on the browser, which we don't need to go down that rabbit hole, but Apple has been the instigator of all of that too. If Apple cripples mobile advertising, then the App Store becomes the primary discovery point for apps again, and Apple decides how people use our iPhones, Apple decides which apps are the most popular, and by the way, that's a position that Apple used to occupy. 2012, 2013, Apple was king maker, if you got featured, your company valuation might increase by a hundred million dollars. It was really important to make that pilgrimage to Apple, go to Cupertino and beg for featuring, like "Please feature us, please give us the headline featuring because that would make such a big difference for our company".

Then in that way, Apple got to influence what kind of apps got made and how you made them, so my sense here is that Apple wants to regain control. Now, I think there's a broader three to five year arc that's also happening, which is that maybe Apple recognizes that these one-to-one hardware dependent content platforms are becoming anachronistic, everything's moving to the cloud. I don't care about the App Store, I've got a device that connects to the internet, I can connect to any content platform, the App Store is just a middleman. Why do I need that? And if Apple maybe feels that way, then this would be the way to try to lengthen the useful life of this paradigm of hardware-based content platform.

- **ssamat@google.com** 2021-02-09T16:03:47.189-06:00

pls keep in mind this chat history is not off.

Case 3:21-md-02981-JD Document 414-13 Filed 01/13/23 Page 1 of 54

PX-120



This activity is not designed for and will not work properly on smartphones and tablets.

THIS SHOULD ONLY BE COMPLETED USING A LAPTOP OR DESKTOP DEVICE.

BEGIN

ALTERNATE LAUNCH OPTIONS



[Click here for the screenreader version](#)



Language other than English?
[Click here for the translatable version](#)

ALTERNATE LAUNCH OPTIONS ►

YOU SAID WHAT?!

10 THINGS TO ENSURE YOU ARE COMMUNICATING WITH CARE

Click to Start

At Google,

We are constantly in the public eye

...and the courthouse. We often have to produce employee communications as evidence, which means your communications can become public at any time. Our communications can hurt or embarrass us as a company, or as individuals. We need to be cautious in our communications to avoid unnecessary harm.

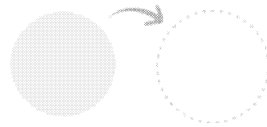
This is not about "hiding stuff" or not pointing out something that may need fixing. Speaking up is a core company value. This is about being thoughtful in your communication in order to reduce the risk of unintended harm to Google and/or you.

Click to Continue

Activity

You'll earn a checkmark each time you successfully complete a required activity. Here's an example...do this.

Drag the circle to its home.



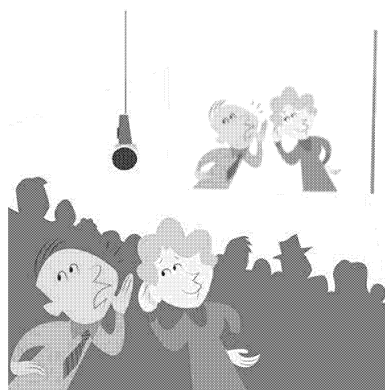


Activity Complete

Yup, that's it!

Click to Continue

INTRO	01	02	03	04	05	06	07	08	09	10	✓
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RULE
01

Communicate as If It's Public.

Assume everything you write, send, share, and say may be subject to public scrutiny at some point (or even scrutiny by folks inside the company that monitor communications on our systems and equipment). Treating it that way will save you a lot of hassle.

Click to Continue

INTRO 01 02 03 04 05 06 07 08 09 10

RULE
02
Proofread.
Everything.

Make sure your communication *actually* says what you think it says. Omissions, additions, and misspellings can completely change the *feeling of your message*.



Click to Continue

INTRO	01	02	03	04	05	06	07	08	09	10
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RULE
03

Avoid Communicating When Angry or Tired.

Angry or tired? Step away from the keyboard! When you feel alert, calm, and happy, you'll be more likely to fully consider the importance of your communication and less likely to say something you don't mean and/or may regret.

Click to Continue



03 Activity

It's 11:00pm. You and Echo have been working all night on the Rockabye unit for our newest product, the gStroller, while your team lead took the night off to attend a basketball game. Rockabye has just crashed for the 14th time. Echo has decided to write this email to the team lead before calling it a night and wants you to take a look at it before sending it.

What do you think you should tell Echo to do?

- Send the email.
- Don't send the email now. Send it in the morning.
- Talk to the team lead in the morning.
- Don't send the email. Chat "off the record" via Hangouts instead.

To: Joss (google.com) ✕

This Thing Will Never Work

Joss,

We've done everything we can to get this Rockabye unit to work. 114 failures in one night is my limit.

I know we want to launch on Friday, but with the unit such a mess, there's no way we're going to be ready.

Could have really used your help tonight. Hope you enjoyed the game.

- Echo

INTRO 01 02 03 04 05 06 07 08 09 10

03 Activity

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Nope. While it's critical that Echo tell the team lead about any problems Rockabye might have, doing so at 11 pm, when one is tired and angry, isn't the best idea.

The email has a significant typo (there were 14 failures that night, not 114), and it contains hyperbole (the characterization of the unit as "a mess") and exaggeration (the unit will "never work", "there's no way they'll be ready to launch").

It sounds like Echo is angry at the team lead for taking the night off. Rather than send this now, Echo might want to get some rest and reassess in the morning when Echo is fresh and calm. Then the email will be more likely to be about the facts and less about how tired and angry Echo is.

work. 114 failures in
mess, there's no way
the game.

Hide

INTRO 01 02 03 04 05 06 07 08 09 10

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To: Joss (google.com)

Good call. While it's critical that Echo tell the team lead about any problems Rockabye might have, doing so at 11 pm, when one is tired and angry, isn't the best idea.

The email has a significant typo (there were 14 failures that night, not 114), and it contains hyperbole (the characterization of the unit as "a mess") and exaggeration (the unit will "never work", "there's 'no way they'll be ready to launch"). It sounds like Echo is angry at the team lead for taking the night off.

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Hide

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Click to Continue

INTRO 01 02 03 04 05 06 07 08 09 10

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To: Joss (google.com)

This Thing Will Never Work

Joss,

We've done everything we can to get this Rockabye unit to work. 114 failures in

Awesome. If you really want to delve into the problems you're having with Rockabye and whether you think the launch date for gStroller is realistic, that may become a pretty sensitive discussion.

A phone call or video conference with your team lead after a good night's sleep may be best. The conversation will be more likely to be calm and substantive, and it's less likely that a record of the conversation could be discovered by an adversary and used against you, and Google, in ways you didn't imagine.

mess, there's no way

the game.

Hide

Click to Continue

INTRO 01 02 03 04 05 06 07 08 09 10

03 Activity

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To: Joss (google.com)

This Thing Will Never Work

Joss,

We've done everything we can to get this Rockabye unit to work. 114 failures in one night is my limit.

mess, there's no way

the game.

Better than sending the email, but not without risk. While "off the record" Hangout chats between individual corporate accounts are not retained by Google as emails are, any chat participant may save the conversation by simply copying and pasting it into a doc or email - something Echo's team lead might choose to do in order to discuss the appropriateness of that middle-of-the-night chat with Echo and HR in the morning.

Hide

Click to Continue

INTRO	01	02	03	04	05	06	07	08	09	10
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RULE
04

Stick to the Facts.

I'm sure you've heard this *a million times* and think folks working at a *company that employs only the smartest people in the world* would *never, ever* get this wrong, but exaggeration, sarcasm, and hyperbole increase the risk that someone could accidentally, or intentionally, misconstrue the meaning of your communication.

Killer exercise to guarantee perfection...

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

I am excited about the future of our new product. No other stroller even comes close. By this time next year we will dominate the stroller market.

I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.

I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) Echo (google.com) Wash (google.com)

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I'm excited about the future of the new gStroller product we'll be working on. I think it will be especially gratifying to exterminate Grico [why?], a small startup with weak technology [why?].

If we get this right, the gStroller will become the must-have product, and we'll rule the market.

We will meet later this week to discuss our proprietary rockabye technology for gStroller and how we plan to promote it.

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't:

The words "exterminating", "crushing", "killing", and "destroying" are exaggerations that often focus on harming a competitor. That's not consistent with Google's competition philosophy and is problematic under competition laws. Mal should focus on (and write about) gaining and retaining users and customers by addressing their needs - that's what Google is all about.

Hide

I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) Echo (google.com) Wash (google.com)

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Joss, Echo, Wash,

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INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Be humble and remember that we have many capable competitors - some big, some small. Be respectful of all of them and don't suggest that they are ineffective or assume that the small ones will be small forever. 1998 wasn't so long ago. That's when Larry and Sergey began operating Google out of a friend's rented garage.

Hide

I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) Echo (google.com) Wash (google.com)

Welcome to gStroller

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asfunction_level(0,aslinkHandler,trigger://why_2...

CONFIDENTIAL

GOOG-PLAY-005029864

INTRO 01 02 03 04 05 06 07 08 09 10

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I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) x Echo (google.com) x Wash (google.com) x

Welcome to gStroller

Nope. Suggesting our intent is to "dominate" any market is inconsistent with Google's competition philosophy and problematic under competition laws. Better to focus on (and write about) how Google will build the best products for users and customers. Try again

we'll be working on. do [why?], a

ve product, and we'll rule

ackabye technology for

gStroller and how we plan to promote it.

Hide

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

- I am excited about the future of our new product. No other stroller even comes close. By this time next year we will dominate the stroller market.
- I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.
- I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) x Echo (google.com) x Wash (google.com) x

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I'm excited about the future of the new gStroller product we'll be working on. [why?], a

Correct. Focusing on how we will make customers happy doesn't raise competition law concerns and is consistent with Google's competition philosophy. ve product, and we'll rule

Click Next Paragraph or click the other answers to see why they aren't the best. ckabaye technology for

Hide

Next Paragraph

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

I am excited about the future of our new product. No other stroller even comes close. By this time next year we will dominate the stroller market.

I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.

I'm excited about the future of this product. It will be gratifying to give customers what no other stroller company can provide.

To: Joss (google.com) Echo (google.com) Wash (google.com)

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I'm excited about the future of the new gStroller product we'll be working on. I think it will be especially gratifying to exterminate Grico [why?], a small startup with weak technology [why?].

If we get this right, the gStroller will become the must-have product, and we'll rule the market.

Incorrect. Google's competition philosophy is to be respectful of our competitors and their capabilities and not to suggest that they are ineffective. Try again!

Hide

Next Paragraph

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

If we can convince a few Grico devotees to choose gStroller, I'm sure they'll love it, and we'll have no problem reaching our goal.

After we put gStroller in the hands of a few Grico devotees, I'm sure it will become the must-have product, and we'll be on our way to ruling the market.

With our new quiet baby technology and our incredible low introductory price, we'll grind Grico into the dirt in no time.

To: Joss (google.com) x Echo (google.com) x Wash (google.com) x

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.

If we get this right, the gStroller will become the must-have product, and we'll rule the market [why?].

We will meet later this week to discuss our proprietary rockabye technology for gStroller and how we plan to promote it.

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Google's intent is never to "rule" or "dominate" any market, and we strongly believe that when customers are free to choose the products and services they wish, it's better for them and for us. Phrases like "must-have product" and "rule the market" are, at best, unhelpful exaggerations and, at worst, evidence of an anti-competitive intent inconsistent with our competition philosophy and the law.

Hide

introductory price, we'll grind Graco into the dirt in no time.

To: Joss (google.com) x Echo (google.com) x Wash (google.com) x

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.

If we get this right, the gStroller will become the must-have product, and we'll rule the market [why?].

We will meet later this week to discuss our proprietary rockabye technology for gStroller and how we plan to promote it.

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

- If we can convince a few Grico devotees to choose gStroller, I'm sure they'll love it, and we'll have no problem reaching our goal.
- After we put gStroller in the hands of a few Grico devotees, I'm sure it will become the must-have product, and we'll be on our way to ruling the market.
- With our new quiet baby technology and our incredible low introductory price, we'll grind Grico into the dirt in no time.

To: Joss (google.com) x Echo (google.com) x Wash (google.com) x

Welcome to gStroller

Yup. There's no hyperbole or exaggeration that could be misconstrued to suggest Mal wants to harm competitors, dominate the market, or compel customers to use our products or services - all things Google is not about. Click [Send the Email](#) or click the other answers to see why they aren't the best.

am has done an amazing \$.
st-have product, and
ckabye technology for

gotroller and now we plan to promote it.

Hide

Send the Email

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

- If we can convince a few Grico devotees to choose gStroller, I'm sure they'll love it, and we'll have no problem reaching our goal.
- After we put gStroller in the hands of a few Grico devotees, I'm sure it will become the must-have product, and we'll be on our way to ruling the market.
- With our new quiet baby technology and our incredible low introductory price, we'll grind Grico into the dirt in no time.

To: Joss (google.com) Echo (google.com) Wash (google.com)

Welcome to gStroller

Joss, Echo, Wash,

Nope. Google wants its customers and users to have the freedom to choose whatever products or services they want. We embrace the challenge of building amazing products and services they will choose. A phrase like "putting products in the hands of customers" can be interpreted as expressing an intent to deny consumers choice. Try to say goodbye technology for again.

am has done an amazing \$.

st-have product, and

ckabye technology for

Hide

Send the Email

INTRO 01 02 03 04 05 06 07 08 09 10

04 Activity

Mal, the gStroller product manager, is welcoming new employees onto the team. He has said some things in his email that he shouldn't.

Select the best replacement option below for the highlighted paragraph in the email:

- If we can convince a few Grico devotees to choose gStroller, I'm sure they'll love it, and we'll have no problem reaching our goal.
- After we put gStroller in the hands of a few Grico devotees, I'm sure it will become the must-have product, and we'll be on our way to ruling the market.
- With our new quiet baby technology and our incredible low introductory price, we'll grind Grico into the dirt in no time.

To: Joss (google.com) Echo (google.com) Wash (google.com)

Welcome to gStroller

Joss, Echo, Wash,

Welcome to the gStroller team!

I am excited about the future of our new product. The team has done an amazing job building a stroller that meets all our customers' needs.

If we get this right, the gStroller will become the must-have product, and we'll rule the market [why?].

We will meet later this week to discuss our competitors' packabye technology for

Nope. Competing fairly is about focusing on the user, not harming competitors. Try again.

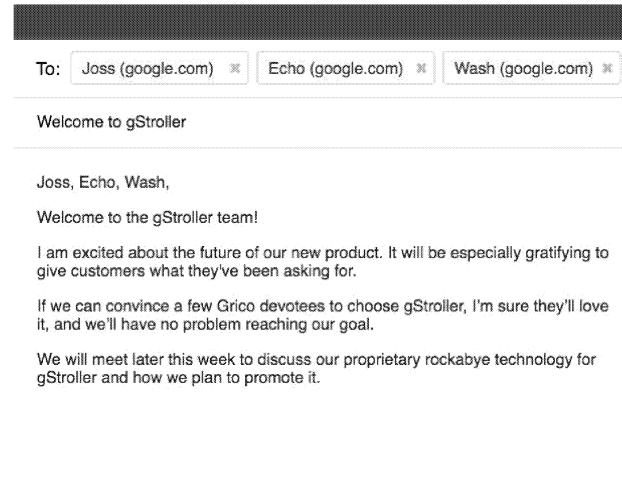
Hide

Send the Email



Activity Complete

Google is committed to competing fairly. Make sure everything you do, say, and write is consistent with that. Stay away from exaggeration and highly-charged language that could harm you and the company.

A screenshot of an email interface. At the top, there is a dark header bar. Below it, the 'To:' field contains three recipients: 'Joss (google.com)', 'Echo (google.com)', and 'Wash (google.com)'. The email body starts with 'Welcome to gStroller'. Below that, it says 'Joss, Echo, Wash,' followed by 'Welcome to the gStroller team!'. The next paragraph reads: 'I am excited about the future of our new product. It will be especially gratifying to give customers what they've been asking for.' The following paragraph says: 'If we can convince a few Grico devotees to choose gStroller, I'm sure they'll love it, and we'll have no problem reaching our goal.' The final paragraph states: 'We will meet later this week to discuss our proprietary rockabye technology for gStroller and how we plan to promote it.'

[Click to Continue](#)



Quick Self-Test

Without looking back, how many rules do you remember?

Can you remember 2 of them?

Click to Continue

INTRO	01	02	03	04	<u>05</u>	06	07	08	09	10	✓
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RULE
05

Keep it Confidential

There are no friends and family exceptions for this. Confidential includes your spouse, partner, children, grandma, and former college roomie who is developing the greatest Android app ever. Don't share any Google confidential information with anyone outside the company. This includes, but is not limited to, stuff about the status of products, deals, litigation, investigations, or other legal matters.

[Click to Continue](#)

INTRO	01	02	03	04	05	<u>06</u>	07	08	09	10	✓
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RULE
06

Know Your Rights.

When law enforcement or a regulator asks to speak with you, you can normally ask to have one of Google's lawyers present, if you wish. Doing so will make sure you and the company are protected.



Click to Continue

INTRO	01	02	03	04	05	06	<u>07</u>	08	09	10
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RULE 07 "Privileged and Confidential" ...What?

While phrases like "confidential," "sensitive," and "private" may alert Googlers to the sensitivity of your communication, they won't protect it from being disclosed in the course of a legal or investigative matter, as would be the case if it were protected by the attorney-client privilege. Attorney-client privilege is a legal concept that protects a confidential communication between a Googler and a Google lawyer that is about the Googler asking for or getting legal advice from the Google lawyer. Privilege can apply not only to emails, but to any record of a communication between a lawyer and client. This can include Google docs, presentations, calendar invites, video- or audio-taped meetings, etc. Communications intended to be privileged should be labeled as such.

[Learn more about the attorney-client privilege](#)

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

After receiving an email from nervous team member Wash, quick-acting Echo wanted to immediately reach out to a Lawyercat for guidance on how to react to the information Wash provided. Help Echo craft an attorney-client privileged email to accomplish this.

Drag the proper recipient(s) to address the email:

Daria,
gStroller Product Counsel

Ulric,
Admin for the gStroller team

Irena,
gStroller team lead

Group alias for miscellaneous
engineering-related discussions

To:

Cc:

Bcc:

drag + drop

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

Help Echo craft an email that's attorney-client privileged.

Drag the best subject line to the email:

- ATTORNEY-CLIENT PRIVILEGED: Please help
- Please help!
- Confidential, please help.

To: dlawyerat ulric iteamlead eng-misc

Cc:

Bcc:

Subject:

drag + drop

◀ Back

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

Help Echo compose an email that will help her learn what she should do.

Drag the best body text to the email:

- I think my team member, Wash, is losing it. He's driving me nuts. He's fixated on what he thinks are "product issues," and I wish he'd just stop already, you know? Hey, you wanna have lunch?
- My team member, Wash, has concerns that gStroller has product safety issues. I'm not sure about the proper steps to take and need your advice on what to do here. May we meet to talk about this?
- Has word of the gStroller debacle trickled down to you yet?

◀ Back

To:	dlawyerat	ulric	iteamlead	eng-misc
Cc:				
Bcc:				
Subject:	Please help!			
<p>drag + drop</p>				

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

Here's what happened:

Darla Lawyercat called Echo upon receiving this email that was addressed to multiple recipients.

Let's look closer at what did not work well in this email.

To:	dlawyercat	ulric	iteamlead	eng-misc
Cc:				
Bcc:				
Subject:	Please help!			
I think my team member, Wash, is losing it. He's driving me nuts. He's fixated on what he thinks are "product issues," and I wish he'd just stop already, you know? Hey, you wanna have lunch?				

Take a Closer Look

INTRO 01 02 03 04 05 06 07 08 09 10

Incorrect. You must include an attorney in the address. Copying others who have no relationship to the legal matter can void the privilege. It would also be okay to include others who "need to know" about the legal issue, such as the iteamlead, in order to do their job or help the lawyer give effective legal advice.

Incorrect. If the intention is to create an attorney-client privileged email, it should be labeled that way. However, it's important to remember that the label alone will not make it privileged. The email must still meet the requirements of being addressed to an attorney, and it must be for the purposes of getting legal advice.

Incorrect. In addition to addressing it to an attorney and labeling it as such, for the email to be attorney-client privileged, it must be for the purposes of getting legal advice.

To: dlawyerat ulric iteamlead eng-misc

Cc:

Bcc:

Subject: Please help!

I think my team member, Wash, is losing it. He's driving me nuts. He's fixated on what he thinks are "product issues," and I wish he'd just stop already, you know? Hey, you wanna have lunch?

You must assemble the email correctly to get credit for this activity. Please try again. « Try Again

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

Here's what happened:

Darla Lawyercat called Echo upon receiving her email. Though the email was correctly addressed to an attorney, there was more Echo could do to make it clear that the email was intended to be covered by attorney-client privilege.

Let's look closer at what did not work well in this email.

To:	dlawyercat
Cc:	
Bcc:	
Subject:	Confidential, please help.
My team member, Wash, has concerns that gStroller has product safety issues. I'm not sure about the proper steps to take and need your advice on what to do here. May we meet to talk about this?	

Take a Closer Look

INTRO 01 02 03 04 05 06 07 08 09 10

Correct. The attorney-client privilege protects communications with a lawyer. So writing to dlawyerat is great. It is also okay to include others who "need to know" about the legal issue in order to do their job or help the lawyer give effective legal advice. So including the iteamlead also would have been okay.

Incorrect. If the intention is to create an attorney-client privileged email, it should be labeled that way. However, it's important to remember that the label alone will not make it privileged. The email must still meet the requirements of being addressed to an attorney, and it must be for the purposes of getting legal advice.

Correct. Echo has asked for legal advice.

To: dlawyerat

Cc:

Bcc:

Subject: Confidential, please help.

My team member, Wash, has concerns that gStroller has product safety issues. I'm not sure about the proper steps to take and need your advice on what to do here. May we meet to talk about this?

You must assemble the email correctly to get credit for this activity. Please try again. << Try Again

INTRO 01 02 03 04 05 06 07 08 09 10

Incorrect. You must include an attorney in the address. Copying others who have no relationship to the legal matter can void the privilege. It would also be okay to include others who "need to know" about the legal issue, such as the iteamlead, in order to do their job or help the lawyer give effective legal advice.

Correct. The intention to create an attorney-client privileged email by labeling it that way was spot on! However, it's important to remember that the label alone will not make it privileged. The email must still meet the requirements of being addressed to an attorney, and it must be for the purposes of getting legal advice.

Incorrect. In addition to addressing it to an attorney and labeling it as such, for the email to be attorney-client privileged, it must be for the purposes of getting legal advice.

To: dlawyerat ulric iteamlead eng-misc

Cc:

Bcc:

Subject: ATTORNEY-CLIENT PRIVILEGED: Please help

Has word of the gStroller debacle trickled down to you yet?

You must assemble the email correctly to get credit for this activity. Please try again. « Try Again

INTRO 01 02 03 04 05 06 07 08 09 10

07 Activity

Here's what happened:

Darla Lawyercat called Echo and expressed appreciation for the email. Happy to help her with her concerns, Darla set up a meeting to discuss the issue in person, which is much safer than continuing a conversation like this over email.

Smart! You were able to help Echo put together an email that was protected by the attorney-client privilege. Let's look closer at what made this email grrrrrrreat!

To:	dlawyercat
Cc:	
Bcc:	
Subject:	ATTORNEY-CLIENT PRIVILEGED: Please help
My team member, Wash, has concerns that gStroller has product safety issues. I'm not sure about the proper steps to take and need your advice on what to do here. May we meet to talk about this?	

Take a Closer Look

INTRO 01 02 03 04 05 06 07 08 09 10

Correct. The attorney-client privilege protects communications with a lawyer. So writing to dlawyercat is great. But keep in mind that, in many countries, such as Mexico, Sweden, a number of countries in the European Union (and others), the privilege doesn't apply to in-house lawyers, only outside counsel. In other countries (such as China), the privilege may may not even be recognized at all.

It is also okay to include others who "need to know" about the legal issue in order to do their job or help the lawyer give effective legal advice. So including the iteamlead is also okay.

Correct. You intended to create an attorney-client privileged email and labeled it that way. However it's important to remember that the label alone will not make it privileged.

Correct. Echo has asked for legal advice. In addition, the email is being sent to an attorney, and the "attorney-client privilege" label is there.

To: dlawyercat

Cc:

Bcc:

Subject: ATTORNEY-CLIENT PRIVILEGED: Please help

My team member, Wash, has concerns that gStroller has product safety issues. I'm not sure about the proper steps to take and need your advice on what to do here. May we meet to talk about this?

Send the Email



Activity Complete

Remember...

This activity relates to how the attorney-client privilege works in the US. As mentioned, this may vary by country. For instance, China doesn't generally recognize attorney-client privilege, and a number of countries in the EU don't always recognize attorney-client privilege for communications with in-house lawyers. Consult a Google lawyer about how to exercise and maintain the privilege in your country.

Click to Continue

INTRO 01 02 03 04 05 06 07 08 09 10




RULE
08
Kick It
Old School.

Email, IMs, and Docs are nice and all, but sometimes the best way to communicate something super sensitive is to not write it down. Reduce the risk of your communication being misconstrued or disclosed by having an old-fashioned phone call or face-to-face meeting. Also, carefully consider whether you should be recording a team meeting, talk, or Hangout where sensitive information is being shared.

[Click to Continue](#)

INTRO 01 02 03 04 05 06 07 08 09 10



WIFI CAFE

RULE 09

Do Google Work on Google Stuff.

An army of Google engineers set up and maintain Google's facilities, network, and equipment with the latest technology designed to keep communications made on them secure. Can't say the same for that random PC in the lobby of the Holiday Inn you're staying at. Think twice before you do anything sensitive on non-Google equipment or networks, and if you still think it's a good idea after that...think again.

[Click to Continue](#)

INTRO	01	02	03	04	05	06	07	08	09	10		
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RULE 10 Think...Then Speak.

Your communications can have unintended consequences for you and the company. Think carefully before you speak publicly about anything related to Google. Understand that unless you're specifically authorized to speak on behalf of the company, you aren't. Even if it isn't your intent to speak on behalf of the company, your status as a Googler makes it likely that your communications will be attributed to Google anyway. Be careful out there.

how to get approval

Shhhh...

In addition to company policy, there are US regulations, like Regulation Fair Disclosure, or Reg FD, that govern the disclosure of material non-public information to those outside the company. In particular, improperly sharing facts and figures with friends and family that could be used to make investment decisions relating to Google could result in fines and other penalties for you and Google unless the information is made available to the general public at the same time.

risky situations

Avoid Legalese and Uninformed Fault Finding

Are you a lawyer? Are you responsible for drawing legal conclusions on Google's behalf? Do you have all the facts? Unless you answered "yes" to all three questions, avoid communications that conclude, or appear to conclude, that Google or Googlers are acting "illegally" or "negligently," have "violated a law," should or would be "liable" for anything, or otherwise convey legal meaning. Your conclusions could be incorrect and could hurt us.

risky words

What should I say instead?

INTRO	01	02	03	04	05	06	07	08	09	10		
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RULE 10 Think...Then Speak.

Your communications can have unintended consequences for you and the company. Think carefully before you speak publicly about anything related to Google. Understand that unless you're specifically authorized to speak on behalf of

Shhhh...

In addition to company Regulation Fair Disclosure of material non-public information to the general public, you should not discuss such information with friends and family, or on social media. Decisions relating to Google could result in fines and other penalties for you and Google unless the information is made available to the general public at the same time.

risky situations

How to Get Approval

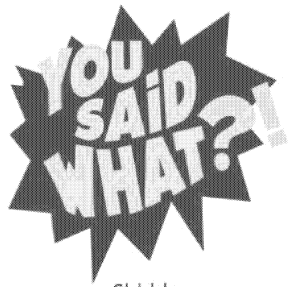
If you wish to speak at any event, consult the [Speaker Center](#), and then seek approval from both investor-relations@google.com and press@google.com at least two weeks in advance of the proposed engagement. For tech talks and academic presentations, please see the [Pub Approve Process](#).

risky words

Fault Finding

Drawing legal conclusions from all the facts? Unless you are a lawyer, avoid communications that could be construed as legal advice. Google or Googlers are not lawyers and should not be held out as such. You should not say you "should" or "would" be "liable" for anything, or otherwise convey legal meaning. Your conclusions could be incorrect and could hurt us.

What should I say instead?



Shhhh...

In addition to company poli Regulation Fair Disclosure, c of material non-public infor company. In particular, imp with friends and family that decisions relating to Google penalties for you and Google available to the general pub

risky situations

R
Y
C
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b



X

to
ehalf of
s will

ormed Fault Finding

isable for drawing legal
Do you have all the facts? Unless
uestions, avoid communications
ude, that Google or Googlers are
rave "violated a law," should or
otherwise convey legal
be incorrect and could hurt us.

What should I say instead?

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Wash became aware of safety concerns with the gStroller product and was worried that it was being pushed to market before it was ready. This is the email that Wash wrote when he became concerned about safety issues for the gStroller project.

Select the best replacement option below for the highlighted paragraph in the email:

If we launch the product as is, someone's definitely going to sue us, and I don't want to be blamed.

As long as we notify our manager and document our concerns in writing as proof, if Google becomes liable for anything later on, you and I should be in the clear. Don't you think?

I'm going to set up a meeting so the two of us can talk this through.

To: Echo (google.com) ✕

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

You know and I know that there are serious flaws in the technology. If we release this thing like this, Google's going to get sued left and right, the product liability damages will be off the chart, and you and I may even be held personally negligent. [why?](#)

- Wash

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Wash became aware of safety concerns with the gStroller product and was worried that it was being pushed to market before it was ready. This is the email that

Wash should avoid characterizing his concerns as "serious flaws in the technology", and instead, just stick to the facts related to his concerns. Wash should also avoid speculating about Google's, or any Googler's, legal liability, especially in a written communication. Such conclusions are best left to a Google lawyer.

Hide

on, you and I should be in the clear. Don't you think?

I'm going to set up a meeting so the two of us can talk this through.

To: Echo (google.com) ✕

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

You know and I know that there are serious flaws in the technology. If we release this thing like this, Google's going to get sued left and right, the product liability damages will be off the chart, and you and I may even be held personally negligent. [\[why?\]](#)

Wash

asfunction_level(0,aslinkHandler,trigger://why...
CONFIDENTIAL

GOOG-PLAY-005029895

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Wash became aware of safety concerns with the gStroller product and was worried that it was being pushed to market before it was ready. This is the email that Wash wrote when he became concerned about safety issues for the gStroller project.

Select the best replacement option below for the highlighted paragraph in the email:

- If we launch the product as is, someone's definitely going to sue us, and I don't want to be blamed.
- As long as we notify our manager and document our concerns in writing as proof, if Google becomes liable for anything later on, you and I should be in the clear. Don't you think?
- I'm going to set up a meeting so the two of us can talk this through.

To: Echo (google.com)

need your advice

Echo,

I just looked at the gStroller defecting data, specifically in relation to the back, haven't you?

Not a good choice. Wash should not speculate about Google's liability in written communications. Try again.

the technology. If sued left and right, and you and I may

Hide

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Wash became aware of safety concerns with the gStroller product and was worried that it was being pushed to market before it was ready. This is the email that Wash wrote when he became concerned about safety issues for the gStroller project.

Select the best replacement option below for the highlighted paragraph in the email:

- If we launch the product as is, someone's definitely going to sue us, and I don't want to be blamed.
- As long as we notify our manager and document our concerns in writing as proof, if Google becomes liable for anything later on, you and I should be in the clear. Don't you think?
- I'm going to set up a meeting so the two of us can talk this through.

To: Echo (google.com)

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

You know and I know that there are serious flaws in the technology. If we release this thing like this, Google's going to get sued left and right, and you and I may

Actually, no. Wash should not speculate about Google's liability in written communications. Try again.

Hide

INTRO 01 02 03 04 05 06 07 08 09 10

10 Activity

During product testing, Wash became aware of safety concerns with the gStroller product and was worried that it was being pushed to market before it was ready. This is the email that Wash wrote when he became concerned about safety issues for the gStroller project.

Select the best replacement option below for the highlighted paragraph in the email:

- If we launch the product as is, someone's definitely going to sue us, and I don't want to be blamed.
- As long as we notify our manager and document our concerns in writing as proof, if Google becomes liable for anything later on, you and I should be in the clear. Don't you think?
- I'm going to set up a meeting so the two of us can talk this through.

Send the Email

To: Echo (google.com)

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

Good idea. Wash sent a carefully worded email to his manager that *avoided calling out a potential legal issue in a non-privileged email*. Later that day, Wash met face-to-face with his manager to discuss his safety concerns about gStroller in detail. Wash's manager then reached out to the Google Lawyer they regularly work with via a properly constructed attorney-client privileged email.

...e technology. If sued left and right, and you and I may

Hide



Activity Complete

This is the email you should send.

To: Echo (google.com) ✕

need your advice

Echo,

I just looked at the gStroller dogfooding data, specifically in relation to the rockabye technology. You've seen some of the user feedback, haven't you?

I'm going to set up a meeting so the two of us can talk this through.

- Wash

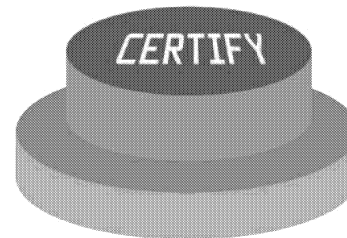
[Click to Continue](#)



Certify

Click below to affirm that you have fully reviewed, understand and are responsible for applying the advice and guidelines provided in this training to your interactions, responsibilities, and work at and for Google.

Without this certification, this training will be marked incomplete.



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Google Chat Retention FAQs

Page last modified: October 1, 2021

Frequently Asked Questions

[Why do docs and links shared in Chat spaces disappear after the retention period \(like messages\) or why do they remain?](#)



Uploaded and linked docs available in the Files tab are associated with the messages that originally introduced them to the Chat space, so they will disappear from the space at the same time as the associated messages.

For docs linked in (rather than uploaded into) the Chat space, they will still be available in the original location after the retention period expires—just not within the Chat UI/Files tab. Docs uploaded directly into the Chat space will not be available elsewhere.

Example: If someone links a Google Doc in your space and shares that doc with you, then you'll maintain access to that doc in Drive even when the associated Chat message disappears.

[What if I am subject to a legal hold?](#)

Please see the guidance in the "Legal Holds" section on the [Google Chat Retention Policy](#) page.

[What if I have a business need to retain messages for longer than the applicable retention period?](#)

Consider storing critical business information in a different medium or location when longer retention periods are required. Check with your manager if you are not sure what qualifies as business information and the duration for which you should retain such data.

[Under what circumstances should history settings be turned on in Chat?](#)

The History ON setting should only be used in the following circumstances:

- When you need to reference the contents of a message at a later date for business-critical reasons.
- When you are discussing a topic identified in a legal hold notice you've received.

Turning history "on" or "off" applies only to messages sent after that change. For example, if you send or receive messages while history is "off" and then you turn it "on," the pre-existing messages will only be retained for 24 hours.

Consider storing critical business information in a different medium or location when longer retention periods are required. Check with your manager if you are not sure what qualifies as business information and the duration for which you should retain such data.

[Does the retention policy apply to my personal account?](#)

No. The Chat retention policy is specific to Google corporate data (your @google.com or other Alphabet account) and doesn't apply to any users outside of Alphabet, including your personal @gmail.com account. In other words, you will need to keep this retention policy in mind as you

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manage your corporate emails, but you don't have to change any behavior for your personal account.

Where can I find more information about Chat Retention?

Please visit the [Google Chat Retention Policy](#) page.

Can I change my history defaults?

Yes, but be mindful about the risks of over-retaining chat conversations (see [go/nfogov](#)). If you wish to change your personal default settings so that conversations you start have History On by default, you can do so by joining the group [g/chat-history-default-on](#). (Members of our extended workforce can join the group by emailing chat-history-default-on+subscribe@google.com; see go/add-me for more details.) Once you have joined, any 1:1 or group chat that you create will start with History On. Please note that conversations started by non-group-members will start with History Off (unless in a threaded space, where history is always forced On).

