EXHIBIT B

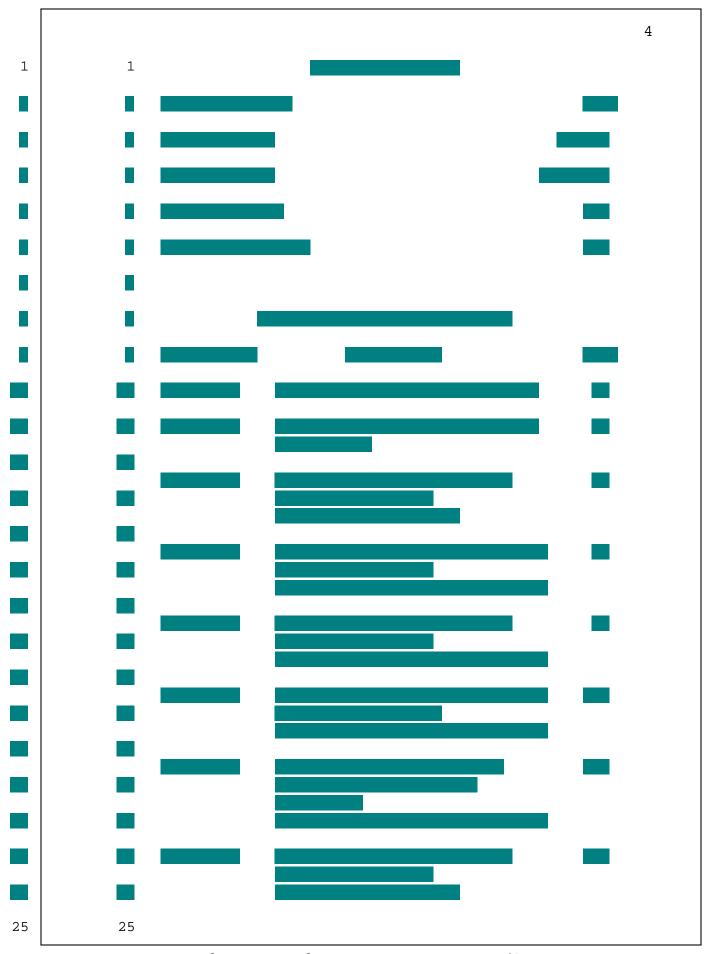
Redactions in green concern portions of the deposition transcript that were not entered into evidence

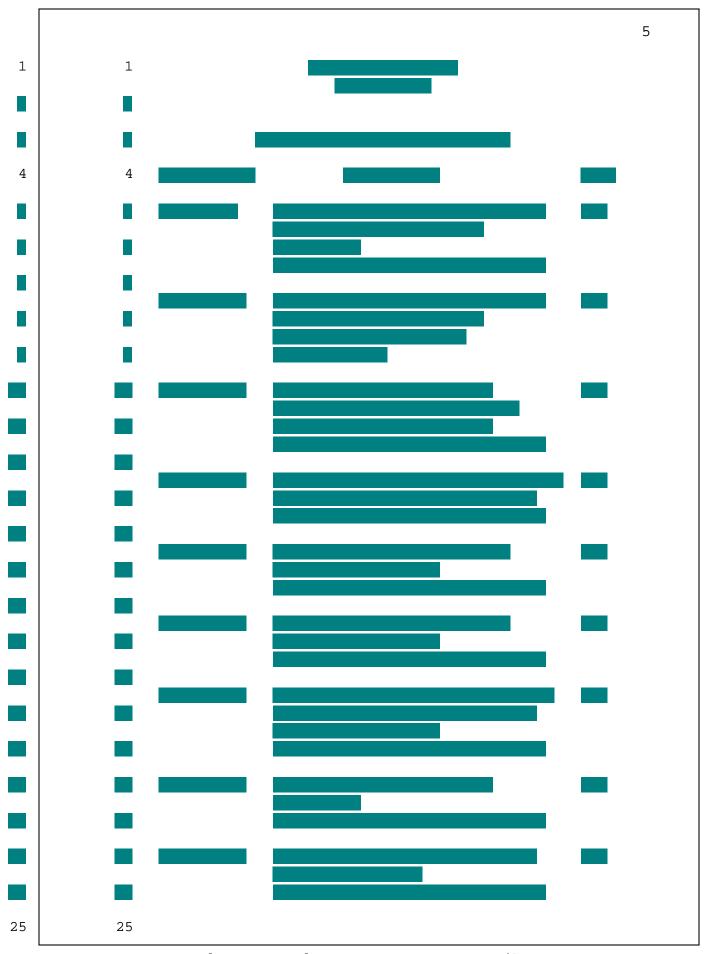
Redactions in black concern deposition transcript designations that were entered into evidence

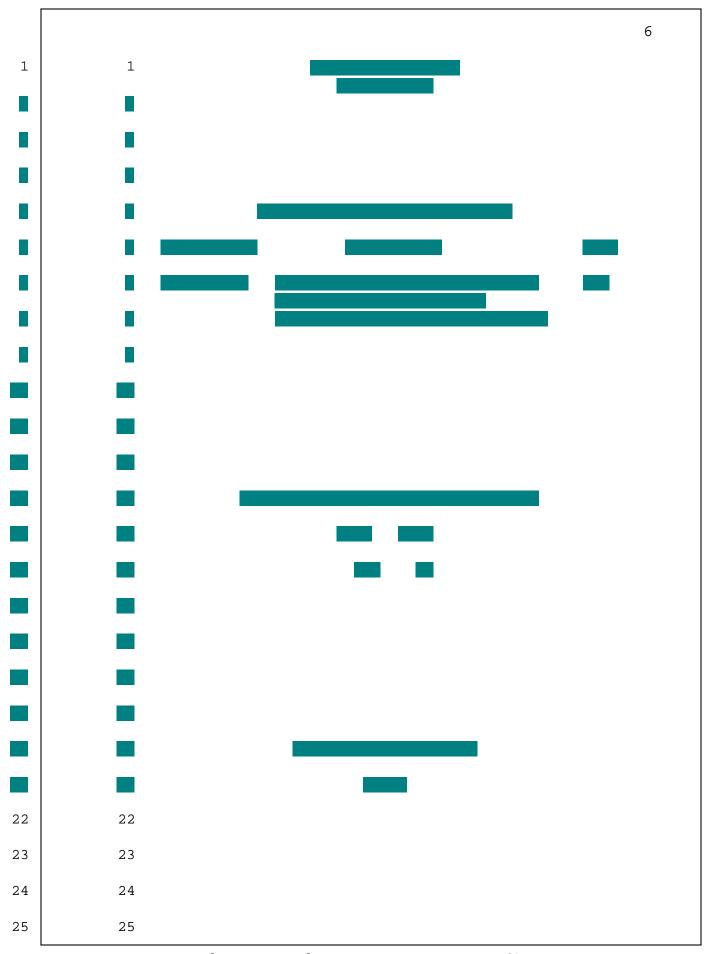
```
1
             1
                              UNITED STATES DISTRICT COURT
 1
 2
                              FOR THE DISTRICT OF COLUMBIA
 3
             3
             4 UNITED STATES OF AMERICA, et )
 4
                al.,
 5
             5
                              Plaintiffs,
 6
             6
                          vs.
                                               )Case No.
 7
             7
                                               )1:20-cv-03010-APM
                GOOGLE LLC,
 8
             8
                              Defendant.
 9
             9
10
            10
                STATE OF COLORADO, et al.,
11
            11
                              Plaintiffs,
12
            12
                         vs.
                                               )Case No.
                                               )1:20-cv-03715-APM
13
            13 GOOGLE LLC,
14
            14
                              Defendant.
15
            15
16
            16
17
            17
18
            18
                                  HIGHLY CONFIDENTIAL
19
            19
                            REMOTE VIDEOTAPED DEPOSITION OF
20
            20
                                       MIKE JAMES
21
            21
                              THURSDAY, FEBRUARY 10, 2022
22
            22
23
            23
24
            24
                 Reported in Stenotype by:
25
                 Cody R. Knacke, RPR, CSR No. 13691
            25
                 Job No.: 830846
```

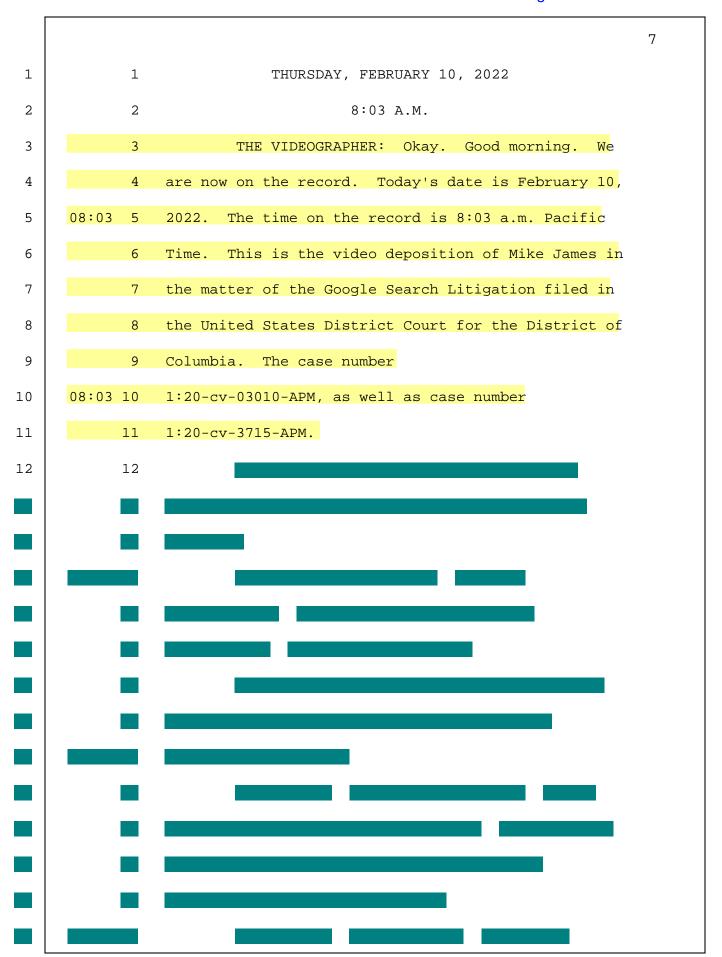
			2
1	1	REMOTE VIDEOTAPED DEPOSITION OF MIKE JAMES,	
2	2	taken before Cody R. Knacke, RPR, CSR No. 13691, a	
3	3	Certified Shorthand Reporter for the State of	
4	4	California, commencing on Thursday,	
5	5	February 10, 2022, at 8:03 a.m., Pacific time.	
6	6		
7	7	(All Appearances Via Videoconference.)	
8	8	APPEARANCES OF COUNSEL:	
9	9	For the United States of America:	
10	10	UNITED STATES DEPARTMENT OF JUSTICE	
11	11	ANTITRUST DIVISION BY: CLAIRE MADDOX, ESQ. MICHAEL BLAISDELL, ESQ.	
12	12	JOHN P. FOLEY, ESQ. SARA GRAY, ESQ.	
13	13	MATTHEW HAMMOND, ESQ. MICHAEL MCLELLAN, ESQ.	
14	14	950 Pennsylvania Avenue Washington, D.C. 20530	
15	15	202.514.2000	
16	16	For the State of Colorado:	
17	17	OFFICE OF THE ATTORNEY GENERAL BY: JONATHAN SALLET, ESQ.	
18	18	ERICA FRUITERMAN, ESQ. 1300 Broadway	
19	19	7th Floor Denver, Colorado 80203	
20	20	720.508.6000	
21	21	For the State of Nebraska:	
22	22	OFFICE OF THE ATTORNEY GENERAL BY: JOSEPH CONRAD, ESQ.	
23	23	2115 State Capitol Lincoln, Nebraska 68509	
24	24	402.471.2683	
25	25		

			3
1	1	APPEARANCES OF COUNSEL: (Continued)	
2	2	For Google LLC:	
3	3	WILSON SONSINI GOODRICH & ROSATI BY: WENDY HUANG WASZMER, ESQ.	
4	4	FRANKLIN RUBINSTEIN, ESQ. FAIZA KAUKAB, ESQ.	
5	5	1301 Avenue of the Americas 40th Floor	
6	6	New York, New York 10019 212.497.7702	
7	7	<pre>wwaszmer@wsgr.com frubinstein@wsgr.com</pre>	
8	8	fkaukab@wsgr.com	
9	9	For Amazon and the Deponent:	
10	10	GIBSON, DUNN & CRUTCHER BY: JOSHUA LIPTON, ESQ.	
11	11	ARIEL FISHMAN, ESQ. POOJA PATEL, ESQ.	
12	12	MATTHEW PARROTT, ESQ. 1050 Connecticut Avenue, N.W.	
13	13	Washington, D.C. 20036 202.955.8226	
14	14	jlipton@gibsondunn.com afishman@gibsondunn.com	
15 16	15	<pre>ppatel@gibsondunn.com mparrott@gibsondunn.com</pre>	
16	16 17	Also Present:	
18	18	Ryan LaFond, Videographer Lauren Ison, Department of Justice	
19	19	Dimitry Mezhvinsky, Department of Justice Aaron Ross, Esq., Amazon	
20	20	naron Robb, Bbq., imazen	
21	21		
22	22		
23	23		
24	24		
25	25		

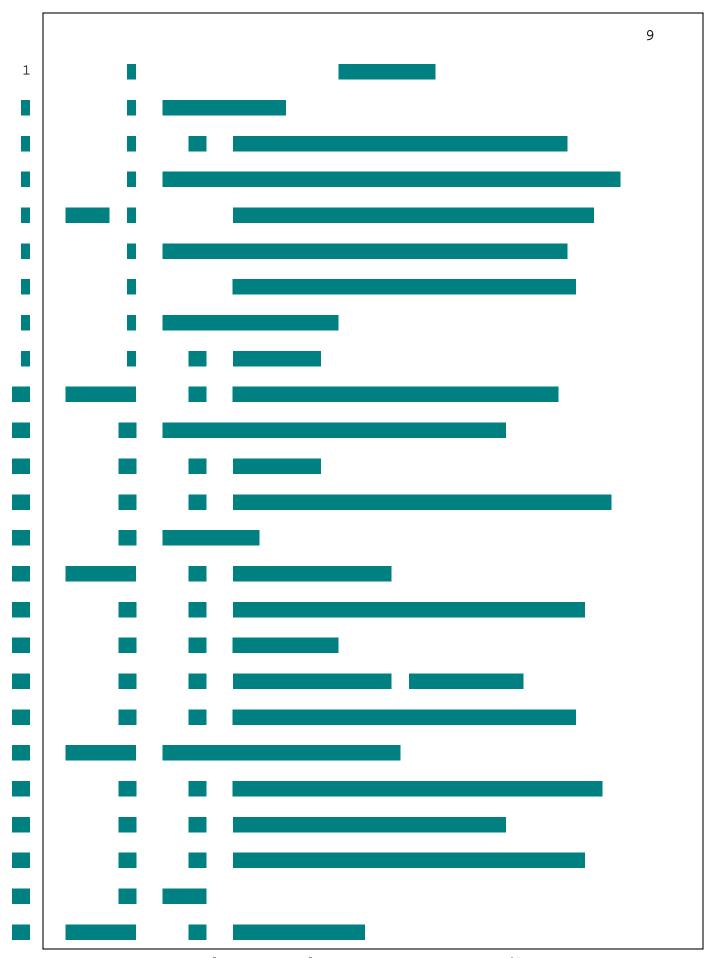




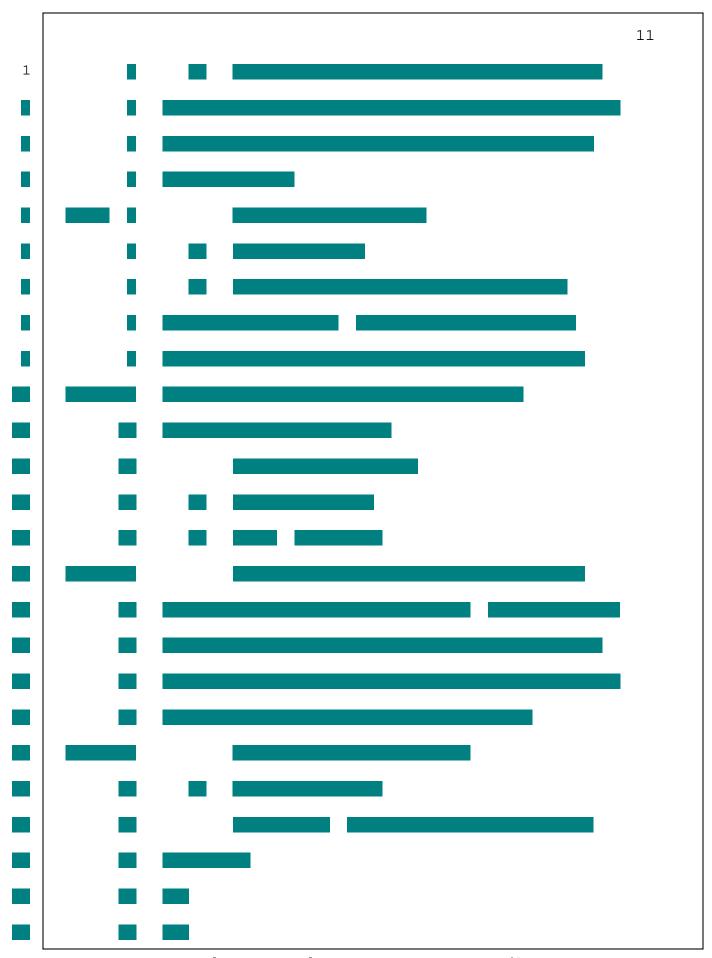


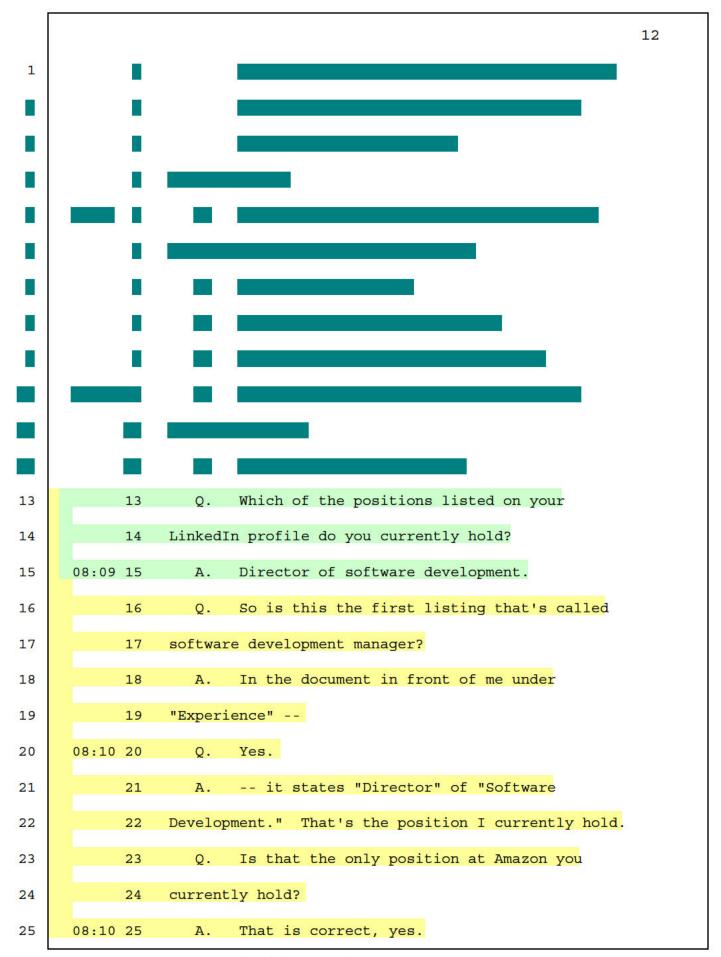




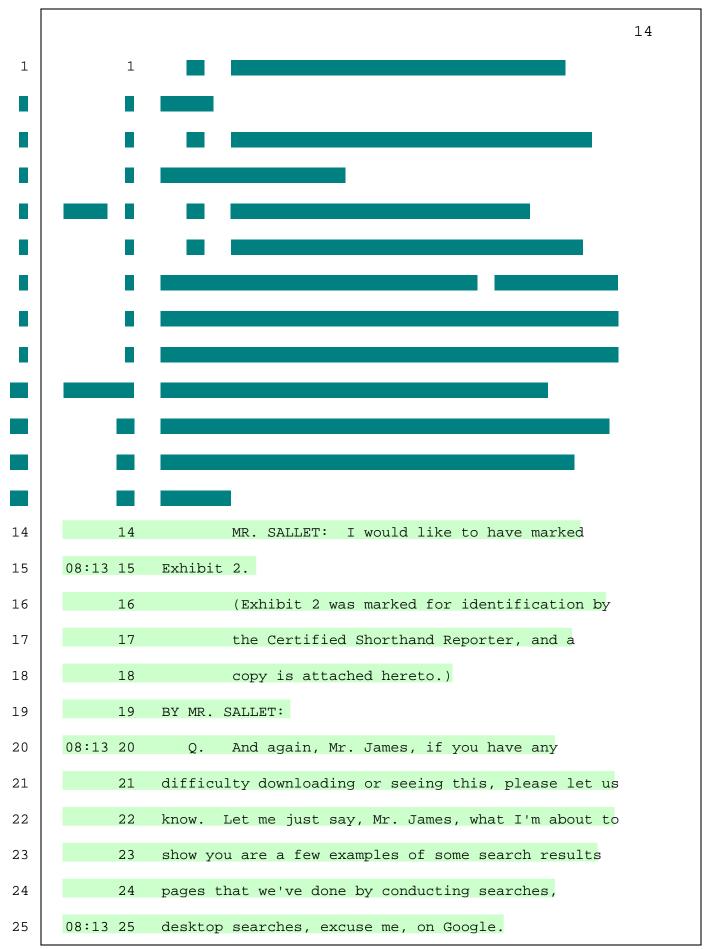






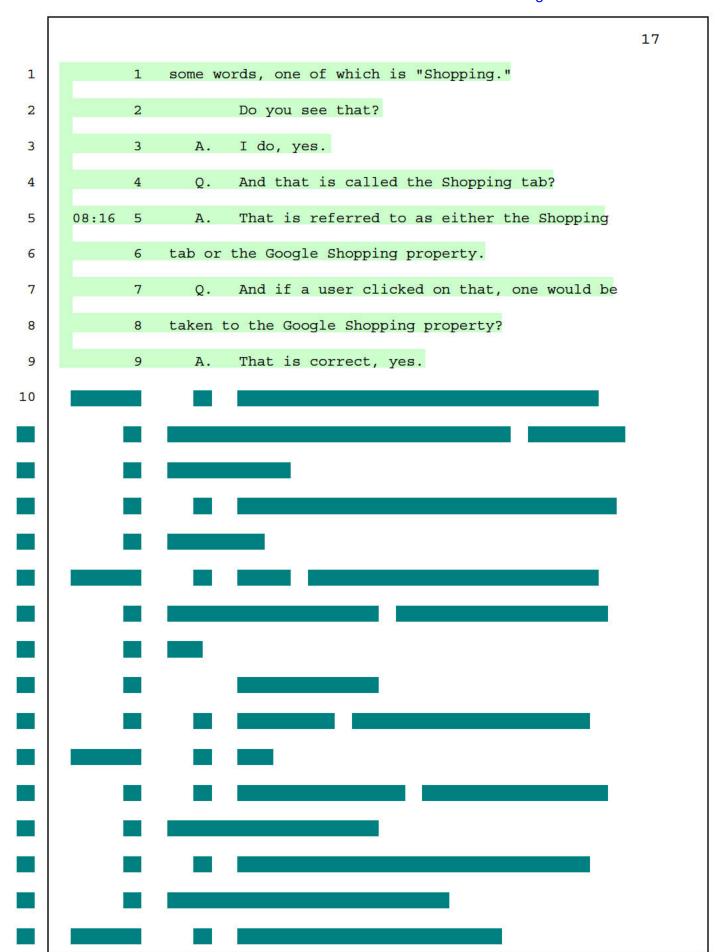


```
13
                         Could you tell us your responsibilities in
1
                 the position you hold?
 2
             3
                         So as a director for software development
 3
                    A.
             4
                 for Amazon, I lead an organization responsible for
 4
      08:10
             5
                 the demand side advertising on search platforms or
 5
 6
             6
                 search products, as well as social media.
             7
                         So that includes the responsibility for the
7
                 purchase of search advertising from Google; is that
8
             9
                 correct?
9
                         That is correct, yes.
10
      08:11 10
                    A.
                         Are there any other aspects of Google's
            11
                    Q.
11
                 operations for which you have responsibility?
12
            12
13
            13
                         MR. LIPTON: Objection to form.
            14
                         THE WITNESS: The -- in the responsibility
14
15
      08:11 15
                 of, you know, managing the search-based advertising
            16
                 program, I also am responsible for search engine
16
17
            17
                 optimization, which is effectively the metadata and
18
            18
                 pages that we create in order to allow the Google
19
            19
                 robots to actually crawl our web pages.
      08:11 20
                 BY MR. SALLET:
20
                         And is that linked to the appearance of
21
            21
                    Q.
            22
                 unpaid listings on a Google search results page?
22
                         That's correct, yes.
23
            23
                    A.
24
```



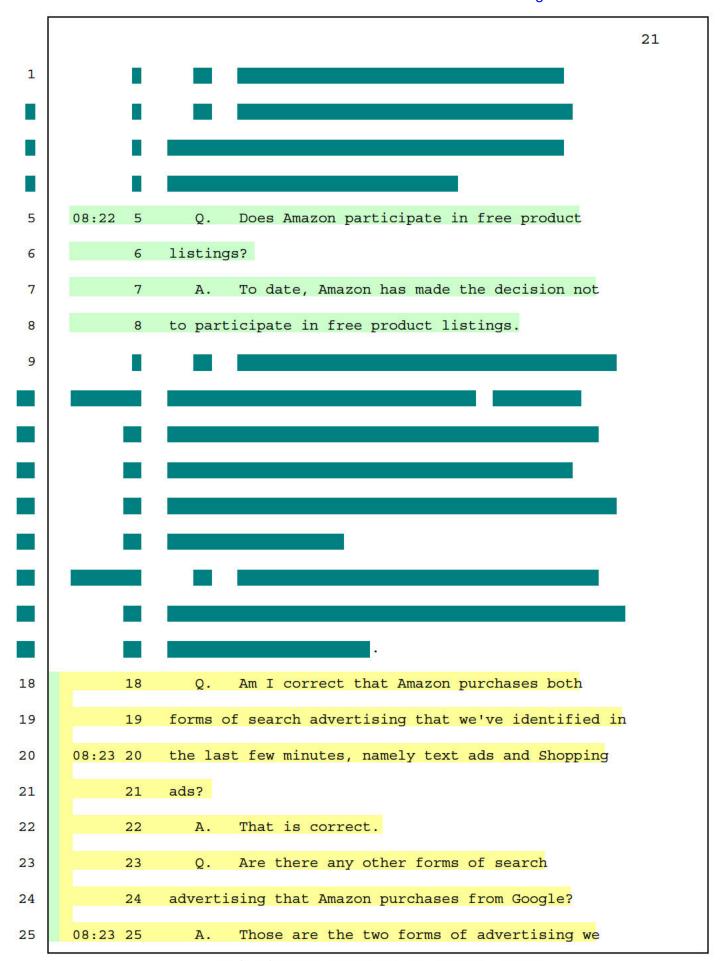
```
15
 1
 2
                          So the first is what we call a search
 3
                 results page; is that correct?
             4
                         That is correct, yes.
 4
                    Α.
 5
      08:13 5
                          And it is what appears after a user enters
 6
             6
                 a search query in, for example, google.com; is that
 7
             7
                 correct?
 8
                    Α.
                         That's correct, yes.
 9
                          On the right, there are some ads. You see
                    Ο.
                 that it says "Ads" and "Shop furniture"?
10
      08:14 10
            11
                          I do see that, yes.
11
                    A.
            12
                    Ο.
                         Yes. Thank you. I apologize for
12
13
            13
                 interrupting.
14
            14
                          What do you call that feature on the
      08:14 15
                 right-hand side of the page?
15
                          Those would be Google Shopping ads.
16
            16
                    Α.
            17
                         And, Mr. James, are you familiar with the
17
                    0.
18
            18
                 term "Merchant Center" on Google?
19
                    Α.
                          I am, yes.
      08:14 20
                    Q.
                          What is the Merchant Center?
20
            21
                    Α.
                         The Google Merchant Center is the
21
            22
22
                 management console for managing the Google Shopping
23
            23
                 ads.
24
25
      08:15 25
                 page?
```

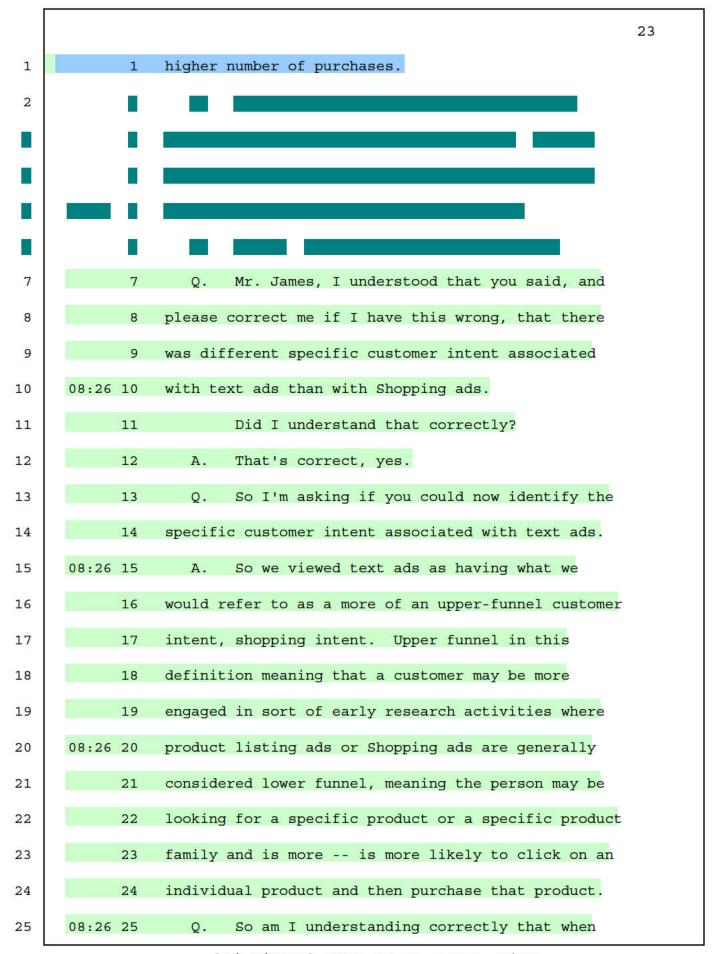
```
16
1
                         Are Shopping ads also sometimes referred to
 2
                 as product listing ads, or PLAs?
 3
                         That is true. Historically, yes.
                    A.
 4
      08:15 5
                    0.
                         Yes. So the search results page that we
5
                 are looking at shows Shopping ads on the right-hand
 6
             6
             7
                 side of the page. In your experience, can Shopping
7
                 ads appear in various parts of the search results
8
             9
                 page?
9
      08:15 10
10
                    A.
                         Yes, they can.
11
13
            13
                         THE WITNESS: Yes. They -- yes, Shopping
            14
                 ads can appear in other places on the search results
14
      08:15 15
15
                 page.
                 BY MR. SALLET:
            16
16
                    Q. For example, sometimes at the top of a
17
            17
                 page?
18
            18
19
            19
                    A.
                         That is correct, yes.
      08:15 20
                         And then on the left-hand side there are a
20
                    Q.
                 set of ads, for example, for Wayfair. And are those
21
            21
            22
                 text ads?
22
            23
                    A.
                         That's what we would refer to as text ads,
23
24
            24
                 yes.
      08:16 25
                         Yes. And at the top of the page there are
25
                    0.
```



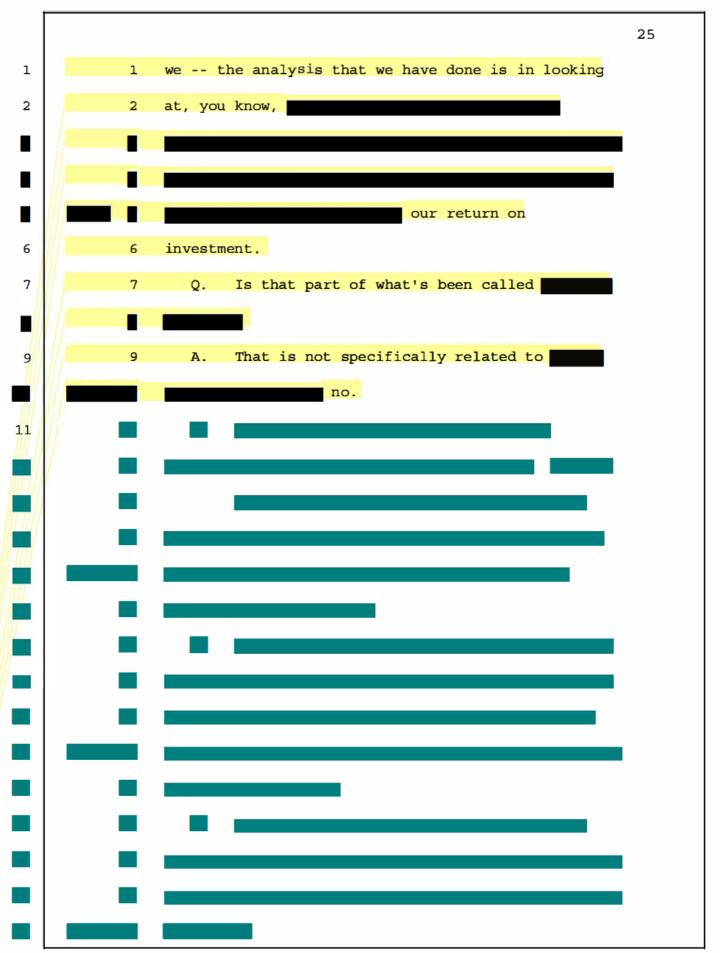
```
18
 1
                    O. So could we now go to the second page.
 2
                 This shows what happens if one were to click on the
                 Shopping tab at the top of the search results page.
 3
             4
                        So, Mr. James, there are a set of ads at
 4
      08:18 5
 5
                 the top of that page, a row of ads. Are those also
 6
             6
                 Shopping ads?
 7
             7
                         Those would be a component of the Shopping
 8
                 ads, to my knowledge, yes.
                         And are the Shopping ads on this page
 9
10
      08:18 10
                 purchased separately from the Shopping ads that we
            11
                 saw on the previous page?
11
            12
                         To my knowledge, no. They are one and the
12
13
           13
                 same.
14
            14
                    Q.
                         And they are purchased by Amazon or other
15
      08:18 15
                 companies through an auction; correct?
            16
                    Α.
                         That is correct, yes.
16
            17
                         And the payment is a cost-per-click
17
                    0.
            18
18
                 payment?
19
                         That is correct, yes.
                    Α.
      08:18 20
                         Underneath that row of ads there is a set
20
                    Q.
            21
                 of listings that we understand to be unpaid
21
            22
                 listings.
22
23
            23
                       Do you see that row?
24
                    A. I do see it, yes.
25
      08:19 25
                    0.
                         Are those listings called free product
```





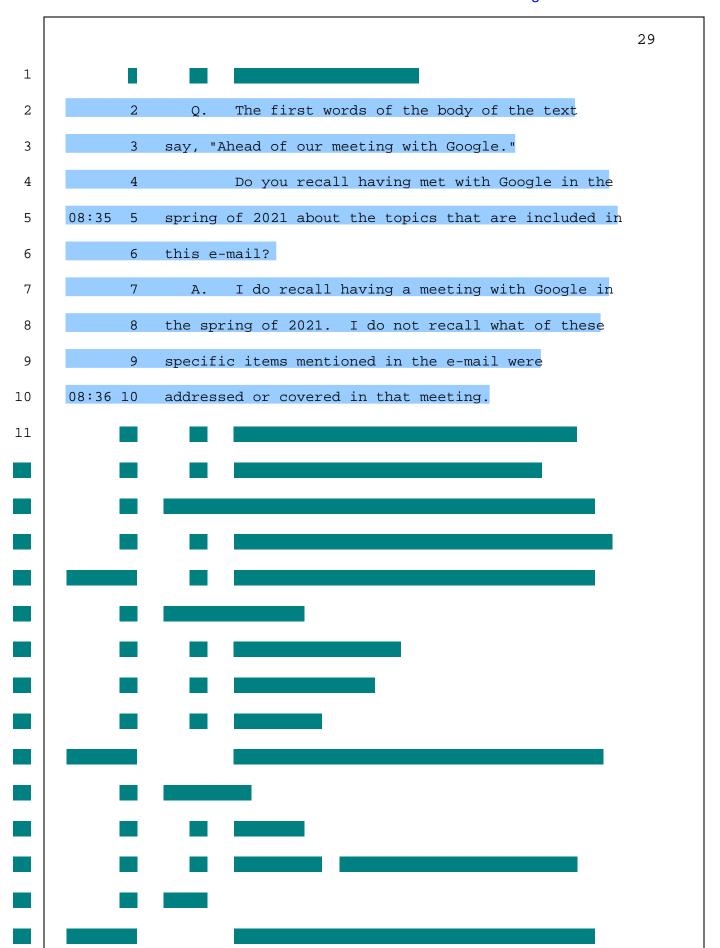


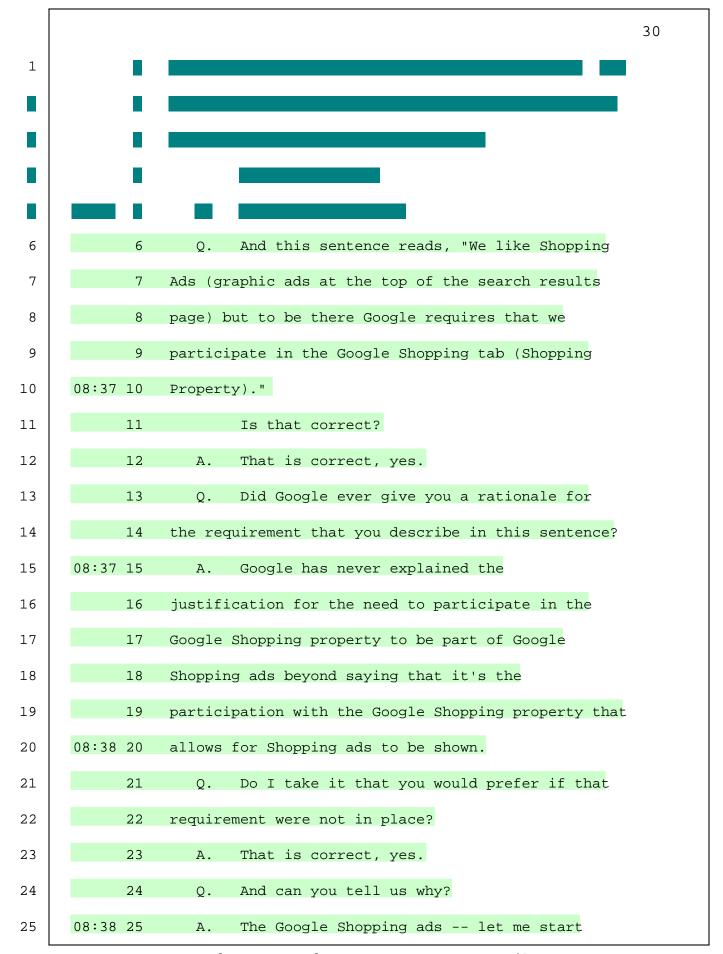
```
24
 1
                 viewed together Shopping ads are lower funnel than
 2
                 text ads?
 3
                    A.
                         That is our general perception, yes.
             4
 4
                    Q.
                        Is the ability to appear on the Google
     08:27 5
 5
                 Search results page important to Amazon?
 6
             6
                    A. Our appearance in the Google Search
 7
             7
                 experience from an advertising perspective is
 8
                 important in its ability to drive customer awareness
             9
                 of our products, leading to conversions. So it is
 9
10
     08:27 10
                 accretive to our revenue and profitability.
            11
                         Is it of particular importance to Amazon to
11
12
            12
                 appear in a prominent place on the Google Search
13
            13
                 results page?
            14
                         The prominence is less important to us than
14
15
      08:28 15
                the return on investment, the financial return for
            16
                 our marketing expense.
16
17
            17
                    Q. Have you done any analysis on -- strike
18
            18
                 that.
19
            19
                         Have you done any analysis to look at any
     08:28 20
20
                 relationship between return on investment and the
21
            21
                 place on a search results page that an ad would
            22
22
                 appear?
23
            23
                    A. We have done some analysis, yes.
24
            24
                    Q. And what does that show?
      08:28 25
25
                    A.
                         It's a complicated story, but, you know,
```



		2	7
1			
4	4	Q. Do you have a general understanding of how	
5	08:32 5	much annually Amazon spends on Google Search	
6	6	advertising?	
7	7	A. Yes, I do.	
8	8	Q. And what is that?	
9	9	A. In 2021 we spent somewhere in excess of	
10	08:32 10	\$ billion on Google Search ads worldwide.	
11	11	Q. And as you made plans for 2022, do you	
12	12	expect any material different number to result from	
13	13	purchases?	
14	14	A. Our plan for 2022 indicates that we will	
15	08:32 15	see a further increase in our spend on Google Search	
16	16	ads.	
17	17	Q. And is that linked at all to any analysis	
18	18	of where you expect the Amazon organic results to	
19	19	appear in relationship to those ads?	
20	08:33 20	A. The decision on our investment in Google	
21	21	Search ads is driven by the efficiency of the	
22	22	program. It is inclusive of the what we would	
23	23	refer to as total search return. So it does take	
24	24	into account the potential substitution of free	
25	08:33 25	search results for paid search listings.	

```
28
                    Q. In your experience on an average
 1
 2
                 cost-per-click basis, are Google Shopping ads
                 generally more expensive than Google text ads?
 3
                    Α.
                         I'm afraid I don't have the latest
 4
 5
      08:33 5
                 information on that, so I can't speak with
                 confidence.
 6
             6
 7
             7
                         Do you have any historical information?
                       If I recall correctly, when last I looked
 8
                 at this, the Shopping ads were a higher cost per
 9
      08:33 10
                 click than text ads.
10
            11
                         MR. SALLET: Mr. James, I'd like to show
11
            12
                 you what I believe is Exhibit 3, which will be an
12
13
            13
                 e-mail.
14
            14
                         (Exhibit 3 was marked for identification by
      08:34 15
                         the Certified Shorthand Reporter, and a
15
            16
                         copy is attached hereto.)
16
17
            17
      08:35 20
                    Q.
                         Mr. James, do you mind quick -- you wrote
20
            21
                 this on March 17, 2021; is that correct?
21
            22
                         That is what the e-mail timestamp implies,
22
23
            23
                 yes.
24
```





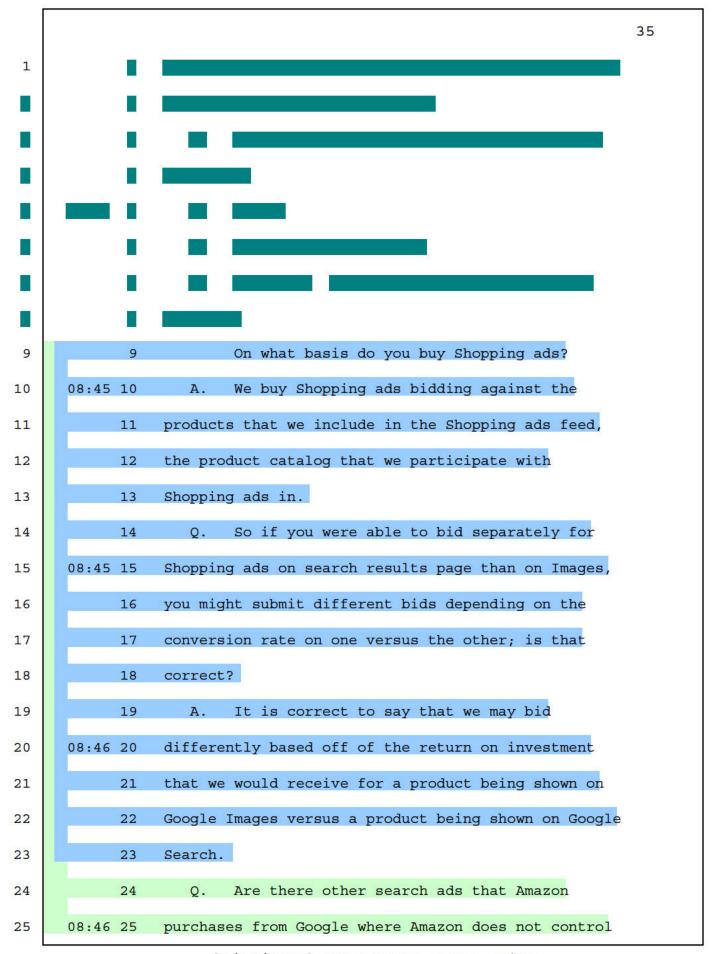
```
31
             1 over.
 1
 2
                         Amazon has a store, looks to participate in
 3
                 marketing activities in order to make our customers
             4
 4
                 or future customers aware of the products and
      08:38 5
                 services that we sell. Shopping ads are a good way
 5
 6
                 for us to make them aware of the products that we
 7
             7
                 sell.
 8
                       We enjoy the benefits of that, but dislike,
             9
                 as any store would, the notion that our investment
 9
10
      08:39 10
                 in marketing to make our customers aware of those
            11
                 offers would then create, you know, traffic that
11
            12
                 would go to another store.
12
13
            13
                    Q. Have you ever asked Google for the right to
            14
                 buy Shopping ads without participating in the Google
14
      08:39 15
15
                 Shopping tab?
            16
                         We have, yes.
16
                    Α.
17
                         And when you have asked for that ability,
21
            22
                 what has Google said in response?
22
            23
                         We've asked on numerous occasions and we've
23
24
                 gotten a variety of different answers. The most
25
      08:40 25
                 common answer is that they will take it under
```

```
32
 1
                 advisement but they have no plans to change the
                 dependence.
 2
 3
                         And to the extent you recall any oral
 7
                 communications, do you recall who at Google made
 8
                 that representation?
 9
      08:40 10
                         We certainly had this conversation with
10
                    A.
            11
                 Aaron Rova, a person I mentioned earlier.
11
            12
                    Q.
                         Yes.
12
13
            13
                         We've also met with the product ads --
14
            14
                 Google Shopping and product ads team in Zurich.
      08:41 15
                 This is the product management team responsible for
15
            16
                 this experience. And we have asked the leaders
16
            17
                 there the same.
17
18
            22
                         The last underlined language on this page
22
                 starts with the words "We want control."
23
            23
24
            24
                         Do you see that?
      08:41 25
                    A.
                         I do see that, yes.
25
```

efficiency perspective. That may cause us to bid

25

08:43 25



```
36
                 the placement?
 1
                         Not to my knowledge, no.
 2
                         Is there any issue about Amazon's control
             3
                    0.
 3
                 of the placement of text ads that it purchases?
 4
      08:46
                         To date, we haven't seen examples, not to
 5
             5
 6
             6
                 my recollection -- we haven't seen examples of text
                 ads being placed in, you know, broad locations or
 7
             7
                 areas that are not, you know, intentional or known
 8
                 to us.
             9
9
                         Do you believe the -- that the lack of
      08:46 10
                    0.
10
                 control and the ability to determine the placement
            11
11
                 of the Shopping ads impedes Amazon's ability to
12
            12
            13
                 optimize your advertising to attract customers?
13
            14
                         It's my belief that our inability to
14
                 control and measure the placement of our ads leads
15
      08:47 15
                 to inefficiencies, so, therefore, we cannot optimize
            16
16
                 to the best of our ability.
17
            17
                         So in the second to the last paragraph of
18
            18
                    0.
19
                 this e-mail there's a sentence that begins -- well,
      08:47 20
                 actually, a phrase that begins "1)."
20
                         Do you see that? It starts with the words
            21
21
            22
                 "in 2019"?
22
            23
                         I see that sentence, yes.
23
24
            24
                    0.
                         And this reads -- these words read, "In
      08:48 25
                 2019 they started placing our Shopping Ads on Google
25
```

request on -- as a redirection, if you will.

08:49 25

25

I am familiar with the term, yes.

08:51 25

Α.

25

```
39
                         And what do you understand a surface to be
 1
                 in that context?
 2
                         My understanding of a surface is that it is
 3
                    A.
                 any number of places where Google chooses to, you
             4
 4
      08:51
                 know, present content.
 5
             5
 6
                    Q. Could you give an example?
             7
                         Google Search would be considered a
7
                 surface, Google Images would be considered a
8
                 surface.
             9
9
                         And does Google provide any data to you
      08:51 10
10
                 about the performance of advertisements broken down
            11
11
                 by Google surface?
12
            12
            13
                         To my knowledge, no. It may be that they
13
            14
                 have given us some high-level aggregate indications
14
15
      08:52 15
                 on performance in part of our -- as part of the --
                 our business reviews, but I can't recall
            16
16
17
            17
                 specifically.
                         If you look at the remainder of this
18
            18
            19
                 sentence, there's an Arabic 2 and then a half
19
      08:52 20
                 parentheses.
20
                         Do you see that?
21
            21
            22
                    Α.
                         I see that, yes.
22
            23
                         And it says, "they are continually reducing
23
24
                 the quality of reporting data we are getting."
      08:52 25
                         Is that correct?
25
```

```
40
                         That is correct, yes.
 1
 2
                    0.
                         Can you give an example of what this refers
                 to?
 3
                         So an example of where we've seen a
 4
      08:52
                 reduction in the reporting quality is in the API
 5
             5
 6
             6
                 data that we have access to on text ads performance,
                 where, in recent years, Google has removed the page
7
             7
                 rank, the actual ranking data associated with our
8
                 text ads results.
             9
9
      08:53 10
                    Q. And what does that -- what, if anything,
10
            11
                 does that prevent you from knowing that you would
11
                 like to know?
12
            12
                         When we think about the optimization of our
13
            13
            14
                 ads, if we think about an individual text ad and
14
15
      08:53 15
                 where it is placed on the page, their -- that
            16
                 information can help to inform us as to whether or
16
17
            17
                 not we are bidding at a sufficient level to show on
18
            18
                 the first page of the search results, but similarly
            19
                 to know that we have bid at a high enough level that
19
                 we are now consistently showing up toward the top of
20
      08:53 20
                 the page results.
            21
21
                         And is -- and the value of the ad to Amazon
            22
22
            23
                 can differ depending on where it appears; is that
23
24
            24
                 correct?
      08:54 25
                         That is correct, yes.
25
                    A.
```

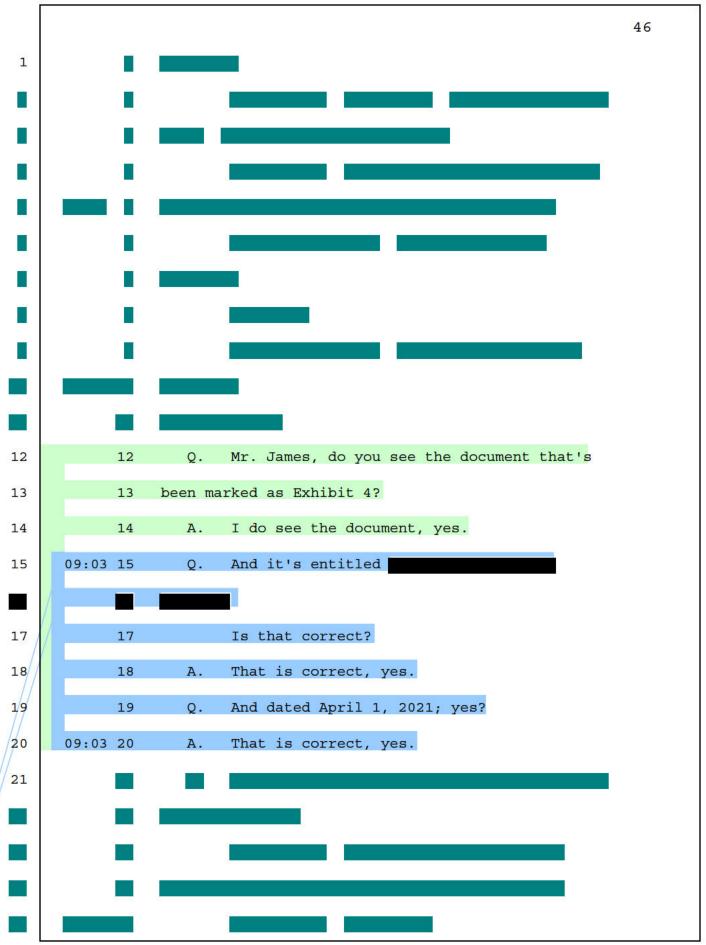
```
41
                         The next sentence in this paragraph says,
 1
 2
                 "I am continually arguing with them to give us
             3
                 visibility to the metrics that allow for us to
 3
                 understand our business drivers."
 4
                         Is that correct?
      08:54
 5
             5
 6
             6
                    A.
                         That's correct, yes.
             7
                         When you use the term "business drivers,"
 7
                 to what do you refer?
 8
                         Business drivers in this context references
9
      08:54 10
                 any of the data signals that we might use in our
10
            11
                 optimization systems to allow us to improve our ROI.
11
12
            12
                         You say you were continually arguing.
13
            13
                         Do you recall any specific communications
            14
                 with Google on this point, either written or oral?
14
                    A. I can recall having the conversation on
15
      08:55 15
                 many occasions. I can't specifically recall
            16
16
                 individual instances of the discussion.
17
            17
18
            18
                         And what is Google's response to the extent
19
            19
                 you recall when you offered your view on this?
                         Google's response has historically been
20
      08:55 20
21
                 that they have acknowledged the concern but have no
            21
            22
                 intention of changing the practice.
22
            23
                         You purchase search advertising from
23
24
                 sellers other than Google; is that correct?
      08:55 25
                    Α.
                         That is correct, yes.
25
```

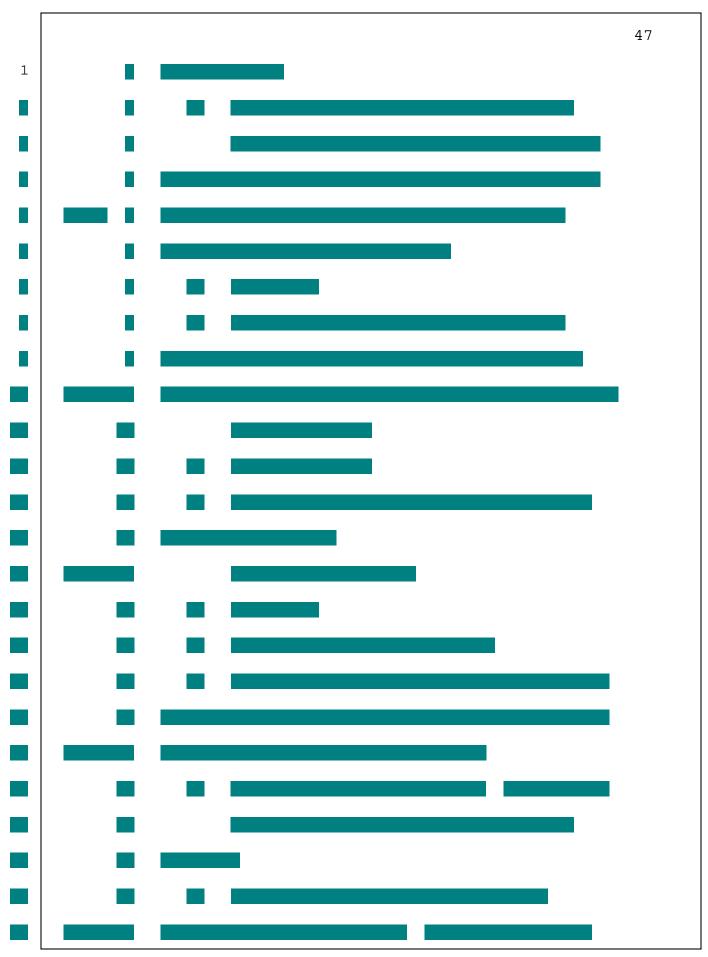
```
42
                         And that includes Bing; is that correct?
 1
                         That is -- Microsoft ads, Microsoft Search
 2
                 ads, which are formally known as Bing, yes.
 3
                         Yes, Microsoft Search ads.
 4
             4
                    0.
      08:56
                         For purposes of the United States only, are
 5
             5
 6
             6
                 there only other outlets from which you've purchased
             7
                 search advertising?
7
                         Not in the form that we would consider
8
                 search ads, such as Google Search or Microsoft
9
      08:56 10
                 Search, no.
10
                         No, sorry.
            11
                    Q.
11
12
            12
                         The concerns that you've raised in this
13
            13
                 e-mail, do they bear any relevance to your dealings
            14
                 with Microsoft in the purchase of Bing search
14
                 advertising?
15
      08:56 15
            16
                         They do not to the same degree, no. We
16
                 have more information, richer reporting information
17
            17
18
            18
                 that we get from Bing relative to what we see from
19
            19
                 Google.
                    Q. And do you have any greater ability to
20
      08:56 20
                 control the placement of the advertisements?
21
            21
                         We haven't had the same degree of
            22
                    A.
22
            23
                 challenges with Microsoft with respect to Shopping
23
24
            24
                 ads, but I would also state that Microsoft hasn't,
      08:57 25
                 you know, had the same, you know -- has shown the
25
```

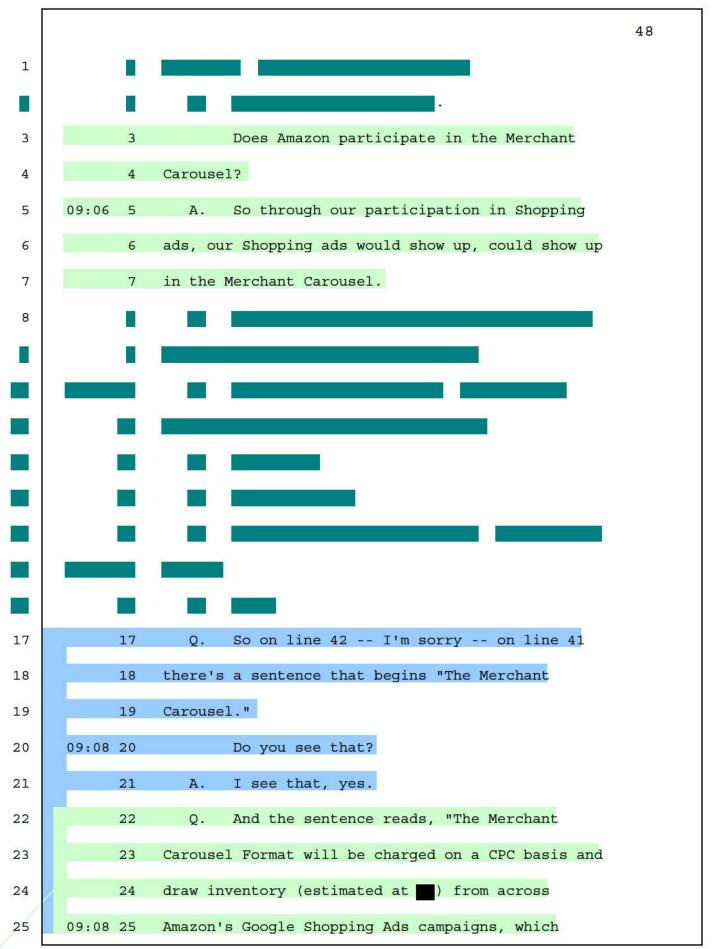
```
43
                 same interest in actually displaying those in a
 1
                 broad variety of locations.
 2
                         I'm sorry. I might not have heard
 3
             4
                 correctly. That it does have the same interest or
 4
                 does not have the same interest?
      08:57
             5
 5
                         It has not demonstrated -- it has not
 6
             6
                    A.
             7
                 demonstrated the same interest in showing those in
 7
                 various places.
 8
 9
                         Can I just ask you for the record what does
            16
16
            17
                 ACIN stand for?
17
18
            18
                         Apologies. ACIN I'm not familiar with.
19
                         I'm saying it wrong. I'm making a mistake.
      08:58 20
                 I'm getting my S sounds confused, so I apologize.
20
                         ASIN.
            21
21
            22
                    Α.
                         Yes. ASIN references a unique product
22
23
            23
                 within Amazon's shopping experience.
24
                    0.
                         Do you recall a time when there were
      08:59 25
                 conversations with Bing and Bing was willing to be
25
```

```
44
                 more flexible in the placement of ads than Google?
 1
 2
                    Α.
                         Yes.
                    Q.
                         And could you tell us about that?
 3
             4
 4
                    A.
                         The -- prime-exclusive ASINs is a good
 5
      08:59
             5
                 example of that, where we have requested with Google
 6
             6
                 that we allow for -- and it's not specifically, you
 7
             7
                 know, Prime-exclusive ASINs, but Prime-eligible
 8
                 ASINs. We have asked Google to support an
             9
 9
                 attribution, tagging, of those products within
10
      08:59 10
                 Shopping ads to reference that they are
            11
                 Prime-eligible, putting a Prime badge on those
11
            12
12
                 products. Google has rejected that, where, in our
13
            13
                 discussions with Microsoft, they have been willing
            14
                 to support that.
14
15
      09:00 15
                    Q.
                        And does Bing support that?
            16
                         We haven't engaged -- to my knowledge, we
16
17
            17
                 haven't gone beyond, you know, some cursory
18
            18
                 exploration of that. We don't use that at scale.
19
                         And just for the record, a Prime-eligible
      09:00 20
                 purchase would be if I were a Prime customer, went
20
            21
21
                 on Amazon, saw the products that were eligible for
            22
                 free shipping because I'm a Prime customer, those
22
            23
                 products would be the Prime-eligible ASINs to which
23
24
            24
                 you refer; is that correct?
      09:00 25
                         That is correct, yes.
25
                    Α.
```



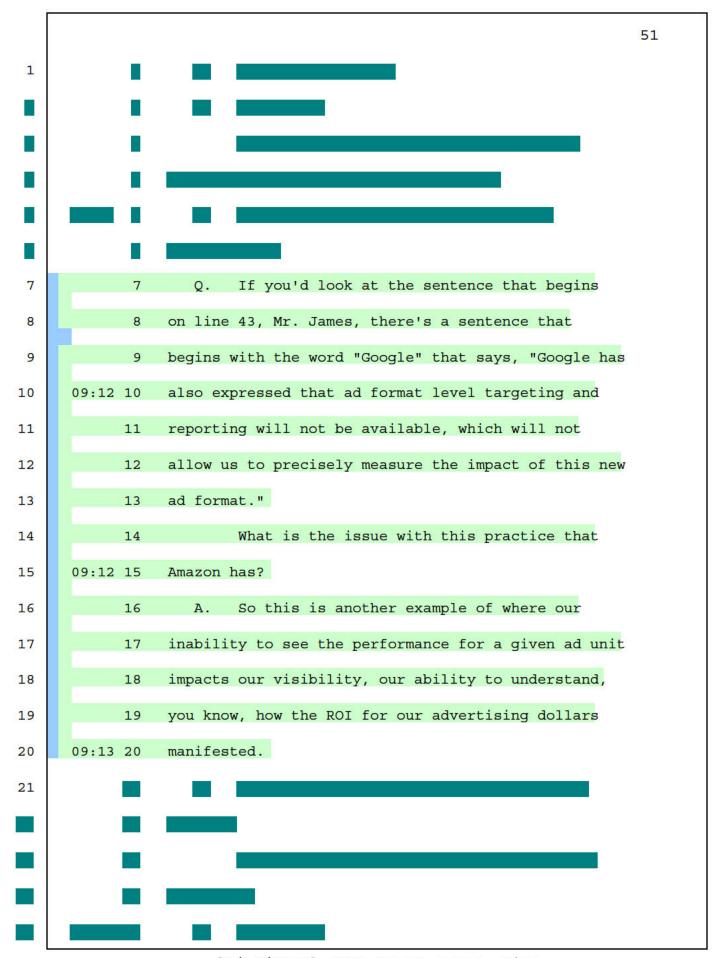




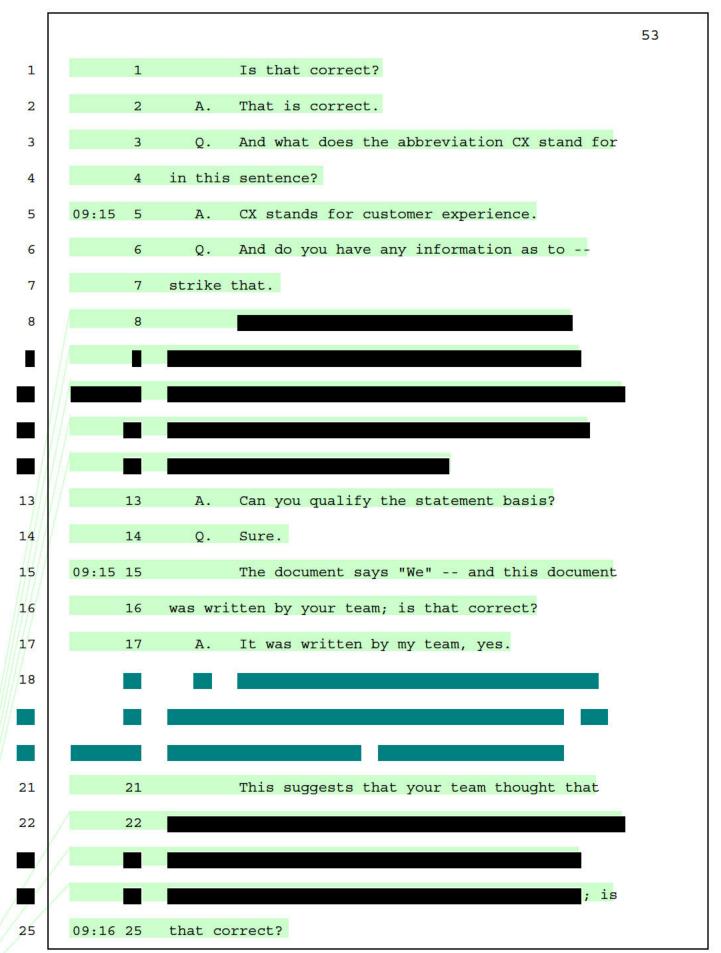


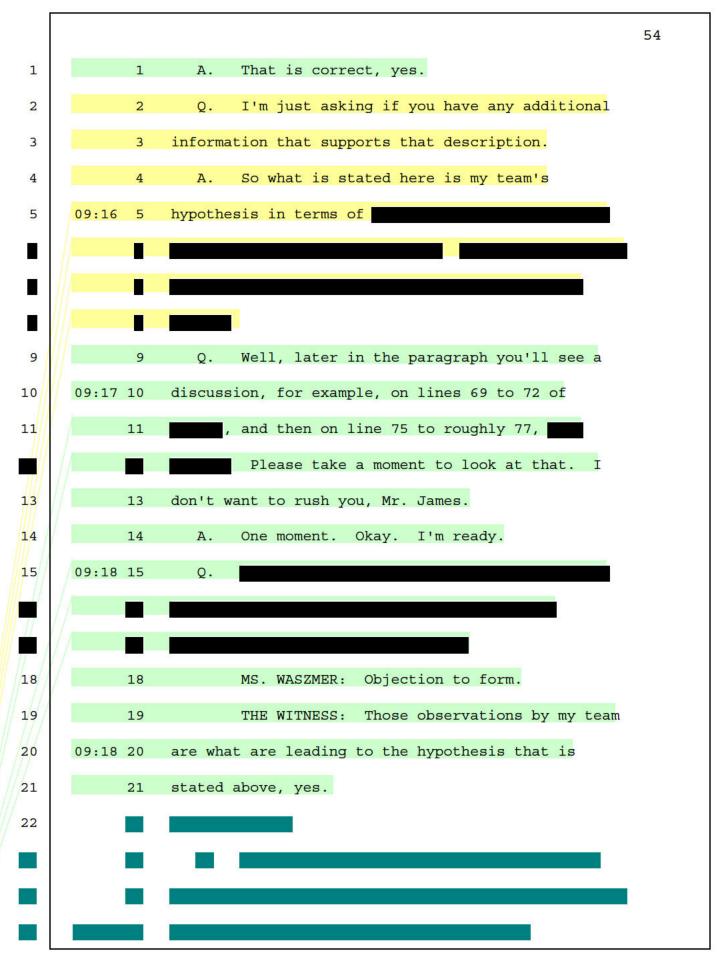
```
49
                 further reduces our ability to target specific ad
 1
 2
                 formats and locations."
                         Is that correct?
 3
                         That is correct, yeah.
             4
                    Α.
 4
      09:08
                         And when you say -- when this document, in
 5
             5
 6
             6
                 that sentence says "ad formats," to what does it
             7
                 refer?
7
                         The ad format referenced here is the
8
                 Merchant Carousel ad format.
9
10
      09:09 10
                    0.
                         Oh. So am I understanding the sentence
                 correctly to say that this practice, as described in
            11
11
            12
                 the sentence, limits Amazon's ability to decide
12
13
            13
                 whether its ads will appear in the Merchant
            14
                 Carousel?
14
                         That is correct, yes.
15
      09:09 15
                    A.
                         And why is that an issue for Amazon?
            16
16
                    0.
                         The -- similar to previous statements
17
            17
18
            18
                 regarding our ability to maximize our return on
                 investment, we lack the ability to -- lack
19
            19
      09:10 20
                 visibility into when our product ads are showing up
20
                 in the Merchant Carousel format, nor do we have the
21
            21
                 ability to control the bids that we would place
22
            22
            23
                 against those ads.
23
24
                    Q. And is this similar in terms -- strike
      09:10 25
                 that.
25
```

			50
1	1	Does this present the similar issues that	
2	2	you previously described in ads that are placed on	
3	3	both Google Search and Google Images without your	
4	4	ability to control bids separately?	
5	09:10 5	A. That is similar, yes.	
6	6	Q. Am I correct that if you had the ability to	
7	7	determine whether ads would appear on the Merchant	
8	8	Carousel, therefore you might bid differently than	
9	9	you do under the current practice?	
10	09:10 10	A. That is correct, yes.	
11	11	Q. Have you seen this practice in other	
12	12	providers of search advertising to you?	
13	13	A. Not to my knowledge.	
14			



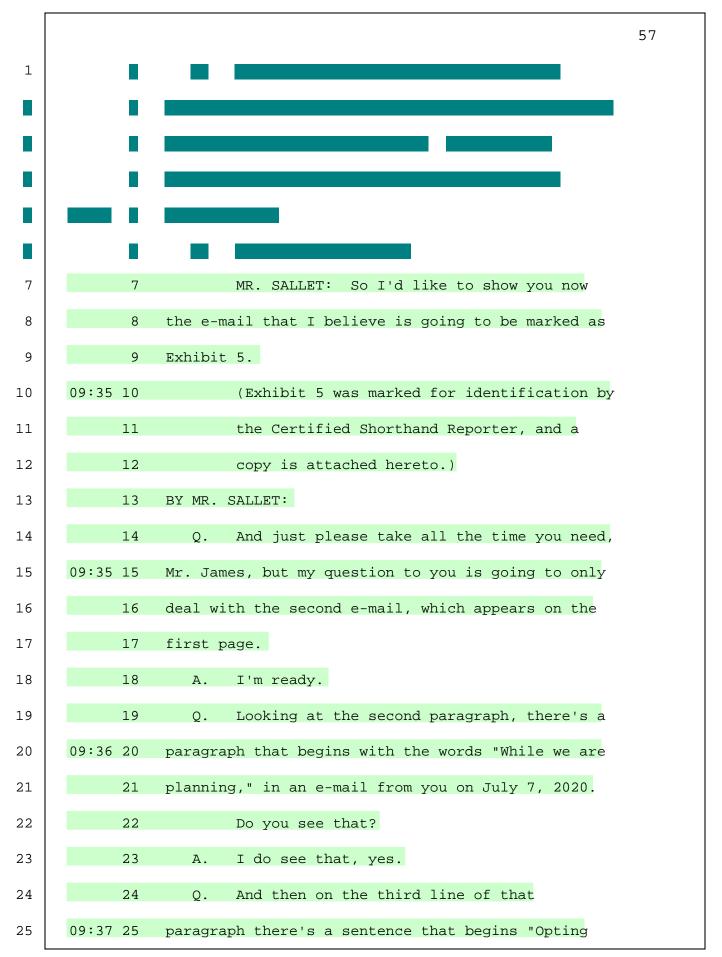








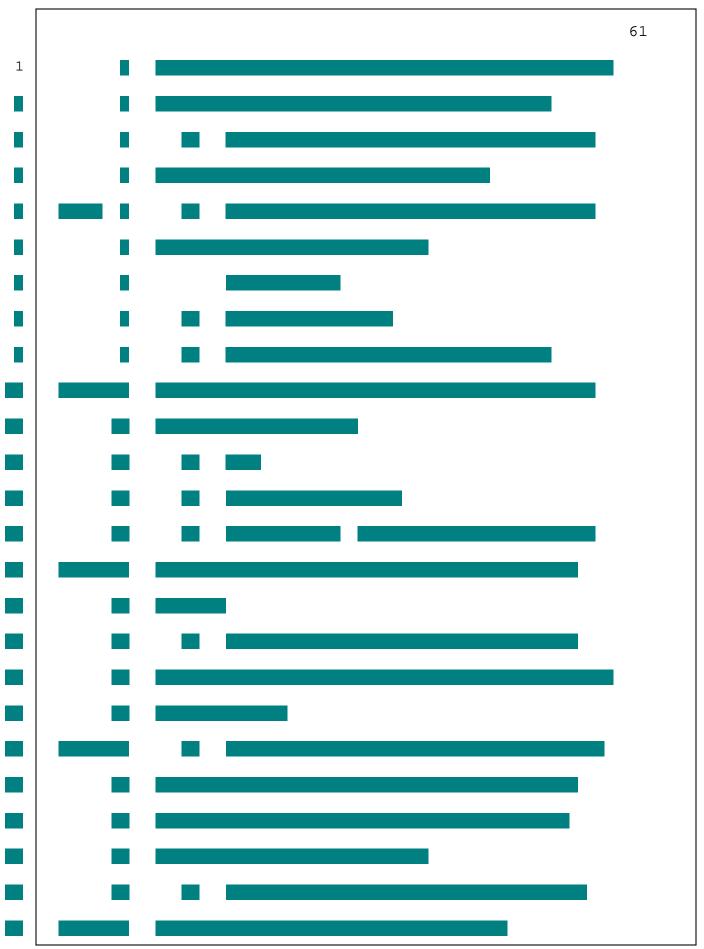




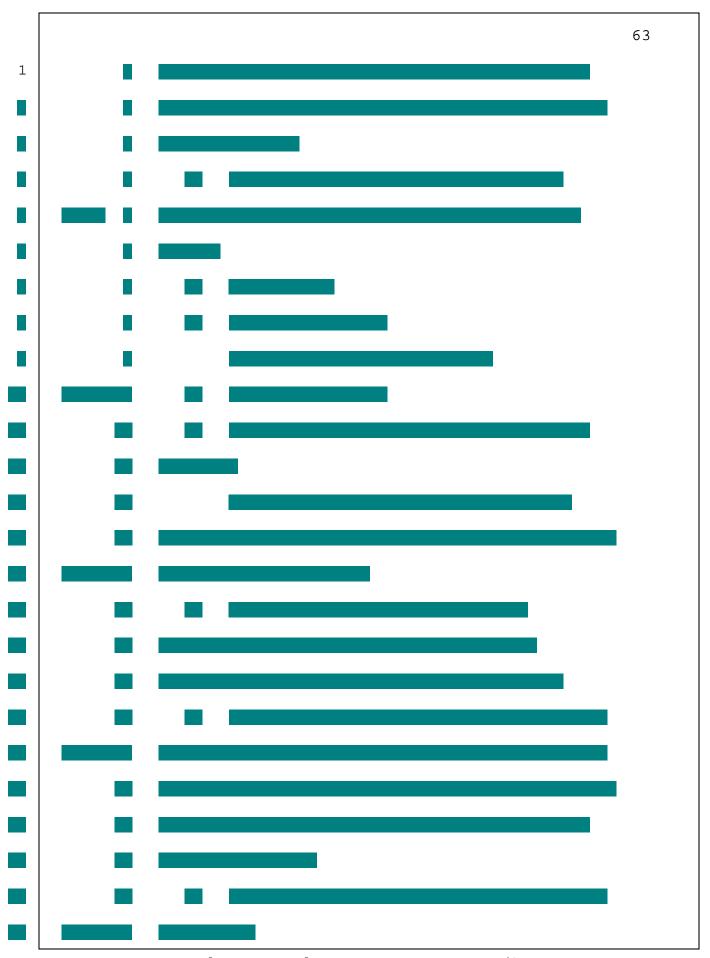
```
58
                 in."
             1
 1
 2
                         Do you see that?
 3
                    A.
                         I see that, yes.
             4
                         And the sentence reads, "Opting in to
 4
                    Q.
 5
      09:37 5
                 Google Surfaces gives Google incremental permission
 6
             6
                 to use the product data we share to experiment on
 7
             7
                 Google's retail product innovation."
 8
                         Do you see those words?
                    Α.
                         I see that, yes.
 9
      09:37 10
                         What did you have in mind in terms of what
10
                    Ο.
            11
                 Google's retail product innovation would be?
11
            12
                         So the notion captured in this e-mail is
12
13
            13
                 that by opting in to Google surfaces, Amazon
14
            14
                 provides product information that Google can use in
      09:37 15
15
                 any number of different user experiences where we
            16
16
                 have a lack of visibility or a lack of ability to
            17
                 control, you know, where and how those might show
17
            18
18
                 up.
19
                         The breadth or variety of different areas
20
      09:38 20
                 where that may show up are not known to me.
21
```

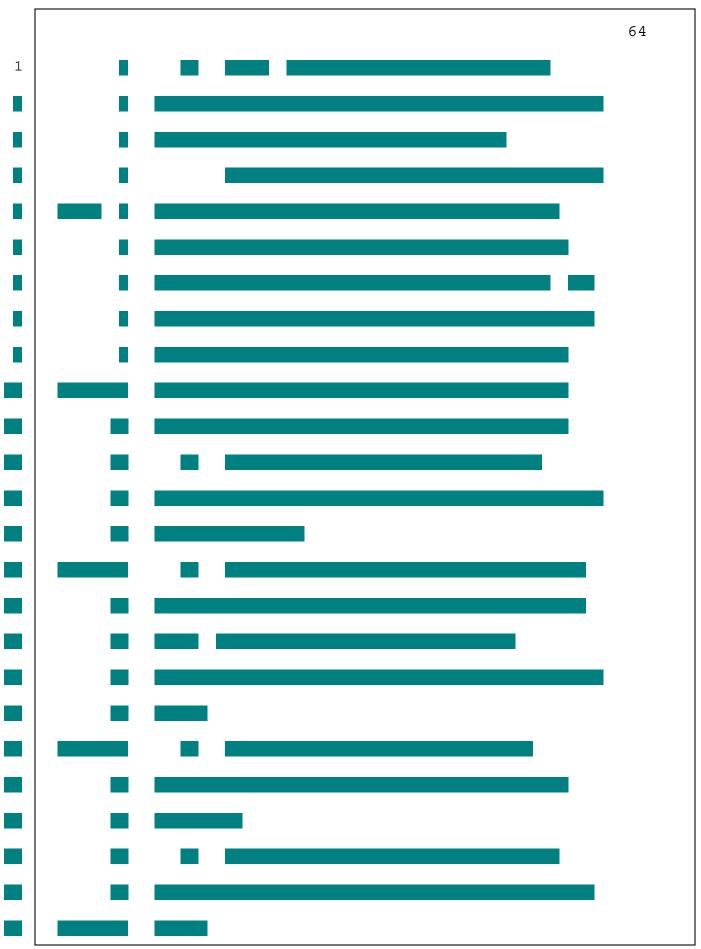
```
59
                        And then the sentence continues "with no
 1
 2
                 programmatic ability to track where that innovation
                 occurs."
 3
             4
                         Do you see that, Mr. James?
 4
 5
      09:38
             5
                    A.
                         I do see that, yes.
 6
             6
                    Q. Does that mean that you aren't able to
7
             7
                 trace the use of your data?
 8
                    Α.
                         This statement means that, without the
                 ability to understand at the time of a click taking
9
      09:38 10
10
                 place on one of those placements, that that
            11
                 placement is different from previous placements and
11
            12
12
                 to be able to track it back to the user experience,
13
            13
                 that we wouldn't know where that product information
14
            14
                 was being used on Google's search results.
15
      09:
24
                         And then it goes on to say, "no requirement
25
      09:39 25
                 that they inform us when they do so, and no ability
```

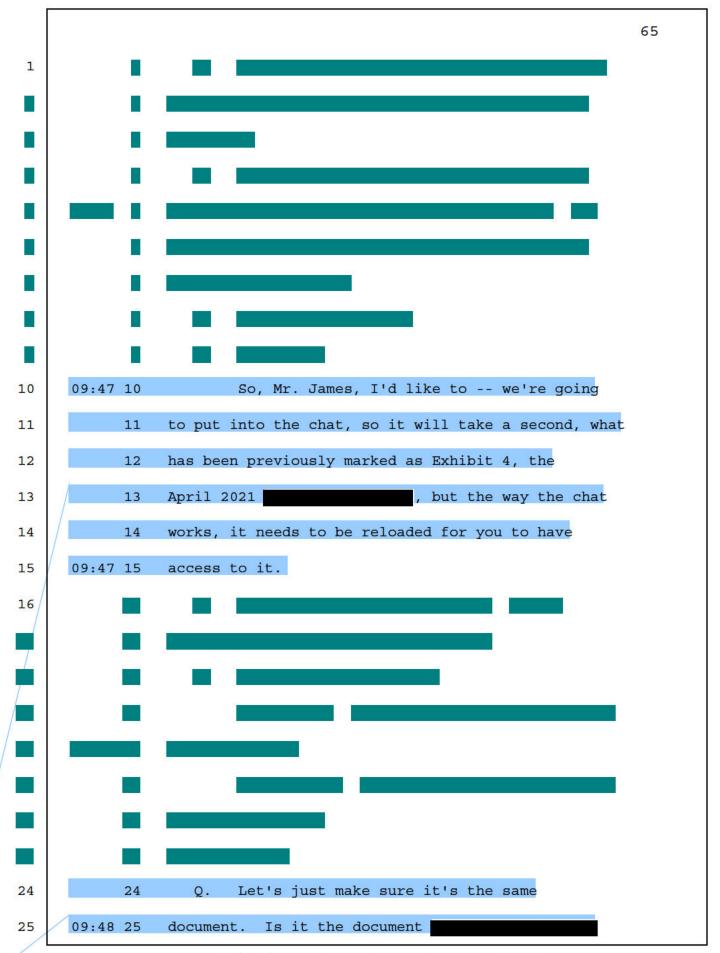
```
60
 1
                 for choosing where that data may not be used."
 2
                         So what is the issue for Amazon, the fact
 3
                 that Google need not inform you of the -- of when
             4
                 they use Amazon data?
 4
      09:40 5
                         MR. LIPTON: Objection to form.
 5
 6
             6
                         THE WITNESS: Can you -- I'm sorry. Can
 7
             7
                 you restate the question?
      09:40 10
                         What is the issue for Amazon that's
10
            11
                 captured in the words "no requirement that they
11
            12
                 inform us when they do so"?
12
13
            13
                         Without knowledge of where our product
14
            14
                 information shared with this intent is being used or
      09:40 15
15
                 displayed, we would have no understanding of, you
            16
16
                 know, how that customer experience may be formulated
                 and what that data may be used for.
            17
17
18
```

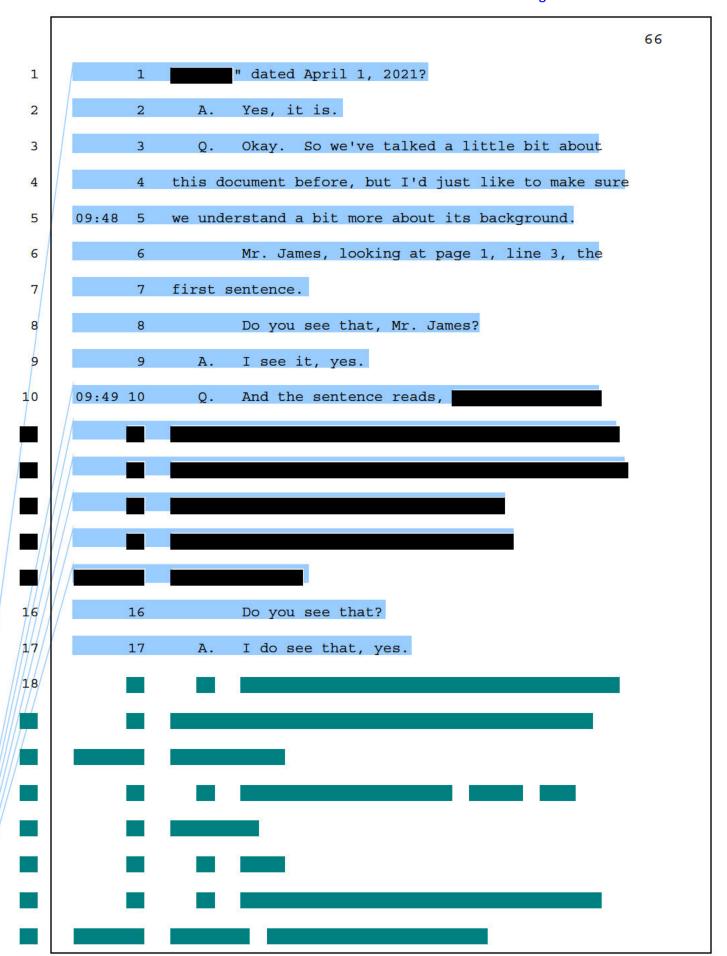




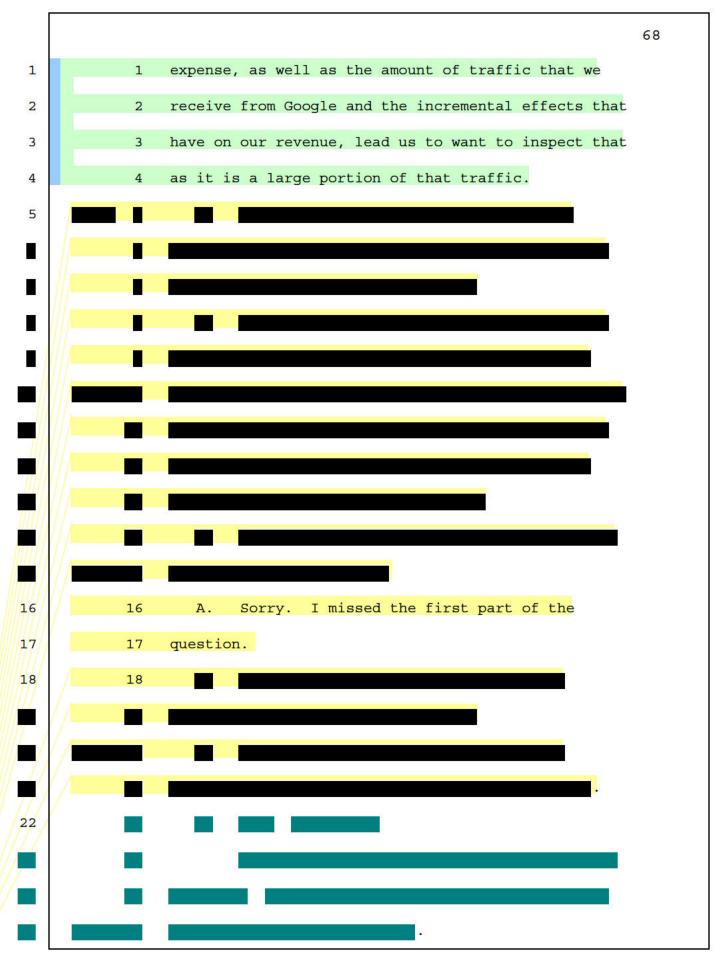


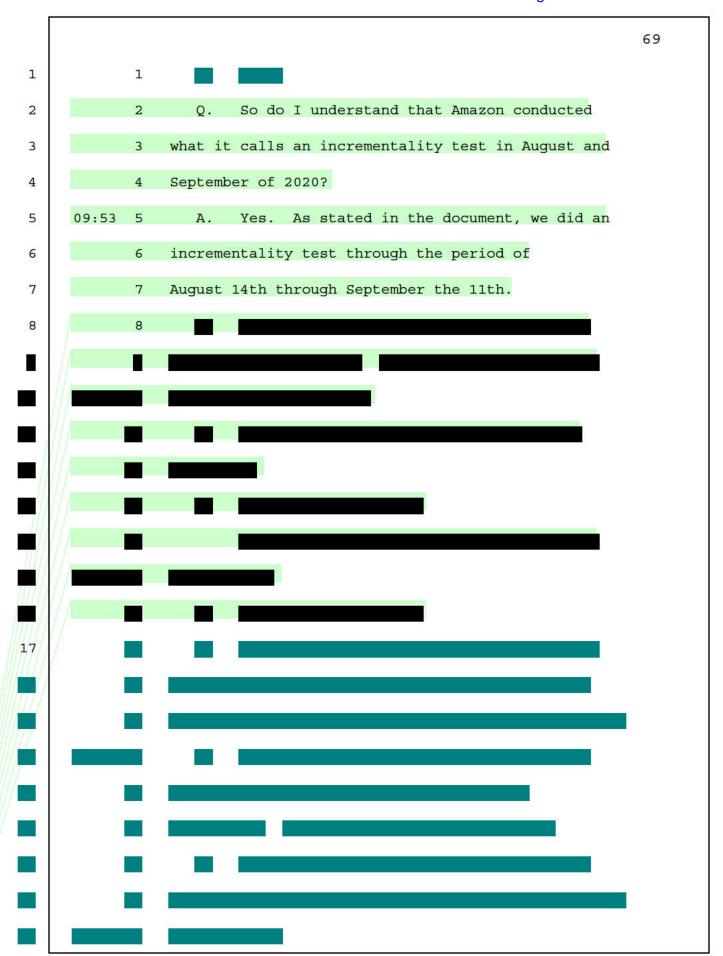




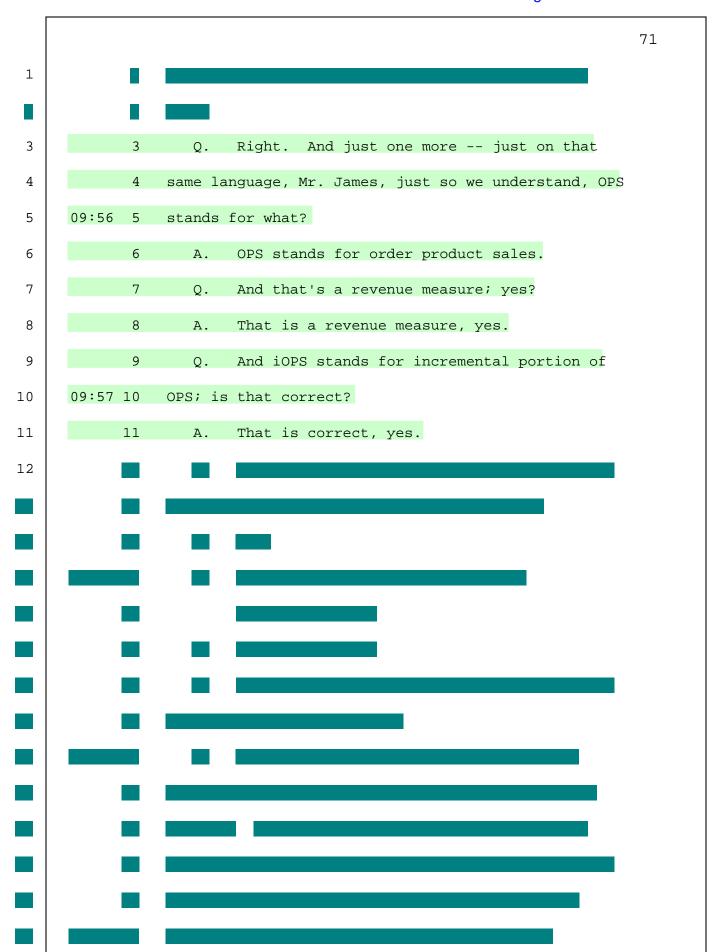


			67
1	1		
2	2	What are the business purposes for which	
3	3	this document was created and these analyses	
4	4	undertaken?	
5	09:50 5	A. So as an advertiser, Amazon spends a large	
6	6	amount of money with Google, and we see that a	
7	7	significant portion of our revenue is delivered	
8	8	based off of the success of the advertising program,	
9	9	our ability to drive clicks through either Google	
10	09:50 10	paid or free placements for search.	
11	11		
16	16	Q. So the analysis and hypotheses in this	
17/	17	document are designed to inform the decision you've	
18	18	just described; is that right?	
19	19	A. That is correct, yes.	
20	09:51 20	Q.	
-/			
22	22	A. That is correct, yes.	
23	23	Q. And why is that?	
24	24	A. As previously stated, the level of	
25	09:51 25	investment that we have in Google from a marketing	



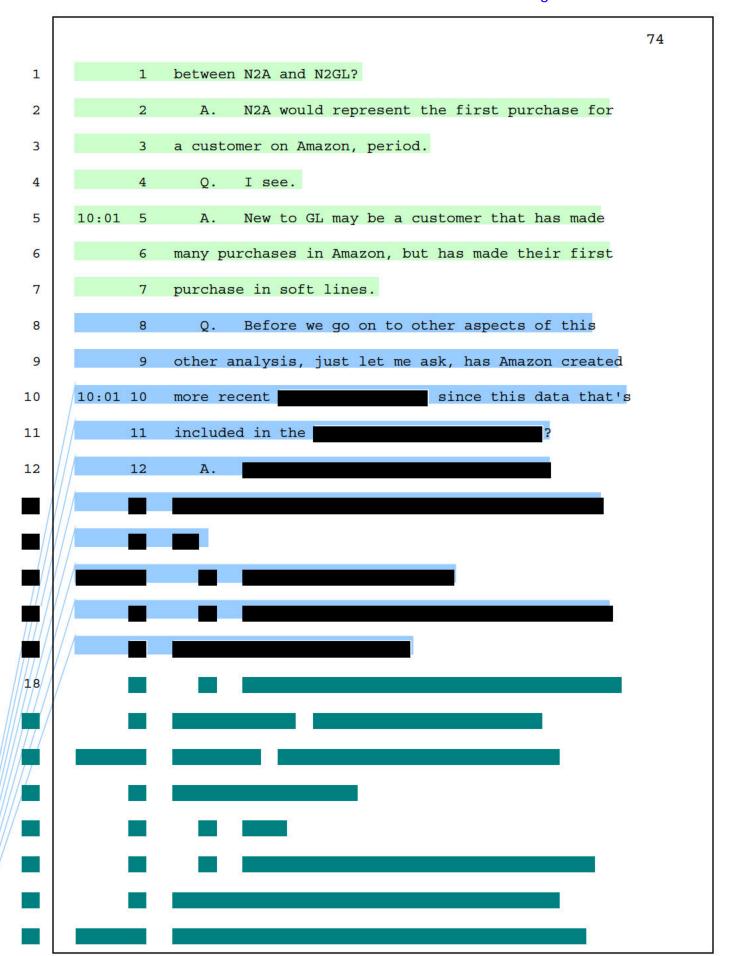






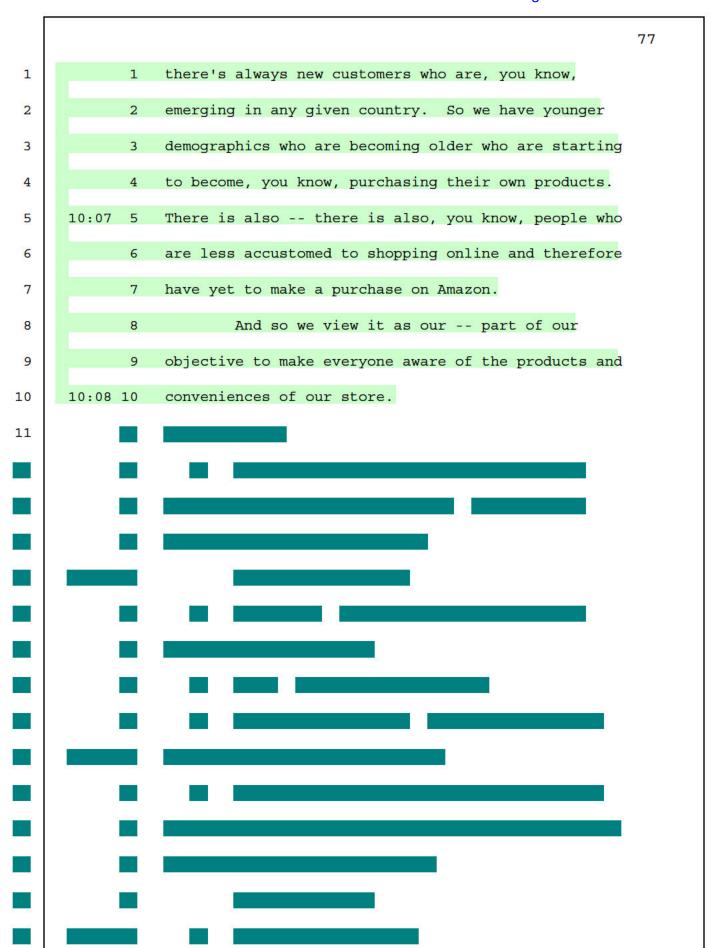


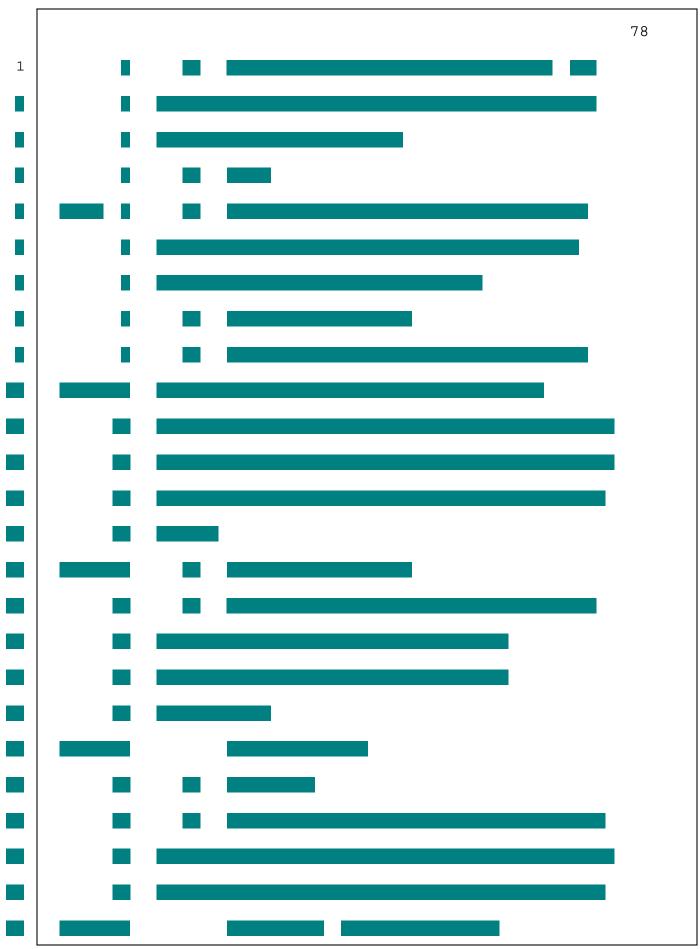






```
76
1
                         The sentence that begins near the end of
 4
      10:05 5
                 line 414 says, "The PS channel could be highly
 5
 6
             6
                 incremental for early lifecycle customers, e.g., New
             7
                 to Amazon and Non-Prime customers."
7
                         Do you see that?
8
                         I do see that, yes.
9
                    A.
                         Why is that? Why could the paid search
10
      10:06 10
                    Q.
                 channel be highly incremental for early lifecycle
            11
11
            12
                 customers?
12
13
            13
                         So the analysis demonstrates that the
            14
                 experiment we ran shows that new to Amazon is
14
      10:06 15
15
                 incremental. The reasoning behind it is subject to
                 speculation.
            16
16
17
            17
                    Q. So when you say "shows," you mean, for
                 example, in Table 2 below, the column that reads --
18
            18
19
            19
                 that's headed "Test Incrementality"?
      10:07 20
                         That is correct, yes.
20
                    A.
                    Q.
                         How would you respond if someone said to
21
            21
            22
                 you, Amazon has lots of customers. Why is it
22
            23
                 important to keep attracting new customers?
23
24
            24
                         MR. LIPTON: Objection to form.
      10:07 25
                         THE WITNESS: The -- you know, the --
25
```

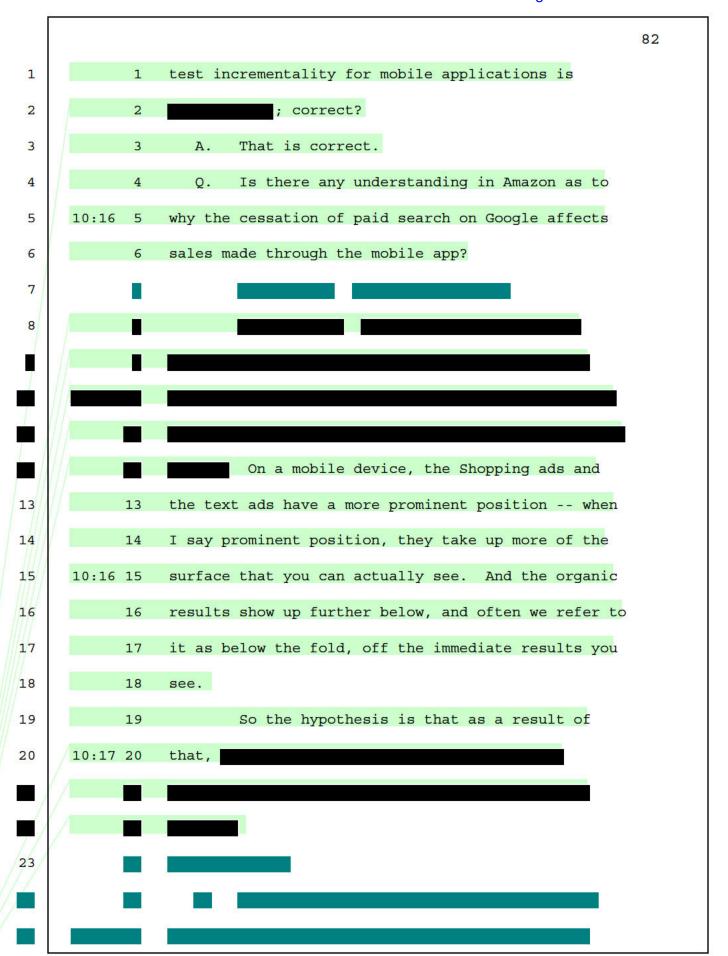


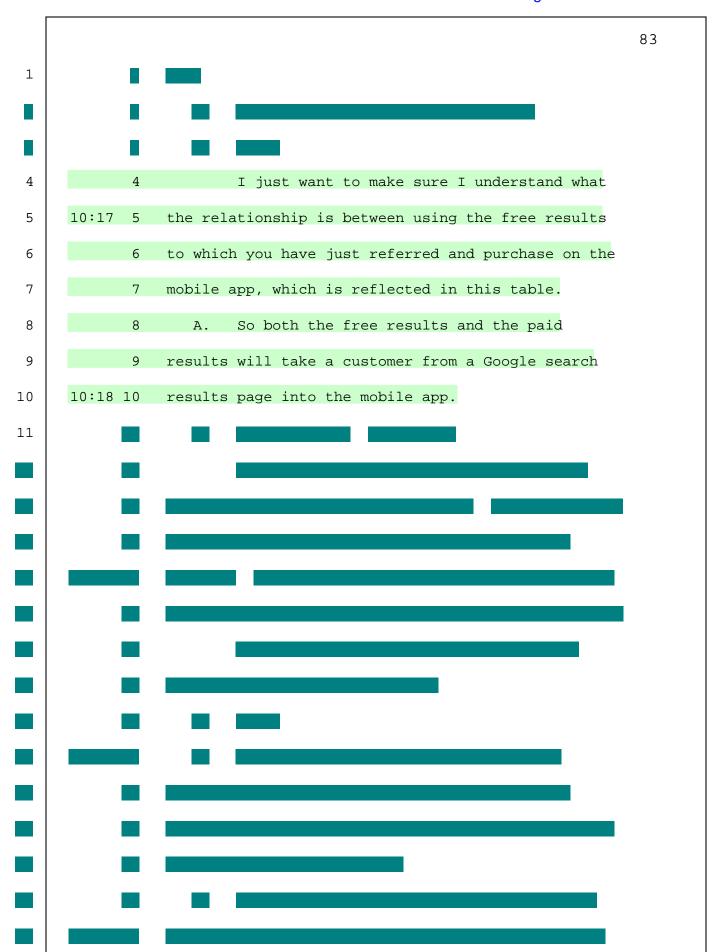


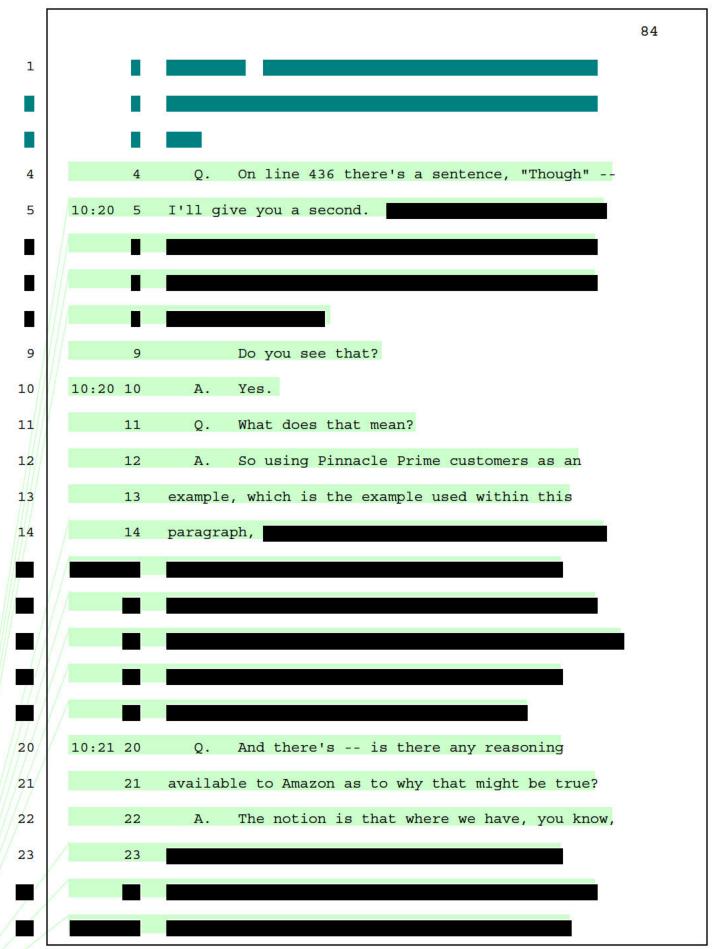


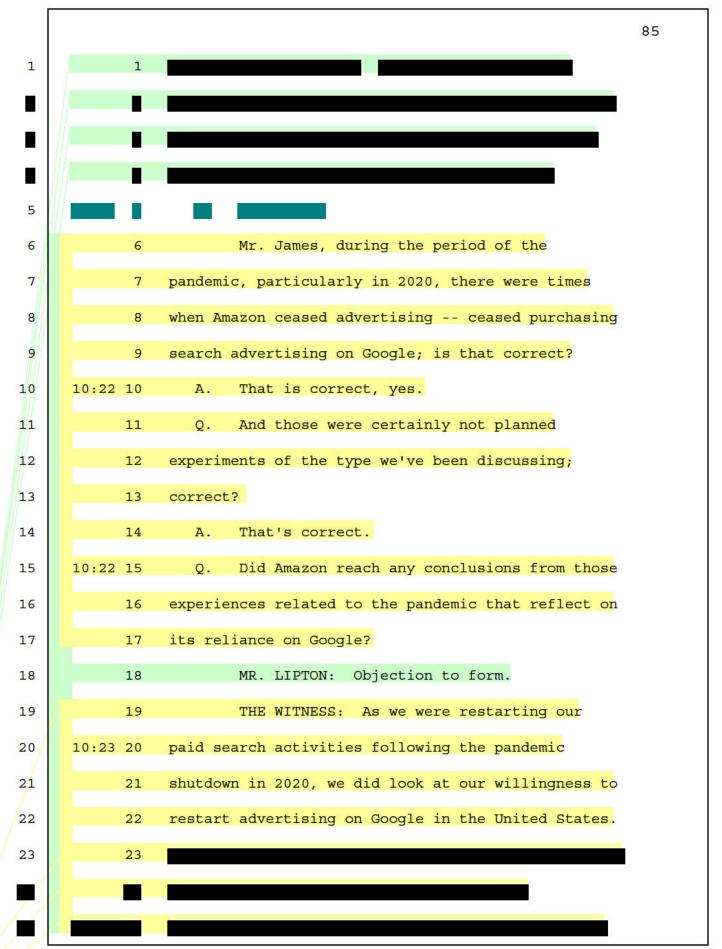






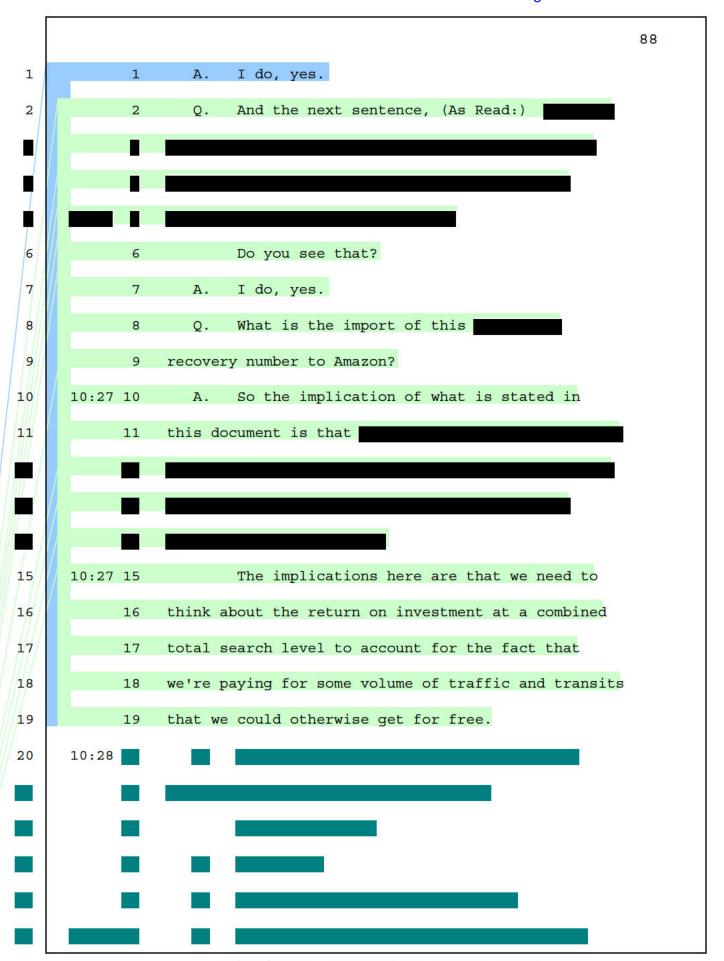


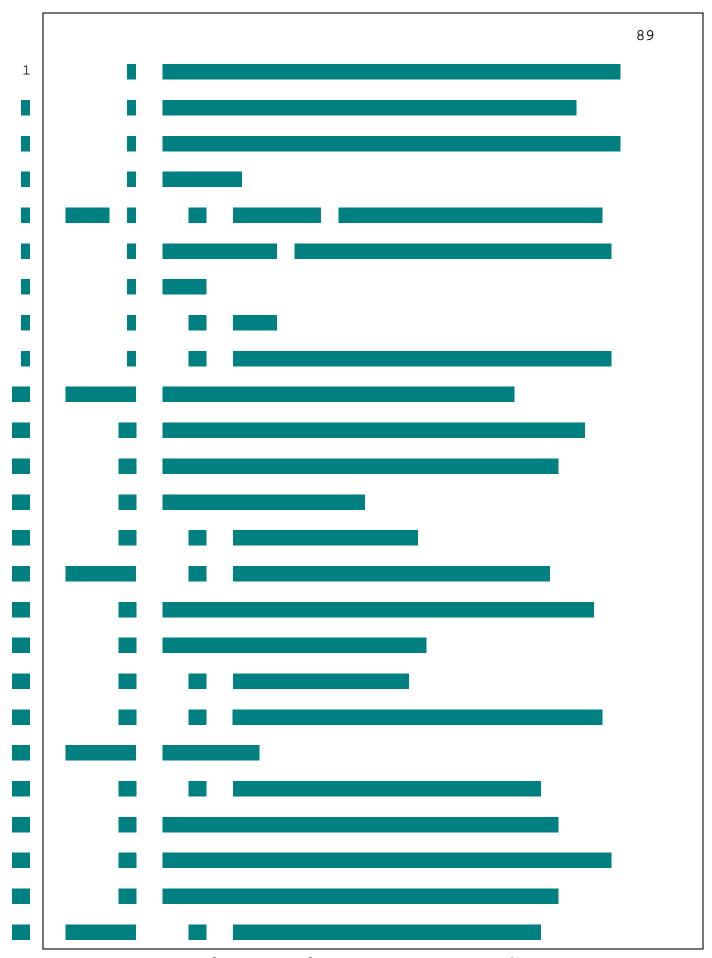




```
86
                 BY MR. SALLET:
 1
 2
                         And why -- what was the basis for that
                 conclusion?
             3
 3
 4
                         The basis for that conclusion is the
      10:23
 5
П
      10:24 10
                         Mr. James, we have been talking about
10
            11
11
                         I asked you a question a few minutes ago
            16
16
17
            17
                 and you referred to free search. So let me go back
                 to that, if I might.
18
            18
19
            19
                         In your judgment, could Amazon use free
      10:24 20
                 search on Google and forego purchasing Search ads on
20
                 Google?
            21
21
            22
                         We could rely on free search exclusively
22
23
            23
                 and not purchase ads on Google. We've made the
24
            24
                 decision to continue to purchase ads on Google based
25
      10:24 25
                 off of the business fundamentals, the return on
```

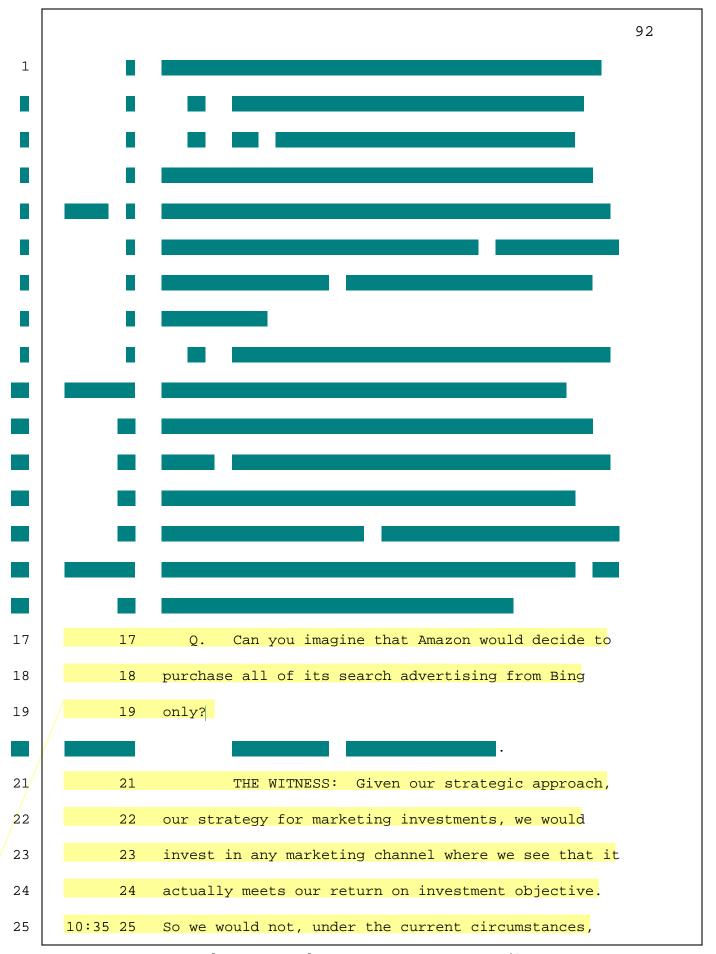
```
87
 1
                 investment that we see through the advertising
 2
                 program.
 3
                         So you'll see on line 495 there's a -- the
 6
                 words "Free Search Recovery."
 7
 8
                    A.
                         Okay.
                    Q.
                         And on line 497 there's a sentence that
 9
      10:26 10
                 begins at the end of the line, referring to free
10
                 search recovery, it says, (As Read:) "It measures
            11
11
                 the percentage of the lost paid search converting
            12
12
                 transits picked up by the free search channel."
13
            13
14
            14
                         Is that correct?
      10:26 15
                         That is correct, yes.
15
                    Α.
16
            22
                         On line 508, a sentence begins near the end
22
                 of the line,
23
            23
25
      10:27 25
                         Do you see that?
```

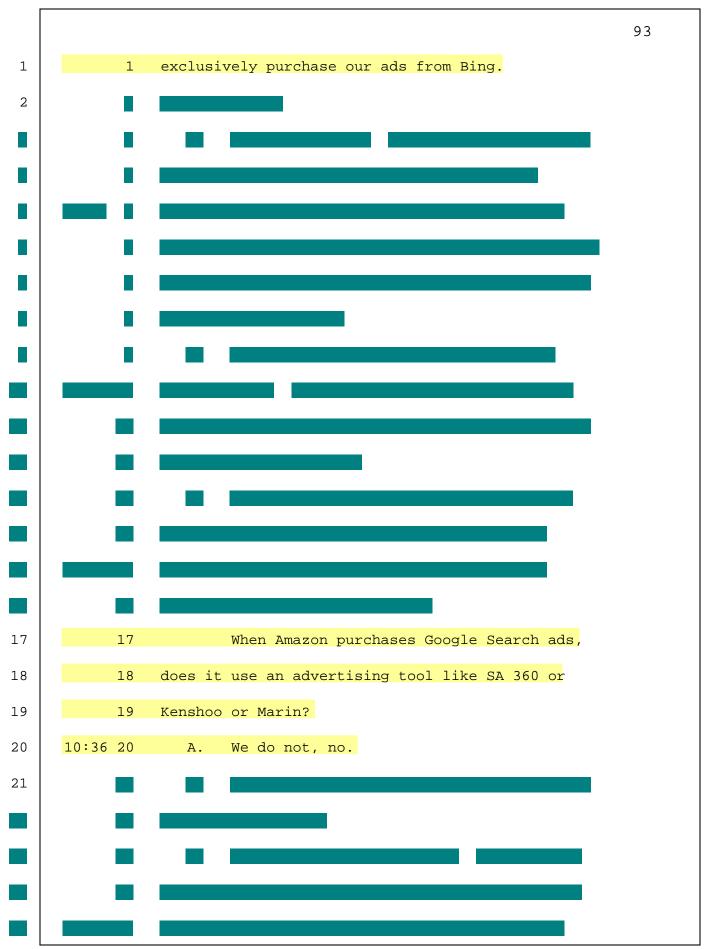






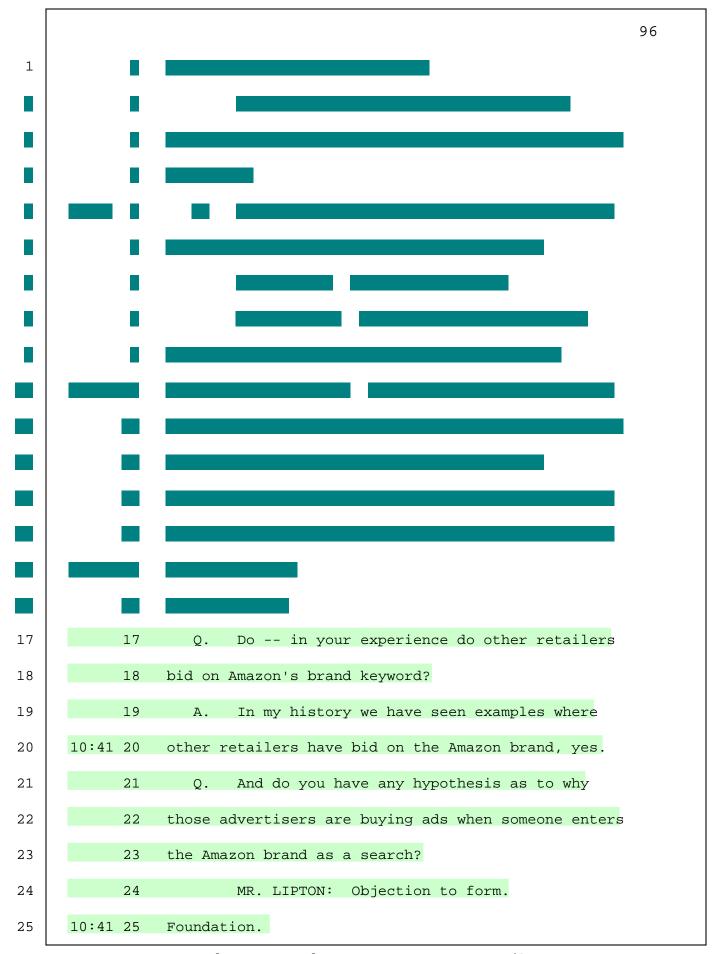












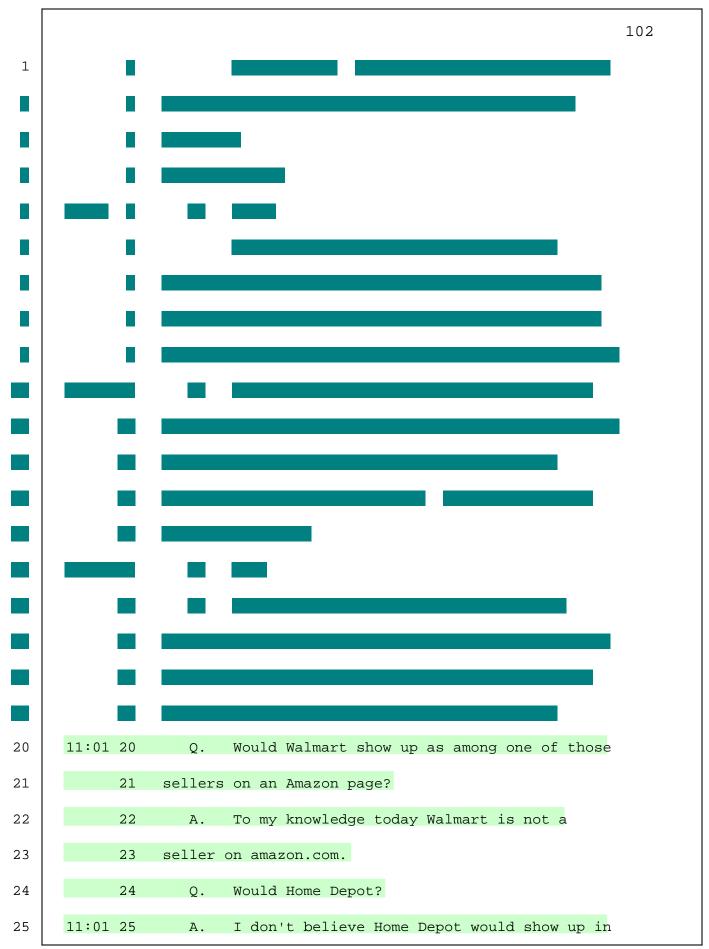
```
97
                         THE WITNESS: I can't speak to the specific
 1
 2
                 motives of advertisers bidding on the Amazon brand
                 in the circumstances that I have witnessed.
 3
             4
                 is a practice in marketing referred to as
 4
      10:41 5
 5
                 conquesting, which is effectively doing exactly
 6
             6
                 that. It is looking to try and capitalize on the
 7
             7
                 knowledge of one retailer in order to bring traffic
                 to your own store.
 8
                 BY MR. SALLET:
 9
      10:41 10
10
                    Q. And is the hypothesis that even though a
            11
                 user has entered in the retailer brand, the user
11
            12
                 might nonetheless navigate to a different retailer?
12
13
            13
                         MR. LIPTON: Objection to form.
14
            14
                         THE WITNESS: So in the practice of
      10:42 15
15
                conquesting, that is the intent.
16
                         We talked about cost per click I believe in
18
            18
19
                 terms of text ads earlier. On what basis does
      10:42 20
                 Amazon purchase Shopping ads?
20
                         Shopping ads are still charged based off of
            21
                    A.
21
            22
22
                 a cost per click.
23
```

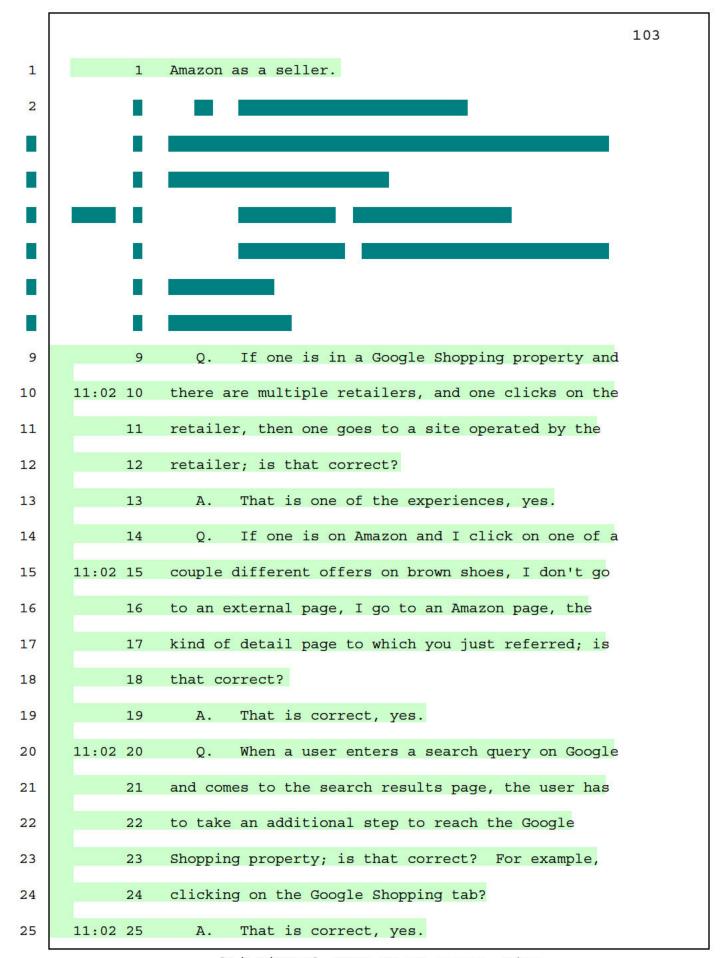




```
100
 1
Mr. James, you said earlier that there were
 3
                    Q.
                 no plans to conduct another
 4
      10:57 5
                         Do I have that right?
 5
 6
                    A.
                         That is correct, yes.
             7
                         Is there any particular reason why that is
 7
                 the current state of affairs?
 8
 9
                         There's no specific reason. I think we've
      10:58 10
                                            for a few years
10
                 done the
            11
                 now, a number of years now, and I think we've gotten
11
12
            12
                 to a place where we feel like -- when I say "we,"
            13
                 you know, my leadership team feels that we have it
13
            14
                 well in hand and they have less of a need to do
14
                 repeated inspections.
15
      10:58 15
                         Thank you.
            16
                    0.
16
                         So I'd like to talk about some of the
17
           17
18
            18
                 different places on Google or Amazon that we have
            19
                 referred to before. We talked about the Google
19
                 Shopping property, if you recall. Am I correct that
20
      10:58 20
                 the Google Shopping property shows a variety of
            21
21
            22
                 retailers from which a user can make a purchase? Is
22
            23
                 that correct?
23
24
            24
                         That is correct, yes.
      10:58 25
                    Q.
                         So, for example, Walmart or Wayfair or
25
```

		101
1	1	Home Depot, those kinds of retailers could show up
2	2	in the Google Shopping property?
3	3	A. That is correct, yes.
4	4	Q. So in some sense the Goggle Shopping
5	10:59 5	property offers a chance to choose from among
6	6	retailers; is that fair?
7	7	A. That is correct, yes.
8	8	Q. Is it fair to think that being on the
9	9	Amazon Marketplace, however, is like walking down
10	10:59 10	the aisles of a particular retail store?
11	11	MR. LIPTON: Objection to form.
12	12	THE WITNESS: In some sense, the
13	13	multi-offer buy box experience at a detail page on
14	14	Amazon represents a single offer for a given product
15	10:59 15	available by one seller; however, there are features
16	16	available within the detail page to allow a shopper
17	17	to look at multiple offers from various retailers
18	18	or various sellers.
19		



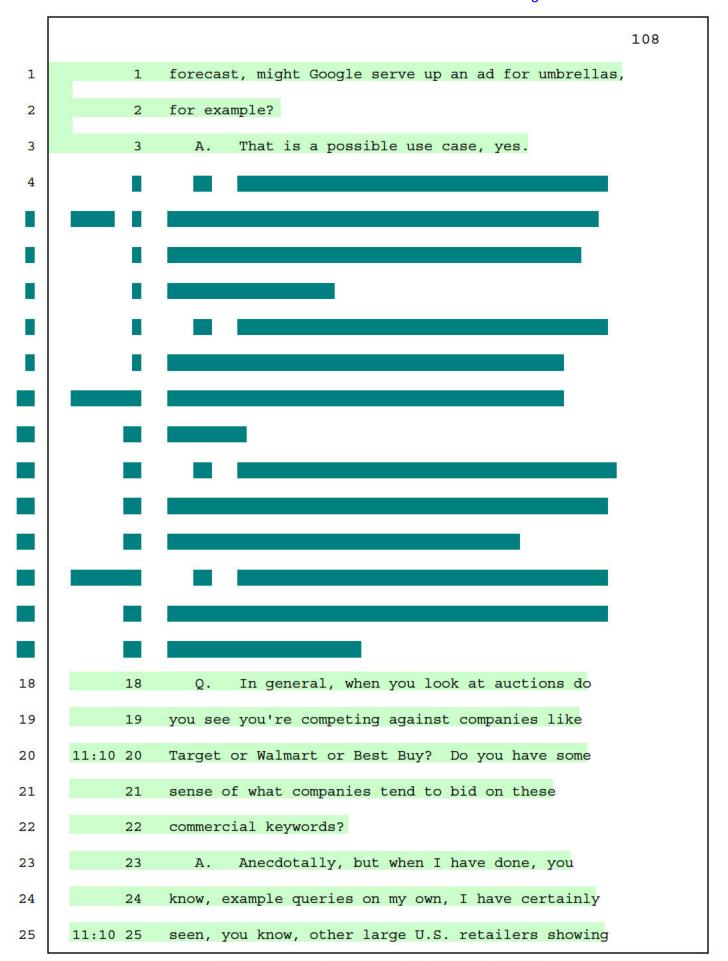


```
104
1
                         And when that -- if I were to go into the
                 Google Shopping property, there would be an option
 2
                 to buy on Google for some products; is that correct?
 3
                         That is my understanding today, yes.
 4
             4
                    A.
      11:03
                         And if I wanted to do that, I have to take
 5
             5
 6
             6
                 one additional step to find the products that are
             7
                 eligible to buy on Google; is that correct?
7
                    A. I can't say with confidence what the
8
                 current user experience is on Google that allows for
             9
9
      11:03 10
                 a purchase to occur on Google Shopping property.
10
            11
                    Q.
                         So if Amazon buys a text ad on Google and a
11
                 user clicks on the text ad, the user goes to an
12
            12
            13
                 Amazon site; is that correct?
13
                    A.
                         That is correct, yes.
14
            14
                    Q. And is that known in the industry as a
15
      11:03 15
                 click-out ad?
            16
16
17
            17
                    A. I don't actually know how the industry
                 would define that.
18
            18
            19
                         Okay. In your experience, clicking on a
19
      11:04 20
                 Google text ad takes one to a third-party website;
20
                 is that correct?
            21
21
                         Clicking on -- clicking on a Google text ad
            22
                    A.
22
            23
                 would take the user to the advertiser's website.
23
24
            24
                    Q.
                         Is that also true for a Google Shopping ad?
      11:04 25
                         So that is true for Shopping ads -- to my
25
                    A.
```

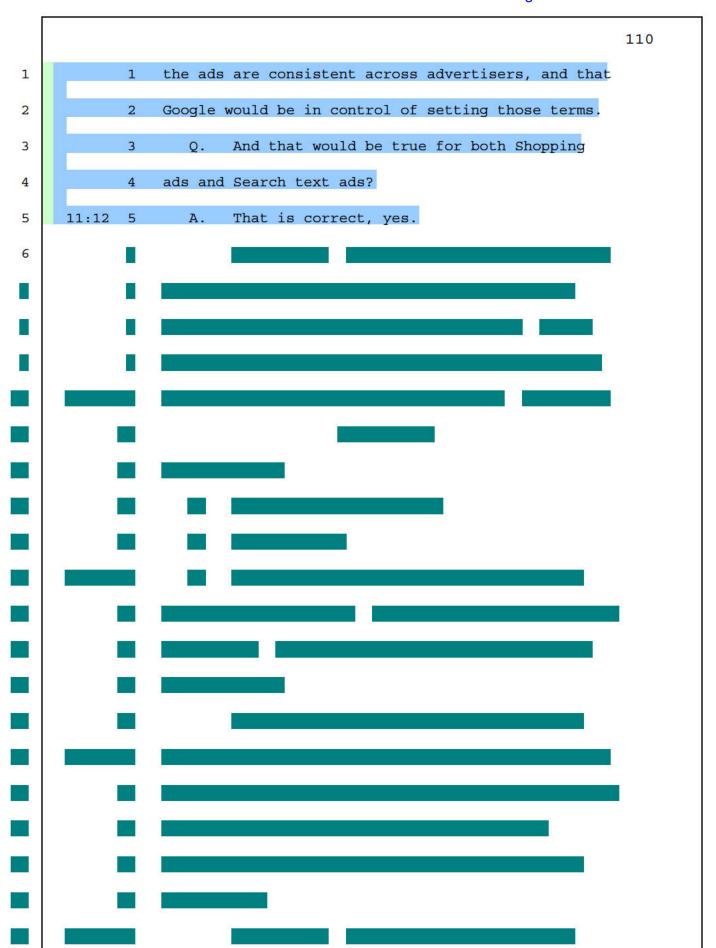
```
105
                 knowledge, that is true for Shopping ads where they
1
                 are not integrated with a Google Checkout
 2
             3
                 experience.
 3
                         And when -- to your knowledge, if a user is
 4
             4
      11:04
                 on Amazon and clicks on an Amazon-sponsored products
 5
             5
                 ad, the user would not go to an external website; is
 6
             6
                 that correct?
 7
             7
                         To my knowledge, that's correct.
8
                         In your experience is it correct that
                    0.
9
      11:05 10
                 there's no particular eligibility requirement for
10
                 buying a Google Search text ad?
            11
11
12
            12
                         Can you define what you mean by eligibility
            13
                 requirement?
13
                    0.
                         Sure.
14
            14
15
      11:05 15
                         On Amazon, to buy an Amazon-sponsored
            16
                 product ad, does a business have to be selling on
16
17
            17
                 Amazon?
18
            18
                         So I'm not an expert on the Amazon Ads
            19
                 experience and the requirements there, but to my
19
                 knowledge, an Amazon-sponsored product ad would
20
      11:05 20
                 require the seller to be selling -- or the
            21
21
            22
                 advertiser, pardon me, to be selling that product on
22
            23
                 Amazon.
23
24
            24
                         To your knowledge, to buy a Google Search
                 text ad must it have engaged in any other
25
      11:05 25
```

```
106
                 relationship with Google having to do with the sale
1
                 of its products on Google?
 2
             3
                         No, there is no further requirement.
 3
                    A.
             4
                         In terms of the kind of searches that are
 4
                    0.
      11:06 5
                 conducted, is it your understanding that when a user
 5
                 conducts a search query on Amazon, the user's intent
 6
             6
             7
                 is focused on commercial transactions?
7
                         MR. LIPTON: Objection to form.
8
                         THE WITNESS: My expectation is that when a
9
      11:06 10
                 person is shopping on Amazon and conducts a search
10
            11
                 on Amazon, that they are more interested in making a
11
12
            12
                 retail purchase on the Amazon store and therefore
            13
                 their query would be more formulated towards
13
            14
                 purchase intent.
14
      11:07 15
                 BY MR. SALLET:
15
            16
                    Q. And are the responses restricted to
16
17
            17
                 merchants that are selling on Amazon?
18
            18
                         Are the responses to the queries that
19
            19
                 they're -- yes. The -- so when a user does a search
      11:07 20
                 on Amazon, the results that they see will be
20
                 restricted to the -- the product results they see
21
            21
            22
                 will be restricted to the products that are
22
            23
                 available for sale on Amazon.
23
24
            24
                    Q.
                         Does Amazon crawl and index the Worldwide
                 Web to be able to answer queries on its site?
25
      11:07 25
```

```
107
                         To my knowledge we do not have a -- as part
 1
                 of the amazon.com retail store have any crawling of
 2
                 the broader Worldwide Web.
 3
             3
                         We talked before about the fact that Amazon
             4
 4
                    0.
      11:07
                 buys text ads and Shopping ads. Are there -- do you
 5
             5
 6
             6
                 have experience with Amazon text ads appearing on a
             7
                 Google results page when the Shopping ads do not
 7
             8
                 appear?
 8
                    Α.
                         There are -- if -- yes, there are
             9
9
      11:08 10
                 circumstances in which a search query on Google
10
                 results in a text ad being displayed where no Amazon
            11
11
                 Shopping ad is displayed.
12
            12
            13
                         And can you give an example of why that
13
            14
                 might be the case? Excuse me.
14
      11:08 15
                         Can you example of when that might be the
15
            16
                 case?
16
                         If a user conducted a search for a product
17
            17
                    Α.
                 that we didn't include, or a product family that we
18
            18
19
                 didn't include in our participation in Shopping ads,
      11:08 20
                 Google may deem that the search query is not
20
                 relevant for any of the products that we would offer
            21
21
            22
                 as within our ad catalog and therefore only show a
22
            23
                 text ad.
23
24
            24
                         Could that occur if someone, for example,
                 entered in a search on Google looking for a weather
25
      11:09 25
```

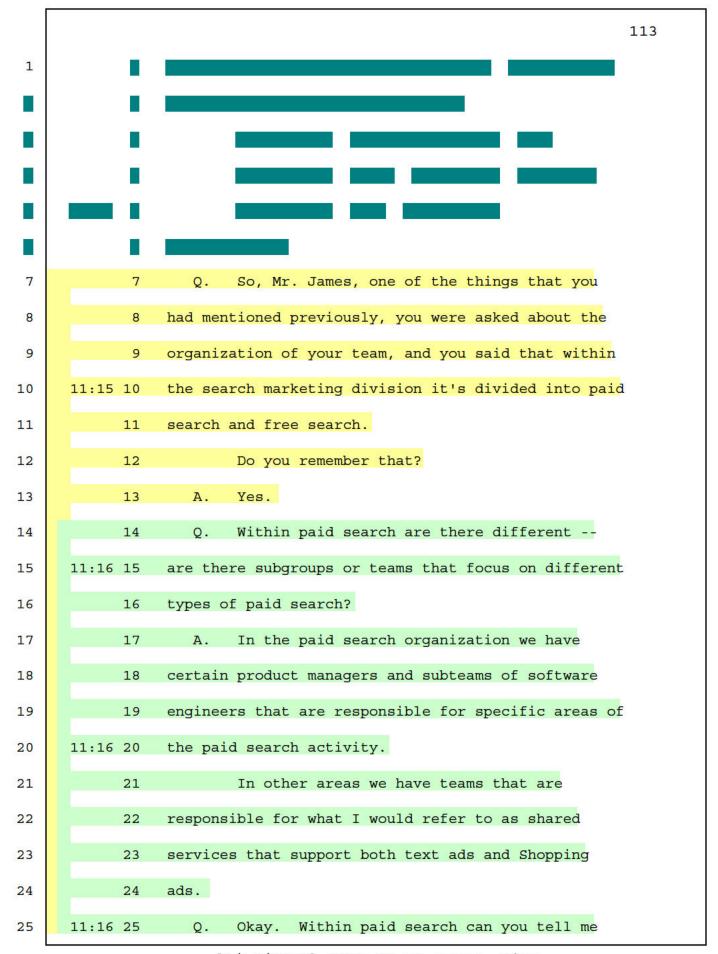


```
109
                 up prominently in the search results.
 1
 2
 6
                         When Amazon purchases a Google text ad, how
                 are the terms of sale created?
7
                         I'm sorry. I'm not under -- I don't
8
                 understand the definition of "terms of sale" here.
9
      11:11 10
                    Q.
                         Sure.
10
                         There are mechanisms by which you -- I'm
            11
11
12
            12
                 going to just use text as an example. You explained
            13
                 before that the bidding is different for Shopping,
13
            14
                 but you submit a bid, there's an auction run, there
14
      11:11 15
                 is a process, for example, the second highest bid
15
                 plus one penny might be deemed the winning bid.
            16
16
                         Do you negotiate with Google about the
17
            17
                 terms of those auctions?
18
            18
19
                         We don't negotiate with Google with respect
      11:11 20
                 to the terms of the auction, no.
20
                         So would it be fair to say that Google sets
            21
                    Q.
21
            22
                 the terms for the sale of its search advertising, in
22
            23
                 your experience?
23
24
            24
                         In my experience, the terms of the auction
      11:12 25
                 and the terms of the -- you know, the relevance of
25
```





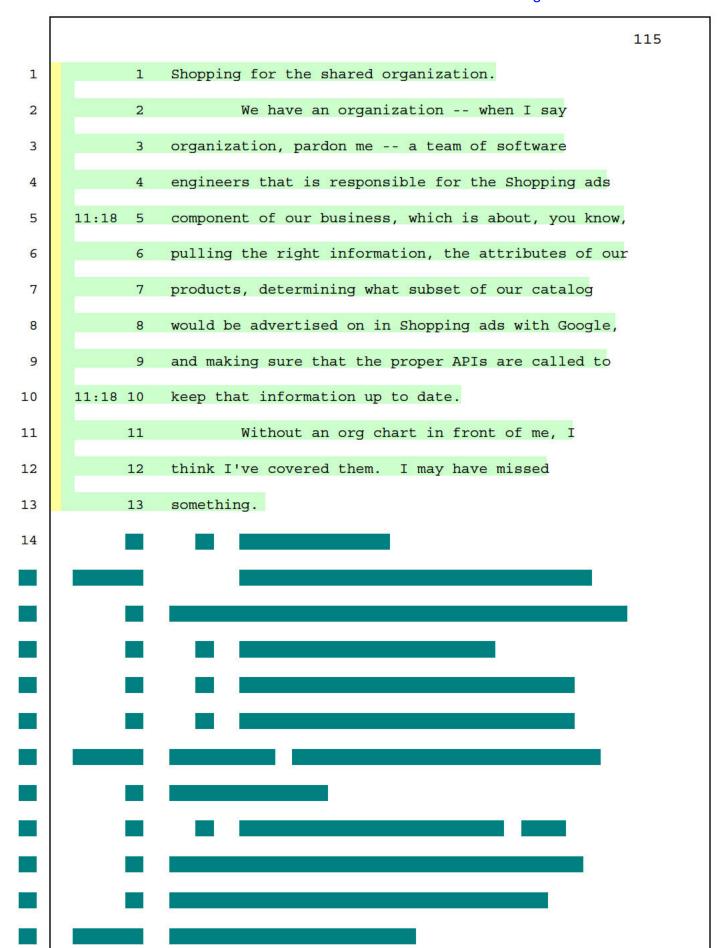




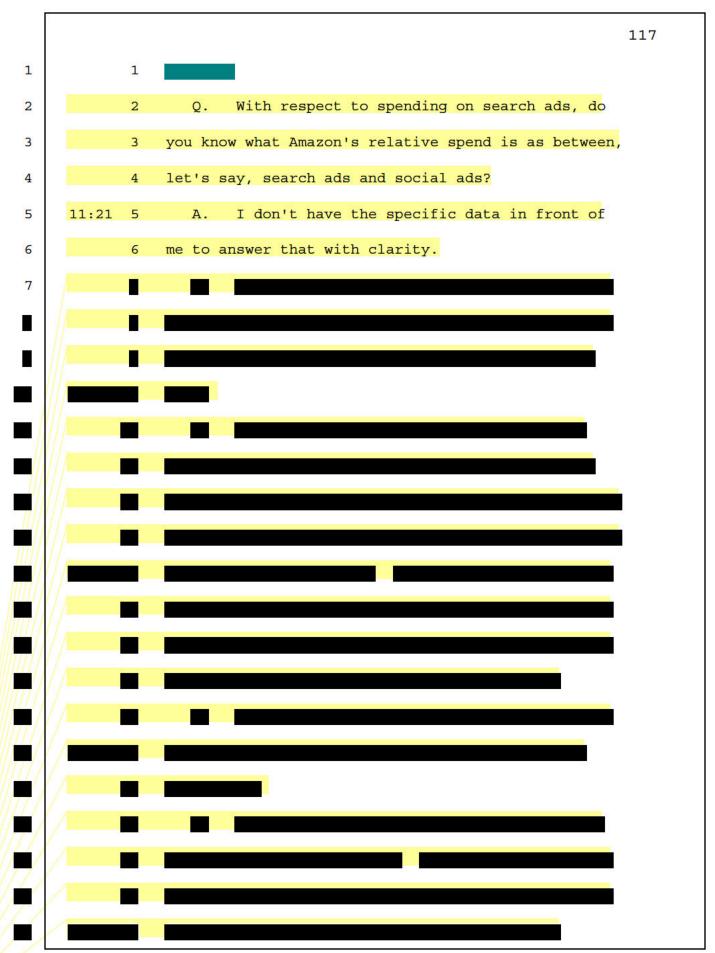
different bids to optimize for bids both in text and

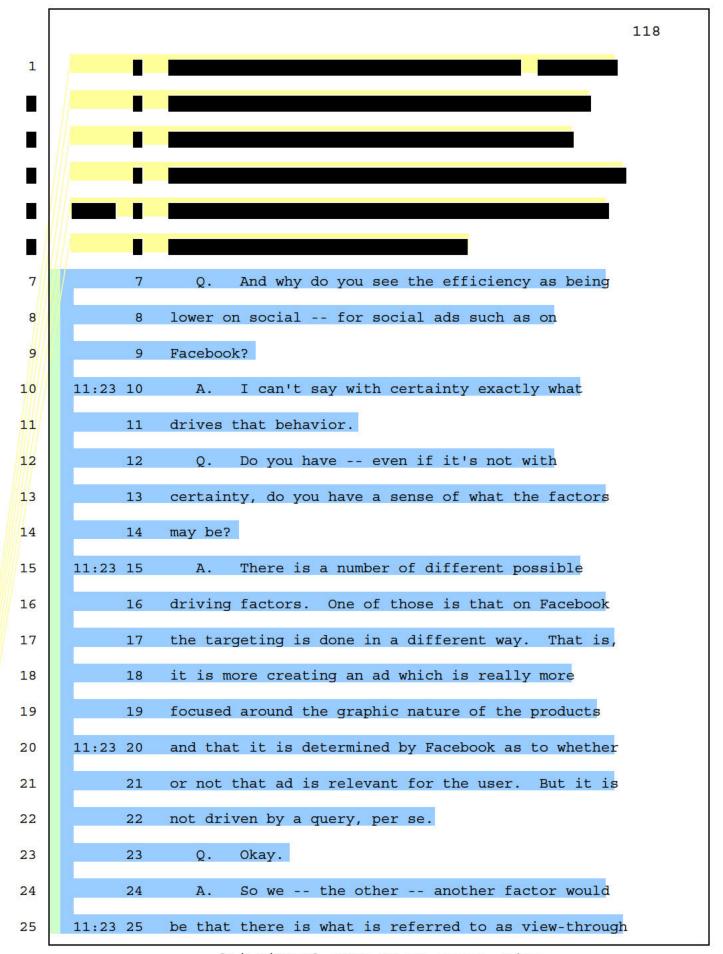
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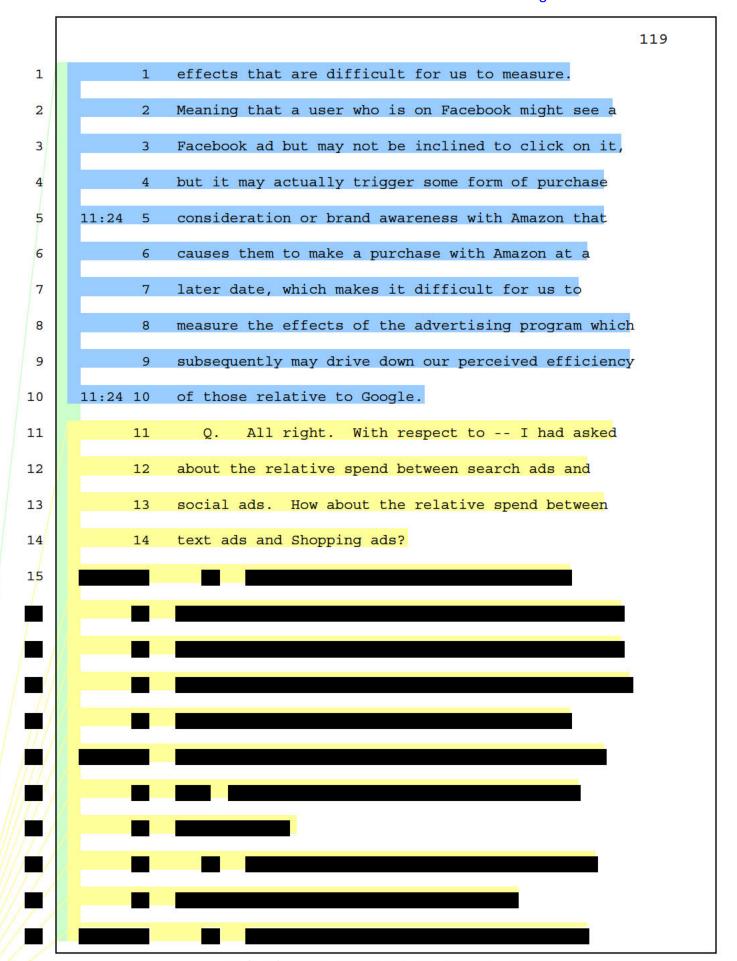
11:18 25

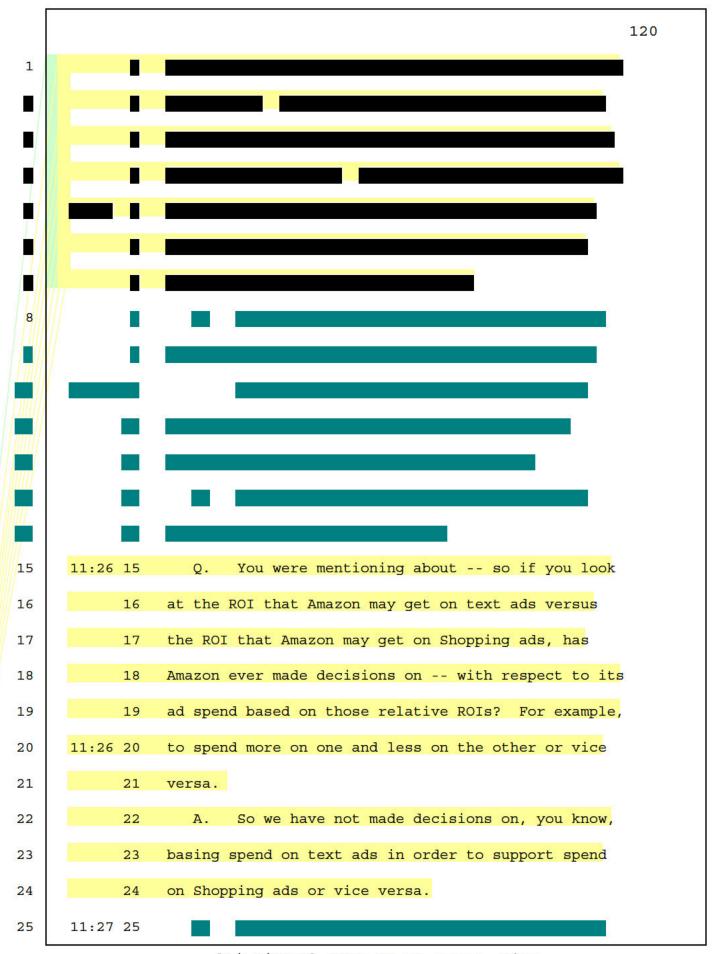


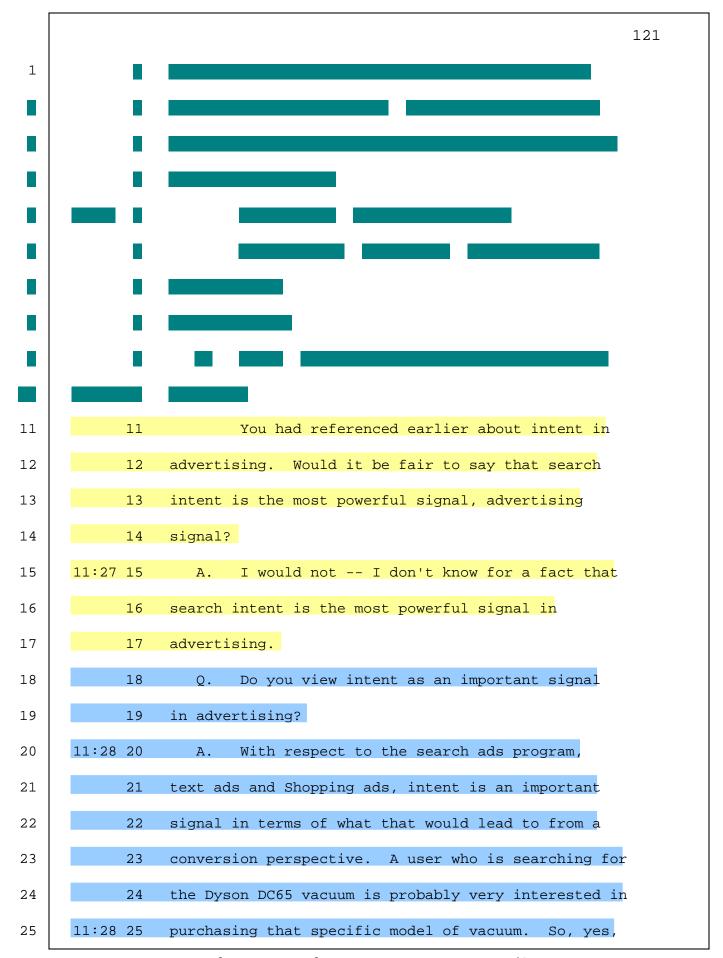
```
116
                         Does Amazon buy text ads from both Google
1
2
                 and Bing? I believe I know the answer based on your
                 testimony so far, but just to confirm.
3
                         Yes, Amazon buys text ads from both Google
 4
             4
                    A.
                 and from Microsoft ads.
      11:19 5
5
6
             6
                         Does Amazon buy text ads from any other
             7
                 search engines?
7
                         We buy text ads with Yahoo! JAP in Japan.
8
                    A.
                         Okay. Any others?
             9
                    Q.
9
      11:20 10
                         That's the extent of it.
10
                    A.
                    Q.
                         What about Shopping ads? I understand from
            11
11
            12
                 your testimony that Amazon buys Shopping ads from
12
13
            13
                 Google and from Bing; is that right?
14
            14
                    A.
                         That is correct, yes.
      11:20 15
                         Does Amazon buy Shopping ads from any other
15
                    Q.
                 search engine?
16
            16
                         We do not, no.
17
            17
18
```

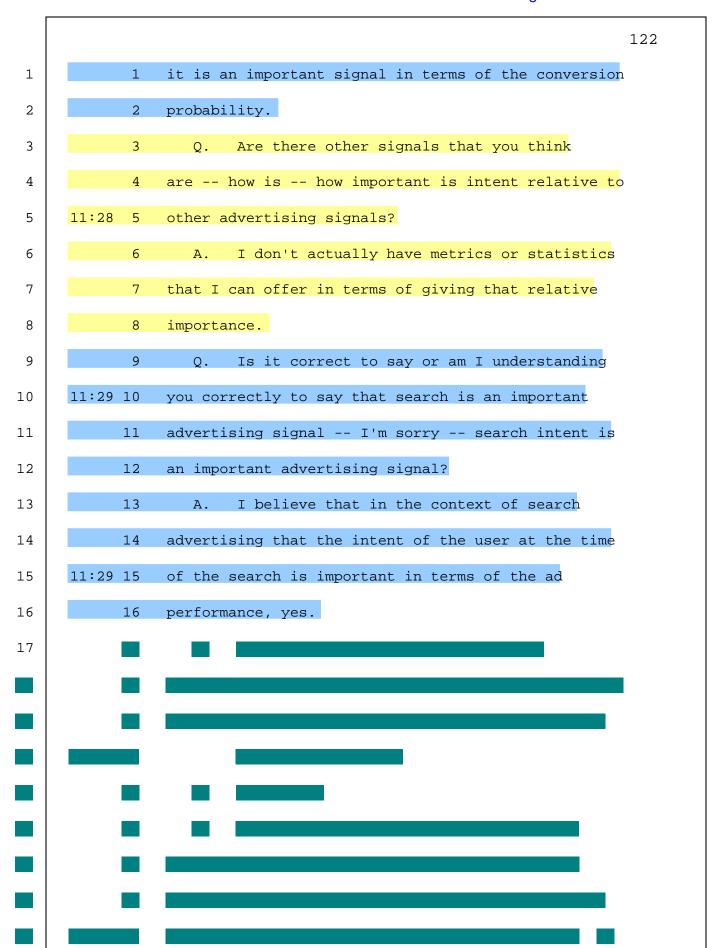


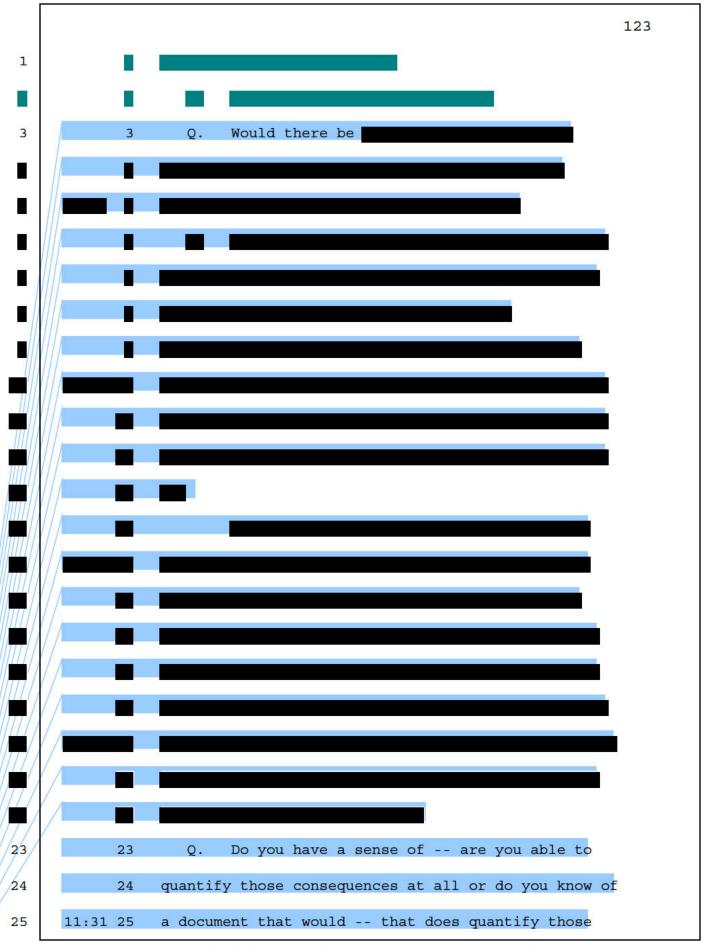






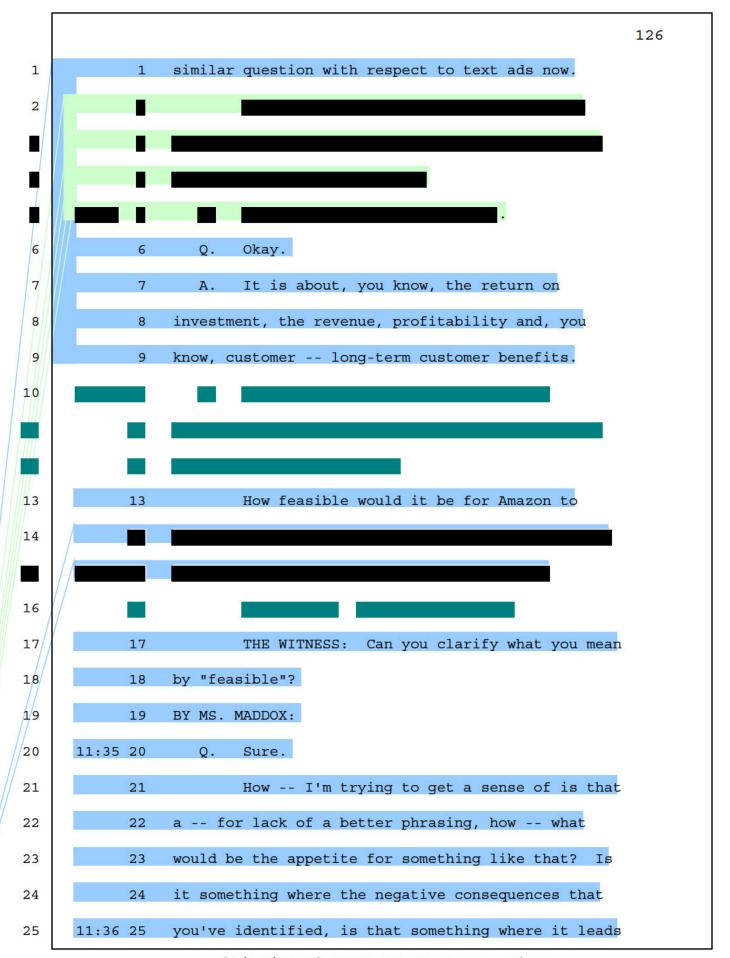


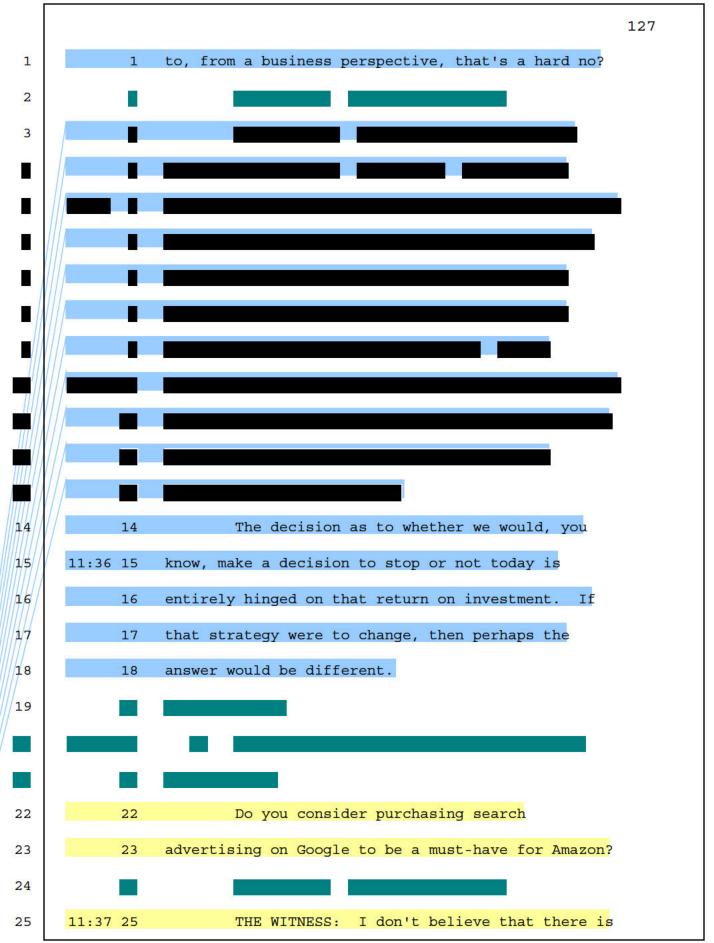






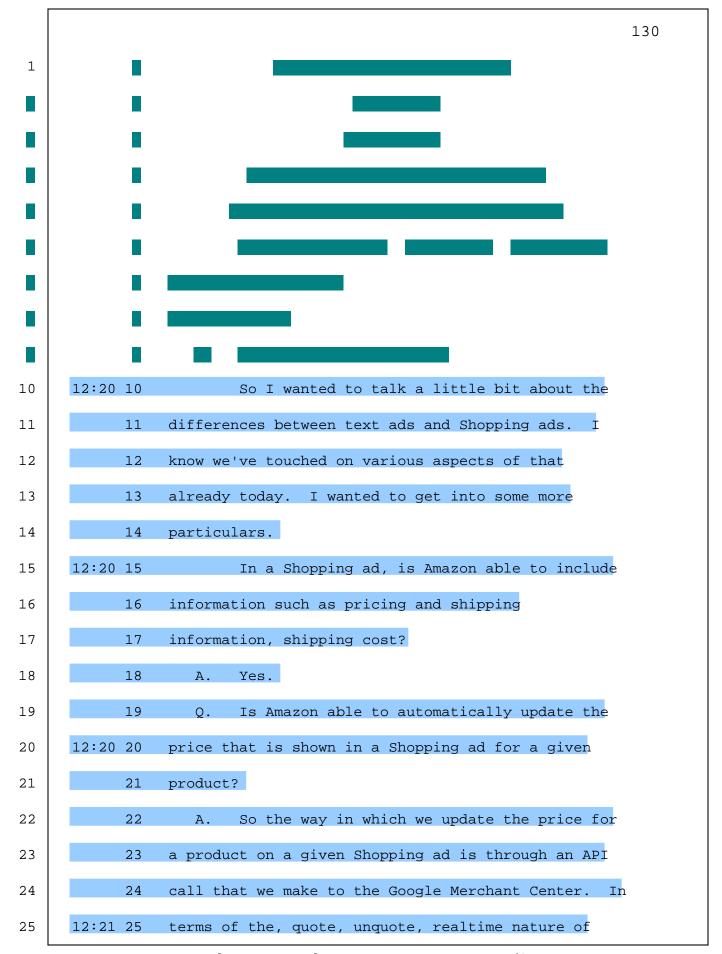


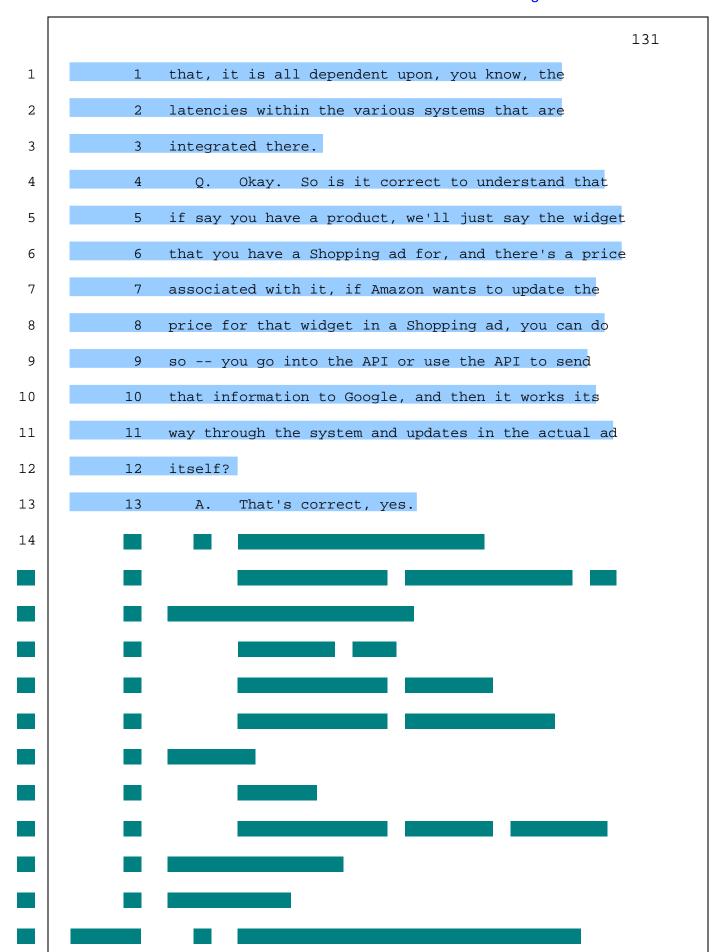




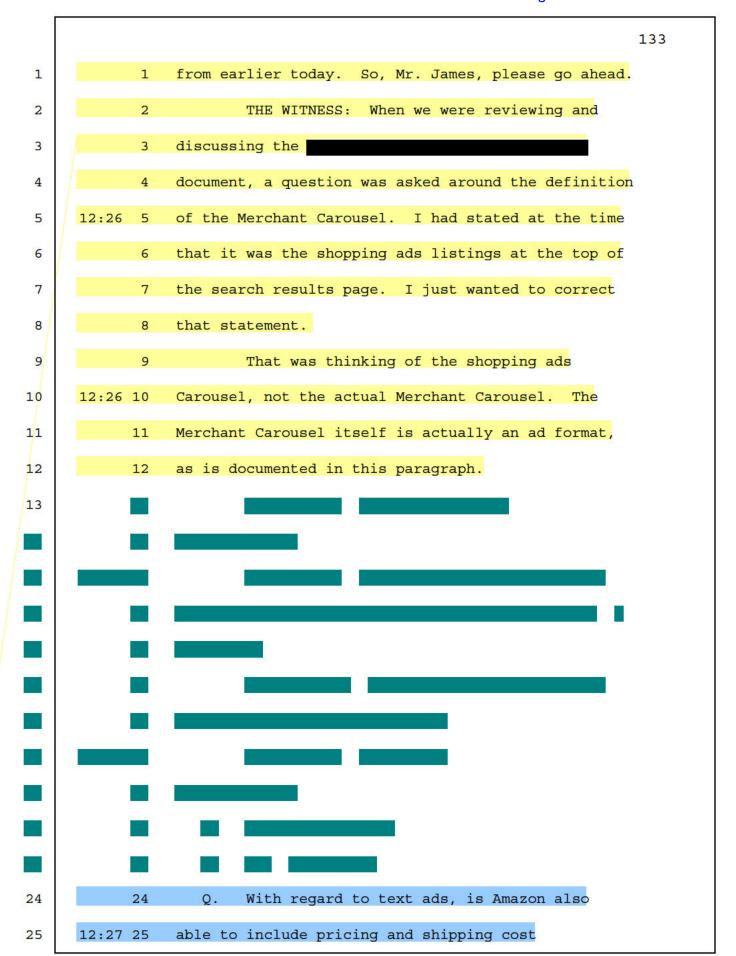
```
128
                 any -- let me restate.
 1
 2
                         I -- there is no requirement that we buy
 3
                 ads on Google. There is commercial benefit in us
                 buying ads on Google. So there is no necessity in
 4
 5
      11:38 5
                 us to continue to do that.
 6
                         Looking at social ads versus search ads, so
12
13
           13
                 am I correct that on search ads you're bidding on
14
            14
                 search queries as opposed to customers?
      11:39 15
                    A. In text ads we bid on search queries, yes,
15
           16
                 versus customers.
16
                         Okay. And then I believe you said when it
           17
17
                    0.
            18
                 comes to social ads that it's not a bidding process,
18
19
                 it's more Facebook is deciding who that it
     11:39 20
                 targets -- who it targets the social ad to.
20
21
           22
                         THE WITNESS: So with Facebook ads there is
22
                 still a bid. We're bidding at the ad campaign
23
            23
24
                 level. And the place with the targeting is
25
      11:39 25
                 determined largely by Facebook.
```

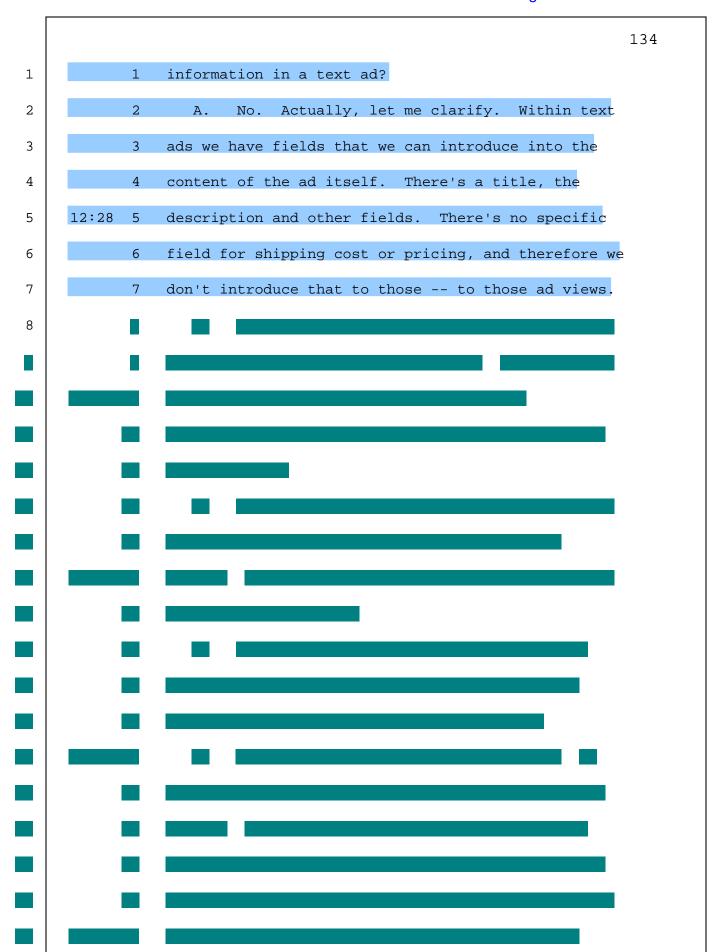






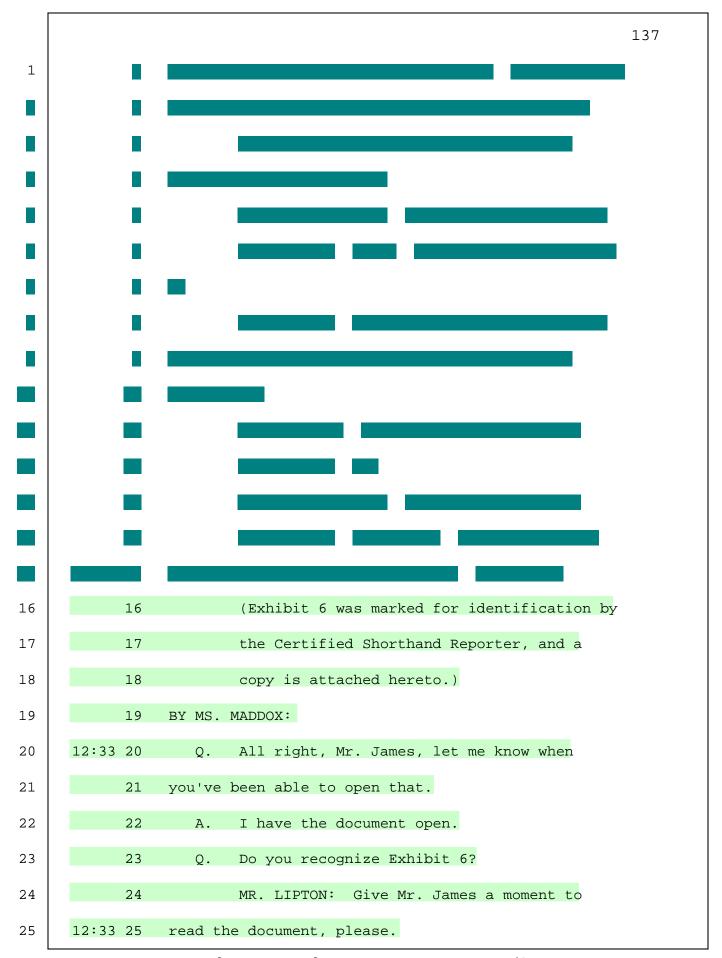




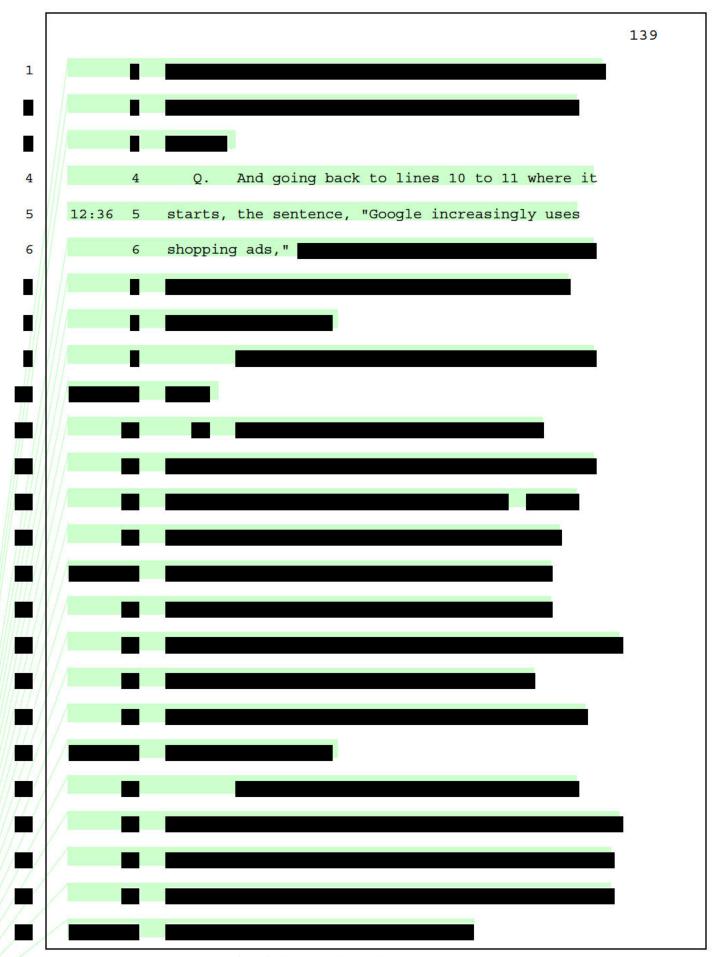


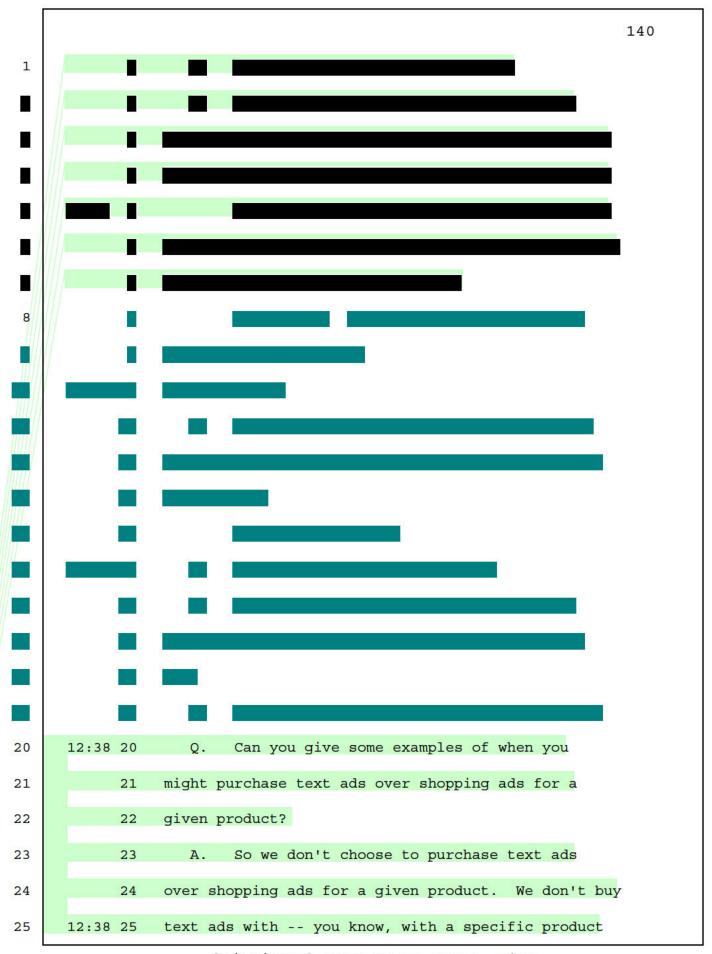
```
135
 1
                         With respect to shopping ads, do those
 4
 5
      12:29 5
                 allow a user to compare the prices of different
 6
             6
                 products?
 7
             7
                         So through our use of shopping ads we are
                 participating in the Google Shopping property. On
 8
             9
                 the Google Shopping property there is the
 9
      12:30 10
10
                 opportunity for users on Google to see a number of
            11
                 different products that would be relevant for their
11
            12
12
                 search query that may then have, you know, similar
13
           13
                 products side by side with different pricing
            14
                 available -- pricing on those items which then would
14
      12:30 15
                 allow for them to do some comparison shopping.
15
            16
                         On the search results page, similarly, if
16
                 the products that are displayed are similar enough
17
            17
            18
18
                 in nature, then the customer, even within the Google
                 Search experience, could look at those products and
19
     12:30 20
                 do some price comparison, yes.
20
            21
                         How about with respect to text ads? Are
21
                    0.
            22
                 customers able to look at text ads and perform a
22
            23
                 similar comparison?
23
24
            24
                    A. I would argue that they cannot. Text ads
      12:31 25
                 are really more descriptive links. There's no
25
```

```
136
                 pricing information that is generally included
 1
                 there, so I wouldn't think of that as a great place
 2
                 to compare different products or different offers.
 3
             4
                         Is there -- I'd like to talk about the
 4
                    0.
 5
      12:31 5
                 number of ads that are permitted on a page per
 6
             6
                 advertiser, because we were talking about how you
 7
             7
                 can have multiple shopping ads or Amazon could have
 8
                 multiple shopping ads. Is there -- how does that
             9
                 compare with respect to text ads? Is Amazon able to
 9
                 have multiple text ads on a search result page?
10
      12:31 10
            11
                         Unless Google's policies have changed
11
            12
                 recently, no. I mean, a single advertiser is able
12
13
           13
                 to have a single text ad in the -- in any given
            14
                 search query.
14
      12:32 15
15
                    0.
                         Is there -- and I take it there's no
            16
                 similar limit with respect to shopping ads?
16
            17
                         To my knowledge there is no predefined
17
                    Α.
18
            18
                 limit in terms of the number of shopping ads that
19
                 could be introduced by an advertiser into the
     12:32 20
                 shopping ads Carousel, the results. I think it
20
            21
                 would be capped based off of the total number of
21
            22
                 offers that are -- that are returned as a result of
22
23
            23
                 the query.
24
```



```
138
                         MS. MADDOX: Of course.
 1
                         And while you're doing that, I'll state for
 2
                 the record that Exhibit 6 is the document at the top
 3
             4
 4
                 titled
                                                      bearing a date
      12:33
             5
 5
                 of
 6
                 BY MS. MADDOX:
                         And to the extent it's helpful, Mr. James,
 7
                 I'm going to be focusing on the first paragraph of
 8
             9
                 the first page.
 9
                         Okay.
10
      12:34 10
                    A.
                         All right. Focusing on, as I said, the
            11
                    Q.
11
            12
12
                 first paragraph of the first page, lines 10 to 11,
13
            13
                 there's a sentence there, "Google increasingly uses
            14
                 shopping ads to enable customers' shopping journey,
14
15
      12:35 15
17
17
                         Do you see that?
18
            18
                    A.
                         I do, yes.
19
                    0.
                         Yes. And I'm going to back up for a
      12:35 20
                 moment.
20
                         Do you recognize this document?
21
            21
            22
                    Α.
                         I do recognize this document, yes.
22
23
            23
                    0.
                         And how do you recognize this document?
24
            24
                    A.
                         This document would have been produced by
      12:35 25
                 my team with my participation and leadership
25
```

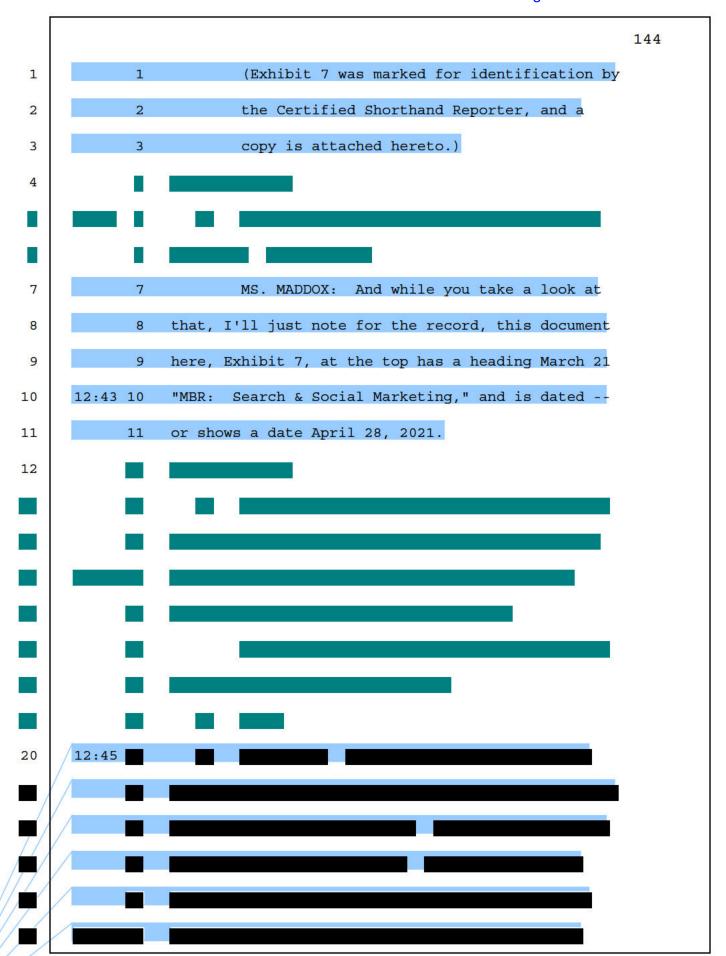




```
141
                 in mind. In general, our systems are looking to try
 1
 2
                 and identify queries that we believe have retail
                 intent through our monitoring of, you know, searches
 3
             3
                 that are taking place on Amazon to understand, you
 4
             4
                 know, what search query from a product perspective
 5
      12:39
             5
 6
             6
                 is leading to a conversion.
             7
                         So I'm not sure that I can answer that
 7
             8
                 question the way it's been asked.
 8
                         Okay. So am I understanding that it sounds
9
      12:39 10
                 like whereas for product listing ads, you've
10
            11
                 identified product categories for which you would --
11
                 my apologies, shopping ads.
12
            12
            13
                         You've identified particular products,
13
                 product categories for which you would purchase
14
            14
15
      12:39 15
                 shopping ads, but you're not necessarily looking at
            16
                 buying text ads for particular products or product
16
17
            17
                 categories?
18
            18
                         The nature of how we actually select the
            19
                 products that are included in our shopping ads goes
19
                 beyond specifically a product category; however, in
20
      12:40 20
                 general, yes, our use of text ads is not
            21
21
            22
                 specifically targeted to a given category.
22
            23
                         Is it possible that there are some queries
23
24
            24
                 for which both an Amazon text ad and an Amazon
      12:40 25
                 shopping ad would show?
25
```

```
142
                    A.
                         Yes.
 1
                         And it sounds like from your testimony that
 2
                    0.
                 the ads would -- do they serve different purposes?
 3
                         So there is an intersection of the purposes
 4
             4
                    Α.
                 that they serve. I'll give you an example. If a
 5
      12:40
             5
 6
             6
                 user was on Google and performed the search "robotic
             7
                 vacuum, " Amazon's text ad might trigger for that
 7
             8
                 query when the text ad is targeting vacuums. So
 8
                 that text ad may be more broadly focused.
             9
9
      12:41 10
                         Whereas the shopping ad may trigger only
10
                 for, let's use, "Roomba robotic vacuums" due to the
            11
11
                 specificity of the product and the relevance to the
12
            12
            13
                 individual query.
13
            14
                         If Amazon didn't have that text ad or if
14
                 the query was such that it was not relevant or
15
      12:41 15
                 targeted to the query that was entered, it's still
            16
16
                 possible that a shopping ad -- a product might be
17
            17
18
            18
                 relevant for that product and therefore be
19
            19
                 triggered.
      12:41 20
                         Is it fair to say in your example that the
20
                 text ad and the product ad -- or shopping ad
            21
21
            22
                 complement one another?
22
23
24
            24
                         THE WITNESS: Can you just define what you
                 mean by "complement" in this case?
25
      12:41 25
```

```
143
                 BY MS. MADDOX:
 1
 2
                         The way you had described them, they
                 were -- it sounded like they were serving different
 3
                 purposes but complementary purposes.
 4
                         I think that's a fair statement, yes.
 5
      12:42
             5
 6
             6
                         I would like to talk a little bit, shift
             7
                 gears here a little bit, and talk about some of the
 7
 8
                                      that you've referenced today,
                 and specifically some of the bidding system tools.
 9
10
      12:
20
      12:43 20
                    A.
                         That's correct, yeah.
                         MS. MADDOX: I'd like to mark the next
            21
21
            22
                 exhibit. And for the record this is going to be
22
                 Bates numbered AMZN-SEARCH-000089805. And this'll
23
            23
                 be Exhibit 7.
24
                 111
25
            25
```





```
146
                         So what's referenced here is that following
 1
                 the initial launch in 2017, we moved very quickly.
 2
                 And in order to move quickly, we used a legacy
 3
             4
                 bidding system. That legacy bidding system was --
 4
      12:47 5
                 did not have a lot of the benefits that we had even
 5
 6
             6
                 built out for our core text ad program through
                                            And so it was very much
                 old and needed replacement even at the time of
9
     12:47 10
10
                 launch.
                         Beyond that, the text ads bidding is
            11
11
                 leveraged -- doesn't have access to -- let me use it
12
            12
            13
                 in a different way.
13
            14
                         You know, text ads don't have the
14
      12:48 15
15
                 attributes that you would think of with respect to
                 product. So a bidder that is, for example,
            16
16
                 leveraging information to come up to derive -- to
17
            17
            18
18
                 predict the value that we were likely to see on a
                 shopping ads bid is going to benefit from its
19
     12:48 20
                 knowledge of the category, the product relationship
20
                 to other products, for example, variants of that
            21
21
            22
                 product and how those products may have converted.
22
            23
                         As a result, the sparsity of information
23
24
                 that is within the text ad bidder versus what could
      12:48 25
                 be made available through the shopping ads bidder
25
```

```
147
                 gave us the perception, the belief that investing in
 1
                 a bespoke bidding solution for shopping ads would
 2
                 pay dividends.
 3
             4
                         It sounds like the -- there were sufficient
 4
                    0.
     12:49
             5
                 differences between what you -- the inputs for a
 5
 6
             6
                 text ad versus the inputs for a shopping ad that it
             7
                 warranted having two systems, each of which could be
7
                 tailored to the respective ad. Is that fair?
8
                         That was one of the motivating factors,
             9
                    A.
9
10
     12:49 10
                 yes.
            11
11
                    0.
                         What were the other -- what were some of
12
            12
                 the other motivating factors?
            13
                         Well, as I indicated,
13
                  , it was -- our bidding was being done off of
15
     12:49 15
                 a very old bidding solution that needed to be
            16
                 replaced.
16
17
            17
                    O. Understood. All right. And we can go
18
            18
                 ahead and set that document aside.
            19
                         I'd like to talk a little bit now about
19
     12:49 20
                 the -- Google's ad auction for text ads. In your
20
                 understanding, how does Google's text ad auction
            21
21
            22
                 work?
22
            23
                         So my understanding is that the Google text
23
24
            24
                 ad auction is a modified second-price auction. The
      12:50 25
                 auction itself, it contemplates -- it looks at the
25
```

```
148
                 various ads that a given advertiser has within their
 1
 2
                 ad portfolio to determine which ads, which text ads
 3
                 are relevant for a given query. That takes
             3
 4
             4
                 dimensions such as geographic targeting, the query
 5
      12:50
             5
                 relevance based off of the text ad targeting itself,
 6
             6
                 and some other features that allow for some
 7
             7
                 constraints to be applied.
 8
                         It then selects the one it believes would
9
                 be the most relevant from that advertiser and then
10
      12:50 10
                 enters that ad into the auction. Only a single ad
            11
                 would be entered into the auction for text ads.
11
12
            12
                         When it evaluates the value -- sorry --
13
            13
                 where -- what position to give that text ad or to
            14
                 include it at all, it looks at the ad history of
14
15
      12:51 15
                 that ad, where it then determines, you know, what
            16
                 the probability is that that ad would be clicked on
16
17
            17
                 and how the bid then would, you know, factor into
18
            18
                 the ranking of that ad along with that probability.
            19
                         It's with those sort of combined -- the
19
20
      12:51 20
                 combined set of metrics or inputs that it then
21
            21
                 determines the ad rank, and that ad and the rank
            22
22
                 effectively determines, like, the order in which the
            23
                 ads would actually be displayed on the page and
23
24
            24
                 which page they would be present on.
      12:51 25
25
                         And I just want to caveat this by saying
```

```
149
                 that the bidding system itself, the black box, we
 1
 2
                 don't have concrete knowledge in terms of how it
                 functions. This is, you know, my understanding
 3
             3
 4
                based off of what is published and my conversations
 5
     12:52 5
                 with people at Google.
 6
             6
                   Q. With respect to -- so you refer to it as a
 7
                 modified second-price auction. Is the -- does the
             7
 8
                 modified piece come in from these other aspects you
9
                 talked about, the history, the probability of a
10
     12:52 10
                click, those factors?
            11
                   A. Yes.
11
12
            12
                    O. So I think I know the answer based on
13
            13
                your -- based on what you said already, but to ask,
            14
                 in your understanding, does the highest bid always
14
15
     12:52 15
                win in the auction?
                         In my understanding, that is not true.
16
            16
17
            17
                    0.
                         Is it -- is there some other -- do you know
18
            18
                 is there some other quantitative -- a number or
            19
                 anything that determines what gets first versus
19
     12:52 20
                 second or third?
20
21
            21
                   A. So I -- again, I don't know specifically as
            22
22
                 this is a proprietary technology that Google owns
            23
                 and so it is a black box.
23
24
            24
                    Q. Okay. If you wanted to know the details
     12:53 25
                about how -- about the text ad auction rules, where
25
```

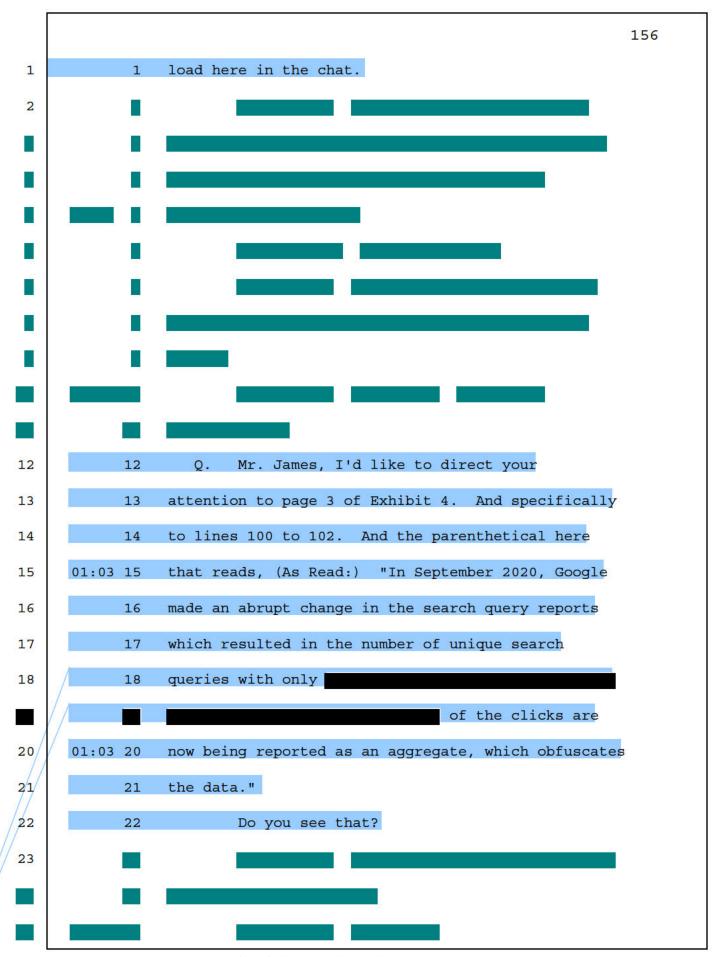
```
150
1
                 would you look?
 2
                         I would start with Google's developer docs
                 to look to see, you know, what they, themselves,
 3
             3
                 have described. And then beyond that I would be
 4
      12:53
             5
                 looking to any industry documents that may be
 5
 6
             6
                 published around, you know, how search auctions work
                 in general. And then the final source of
7
             7
                 information on this is to sit down and have
8
                 conversations with the Google team themselves to ask
9
10
      12:53 10
                 more detailed questions about how it functions.
            11
                         And have you done that, or has Amazon done
11
                    Q.
12
            12
                 that, to your knowledge?
            13
                         We have had conversations with the Google
13
            14
                 team and we have looked at the documentation in
14
15
      12:54 15
                 terms of how it functions, yes.
            16
                         And what did you learn from speaking with
16
17
            17
                 the Google team and looking at the documentation?
18
            18
                         I think the sum of my knowledge is
19
            19
                 effectively what I imparted in terms of the history
      12:54 20
                 being important in terms of the quality score, if
20
                 you will, that's applied and how, you know, that
21
            21
            22
                 then, along with the bid, determines the ad ranking.
22
            23
                 That's -- that would be the summary of it.
23
24
            24
                    Q. From your perspective as an advertiser, is
      12:54 25
                 there additional information about the text ad
25
```

152 that. 1 Did you or to your knowledge did someone 2 else at Amazon request that information continue to 3 4 be provided? 4 12:56 It's my understanding that my team was 5 6 6 pushing Google back when that decision was being 7 made to continue to retain that. 7 Do you know what the response was? 8 0. A. If I recall correctly, the Google team said 9 12:56 10 that they were replacing that with the absolute top 10 impression metric that they believed was, you know, 11 11 12 12 more beneficial, but we would argue that's not the 13 case. 13 Why in your view is it not the case? Is 14 14 15 12:57 15 there something you were able to do before that you're not able to do with this information? 16 16 17 17 Having the average page rank for an 18 18 individual ad allows us to understand how, relative 19 19 to other ads, a given ad is showing up in the search results and how that trends over time. That would 20 12:57 20 21 21 allow us to model out the impacts that our bidding changes have over time on how an ad might score and 22 22 23 rank so that we could understand as, for example, an 23 24 24 ad moves from position one to position two in the search results, if we see a higher ROI in position 25 12:57 25

```
153
                 two, which is entirely possible, versus being in
 1
                 position one.
 2
                         But with the absolute top impression share,
 3
                 we end up with a relative metric in terms of how
 4
             4
                 often our ad was showing up in the top position, but
 5
      12:58
             5
 6
             6
                 doesn't give us a strong signal in terms of where it
                 might be otherwise on the page at the time.
 7
             7
                         All right. And I take it from what you
 8
                 said just now and before that that has -- that
             9
9
      12:58 10
                 impacts your ability to optimize. Is that accurate?
10
                         That's accurate. Having -- having the
            11
                    A.
11
12
            12
                 average page rank for a given ad can be used as an
            13
                 input into the bidding signals.
13
            14
                         Let's switch a little bit to talk about the
14
                 auction for shopping ads. What is your
15
      12:58 15
                 understanding of how the Google auction for shopping
            16
16
                 ads works?
17
            17
18
            18
                         So my understanding of the shopping ads
            19
                 auction is that it is -- it's very similar to the
19
      12:59 20
                 text ads auction. The primary difference between
20
                 the text ads and the shopping ads auction is that
            21
21
            22
                 the targeting is determined not by the keyword that
22
            23
                 we supply and the relevance of the keyword and
23
24
            24
                 keyword that is the text of the keyword in the query
      12:59 25
                 entered by the user, but rather it is the --
25
```

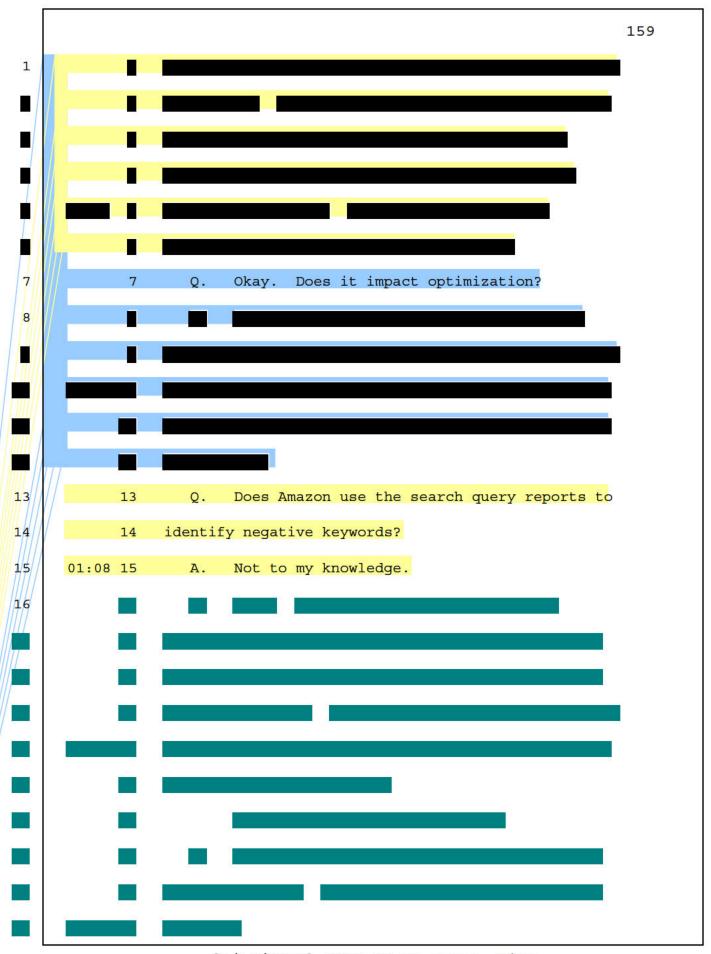
```
154
                 Google's determination of the query entered and its
 1
                 relevance to the product itself. And how that's
 2
                 done is opaque to us. We don't know.
 3
             4
                         Secondarily, the -- there is no -- as we
 4
      12:59
                 discussed, we're not limited to one ad in shopping
 5
             5
 6
             6
                 ads, which means that any number of products that we
             7
                 put into our shopping ads feed could be relevant
 7
             8
                 based on Google's determination for presentation in
 8
                 the results side.
             9
9
                         And then the ranking aspects of things to
      12:59 10
10
                 my knowledge follows a similar pattern to the text
            11
11
12
            12
                 ads. It looks at the ad history, it looks at the
            13
                 bid, the probability that the ad is going to be
13
            14
                 clicked on, to -- has inputs into the ranking, the
14
      01:00 15
                 score that is given from a ranking perspective which
15
                 determines the ultimate layout.
            16
16
17
            17
                    Q. You used the word "opaque" to describe, and
18
            18
                 I know you referenced the text ad auction as being a
            19
                 black box. Is that also true for the shopping ads,
19
      01:00 20
                 that it's kind of a black box with respect to how it
20
                 all shakes out?
            21
21
                         Yes, I would refer to both auctions as
            22
22
            23
                 being black boxes to it.
23
24
            24
                    Q. Are you familiar with the term "quality
      01:00 25
                 score"?
25
```

```
155
                         I am familiar with quality score, yes.
 1
                         And what is your understanding of quality
 2
                    0.
                 score?
 3
                         So quality score is a metric that is
 4
             4
                    Α.
      01:00
             5
                 computed by Google and is assigned to an ad. It's a
 5
 6
             6
                 relative score, and it is -- I would call it a loose
             7
                 interpretation of how Google deems the quality of
 7
                 the ad to be. That quality is effectively -- I
 8
                 don't want to call it synonymous, but it is similar
             9
9
      01:01 10
                 to the history that I was describing.
10
                         With respect to -- have you ever asked
            11
                    Q.
11
                 Google for additional information on how the quality
12
            12
            13
                 score is actually calculated?
13
            14
                         We've had some conversations with Google
14
      01:01 15
                 regarding how quality score is calculated. And the
15
                 result of that conversation is that it's -- you
            16
16
                 know, they have some special -- they have a
17
            17
                 mechanism by which they calculate it and they won't
18
            18
            19
                 share the details with us.
19
      01:01 20
                         It sounds like it's another black box. Is
20
                 that fair to say?
            21
21
            22
                         It is not known to us, yes.
                    A.
22
            23
                         All right. I'd like to go back and,
23
24
            24
                 actually, we're going to go back in time a little
      01:02 25
                 bit to Exhibit 4. And I know it takes a moment to
25
```



```
157
 1
THE WITNESS: Okay.
 3
                 BY MS. MADDOX:
 4
 5
      01:04 5
                         I'd like to focus on the first part of that
 6
             6
                 parenthetical relating to the search query reports.
 7
             7
                 Can you explain a little bit further about what
                 happened in September 2020 with regard to a change
 8
                 in the search query reports?
 9
      01:05 10
                         So just for context, this content was
10
                    Α.
            11
                 provided by my team. And while I do have some
11
            12
                 detail, I don't know -- it was not firsthand
12
13
           13
                 knowledge in terms of the changes that were made.
14
            14
                         But my understanding is that Google made
      01:05 15
15
                 changes to a report called the search query report
            16
                 back in September of 2020 that changed the quantity
16
            17
                 and, if you will, quality of the results that they
17
            18
18
                 give us related to gueries that are taking place
19
            19
                 within the auction.
      01:05 20
                         And you mentioned that this information was
20
            21
                 reported to you. Was this reported to you as part
21
            22
                 of the ordinary course of business of your team; you
22
                 supervising your team and they report up to you?
23
            23
24
            24
                    A.
                         Yes, correct.
25
      01:05 25
                    0.
                         And then what was the impact on Amazon as
```

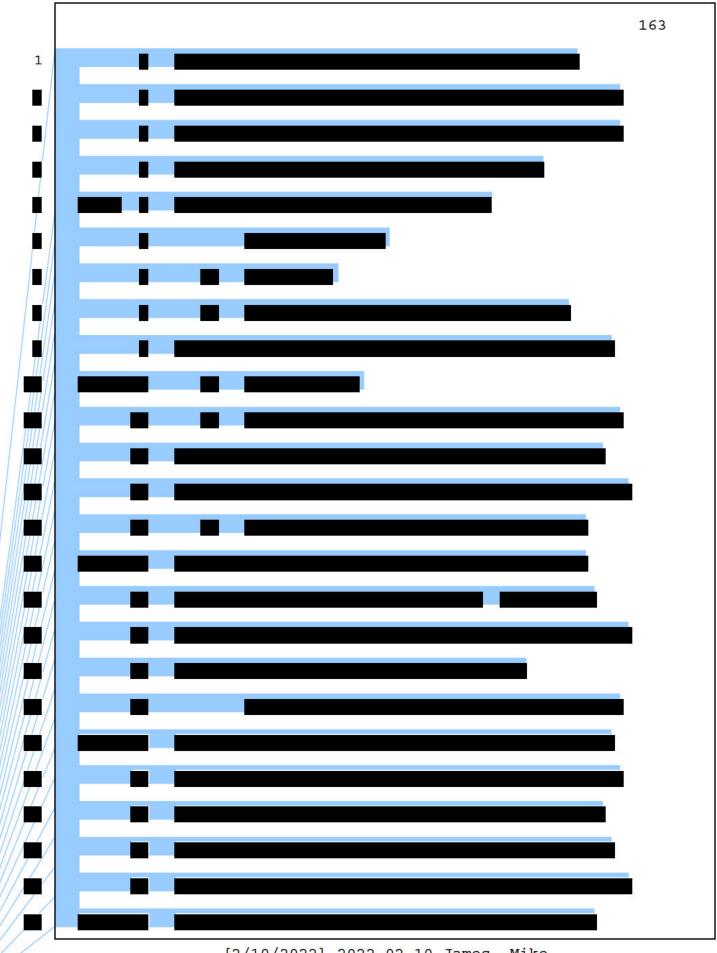
```
158
                 an advertiser of Google withholding this information
 1
                 on queries?
 2
 3
                         THE WITNESS: So when the search query
 4
      01:06
                 report changes were made, it limits the amount of
 5
             5
 6
             6
                 information that we can have related to the number
             7
                 of unique search queries that occur for a given --
 7
             8
                 given term and the number of keywords that are in
 8
                 our auction that would have triggered as a result of
             9
9
      01:06 10
                 that.
10
                         This information is leveraged when we think
            11
11
                 about the keywords that we would generate and the --
12
            12
            13
                 you know, being able to actually think about gaps
13
            14
                 that we have in our ad portfolio for text ads. So
14
      01:06 15
                 limiting that information, it just -- it results in
15
                 less fidelity, less information that can be used for
            16
16
                 us to think about areas where we are not doing a
17
            17
18
            18
                 sufficient job of targeting.
            19
                 BY MS. MADDOX:
19
      01:07 20
20
                    Q.
                         Does it have -- does this change in the
            21
                 information provided on the search query reports,
21
            22
                 did that have an impact on Amazon's ability to
22
            23
                 identify and reduce ad spend -- ad spend where it
23
24
            24
                 was inefficient?
25
      01:07
```

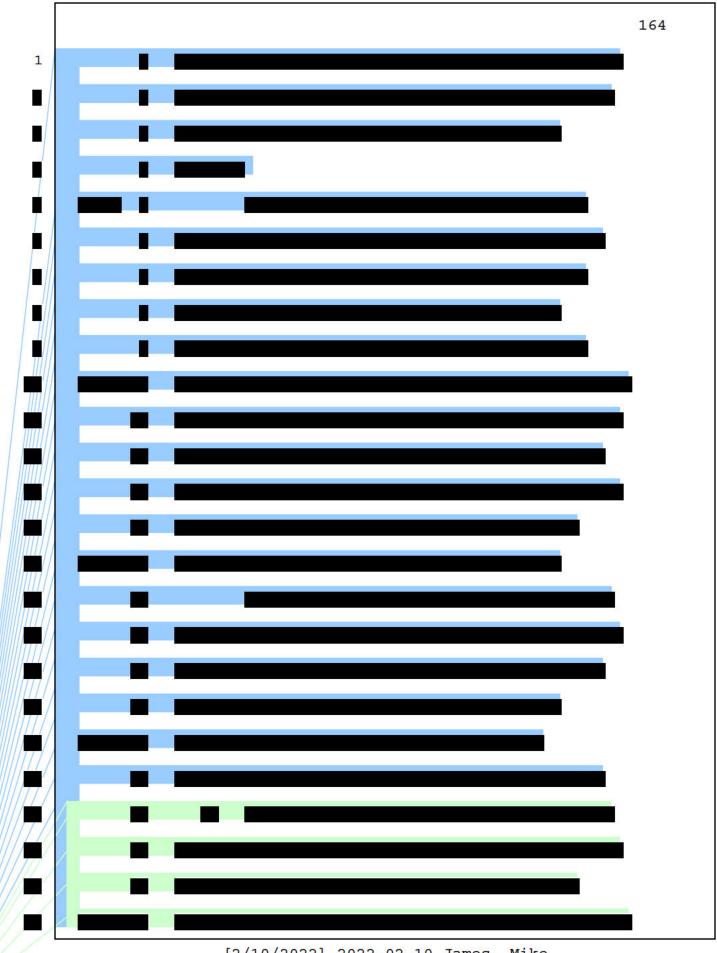


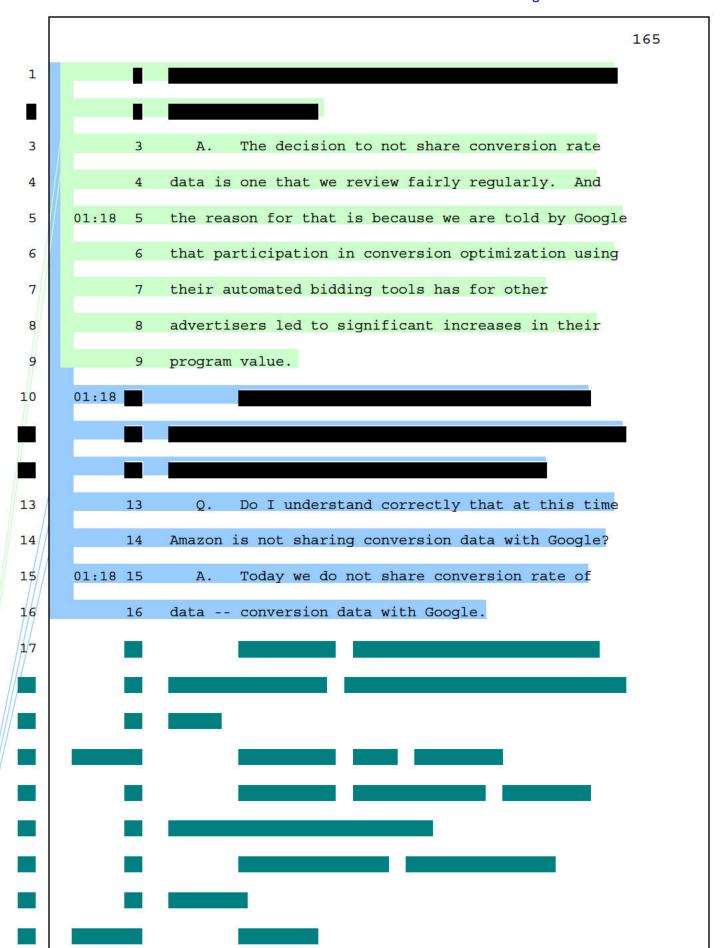
```
160
                         What is the impact on Amazon as an
 1
 2
                 advertiser of the data being obfuscated, as is noted
                 here?
 3
             4
 4
                    A.
                        As mentioned previously, the lack of
      01:09 5
 5
                 detailed information regarding where queries are
 6
             6
                 taking place, and we don't have keywords that are
 7
             7
                 targeting those queries, it leads to potential holes
 8
                 in our text ad program where we're not doing a
                 sufficient job of covering retail queries that are
 9
      01:09 10
10
                 being performed.
11
18
            18
                    0.
                         Okay. Let's turn to page 11 of Exhibit 4.
19
                         And I'll tell you the paragraph I'm going
      01:10 20
                 to be focusing on here is the paragraph headed "Slow
20
            21
                 erosion of channel control," and that's lines 314 to
21
            22
                 321. And I'll give you a moment to read that
22
            23
                 paragraph, but we will take it in chunks.
23
            24
24
                    A.
                         Okay.
                         The first sentence here, where it
25
      01:11 25
                    0.
```

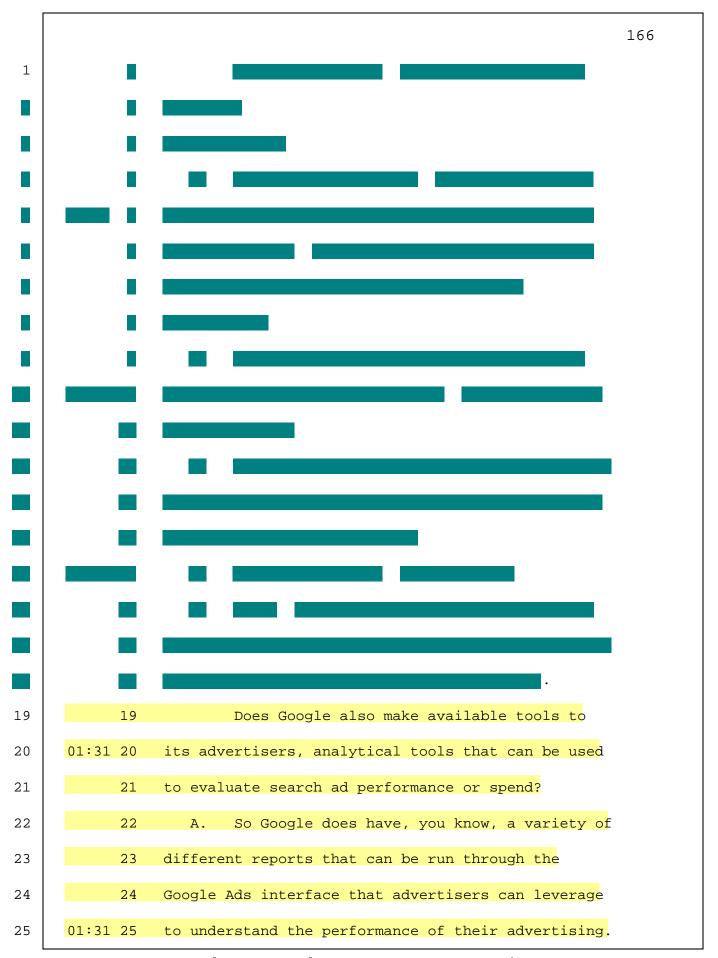
```
161
                 references, "In recent years we have seen Google
 1
                 release a number of products and push changes to
 2
                 existing products (shopping ads for Google images,
 3
             4
                 FPL, change in definition of 'exact' to 'close
 4
      01:11 5
                 variant', and more) for which Google has
 5
 6
             6
                 intentionally built in the inability for advertisers
             7
                 tracking" -- and there's a parenthetical -- "URL
 7
             8
                 redirects, etc."
 8
             9
                         Can you talk a little bit more about, to
9
      01:11 10
                 the extent we haven't covered it already, what's
10
                 being referred to here, the types of products --
            11
11
12
            12
                 product changes and pushes for new products that
            13
                 are -- where this inability for tracking has been --
13
            14
                 Amazon believes it's been intentionally built in?
14
15
                         THE WITNESS: So we've discussed much of
            16
16
                 this previously, so I'll try not to duplicate some
17
            17
                 of the content. We mentioned or discussed, you
18
            18
                 know, shopping ads being used in other surfaces of
19
      01:12 20
                 Google Images. We've -- I guess, you know, perhaps
20
                 an incremental piece of information or example of it
            21
21
            22
                 would be when Google Search launched showcase ads,
22
            23
                 they moved to incorporate shopping ads dynamically
23
24
            24
                 into the showcase ad format. They did that without
                 us having control in terms of, you know, when we
25
      01:13 25
```

```
162
                 would or could participate in those ad units.
 1
                 so it was pulled in.
 2
                         The other would be, you know, as part of
 3
                 that they released engagement-based pricing, which
             4
 4
      01:13
                 meant we moved away from a CPC-based model where we
 5
             5
             6
                 lacked visibility into the events that actually
             7
                 drove the cost associated with the ads.
                         I can't think of other examples that aren't
8
                 listed here that we haven't already discussed.
             9
9
                 BY MS. MADDOX:
      01:13 10
10
                         All right. And there's a similar question
            11
11
                    Q.
                 in the next sentence here in the paragraph.
12
            12
            13
                 addition, Google has removed and reduced the
13
            14
                 granularity of reporting data they make available,"
14
      01:14 15
                 and then in parentheses, "position indicators,
15
                 reduction in quality of SQR data, etc."
            16
16
                         Is there anything being referred to here in
17
            17
                 this sentence that we haven't already discussed?
            18
                         I can't think off the top of my head of
19
      01:14 20
                 others that we've missed.
20
21
```















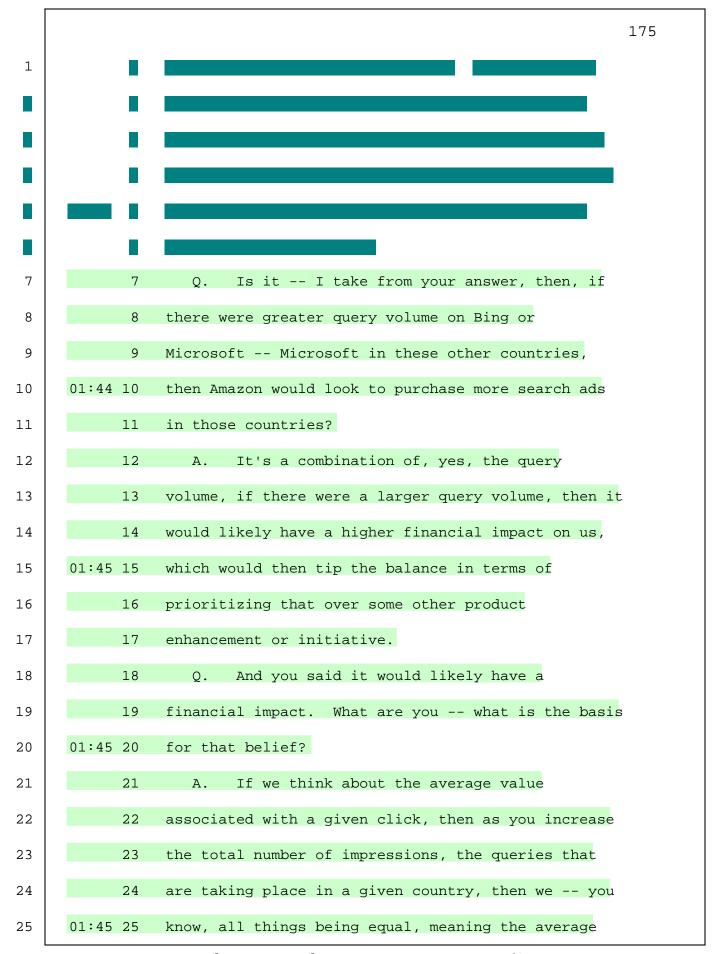


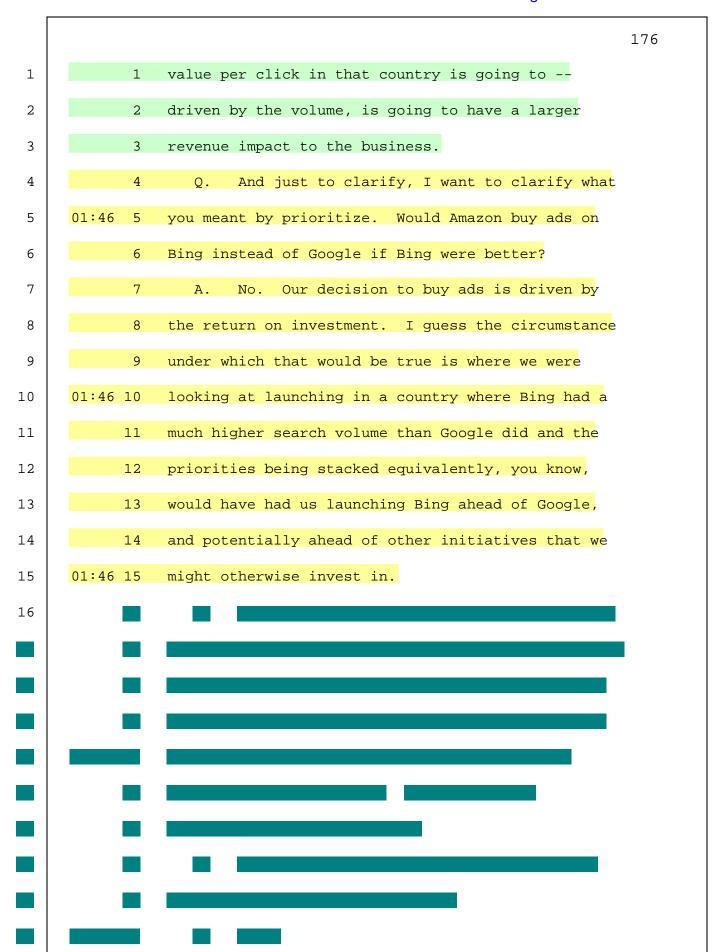
























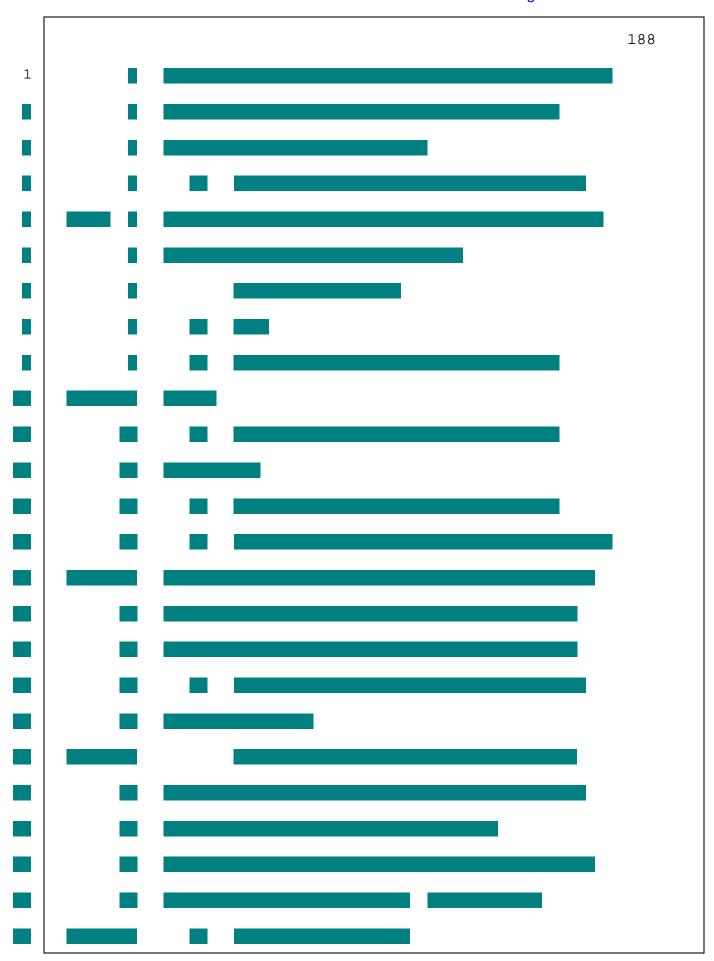


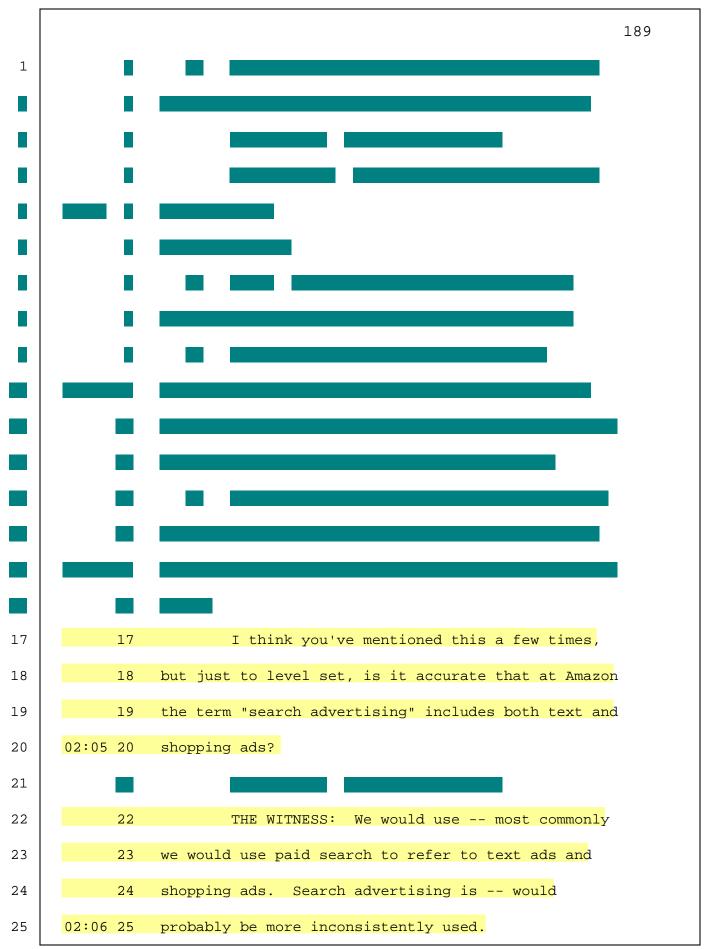












```
190
 1
                 BY MS. WASZMER:
 2
                         That's fair. Just to go back on some of
                    0.
 3
             3
                 the morning's topics.
 4
             4
                         So in -- beyond paid search, is it accurate
      02:06 5
 5
                 that Amazon buys other types of ads? Social, I
 6
                 believe you've mentioned, display, video. Is that
 7
             7
                 fair?
 8
                    A. Yes, that's fair.
 9
                    0.
                         Who is responsible for -- at Amazon for
10
      02:06 10
                 display and video advertising?
            11
                         To the best of my knowledge, Steve Anderson
11
            12
12
                 [phonetic] would be responsible for display and
13
            13
                 Tom Wilson would be responsible for video.
            14
14
                    Q. I think you've testified previously, and
15
      02:07 15
                 actually multiple occasions today, that your and
            16
                 Amazon's decision to invest in certain types of
16
17
            17
                 advertising is based on return on investment and
                 efficiency. Is that fair?
18
            18
            19
                    A. That's fair.
19
      02:07 20
20
                    Q. And I believe that at some point in my
            21
21
                 colleagues' questions you had indicated that
            22
22
                 currently Amazon is at the right level of investment
            23
                 and return with Google Ads. Is that accurate?
23
24
            24
                    A. That is always under review, but I would
      02:07 25
25
                 say today, yes.
```

```
191
 1
                         MS. WASZMER: So let's -- I'm going to ask
 2
                 my colleague to put up the first exhibit, which
 3
                 we've marked Tab C, but I believe is Exhibit 9, into
             4
                 the chat.
 4
                         And just for the record, the document that
 5
      02:07 5
 6
                 we're putting into the chat is AMZN-SEARCH-324725.
 7
             7
                         While that loads -- let me just also put on
 8
                 the record, for once it comes up and Mr. James has a
 9
                 chance to look at it, that the title of the document
      02:08 10
10
                 is WW Marketing Investment Roll-Up 2021, dated
            11
                 June 1, 2021.
11
12
            12
                         (Exhibit 9 was marked for identification by
13
            13
                         the Certified Shorthand Reporter, and a
14
            14
                         copy is attached hereto.)
15
```



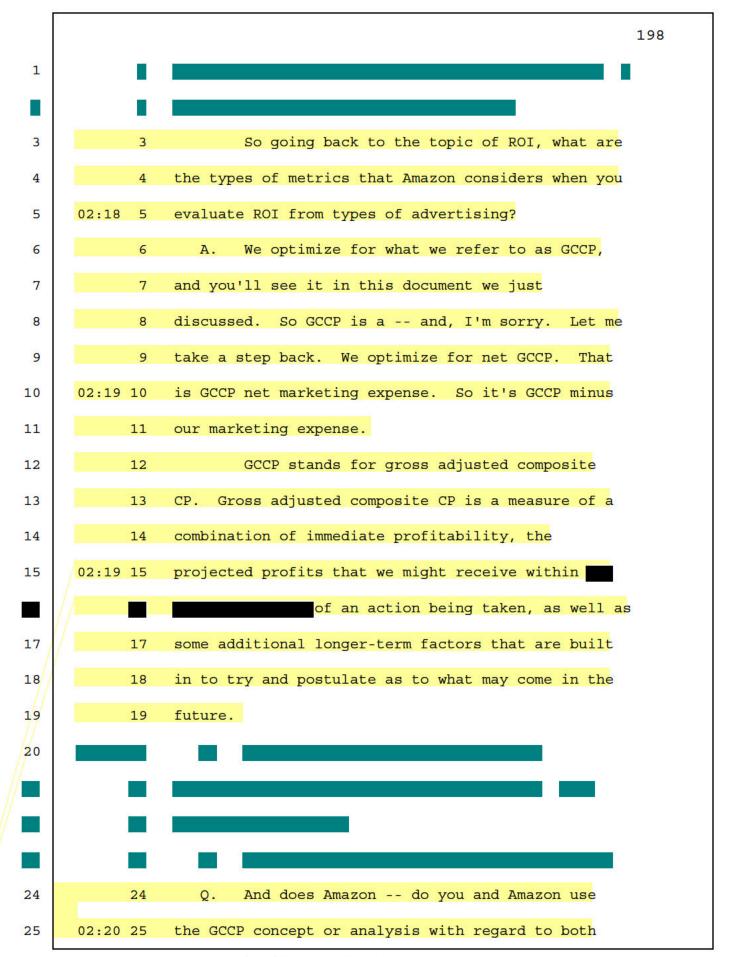




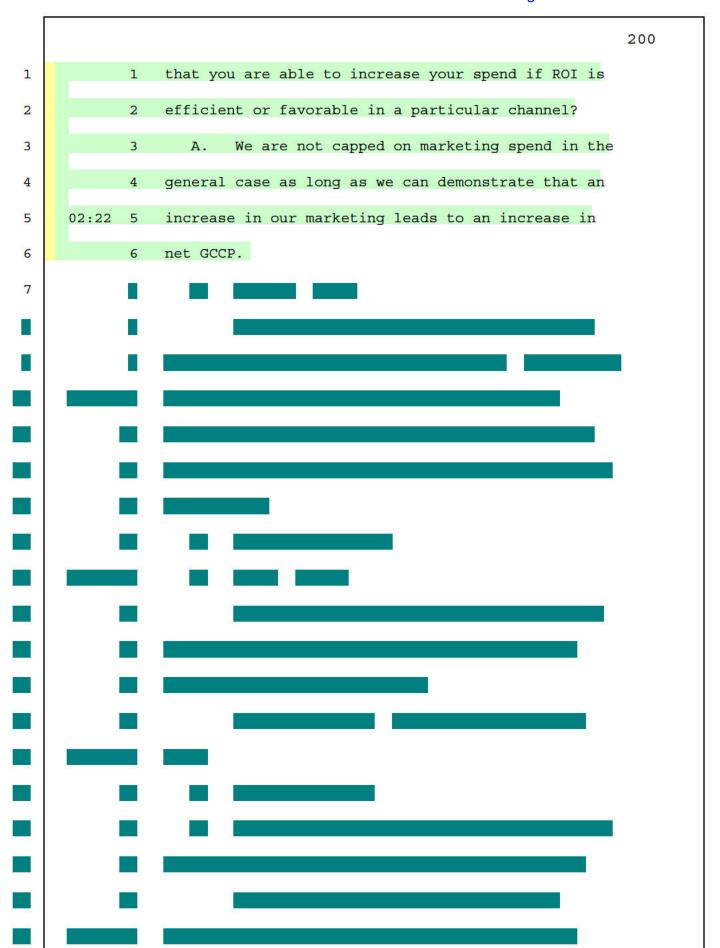




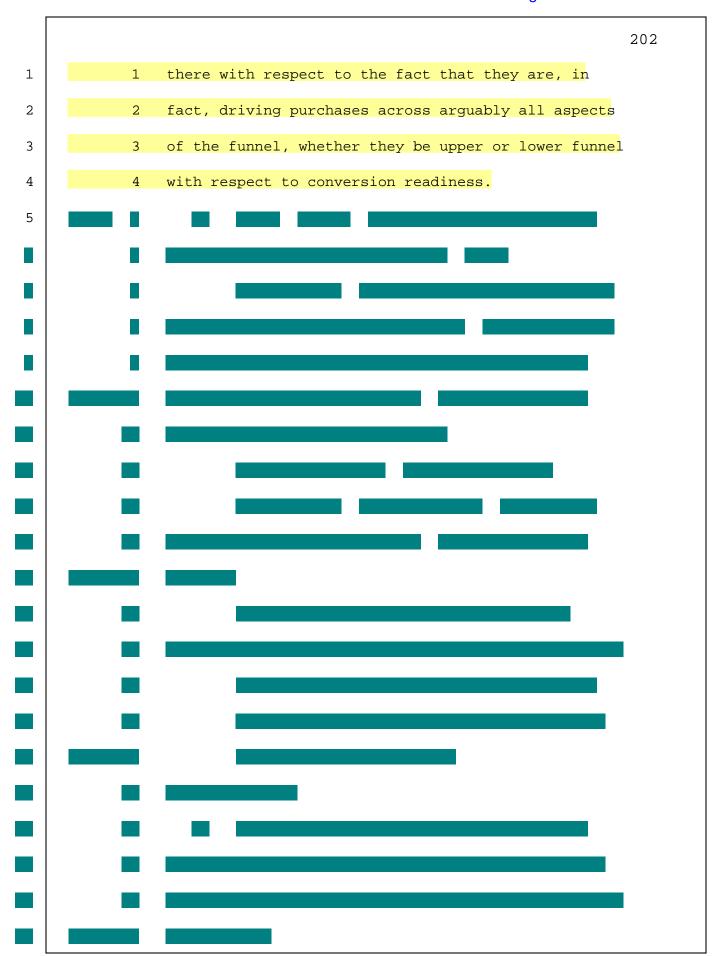




```
199
                 paid search and paid social?
1
 2
                         We do, yes.
                         Why does that same analysis apply to both
 3
             3
                    Q.
                 paid search and paid social?
 4
      02:20
                         So our hypothesis is the GCCP -- our
 5
             5
 6
             6
                 approach is that GCCP is the most reliable measure
                 that we have for the value that our actions will
 7
             7
                 take, such that if we maximize for those values that
8
                 we are -- we're getting the highest possible return
9
             9
      02:20 10
                 on investment.
10
            11
                         There is -- when we think about investing
11
12
            12
                 in social marketing, especially when we're talking
            13
                 about mature programs that are operating at scale,
13
                 we operate best when we are maximizing for that net
14
            14
15
      02:21 15
                 GCCP.
                         And let me ask, on a yearly basis with the
16
            16
17
            17
                 spend that you manage, do you have a set budget for
18
            18
                 the advertising spend?
19
            19
                    A. So in a general case, no, we don't operate
                 in a budget-constrained world. There are times when
20
      02:21 20
            21
                 we are given what we refer to as a spend challenge,
21
                 which puts us in a position of being budget-capped.
            22
22
            23
                 Those -- typically those periods are short-lived and
23
24
            24
                 they are point-in-time investment strategies.
25
      02:21 25
                    0.
                         So is it accurate in the general instance
```



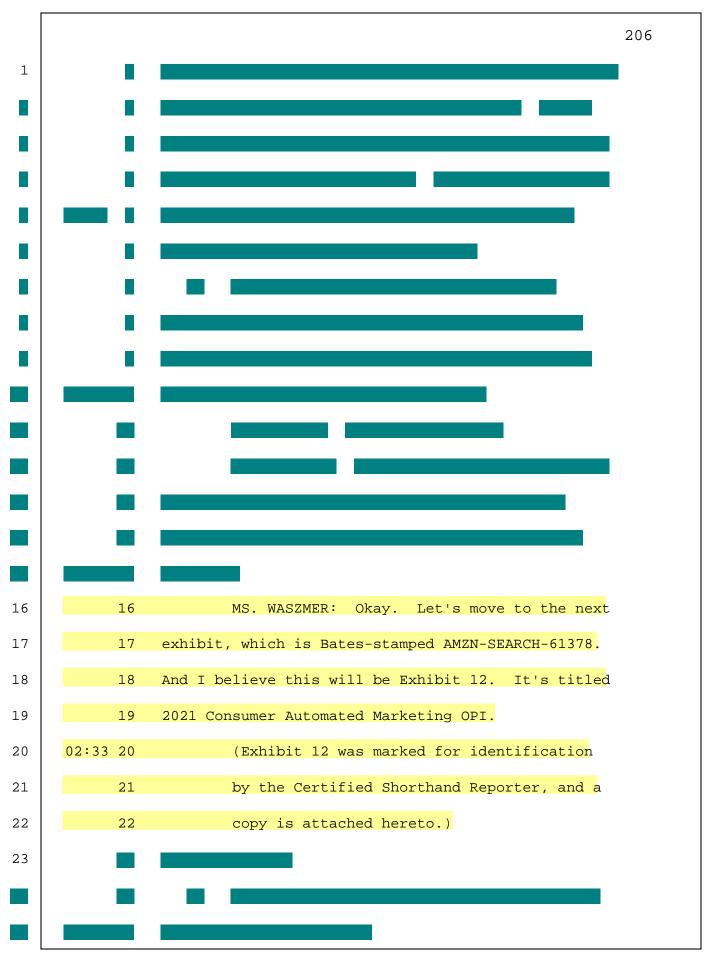
```
201
 1
 4
                         Looking at that last sentence, is it fair
 5
      02:24 5
                 to say that Amazon is focusing on return on
 6
             6
                 investment, but also invests in marketing that may
 7
             7
                 not be measurably efficient at launch but may be
 8
                 valuable in the future?
 9
                    Α.
                         That is true, yes.
10
      02:24 10
                    Ο.
                         Okay. Are TikTok and Snapchat referenced
            11
                 here examples of such advertising investments?
11
12
            12
                    A. At the time this document was written, yes,
13
            13
                 TikTok and Snapchat were similar -- were such
            14
                 investments, yes.
14
15
      02:24 15
                    Q. Let me refer back to a term that I think
            16
                 you used earlier today, the funnel. Do you recall
16
            17
                 that?
17
18
            18
                    A. I do, yeah.
19
            19
                    Q. At Amazon do you consider paid search and
      02:24 20
                 paid social and affiliates as lower funnel
20
            21
                 opportunities?
21
            22
22
                         I think the answer to that question depends
            23
                 on who you ask. I believe in this document we do
23
24
                reference them as being lower funnel activities. I
25
      02:25 25
                do think that there is some loose caveats put in
```



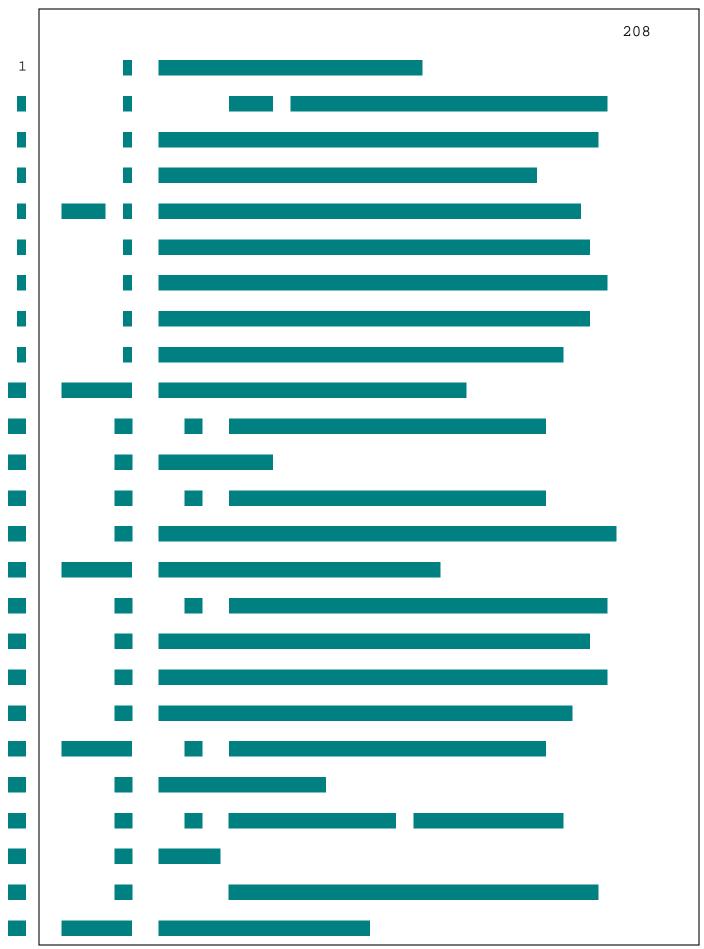


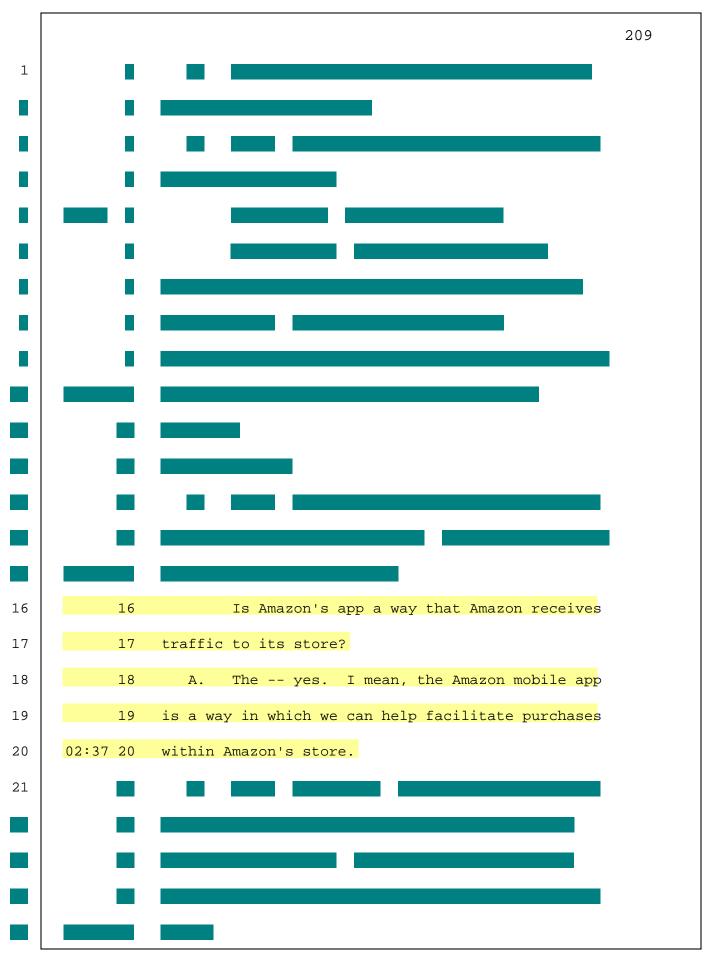




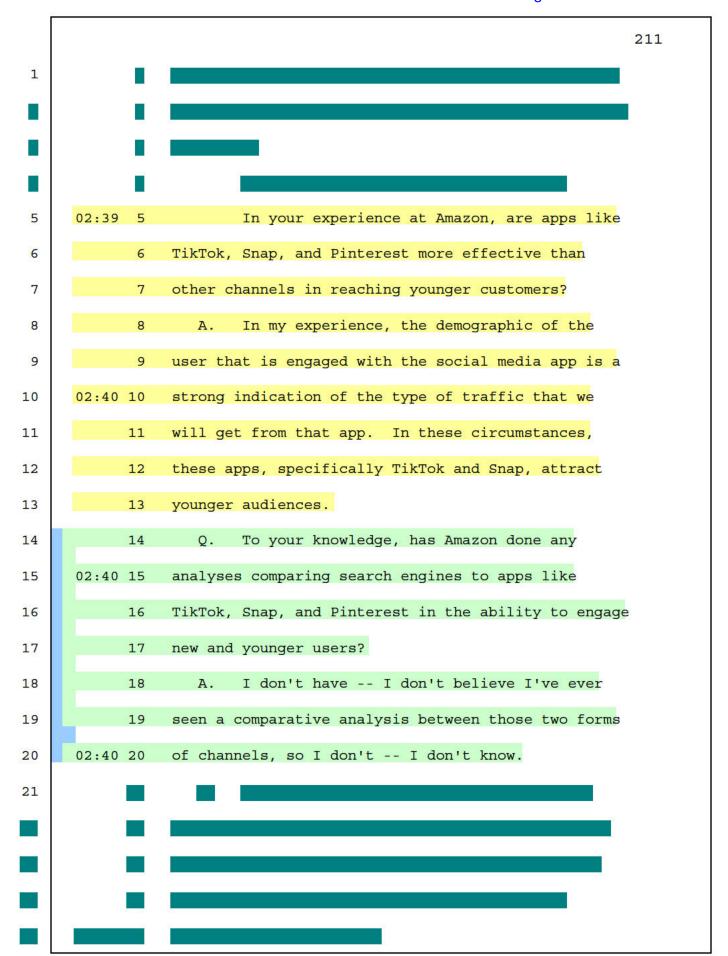




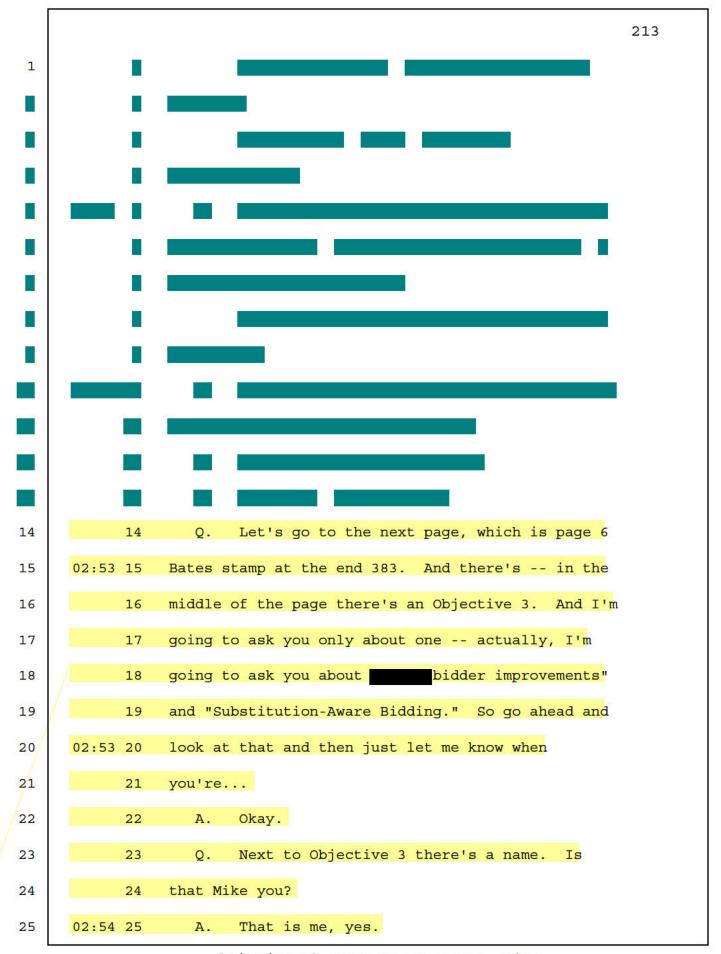






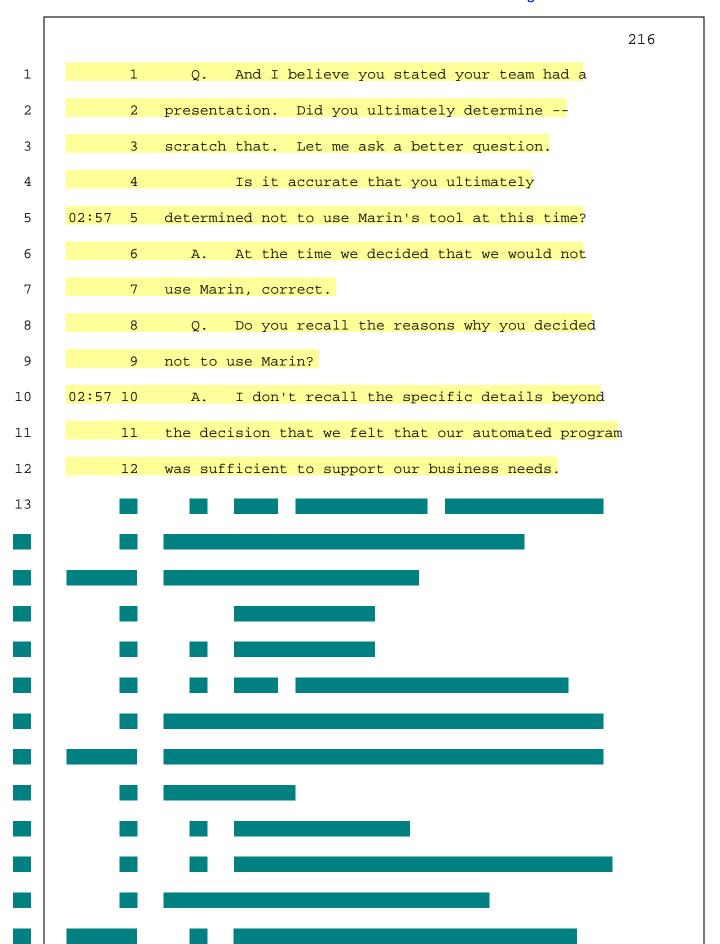




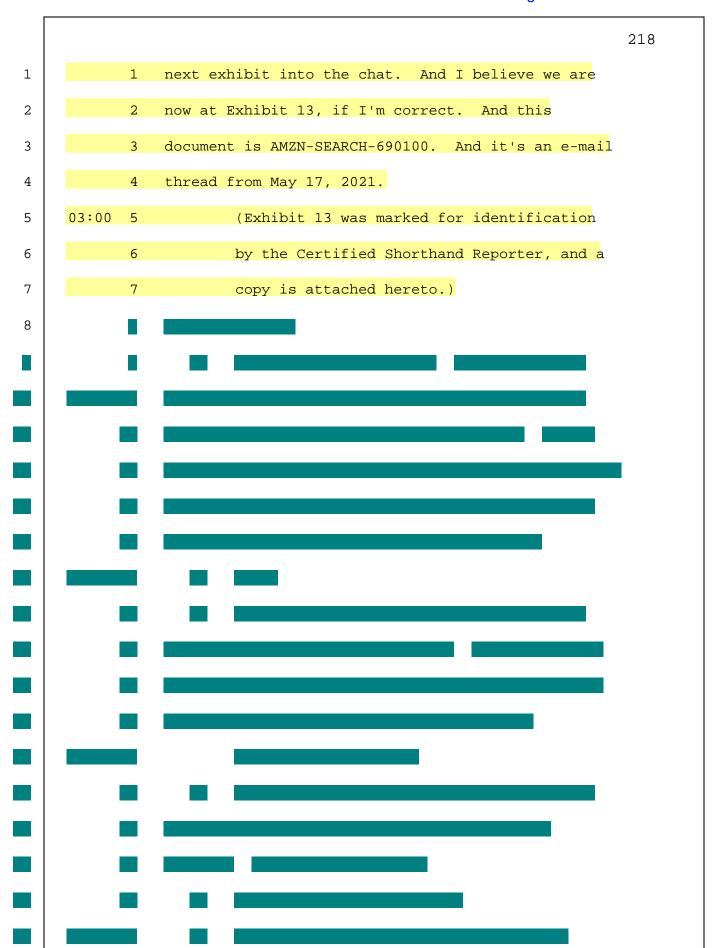


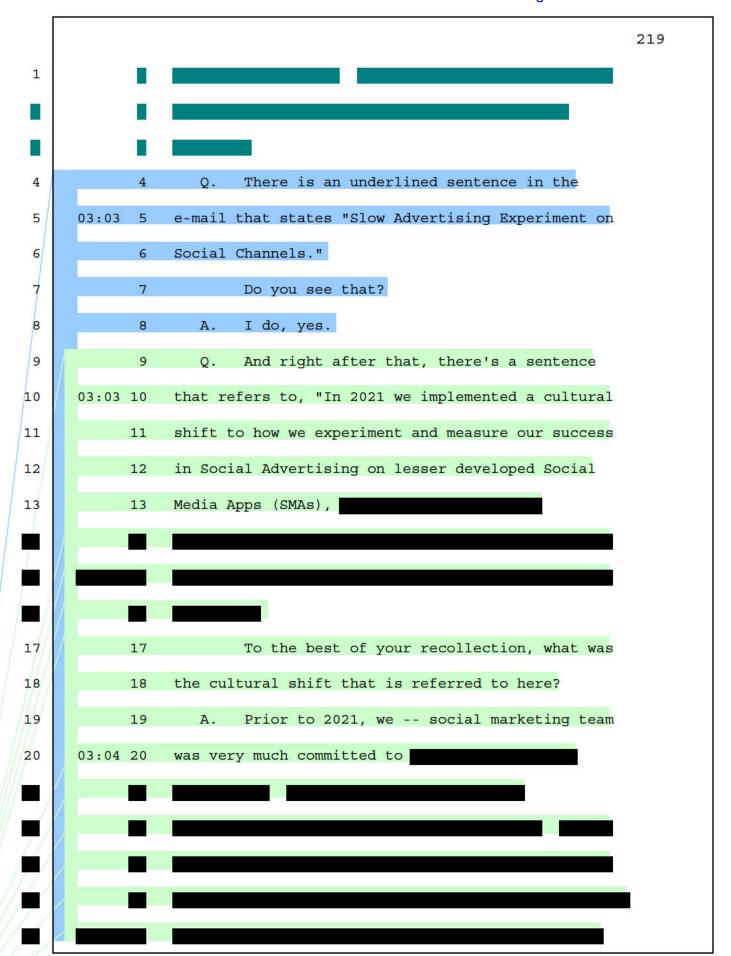
```
214
                        And just for the record, Objective 3 states
 1
                 "Grow GCCP through improvements in program
 2
                 efficiencies, generating high value actions, and
 3
             3
                 personalizing messaging & content."
 4
      02:54
                         Let me refer you to the paragraph that
 5
 6
                 starts with "bidder improvements."
             7
                         Do you see that?
 7
                         I do, yes.
 8
                    Α.
                         Explain what is.
 9
                    Q.
      02:55 10
10
                    A.
                 bidder that we have developed for paid search.
11
            11
12
            12
                         And there's a parens in the second sentence
                                              ." What is the
13
           13
                 of that paragraph that says "
            14
                 relationship of
14
      02:55 15
15
                    A.
                 bidder that we have developed for the shopping ads
            16
16
17
            17
                 portion of the paid search program. is now a
18
            18
                 label that gets used for the text ads bidder
            19
                 exclusively.
1/9
      02:55 20
                    Q. I believe my colleagues with the government
20
            21
                 had asked you previously about whether Amazon used
21
            22
                 Google's or other external platforms to engage in
22
            23
                 bidding and ad buying.
23
24
                       Do you recall that?
      02:55 25
25
                    A.
                         Yes.
```

```
215
                    Q. And I believe that your answer was that you
 1
 2
                 do not. Is that the case?
 3
                         So my organization does not use any tools
 4
             4
                 outside of the products that we develop to perform
 5
      02:56
             5
                 automated ad buying.
 6
             6
                    Q. Since you've been at Amazon in your
 7
                 organization, have you ever had occasion to consider
             7
 8
                 search advertising tools like Marin, Kenshoo, Adobe,
9
                 Google Search Ads 360?
                         There have been occasions, yes.
10
      02:56 10
                   Α.
            11
                         What types of consideration have you
11
                    0.
12
            12
                 engaged in with regard to those tools?
13
            13
                         We've looked at Marin. We've actually had
            14
                 a presentation by Marin on the Marin products in
14
15
      02:56 15
                 relation to helping some of our internal teams that
            16
                 are not within my organization to think about how
16
17
            17
                 they may be able to -- you know, to engage in sort
18
            18
                 of finer grained advertising activities.
            19
                    O. To your understanding, does a tool -- do
19
     02:57 20
20
                 Marin's products allow advertisers to purchase both
            21
21
                 search advertising and social advertising on the
            22
                 same platform?
22
            23
                    A. To my knowledge they, depending on the
23
24
            24
                 tool, yes, there are tools that offer, you know,
      02:57 25
                 support for both search and for social.
25
```









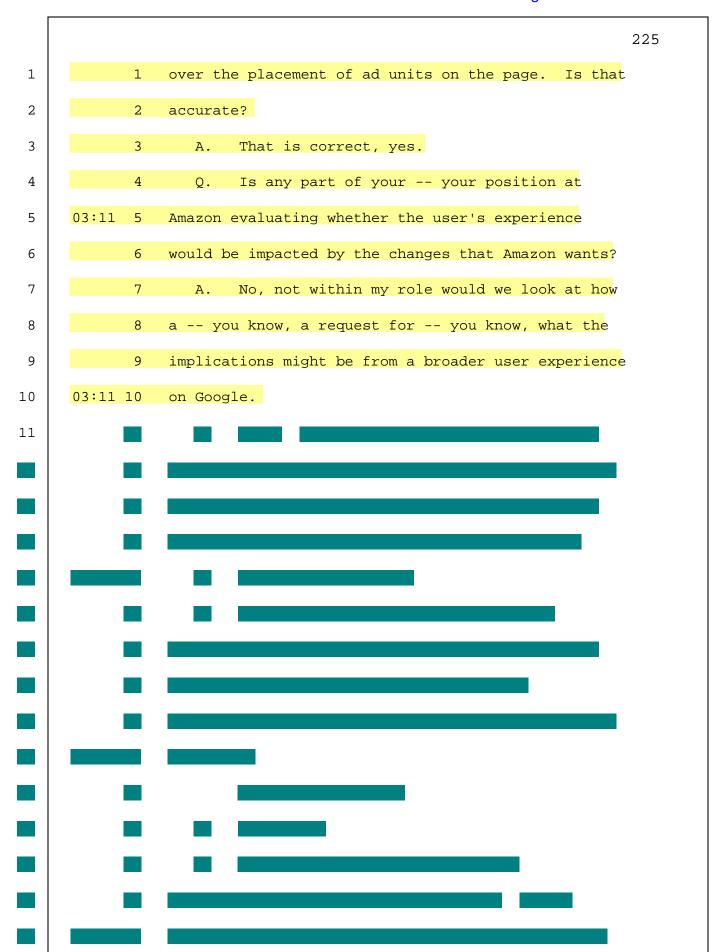


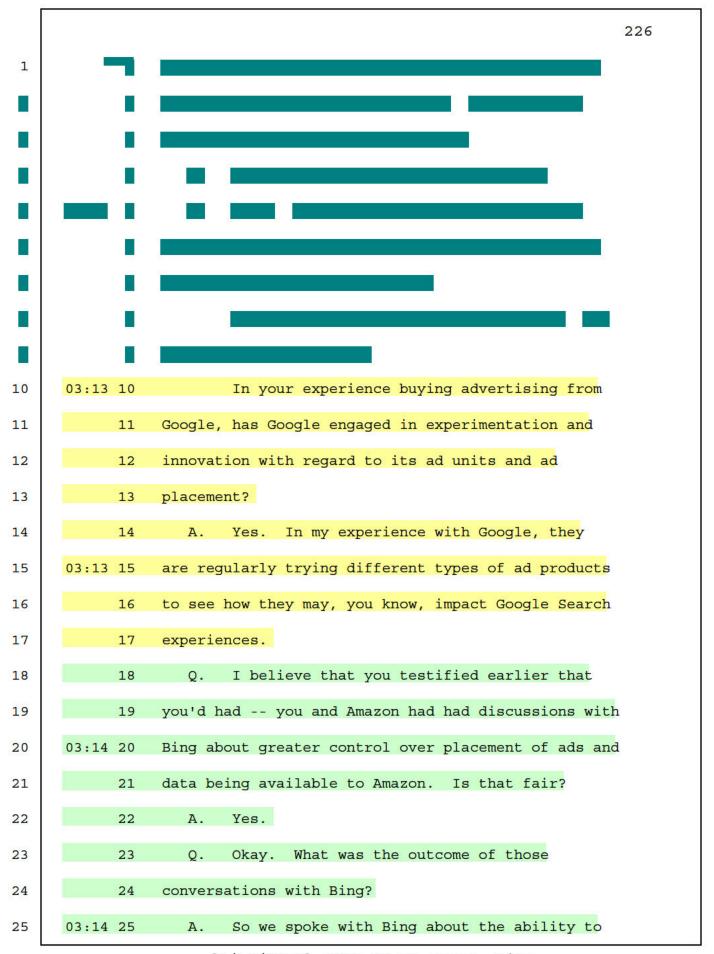
```
221
1
                         Do you recall Mr. Sallet asking you
 4
      03:06 5
                 questions about Amazon wanting to decide the
 5
 6
             6
                 placement of ads and the data that would be
                 available to Google? I believe this was Exhibit 3.
7
             7
                    A.
                         Yes.
8
9
                         I think you were asked -- let me take these
10
      03:06 10
                 kind of in part.
            11
                         Are you aware -- with regard to the data
11
12
            12
                 that Amazon would seek from Google, and I think HTTP
13
            13
                 redirects were an example; is that correct?
            14
                    A.
                         Correct, yeah.
14
15
      03:06 15
                    0.
                         Are you aware of any privacy or security
                 implications if a company, whether it's Google or
            16
16
17
            17
                 anyone else, provides that information to Amazon?
18
            18
                    A.
                         I'm not aware of privacy implications.
19
            19
                         I'm not asking you to describe any legal
      03:07 20
                 advice, just your own experience, not legal advice.
20
            21
                 Is that part of your job at all, to be evaluating
21
            22
                 whether there are privacy or security implications
22
            23
                 if you receive data from Google?
23
24
            24
                         MR. LIPTON: I don't know if this
                 implicates legal advice, but please don't --
      03:07 25
25
```

```
222
                 BY MS. WASZMER:
1
2
                         Yeah, if it does, I'm not -- I'm asking you
                 only about whether it's part of your role to
3
                 evaluate that.
4
      03:07 5
                    A. It would be part of my organization's role
5
                 to, you know, consider how an exchange of data may
6
             6
             7
                 be a concern with respect to privacy and/or legal.
7
                         I believe you referenced discussions with
8
                 Google about data that Amazon would like to have --
9
      03:07 10
                 receive from Google. Do you -- at any point in
10
            11
                 those conversations with Google have privacy or
11
            12
                 security issues come up?
12
13
            13
                         Not to my recollection.
14
```

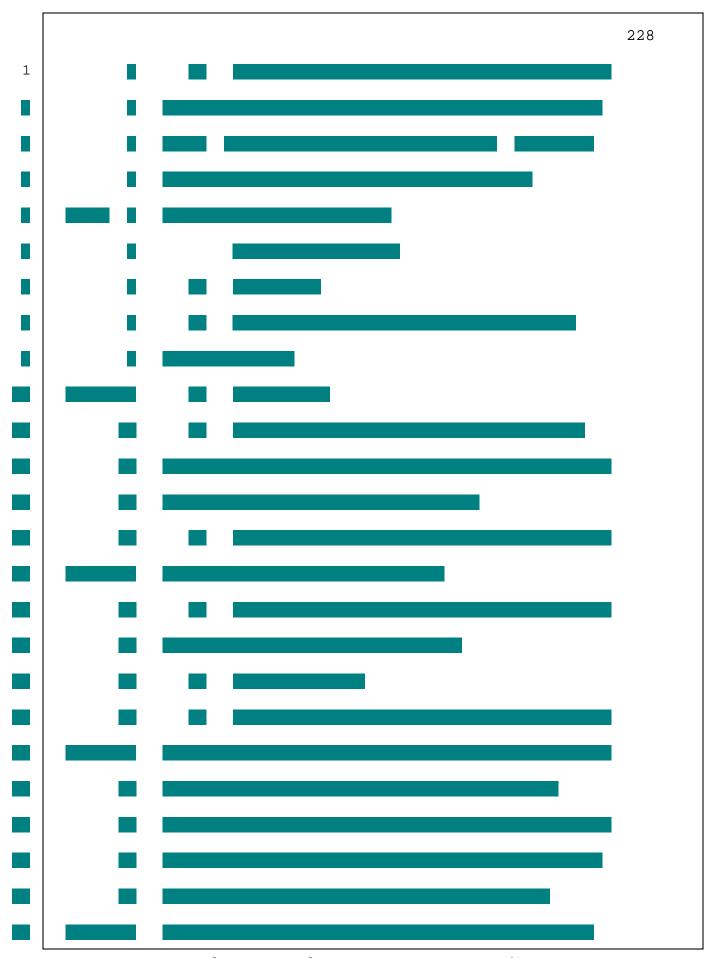




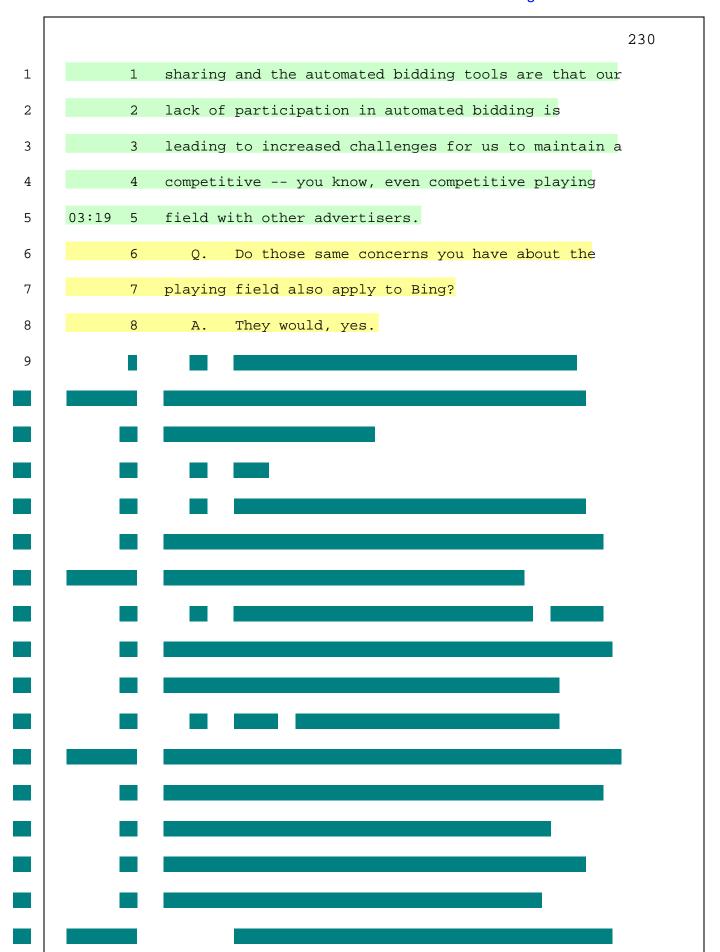




			227
1	1	put Prime badging on shopping ads that were Prime	
2	2	eligible, and the outcome of that conversation was	
3	3	that they were willing to pursue that.	
4	4	Q. And after Bing indicated it was willing to	
5	03:14 5	pursue that, does Amazon agree and carry that	
6	6	project forward?	
7	7	A. In my recollection we did an experiment	
8	8	with Bing, but I don't believe that that was ever	
9	9	pushed to full production.	
10	03:15 10	Q. Why was that never pushed to full	
11	11	production?	
12	12	A. I can't recall the details of the decision	
13	13	of why we chose not to move forward with that.	
14			



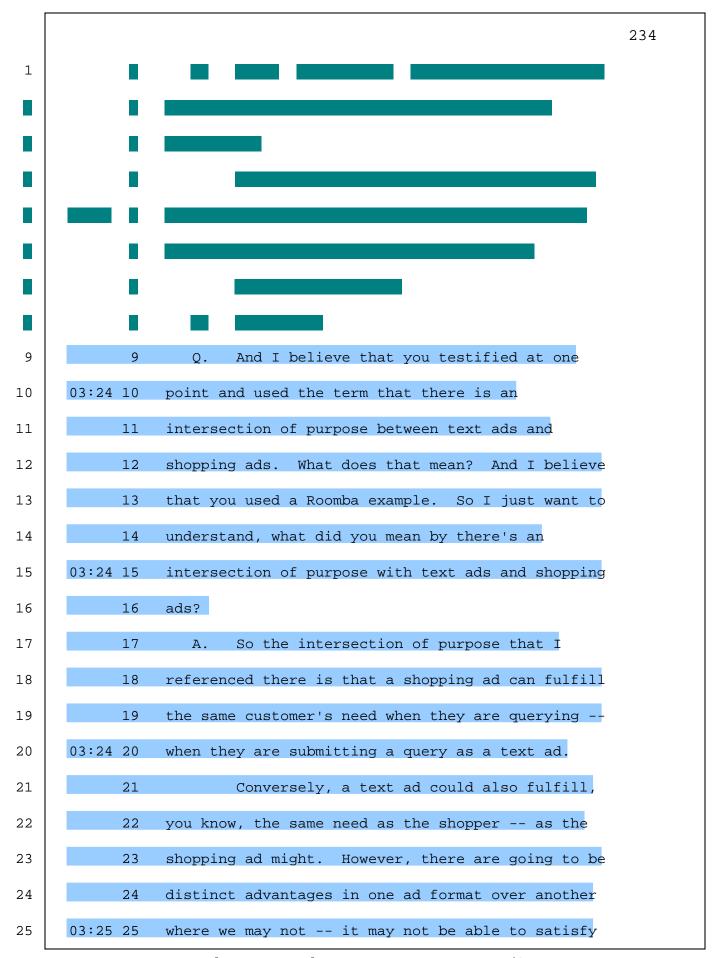
			229
1			
5	03:17 5	Given Amazon's current decision not to	
6	6	provide conversion data to Google, what, if any,	
7	7	concerns do you have about that decision?	
8	8	A. The first you know, the most fundamental	
9	9	concern is that by providing conversion data to	
10	03:17 10	Google, we're telling Google what customers are	
11	11	doing on the Amazon store. And that to us is a	
12	12	nonstarter. That is, we won't share information	
13	13	about our customer our customers', you know,	
14	14	personally identifiable information or their	
15	03:18 15	interactions with the Amazon store, you know, with	
16	16	advertisers.	
17	17	Q. And does that same concern apply to	
18	18	providing conversion data to Bing?	
19	19	A. It does, yes.	
20	03:18 20	Q. And let me try to be accurate. I believe	
21	21	that you also testified that there were concerns	
22	22	over whether there's performance there would be a	a
23	23	better performance if conversion data were to be	
24	24	provided to Google. Is that accurate?	
25	03:18 25	A. My concerns with respect to conversion data	

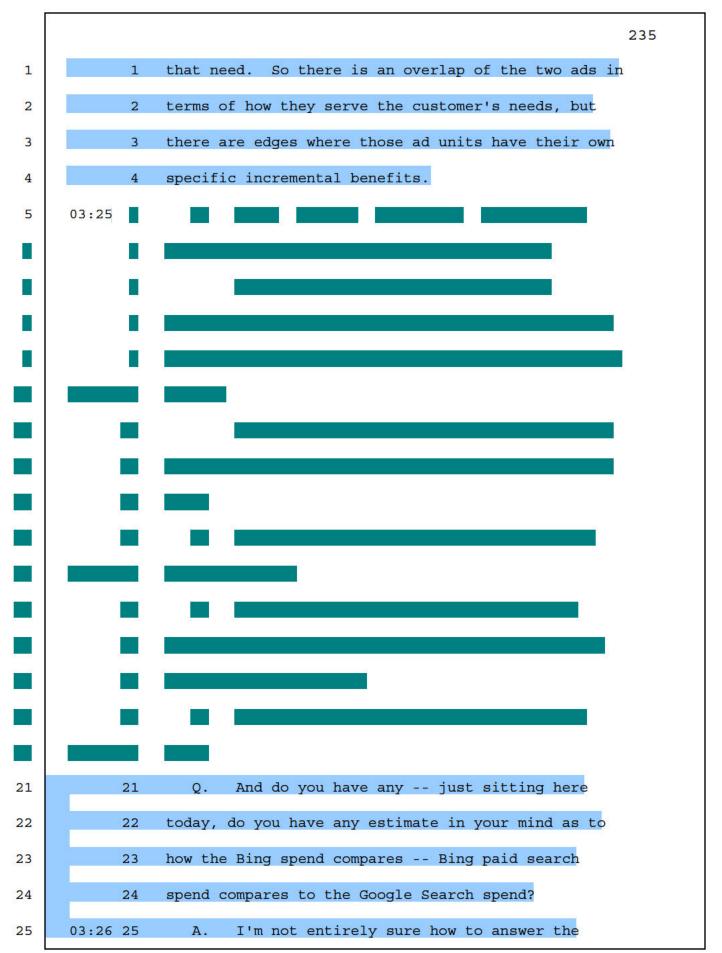




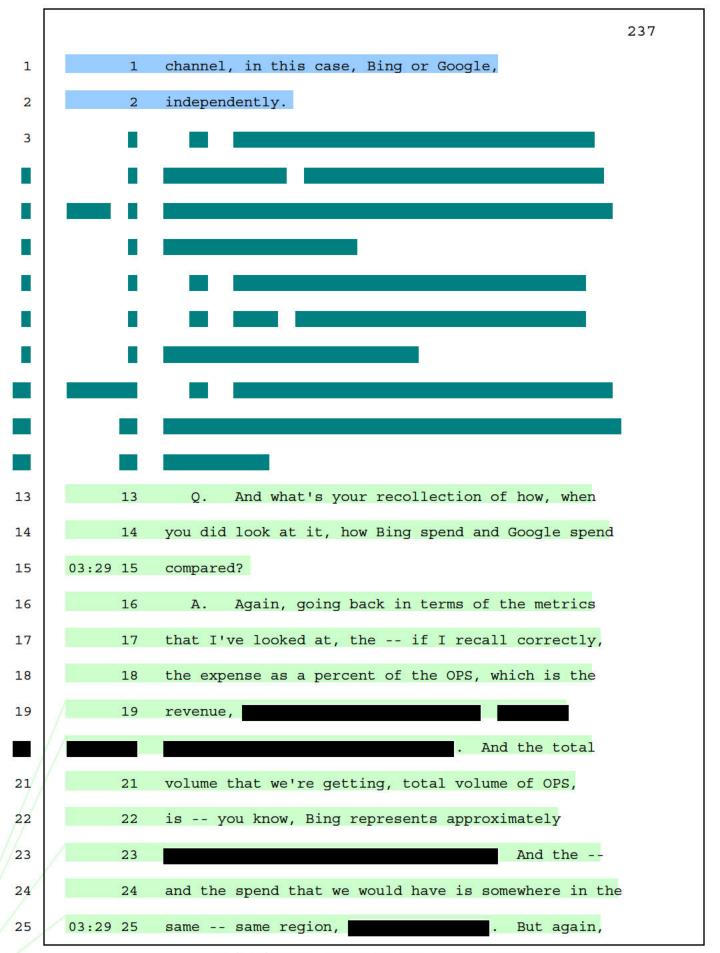
```
232
                 future assessment, that investing in Google Ads is
 1
 2
                 efficient from an ROI perspective. Is that
 3
                 accurate?
 4
                         We -- it is my position that based off of
 5
      03:21
             5
                 our current optimization strategy, that is
 6
                 maximizing net GCCP, that we are happy with our
 7
                 current rate of investment with Google and the
 8
                 return we get for that investment.
                         So is it fair to say that with these -- the
 9
10
      03:21 10
                 concerns or the asks that you have had about
            11
                 controlling ad placement to a greater extent, that
11
            12
12
                 what you believe to be the impact of that is just
13
            13
                 the results would be even better than they currently
14
            14
                 are for Amazon?
      03:22 15
15
                         MR. LIPTON: Objection to form.
            16
                         THE WITNESS: I believe that with greater
16
17
            17
                 control over where we place our ads and how we bid
18
            18
                 on those ads, that there would be an opportunity for
19
                 us to increase that net GCCP, the long-term free
      03:22 20
                 cash flow, that is our objective function.
20
21
```

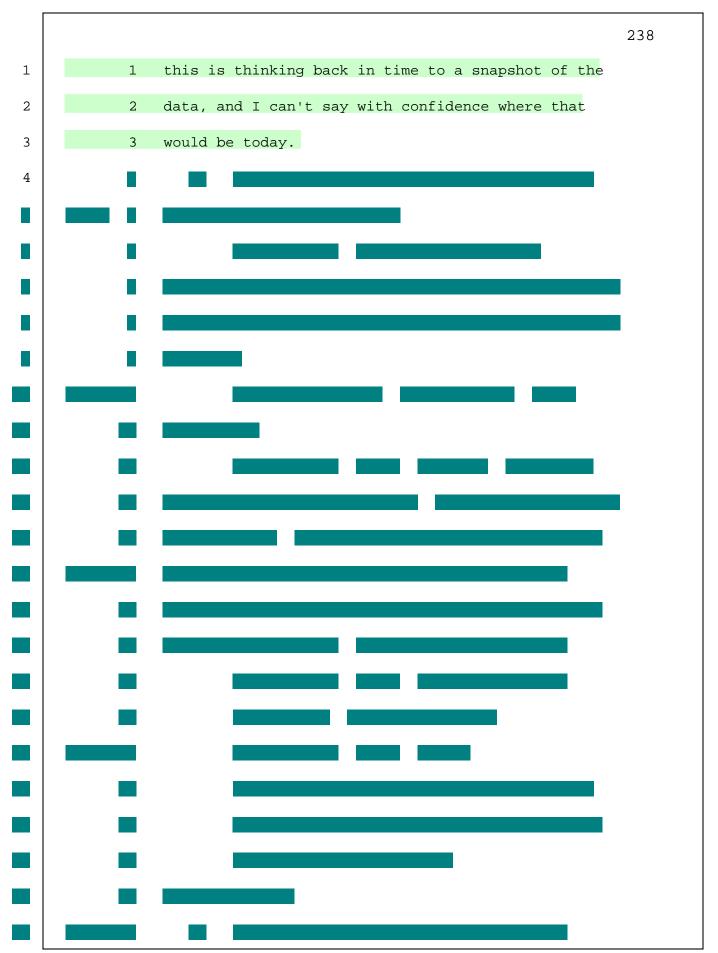
```
233
 1
                         And I believe that you have -- that you
 4
                 testified that Amazon has made a decision to
 5
      03:22 5
 6
             6
                 purchase ads based on business fundamentals because
 7
             7
                 of the return on investment that it sees in the
 8
                 advertising program. Is that accurate?
                         That is correct, yes.
 9
                    Α.
10
      03:23 10
                    Q. In the time that you've been in your
            11
                 current position, does Amazon evaluate this issue on
11
            12
12
                 a regular or periodic basis?
13
            13
                         We do on a regular basis. We've developed
14
            14
                 tools which you may see referenced as the
      03:23 15
15
                 elasticity-based bidding platform or bidding
            16
                 product, which allow for us to measure various
16
            17
17
                 levels of investment and understand where, at those
18
            18
                 levels of investment, we receive the greatest net
19
            19
                 GCCP, the greatest return. That's inclusive of free
      03:23 20
                 search.
20
            21
                         So if our elasticity-based test product
21
            22
                 indicated that we would be better off continuing to
22
23
            23
                 bid down on paid placements until such time as we
                 turned it off, then we would follow that output to
24
25
      03:24 25
                 that conclusion.
```





```
236
                 question. What do you mean by "compare"?
 1
                        For example, do you have a sense of what
 2
             3
                 the percentage is sitting here today? And if not, I
 3
 4
             4
                 don't want you to speculate. If you actually don't
      03:27
                 know, just say you don't know.
 5
             5
                    A. So the -- in the United States, rough
 6
             6
             7
                 approximation based off of the last time I looked at
 7
                 the data, was that the -- you know,
 8
11
                         Have you considered increasing the spend on
17
            17
                 Bing and reducing the spend on Google paid search?
18
            18
19
                         As I previously testified, we operate to
      03:27 20
                 maximize the return on investment, the net GCCP.
20
            21
                 We're not budget-constrained or budget-capped, so
21
            22
                 there's no need for us to move money from one
22
            23
                 advertiser -- pardon me -- from one advertising
23
24
            24
                 product to another. We simply follow that
      03:28 25
                 maximization strategy within a given marketing
25
```





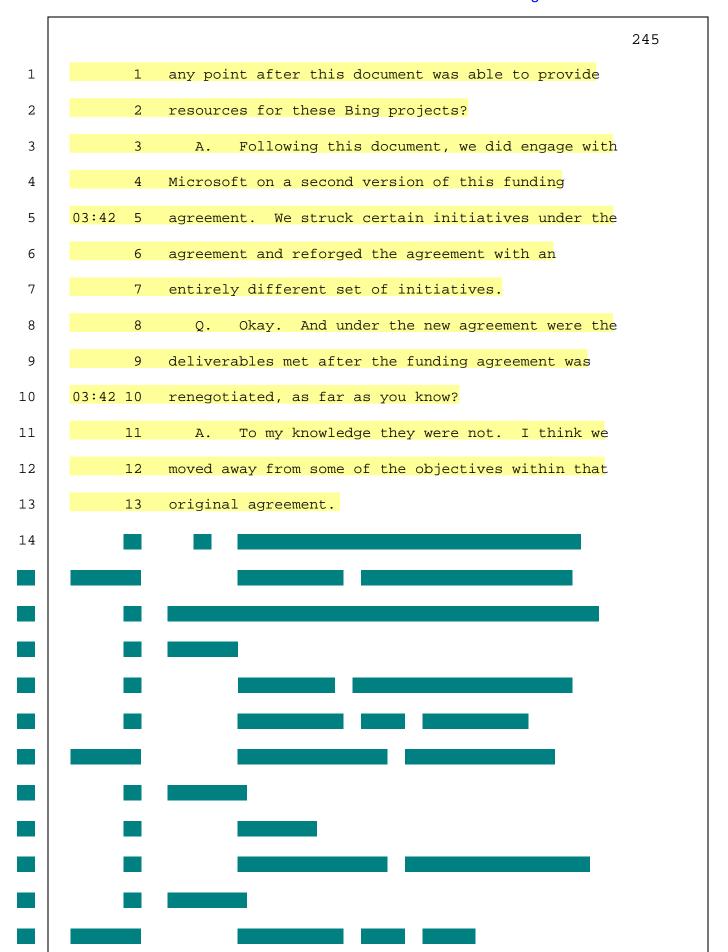




```
241
 1
MS. WASZMER: Okay. I think we can put
 3
                 this one to the side.
 4
      03:35 5
                         And I've put the next document in the chat,
 5
 6
                 which I think we're going to label Exhibit 15. And
             7
                 this document is entitled "Microsoft Program
 7
                 Management and Vendor Funded Agreements, " and is
 8
                 Bates-labeled AMZN-SEARCH-590457.
 9
                       (Exhibit 15 was marked for identification
10
      03:36 10
            11
                         by the Certified Shorthand Reporter, and a
11
                         copy is attached hereto.)
12
            12
13
            13
                 BY MS. WASZMER:
            14
                         And, Mr. James, to refer you to document --
14
                    Q.
15
      03:36 15
                 to pages I'm going to ask you about, I'm going to
            16
                 primarily focus on the first page, so you can take a
16
17
            17
                 look at that. That will be the -- my area of focus.
18
            22
22
                         THE WITNESS: Okay.
            23
                 BY MS. WASZMER:
23
24
                    Q.
                         Have you seen this document before?
      03:37 25
                         I have seen this document, yes.
25
                    A.
```

```
243
                 assumption (As Read:) "that Bing API implementation
 1
 2
                 would mirror Google settings, and that
                 Microsoft-funded projects would be easily slotted
 3
 4
             4
                 into our roadmap even though they had not been
                 accounted for in our 2018 OP2."
 5
      03:39
             5
 6
             6
                    Do you see that?
 7
             7
                    A. I do, yes.
 8
                         What is that referring to when the language
                    0.
 9
                 refers -- states that there had been an assumption
10
      03:39 10
                 that Bing API implementation would mirror Google
            11
                 settings?
11
12
            12
                    A. My understanding at the time of reading
13
            13
                 this document was that the Bing API that they were
            14
                 at that time delivering would have similar behaviors
14
15
      03:39 15
                in terms of how the campaigns were structured and
            16
                 how we would manage those campaigns as --
16
17
            17
                 architecturally, technically and architecturally, to
18
            18
                 what we have with Google.
            19
                    Q. And is it accurate that it turns out that
19
     03:40 20
20
                 that wasn't true?
            21
21
                         Right. So as stated in this document, the
            22
22
                 expectation was that it would be true and that
            23
                 turned out not to be the case, which broke the
23
24
            24
                 assumption when it came to our effort estimation.
     03:40 25
                         Okay. And do you know in the funding
25
                   0.
```

```
244
 1
                 agreement what exactly were the resources that
 2
                 Microsoft provided to Amazon? Was it head count?
 3
                 Was it dollars? Something else?
             4
 4
                   A. Microsoft, in this agreement they
 5
      03:40 5
                 contributed dollars. Those dollars were to be
 6
                 applied and were applied to head count that we hired
 7
             7
                 in (audio difficulties).
 8
13
            13
                        And let me direct you to the last bullet on
14
            14
                 the page, which has the header "No resources to
15
      03:41 15
                 support other automation work for Bing."
16
            16
                    A.
                        Okay.
17
            17
                    0.
                        Okay. Does this refer to Bing projects
18
            18
                 that Amazon was not able to provide resources for
19
            19
                 during this time period?
      03:41 20
                        I'm sorry. Can you restate the question?
20
                    A.
            21
                    Q.
                        Yes.
21
            22
22
                         Does this paragraph refer to Bing projects
23
            23
                 that Amazon was not able to provide resources for?
24
                    A.
                        That is correct, yes.
25
      03:42 25
                         Do you know ultimately whether Amazon at
                    0.
```



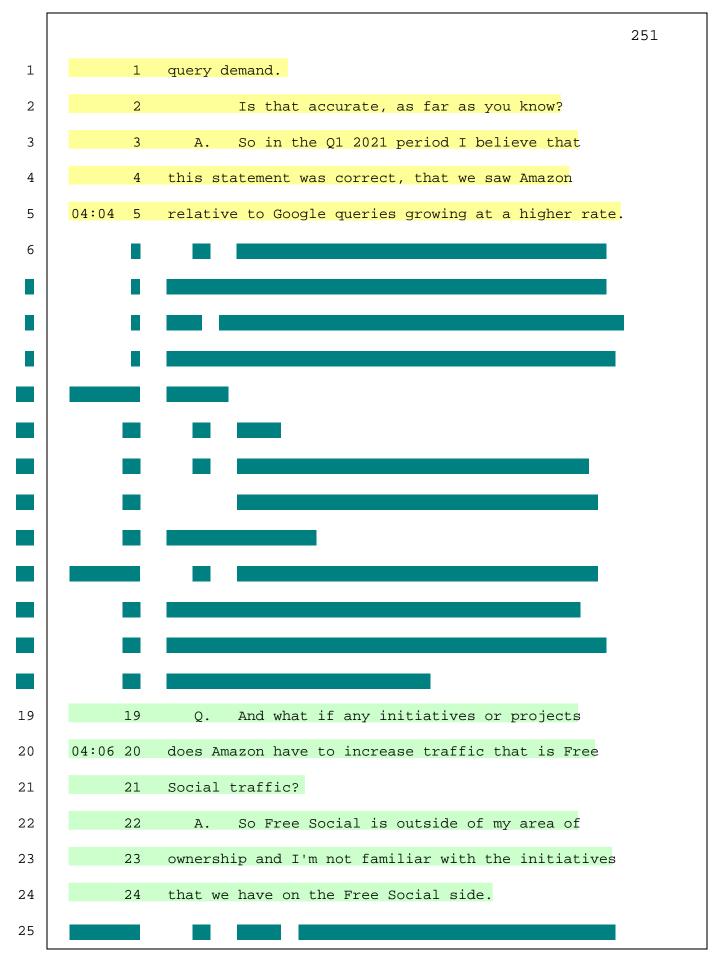


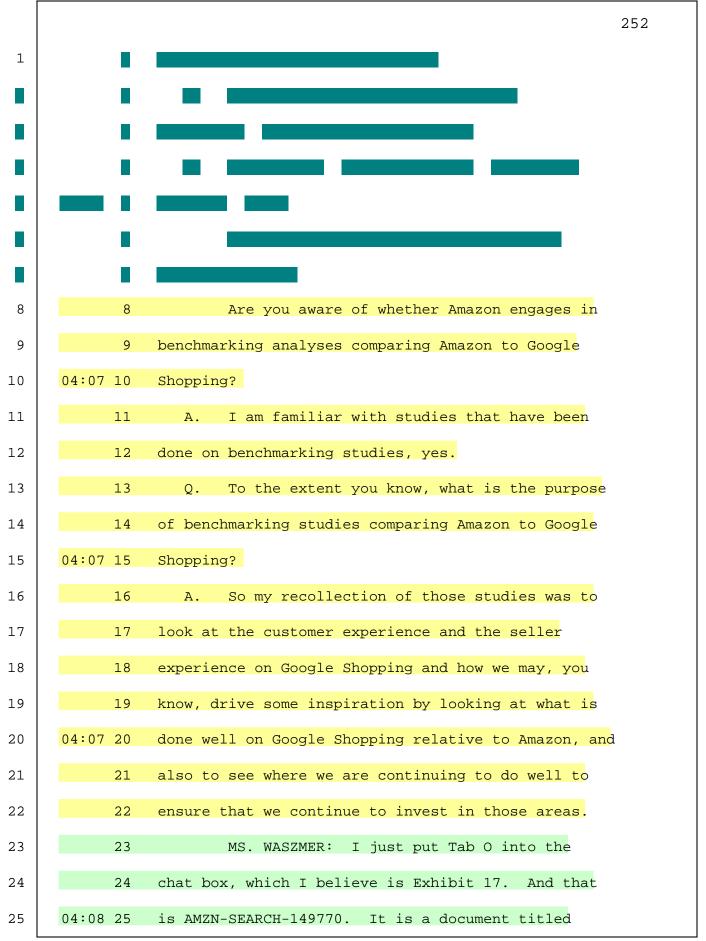












```
253
                 2020 Google Shopping Appendix, Final.
 1
 2
                         (Exhibit 17 was marked for identification
 3
                         by the Certified Shorthand Reporter, and a
             4
                         copy is attached hereto.)
 4
 5
      04:08
           5
                 BY MS. WASZMER:
 6
             6
                         And, Mr. James, I'll give you time to have
 7
             7
                 a look at it, but the page I'm going to ask you
 8
                 about is the 27th page. So I'm not going to ask
                 about the entire thing.
 9
      04:08 10
                    A. Still waiting on the download.
10
            11
                         I have the document. So the 27th page?
11
            12
12
                    0.
                         Yeah. Just feel free to take a look at it,
13
            13
                 but then the page I'm going to go to is the 27th
14
            14
                 page, which has the Bates stamp ending in 796. And
      04:09 15
15
                 the part I'm going to ask you about is "Continuous
                 Consumer Benchmarking (CCB)."
            16
16
            17
                         Okay.
17
                    Α.
18
            18
                         Okay. What is CCB, if you know?
19
                         I know that it stands for continuous
      04:10 20
                 consumer benchmarking. And the extent of what I
20
            21
                 know is what's written here.
21
22
```

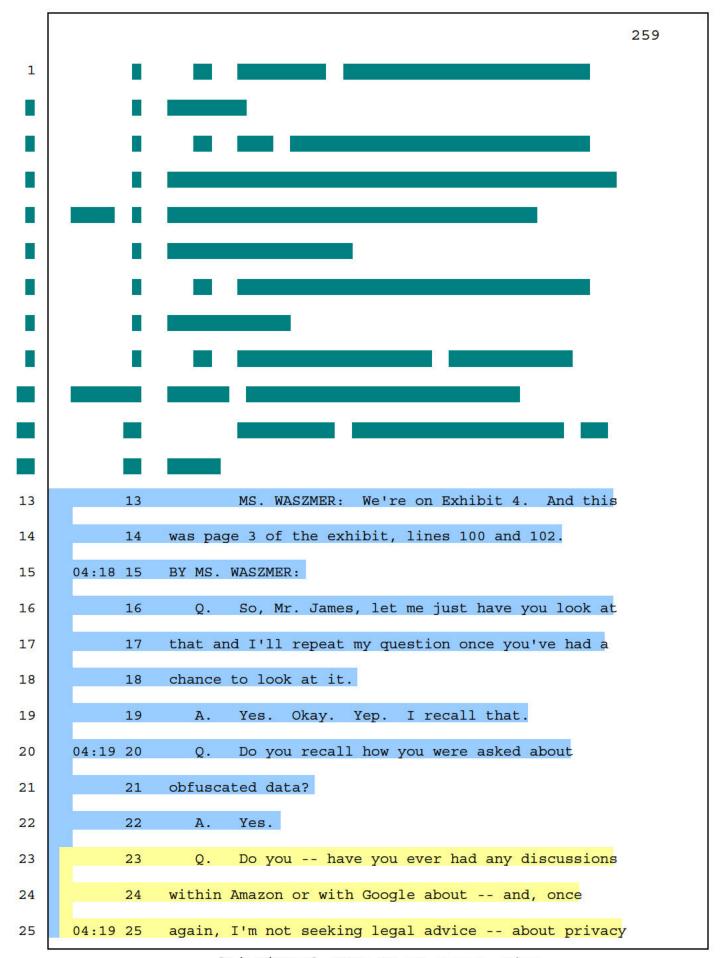
```
254
 1
 3
                         Let me refer you -- just to see if you have
             4
                 any knowledge -- to the third sentence of this
 4
 5
      04:11 5
                 paragraph. And it says, "Competitors in scope are
 6
             6
                 Walmart, Target, BestBuy, eBay and Google Shopping
 7
             7
                 for the US."
 8
                        Do you know whether Walmart, Target,
                 Best Buy, eBay, and Google Shopping are considered
 9
10
      04:11 10
                 competitors of Amazon for the purpose of
            11
                 benchmarking?
11
            12
12
                         MR. LIPTON: Objection to form.
13
            13
                         THE WITNESS: The -- I don't know the full
14
            14
                 context of how the term "competitors" is intended
      04:11 15
15
                 here, but it appears by the nature of the document
            16
                 and what's in it that, you know, competitors are --
16
17
            17
                 Walmart, Target, Best Buy, eBay, and Google Shopping
18
            18
                 are labeled here as competitors.
19
            19
                 BY MS. WASZMER:
      04:12 20
                    Q. But is it fair to say you don't know one
20
            21
                 way or the other if that's accurate based on this
21
            22
                 document?
22
23
            23
                         I don't know.
24
```



```
256
                         Do you recall that?
 1
 2
                    A.
                         Yes.
                         And I believe that you testified that there
 3
             4
                 were developer pages to review and that you'd had
 4
      04:13
             5
                 conversations with Google about the process. Is
 5
 6
             6
                 that accurate?
             7
                    A.
                         Yes.
7
                         In light of the review of developer pages
8
                 and conversations with Google, what information is
             9
9
      04:13 10
                 Amazon seeking about the search auction process that
10
                 it currently doesn't have?
            11
11
                         So an example of information that would be
12
            12
            13
                 helpful for us is an indication of ad history. So
13
            14
                 the auction, to our knowledge, is the quality of the
14
15
      04:14 15
                 ad and the history associated with that ad, and then
            16
                 the bid that we place on it is effectively what
16
17
            17
                 influences the ad rank.
18
            18
                         What we don't know is what amount of
            19
                 information from a history perspective is needed for
19
                 the auction to, I'll call it stabilize, but to get
20
      04:14 20
                 to a point where we are maximizing the opportunity
            21
21
                 for a given ad.
            22
22
            23
                         So if we had access to the -- to history
23
24
                 information around, you know, when an ad has
      04:14 25
                 achieved we'll call it the -- reached the point of
25
```

```
257
                 diminishing returns on ad history, then we would
 1
 2
                 know better how to actually bid on an ad.
             3
                         And is there any particular person at
 3
                    Q.
             4
                 Google to whom you or your Amazon colleagues have
 4
      04:15 5
                 made the request for that information?
 5
 6
             6
                         There's been, you know, members of the
             7
                 account management team under Aaron Rova that we've
 7
                 talked to about the limited signals.
 8
                         Is there currently any other platform from
 9
      04:15 10
                 which Amazon buys ads that provides you with that
10
            11
                 information that you are -- that you would like from
11
            12
                 Google?
12
13
            13
                    A.
                         Not to my knowledge.
            14
                         Let me go to the quality score. I believe
14
      04:15 15
                 you referred to the quality score as a black box
15
            16
                 also.
16
                         Do you recall that?
17
            17
                         I may have referred to it as black box,
18
            18
                    A.
19
            19
                 yes.
20
            23
                         Are you aware of Google's public-facing
23
24
                 pages on quality score?
      04:16 25
                         I have no recollection of having read the
25
                    A.
```

```
258
                 quality score pages.
 1
 2
                    Q. Is there any specific information --
                 similar to my question about the ad auction process.
 3
                 Is there any specific information that you and your
 4
      04:16 5
                 Amazon colleagues are seeking from Google about the
 5
 6
             6
                 quality score?
             7
 7
                         I don't have any outstanding requests in
                 terms of information on the quality score. What I
 8
                 have been told by our Google account reps is that
 9
      04:16 10
                 the quality score is a collection of different
10
            11
                 metrics and therefore it makes it hard for us to
11
            12
                 understand how we might interpret quality score or
12
13
            13
                 use it to our advantage.
14
            14
                    Q.
                         So let me just make sure I heard you. You
      04:17 15
15
                 don't have any current open requests to Google about
            16
                 that topic. Is that accurate?
16
17
            17
                         Not to my knowledge.
18
```



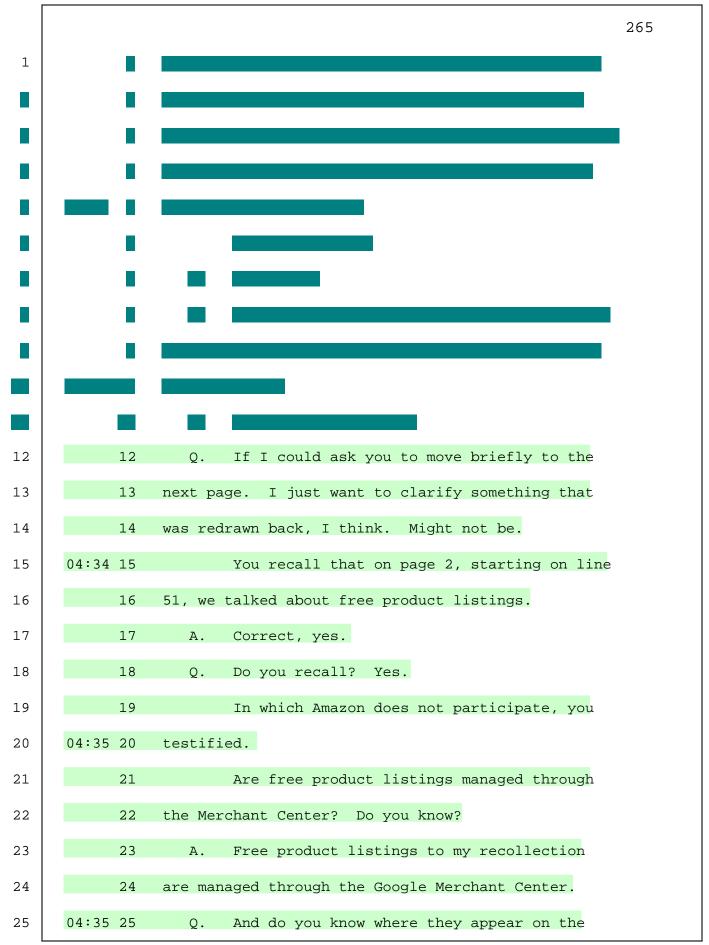
```
260
                 issues with regard to query data?
 1
 2
                    A. I have not had conversations with respect
                 to query data and privacy concerns in the context of
 3
             3
                 the search queries.
 4
                    Q. Is there someone on your team who is
      04:19
 5
             5
                 responsible for that issue? For -- let me say what
 6
             6
             7
                 that issue is -- privacy issues with regard to that
 7
                 use or sharing of query data?
8
                    A. If -- there's no one who has specific
9
      04:20 10
                 responsibility for that, but I would expect that a
10
                 member of my business team for Paid Search would
            11
11
                 possibly have the knowledge.
12
           12
           13
                    Q. So let me make sure that I asked you a
13
            14
                 clear question. Let me go back about the
14
      04:20 15
                 conversations with Google.
15
                         Have you -- do you recall any conversations
            16
16
17
           17
                 with Google about whether there are privacy issues
18
            18
                 with regard to the data that you referred to as
19
            19
                 obfuscated in Exhibit 4?
      04:20 20
                    A. I have no recollection of conversations
20
            21
                 regarding privacy concerns in the search query
21
            22
                 report data prior to this change.
22
23
```



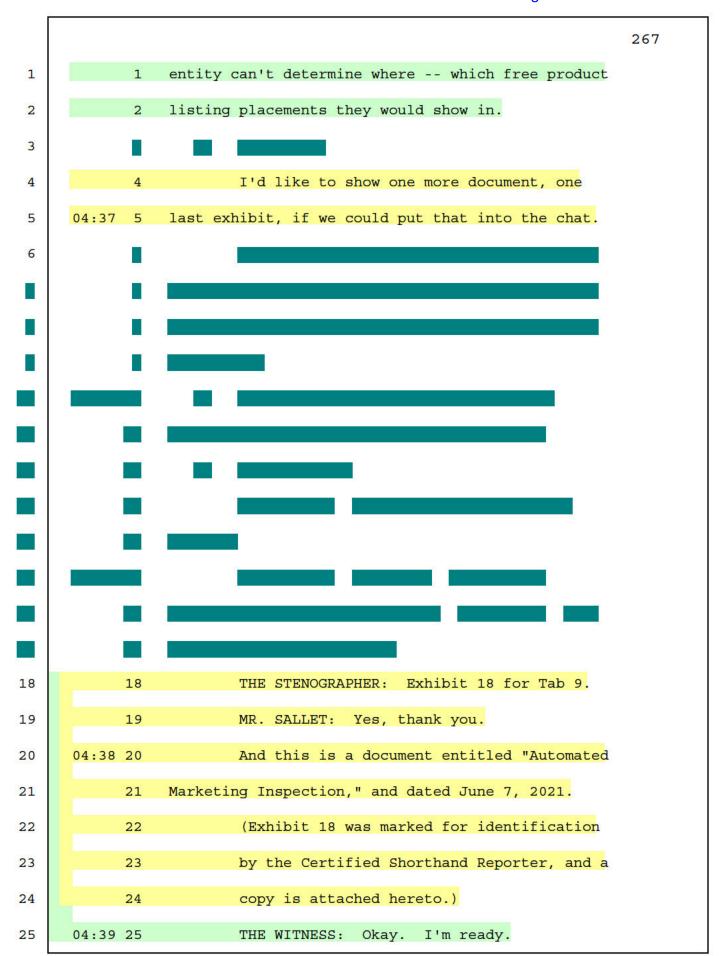




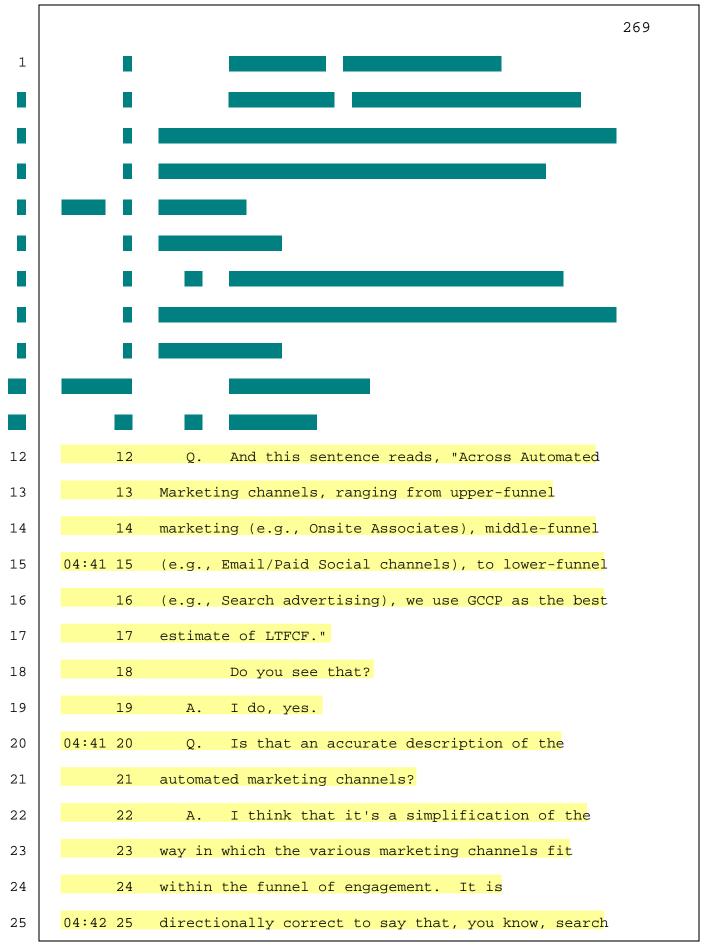
```
264
                         Yes. And you said, I think, and please
 1
 2
                 correct me if I'm wrong, that whereas you had first
                 thought it referred to a top-of-the-page carousel,
 3
             4
                 in fact, it refers to a different ad format; is that
 4
 5
      04:32 5
                 correct?
 6
             6
                    A. So just to add some additional
 7
             7
                 clarification there --
 8
                    O. Please.
                    A. -- my original response was that the
 9
10
      04:33 10
                 Merchant Carousel referred to the shopping ads that
            11
                 are aligned to the top of the search results page.
11
            12
12
                 That was incorrect. I was thinking of the shopping
13
            13
                 ads carousel, where Merchant Carousel refers to an
            14
                 ad format that Google launched to replace the
14
      04:33 15
                 shopping -- sorry -- the showcase ad format. It
15
            16
                 still shows in the upper position that -- where we
16
17
           17
                 would see -- otherwise see shopping ads.
18
            18
                    O. Upper position on the search results page?
                         That's correct. On the search results
19
      04:33 20
                 page, it shows up as a horizontal stripe at the top
20
            21
                 of the page, replacing shopping ads when Merchant
21
            22
                 Carousel format is triggered.
22
23
```



```
266
                 Google Search results page, for example?
 1
 2
                         They show up in the -- so there's -- one
                 placement that I am familiar with is a format, a
 3
             4
 4
                 presentation of a product that shows up in the
      04:36 5
 5
                 search results page that is -- formerly was a Google
 6
             6
                 Shopping placement. It's a fairly large format, but
 7
             7
                 I can't remember the exact name of the actual
 8
                 placement itself.
 9
                    Q. Is it sometimes referred to as a knowledge
10
      04:36 10
                 graph?
            11
                         It may be referred to as a knowledge graph.
11
                    Α.
            12
12
                    Q.
                         And what information has to be supplied, if
13
            13
                 you know, for an entity to appear in the free
            14
                 product listings?
14
15
      04:36 15
                    A.
                       My understanding is that it's a product
            16
                 attribute, similar to what we would supply for
16
17
            17
                 shopping ads, including the price and availability.
18
            18
                 And I can't say for certain which attributes might
19
            19
                 be required.
      04:36 20
                    Q. And do you happen to know -- this is the
20
            21
21
                 last question -- whether an entity that participates
            22
                 in free product listing can determine which Google
22
23
            23
                 surface its free product listings would appear upon?
24
            24
                         In my last conversation with Google on this
      04:37 25
                 topic, the answer to that question was, no, an
25
```

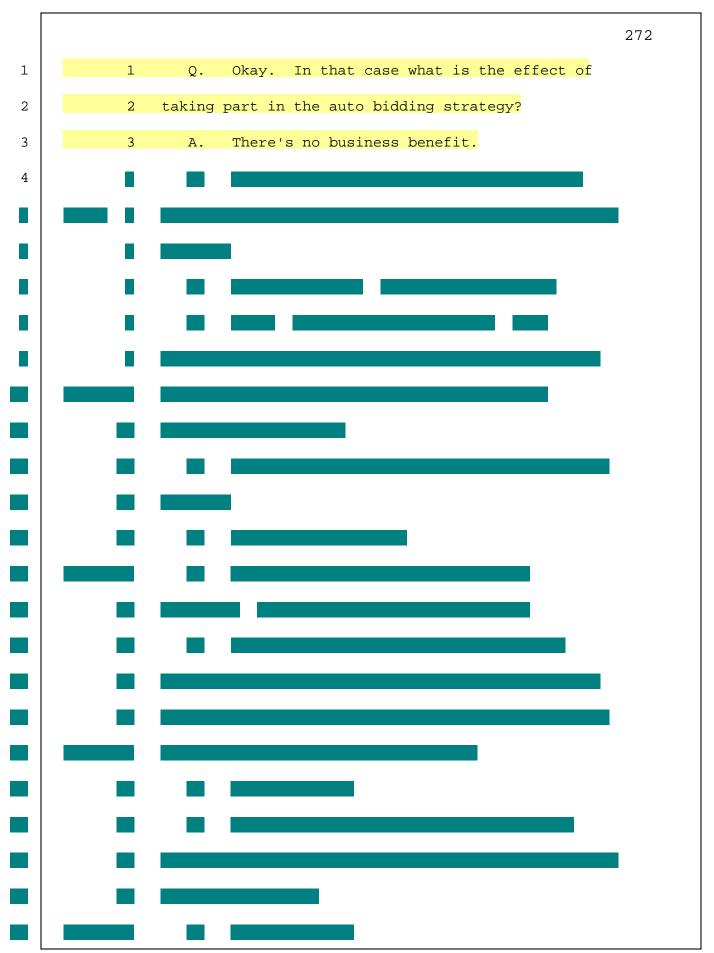


```
268
                 BY MR. SALLET:
1
                         Other than any documents that your lawyers
 2
                 may have shown you, I mean excluding anything that a
 3
                 lawyer showed you, have you seen this document
 4
      04:39
             5
                 before?
 5
 6
             6
                    A. I have seen this document before, yes.
             7
                    0.
                         Was it created by your team?
7
                         This document was created by a number of
8
                 different teams within Amazon. Myself and my team
9
10
      04:39 10
                 were responsible for contributing to it.
                         And was the portion entitled "What is
            11
                    Q.
11
12
            12
                 Automated Marketing's investment objective" within
13
            13
                 the scope of work of your team on this document?
            14
                    Α.
                         It was, yes.
14
                    Q. Yes. And what was the purpose for which
15
      04:39 15
                 this document was used?
            16
16
17
            17
                    A.
                         This document was used as part of -- excuse
18
            18
                 me -- was used as part of a review of our marketing,
19
            19
                 Amazon's total marketing across the company.
      04:40 20
                 Specifically, this delved into our variable
20
            21
                 marketing channels and our investments within those
21
            22
                 channels.
22
23
```



```
270
                 advertising, it would be more of a lower-funnel
 1
 2
                 engagement channel, but it's also fair to say that
 3
                 search advertising, you know, can be used as an
 4
             4
                 upper-funnel engagement strategy where people are
 5
      04:42 5
                 becoming aware of Amazon for the first time, for
 6
             6
                 example, in a country where Amazon's store has just
 7
             7
                 launched.
 8
            14
                         I just want to ask a couple of questions.
14
      04:42 15
15
                 And following up on a conversation that you had with
            16
                 Ms. Waszmer about -- I believe she was asking you
16
            17
17
                 whether certain platforms require Amazon to provide
18
            18
                 conversion data if Amazon wants to participate in
19
            19
                 that platform's auto bidding program.
      04:43 20
                         Do you recall that part of the discussion?
20
            21
                    A.
                         I do recall that, yes.
21
            22
                         And I understand that, from our prior
22
23
            23
                 conversation, that that's true of Google; is that
24
            24
                 right?
25
      04:43 25
                    Α.
                         My understanding is that for us to
```

```
271
                 participate in Google's automated bidding products
 1
 2
                 we would need to share conversion data, yes.
 3
             3
                         And I know that counsel asked you about
                    Q.
 4
             4
                 other bidding platforms, but I just wanted to
 5
      04:43
             5
                 clarify what the responses were to those.
 6
             6
                         Is that also true of Bing?
 7
             7
                         To my knowledge, for us to participate in
 8
                 Bing's automated bidding products, we do need to
 9
                 share conversion data. I will caveat that by saying
10
      04:43 10
                 that we can opt into different -- what would be
            11
                 referred to as automated bidding strategies;
11
12
            12
                 however, they have no effect unless you've actually
13
            13
                 shared conversion data.
            14
14
                    Q.
                         Okay. So to clarify, on Bing, even if
15
      04:44 15
                 you -- even if the advertiser does not provide
            16
                 conversion data, there are still auto bidding
16
17
            17
                 strategies that are available?
                         To be clear, you can -- my understanding is
18
            18
            19
                 that we can opt our ads into a -- what would be
19
      04:44 20
20
                 considered an automated bidding strategy, but
            21
21
                 without the conversion data, those automated bidding
            22
22
                 strategies don't have any effect. There's no --
            23
                 there's no signal for those automated bidding
23
24
            24
                 strategies to leverage in order to have any
      04:44 25
                 beneficial effects.
25
```







		275
1	1	DECLARATION UNDER PENALTY OF PERJURY
2	2	
3	3	I hereby declare under penalty of perjury
4	4	that the foregoing is my deposition under oath; that
5	5	I have read same; and that I have made the
6	6	corrections, additions, or changes to my answers
7	7	that I deem necessary.
8	8	
9	9	In witness thereof, I hereby subscribe my
10	10	name this day of , 2022.
11	11	
12	12	
13	13	
14	14	
15	15	
16	16	MIKE JAMES
17	17	
18	18	
19	19	
20	20	
21	21	
22	22	
23	23	
24	24	
25	25	

```
276
             1
                           DEPOSITION OFFICER'S CERTIFICATE
 1
 2
             2
 3
                 COUNTY OF LOS ANGELES,
             3
 4
             4
                 STATE OF CALIFORNIA,
 5
             5
 6
             6
                         I, Cody R. Knacke, hereby certify:
 7
             7
                         I am a duly-qualified Registered
 8
             8
                 Professional Reporter and Certified Shorthand
                 Reporter in and for the State of California, holder
 9
             9
10
            10
                 of Certificate Number CSR 13691, issued by the Court
            11
                 Reporters Board of California and which is in full
11
12
            12
                 force and effect. (Fed. R. Civ. P. 28(a)).
13
            13
                         I am authorized to administer oaths or
                 affirmations pursuant to California Code of Civil
14
            14
15
            15
                 Procedure, Section 2093(b) and prior to being
                 examined, the witness was first duly sworn by me.
16
            16
17
            17
                 (Fed. R. Civ. P. 28(a), 30(f)(1)).
18
            18
                         I am not a relative or employee or attorney
19
                 or counsel of any of the parties, nor am I a
            19
20
            20
                 relative or employee of such attorney or counsel,
                 nor am I financially interested in this action.
21
            21
            22
                 (Fed. R. Civ. P. 28).
22
            23
                          I am the deposition officer that
23
24
            24
                 stenographically recorded the testimony in the
            25
                 foregoing deposition and the foregoing transcript is
25
```

```
277
 1
                 a true record of the testimony given by the witness.
 2
                 (Fed. R. Civ. P. 30(f)(1)).
 3
             3
                         Before the completion of the deposition,
 4
                 review of the transcript [ X ] was [ ] was not
             4
 5
             5
                 requested. If requested, any changes made by the
 6
             6
                 deponent (and provided to the reporter) during the
 7
             7
                 period allowed, are appended hereto. (Fed. R. Civ.
 8
             8
                 P. 30(e)).
 9
             9
                         In witness whereof, I have hereunto set my
                 hand this day: _____, 2022.
10
            10
            11
11
12
            12
13
            13
14
            14
15
            15
16
            16
                        CODY R. KNACKE, RPR, CSR No. 13691
17
            17
18
            18
19
            19
20
            20
21
            21
22
            22
23
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24
            24
25
            25
```

READ/SIGN DEPOSITION OF: DATE OF DEPOSITION: 2/10/22
IN THE MATTER OF: United States vs. Google LLC
DO NOT WRITE ON THE DEPOSITION ITSELF
Page Line Changes or corrections and reason
I have inspected and read my deposition and have listed all changes and corrections above, along with my reason therefor.
X
DATE: 2022-03-22 SIGNATURE: Ware

Lexitas (888) 267-1200