

Google loses battle to redact confidential info leaked by final witness

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On Tuesday, Google ended two and a half weeks of defending its search business against the Department of Justice's monopoly claims, reportedly with a whimper.

During the DOJ's cross-examination of Google's final witness, Kevin Murphy, the economist got "upset" when the DOJ introduced a 2011 email from an ex-Google executive, Chris Barton, which suggested that Google's default search agreements with wireless carriers, mobile device manufacturers, and browser partners had to be "exclusive," Big Tech on Trial reported, or else they were worthless.

"Without the exclusivity, we are not getting anything," Barton's email said. "Without an exclusive search deal, a large carrier can and will ship alternatives to Google."

Google had argued that these deals are not exclusive but are reasonable contracts that Google has competed fairly for and repeatedly won by making the best search engine available, Big Tech on Trial reported.

Murphy's testimony was supposed to shore up this part of Google's defense, but as Google's defense wound down, the DOJ appeared intent to remind Judge Amit Mehta that evidence

allegedly showed that these default deals were the key to maintaining Google's alleged illegal monopolies in search and advertising. By the time the DOJ began their line of questioning, Murphy was likely already eager to get out of the hot seat.

Big Tech on Trial reporter Lee Hepner—who also serves as antitrust legal counsel for the nonprofit the American Economic Liberties Project—posted on X (formerly Twitter) to summarize Murphy's testimony as arguing, "Google's Search monopoly is good for you, consumer choice is 'irrational,' and privacy is bad quality."

On the day prior, Murphy potentially bolstered the DOJ's case by accidentally leaking a key figure that both Google and Apple had specifically requested remain confidential—confirming that Apple gets a 36 percent cut of search ad revenue from its Safari deal with Google.

Google seemingly sought to redact this information from Murphy's trial transcript, but Mehta "ruled against redacting transcripts of inadvertently disclosed information (presumably the 36 percent Google-Apple revenue share figure) finding a lack of competitive harm," Big Tech on Trial reported. Meanwhile, Google CEO Sundar Pichai, during Google's other monopoly trial, confirmed on Tuesday that the 36 percent figure that Murphy shared was accurate, Bloomberg reported.

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Although it's still unclear exactly how much money Apple gets from its default deal with Google, it's obvious that the default placements in Safari are extremely valuable to Google. Experts estimated that with such significant revenue-sharing, the Safari deal is potentially worth tens of billions of dollars to Apple, on top of the \$18 billion that Google pays annually just to keep the deal in place.

In the coming days, the DOJ will present its rebuttal to

Google's arguments.

Mehta is expected to rule next year "after both sides summarize their cases in writing and deliver closing arguments," The New York Times reported. It's currently hard to tell which way the judge is leaning. Big Tech on Trial reporter Yosef Weitzman wrote that the judge has kept his "cards close to his chest" throughout the trial.

Mehta will have to resolve complex legal questions in the case and parse conflicting expert analyses, Weitzman said, to confidently decide if Google's business model is helping or harming consumers. While many have reported that the risk of Mehta ruling against Google could be a breakup of Google's search business that could shake up the way the Internet works for nearly everyone around the world, Weitzman also pointed out that Google would likely appeal an unfavorable verdict, possibly sending the case to the Supreme Court.

The DOJ hopes that Mehta will conclude that Google is paying tens of billions not just to drive traffic to its search engine and boost search ad revenue but also to lock out rivals who can't possibly compete without winning those default placements.

And Google is hoping that Mehta will land on its side, perhaps most crucially agreeing that Google pays Apple so much for the Safari deal because, as Pichai testified earlier in this monopoly trial, Google users depend on its search engine to get the best results, and Google feared that Apple may have degraded their experience in Safari without the deal, The Times reported. Rather than strong-arming Apple into an allegedly exclusive deal just to stop rivals from competing, Pichai testified that for Google, "there was a lot of uncertainty about what would happen if the deal didn't exist."

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