

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

RENE CABRERA and RM CABRERA  
COMPANY, INC., Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 5:11-cv-1263-EJD

**NOTICE OF PENDENCY OF CLASS ACTION  
FOR SEARCH BUNDLED CLICKS CLASS**

**If you are a person or entity located within the United States who, between June 1, 2009 and December 13, 2012, advertised through Google’s AdWords Program and paid for clicks on ads on Google’s Display Network where the advertiser’s settings allowed its ads to show on both the Search and Display Networks and did not set a Display Network bid different from the Search Network bid, a class action lawsuit may affect your rights.**

*A federal court has authorized this notice. This is not a solicitation from a lawyer.*

**PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. IF YOU ARE A MEMBER OF THE CLASS DEFINED BELOW, YOUR RIGHTS WILL BE AFFECTED BY A PENDING CLASS ACTION LAWSUIT WHETHER OR NOT YOU ACT. THIS NOTICE ADVISES YOU OF YOUR OPTIONS IN CONNECTION WITH THE LAWSUIT.**

**THIS CASE HAS NOT BEEN ADJUDICATED OR SETTLED.**

This Notice is being issued pursuant to Federal Rule of Civil Procedure 23 and an Order of the United States District Court for the Northern District of California (“Court”) to inform you: (i) of a class action lawsuit that is now pending in the Court under the above caption (“Action”); and (ii) that the Action has been certified by the Court to proceed as a class action on behalf of two classes. This Notice concerns one of those classes - the “Search Bundled Clicks Class,” as defined below.

- The Court certified the “Search Bundled Clicks Class,” consisting of:

**All persons and entities located within the United States who, between June 1, 2009 and December 13, 2012, advertised through Google’s AdWords Program and paid for clicks on ads on Google’s Display Network where the advertiser’s settings allowed its ads to show on both the Search and Display Networks and did not set a Display Network bid different from the Search Network bid.**

- This Notice is directed to individuals and entities who may be members of the Search Bundled Clicks Class or whose contact information is associated with a potential member of the Class. If

Questions? Visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com) or call (833) 355-0988

you meet the definition of the Search Bundled Clicks Class described above, your rights will be affected by the Action. If you do not meet the Class definition, this Notice does not apply to you. If you are uncertain whether you are a member of the Search Bundled Clicks Class, please contact Class Counsel listed in Question 8 below, or your own attorney.

- This Notice is not an admission by Google or an expression of any opinion by the Court as to the merits of the Action, or a finding by the Court that the claims asserted by plaintiffs and Court-approved class representatives Rene Cabrera and RM Cabrera Company, Inc. (together, “Plaintiffs”) in the Action are valid. This Notice is being issued *before* the Court has decided the merits of Plaintiffs’ claims. This Notice is intended solely to inform Search Bundled Clicks Class members that the Action is pending and of their rights in connection with the Action, including their right to request exclusion from the Search Bundled Clicks Class. **There is no judgment, settlement, or monetary recovery at this time**, and there is no assurance that a judgment in favor of the Search Bundled Clicks Class will be granted or that the Court will award the Search Bundled Clicks Class a monetary recovery. Google has denied Plaintiffs’ claims, and contends that it is not liable for the harm alleged by Plaintiffs.
- The Search Bundled Clicks Class definition is subject to change by the Court pursuant to Rule 23.<sup>1</sup>

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>Do Nothing</b>	<p><b>Stay in the lawsuit to await the outcome. Give up the right to sue separately.</b></p> <p>If you meet the definition of the Search Bundled Clicks Class described above and you do nothing in response to this Notice, you will automatically be part of this lawsuit as a Search Bundled Clicks Class member. Plaintiffs and Class Counsel will represent you, and if they prevail in this lawsuit or if a settlement is reached, you will be entitled to your proportionate share of any money or other benefits they obtain for the Search Bundled Clicks Class. <b><u>Please Note:</u></b> There is no guarantee that money or other benefits will be obtained for the Search Bundled Clicks Class. If you are a Search Bundled Clicks Class member, you will be bound by any judgment and will not be able to separately sue Google regarding the same claims asserted in this Action. <i>See</i> Question 6 below for more information.</p>
<b>Request to be Excluded from the Class</b>	<p><b>Remove yourself from the Search Bundled Clicks Class. Receive no benefits if Plaintiffs prevail on their claims or if a settlement is reached, but retain the right to sue Google separately.</b></p> <p>If you are a Search Bundled Clicks Class member and do not want to participate in the lawsuit, you or your authorized representative may request that you be excluded from the Class by October 28, 2024. By electing to exclude yourself or someone for which you are an authorized</p>

<sup>1</sup> The Court also certified a “Location Targeting Class” related to Google’s AdWords Program and Google AdWords advertisements. If you are a member of the Search Bundled Clicks Class, you may or may not also be a member of the Location Targeting Class. You can find more information about that class at [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com).

	representative, you will not receive any benefits of any judgment or settlement reached in this Action, nor will you be bound by any decision in the Action that is favorable to Google. You will retain the right to file a separate lawsuit regarding the same claims asserted in this Action. <i>See</i> Question 7 below for more information.
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**Please note that this Notice does not describe all claims and defenses asserted by the parties. The section entitled “Getting More Information” describes the process by which you can obtain additional information about this Action.**

**BASIC INFORMATION**

**1. What is the purpose of this Notice?**

The Court has directed the issuance of this Notice to inform potential Search Bundled Clicks Class members about the Action and their rights and options in connection therewith before the Court rules on the merits of Plaintiffs’ claims. Search Bundled Clicks Class members have the right to understand how this class action lawsuit may generally affect their legal rights.

**2. What is this lawsuit about?**

This lawsuit involves a dispute between Google and U.S.-based advertisers who used Google’s AdWords program: *Rene Cabrera v. Google LLC*, No. 5:11-cv-1263-EJD (N.D. Cal.). With respect to the Search Bundled Clicks Class, Plaintiffs allege that Google breached its contract with advertisers participating in the AdWords program by manipulating the Smart Pricing formula, resulting in Search Bundled Clicks Class members receiving less than their bargained for discounts. The lawsuit alleges that Google used an

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artificially inflated Smart Pricing score resulting in an artificially reduced discount. Google denies the claims and wrongdoing asserted, as well as any liability arising out of the conduct alleged in the lawsuit. Through this lawsuit, Plaintiffs seek, among other things, actual damages to fully compensate for alleged losses sustained as a direct, proximate, and/or producing cause of Google's breaches and unlawful conduct. You can find more about the procedural history of the case and find relevant filings at [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com).

The Action is ongoing.

The Court has not expressed an opinion concerning the merits of this case, or decided that the claims alleged by Plaintiffs are valid. By certifying the Search Bundled Clicks Class and authorizing the issuance of this Notice, the Court has only found that these claims may proceed as a class action. Unless the case settles, Plaintiffs must prevail on their claims at trial or through legal motions in order to recover any money or other benefits for themselves and the Search Bundled Clicks Class.

### **3. What is a class action and who is involved?**

In a class action, one or more persons or entities (in this case, Plaintiffs) sue on behalf of persons and entities that have similar claims. Together, these persons and entities are a "class," and each is a "class member." Bringing a case, such as this one, as a class action allows a court to adjudicate many individuals' similar claims that might be too small to bring economically as separate actions. One court resolves the issues for all class members at the same time, except for those who exclude themselves, or "opt out," from the class.

Judge Edward J. Davila of the United States District Court for the Northern District of California is in charge of this Action, and "certified" this dispute for class treatment. More information about why the Court allowed Plaintiffs' claims to proceed as a class action is set forth in the Court's Class Certification Order, which can be viewed at [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com).

### **4. Is there any money available now?**

No money or benefits are available now because the Court has not decided the merits of Plaintiffs' claims, and the two sides have not settled the case. There is no guarantee that money or benefits will even be obtained. If money or benefits become available either by way of settlement or if Plaintiffs prevail at trial or through legal motions, Search Bundled Clicks Class members will be notified and advised of any additional steps they must take to obtain their share. Updates on the progress of the Action will be posted to the case website, [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com).

## **WHO IS IN THE SEARCH BUNDLED CLICKS CLASS**

### **5. How do I know if I am part of the Search Bundled Clicks Class?**

The Court defined the Search Bundled Clicks Class as:

**All persons and entities located within the United States who, between June 1, 2009 and December 13, 2012, advertised through Google's AdWords Program and paid for clicks on ads on Google's Display Network where the advertiser's settings allowed its ads to show on both the Search and Display Networks and did not set a Display Network bid different from the Search Network bid.**

Questions? Visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com) or call (833) 355-0988

**Excluded from the Search Bundled Clicks Class are Google and its affiliates, officers, and directors, as well as members of the judiciary, their staff and jurors in this case.**

You are a Search Bundled Clicks Class member if you fall within the above definition, and do not opt out of the Class.

If you received an email notice regarding this Action, that means that Google's records indicate that you may be a member of the Search Bundled Clicks Class or your contact information is associated with a potential Search Bundled Clicks Class member. Your email address has been assigned a unique ID#, which appears in the email notice that you received. The Administrator will maintain that unique ID# for you throughout these proceedings, but please keep a copy of that number for yourself, as you may find it useful to track the status of any possible claim you may have, should any monetary relief or other benefits become available.

If you believe you are a Search Bundled Clicks Class member but did not receive an email notice, please contact the Administrator at [info@AdWordsClicksClassAction.com](mailto:info@AdWordsClicksClassAction.com). The Administrator will work with Google and Class Counsel to determine whether you may be a member of the Search Bundled Clicks Class.

### **YOUR RIGHTS AND OPTIONS**

If you are a Search Bundled Clicks Class member as set forth above in Question 5, you will remain in the Search Bundled Clicks Class unless you elect to exclude yourself from the Search Bundled Clicks Class by following the instructions described below. You must decide whether to remain in the Search Bundled Clicks Class or whether to exclude yourself from it *before the Court decides the merits of Plaintiffs' claims*.

#### **6. How do I remain in the Search Bundled Clicks Class? What happens if I do?**

If you wish to remain in the Search Bundled Clicks Class, you do not need to do anything. By doing nothing, you will automatically remain in the Search Bundled Clicks Class so long as you meet the criteria for being a Search Bundled Clicks Class member.

If you are a Search Bundled Clicks Class member and choose to remain in the Class, you will be bound by all past, present, and future orders and judgments in the Action, whether favorable or unfavorable to you. In addition, if there is a judgment or a settlement in this Action, you will be bound by it, and you will not be able to separately sue Google at any time regarding the legal claims in this case:

- If the Search Bundled Clicks Class prevails, you will be eligible to share proportionately in any monetary or other benefits awarded to the Search Bundled Clicks Class;
- If Google prevails, you will not receive any monetary or other benefits arising from the claims of the Search Bundled Clicks Class in this Action;
- If Plaintiffs (on behalf of the Search Bundled Clicks Class) and Google reach a settlement, you will receive further notice regarding the settlement and be advised of what steps, if any, you need to take in order to receive any monetary or other benefits under the settlement.

Additionally, if you are part of the Search Bundled Clicks Class and choose to remain in it, you will be represented by Plaintiffs and Class Counsel (*see* Question 8 below). Please note that if you remain a member of the Search Bundled Clicks Class, you will not be personally responsible for Class Counsel's attorneys' fees or costs. Class Counsel have agreed to represent the Search Bundled Clicks Class on a

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contingent fee-basis, which means that they will be awarded fees and costs, as approved by the Court, only if they succeed in obtaining a recovery from Google. Any attorneys' fees and costs for Class Counsel will be awarded by the Court from the judgment or settlement, if any, obtained on behalf of the Search Bundled Clicks Class.

Alternatively, you may remain a member of the Search Bundled Clicks Class and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you will be responsible for that attorney's fees and expenses and that attorney must enter an appearance on your behalf by filing a Notice of Appearance with the Clerk of the Court, United States District Court for the Northern District of California, San Jose Courthouse, 280 South 1st Street, San Jose, California 95113, and mailing a copy of the same to Class Counsel at the addresses set forth in Question 8 below, by **October 28, 2024**.

**7. How do I request exclusion from the Search Bundled Clicks Class? What happens if I do?**

If you decide to exclude yourself from the Search Bundled Clicks Class, you will not be bound by any orders or judgments in the Action, nor will you be eligible to share in any recovery that might be obtained in the Action as a result of trial, legal motion, or settlement. Excluding yourself from the Search Bundled Clicks Class is the only option that allows you to preserve your right to separately sue Google regarding the legal claims in this lawsuit. Google retains all of its defenses to any individual claims against it and may seek their dismissal.

To exclude yourself or someone for which you are an authorized representative from the Search Bundled Clicks Class, you must send a letter by first-class mail or an email to the Administrator stating that you "request exclusion from the Search Bundled Clicks Class in *Rene Cabrera v. Google LLC*, Case No. 5:11-cv-1263-EJD." You may also submit your request for exclusion through the case website. Your request must state your full name (or the name of the person or entity under which your AdWords accounts(s) was/were registered with Google), physical address, email address, telephone number, and you or your authorized representative must sign it. If you are signing on behalf of a Search Bundled Clicks Class member (such as an estate, corporation, or partnership), please indicate your full name and the basis of your authority to act on behalf of the relevant Search Bundled Clicks Class member. Your request for exclusion must be postmarked or emailed **no later than October 28, 2024**, and it must be emailed to [info@AdWordsClicksClassAction.com](mailto:info@AdWordsClicksClassAction.com) or mailed to:

***AdWords Clicks Class Action***  
**ATTN: Exclusion Requests**  
**P.O. Box 58220**  
**Philadelphia, PA 19102**

You may also submit a request for exclusion through the website [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com). To exclude yourself, you or your authorized representative must follow one of these options to opt out of the Class.

Requests for exclusion that do not comply with the above requirements will be invalid, unless otherwise accepted by the Court, subject to any objections of the parties to be resolved by the Court.

Do not request exclusion if you wish to participate in the Action as a member of the Class.

Questions? Visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com) or call (833) 355-0988

## **THE LAWYERS REPRESENTING THE SEARCH BUNDLED CLICKS CLASS**

### **8. Who represents Plaintiffs and the Search Bundled Clicks Class?**

The Court appointed the law firms Kessler Topaz Meltzer & Check, LLP and Nix Patterson, LLP as Class Counsel. If you have any questions concerning the matters raised in this Notice, you may contact Class Counsel, as follows:

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**  
Joseph H. Meltzer  
Matthew L. Mustokoff  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
info@ktmc.com  
[www.ktmc.com](http://www.ktmc.com)

**NIX PATTERSON, LLP**  
Michael B. Angelovich  
Bradley E. Beckworth  
Andrew G. Pate  
8701 Bee Cave Road  
Building 1, Suite 500  
Austin, TX 78746  
Telephone: (512) 328-5333  
info@nixlaw.com  
[www.nixlaw.com](http://www.nixlaw.com)

As noted in Question 6 above, unless you elect to retain your own lawyer, you will not be charged for the services of Class Counsel if you elect to remain a member of the Search Bundled Clicks Class. If there is a recovery for the Search Bundled Clicks Class in the Action, all costs and expenses of the Action, including Class Counsel's attorneys' fees, will be paid from that recovery in an amount approved by the Court.

### **9. Should I contact the Court if I have questions?**

No. Please do not contact the Court or Clerk of the Court regarding this Notice. The Court has appointed Class Counsel to represent the interest of Search Bundled Clicks Class members, and has approved Class Counsel's retention of Angeion Group, LLC as the Administrator to handle communications with Search Bundled Clicks Class members.

The contact information for the Administrator is as follows:

***AdWords Clicks Class Action***  
**c/o Administrator**  
**1650 Arch Street, Suite 2210**  
**Philadelphia, PA 19103**  
**(833) 355-0988**  
**info@AdWordsClicksClassAction.com**

### **GETTING MORE INFORMATION**

### **10. How can I learn more about the case?**

This Notice provides only a summary of the lawsuit and the claims asserted by Plaintiffs. For more detailed information regarding the Action, you may contact Class Counsel or visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com). You may also contact the Administrator at the address above, by email at info@AdWordsClicksClassAction.com, or by toll-free phone at (833) 355-0988.

Questions? Visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com) or call (833) 355-0988

Complete copies of the pleadings, orders, and other documents filed in this Action are available at <http://www.pacer.gov> or at the office of the Clerk of the Court, United States District Court for the Northern District of California, located at the San Jose Courthouse, 280 South 1st Street, San Jose, California 95113, under Case No. 5:11-cv-1263-EJD.

**Important: Please keep your email address current.** If you receive an email notice relating to the Action at an email address that is not current or that is not your preferred email address, you should immediately contact the Administrator, Angeion Group, LLC, at the address above, by email at [info@AdWordsClicksClassAction.com](mailto:info@AdWordsClicksClassAction.com), or by toll-free phone at (833) 355-0988 and provide them with your preferred email address. If the Administrator does not have your preferred email address, you may not receive notice of important developments in the Action.

**PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK OF THE COURT  
REGARDING THIS NOTICE.**

DATED: September 13, 2024

BY ORDER OF THE COURT  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Questions? Visit [www.AdWordsClicksClassAction.com](http://www.AdWordsClicksClassAction.com) or call (833) 355-0988