AMENDED Exhibit 1111

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Common Sense Media (CSM) Response

A/C Privileged and Confidential

Purpose: This document provides context and talking points in response to CSM filing the amicus brief (Dec 2022), the Teens and Pornography report (Jan 2023), and CSM's parallel request for deeper partnership.

TALKING POINTS IN RESPONSE TO TEEN AND PORNOGRAPHY REPORT:

- **Context**: On January 10, 2023, Common Sense Media published a report "[HYPERLINK "https://www.commonsensemedia.org/research/teens-and-pornography" \l ":~:text=The%20report%20confirms%20that%20the,intentionally%20on%20a%20regular%20basis." \h]", which confirms that the majority of teen respondents aged 13-17 have watched pornography online. In parallel, the New York Times ran an article [HYPERLINK "https://www.nytimes.com/2023/01/10/technology/porn-teens-online-report.html?" \h] which highlights the research from this report. The report and article keeps a fairly neutral position on Google, mentioning "search engine" vs Google as a path for teen exposure. YouTube is also mentioned, along with our published policy.
- Search engines index the information that is available on the open web, and on Google Search, we build in default safeguards that limit unwanted exposure to explicit content. We continue to improve our automated safety systems, and we also give parents and guardians [HYPERLINK "https://support.google.com/websearch/answer/510?co=GENIE.Platform%3DAndroid&hl=en" \h] to manage what their children can find through Search to help families more safely explore the world online.
- As referenced in the article, YouTube's Community Guidelines strictly [HYPERLINK "https://support.google.com/youtube/answer/2802002?hl=en-GB" \l "zippy=%2Cother-types-of-content-that-violate-this-policy%2Cage-restricted-content" \h] explicit content that is meant to be sexually gratifying, including pornography or the depiction of sexual acts.

TALKING POINTS IN RESPONSE TO AMICUS BRIEF FILING AND OTHER PUBLIC CRITICISMS

- We are concerned with some of the comments made about our products in your recent amicus brief. Specifically, we take issue with the claims that:
  - "Google's activities that steer vulnerable adolescents toward harmful content" and that Google and YouTube are "knowingly and persistently recommending and steering adolescents to ISIS videos promoting terrorism and other harmful content".
  - "Google has approved ISIS videos for 'monetization' through the firm's placement of ads in those specific videos."
  - "The feedback loop displays more of the same content, steering already vulnerable adolescents down a rabbit hole into echo chambers that serve as virtual meeting spaces for any number of groups, including pro-ana (anorexia), pro-mia (bulimia), and pro-self-harm as well as terrorist and other extremist organizations."
- These claims are not true. As you know our teams have worked diligently to help protect children while also enabling them to play, express themselves and learn online. These efforts are working.
  - *Internal Context: Problematic content represents a fraction of one percent of the content on YouTube. To measure our progress on removing violative videos, we have developed a metric called Violative View Rate (VVR). This metric estimates the percentage of views on violative videos. In Q2 2022, the VVR was between .09% - .11%, meaning that for every 10,000 views on YouTube, only 9-11 views were of content that proved to be violative.*
  - *Internal Context: Google's violent extremist policy states "content intended to praise, promote or aid violent extremist or criminal organizations is not allowed on YouTube. These organizations are not allowed to use YouTubGe for any purpose, including recruitment."*
- In June 2022 CSM did not hesitate to call Google out publicly, despite our active partnership deal. ([HYPERLINK "https://www.commonsensemedia.org/kids-action/articles/youtube-is-missing-an-opportunity-to-be-a-leader-in-diverse-representative-kids-media" \h]).
  - In 2021, we announced [HYPERLINK "https://support.google.com/youtube/answer/10774223" \h] for Made for Kids content which includes the principle of "Diversity, equity, and inclusion." Common Sense Network reviewed these principles and were aligned with them, yet still made the below claims.

        - Common Sense found that 62% of YouTube videos watched by kids 8 and under didn't feature any Black, Indigenous, and People of Color (BIPOC) characters, and another 10% showed shallow or stereotypical portrayals. And those videos that did feature BIPOC characters were significantly more likely to include interpersonal violence (e.g., bullying, meanness, pranks; 27% compared to 16% of videos with prominent White characters), bad language (32% vs. 13%), and higher drinking/drugs/smoking (7% vs. 2%). Videos featuring White individuals were more likely to portray those characters in a positive light.
        - CSM concluded that more attention needs to be focused on promoting diverse creators in the YouTube algorithms. And, by making it easier for users to flag inappropriate content and institute policy violations for offenders, YouTube could avoid the spread of trending videos promoting questionable/biased portrayals.
    - *Internal Context: In response to this article, Susan met with Jim and discussed YouTube's actions to showcase diverse creators, including examples like: a) YouTube Originals show "Tab Time", lead by Tabitha Brown, which was nominated for 2 Emmys; b) Our YouTube Black Voices Fund was created with the intention of amplifying the voices, perspectives, and stories of Black people around the world (we've supported over 300 creators so far). Susan's meeting with Jim was cordial; with no specific follow-ups regarding the report. As he often does, Jim requested introductions to various other divisions (YT Podcasts, YT Sales); after intro meetings with these groups there were minimal follow-ups.*
- We respect and appreciate the work you are doing and are of course always happy to discuss concerns you may have or answer questions about our approach to content issues. But these types of **mischaracterizations** of our products are not conducive to a productive and collaborative partnership.
- **We struggle to understand your interest in partnering** given your perspectives on our products and services. If we can come to an understanding of how we better align, perhaps there's a pathway to a more strategic and holistic partnership, and I can have our teams engage accordingly.

PARTNERSHIP DISCUSSION TALKING POINTS, IF NEEDED: (*Full partnership context included in section following*)

- We've heard feedback from the teams that while they are not against working with Common Sense Media, there is hesitation around the scale, fit, and cost of the products.
    - **Scale:** We build for global reach, and the US, English-only product capabilities make that difficult.
    - **Fit**: Their expertise lies in Children's content, which is why CSM does not seem like the right fit to review privacy for all Play Store apps.
    - **Cost**: Their pricing proposals are significantly higher than we'd entertain, and they do not have resources to contribute to any of the integrations.
- The perception internally across all PAs is that doing a deal will not change or alleviate Common Sense Media speaking publicly against Google.
- If we do want to explore partnership opportunities, we are most open to the following:
    - **YouTube**: Currently has a $[redacted]/1 year partnership with CSM's for-profit subsidiary, Common Sense Networks, that is focused on creator education and kid-friendly digital publications. The current partnership is in a good state and YouTube is happy to leverage CSN's quality guidance (via individual memos to creators) to educate partners on quality content for kids. The creator community has provided positive feedback. YouTube is also expanding the scope to include resources/workshops to help creators develop kids-friendly content on YouTube Shorts in early 2023. Discussions around a 2023 renewal are already active.
    - **Google TV:** [redacted]
    - **Marketing:** In 2022, Unicorn signed a $[redacted] licensing agreement to feature CSM editorial content on the families.google website and within the Family Link app. The agreement is up for renewal in Feb 2023, and discussions around a renewal are active.

- **EDU**: Early in the pandemic, CSM pitched five partnership ideas focused on remote schooling to Google EDU; ultimately, we declined to pursue these opportunities [redacted]
- **Cloud**: CSM has been unresponsive to our Cloud team.

FULL PARTNERSHIP CONTEXT

- **YouTube**
  - In March 2022, YouTube's Kids and Family business signed a one-year $[redacted] service-fee agreement with Common Sense Networks (CSN) focused on creator education and digital publications. YouTube also committed to supporting CSN's direct sales efforts by providing resources to help accelerate their sales capabilities via Google's ad products. After contentious negotiations, the CSN partnership is now in a good state. The focus areas of the deal cover:
  - [redacted]
- **EDU**
  - No active partnerships exist between EDU and CSM. In 2020, CSM reached out to the EDU team to discuss partnering on a few initiatives to help kids, families, and teachers dealing with COVID-caused remote schooling. CSM pitched five potential partnerships, but none were ultimately pursued:
  - [redacted]
- **Google Marketing:** No concrete partnerships have materialized outside of the editorial content agreement mentioned above.
  - In May 2022, Jim Steyer met with Lorraine to discuss a possible CSM campaign with the US Surgeon General on teen mental health.
  - YT Marketing explored a partnership with CSM around the "Dear Me" campaign in 2021.
- [redacted]
- [redacted]
- **Search**: Search and Unicorn considered a licensing agreement with CSM for their current age-based ratings across websites, TV/movies, and apps. [redacted]

- [redacted]

POLICY/REGULATORY FEEDBACK (GAPP)

- We recommend handling CSM carefully given their policy posture and influence in the policy and press spheres.
- We know that CSM treats other tech companies similarly (meaning they continue to lobby against their partners' interests even after having entered into a partnership with them); for this reason we should not expect that any level of partnership will engender allyship toward Google.
- It is very unlikely that CSM would become an ally on privacy policy given that their criticism of tech platforms is a core part of their branding. They were very active in pushing the recently enacted California Age Appropriate Design Code (CA AADC), which passed without consideration of significant implementation challenges, as well as two prior California privacy laws. At the US federal level they are active with current proposals, including the Senate-committee-passed [HYPERLINK "https://twitter.com/CommonSense/status/1569699644220784640?s=20&t=saX3q4gMKq7WvsrxnMs-zw" \h], and have close ties with Biden Administration senior staff (Bruce Reed).
  - While we are engaging with Congressional offices on KOSA and COPPA 2.0, we haven't engaged CSM on those bills, as they are likely to oppose improvements we feel are essential. As an example, CSM is in favor of vague duty-of-care provisions and burdensome transparency requirements in KOSA, which we have identified as P0 provisions to amend.
  - Recent GAPP engagement with CSM has been primarily with YouTube and [redacted].
    - In August 2022, CSM: Jim Steyer (CEO); Ellen Pack (President) [redacted] met with Google: [redacted] Meeting was positive and productive.
      - In September 2022, the YT GAPP team discussed the Texas content moderation law which is in active litigation.
  - We expect CSM to be active in the FTC's Advanced Notice of Proposed Rulemaking (ANPRM) on "commercial surveillance" and the ongoing but stalled COPPA Rule update, pushing for sweeping new regulations.
- Despite previous attempts to partner, CSM has been publicly critical of YouTube over the years:
  - [HYPERLINK "https://www.cnet.com/culture/youtube-faces-complaint-demanding-ftc-probe-over-kids-data/" \h] (April 2018)
  - [HYPERLINK "https://www.commonsensemedia.org/research/who-is-the-you-in-youtube-missed-opportunities-in-race-and-representation-in-childrens-youtube-videos" \h]
  - [HYPERLINK "https://www.pcmag.com/news/youtube-is-illegally-collecting-your-kids-data-complaint-says" \h]
- There are risks that directly support the expansion of CSM's scope beyond kids into general privacy and data flows (e.g., [redacted]) where they have less expertise and could open Google and YouTube to more criticism and policy scrutiny.

CONTEXTUALLY RELEVANT MATERIALS / DOCS

[HYPERLINK [redacted] (November 2022)

[HYPERLINK [redacted] December 2022)

[HYPERLINK [redacted] (July 2022)

[HYPERLINK "https://projects.propublica.org/nonprofits/organizations/412024986" \h]

--------- Forwarded message ---------
From: **Jim Steyer** <[redacted]>
Date: Wed, Feb 8, 2023 at 9:19 AM
Subject: Important Follow up re Google/ Common Sense
To: Donald Harrison <[redacted]>
Cc: Ellen Pack <[redacted]>, [redacted]

Hi Don,

Hope you're well. We would really like to follow up with you this week or next in order to move stuff forward. Several key items we'd like to discuss… Either via Google Hangout or in person.

I'm not sure if you watched the SOTU last night but the tech portions were highly relevant to some of what we are planning.

Please let me know what works for your busy schedule and how we can best move everything forward. [redacted] and [redacted] (cc'd) will coordinate the plan.

Thanks and hope to talk very soon.

Jim

PROPOSEDRESPONSE

To: Jim
Cc: [HYPERLINK [redacted] \h]

Hi Jim

Following up to our conversation, I am connecting you with Mark Isakowtiz, VP Government Affairs and Public Policy to discuss a potential joint initiative regarding child protection efforts. We believe this connection is the best next step towards advancing a more strategic partnership.

Regards,
Don