

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NOTICE OF PENDENCY OF CLASS ACTION

**If You Purchased a Google Device With Google Assistant Pre-Installed,
A Class Action Lawsuit May Affect Your Rights.**

A federal court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

*La información proporcionada en este aviso está disponible en español en
www.googleassistantprivacylitigation.com*

- A lawsuit is pending in the United States District Court for the Northern District of California (the “Court”) against Google LLC and Alphabet Inc. (“Google” or “Defendants”).
- Plaintiffs in the lawsuit allege that Google Assistant can activate and record communications even when a user does not intentionally trigger Google Assistant with a hot word, like “Okay Google,” or manually activate Google Assistant on their device. Plaintiffs refer to such instances as “False Accepts” and allege that Google wrongfully collects, uses, and discloses user audio recordings from False Accepts to improve the speech recognition abilities of Google Assistant. Plaintiffs allege Google’s conduct constitutes a breach of the privacy assurances that Google makes to users in its Privacy Policy and an unlawful practice under California’s Unfair Competition Law (“UCL”) (collectively, the “Class Claims”). Google denies all of Plaintiffs’ allegations. The Court has not made any determination as to who is right or whether Google did anything wrong.
- On December 16, 2022, the Court determined that the Class Claims should proceed as a class action. This is not a determination about the merits of the Class Claims, only that Plaintiffs may seek to prove the Class Claims on behalf of the Class.
- There is no money available now, and no guarantee there will be.
- Your legal rights may be affected, and your options are explained below. You have a choice to make now. Although you are receiving this Notice, you might not be a member of the Class. As described further below, only purchasers of certain devices manufactured by Google, whose Gmail accounts were associated with that device during a certain time period, are Class Members. If you received this Notice and are not a member of the Class, you do not need to take any action and your rights will not be affected.

CERTIFIED CLASS

The Class certified by the Court (hereinafter referred to as the “Class”) includes the following:

All Users in the United States who purchased a Google-Made Device, where:

- “Users” are individuals whose Gmail accounts were associated with at least one Google Assistant Enabled Device during the class period from May 18, 2016, to December 16, 2022 (“Class Period”);
- “Google Assistant Enabled Devices” are devices that come with Google Assistant pre-installed; and
- “Google-Made Devices” are Google Assistant Enabled Devices manufactured and sold by Google, including Google’s Pixel Smartphones; Smart Home Speakers (Google Home, Google Home Mini, Google Home Max, Nest Audio, Nest Mini); Smart Displays (Google Home Hub, Nest Hub, Nest Hub Max); Laptops and Tablets (Pixelbook, Pixelbook Go, Pixel Slate); Digital Media Players (Chromecast with Google TV); and Wireless Earphones (Pixel Buds, Pixel Buds A Series, Pixel Buds Pro).

Excluded from the Class are: (1) any Judge or Magistrate presiding over this action and any members of their families; (2) Defendants, Defendants’ subsidiaries, parents, successors, predecessors, and any entity in which Defendants or their parents have a controlling interest and their current or former employees, officers, and directors; (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs’ counsel and Defendants’ counsel; (6) Google-Made Device purchasers whose purchases were for the purpose of resale or who purchased a used Google-Made Device; and (7) the legal representatives, successors, and assigns of any excluded persons.

YOUR LEGAL RIGHTS AND OPTIONS	
DO NOTHING	This option means that, if you are a Class Member, you remain part of the Class and you keep the possibility of getting money or benefits that may come from a trial or a settlement and will be bound by all orders of the Court and any judgment entered or settlement reached in the lawsuit regarding the Class Claims, whether favorable or unfavorable. But you give up all rights to pursue these claims separately against Google.
EXCLUDE YOURSELF FROM THE CLASS BY AUGUST 19, 2024	This option allows you to exclude yourself from the Class and retain the right to pursue these claims separately against Google. If you exclude yourself, you will not be bound by any judgment for or against Google and will not share in any money or benefits obtained for the Class. The exclusion deadline is August 19, 2024 .

BASIC INFORMATION ABOUT THE LAWSUIT

1. Why should I read this Notice?

This Notice explains that the Court has allowed, or “certified,” certain claims in a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a jury trial, which is scheduled to begin on **September 22, 2025**. If you wish to exclude yourself from this action, which is explained more fully below, you have to do so by **August 19, 2024**. Judge Beth Labson Freeman of the United States District Court for the Northern District of California is overseeing this class action. The lawsuit is known as *In re Google Assistant Privacy Litigation*, Case No. 19-cv-04286. Please do not contact the Court or Google regarding this case. If you have questions, please call 877-411-4704 or visit www.googleassistantprivacylitigation.com.

2. What is the lawsuit about?

Plaintiffs in the lawsuit allege that Google Assistant can activate and record communications even when a user does not intentionally trigger Google Assistant with a hot word, like “Okay Google,” or manually activate their device. Plaintiffs refer to such instances as “False Accepts” and allege that Google wrongfully collects, uses, and discloses user audio recordings from False Accepts to improve the speech recognition abilities of Google Assistant. Plaintiffs allege Google’s conduct constitutes a breach of the privacy assurances that Google makes to users in its Privacy Policy and an unlawful practice.

Plaintiffs bring claims for damages for Google’s alleged breach of contract and for restitution for Google’s alleged violation of the unlawful prong of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200.

3. What is Google’s response?

Google denies all of Plaintiffs’ allegations, including that it wrongfully collects, uses, or discloses any user audio recordings captured by Google Assistant, or that it otherwise breached any contract with Plaintiffs or violated any provision of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200.

4. Has the Court decided who is right?

The Court has not made any determination as to who is right or whether Google has engaged in any wrongdoing. The litigation is proceeding and, at this point, by establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at trial. A settlement before trial (or subsequent to trial) may result in money for the Class or changes in Google’s practices. There will be no second opt-out opportunity (unless the Court finds it necessary), so your decision to stay in the action or opt out must be made now. (See “The Trial” below on page 4.)

5. What is a class action and who is involved?

In a class action lawsuit, a person called a “Class Representative” sues on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The Class Representatives who sued—and all the Class Members like them—are called the Plaintiffs. The company they sued (in this case, Google) is called the Defendant. One court decides the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

6. Why is this lawsuit a class action?

The Court decided that the Class Claims can move forward in a class action because the claims of the Class Members are similar enough that trying them all together is fair and more efficient than trying them separately.

7. Is there any money available now?

No money or benefits are available now because the case is not resolved. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share. If the litigation is resolved, and you have not excluded yourself pursuant to this Notice, you may not be given another opportunity to do so.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

8. I purchased a Google Device. How do I know if I am a member of the Class?

You are a member of the Class if:

- You purchased a Google-Made Device in the United States. “Google-Made Devices” are Google Assistant Enabled Devices¹ manufactured and sold by Google, including: Google’s Pixel Smartphones (Pixel, Pixel XL, Pixel 2, Pixel 2 XL, Pixel 3, Pixel 3 XL, Pixel 3a, Pixel 3a XL, Pixel 4, Pixel 4 XL, Pixel 4a, Pixel 4a (5G), Pixel 5, Pixel 5a, Pixel 6, Pixel 6 Pro, Pixel 6a, Pixel 7, Pixel 7 Pro); Smart Home Speakers (Google Home, Google Home Mini, Google Home Max, Nest Audio, Nest Mini); Smart Displays (Google Home Hub, Nest Hub, Nest Hub Max); Laptops and Tablets (Pixelbook, Pixelbook Go, Pixel Slate); Digital Media Players (Chromecast with Google TV); and Wireless Earphones (Pixel Buds, Pixel Buds A Series, Pixel Buds Pro).
- Your Gmail account was associated with at least one Google Assistant Enabled Device during the Class Period of May 18, 2016, to December 16, 2022.

IF YOU DO NOTHING

9. What happens if I do nothing at all?

If you are a Class Member, unless you exclude yourself from the Class in the manner described in the section below titled “EXCLUDING YOURSELF FROM THE CLASS,” you will be bound by any judgment entered or settlement reached in this lawsuit regarding the Class Claims, whether favorable or unfavorable. Unless you exclude yourself, you will not be able to separately pursue these claims against Google.

EXCLUDING YOURSELF FROM THE CLASS

10. What does it mean to request to be excluded from the Class?

If you do not want to be part of the Class and want to keep your right to separately pursue the Class Claims against Google, then you must take steps to remove yourself from the Class. This is called excluding yourself, or “opting out.” The Court will exclude any person who timely asks to be excluded. If you exclude yourself, you will not be eligible to receive any payment from future settlements or judgments in this lawsuit, you will not be bound by any judgment rendered for or against Google, and you will not give up your right to sue Google as part of any other proceeding that alleges the Class Claims against Google.

¹ “Google Assistant Enabled Devices” are devices that come with Google Assistant pre-installed.

11. How do I exclude myself from the Class?

To exclude yourself from the Class, you must either send a request by mail or through the case website stating that you wish to be excluded from the Class in *In re Google Assistant Privacy Litigation*, Case No. 19-cv-04286. If you mail your Request for Exclusion, it must be postmarked no later than **August 19, 2024**, to:

Google Assistant Privacy Class Action
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217
info@googleassistantprivacylitigation.com

If you mail your Request for Exclusion, be sure to include your name, address, telephone number, and signature. To request exclusion through the case website, please visit www.googleassistantprivacylitigation.com and click on the Request for Exclusion tab. The Request for Exclusion must be submitted no later than **August 19, 2024**.

12. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to separately pursue the Class Claims against Google. You must exclude yourself from the Class to be able to bring your own, separate proceeding that alleges the Class Claims against Google. Remember, the exclusion deadline is **August 19, 2024**. In the event the lawsuit resolves, you may not be given another opportunity to exclude yourself from the Class.

THE LAWYERS REPRESENTING YOU

13. As a member of the Class, do I have a lawyer representing my interests in this class action?

Yes. The Court has appointed lawyers to represent the members of the Class. These lawyers are called Class Counsel. The following lawyers are lead counsel in representing the Class:

Erin Green Comite
Scott+Scott Attorneys at Law LLP
156 South Main Street, P.O. Box 192
Colchester, CT 06415
Phone: (860) 537-5537
ecomite@scott-scott.com

Christian Levis
Lowey Dannenberg
44 South Broadway, Suite 1100
White Plains, NY 10601
Phone: (914) 997-0500
clevis@lowey.com

14. How will the lawyers be compensated?

In the event of a judgment against Google at trial or a settlement, Class Counsel will ask the Court to approve and award attorneys' fees and expenses to be paid from the trial award or settlement. The amount of these fees and costs, if any, will ultimately be determined by the Court. You will not otherwise be charged for Class Counsel's services.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on behalf of the Class. You may, however, hire your own lawyer to represent you if you wish. If you hire your own lawyer, he or she must file a Notice of Appearance. If you hire your own lawyer, you will have to pay for that lawyer on your own.

THE TRIAL

16. When and where is the trial?

Class Counsel will have to prove the Plaintiffs' allegations at trial. The Court has scheduled a jury trial to begin on **September 22, 2025**. The trial will be held in the United States District Court, Northern District of California, San Jose Courthouse, Courtroom 3, 5th Floor located at 280 South 1st Street, San Jose, CA 95113. During the trial, a jury and the Judge will hear all the evidence to help them reach a decision whether Plaintiffs or Google is right about the

allegations in the lawsuit. There is no guarantee that Plaintiffs will win or that they will be able to get money for all or some of the members of the Class.

17. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and Google will present the defense. You or your lawyer are welcome to attend at your own expense.

18. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the lawsuit, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

19. Where do I get more information?

This Notice contains a summary of relevant Court papers. You can review relevant Decisions and Orders and additional information about this action on the case website at www.googleassistantprivacylitigation.com. If you have questions about your rights as a potential Class Member, you may also contact the Notice Administrator by mail, email, or phone using the following contact information:

Google Assistant Privacy Litigation
c/o A.B. Data
P.O. Box 170500
Milwaukee, WI 53217
info@googleassistantprivacylitigation.com
877-411-4704

**PLEASE DO NOT CONTACT THE COURT OR COURT CLERK'S OFFICE
TO INQUIRE ABOUT THIS CASE.**

DATED: June 19, 2024

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