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10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSE DIVISION**

14 In re GOOGLE REFERRER HEADER PRIVACY  
 15 LITIGATION

Case No. 5:10-cv-04809-EJD

CLASS ACTION

**JOINT STATUS REPORT**

17 \_\_\_\_\_  
 18 This Document Relates To: All Actions  
 19

1 The Parties submit the following joint status report:

2 **I. THE CLASS ADMINISTRATOR TIMELY IMPLEMENTED THE NOTICE PLAN**

3 On March 26, 2014, this Court issued its Order Granting Plaintiffs' Motion for Preliminary  
4 Approval of Class Action Settlement ("Order"). (Dkt. 63.) The Order requires that the Class  
5 Administrator implement the Notice Plan, including the Settlement Website and Publication Plan,  
6 no later than thirty days after entry of the Preliminary Approval Order. (Order at 14.)  
7 Accordingly, on April 25, 2014, the Class Administrator launched the fully-operational settlement  
8 website ([www.googlesearchsettlement.com](http://www.googlesearchsettlement.com)), launched the toll-free telephone number (855-332-  
9 3405) where class members can obtain additional information and request a class notice, issued a  
10 press release, and implemented the publication notice plan. (Declaration of Kassra P. Nassiri, ¶  
11 2.)

12 **II. GOOGLE'S DISCLOSURES HAVE BEEN UPDATED TO REFLECT RECENT**  
13 **CHANGES IN GOOGLE'S SEARCH SERVICES**

14 Section 3.1 of the proposed Settlement Agreement and Release (Dkt. 52-3, "Settlement  
15 Agreement") concerns Google's disclosures of how it handles search queries. Section 3.1 further  
16 provides the following:

17 If a subsequent change to Google's services renders the Agreed-  
18 Upon Disclosures inaccurate, Google may make future changes to  
19 its disclosures to ensure continued accuracy. Likewise, Google  
20 may change the form or placement of the disclosures as part of  
21 future changes to its privacy policies, provided that the substance  
remains substantially the same and that it is incorporated into the  
applicable terms of the service of privacy policy and is reasonably  
accessible to the user.

22 The Parties negotiated and attached to the Settlement Agreement specific disclosure  
23 language that was based on Google's search services at the time. (Exhibit A to the Settlement  
24 Agreement.) The settlement did not require Google to implement the exact disclosure attached at  
25 Exhibit A, but to make a "disclosure in substantially the same content and form" as that contained  
26 in Exhibit A. (*Id.*) The disclosure in Exhibit A states:

1                   **Are my search queries sent to websites when I click on Google Search results?**

2                   In some cases, yes. When you click on a search result in Google  
3                   Search, your web browser also may send the Internet address, or  
4                   URL, of the search results page to the destination webpage as the  
5                   HTTP Referrer [preceding term will be a hyperlink to the Key  
6                   Terms page, located at  
7                   <https://www.google.com/intl/en/policies/privacy/key-terms/>]. The  
8                   URL of the search results page will sometimes contain the search  
9                   query you entered. If you are using SSL Search (Google's  
10                  encrypted search functionality) or if you are logged in to your  
11                  Google Account, under most circumstances your search terms will  
12                  not be sent as part of the URL in the HTTP Referrer. There are  
13                  some exceptions to this behavior. For example, if you click on an  
14                  ad appearing on the search results page, your browser will continue  
15                  to send the search terms in the HTTP Referrer to help advertisers  
16                  to improve the relevancy of the ads they present to you. More  
17                  information on SSL Search can be found here [preceding term will  
18                  be a hyperlink to:  
19                  <http://support.google.com/websearch/bin/answer.py?hl=en&answer=173733>]. Google may provide Google Analytics users with the  
20                  search query or with the information contained in the HTTP  
21                  Referrer.

22                  In April 2014, prior to Google's implementation of any disclosure under the Settlement  
23                  Agreement, Google made changes to its search services which, in turn, changed how referrer  
24                  headers are handled. As a result, Google revised its disclosure, pursuant to Section 3.1 of the  
25                  Settlement Agreement, to reflect the changes to its search service. The revised disclosure, which  
26                  is now incorporated on Google's website per the Settlement Agreement, and which is linked to the  
27                  settlement website ([http://www.googlesearchsettlement.com/hc/en-us/articles/201921810-Where-  
28                  can-I-get-more-information-about-referrer-headers-and-or-how-Google-handles-your-search-  
29                  queries-](http://www.googlesearchsettlement.com/hc/en-us/articles/201921810-Where-can-I-get-more-information-about-referrer-headers-and-or-how-Google-handles-your-search-queries-)), reads as follows:

30                   **Are my search queries sent to websites when I click on Google Search results?**

31                   In some cases, yes. When you click on a search result in Google  
32                   Search, your web browser also may send the Internet address, or  
33                   URL, of the search results page to the destination webpage as the  
34                   HTTP Referrer. The URL of the search results page may  
35                   sometimes contain the search query you entered. If you are using  
36                   SSL Search (Google's encrypted search functionality), under most  
37                   circumstances, your search terms will not be sent as part of the  
38                   URL in the HTTP Referrer. There are some exceptions to this  
39                   behavior, such as if you are using some less popular browsers.  
40                   More information on SSL Search can be found here. Search  
41                   queries or information contained in the HTTP Referrer may be

1 available via Google Analytics or an application programming  
2 interface (API). In addition, advertisers may receive information  
3 relating to the exact keywords that triggered an ad click.

(Declaration of Randall W. Edwards, ¶ 2.)

4 **III. THE PARTIES AGREED ON NON-SUBSTANTIVE CHANGES TO THE CLASS**  
5 **NOTICE TO REFLECT THE NEW LOCATION OF GOOGLE’S WEB HISTORY**  
6 **DISCLOSURES ON GOOGLE’S WEBSITE**

7 Also in April 2014, Google reorganized its website and changed the location of its Web  
8 History disclosures. Google no longer maintains a separate webpage titled “Privacy FAQ for  
9 Google Web History.” Accordingly, the disclosure language for Web History was moved to the  
10 webpage <https://support.google.com/accounts/answer/54068?hl=en>, titled “About Web History.”  
11 The content of the disclosure language is substantially the same as the disclosure language  
12 attached to the Settlement Agreement. (Edwards Decl. ¶ 3.)

13 Accordingly, the Parties agreed to update the Class Notice to include the new Web History  
14 URL and reflect the organizational change of Google’s webpages. A copy of the revised Class  
15 Notice that was published by the Class Administrator is attached as Exhibit A to the Nassiri  
16 Declaration. These changes to the Class Notice are highlighted for the Court’s convenience. The  
17 settlement website also contains a direct link to Google’s Web History disclosure.

18 ([http://www.googlesearchsettlement.com/hc/en-us/articles/201921810-Where-can-I-get-more-](http://www.googlesearchsettlement.com/hc/en-us/articles/201921810-Where-can-I-get-more-information-about-referrer-headers-and-or-how-Google-handles-your-search-queries-)  
19 [information-about-referrer-headers-and-or-how-Google-handles-your-search-queries-](http://www.googlesearchsettlement.com/hc/en-us/articles/201921810-Where-can-I-get-more-information-about-referrer-headers-and-or-how-Google-handles-your-search-queries-) .)

20  
21 Respectfully submitted,

22 Dated: May 2, 2014

NASSIRI & JUNG LLP

23 /s/ Kassra P. Nassiri  
24 Kassra P. Nassiri  
25 *Counsel for Plaintiffs Gaos & Italiano*  
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Dated: May 2, 2014

ASCHENBRENER LAW, P.C.

/s/ Michael Aschenbrener  
Michael Aschenbrener  
*Counsel for Plaintiffs Gaos & Italiano*

Dated: May 2, 2014

O'MELVENY & MYERS LLP

/s/ Randall W. Edwards  
Randall W. Edwards  
*Counsel for Defendant Google in Gaos*

Dated: May 2, 2014

MAYER BROWN LLP

/s/ Edward D. Johnson  
Edward D. Johnson  
*Counsel for Defendant Google in Priyev*

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**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Joint Status Report.

Dated: May 2, 2014

NASSIRI & JUNG LLP

/s/ Kassra P. Nassiri  
Kassra P. Nassiri  
*Counsel for Plaintiffs Gaos & Italiano*