

Message

From: Kent Walker [REDACTED@google.com]
Sent: 3/30/2020 4:24:43 AM
To: Brad Smith (CELA) [REDACTED@microsoft.com]
CC: Cristina Smart [REDACTED@google.com]
Subject: Re: FW: SA 360 support

Hey Brad -- likewise. I'd be happy to talk this through, and Wednesday or Thursday should work fine. I'm copying Cristina on my side who can work with your office to find a good time. Be well.
-- Kent

On Sun, Mar 29, 2020 at 9:12 PM Brad Smith (CELA) [REDACTED@microsoft.com] wrote:

Hi Kent – I hope you and your family are doing well. It's certainly an unusual time!

I'm guessing that this made it to you earlier this month. Under our settlement agreement, you and I need to talk about this as part of the escalation process. I was wondering if we might schedule a call for Wednesday or Thursday of this week.

Thanks!

Brad

From: Peggy Johnson [REDACTED@microsoft.com]
Sent: Monday, March 9, 2020 9:33 PM
To: Donald Harrison [REDACTED@google.com]
Cc: Brad Smith (CELA) [REDACTED@microsoft.com]; Jon Tinter [REDACTED@microsoft.com]
Subject: SA 360 support

Hi Don,

I want to follow up on our discussion in December about SA 360's failure to provide timely and adequate support for Microsoft search advertising features. I know that you, Joan and Jon have had follow-up discussions as have others at our two companies, but no acceptable resolution could be reached. Unfortunately, Google's unwillingness to provide timely and adequate support for Microsoft search advertising features in its dominant SA 360 offering is not something that we can accept. Pursuant to Section 6.2.2 of the Settlement Agreement, Microsoft is providing you with notice that we are escalating this dispute to the Resolution Committee, which under the Settlement Agreement is defined as the Chief Executive Officer, and President and Chief Legal Officer of Microsoft and the Chief Executive Officer and Senior Vice President and General Counsel of Google. We believe an appropriate resolution is for SA 360 to begin supporting the 9 Microsoft search advertising features that we identified as high priority no later than the first half of calendar 2020 and the remaining 16 features we have identified as lower priority by the end of the calendar year. While we understand your point of view that there is less demand for Bing than for Google Search and thus less need to support Bing Microsoft search advertising features to the level Google does for its own services, Google's

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dominant position in search and search advertising tools places a unique obligation on Google not to disadvantage its competitors. The fact that Google's dominant search advertising position means that there will inherently be less advertiser demand for Bing features does not excuse using SA 360 to provide preferential treatment to Google Search.

We suggest as a first step that Brad and Kent engage in a discussion on this topic as soon as possible to see if they can reach a resolution before arranging a meeting between Satya and Sundar. Brad's office will reach out to Kent to try to schedule a call.

Thanks,

Peggy