

***AdTrader Inc., Classic and Food EOOD, LML Consult LTD., Ad Crunch LTD.,  
and Specialized Collections Bureau, Inc. v. Google LLC***  
**U.S. District Court for the Northern District Of California**  
**No 5:17-cv-07082-BLF**

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION**

**If, between December 13, 2013 and April 28, 2022 you were a Google AdWords Advertiser whose AdWords account (1) was subject to the AdWords terms for the United States but who (2) was not subject to the arbitration clause in those terms, (3) was billed for clicks or impressions on advertisements that were displayed on any DoubleClick Ad Exchange (“AdX”) publisher website during that time, and (4) your share of the proposed settlement based on what you were billed for clicks or impressions on advertisements that were displayed on AdX publishers’ websites would total \$1.00 or more, you may be entitled to compensation under a proposed settlement of the above-entitled class action lawsuit.**

*A federal court authorized this notice. This is not a solicitation. Your legal rights may be affected even if you do not act. Please read this Notice carefully.*

In addition to the email or postcard notice you may have received, this document provides further information related to the claims in a lawsuit called *AdTrader Inc. et al. v. Google LLC* (N.D. Cal. No. 5:17-cv-07082-BLF), and regarding your rights under the proposed settlement in that case.

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>Submit a Claim Form</b>	If you submit a Valid Claim <sup>1</sup> by August 30, 2022 and your share of the proposed settlement would total \$1.00 or more, you may receive a payment in an amount calculated by the process set forth below. By submitting a claim, you will give up your right to separately sue Google and/or any other released entities regarding the legal claims at issue in this case.
<b>Exclude Yourself from the Settlement</b>	If you do not want to be bound by the settlement, you may exclude yourself (also referred to as “opting out”). In that case, you will not receive any payment from the settlement, but you will preserve your right to sue Google based on the legal claims at issue in this case. The opt-out deadline is August 30, 2022.

<sup>1</sup> All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Class Action Settlement Agreement (“Settlement Agreement”) dated April 28, 2022. The Settlement Agreement is available at <http://adwordsadxclassaction.com>.

<b>Object to the Proposed Settlement</b>	You may write to the Settlement Administrator about why you do not like the proposed settlement, or may engage an attorney to submit such an objection on your behalf. If you do so, you will give up your right to separately sue Google and/or any other released entities regarding the legal claims at issue in this case. The deadline for objecting is August 30, 2022. These objections will be shared with the Court.
<b>Do Nothing</b>	If you do nothing, you will not receive any payment from the settlement, and you will lose the right to sue Google based on the legal claims at issue in the case.

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## BASIC INFORMATION

### 1. Why did I receive this Notice?

You are getting this Notice because you have been identified from Google's records as a possible member of the certified class in this litigation, called *AdTrader, Inc. v. Google, LLC*, Case No. 17-CV-07082-BLF (N.D. Cal.). Judge Beth Labson Freeman of the United States District Court for the Northern District of California (the "Court") is currently overseeing the case, and authorized this Notice to let you know that, following a mediation before a retired federal judge, the parties have reached a proposed settlement. This proposed settlement affects your legal rights and options, as explained further in this Notice.

You may have received a prior notice related to this case in or around August 2021. That notice alerted you that the claims at issue in the case had been certified for class treatment, and gave you the opportunity to exclude yourself from the class. This notice is different; it is informing you that the parties have reached a proposed settlement and is intended to inform you of your rights under that proposed settlement.

### 2. What is a class action?

In a class action, a person or entity called the "Class Representative" (in this case, an AdWords advertiser called Specialized Collections Bureau, Inc. or "SCB") sues on behalf of a group (or groups) of people who have similar claims. The Class Representative and others with similar claims are all "Class Members" and, together, they constitute the "Class." One court resolves the claims of all Class Members in a single proceeding, except for those who exclude themselves from (or "opt out" of) the Class.

The Court decided that certain claims in this lawsuit could proceed as a class action and certified those claims for class treatment. Now, the Class Representative, SCB, and Google have agreed to a proposed settlement of those class claims. For the proposed settlement to become final, the Court must decide whether it is "reasonable" compromise of the Class's claims and must approve the settlement.

### 3. What is this lawsuit about?

In the Second Amended Class Action Complaint (the "Operative Complaint," available at <http://adwordsadxclassaction.com>), the Class Representative, SCB, alleges that certain AdWords advertisers are entitled to receive refunds or credits associated with clicks or impressions on those advertisers' AdWords ads that appeared on any DoubleClick Ad Exchange publisher website, where Google determined that the clicks or impressions were the result of "invalid activity" or in violation of Google's policies, and on that basis withheld payment from the associated publisher.

The Class alleges that Google's failure to issue refunds or credits to the affected AdWords advertisers (i.e., to Class Members) constituted a breach of Google's Advertising Program Terms for the United States (the "AdWords Agreement"), violation of California's False Advertising Law, and violation of California's Unfair Competition Law. The Class seeks monetary relief to

be paid as refunds to Class Members, in the amount of the refunds or credits it alleges Google failed to issue. More detail regarding the Class's claims can be found in the Operative Complaint, available at <http://adwordsadxclassaction.com>.

Google denies the Class's allegations, and maintains that it did nothing wrong or unlawful, and that all Class Members have received all refunds to which they are entitled. Google's response to the Operative Complaint can be reviewed at <http://adwordsadxclassaction.com>.

The Court has not decided whether the Class or Google is right. Instead, the Court has authorized this notice because the parties agreed to settle their dispute without a decision from the Court as to the merits of the case or the validity of the Class's claims, given the risks that both sides would face if this dispute were to be decided through a trial.

## WHO IS IN THE CLASS

### 4. How do I know if I am part of the Settlement Class?

The Court defined the Class as:

All persons and entities: (1) whose Google AdWords advertiser accounts were subject to the Google Inc. Advertising Program Terms for the United States; (2) who were charged by Google through their AdWords accounts for clicks or impressions on advertisements appearing on any DoubleClick Ad Exchange publisher website at any time during the applicable limitations period; (3) who did not receive refunds or credits from Google even though it withheld payment to that publisher for those clicks or impressions in connection with any invalid activity or any breach of contract, including any policy violation; and (4) who opted out of the arbitration clause of the Terms.

You are a Class Member if you meet those four criteria, and do not opt out of the Class. You may have received a prior notice in or around August 2021, alerting you to the fact that the Class was certified. If you received prior notice, you had the opportunity to opt out of the Class then and, if you did, you are not a Class Member. If you did not, or if you did not receive the prior notice, you are a Class Member unless you decide to opt out of the Class now. The class claims period extends from December 13, 2013 through April 28, 2022.

If you received an email or postcard notice regarding this action at any point, whether you received one in or around August 2021 or not, that means that Google's records indicate that you may be a member of the Class. You have been assigned a unique ID#, which appears in that email and/or postcard. Google and counsel for the Class ("Class Counsel") will maintain that unique ID# for you throughout the settlement process, but please keep a copy of that number for yourself, as you may find it useful to track the status of any claim you may submit.

If you believe that you fit the four criteria in the class definition above but have not received an email or postcard notice, please contact the Settlement Administrator at [info@adwordsadxclassaction.com](mailto:info@adwordsadxclassaction.com). The Settlement Administrator will then work with Google

and Class Counsel to determine whether you may properly be a member of the certified Class who is entitled to submit a claim.

## THE PROPOSED SETTLEMENT

### 5. What is the amount of the settlement?

Under the proposed settlement, Google has agreed to create a Settlement Fund of \$7,000,000. The Settlement Fund will provide compensation to Class Members and will additionally be used to: (1) pay for notice and administrative costs incurred by the Settlement Administrator; (2) provide for any approved Service Award to the Class Representative, SCB, who filed the case; and (3) compensate Class Counsel for any fee, cost, and expense award the Court approves.

### 6. How will the Settlement Fund be distributed?

Class Counsel will ask the Court to approve the following payments from the Settlement Fund:

1. The costs of providing notice and administration of the Settlement;
2. Payment to the Class Representative, SCB, not to exceed \$10,000, as compensation for its active participation in the case on behalf of the Class;
3. Class Counsel's compensation for time, costs, and expenses they spent litigating the case; and
4. Payments to the Class Members who file a timely and valid Claim Form.

The "Net Settlement Fund" is the amount of the Settlement Fund available to distribute to Class Members who submit a timely and valid Claim Form after # (1), (2), and (3) above have been paid. It is not yet known what the amount of the Net Settlement Fund will be.

Only Class Members who submit a Valid Claim form by the Claims Deadline of August 30, 2022 will be eligible to receive any compensation. For those Class Members, their share of the Settlement Fund will be proportional to the total amount of money they spent on AdWords advertisements appearing on any DoubleClick Ad Exchange ("AdX") publisher website between December 13, 2013 and April 28, 2022, as a percentage of all Claimants' total spend through AdWords on AdX Publishers' websites during that same period. In other words, the amount a Class Member who submits a Valid Claim will receive from the Net Settlement Fund will be directly proportional to that Class Member's share of the total eligible advertising spend of all Class Members who submit Valid Claims. The precise amount any individual Class Member may receive cannot be known until all Valid Claims are received and tallied by the Settlement Administrator.

Note that, due to administrative costs, the Settlement Administrator will only issue payments for Valid Claims that result in a distribution of \$1.00 or more according to the above calculation.

**7. What will happen to any amounts of the Net Settlement Fund that remain after payments have been made to Class Members?**

Due to the distribution structure described above, the only reason that any money will remain in the Net Settlement Fund after the Settlement Administrator issues payments to Class Members with Valid Claims will be because certain Class Members did not provide sufficient or correct payment information, and the Settlement Administrator is unable to resolve those payment issues. In that event, the parties have proposed that any remaining amount (referred to as “*cy pres*”) will be provided to the non-profit entity Public Justice, as the *Cy Pres* Recipient specified in the proposed settlement.

**8. How will Specialized Collections Bureau be compensated?**

As the Class Representative, SCB will have the same right as any other Class Member to submit a claim for its share of the Net Settlement Fund. In addition, Class Counsel intend to ask the Court to award SCB a “Service Award” (sometimes referred to as an “incentive award”) of up to \$10,000 for its time and effort producing documents in this litigation, sitting for a deposition, and otherwise representing the class.

**9. How will Class Counsel be compensated?**

Class Counsel will ask the Court to award them attorneys’ fees from the Settlement Fund based on either the number of hours of legal work that they reasonably spent pursuing the Class claims or as a percentage of the total \$7 million recovery. Class Counsel plan to request fees of no more than 33% of the total Settlement Fund. Class counsel will also seek reimbursement of their out-of-pocket costs and expenses incurred in pursuing the Class claims. At least 30 days prior to the deadline by when Class Members must submit their claim, objection, or opt-out request, the Settlement Administrator will post Class Counsel’s motion for attorneys’ fees and costs at the settlement website at <http://adwordsadxclassaction.com>.

The Court will decide the amount of fees and costs Class Counsel will be awarded at or before the time of the final fairness hearing in this case.

**YOUR RIGHTS AND OPTIONS**

If you are a Class Member, you must decide whether to (1) submit a claim so that you are entitled to receive a settlement payment, (2) exclude yourself or “opt out” of the proposed settlement; (3) object to the proposed settlement, or (4) do nothing. What you do affects your legal rights, as further explained below.

**10. How can I get a settlement payment?**

If you are a Class Member and you would like to receive a settlement payment, you must submit a Claim Form using the unique ID# the Settlement Administrator assigned to you, as shown in either the email or postcard notice you received, **no later than August 30, 2022.**

The Claim Form is available online at <http://adwordsadxclassaction.com>. You may complete the Claim Form online, at the website above, or you may print the Claim Form, fill it out, and fax it to the Settlement Administrator at 215-525-0209 or mail it to the Settlement Administrator at the following address:

Adwords Advertiser Settlement  
c/o Settlement Administrator  
1650 Arch Street, Suite 2210  
Philadelphia, PA 19103

If you believe that you are a Class Member but did not receive either email or postcard notice so have not been assigned an ID#, you should contact the Settlement Administrator at 1-855-874-1818.

Upon receiving and reviewing submitted Claim Forms, the Settlement Administrator will review them to ensure that they are valid. That process may require confirming the identity of the Claimant against Google's records. If the Settlement Administrator determines that your Claim Form is incomplete or otherwise not valid, it will attempt to contact you to cure any defect it has identified. The Settlement Administrator will also notify any Claimant whose settlement payment does not meet the \$1.00 threshold amount and so will not be paid.

**If you do not file a Claim Form, you will not receive a payment.**

The Court in charge of this case still has to decide whether to finally approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

#### **11. Can I exclude myself from the Class and the proposed settlement?**

Yes. If you do not want to be part of the proposed settlement, you may exclude yourself (also referred to as "opting out") by submitting an Opt-Out Form **no later August 30, 2022**. The Opt-Out Form is available at the settlement website at <http://adwordsadxclassaction.com>. You may complete the Opt-Out Form online, at the website above, or you may print the Out-Out Form, fill it out, and fax it to the Settlement Administrator at 215-525-0209 or mail it to the Settlement Administrator at the following address:

Adwords Advertiser Settlement  
Attn: Exclusion Request  
P.O. Box 58220  
Philadelphia, PA 19102

If you opt out of the settlement, you will not be bound by the Settlement Agreement, you will not receive any settlement payment, and you will not be allowed to object to the proposed settlement. By excluding yourself you will preserve your right to separately sue Google for the conduct alleged in this lawsuit.

## 12. How do I object to the proposed settlement?

If you are a Class Member who did not opt out of this case either in response to the prior notice or in response to this Settlement Notice, you may object to any aspect of the proposed settlement. This includes commenting on the applications for the Class Representative's proposed Service Award, and the award of attorneys' fees, costs, and expenses.

**Your Objection must be submitted no later August 30, 2022.** You may submit your by mail to the following address:

Adwords Advertiser Settlement  
Attn: Objection  
P.O. Box 58220  
Philadelphia, PA 19102

Any Objection must be in writing, and must:

1. Clearly identify the case name and number, *AdTrader, Inc., et al. v. Google LLC*, No. 17-CV-07082-BLF;
2. Include the full name, address, telephone number, email address, and AdWords advertiser identification number (if known) associated with the Google AdWords account of the person or entity objecting;
3. Include the full name, address, telephone number, and email address of the Objector's counsel (if the Objector is represented by counsel);
4. Provide a detailed explanation stating the specific reasons for the Objection, including any legal and factual support and any evidence in support of the Objection;
5. Be verified by an accompanying declaration submitted under penalty of perjury or a sworn affidavit.

Settlement Class Members who fail to submit a timely written Objection by [*to be determined; 60 days after the Notice Date, check back for final date*] and in the manner specified above will waive their right to object to any aspect of the Settlement.

## 13. What happens if I do nothing?

If you do nothing, you will not be eligible to receive a settlement payment and you will not be able to object to the proposed settlement. You will also lose your right to separately sue Google based on the legal claims at issue in the case.

### THE LAWYERS REPRESENTING THE CLASS

## 14. Who represents Specialized Collections Bureau and the Class?

The Court has appointed the San Francisco law firm Gaw | Poe LLP to represent all Class Members in this case. That firm is referred to herein as “Class Counsel.” The Court has determined that Gaw | Poe LLP can adequately represent the interests of the Class and have sufficient experience to do so.

You do not need to either hire your own counsel or separately contact Class Counsel in order for Class Counsel to pursue your interests in this case. By virtue of the Court’s decision to certify the Class, Gaw | Poe LLP is automatically pursuing the Class claims on your behalf. You may engage separate counsel at your own expense to assist you in pursuing any Objections to the proposed settlement, if you choose to submit any, or if you elect to exclude yourself from the Class through the exclusion process described in Section 11 above.

#### **15. Can I contact Class Counsel, and how?**

If you have legal questions about the case, you can contact Class Counsel at [AdWords@gawpoe.com](mailto:AdWords@gawpoe.com) or visit their website at [www.gawpoe.com](http://www.gawpoe.com).

### **THE APPROVAL PROCESS FOR THE PROPOSED SETTLEMENT**

#### **16. Has the Court approved the proposed settlement?**

The court has given “preliminary approval” to the proposed settlement, which is why Class Members are receiving this Notice. After the period for Class Members to submit Claim Forms, Objections, and Opt-Out Forms ends, the Court will review a tabulation of Claims, any Objections, and Class Counsel’s motion for attorneys’ fees, expenses, and costs, and will hold a “Final Fairness Hearing” at which it will decide whether to formally approve the proposed settlement.

That Final Fairness Hearing is currently scheduled to take place on October 27, 2022 at 9:00 a.m. at the U.S. District Court for the Northern District of California, San Jose Division, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, San Jose, CA 95113, in Courtroom 3 on the 5th Floor. The Final Fairness hearing may, instead, be held via videoconference, as determined by the Court. The hearing date may change without further notice to Class Members. Class Members should check the settlement website at <http://adwordsadxclassaction.com> for updates and to confirm whether the hearing will be held in person or by videoconference, and to confirm that the date has not been changed.

#### **17. Do I need to attend the Final Fairness Hearing?**

No. Class Counsel will represent the interests of the Class at the hearing and respond to any questions the Court may have. However, any Class Member who submits a timely Objection will have the option to appear and request to be heard at the Final Fairness Hearing, either in person or through their counsel, by including a Notice of Intention to Appear in the body of the Objection. Objectors who fail to submit or include this Notice of Intention to Appear may not speak at the Final Fairness Hearing without permission of the Court. If you engage an attorney to represent you in connection with your Objection, that attorney may appear at the Final Fairness Hearing on your behalf, and you will be solely responsible for paying that attorney’s fees.

## GETTING MORE INFORMATION

### 18. How can I get more information?

This Notice summarizes the proposed settlement. It does not describe all of its details. For the precise terms and conditions of the settlement, please see the Settlement Agreement and related documents.

The Settlement Agreement and related documents that provide information about the case are posted on the settlement website at <http://adwordsadxclassaction.com>. Additional relevant documents will be added as they become available. Contact information for the Settlement Administrator is also available at the settlement website, and you may call the Settlement Administrator toll-free at 1-855-874-1818.

Finally, the complete docket for the case can be found at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>, and is accessible to anyone who has registered an account with the federal courts' PACER system.

As set forth above, you may also contact Class Counsel at [AdWords@gawpoe.com](mailto:AdWords@gawpoe.com), or by visiting their website at [www.gawpoe.com](http://www.gawpoe.com).

**Please do not telephone the Court or the Court Clerk's Office to inquire about the settlement.**