



Written by [Luis Miguel](#) on February 18, 2023

## Big Tech Leveraging Its Big Money to Combat Legal Challenges

In Washington, money talks. And thanks to virtually unlimited stores of cash to draw from, Big Tech has one of the loudest voices in the room.

Two of the biggest powers in Silicon Valley, Google and Apple, are currently pulling out all the stops to leverage their influence in the federal government and stop legal challenges which they view as threats to their interests.

Google, whose business model could be radically impacted by a U.S. Supreme Court decision, now faces scrutiny from its detractors by funding an amicus brief to the high court intended to make it appear that the search giant has broad organic support in its field.

The [brief](#), published in January by the nonprofit Authors Alliance, defends Google in the case *Gonzalez v. Google*, which is set to begin oral arguments on Tuesday.

The case will determine the future of the company's protections under the Communications Decency Act's Section 230, which grants platforms like Google's YouTube immunity from being sued for user-posted content.

The *Gonzalez* case stems from the 2015 attack in Paris by ISIS terrorists. The family of slain American Nohemi Gonzalez sued Google over ISIS recruitment videos that allegedly spread over YouTube without being quickly taken down, thus influencing the terrorists.

As [Politico](#) reports, the brief from Authors Alliance did not mention that the organization which funded it — a nonprofit for startups known as Engine — is itself partly funded by Google.

In addition, at least one of the content creators who signed onto the brief has said that Google employees convinced him to get onboard. And the law firm that represents Authors Alliance and the content creators — Kecker, Van Nest & Peters—also represents Google.

Ben Berkowitz, a lawyer for Authors Alliance, claimed that neither the group nor the content creators were paid for the brief. He also denied that Google, Alphabet, or any of its subsidiaries wrote the brief or directly contributed financing for it.

“Our firm's representation of Google in unrelated litigation is public knowledge, and not a conflict,” Berkowitz stated. “We represented Authors Alliance and a diverse group of individual content creators to express their views to the Supreme Court about the important role Section 230 plays in protecting and promoting diverse and independent content.”

The nonprofit Tech Transparency Project is one of many Google critics who argue that the amicus brief



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is further evidence of the search giant's undue influence in the nation's capital. "These YouTube creators are just a new angle on an old Google tactic: flooding the zone with supporters — who are often funded by Google — to boost its corporate agenda in Washington," said TTP director Katie Paul. "Whether it's policy groups, academics, foundations, or YouTube creators, they're all part of the same Google influence machinery."

Google's proponents, meanwhile, argued in the brief that the Section 230 protections are vital. They say that if *Gonzalez* were to upend protections of the content that is recommended or promoted via algorithms, Google platforms like YouTube would be unable to effectively recommend content to users and content creators would financially suffer.

"Major platforms might be less likely to host and promote independent creators' content," the brief asserts. "New and emerging creators may be unlikely to reach new audiences. And speech generally could be chilled online, hindering Congress' policy goals of fostering a free and open Internet."

Politico notes:

Among those creators who signed on to the brief were the family video blogger Jeremy Johnston; Mikhail Varshavski, a handsome internet doctor known as Doctor Mike who boasts a YouTube channel with 10.5 million subscribers; and Milad Mirg, an online creator whose posts have "offered behind-the-scenes looks at his fast-food job at Subway."

The brief also included Jordan Maron, a video game streamer who goes by CaptainSparklez and who operates a YouTube channel with 11.4 million subscribers. In a video posted to his channel before the brief was filed, Maron revealed that he had been brought into "a group call with YouTube employees, other creators, creator-adjacent business people to inform us of what this is and ask if we wanted to be part of something called an amicus brief." Google Store has previously sponsored Maron, and Google has sponsored videos posted by other creators who signed onto the brief.

Meanwhile, Apple is embroiled in a battle that could see popular models of its Apple Watch being banned from the market.

As covered by [The Hill](#), the U.S. International Trade Commission (ITC) ruled in December that Apple infringed on the patents for wearable electrocardiograms developed by the medical device startup AliveCor.

According to AliveCor, the company shared their wearable electrocardiogram (ECG) sensor with Apple in 2015. They thought they were on Good terms with Apple and even made an ECG accessory for the Apple Watch.

But then Apple made an Apple Watch with an ECG sensor built in and made their product incompatible with third-party heart monitoring software, causing AliveCor to cease sales of their product.

AliveCor is far from the first voice to call Apple out for the practice known as "sherlocking," in which Big Tech giants copy the innovative technologies of smaller firms once they've already been shown viable, rather than paying these smaller companies to license their technology.

"We come up with new technologies, and instead of the ecosystem letting us thrive and continue to build on top of the innovations we already have, Apple cuts us out up front, steals our technology, uses their platform power to scale it, and now is basically saying it's scaled so it can't be cut off," AliveCor



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CEO Priya Abani told The Hill.

Due to the ITC ruling, the dispute will move ahead to court and could end in the Apple watches being banned from importation into the United States — unless Joe Biden directly steps in and vetoes ITC's decision.

And Apple is spending vast amounts on lobbying to persuade the White House to side with them. In fact, Apple spent close to \$9.4 million on lobbying in 2022 — their highest amount spent on lobbying on record.



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