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13 Attorneys for Plaintiff
14 RUMBLE, INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION
18

19 RUMBLE, INC.,
20 Plaintiff,
21 v.
22 GOOGLE LLC and DOES 1-10,
23 inclusive,
24 Defendants.

Case No.
**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF DUE
TO ANTITRUST VIOLATIONS**

25
26 For its complaint against defendant Google LLC (“Google” or “Defendant”),
27 plaintiff Rumble, Inc. (“Rumble”) alleges as follows:

28 ///

INTRODUCTION

1
2 1. Rumble brings this action under Sections 1 and 2 of the Sherman Act,
3 (15 U.S.C. §§ 1 and 2), and Sections 4 and 15 of the Clayton Act (15 U.S.C. §§ 4
4 and 15), against Google for monetary damages well in excess of \$2,000,000,000
5 that Rumble has sustained and continues to sustain as a proximate result of
6 Google’s antitrust violations, and for injunctive relief to prevent Google from
7 continuing unlawfully to maintain its monopoly in the relevant market – online
8 video-sharing platforms – through anticompetitive and exclusionary practices.

9 2. These practices include Google rigging its search algorithms
10 purposefully and unlawfully to always give preference to Google’s YouTube video-
11 sharing platform over Rumble (and other platforms) in Google search results, such
12 that the Google search page result for online videos lists links to the YouTube site
13 as the first search results, even if the search specified Rumble, such as “dog videos
14 on rumble.”

15 3. By unfairly rigging its search algorithms such that YouTube is the
16 first-listed links “above the fold” on its search results page, Google, through its
17 search engine, was able to wrongfully divert massive traffic to YouTube, depriving
18 Rumble of the additional traffic, users, uploads, brand awareness and revenue it
19 would have otherwise received.

20 4. Google has also forced Android-based smartphone manufacturers to
21 include YouTube as a preinstalled app on their phones in order to acquire the right
22 to use the Android operating system, which constitutes an illegal tying
23 arrangement. This also has damaged and continues to damage Rumble by further
24 self-preferencing YouTube over Rumble (and other platforms, which harms
25 competition in addition to Rumble). Because much of the online searching for
26 videos is done on smartphones, this further ensures that Google’s YouTube
27 platform receives unfair preferential treatment. Google thus wrongfully acquired
28 and maintains a monopoly over the market for online video-sharing platforms.

1 5. Rumble is unique among video-sharing platforms in that it has an
2 extensive catalog of exclusively-assigned original content videos, thus
3 differentiating itself from other video-sharing platforms. Rumble receives between
4 \$10 and \$30 per thousand views of its exclusive videos on its platform, but when
5 that search traffic has been diverted to YouTube through Google’s wrongful
6 conduct, Rumble has received only forty-eight cents (\$0.48) on average per
7 thousand views of its videos from YouTube. It is Google’s unlawfully acquired
8 monopoly power in the relevant market that has allowed it to pay so little, and keep
9 so much, of the advertising revenue.

10 6. Unlike other websites or video-sharing platforms, Rumble, with its
11 thousands of high value exclusive video assets which it has syndicated to YouTube
12 (which have generated billions of views on YouTube), has the unique ability to
13 discover, track and determine its damages both on its exclusive and on its non-
14 exclusive catalog, which have been proximately caused by Google’s unlawful
15 conduct. Notably, this conduct is also in violation of Google’s own duplicate
16 content and original sourced reporting best practices which it purports to follow,
17 but evidently does not.

18 7. Set forth below are screenshots (Figures 1 and 2) showing a recent
19 example of this unlawful self-preferencing by Google of its own video platform,
20 YouTube. The searched-for video is entitled “Baby preciously cuddles cat for nap
21 time.” It is a Rumble exclusive video, so Rumble is the original source for that
22 video. That title – “Baby preciously cuddles cat for nap time” – is verbatim how it
23 is listed on the Rumble platform. Because Rumble is the original source, it was
24 able to release the video to whom and when it chose. In this instance, to test
25 whether the Google search algorithms were rigged to give unfair preference to
26 YouTube, Rumble “handicapped” YouTube by releasing the video to
27 Google/YouTube last.

28 8. Figure 1 demonstrates how Rumble provided the video to MSN and

1 Yahoo prior to YouTube. Yahoo is listed first, followed by MSN and then
 2 followed by multiple miscellaneous unrelated YouTube videos that do not contain
 3 the title searched for. Significantly, MSN even provides a canonical URL referring
 4 to Rumble’s original page, yet Google still lists its unrelated YouTube videos ahead
 5 of Rumble.com’s listing. In fact, Rumble.com’s listing is nowhere to be found
 6 despite all the credit, linkbacks, canonicals and submission to Google Webmaster
 7 Tools that identified Rumble as the original source for this video.

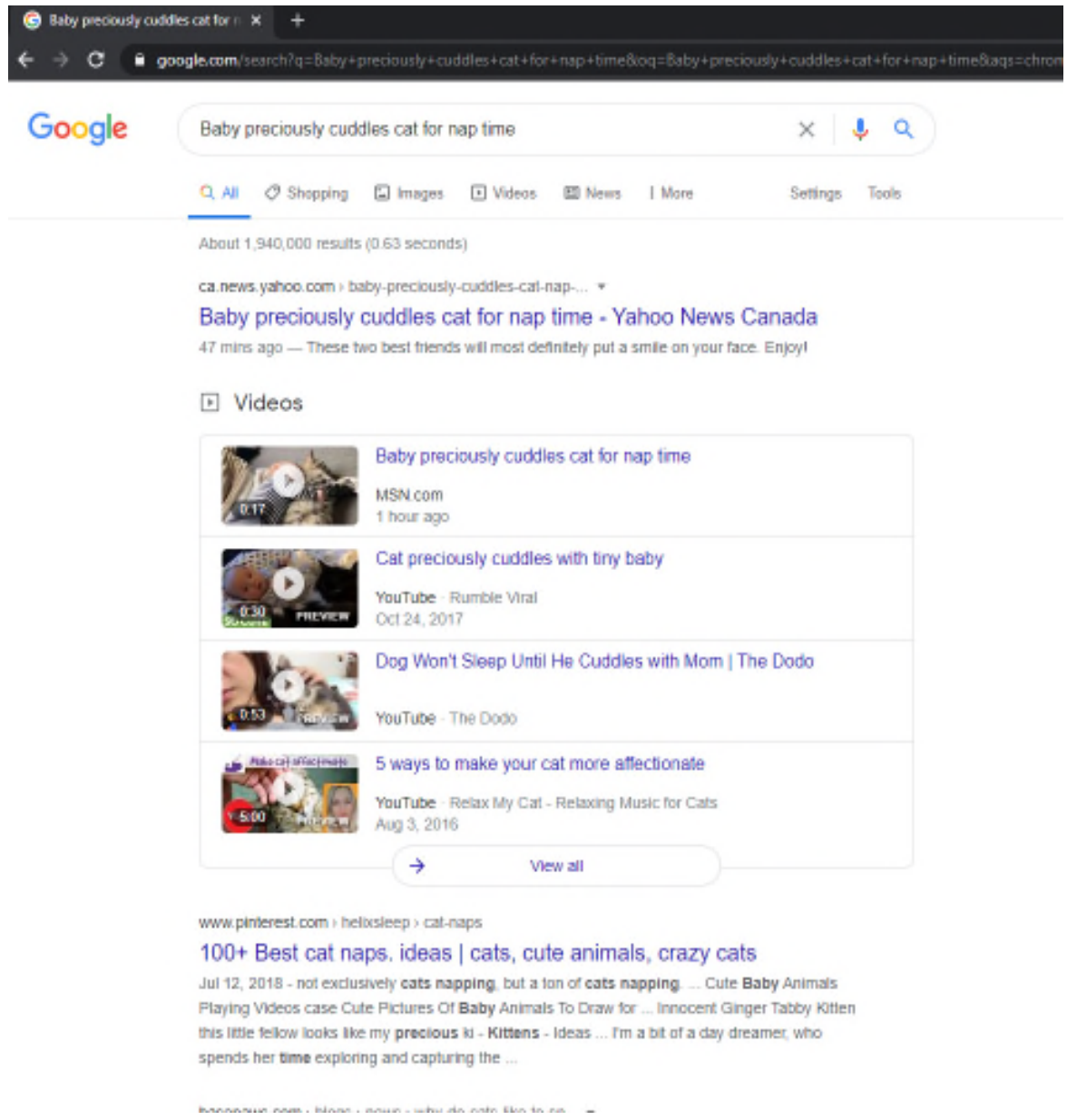


Figure 1

28

1 9. Prior to the search shown in Figure 1, Google was made aware that
2 this “Baby preciously cuddles” video was a Rumble exclusive and original asset by
3 multiple means; for example, no webpages prior to Rumble had duplicate metadata,
4 MSN’s canonical URL pointed to Rumble.com as the original source; Yahoo also
5 references Rumble; there is even a linkback to the Rumble’s URL on the YouTube
6 video; and by an automatic sitemap submission to Google Webmaster Tools.
7 Pursuant to Google’s multiple different publicly stated policies, Rumble should
8 have been elevated in the search results (actually should have been listed first), and
9 even though the search was for the exact title for the video as on Rumble’s
10 platform, the Rumble platform is not even listed at all on the Google search page
11 for this specific video.

12 10. Once the Rumble URL was documented to be indexed in Google
13 according to Webmaster Tools, and both Yahoo and MSN took the lead on the
14 search results, Rumble decided to provide YouTube the video with credit and
15 linkbacks to the Rumble.com website. As shown in Figure 2 below, which is a
16 screen shot of the Google search and search page results for the search on
17 November 24, 2020, about 2 hours after Figure 1 was taken, Google immediately

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