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14 Attorneys for Plaintiff
RUMBLE, INC.

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

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

Case No. 4:21-cv-00229-HSG

**FIRST AMENDED COMPLAINT
FOR DAMAGES AND INJUNCTIVE
RELIEF DUE TO ANTITRUST
VIOLATIONS**

Judge: Hon. Haywood S. Gilliam, Jr.

25
26 For its first amended complaint against defendant Google LLC ("Google" or
27 "Defendant"), plaintiff Rumble, Inc. ("Rumble") alleges as follows:
28

INTRODUCTION

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

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

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

21 4. Google has also engaged in exclusionary conduct by which it has
22 wrongfully achieved and has maintained its dominance and monopoly power in
23 search in the increasingly mobile ecosystem and has also thereby attempted to
24 monopolize and has monopolized the online video platform market. Google's
25 conduct in this regard is similar to a “bait and switch” scheme, whereby Google
26 acquired the Android operating system, and made it “open source,” meaning that it
27 was free for anyone to use. That was the “bait.” Otherwise skeptical
28 manufacturers of smart devices such as mobile phones were lured by that bait, and

1 assuming they could adopt the now-open-source Android operating system for their
2 devices without having to pay a licensing fee, develop their own system, or
3 relinquish control over their own devices, did so, such that all but Apple adopted
4 the Android operating system. This in turn caused independent, third party app
5 developers, who of course wanted their apps to have the largest possible potential
6 consumer pool, to develop their apps to be compatible with the Android system.
7 Google then created apps (such as Google Play, which is an online app superstore)
8 and other functionalities (that will be described in detail below) that became gotta-
9 have items for manufacturers and distributors of smart devices if they wanted to be
10 able to compete in the marketplace. This allowed Google to do what had generally
11 been thought to be impossible – control that which it had given away to all for free
12 (*i.e.*, the basic Android operating system).

13 5. Now came the “switch.” These manufacturers and distributors found
14 themselves in a position that in order to obtain these gotta-have items which could
15 only be obtained from Google, they had to agree to various Google-imposed
16 agreements. For example, one such agreement forced Android-based smartphone
17 manufacturers to include, among others, YouTube as a preinstalled app on their
18 phones (and to give it a preferred location on the phone’s default opening page, and
19 make it undeletable by the user).

20 6. This conduct has damaged and continues to damage Rumble by further
21 self-preferencing YouTube over Rumble (and other platforms, which harms
22 competition generally in the online video platform market, damages Rumble
23 specifically, and harms consumers). Because much of the online searching for
24 videos is now done on smartphones, this further ensures that Google’s YouTube
25 platform receives unfair preferential treatment. Google thus engaged in
26 exclusionary conduct to wrongfully acquire and maintain a monopoly over the
27 online video platform market. Google’s exclusionary conduct has included
28 contractual and other vertical restrictions that limit competitors’ access to, and

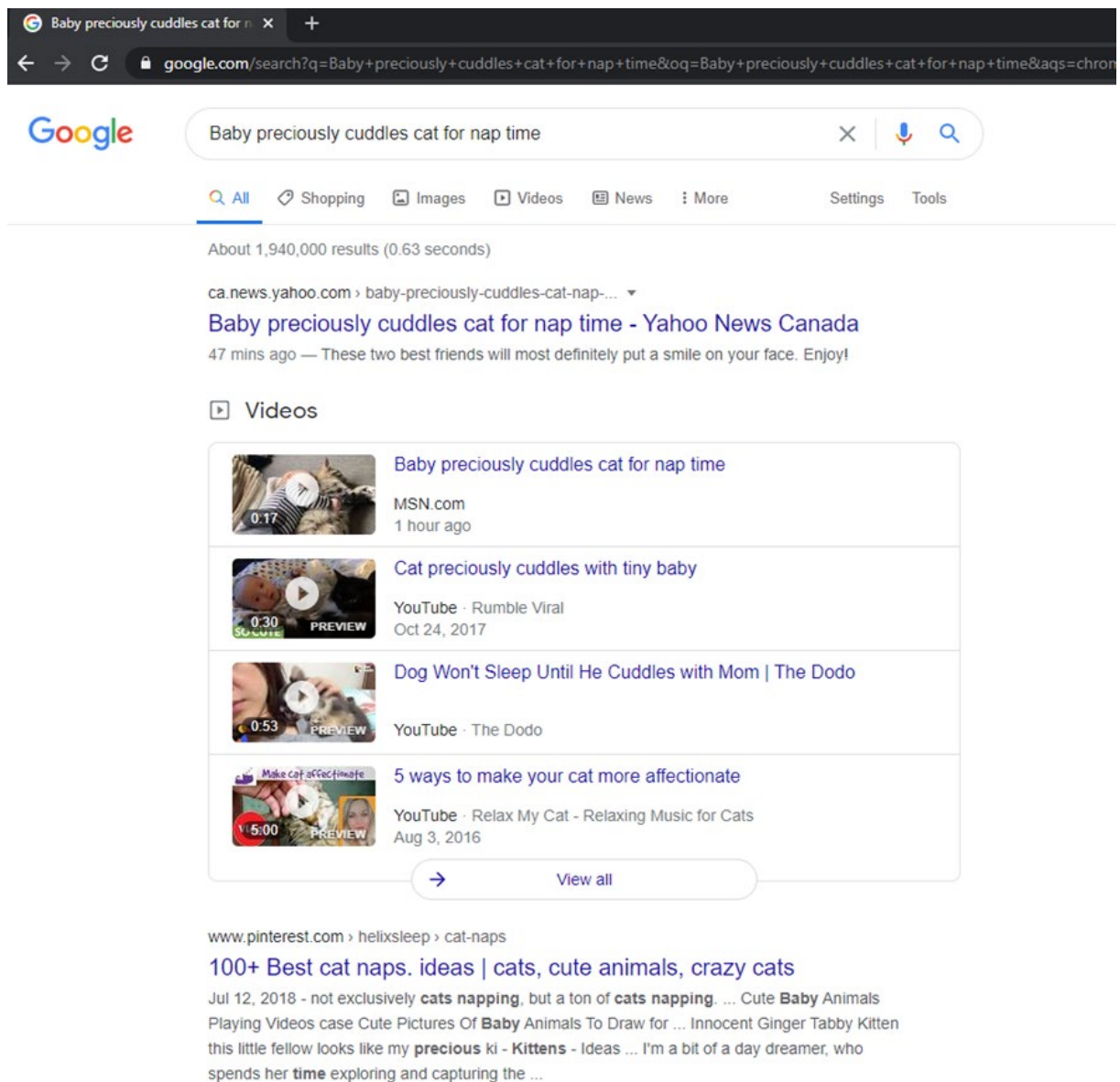
1 ability to compete in, the online video platform market.

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

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

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

1 YouTube, Rumble “handicapped” YouTube by releasing the video to
 2 Google/YouTube last.



23 Figure 1

24 10. Figure 1 depicts the Google search results page for a search for “Baby
 25 preciously cuddles cat for nap time.” This search was made after Rumble released
 26 this video only to MSN and Yahoo, and before Rumble released it to YouTube. As
 27 seen, Yahoo is listed first, followed by MSN and then followed by multiple
 28 miscellaneous unrelated YouTube videos that do not contain, in fact, are not even

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