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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 AGUSTIN CACCURI, ADRIAN
17 CENDEJAS and ALLEN NEUMARK, on
18 behalf of themselves and all others similarly
19 situated,

20 Plaintiffs,

21 v.

22 SONY INTERACTIVE
23 ENTERTAINMENT LLC,
24 Defendant.

25 Case Nos. 21-cv-03361-RS
26 21-cv-03447-RS
27 21-cv-05031-RS

28 **PLAINTIFFS' OPPOSITION TO**
THE MOTION TO DISMISS

Judge: Hon. Richard Seeborg

Date: May 19, 2022

Time: 1:30 PM

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STATEMENT OF ISSUES TO BE DECIDED

Whether the Consolidated Class Action Complaint should be sustained under Federal Rule of Civil Procedure 12(b)(6) since:

- 1. Plaintiffs properly allege monopoly power and/or a dangerous probability of achieving monopoly power in a properly defined relevant antitrust market.
- 2. Plaintiffs properly allege anticompetitive conduct.
- 3. Plaintiffs properly allege anticompetitive effects and/or antitrust injury.
- 4. Defendant contends in its Statement Of Issues To Be Decided that “Plaintiffs have failed to allege facts supporting a claim for unjust enrichment.” Sony’s brief does not address that issue. The issue, as briefed, is whether Plaintiffs properly allege a claim under California Unfair Competition Law § 17200 *et seq.*

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