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17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **IN RE GOOGLE PLAY CONSUMER**
21 **ANTITRUST LITIGATION**

22 RELATED ACTIONS:

23 *Epic Games Inc. v. Google LLC et al.*,
24 Case No. 3:20-cv-05671-JD

25 *In re Google Play Developer Antitrust*
26 *Litigation*, Case No. 3:20-cv-05792-JD

27 *State of Utah, et al., v. Google LLC, et al.*,
28 Case No. 3:21-cv-05227-JD

Match Group, LLC, et al. v. Google LLC, et
al., Case No. 3:22-cv-02746-JD

No. 3:20-CV-05761-JD

CONSUMER PLAINTIFFS' REPLY
IN SUPPORT OF THEIR MOTION
FOR CLASS CERTIFICATION

Hearing Date: August 4, 2022
Hearing Time: 10:00 a.m.
Courtroom: Courtroom 11, 19th Floor
Judge: The Honorable James Donato

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INTRODUCTION

1
2 In its opposition, Google derides consumers for spending the “bulk of their motion ... at-
3 tacking Google’s business practices.” Dkt. 300 (“Opp.”) at 1. But Google’s monopolistic conduct
4 demonstrates the enormous amount of common evidence of wrongdoing that would predominate
5 over any individualized issues at trial. The conduct at issue includes predation, an array of exclu-
6 sionary contracts, and numerous bribes and threats aimed at potential competitors. A trial on
7 Google’s anticompetitive schemes will require the presentation of voluminous common evidence,
8 which will plainly predominate over any individualized issues.

9 Committing the very transgression Google falsely accuses consumers of, Google’s oppo-
10 sition focuses on arguments about the merits of the case, including its criticisms of Dr. Singer’s
11 substantive analysis, that are inappropriate at the class certification stage. Those arguments also
12 fail on the merits for the same reason they fail in the *Daubert* context.

13 The main thrust of Google’s opposition—that pass-through is “not susceptible to general-
14 ized class-wide proof”—is foreclosed by the Ninth Circuit’s recent decision in *Olean Wholesale*
15 *Grocery Cooperative, Inc. v. Bumble Bee Foods, LLC*, 31 F.4th 651 (2022) (en banc). Google
16 argues that [REDACTED] (based on its own economist’s analysis), and therefore
17 must be proven with individualized evidence. Opp. at 15. Google’s economist is free to take this
18 position—one that Plaintiffs will prove is fundamentally flawed—but it cannot outweigh Dr.
19 Singer’s reliable methodology assessing classwide damages. Instead, Google merely argues that
20 “plaintiffs’ evidence relating to the common question ... [is] unpersuasive and unlikely to suc-
21 ceed.” *Olean*, 31 F.4th at 667. Plaintiffs can prove their case with common evidence, and certifi-
22 cation is warranted. It will be up to the jury to decide whether the evidence is persuasive. *Id.*

23 Google is also wrong that its monopolization has benefitted some consumers. Google ar-
24 gues that competition would harm consumers by forcing it to [REDACTED] or to reduce
25 security. Speculation that Google might begin [REDACTED] for the first time
26 in its history—causing some class members to pay *more* under competitive conditions—is no rea-
27 son to deny class certification. There is no reason or economic rationale to suggest competition
28 would lead Google to make its product worse, and acceptance of its argument would allow any

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