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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**
14

15 RUMBLE, INC.,

16 Plaintiff,

17 v.

18 GOOGLE LLC and DOES 1-10, inclusive,

19 Defendants.

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

21 **DEFENDANT GOOGLE LLC'S ANSWER**
22 **AND AFFIRMATIVE DEFENSES TO**
23 **RUMBLE'S FIRST AMENDED**
24 **COMPLAINT**

25 Judge: Hon. Haywood S. Gilliam, Jr.
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1 Defendant Google LLC (“Google” or “Defendant”), through its undersigned counsel,
2 answers the First Amended Complaint (Dkt. No. 21) of Rumble, Inc. (“Rumble” or “Plaintiff”), as
3 set forth below using the paragraph numbers of the allegations asserted in Rumble’s First Amended
4 Complaint.

5 **RESPONSE TO NUMBERED PARAGRAPHS**

6 The section headings in the First Amended Complaint do not require a response. To the
7 extent that the section headings contain allegations requiring a response, Google denies all such
8 allegations.

9 1. Google admits that Rumble purports to bring an action under Section 2 of the Sherman
10 Act (15 U.S.C. § 2), and Sections 4 and 15 of the Clayton Act (15 U.S.C. §§ 4 and 15), but denies
11 that Rumble is entitled to any of the relief that it seeks and denies any other allegations in this
12 paragraph.

13 2. Google denies the allegations in Paragraph 2 of the First Amended Complaint.

14 3. Google denies the allegations in Paragraph 3 of the First Amended Complaint.

15 4. Google denies the allegations in the first, third, and seventh sentences of Paragraph 4
16 of the First Amended Complaint. As to the allegations in the second sentence of Paragraph 4 of the
17 First Amended Complaint, Google admits that it acquired the Android operating system and that
18 Android is an operating system that Google licenses open-source with an Apache license, but Google
19 denies the remaining allegations in this sentence. As to the allegations in the fourth sentence of
20 Paragraph 4 of the First Amended Complaint, Google admits that certain manufacturers of smart
21 devices have used the Android operating system for such devices without paying any licensing fee,
22 developing their own operating system, or handing over control over their devices, but lacks
23 sufficient information regarding the remaining allegations of this sentence to form a belief as to their
24 truth or falsity and denies them on that basis. As to the allegations in the fifth sentence of Paragraph
25 4 of the First Amended Complaint, Google admits that independent, third-party app developers have
26 developed apps that are compatible with the Android operating system, but lacks sufficient
27 information regarding the remaining allegations of this sentence and denies them on that basis. As
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1 to the allegations in the sixth sentence of Paragraph 4 of the First Amended Complaint, Google admits
2 that Google created the Google Play app, which allows users to download other apps, but denies the
3 remaining allegations in this sentence.

4 5. Google denies the allegations in the first and third sentences of Paragraph 5 of the
5 First Amended Complaint. As to the allegations in the second sentence of this paragraph, Google
6 admits that it uses agreements to license its proprietary apps to manufacturers and distributors of
7 smart devices, but denies the remaining allegations in this sentence.

8 6. Google denies the allegations in the first, third, and fourth sentences of Paragraph 6
9 of the First Amended Complaint. As to the allegations in the second sentence of this paragraph,
10 Google admits that online searching for videos is done on smartphones, but denies the remaining
11 allegations in this sentence.

12 7. Google denies the allegations in the third sentence of Paragraph 7 of the First
13 Amended Complaint. As to the first sentence of this paragraph, Google lacks sufficient information
14 regarding the allegations in this sentence to form a belief as to their truth or falsity and denies them
15 on that basis. As to the second sentence of this paragraph, Google denies that Rumble’s “search
16 traffic has been diverted to YouTube through Google’s wrongful conduct,” but lacks sufficient
17 information regarding the other allegations in this sentence to form a belief as to their truth or falsity
18 and denies them on that basis.

19 8. Google denies the allegations in the second sentence of Paragraph 8 of the First
20 Amended Complaint. As to the first sentence of Paragraph 8 of the First Amended Complaint,
21 Google admits that Rumble has uploaded videos to YouTube and that those videos have generated
22 views, Google denies that Rumble has suffered any damages proximately caused by Google’s
23 conduct or that Google’s conduct was or is “unlawful,” and Google lacks sufficient information
24 regarding the remaining allegations in this sentence to form a belief as to their truth or falsity and
25 denies them on that basis.

26 9. Google denies the allegations in the first sentence of Paragraph 9 of the First Amended
27 Complaint. As to the second, third, fourth, and fifth sentence of this paragraph, and excerpted image
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1 in Figure 1, Google admits that these sentences and Figure purport to describe and excerpt Google
2 search results for the query “Baby preciously cuddles cat for nap time” but lacks sufficient
3 information regarding the remaining allegations of these sentences and Figure to form a belief as to
4 their truth or falsity and denies them on that basis. As to the sixth sentence of this paragraph, Google
5 denies any allegation that Google search algorithms are “rigged” or Google “manipulate[es] the
6 search results” “to give unfair preference to YouTube,” but lacks sufficient information regarding
7 the remaining allegations of this sentence and denies them on that basis.

8 10. Google admits that this paragraph and Figure 1 purport to describe Google search
9 results for the query “Baby preciously cuddles cat for nap time.” Google denies that the purported
10 results for the Google search in this Figure list “dated and unrelated YouTube videos” or
11 “miscellaneous unrelated YouTube videos that do not contain, in fact, are not even close to, the
12 searched-for title, and are quite dated.” Google lacks sufficient information regarding the remaining
13 allegations in this paragraph to form a belief as to their truth or falsity and denies them on that basis.

14 11. As to the first sentence of Paragraph 11 of the First Amended Complaint, Google
15 admits that Rumble made sitemap submissions to Google Search Console in May 2019, but denies
16 that it had knowledge that the referenced video “was a Rumble exclusive and original asset.” Google
17 lacks sufficient information regarding the remaining allegations in the first sentence of this paragraph
18 to form a belief as to their truth or falsity and denies them on that basis. As to the second sentence
19 in this paragraph, Google denies that “[p]ursuant to Google’s publicly stated policies, Rumble should
20 have been elevated in the search results (actually should have been listed first),” Google admits that
21 Figure 1, which purports to excerpt Google search results for the query “Baby preciously cuddles cat
22 for nap time,” does not on its face refer to a Rumble website, and Google lacks sufficient information
23 regarding the remaining allegations in this sentence to form a belief as to their truth or falsity and
24 denies them on that basis.

25 12. Google admits that Paragraph 12 and Figure 2 of the First Amended Complaint
26 purport to describe and excerpt Google search results for the query “Baby preciously cuddles cat for
27 nap time,” and that Figure 2 does not on its face refer to a Rumble website. Google denies that the
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1 purported Google search results depicted in Figure 2 list “a very different and very dated YouTube
2 video with [a] dissimilar title” in response to the purported query. Google lacks sufficient knowledge
3 regarding the remaining allegations in this paragraph to form a belief as to their truth or falsity and
4 denies them on that basis.

5 13. Google admits that Figure 2 purports to excerpt Google search results for the query
6 “Baby preciously cuddles cat for nap time,” and that Figure 2 does not on its face refer to a Rumble
7 website. Google denies that Figure 2 or any other allegations from Rumble “evidenc[e] Google’s
8 self-preference of YouTube over competitors.” Google denies that as of November 24, 2020 it had
9 knowledge that Rumble was the alleged “original source” of a video titled “Baby preciously cuddles
10 cat for nap time.” Google lacks sufficient knowledge regarding the remaining allegations in this
11 paragraph to form a belief as to their truth or falsity and denies them on that basis.

12 14. Google lacks sufficient knowledge regarding the allegations in Paragraph 14 of the
13 First Amended Complaint to form a belief as to their truth or falsity and denies them on that basis.

14 15. Google lacks sufficient knowledge regarding the allegations in Paragraph 15 of the
15 First Amended Complaint to form a belief as to their truth or falsity and denies them on that basis.

16 16. Google admits that Rumble has uploaded videos to YouTube and that, through
17 September 2020, videos associated with the Client ID linked to Rumble generated approximately 9.2
18 billion views on YouTube.

19 17. The first sentence of Paragraph 17 of the First Amended Complaint contains a
20 normative statement not subject to admission or denial; to the extent this sentence contains any
21 factual allegations requiring a response, Google denies them. As to the second and third sentences
22 of this paragraph, Google lacks sufficient knowledge regarding the allegations in those sentences to
23 form a belief as to their truth or falsity and denies them on that basis.

24 18. Google lacks sufficient knowledge regarding the allegations in Paragraph 18 of the
25 First Amended Complaint to form a belief as to their truth or falsity and denies them on that basis.

26 19. Google lacks sufficient knowledge regarding the allegations in Paragraph 19 of the
27 First Amended Complaint to form a belief as to their truth or falsity and denies them on that basis.

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