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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

15 JOHN COFFEE, MEI-LING MONTANEZ,
and S.M., a minor by MEI-LING
16 MONTANEZ, S.M.'s parent and guardian, on
behalf of themselves and all others similarly
17 situated,

18 Plaintiffs,

19 v.

20 GOOGLE LLC,

21 Defendant.
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Case No. 5:20-cv-03901-BLF

**PLAINTIFFS' PROFFER RE: MOTION TO
DISMISS FIRST AMENDED CLASS
ACTION COMPLAINT**

CLASS ACTION

District Judge Beth Labson Freeman
Courtroom 3, 5th Floor, San Jose

Complaint Filed: June 12, 2020
Trial Date: Not Set

JURY TRIAL DEMANDED

1 On October 19, 2021, the Court held oral argument regarding Defendant's Motion to Dismiss
 2 Plaintiffs' First Amended Complaint. *See* ECF No. 76. The Court inquired whether Plaintiffs
 3 purchased loot boxes directly from Google with money or bought virtual currency from Google with
 4 money, and then purchased loot boxes with the virtual currency in a two-step transaction. Following
 5 up on this factual issue after the hearing Plaintiffs' counsel confirmed that Plaintiff John Coffee
 6 purchased loot boxes directly from Google with fiat money on at least 11 occasions.

7 Attached as **Exhibit A** is a copy of Plaintiff Coffee's Google Play Store order history. The
 8 order history reflects purchases by Mr. Coffee from during the proposed class and indicates that he
 9 made the following purchases from Google with fiat money:

10	Mobile App Game	Item Description	Date	Purchase Amount
11	Puzzles and Dragons	2 Magic Stones & Egg Set E	March 27, 2019	\$1.99
12	Puzzles and Dragons	Special One-Time Bargain Set A	August 4, 2018	\$4.99
13	Clash Royale	Electro Valley Arena Pack	December 12, 2017	\$9.99
14	Clash Royale	Arena 9 Starter Pack	April 30, 2017	\$9.99
15	Clash Royale	Jungle Arena Pack	March 9, 2017	\$9.99
16	Clash Royale	Barbarian Bowl Arena Pack	February 25, 2017	\$0.99
17	Clash Royale	Spell Valley Arena Pack	February 15, 2017	\$4.99
18	Clash Royale	P.E.K.K.A.'s Playground Arena Pack	January 31, 2017	\$0.99
19	Clash Royale	Arena 8 Starter Pack	January 30, 2017	\$9.99
20	Clash Royale	Arena 7 Starter Pack	January 24, 2017	\$9.99
21	Clash Royale	Arena 6 Starter Pack	January 23, 2017	\$4.99

22 The order history shows Mr. Coffee purchased loot boxes directly with fiat money in
 23 connection with the following games:

24 a. Puzzles and Dragons: The "Egg Machine" is the name of a loot box in Puzzles and
 25 Dragons. The "Special One-Time Bargain Set A" that Mr. Coffee purchased included one play on
 26 an Egg Machine loot box. *See* <https://www.puzzleanddragons.us/single-post/2019/10/18/special-one-time-bargain-set-reset>. The "2 Magic Stones & Egg Set E" that Mr. Coffee purchased from
 27 Google also included one play on an Egg Machine loot box. *See*
 28 <https://www.puzzleanddragons.us/single-post/2020/10/08/deadly-sin-dragons-key-heroes>.

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EXHIBIT A

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