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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

17
18 EPIC GAMES, INC., a Maryland
19 Corporation,

20 Plaintiff,

Case No. _____

21 v.

22 GOOGLE LLC; GOOGLE IRELAND
23 LIMITED; GOOGLE COMMERCE
24 LIMITED; GOOGLE ASIA PACIFIC
25 PTE. LIMITED; and GOOGLE
PAYMENT CORP.,

26 Defendants.

**COMPLAINT FOR
INJUNCTIVE RELIEF**

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1 Plaintiff Epic Games, Inc. (“Epic”), by its undersigned counsel, alleges,
2 with knowledge with respect to its own acts and on information and belief as to other
3 matters, as follows:

4 **PRELIMINARY STATEMENT**

5 1. In 1998, Google was founded as an exciting young company with a
6 unique motto: “Don’t Be Evil”. Google’s Code of Conduct explained that this
7 admonishment was about “how we serve our users” and “much more than that . . . it’s
8 also about doing the right thing more generally”.¹ Twenty-two years later, Google has
9 relegated its motto to nearly an afterthought, and is using its size to do evil upon
10 competitors, innovators, customers, and users in a slew of markets it has grown to
11 monopolize. This case is about doing the right thing in one important area, the Android
12 mobile ecosystem, where Google unlawfully maintains monopolies in multiple related
13 markets, denying consumers the freedom to enjoy their mobile devices—freedom that
14 Google always promised Android users would have.

15 2. Google acquired the Android mobile operating system more than a
16 decade ago, promising repeatedly over time that Android would be the basis for an
17 “open” ecosystem in which industry participants could freely innovate and compete
18 without unnecessary restrictions.² Google’s CEO, Sundar Pichai, represented in 2014
19
20
21

22 ¹ Kate Conger, *Google Removes ‘Don’t Be Evil’ Clause from Its Code of Conduct*, Gizmodo
23 (May 18, 2018), <https://gizmodo.com/google-removes-nearly-all-mentions-of-dont-be-evil-from-1826153393>.

24 ² Google Blog, News and notes from Android team, *The Benefits & Importance of Compatibility*,
25 (Sept. 14, 2012), <https://android.googleblog.com/2012/09/the-benefits-importance-of-compatibility.html> (“We built Android to be an open source mobile platform freely available to anyone
26 wishing to use it This openness allows device manufacturers to customize Android and enable
27 new user experiences, driving innovation and consumer choice.”); Stuart Dredge, *Google’s Sundar
28 Pichai on wearable tech: ‘We’re just scratching the surface’*, *The Guardian* (Mar. 9, 2014),
<https://www.theguardian.com/technology/2014/mar/09/google-sundar-pichai-android-chrome-sxsw>
27 (“Android is one of the most open systems that I’ve ever seen”); Andy Rubin, *Andy Rubin’s Email to
28 Android Partners*, *The Wall Street Journal* (Mar. 13, 2013), *available at*
<https://blogs.wsj.com/digits/2013/03/13/andy-rubins-email-to-android-partners/?mod=WSJBlog> (“At

1 that Android “is one of the most open systems that I’ve ever seen”.³ And Andy Rubin,
2 an Android founder who is described by some as the “Father of Android”, said when he
3 departed Google in 2013 that “at its core, Android has always been about openness”.⁴
4 Since then, Google has deliberately and systematically closed the Android ecosystem to
5 competition, breaking the promises it made. Google’s anti-competitive conduct has
6 now been condemned by regulators the world over.

7 3. Epic brings claims under Sections 1 and 2 of the Sherman Act and
8 under California law to end Google’s unlawful monopolization and anti-competitive
9 restraints in two separate markets: (1) the market for the distribution of mobile apps to
10 Android users and (2) the market for processing payments for digital content within
11 Android mobile apps. Epic seeks to end Google’s unfair, monopolistic and anti-
12 competitive actions in each of these markets, which harm device makers, app
13 developers, app distributors, payment processors, and consumers.

14 4. **Epic does not seek monetary compensation from this Court for**
15 **the injuries it has suffered.** Epic likewise does not seek a side deal or favorable
16 treatment from Google for itself. Instead, Epic seeks injunctive relief that would deliver
17 Google’s broken promise: an open, competitive Android ecosystem for all users and
18 industry participants. Such injunctive relief is sorely needed.

19 5. Google has eliminated competition in the distribution of Android
20 apps using myriad contractual and technical barriers. Google’s actions force app
21 developers and consumers into Google’s own monopolized “app store”—the Google
22 Play Store. Google has thus installed itself as an unavoidable middleman for app
23 developers who wish to reach Android users and vice versa. Google uses this monopoly
24 power to impose a tax that siphons monopoly profits for itself every time an app
25

26 ³ Stuart Dredge, *Google’s Sundar Pichai on wearable tech: ‘We’re just scratching the surface’*, The
27 Guardian (Mar. 9, 2014), <https://www.theguardian.com/technology/2014/mar/09/google-sundar-pichai-android-chrome-sxsw>.

28 ⁴ Andy Rubin, *Andy Rubin’s Email to Android Partners*, The Wall Street Journal (Mar. 13, 2013),
available at <https://blogs.wsj.com/digits/2013/03/13/andy-rubins-email-to-android->

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