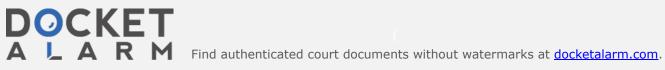
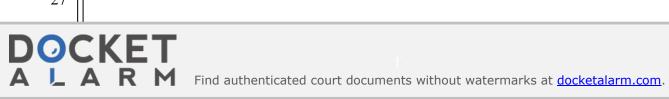
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18		I			
	DIANNE BENTLEY, JENNIFER GRACE,				
19	ADAN MOYA, CORESA TRIMBLE, and	CASE NO			
20	ROBERT WING, on behalf of themselves and all others similarly situated,				
21	,	CLASS ACTION COMPLAINT			
22	Plaintiffs,				
23	V.	DEMAND FOR JURY TRIAL			
	GOOGLE LLC, GOOGLE IRELAND				
24	LIMITED, GOOGLE COMMERCE LIMITED, GOOGLE ASIA PACIFIC PTE. LIMITED, and				
25	GOOGLE PAYMENT CORP.,				
26	Defendants.				
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Plaintiffs Dianne Bentley, Jennifer Grace, Adan Moya, Coresa Trimble, and Robert Wing (collectively, "Plaintiffs"), on behalf of themselves and all others similarly situated, bring this class action against Defendants Google LLC, Google Ireland Ltd., Google Commerce Ltd., Google Asia Pacific Pte. Ltd., and Google Payment Corp. (collectively, "Google"), and allege the following based upon information and belief, except as to those allegations that are based on Plaintiffs' personal knowledge.

### I. <u>INTRODUCTION</u>

1. This is an antitrust class action arising out of Google's unlawful conduct concerning the Google Play Store, Google's store for the distribution and sale of billions of applications ("apps") and in-app purchases running on Android smartphones and other mobile devices utilizing the Android operating system. Through its acquisition and maintenance of an unlawful monopoly, and its anticompetitive contractual restrictions imposed on app developers, Google has forced consumers to pay supra-competitive prices for apps and in-app purchases on the Google Play Store. Although Google has publicly acknowledged "that developers should have a choice in how they distribute their apps and that stores should compete for the consumer's and the developer's business," its unlawful conduct has prevented such choices and foreclosed competition, to the enormous detriment of consumers throughout the United States. By this action, Plaintiffs, on behalf of themselves and other consumers, seek monetary damages for injuries sustained from Google's unlawful conduct, and injunctive relief enjoining Google from continuing its anticompetitive conduct.

# II. <u>JURISDICTION AND VENUE</u>

2. This Court has subject-matter jurisdiction over Plaintiffs' federal antitrust claims pursuant to the Clayton Antitrust Act, 15 U.S.C. § 26, and 28 U.S.C. §§ 1331 and 1337. The Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.



Sameer Samat, Listening to Developer Feedback to Improve Google Play, ANDROID DEVELOPERS

- 3. This Court also has subject-matter jurisdiction over the state law claims pursuant to 28 U.S.C. § 1332 based on the diversity of citizenship of the Plaintiffs and of Defendants, and the amount in controversy exceeds \$75,000.
- 4. Alternatively, this Court has subject-matter jurisdiction over the state law claims pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2). The amount-in-controversy, exclusive of costs and interests, exceeds the sum of \$5,000,000, in the aggregate, there are well over 100 members of the proposed Class, and a Plaintiff and a Defendant are citizens of different states. Plaintiff Grace is a citizen of Pennsylvania and Defendants Google LLC and Google Payment are citizens of California, where they maintain their principal places of business.
- 5. This Court has personal jurisdiction over the Defendants. Google LLC and Google Payment are headquartered in this District. All Defendants have engaged in sufficient minimum contacts with the United States and have purposefully availed themselves of the benefits and protections of United States and California law, such that the exercise of jurisdiction over them would comport with due process requirements.
- 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Google LLC and Google Payment maintain their principal places of business in the State of California and in this District, because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District, and because, pursuant to 28 U.S.C. § 1391(c)(3), any Defendants not resident in the United States may be sued in any judicial district and their joinder with others shall be disregarded in determining proper venue. In the alternative, personal jurisdiction and venue also may be deemed proper under Section 12 of the Clayton Antitrust Act, 15 U.S.C. § 22, because Defendants may be found in or transact business in this District.

## III. <u>INTRA-DISTRICT ASSIGNMENT</u>

7. Pursuant to N.D. Cal. Civil Local Rule 3.2 and General Order 44, this antitrust class action shall not be assigned to a particular Division of this District but shall be assigned on a District-wide basis.

# IV. <u>PARTIES</u>

- 8. Plaintiff Dianne Bentley is an individual residing in North Carolina who purchased an application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.
- 9. Plaintiff Jennifer Grace is an individual residing in Pennsylvania who purchased an application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.
- 10. Plaintiff Adan Moya is an individual residing in Colorado who purchased an application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.
- 11. Plaintiff Coresa Trimble is an individual residing in Missouri who purchased an application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.
- 12. Plaintiff Robert Wing is an individual residing in Florida who purchased an application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.
- 13. Defendant Google LLC is a Delaware limited liability company with its principal place of business in Mountain View, California. Google LLC is the primary operating subsidiary of the publicly traded holding company Alphabet Inc. The sole member of Google LLC is XXVI Holdings, Inc., a Delaware corporation with its principal place of business in Mountain View, California. Google LLC contracts with all app developers that distribute their apps through the Google Play Store and is therefore a party to the anticompetitive contractual restrictions at issue in this suit.
- 14. Defendant Google Ireland Limited ("Google Ireland") is a limited company organized under the laws of Ireland with its principal place of business in Dublin, Ireland, and is a subsidiary of Google LLC. Google Ireland contracts with all app developers that distribute their apps through the Google Play Store and is therefore a party to the anticompetitive contractual restrictions at issue in this suit.



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