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

15 FRANCES LONG, on behalf of herself and
all others similarly situated,
16
Plaintiff,
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v.
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GOOGLE, LLC and GOOGLE
19 PAYMENT CORP.,
20
Defendants.

CASE NO.
CLASS ACTION COMPLAINT
DEMAND FOR JURY TRIAL

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1 Plaintiff Frances Long (“Plaintiff”), on behalf of herself and all other persons similarly
2 situated, and through her attorneys of record, alleges the following against Defendants Google,
3 LLC (“Google LLC”) and Google Payment Corp. (“GPC”) (together, “Google” or “Defendants”),
4 based upon personal knowledge with respect to herself, on information and belief derived from
5 investigation of counsel, and review of public documents as to all other matters.

6 **INTRODUCTION**

7 1. This is a class action arising from Google’s profiting from illegal gambling games
8 developed by DoubleU Games Co., Ltd. (“DoubleU Games”) and offered, sold, and distributed by
9 Google through its Google Play Store (“Google Play”) for consumers to download and play.
10 Google offers, sells, and distributes casino-style slot machines, casino-style table games, and other
11 common gambling games to consumers through Google Play, which, for the reasons set forth
12 herein, constitutes illegal gambling pursuant to the law of various states.

13 **PARTIES**

14 2. Plaintiff Frances Long is an adult citizen and resident of the state of Missouri.

15 3. Google LLC is a Delaware limited liability company with its principal place of
16 business in Mountain View, California. Google LLC is the primary operating subsidiary of the
17 publicly traded holding company, Alphabet Inc.

18 4. GPC is a Delaware corporation with its principal place of business in Mountain
19 View, California. GPC provides in-app payment processing services to Android app developers
20 and consumers through Google Play. Google requires app developers who distribute their apps on
21 Google Play to use its billing system if they offer in-app purchases of digital goods, and to pay a
22 service fee from a percentage of the purchase, as explained in detail below.¹

23 **JURISDICTION AND VENUE**

24 5. This Court has subject matter jurisdiction pursuant to the Class Action Fairness Act
25 of 2005 (“CAFA”), 28 U.S.C. § 1332(d). The amount in controversy exceeds the sum of
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27 ¹ See <https://android-developers.googleblog.com/2020/09/listening-to-developer-feedback-to.html>
28 [to.html](https://android-developers.googleblog.com/2020/09/listening-to-developer-feedback-to.html) (last visited March 2, 2021).

1 \$5,000,000 exclusive of interest and costs, there are more than 100 putative class members, and
2 minimal diversity exists because putative class members are citizens of a different state than
3 Defendant.

4 6. This Court has personal jurisdiction over Defendants Google LLC and GPC
5 because they are authorized to and regularly conduct business in California and their principal
6 place of business is in California.

7 7. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because Defendants
8 Google LLC and GPC reside in this District and a substantial part of the events or omissions giving
9 rise to Plaintiff's claims occurred in this District.

10 **FACTUAL ALLEGATIONS**

11 8. Google is an American multinational technology company that specializes in
12 Internet-related services and products, which include online advertising technologies, a search
13 engine, cloud computing, software, and hardware. It is considered one of the Big Five companies
14 in the U.S. information technology industry, alongside Amazon, Facebook, Apple, and Microsoft.²
15 As per its 2019 Annual Report, Google generates most of its revenues from advertising. This
16 includes sales of apps, in-app purchases, digital content products, and hardware; and licensing and
17 service fees.³

18 9. Google operates Google Play, which is a digital distribution service that serves as
19 the official app store for certified devices running on the Android operating system ("Android"),
20 allowing consumers to browse and download applications developed with the Android software
21 development kit and published through Google ("Apps"), among other things.⁴

22 10. Google Play presents consumers with personalized collections of Apps and games,
23 based on criteria such as the user's past activity, actions they are trying to complete, location, and
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26 ² See <https://en.wikipedia.org/wiki/Google> (last visited January 28, 2021).

27 ³ See <https://www.sec.gov/Archives/edgar/data/1652044/000165204419000004/goog10-kq42018.htm> (last visited January 28, 2021).

28 ⁴ See https://en.wikipedia.org/wiki/Google_Play (last visited January 28, 2021).

1 major events. These collections are curated automatically as well as by the Google Play editorial
2 team.⁵

3 11. By 2017, Google Play featured more than 3.5 million Apps. Google subsequently
4 purged many Apps from Google Play, but the number of Apps has risen back to over 3 million.⁶

5 12. Apps are available through Google Play either free of charge or at a cost. They can
6 be downloaded directly on an Android device through the proprietary Google Play mobile app or
7 by deploying the App to a device from the Google Play website.⁷

8 13. Certain Apps are initially free to download (*i.e.*, “free-to-play”), but offer additional
9 content or services for sale within the App, otherwise known as “in-app purchases,” that consumers
10 can purchase while using the App.⁸

11 14. Android consumers who want to purchase an App or make in-app purchases
12 through Google Play must pay money directly to Google (through GPC), which provides the
13 payment interface.⁹ Google consumers must register a valid method of payment to make payments
14 to GPC for any purchases made through Google Play (including in-app purchases).¹⁰

15 15. Likewise, Google mandates that App developers who distribute their Apps on
16 Google Play must use Google Play’s billing system as the method of payment if they offer in-app
17 purchases of digital goods, and to pay a service fee from a percentage of the purchase.¹¹ Google
18 is contractually obligated to these App developers to facilitate a transaction between the developers
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22 ⁵ See <https://developer.android.com/distribute/google-play> (last visited January 28, 2021).

23 ⁶ See https://en.wikipedia.org/wiki/Google_Play (last visited January 28, 2021).

24 ⁷ *Id.*

25 ⁸ See <https://support.google.com/googleplay/answer/1061913?hl=en> (last visited January 28,
2021).

26 ⁹ See <https://play.google.com/about/play-terms/index.html> (last visited January 28, 2021).

27 ¹⁰ See [https://payments.google.com/payments/apis-
secure/get_legal_document?ldo=0&ldt=buyertos&ldr=us](https://payments.google.com/payments/apis-secure/get_legal_document?ldo=0&ldt=buyertos&ldr=us) (last visited January 28, 2021).

28 ¹¹ See [https://android-developers.googleblog.com/2020/09/listening-to-developer-feedback-
to.html](https://android-developers.googleblog.com/2020/09/listening-to-developer-feedback-to.html) (last visited January 28, 2021); [https://support.google.com/googleplay/android-
developer/answer/9858738?hl=en](https://support.google.com/googleplay/android-developer/answer/9858738?hl=en) (last visited January 28, 2021).

1 and end users, for which it earns a commission.¹² Specifically, Google retains a service fee from
2 sales of Apps and in-app purchases offered through Google Play equivalent to 30% of the payment.
3 The developer, here, DoubleU Games, receives 70% of the payment.¹³

4 16. The Apps referenced herein could not be downloaded by Google consumers, and
5 Google consumers would not be able to make in-app purchases in these Apps, without Google's
6 offering and distributing of the Apps (and selling of coins through in-app purchases) through
7 Google Play.

8 17. Google also provides marketing guidance, tools, promotional offers, and more to
9 help drive discovery of Apps and in-app purchases.¹⁴ For example, Google offers App Campaigns
10 to promote Apps through Google Play and ensure that developers' Apps are shown to consumers
11 who are most likely to drive the Apps' business by optimizing installations and engagement.¹⁵

12 18. In fact, Google even advises developers that it may "run promotional activities
13 offering coupons, credits, and/or other promotional incentives for paid transactions and/or user
14 actions for Your Products and in-app transactions solely in connection with Google Play
15 promotions and, for gift card promotions, also on Google authorized third-party channels."¹⁶
16 Notably, these promotional activities, which are aimed at increasing in-app purchases and increase
17 Google's profits, are provided by Google to developers free of charge.¹⁷

18 19. Google and DoubleU Games are both responsible for the creation or development
19 of the Apps at issue here. Google reassures its developers that they will work together as a team:

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24 ¹² See <https://www.sec.gov/Archives/edgar/data/1652044/000165204419000004/goog10-kq42018.htm> (last visited January 28, 2021).

25 ¹³ See <https://support.google.com/googleplay/android-developer/answer/112622?hl=en> (last visited January 28, 2021).

26 ¹⁴ See <https://ads.google.com/home/campaigns/app-ads/> (last accessed February 10, 2021).

27 ¹⁵ See *id.*

28 ¹⁶ <https://play.google.com/about/developer-distribution-agreement.html> (last visited February 10, 2021).

¹⁷ See *id.*

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