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

MATTHEW PRICE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

APPLE, INC., a California corporation,

Defendant.

Case No.:

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiff, Matthew Price, by and through his undersigned counsel, Shub Law Firm LLC,  
2 Frederick Law Group, PLLC, and Timoney Knox, LLP, on behalf of himself and all others  
3 similarly situated, brings this Class Action Complaint against Apple, Inc. (hereinafter “Apple” or  
4 “Defendant”), and alleges as follows upon personal knowledge as to himself and his own acts and  
5 experiences and, as to all other matters, alleges, upon information and belief based upon, *inter*  
6 *alia*, investigations conducted by his attorneys:  
7

8 **NATURE OF THE CASE**

9 1. This is a class action lawsuit brought by Plaintiff, Matthew Price, individually and  
10 on behalf of Classes of consumers against Apple.  
11

12 2. Plaintiff and Class Members each had an Apple ID and/or purchased, “Apps”<sup>1</sup>  
13 and/or “Content” including movies, music, games, media, books, and/or made in-app purchases  
14 of “Content” and/or “Services”<sup>2</sup> (collectively “Content”) through the use of an Apple ID<sup>3</sup> via  
15 either an Apple device, such as an iPhone, iPad, Mac, Apple Watch, and/or Apple TV, and/or a  
16 non-Apple manufactured device.  
17

18 3. Apple designs, manufactures, and markets smartphones, personal computers,  
19 tablets, watches, and accessories, and sells, or otherwise makes available, related Content.  
20  
21  
22

23 <sup>1</sup> The Apple Media Service Terms and Conditions last updated September 16, 2020, attached hereto  
24 as “Exhibit A,” states that the term “App” “includes apps and app clips for any Apple platform  
25 and/or operating system, including any in-app purchases, extensions (such as keyboards),  
stickers, and subscriptions made available in such apps or app clips.”

26 <sup>2</sup> “This Agreement governs your use of Apple’s services (“Services”), through which you can buy,  
27 get, license, rent or subscribe to content, Apps [], and other in-app services (collectively,  
“Content”). Content may be offered through the Services by Apple or a third party.” (*See*  
“Exhibit A”).

28 <sup>3</sup> “An Apple ID is the account you use across Apple’s ecosystem.” (*See* “Exhibit A”). It consists  
of an email address and a password to log-in to access Content.

1 4. Apple consumers who want to obtain Content, iCloud storage, or make in-app  
 2 purchases must do so through Apple, using an Apple ID. Apple consumers must create an Apple  
 3 ID and register a valid method of payment to make payments to Apple for any purchases made  
 4 through Apple. Even free Apps, content, and services obtained through Apple require an Apple  
 5 ID and valid method of payment. The following is a snip from Apple's website that further  
 6 explains this process:<sup>4</sup>

## 8 Payment methods that you can use with your 9 Apple ID

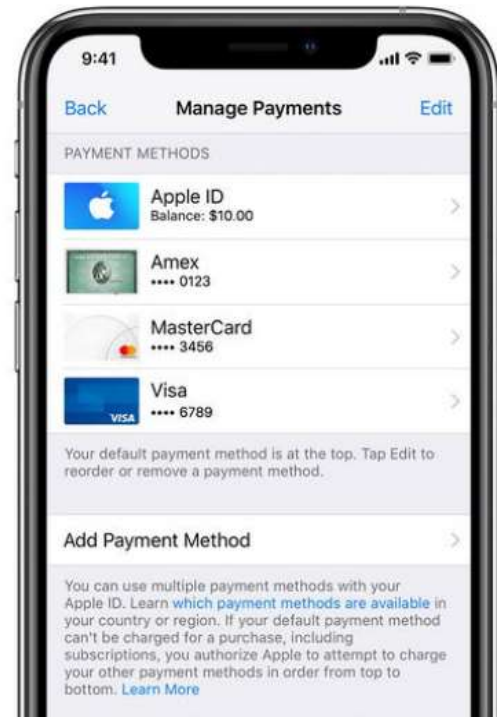
10 Learn what forms of payment you can use to buy music, movies, apps, books, iCloud  
 11 storage, and more.

12 To make purchases from the App Store, iTunes Store, or  
 13 Apple Books, or buy iCloud storage, you need an Apple  
 14 ID and a valid payment method.

15 You can typically use these methods with your Apple ID:

- 16 • Apple Pay (where available)
- 17 • Most credit and debit cards
- 18 • Store credit, from redeeming gift cards or from  
 19 adding funds to your Apple ID
- 20 • Country-specific or region-specific additional  
 21 methods

22 If you can't make purchases or update apps, including  
 23 free apps, you need to update your payment method or  
 24 add a new one. If you already verified that a payment  
 25 method is available in your country or region and you're  
 26 still having trouble, [learn more](#).



27  
 28 <sup>4</sup> <https://support.apple.com/en-us/HT202631>

1           5.       As part of the related content and services that it sells, Apple operates various  
2 platforms, including its App Store. The App Store is a digital distribution platform, developed  
3 and maintained by Apple, for mobile applications (“Apps”) on its iOS & iPadOS operating  
4 systems. The App Store allows consumers to browse, download, and/or purchase Apps developed  
5 with Apple’s iOS Software Development Kit. Apps can be downloaded on the devices that Apple  
6 manufactures and sells, such as iPhones, iPads, Macs, Apple Watches, and/or Apple TVs.

7  
8           6.       To purchase and/or access services, Apps, and/or Content through Apple, one must  
9 do so using an Apple ID. The following are snips from Apple’s website which describe the  
10 importance of an Apple ID<sup>5</sup>:  
11

## 12                           Where can I use my Apple ID?

13                           You can sign in to all Apple services with a single Apple ID and password.



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<sup>5</sup> <https://support.apple.com/en-us/HT202659>

1 Your Apple ID is the account you use to access Apple services like the App Store, Apple Music, iCloud,  
2 iMessage, FaceTime, and more. It includes the email address and password you use to sign in as well as all  
3 the contact, payment, and security details you use across Apple services.

4 These are some of the most widely used services that you access with your Apple ID:

- 5 • App Store & Apple Arcade
- 6 • Apple Books
- 7 • Apple Fitness+
- 8 • Apple Music & music purchases
- 9 • Apple News
- 10 • Apple Online Store
- 11 • Apple Pay, Apple Card, and Apple Cash
- 12 • Apple Podcasts
- 13 • Apple Retail services and programs  
(Concierge, Joint Venture, workshops, and  
youth programs)
- 14 • Apple Store app
- 15 • [Apple Support Communities](#)
- 16 • Apple TV, Apple TV+, and Apple TV channels
- 17 • FaceTime
- 18 • Family Sharing
- 19 • Find My
- 20 • Game Center
- 21 • iCloud
- 22 • iMessage
- 23 • iTunes
- 24 • Sign in with Apple

25 7. Apple acknowledges, in its *Apple Media Services Terms and Conditions* (attached  
26 hereto as Exhibit “A”), that “[u]sing our Services and accessing your Content may require an  
27 Apple ID. An Apple ID is the account you use across Apple’s ecosystem. Use of Game Center  
28 is subject to this Agreement and also requires a Game Center account. **Your account is valuable,**  
and you are responsible for maintaining its confidentiality and security.” (Emphasis added)

29 *Exhibit A.*

30 8. Without an operable Apple ID, not only can one not access the Content they have  
31 already purchased but the functionality of any related Apple Devices is vastly diminished.

32 9. As such, Apple is correct that its customers’ Apple ID accounts are valuable.

33 10. Plaintiff has expended \$24,590.05 for purchased Content, consisting of related  
34 services, Apps, and Content, including in-App purchases, programs and platform extensions,  
35 accessible only through the use of the Apple ID.

36 11. Despite knowing and publicly acknowledging that its customers’ accounts are  
37 “valuable,” Apple has included an unlawful, unconscionable clause in its *Apple Media Services*  
38

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