

No. _____

In The
Supreme Court of the United States

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CORONAVIRUS REPORTER, CALID INC, PRIMARY
PRODUCTIONS LLC & DR. JEFFREY ISAACS,

Petitioners,

v.

APPLE INC.,

Respondent.

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**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit**

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Did the District Court err in denying leave to amend a first-to-file developer antitrust lawsuit concerning free digital apps, when Petitioner Dr. Jeffrey Isaacs had never amended his complaint once as a matter of course, and no *Foman v. Davis*, 371 U.S. 178 (1962) factors were analyzed?
2. Does the tying of digital software distribution stores to the iPhone device by Apple Inc., represent pernicious conduct subject to the *per se* antitrust rule established in *Northern Pacific Railway Co. v. United States*, 356 U.S. 1 (1958)?
3. Does Apple's contrived digital notary stamp represent a modern-day stamp tax which facilitates gatekeeping and censorship of software distribution, violating *Northern Pacific* tying rules?
4. In light of *Aspen Skiing Co. v. Aspen Highlands Skiing Corp.*, 472 U.S. 585 (1985), and its established precedent on the significance of exclusionary conduct in Section 2 claims, beyond the confines of market definition, was a Rule 12 dismissal for purported market definition defects of free apps improper?
5. Is the failure of the current *Brown Shoe* pricing formulas to define free digital products as a relevant market, as practiced by Apple Inc., indicative of a need for the Court to revisit the original text of the Sherman Act or to refine the application of *Brown Shoe*?

QUESTIONS PRESENTED – Continued

6. Does Ninth Circuit *Hicks vs. PGA Tour* case law bypass mandatory fact-finding requirements under *Brown Shoe Co. v. United States*, 370 U.S. 294 (1962), contrast with economic reality and established jurisprudence, and improperly exonerate the largest monopoly in history at the pleading stage?
7. Did Apple advance knowingly disingenuous positions that violated the sanctity of the oath, including irreconcilable objection to and endorsement of *Epic's* relevance, and misrepresentation of *Microsoft* exemption for *per se* tying platforms?

PARTIES TO THE PROCEEDING

Petitioners are Coronavirus Reporter, CALID Inc, Primary Productions LLC, and Dr. Jeffrey Isaacs. Petitioners proceeded as Plaintiffs in the United States District Court for the Northern District of California, and as Appellants in the United States Court of Appeals for the Ninth Circuit.

Respondent Apple Inc. proceeded as Defendant in the District Court and Appellee in the Ninth Circuit.

CORPORATE DISCLOSURE STATEMENT

The corporate entity Petitioners each do not have any parent corporations, and no publicly held corporation owns 10% or more of their stock.

STATEMENT OF RELATED CASES

Coronavirus Reporter et al. v. Apple Inc., U.S. Dist. Court District of NH 21-c-47-LM.

Primary Productions LLC v. Apple Inc., U.S. Dist. Court District of Maine 21-c-137-JDL.

Jeffrey D. Isaacs, Dr. and Coronavirus Reporter; Calid, Inc.; Primary Productions, LLC v. Apple Inc. and Federal Trade Commission, 9th Circuit Court of Appeals 22-15166, District Court Northern District of CA No. 3:21-cv-05567.

STATEMENT OF RELATED CASES – Continued

Coronavirus Reporter; Calid, Inc.; Primary Productions LLC and Jeffrey D. Isaacs, Dr. v. Apple Inc. and Federal Trade Commission, 9th Circuit Court of Appeals 22-15166, District Court Northern District of CA No. 3:21-cv-05567.

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