

1 Robert W. Dickerson, Jr. (SBN 89367)
2 E-mail: rdickerson@bwslaw.com
3 BURKE, WILLIAMS & SORENSEN, LLP
4 444 South Flower Street, Suite 2400
5 Los Angeles, CA 90071-2953
6 Tel: 213.236.0600 Fax: 213.236.2700

7 Patricia L. Peden (SBN 206440)
8 E-mail: ppeden@bwslaw.com
9 BURKE, WILLIAMS & SORENSEN, LLP
10 1901 Harrison Street, Suite 900
11 Oakland, CA 94612-3501
12 Tel: 510-273-8780 Fax: 510-839-9104

13 Lenny Huang (SBN 264386)
14 E-mail: lhuang@bwslaw.com
15 BURKE, WILLIAMS & SORENSEN, LLP
16 60 S. Market St., Suite 1000
17 San Jose, CA 95113-2336
18 Tel:408-606-6300 Fax: 408-606-6333

19 Attorneys for Plaintiff
20 RUMBLE, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN JOSE DIVISION

24 RUMBLE, INC.,
25
26 Plaintiff,
27
28 v.
29 GOOGLE LLC and DOES 1-10,
30 inclusive,
31
32 Defendants.

Case No.
**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF DUE
TO ANTITRUST VIOLATIONS**

33 For its complaint against defendant Google LLC (“Google” or “Defendant”),
34 plaintiff Rumble, Inc. (“Rumble”) alleges as follows:

35 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION

1. Rumble brings this action under Sections 1 and 2 of the Sherman Act, (15 U.S.C. §§ 1 and 2), and Sections 4 and 15 of the Clayton Act (15 U.S.C. §§ 4 and 15), against Google for monetary damages well in excess of \$2,000,000,000 that Rumble has sustained and continues to sustain as a proximate result of Google’s antitrust violations, and for injunctive relief to prevent Google from continuing unlawfully to maintain its monopoly in the relevant market – online video-sharing platforms – through anticompetitive and exclusionary practices.

2. These practices include Google rigging its search algorithms purposefully and unlawfully to always give preference to Google’s YouTube video-sharing platform over Rumble (and other platforms) in Google search results, such that the Google search page result for online videos lists links to the YouTube site as the first search results, even if the search specified Rumble, such as “dog videos on rumble.”

3. By unfairly rigging its search algorithms such that YouTube is the first-listed links “above the fold” on its search results page, Google, through its search engine, was able to wrongfully divert massive traffic to YouTube, depriving Rumble of the additional traffic, users, uploads, brand awareness and revenue it would have otherwise received.

4. Google has also forced Android-based smartphone manufacturers to include YouTube as a preinstalled app on their phones in order to acquire the right to use the Android operating system, which constitutes an illegal tying arrangement. This also has damaged and continues to damage Rumble by further self-preferencing YouTube over Rumble (and other platforms, which harms competition in addition to Rumble). Because much of the online searching for videos is done on smartphones, this further ensures that Google’s YouTube platform receives unfair preferential treatment. Google thus wrongfully acquired and maintains a monopoly over the market for online video-sharing platforms.

1 5. Rumble is unique among video-sharing platforms in that it has an
2 extensive catalog of exclusively-assigned original content videos, thus
3 differentiating itself from other video-sharing platforms. Rumble receives between
4 \$10 and \$30 per thousand views of its exclusive videos on its platform, but when
5 that search traffic has been diverted to YouTube through Google’s wrongful
6 conduct, Rumble has received only forty-eight cents (\$0.48) on average per
7 thousand views of its videos from YouTube. It is Google’s unlawfully acquired
8 monopoly power in the relevant market that has allowed it to pay so little, and keep
9 so much, of the advertising revenue.

10 6. Unlike other websites or video-sharing platforms, Rumble, with its
11 thousands of high value exclusive video assets which it has syndicated to YouTube
12 (which have generated billions of views on YouTube), has the unique ability to
13 discover, track and determine its damages both on its exclusive and on its non-
14 exclusive catalog, which have been proximately caused by Google’s unlawful
15 conduct. Notably, this conduct is also in violation of Google’s own duplicate
16 content and original sourced reporting best practices which it purports to follow,
17 but evidently does not.

18 7. Set forth below are screenshots (Figures 1 and 2) showing a recent
19 example of this unlawful self-preferencing by Google of its own video platform,
20 YouTube. The searched-for video is entitled “Baby preciously cuddles cat for nap
21 time.” It is a Rumble exclusive video, so Rumble is the original source for that
22 video. That title – “Baby preciously cuddles cat for nap time” – is verbatim how it
23 is listed on the Rumble platform. Because Rumble is the original source, it was
24 able to release the video to whom and when it chose. In this instance, to test
25 whether the Google search algorithms were rigged to give unfair preference to
26 YouTube, Rumble “handicapped” YouTube by releasing the video to
27 Google/YouTube last.

28 8. Figure 1 demonstrates how Rumble provided the video to MSN and

1 Yahoo prior to YouTube. Yahoo is listed first, followed by MSN and then
2 followed by multiple miscellaneous unrelated YouTube videos that do not contain
3 the title searched for. Significantly, MSN even provides a canonical URL referring
4 to Rumble’s original page, yet Google still lists its unrelated YouTube videos ahead
5 of Rumble.com’s listing. In fact, Rumble.com’s listing is nowhere to be found
6 despite all the credit, linkbacks, canonicals and submission to Google Webmaster
7 Tools that identified Rumble as the original source for this video.

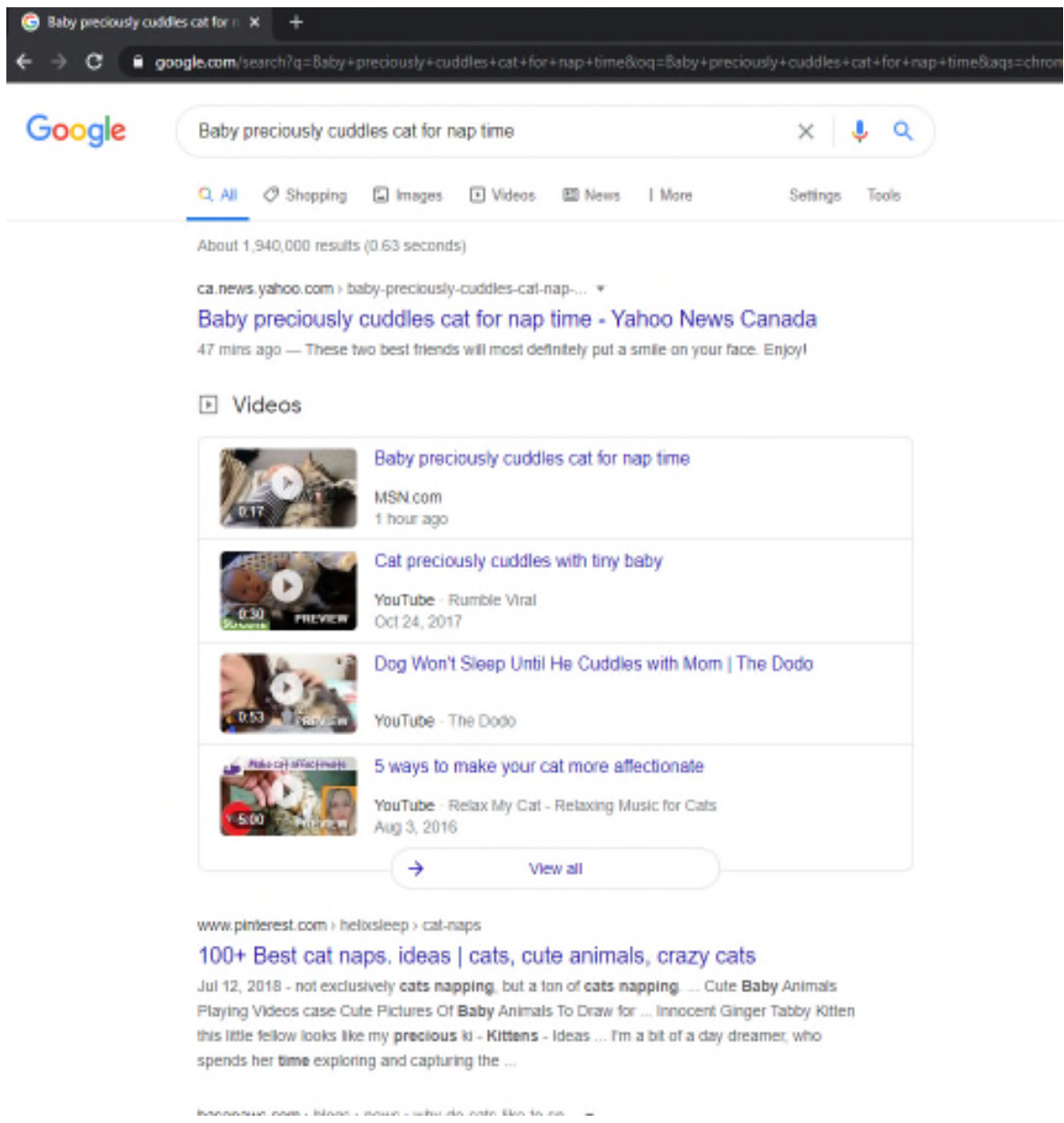


Figure 1

1 9. Prior to the search shown in Figure 1, Google was made aware that
 2 this “Baby preciousy cuddles” video was a Rumble exclusive and original asset by
 3 multiple means; for example, no webpages prior to Rumble had duplicate metadata,
 4 MSN’s canonical URL pointed to Rumble.com as the original source; Yahoo also
 5 references Rumble; there is even a linkback to the Rumble’s URL on the YouTube
 6 video; and by an automatic sitemap submission to Google Webmaster Tools.
 7 Pursuant to Google’s multiple different publicly stated policies, Rumble should
 8 have been elevated in the search results (actually should have been listed first), and
 9 even though the search was for the exact title for the video as on Rumble’s
 10 platform, the Rumble platform is not even listed at all on the Google search page
 11 for this specific video.

12 10. Once the Rumble URL was documented to be indexed in Google
 13 according to Webmaster Tools, and both Yahoo and MSN took the lead on the
 14 search results, Rumble decided to provide YouTube the video with credit and
 15 linkbacks to the Rumble.com website. As shown in Figure 2 below, which is a
 16 screen shot of the Google search and search page results for the search on
 17 November 24, 2020, about 2 hours after Figure 1 was taken, Google immediately

18 ///
 19 ///
 20 ///
 21 ///
 22 ///
 23 ///
 24 ///
 25 ///
 26 ///
 27 //
 28 ///

1 gives the top listing to YouTube, de-ranks both Yahoo and MSN, lists a different
 2 YouTube video in the 4th spot, and still avoids listing Rumble:

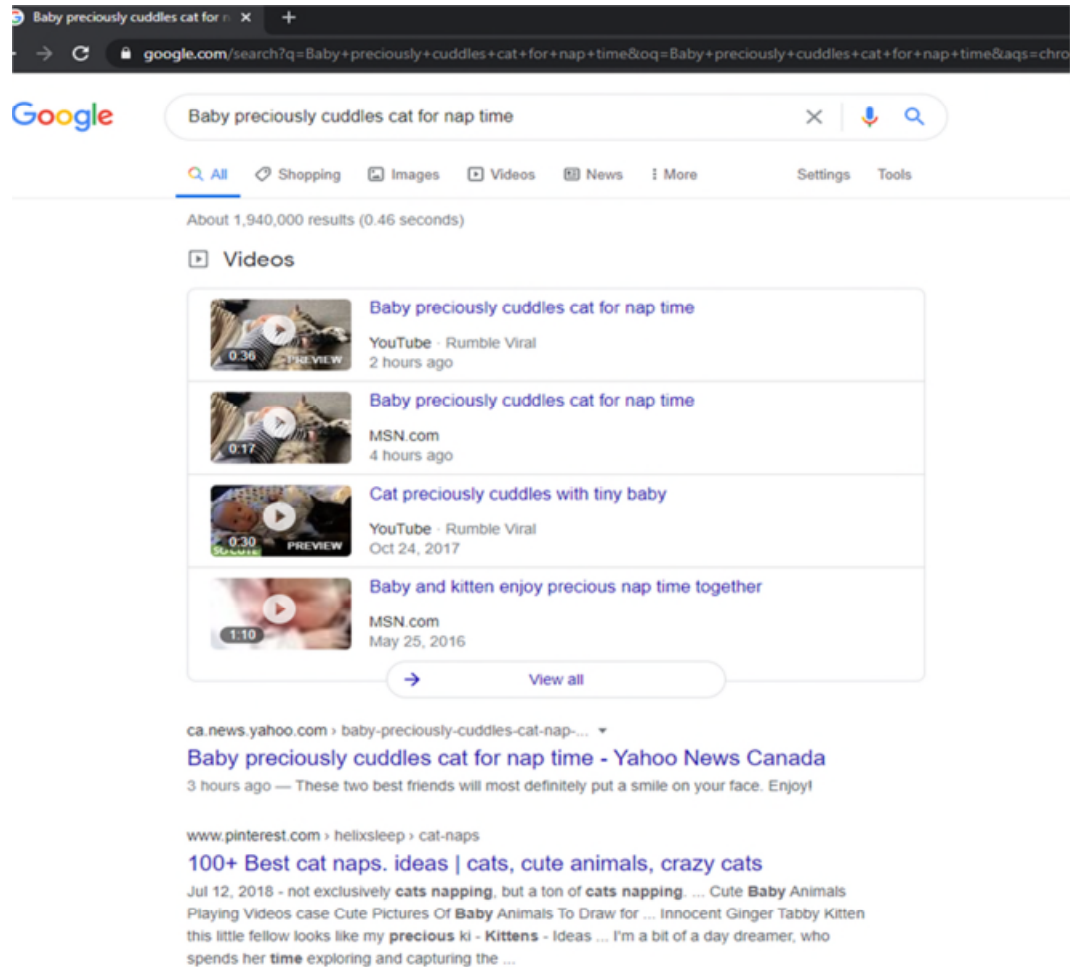


Figure 2

11. Amazingly, even though Rumble is the original source for this video, even though Google was aware of that fact, even though the search term was verbatim the title for the video as on Rumble’s platform, even though all sources point back to Rumble as the original content source, and even though the video was released to Google/YouTube last in time, the Google search results still listed YouTube’s platform first, and doesn’t list Rumble at all on its first page of search results.

**RUMBLE AND THE SERVICE IT PROVIDES
FOR INDIVIDUAL CONTENT CREATORS**

1
2
3 12. Since 2013, Rumble has operated an online video-sharing platform.
4 Today, Rumble is one of the most respected independent and privately owned
5 companies in the online video-sharing platform industry and market, and its
6 business model is premised upon helping the “little guy/gal” video content creators
7 monetize their videos.

8 13. Video content creators upload their copyright-protected videos to the
9 Rumble platform (rumble.com or app), many of whom exclusively assign to
10 Rumble the licensing and enforcement rights in the uploaded video. Rumble in turn
11 makes the videos (“Rumble Videos”) available under license to other companies
12 who have websites or other social media sites, and who want to make those videos
13 available to visitors to their sites in order to generate advertising revenue.

14 14. Since its launch in 2013, Rumble Videos have received approximately
15 9.3 billion views worldwide just on YouTube alone according to YouTube’s
16 Analytics.

17 15. The original author (the content-creator) of the video should be
18 compensated for the publication of his or her video. More often than not in the
19 past, however, he or she was not. This is where Rumble came and comes into the
20 picture.

21 16. Rumble provides an important service to the untold number of “little
22 guy/gal” videographers who create the video content that is uploaded to the
23 internet, enjoyed by millions, and monetized by only a few. By themselves, these
24 individual content-creators cannot effectively monetize their videos, even those that
25 go “viral” and obtain millions of views within the first few days of being available
26 online.

27 17. Rumble provides a platform for those individual content-creators to
28 monetize their copyrighted videos. By simply appointing Rumble as their exclusive

1 licensee to their copyrighted video(s), and then uploading their video(s) to
2 Rumble's platform, Rumble takes over and does all the rest. Rumble makes its
3 portfolio of exclusively-licensed videos available to others to use for a fee (and a
4 portion of the downstream revenue collected by the user), monitors that use,
5 collects the fee (and revenue), and shares it with the content-creator. There are
6 some individual content-creators who are receiving royalties in the 6-figures
7 annually, and many that are receiving annual 5-figure royalties from Rumble.

8 18. Rumble's platform and proprietary software sources, validates,
9 provides clearance management, distribution and monetization for video content.
10 It is a content-creator-centric platform, whose main goal and core business model
11 has always been to help video creators increase distribution and monetize their
12 videos. Rumble allows video creators to create channels, host, share, monetize and
13 distribute their video content from one centralized account on the Rumble platform.

14 19. Rumble has working relationships with some of the most respected
15 video creators and Rumble licenses video content through its revenue-share video
16 player and, if licenses permit, through other video players to many very well-known
17 websites, including some of the largest and most well-known companies and
18 websites in the world.

19 20. Rumble currently has more than 2 million amateur and professional
20 video content-creators that now contribute to more than 100 million streams per
21 month. Some of the top video content-creators use Rumble's platform. Rumble's
22 creator-centric platform has enabled more of these amateur and professional video
23 content-creators, media companies, and celebrities to distribute and monetize their
24 social videos more than ever before.

25 21. Rumble's success, however, has been far less than it could and should
26 have been as a direct result of Google's unlawful anticompetitive and monopolistic
27 behavior, and coincided with Google's unlawful rise to monopoly prominence in
28 the search engine market as detailed in the recently filed case *United States of*

1 *America et. al. v. Google LLC*, Case 1:20-cv-03010, Document No. 1, 10/20/2020
2 (D.D.C.) (“the DOJ Complaint”). Using that ill-gotten prominence, Google
3 promoted YouTube to the exclusion of other online video-sharing platforms,
4 including specifically Rumble, to obtain and maintain an unlawfully-achieved
5 monopoly in that market as well.

6 22. When video content creators upload their videos to Rumble’s platform,
7 those videos are then available for viewing on Rumble’s website, generating
8 advertising revenue. Unlike most video-sharing platforms, Rumble obtains an
9 exclusive license for many of the uploaded videos. Even though Rumble has the
10 exclusive license to these videos, because of the monopoly Google has obtained for
11 its YouTube platform through its unlawful anti-competitive conduct, Rumble must
12 syndicate its exclusive videos to YouTube in order to survive. Notably, other
13 video-sharing platforms do not have a large exclusive catalog to syndicate. Rather,
14 their revenue depends on non-exclusive licenses for the videos uploaded by their
15 creators – the same way YouTube operates. Those other video-sharing platforms
16 solely depend on growth from search traffic to their non-exclusively uploaded
17 videos, which they will monetize.

18 23. The information and evidence now available to Rumble also exposes
19 how Google’s conduct in this regard has not only harmed Rumble, but also other
20 similarly situated online video-sharing platforms throughout the world, who have
21 been deprived of the views, users, uploads, traffic and brand awareness needed to
22 survive and prosper. As testament to this fact, since Google purchased YouTube in
23 2006 the number of competitive video-sharing platforms has dwindled dramatically
24 as other platforms were not able to survive as a direct result of Google’s unlawful
25 and exclusionary conduct.

26 24. Indeed, the extensive unlawful and exclusionary tactics and willful
27 misconduct as meticulously detailed in the DOJ Complaint expose the many ways
28 in which Google illegally achieved and now maintains monopoly power in the

1 internet search engine relevant market, and equally expose Google's game plan,
2 mindset and goal that have motivated it to do so across the entire expanse of its
3 empire, including the relevant market here – online video-sharing platforms –
4 which illegal game plan Google has executed to near perfect to actually achieve and
5 maintain a monopoly in that market, and thereby to achieve a monopolist's profits
6 and to drive out meaningful competition, to Rumble's great disadvantage and
7 damages.

8 **GOOGLE'S UNLAWFUL ANTICOMPETITIVE CONDUCT**

9 25. Google has willfully and unlawfully created and maintained a
10 monopoly in the online video-sharing platform market in at least two ways. First,
11 by manipulating the algorithms by which searched-for-video results are listed,
12 Google insures that the videos on YouTube are listed first, and that those of its
13 competitors, such as Rumble, are listed way down the list on the first page of the
14 search results, or not on the first page at all; and second, by pre-installation of the
15 YouTube app as the default online video-sharing app on Google smart phones, and
16 by entering into anti-competitive, illegal tying agreements with other smartphone
17 manufacturers to do the same.

18 26. This first way has been recently confirmed and reported in the Wall
19 Street Journal:

20 When choosing the best video clips to promote from
21 around the web, Alphabet Inc.'s Google gives a secret
22 advantage to one source in particular: itself.

23 Or, more specifically, its giant online-video service,
24 YouTube.

25 Take a clip of basketball star Zion Williamson that the
26 National Basketball Association posted online in January,
27 when he made his highly anticipated pro debut. The clip
28

1 was popular on Facebook Inc., drawing more than one
2 million views and nearly 900 comments as of March. A
3 nearly identical YouTube version of the clip with the same
4 title was seen about 182,000 times and garnered fewer
5 than 400 comments.

6 But when The Wall Street Journal’s automated bots
7 searched Google for the clip’s title, the YouTube version
8 featured much more prominently than the Facebook
9 version.

10 The Journal conducted Google searches for a selection of
11 other videos and channels that are available on YouTube
12 as well as on competitors’ platforms. The YouTube
13 versions were significantly more prominent in the results
14 in the vast majority of cases.

15 This isn’t by accident.

16 Engineers at Google have made changes that effectively
17 preference YouTube over other video sources, according
18 to people familiar with the matter. Google executives in
19 recent years made decisions to prioritize YouTube on the
20 first page of search results, in part to drive traffic to
21 YouTube rather than to competitors, and also to give
22 YouTube more leverage in business deals with content
23 providers seeking traffic for their videos, one of those
24 people said.

25 “All else being equal, YouTube will be first,” the person
26 said.

27 Reprinted from article entitled “*Searching for Videos? Google Pushes YouTube*
28 *Over Rivals*”, The Wall Street Journal, by Sam Schechner, Kirsten Grind and John

1 West, posted online July 14, 2020 at 12:47 pm EDT (“the WSJ Article”).¹

2 27. Similarly, this reprint from the recently released Report by the
3 House of Representatives also found that Google has engaged in the
4 unlawful anti-competitive self-preferencing activity:

5 Although these four corporations [including Google] differ in
6 important ways, studying their business practices has revealed
7 common problems. First, each platform now serves as a gatekeeper
8 over a key channel of distribution. By controlling access to markets,
9 these giants can pick winners and losers throughout our economy.
10 They not only wield tremendous power, but they also abuse it by
11 charging exorbitant fees, imposing oppressive contract terms, and
12 extracting valuable data from the people and businesses that rely on
13 them. Second, each platform uses its gatekeeper position to maintain
14 its market power. By controlling the infrastructure of the digital age,
15 they have surveilled other businesses to identify potential rivals, and
16 have ultimately bought out, copied, or cut off their competitive
17 threats. **And, finally, these firms have abused their role as**
18 **intermediaries to further entrench and expand their dominance.**
19 **Whether through self-preferencing, predatory pricing, or**
20 **exclusionary conduct, the dominant platforms have exploited**
21 **their power in order to become even more dominant.**

22 **To put it simply, companies that once were scrappy,**
23 **underdog startups that challenged the status quo have become**
24 **the kinds of monopolies we last saw in the era of oil barons and**
25 **railroad tycoons.** Although these firms have delivered clear benefits

26
27 ¹ [https://www.wsj.com/articles/google-steers-users-to-youtube-over-rivals-](https://www.wsj.com/articles/google-steers-users-to-youtube-over-rivals-11594745232)
28 11594745232.

1 to society, the dominance of Amazon, Apple, Facebook, and Google
2 has come at a price. **These firms typically run the marketplace**
3 **while also competing in it—a position that enables them to write**
4 **one set of rules for others, while they play by another, or to**
5 **engage in a form of their own private quasi regulation that is**
6 **unaccountable to anyone but themselves.**²

7 28. The House Report also included a section that was especially damning
8 as to Google’s conduct at issue here:

9 In July, the Wall Street Journal reported that Google also gives
10 preferential treatment to YouTube. Tests conducted by the Journal
11 found that searching Google for videos delivered YouTube in results
12 much more prominently than competing video providers, even when
13 competitor videos had more engagement. Reflecting interviews with
14 those familiar with the matter, the piece stated that **Google engineers:**
15 **[M]ade changes that effectively preference YouTube over**
16 **other video sources. Google executives in recent years made**
17 **decisions to prioritize YouTube on the first page of search results,**
18 **in part to drive traffic to YouTube rather than to competitors,**
19 **and also to give YouTube more leverage in business deals with**
20 **content providers seeking traffic for their videos.”**

21 In response to Questions for the Record from Subcommittee
22

23 ² Report entitled *Investigation of Competition in Digital Markets, Majority Staff*
24 *Report and Recommendations*, released on October 6, 2020, by the United States
25 Congress, House of Representatives, Subcommittee on Antitrust, Commercial and
26 Administrative Law of the Committee on the Judiciary (“the House Report”), pages
27 6-7 (emphasis added).
28

1 Chairman David N. Cicilline (D-RI), the company denied that Google
2 Search is designed to favor YouTube. **Although Google stated that it**
3 **disagreed with the methodology used by the Journal, Google did**
4 **not provide the Subcommittee with any data or internal reports**
5 **that would support its claim.**³

6 29. Google did not provide the Subcommittee with any such refuting data
7 or internal reports because it could not do so – the statements made in the WSJ
8 Article are true, which Rumble has confirmed through its own tests as detailed in
9 this Complaint. Significantly, it appears that Google’s denials were part and parcel
10 of its ongoing attempt fraudulently to conceal its unlawful antitrust behavior.

11 30. Google has engaged and continues to engage in this unlawful conduct
12 which has proximately caused and continues to cause tremendous damage to
13 Rumble (and to other online video-sharing platforms as well), to competition and to
14 consumers.

15 31. In this regard, the House Report also included this relevant section,
16 which addresses one of the ways that Google’s unlawful anti-competitive conduct
17 injures its competitors:

18 Numerous market participants noted that Google’s favoring
19 of its own sites and demoting those of third parties has
20 effectively increased their cost of distribution. Since demoted
21 sites can generally only recover traffic through advertising on
22 Google, the platform “essentially requires competitors to pay for
23 their websites to appear above Google’s own links,” according
24 to one market participant. Another business recalled that in 2016
25 Google demoted one of its vertical offerings, citing a policy of
26 diversifying content. The firm stated that once it was penalized
27

28 ³ The House Report, page 191 (emphasis added) (footnotes omitted).

1 in organic rankings, it “could not get an appropriate customer
2 service response for months” and ultimately “had to increase
3 [marketing spend on Google] to regain lost traffic—a win-win
4 for Google but a loss for [our business] and its users.

5 **Meanwhile, Google’s own competing vertical “is always**
6 **listed at the top” of search results. The incident highlights**
7 **how demoting rivals can enrich Google in two ways: first,**
8 **through diverting greater traffic and business to its own**
9 **products; and second, through earning ad revenues from the**
10 **penalized sites that are subsequently scrambling to recover**
11 **their search placement.** When demoting firms that Google
12 views as actual or potential competitive threats, Google is
13 effectively raising rivals’ costs.⁴

14 32. The second way Google has unlawfully achieved, expanded,
15 maintained and continues to maintain its monopoly in the online video-sharing
16 platform market is to ensure that its YouTube app is preinstalled on as many new
17 smartphones as possible. This anticompetitive conduct has also been recently
18 reported:

19 Google's apps are front-and-center on newer Android phones
20 for a reason: Google wants you to use its services on Android,
21 and it has contracts in place to that end.

22 According to confidential contracts obtained by The
23 Information, phonemakers like Samsung and HTC need to
24 include a whole lot of Google-branded widgets and icons to be
25 allowed to include Google's Play Store. The requirements in the
26 contracts show that Google is demanding cushier placement for

27 _____
28 ⁴ The House Report, pages 191-192 (emphasis added) (footnotes omitted).

1 its apps and services than it used to.

2 One requirement: Phones need to show a "Google" icon that
3 opens to a collection of 13 apps. Some are genuinely useful,
4 like YouTube, Google Maps, Google Drive, Gmail, and Google
5 Chrome.⁵

6 33. This unlawful anticompetitive conduct has also been detailed in the
7 DOJ Complaint, paragraphs 133 to 135 (emphasis added):

8 **133. Google uses preinstallation agreements—MADAs—to**
9 **ensure that its entire suite of search-related products is given**
10 **premium placement on Android GMS devices. Consumers**
11 **naturally and regularly turn to these prominently placed search**
12 **access points to conduct searches.** Preinstallation agreements also
13 reinforce Google’s anti-forking requirements, either by including an
14 anti-forking clause of their own or, more commonly, requiring device
15 manufacturers to be signatories to an anti-forking agreement.

16 134. If a manufacturer wants even one of Google’s key apps
17 and APIs, the device must be preloaded with a bundle of other
18 Google apps selected by Google. The six “core” apps are Google
19 Play, Chrome, Google’s search app, Gmail, Maps, **and YouTube.**
20 Manufacturers must preinstall the core apps in a manner that prevents
21 the consumer from deleting them, regardless of whether the
22 consumer wants them. **These preinstallation agreements cover**
23 **almost all Android devices sold in the United States.**

24
25 _____
26 ⁵ Article entitled *Why Android Phones Now Come With So Many More Google*
27 *Apps* - (Kate Knibbs, published 9-26-2014) (<https://gizmodo.com/why-android-phones-now-come-with-so-many-more-google-ap-1639529342>).

1 135. Google’s preinstallation agreements effectuate a tie, that
2 is, they condition the distribution of Google Play and GPS to the
3 distribution of these other apps. This tie reinforces Google’s
4 monopolies. The preinstallation agreements provide Android device
5 manufacturers an all-or-nothing choice: if a manufacturer wants
6 Google Play or GPS, then the manufacturer must also preinstall, and
7 in some cases give premium placement to, an entire suite of Google
8 apps, including Google’s search products. **The forced**
9 **preinstallation of Google’s apps deters manufacturers from**
10 **preinstalling those of competitors.** This forecloses distribution
11 opportunities to rival general search engines, protecting Google’s
12 monopolies.

13 34. This conduct by Google also injures consumers as well as competition
14 and its competitors such as Rumble. The affected consumers here are the people
15 who search for and view videos on video sharing platforms such as YouTube and
16 Rumble; and more specifically those who upload their own videos to these
17 platforms. By uploading to Rumble’s platform, the users can receive a portion of
18 the revenue that Rumble obtains by monetizing the content creator’s video. A
19 video viewed on Rumble’s platform generates much more revenue per CPM (1000
20 views) than if viewed on the YouTube platform. Because of its unlawfully
21 achieved monopoly in the video-sharing market, Google has been able to force
22 competitors, such as Rumble, to post their videos to YouTube in order to survive.
23 Google’s monopoly and monopoly power, however, have allowed Google to pay to
24 Rumble (and content owners) a small portion of the ad revenue generated on videos
25 on YouTube (on average \$.048 per 1000 views of Rumble Videos), and to allow
26 Google to retain the large majority of that revenue for itself.

27 35. In contrast, on average, Rumble receives \$20 or more per CPM of one
28 of its videos if viewed on the Rumble platform. Therefore, if the Google search

1 page diverts traffic to the YouTube platform instead of Rumble's, Rumble and the
2 content creator receive much less revenue. This has also caused and is causing
3 direct injury to competition (many video-sharing platforms who were active online
4 before Google purchased YouTube no longer exist), to competitors (such as
5 Rumble), and to consumers, who upload their original content videos to Rumble's
6 platform in return for a portion of the ad revenue Rumble receives from views of
7 that video.

8 36. The loss on initial views is only a part of the damages caused to
9 Rumble and consumers. Rumble also has evidence that a percentage of users who
10 find Rumble through online searching for videos subsequently become uploaders of
11 their own videos to the Rumble platform, and thereafter receive revenue. By
12 rigging its search algorithms to remove Rumble from the first page search results,
13 by forcing smart phone manufacturers to preinstall the YouTube app on their
14 phones, and thereby directing users away from Rumble, not only is Rumble
15 deprived of the added revenue, but the many diverted users are deprived of that
16 revenue. This is also direct injury to the consumer.

17 37. Rumble (and in turn its content creators) have been tremendously
18 damaged and continues to be damaged by Google's willfully unlawful conduct.
19 Indeed, Rumble believes that at trial it will seek and obtain an award well in excess
20 of \$2,000,000,000 (Two Billion Dollars) before trebling, and that it will also
21 receive an award of its attorney fees and expenses.

22 **THE PARTIES, JURISDICTION, VENUE, AND COMMERCE**

23 38. Plaintiff Rumble is a Canadian corporation, with its principal place of
24 business at 218 Adelaide Street West, Suite 400, Toronto, Ontario, M5H1W7.

25 39. Google LLC is a limited liability company organized and existing
26 under the laws of the State of Delaware, and is headquartered in Mountain View,
27 California. The sole member of Google LLC is believed to be XXVI Holdings,
28 Inc., a Delaware corporation with its principal place of business in Mountain View,

1 California. Google wholly owns YouTube LLC, a limited liability company
2 organized and existing under the laws of the State of Delaware, and is also
3 headquartered in Mountain View, California. Google LLC is wholly owned by
4 Alphabet Inc., a publicly traded company incorporated and existing under the laws
5 of the State of Delaware and headquartered in Mountain View, California.

6 40. Google engages in, and its activities substantially affect, interstate
7 trade and commerce. Google provides a range of products and services that are
8 marketed, distributed, and offered to consumers throughout the United States,
9 across state lines, and internationally. It is thus engaged in interstate commerce.

10 41. This Court has personal jurisdiction over Google LLC as it is
11 headquartered in this District.

12 42. Rumble brings this action pursuant to Sections 4 and 16 the Clayton
13 Act, 15 U.S.C. §§ 4 and 16, to prevent and restrain Google's violations of Section 1
14 and 2 of the Sherman Act, 15 U.S.C. §§ 1 and 2, and to obtain damages and other
15 relief.

16 43. This Court has subject matter jurisdiction over Plaintiff's federal
17 antitrust claims pursuant to the Clayton Antitrust Act, 15 U.S.C. § 26, and 28
18 U.S.C. §§ 1331, 1337(a), and 1345, and pursuant to 28 U.S.C. § 1332.

19 44. Venue is proper in this District under Section 22 of the Clayton Act,
20 15 U.S.C. § 22, and under 28 U.S.C. § 1391 because Google transacts business and
21 is found within this District.

22 45. Rumble is ignorant of all of the corporate relationships, responsibilities
23 and decision-making processes within, between and among Google, Alphabet and
24 YouTube, and is informed and believed that from time to time there have been
25 corporate realignments among and between them. Rumble therefore reserves the
26 right to add defendants or to substitute the current correct name of a defendant
27 herein as that information is obtained through discovery.

28 ///

YOUTUBE

1
2 46. YouTube was the brain child of three former PayPal employees, who,
3 according to published reports, were motivated by their inability to find certain
4 videos online. According to some reports, one of the sought-but-not-found videos
5 was of the infamous “wardrobe malfunction” involving Justin Timberlake and Janet
6 Jackson during their 2004 NFL Super Bowl half-time performance.

7 47. The website www.youtube.com became active on February 14, 2005.
8 It was not, however, the only online video-sharing platform at that time. Vimeo,
9 for example, (www.vimeo.com) was active then (having launched in November
10 2004), and many more became active soon thereafter. It has been estimated that
11 soon there were 100’s if not 1000’s of active online video-sharing platforms such as
12 zippyvideos.com, break.com, dailymotion.com, Google Video, and metacafe.com,
13 to name a few. All of that was about to change, however, and that change began
14 with Google’s acquisition of YouTube in November, 2006.

GOOGLE’S GAME-CHANGING ACQUISITION OF YOUTUBE

15
16 48. Google saw the rapidly rising popularity of online video-sharing
17 platforms, and quickly realized that there could be a synergistic relationship
18 between Google’s search engine dominance and the growing potential for a linked
19 video-sharing platform.

20 49. Google paid a whopping \$1.65 Billion for YouTube, even though
21 YouTube had been active for less than two years and had yet to come close to
22 turning a profit.⁶

23 50. Google, in its pursuit of global internet dominance and the vast riches
24 that would produce, realized that people would use its search engine to search for
25

26 ⁶ As reported by, among others, NBC News, Oct. 9, 2006, 8:54 AM PDT, Source:
27 The Associated Press (<https://www.nbcnews.com/id/wbna15196982>).
28

1 online videos. Google also knew that online searchers pay most attention and most
2 often click on the first or second listing/link on a Google search result page, so it
3 would be important that any Google search result for online videos list and link to
4 YouTube at the very top of the search results page, and push competitive platforms
5 to the bottom of the page (“below the fold”) or even onto the rarely-visited second
6 page. Google also realized that by making the YouTube app the default video-
7 sharing app on its smartphone, and requiring other smartphone manufacturers to do
8 the same, it could literally corner the market through its unlawful conduct.

9 51. And Google has realized a monopolist’s profits for its YouTube
10 subsidiary. Indeed, YouTube reported \$15.1 Billion in revenue for 2019, of which
11 \$4.7 Billion was earned in the 4th quarter of 2019.⁷

12 THE RELEVANT MARKETS

13 52. The market for online video-sharing platforms that are accessible in
14 the United States and globally is a relevant antitrust market. These platforms allow
15 content creators and other consumers to upload, view and download video content.

16 53. Such platforms are unique in that there is no other viable way for video
17 creators to host, share, create channels, monetize, and distribute their content across
18 the Internet from a single centralized video platform. Consumers use these
19 platforms for all of these purposes in addition to simple enjoyment.

20 54. The fact that Google paid \$1.65 Billion for YouTube within 2 years
21 after its launch attests to the unique service provided by these platforms in this
22 relevant market.

23 55. Other sources of this video content are not reasonable substitutes.
24 Offline and other online resources, such as books, publisher websites, social media

25 ⁷ Article entitled *YouTube Reveals Revenue for First Time: \$15.1 B in 2019* (Alex
26 Weprin, posted 2/3/2020) ([https://www.hollywoodreporter.com/news/youtube-
27 revenue-revealed-video-site-did-151b-2019-ad-revenue-1276004](https://www.hollywoodreporter.com/news/youtube-revenue-revealed-video-site-did-151b-2019-ad-revenue-1276004)).
28

1 platforms, and other internet service providers, such as Amazon Prime Video,
2 Netflix, or Hulu, do not and cannot offer users and content creators the same
3 service or convenience. Although Netflix, Hulu and Amazon Prime Video contain
4 video content, they are not video-sharing platforms where users share videos or
5 where users can upload videos. They are not a reasonable or acceptable substitute.
6 Apps like TikTok, Instagram and Facebook do not provide the same type of video
7 sharing services, and do not have nearly the same consumption size as YouTube,
8 which is evidenced by bandwidth consumption. Thus, there are no reasonable
9 substitutes for online video-sharing platforms such as Rumble and YouTube.

10 56. The United States is a separate relevant geographic market for online
11 video-sharing platforms and services. Google offers users in the United States and
12 globally a locally-hosted domain website to search for and with a click on the
13 search results link, to view online video content. Therefore, the United States is a
14 separate relevant antitrust geographic market.

15 57. There are significant barriers to entry in the online video-sharing
16 platform business. The creation, maintenance, and growth of such a platform
17 requires a significant capital investment, highly complex technology, access to
18 effective distribution, and, of vital importance, adequate scale, traffic, brand
19 awareness, monetization and visibility.

20 58. Thus, the market for consumers in the United States and
21 globally for online video-sharing platforms are the relevant markets for
22 antitrust purposes and for purposes of this lawsuit. This is confirmed by the
23 fact that third parties routinely refer to online video-sharing platforms for the
24 purposes of measuring and reporting size of and market share in that market.

25 ///

26 ///

27 ///

28 ///

1 See, e.g.:

2 [https://markets.businessinsider.com/news/stocks/online-video-
platforms-market-size-worth-18-7-billion-by-2027-grand-view-
research-inc-1029703313](https://markets.businessinsider.com/news/stocks/online-video-
3 platforms-market-size-worth-18-7-billion-by-2027-grand-view-
4 research-inc-1029703313)

5 <https://www.alliedmarketresearch.com/online-video-platform-market>

6 [https://www.globenewswire.com/news-release/2020/09/23/
2097738/0/en/Online-Video-Platform-Market-to-hit-USD-3-Bn-by-
2026-Global-Market-Insights-Inc.html](https://www.globenewswire.com/news-release/2020/09/23/
7 2097738/0/en/Online-Video-Platform-Market-to-hit-USD-3-Bn-by-
8 2026-Global-Market-Insights-Inc.html)

9 [https://www.valuemarketresearch.com/report/online-video-platform-
11 market](https://www.valuemarketresearch.com/report/online-video-platform-
10 market)

12 59. Scale is also a significant barrier to entry in the relevant market. Scale
13 affects a video-sharing platform's ability to attract subscribers, content creators and
14 advertising and licensing revenue. The scale needed to successfully compete today
15 is greater than ever. Google's anticompetitive conduct effectively eliminates rivals'
16 ability to build the scale necessary to compete. This is evident from the fact that
17 there were 100's if not 1000's of video platforms before Google's purchase of
18 YouTube and its anti-competitive conduct began to bear fruit, and approximately
19 10 or less today of any significance.

20 60. It has been reported that Google's (*i.e.*, YouTube's) share of the
21 relevant market is now greater than 75%. This has been acquired by Google's
22 unlawful conduct as described above, and that same conduct is being used to
23 maintain that monopoly share, and to reap a monopolist's profits by harming,
24 competition, competitors and consumers. Google/YouTube's large and durable
25 market share and the significant barriers to entry in online video-sharing platforms
26 demonstrate Google's unlawfully obtained and maintained monopoly power the
27 relevant market.

28 ///

1 **IMPORTANCE OF SCALE IN ONLINE VIDEO-SHARING**

2 61. Just as scale is of critical importance to competition among general
3 search engines for consumers and search advertisers, scale is equally important to
4 online video-sharing platforms. Google has long recognized that without adequate
5 scale its rivals cannot compete with its online business, and applied that same logic,
6 game plan and goal with respect to its YouTube business.

7 62. Greater scale expands the audience reach of an online video-sharing
8 platform, and generates more users who register with the platform, which in turn
9 generates more uploaded videos, which in turn generates more views, which in turn
10 generates greater revenue and profits.

11 63. Google’s unlawful and anticompetitive conduct as described in this
12 complaint has greatly enlarged and continues to enlarge YouTube’s scale and
13 greatly diminished and continues to diminish Rumble’s scale, which has had an
14 ongoing and increasing adverse effect on competition and on Rumble’s revenue.

15 **GRAPHIC EVIDENCE OF HOW GOOGLE**
16 **UNFAIRLY STACKS THE DECK IN YOUTUBE’S FAVOR**

17 64. Paragraphs 2 to 10 above are incorporated herein by reference.

18 65. In addition to what is shown in those paragraphs, shown below in
19 Figure 3 are the Google Search results for the search term “funny dogs,” in which,
20 as will be noted, every single one of the listings is a YouTube listing (all nine of the
21 listings/links are to YouTube, including one that is **four years old**), even though
22 Rumble has a tremendous number of “funny dog” videos available on its platform.
23 Clearly, Google is giving preference to its own YouTube videos over those of
24 Rumble (and other platforms), and making sure that Rumble is listed “below the
25 fold” (actually, here, not at all) to ensure that the YouTube versions of the video are

26 ///

27 ///

28 ///

1 selected by the vast majority (if not all) of the people looking for “funny dog”
 2 videos.

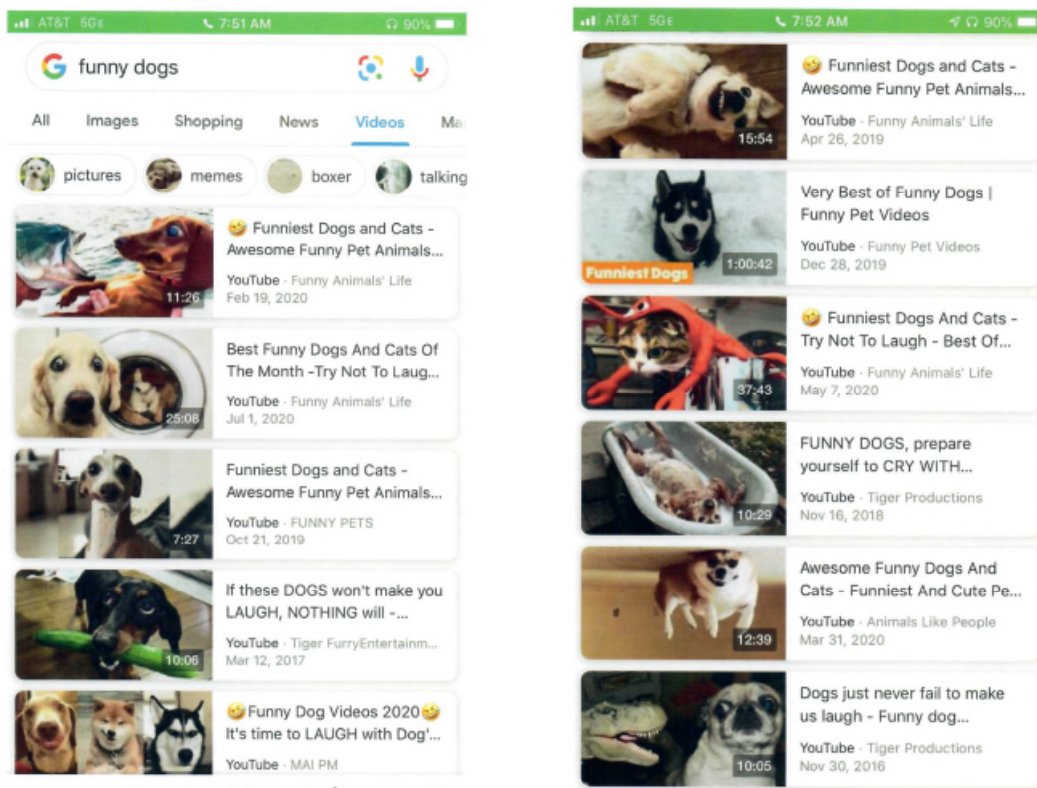


Figure 3

16
 17
 18 66. As shown in Figure 4 below, even when the Google search term
 19 entered was “funny dogs on rumble,” the Google search results were all YouTube
 20 videos in the all-important “above the fold” top portion of the Google search
 21 results:⁸

22 _____
 23 ⁸ It is well known and an accepted fact in the industry that online searchers will pay
 24 most attention to the first or second-listed search results (the portion “above the
 25 fold” to use the newspaper term) and will rarely click on links that are “below the
 26 fold.” This was also confirmed in the House Report at page 188: “However,
 27 Google continues to give its service top placement, occupying close to 100% of the
 28 above-the-fold mobile search results page and around 25% of desktops.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

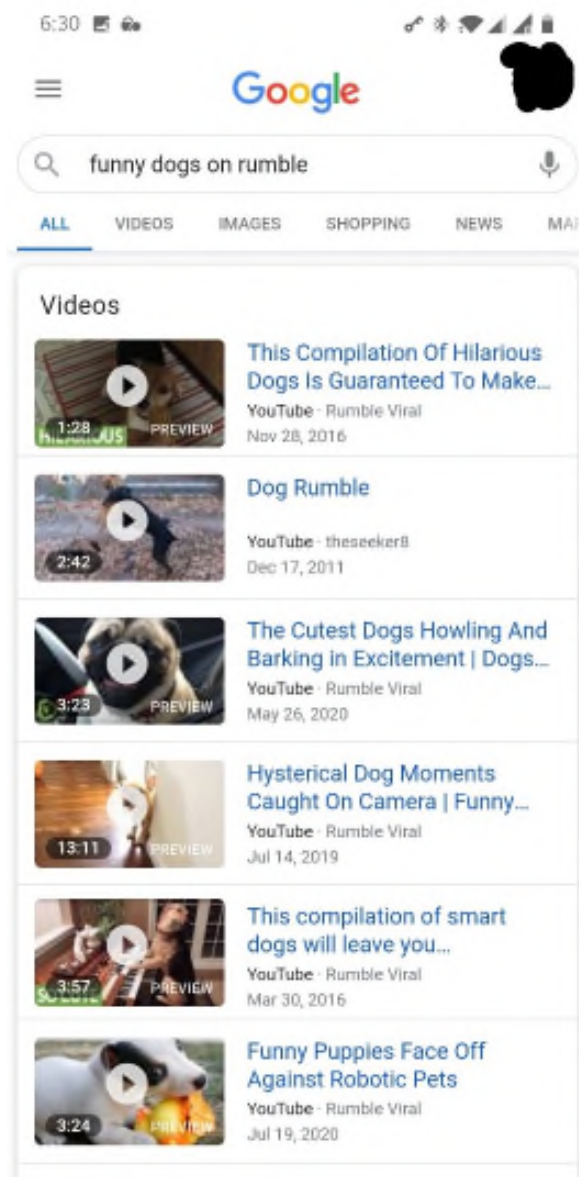


Figure 4

67. There is, and can be, no valid business purpose, and no benefit to online searchers, for Google to rig its search algorithms to avoid listing on its search page a link to the Rumble platform, and instead listing only YouTube links. For example, if a video-searcher is searching for “funny dogs on rumble” (emphasis added), listing links to “funny dogs on rumble” would be most beneficial to that searcher and most consistent with the search. But, as shown, Google does not do that, and lists only links to YouTube. The clear business purpose here is not only

1 invalid, it is unlawful – to divert as much traffic as possible to YouTube so that it
2 maintains its monopoly in the relevant market, and to secure for YouTube (and thus
3 for Google) the vast majority of the advertising revenue from views of that video.

4 68. Rumble has conducted tests to determine if the Google algorithms for
5 video searches in fact self-preference YouTube, even when Rumble is the exclusive
6 holder and originator of the Rumble Video, as described below:

7 a. When Rumble is the original source of a Rumble Video and is
8 also the first reported source, once that video is “live” on the Rumble
9 platform, Rumble can decide and control when and to whom to syndicate that
10 video, and in what order.

11 b. Rumble also inserts its own metadata into the video that
12 identifies it as a Rumble Video for which Rumble is the originating source.

13 c. Once the Rumble Video is “live” on the Rumble platform with
14 the Rumble-inserted metadata, Rumble alerts Google’s search engine as to
15 the existence of the video, that it is an original-content Rumble Video, and
16 that it is available to be viewed on the Rumble.com website.

17 d. At that point, Rumble syndicates that Rumble Video to its
18 syndication partners.

19 e. Suspecting, as a result of the WSJ Article, that Google’s search
20 algorithms for online videos give unfair preference to YouTube, Rumble has
21 conducted several tests where for some tests, it syndicates the video to its
22 partners simultaneously, and for other tests, it has syndicated the Rumble
23 Video at different times, with YouTube receiving it last.

24 f. What Rumble discovered was that when the Rumble Video was
25 simultaneously syndicated to all partners, YouTube was preferred by
26 Google’s search engine such that YouTube was the first result, usually
27 followed by MSN, Yahoo, and then Rumble. This occurred despite the fact
28 that Google management and Google itself has gone on record emphasizing

1 that original sourced reporting and content will always receive preferential
2 treatment by its search engine algorithms.⁹ Once again, Google’s statements
3 are belied by its action. This preferential treatment for YouTube occurred
4 despite all online locations referencing Rumble as the source for the video,
5 linking back to Rumble’s official content URL, and in some instances (such
6 as the MSN listing), actually providing a canonical URL back to Rumble.
7 This proves that Google’s listing first of the YouTube version of the video
8 was intentional, and not some inadvertent mistake.

9 h. In order to further rule out the possibility that YouTube
10 somehow believed it received the URL for the Rumble Video first before
11 anyone else and that was why the Google search engine listed the YouTube
12 first due to its integration with YouTube, for other tests, Rumble made sure
13 that the URL for the video was first released to MSN and Yahoo, and only
14 released to YouTube several hours after the video was released to MSN and
15 Yahoo.

16 i. Even in this timed release situation, YouTube was again listed
17 first by the Google search engine, followed by MSN, then Yahoo, and only
18 then is Rumble listed – usually below the fold. There is no way, other than
19 through Google’s manipulation of the search results to favor YouTube, for
20 Rumble, as the original source of the content and owner of the exclusive
21 rights to the video, not to be listed first, and YouTube not listed last. No
22 matter how hard Rumble tried to release the videos in these tests in a way to
23 ensure that YouTube would not be listed before Rumble and the other video-
24 sharing platforms who received the video before YouTube, YouTube was

25
26 ⁹ See, Article entitled *Elevating original reporting in Search*, by Richard Gingras,
27 Google VP News, published September 12, 2019, on “Google The Keyword” -
28 <https://www.blog.google/products/search/original-reporting/>.

1 always first.

2 j. Figure 5 below shows such a result in which Rumble is the
 3 original source of the released Video, and Rumble released it first to MSN
 4 and Yahoo, and then later to YouTube. According to Google's own
 5 duplicate content and original sourced reporting best practices which it
 6 purports to follow, the Rumble video should have been listed first. But as
 7 shown below in Figure 5, YouTube is listed first, even though all of the other
 8 sites received the video before YouTube, and all of the sites, including
 9 YouTube, acknowledge Rumble as the original source of the video:

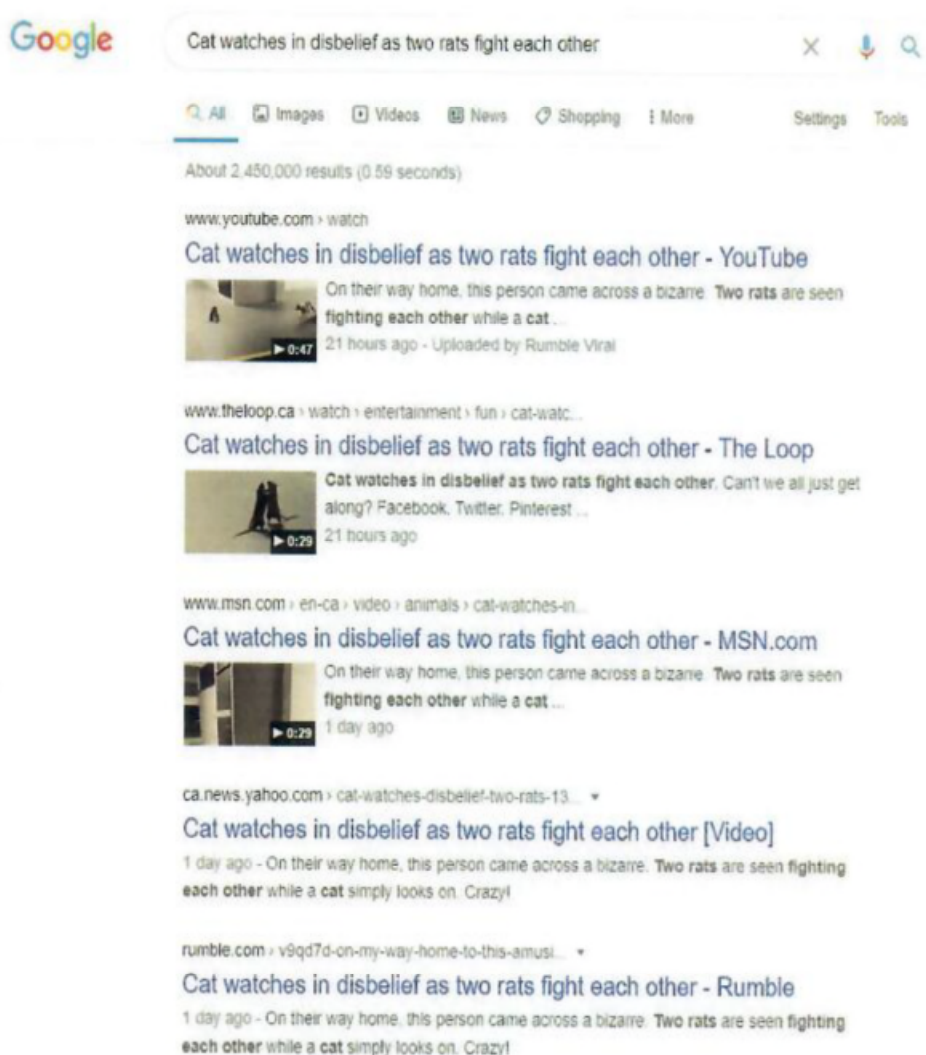


Figure 5

69. As the House Report and the DOJ Complaint explain in detail, this unfair, unlawful anticompetitive behavior by Google greatly benefits Google/YouTube, and greatly damages and continues to damage Rumble, competition (*e.g.*, other online video-sharing platforms), as well as consumers (*e.g.*, those who upload or might want to upload their videos to Rumble’s platform).

70. The search examples set forth above illustrate how Google’s rigged search algorithms favor the YouTube platform over Rumble involving specific videos and specific searches that relate to those videos, even to the point when a search is looking specifically for videos “on rumble.” Google also advantages YouTube over Rumble or other competitors as a consistent and conscious practice, no matter the video or the search terms. And this is true even if a Rumble video is not uploaded to YouTube. Rumble and consumers (*e.g.*, content creators) are disadvantaged, and competition is harmed, in the defined market because Google provides self-preferencing search advantages to its wholly-owned YouTube platform as a part of its scheme to maintain its monopoly power, and to reap a monopolist’s financial rewards.

RUMBLE’S DAMAGES

71. Figure 6 below is a reprint of information that Google has provided to Rumble as part of Rumble’s account with YouTube:

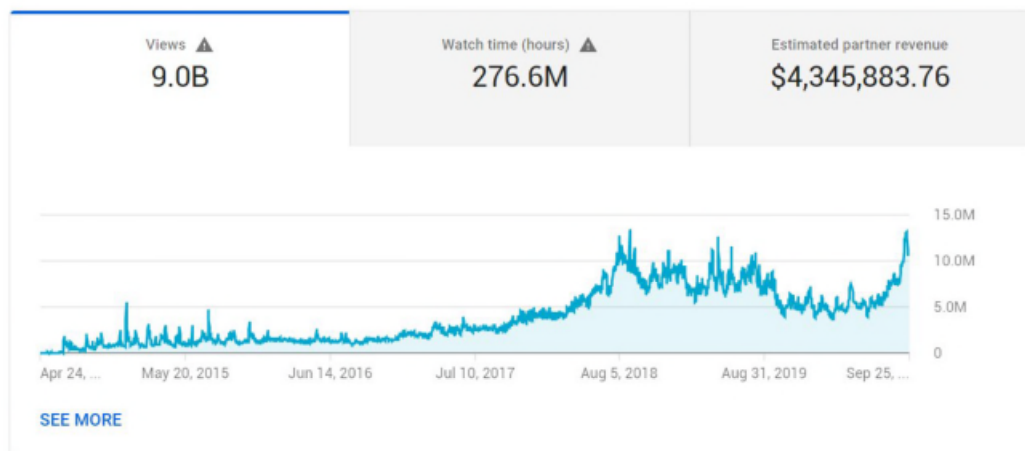


Figure 6

1 72. This shows that Rumble Videos for which Rumble is the original
2 source and exclusive rights holder have received more than 9.3 Billion views
3 globally through YouTube, for which Rumble has received revenue from Google in
4 the amount of \$4,345,883.76.

5 73. The usual metrics for determining revenue for online viewing of
6 videos is Revenue Per Mille (RPM - or revenue per 1000 views), and Cost Per
7 Mille (CPM - cost per 1000 views). Using either metric, Rumble's average revenue
8 received per 1000 views through Google is about \$0.48 (forty-eight cents).

9 74. For views on Rumble's website, the Gross CPM is approximately
10 \$20/CPM, globally. Had Rumble received its average global CPM on those 9.3
11 billion views instead of receiving revenue of \$4.3 million, Rumble would have
12 received additional revenue of \$180 million. But this is just a portion of the
13 damages proximately caused and continuing to be caused to Rumble and its content
14 creators by Google's unlawful anticompetitive conduct.

15 75. According to industry reports, on average every visitor to YouTube
16 views 11 videos during that single visit. Had Rumble received those 9.3 billion
17 views on Rumble.com, Rumble would have had an additional 93 billion video
18 views, on top of the 9.3 billion views, which translates to damages of \$1.98 billion
19 at a CPM of \$20.

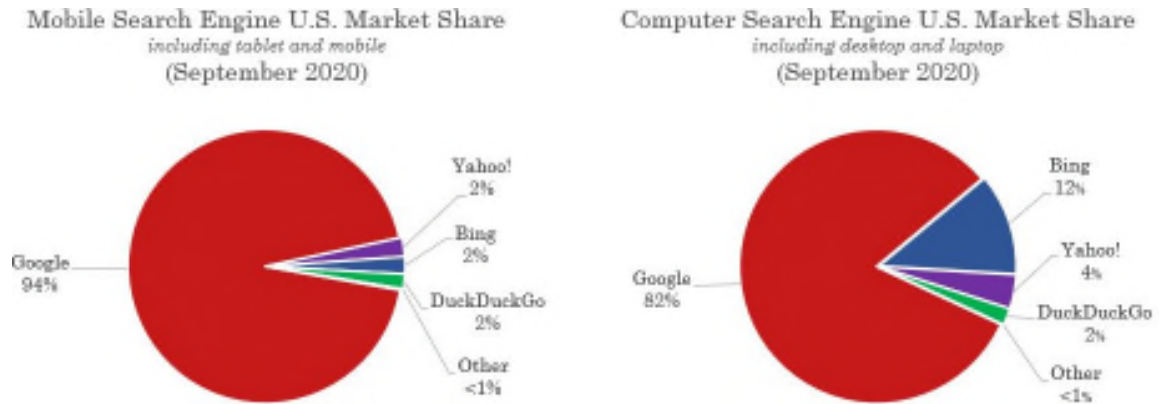
20 76. Rumble posts videos to YouTube because it must in order to survive.
21 This is a direct result of Google's unlawfully self-preferencing YouTube, and
22 rigging its search algorithms to push links to Rumble's platform "below the fold" or
23 off the "front page" altogether. Because of the Google/YouTube monopoly,
24 Rumble has had not viable option but to "play ball" with Google/YouTube.

25 77. A significant source of users and hence revenue for Rumble's
26 platform comes from those consumers who "find" Rumble's platform and video

27 ///

28 ///

1 content through online searching, primarily through Google, as these graphics
 2 (Figures 7 and 8 from the DOJ Complaint) clearly show Google's dominance and
 3 monopoly power in online searching:



12 78. Those consumers who “find” Rumble through an online Google search
 13 are much more likely to sign up (or register) with Rumble than those who “find”
 14 Rumble through a social media site, such as Facebook. Many of those users who
 15 register with Rumble will also begin to upload videos to the Rumble platform,
 16 thereby increasing Rumble’s scale, video content, brand awareness, value and
 17 revenue.

18 79. Since 2013 when Rumble first launched, approximately 375 million
 19 users visited Rumble’s website, according to Google Analytics.

20 80. Of those, the largest majority, however, approximately 215 million of
 21 them, “found” Rumble through the social media site Facebook, not Google.
 22 According to Google Analytics, these Facebook users generated approximately,
 23 37,000 uploaded videos to rumble.com.

24 81. Since 2013, Google search traffic accounted for only roughly 12
 25 million users on Rumble out of the 375 million reported by Google Analytics. This
 26 search traffic in turn accounted for roughly 238,000 uploaded videos to
 27 rumble.com, yielding a performance of roughly 115 times better than did the traffic
 28 from Facebook. For every 12 million users that Rumble lost to YouTube due to

1 Google's anticompetitive and monopolist behavior, Rumble would have realized
2 roughly 238,000 new video uploads to rumble.com for Rumble to monetize and
3 generate revenue for Rumble and its content creators.

4 82. But for the unlawful and anticompetitive, monopolistic conduct of
5 Google, many more potential Rumble users would have "found" Rumble through a
6 Google search, potentially as many as 9.3 billion according to YouTube analytics.
7 However, by always giving preference to YouTube and relegating Rumble to
8 below-the-fold locations in any search result for online videos, Google effectively
9 and purposefully directed that traffic away from Rumble to YouTube, thereby
10 depriving Rumble of those additional users, video content and revenue. This
11 unlawful conduct regarding Google's search results has been exacerbated by its
12 tying arrangements with Android-based smart phone manufacturers, who are
13 required to include the YouTube app on their phones. Given that much online
14 searching for videos is done on the searcher's smartphone, this unlawful conduct is
15 a significant factor in Google's achieving and maintaining monopoly power in the
16 online video-sharing market.

17 83. Rumble had roughly 1.4 million video uploads to its platform, which
18 generated 9.3 billion views on YouTube, and roughly \$200 million of lost ad
19 revenue. If all 9.3 billion viewers had landed on Rumble's website instead of
20 YouTube's, then Rumble would have generated an additional 184 million more
21 video uploads.

22 84. Based upon Google and YouTube analytics, Rumble incurred damages
23 on its 9.3 billion views that Google instead directed to YouTube with its unfair
24 YouTube-preferencing algorithms and tying arrangements. Rumble lost a huge
25 amount of revenue on the 9.3 billion views that Google wrongfully directed to
26 YouTube with its unfair YouTube-preferencing algorithms. If even a portion of
27 those 9.3 billion views had occurred on Rumble's website instead of YouTube, that
28 would have generated well in excess of 100 million additional video uploads to the

1 Rumble platform, which in turn would have generated billions of more views on the
 2 Rumble platform, and massive amounts of additional revenue for Rumble and its
 3 content creators. If those 9.3 billion views had all occurred on Rumble’s website, it
 4 would have generated an additional 184 million video uploads. Those additional
 5 184 million videos would have generated roughly 1.2 trillion additional views on
 6 Rumble’s platform. Those additional uploads and views would have produced
 7 tremendous additional revenue to Rumble, and in turn to the video content creators.

8 85. In addition to Rumble’s exclusive catalog of video content, Rumble
 9 also incurred damages on its non-exclusive catalog, which is far larger than its
 10 exclusive catalog.

11 86. Rumble reasonably believes that its damages as will be proven at trial
 12 will greatly exceed \$2,000,000,000, before trebling or attorney fees and costs.

CLAIMS FOR RELIEF

COUNT ONE: *Maintaining Monopoly of Online Video-Sharing Platform Services in Violation of Sherman Act § 2*

16 87. Rumble incorporates the allegations of the foregoing paragraphs as
 17 though fully set forth here.

18 88. Google’s conduct violates § 2 of the Sherman Act, which prohibits the
 19 “monopoliz[ation of] any part of the trade or commerce among the several States,
 20 or with foreign nations.” 15 U.S.C. § 2.

21 89. Online video-sharing platforms in the United States and globally is a
 22 relevant antitrust market and Google has obtained and maintains monopoly power
 23 in that market, and has done so by leveraging its monopoly power in the search
 24 engine market.

25 90. Google has willfully maintained and abused its monopoly power in the
 26 relevant market here through anticompetitive and exclusionary conduct as set forth
 27 above, which include rigging its search engine algorithms such that YouTube
 28 videos will always be listed first in the search results, and by providing pre-

1 installation and prominent placement of Google’s YouTube apps on its own and
2 requiring other smart phone manufacturers to do the same.

3 91. Google’s exclusionary conduct has foreclosed a substantial share of
4 the online video-sharing platform market.

5 92. Google’s anticompetitive acts have had harmful effects on competition
6 and consumers as set forth above.

7 93. The anticompetitive effects of Google’s exclusionary conduct and
8 agreements outweigh any procompetitive benefits in this market, or that can be
9 achieved through less restrictive means.

10 94. Google’s anticompetitive and exclusionary practices violate Section 2
11 of the Sherman Act, 15 U.S.C. § 2.

12 95. Rumble (and its content creators) have been and continue to be
13 damaged by Google’s anticompetitive and exclusionary practices, and that damage
14 has been proximately caused by Google’s anticompetitive and exclusionary
15 practices.

16 96. Rumble is therefore entitled to compensatory damages, trebled, and
17 Rumble should also be awarded its attorney fees and costs, pursuant to Section 15
18 of the Clayton Act.

19 **COUNT TWO: *Maintaining Tying Arrangements***
20 ***in Violation of Sherman Act § 1***

21 97. Rumble incorporates the allegations of the foregoing paragraphs as
22 though fully set forth here

23 98. Google’s conduct violates §1 of the Sherman Act, which prohibits
24 “[e]very contract, combination in the form of trust or otherwise, or conspiracy, in
25 restraint of trade or commerce among the several States, or with foreign nations.”
26 15 U.S.C. § 1.

27 99. The YouTube platform app is a service that is separate from and not
28 reliant on the Android operating system that Google licenses to various smartphone

1 and tablet manufacturers. Hence the YouTube platform app and the Android
2 operating system comprise separate goods and service.

3 100. On information and belief, Google forces certain smartphone and
4 tablet manufacturers to pre-install the YouTube app on their smartphones and
5 tablets in order also to obtain a license to use the Android operating system, such
6 that acquisition and use of the one is conditioned upon acquisition and use of the
7 other.

8 101. Google has more than sufficient power in the market for the Android
9 operating system in order to impose the illegal tying arrangement upon customers
10 for that operating system. Upon information and belief, more than 80% of all smart
11 phones sold in the United States, year in and year out, use the Android operating
12 system.

13 102. A not insubstantial amount of interstate commerce in the tied product
14 market is affected in that sales of smart phone and tablets in the United States using
15 the Android operating system are massive. Upon information and belief, sales of
16 smartphones in the U.S. in 2019 amount to approximately 80 Billion dollars.

17 103. Google's anticompetitive and exclusionary practices violate Section 1
18 of the Sherman Act, 15 U.S.C. § 1.

19 104. Rumble (and consumer; *e.g.*, its content creators) have been and
20 continue to be damaged by Google's anticompetitive and exclusionary practices,
21 and that damage has been proximately caused by Google's anticompetitive and
22 exclusionary practices.

23 105. Rumble is therefore entitled to compensatory damage, trebled, and
24 Rumble should also be awarded its attorney fees and costs, pursuant to Section 15
25 of the Clayton Act.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Rumble prays for judgment against Google as follows:

28 1. for compensatory damages according to proof, and that those damages

1 be trebled;

2 2. that Rumble be awarded its attorneys’ fees and costs;

3 3. that Google and its subsidiaries, dba’s, divisions, affiliates, parents,
4 successors, assigns, officers, agents, representatives, servants, and employees, and
5 all persons in active concert or participation with them or any of them, be
6 preliminarily and permanently enjoined from the unlawful anticompetitive conduct
7 as set forth above; and

8 4. that Rumble have such other and further relief as this Court deems just
9 and proper.

10 Respectfully submitted,

11 Dated: January 11, 2021

BURKE, WILLIAMS & SORENSEN, LLP

13 By: /s/ Robert W. Dickerson Jr.
14 Robert W. Dickerson, Jr.

15 Attorneys for Plaintiff
16 RUMBLE, INC.

17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY

Plaintiff Rumble hereby requests a trial by jury for all issues properly submitted to a jury.

Respectfully submitted,

Dated: January 11, 2021

BURKE, WILLIAMS & SORENSEN, LLP

By: /s/ Robert W. Dickerson, Jr.
Robert W. Dickerson, Jr.

Attorneys for Plaintiff
RUMBLE, INC.