

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: May 23, 2024

Judge: Hon. James Donato

Time: 3 Hours & 21 Minutes

Cases: **3:20-cv-05671-JD Epic Games, Inc. v. Google LLC et al.**
21-md-02981-JD In re Google Play Store Antitrust Litigation

Attorney(s) for Plaintiff(s): Lauren Moskowitz/Yonatan Even/Gary Bornstein/
Michael Zaken/Malikah Williams
Experts: Dr. Douglas Bernheim/Dr. Steve Tadelis

Attorney(s) for Defendant(s): Sujal Shah/Reedy Swanson/Jonathan Kravis/
Kuru Olasa/Glenn Pomerantz/Brian Smith/Leigha Beckman
Experts: Dr. Matthew Gentzkow/Dr. Gregory Leonard

Deputy Clerk: Lisa R. Clark

Court Reporter: Ruth Levine

PROCEEDINGS

Hearing re remedy in *Epic* case -- Held

NOTES AND ORDERS

The Court holds a hearing re injunctive relief based on the jury verdict in the *Epic Games, Inc. v. Google LLC* action, Case No. 20-5671, and has a discussion on the record with four economic experts. Dr. B. Douglas Bernheim and Dr. Steven Tadelis appear for Epic; Dr. Matthew Gentzkow and Dr. Gregory K. Leonard appear for Google.

Google will file by June 24, 2024, a proffer stating in detail the tech work required and economic costs, if any, to provide “Catalog Access” and “Library Porting” to competing app stores for a period of up to 6 years. *See* MDL Dkt. No. 952 at 7. The proffer may also address tech work and economic costs for the distribution of third-party app stores through the Google Play Store. *See id.* at 7-8. The proffer may not exceed 25 pages, not including any attached declarations from employee engineers and/or experts.

Epic may depose Google’s declarants. Epic will file a response to Google’s proffer by July 24, 2024. The response will not exceed 25 pages. Epic may also attach declarations from its own rebuttal experts. Google may depose Epic’s rebuttal experts by August 2, 2024.

The Court will hold a further hearing on August 14, 2024 at 10:00 a.m. At the hearing, the Court will hold a discussion with the key engineers / experts identified by each side for the first hour. The parties may then make closing arguments (up to 45 minutes per side) on the overall issue of an appropriate injunctive remedy in the *Epic* case for the Sherman Act and Cartwright Act violations found by the jury.