

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL REALE,
Plaintiff,

v.

GOOGLE LLC, et al.,
Defendants.

Case No. 22-cv-00562-VC

**ORDER GRANTING MOTION TO
DISMISS**

Re: Dkt. No. 66

The motion to dismiss the second amended complaint is granted. The monopolization claim under section 2 of the Sherman Act is dismissed because Reale fails to allege an antitrust injury resulting from anticompetitive conduct. 15 U.S.C. § 2. *See Federal Trade Commission v. Qualcomm Incorporated*, 969 F.3d 974, 990 (9th Cir. 2020). Removing Reale’s videos from YouTube on the basis that they violated the platform’s Terms of Service was not anticompetitive conduct. And any injury Reale suffered as a result of the removal was not “of the type the antitrust laws were intended to prevent” because he was not a competitor of YouTube nor was he overcharged for goods or services. *City of Oakland v. Oakland Raiders*, 20 F.4th 441, 456 (9th Cir. 2021).

The dismissal is without leave to amend. Reale has twice failed to adequately state a monopolization claim, and further leave to amend would be futile. Reale cannot plead that the removal of two of his videos from YouTube constituted anticompetitive conduct or caused any harm to competition in any market.

Having dismissed Reale’s federal claim, the Court again declines to exercise supplemental jurisdiction over the remaining state-law claim. 28 U.S.C. § 1367(c)(3). This case

remains at an early stage, and concerns over comity, fairness, convenience, and judicial economy continue to weigh against keeping it in federal court. *See Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 350 n.7 (1988).

IT IS SO ORDERED.

Dated: September 15, 2022



VINCE CHHABRIA
United States District Judge