







Debate Scheduled to Open Apple's App Store to All Developers


Federal court hearing to restrict iPhone censorship of independent apps

CUPERTINO, CALIFORNIA, UNITED STATES, August 11, 2021 /EINPresswire.com/ -- A hearing to end the App Store's twelve-year reign as the exclusive distribution point for iOS apps is scheduled for videoconference debate on October 14, 2021 at 1:30PM. In their papers moving the United States District Court to open the App Store to fair competition, Coronavirus Reporter asserts that the result will be vastly improved selection of innovative apps "limited only by the imagination of independent developers." The filing reasons that "Apple's walled garden will finally be allowed to flourish," a reference to Elon Musk's statement, made during a Tesla earnings conference last week, concerning Apple's policing of the App Store in the name of profit over progress.

**Smartphone Enhanced Internet Application
OEM Software Marketplace (App Distribution Rights)**









Distributors buy apps, like film studios buy movie rights.



Severely constrained marketplace

**Low stated volume
High theoretical volume**



Largely Theoretical Marketplace	Interchangeable Applications
<p><small>Venture Capitalists & Private Equity firms routinely purchase apps at the OEM/Institutional/Wholesale level. Their only effective "exit" is placement on the Apple App Store or Google Play Store.</small></p> <p><small>Apple does not recognize this as a legitimate market in their DPLA agreement. Nonetheless, Apple monopsony "buys" millions of apps at a price of zero. Apple does occasionally acknowledge institutional purchase of apps.</small></p>	<p><small>Apple iPhone Applications amount to 80% of USA smartphone software sales.</small></p> <p><small>Microsoft Phone (obsolete) BlackBerry (obsolete) Android versions may exist (20% US Market)</small></p>

Anticompetitive App Marketplace Dominated by Apple

- Apple buys most **free apps** at a price of \$0 from developer. Developer rewarded with advertising stream assignment.
- Apple buys 3rd Party **paid apps**, e.g. MS Word.
Price paid equals volume * 66.6% * IAP price
- Apple occasionally purchases free apps for own-brand portfolio. Dark Sky weather app bought for undisclosed sum, removed from Android.
- Apple frequently copies apps (i.e. Flashlight) eliminating rivals.
- Preferred partners (China Baidu, Stanford, etc) offered valuable chaperoning.
- Apple adds SDK functions permitting new classes of apps, favoring own (Tile / AirTag).
- Cronyism by App Store employees obtains kick-backs from friends' apps. Not officially sanctioned by Apple shareholders
- Rejects 40,000 apps a week; developers work **millions of person-hours for no pay or benefits.**

Competition would vastly increase app quality & developer fairness

In the case of Coronavirus Reporter, the company had developed a COVID-19 symptom tracing app in February 2020, but Apple placed it under a ban of all COVID startups, so they could pursue their own app. The company claims that eighteen months later, Apple's COVID SDK is still unavailable over a large part of the United States. According to Apple's own research, these app delays caused increased mortality, says the filing. Coronavirus Reporter's Chief Physician, cardiologist Dr. Roberts, invented the MBCK test for heart attacks used to screen tens of millions of patients since the 1980s. Roberts remarked to CNBC that throughout medical history, startups have made necessary contributions, citing the discovery of penicillin as example. He believes Apple's policy to ban startups from medical contribution would set a dangerous precedent.

The injunction is part of a larger class action lawsuit seeking nearly \$200 billion in damages to small developers of free apps such as Coronavirus Reporter. The suit asserts that Apple's control over the iPhone is tantamount to purchasing a TV and only being allowed to watch films approved by that TV manufacturer, or buying a car only to be told by the car manufacturer what

neighborhoods it can be driven to. If the Plaintiff prevails, an iPhone owner would be free to launch any app and download apps directly from third-party developers, effectively bypassing the App Store. The motion concludes "It is time to realize the smartphone, even if it once subject of science fiction fantasy, is not exempt from laws meant to curtail Apple's greed."

The hearing is open to public viewing, and instructions for watching the debate are on the website for the United States District Court for the Northern California District:

<https://cand.uscourts.gov/judges/chen-edward-m-emc/>

Attorney Keith Mathews represents Coronavirus Reporter. Download the motion for preliminary injunction here:

<https://www.scribd.com/document/519394028/Motion-for-Preliminary-Injunction-to-restrain-and-enjoin-Apple-from-restricting-Interstate-Institutional-App-Marketplace-Commerce>

Source: Coronavirus Reporter

Keith Mathews
Associated Attorneys of New England
+1 (603) 622-8100
keith@aaone.law

This press release can be viewed online at: <https://www.einpresswire.com/article/548595840>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.

