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A DEFENDANT

Case No. **4:20-cv-05640-YGR**
 Case Title ***Epic Games, Inc. v. Apple, Inc.***
 Exhibit No. **DX-4177**
 Date Entered _____
 By: Susan Y. Soong, Clerk
 Deputy Clerk

-We will face challenge: Google and Apple are so large, there are beat reporters on them as their job. They will defer to Google and Apple. When it is large company vs large company, these writers will defer to Google and Apple and defend them.

-The way that changes is if you go to that table with their friends.

-Epic is not sympathetic.

-But for all of the developers that suffer from those attacks, they are sympathetic. All of our gaming partners who lose a cut.

-Is it possible to get these people behind us.

-Start to build a coalition (501c4). Publically announce the coalition and their mission.

-Have an agency from public affairs that helps to manage it.

-Come up with your list of advocacy points.

-Get rid of the tax. And add some other issues.

-There is a large press cycle. Now we're not the only voice in the cycle. Now it isn't only us, and the conversation is much larger. When it comes to the press, that results in more neutral to positive coverage.

-The coalition is in a position to advocate for these stories over and over. Talk about the development of any individual member or policy.

-One company versus another on a policy issue is one dimensional and not sustainable.

-Coalitions will do polling on whether prices are too high. They'll do polling on

-Coalition will take one to two months to get started. \$80K - \$100K to get the coalition funded. Their running polls, their running ads.

-Go the nuclear option. It becomes the catalyst for the coalition, which is up and running, and can dimensionalize the battle for us.

-That being said, we recommend we go the nuclear option and submit onto Google Play.

-Hoping for a sustained media press or ongoing groundswell is unlikely.

-Our company is too successful to be sympathetic about. It's a rich company versus a rich company.

-Because it is Fortnite, we likely get a three day cycle.

-Next salvo of press: how are consumers getting around it?

-Each additional feature is a media moment, but we have shifted to a legal battle, and press will only cover it when there is a decision.

-We just need a sustained amount of press.

-They could come up with a policy that appeases some of the press, but doesn't help us.

-Google Play is our test bed.

-The problem with this fight is that nothing new will happen. We will not win with a sustained battle. It is big successful company vs big successful company.

-Do they care about

-55% play for free.

-Paragon situation.

-We have employed the firm who can run the strategy for us and build the coalition for us.

-We can have him meet with Lane.

FIRST OPTION:

-When we take this move, here is the sentiment, and for the likelihood that we could sustain as a single company, we might get 72 hours of cycles, people will care less. The only way that we sustain the cycle is to have a diverse set of stakeholders talk about this. This expands the opportunities and expands the perspective.

ALT OPTION:

-Just remove Google, fake submission with Apple.

-Has to be perceived as a win for the consumer.

-But the 80% of savings isn't enough to win by taking the game away.

-Strategy 2 increases our chances of winning and we've got them on our side.

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-Plan of what he wants, and what he think the outcome is.

-There will be some press, we may see some positive sentiment, but we won't be able to sustain it.

-Apple has no problem going down a litigation path, and they will not cave in a week or a month.

-We have to have a strategy of sustained sympathy, and at some point they can't take it anymore. One company can't do that.

-Ideally try to get to a 2% activation rate for the public. Think about the action that you want them to take and apply the pressure.

-And then present our plan that we think will create the best outcome.