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Ne Messag FaceTime

Apple is facing a class action lawsuit filed by

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iPhone 4/4S users who claim that the company broke FaceTime for iOS 6 and earlier operating systems in April 2014.

Plaintiff Austin Belanger claims that there are two methods that users can utilize FaceTime. One is called the "peer to peer" method in which there is a direct connection between the parties and the other is a "relay method" where the parties connect to a server that "relays" the data on behalf of the parties.

After the release of iOS 7, users of FaceTime moved from the "relay" system to the "peer to peer" system, which was more cost effective to Apple, the plaintiff says. However, users of iOS 6 and earlier still had to utilize the "relay" system to make and receive FaceTime calls.

The Apple class action lawsuit states that, soon after, Apple shut off the capability for iPhone users with iOS 6 and earlier to access FaceTime and that, in order to use the service, those users would have to upgrade to iOS 7.

The FaceTime class action lawsuit further claims that Apple turned off the "relay" method knowing that it would have an affect on millions of users, because moving to iOS 7 was not compatible with certain apple smartphones.

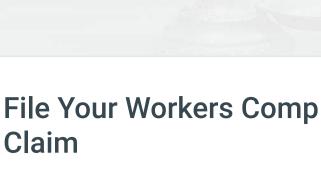
"For iPhone 4 and iPhone 4S users, for example, the coerced move to iOS 7 subjected their devices to slowness, system crashes, erratic behavior and/or the elimination of their ability to use critical functions on their phone," the Apple class action lawsuit alleges.

The plaintiff states that the date that Apple turned off FaceTime for users with iOS 6 and earlier was set for April 16, 2014. Thus, on that day, without warning from Apple, millions of users lost the ability to use FaceTime.

In point of fact, "Internal Apple emails eliminate any doubt that Apple intentionally broke FaceTime, and did so in order to reduce relay usage and the high costs related thereto," the class action lawsuit claims.

The plaintiff alleges that after Apple broke FaceTime, the millions of iPhone 4 and iPhone 4S users whose smartphones were operating on iOS 6 or earlier had three options if they wanted to continue to use their device. They could continue using their phone without the ability to use FaceTime. Or, they could move to iOS 7 on their current device, which would have a significant effect on functionality, or buy a new Apple phone which could run iOS 7 and thus use FaceTime.

The Apple class action lawsuit states that an internal email from an Apple employee within hours of the FaceTime break sums up the problem: "our users on [iOS 6] and before are basically screwed," the email states.



By Steven Cohen

September 4,

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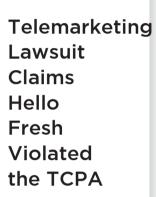


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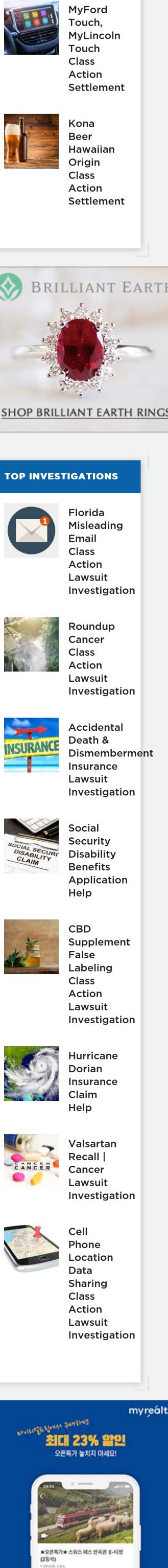
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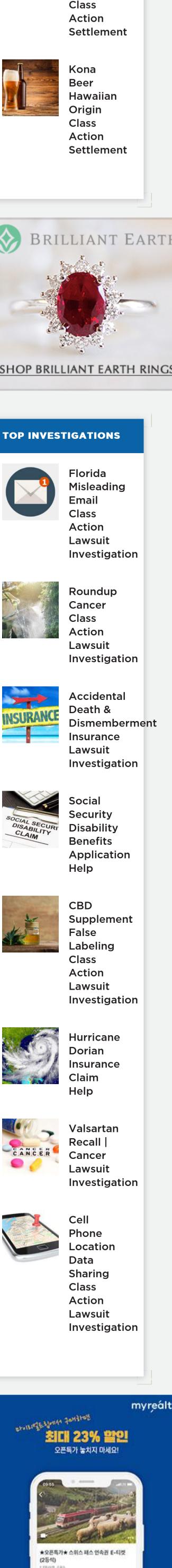
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Putative Class Members include: "Consumers who, at the time of the April 16, 2014 FaceTime Break, owned an iPhone 4 or iPhone 4S that was running on iOS 6 or an earlier operating system, and who therefore lost the ability to use FaceTime on their devices."

The plaintiff claims that Apple violated the Florida Deceptive and Unfair Trade Practices Act and alleges trespass to chattels.

Belanger is represented by Adam Moskowitz, Howard Bushman, Adam Schwartzbaum of The Moskowitz Law Firm.

The Apple FaceTime Class Action Lawsuit is Austin Belanger v. Apple Inc., Case No 1:19-cv-23623, in the U.S. District Court for the Southern District of Florida.

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