

WP Engine Vs Automattic & Mullenweg Is Back In Play via @sejournal, @martinibuster

WP Engine filed a Second Amended Complaint against Automattic and Matt Mullenweg in response to the September 2025 court order that dismissed several counts but gave WP Engine an opportunity to amend and fix issues in its earlier filing. Although Mullenweg blogged last month that the ruling was a “significant milestone,” that’s somewhat of an overstatement because the court had, in fact, dismissed the counts related to antitrust and monopolization with leave to amend, allowing WP Engine to amend and refile its complaint, which it has now done.

WP Engine Versus Automattic Is Far From Over

In last month’s court order, two claims were dismissed outright because of technical issues, not because they lacked merit.

Two Claims That Were Dismissed

1. **Count 4, Attempted Extortion:** WP Engine’s lawyers cited a section of the California Penal Code for Attempted Extortion. The Penal Code is criminal law intended for use by prosecutors and cannot serve as the basis for a civil claim.
2. **Count 16, Trademark Misuse,** was also dismissed on the technical ground that trademark misuse can only be raised as a defense.

The remaining counts that were dismissed last month were dismissed *with leave to amend*, meaning WP Engine could correct the identified flaws and refile. WP Engine's amended complaint shows that Automattic and Matt Mullenweg still have to respond to WP Engine's claims and that the lawsuit is far from over.

Six Counts Refiled

WP Engine refiled six counts to cure the flaws the judge identified in the September 2025 court order, including its Computer Fraud and Abuse Act claim (Count 3).

1. Count 3: Computer Fraud and Abuse Act (CFAA)
2. Count 12: Attempted Monopolization (Sherman Act)
3. Count 13: Illegal Tying (Sherman Act)
4. Count 14: Illegal Tying (Cartwright Act)
5. Count 15: Lanham Act Unfair Competition
6. Count 16: Lanham Act False Advertising

Note: *In the amended complaint, Count 16 is newly numbered; the previous Count 16 (Trademark Misuse) was dismissed without leave to amend.*

How Second Amended Complaint Fixes Issues

The refiled complaint adds further allegations and examples to address the shortcomings identified by the judge in the previous ruling. One major change is the inclusion of clearer market definitions and more detailed allegations of monopoly power.

Clearer Market Definition

The September 2025 order found that WP Engine's earlier complaint did not adequately define the relevant markets, and the judge gave WP Engine an opportunity to amend. The amended

complaint dedicates about 27 pages to defining and describing multiple relevant markets.

WP Engine's filing now identifies four markets:

1. Web Content Management Systems (CMS) Market: Encompassing both open-source and proprietary CMS platforms for website creation and management, with alleged monopoly power concentrated in the WordPress ecosystem.
2. WordPress Web Hosting Services Market: Consisting of hosting providers that specialize in WordPress websites, where Automattic is alleged to influence competition through its control of WordPress.org and trademark enforcement.
3. WordPress Plugin Distribution Market: Focused on the distribution of plugins through the WordPress.org repository, which WP Engine alleges Automattic controls as an essential and exclusive channel for visibility and access.
4. WordPress Custom Field Plugin Market: A narrower segment centered on Advanced Custom Fields (ACF) and similar plugins that provide custom field functionality, where WP Engine claims Automattic's actions directly suppressed competition.

By defining these markets in greater detail over 27 pages, WP Engine addresses the court's earlier finding that its market definitions were inadequately supported and insufficiently specific.

New Allegations Of Monopoly Power

The September 2025 court order found that WP Engine had not plausibly alleged Automattic's monopoly power or exclusionary conduct, and allowed WP Engine to amend its complaint.

The amended filing adds detailed assertions intended to show

Automattic's dominance:

- Automattic allegedly controls access to the official WordPress plugin and theme repositories, which are essential for visibility and functionality within the WordPress ecosystem.
- Matt Mullenweg's dual roles as Automattic's CEO and his control over WordPress.org's operations are alleged to enable coordinated market exclusion.
- The complaint cites WordPress's scale, powering more than 40 percent of global websites, and argues that Automattic exercises significant influence over this ecosystem through its control of WordPress.org and related trademarks.

These new assertions are meant to show that Automattic's influence over WordPress.org translates into measurable market power, addressing the court's finding that WP Engine had not yet made that connection.

Expanded Exclusionary Conduct Examples

The court found that WP Engine framed Automattic's control of WordPress.org and the WordPress trademarks too vaguely to plausibly show exclusionary conduct or resulting antitrust injury.

The amended complaint addresses this by detailing how Automattic and Matt Mullenweg allegedly used threats and actions involving WordPress.org access and distribution to:

- Block or restrict WP Engine's access to WordPress.org resources and community channels.
- Impose conditions on access to WordPress trademarks and resources through alleged threats and leverage.
- Pressure plugin developers and partners not to

- collaborate or integrate with WP Engine's products.
- Establish an alleged de facto tying arrangement, linking participation in the WordPress.org ecosystem to compliance with Automattic's control over governance and distribution.

Together, these examples illustrate how WP Engine is attempting to turn previously vague claims of control into specific allegations of exclusionary conduct.

Abundance Of Evidence

Mullenweg sounded upbeat in his response to the September 2025 ruling:

"Just got word that the court dismissed several of WP Engine and Silver Lake's most serious claims – antitrust, monopolization, and extortion have been knocked out!"

But WP Engine's Second Amended Complaint makes it clear that those "serious claims" were dismissed with leave to amend, have since been refiled, and are not yet knocked out.

The amended complaint is 175 pages long, perhaps reflecting the comprehensive scope necessary to address the issues the court identified in the September 2025 order. None of this means WP Engine is winning; it simply means the ball is back in play. That outcome directly contradicts Mullenweg's earlier claim that the antitrust, monopolization, and extortion counts had been "knocked out."

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