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Bipartisan Coalition of 38 Attorneys General Allege Google Illegally Maintained a Monopoly, Created Insurmountable Barriers to Entry for Competitors

Lincoln – Attorney General Peterson today joined a bipartisan coalition of 38 attorneys general in suing (<https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Attachment%201%20-%20Colorado%20et%20al.%20v.%20Google%20PUBLIC%20REDACTED%20Complaint.pdf>) Google LLC for anticompetitive conduct in violation of Section 2 of the Sherman Act.

The states allege that Google illegally maintains its monopoly power over general search engines and related advertising markets through a series of anticompetitive exclusionary contracts and conduct. As a result, Google has deprived consumers of competition that could lead to greater choice, innovation, and better privacy protections. Furthermore, Google has exploited its market position to accumulate and leverage data to the detriment of consumers.

“After 14 months of a rigorous investigation, it is apparent that Google is engaged in anticompetitive behavior to protect its market dominance in search and search advertising. The fact that so many states have joined the complaint is evidence of how important this case is to maintain competition in the digital economy,” stated Attorney General Peterson.

The states’ complaint (<https://ago.nebraska.gov/sites/ago.nebraska.gov/files/doc/Attachment%201%20-%20Colorado%20et%20al.%20v.%20Google%20PUBLIC%20REDACTED%20Complaint.pdf>) is consistent with the lawsuit filed by the U.S. Department of Justice on October 20, which alleged that Google improperly maintains its monopoly power in general search and search advertising through the use of exclusionary agreements.

But the state’s filing asserts additional allegations and describes Google’s monopoly maintenance scheme as a multi-part effort. The lawsuit alleges that Google:

- Uses exclusionary agreements and other practices to limit the ability of rival general search engines and potential rivals to reach consumers. This conduct cements Google as the go-to search engine on computers and mobile devices.
- Disadvantages users of its search-advertising management tool, SA360, by promising that it would not favor Google search advertising over that of competing search engines such as Bing. Instead, Google continuously favors advertising on its own platform, inflating its profits to the detriment of advertisers and consumers.
- Discriminates against specialized search sites – such as those that provide travel, home repair, or entertainment services – by depriving them access to prime real estate because these competing sites threaten Google’s revenue and dominant position.

The attorneys general argue that more competition in the general search engine market would benefit consumers, for example, through improved privacy protections and more targeted results and opportunities for consumers. Competitive general search engines also could offer better quality advertising and lower prices to advertisers.

The attorneys general expand on the U.S. DOJ's allegation that Google's anticompetitive conduct continues. As explained in the complaint, the company seeks to deploy the same exclusionary contracting tactics to monopolize the emerging ways consumers access general search engines, such as through their home smart speakers, televisions, or in their cars. In so doing, Google is depriving consumers of competitive choices and blocking innovation.

The states also go further than the U.S. DOJ in explaining how Google's acquisition and command of vast amounts of data – obtained in increasing part because of consumers' lack of choice – has fortified Google's monopoly and created significant barriers for potential competitors and innovators.

The attorneys general ask the court to halt Google's illegal conduct and restore a competitive marketplace. The states also seek to unwind any advantages that Google gained as a result of its anticompetitive conduct, including divestiture of assets as appropriate. Finally, the court is asked to provide any additional relief it determines appropriate, as well as reasonable fees and costs to the states.

The complaint was filed in the U.S. District Court for the District of Columbia, in conjunction with a Motion to Consolidate seeking to combine the states' case with the pending U.S. DOJ case.

The states' investigation was led by an executive committee made up of the attorneys general of Arizona, Colorado, Iowa, Nebraska, New York, North Carolina, Tennessee, and Utah. The executive committee is joined by the attorneys general of Alaska, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, Wyoming, the District of Columbia, and the territories of Guam and Puerto Rico.

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