AG Jennings Announces Lawsuit To End Google's Illegal Monopoly

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Attorney General Kathy Jennings announced Thursday that Delaware and other states are suing search giant Google LLC for anticompetitive conduct in violation of Section 2 of the Sherman Act. The suit comes one week after Delaware announced a lawsuit against Facebook Inc. for violations of the Sherman Act and

Clayton Act.

> “Google became a household name through the virtually unabated domination of the search market,” said **Attorney General Jennings**. “It maintains that dominance illegally – including through a longstanding pattern of exclusionary contracts that starve out potential competitors – and at the expense of consumers’ privacy. America’s antitrust laws have stood the test of time because sprawling monopolies threaten consumer choice, stifle open markets, and erode accountability for bad corporate behavior. We have a duty to intervene against this kind of abuse, on behalf of our constituents and of consumers everywhere. That’s exactly what we’re doing today.”

The suit alleges that Google illegally maintains its monopoly power over general search engines and related advertising markets through anticompetitive conduct and exclusionary contracts. That conduct 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.

The complaint is consistent with a 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 states’ 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 rival and potential rival search engines’ ability to reach consumers. This conduct cements Google as the go-to search engine on computers and mobile devices.
- Utilized its search-advertising management tool, SA360, to discriminate against its search competitors to preference its own offerings despite promising advertisers it would not.
- 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.

Google 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 state complaint also goes further than the U.S. DOJ’s 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 its monopoly.

The states 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, and any additional relief it deems appropriate.

This matter is being handled by the DOJ’s Fraud and Consumer Protection Division.