

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

INFORM INC.,

Plaintiff,

vs.

GOOGLE LLC;
GOOGLE INC.;
ALPHABET INC.;
YOUTUBE, LLC;
YOUTUBE, INC.;
and JOHN DOES 1-100;

Defendants.

CIVIL ACTION FILE

NO. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Inform, Inc. (“Inform”), by and through its attorneys, brings this action against Defendants Google LLC, Google Inc., Alphabet Inc., YouTube, LLC, YouTube, Inc., and John Does 1-100 (collectively “Defendants” or “Google”). Inform makes its allegations upon personal knowledge as to its own acts and upon information and belief as to all other matters, as well as based upon the ongoing investigation of its counsel. Plaintiff respectfully shows the Court as follows:

I. INTRODUCTION

1. This is an action under, *inter alia*, the Sherman Antitrust Act, the Clayton Antitrust Act, and Georgia's common law tort of tortious interference to restrain the anticompetitive conduct of Defendants, to remedy the effects of the Defendants' past unlawful conduct, to protect free market competition from continued unlawful manipulation, and to remedy harm to consumers and competitors alike.

2. Plaintiff Inform is a digital media advertising company that for over a decade has directly competed with Google in the online advertising market, specifically online video advertising, by providing a platform of services to online publishers, content creators, and online advertisers. While Inform had revenues in excess of \$100 million for its online advertising services between 2014 and 2016, since that time Google has effectively put Inform out of business as a direct result of the illegal conduct described herein. Google's pattern of anticompetitive practices has thwarted competition on the merits and excluded Inform and other Google competitors from the relevant markets. The result has been to eviscerate competition in multiple markets, harm consumers, degrade consumer choice and consumer privacy, and stifle innovation.

3. At its core, Google is in the business of online advertising, services from which it derives the vast majority of its revenues. Users of the Google search engine do not pay a monetary fee; rather Google monetizes users' personal data to drive online advertising revenue. In essence, Google is a broker of Internet user data for online advertising profits.

4. For many years, Google's goal has been to monopolize the online advertising market by: (1) amassing and controlling Internet user data; (2) controlling the devices and tools with which users access the Internet; and (3) ultimately controlling the advertising content that is served and consumed by Internet users.

5. Google, the world's largest and most accessed search engine, has an overwhelming market dominance – well over 90% – in Internet Search and other related markets. For many years now, Defendants have possessed and still possess monopoly power in this search engine market (hereinafter the “Internet Search Market”) and numerous interrelated and overlapping markets, including but not limited to the Search Advertising Market and the Ad Server Market. Google is also dominant in the Web Browser Market and the broader Online Advertising Market. Additionally, through its 2005 acquisition of the Android operating system (“OS”), and the resulting control over handheld Android devices, Google has established a monopoly in the worldwide market for Licensable Mobile Device Operating

Systems. Collectively, the markets as described above have been leveraged by Google to gain and maintain monopoly power and will be referred to herein as “Defendants’ Leveraged Monopolies.”

6. To maximize their advertising profits, to protect their valuable monopolies against potential competitive threats, and to extend Defendants’ Leveraged Monopolies globally and across digital devices, Defendants have simultaneously engaged in a series of acquisitions and anticompetitive activities designed to thwart competition on the merits.

7. To maintain their monopolies and gain additional monopoly power, Defendants have resorted to blatant and rampant coercive and anticompetitive activities. Defendants’ anticompetitive conduct includes:

- coercing consumers to use Google’s products and services;
- coercing advertisers to use Google’s products and services;
- illegally undermining competitive products and services;
- entering agreements tying other Google products, services and applications to the Android operating systems (OS) offered by Google and/or to the Google Ad Server;
- entering into exclusionary agreements that preclude companies from advertising, distributing, promoting, buying, or using products of competitors or potential competitors to Google’s applications;

- entering into exclusionary agreements that restrict the right of companies to provide services or resources to competitors or potential competitors to Google's advertising services and products;
- tortiously interfering with competitors' contracts and business relationships;
- maliciously and artificially imposing restrictions on how ads can be supported and accepted for display, while exempting or whitelisting its own platforms from these rules;
- improperly influencing and infiltrating governmental agencies, including the Federal Trade Commission ("FTC") and the United States Patent and Trademark Office ("USPTO") to further Google's interests; and
- engaging in a decades-long campaign to acquire disparate tech companies and patent portfolios with the goal of leveraging its monopoly power to maintain market dominance throughout Defendants' Leveraged Monopolies.

Defendants' conduct described above shall be referred to herein as "Defendants' Competitive Restraints."

8. Defendants have illegally leveraged their monopoly power and market dominance in interrelated markets both to maintain dominance in those markets

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