

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

21-md-3010 (PKC)

OPINION AND ORDER

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THIS DOCUMENT RELATES TO:

21-cv-6841 (PKC)

STATE OF TEXAS

By Attorney General Ken Paxton

STATE OF ALASKA

By Attorney General Treg R. Taylor

STATE OF ARKANSAS

By Attorney General Leslie Rutledge

STATE OF FLORIDA

By Attorney General Ashley Moody

STATE OF IDAHO

By Attorney General Lawrence G. Wasden

STATE OF INDIANA

By Attorney General Todd Rokita

COMMONWEALTH OF KENTUCKY

By Attorney General Daniel Cameron

STATE OF LOUISIANA

By Attorney General Jeff Landry

STATE OF MISSISSIPPI

By Attorney General Lynn Fitch

STATE OF MISSOURI

By Attorney General Eric Schmitt

STATE OF MONTANA

By Attorney General Austin Knudsen

STATE OF NEVADA

By Attorney General Aaron D. Ford

STATE OF NORTH DAKOTA

By Attorney General Drew H. Wrigley

COMMONWEALTH OF PUERTO RICO

By Attorney General Domingo Emanuelli-
Hernández

STATE OF SOUTH CAROLINA

By Attorney General Alan Wilson

STATE OF SOUTH DAKOTA

By Attorney General Jason R. Ravensborg

and

STATE OF UTAH

By Attorney General Sean D. Reyes,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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CASTEL, Senior District Judge:

The advertising industry has kept pace with consumers’ near-universal use of websites and mobile apps to obtain news and information. Publishers and advertisers can now participate in a milliseconds-long auction to sell an ad directed to a specific web user based on browsing history and characteristics. Pricing varies based on the consumer’s perceived value to the particular advertiser: a seller of motorcycles or sunglasses is generally willing to pay more for ads targeted to likely purchasers. This antitrust action focuses on the multiple roles played by Google LLC (“Google”) in the purchase and sale of display ads on commercial websites and ad impressions on mobile apps.

The Attorneys General of ten states brought an action in the Eastern District of Texas against Google, alleging that Google’s digital advertising practices violate sections 1 and 2 of the Sherman Act, as well as the laws of their states. The action was transferred to this Court by the Judicial Panel on Multi-District Litigation for coordinated pre-trial proceedings. Since then, a 702-paragraph Third Amended Complaint (“the Complaint”) has been filed in this District on behalf of sixteen states and the Commonwealth of Puerto Rico (collectively, the “States”).

The States describe the Complaint as cataloguing a “sweeping variety of anticompetitive conduct.” (Mem. in Opp. at 1.)¹ They allege that Google has monopolized or attempted to monopolize various markets related to online display ads (Counts I and II) and unlawfully used its market power to tie the sale of Google’s “ad server,” a tool used by publishers to manage their inventory of display ads, to Google’s “ad exchange,” a distinct

¹ The operative pleading also alleges violations of various state statutes. At a pretrial conference of September 21, 2021, this Court stayed the filing of any motions directed to the several state law claims of the Attorneys General, thereby permitting the parties and the Court to focus on the federal antitrust claims. See Pre-Trial Order No. 1 ¶ 11 (Aug 13, 2021; Docket # 4).

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