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Florida Attorney General's Office News Release

AG Moody Sues Google for Antitrust Violations Over App Store



TALLAHASSEE, Fla.—Attorney General Ashley Moody is suing Google for illegally and unfairly maintaining a monopoly on the app store for Android devices. Google allegedly uses exclusionary conduct relating to the Google Play Store for Android mobile devices and Google Billing. This antitrust lawsuit is the newest legal action against the tech giant, claiming anticompetitive, illegal and unfair business practices. The suit accuses Google of using its dominance to unfairly restrict competition with the Google Play Store, harming consumers by limiting choice and driving up app prices. Attorney General Moody joins a coalition of 37 attorneys general in filing the lawsuit.

Attorney General Ashley Moody said, “Time and time again, we have seen Google use its power in the tech industry to unscrupulously exploit the marketplace. Google’s manipulation of app distribution on Android devices forces consumers into using Google’s services to purchase apps—resulting in a 30% commission charge on in-app payments.

“The tech giant’s monopoly on Android app purchases significantly hinders other in-app payment processors from entering the marketplace, leaving consumers with no other options when seeking to download apps. We will not allow Google to continue to monopolize an entire sector—eliminating competition and harming consumers.”

According to the lawsuit, Google’s exclusionary conduct substantially shuts out competing app distribution channels. Google also requires app developers, who offer apps through the Google

Play Store, to use Google Billing as a middleman. This arrangement ties a payment processing system to an app distribution channel and forces app consumers to pay Google's commission on in-app purchases that are distributed via the Google Play Store. This commission reaches up to 30% and is much higher than the commission consumers would pay if they had the ability to choose one of Google's competitors instead.

The lawsuit alleges that Google works to discourage or prevent competition, violating federal and state antitrust laws. Google previously promised app developers and device manufacturers that it would keep Android open source, allowing developers to create compatible apps and distribute them without unnecessary restrictions. The lawsuit argues Google did not keep that promise.

By promising to keep Android open, Google successfully enticed OEMs—mobile device manufacturers such as Samsung—and MNOs—mobile network operators such as Verizon—to adopt Android and forgo competing with Google's Play Store. Once Google obtained the critical mass of Android OS adoption, the tech giant moved to close the Android OS ecosystem—and the relevant Android App Distribution Market—to any effective competition by requiring OEMs and MNOs to enter into various contractual restraints. These restraints disincentivize and restrict OEMs and MNOs from competing, or fostering competition, in the relevant market.

To view the filed complaint, click here.

This lawsuit is one of many actions taken against Google by the Florida Attorney General's Office. In September 2019, Attorney General Moody and a bipartisan coalition of attorneys general launched an investigation into Google's business practices.

Following the investigation in October 2020, Attorney General Moody, along with the U.S. Department of Justice and 10 other state attorneys general, filed a civil antitrust lawsuit to prevent Google from unlawfully maintaining monopolies through anticompetitive and exclusionary practices in the search and search advertising markets.

In March, Attorney General Moody filed a lawsuit against Google for multiple violations of federal and state antitrust and consumer protection laws in connection with its role in the multitrillion-dollar online-display advertising industry.

In addition to Attorney General Moody, the attorneys general of the following jurisdictions joined the lawsuit: Alaska, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Idaho, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington and West Virginia.