

As Google's antitrust trial wraps, DOJ seeks sanctions over missing messages

The fate of Google's search business is now in the hands of Judge Amit Mehta, as closing arguments concluded in the landmark trial on Friday.

The Department of Justice and plaintiff states made their last arguments Thursday on Google's alleged anticompetitive conduct in the general search market, and on Friday focused on its allegedly illegal conduct in search advertising. Google was also under fire (separately) for failing to retain chat messages that the DOJ believes could have been relevant to the case.

The government is trying to show that Google locked up key distribution channels for the general search engine market, so that would-be rivals could not grow into significant threats. It says it did so through contracts with phone manufacturers and browser companies to be their exclusive default search engine. If the judge agrees that Google successfully foreclosed competition in that market, he can consider the government's arguments about the search advertising market as evidence of anticompetitive conduct.

In his summary, DOJ attorney Kenneth Dintzer said that the last major tech monopoly decision, *US v. Microsoft*, "fits like a glove" on Google. Google's lead litigator in the case, John Schmidtlein, disagreed. In *Microsoft*, he said, manufacturers were coerced into deals and customers were spoon-fed an inferior product they didn't want. "Google has won with a superior product," he said.

“The importance and significance of this case is not lost on me,” Mehta said as he concluded Friday’s court proceedings. “Not only for Google, but for the public.”

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The plaintiff states – the attorneys general for 38 states led by Colorado and Nebraska that brought the suit alongside the DOJ – are also arguing that Google intentionally dragged its feet when building certain features for SA360, its search engine marketing tool. SA360 helps advertisers manage ads through different platforms – not just Google, but competitors like Microsoft’s Bing.

The states say that Google lagged behind in building a SA360 feature for Bing ads when it had already implemented it for Google search ads.

“The evidence here is a little bit tricky for Google,” Mehta said, noting the significance of Google having said rather publicly at the start that it was “not going to play favorites” when it came to SA360. While Google could have chosen to exclude Microsoft from the tool at the outset, “that’s not the choice they made,” Mehta said.

The tool was not delivered for nearly five years after Microsoft asked for it. “How can that not be at least inferred to be anticompetitive?” Mehta asked.