GRAND PARK LAW GROUP
A PROFESSIONAL CORPORATION

WESTSIDE TOWERS
11835 W. Olympic Boulevard #870E
Los Angeles, California 90064

O:+1 888.629.4754
F: +1 310.900.0805

INSIGHT

Q4 2024 Legal Review: The Antitrust Resurgence — Section 2 Sherman Act Liability in DOJ v. Google

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Judge Amit Mehta's liability ruling in United States v. Google LLC marked a defining milestone in modern antitrust enforcement against digital platform monopolies.

In the fourth quarter of 2024, the United States District Court for the District of Columbia delivered the most significant antitrust monopoly decision since *United States v. Microsoft* (2001). In *United States v. Google LLC*, No. 1:20-cv-03010, Judge Amit P. Mehta held that Google violated Section 2 of the Sherman Act (15 U.S.C. § 2) by maintaining an illegal monopoly in general search services and search text advertising through exclusive default distribution agreements.

I. The Section 2 Liability Ruling & Market Definition

Judge Mehta's 286-page findings of fact and conclusions of law concluded that Google held an 89.2% market share in general search services in the United States, protected by high barriers to entry and massive feedback data loops. The court found that Google's revenue-sharing agreements with browser developers, smartphone manufacturers (like Apple and Samsung), and wireless carriers secured permanent default search placement, foreclosing nearly 50% of the U.S. search query volume from competing search engines.

Applying the burden-shifting framework of *United States v. Microsoft Corp.*, 253 F.3d 34 (D.C. Cir. 2001), the court held that Google's exclusionary contracts had anticompetitive effects by depriving rivals of scale and suppressing innovation in search quality.

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II. The Remedy Phase & Digital Market Restructuring

As the case transitioned into the remedy phase in late 2024, the Department of Justice proposed behavioral and structural remedies, including:

- Prohibiting exclusive revenue-sharing distribution agreements.
- Mandating search data and index syndication with emerging competitors and generative AI developers.
- Potential structural divestitures of assets like the Chrome browser or Android operating system.

III. Strategic Implications for Technology & Commercial Litigators

The *Google* antitrust ruling signals a redefined regulatory and competitive landscape for commercial enterprises:

- **Scrutiny on Exclusive Distribution:** Commercial counsel must re-evaluate exclusive platform contracts, default placement agreements, and bundling clauses that foreclose substantial shares of relevant digital markets.
- **Private Follow-On Class Actions:** The liability finding has triggered a surge of private civil antitrust lawsuits under Section 4 of the Clayton Act (15 U.S.C. § 15) by advertisers and publishers seeking treble damages.
- **Generative AI & Search Synergy:** The intersection between antitrust distribution constraints and generative AI query engines creates new battlegrounds for platform neutrality and fair access.

Topics Antitrust · Corporate Litigation · Big Tech · Sherman Act

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