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WLF Urges Supreme Court to Review Ninth Circuit’s Overreach in Google Antitrust Case *(Google LLC v. Epic Games, Inc.)*

“The Ninth Circuit’s forced-sharing remedy risks eroding the procompetitive aims of antitrust law and invites rent-seeking lawsuits by rivals.”

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to grant certiorari and reverse the Ninth Circuit’s decision upholding a sweeping injunction against Google in its antitrust battle with Epic Games. WLF contends that courts cannot compel a defendant to deal with its competitors absent a finding that the defendant violated an affirmative duty to deal under antitrust law.

The case stems from a 2020 lawsuit by Epic Games alleging that Google’s Play Store rules monopolized Android app distribution and in-app payments. A 2023 jury found Google liable, leading the district court to issue a broad injunction requiring Google to host rival app stores, share its app catalog, and permit external payment links—provisions all upheld by the Ninth Circuit after Google’s unsuccessful appeal. The Supreme Court recently denied a stay, but Google’s certiorari petition now invites the Court to review the injunction’s legality.

In its amicus brief urging review, WLF argues the Ninth Circuit’s ruling creates a split with the D.C. Circuit on mandatory-dealing remedies and ignores antitrust law’s procompetitive aims, inviting rent-seeking suits that will chill innovation. The injunction’s “central planning” approach, without evidence that such court-mandated dealings will remedy the consequences of a proven antitrust violation, threatens economic growth by eroding business incentives to innovate. WLF urges review to clarify the equitable limits on federal courts’ ability to impose antitrust remedies.

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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