



Press Release

DOJ v. Apple: Monopolization of the Smartphone

PAULINA ENCK | MARCH 28, 2024

In March, the Department of Justice (DOJ) announced an antitrust lawsuit against Apple alleging the firm has illegally acquired and maintained a monopoly in smartphones. In a new primer, Director of Technology and Innovation Policy Jeffrey Westling breaks down the DOJ's case and how Apple will likely respond.

Key points:

- To succeed at trial, the DOJ will need to show that Apple has obtained monopoly power – the power to control prices or exclude competition – in the smartphone market using anticompetitive practices, rather than simply outcompeting rivals on the merits.
- To counter DOJ's claims, Apple will assert that competition in smartphone markets prevents it from controlling prices or excluding competition, and that there are procompetitive justifications for its conduct, such as improving the functionality of its devices and increasing privacy and security for its users.
- This case continues a trend in the Biden Administration of targeting large tech platforms out of a concern about concentration in technology markets and could give insights into how likely courts are to embrace the “big is bad” approach to antitrust.

[Read the analysis](#)