

# “I DON’T GOOGLE, I TIKTOK”: SOCIAL MEDIA AND ITS SOCIAL SEARCHES AS THE TRUE COMPETITOR OF GOOGLE

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## INTRODUCTION

*Imagine this.* You are beginning to plan a much-needed vacation with your loved ones to an area that you are quite unfamiliar with, and it is your responsibility to create the itinerary for the trip. There is the unspoken requirement that the itinerary must include the highly recommended restaurants to try, the must-do excursions and activities for the group to enjoy, and the best lodging money can buy. Where would you begin your search? In the height of social media’s expansion beyond connecting with other users, social media platforms have become the starting point for many people’s daily search and inquiries. Whether the search be planning a trip or to something with less pressure, such as recipes and self-care tips, social media has created the expectation with its users that the very answer that they are searching for will be found.

Despite this growing phenomenon, social media has been denied of its rightful place in the search engine realm. Due to the unorthodox methods of searching on these platforms, many have disregarded their ability to compete with the generic and basic modes of searching. However, with the shift in modern technology and how today’s society has maximized on the capabilities of the platforms, one would be led to believe that leaving social media out of the conversation would not yield accurate results as to the usage of search engines by only looking to websites that many are not aware of or with an existence unknown to the common person. This article will address the argument surrounding the exclusion of social media in the search engine conversation and how that exclusion has left major companies faced with an inevitable

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problem of establishing true competitors rather than default “competitors.” More specifically, this article will address how the Department of Justice’s manufactured “competitors” have left Google with the short end of the stick in terms of being faced with the monopoly title in the search engine and search text advertising market.<sup>1</sup>

## I. HISTORICAL DEVELOPMENT

The idea of limiting the possibility of companies monopolizing a market stems from an Ohio Senator and market expert, John Sherman, who introduced the Act into Congress in 1890, which was coined as the Sherman Act.<sup>2</sup> The act makes the conspiracy, attempt, or act of monopolizing illegal, extending to trade and commerce within “any Territory,... in the District of Columbia,... between any State or States,... or with foreign nations.”<sup>3</sup> The Sherman Act has been described to perform as the “country’s economic constitution, an expression of national faith in free competitive enterprise.”<sup>4</sup>

Moving past the sole issue of railroad discrimination that sparked the need of such an Act, Congress had been faced with the constant conversation and complaints referencing the effect of tariffs that correlated with the prevalent trust problem during this time.<sup>5</sup> Consumers were being subjected to the unjustified workings of trusts that led consumers to assert claims of the trusts dividing

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1. United States v. Google LLC, No. 1:20-cv-03010-APM (D.D.C. filed Oct. 20, 2020).

2. Will Kenton, *Sherman Antitrust Act: Definition, History, and What It Does*, INVESTOPEDIA (last visited Jan. 4, 2025), <https://www.investopedia.com/terms/s/sherman-antitrust-act.asp#toc-historical-context-of-the-sherman-antitrust-act>.

3. 15 U.S.C. § 1-3 (1890).

4. Denton Independent School District, *Antitrusts*, <https://www.dentonisd.org/cms/lib/TX21000245/Centricity/Domain/535/Antitrusts.pdf> (last visited Jan. 4, 2025).

5. William L. Letwin, *Congress and the Sherman Antitrust Law: 1887-1890*, 23 U. CHI. L. REV. 221, 247 (1956) (discussing how the different parties recognized and approached the arising trust issue); see generally American Experience, *Interstate Commerce Act*, PBS (last visited Jan. 4, 2025), <https://www.pbs.org/wgbh/americanexperience/features/streamliners-commerce/>.

classes within the country that was already concerned with poverty.<sup>6</sup>

It was established that common law recognized the illegality of monopolies, but did not have the power to be able to destroy the trusts, let alone diminish their power. The language of the common law, containing the word “monopoly”, only applied to “the exclusive right to deal in and sell certain articles, guaranteed by positive law” at the time of the creating the common law.<sup>7</sup> This language could not, however, be applied to trusts, as trusts were not granted power by the government.<sup>8</sup> The common law standard also did not allow for standing to be possible for anyone other than the parties themselves, which further proved the common law’s inability to disengage the trusts’ monopoly power.<sup>9</sup>

Although the common laws were not strong enough to destroy the trusts and their monopoly power, the laws did serve as an indicator of the presumption of illegality towards monopolies and was further shown when the courts refused to uphold agreements that implemented restraints of trade in several cases.<sup>10</sup> However, economists and several lawyers urged for stronger legislation to be imposed to truly rectify the issue at hand.<sup>11</sup> In the early winter of 1888, Congress officially began to entertain the idea of imposing legislation regarding the trusts when Senator Sherman presented his drafted antitrust bill.<sup>12</sup> The Sherman Act, with a fifty-two member vote, was then signed by President Henry Harrison and was passed on July 2<sup>nd</sup>, 1890.<sup>13</sup>

For the purposes of this case note, it is also important to understand the restrictions imposed by the Clayton Act of 1914.<sup>14</sup> The Clayton Act possesses more specific language that targets the business practices of a suspected monopoly that continued to “engag[e] in operations that discouraged competition and fair

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6. *Id.* at 225.

7. *Id.* at 241.

8. *Id.*

9. *Id.* at 243.

10. *Id.* at 244-45.

11. *Id.* at 245.

12. *Id.* at 250.

13. *Id.* at 255.

14. 15 U.S.C. § 12-27.

pricing.”<sup>15</sup> More explicitly, the Act focused on companies’ distribution practices, such as tying agreements, price fixing, and exclusive dealing.<sup>16</sup>

Homing in on exclusive dealing, or “agreements [with] the intended effect... to preclude the buyer from dealing in merchandise that competes with the seller’s product,” will be most important in this case note as the Clayton Act does allow for some exclusive dealing up to a certain extent. The courts have looked to the “percentage of the market foreclosed in the determinant of antitrust liability” and the “effect of exclusive dealing in creating, enhancing, or preserving the [accused’s] market power,” allowing for a violation to be found even when the foreclosure percentage is closer to none.<sup>17</sup> The balance of these two factors have been effectuated, slightly leaning more on the evaluation of one’s market power over the years, to determine the applicability of the Clayton Act.<sup>18</sup>

## II. INSTANT CASE

In the instant case, *U.S. v. Google, Inc.*, both the regulations under the Sherman and Clayton Act have been brought into question by the Department of Justice regarding Google’s business practices and its effect on Google’s relevant market.<sup>19</sup> After several attempts to bring suit against Google, which were consolidated into one suit, “[t]he Justice Department, along with the Attorneys General of California, Colorado, Connecticut, New Jersey, New York, Rhode Island, Tennessee, and Virginia, filed a civil antitrust suit against Google for monopolizing multiple digital advertising technology products in violation of Sections 1 and 2 of the Sherman

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15. Troy Segal, *Clayton Antitrust Act of 1914: History, Amendments, Significance*, INVESTOPEDIA, <https://www.investopedia.com/terms/c/clayton-antitrust-act.asp#toc-provisions-of-the-clayton-antitrust-act> (last visited Jan. 4, 2025).

16. John Edwards Law Group LLC, *Breaking Down Section Three of The Clayton Act*, <https://www.johnedwardslaw.com/newsletters/business-law-newsletters/antitrust-trade-law-clayton-act/> (last visited Jan. 4, 2025); Judd L. Bacon S. Ed., *Federal Antitrust Law – Exclusive Dealing – Standards of Illegality Under Section 3 of the Clayton Act*, 59 MICH. L. REV. 1236 (1961).

17. Jonathan M. Jacobson, *Exclusive Dealing, “Foreclosure,” and Consumer Harm*, 70 ANTITRUST L.J. 311 (2002).

18. *Id.* at 312.

19. *Google LLC*, No. 1:20-cv-03010-APM.

Act.”<sup>20</sup> Along with the assertion of monopolizing digital advertising, Google has also been accused to monopolizing general search services, claiming Google to have done so for the past fifteen years.<sup>21</sup> The suit particularizes Google’s practices as intentional and deliberate in how it dominates within its market while keeping competition at bay.<sup>22</sup>

#### A. General Search Engine

Although Google possesses a multitude of functionalities, Google remains labeled as a general search engine (GSE), or a “software that produces links to websites and other relevant information in response to a user query.”<sup>23</sup> Other sites that are also labeled within the same category of GSEs are sites such as Bing, Yahoo, DuckDuckGo, and Ecosia, with Bing being the only other GSE that “generates its own search results” while the remaining “syndicate their search results from Bing.”<sup>24</sup> When comparing the consumer usage of Google to the other GSEs, “80% of all general search queries, whether entered on a desktop computer or mobile device, flowed through Google” and this number increased to 89.2% from 2009 to 2020, comparing Google’s performance primarily and only to these sites, which is key to remember.<sup>25</sup>

“Search providers have multiple channels to make accessible, or distribute, their GSE to users on mobile and desktop devices.”<sup>26</sup> Each of these channels are effective in their own way but the “most effective channel of GSE distribution is... placement as the preloaded, out-of-the-box default GSE,” which varies among devices.<sup>27</sup> Experts credit the majority of Google’s searches to the

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20. U.S. Department of Justice, *Justice Department Sues Google for Monopolizing Digital Advertising Technologies*, (Jan. 24, 2023), <https://www.justice.gov/opa/pr/justice-department-sues-google-monopolizing-digital-advertising-technologies> (last visited Jan. 4, 2025).

21. *Id.*

22. *Id.*

23. *Google LLC*, No. 1:20-cv-03010-APM, 8 (the memorandum opinion of the Court).

24. *Id.* at 13.

25. *Id.* at 24.

26. *Id.*

27. *Id.*

default settings, where Google is seen to be used out of habit by the users, where the users are likely to remain with the default engine “[i]f that search engine... generates adequate experiences” and shows that the users are “unlikely to deviate from [that default engine.]”<sup>28</sup>

### *B. Digital Advertising*

Along with the noncommercial results given when a user searches within GSEs for information that the sites do not monetize, there are also the searches made with commercial intent where “such a query seeks information on a product or service. GSEs often serve advertisements on a search engine results page in response to a commercial query.”<sup>29</sup> “Search ads are an effective form of advertising since queries are a strong signal of user interest and intent [of making a purchase] and the ads appear immediately after the query is entered.”<sup>30</sup> With this being the case, advertisers are drawn to paying for search advertising as a way to ensure conversion from the search to sales, viewing “paid search... [as a] powerful way to get in front of the consumer who is... actively looking to make a purchase or looking to sign up or enroll [in a service the advertisers are promoting or offering].”<sup>31</sup> Advertisers alike have testified that Google is relatively “essential to digital ads campaigns because search ads are uniquely able to capture high-intent consumers” and these advertisers generally “have a fixed budget that largely mirrors the relative market shares of Google and Bing” (specifically when looking to purchase search ads).<sup>32</sup>

### *C. Arguments and Court’s Holding*

With all of the above considered, these chains of events have led the Plaintiffs to file their complaint, finding issues with how Google has “conquered” both the general search engine and digital advertising realms.<sup>33</sup> Leaning into the already-curated GSE

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28. *Id.* at 26-27.  
29. *Id.* at 17-18.  
30. *Id.* at 58.  
31. *Id.*  
32. *Id.* at 78-79.  
33. *Id.* at 136, 165.

market, Plaintiffs heavily relied on the fact that the market share that Google holds heavily outweighs the rest of the GSEs in a manner that would make Google a monopoly and that Google has accomplished this status with intentionality.<sup>34</sup> Plaintiffs support this argument in a number of ways through their complaints.

Plaintiffs acknowledge the above-mentioned options that the users have to change default engines, but alleged that such a task would be burdensome to the user and that Google relies on that fact to be able to retain these users, claiming that Google is aware that many users will not go out of their way to change something that is already proving itself to be useful to the consumer.<sup>35</sup> Plaintiffs also highlighted the fact that even within the ability to change their default settings, social media does not appear as an option for such a change.<sup>36</sup>

Plaintiffs further push their argued monopoly stance by asserting that Google maintains the monopoly title in the digital advertising market, with the Plaintiff States again looking only to compare Google's performance to the predisposed GSE market but with U.S. Plaintiff recognizing any digital platform with the ability to occupy the search ad market with Google.<sup>37</sup> Notwithstanding the differing markets, Plaintiffs both hold that Google "(1) neutralize[s] or eliminate[s] ad tech competitors, actual or potential... and (2) wields its dominance across digital advertising markets to force more publishers and advertisers to use its products while disrupting their ability to use competing products effectively."<sup>38</sup> The allegations claim that Google "dissuade[s] potential competitors from joining the market, and left Google's few remaining competitors marginalized and unfairly disadvantaged."<sup>39</sup>

Google negated these allegations of maintaining a monopoly stance in either market and denies that it promoted anticompetitive tactics in order to prevent a free market.<sup>40</sup> Google

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34. *Id.* at 136.

35. *Id.* at 27-32.

36. *Id.* at 25.

37. *Id.* at 165.

38. U.S. v. Google, LLC., No. 1:23-cv-00108 (D.D.C. filed Jan. 24, 2023) (Plaintiffs' complaint and request for jury trial).

39. *Id.* at 3.

40. *Google LLC.*, No. 1:20-cv-03010-APM, 135.

argued mainly that there is not a market for GSE alone, instead that Google is a part of a broader market of query responses which has thriving competition.<sup>41</sup> Google proposed that the actual market included “(1) [specialized vertical providers or] SVPs like Amazon, Booking.com, and Yelp, (2) social media companies like Meta... and Tiktok, and (3) prominent stand-alone websites, like Wikipedia.”<sup>42</sup> Google hinged on the fact that the user is presented with the choice between itself and the proposed market participants to complete the user’s query, which each of the proposed market participants are able to handle and respond to by providing the user with the information he/she sought.<sup>43</sup>

Acknowledging the argument of monopolizing the advertising market, Google disagreed yet again.<sup>44</sup> Google held the same market as the U.S. Plaintiffs and, with that being the case, argued that the broad market of competition makes it impossible for Google to be a monopoly.<sup>45</sup> Google debunked Plaintiffs’ argument by claiming that there are other ad types that can also “identify and respond to user intent as effectively as search ads”, which would render Plaintiffs’ argument that search ads are unique in that fashion as void.<sup>46</sup> Google relied on the fact that advertisers spend their campaign budgets among differing forms of ads, depending on which will provide the highest ROI, and this fact alone overturns the argument that the technological differences outweigh the market reality.<sup>47</sup>

The Court in this case opted to uphold Plaintiffs’ argument that Google acquired and maintained monopoly power within the search text advertising market and the general search market.<sup>48</sup> The Court rejected Google’s argument that general search is not within itself a market and, with this rejection, did not look further into the proposed search query market.<sup>49</sup> The Court refused to look into this market based on the fact that the Court did not find social

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41. *Id.* at 136.

42. *Id.* at 136-137.

43. *Id.* at 137.

44. *Id.* at 165.

45. *Id.*

46. *Id.* at 167.

47. *Id.*

48. *Id.* at 152, 167.

49. *Id.* at 140.



media and other SVPs to be proper substitutes for the services that Google provides, claiming that the user would not be able to mistake or confuse GSEs with these suggested competitors.<sup>50</sup>

The Court relied heavily on Plaintiffs argument that the social media sites and SVPs are not proper competitors due to deciding that “[u]nlike those other products, GSEs are a gateway to the World Wide Web” and that “[t]he web itself is often (but not always) the source of the answer to the query.”<sup>51</sup> The Court asserted that due to the SVPs and social media sites being limited to only the available data within the platform, that these sites are “walled gardens” and do not contain the same reach that Google does.<sup>52</sup>

Considering the Court’s analysis and holding in this case, I disagree with the conclusion that the Court reached. While I understand why the Court would have reached this conclusion with the selected market, I believe that in selecting that specific market, the Court is incorrectly assessing the world today. In this proposed market, the competition is not only thriving, but in some instances, exceeding Google’s performance.<sup>53</sup> Specifically in the realm of social media, which the both the Court and Plaintiffs claims to only be relevant to the newer generations but is widely untrue, people have greatly shifted from allowing Google to be the sole program to provide the answers sought.<sup>54</sup> My analysis will assess both this shift in “social search” and how the flourishing trend is the actual competitors to Google, not the dying and lackadaisical presented competitors that are known as GSEs.

### III. ANALYSIS

#### A. *Consideration of Alternative Market*

Before approaching the possibility of including social media to be a competitor of Google, the relevant market must be identified to ensure that the two can operate within the same market.<sup>55</sup> When making a relevant market inquiry, there is a two-

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50. *Id.*

51. *Id.*

52. *Id.* at 141.

53. *Id.* at 136.

54. *Id.* at 50.

55. *Id.* at 137; Jonathan B. Baker, *Market Definition: An Analytical Overview*, 74 ANTITRUST L.J. 129,129-130 (the Court in the case recognizes this

step test that must be completed to determine if the alleged alternative product occupies the same market of the original product or service.<sup>56</sup> First, one must identify the relevant product market or identify the group of products or services that the accused party's product or service competes with.<sup>57</sup> After the relevant product market is identified, the relevant geographic market between the alleged substitute and the accused party's product or service must be determined.<sup>58</sup>

Factors are weighed against each other to assist with properly identifying the relevant product market.<sup>59</sup> These factors, better known as the "hypothetical monopolist test", consist of determining the extent in which the accused party's products are interchangeable with the alleged alternative products and assessing the "degree of cross-elasticity of demand" between the products.<sup>60</sup>

The interchangeability of products depends on the use and functions of the compared products for the consumer.<sup>61</sup> If the products can be easily exchanged by the consumer without creating much of a disturbance to the user's purposes for using the product, then the products are said to be able to be interchangeable.<sup>62</sup> Cross-elasticity is assessed by evaluating if the demand of the substitute will increase in response to the alleged monopoly's price increasing.<sup>63</sup> This shift in market demonstrates whether consumers are aware of possible alternatives and provides evidence of how the consumer reacts to such a shift, if the knowledge of alternatives is present.<sup>64</sup> If both interchangeability and an appropriate degree of cross-elasticity can be distinguished between compared products or services, there will likely be an

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market evaluation as "practical indicia"); *See Brown Shoe Company v. United States*, 370 U.S. 294 (1962) (the relevant case used within the Court's analysis which focuses more on the monopoly status of the Sherman Act).

56. Baker, *supra* note 55 at 130.

57. *Id.*

58. *Id.*

59. *Id.* at 132.

60. *Id.* at 133.

61. *Id.* at 132.

62. *Id.*

63. *Id.*

64. *Id.* at 142.

established market where the compared products operate as competitors.<sup>65</sup>

The relevant geographic market refers to where the alleged monopolist markets its product and how its competitors can market and compete in this area.<sup>66</sup> When defining the relevant geographic area, one should turn to the same basis as that for the relevant product market and determine “the geographic area to which consumers can practically turn for alternative sources of the product...”<sup>67</sup> The relevant geographic market for the internet is a less expansive method of analysis, as the internet is not confined to a specific place or location.<sup>68</sup>

### *B. The Rise of Social Search and Advertisement*

As technology has improved and advanced over the recent decades, the use of social media has increased significantly, becoming a part of most people’s daily lives.<sup>69</sup> As people have developed a relationship with these social sites, the sites have aimed their gears at providing information to their users by the means of performing similarly to search engines.<sup>70</sup> This form of information gathering has been coined with the name “social searches”. In the DOJ’s argument, it denied the ability for social media applications to be in the same market as Google because of the DOJ’s belief of social media’s inability to accept inquiries to produce search result.<sup>71</sup> This stance is disagreeable, as the stance disregards and undermines the present-day capabilities of search within social media.

Social media not only provides a search engine-like experience, but it also takes searching a step further by improving the searching process in a way that attracted the loyalty of their

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65. *Id.* at 144.

66. Jared Kagan, *Brick, Mortar, and Google: Defining the Relevant Antitrust Market for Internet-Based Companies*, 55 N.Y.L. SCH. L. REV. 271 (2011).

67. *Id.* at 279.

68. *Id.* at 282.

69. Rosey Bowring, *Using Social Media As A Search Engine*, BROWSER MEDIA AGENCY, <https://browsermedia.agency/blog/using-social-media-as-a-search-engine/> (last visited Jan. 4, 2025).

70. *Id.*

71. *See supra* note 52.

users.<sup>72</sup> Consumers have found social media to have surpassed in the realm of search stating, “traditional search engines require more work from users to find specific answers to their search queries... traditional search engines deliver irrelevant and unsatisfying results, forcing the user to scroll through unnecessary amounts of information.”<sup>73</sup> Users have grown a preference to social search, describing social searches to be more convenient with their daily social media usage, favorable as to the quick result and engaging content, and valuable in the way personalized results are presented.<sup>74</sup>

Along with how social media presents as a search engine, the advertisement realm of social media is an undeniable force. Social media applications have not only altered their ability to search, “they also develop[ed] advertising solutions specifically designed for their search features.”<sup>75</sup> Users have said to have favored social media advertisements and their search thereof due to the relatability of the products being advertised by fellow users of the applications. Users today can watch reviews of products and services that were done by people who the users feel as if they can trust, making the users more inclined to purchase the product or experience the service.<sup>76</sup>

With consumers shifting towards social media, businesses have been left with no choice but to follow suit. However, businesses have not gotten the shorter end of the stick in this outcome, as many businesses have grown to prefer social media searching and advertising.<sup>77</sup> Social media searching and advertising has allowed for business to “target their [search results and] ads based on various criteria, including demographics, interest, and behaviors”, effectively allowing for

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72. Lucy Thomas, *the Rise of Social Media as a Search Engine*, EYEKILLER, <https://eyekiller.com/blog/the-rise-of-social-media-as-a-search-engine> (last visited Jan. 4, 2025).

73. *Id.*

74. *Id.*

75. Joseph Yaacoub, *Scroll, Search, Discover: The Rise of Social Media as a Search Tool*, LinkedIn, <https://www.linkedin.com/pulse/scroll-search-discover-rise-social-media-tool-joseph-yaacoub-7gycf/> (last visited Jan. 4, 2025).

76. *Id.*

77. *The Impact of Social Media on Advertising*, <https://www.adcreative.ai/post/the-impact-of-social-media-on-advertising> (last visited Jan. 4, 2025).

businesses to reach the right audience and increase the effectiveness of their campaign.<sup>78</sup>

### *C. Argument*

With both parties agreeing that the relevant geographic market being the United States, an analysis is not required for that portion of the test.<sup>79</sup> Turning back to the relevant product market factors, it is not about whether the user will mistake the social media sites for the GSEs, as the Court asserted, but whether the users will make the conscious decision to replace one with the other due to the products characteristics, previous user changes, surveys, and expert opinion.<sup>80</sup> In viewing these factors, it is obvious that the social media sites and Google are now interchangeable.

The Court's main objection was that the social media sites do not produce external links in the same manner that Google does, making the two products characteristically different.<sup>81</sup> This opinion leads me to believe that the Court is uninformed on how the social searching within the sites actually works. TikTok, for example, has not only enable "Search Highlights" at the top of the search results pages that provides direct links to external sites relevant to the noncommercial query, TikTok has also enabled tabs within the search results that allows for the user to have direct access to the physical location of commercial queries, including the websites for the businesses, an accessible map for directions, relevant reviews, hours of operation, etc., which disproves that the information is only limited to user-produced content.<sup>82</sup> The Court also emphasized GSEs being able to produce information, giving the specific example of sports score feeds, and implied that social media could not do the same.<sup>83</sup> When in reality, Twitter has enabled under its search bar an accessible tab that

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78. *Id.*

79. *Google LLC*, No. 1:20-cv-03010-APM, 135.

80. *Google LLC*, No. 1:20-cv-03010-APM, 135; Baker, *supra* note 55 at 139.

81. *Google LLC*, No. 1:20-cv-03010-APM, 140.

82. TikTok, *Search results for "restaurants in Baton Rouge"*, <https://www.tiktok.com/search/user?lang=en&q=restaurants%20in%20baton%20rouge&t=1736136590377> (last visited Jan. 4, 2025).

83. *Google, LLC*, 1:20-CV-03101, 140.

will not only take the user directly to the active games with their scores but also includes direct links to betting sites for those games for the users that indulge in such.<sup>84</sup>

Focusing on the search text ads, it would be questionable to think that social media does not also provide advertisements to its user using the push ad method.<sup>85</sup> In a world where many creators make their living based on collaborations and sponsorships from brands, the user can easily search for a product and receive an overload of these videos and posts that directly relate to what is being sought based on the interest expressed in the search, as well as be directed to such products for purchase. For example, if one was to be in search of a Dyson Airwrap Blowdryer, searching that exact title on TikTok would not only take the user to the videos providing reviews from fellow users but would also take the user to both the TikTok shop and Dyson's personal shop where the user could purchase the product directly from the company.<sup>86</sup>

Also, in assessing the cross-elasticity between traditional search engines and social media, it is a test of when the traditional search engine prices increase of whether the increase will drive

84. X (formerly known as Twitter), *For you trending news sports tab*, <https://x.com/i/events/1790914960513470464?timeline=all> (last visited Jan. 5, 2025).

85. *Google LLC*, No. 1:20-cv-03010-APM, 73 (the memorandum opinion of the Court).

86. TikTok, *Search results for "Dyson airwrap"*, [https://www.tiktok.com/view/product/1729601628031390718?checksum=35a1cf9efb1f955d536556460f40669da15c4a999ddfa1520d8c768698116df5&og\\_info=%7B%22title%22%3A%22Dyson+Airwrap%22%22%22styler+Complete+Long+Diffuse+for+Curly+and+Coily+hair+%28Strawberry+bronze%5C%2FBlush+pink%29%22%2C%22image%22%3A%22https%3A%5C%2F%5C%2Fp16-oec-ttp.tiktokcdn-us.com%5C%2Ftos-useast5-i-omjb5zjo8w-tx%5C%2Ffe4393308c404a6a8a585825783f5567~tplv-omjb5zjo8w-resize-webp%3A260%3A260.webp%3Ffrom%3D1826719393%22%7D&sec\\_user\\_id=MS4wLjABAAAxFsk1879B0Ng78j4O1CGNuJa3yQ2W63ZBqq3jlnYJM-eKJcrrvaFB8tJmKP2qP97S&share\\_app\\_id=1233&share\\_link\\_id=C2D42663-DCDF-4386-9E49-FCB2C316CE4B&social\\_share\\_type=15&timestamp=1736137348&trackParams=%7B%22source\\_page\\_type%22%3A%22product\\_share%22%2C%22traffic\\_source%22%3A%22enter\\_from\\_info%22%3A%22product\\_share\\_outside%22%2C%22enable\\_shop\\_tab\\_popup%22%3A%22%22%2C%22traffic\\_source\\_list%22%3A%5B7%5D%7D&tt\\_from=copy&u\\_code=D%3A776JL0I0DJ%3AM&ug\\_btm=b1478%2C%2Cb6661&unique\\_id=miyahrhanyse&user\\_id=6778590969820218373&utm\\_campaign=client\\_share&utm\\_medium=ios&utm\\_source=copy](https://www.tiktok.com/view/product/1729601628031390718?checksum=35a1cf9efb1f955d536556460f40669da15c4a999ddfa1520d8c768698116df5&og_info=%7B%22title%22%3A%22Dyson+Airwrap%22%22%22styler+Complete+Long+Diffuse+for+Curly+and+Coily+hair+%28Strawberry+bronze%5C%2FBlush+pink%29%22%2C%22image%22%3A%22https%3A%5C%2F%5C%2Fp16-oec-ttp.tiktokcdn-us.com%5C%2Ftos-useast5-i-omjb5zjo8w-tx%5C%2Ffe4393308c404a6a8a585825783f5567~tplv-omjb5zjo8w-resize-webp%3A260%3A260.webp%3Ffrom%3D1826719393%22%7D&sec_user_id=MS4wLjABAAAxFsk1879B0Ng78j4O1CGNuJa3yQ2W63ZBqq3jlnYJM-eKJcrrvaFB8tJmKP2qP97S&share_app_id=1233&share_link_id=C2D42663-DCDF-4386-9E49-FCB2C316CE4B&social_share_type=15&timestamp=1736137348&trackParams=%7B%22source_page_type%22%3A%22product_share%22%2C%22traffic_source%22%3A%22enter_from_info%22%3A%22product_share_outside%22%2C%22enable_shop_tab_popup%22%3A%22%22%2C%22traffic_source_list%22%3A%5B7%5D%7D&tt_from=copy&u_code=D%3A776JL0I0DJ%3AM&ug_btm=b1478%2C%2Cb6661&unique_id=miyahrhanyse&user_id=6778590969820218373&utm_campaign=client_share&utm_medium=ios&utm_source=copy) (last visited Jan. 4, 2025).

the advertisers to another source or if the advertisers will be left to pay what is presented. On average, the cost-per-click for Google Ads costs about \$3.12 cost per thousand while YouTube, Facebook (which allows the advertisers to share the ads on Instagram and Messenger), and Twitter all cost an average of under \$1.00 per thousand.<sup>87</sup> This gap between sites would reflect the increase in advertisers preferring social media for their advertising because the advertisers would be able to utilize their campaign funds in an advantageous way while reaching a bigger audience. Leaving this analysis out of the equation and only referring to the price changes that Google made between 2016 to 2020 was, whether the Court saw it this way or not, in fact fatal.<sup>88</sup>

Therefore, under the proposed query response market, it would be hard to find that Google would be able to maintain the monopoly status in the general search and search text ads market. If Google diminishes, it can be assumed that the other sites will not grow in response yet will only cause more users to turn to the true competition and will allow for these social media sites to grow and expand without much disturbance. I maintain the stance that both the DOJ and the ruling court erred in arguing and deciding that Google should be and is in a market that is separate from social media. Failing to include social media in the same market not only leaves Google in an impossible position, but it also leaves stones unturned that would be necessary to reach a true and accurate outcome. As the world continues to change, the legal realm would be at a disadvantage if it continued to ignore the world around it for the comfortability of only looking to what it knows because the alternatives are not ones that seemingly fit. Those within the legal system possess a duty to remain informed on how a shift in society will also cause a shift in how one is to practice law, and I feel as if both the Court and DOJ have failed to maintain that duty.

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87. *Is Online Advertising Expensive? Online Advertising Costs in 2025*, TOPDRAW, <https://www.topdraw.com/insights/is-online-advertising-expensive/> (last visited Jan. 4, 2025).

88. *Google, LLC.*, 1:20-CV-03101, 189.