

Emily Westridge Black, Carrington Giammittorio in Texas Bar Journal: ‘Antitrust and Business Litigation’

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PRACTICES Litigation

2020 Year in Review

The year brought significant developments to the legal profession and caselaw. The *Texas Bar Journal* Board of Editors has assembled a series of articles highlighting these issues. The topics featured are not exhaustive, and the opinions reflect only the views of the authors.

This year, the stage is set for the U.S. Supreme Court to further define the scope of unlawful exclusionary conduct under Section 2 of the Sherman Act, as well as the Federal Trade Commission’s power to seek restitution under its statutory authority to order injunctions.

Tying and Refusal-to-Deal

On September 4, 2020, Comcast Corporation filed a petition for a writ of certiorari in the U.S. Supreme Court after the U.S. Court of Appeals for the 7th Circuit reinstated Sherman Act, Section 2 claims brought by Viamedia Inc. Viamedia claims more than \$500 million in damages from Comcast’s alleged leveraging of monopoly power in one market to gain monopoly power in a second market through unlawful tying.

Viamedia competes with Comcast to provide advertising services that assist cable providers in delivering advertising slots. Comcast has monopoly power over the “interconnect” services market, which allows retail cable providers to sell advertising services through “interconnects” provided by Comcast. Comcast allegedly used its monopoly over interconnects to force small cable providers to buy its advertising services—not Viamedia’s—in order to access interconnects.

Excerpted from the *Texas Bar Journal*. To read the full article, click [here](#).