

US businesses will lose \$1B in one month if TikTok is banned, TikTok warns

The US is prepared to fight the injunction. In a letter, the US Justice Department argued that the court has already “definitively rejected petitioners’ constitutional claims” and no further briefing should be needed before rejecting the injunction.

If the court denies the injunction, TikTok plans to immediately ask SCOTUS for an injunction next. That’s part of the reason why TikTok wants the lower court to grant the injunction—out of respect for the higher court.

“Unless this Court grants interim relief, the Supreme Court will be forced to resolve an emergency injunction application on this weighty constitutional question in mere weeks (and over the holidays, no less),” TikTok argued.

The DOJ, however, argued that’s precisely why the court should quickly deny the injunction.

“An expedient decision by this Court denying petitioners’ motions, without awaiting the government’s response, would be appropriate to maximize the time available for the Supreme Court’s consideration of petitioners’ submissions,” the DOJ’s letter said.

TikTok has requested a decision on the injunction by December 16, and the government has agreed to file its response by Wednesday.

This is perhaps the most dire fight of TikTok’s life. The

social media company has warned that not only would a US ban impact US TikTok users, but also “tens of millions” of users globally whose service could be interrupted if TikTok has to cut off US users. And once TikTok loses those users, there’s no telling if they’ll ever come back, even if TikTok wins a dragged-out court battle.

For TikTok users, an injunction granted at this stage would offer a glimmer of hope that TikTok may survive as a preferred platform for free speech and irreplaceable source of income. But for TikTok, the injunction would likely be a stepping stone, as the fastest path to securing its future increasingly seems to be appealing to Trump.

“It would not be in the interest of anyone—not the parties, the public, or the courts—to have emergency Supreme Court litigation over the Act’s constitutionality, only for the new Administration to halt its enforcement mere days or weeks later,” TikTok argued. “This Court should avoid that burdensome spectacle by granting an injunction that would allow Petitioners to seek further orderly review only if necessary.”

<https://arstechnica.com/tech-policy/2024/12/tiktok-asks-court-to-block-ban-ahead-of-scotus-appeal/>