Welcome to Antitrust Law II
This course extends the study, begun in Antitrust I, of the laws that regulate competition in the marketplace. Specific topics taken up here but not in the basic course include the interplay of antitrust and intellectual property law, including the obligation to license standard essential patents of “fair, reasonable, and nondiscriminatory terms;” criminal enforcement against cartels and the leniency program; the extraterritorial application of U.S. antitrust laws to foreign conduct; multinational coordination of remedies; and exemptions and immunities, both statutory and constitutional. The course is recommended for students who want the option of a career in antitrust and for others who were particularly intrigued by Antitrust I, which is a pre-requisite.

Office Hours: After class and by appointment.

Scheduling: Although this is a three credit course, it is scheduled to meet four hours per week. Of the 28 scheduled sessions, however, seven will be cancelled as the semester progresses.

Casebook: The casebook will be the one used in Antitrust I during the Fall, 2015 semester: Andrew I. Gavil, William E. Kovacic & Jonathan B. Baker, Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy (2008) (2nd Edition). We will also read supplemental cases and scholarly commentary.

Grading: Grades will be based upon the final examination and in-class quizzes, with the possibility of a 1/3rd grade bump, e.g. from B to B+, based upon class participation. You should come to class having read and thought about the material, and ready to participate in the discussion. The final examination will be “open book;” you will have access to the casebook, lecture slides, and your notes, but not to commercial publications.

Syllabus: A tentative syllabus will be available before the first class. We may deviate from the tentative syllabus for scheduling reasons, to add or substitute new cases or assignments taken from current events, to accommodate guest speakers, etc. You will always be given as much notice as possible of any change. Please make sure you are signed up to receive updates via TWEN.
**Vertical Restraints:**

**Jan. 7 - Sylvania**
- Casebook pp. 352-75 (Sylvania and notes)
- Douglas H. Ginsburg, *Vertical Restraints: De Facto Legality Under the Rule of Reason* (Supplement at 1)

**Jan. 12 - Leegin**
- Casebook pp. 375-92 (Leegin)
- Casebook pp. 392-430

**State Antitrust Law:**

**Jan. 14 - What’s the Matter with Kansas?**
- *O’Brien v. Leegin Creative Leather Prods., Inc.* (Kan.) (Supplement at 16)
- *Partee v. San Diego Chargers* (Cal.) (Supplement at 26)

**Antitrust Exemptions:**

**Jan. 21 - Federal Exemptions:**
- Casebook pp. 1062-64
- *Radovich v. Nat’l Football League* (Supplement at 31)
- *Brown v. Pro Football* (Supplement at 34)
- *Brady v. Nat’l Football League* (Supplement at 40)

**Jan. 26 - State Regulation:**
- *Parker v. Brown* (Supplement at 47)
- Casebook pp. 1067-68 (Parker Note)
- *California Retail Liquor Dealers Ass’n v. Midcal Alum., Inc* (Supplement at 52)
- Casebook 1070-77

**Jan. 28 - State Regulation Cont’d:**
- *F.T.C. v. Phoebe Putney Health Systems* (Supplement at 62)
- *North Carolina Dental v. FTC* (Supplement at 70).
- 6 State Board Antitrust Cases to Watch (Supplement at 81)

**Feb. 2 - First Amendment:**
- *United Mine Workers of Am. v. Pennington* (Supplement at 94)
- *California Motor Transp. V. Trucking Unltd.* (Supplement at 98)
- Casebook pp. 1082-86 (*Prof’l Real Estate Investors, Inc. v. Columbia Pictures Indus.*)

**Feb. 4 - Out-of-Court Settlements (“Pay for Delay”)**
- *Fed. Trade Comm’n v. Actavis, Inc.* (Supplement at 102)