Welcome to Antitrust Law

This course examines the laws that protect consumers by ensuring competition in the marketplace. Specific topics include agreements among competitors, joint ventures, mergers, and monopolization. We will examine Supreme Court doctrine, influential modern lower court decisions, and government enforcement guidelines. Economic concepts and thinking characteristic of modern antitrust analysis are integrated throughout the course. However, no background in economics is necessary or assumed.

Office Hours: After class and by appointment. I am also generally available to answer questions via email.


We will also read enforcement agency guidelines, scholarly commentary, and other supplementary materials I will make post on TWEN or are otherwise available on the web.

Grading: The final exam will account for 85% of your grade, subject to a discretionary class participation adjustment of 1/3rd of a grade in either direction. You should come to class having read and thought about the material, and ready to participate in a discussion. The final 15% of your grade consists of three homework problems each contributing 5% to your final grade. Each of the three problems is due NO LATER THAN 2pm on the day it appears on the syllabus. We will work through the problems in class.

Homework assignments should be no more than 3 pages double-spaced. You may (but are not required to) work on the homework problems in groups of up to 4 persons. The homework problems are designed to synthesize the material we’ve covered in the unit, and also to prepare you for the final exam.

Final Exam: The final exam is scheduled for December 05, 2012 at 12:00 noon. The final exam will consist of some combination of multiple choice, short answer, and longer essay questions and will be an open book, open note, and open materials examination. You will have full access to your textbook, lecture slides, your notes, and commercial materials during the exam.

Tentative Syllabus: We may deviate from the tentative syllabus with assignments taken from current events, new cases, to accommodate guest speakers, scheduling reasons, etc. Please make sure you are signed up to receive updates via TWEN.
READING ASSIGNMENTS (as of August 15, 2012)

Antitrust Objectives, Enforcement Institutions, and Foundational Concepts

August 16  2-13; 37-49, 56-72

Antitrust Economics 101

August 21  Demand Concepts I
            17-32

August 23  Demand Concepts II
            No additional reading

August 28  Cost, Production, Supply, and Other Concepts
            77-86

August 30  Competition, Oligopoly, and Monopoly
            No additional reading

Horizontal Mergers

September 4  The Ever-Fading Structural Presumption
            Clayton Act §§ 7-16; 431-462 (skip Sidebar 5-2)

September 6  Horizontal Merger Guidelines I
            Merger Guidelines (§§1,3,4,5 only); Carl Shapiro,
            The 2010 Horizontal Merger Guidelines: From Hedgehog to Fox
            (pages 701-712 only)

September 11  Horizontal Merger Guidelines II
            Merger Guidelines (§§6, 9, 10 only); Carl Shapiro,
            The 2010 Horizontal Merger Guidelines: From Hedgehog to Fox
            (pages 712-737 only)

September 13  Unilateral Effects
            Guest Lecturer: George S. Cary
            FTC v. Staples; Econometric Analysis in FTC v. Staples

September 18  Coordinated Effects
            HMG § 7; 518-535; 235-247

September 20  Recent Cases: FTC v. Whole Foods
            FTC v. Whole Foods, 548 F.3d 1028 (D.C. Circuit)
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<td>September 25</td>
<td>FTC v. POLYPORE (11th Circuit 2012)</td>
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<td>September 27</td>
<td>HOMEWORK PROBLEM #1</td>
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<td>October 2</td>
<td>Horizontal Restraints</td>
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<td>October 4</td>
<td>The Per Se Rule and the Rule of Reason</td>
<td>Sherman Act §1; 88-107; 129-138; 153-159</td>
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<td>October 9</td>
<td>Per Se Rule and the Rule of Reason II</td>
<td>107-128; 159-165</td>
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<td>October 11</td>
<td>NO CLASS</td>
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<td>October 23</td>
<td>HOMEWORK PROBLEM #2</td>
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<td>November 1</td>
<td>Monopolization &amp; Exclusionary Conduct</td>
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<td>October 25</td>
<td>Exclusionary Effects &amp; Raising Rivals’ Costs</td>
<td>45-53; 906-907; 588-598</td>
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<td>October 30</td>
<td>Monopoly Power &amp; General Principles</td>
<td>582-621; 905-07; Sherman Act § 2, Clayton Act § 3</td>
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<td>November 1</td>
<td>Concerted Refusal to Deal/ Boycott</td>
<td>138-153; 768-788</td>
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November 6  Unilateral Refusal to Deal
622-637; 706-722

November 8  Exclusive and Exclusionary Contracts
822-851; Wright, Beyond Naïve Foreclosure (GMULR)

November 13  Tying
788-822; Abbott & Wright,
Antitrust Analysis of Exclusive Dealing and Tying Arrangements

November 15  Predation and Discounting
659-699

November 20  Patent Holdup
422-426; Rambus (D.C. Circuit); Broadcom (Third Circuit)

November 22  NO CLASS

November 27  HOMEWORK PROBLEM #3

FINAL EXAM REVIEW: TBA

FINAL EXAM: December 15, 2012