



FALL 2025 COURSE SYLLABUS

Course Number: Law 156-002
Course Title: ANTITRUST I: Principles
Credit Hours: 3
Grading Mode: Letter Grade
Meeting Time(s): Tues/Thurs, 6:05-7:30 pm
Meeting Mode: On Campus
Exam Time(s): Dec 3, 6:00pm
Exam Mode: On Campus
Prerequisite(s): N/A
Corequisite(s): N/A

Instructor(s):
Mark J. Niefer

Contact Info:
mniefer@gmu.edu

Reading(s) & Supplement(s):

A. Douglas Melamed, et al., Antitrust Law and Trade Regulation (7th Ed. 2018).

Class readings primarily will be from the casebook; however, other readings may be added to the syllabus during the semester for updates to the syllabus.

Supplemental Treatises

- E. Thomas Sullivan & Jeffrey L. Harrison, Understanding Antitrust and Its Economic Implications (7th Ed. 2019). Discusses the basic economics underlying many of the cases we will read. Available via the library's Lexis Study Aids subscription.
- Herbert Hovenkamp, Principles of Antitrust (3d Ed. 2025). A very short hornbook that is good for understanding the law as developed and stated in many of the cases we will read. Available via the library's West Academic Study Aids subscription.
- Christopher L. Sagers, Antitrust: Examples & Explanations (3d Ed. 2021). A clearly-written, brief introduction to many of the legal and economic issues we will discuss this semester. On permanent reserve at the library, available for use for two hours at a time.
- Other supplemental or suggested readings may be added to the syllabus or posted on TWEN during the semester.

Course Overview

This is an exciting time to study antitrust. Antitrust agencies, scholars, practitioners, and courts are engaged in a great debate about many of the core elements of antitrust law. The U.S. antitrust agencies (the Department of Justice and the Federal Trade Commission) recently have filed cases and adopted policies that push the boundaries of traditional antitrust law. Courts have begun to issue antitrust decisions that—to the surprise of many—would seem to rein in the actions of big tech platforms, such as Apple and Google. Although this class largely will focus on important precedential cases, one goal of the class is to help you understand antitrust law as it is applied by agencies and courts today, which, I hope, will give you some insight into recent cases and current policy debates.

Course Learning Outcomes

In this course, we will explore the development and application of the U.S. antitrust laws to anticompetitive practices by individuals and firms, including anticompetitive agreements and exclusion. (We will not cover mergers, international antitrust, intellectual property, or exemptions and immunities in this class; I plan to cover these topics next semester in Antitrust II.) By the end of the course, you should be familiar with U.S. antitrust law, and you should be able to analyze the potential antitrust liability of various business practices.

Grading Policies

Your grade largely will be based on the final exam. It will be a traditional written exam. I will provide details later in the semester.

Participation, attendance, and class preparation may be a factor into your grade, potentially raising or lowering it. Any raised grade will be based on the quality of your contributions to classroom discussions.

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Participation & Preparation:

You are expected to attend every class. I will take attendance. If you cannot attend a class, please let me know as soon as possible.

I will assign the cases identified on the syllabus to individual students who will be responsible for helping the class understand the case; i.e., I will use a modified Socratic method. However, even if you have not been assigned a case for class, I expect you to have read the case and to participate actively in class discussions; I may call on you at random if our discussion is lagging.

Use of Technology & AI:

Moderate Use Policy: Generative AI tools may be used in this course for the following purposes, and with the following guidelines. Students may use AI in this course to brainstorm, outline, study, explore, prepare for class, but may not use AI as the primary source for research, as the primary source for text of written assignments, during any quiz or exam, during Socratic dialogue, during class. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Use of phones or the internet (especially of any AI capabilities) during class is forbidden unless I expressly authorize it. Recording the class also is forbidden.

Additional Comment(s):

The use of economics in an antitrust law class is unavoidable. The basic intuitions of economics are very useful for analyzing individual and firm behavior as they relate to competition and antitrust. However, no background in economics is required for this class beyond Law 108, Economics for Lawyers. During Antitrust I, we will discuss economic concepts—but at a relatively simple level that does not presume any specialized knowledge of economics beyond what you picked up in Law 108.

Use of Electronic Text Books During Exams

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

Unless otherwise noted, all readings are from MELAMED, ET AL., and all page numbers refer to the hard copy version of the casebook. This syllabus will be updated throughout the semester; please regularly check TWEN for updates. We may have guest speakers during the semester.

Chapter 1: The Origins and Objectives of Antitrust Law		
Week/ Dates	Assignment	Focus
1/ Aug. 19 & 21	1-59	<i>Trans-Missouri Freight Association</i> , 17 <i>Standard Oil</i> , 31
Chapter 2: Market Power and the Meaning of Competition		
Week/ Dates	Assignment	Focus
2 / Aug. 26 & 28	61-97	<i>E.I. du Pont de Nemours & Co.</i> , 77 Horizontal Merger Guidelines, 91
3 / Sept. 2 & 4	97-116	<i>Lorain Journal Co.</i> , 98 Problems 3.1 & 3.2
Chapter 3: Collaboration Among Competitors		
Week/ Dates	Assignment	Focus
4 / Sept. 9 & 11	117-144	<i>Trenton Potteries</i> , 122 <i>Socony-Vacuum</i> , 127 <i>Palmer v. BRG</i> , 142
5 / Sept. 16 & 18	144-168	<i>Broadcast Music</i> , 146 <i>Addyston Pipe</i> , 162
6 / Sept. 23 & 25	168-230	<i>Copperweld</i> , 170 <i>Am. Needle</i> , 184 <i>Interstate Circuit</i> , 203 <i>Theater Enterprises</i> , 211 <i>In re Text Messaging Antitrust Litigation</i> , 217
7 / Sept. 30 & Oct. 2	231-278	<i>Board of Regents</i> , 233 <i>Polygram</i> , 248 <i>Realcomp II</i> , 258
8 / Oct. 7*	278-300	<i>Dagher</i> , 280 <i>Fashion Originators' Guild</i> , 287 <i>Associated Press</i> , 293
9 / Oct. 14	300-347	<i>NW Wholesale Stationers</i> , 300 <i>Apple</i> , 306
Chapter 4: Vertical Distribution Agreements		
Week/ Dates	Assignment	Focus
9 / Oct. 16	349-376	<i>Monsanto</i> , 366
10 / Oct. 21 & 23	376-446	<i>GTE Sylvania</i> , 376 <i>Leegin</i> , 393 <i>Aluminum Co. of America</i> , 423 <i>Spectrum Sports</i> , 440

Chapter 5: Exclusion

Week/ Dates	Assignment	Focus
11 / Oct. 28 & 30	447-516	<i>Aspen Skiing</i> , 447 <i>Trinko</i> , 463 <i>Tampa Electric</i> , 476 <i>Dentsply</i> , 483 <i>Toys “R” Us</i> , 502
12 / Nov. 6**	516-542	<i>Brooke Group</i> , 524 <i>American Airlines</i> , 535
13 / Nov 11 & 13	542-594	<i>Weyerhaeuser</i> , 545 <i>Eastman Kodak</i> , 574 <i>Microsoft</i> , 594
14 / Nov. 18	594-633	<i>LePage’s</i> , 597 <i>Cascade Health Solutions</i> , 609
Review		
Week/ Dates		
14 / Nov. 20***	Review	

[Student Resources](#)

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

[Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:](#)

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)