



## **FALL 2026 COURSE SYLLABUS**

Course Number: Law 640

Course Title: Antitrust III: Advanced Antitrust Seminar

Credit Hours: 2

Grading Mode: Letter grade

Meeting Day(s)/ Time(s): Tuesdays 6:05 PM to 8:05 PM

Meeting Mode: In person

Exam Day(s)/ Time(s): N/A

Final Exam Mode: PAPER

Prerequisite(s): Antitrust I

L.L.M. students may seek a waiver of this requirement. Antitrust II is recommended but is not a prerequisite. Economic concepts and thinking characteristic of modern antitrust analysis are integrated throughout the course, but no background in economics beyond what you learned in Antitrust I is necessary or assumed.

Corequisite(s): None

Instructor(s): Nicholas Widnell

Contact Information: forthcoming (GMU email)

Office Hours:

There are no office hours for this course, but I can meet with students before or after class at the law school.

### **Course Overview**

This seminar comprises three elements: (1) Readings – cases, agency documents, scholarly commentary, and other secondary materials – on selected topics in antitrust law; (2) Guest lectures by visitors from government enforcement agencies and private practice; and (3) Your seminar paper – on a topic approved by the instructor – that you will present and have critiqued by the class. Topics covered during the course involve issues raised in recent cases related to advertising boycotts, antitrust and standard essential patents, conduct by Big Tech firms, acquisitions of nascent competitors, vertical acquisitions, and the efficacy of merger remedies that are either imposed by the government or litigated in court. Guest lecturers will include attorneys who have played

a variety of roles related to the cases and topics we are covering. As much as possible, I will try to select guest lecturers who can offer differing perspectives and expertise. This is an opportunity for you to hear from antitrust practitioners from multiple walks of life.

## Course Learning Outcomes

By the end of the semester, students should:

- Be better able to analyze complex antitrust issues from a legal and economic perspective;
- Fully understand some of the most prominent antitrust issues of the day;
- Have developed an in depth understanding of a specific antitrust topic by researching and writing a seminar paper; and
- Have a greater appreciation for practical considerations that affect how private parties and government agencies bring cases under the antitrust laws.

## Reading(s) & Supplement(s):

- There is no assigned case book, but consider accessing the free [ABA Antitrust Case Book](#), Daniel Francis and Christopher Jon Springman, Antitrust Principles, Cases, and Materials (2025), for background (particularly as noted in recommended supplemental readings).
- For the readings identified in the syllabus, I have generally tried to pick readings that provide a useful summary of the specific topics we will cover while I plan to include more detailed primary source material as suggested readings. Generally, my goals are to (1) make sure you have enough information to knowledgeably discuss topics in class and appreciate presentations from visitors and (2) provide enough recommended additional reading for those who want to write about the specific topic in a seminar paper.
- In addition to the readings identified in the syllabus, I may identify additional supplemental readings on Canvas.

## Grading Policies

### ***Participation & Preparation: 20 percent***

(This will be based on (1) two presentations each student will make in class – a presentation of their paper topic and a critique of a fellow student's topic, and (2) overall class participation).

***First Draft of Seminar Paper:*** 30 percent.

***Final Draft of Seminar Paper:*** 50 percent

### **Additional Information:**

Each student will be responsible for preparing a seminar paper on an antitrust topic of their choice. During the week 9 class, students will be responsible for presenting their topic to the class. A rough draft of the paper will be circulated to the class before the week 12 class and each paper will be assigned to a student for review. During class on week 13, students will be responsible for critiquing the paper assigned to them. The final paper will be due on December 14.

### **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.”

### **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, explore, edit, but may not use AI as the primary source for research nor for text of written assignments, nor during any quiz or exam, nor during Socratic dialogue. 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.

## Course Schedule & Assignments

### Week 1:

Date: August 18, 2026

Topic: The Consumer Welfare Standard

Assignment:

- Tim Wu, After Consumer Welfare, Now What? The “Protection of Competition” Standard in Practice (Apr. 2018).
- Jonathan Kanter, Milton Handler Lecture (May 18, 2022).
- Hon. Douglas H. Ginsburg, Wither Consumer Welfare? Antitrust in the Biden Years (Jul. 2025).
- Commissioner Mark Meador, Antitrust Policy for the Conservative (May 1, 2025).

### Week 2:

Date: August 25, 2026

Topic: Ad Boycotts

Assignment:

- John M. Yun, Trade Associations, Group Boycotts, and the Collective Use of Market Power (Feb. 2026).
- Complaint, FTC, et al. v. Dentsu/WPP Media/Publicis (N.D. Tex. Apr. 2026).
- Ruling on Motion to Dismiss, X Corp v. World Federation of Advertisers et al. (N.D. Tex. Mar. 2026).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 212-21.
- *The PLS.com, LLC v. National Association of Realtors* (9th Cir. 2022).

### Week 3:

Date: September 1, 2026

Topic: Antitrust, Patents, and Standard Setting

Assignment:

- Overview of the Patent System - Selected readings from CHISUM ON PATENTS.
- Intellectual Property and Standard Setting, Note by U.S. to OECD Competition Committee (Dec. 8, 2014).
- Broadcom Corp. v. Qualcomm Inc. (3rd Cir. Sep. 4, 2007).
- Rambus v. FTC (D.C. Cir. Apr. 22, 2008).
- FTC v. Qualcomm Inc. (9th Cir. Aug. 11, 2020).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 621-35.

Week 4:

Date: September 8, 2026

Topic: Standard Essential Patents and Section 5 of the FTC Act

Assignment:

- Analysis to Aid Public Comment, In re Negotiated Data Solution LLC (“N-Data”) (FTC 2008).
- Analysis to Aid Public Comment, In the Matter of Motorola Mobility LLC, and Google Inc. (FTC 2013).
- Dissenting Statement of Commissioner Ohlhausen, In the Matter of Motorola Mobility LLC, and Google Inc. (FTC 2013).
- Statement of the Commission, In the Matter of Motorola Mobility LLC, and Google Inc. (FTC 2013).
- Dissenting Statement of Commissioner Maureen K Ohlhausen, FTC Act Section 5 Policy Statement (Aug. 13, 2015).
- Policy Statement Regarding the Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act (Nov. 10, 2022).
- U.S. Chamber of Commerce, Report: Section 5 of the FTC Act, What’s Next? (Apr. 2, 2026).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 645-652.
- Statement of Commissioner Joshua D. Wright, Proposed Policy Statement Regarding Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act (June 19, 2013).

Week 5:

Date: September 15, 2026

Topic: Standard Essential Patents and Injunctions,

Assignment:

***Injunctions for SEP Infringement***

- DOJ-PTO-NIST Joint Statement: Draft Policy Statement on Licensing Negotiations and Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments (December 6, 2021).

- Comment of the Global Antitrust Institute, On DOJ-PTO-NIST Draft Policy Statement (February 2022).
- Nicholas Banasevic and Zuzanna Bobowiec, SEP-Based Injunctions: How Much Has the Huawei v ZTE Judgment Achieved in Practice? (Apr. 23, 2023).

### ***The New Madison Approach***

- Makan Delrahim, New Madison Approach speech (March 16, 2018).
- Letter to USPTO from Ericsson, Nokia, Philips, and Qualcomm, RE: Promote R&D spending and long-term investments in innovation (March 18, 2019).
- Apple, tech firms urge PTO to not change course of standards-essential patents, Reuters (April 24, 2019).
- Carl Shapiro and Mark Lemley, The Role of Antitrust in Preventing Patent Holdup (2022).
- Jonathan M. Barnett, Patent Groupthink Unravels, 34 Harvard J. L. & Tech. 419 (2021).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 621-35.

Week 6:

Date: September 22, 2026

Topic: Current Issues in Big Tech – (1) Self Preferencing, (2) the EU Digital Markets Act, (3) Algorithmic Pricing, and (4) Amazon E-Commerce

Assignment:

### ***Self-Preferencing***

- Guillaume Duquense et al., What constitutes self-preferencing and its proliferation in digital markets (October 2, 2024).

### ***Digital Markets Act***

- Alberto Bacchiega, DG Competition, European Commission: Digital Markets Act (March 2024).
- US DoJ, Digital Markets Act Overview (March 2024).
- Thomas Kramler, DG Competition, European Commission, Compliance Obligations of App Stores under the DMA (2023).

### ***Algorithmic Pricing***

- Michale Kheyfets and David Kully, Antitrust Injury and Damages in Algorithmic Collusion Cases: Another “New Frontier”?, The Antitrust Source (February 2025).

- Bruce Sokler et al., DOJ and FTC Weigh in on Alleged Algorithmic Price Fixing — AI (March 7, 2024).

### ***Amazon E-Commerce***

- Order on Defendant's Motion to Dismiss, FTC v. Amazon.com Inc. (W.D. Wa. Sep. 30, 2024).

### **Week 7:**

Date: September 29, 2026

Topic: Current Issues in Big Tech – Google Search

Assignment:

- Jeffrey May, Summary of United States v. Google (D.D.C.) (August 6, 2024).
- United States v. Google and Alphabet, 747 F.Supp. 3d 1 (D.D.C. Aug. 5, 2024).
- Geoffrey A. Manne, A Critical Analysis of the Google Search Antitrust Decision (Aug. 14, 2024).
- A. Douglas Melamed, Causation Confusion – A Response to Judge Ginsburg & Wong-Ervin (December 2024).

### **Week 8:**

Date: October 6, 2026

Topic: Current Issues in Big Tech, Walled Gardens

Assignment:

- Epic Games Inc. v. Apple Games Inc. (9th Cir. Dec. 11, 2025).
- United States v. Apple, Memorandum Opinion Denying Motion to Dismiss, No. 24-cv-4055 (D.N.J. June 30, 2025).
- Phoenix Center, Critique of United States v. Apple (October 2024).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 348-64.

### **Week 9:**

Date: October 13, 2026

Topic: Seminar Topic Presentations

Assignment:

Each student will present the topic of their seminar paper and respond to questions from the class.

#### Week 10:

Date: October 20, 2026

Topic: Recent Vertical Cases

Assignment:

- Illumina, Inc. v. FTC (5th Cir. 2021).
- Christine A. Varney, The TicketMaster/Live Nation Merger Review and Consent Decree in Perspective (Mar. 2010).
- Motion for Summary Judgment ruling, U.S. et al. v. Live Nation Entertainment (S.D.N.Y. Feb. 18, 2026).
- Ben Sisario, Jury Finds Live Nation Acts as a Monopoly in a Victory for States, NY Times (Apr. 15, 2026).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 466-85, 497-8.
- Gwendolyn J. Lindsay Cooley, 25 Years of State Antitrust Enforcement: Five Cases That Matter, 29 Geo. Mason L. Rev. 999 (2022).

#### Week 11:

Date: October 27, 2026

Topic: Acquisition of Nascent/Potential Competitors – use of Clayton Act Section 7 and Sherman Act Section 2 Compared to Defining Innovation Markets

Assignment:

- FTC v. Steris Corporation (N.D. Ohio Sep. 24, 2015).
- Complaint In the Matter of Illumina and PacBio (FTC Dec. 17, 2019).
- Summary Judgment opinion, FTC v. Meta (DDC Nov. 13, 2024).
- Illumina, Inc. v. FTC (5th Cir. 2021).
- FTC v. Edwards Lifesciences Corp. (D.D.C. Jan. 28, 2026).

Recommended Supplemental Reading:

- Francis & Sprigman, Antitrust Principles, Cases and Materials at 450-7.

Week 12:

Date: November 10, 2026

Topic: Merger Remedies

Assignment:

- Statement of the Commission on Use of Prior Approval Provisions in Merger Orders (October 29, 2021).
- Dissenting Statement of Commissioners Wilson and Phillips Regarding the Use of Prior Approval Provisions in Merger Orders (Oct. 2021).
- John M. Yun, Going Backwards: The FTC's New Prior Approval Policy, CPI (March 8, 2022).
- FTC Workshop: "[Eleventh-Hour Antitrust Remedy Proposals and Litigating the Fix](#)" PUpnlLqdXc (May 20, 2026).

Week 13:

Date: November 17, 2026

Topic: Rough Draft Critiques

Assignment:

The author and the student assigned to critique the paper are responsible for meeting one-on-one before class to discuss the student's rough draft. In class, the student who performed the critique will present a SWOT analysis of the paper, the author should then respond and describe additional work they plan to do, followed by class discussion.

## **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](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-993-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)