



Rebel Oil & Rapid Entry

“But defining a relevant market on the basis of demand considerations alone is erroneous. A reasonable market definition must also be based on ‘supply elasticity.’”

***Rebel Oil*, 51 F.3d 1421, 1436 (9th Cir. 1995) (citations omitted)**



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“A ‘market’ is any grouping of sales whose sellers, if **unified by a monopolist or hypothetical cartel, would have market power in dealing with any group of buyers.**

If the sales of other producers substantially constrain the price-increasing ability of the monopolist or hypothetical cartel, these other producers must be included in the market.”

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“If producers of X can readily shift their **production facilities** to produce product &, then the sales of both should be included in the relevant market.

The affidavit of Rebel’s expert fails to account for the fact that sellers of full-serve gasoline **can easily convert their full-serve pumps, at virtually no cost**, into self-serve, cash-only pumps, expanding output and thus constraining any attempt by ARCO to charge supracompetitive prices for self-serve gasoline.”

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Rebel Oil & Rapid Entry – Dr. Shehadeh

- 4 Q. Dr. Shehadeh, why would Mr. Hurt be concerned about
5 PowerReviews being acquired by a well-capitalized social firm
6 if your view of the world is correct that entry into the
7 ratings and reviews market is very easy, and that these firms
8 are already, essentially, rapid entrants into that market?
9 A. Because that would turn them from rapid entrants into
10 actual day-to-day competitors immediately.

Trial Tr. 1972:4-10



Customer Testimony – Foot Locker

16 Q Has the acquisition of PowerReviews by
17 Bazaarvoice harmed Footlocker?

...

19 A No.

Foot Locker (GX 136) 47:16-19



Customer Testimony – Foot Locker

7 Q Okay. Mr. Lokes, have you given any
8 thought to the acquisition of PowerReviews by
9 Bazaarvoice?

10 A Not really.

Foot Locker (GX 136) 47:7-10

1 Q Do you have any reason -- or do you believe
2 that there are other ratings and review providers
3 out there besides Bazaarvoice and PowerReviews?

4 A Again, I don't have direct knowledge. It's
5 not something that I spend a lot of time on.

Foot Locker (GX 136) 36:1-5