

TABLE OF AUTHORITIES

Cases

- A.A. Poultry Farms, Inc. v. Rose Acre Farms, Inc.*, 881 F.2d 1396 (7th Cir. 1989)
- AD/SAT v. Associated Press*, 181 F.3d 216 (2d Cir. 1999)
- Advo, Inc. v. Philadelphia Newspapers, Inc.*, 51 F.3d 1191 (3d Cir. 1995)
- American Council of Certified Podiatric Physicians & Surgeons v. American Board of Podiatric Surgery, Inc.*, 185 F.3d 606 (6th Cir. 1999)
- American Tobacco Co. v. United States*, 328 U.S. 781 (1946)
- Appalachian Coals, Inc. v. United States*, 288 U.S. 344 (1933)
- Arthur S. Langenderfer, Inc. v. S.E. Johnson Co.*, 729 F.2d 1050 (6th Cir. 1984)
- Aspen Highlands Skiing Corp. v. Aspen Skiing Co.*, 738 F.2d 1509 (10th Cir. 1984), *aff'd*, 472 U.S. 585 (1985)
- Aspen Skiing Co. v. Aspen Highlands Skiing Corp.*, 472 U.S. 585 (1985)
- Associated General Contractors v. California State Council of Carpenters*, 459 U.S. 519 (1983)
- Associated Press v. United States*, 326 U.S. 1 (1945)
- Bacchus Industries, Inc. v. Arvin Industries, Inc.*, 939 F.2d 887 (10th Cir. 1991)
- Bailey v. Allgas, Inc.*, 284 F.3d 1237 (11th Cir. 2002)
- Ball Memorial Hospital, Inc. v. Mutual Hospital Insurance, Inc.*, 784 F.2d 1325 (7th Cir. 1986)
- Barry Wright Corp. v. ITT Grinnell Corp.*, 724 F.2d 227 (1st Cir. 1983)
- Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955 (2007)
- In re Biovail Corp.*, 134 F.T.C. 407 (2002)
- Blue Cross & Blue Shield United of Wisconsin v. Marshfield Clinic*, 65 F.3d 1406 (7th Cir. 1995)
- Borough of Lansdale v. Philadelphia Electric Co.*, 692 F.2d 307 (3d Cir. 1982)
- In re Bristol-Myers Squibb Co.*, 135 F.T.C. 444 (2003)
- Broadcast Music, Inc. v. CBS*, 441 U.S. 1 (1979)
- Broadcom Corp. v. Qualcomm Inc.*, 501 F.3d 297 (3d Cir. 2007)
- Broadway Delivery Corp. v. UPS*, 651 F.2d 122 (2d Cir. 1981)
- Brooke Group Ltd. v. Brown & Williamson Tobacco Corp.*, 509 U.S. 209 (1993)
- In re Brown Shoe Co.*, 62 F.T.C. 679 (1963)
- Brown Shoe Co. v. United States*, 370 U.S. 294 (1962)
- Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.*, 429 U.S. 477 (1977)
- Business Electronics v. Sharp Electronics Corp.*, 485 U.S. 717 (1988)
- Cargill, Inc. v. Monfort of Colorado, Inc.*, 479 U.S. 104 (1986)
- Cascade Health Solutions v. PeaceHealth*, 515 F.3d 883 (9th Cir. 2008)
- Colorado Interstate Gas Co. v. Natural Gas Pipeline Co. of America*, 885 F.2d 683 (10th Cir. 1989)
- Concord Boat Corp. v. Brunswick Corp.*, 207 F.3d 1039 (8th Cir. 2000)
- Confederated Tribes of Siletz Indians v. Weyerhaeuser Co.*, 411 F.3d 1030 (9th Cir. 2005), *vacated and remanded sub nom. Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.*, 127 S. Ct. 1069 (2007)
- Continental T. V., Inc. v. GTE Sylvania Inc.*, 433 U.S. 36 (1977)
- Conwood Co. v. U.S. Tobacco Co.*, 290 F.3d 768 (6th Cir. 2002)
- Copperweld Corp. v. Independence Tube Corp.*, 467 U.S. 752 (1984)
- Covad Communications Co. v. Bell Atlantic Corp.*, 398 F.3d 666 (D.C. Cir. 2005)
- Data General Corp. v. Grumman Systems Support Corp.*, 36 F.3d 1147 (1st Cir. 1994)
- Deauville Corp. v. Federated Department Stores, Inc.*, 756 F.2d 1183 (5th Cir. 1985)
- Digital Equipment Corp. v. Uniq Digital Technologies, Inc.*, 73 F.3d 756 (7th Cir. 1996)
- Domed Stadium Hotel, Inc. v. Holiday Inns, Inc.*, 732 F.2d 480 (5th Cir. 1984)
- Eastman Kodak Co. v. Image Technical Services, Inc.*, 504 U.S. 451 (1992)
- Eastman Kodak Co. v. Southern Photo Materials Co.*, 273 U.S. 359 (1927)
- Exxon Corp. v. Berwick Bay Real Estate Partners*, 748 F.2d 937 (5th Cir. 1984) (per curiam)
- F. Hoffmann-La Roche Ltd. v. Empagran S. A.*, 542 U.S. 155 (2004)
- Fishman v. Estate of Wirtz*, 807 F.2d 520 (7th Cir. 1986)
- Ford Motor Co. v. United States*, 405 U.S. 562 (1972)
- Fortner Enterprises, Inc. v. U.S. Steel Corp.*, 394 U.S. 495 (1969)
- FTC v. Brown Shoe Co.*, 384 U.S. 316 (1966)
- FTC v. Indiana Federation of Dentists*, 476 U.S. 447 (1986)
- FTC v. Mylan Laboratories, Inc.*, 62 F. Supp. 2d 25 (D.D.C.), *modified*, 99 F. Supp. 2d 1 (D.D.C. 1999)
- General Industries Corp. v. Hartz Mountain Corp.*, 810

- F.2d 795 (8th Cir. 1987)
- Georgia v. Evans*, 316 U.S. 159 (1942)
- Goldwasser v. Ameritech Corp.*, 222 F.3d 390 (7th Cir. 2000)
- Harrison Aire, Inc. v. Aerostar International, Inc.*, 423 F.3d 374 (3d Cir. 2005)
- Hartford-Empire Co. v. United States*, 323 U.S. 386 (1945)
- Hayden Publishing Co. v. Cox Broadcasting Corp.*, 730 F.2d 64 (2d Cir. 1984)
- Hecht v. Pro-Football, Inc.*, 570 F.2d 982 (D.C. Cir. 1977)
- Hilton v. Guyot*, 159 U.S. 113 (1895)
- IBM v. United States*, 298 U.S. 131 (1936)
- Illinois Tool Works Inc. v. Independent Ink, Inc.*, 547 U.S. 28 (2006)
- Image Technical Services, Inc. v. Eastman Kodak Co.*, 125 F.3d 1195 (9th Cir. 1997)
- In re Independent Service Organizations Antitrust Litigation*, 203 F.3d 1322 (Fed. Cir. 2000)
- Information Resources, Inc. v. Dun & Bradstreet Corp.*, 359 F. Supp. 2d 307 (S.D.N.Y. 2004)
- Interface Group, Inc. v. Massachusetts Port Authority*, 816 F.2d 9 (1st Cir. 1987)
- International Salt Co. v. United States*, 332 U.S. 392 (1947)
- Invacare Corp. v. Respironics, Inc.*, No. 1:04 CV 1580, 2006 WL 3022968 (N.D. Ohio Oct. 23, 2006)
- Jack Walters & Sons Corp. v. Morton Building, Inc.*, 737 F.2d 698 (7th Cir. 1984)
- J.B.D.L. Corp. v. Wyeth-Ayerst Laboratories*, Nos. 1:01-CV-704, 1:03-CV-781, 2005 WL 1396940 (S.D. Ohio June 13, 2005), *aff'd*, 485 F.3d 880 (6th Cir. 2007)
- Jefferson Parish Hospital District No. 2 v. Hyde*, 466 U.S. 2 (1984)
- Jerrold Electronics Corp. v. United States*, 365 U.S. 567 (1961) (mem.) (per curiam)
- Kelco Disposal, Inc. v. Browning-Ferris Industries of Vermont, Inc.*, 845 F.2d 404 (2d Cir. 1988), *aff'd*, 492 U.S. 257 (1989)
- Klamath-Lake Pharmaceutical Association v. Klamath Medical Service Bureau*, 701 F.2d 1276 (9th Cir. 1983)
- Laker Airways Ltd. v. Sabena, Belgian World Airlines*, 731 F.2d 909 (D.C. Cir. 1984)
- Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 127 S. Ct. 2705 (2007)
- LePage's Inc. v. 3M*, 324 F.3d 141 (3d Cir. 2003) (en banc)
- Lorain Journal Co. v. United States*, 342 U.S. 143 (1951)
- Mandeville Island Farms, Inc. v. American Crystal Sugar Co.*, 334 U.S. 219 (1948)
- Maryland & Virginia Milk Producers Association v. United States*, 362 U.S. 458 (1960)
- Masimo Corp. v. Tyco Health Care Group, L.P.*, No. CV 02-4770 MRP, 2006 WL 1236666 (C.D. Cal. Mar. 22, 2006)
- Massachusetts v. Microsoft Corp.*, 373 F.3d 1199 (D.C. Cir. 2004) (en banc)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986)
- McGahee v. Northern Propane Gas Co.*, 858 F.2d 1487 (11th Cir. 1988)
- MCI Communications Corp. v. AT&T*, 708 F.2d 1081 (7th Cir. 1983)
- MetroNet Services Corp. v. Qwest Corp.*, 383 F.3d 1124 (9th Cir. 2004)
- Minnesota Mining & Manufacturing Co. v. Appleton Papers Inc.*, 35 F. Supp. 2d 1138 (D. Minn. 1999)
- Morris Communications Corp. v. PGA Tour, Inc.*, 364 F.3d 1288 (11th Cir. 2004)
- Movie 1 & 2 v. United Artists Communications, Inc.*, 909 F.2d 1245 (9th Cir. 1990)
- Multistate Legal Studies, Inc. v. Harcourt Brace Jovanovich Legal & Professional Publications, Inc.*, 63 F.3d 1540 (10th Cir. 1995)
- National Society of Professional Engineers v. United States*, 435 U.S. 679 (1978)
- NCAA v. Board of Regents of the University of Oklahoma*, 468 U.S. 85 (1984)
- Neumann v. Reinforced Earth Co.*, 786 F.2d 424 (D.C. Cir. 1986)
- New York v. Microsoft Corp.*, 224 F. Supp. 2d 76 (D.D.C. 2002), *aff'd sub nom. Massachusetts v. Microsoft Corp.*, 373 F.3d 1199 (D.C. Cir. 2004) (en banc)
- NLRB v. Express Publishing Co.*, 312 U.S. 426 (1941)
- Northeastern Telephone Co. v. AT&T*, 651 F.2d 76 (2d Cir. 1981)
- Northern Pacific Railway Co. v. United States*, 356 U.S. 1 (1958)
- NYNEX Corp. v. Discon, Inc.*, 525 U.S. 128 (1998)
- Olympia Equipment Leasing Co. v. Western Union Telegraph Co.*, 797 F.2d 370 (7th Cir. 1986)
- Omega Environmental, Inc. v. Gilbarco, Inc.*, 127 F.3d 1157 (9th Cir. 1997)
- Ortho Diagnostic Systems, Inc. v. Abbott Laboratories, Inc.*, 920 F. Supp. 455 (S.D.N.Y. 1996)
- Otter Tail Power Co. v. United States*, 410 U.S. 366 (1973)
- Pacific Engineering & Production Co. of Nevada v. Kerr-McGee Corp.*, 551 F.2d 790 (10th Cir. 1977)
- PepsiCo, Inc. v. Coca-Cola Co.*, 315 F.3d 101 (2d Cir. 2002) (per curiam)
- Rebel Oil Co. v. Atlantic Richfield Co.*, 51 F.3d 1421 (9th Cir. 1995)
- Re/Max International, Inc. v. Realty One, Inc.*, 173 F.3d 995 (6th Cir. 1999)
- Response of Carolina, Inc. v. Leasco Response, Inc.*, 537 F.2d 1307 (5th Cir. 1976)
- Roland Machinery Co. v. Dresser Industries, Inc.*, 749 F.2d 380 (7th Cir. 1984)

- Rothery Storage & Van Co. v. Atlas Van Lines, Inc.*, 792 F.2d 210 (D.C. Cir. 1986)
- Schor v. Abbott Laboratories*, 457 F.3d 608 (7th Cir. 2006)
- SmithKline Corp. v. Eli Lilly & Co.*, 427 F. Supp. 1089 (E.D. Pa. 1976), *aff'd*, 575 F.2d 1056 (3d Cir. 1978)
- Spectrum Sports, Inc. v. McQuillan*, 506 U.S. 447 (1993)
- Spirit Airlines, Inc. v. Northwest Airlines, Inc.*, 431 F.3d 917 (6th Cir. 2005)
- Spirit Airlines, Inc. v. Northwest Airlines, Inc.*, No. 00-71535, 2003 WL 24197742 (E.D. Mich. Mar. 31, 2003), *rev'd*, 431 F.3d 917 (6th Cir. 2005)
- Standard Fashion Co. v. Magrane-Houston Co.*, 258 U.S. 346 (1922)
- Standard Oil Co. of California v. United States (Standard Stations)*, 337 U.S. 293 (1949)
- Standard Oil Co. of New Jersey v. United States*, 221 U.S. 1 (1911)
- State of Illinois ex rel. Burriss v. Panhandle Eastern Pipe Line Co.*, 935 F.2d 1469 (7th Cir. 1991)
- State Oil Co. v. Kahn*, 522 U.S. 3 (1997)
- Stearns Airport Equipment Co. v. FMC Corp.*, 170 F.3d 518 (5th Cir. 1999)
- Stop & Shop Supermarket Co. v. Blue Cross & Blue Shield of Rhode Island*, 373 F.3d 57 (1st Cir. 2004)
- Sunshine Books, Ltd. v. Temple Univ.*, 697 F.2d 90 (3rd Cir. 1982)
- Swift & Co. v. United States*, 196 U.S. 375 (1905)
- Tampa Electric Co. v. Nashville Coal Co.*, 365 U.S. 320 (1961)
- Times-Picayune Publishing Co. v. United States*, 345 U.S. 594 (1953)
- Tops Markets, Inc. v. Quality Markets, Inc.*, 142 F.3d 90 (2d Cir. 1998)
- Town of Concord v. Boston Edison Co.*, 915 F.2d 17 (1st Cir. 1990)
- Transamerica Computer Co. v. IBM*, 698 F.2d 1377 (9th Cir. 1983)
- United Shoe Machinery Corp. v. United States*, 258 U.S. 451 (1922)
- United States v. Aluminum Co. of America*, 148 F.2d 416 (2d Cir. 1945)
- United States v. Aluminum Co. of America*, 91 F. Supp. 333 (S.D.N.Y. 1950)
- United States v. American Tobacco Co.* 221 U.S. 106 (1911)
- United States v. AMR Corp.*, 335 F.3d 1109 (10th Cir. 2003)
- United States v. AMR Corp.*, 140 F. Supp. 2d 1141 (D. Kan. 2001), *aff'd*, 335 F.3d 1109 (10th Cir. 2003)
- United States v. AT&T*, 552 F. Supp. 131 (D.D.C. 1982), *aff'd mem. sub nom. Maryland v. United States*, 460 U.S. 1001 (1983)
- United States v. AT&T*, 524 F. Supp. 1336 (D.D.C. 1981)
- United States v. Colgate & Co.*, 250 U.S. 300 (1919)
- United States v. Dentsply International, Inc.*, 399 F.3d 181 (3d Cir. 2005)
- United States v. Eastman Kodak Co.*, 1954 Trade Cas. (CCH) ¶ 67,920 (W.D.N.Y. 1954)
- United States v. E. I. du Pont de Nemours & Co.*, 366 U.S. 316 (1961)
- United States v. E. I. du Pont de Nemours & Co.*, 351 U.S. 377 (1956)
- United States v. General Motors Corp.*, 1965 Trade Cas. (CCH) ¶ 71,624 (E.D. Mich. 1965)
- United States v. Grinnell Corp.*, 384 U.S. 563 (1966)
- United States v. IBM*, 1956 Trade Cas. (CCH) ¶ 68,245 (S.D.N.Y. 1956)
- United States v. Jerrold Electronics Corp.*, 187 F. Supp. 554 (E.D. Pa. 1960)
- United States v. Loew's Inc.*, 371 U.S. 38 (1962)
- United States v. Microsoft Corp.*, 253 F.3d 34 (D.C. Cir. 2001) (en banc) (per curiam)
- United States v. Microsoft Corp.*, 147 F.3d 935 (D.C. Cir. 1998)
- United States v. Microsoft Corp.*, 231 F. Supp. 2d 144 (D.D.C. 2002), *aff'd sub nom. Massachusetts v. Microsoft Corp.*, 373 F.3d 1199 (D.C. Cir. 2004) (en banc)
- United States v. Paramount Pictures, Inc.*, 334 U.S. 131 (1948)
- United States v. Syufy Enterprises*, 903 F.2d 659 (9th Cir. 1990)
- United States v. Terminal Railroad Association of St. Louis*, 224 U.S. 383 (1912)
- United States v. United Shoe Machinery Corp.*, 391 U.S. 244 (1968)
- United States v. United Shoe Machinery Corp.*, 110 F. Supp. 295 (D. Mass. 1953), *aff'd*, 347 U.S. 521 (1954) (per curiam)
- United States v. United Shoe Machinery Co.*, 264 F. 138 (E.D. Mo. 1920), *aff'd*, 258 U.S. 451 (1922)
- United States v. United Shoe Machinery Co. of New Jersey*, 247 U.S. 32 (1918)
- United States v. U.S. Gypsum Co.*, 340 U.S. 76 (1950)
- United States v. Waste Management, Inc.*, 743 F.2d 976 (2d Cir. 1984)
- United States v. Western Electric Co.*, 1956 Trade Cas. (CCH) ¶ 68,246 (D.N.J. 1956)
- U.S. Anchor Mfg., Inc. v. Rule Industries, Inc.*, 7 F.3d 986 (11th Cir. 1993)
- U.S. Healthcare, Inc. v. Healthsource, Inc.*, 986 F.2d 589 (1st Cir. 1993)
- U.S. Philips Corp. v. Windmere Corp.*, 861 F.2d 695 (Fed. Cir. 1988)
- U.S. Steel Corp. v. Fortner Enterprises, Inc.*, 429 U.S. 610 (1977)
- Utah Pie Co. v. Continental Baking Co.*, 386 U.S. 685 (1967)
- Verizon Communications Inc. v. Law Offices of Curtis V. Trinko*, 540 U.S. 398 (2004)

Virgin Atlantic Airways Ltd. v. British Airways PLC, 257 F.3d 256 (2d Cir. 2001)

Virgin Atlantic Airways Ltd. v. British Airways PLC, 69 F. Supp. 2d 571 (S.D.N.Y. 1999), *aff'd*, 257 F.3d 256 (2d Cir. 2001)

Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965)

Wallace v. IBM, 467 F.3d 1104 (7th Cir. 2006)

Weiss v. York Hospital, 745 F.2d 786 (3d Cir. 1984)

Western Parcel Express v. United Parcel Service of America, Inc., 190 F.3d 974 (9th Cir. 1999)

Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., 127 S. Ct. 1069 (2007)

William Inglis & Sons Baking Co. v. ITT Continental Baking Co., 668 F.2d 1014 (9th Cir. 1981)

Williamsburg Wax Museum, Inc. v. Historic Figures, Inc., 810 F.2d 243 (D.C. Cir. 1987)

Yoder Bros., Inc. v. California-Florida Plant Corp., 537 F.2d 1347 (5th Cir. 1976)

Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969)

Statutes

Sherman Act § 1, 15 U.S.C. § 1 (2000)

Sherman Act § 2, 15 U.S.C. § 2 (2000)

Robinson-Patman Act § 1, 15 U.S.C. § 13 (2000)

Clayton Act § 3, 15 U.S.C. § 14 (2000)

Clayton Act § 4, 15 U.S.C. § 15 (2000)

Clayton Act § 4A, 15 U.S.C. § 15a (2000)

Clayton Act § 4C, 15 U.S.C. § 15c (2000)

FTC Act § 5, 15 U.S.C. § 45 (2000)

Export Trading Company Act § 306, 15 U.S.C. § 4016 (2000)

International Antitrust Enforcement Assistance Act of 1994 §§ 2-13, 15 U.S.C. §§ 6201-12 (2000)

18 U.S.C. § 3571 (2000)

Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1884

Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.)

Briefs

Brief for the United States as Amicus Curiae Supporting Petitioner, *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.*, 127 S. Ct. 1069 (2007) (No. 05-381), *available at* <http://www.usdoj.gov/atr/cases/f217900/217988.pdf>

Brief for the United States as Amicus Curiae, 3M v. LePage's Inc., 542 U.S. 953 (2004) (No. 02-1865), *available at* <http://www.usdoj.gov/atr/cases/f203900/203900.pdf>

Brief for the United States & the Federal Trade Commission as Amici Curiae Supporting Petitioner, *Verizon Commc'ns Inc. v. Law Offices of Curtis V. Trinko, LLP*, 540 U.S. 398 (2004) (No. 02-682),

available at <http://www.usdoj.gov/atr/cases/f201000/201048.pdf>

Brief of Amici Curiae American Antitrust Institute, Consumer Federation of America and Consumers Union Supporting McKenzie-Williamette and Affirmance, *Cascade Health Solutions v. PeaceHealth*, 515 F.3d 883 (9th Cir. 2008) (Nos. 05-36153, 05-36202)

Brief of Amici Curiae Genentech, Inc., Honeywell International Inc., Kimberly-Clark Corp., Kraft Foods, Inc., The Coca-Cola Company, and United Technologies Corp. in Support of Appellant/Cross-Appellee *PeaceHealth, Cascade Health Solutions v. PeaceHealth*, 515 F.3d 883 (9th Cir. 2008) (Nos. 05-035627, 05-35640)

Brief of Amici Curiae Law Professors in Support of Defendant-Appellant and Cross-Appellee *PeaceHealth Supporting Reversal of the Verdict Concerning Bundled Discounts, Cascade Health Solutions v. PeaceHealth*, 515 F.3d 883 (9th Cir. 2008) (Nos. 05-35627, 05-35640, 05-36153, 05-36202)

Brief of Pacific Bell Telephone Company (D/B/A AT&T California) and Visa U.S.A. Inc. as Amici Curiae Supporting Reversal, *Cascade Health Solutions v. PeaceHealth*, 515 F.3d 883 (9th Cir. 2008) (Nos. 05-35627, 05-35640, 05-36153, 05-36202)

Brief for Appellant United States of America, *United States v. AMR Corp.*, 335 F.3d 1109 (10th Cir. 2003) (No. 01-3202), *available at* <http://www.usdoj.gov/atr/cases/f9800/9814.pdf>

Governmental Materials

153 CONG. REC. H15741 (daily ed. Dec. 17, 2007)
ANTITRUST MODERNIZATION COMM'N, REPORT AND RECOMMENDATIONS (2007), *available at* http://govinfo.library.unt.edu/amc/report_recommendation/amc_final_report.pdf

CANADIAN COMPETITION BUREAU, ENFORCEMENT GUIDELINES: PREDATORY PRICING (2008), *available at* [http://www.competitionbureau.gc.ca/epic/site/cb-bc.nsf/vwapj/Predatory_Pricing_Guidelines-e.pdf/\\$file/Predatory_Pricing_Guidelines-e.pdf](http://www.competitionbureau.gc.ca/epic/site/cb-bc.nsf/vwapj/Predatory_Pricing_Guidelines-e.pdf/$file/Predatory_Pricing_Guidelines-e.pdf)

Competitive Impact Statement, *United States v. Microsoft Corp.*, 56 F.3d 1448 (D.C. Cir. 1995) (Nos. 95-5037, 95-5039), *available at* <http://www.usdoj.gov/atr/cases/f0000/0045.pdf>

DIRECTORATE FOR FIN. AND ENTER. AFFAIRS COMPETITION COMM., ORG. FOR ECON. CO-OPERATION AND DEV., REMEDIES AND SANCTIONS IN ABUSE OF DOMINANCE CASES (2007), *available at* <http://www.oecd.org/dataoecd/20/17/38623413.pdf>

DIRECTORATE-GEN. FOR COMPETITION, EUROPEAN COMM'N, DISCUSSION PAPER ON THE APPLICATION OF ARTICLE 82 OF THE TREATY TO EXCLUSIONARY ABUSES (2005), *available at* ec.europa.eu/comm/competition/antitrust/art82/discpaper2005.pdf

- FED. TRADE COMM'N & U.S. DEP'T OF JUSTICE, U.S. FEDERAL TRADE COMMISSION'S AND DEPARTMENT OF JUSTICE'S EXPERIENCE WITH TECHNICAL ASSISTANCE FOR THE EFFECTIVE APPLICATION OF COMPETITION LAWS (2008), *available at* <http://ftc.gov/oia/wkshp/docs/exp.pdf>
- FTC Policy Statement on Monetary Equitable Remedies in Competition Cases, 68 Fed. Reg. 45,820 (Aug. 4, 2003)
- H.R. Rep. No. 63-627 (1914)
- INT'L COMPETITION NETWORK, WAIVERS OF CONFIDENTIALITY IN MERGER INVESTIGATIONS (n.d.), *available at* <http://www.internationalcompetitionnetwork.org/media/archive0611/NPWaiversFinal.pdf>
- INT'L COMPETITION POLICY ADVISORY COMM., FINAL REPORT (2000), *available at* <http://www.usdoj.gov/atr/icpac/finalreport.htm>
- Organisation for Economic Co-operation and Dev., Best Practice Roundtables on Competition Policy, http://www.oecd.org/document/38/0,3343,en_2649_34715_2474918_1_1_1_37463,00.html (last visited Aug. 28, 2008)
- ORGANISATION FOR ECON. CO-OPERATION & DEV., REVISED RECOMMENDATION OF THE COUNCIL CONCERNING CO-OPERATION BETWEEN MEMBER COUNTRIES ON ANTICOMPETITIVE PRACTICES AFFECTING INTERNATIONAL TRADE (1995), *available at* <http://www.oecd.org/dataoecd/60/42/21570317.pdf>
- UNILATERAL CONDUCT WORKING GROUP, INT'L COMPETITION NETWORK, DOMINANCE/SUBSTANTIAL MARKET POWER ANALYSIS PURSUANT TO UNILATERAL CONDUCT LAWS: RECOMMENDED PRACTICES (2007), *available at* http://www.internationalcompetitionnetwork.org/media/library/unilateral_conduct/Unilateral_WG_1.pdf
- UNILATERAL CONDUCT WORKING GROUP, INT'L COMPETITION NETWORK, REPORT ON PREDATORY PRICING (2008), *available at* http://www.internationalcompetitionnetwork.org/media/library/unilateral_conduct/FINALPredatoryPricing.PDF.pdf
- UNILATERAL CONDUCT WORKING GROUP, INT'L COMPETITION NETWORK, REPORT ON SINGLE BRANDING/EXCLUSIVE DEALING (2008), *available at* http://www.internationalcompetitionnetwork.org/media/library/unilateral_conduct/Unilateral_WG_4.pdf
- UNILATERAL CONDUCT WORKING GROUP, INT'L COMPETITION NETWORK, REPORT ON THE OBJECTIVES OF UNILATERAL CONDUCT LAWS, ASSESSMENT OF DOMINANCE/SUBSTANTIAL MARKET POWER, AND STATE CREATED MONOPOLIES (May 2007), *available at* http://www.internationalcompetitionnetwork.org/media/library/unilateral_conduct/Objectives%20of%20Unilateral%20Conduct%20May%202007.pdf
- UNILATERAL CONDUCT WORKING GROUP, INT'L COMPETITION NETWORK, STATE-CREATED MONOPOLIES ANALYSIS PURSUANT TO UNILATERAL CONDUCT LAWS: RECOMMENDED PRACTICES (n.d.), *available at* http://www.internationalcompetitionnetwork.org/media/library/unilateral_conduct/Unilateral_WG_2.pdf
- U.S. Dep't of Justice, Antitrust Cooperation Agreements, http://www.usdoj.gov/atr/public/international/int_arrangements.htm (last visited Aug. 27, 2008)
- U.S. DEP'T OF JUSTICE, ANTITRUST DIVISION POLICY GUIDE TO MERGER REMEDIES (2004), *available at* <http://www.usdoj.gov/atr/public/guidelines/205108.pdf>
- U.S. Dep't of Justice, Sherman Act Violations Yielding a Corporate Fine of \$10 Million or More (2008), *available at* <http://www.usdoj.gov/atr/public/criminal/225540.pdf>
- U.S. DEP'T OF JUSTICE & FED. TRADE COMM'N, ANTITRUST ENFORCEMENT GUIDELINES FOR INTERNATIONAL OPERATIONS (1995), *available at* <http://www.usdoj.gov/atr/public/guidelines/internat.htm>
- U.S. DEP'T OF JUSTICE & FED. TRADE COMM'N, ANTITRUST ENFORCEMENT AND INTELLECTUAL PROPERTY RIGHTS: PROMOTING INNOVATION AND COMPETITION (2007), *available at* <http://www.usdoj.gov/atr/public/hearings/ip/222655.pdf>
- U.S. DEP'T OF JUSTICE & FED. TRADE COMM'N, HORIZONTAL MERGER GUIDELINES (rev. ed. 1997), *available at* <http://www.usdoj.gov/atr/public/guidelines/hmg.pdf>

Articles and Books

- Alden F. Abbott & Michael A. Salinger, *Learning from the Past: The Lessons of Vietnam, IBM, and Tying*, COMPETITION POL'Y INT'L, Spring 2006, at 3
- Walter Adams, *Dissolution, Divorcement, Divestiture: The Pyrrhic Victories of Antitrust*, 27 IND. L.J. 1 (1951)
- Phillip Areeda, *Essential Facilities: An Epithet in Need of Limiting Principles*, 58 ANTITRUST L.J. 841 (1990)
- Phillip Areeda, *Monopolization, Mergers, and Markets: A Century Past and the Future*, 75 CAL. L. REV. 959 (1987)
- PHILLIP E. AREEDA ET AL., ANTITRUST LAW (2d ed. 2000, 2d ed. 2004 & 3d ed. 2007)
- PHILLIP E. AREEDA & HERBERT HOVENKAMP, ANTITRUST LAW (1996, 2d ed. 2002, 2d ed. 2004 & Supp. 2007)
- PHILLIP AREEDA & DONALD F. TURNER, ANTITRUST LAW (1978)
- Phillip Areeda & Donald F. Turner, *Predatory Pricing and Related Practices Under Section 2 of the Sherman Act*, 88 HARV. L. REV. 697 (1975)

- Thomas C. Arthur, *The Costly Quest for Perfect Competition: Kodak and Nonstructural Market Power*, 69 N.Y.U. L. REV. 1 (1994)
- Donald I. Baker, *Compulsory Access to Network Joint Ventures Under the Sherman Act: Rules or Roulette?*, 1993 UTAH L. REV. 999
- Jonathan B. Baker, *Market Definition: An Analytical Overview*, 74 ANTITRUST L.J. 129 (2007)
- Jonathan B. Baker, *Predatory Pricing After Brooke Group: An Economic Perspective*, 62 ANTITRUST L.J. 585 (1994)
- Jonathan B. Baker, *Promoting Innovation Competition Through the Aspen/Kodak Rule*, 7 GEO. MASON L. REV. 495 (1999)
- Jonathan B. Baker & Timothy F. Bresnahan, *Empirical Methods of Identifying and Measuring Market Power*, 61 ANTITRUST L.J. 3 (1992)
- Thomas O. Barnett, *Section 2 Remedies: A Necessary Challenge*, in 2007 ANNUAL PROCEEDINGS OF THE FORDHAM COMPETITION LAW INSTITUTE (Barry E. Hawk ed., 2008)
- WILLIAM J. BAUMOL, *THE FREE-MARKET INNOVATION MACHINE* (2002)
- William J. Baumol, *Predation and the Logic of the Average Variable Cost Test*, 39 J.L. & ECON. 49 (1996)
- William J. Baumol, *Principles Relevant to Predatory Pricing*, in SWEDISH COMPETITION AUTHORITY, *THE PROS AND CONS OF LOW PRICES* 15 (2003)
- C. Frederick Beckner III & Steven C. Salop, *Decision Theory and Antitrust Rules*, 67 ANTITRUST L.J. 41 (1999)
- George J. Benston, *Accounting Numbers and Economic Values*, 27 ANTITRUST BULL. 161 (1982)
- William Blumenthal, *The Challenge of Sovereignty and the Mechanisms of Convergence*, 72 ANTITRUST L.J. 267 (2004)
- Patrick Bolton et al., *Predatory Pricing: Strategic Theory and Legal Policy*, 88 GEO. L.J. 2239 (2000)
- ROBERT H. BORK, *THE ANTITRUST PARADOX* (1978)
- Michael Boudin, *Antitrust Doctrine and the Sway of Metaphor*, 75 GEO. L.J. 395 (1986)
- Ward S. Bowman, *Restraint of Trade by the Supreme Court: The Utah Pie Case*, 77 YALE L.J. 70 (1967)
- Malcolm R. Burns, *New Evidence of Price Cutting*, 10 MANAGERIAL & DECISION ECON. 327 (1989)
- Malcolm R. Burns, *Predatory Pricing and the Acquisition Cost of Competitors*, 94 J. POL. ECON. 266 (1986)
- Dennis W. Carlton, *Does Antitrust Need to Be Modernized?*, J. ECON. PERSP., Summer 2007, at 155
- Dennis W. Carlton, *A General Analysis of Exclusionary Conduct and Refusal to Deal – Why Aspen and Kodak Are Misguided*, 68 ANTITRUST L.J. 659 (2001)
- Dennis W. Carlton, *Market Definition: Use and Abuse*, COMPETITION POL'Y INT'L, Spring 2007, at 3
- Dennis W. Carlton, *The Relevance for Antitrust Policy of Theoretical and Empirical Advances in Industrial Organization*, 12 GEO. MASON L. REV. 47 (2003)
- Dennis W. Carlton & Ken Heyer, *Appropriate Antitrust Policy Towards Single-Firm Conduct* (Econ. Analysis Group, Discussion Paper No. EAG 08-2, 2008), available at <http://www.usdoj.gov/atr/public/eag/231610.pdf>
- DENNIS W. CARLTON & JEFFREY M. PERLOFF, *MODERN INDUSTRIAL ORGANIZATION* (4th ed. 2005)
- Dennis W. Carlton & Michael Waldman, *How Economics Can Improve Antitrust Doctrine Towards Tie-In Sales: Comment on Jean Tirole's "The Analysis of Tying Cases: A Primer,"* COMPETITION POL'Y INT'L, Spring 2005, at 27
- Dennis W. Carlton & Michael Waldman, *The Strategic Use of Tying to Preserve and Create Market Power in Evolving Industries*, 33 RAND J. ECON. 194 (2002)
- Dennis W. Carlton & Michael Waldman, *Tying, Upgrades, and Switching Costs in Durable-Goods Markets* (Nat'l Bureau of Econ. Research, Working Paper No. 11407, 2005), available at <http://www.nber.org/papers/w11407>
- Peter C. Carstensen, *False Positives in Identifying Liability for Exclusionary Conduct: Conceptual Error, Business Reality, and Aspen*, 2008 WIS. L. REV. 295
- Ronald A. Cass & Keith N. Hylton, *Preserving Competition: Economic Analysis, Legal Standards and Microsoft*, 8 GEO. MASON L. REV. 1 (1999)
- Edward Cavanagh, *Antitrust Remedies Revisited*, 84 OR. L. REV. 147 (2005)
- Edward D. Cavanagh, *Detrebling Antitrust Damages: An Idea Whose Time Has Come?*, 61 TUL. L. REV. 777 (1987)
- Jay Pil Choi & Christodoulos Stefanadis, *Tying, Investment, and the Dynamic Leverage Theory*, 32 RAND J. ECON. 52 (2001)
- William S. Comanor & F. M. Scherer, *Rewriting History: The Early Sherman Act Monopolization Cases*, 2 INT'L J. ECON. BUS. 263 (1995)
- James C. Cooper et al., *Does Price Discrimination Intensify Competition? Implications for Antitrust*, 72 ANTITRUST L.J. 327 (2005)
- James Cooper et al., *Vertical Restrictions and Antitrust Policy: What About the Evidence?*, COMPETITION POL'Y INT'L, Autumn 2005, at 45
- Robert W. Crandall, *Costly Exercises in Futility: Breaking Up Firms to Increase Competition* (Dec. 2003) (unpublished manuscript), available at http://www.brookings.edu/~media/Files/rc/papers/2003/12_competition_crandall/12_competition_crandall.pdf
- Robert W. Crandall & Kenneth G. Elzinga, *Injunctive Relief in Sherman Act Monopolization Cases*, 21 RES. LAW & ECON. 277 (2004)
- Daniel A. Crane, *Mixed Bundling, Profit Sacrifice, and Consumer Welfare*, 55 EMORY L.J. 423 (2006)
- Daniel A. Crane, *Multiproduct Discounting: A Myth of Nonprice Predation*, 72 U. CHI. L. REV. 27 (2005)

- Daniel A. Crane, *The Paradox of Predatory Pricing*, 91 CORNELL L. REV. 1 (2005)
- Richard Craswell, *Regulating Deceptive Advertising: The Role of Cost Benefit Analysis*, 64 S. CAL. L. REV. 549 (1991)
- Susan A. Creighton et al., *Cheap Exclusion*, 72 ANTITRUST L.J. 975 (2005)
- The Current State of Economics Underlying Section 2: Comments of Michael Katz and Michael Salinger*, ANTITRUST SOURCE, Dec. 2006, at 1, <http://www.abanet.org/antitrust/at-source/06/12/Dec06-BrownBag.pdf>
- Aaron Director & Edward H. Levi, *Law and the Future: Trade Regulation*, 51 NW. U. L. REV. 281 (1956)
- Phred Dvorak, *Why Multiple Headquarters Multiply*, WALL ST. J., Nov. 19, 2007, at B1
- Frank H. Easterbrook, *Detrebling Antitrust Damages*, 28 J.L. & ECON. 445 (1985)
- Frank H. Easterbrook, *The Limits of Antitrust*, 63 TEX. L. REV. 1 (1984)
- Frank H. Easterbrook, *On Identifying Exclusionary Conduct*, 61 NOTRE DAME L. REV. 972 (1986)
- Frank H. Easterbrook, *Predatory Strategies and Counterstrategies*, 48 U. CHI. L. REV. 263 (1981)
- Frank H. Easterbrook, *Vertical Arrangements and the Rule of Reason*, 53 ANTITRUST L.J. 135 (1984)
- Frank H. Easterbrook, *When Is It Worthwhile to Use Courts to Search for Exclusionary Conduct?*, 2003 COLUM. BUS. L. REV. 345
- Aaron S. Edlin, *Stopping Above-Cost Predatory Pricing*, 111 YALE L.J. 941 (2002)
- Aaron S. Edlin & Joseph Farrell, *The American Airlines Case: A Chance to Clarify Predation Policy (2001)*, in THE ANTITRUST REVOLUTION 502 (John E. Kwoka, Jr. & Lawrence J. White eds., 2004)
- Isaac Ehrlich & Richard A. Posner, *An Economic Analysis of Legal Rulemaking*, 3 J. LEGAL STUD. 257 (1974)
- Einer Elhauge, *Defining Better Monopolization Standards*, 56 STAN. L. REV. 253 (2003)
- Einer Elhauge, *Why Above-Cost Price Cuts to Drive Out Entrants Are Not Predatory – and the Implications for Defining Costs and Market Power*, 112 YALE L.J. 681 (2003)
- EINER ELHAUGE & DAMIEN GERADIN, GLOBAL COMPETITION LAW AND ECONOMICS (2007)
- Kenneth G. Elzinga & Thomas F. Hogarty, *Utah Pie and the Consequences of Robinson-Patman*, 21 J.L. & ECON. 427 (1978)
- Kenneth G. Elzinga & David E. Mills, *Predatory Pricing in the Airlines Industry: Spirit Airlines v. Northwest Airlines*, in THE ANTITRUST REVOLUTION (John E. Kwoka & Lawrence J. White eds., 5th ed. 2008)
- Kenneth G. Elzinga & David E. Mills, *Predatory Pricing and Strategic Theory*, 89 GEO. L.J. 2475 (2001)
- Kenneth G. Elzinga & David E. Mills, *Testing for Predation: Is Recoupment Feasible?*, 34 ANTITRUST BULL. 869 (1989)
- Roy T. Englert, Jr., *Defending the Result in Lepage's v. 3M: A Response to Other Commentators*, 50 ANTITRUST BULL. 481 (2005)
- RICHARD A. EPSTEIN, ANTITRUST CONSENT DECREES IN THEORY AND PRACTICE (2007)
- David S. Evans & Michael Salinger, *Why Do Firms Bundle and Tie? Evidence from Competitive Markets and Implications for Tying Law*, 22 YALE J. ON REG. 37 (2005)
- Brian A. Facey & Dany H. Assaf, *Monopolization and Abuse of Dominance in Canada, the United States, and the European Union: A Survey*, 70 ANTITRUST L.J. 513 (2002)
- Joseph Farrell, *Deconstructing Chicago on Exclusive Dealing*, 50 ANTITRUST BULL. 465 (2005)
- Robin Cooper Feldman, *Defensive Leveraging in Antitrust*, 87 GEO. L.J. 2079 (1999)
- Franklin M. Fisher, *Diagnosing Monopoly*, Q. REV. ECON. & BUS., Summer 1979, at 7
- Franklin M. Fisher & John J. McGowan, *On the Misuse of Accounting Rates of Return to Infer Monopoly Profits*, 73 AM. ECON. REV. 82 (1983)
- Andrew I. Gavil, *Exclusionary Distribution Strategies by Dominant Firms: Striking a Better Balance*, 72 ANTITRUST L.J. 3 (2004)
- General Approaches to Defining Abusive/Monopolistic Practices – Roundtable*, in 2006 ANNUAL PROCEEDINGS OF THE FORDHAM COMPETITION LAW INSTITUTE 577 (Barry E. Hawk ed., 2007)
- David Genesove & Wallace P. Mullin, *Predation and Its Rate of Return: The Sugar Industry, 1887–1914*, 37 RAND J. ECON. 47 (2006)
- Douglas H. Ginsburg & Leah Brannon, *Determinants of Private Antitrust Enforcement in the United States*, COMPETITION POL'Y INT'L, Autumn 2005, at 29
- Kenneth L. Glazer & Brian R. Henry, *Coercive vs. Incentivizing Conduct: A Way Out of the Section 2 Impasse?*, ANTITRUST, Fall 2003, at 45
- Kenneth L. Glazer & Abbott B. Lipsky, Jr., *Unilateral Refusals to Deal Under Section 2 of the Sherman Act*, 63 ANTITRUST L.J. 749 (1995)
- Mark A. Glick et al., *Importing the Merger Guidelines Market Test in Section 2 Cases: Potential Benefits and Limitations*, 42 ANTITRUST BULL. 121 (1997)
- Elizabeth Granitz & Benjamin Klein, *Monopolization by "Raising Rivals' Costs": The Standard Oil Case*, 39 J.L. & ECON. 1 (1996)
- Patrick Greenlee et al., *An Antitrust Analysis of Bundled Loyalty Discounts*, 26 INT'L J. INDUS. ORG. 1132 (2008)

- Patrick Greenlee & David S. Reitman, *Competing with Loyalty Discounts* (Jan. 7, 2006) (unpublished working paper), available at <http://www.wcas.northwestern.edu/csio/Conferences/Papers2006/GreenleeandReitmanpaper.pdf>
- Andrew T. Guzman, *Antitrust and International Regulatory Federalism*, 76 N.Y.U. L. REV. 1142 (2001)
- Scott C. Hall, *Ross-Simmons v. Weyerhaeuser: Antitrust Liability in Predatory Bidding Cases*, ANTITRUST, Spring 2006, at 55
- George A. Hay, *A Monopolist's "Duty to Deal": The Briar Patch Revisited*, 3 SEDONA CONF. J. 1 (2002)
- George A. Hay, *Trinko: Going All the Way*, 50 ANTITRUST BULL. 527 (2005)
- Ken Heyer, *A World of Uncertainty: Economics and the Globalization of Antitrust*, 72 ANTITRUST L.J. 375 (2005)
- HERBERT HOVENKAMP, THE ANTITRUST ENTERPRISE (2005)
- HERBERT HOVENKAMP, ANTITRUST LAW (2d ed. 2005)
- Herbert Hovenkamp, *Exclusion and the Sherman Act*, 72 U. CHI. L. REV. 147 (2005)
- HERBERT HOVENKAMP, FEDERAL ANTITRUST POLICY (3d ed. 2005)
- Herbert Hovenkamp, *The Law of Exclusionary Pricing*, COMPETITION POL'Y INT'L, Spring 2006, at 21
- Herbert Hovenkamp, *The Monopolization Offense*, 61 OHIO ST. L.J. 1035 (2000)
- Herbert Hovenkamp, *Signposts of Anticompetitive Exclusion: Restraints on Innovation and Economies of Scale*, in 2006 ANNUAL PROCEEDINGS OF THE FORDHAM COMPETITION LAW INSTITUTE 409 (Barry E. Hawk ed., 2007)
- HERBERT HOVENKAMP ET AL., IP AND ANTITRUST (Supp. 2006)
- Keith N. Hylton & Michael Salinger, *Tying Law and Policy: A Decision-Theoretic Approach*, 69 ANTITRUST L.J. 469 (2001)
- Michael Jacobs, *Introduction: Hail or Farewell? The Aspen Case 20 Years Later*, 73 ANTITRUST L.J. 59 (2005)
- Jonathan M. Jacobson, *Exclusive Dealing, "Foreclosure," and Consumer Harm*, 70 ANTITRUST L.J. 311 (2002)
- Jonathan M. Jacobson & Scott A. Sher, *"No Economic Sense" Makes No Sense for Exclusive Dealing*, 73 ANTITRUST L.J. 779 (2006)
- Charles A. James, *The Real Microsoft Case and Settlement*, ANTITRUST, Fall 2001, at 58
- Frédéric Jenny, *Globalization, Competition and Trade Policy: Convergence, Divergence and Cooperation*, in INTERNATIONAL AND COMPARATIVE COMPETITION LAW AND POLICIES 31 (Yang-Ching Chao et al. eds., 2001)
- Thomas E. Kauper, *Section Two of the Sherman Act: The Search for Standards*, 93 GEO. L.J. 1623 (2005)
- Roy W. Kenney & Benjamin Klein, *The Economics of Block Booking*, 26 J.L. & ECON. 497 (1983)
- John B. Kirkwood, *Buyer Power and Exclusionary Conduct: Should Brooke Group Set the Standards for Buyer-Induced Price Discrimination and Predatory Bidding?*, 72 ANTITRUST L.J. 625 (2005)
- Benjamin Klein, *Exclusive Dealing as Competition for Distribution "On the Merits,"* 12 GEO. MASON L. REV. 119 (2003)
- Benjamin Klein & Kevin M. Murphy, *Vertical Restraints as Contract Enforcement Mechanisms*, 31 J.L. & ECON. 265 (1988)
- William Kolasky, *Reinvigorating Antitrust Enforcement in the United States: A Proposal*, ANTITRUST, Spring 2008, at 85
- Sreya Kolay et al., *All-Units Discounts in Retail Contracts*, 13 J. ECON. & MGMT. STRATEGY 429 (2004)
- Roland H. Koller II, *The Myth of Predatory Pricing: An Empirical Study*, ANTITRUST L. & ECON. REV., Summer 1971, at 105
- William E. Kovacic, *The Antitrust Paradox Revisited: Robert Bork and the Transformation of Modern Antitrust Policy*, 36 WAYNE L. REV. 1413 (1990)
- William E. Kovacic, *Designing Antitrust Remedies for Dominant Firm Misconduct*, 31 CONN. L. REV. 1285 (1999)
- William E. Kovacic, *The Intellectual DNA of Modern U.S. Competition Law for Dominant Firm Conduct: The Chicago/Harvard Double Helix*, 2007 COLUM. BUS. L. REV. 1
- Thomas G. Krattenmaker & Steven C. Salop, *Anticompetitive Exclusion: Raising Rivals' Costs to Achieve Power over Price*, 96 YALE L.J. 209 (1986)
- David M. Kreps & Robert Wilson, *Reputation and Imperfect Information*, 27 J. ECON. THEORY 253 (1982)
- Francine Lafontaine & Margaret E. Slade, *Retail Contracting: Theory and Practice*, 45 J. INDUS. ECON. 1 (1997)
- Thomas A. Lambert, *Evaluating Bundled Discounts*, 89 MINN. L. REV. 1688 (2005)
- Robert H. Lande, *Are Antitrust "Treble" Damages Really Single Damages?*, 54 OHIO ST. L.J. 115 (1993)
- Robert H. Lande, *Should Predatory Pricing Rules Immunize Exclusionary Discounts?*, 2006 UTAH L. REV. 863
- William M. Landes & Richard A. Posner, *Market Power in Antitrust Cases*, 94 HARV. L. REV. 937 (1981)
- Thomas B. Leary, *The Dialogue Between Students of Business and Students of Antitrust: A Keynote Address*, 47 N.Y.L. SCH. L. REV. 1 (2003)
- Ari Lehman, Note, *Eliminating the Below-Cost Pricing Requirement from Predatory Pricing Claims*, 27 CARDOZO L. REV. 343 (2005)
- A. P. Lerner, *The Concept of Monopoly and the Measurement of Monopoly Power*, 1 REV. ECON. STUD. 157 (1934)

- Francois Leveque, *The Controversial Choice of Remedies to Cope with the Anti-Competitive Behavior of Microsoft* (Berkeley Program in Law & Econ. Working Paper Series, Paper No. 34, 2000), available at <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1055&context=blewp>
- WILLIAM W. LEWIS, THE POWER OF PRODUCTIVITY: WEALTH, POVERTY, AND THE THREAT TO GLOBAL STABILITY (2004)
- Abbott B. Lipsky, Jr. & J. Gregory Sidak, *Essential Facilities*, 51 STAN. L. REV. 1187 (1999)
- Robert E. Litan & William D. Nordhaus, *Effective Structural Relief in U.S. v. Microsoft* (May 2000) (unpublished manuscript), available at http://aei-brookings.org/admin/authorpdfs/redirectsafely.php?fname=../pdffiles/Structural_Relief.pdf
- John E. Lopatka & Andrew N. Kleit, *The Mystery of Lorain Journal and the Quest for Foreclosure in Antitrust*, 73 TEX. L. REV. 1255 (1995)
- John E. Lopatka & William H. Page, *A (Cautionary) Note on Remedies in the Microsoft Case*, ANTITRUST, Summer 1999, at 25
- John E. Lopatka & William H. Page, *Devising a Microsoft Remedy that Serves Consumers*, 9 GEO. MASON L. REV. 691 (2001)
- JOHN R. LOTT, JR., ARE PREDATORY COMMITMENTS CREDIBLE? (1999)
- Paul D. Marquardt & Mark Leddy, *The Essential Facilities Doctrine and Intellectual Property Rights: A Response to Pitofsky, Patterson, and Hooks*, 70 ANTITRUST L.J. 847 (2003)
- R. Preston McAfee et al., *Multiproduct Monopoly, Commodity Bundling, and Correlation of Values*, 104 Q.J. ECON. 371 (1989)
- John S. McGee, *Predatory Price Cutting: The Standard Oil (N.J.) Case*, 1 J.L. & ECON. 137 (1958)
- A. Douglas Melamed, *Exclusionary Conduct Under the Antitrust Laws: Balancing, Sacrifice, and Refusals to Deal*, 20 BERKELEY TECH. L.J. 1247 (2005)
- A. Douglas Melamed, *Exclusive Dealing Agreements and Other Exclusionary Conduct – Are There Unifying Principles?*, 73 ANTITRUST L.J. 375 (2006)
- Michael J. Meurer, *Vertical Restraints and Intellectual Property Law: Beyond Antitrust*, 87 MINN. L. REV. 1871 (2003)
- Paul Milgrom, *Predatory Pricing*, in THE NEW PALGRAVE: A DICTIONARY OF ECONOMICS 937 (John Eatwell et al. eds., 1987)
- Paul Milgrom & John Roberts, *Predation, Reputation, and Entry Deterrence*, 27 J. ECON. THEORY 280 (1982)
- David E. Mills, *Market Share Discounts* (Aug. 8, 2006) (unpublished working paper), available at <http://www.virginia.edu/economics/papers/mills/Market%20Share%20Discounts.pdf>
- Timothy J. Muris, *The FTC and the Law of Monopolization*, 67 ANTITRUST L.J. 693 (2000)
- Barry Nalebuff, *Bundling as an Entry Barrier*, 119 Q.J. ECON. 159 (2004)
- Barry Nalebuff, *Bundling As a Way to Leverage Monopoly* (Yale Sch. of Mgmt., Working Paper No. ES-36, 2004)
- Janusz A. Ordover & Robert D. Willig, *An Economic Definition of Predation: Pricing and Product Innovation*, 91 YALE L.J. 8 (1981)
- Aaron M. Panner, *Bundled Discounts and the Antitrust Modernization Commission*, ESAPIENCE CENTER FOR COMPETITION POLICY, July 2007, at 6
- Mark R. Patterson, *The Sacrifice of Profits in Non-Price Predation*, ANTITRUST, Fall 2003, at 37
- Mark S. Popofsky, *Defining Exclusionary Conduct: Section 2, the Rule of Reason, and the Unifying Principle Underlying Antitrust Rules*, 73 ANTITRUST L.J. 435 (2006)
- RICHARD A. POSNER, ANTITRUST LAW (2d ed. 2001)
- Richard A. Posner, *Vertical Restraints and Antitrust Policy*, 72 U. CHI. L. REV. 229 (2005)
- Eric B. Rasmusen et al., *Naked Exclusion*, 81 AM. ECON. REV. 1137 (1991)
- Eric B. Rasmusen et al., *Naked Exclusion: Reply*, 90 AM. ECON. REV. 310 (2000)
- R. Craig Romaine & Steven C. Salop, *Alternative Remedies for Monopolization in the Microsoft Case*, ANTITRUST, Summer 1999, at 15
- Roundtable Discussion: Antitrust and the Roberts Court*, ANTITRUST, Fall 2007, at 8
- Daniel L. Rubinfeld, *3M's Bundled Rebates: An Economic Perspective*, 72 U. CHI. L. REV. 243 (2005)
- Steven C. Salop, *Exclusionary Conduct, Effect on Consumers, and the Flawed Profit-Sacrifice Standard*, 73 ANTITRUST L.J. 311 (2006)
- Margaret Sanderson & Ralph A. Winter, *"Profits" Versus "Rents" in Antitrust Analysis: An Application to the Canadian Waste Services Merger*, 70 ANTITRUST L.J. 485 (2002)
- Tim R. Sass, *The Competitive Effects of Exclusive Dealing: Evidence from the U.S. Beer Industry*, 23 INT'L J. INDUS. ORG. 203 (2005)
- Richard Schmalensee, *Another Look at Market Power*, 95 HARV. L. REV. 1789 (1982)
- Marius Schwartz & Gregory J. Werden, *A Quality-Signaling Rationale for Aftermarket Tying*, 64 ANTITRUST L.J. 387 (1996)
- Fiona Scott Morton, *Entry and Predation: British Shipping Cartels 1879-1929*, 6 J. ECON. & MGMT. STRATEGY 679 (1997)
- SECTION OF ANTITRUST LAW, AM. BAR ASS'N, ANTITRUST LAW DEVELOPMENTS (6th ed. 2007)
- SECTION OF ANTITRUST LAW, AM. BAR ASS'N, MARKET POWER HANDBOOK (2005)
- Ilya R. Segal & Michael D. Whinston, *Naked Exclusion: Comment*, 90 AM. ECON. REV. 296 (2000)

- Howard A. Shelanski & J. Gregory Sidak, *Antitrust Divestiture in Network Industries*, 68 U. CHI. L. REV. 1 (2001)
- Joseph Gregory Sidak, *Debunking Predatory Innovation*, 83 COLUM. L. REV. 1121 (1983)
- Robert M. Solow, *Technical Change and the Aggregate Production Function*, 39 REV. ECON. & STAT. 312 (1957)
- James B. Speta, *Antitrust and Local Competition Under the Telecommunications Act*, 71 ANTITRUST L.J. 99 (2003)
- Richard M. Steuer, *Customer-Instigated Exclusive Dealing*, 68 ANTITRUST L.J. 239 (2000)
- Richard M. Steuer, *Exclusive Dealing in Distribution*, 69 CORNELL L. REV. 101 (1983)
- George J. Stigler, *A Note on Block Booking*, in THE ORGANIZATION OF INDUSTRY 165 (1968)
- George W. Stocking & Willard F. Mueller, *The Cellophane Case and the New Competition*, 45 AM. ECON. REV. 29 (1955)
- E. Thomas Sullivan, *The Jurisprudence of Antitrust Divestiture: The Path Less Traveled*, 86 MINN. L. REV. 565 (2002)
- LAWRENCE SULLIVAN, HANDBOOK OF THE LAW OF ANTITRUST (1977)
- Willard K. Tom et al., *Anticompetitive Aspects of Market-Share Discounts and Other Incentives to Exclusive Dealing*, 67 ANTITRUST L.J. 615 (2000)
- Willard K. Tom & Gregory F. Wells, *Raising Rivals' Costs: The Problem of Remedies*, 12 GEO. MASON L. REV. 389 (2003)
- Kerrin M. Vautier, *International Approaches to Competition Laws: Government Cooperation for Business Competition*, in INTERNATIONAL AND COMPARATIVE COMPETITION LAW AND POLICIES 187 (Yang-Ching Chao et al. eds., 2001)
- John Vickers, *Market Power in Competition Cases*, 2 EUR. COMPETITION J. 3 (2006)
- Balder Von Hohenbalken & Douglas S. West, *Empirical Tests for Predatory Reputation*, 19 CAN. J. ECON. 160 (1986)
- David F. Weiman & Richard C. Levin, *Preying for Monopoly? The Case of Southern Bell Telephone Company, 1894-1912*, 102 J. POL. ECON. 103 (1994)
- Philip J. Weiser, Goldwasser, *The Telecom Act, and Reflections on Antitrust Remedies*, 55 ADMIN. L. REV. 1 (2003)
- Gregory J. Werden, *The American Airlines Decision: Not with a Bang but a Whimper*, ANTITRUST, Fall 2003, at 32
- Gregory J. Werden, *Identifying Exclusionary Conduct Under Section 2: The "No Economic Sense" Test*, 73 ANTITRUST L.J. 413 (2006)
- Gregory J. Werden, *Identifying Single-Firm Exclusionary Conduct: From Vague Concepts to Administrable Rules*, in 2006 ANNUAL PROCEEDINGS OF THE FORDHAM COMPETITION LAW INSTITUTE 509 (Barry E. Hawk ed., 2007)
- Gregory J. Werden, *The Law and Economics of the Essential Facility Doctrine*, 32 ST. LOUIS U. L.J. 433 (1987)
- Gregory J. Werden, *Market Delineation Under the Merger Guidelines: Monopoly Cases and Alternative Approaches*, 16 REV. INDUS. ORG. 211 (2000)
- Gregory J. Werden, *Remedies for Exclusionary Conduct Should Protect and Preserve the Competitive Process*, 76 ANTITRUST L.J. (forthcoming 2009)
- Michael D. Whinston, *Exclusivity and Tying in U.S. v. Microsoft: What We Know, and Don't Know*, J. ECON. PERSP., Spring 2001, at 63
- MICHAEL D. WHINSTON, LECTURES ON ANTITRUST ECONOMICS (2006)
- Michael D. Whinston, *Tying, Foreclosure, and Exclusion*, 80 AM. ECON. REV. 837 (1990)
- SIMON N. WHITNEY, ANTITRUST POLICIES (1958)
- Diane P. Wood, *Cooperation and Convergence in International Antitrust: Why the Light Is Still Yellow*, in COMPETITION LAWS IN CONFLICT 177 (Richard A. Epstein & Michael S. Greve eds., 2004)
- Diane P. Wood, *"Unfair" Trade Injury: A Competition-Based Approach*, 41 STAN. L. REV. 1153 (1989)
- B. S. Yamey, *Predatory Price Cutting: Notes and Comments*, 15 J.L. & ECON. 129 (1972)
- Richard O. Zerbe, Jr., *Monopsony and the Ross-Simmons Case: A Comment on Salop and Kirkwood*, 72 ANTITRUST L.J. 717 (2005)
- Richard O. Zerbe, Jr. & Michael T. Mumford, *Does Predatory Pricing Exist? Economic Theory and the Courts After Brooke Group*, 41 ANTITRUST BULL. 949 (1996)

Speeches and Testimony

- Antitrust Modernization Commission: Public Hearing Hr'g Tr., Feb. 15, 2006, available at http://govinfo.library.unt.edu/amc/commission_hearings/pdf/060215_International_Transcript_reform.pdf
- Thomas O. Barnett, Assistant Attorney Gen., U.S. Dept. of Justice, Section 2 Remedies: A Necessary Challenge (Sept. 28, 2007), available at <http://www.usdoj.gov/atr/public/speeches/226537.pdf>
- Thomas O. Barnett, Assistant Attorney Gen., U.S. Dept. of Justice, Section 2 Remedies: What to Do After Catching the Tiger by the Tail (June 4, 2008), available at <http://www.usdoj.gov/atr/public/speeches/233884.pdf>
- Eleanor M. Fox, Walter J. Derenberg Professor of Trade Regulation, N.Y. Univ. Sch. of Law, Testimony Before the Antitrust Modernization Commission Hearing on International Issues (Feb. 15, 2006), available at http://govinfo.library.unt.edu/amc/commission_hearings/pdf/statement_Fox_final.pdf

- William E. Kovacic, Gen. Counsel, Fed. Trade Comm'n, Private Participation in the Enforcement of Public Competition Laws (May 15, 2003), *available at* <http://www.ftc.gov/speeches/other/030514biicl.shtm>
- R. Hewitt Pate, Assistant Attorney Gen., U.S. Dep't of Justice, Antitrust in a Transatlantic Context— from the Cicada's Perspective (June 7, 2004), *available at* <http://www.usdoj.gov/atr/public/speeches/203973.pdf>
- Steven C. Salop, Avoiding Error in the Antitrust Analysis of Unilateral Refusals to Deal (Sept. 21, 2005), *available at* http://govinfo.library.unt.edu/amc/commission_hearings/pdf/Salop_Statement_Revised%209-21.pdf
- Alexander Schaub, Dir. Gen., DG Competition, European Comm'n, Continued Focus on Reform: Recent Developments in EC Competition Policy (Oct. 25, 2001), *available at* http://ec.europa.eu/.comm/competition/speeches/text/sp2001_031_en.pdf
- Carl Shapiro, Exclusionary Conduct: Testimony Before the Antitrust Modernization Commission (Sept. 29, 2005), *available at* http://govinfo.library.unt.edu/amc/commission_hearings/pdf/Shapiro_Statement.pdf
- Randolph W. Tritell, Assistant Dir. for Int'l Antitrust, International Antitrust Issues (Feb. 15, 2006), *available at* http://govinfo.library.unt.edu/amc/commission_hearings/pdf/Statement_Tritell.pdf