

United States v. International Boxing Club

Supreme Court of the United States

November 10, 1954, Argued ; January 31, 1955, Decided

No. 53

Reporter

348 U.S. 236 *; 75 S. Ct. 259 **; 99 L. Ed. 290 ***; 1955 U.S. LEXIS 1544 ****; 1955 Trade Cas. (CCH) P67,941 UNITED STATES v. INTERNATIONAL BOXING CLUB OF NEW YORK, INC. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Disposition: Reversed.

Core Terms

contests, Baseball, boxing, promoters, championship, commerce, rights, exhibition, television, motion picture, exemption, sport, interstate, negotiate, boxers, radio, heavyweight, broadcast, bout, anti trust law, Sherman Act, Sherman Law, allegations, enterprises, arrange, fight, radio and television, exclusive right, sale of tickets, stare decisis

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Antitrust & Trade Law > Sherman Act > General Overview

HN2[♣] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 2.

Antitrust & Trade Law > Regulated Industries > Sports > Baseball

Antitrust & Trade Law > Regulated Industries > Sports > General Overview

Antitrust & Trade Law > Sherman Act > General Overview



INTERNATIONAL BOXING CLUB OF NEW YORK, INC. v. UNITED STATES

Supreme Court of the United States

November 13, 1958, Argued; January 12, 1959, Decided

No. 18

Reporter

358 U.S. 242 *; 79 S. Ct. 245 **; 3 L. Ed. 2d 270 ***; 1959 U.S. LEXIS 1930 ****; 1959 Trade Cas. (CCH) P69,231 INTERNATIONAL BOXING CLUB OF NEW YORK, INC., ET AL. v. UNITED STATES

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Disposition: 150 F.Supp. 397, affirmed.

Core Terms

championship, boxing, contests, decree, promotion, Square, divestiture, conspiracy, stock, antitrust, Stadium, arenas, fights, staged, dissolution, professional boxing, Sherman Act, broadcasting, monopoly, rights, lease, trial court, trusteeship, provisions, television, effective, five-year, commerce, contracts, ownership

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1 ≥ Antitrust & Trade Law, Sherman Act

Commodities reasonably interchangeable by consumers for the same purposes make up that part of the trade or commerce, monopolization of which may be illegal.

Antitrust & Trade Law > Regulated Practices > Market Definition > General Overview

Antitrust & Trade Law > Sherman Act > General Overview

HN2[♣] Regulated Practices, Market Definition

The market will vary with the part of commerce under consideration. The tests are constant. That market is composed of products that have reasonable interchangeability for the purposes for which they are produced: Price, use and qualities considered.



UNITED STATES v. RCA

Supreme Court of the United States

December 8, 1958, Argued; February 24, 1959, Decided

No. 54

Reporter

358 U.S. 334 *; 79 S. Ct. 457 **; 3 L. Ed. 2d 354 ***; 1959 U.S. LEXIS 1936 ****

UNITED STATES v. RADIO CORPORATION OF AMERICA ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Disposition: <u>158 F.Supp.</u> <u>333</u>, judgment vacated and case remanded for further proceedings.

Core Terms

license, station, antitrust, anti trust law, radio, broadcasters, Communications, proceedings, sentence, regulatory scheme, rates, violations, monopoly, public interest, television, carriers, revoked, federal court, affiliation, conspiracy, questions, decree, repeal

LexisNexis® Headnotes

Communications Law > ... > Licensing > Renewals & Revocations > General Overview

HN1 Licensing, Renewals & Revocations

See 47 U.S.C.S. § 311.

Communications Law > ... > Licensing > Renewals & Revocations > General Overview

HN2 Licensing, Renewals & Revocations

See 47 U.S.C.S. § 313.

Administrative Law > Separation of Powers > Primary Jurisdiction

Antitrust & Trade Law > Regulated Industries > Communications

Communications Law > Public Enforcement > Orders & Hearings > Judicial Review



Minneapolis & S. L. R. Co. v. United States

Supreme Court of the United States

November 16-17, 1959, Argued; December 14, 1959, Decided *

No. 12

Reporter

361 U.S. 173 *; 80 S. Ct. 229 **; 4 L. Ed. 2d 223 ***; 1959 U.S. LEXIS 2 ****

MINNEAPOLIS & ST. LOUIS RAILWAY CO. v. UNITED STATES ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF

MINNESOTA.

Disposition: 165 F.Supp. 893, affirmed.

Core Terms

carrier, stock, acquisition, railroads, public interest, Commerce, intervened, anti trust law, transportation, Clayton Act, employees, relieved, acquire, per share, authorization, policies, approve, conditions, subsidiary, contracts, traffic, terms

LexisNexis® Headnotes

Business & Corporate Compliance > ... > Transportation Law > Interstate Commerce > Restraints of Trade

<u>HN1</u>[基] Interstate Commerce, Restraints of Trade

Section 5(2) of the Interstate Commerce Act, 49 U.S.C.S. § 5(2), provides, in part: (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b) for two or more carriers jointly, to acquire control of another through ownership of its stock or otherwise. (b) Whenever a transaction is proposed under subdivision (a) of this paragraph, the carrier seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify designated parties, and shall afford reasonable opportunity for interested parties to be heard. If the Commission shall consider it necessary in order to determine whether the findings specified below may properly be made, it shall set said application for public hearing; and a public hearing shall be held in all cases where carriers by railroad are involved unless the Commission determines that a public hearing is not necessary in the public interest. If the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed transaction is within the scope of subdivision (a) of this paragraph and will be consistent with the public interest, it shall enter an order approving and authorizing such transaction, upon the terms and conditions, and with the modifications, so found to be just and reasonable.

*Together with No. 27, South Dakota et al. v. United States et al., and No. 28, Minnesota et al. v. United States et al., also on appeals from the same Court.



United States v. Parke

Supreme Court of the United States

November 10, 1959, Argued; February 29, 1960, Decided

No. 20

Reporter

362 U.S. 29 *; 80 S. Ct. 503 **; 4 L. Ed. 2d 505 ***; 1960 U.S. LEXIS 2013 ****; 1960 Trade Cas. (CCH) P69,611 UNITED STATES v. PARKE, DAVIS & CO.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

Disposition: 164 F.Supp. 827, reversed.

Core Terms

retailers, wholesalers, Sherman Act, prices, products, announced, customers, resale price, manufacturer, adherence, advertising, conspiracy, observe, selling, minimum retail price, concerted action, contracts, seller, cooperation, cases, retail price, acquiescence, combinations, contractual arrangement, cutoff, indictment, unilateral, antitrust, discount, suppress

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. §§ 1, 3, 4.

Antitrust & Trade Law > Sherman Act > Scope > General Overview

Contracts Law > Defenses > Illegal Bargains

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > Public Enforcement > State Civil Actions

<u>HN2</u>[基] Sherman Act, Scope

Where a state adopts a Fair Trade Law which permits sellers under certain circumstances to make price-fixing agreements with purchasers, such agreements are not illegal under the Sherman Act, 15 U.S.C.S. § 1.



Maryland & Virginia Milk Producers Ass'n v. United States

Supreme Court of the United States

January 19-20, 1960, Argued; May 2, 1960, Decided *

No. 62

Reporter

362 U.S. 458 *; 80 S. Ct. 847 **; 4 L. Ed. 2d 880 ***; 1960 U.S. LEXIS 1864 ****; 1960 Trade Cas. (CCH) P69,694 MARYLAND AND VIRGINIA MILK PRODUCERS ASSOCIATION, INC., v. UNITED STATES

Subsequent History: Judgment entered by, Injunction granted at <u>United States v. Maryland & Virginia Milk</u> Producers Assn., Inc., 1960 U.S. Dist. LEXIS 4806, 1960 Trade Cas. (CCH) P69860 (D.D.C., Nov. 22, 1960)

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

<u>United States v. Maryland & Virginia Milk Producers Asso., 167 F. Supp. 45, 1958 U.S. Dist. LEXIS 3371 (D.D.C., 1958)</u>

<u>United States v. Maryland & Virginia Milk Producers Asso., 167 F. Supp. 799, 1958 U.S. Dist. LEXIS 3185 (D.D.C., 1958)</u>

United States v. Maryland & Virginia Milk Producers Asso., 168 F. Supp. 880, 1959 U.S. Dist. LEXIS 3909 (D.D.C., 1959)

Disposition: 167 F.Supp. 45, reversed. 167 F.Supp. 799, 168 F.Supp. 880, affirmed.

Core Terms

cooperative, Sherman Act, agricultural, milk, Clayton Act, Dairy, producers, Capper-Volstead Act, acquisition, anti trust law, dealers, exempt, charges, farmers, monopolization, practices, restraint of trade, associations, provisions, violations, contracts, monopoly

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

Criminal Law & Procedure > Sentencing > Fines

HN1[基] Antitrust & Trade Law, Sherman Act

^{*}Together with No. 73, United States v. Maryland and Virginia Milk Producers Association, Inc., also on appeal from the same Court.



International Brotherhood of Teamsters, etc. v. Oliver

Supreme Court of the United States

May 16, 1960, Decided

No. 813

Reporter

362 U.S. 605 *; 80 S. Ct. 923 **; 4 L. Ed. 2d 987 ***; 1960 U.S. LEXIS 1932 ****; 40 Lab. Cas. (CCH) P66,511; 1960 Trade Cas. (CCH) P69,718; 14 Ohio Op. 2d 277; 46 L.R.R.M. 2180

LOCAL 24, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, AFL-CIO, ET AL. v. OLIVER ET AL.

Prior History: [****1] ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

Disposition: <u>170 Ohio St. 207, 163 N. E. 2d 383</u>, reversed.

Core Terms

provisions, carriers, hired

LexisNexis® Headnotes

Antitrust & Trade Law > Public Enforcement > State Civil Actions

Business & Corporate Compliance > ... > Labor & Employment Law > Collective Bargaining & Labor Relations > Bargaining Subjects

HN1[♣] Public Enforcement, State Civil Actions

Ohio's <u>antitrust law</u> could not be applied to prevent contracting parties from carrying out their agreement upon a subject matter as to which federal law directed them to bargain.

Lawyers' Edition Display

Summary

In a decision rendered on January 19, 1959 (358 US 283, 3 L ed 2d 312, 79 S Ct 297), the United States Supreme Court ruled that the state of Ohio could not invalidate, as violative of its antitrust law, a provision of a collective bargaining contract between motor carriers and a teamsters' union, prescribing terms and conditions regulating the minimum rental and other terms of lease when a motor vehicle is leased to a carrier by an owner who drives the vehicle in the carrier's service, this being a subject of mandatory collective bargaining under the amended National Labor Relations Act, and thus within the rule that a state may not apply its antitrust law to prevent a union and an employer from carrying out portions of a collective bargaining contract between them dealing with a subject as to



United States v. E. I. du Pont de Nemours & Co.

Supreme Court of the United States

February 20-21, 1961, Argued; May 22, 1961, Decided

No. 55

Reporter

366 U.S. 316 *; 81 S. Ct. 1243 **; 6 L. Ed. 2d 318 ***; 1961 U.S. LEXIS 2146 ****

UNITED STATES v. E. I. du PONT de NEMOURS & CO. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS.

Disposition: 177 F. Supp. 1, affirmed in part, vacated in part, and remanded for further proceedings.

Core Terms

divestiture, decree, stock, acquisition, stockholders, shares, effective, provisions, antitrust, Courts, percent, voting, cases, shareholders, monopoly, parties, violations, fashioned, public interest, Clayton Act, monopolization, conspiracy, commerce, framing, anti trust law, pass through, Sherman Act, injunction, ownership, officers and directors

LexisNexis® Headnotes

Civil Procedure > ... > Jurisdiction on Certiorari > Considerations Governing Review > Federal Court Decisions

HN1[♣] Considerations Governing Review, Federal Court Decisions

Where the Court delegates to the district court the duty of formulating a decree in compliance with the principles announced in the Court's judgment of reversal, that gives the Court plenary power where the compliance has been attempted and the decree in any proper way is brought to the Court's attention to see that it follows the opinion of the Court.

Antitrust & Trade Law > ... > US Department of Justice Actions > Settlements > Consent Judgments

HN2[♣] Settlements, Consent Judgments

Divestiture is itself an equitable remedy designed to protect the public interest.

Antitrust & Trade Law > ... > US Department of Justice Actions > Settlements > Consent Judgments



California v. Federal Power Comm'n

Supreme Court of the United States

March 1, 1962, Argued; April 30, 1962, Decided

No. 187

Reporter

369 U.S. 482 *; 82 S. Ct. 901 **; 8 L. Ed. 2d 54 ***; 1962 U.S. LEXIS 2161 ****; 1962 Trade Cas. (CCH) P70,302; 16 Oil & Gas Rep. 1065

CALIFORNIA v. FEDERAL POWER COMMISSION ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

Disposition: <u>111 U. S. App. D. C. 226, 296 F.2d 348</u>, reversed.

Core Terms

antitrust, merger, antitrust suit, Clayton Act, proceedings, anti trust law, acquisition, courts, stock, natural gas, consummated, public convenience, interlocutory, immunity, restrain, approve, matters, unscrambling, entrusted, lessening, temporary, hearings

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 18.

Antitrust & Trade Law > Exemptions & Immunities > Collectives & Cooperatives > Capper-Volstead Act

Governments > Local Governments > Administrative Boards

Antitrust & Trade Law > Exemptions & Immunities > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Collectives & Cooperatives > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Collectives & Cooperatives > Clayton Act

Energy & Utilities Law > Antitrust Issues > Antitrust Immunity

Energy & Utilities Law > Natural Gas Industry > Natural Gas Act > General Overview



United States v. Loew's

Supreme Court of the United States

October 16, 1962, Argued; November 5, 1962, Decided *

No. 42

Reporter

371 U.S. 38 *; 83 S. Ct. 97 **; 9 L. Ed. 2d 11 ***; 1962 U.S. LEXIS 2332 ****; 135 U.S.P.Q. (BNA) 201

UNITED STATES v. LOEW'S INCORPORATED ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Disposition: 189 F. Supp. 373, judgments vacated and causes remanded.

Core Terms

films, license, package, Station, decree, patent, Pictures, block, television station, block booking, tying arrangement, distributors, contracts, Artists, negotiations, television, monopoly, booked, economic power, tying product, feature film, Differentials, conditioning, cases, tied product, Sherman Act, modification, products, anti trust law, judgments

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > Sherman Act Violations

HN1[基] Antitrust & Trade Law, Sherman Act

Tying agreements serve hardly any purpose beyond the suppression of competition. They are an object of antitrust concern for two reasons -- they may force buyers into giving up the purchase of substitutes for the tied product, and they may destroy the free access of competing suppliers of the tied product to the consuming market. A tie-in contract may have one or both of these undesirable effects when the seller, by virtue of his position in the market for the tying product, has economic leverage sufficient to induce his customers to take the tied product along with the tying item.

^{*}Together with No. 43, Loew's Incorporated et al. v. United States, and No. 44, C & C Super Corp. v. United States, also on appeals from the same Court.



White Motor Co. v. United States

Supreme Court of the United States

January 14-15, 1963, Argued; March 4, 1963, Decided

No. 54

Reporter

372 U.S. 253 *; 83 S. Ct. 696 **; 9 L. Ed. 2d 738 ***; 1963 U.S. LEXIS 2578 ****; 1963 Trade Cas. (CCH) P70,679; 6 Fed. R. Serv. 2d (Callaghan) 1077

WHITE MOTOR CO. v. UNITED STATES

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO.

Disposition: 194 F.Supp. 562, reversed.

Core Terms

distributors, dealers, territorial, trucks, customers, restrictions, manufacturer, contracts, sales, summary judgment, competitors, price-fixing, limitations, compete, territorial limits, anti trust law, Sherman Act, horizontal, purchasing, accessories, practices, vertical, markets, selling, fleet, political subdivision, prices, per se violation, discounts, franchise

LexisNexis® Headnotes

Civil Procedure > ... > Summary Judgment > Hearings > General Overview

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > General Overview

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > Genuine Disputes

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > Materiality of Facts

HN1[♣] Summary Judgment, Hearings

See Fed. R. Civ. P. 56.

Antitrust & Trade Law > ... > US Department of Justice Actions > Civil Actions > General Overview

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > General Overview

HN2 US Department of Justice Actions, Civil Actions



United States v. Philadelphia Nat'l Bank

Supreme Court of the United States

February 20-21, 1963, Argued; June 17, 1963, Decided

No. 83

Reporter

374 U.S. 321 *; 83 S. Ct. 1715 **; 10 L. Ed. 2d 915 ***; 1963 U.S. LEXIS 2413 ****; 1963 Trade Cas. (CCH) P70,812 UNITED STATES v. PHILADELPHIA NATIONAL BANK ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Disposition: 201 F.Supp. 348, reversed.

Core Terms

merger, banks, acquisitions, Clayton Act, stock, concentration, bank merger, agencies, consolidation, effects, regulation, anti trust law, national bank, insured, Sherman Act, commerce, commercial bank, largest, proposed merger, anticompetitive, antitrust, deposits, loophole, loans, Currency, factors, merge, banking industry, legislative history, four-county

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[♣] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > Clayton Act

<u>HN2</u>[基] Antitrust Statutes, Clayton Act

See 15 U.S.C.S. § 18.

Antitrust & Trade Law > Regulated Industries > Financial Institutions > Bank Mergers

Banking Law > Commercial Banks > Bank Expansions > Banking Interests

Antitrust & Trade Law > Regulated Industries > Financial Institutions > General Overview



United States v. First Nat'l Bank & Trust Co.

Supreme Court of the United States

March 4-5, 1964, Argued; April 6, 1964, Decided

No. 36

Reporter

376 U.S. 665 *; 84 S. Ct. 1033 **; 12 L. Ed. 2d 1 ***; 1964 U.S. LEXIS 2172 ****; 1964 Trade Cas. (CCH) P71,072 UNITED STATES v. FIRST NATIONAL BANK & TRUST CO. OF LEXINGTON ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY.

Disposition: 208 F.Supp. 457, reversed.

Core Terms

consolidation, banking, Sherman Act, deposits, cases, commerce, Steel, factors, loans, interstate, mergers, competitors, constitutes, elimination, antitrust, bigness, merging, commercial bank, relevant market, probable, compete, traffic, dollar, volume

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. §§ 1, 2.

Business & Corporate Compliance > ... > Transportation Law > Rail Transportation > Consolidation & Merger

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > General Overview

Antitrust & Trade Law > Sherman Act > General Overview

Mergers & Acquisitions Law > General Overview

Mergers & Acquisitions Law > Antitrust > General Overview

Mergers & Acquisitions Law > Antitrust > Market Definition

<u>HN2</u>[基] Railroads & Rail Transportation, Consolidation & Merger



United States v. Continental Can Co.

Supreme Court of the United States

April 28, 1964, Argued; June 22, 1964, Decided

No. 367

Reporter

378 U.S. 441 *; 84 S. Ct. 1738 **; 12 L. Ed. 2d 953 ***; 1964 U.S. LEXIS 2224 ****; 1964 Trade Cas. (CCH) P71,146 UNITED STATES v. CONTINENTAL CAN CO. ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Disposition: 217 F. Supp. 761, reversed and remanded.

Core Terms

merger, glass container, glass, metal, containers, commerce, metal container, products, lines, interindustry, manufacturers, producer, combined, effects, sales, beer, baby food, anticompetitive, acquisition, largest, shipped, bottle, packaging, customer, probable, billion, food, soft drink, compete, markets

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

HN1[♣] Antitrust & Trade Law, Clayton Act

That competition may be called inter-industry competition and is between products with distinctive characteristics does not automatically remove it from the reach of § 7 of the Clayton Act, <u>15 U.S.C.S.</u> § 18.

Antitrust & Trade Law > Clayton Act > General Overview

HN2[] Antitrust & Trade Law, Clayton Act

Interchangeability of use and cross-elasticity of demand are not to be used to obscure competition but to recognize competition where, in fact, competition exists.

Antitrust & Trade Law > Clayton Act > General Overview

Business & Corporate Compliance > ... > Governments > Agriculture & Food > Distribution, Processing & Storage



United States v. Boston & M. R.R.

Supreme Court of the United States

January 21, 1965, Argued; March 8, 1965, Decided

No. 232

Reporter

380 U.S. 157 *; 85 S. Ct. 868 **; 13 L. Ed. 2d 728 ***; 1965 U.S. LEXIS 2435 ****; 1965 Trade Cas. (CCH) P71,390 UNITED STATES v. BOSTON & MAINE RAILROAD ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS.

Disposition: 225 F. Supp. 577, vacated and remanded.

Core Terms

substantial interest, railroad, interlocking, common carrier, dealings, bidding

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > Penalties

Criminal Law & Procedure > Appeals > Right to Appeal > Government

Antitrust & Trade Law > Clayton Act > General Overview

HN1 S Clayton Act, Penalties

See 15 U.S.C.S. § 20.

Governments > Legislation > Interpretation

HN2[♣] Legislation, Interpretation

A criminal statute is to be construed strictly, not loosely.

Antitrust & Trade Law > Clayton Act > General Overview

Governments > Legislation > Interpretation



Columbia Artists Management v. United States

Supreme Court of the United States

May 24, 1965, Decided

No. 775

Reporter

381 U.S. 348 *; 85 S. Ct. 1553 **; 14 L. Ed. 2d 679 ***; 1965 U.S. LEXIS 2425 ****; 1965 Trade Cas. (CCH) P71,450 COLUMBIA ARTISTS MANAGEMENT INC. ET AL. v. UNITED STATES ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

Disposition: Affirmed.

Core Terms

concert, artist, decree, consent decree, resale price, modification, contract provision, Sherman Act, audience, modified, margin

Counsel: Seymour D. Lewis and Ralph F. Colin for appellants.

Solicitor General Cox, Assistant Attorney General Orrick, Lionel Kestenbaum and Elliott H. Moyer for the United States, and Theodore R. Kupferman for appellee Summy-Birchard, Inc.

Judges: Warren, Black, Douglas, Clark, Harlan, Brennan, Stewart, White, Goldberg

Opinion by: PER CURIAM

Opinion

[***679] [*348] [**1553] The motion to affirm is granted and the judgment is affirmed.

Dissent by: HARLAN; STEWART; GOLDBERG

Dissent

MR. JUSTICE HARLAN, MR. JUSTICE STEWART, and MR. JUSTICE GOLDBERG, dissenting.

An examination of the proceedings in this case convinces us that a summary disposition of this matter is not appropriate.

In 1955 the Government brought an antitrust action against appellant Columbia, appellant Community Concerts, Inc. (Columbia's wholly owned subsidiary), and two corporations whose successor is appellee Summy-Birchard,



Minnesota Mining & Mfg. Co. v. New Jersey Wood Finishing Co.

Supreme Court of the United States

April 29, 1965, Argued; May 24, 1965, Decided

No. 291

Reporter

381 U.S. 311 *; 85 S. Ct. 1473 **; 14 L. Ed. 2d 405 ***; 1965 U.S. LEXIS 2424 ****; 1965 Trade Cas. (CCH) P71,449 MINNESOTA MINING & MANUFACTURING CO. v. NEW JERSEY WOOD FINISHING CO.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Disposition: 332 F.2d 346, affirmed.

Core Terms

proceedings, Insulation, decree, products, Wires, antitrust, manufacture, electrical, limitations, tolled, suits, legislative history, tolling provision, tolling statute, Clayton Act, statute of limitations, distributors, prima facie evidence, private litigant, anti trust law, final judgment, acquisition, conspiracy, suspend, criminal prosecution, criminal proceeding, instituted, violations, benefits, hearings

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

Governments > Legislation > Statute of Limitations > Time Limitations

HN1[基] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 15b.

Antitrust & Trade Law > Clayton Act > General Overview

Governments > Legislation > Statute of Limitations > Time Limitations

Governments > Legislation > Statute of Limitations > General Overview

HN2[♣] Antitrust & Trade Law, Clayton Act

See <u>15 U.S.C.S.</u> § 16(b).



FTC v. Borden Co.

Supreme Court of the United States

January 19, 1966, Argued; March 23, 1966, Decided

No. 106

Reporter

383 U.S. 637 *; 86 S. Ct. 1092 **; 16 L. Ed. 2d 153 ***; 1966 U.S. LEXIS 2909 ****; 1966 Trade Cas. (CCH) P71,716 FEDERAL TRADE COMMISSION v. BORDEN CO.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Disposition: 339 F.2d 133, reversed and remanded.

Core Terms

brand, label, grade, premium, products, milk, customers, consumer, Robinson-Patman Act, differential, seller, chemical, advertised, retail, cases, competitor, purchasers, prices, price discrimination, tires, high prices, discriminatory, marketplace, preferences, selling

LexisNexis® Headnotes

Antitrust & Trade Law > Robinson-Patman Act > Claims

Antitrust & Trade Law > Robinson-Patman Act > General Overview

<u>HN1</u>[基] Robinson-Patman Act, Claims

See Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act, 15 U.S.C.S. § 13(a).

Antitrust & Trade Law > Robinson-Patman Act > General Overview

Antitrust & Trade Law > ... > Private Actions > Standing > Robinson-Patman Act

HN2[♣] Antitrust & Trade Law, Robinson-Patman Act

Labels do not differentiate products for the purpose of determining grade or quality, even though the one label may have more customer appeal and command a higher price in the marketplace from a substantial segment of the public.



United States v. General Motors Corp.

Supreme Court of the United States

December 9, 1965, Argued; April 28, 1966, Decided

No. 46

Reporter

384 U.S. 127 *; 86 S. Ct. 1321 **; 16 L. Ed. 2d 415 ***; 1966 U.S. LEXIS 2960 ****; 1966 Trade Cas. (CCH) P71,750; 10 Fed. R. Serv. 2d (Callaghan) 1245

UNITED STATES v. GENERAL MOTORS CORP. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Disposition: 234 F. Supp. 85, reversed and remanded.

Core Terms

dealers, discounters, associations, conspiracy, sales, franchised, Sherman Act, customer, collaborative, unilateral, promise, prices, manufacturer, price competition, establishments, repurchase, antitrust, retailing, referral, concert, outlets

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Antitrust & Trade Law > Sherman Act > General Overview

Criminal Law & Procedure > ... > Inchoate Crimes > Conspiracy > Elements

HN2[♣] Antitrust & Trade Law, Sherman Act

Explicit agreement is not a necessary part of a Sherman Act conspiracy, and certainly not where joint and collaborative action was pervasive in the initiation, execution, and fulfillment of the plan.

Antitrust & Trade Law > Sherman Act > General Overview



United States v. Von's Grocery Co.

Supreme Court of the United States

March 22, 1966, Argued; May 31, 1966, Decided

No. 303

Reporter

384 U.S. 270 *; 86 S. Ct. 1478 **; 16 L. Ed. 2d 555 ***; 1966 U.S. LEXIS 2823 ****; 1966 Trade Cas. (CCH) P71,780 UNITED STATES v. VON'S GROCERY CO. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Disposition: 233 F. Supp. 976, reversed.

Core Terms

merger, chains, Markets, concentration, Food, competitors, acquisitions, grocery, firms, Shopping, retail, largest, sales, single-store, top, market share, horizontal, Giant, lessen competition, grocery store, Clayton Act, combined, market-extension, monopoly, chain store, incipiency, arresting, smaller, legislative history, large number

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

HN1[♣] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 18.

Antitrust & Trade Law > Clayton Act > General Overview

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > Clayton Act

Mergers & Acquisitions Law > General Overview

Mergers & Acquisitions Law > Antitrust > General Overview

HN2 Antitrust & Trade Law, Clayton Act

Section 7 of the Clayton Act, <u>15 U.S.C.S.</u> § 18, as amended in 1950 by the Celler-Kefauver Anti-Merger Act, requires not merely an appraisal of the immediate impact of the merger upon competition, but a prediction of its



FTC v. Brown Shoe Co.

Supreme Court of the United States

April 25, 1966, Argued; June 6, 1966, Decided

No. 118

Reporter

384 U.S. 316 *; 86 S. Ct. 1501 **; 16 L. Ed. 2d 587 ***; 1966 U.S. LEXIS 2948 ****; 1966 Trade Cas. (CCH) P71,785 FEDERAL TRADE COMMISSION v. BROWN SHOE CO., INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

Disposition: 339 F.2d 45, reversed.

Core Terms

shoes, unfair, franchise, dealers, retail, customers, franchise agreement, practices, declare, Federal Trade Commission Act, competitors, lines

LexisNexis® Headnotes

Antitrust & Trade Law > Public Enforcement > US Federal Trade Commission Actions > General Overview

Banking Law > Federal Acts > Federal Trade Commission Act > Unfair Competition & Practices

Antitrust & Trade Law > Federal Trade Commission Act > General Overview

Antitrust & Trade Law > ... > US Federal Trade Commission Actions > Remedial Powers > General Overview

<u>HN1</u>[♣] Public Enforcement, US Federal Trade Commission Actions

Section 5(a)(6) of the Federal Trade Commission Act, <u>15 U.S.C.S.</u> § <u>45 (a)(6)</u>, empowers and directs the Federal Trade Commission to prevent persons, partnerships, or corporations from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce. <u>15 U.S.C.S.</u> § <u>45(a)(6)</u>.

Antitrust & Trade Law > Regulated Practices > Trade Practices & Unfair Competition > Federal Trade Commission Act

Banking Law > Federal Acts > Federal Trade Commission Act > Unfair Competition & Practices

Antitrust & Trade Law > Federal Trade Commission Act > General Overview



FTC v. Dean Foods Co.

Supreme Court of the United States

March 28, 1966, Argued; June 13, 1966, Decided

No. 970

Reporter

384 U.S. 597 *; 86 S. Ct. 1738 **; 16 L. Ed. 2d 802 ***; 1966 U.S. LEXIS 2985 ****; 1966 Trade Cas. (CCH) P71,788 FEDERAL TRADE COMMISSION v. DEAN FOODS CO. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 356 F.2d 481, reversed and remanded.

Core Terms

court of appeals, merger, Writs, district court, injunction, proceedings, cases, preliminary injunction, enjoin, Clayton Act, appellate jurisdiction, preliminary relief, courts, acquisition, temporary, merits, orders, consummation, restraining, appeals, parties, administrative agency, appellate court, antitrust, decisions, vested, staff, authorization, vertical, milk

LexisNexis® Headnotes

Civil Procedure > Remedies > Writs > All Writs Act

Civil Procedure > ... > Subject Matter Jurisdiction > Jurisdiction Over Actions > General Overview

Civil Procedure > Remedies > Writs > General Overview

Civil Procedure > Appeals > Appellate Jurisdiction > General Overview

<u>HN1</u>[基] Writs, All Writs Act

The All Writs Act, <u>28 U.S.C.S.</u> § <u>1651(a)</u>, empowers the federal courts to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. The exercise of this power is in the nature of appellate jurisdiction where directed to an inferior court, and extends to the potential jurisdiction of the appellate court where an appeal is not then pending but may be later perfected.

Civil Procedure > Remedies > Writs > General Overview

Civil Procedure > Appeals > Appellate Jurisdiction > General Overview



Denver & R. G. W. R. Co. v. United States

Supreme Court of the United States

March 16, 1967, Argued; June 5, 1967, Decided

No. 305

Reporter

387 U.S. 485 *; 87 S. Ct. 1754 **; 18 L. Ed. 2d 905 ***; 1967 U.S. LEXIS 2783 ****; 1967 Trade Cas. (CCH) P72,116 DENVER & RIO GRANDE WESTERN RAILROAD CO. ET AL. v. UNITED STATES ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO.

Disposition: <u>255 F. Supp. 704</u>, reversed and remanded.

Core Terms

stock, public interest, railroads, carrier, Clayton Act, anticompetitive, shares, acquisition, issuance, antitrust, transport, consolidations, approving, district court, defer, stockholders, acquire, circumstances, deferral, controlling issue, additional share, questions, immunity, effects, merger, lawful object, authorize, ownership, proposed transaction, anti trust law

LexisNexis® Headnotes

Securities Law > ... > Registration of Securities > Exemptions > Exempt Classes of Securities

Transportation Law > Interstate Commerce > Federal Powers

HN1 Exemptions, Exempt Classes of Securities

49 U.S.C.S. § 20a.

Antitrust & Trade Law > Regulated Industries > Transportation > General Overview

Mergers & Acquisitions Law > Antitrust > Regulated Industry Mergers

Business & Corporate Compliance > ... > Transportation Law > Interstate Commerce > Restraints of Trade

<u>HN2</u>[Regulated Industries, Transportation

49 U.S.C.S. § 5(2)(a)(i) authorizes any carrier, with the approval and authorization of the Interstate Commerce Commission, to acquire control of another through ownership of its stock or otherwise.



Kaplan v. Lehman Bros.

Supreme Court of the United States

November 13, 1967, Decided

No. 197

Reporter

389 U.S. 954 *; 88 S. Ct. 320 **; 19 L. Ed. 2d 365 ***; 1967 U.S. LEXIS 2997 ****; 1967 Trade Cas. (CCH) P72,272

KAPLAN ET AL. v. LEHMAN BROTHERS ET AL.

Prior History: [****1] C. A. 7th Cir. Reported below: <u>371 F.2d 409</u>.

Core Terms

rates, anti trust law, Stock, Securities Exchange Act, shares

Counsel: Anthony Bradley Eben and Peyton Ford for petitioners. Hammond E. Chaffetz for respondents Lehman Brothers et al., and John T. Chadwell and Richard M. Keck for respondent New York Stock Exchange.

Opinion

[*954] [***365] Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

Dissent by: WARREN

Dissent

MR. CHIEF JUSTICE WARREN, dissenting.

This is no ordinary case. It is of utmost importance to millions of investors, and concerns practices which have an impact on the entire economy of the Nation. It presents for consideration basic principles of <u>antitrust law</u> not previously decided by this Court, and, consequently, is not controlled by precedent. It comes here without representation of the public interest by an agency charged with enforcement of the antitrust laws.

This case draws into question the legality under the Sherman Act of the practice of the New York Stock Exchange in adopting rules fixing minimum rates for the commissions charged by Exchange members for the purchase and sale of securities on the Exchange. Petitioners brought this action pursuant [****2] to § 4 of the Clayton Act, 38 Stat. 731, 15 U. S. C. § 15, derivatively on behalf of five mutual fund investment companies of which they are shareholders and representatively on behalf of other shareholders against the New York Stock Exchange and five of its member firms. Their complaint charges that the practice of the Exchange in fixing minimum commission rates for transactions in securities listed on the Exchange constitutes a price-fixing conspiracy under § 1 of the Sherman Act, 26 Stat. 209, as amended, 15 U. S. C. § 1. They sought treble damages, a declaratory judgment, and an injunction, the effect of which would be to restrain the Exchange from interfering with the rights of individual Exchange members to set their [*955] own competitive rates of commission. The District Court granted summary judgment for the Exchange and member firms. The Court of Appeals for the Seventh Circuit affirmed.



United States v. Third Nat'l Bank

Supreme Court of the United States

December 11, 1967, Argued; March 4, 1968, Decided

No. 86

Reporter

390 U.S. 171 *; 88 S. Ct. 882 **; 19 L. Ed. 2d 1015 ***; 1968 U.S. LEXIS 2904 ****; 1968 Trade Cas. (CCH) P72,372 UNITED STATES v. THIRD NATIONAL BANK IN NASHVILLE ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE.

Disposition: 260 F.Supp. 869, reversed and remanded.

Core Terms

merger, district court, banks, convenience, public interest, bank merger, antitrust, Clayton Act, merging, anticompetitive, factors, largest, lessen competition, outweighed, benefits, consummated, managerial, weighing, courts, loans, Sherman Act, recruiting, appraised, deposits, effects, judging, lending

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Industries > Financial Institutions > General Overview

HN1 L Regulated Industries, Financial Institutions

See 12 U.S.C.S. § 1828(c).

Antitrust & Trade Law > Regulated Industries > Financial Institutions > Bank Mergers

Mergers & Acquisitions Law > Antitrust > Regulated Industry Mergers

Antitrust & Trade Law > Clayton Act > Defenses

Antitrust & Trade Law > Regulated Industries > Financial Institutions > General Overview

Antitrust & Trade Law > Sherman Act > Defenses

Banking Law > Commercial Banks > Bank Expansions > General Overview

Banking Law > ... > Banking & Finance > Commercial Banks > Mergers & Consolidations



Perma Life Mufflers v. International Parts Corp.

Supreme Court of the United States

April 22-23, 1968, Argued; June 10, 1968, Decided

No. 733

Reporter

392 U.S. 134 *; 88 S. Ct. 1981 **; 20 L. Ed. 2d 982 ***; 1968 U.S. LEXIS 3168 ****; 1968 Trade Cas. (CCH) P72,486 PERMA LIFE MUFFLERS, INC., ET AL. v. INTERNATIONAL PARTS CORP. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 376 F.2d 692, reversed and remanded.

Core Terms

pari delicto, antitrust, damages, provisions, dealers, anti trust law, mufflers, franchise, terms, manufacturer, participated, cases, illegal scheme, treble damages, resale price, conspiracy, violations, parties, fault, franchise agreement, Sherman Act, restrictions, franchisees, territorial, selling, prices, deter, source of a supply, public interest, anticompetitive

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

Civil Procedure > ... > Defenses, Demurrers & Objections > Affirmative Defenses > General Overview

HN1[基] Private Actions, Remedies

There is nothing in the language of the antitrust acts which indicates that Congress wanted to make the commonlaw in pari delicto doctrine a defense to treble-damage actions. Although in pari delicto literally means "of equal fault," the doctrine has been applied, correctly or incorrectly, in a wide variety of situations in which a plaintiff seeking damages or equitable relief is himself involved in some of the same sort of wrongdoing. The United States Supreme Court has often indicated the inappropriateness of invoking broad common-law barriers to relief where a private suit serves important public purposes. A plaintiff in an antitrust suit can not be barred from recovery by proof that he had engaged in an unrelated conspiracy to commit some other antitrust violation.

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

Business & Corporate Compliance > ... > Industry Practices > Federal Regulations > Antitrust Regulations



Hanover Shoe v. United Shoe Mach. Corp.

Supreme Court of the United States

March 5, 1968, Argued; June 17, 1968, Decided *

No. 335

Reporter

392 U.S. 481 *; 88 S. Ct. 2224 **; 20 L. Ed. 2d 1231 ***; 1968 U.S. LEXIS 3147 ****; 1968 Trade Cas. (CCH) P72,490 HANOVER SHOE, INC. v. UNITED SHOE MACHINERY CORP.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Disposition: 377 F.2d 776, affirmed in part, reversed in part, and remanded.

Core Terms

leasing, machines, manufacturer, shoe, damages, monopolization, decree, overcharge, buyer, cases, competitors, shoe machinery, monopoly power, Sherman Act, profits, antitrust, customers, machinery, practices, anti trust law, violations, factories, bought, taxes, prima facie evidence, Clayton Act, treble-damage, predatory, charges, effects

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > Penalties

Antitrust & Trade Law > Clayton Act > General Overview

HN1[基] Clayton Act, Penalties

Section 5(a) of the Clayton Act, 38 Stat. 731, as amended, 69 Stat. 283, 15 U.S.C.S. 16(a), makes a final judgment or decree in any civil or criminal suit brought by the United States under the antitrust laws prima facie evidence as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

Antitrust & Trade Law > Clayton Act > General Overview

Torts > Business Torts > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > Prioritizing Resources & Organization for Intellectual Property Act

^{*}Together with No. 463, United Shoe Machinery Corp. v. Hanover Shoe, Inc., also on certiorari to the same court.



Zenith Radio Corp. v. Hazeltine Research

Supreme Court of the United States

January 22, 1969, Argued; May 19, 1969, Decided

No. 49

Reporter

395 U.S. 100 *; 89 S. Ct. 1562 **; 23 L. Ed. 2d 129 ***; 1969 U.S. LEXIS 3305 ****; 161 U.S.P.Q. (BNA) 577; 1969 Trade Cas. (CCH) P72,800

ZENITH RADIO CORP. v. HAZELTINE RESEARCH, INC., ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 388 F.2d 25, affirmed in part, reversed in part, and remanded.

Core Terms

patent, pool, license, royalty, licensee, patentee, Radio, district court, injunction, products, manufacture, Automatic, patent misuse, monopoly, infringement, merchandise, parties, damages, anti trust law, injunctive relief, trial court, conditioning, invention, percentage-of-sales, distributors, conspiracy, royalty payment, importation, provisions, insisted

LexisNexis® Headnotes

Civil Procedure > Judgments > Entry of Judgments > Nonparties Affected by Judgment

<u>HN1</u>[基] Entry of Judgments, Nonparties Affected by Judgment

One is not bound by a judgment in personam resulting from litigation in which he is not designated as a party or to which he has not been made a party by service of process. The consistent constitutional rule has been that a court has no power to adjudicate a personal claim or obligation unless it has jurisdiction over the person of the defendant.

Civil Procedure > Remedies > Injunctions > Contempt

Civil Procedure > Judgments > Entry of Judgments > Nonparties Affected by Judgment

Civil Procedure > Remedies > Injunctions > General Overview

<u>HN2</u>[基] Injunctions, Contempt



Zenith Radio Corp. v. Hazeltine Research

Supreme Court of the United States

November 10, 1970, Argued; February 24, 1971, Decided

No. 80

Reporter

401 U.S. 321 *; 91 S. Ct. 795 **; 28 L. Ed. 2d 77 ***; 1971 U.S. LEXIS 153 ****; 1971 Trade Cas. (CCH) P73,484; 14 Fed. R. Serv. 2d (Callaghan) 1169

ZENITH RADIO CORP. v. HAZELTINE RESEARCH, INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 418 F.2d 21, reversed and remanded.

Core Terms

damages, defenses, limitations, conspiracy, tolling, pool, statute of limitations, parties, reopen, trial judge, merits, waived, markets, counterclaim, patent, cause of action, district court, trial court, four year, conspiratorial, coconspirator, antitrust, accrues, future damage, conspirators, infringement, four-year, settlement, pleadings, rights

LexisNexis® Headnotes

Civil Procedure > ... > Defenses, Demurrers & Objections > Affirmative Defenses > Releases

Governments > Legislation > Statute of Limitations > Pleadings & Proof

Civil Procedure > ... > Defenses, Demurrers & Objections > Affirmative Defenses > General Overview

Governments > Legislation > Statute of Limitations > General Overview

<u>HN1</u>[Affirmative Defenses, Releases

<u>Fed. R. Civ. P. 8(c)</u> requires that in pleading to a preceding pleading, a party shall set forth affirmatively release, statute of limitations, and any other matter constituting an avoidance or affirmative defense.

Civil Procedure > ... > Responses > Defenses, Demurrers & Objections > Waiver & Preservation of Defenses

Civil Procedure > ... > Responses > Defenses, Demurrers & Objections > General Overview

<u>HN2</u>[基] Defenses, Demurrers & Objections, Waiver & Preservation of Defenses



FTC v. Sperry & Hutchinson Co.

Supreme Court of the United States

November 15, 1971, Argued; March 1, 1972, Decided

No. 70-70

Reporter

405 U.S. 233 *; 92 S. Ct. 898 **; 31 L. Ed. 2d 170 ***; 1972 U.S. LEXIS 154 ****; 1972 Trade Cas. (CCH) P73,861 FEDERAL TRADE COMMISSION v. SPERRY & HUTCHINSON CO.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Disposition: 432 F.2d 146, modified and remanded.

Core Terms

stamps, unfair, practices, consumers, anti trust law, exchanges, redemption, deceptive, unfair methods of competition, unfair practice, merchants, trading stamp, competitors, commerce, Federal Trade Commission Act, proscribe, redeemed, retail, restrain, violates

LexisNexis® Headnotes

Antitrust & Trade Law > Federal Trade Commission Act > General Overview

Banking Law > Federal Acts > Federal Trade Commission Act > Unfair Competition & Practices

<u>HN1</u>[基] Antitrust & Trade Law, Federal Trade Commission Act

See 15 U.S.C.S. § 45(a)(6).

Antitrust & Trade Law > Regulated Practices > Trade Practices & Unfair Competition > General Overview

Antitrust & Trade Law > Public Enforcement > US Federal Trade Commission Actions > Judicial Review

HN2[♣] Regulated Practices, Trade Practices & Unfair Competition

The Federal Trade Commission has broad powers to declare trade practices unfair.

Antitrust & Trade Law > Sherman Act > General Overview



United States v. Topco Assocs.

Supreme Court of the United States

November 16, 1971, Argued; March 29, 1972, Decided

No. 70-82

Reporter

405 U.S. 596 *; 92 S. Ct. 1126 **; 31 L. Ed. 2d 515 ***; 1972 U.S. LEXIS 167 ****; 173 U.S.P.Q. (BNA) 193; 1972 Trade Cas. (CCH) P73,904

UNITED STATES v. TOPCO ASSOCIATES, INC.

Prior History: [****1] APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS.

Disposition: <u>319 F.Supp. 1031</u>, reversed and remanded.

Core Terms

territory, chains, products, Sherman Act, per se rule, horizontal, brands, licensed, label, per se violation, practices, trademarked, marketing, rule of reason, manufacturers, cooperative, restraint of trade, territorial limits, restrictions, compete, cases, anti trust law, combinations, supermarket, grocery, courts, prices, allocated, consumer, regional

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1 ≥ Antitrust & Trade Law, Sherman Act

See § 1 of the Sherman Act, 15 U.S.C.S. § 1.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > Sherman Act

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

<u>HN2</u>[基] Per Se Rule & Rule of Reason, Sherman Act

The U.S. Supreme Court adopts a "rule of reason" analysis for determining whether most business combinations or contracts violate the prohibitions of the Sherman Act, <u>15 U.S.C.S. § 1</u>. An analysis of the reasonableness of particular restraints includes consideration of the facts peculiar to the business in which the restraint is applied, the nature of the restraint and its effects, and the history of the restraint and the reasons for its adoption.



Flood v. Kuhn

Supreme Court of the United States

March 20, 1972, Argued; June 19, 1972, Decided

No. 71-32

Reporter

407 U.S. 258 *; 92 S. Ct. 2099 **; 32 L. Ed. 2d 728 ***; 1972 U.S. LEXIS 138 ****; 1972 Trade Cas. (CCH) P74,041 FLOOD v. KUHN ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 443 F.2d 264, affirmed.

Core Terms

baseball, anti trust law, antitrust, players, exemption, cases, League, commerce, boxing, sport, overrule, Flood, decisions, team, major league, exhibitions, professional baseball, interstate commerce, stare decisis, reexamination, season, professional sports, Sherman Act, bargaining, football, inaction, Appeals, ball, major league baseball, no intention

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Industries > Sports > Baseball

Governments > Courts > Judicial Precedent

International Trade Law > General Overview

Antitrust & Trade Law > Regulated Industries > Sports > General Overview

<u>HN1</u>[基] Sports, Baseball

Professional baseball is a business and it is engaged in interstate commerce. With its reserve system enjoying exemption from the federal antitrust laws, baseball is, in a very distinct sense, an exception and an anomaly. Even though others might regard this as unrealistic, inconsistent, or illogical, the aberration is an established one. It is an aberration that has been with us now for half a century, one heretofore deemed fully entitled to the benefit of stare decisis, and one that has survived the court's expanding concept of interstate commerce. It rests on a recognition and an acceptance of baseball's unique characteristics and needs. Other professional sports operating interstate are not so exempt.



Tidewater Oil Co. v. United States

Supreme Court of the United States

October 11, 1972, Argued; December 6, 1972, Decided

No. 71-366

Reporter

409 U.S. 151 *; 93 S. Ct. 408 **; 34 L. Ed. 2d 375 ***; 1972 U.S. LEXIS 159 ****; 1972 Trade Cas. (CCH) P74,258 TIDEWATER OIL CO. v. UNITED STATES ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: Affirmed.

Core Terms

Expediting, court of appeals, cases, antitrust case, interlocutory order, interlocutory appeal, final judgment, district court, appeals, injunction, antitrust, appellate jurisdiction, controlling question, decree, direct appeal, civil action, interlocutory, questions, legislative history, direct review, termination, provisions, orders, screening, revision

LexisNexis® Headnotes

Governments > Legislation > Interpretation

HN1[♣] Legislation, Interpretation

While the clear meaning of statutory language is not to be ignored, words are inexact tools at best, and hence it is essential that courts place the words of a statute in their proper context by resort to the legislative history.

Antitrust & Trade Law > ... > US Department of Justice Actions > Civil Actions > Injunctions

Civil Procedure > Judgments > Relief From Judgments > Altering & Amending Judgments

Antitrust & Trade Law > ... > US Department of Justice Actions > Civil Actions > Divestiture

Civil Procedure > Appeals > Appellate Jurisdiction > Interlocutory Orders

<u>HN2</u>[基] Civil Actions, Injunctions



United States v. Glaxo Group, Ltd.

Supreme Court of the United States

November 9, 1972, Argued; January 22, 1973, Decided

No. 71-666

Reporter

410 U.S. 52 *; 93 S. Ct. 861 **; 35 L. Ed. 2d 104 ***; 1973 U.S. LEXIS 26 ****; 176 U.S.P.Q. (BNA) 289; 1973 Trade Cas. (CCH) P74,323; 1973-1 Trade Cas. (CCH) P74,323

UNITED STATES v. GLAXO GROUP LTD. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

Disposition: 328 F.Supp. 709, reversed; see also 302 F.Supp. 1.

Core Terms

patent, griseofulvin, bulk, district court, licensees, antitrust, bulk-form, licensing, sales, manufacture, invalid, antitrust violation, dosage-form, dosage, restrictions, bulk-sales, cancellation, sublicense, patentee, cases, violations, microsize, public interest, invention, mandatory, wholesale, leverage, courts, deceit

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > Remedies > Injunctions

Civil Procedure > ... > Injunctions > Grounds for Injunctions > Public Interest

Patent Law > Remedies > Equitable Relief > Injunctions

Antitrust & Trade Law > ... > Intellectual Property > Ownership & Transfer of Rights > Licenses

Civil Procedure > ... > Justiciability > Standing > General Overview

Business & Corporate Compliance > ... > Defenses > Inequitable Conduct > Anticompetitive Conduct

Patent Law > ... > Defenses > Patent Invalidity > General Overview

Business & Corporate Compliance > ... > Ownership > Conveyances > Licenses

HN1[≰] Remedies, Injunctions



United States v. Falstaff Brewing Corp.

Supreme Court of the United States

October 17, 1972, Argued; February 28, 1973, Decided

No. 71-873

Reporter

410 U.S. 526 *; 93 S. Ct. 1096 **; 35 L. Ed. 2d 475 ***; 1973 U.S. LEXIS 130 ****; 1973 Trade Cas. (CCH) P74,377; 1973-1 Trade Cas. (CCH) P74,377

UNITED STATES v. FALSTAFF BREWING CORP. ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND.

Disposition: 332 F.Supp. 970, reversed and remanded.

Core Terms

acquisition, de novo, entrant, merger, beer, competitor, brewers, district court, anticompetitive, breweries, largest, cases, concentration, acquiring, regional, objective evidence, sales, eliminated, effects, exerted, seller, firms, probabilities, capability, geographic, antitrust, trier of fact, no intention, procompetitive, credible

LexisNexis® Headnotes

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > Clayton Act

<u>HN1</u>[基] Antitrust Statutes, Clayton Act

See 15 U.S.C.S. § 18.

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > Clayton Act

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > General Overview

Antitrust & Trade Law > ... > Monopolies & Monopolization > Attempts to Monopolize > General Overview

Mergers & Acquisitions Law > General Overview

Mergers & Acquisitions Law > Antitrust > General Overview

Mergers & Acquisitions Law > Antitrust > Horizontal Mergers

Mergers & Acquisitions Law > Antitrust > Market Definition



Missouri Portland Cement Co. v. Cargill, Inc.

Supreme Court of the United States

July 25, 1974, Dismissed

No. A-1265 (73-2014)

Reporter

418 U.S. 919 *; 94 S. Ct. 3210 **; 41 L. Ed. 2d 1161 ***; 1974 U.S. LEXIS 2185 ****; 1974-2 Trade Cas. (CCH) P75,171 MISSOURI PORTLAND CEMENT CO. v. CARGILL, INC.

Prior History: [****1] C. A. 2d Cir.

Reported below: <u>498 F.2d 851</u>.

Core Terms

conglomerate, acquisition, anti trust law, injunction, cement

Opinion

[*919] [**3210] Motion of respondent to vacate stay heretofore entered by MR. JUSTICE DOUGLAS on July 12, 1974, granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

Dissent by: DOUGLAS

Dissent

MR. JUSTICE DOUGLAS, dissenting.

Cargill, desirous of acquiring control of petitioner, made a cash offer for all of petitioner's common stock. Petitioner thereupon filed this suit in the United States District Court for the Southern District of New York to enjoin that tender offer, alleging that acquisition of control of petitioner would violate § 7 of the Clayton Act, 38 Stat. 731, as amended, 15 U. S. C. § 18. That court issued the injunction stating in a detailed opinion its view that the acquisition of stock control by Cargill raises serious antitrust issues.

The sole question here is whether Cargill's attempts to take over Missouri Portland will be enjoined, pending the outcome of a trial on the merits of Missouri Portland's claim that a merger of these two companies would violate the antitrust laws. The District Court granted such an injunction, <u>375 F.Supp. 249</u>, but the Court of Appeals [****2] reversed. <u>498 F.2d 851</u>. Missouri Portland sought and received a stay of the Court of Appeals' mandate, thus reinstituting the injunction issued by the District Court. Today the Court vacates that stay.

The Court treats the case as if we were in the sensitive <u>First Amendment</u> field where relatively minor restraints may have a "chilling" effect on an important constitutional [*920] right. But as I read the Constitution and <u>Bill of Rights</u>, a corporation has no constitutional right to merge, consolidate, or acquire the assets of another company. The old Court in the days of "substantive due process" built an expansive corporate <u>Bill of Rights</u> by reading "liberty" in the <u>Due Process Clause of the Fifth Amendment</u> as including the "liberty" to exploit people, our resources, and our



GULF OIL CORP. v. COPP

Supreme Court of the United States

October 21-22, 1974, Argued; December 17, 1974, Decided

No. 73-1012

Reporter

419 U.S. 186 *; 95 S. Ct. 392 **; 42 L. Ed. 2d 378 ***; 1974 U.S. LEXIS 47 ****; 1974-2 Trade Cas. (CCH) P75,402 GULF OIL CORP. ET AL. v. COPP PAVING CO., INC., ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 487 F.2d 202, reversed.

Core Terms

commerce, asphaltic, concrete, interstate commerce, Clayton Act, Sherman Act, interstate, sales, Oil, liquid, interstate highway, anti trust law, effects, Robinson-Patman Act, provisions, markets, engaged in commerce, practices, acquisitions, monopoly, purposes, instrumentalities, employees, prices, cases, legislative history, Fair Labor Standards Act, regulation, highways, lessen

LexisNexis® Headnotes

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN1 △ Antitrust & Trade Law, Robinson-Patman Act

See 15 U.S.C.S. § 13(a).

Antitrust & Trade Law > Clayton Act > General Overview

HN2 Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 14.

Antitrust & Trade Law > Clayton Act > General Overview

HN3[♣] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 18.



Connell Constr. Co. v. Plumbers & Steamfitters Local Union No. 100

Supreme Court of the United States

Argued November 19, 1974; June 2, 1975

No. 73-1256

Reporter

421 U.S. 616 *; 95 S. Ct. 1830 **; 44 L. Ed. 2d 418 ***; 1975 U.S. LEXIS 17 ****; 77 Lab. Cas. (CCH) P10,873; 1975-1 Trade Cas. (CCH) P60,341; 89 L.R.R.M. 2401

CONNELL CONSTRUCTION CO., INC. v. PLUMBERS & STEAMFITTERS LOCAL UNION NO. 100, UNITED ASSOCIATION OF JOURNEYMEN & APPRENTICES OF THE PLUMBING & PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, AFL-CIO

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Core Terms

subcontracting, secondary, antitrust, anti trust law, subcontractors, contractor, proviso, nonunion, exemption, picketing, organizing, general contractor, employees, sanctions, remedies, mechanical, provisions, construction industry, labor policy, firms, federal labor, boycotts, jobsite, labor union, hot cargo, organizational, campaign, damages, parties, wages

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Labor > Statutory Exemptions

Labor & Employment Law > Collective Bargaining & Labor Relations > Strikes & Work Stoppages

Business & Corporate Compliance > ... > Unfair Labor Practices > Employer Violations > Interference With Protected Activities

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Exemptions & Immunities > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Labor > General Overview

Labor & Employment Law > Collective Bargaining & Labor Relations > Federal Preemption > Primacy of Labor Policy

HN1[♣] Labor, Statutory Exemptions

The Clayton Act, <u>15 U.S.C.S.</u> § <u>17</u> and the Norris-La Guardia Act, <u>29 U.S.C.S.</u> §§ <u>104</u>, <u>105</u>, and <u>113</u> declare that labor unions are not combinations or conspiracies in restraint of trade, and exempt specific union activities,



United States v. Citizens & Southern Nat'l Bank

Supreme Court of the United States

Argued March 19, 1975; June 17, 1975

No. 73-1933

Reporter

422 U.S. 86 *; 95 S. Ct. 2099 **; 45 L. Ed. 2d 41 ***; 1975 U.S. LEXIS 113 ****; 1975-1 Trade Cas. (CCH) P60,360 UNITED STATES *v.* CITIZENS & SOUTHERN NATIONAL BANK ET AL.

Prior History: [**1]** APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA

Core Terms

banks, correspondent, Sherman Act, mergers, Deposits, de facto, Top, acquisition, bank holding company, district court, shares, demand deposit, branching, antitrust, stock, acquire, largest, de jure, transactions, grandfather, suburban, Loans, immunity, programs, total loan, Clayton Act, affiliation, proposed acquisition, total deposit, markets

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Industries > Financial Institutions > General Overview

Banking Law > ... > Bank Expansions > Branch Banking > Federal Preemption

Banking Law > Commercial Banks > Bank Expansions > General Overview

Banking Law > ... > Bank Expansions > Branch Banking > General Overview

HN1 Regulated Industries, Financial Institutions

In applying the antitrust laws to banking, careful account must be taken of the pervasive federal and state regulation characteristic of the industry, particularly the legal restraints on entry unique to this line of commerce.

Antitrust & Trade Law > Sherman Act > General Overview

HN2[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.



Cantor v. Detroit Edison Co.

Supreme Court of the United States

Argued January 14, 1976; July 6, 1976

No. 75-122

Reporter

428 U.S. 579 *; 96 S. Ct. 3110 **; 49 L. Ed. 2d 1141 ***; 1976 U.S. LEXIS 4 ****; 1976-1 Trade Cas. (CCH) P60,947; 15 P.U.R.4th 401

CANTOR, DBA SELDEN DRUGS CO. v. DETROIT EDISON CO.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Core Terms

Sherman Act, regulation, exemption, anti trust law, state law, tariff, immunity, monopoly, electricity, antitrust, state action, light bulb, anticompetitive, commerce, light-bulb, customers, state regulation, bulbs, private conduct, state statute, pre-empted, private action, state official, resale price, state-action, compliance, sovereign, cases, interstate commerce, legislative history

LexisNexis® Headnotes

Energy & Utilities Law > Regulators > Public Utility Commissions > Authorities & Powers

Communications Law > Regulators > US Federal Communications Commission > Jurisdiction

Energy & Utilities Law > Electric Power Industry > State Regulation > General Overview

Energy & Utilities Law > Utility Companies > General Overview

Energy & Utilities Law > Utility Companies > Rates > General Overview

<u>HN1</u>[基] Public Utility Commissions, Authorities & Powers

<u>Mich. Comp. Laws § 460.6</u> (1970) vests the Michigan Public Service Commission (commission) with complete power and jurisdiction to regulate all public utilities in the state. The statute confers express power on the commission to regulate all rates, fares, fees, charges, services, rules, conditions of service, and all other matters pertaining to the formation, operation, or direction of such public utilities.

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN2</u>[♣] Exemptions & Immunities, Parker State Action Doctrine



United States Steel Corp. v. Fortner Enterprises, Inc.

Supreme Court of the United States

Argued November 1, 1976; February 22, 1977

No. 75-853

Reporter

429 U.S. 610 *; 97 S. Ct. 861 **; 51 L. Ed. 2d 80 ***; 1977 U.S. LEXIS 43 ****; 1977-1 Trade Cas. (CCH) P61,294 UNITED STATES STEEL CORP. ET AL. v. FORTNER ENTERPRISES, INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Core Terms

financing, economic power, houses, tying product, customers, sales, tying arrangement, credit market, prefabricated, competitors, seller, tied product, terms, lenders, lending, loans

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

HN1 Price Fixing & Restraints of Trade, Tying Arrangements

The decisions regarding tying focus attention on the question whether the seller has the power, within the market for the tying product, to raise prices or to require purchasers to accept burdensome terms that could not be exacted in a completely competitive market. In short, the question is whether the seller has some advantage not shared by his competitors in the market for the tying product.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

HN2[♣] Price Fixing & Restraints of Trade, Tying Arrangements

If the evidence merely shows that credit terms are unique because the seller is willing to accept a lesser profit -- or to incur greater risks -- than its competitors, that kind of uniqueness will not give rise to any inference of economic power in the credit market.

Lawyers' Edition Display

Summary



Cont'l T.V. v. GTE Sylvania

Supreme Court of the United States

Argued February 28, 1977; June 23, 1977; as amended

No. 76-15

Reporter

433 U.S. 36 *; 97 S. Ct. 2549 **; 53 L. Ed. 2d 568 ***; 1977 U.S. LEXIS 134 ****; 1977-1 Trade Cas. (CCH) P61,488 CONTINENTAL T.V., INC., ET AL. v. GTE SYLVANIA INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Disposition: The Court affirmed the judgment.

Core Terms

retailers, restrictions, franchised, vertical, manufacturer, distributors, per se rule, bicycles, products, intrabrand, dealers, territories, Sherman Act, rule of reason, interbrand, sales, wholesale, television, customer, antitrust, transactions, prices, cases, nonsale, selling, discount, outlets, market share, nonfranchised, overruling

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > ... > Monopolies & Monopolization > Conspiracy to Monopolize > Sherman Act

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > Sherman Act

HN1 Antitrust & Trade Law, Sherman Act

<u>Section 1</u> of the Sherman Act, <u>15 U.S.C.S. § 1</u>, prohibits every contract, combination, or conspiracy, in restraint of trade or commerce. The rule of reason is the prevailing standard of analysis. Under this rule, the fact-finding weighs all of the circumstances of a case in deciding whether a restrictive practice should be prohibited as imposing an unreasonable restraint on competition.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview



Vendo Co. v. Lektro-Vend Corp.

Supreme Court of the United States

Argued January 19, 1977; June 29, 1977; as amended Petition for Rehearing Denied October 3, 1977

No. 76-156

Reporter

433 U.S. 623 *; 97 S. Ct. 2881 **; 53 L. Ed. 2d 1009 ***; 1977 U.S. LEXIS 25 ****; 1977-1 Trade Cas. (CCH) P61,497 VENDO CO. v. LEKTRO-VEND CORP. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Disposition: The court reversed the judgment.

Core Terms

injunction, federal court, state-court, proceedings, state court, Clayton Act, anti-injunction, authorize, enjoin, express authorization, antitrust, intended scope, Anti-Injunction Act, plurality, Appeals, anti trust law, antitrust violation, legislative history, federal policy, courts, violation of antitrust laws, injunctive relief, Sherman Act, covenant, rights, Manufacturing, principles, patent, restraint of trade, compete

LexisNexis® Headnotes

Civil Procedure > ... > Federal & State Interrelationships > Anti-Injunction Act > Exceptions

Civil Procedure > Preliminary Considerations > Federal & State Interrelationships > General Overview

Civil Procedure > ... > Federal & State Interrelationships > Anti-Injunction Act > General Overview

HN1[♣] Anti-Injunction Act, Exceptions

See 28 U.S.C.S. § 2283.

Civil Procedure > ... > Federal & State Interrelationships > Anti-Injunction Act > Exceptions

Civil Procedure > Preliminary Considerations > Federal & State Interrelationships > General Overview

Civil Procedure > ... > Federal & State Interrelationships > Anti-Injunction Act > General Overview

<u>HN2</u>[基] Anti-Injunction Act, Exceptions



Pfizer, Inc. v. Gov't of India

Supreme Court of the United States

November 1, 1977 Argued; January 11, 1978 As Amended

No. 76-749

Reporter

434 U.S. 308 *; 98 S. Ct. 584 **; 54 L. Ed. 2d 563 ***; 1978 U.S. LEXIS 14 ****; 1978-1 Trade Cas. (CCH) P61,812 PFIZER INC. ET AL. v. GOVERNMENT OF INDIA ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Core Terms

foreign nation, treble damages, anti trust law, treble-damages, foreign sovereign, Sherman Act, consumers, entitled to sue, sovereign, domestic, remedies, courts, legislative history, antitrust violation, Clayton Act, antitrust, practices, purchaser, commerce, Cooper, foreign corporation, anticompetitive, violators, purposes, district court, inclusion, immunity, damages, debates, deprive

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

HN1[基] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 15.

Antitrust & Trade Law > ... > Private Actions > Standing > General Overview

<u>HN2</u>[基] Private Actions, Standing

The Sherman and Clayton Acts each provide that the word person shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, the laws of any state, or the laws of any foreign country. 15 U.S.C.S. §§ 7 and 12.

Antitrust & Trade Law > Clayton Act > Scope

Antitrust & Trade Law > Clayton Act > General Overview

<u>HN3</u>[基] Antitrust & Trade Law, Clayton Act



Lafayette v. La. Power & Light Co.

Supreme Court of the United States

Argued October 4, 1977; March 29, 1978; As Amended

No. 76-864

Reporter

435 U.S. 389 *; 98 S. Ct. 1123 **; 55 L. Ed. 2d 364 ***; 1978 U.S. LEXIS 19 ****; 1978-1 Trade Cas. (CCH) P61,936; 24 P.U.R.4th 395

CITY OF LAFAYETTE, LOUISIANA, ET AL. v. LOUISIANA POWER & LIGHT CO.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Core Terms

municipalities, anti trust law, Sherman Act, anticompetitive, antitrust, plurality, immunity, exemption, sovereign, regulation, monopoly, government action, electric, political subdivision, state legislature, petitioners', state policy, proprietary, customers, limits, purposes, state action, enterprise, displace, cases, government body, district court, counterclaim, competitors, policies

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN1</u>[≰] Exemptions & Immunities, Parker State Action Doctrine

Federal antitrust laws do not prohibit a state as sovereign from imposing certain anticompetitive restraints as an act of government.

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

HN2[≰] Private Actions, Remedies

It is not necessary to point to an express statutory mandate for each act which is alleged to violate the antitrust laws. It will suffice if the challenged activity was clearly within the legislative intent.

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN3</u>[♣] Exemptions & Immunities, Parker State Action Doctrine



National Soc. of Professional Engineers v. United States

Supreme Court of the United States

January 18, 1978, Argued ; April 25, 1978, Decided

No. 76-1767

Reporter

435 U.S. 679 *; 98 S. Ct. 1355 **; 55 L. Ed. 2d 637 ***; 1978 U.S. LEXIS 47 ****; 1978-1 Trade Cas. (CCH) P61,990

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS v. UNITED STATES

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

Disposition: <u>181 U. S. App. D. C. 41, 555 F.2d 978</u>, affirmed.

Core Terms

ethical, Sherman Act, profession, competitive bidding, district court, engineers, antitrust, customer, engineering services, prices, bids, restraint of trade, injunction, ban, price information, anticompetitive, deceptively, inferior

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Sherman Act

The fact that a restraint operates upon a profession as distinguished from a business is relevant in determining whether that particular restraint violates the Sherman Act. The public service aspect, and other features of the professions may require that a particular practice, which could properly be viewed as a violation of the Sherman Act in another context, be treated differently.

Antitrust & Trade Law > Sherman Act > General Overview

HN2[

♣] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

HN3[♣] Price Fixing & Restraints of Trade, Per Se Rule & Rule of Reason



St. Paul Fire & Marine Ins. Co. v. Barry

Supreme Court of the United States

March 27, 1978, Argued ; June 29, 1978, Decided

No. 77-240

Reporter

438 U.S. 531 *; 98 S. Ct. 2923 **; 57 L. Ed. 2d 932 ***; 1978 U.S. LEXIS 40 ****; 1978-1 Trade Cas. (CCH) P62,102 ST. PAUL FIRE & MARINE INSURANCE CO. ET AL. v. BARRY ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

Disposition: <u>555 F.2d 3</u>, affirmed.

Core Terms

boycott, Sherman Act, intimidation, insurance company, coercion, practices, regulation, terms, policyholders, coverage, insurers, insurance business, conspiracy, concerted refusal, anti trust law, Underwriters, combinations, state regulation, insurance industry, state law, antitrust, competitors, target, medical malpractice insurance, legislative history, McCarran-Ferguson Act, customers, coerce, rates, respondents'

LexisNexis® Headnotes

Insurance Law > Industry Practices > Federal Regulations > General Overview

HN1 L Industry Practices, Federal Regulations

See § 2(a) of the McCarran-Ferguson Act, 15 U.S.C.S. § 1012(a).

Insurance Law > Industry Practices > Federal Regulations > General Overview

HN2[♣] Industry Practices, Federal Regulations

See § 2(b) of the McCarran-Ferguson Act, 15 U.S.C.S. § 1012(b).

Insurance Law > Industry Practices > Federal Regulations > General Overview

HN3 Industry Practices, Federal Regulations

See § 3(b) the McCarran-Ferguson Act, 15 U.S.C.S. § 1013(b).



United States v. United States Gypsum Co.

Supreme Court of the United States

March 1, 1978, Argued; June 29, 1978, Decided

No. 76-1560

Reporter

438 U.S. 422 *; 98 S. Ct. 2864 **; 57 L. Ed. 2d 854 ***; 1978 U.S. LEXIS 131 ****; 1978-1 Trade Cas. (CCH) P62,103 UNITED STATES v. UNITED STATES GYPSUM CO. ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Disposition: 550 F.2d 115, affirmed.

Core Terms

Sherman Act, seller, prices, deliberations, conspiracy, Robinson-Patman Act, foreman, verification, competitors, jurors, price information, instructions, exchanges, antitrust, buyer, circumstances, stabilize, good faith, indictment, withdrawal, cases, undertaken, gypsum board, interseller, effects, criminal law, price-fixing, customer, price discrimination, anti trust law

LexisNexis® Headnotes

Antitrust & Trade Law > ... > US Department of Justice Actions > Criminal Actions > Intent

Antitrust & Trade Law > Clayton Act > Penalties

Antitrust & Trade Law > Robinson-Patman Act > General Overview

Antitrust & Trade Law > Robinson-Patman Act > Claims

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > ... > US Department of Justice Actions > Criminal Actions > General Overview

Antitrust & Trade Law > ... > US Department of Justice Actions > Criminal Actions > Sherman Act

HN1 Criminal Actions, Intent

An effect on prices, without more, will not support a criminal conviction under the Sherman Act, <u>15 U.S.C.S. § 1 et seq.</u>, but that conclusion is not based on the existence of any conflict between the requirements of the Robinson-Patman and the Sherman Acts. Rather, a defendant's state of mind or intent is an element of a criminal antitrust



Great Atlantic & Pacific Tea Co. v. Federal Trade Comm'n

Supreme Court of the United States

December 4, 1978, Argued; February 22, 1979, Decided

No. 77-654

Reporter

440 U.S. 69 *; 99 S. Ct. 925 **; 59 L. Ed. 2d 153 ***; 1979 U.S. LEXIS 59 ****; 1979-1 Trade Cas. (CCH) P62,475 GREAT ATLANTIC & PACIFIC TEA CO., INC. v. FEDERAL TRADE COMMISSION

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

CIRCUIT.

Disposition: <u>557 F.2d 971</u>, reversed.

Core Terms

buyer, seller, bid, meeting-competition, price discrimination, competitor's, Robinson-Patman Act, dairy, defenses, induce, meeting competition, milk, lower price, good faith, derivative, disclosure, Automatic, affirmative defense, Administrative Law, Federal Trade Commission Act, discriminations, circumstances, differentials, knowingly, label, beat

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Practices > Price Discrimination > Buyer Liability

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN1[基] Price Discrimination, Buyer Liability

See 15 U.S.C.S. § 13(f).

Antitrust & Trade Law > Regulated Practices > Trade Practices & Unfair Competition > General Overview

<u>HN2</u>[

Lagulated Practices, Trade Practices & Unfair Competition

See 15 U.S.C.S. § 45(a).

Antitrust & Trade Law > ... > Price Discrimination > Defenses > Cost Justification Defense

Criminal Law & Procedure > Defenses > General Overview



Group Life & Health Ins. Co. v. Royal Drug Co.

Supreme Court of the United States

October 11, 1978, Argued; February 27, 1979, Decided

No. 77-952

Reporter

440 U.S. 205 *; 99 S. Ct. 1067 **; 59 L. Ed. 2d 261 ***; 1979 U.S. LEXIS 29 ****; 1979-1 Trade Cas. (CCH) P62,479

GROUP LIFE & HEALTH INSURANCE CO., AKA BLUE SHIELD OF TEXAS, ET AL. v. ROYAL DRUG CO., INC., DBA ROYAL PHARMACY OF CASTLE HILLS, ET AL.

Subsequent History: [****1] Petition For Rehearing Denied April 16, 1979.

Prior History: CERTIORARI TO THE UNITED STATES COURT OF APPEAL FOR THE FIFTH CIRCUIT.

Disposition: <u>556 F.2d 1375</u>, affirmed.

Core Terms

insurance business, Pharmacy, insurer, exemption, policyholders, McCarran-Ferguson Act, regulation, insurance company, underwriting, anti trust law, provider, plans, service-benefit, contracts, reliability, premiums, insurance industry, rates, benefits, costs, legislative history, participating, obligations, spreading, cooperative, drugs, insurance commissioner, transactions, agrees, risks

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > McCarran-Ferguson Act Exemption

HN1[♣] Exemptions & Immunities, McCarran-Ferguson Act Exemption

See 15 U.S.C.S. § 1011.

Antitrust & Trade Law > Exemptions & Immunities > McCarran-Ferguson Act Exemption

Governments > Legislation > Interpretation

Business & Corporate Compliance > ... > Industry Practices > Federal Regulations > Antitrust Regulations

<u>HN2</u>[基] Exemptions & Immunities, McCarran-Ferguson Act Exemption

The starting point in any case involving the meaning of a statute is the language of the statute itself.



Broadcast Music, Inc. v. Columbia Broadcasting System, Inc.

Supreme Court of the United States

January 15, 1979, Argued; April 17, 1979, Decided *

No. 77-1578

Reporter

441 U.S. 1 *; 99 S. Ct. 1551 **; 60 L. Ed. 2d 1 ***; 1979 U.S. LEXIS 84 ****; 201 U.S.P.Q. (BNA) 497; Copy. L. Rep. (CCH) P25,064; 1979-1 Trade Cas. (CCH) P62,558

BROADCAST MUSIC, INC., ET AL. v. COLUMBIA BROADCASTING SYSTEM, INC., ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 562 F.2d 130, reversed and remanded.

Core Terms

license, blanket, music, compositions, rights, Sherman Act, users, composers, price fixing, antitrust, negotiate, copyright owner, network, television, cases, decree, practices, television network, anti trust law, per se rule, per se violation, competitors, costs, restraint of trade, consent decree, monopoly, holders, musical composition, broadcasters, publishers

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Industries > Higher Education & Professional Associations > General Overview

Antitrust & Trade Law > Regulated Practices > Price Fixing & Restraints of Trade > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > Sherman Act

Antitrust & Trade Law > Sherman Act > General Overview

<u>HN1</u>[基] Regulated Industries, Higher Education & Professional Associations

^{*}Together with No. 77-1583, American Society of Composers, Authors and Publishers et al. v. Columbia Broadcasting System, Inc., et al., also on certiorari to the same court.



Reiter v. Sonotone Corp.

Supreme Court of the United States

April 25, 1979, Argued; June 11, 1979, Decided

No. 78-690

Reporter

442 U.S. 330 *; 99 S. Ct. 2326 **; 60 L. Ed. 2d 931 ***; 1979 U.S. LEXIS 108 ****; 1979-1 Trade Cas. (CCH) P62,688; 27 Fed. R. Serv. 2d (Callaghan) 653

REITER v. SONOTONE CORP. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH

CIRCUIT.

Disposition: 579 F.2d 1077, reversed and remanded.

Core Terms

consumers, retail, Clayton Act, district court, enterprise, damages, commercial interest, legislative history, antitrust violation, antitrust, terms, court of appeals, federal court, class action, anticompetitive, treble-damages, settlements, purchaser

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Clayton Act

See § 4 of the Clayton Act, 15 U.S.C.S. § 15.

Antitrust & Trade Law > Clayton Act > Scope

Antitrust & Trade Law > Clayton Act > General Overview

HN2[

▲] Antitrust & Trade Law, Clayton Act

The Clayton Act is comprehensive in its terms and coverage, protecting all who are made victims of the forbidden practices by whomever they may be perpetrated.

Antitrust & Trade Law > Clayton Act > General Overview



J. Truett Payne Co. v. Chrysler Motors Corp.

Supreme Court of the United States

January 21, 1981, Argued; May 18, 1981, Decided

No. 79-1944

Reporter

451 U.S. 557 *; 101 S. Ct. 1923 **; 68 L. Ed. 2d 442 ***; 1981 U.S. LEXIS 49 ****; 49 U.S.L.W. 4516; 1981-1 Trade Cas. (CCH) P64,013

J. TRUETT PAYNE CO., INC. v. CHRYSLER MOTORS CORP.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Disposition: 607 F.2d 1133, vacated and remanded.

Core Terms

damages, sales, competitors, antitrust, profits, price discrimination, cases, retail, Robinson-Patman Act, programs, substantial evidence, Clayton Act, wrongdoer, dealer, prices, bonus, infer

LexisNexis® Headnotes

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN1[♣] Antitrust & Trade Law, Robinson-Patman Act

See 15 U.S.C.S. § 13(a).

Antitrust & Trade Law > Clayton Act > General Overview

HN2[♣] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 15.

Antitrust & Trade Law > Robinson-Patman Act > Remedies > Damages

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Claims



H. A. Artists & Assocs. v. Actors' Equity Ass'n

Supreme Court of the United States

March 23, 1981, Argued; May 26, 1981, Decided

No. 80-348

Reporter

451 U.S. 704 *; 101 S. Ct. 2102 **; 68 L. Ed. 2d 558 ***; 1981 U.S. LEXIS 104 ****; 49 U.S.L.W. 4557; 91 Lab. Cas. (CCH) P12,742; 1981-1 Trade Cas. (CCH) P64,021; 107 L.R.R.M. 2394

H. A. ARTISTS & ASSOCIATES, INC., ET AL. v. ACTORS' EQUITY ASSN. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 622 F.2d 647, affirmed in part, reversed in part, and remanded.

Core Terms

regulations, franchising, exemption, theatrical, producers, actresses, antitrust, nonlabor, labor dispute, wages, Sherman Act, negotiated, licensed, immune, employment condition, franchise fee, Clayton Act, restrictions, commissions, terms, anti trust law, union member, Norris-LaGuardia Act, self-interest, injunctions, combines, exaction

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Collectives & Cooperatives > Clayton Act

Labor & Employment Law > Collective Bargaining & Labor Relations > Federal Preemption > Primacy of Labor Policy

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Scope

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Antitrust & Trade Law > Exemptions & Immunities > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Labor > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Labor > Statutory Exemptions

Labor & Employment Law > Collective Bargaining & Labor Relations > Strikes & Work Stoppages



Tex. Indus. v. Radcliff Materials

Supreme Court of the United States

March 3, 1981, Argued; May 26, 1981, Decided

No. 79-1144

Reporter

451 U.S. 630 *; 101 S. Ct. 2061 **; 68 L. Ed. 2d 500 ***; 1981 U.S. LEXIS 26 ****; 49 U.S.L.W. 4537; 1981-1 Trade Cas. (CCH) P64,020; 1980-81 Trade Cas. (CCH) P64,020

TEXAS INDUSTRIES, INC. v. RADCLIFF MATERIALS, INC., ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Disposition: 604 F.2d 897, affirmed.

Core Terms

courts, right to contribution, damages, anti trust law, federal common law, common-law, antitrust, Sherman Act, violations, federal court, co-conspirators, conspiracy, wrongdoers, amici, common law, treble-damages, formulate, parties, legislative history, Clayton Act, tortfeasors, concrete, cases

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

Civil Procedure > ... > Federal & State Interrelationships > Federal Common Law > General Overview

Torts > ... > Multiple Defendants > Contribution > General Overview

Civil Procedure > Preliminary Considerations > Federal & State Interrelationships > General Overview

HN1[♣] Private Actions, Remedies

A right to contribution may arise in either of two ways: first, through the affirmative creation of a right of action by Congress, either expressly or by clear implication; or, second, through the power of federal courts to fashion a federal common law of contribution.

Antitrust & Trade Law > Clayton Act > Remedies > Damages

Civil Procedure > ... > Federal & State Interrelationships > Federal Common Law > General Overview



Nat'l Gerimedical Hosp. & Gerontology Ctr. v. Blue Cross

Supreme Court of the United States

April 29, 1981, Argued; June 15, 1981, Decided

No. 80-802

Reporter

452 U.S. 378 *; 101 S. Ct. 2415 **; 69 L. Ed. 2d 89 ***; 1981 U.S. LEXIS 122 ****; 49 U.S.L.W. 4672; 1981-1 Trade Cas. (CCH) P64,125

NATIONAL GERIMEDICAL HOSPITAL AND GERONTOLOGY CENTER v. BLUE CROSS OF KANSAS CITY ET AL.

Prior History: [**1]** CERTIROARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

Disposition: <u>628 F.2d 1050</u>, reversed and remanded.

Core Terms

planning, anti trust law, antitrust, repeal, participating, health-care, health planning, health services, immunity, facilities, Resources, providers, statutory scheme, health system

LexisNexis® Headnotes

Healthcare Law > Business Administration & Organization > General Overview

HN1[♣] Healthcare Law, Business Administration & Organization

The National Health Planning and Resources Development Act of 1974, <u>42 U.S.C.S.</u> § <u>300k et seq</u>, created federal, state, and local bodies that coordinate their activities in the area of health planning and policy.

Banking Law > Regulators > General Overview

Securities Law > Regulators > Self-Regulating Entities > National Association of Securities Dealers

Healthcare Law > Healthcare Litigation > Antitrust Actions > General Overview

Securities Law > ... > Self-Regulating Entities > National Securities Exchanges > General Overview

Securities Law > ... > Self-Regulating Entities > National Securities Exchanges > New York Stock Exchange

<u>HN2</u>[基] Banking Law, Regulators



Am. Soc'y of Mech. Eng'Rs v. Hydrolevel Corp.

Supreme Court of the United States

January 13, 1982, Argued ; May 17, 1982, Decided

No. 80-1765

Reporter

456 U.S. 556 *; 102 S. Ct. 1935 **; 72 L. Ed. 2d 330 ***; 1982 U.S. LEXIS 3 ****; 50 U.S.L.W. 4512; 1982-2 Trade Cas. (CCH) P64,730

AMERICAN SOCIETY OF MECHANICAL ENGINEERS, INC. v. HYDROLEVEL CORP.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 635 F.2d 118, affirmed.

Core Terms

apparent authority, anti trust law, Boiler, antitrust, subcommittee, fuel, cutoff, codes, antitrust violation, treble damages, nonprofit, Sherman Act, low-water, non profit organization, commercial enterprise, organizations, agency law, standard-setting, anticompetitive, reputation, purposes, antitrust liability, treble-damages, associations, effective, ratified, intent of congress, time delay, tax-exempt, customer

LexisNexis® Headnotes

Business & Corporate Law > ... > Authority to Act > Apparent Authority > General Overview

Torts > Vicarious Liability > Agency Relationships > General Overview

Business & Corporate Law > Agency Relationships > General Overview

Business & Corporate Law > Agency Relationships > Authority to Act > General Overview

Business & Corporate Law > Agency Relationships > Duties & Liabilities > General Overview

Business & Corporate Law > ... > Duties & Liabilities > Negligent Acts of Agents > General Overview

Business & Corporate Law > ... > Duties & Liabilities > Negligent Acts of Agents > Liability of Principals

Business & Corporate Law > ... > Duties & Liabilities > Unlawful Acts of Agents > General Overview

HN1 | Authority to Act, Apparent Authority



Ariz. v. Maricopa County Medical Soc.

Supreme Court of the United States

November 4, 1981, Argued; June 18, 1982, Decided

No. 80-419

Reporter

457 U.S. 332 *; 102 S. Ct. 2466 **; 73 L. Ed. 2d 48 ***; 1982 U.S. LEXIS 5 ****; 50 U.S.L.W. 4687; 1982-2 Trade Cas. (CCH) P64,792

ARIZONA v. MARICOPA COUNTY MEDICAL SOCIETY ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 643 F.2d 553, reversed.

Core Terms

insurers, price-fixing, per se rule, prices, consumers, price fixing, Sherman Act, respondents', condemned, patients, fee schedule, maximum price, procompetitive, literal, maximum-fee, coverage, insurance plan, antitrust, schedules, maximum, medical services, medical care, license, summary judgment, rule of reason, competitors, composed, blanket, charges, parties

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

Section 1 of the Sherman Act of 1890, 15 U.S.C.S. § 1, literally prohibits every agreement in restraint of trade.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

<u>HN2</u>[Price Fixing & Restraints of Trade, Per Se Rule & Rule of Reason

The United States Supreme Court analyzes most restraints of trade under the so-called "rule of reason." As its name suggests, the rule of reason requires the factfinder to decide whether under all the circumstances of the case the restrictive practice imposes an unreasonable restraint on competition.



Blue Shield of Va. v. McCready

Supreme Court of the United States

March 24, 1982, Argued; June 21, 1982, Decided

No. 81-225

Reporter

457 U.S. 465 *; 102 S. Ct. 2540 **; 73 L. Ed. 2d 149 ***; 1982 U.S. LEXIS 132 ****; 50 U.S.L.W. 4723; 1982-2 Trade Cas. (CCH) P64,791

BLUE SHIELD OF VIRGINIA ET AL. v. McCREADY

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH

CIRCUIT.

Disposition: <u>649 F.2d 228</u>, affirmed.

Core Terms

psychologists, reimburse, subscribers, anti trust law, psychiatrists, conspiracy, antitrust, conspirators, damages, anticompetitive, psychotherapy, coverage, clinical psychologist, petitioners', Clayton Act, distributors, competitors, retailers, boycott, concerted refusal, purchasers, violations, antitrust violation, consumer, alleges, billed, remote, economic loss, third party, effecting

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is declared to be illegal. 15 U.S.C.S. § 1.

Antitrust & Trade Law > Clayton Act > Remedies > Damages

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > Prioritizing Resources & Organization for Intellectual Property Act

HN2[**基**] Remedies, Damages



Union Labor Life Ins. Co. v. Pireno

Supreme Court of the United States

April 27, 1982, Argued; June 28, 1982, Decided *

No. 81-389

Reporter

458 U.S. 119 *; 102 S. Ct. 3002 **; 73 L. Ed. 2d 647 ***; 1982 U.S. LEXIS 144 ****; 50 U.S.L.W. 4911; 1982-2 Trade Cas. (CCH) P64,802

UNION LABOR LIFE INSURANCE CO. v. PIRENO

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 650 F.2d 387, affirmed.

Core Terms

insured, insurance business, policyholders, Pharmacy, practices, exempt, peer review committee, insurance company, peer review, McCarran-Ferguson Act, insurance industry, parties, Sherman Act, chiropractors, petitioners', charges, anti trust law, chiropractic, underwriting, regulation, legislative history, claims adjustment, reliability, transferred, spreading, prescription drug, reimbursed, antitrust, insurance policy, omitted footnote

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > McCarran-Ferguson Act Exemption

Insurance Law > Industry Practices > Federal Regulations > General Overview

HN1[♣] Exemptions & Immunities, McCarran-Ferguson Act Exemption

See 15 U.S.C.S. §§ 1012(a), (b).

Antitrust & Trade Law > Exemptions & Immunities > McCarran-Ferguson Act Exemption

Insurance Law > Industry Practices > Federal Regulations > General Overview

<u>HN2</u>[

Exemptions & Immunities, McCarran-Ferguson Act Exemption

See 15 U.S.C.S. § 1013(b).

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^{*}Together with No. 81-390, New York State Chiropractic Assn. v. Pireno, also on certiorari to the same court.



Associated General Contractors v. Cal. State Council of Carpenters

Supreme Court of the United States

October 5, 1982, Argued; February 22, 1983, Decided

No. 81-334

Reporter

459 U.S. 519 *; 103 S. Ct. 897 **; 74 L. Ed. 2d 723 ***; 1983 U.S. LEXIS 128 ****; 51 U.S.L.W. 4139; 96 Lab. Cas. (CCH) P14,028; 1983-1 Trade Cas. (CCH) P65,226; 112 L.R.R.M. 2753

ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA, INC. v. CALIFORNIA STATE COUNCIL OF CARPENTERS ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: <u>648 F.2d 527</u>, reversed.

Core Terms

damages, antitrust violation, anti trust law, firms, alleges, contractors, coercion, indirect, defendants', common-law, purchaser, nonunion, wages, restraint of trade, subcontractors, overcharges, injuries, cases, union dues, Clayton Act, Sherman Act, collective-bargaining, Appeals, parties, bargaining, conspiracy, antitrust, employees, violation of antitrust laws, amended complaint

LexisNexis® Headnotes

Civil Procedure > ... > Defenses, Demurrers & Objections > Motions to Dismiss > Failure to State Claim

HN1 Motions to Dismiss, Failure to State Claim

A court must assume that a party can prove the facts alleged in its amended complaint. It is not, however, proper to assume that a party can prove facts that it has not alleged.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Exclusive & Reciprocal Dealing > General Overview

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

HN2[♣] Price Fixing & Restraints of Trade, Exclusive & Reciprocal Dealing



Ashley v. Jackson

Supreme Court of the United States
October 11, 1983, Decided
No. 82-1390

Reporter

464 U.S. 900 *; 104 S. Ct. 255 **; 78 L. Ed. 2d 241 ***; 1983 U.S. LEXIS 1904 ****; 52 U.S.L.W. 3287; 32 Fair Empl. Prac. Cas. (BNA) 1846; 32 Empl. Prac. Dec. (CCH) P33,840

ASHLEY ET AL. v. CITY OF JACKSON, MISSISSIPPI, ET AL.

Prior History: [****1] C. A. 5th Cir.

Reported below: 687 F.2d 66.

Core Terms

consent decree, decree, suits, practices, promoting, bind

Opinion

[*900] [**255] [***241] Certiorari denied.

Dissent by: REHNQUIST

Dissent

[**256] JUSTICE REHNQUIST, with whom JUSTICE BRENNAN joins, dissenting.

This case presents the question whether a victim of alleged discrimination may have his right to sue totally extinguished by a prior suit to which he was not a party and in which a consent decree was entered before his cause of action even accrued. Because I think the Court of Appeals for the Fifth Circuit erred in holding that a district court cannot entertain a suit challenging practices allegedly mandated or permitted by a prior consent decree. I dissent from the denial of certiorari.

In March 1974, consent decrees were entered in two suits alleging race discrimination in the city of Jackson's hiring and promoting practices in its Police Department. *United States* v. *City of Jackson*, Civil Action No. J-74-66(N) (SD Miss.); *Corley* v. *Jackson Police Dept.*, Civil Action No. 73J-4(C) (SD Miss.). As described by the District Court in this case:

"The consent decree entered in *United States of America* v. *City of Jackson* required, *inter alia*, that the City of Jackson adopt [****2] and seek to achieve a goal for hiring blacks for one-half of all vacancies in all job classifications, subject to the availability of qualified applicants, until such time as the proportion of blacks to whites in each such classification equalled the proportion of blacks to whites in the working age population [***242] of the City of Jackson. The *Corley* v. *Jackson Police Department* consent decree incorporated by reference the *United*



Jefferson Parish Hosp. Dist. No. 2 v. Hyde

Supreme Court of the United States

November 2, 1983, Argued; March 27, 1984, Decided

No. 82-1031

Reporter

466 U.S. 2 *; 104 S. Ct. 1551 **; 80 L. Ed. 2d 2 ***; 1984 U.S. LEXIS 49 ****; 52 U.S.L.W. 4385; 1984-1 Trade Cas. (CCH) P65,908

JEFFERSON PARISH HOSPITAL DISTRICT NO. 2 ET AL. v. HYDE

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

Disposition: 686 F.2d 286, reversed and remanded.

Core Terms

patients, market power, seller, anesthesiologists, tying arrangement, anesthesiological, tying product, tied product, products, flour, buyers, consumers, package, sugar, anesthesia, anticompetitive, tie, tie-in, hospital service, Sherman Act, restrain, forcing, condemnation, purchaser, markets, cases, exclusive-dealing, exclusive contract, rule of reason, merits

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 15.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

<u>HN2</u>[Price Fixing & Restraints of Trade, Tying Arrangements

Not every refusal to sell two products separately can be said to restrain competition. If each of the products may be purchased separately in a competitive market, one seller's decision to sell the two in a single package imposes no unreasonable restraint on either market, particularly if competing suppliers are free to sell either the entire package or its several parts.



Hoover v. Ronwin

Supreme Court of the United States

January 16, 1984, Argued; May 14, 1984, Decided

No. 82-1474

Reporter

466 U.S. 558 *; 104 S. Ct. 1989 **; 80 L. Ed. 2d 590 ***; 1984 U.S. LEXIS 76 ****; 52 U.S.L.W. 4535; 1984-1 Trade Cas. (CCH) P65,980

HOOVER ET AL. v. RONWIN ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH

CIRCUIT.

Disposition: <u>686 F.2d 692</u>, reversed.

Core Terms

Sherman Act, sovereign, grading, anticompetitive, immunity, bar examination, recommend, articulated, lawyers, state-action, anti trust law, formula, state action, state bar, competence, regulation, antitrust, state supreme court, antitrust immunity, practice of law, licensing, state policy, conspiracy, restraint of trade, artificially, challenges, restrain, exempt, guild, delegated

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > Scope

Governments > State & Territorial Governments > Legislatures

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN1</u>[基] Exemptions & Immunities, Parker State Action Doctrine

Under the court's rationale in <u>Parker v. Brown, 317 U.S. 341 (1943)</u>, when a state legislature adopts legislation, its actions constitute those of the state, and ipso facto are exempt from the operation of the antitrust laws.

Antitrust & Trade Law > Sherman Act > Scope > Exemptions

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN2</u>[基] Scope, Exemptions



Copperweld Corp. v. Independence Tube Corp.

Supreme Court of the United States

December 5, 1983, Argued; June 19, 1984, Decided

No. 82-1260

Reporter

467 U.S. 752 *; 104 S. Ct. 2731 **; 81 L. Ed. 2d 628 ***; 1984 U.S. LEXIS 115 ****; 52 U.S.L.W. 4821; 1984-2 Trade Cas. (CCH) P66,065

COPPERWELD CORP. ET AL. v. INDEPENDENCE TUBE CORP.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: <u>691 F.2d 310</u>, reversed.

Core Terms

conspiracy, Sherman Act, wholly owned subsidiary, subsidiary, integration, affiliation, conspiring, intra-enterprise, Cab, affiliated corporation, anticompetitive, concerted, enterprise, unilateral, cases, acquisition, antitrust, effected, entities, tubing, combinations, coordinated, compete, common ownership, competitor, restrain, unreasonable restraint, antitrust liability, restraint of trade, parent corporation

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Antitrust & Trade Law > ... > Monopolies & Monopolization > Actual Monopolization > General Overview

Antitrust & Trade Law > Regulated Practices > Monopolies & Monopolization > General Overview

Antitrust & Trade Law > ... > Monopolies & Monopolization > Attempts to Monopolize > General Overview

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > Sherman Act > Scope > Monopolization Offenses

<u>HN2</u>[基] Monopolies & Monopolization, Actual Monopolization



National Collegiate Athletic Ass'n v. Board of Regents

Supreme Court of the United States

March 20, 1984, Argued; June 27, 1984, Decided

No. 83-271

Reporter

468 U.S. 85 *; 104 S. Ct. 2948 **; 82 L. Ed. 2d 70 ***; 1984 U.S. LEXIS 130 ****; 52 U.S.L.W. 4928; 1984-2 Trade Cas. (CCH) P66,139

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION v. BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT.

Disposition: 707 F.2d 1147, affirmed.

Core Terms

television, games, athletics, football, college football, broadcasters, networks, output, rights, institutions, telecasts, intercollegiate, schools, amateurism, Sherman Act, sports, teams, regulations, attendance, programs, anticompetitive, compete, enhance, appearances, competitors, attractive, antitrust, procompetitive, audience, consumer

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 1.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Cartels & Horizontal Restraints > General Overview

HN2 Price Fixing & Restraints of Trade, Cartels & Horizontal Restraints

A horizontal restraint of trade is created where an agreement among competitors exists on the way in which they will compete with one another. A restraint of this type has often been held to be unreasonable as a matter of law.



Marrese v. American Academy of Orthopaedic Surgeons

Supreme Court of the United States

December 4, 1984, Argued ; March 4, 1985, Decided

No. 83-1452

Reporter

470 U.S. 373 *; 105 S. Ct. 1327 **; 84 L. Ed. 2d 274 ***; 1985 U.S. LEXIS 61 ****; 53 U.S.L.W. 4265; 1985-1 Trade Cas. (CCH) P66,449

MARRESE ET AL. v. AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS

Subsequent History: [****1] Petition For Rehearing Denied April 22, 1985; As Amended.

Prior History: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 726 F.2d 1150, reversed and remanded.

Core Terms

federal court, state court, preclusive effect, claim preclusion, antitrust claim, court of appeals, preclusion, district court, state law, discovery order, exclusive jurisdiction, judgments, courts, cause of action, petitioners', competency, principles, plurality opinion, antitrust suit, contempt order, res judicata, Sherman Act, proceedings, membership, litigate, lawsuit, judgment of contempt, denial of a motion, criminal contempt, federal statute

LexisNexis® Headnotes

Civil Procedure > Sanctions > Contempt > General Overview

Criminal Law & Procedure > Appeals > Reviewability > General Overview

Civil Procedure > Judgments > Preclusion of Judgments > Res Judicata

Civil Procedure > Appeals > Appellate Jurisdiction > State Court Review

Criminal Law & Procedure > ... > Obstruction of Administration of Justice > Contempt > General Overview

Criminal Law & Procedure > Appeals > Appellate Jurisdiction > Final Judgment Rule

Criminal Law & Procedure > Appeals > Right to Appeal > Defendants

HN1[♣] Sanctions, Contempt



Hallie v. Eau Claire

Supreme Court of the United States

November 26, 1984, Argued; March 27, 1985, Decided

No. 82-1832

Reporter

471 U.S. 34 *; 105 S. Ct. 1713 **; 85 L. Ed. 2d 24 ***; 1985 U.S. LEXIS 191 ****; 53 U.S.L.W. 4418; 1985-1 Trade Cas. (CCH) P66,484; 23 ERC (BNA) 1544; 15 ELR 20373

TOWN OF HALLIE ET AL. v. CITY OF EAU CLAIRE

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH

CIRCUIT.

Disposition: 700 F.2d 376, affirmed.

Core Terms

municipality, sewage, state policy, state action, supervision, exemption, anticompetitive, articulated, anticompetitive conduct, anti trust law, regulation, private party, displace, effects, home rule, authorization, Sherman Act, cases

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

Governments > Public Improvements > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > Scope

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > Local Governments & Private Parties

HN1 Antitrust & Trade Law, Sherman Act

Relying on principles of federalism and state sovereignty, the United States Supreme Court has refused to construe the Sherman Act, 15 U.S.C.S. § 1 et seq., as applying to the anticompetitive conduct of a State acting through its legislature. Rather, the Court has ruled that the Sherman Act was intended to prohibit private restraints on trade, and it refused to infer an intent to nullify a state's control over its officers and agents in activities directed by the legislature. Municipalities, on the other hand, are not beyond the reach of the antitrust laws by virtue of their status because they are not themselves sovereign. Rather, to obtain exemption, municipalities must demonstrate that their anticompetitive activities were authorized by the State pursuant to state policy to displace competition with regulation or monopoly public service.



Southern Motor Carriers Rate Conference v. United States

Supreme Court of the United States

November 26, 1984, Argued; March 27, 1985, Decided

No. 82-1922

Reporter

471 U.S. 48 *; 105 S. Ct. 1721 **; 85 L. Ed. 2d 36 ***; 1985 U.S. LEXIS 196 ****; 53 U.S.L.W. 4422; 1985-1 Trade Cas. (CCH) P66,485

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC., ET AL. v. UNITED STATES

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT.

Disposition: 702 F.2d 532, reversed.

Core Terms

immunity, ratemaking, Sherman Act, compulsion, bureaus, regulated, rates, anti trust law, private party, price fixing, anticompetitive, articulated, exemption, anticompetitive conduct, regulatory program, common carrier, motor carrier, state-action, intrastate, carriers, state action, antitrust, sovereign, policies, state policy, Commissions, transportation, supervise, state agency, proposals

LexisNexis® Headnotes

Business & Corporate Compliance > ... > Transportation Law > Air & Space Transportation > Charters

Business & Corporate Compliance > ... > Transportation Law > Interstate Commerce > State Powers

Business & Corporate Compliance > ... > Transportation Law > Interstate Commerce > US Interstate Commerce Commission

HN1 Air & Space Transportation, Charters

The Interstate Commerce Act expressly reserves to the states the regulation of common carriers' intrastate rates, even if these rates affect interstate commerce. <u>49 U.S.C.S. § 10521(b)</u>.

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > State Regulation

<u>HN2</u>[♣] Exemptions & Immunities, Parker State Action Doctrine



Northwest Wholesale Stationers, Inc. v. Pacific Stationery & Printing Co.

Supreme Court of the United States

February 19, 1985, Argued ; June 11, 1985, Decided

No. 83-1368

Reporter

472 U.S. 284 *; 105 S. Ct. 2613 **; 86 L. Ed. 2d 202 ***; 1985 U.S. LEXIS 94 ****; 53 U.S.L.W. 4733; 1985-1 Trade Cas. (CCH) P66,640

NORTHWEST WHOLESALE STATIONERS, INC. v. PACIFIC STATIONERY & PRINTING CO.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: <u>715 F.2d 1393</u>, reversed and remanded.

Core Terms

cooperative, expulsion, anticompetitive, retailers, wholesale, Sherman Act, concerted refusal, antitrust, self-regulation, effects, per se rule, rule-of-reason, predominantly, nonmember, procedural protections, procedural safeguards, per se violation, group boycott, Securities Exchange Act, expel, stock, Robinson-Patman Act, purchasing, immunity, supplies, markets

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

HN1 L Price Fixing & Restraints of Trade, Per Se Rule & Rule of Reason

Rule-of-reason analysis guides the inquiry into whether an action constitutes an unreasonable restraint of trade, unless the challenged action falls into the category of agreements or practices which because of their pernicious effect on competition and lack of any redeeming virtue are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to the precise harm they have caused or the business excuse for their use.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Per Se Rule & Rule of Reason > General Overview

HN2[♣] Price Fixing & Restraints of Trade, Per Se Rule & Rule of Reason

The decision to apply the per se rule turns on whether the practice facially appears to be one that would always or almost always tend to restrict competition and decrease output or instead one designed to increase economic



Aspen Skiing Co. v. Aspen Highlands Skiing Corp.

Supreme Court of the United States

March 27, 1985, Argued; June 19, 1985, Decided

No. 84-510

Reporter

472 U.S. 585 *; 105 S. Ct. 2847 **; 86 L. Ed. 2d 467 ***; 1985 U.S. LEXIS 115 ****; 53 U.S.L.W. 4818; 1985-2 Trade Cas. (CCH) P66,653

ASPEN SKIING CO. v. ASPEN HIGHLANDS SKIING CORP.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH

CIRCUIT.

Disposition: 738 F.2d 1509, affirmed.

Core Terms

Ski, ticket, mountains, all-Aspen, skiers, season, monopoly power, usage, coupons, competitor, monopolization, lift, exclusionary, consumers, anticompetitive, monopolist, cooperate, marketing, rivals, Sherman Act, interchangeable, advertising, customers, monitored, reasons, pattern of conduct, relevant market, instructions, facilities, multiarea

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Sherman Act

See 15 U.S.C.S. § 2.

Antitrust & Trade Law > Sherman Act > General Overview

Antitrust & Trade Law > Regulated Practices > Market Definition > Relevant Market

HN2[♣] Antitrust & Trade Law, Sherman Act

The offense of monopoly under § 2 of the Sherman Act, 15 U.S.C.S. § 2, has two elements: (1) the possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from growth or development as a consequence of a superior product, business acumen, or historic accident. 15 U.S.C.S. § 2.



Data General Corp. v. Digidyne Corp.

Supreme Court of the United States

July 1, 1985, Decided

No. 84-761

Reporter

473 U.S. 908 *; 1985 U.S. LEXIS 2529 **; 105 S. Ct. 3534; 87 L. Ed. 2d 657; 53 U.S.L.W. 3910; 1985-2 Trade Cas. (CCH) P66,668

DATA GENERAL CORP. v. DIGIDYNE CORP. ET AL.

Prior History: [**1] C. A. 9th Cir.

Reported below: 734 F.2d 1336.

Disposition: Certiorari denied

Core Terms

market power, operating system, processing, customers, forcing, buyers, tying arrangement, anti trust law, jury verdict, tied product, reinstated, consumers, locked, tie-in, buy

Opinion

[*908] Certiorari denied.

Dissent by: WHITE

Dissent

JUSTICE WHITE, with whom JUSTICE BLACKMUN joins, dissenting.

Petitioner in this case manufactured and sold a central processing unit for computers known as NOVA. Petitioner also created and sold a copyrighted operating system for NOVA called RDOS. RDOS was a very popular operating system, but petitioner's licensing agreement prevented customers from using it with any central processing unit other than petitioner's NOVA.

Respondents sued, claiming that petitioner's marketing strategy amounted to an illegal tie-in in violation of the antitrust laws. After a jury trial, the District Court granted petitioner's motion for a judgment notwithstanding the verdict, defining the appropriate market as the "market for general purpose minicomputers and microprocessors." <u>In re Data General Corp. Antitrust Litigation, 529 F.Supp. 801, 821 (ND Cal. 1981)</u>. No reasonable juror could find, the court determined, that within this large and dynamic market with much larger competitors petitioner had the market power to restrain trade through an illegal tie-in arrangement. [**2] The Court of Appeals for the Ninth Circuit reversed and reinstated the jury verdict in favor of respondents. <u>734 F.2d 1336 (1984)</u>. The court concluded that the tying arrangement was illegal *per se*, because petitioner's RDOS operating system was sufficiently unique and



Sedima v. Imrex Co.

Supreme Court of the United States

April 17, 1985, Argued; July 1, 1985, Decided

No. 84-648

Reporter

473 U.S. 479 *; 105 S. Ct. 3275 **; 87 L. Ed. 2d 346 ***; 1985 U.S. LEXIS 119 ****; 53 U.S.L.W. 3914; 53 U.S.L.W. 5034; 1985-2 Trade Cas. (CCH) P66,666; Fed. Sec. L. Rep. (CCH) P92,086

SEDIMA, S.P.R.L. v. IMREX CO., INC., ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND

CIRCUIT.

Disposition: 741 F.2d 482, reversed and remanded.

Core Terms

racketeering, predicate act, organized crime, legislative history, enterprise, antitrust, provisions, mail, courts, wire fraud, civil remedy, racketeering activity, infiltration, cases, treble-damages, pattern of racketeering activity, treble damages, remedies, Hearings, anti trust law, civil action, competitors, damages, legitimate business, statutory language, businessmen, federal law, customers, target, suits

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Private Actions > Racketeer Influenced & Corrupt Organizations > Remedies

Education Law > ... > Gender & Sex Discrimination > Title IX > Enforcement of Title IX

Criminal Law & Procedure > ... > Racketeering > Racketeer Influenced & Corrupt Organizations Act > General Overview

Education Law > ... > Gender & Sex Discrimination > Title IX > Scope of Title IX

Education Law > ... > Gender & Sex Discrimination > Title IX > Remedies

Securities Law > RICO Actions > General Overview

<u>HN1</u>[基] Racketeer Influenced & Corrupt Organizations, Remedies

The Racketeer Influenced and Corrupt Organizations Act provides a private civil action to recover treble damages for injury by reason of a violation of its substantive provisions. <u>18 U.S.C.S.</u> § <u>1964(c)</u>.



Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth

Supreme Court of the United States

March 18, 1985, Argued; July 2, 1985, Decided *

No. 83-1569

Reporter

473 U.S. 614 *; 105 S. Ct. 3346 **; 87 L. Ed. 2d 444 ***; 1985 U.S. LEXIS 129 ****; 53 U.S.L.W. 5069; 1985-2 Trade Cas. (CCH) P66,669

MITSUBISHI MOTORS CORP. v. SOLER CHRYSLER-PLYMOUTH, INC.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

Disposition: 723 F.2d 155, affirmed in part, reversed in part, and remanded.

Core Terms

arbitration, antitrust, Convention, disputes, parties, antitrust claim, arbitration clause, courts, agreement to arbitrate, anti trust law, Sherman Act, tribunal, rights, dealers, contractual, court of appeals, encompass, awards, district court, federal policy, manufactured, distributor, public interest, statutory claim, damages, cases, statutory right, subject matter, contracts, commerce

LexisNexis® Headnotes

Admiralty & Maritime Law > Maritime Contracts > General Overview

Civil Procedure > ... > Arbitration > Federal Arbitration Act > General Overview

Admiralty & Maritime Law > Arbitration > General Overview

Admiralty & Maritime Law > Arbitration > Judicial Review

International Law > Dispute Resolution > Arbitration & Mediation > General Overview

International Trade Law > Dispute Resolution > International Commercial Arbitration > Arbitration

<u>HN1</u>[♣] Admiralty & Maritime Law, Maritime Contracts

See 9 U.S.C.S. § 4.

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^{*}Together with No. 83-1733, Soler Chrysler-Plymouth, Inc. v. Mitsubishi Motors Corp., also on certiorari to the same court.



Fisher v. Berkeley

Supreme Court of the United States

November 12, 1985, Argued; February 26, 1986, Decided

No. 84-1538

Reporter

475 U.S. 260 *; 106 S. Ct. 1045 **; 89 L. Ed. 2d 206 ***; 1986 U.S. LEXIS 12 ****; 54 U.S.L.W. 4222; 1986-1 Trade Cas. (CCH)

P66,965

FISHER ET AL. v. CITY OF BERKELEY, CALIFORNIA, ET AL.

Prior History: [****1] APPEAL FROM THE SUPREME COURT OF CALIFORNIA.

Disposition: 37 Cal. 3d 644, 693 P. 2d 261, affirmed.

Core Terms

Ordinance, rent, landlords, Sherman Act, prices, anti trust law, rent control, municipal, antitrust, exemption, anticompetitive, Stabilization, wine, unilaterally, rental, articulated, pre-emption, conspiracy, pre-empted, retailers, concerted action, levels, charter amendment, rent ceiling, residential, price competition, state statute, state policy, initiative, measures

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

HN1 ≥ Antitrust & Trade Law, Sherman Act

A state statute is not preempted by federal antitrust laws simply because the state scheme may have an anticompetitive effect.

Antitrust & Trade Law > Sherman Act > General Overview

HN2 Antitrust & Trade Law, Sherman Act

A state statute should be struck down on preemption grounds under the Sherman Antitrust Act only if it mandates or authorizes conduct that necessarily constitutes a violation of the antitrust laws in all cases, or if it places irresistible pressure on a private party to violate the antitrust laws in order to comply with the statute.



Matsushita Elec. Indus. Co. v. Zenith Radio Corp.

Supreme Court of the United States

November 12, 1985, Argued; March 26, 1986, Decided

No. 83-2004

Reporter

475 U.S. 574 *; 106 S. Ct. 1348 **; 89 L. Ed. 2d 538 ***; 1986 U.S. LEXIS 38 ****; 54 U.S.L.W. 4319; 1986-1 Trade Cas. (CCH) P67,004; 4 Fed. R. Serv. 3d (Callaghan) 368

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD, ET AL. v. ZENITH RADIO CORP. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Disposition: 723 F.2d 238, reversed and remanded.

Core Terms

prices, conspiracy, predatory, petitioners', losses, conspirators, summary judgment, profits, respondents', antitrust, motive, factfinder, monopoly, alleged conspiracy, district court, competitors, direct evidence, genuine issue, Sherman Act, anti trust law, company rule, predator, market price, below-cost, television, products, schemes, cases, drive, summary judgment motion

LexisNexis® Headnotes

Civil Procedure > ... > Summary Judgment > Supporting Materials > General Overview

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > General Overview

<u>HN1</u>[基] Summary Judgment, Supporting Materials

See Fed. R. Civ. P. 56(e).

Civil Procedure > ... > Summary Judgment > Entitlement as Matter of Law > Genuine Disputes

Civil Procedure > Judgments > Summary Judgment > General Overview

<u>HN2</u>[♣] Entitlement as Matter of Law, Genuine Disputes

When a moving party has carried its burden under <u>Fed. R. Civ. P. 56(c)</u>, its opponent must do more than simply show that there is some metaphysical doubt as to the material facts. In the language of the Rule, the nonmoving



FTC v. Indiana Federation of Dentists

Supreme Court of the United States

March 25, 1986, Argued; June 2, 1986, Decided

No. 84-1809

Reporter

476 U.S. 447 *; 106 S. Ct. 2009 **; 90 L. Ed. 2d 445 ***; 1986 U.S. LEXIS 79 ****; 54 U.S.L.W. 4531; 1986-1 Trade Cas. (CCH) P67,117

FEDERAL TRADE COMMISSION v. INDIANA FEDERATION OF DENTISTS

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

Disposition: 745 F.2d 1124, reversed.

Core Terms

x ray, dentists, insurers, patients, dental, requests, withhold, insurance company, cooperation, customers, benefits, claim form, Sherman Act, determinations, consumers, costly, unfair, conjunction, antitrust, practices, compete, restraint of trade, dental services, conspiracy, costs, dental treatment, refuse to submit, anticompetitive, diagnostic, boycotts

LexisNexis® Headnotes

Administrative Law > Judicial Review > Reviewability > Factual Determinations

Antitrust & Trade Law > Public Enforcement > US Federal Trade Commission Actions > Judicial Review

Administrative Law > Judicial Review > Standards of Review > General Overview

Administrative Law > Judicial Review > Standards of Review > Substantial Evidence

HN1[♣] Reviewability, Factual Determinations

<u>15 U.S.C.S.</u> § <u>45(c)</u> forbids a court to make its own appraisal of the testimony, picking and choosing for itself among uncertain and conflicting inferences. Rather, as under the essentially identical substantial evidence standard for review of agency factfinding, the court must accept the Federal Trade Commission's findings of fact if they are supported by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Antitrust & Trade Law > Regulated Practices > Trade Practices & Unfair Competition > Federal Trade Commission Act



Anderson v. Liberty Lobby, Inc.

Supreme Court of the United States

December 3, 1985, Argued; June 25, 1986, Decided

No. 84-1602

Reporter

477 U.S. 242 *; 106 S. Ct. 2505 **; 91 L. Ed. 2d 202 ***; 1986 U.S. LEXIS 115 ****; 54 U.S.L.W. 4755; 4 Fed. R. Serv. 3d (Callaghan) 1041; 12 Media L. Rep. 2297

ANDERSON ET AL. v. LIBERTY LOBBY, INC., ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

Disposition: <u>241 U.S. App. D.C. 246, 746 F.2d 1563</u>, vacated and remanded.

Core Terms

summary judgment, summary judgment motion, actual malice, conspiracy, genuine issue, directed verdict, present evidence, trial court, trial judge, convincing, genuine, cases, clear and convincing evidence, weight of the evidence, evidentiary standard, return a verdict, material fact, articles, factual dispute, matter of law, one-sided, court of appeals, reasonably find, fact finder, preponderance of evidence, supported motion, district court, criminal case, credibility, asserting

LexisNexis® Headnotes

Torts > ... > Defamation > Public Figures > Actual Malice

Constitutional Law > ... > Freedom of Speech > Defamation > General Overview

Constitutional Law > ... > Freedom of Speech > Defamation > Public Figures

Torts > Intentional Torts > Defamation > Libel

Torts > ... > Defamation > Public Figures > Clear & Convincing Evidence

Torts > ... > Defamation > Public Figures > Voluntary Public Figures

<u>HN1</u>[基] Public Figures, Actual Malice

In a libel suit brought by a public official, the *First Amendment* requires the plaintiff to show that in publishing the defamatory statement the defendant acted with actual malice, with knowledge that it was false or with reckless disregard of whether it was false or not. Such actual malice must be shown with "convincing clarity." These requirements extend to libel suits brought by public figures as well.



Cargill, Inc. v. Monfort of Colorado, Inc.

Supreme Court of the United States

October 6, 1986, Argued; December 9, 1986, Decided

No. 85-473

Reporter

479 U.S. 104 *; 107 S. Ct. 484 **; 93 L. Ed. 2d 427 ***; 1986 U.S. LEXIS 21 ****; 55 U.S.L.W. 4027; 1986-2 Trade Cas. (CCH) P67,366

CARGILL, INC., ET AL. v. MONFORT OF COLORADO, INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH

CIRCUIT.

Disposition: 761 F.2d 570, reversed and remanded.

Core Terms

merger, antitrust, pricing, predatory, anti trust law, competitors, Clayton Act, acquisition, injunctive relief, beef, damages, district court, packer, loss of profits, concentration, squeeze, plants, threatened loss, losses, violation of antitrust laws, market share, probability, injunction, price-cost, compete, markets, profits, cattle, harmed, actual injury

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > Remedies > Damages

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > Prioritizing Resources & Organization for Intellectual Property Act

HN1[基] Remedies, Damages

Under § 16 of the Clayton Act, 38 Stat. 737, <u>15 U.S.C.S. § 26</u>, private parties threatened with loss or damage by a violation of the antitrust laws may seek injunctive relief.

Antitrust & Trade Law > Clayton Act > General Overview

HN2[基] Antitrust & Trade Law, Clayton Act



324 Liquor Corp. v. Duffy

Supreme Court of the United States

November 3, 1986, Argued; January 13, 1987, Decided

No. 84-2022

Reporter

479 U.S. 335 *; 107 S. Ct. 720 **; 93 L. Ed. 2d 667 ***; 1987 U.S. LEXIS 281 ****; 55 U.S.L.W. 4094; 1986-2 Trade Cas. (CCH) P67,391

324 LIQUOR CORP., DBA YORKSHIRE WINE & SPIRITS v. DUFFY ET AL.

Prior History: [****1] APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

Disposition: 64 N. Y. 2d 504, 479 N. E. 2d 779, reversed and remanded.

Core Terms

liquor, retailers, wholesalers, bottle, posted, prices, regulation, resale price, Sherman Act, powers, intoxicating liquor, retail price, ABC Law, commerce, conferred, liquor store, manufacturer, markup, anti trust law, importation, schedules, percent, repeal, enact, propose an amendment, pricing system, fair trade, price-fixing, consumption, supervised

LexisNexis® Headnotes

Governments > State & Territorial Governments > Licenses

<u>HN1</u>[基] State & Territorial Governments, Licenses

See N.Y. Alco. Bev. Cont. Law § 101-b(3)(b).

Governments > State & Territorial Governments > Licenses

HN2[♣] State & Territorial Governments, Licenses

See N.Y. Comp. Codes R. and Regs. tit. 9, § 65.4(e) (1980).

Governments > State & Territorial Governments > Licenses

<u>HN3</u>[基] State & Territorial Governments, Licenses



Business Electronics Corp. v. Sharp Electronics Corp.

Supreme Court of the United States

January 19, 1988, Argued ; May 2, 1988, Decided

No. 85-1910

Reporter

485 U.S. 717 *; 108 S. Ct. 1515 **; 99 L. Ed. 2d 808 ***; 1988 U.S. LEXIS 2033 ****; 56 U.S.L.W. 4387; 1988-1 Trade Cas. (CCH) P67,982

BUSINESS ELECTRONICS CORP. v. SHARP ELECTRONICS CORP.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH

CIRCUIT.

Disposition: 780 F.2d 1212, affirmed.

Core Terms

dealer, manufacturer, vertical, terminate, retailers, nonprice, prices, restraint of trade, price cutting, price competition, illegality, Sherman Act, antitrust, horizontal, cases, Electronics, common law, ancillary, naked, cartel, retail price, price level, anticompetitive, per se rule, ultimatum, exclusive territory, resale price, intrabrand, products, franchise agreement

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

International Trade Law > General Overview

Antitrust & Trade Law > Regulated Industries > Higher Education & Professional Associations > General Overview

Antitrust & Trade Law > Regulated Industries > Higher Education & Professional Associations > Colleges & Universities

Antitrust & Trade Law > ... > Monopolies & Monopolization > Conspiracy to Monopolize > Sherman Act

HN1[♣] Antitrust & Trade Law, Sherman Act

<u>Section 1</u> of the Sherman Act provides that every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal . 15 U.S.C.S. § 1.



Allied Tube & Conduit Corp. v. Indian Head

Supreme Court of the United States

February 24, 1988, Argued; June 13, 1988, Decided

No. 87-157

Reporter

486 U.S. 492 *; 108 S. Ct. 1931 **; 100 L. Ed. 2d 497 ***; 1988 U.S. LEXIS 2629 ****; 56 U.S.L.W. 4539; 1988-1 Trade Cas. (CCH) P68,062

ALLIED TUBE & CONDUIT CORP. v. INDIAN HEAD, INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND

CIRCUIT.

Disposition: 817 F.2d 938, affirmed.

Core Terms

immunity, conduit, standard-setting, electrical, government action, antitrust liability, products, steel, anti trust law, anticompetitive, polyvinyl chloride, antitrust, state and local government, publicity campaign, organizations, codes, marketplace, private association, decisionmaking, associations, benefits, Sherman Act, railroads, boycott, genuine, private organization, legislative action, political activity, restraint of trade, economic interest

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Noerr-Pennington Doctrine > General Overview

<u>HN1</u>[基] Exemptions & Immunities, Noerr-Pennington Doctrine

Concerted efforts to restrain or monopolize trade by petitioning government officials are protected from antitrust liability under the doctrine established by Noerr. The scope of this protection depends, however, on the source, context, and nature of the anticompetitive restraint at issue. Where a restraint upon trade or monopolization is the result of valid governmental action, as opposed to private action, those urging the governmental action enjoy absolute immunity from antitrust liability for the anticompetitive restraint.

Antitrust & Trade Law > Exemptions & Immunities > Noerr-Pennington Doctrine > General Overview

HN2[♣] Exemptions & Immunities, Noerr-Pennington Doctrine

Where, independent of any government action, an anticompetitive restraint results directly from private action, the restraint cannot form the basis for antitrust liability if it is "incidental" to a valid effort to influence governmental action. The validity of such efforts, and thus the applicability of Noerr immunity, varies with the context and nature of



Christianson v. Colt Indus. Operating Corp.

Supreme Court of the United States

April 18, 1988, Argued; June 17, 1988, Decided

No. 87-499

Reporter

486 U.S. 800 *; 108 S. Ct. 2166 **; 100 L. Ed. 2d 811 ***; 1988 U.S. LEXIS 2733 ****; 7 U.S.P.Q.2D (BNA) 1109; 56 U.S.L.W. 4625; 1988-1 Trade Cas. (CCH) P68,081; 11 Fed. R. Serv. 3d (Callaghan) 452

CHRISTIANSON ET AL. v. COLT INDUSTRIES OPERATING CORP.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Disposition: 822 F.2d 1544, vacated and remanded.

Core Terms

patents, patent law, district court, petitioners', patent-law, cases, court of appeals, cause of action, well-pleaded, antitrust, courts, law of the case, invalid, trade secret, monopolization, decisions, appellate jurisdiction, jurisdictional issue, federal patent law, federal law, infringement, accessories, manufacture, proprietary, adherence, customers, litigated, lawsuit, lack jurisdiction, summary judgment

LexisNexis® Headnotes

Civil Procedure > ... > Subject Matter Jurisdiction > Jurisdiction Over Actions > Exclusive Jurisdiction

Copyright Law > ... > Civil Infringement Actions > Jurisdiction > General Overview

Civil Procedure > ... > Jurisdiction > Jurisdictional Sources > Statutory Sources

Civil Procedure > ... > Jurisdiction > Subject Matter Jurisdiction > General Overview

Civil Procedure > ... > Subject Matter Jurisdiction > Jurisdiction Over Actions > General Overview

Civil Procedure > Appeals > Appellate Jurisdiction > State Court Review

Patent Law > Jurisdiction & Review > Subject Matter Jurisdiction > General Overview

HN1 Jurisdiction Over Actions, Exclusive Jurisdiction

28 U.S.C.S. § 1295(a)(1) grants the Court of Appeals for the Federal Circuit exclusive jurisdiction over an appeal from a final decision of a district court of the United States if the jurisdiction of that court was based, in whole or in



California v. ARC America Corp.

Supreme Court of the United States

February 27, 1989, Argued; April 18, 1989, Decided

No. 87-1862

Reporter

490 U.S. 93 *; 109 S. Ct. 1661 **; 104 L. Ed. 2d 86 ***; 1989 U.S. LEXIS 2024 ****; 57 U.S.L.W. 4425; 1989-1 Trade Cas. (CCH) P68,537

CALIFORNIA ET AL. v. ARC AMERICA CORP. ET AL.

Prior History: [****1] APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 817 F. 2d 1435, reversed.

Core Terms

purchasers, indirect, state law, federal law, anti trust law, pre-empted, antitrust, Sherman Act, damages, cases, purpose of congress, settlement fund, federal court, Clayton Act, settlement, purposes, distributing, pre-emption, overcharge, concrete

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

HN1[基] Antitrust & Trade Law, Clayton Act

See § 4 of the Clayton Act, 15 U.S.C.S. § 15(a).

Antitrust & Trade Law > ... > Private Actions > Purchasers > Direct Purchasers

Antitrust & Trade Law > Regulated Practices > Private Actions > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > State Regulation

Antitrust & Trade Law > ... > Private Actions > Purchasers > General Overview

Antitrust & Trade Law > ... > Private Actions > Purchasers > Indirect Purchasers

Antitrust & Trade Law > ... > Private Actions > Standing > General Overview

HN2[₺] Purchasers, Direct Purchasers



Browning-Ferris Indus. v. Kelco Disposal

Supreme Court of the United States

April 18, 1989, Argued; June 26, 1989, Decided

No. 88-556

Reporter

492 U.S. 257 *; 109 S. Ct. 2909 **; 106 L. Ed. 2d 219 ***; 1989 U.S. LEXIS 3285 ****; 57 U.S.L.W. 4985; 1989-1 Trade Cas. (CCH) P68,630

BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., ET AL. v. KELCO DISPOSAL, INC., ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Disposition: 845 F. 2d 404, affirmed.

Core Terms

fine, amercements, punitive damages, excessive fines, award of punitive damages, damages, cases, limits, courts, monetary penalty, district court, award damages, monetary sanctions, civil case, inflicted, private party, common law, proceedings, Dictionary, forfeiture, pecuniary, wrongdoer, purposes, sentence, juries, cruel and unusual punishment, criminal law, proportionality, court of appeals, suggests

LexisNexis® Headnotes

Civil Procedure > Remedies > Damages > Punitive Damages

Criminal Law & Procedure > Sentencing > Cruel & Unusual Punishment

Torts > ... > Types of Damages > Punitive Damages > General Overview

Civil Procedure > Remedies > Damages > General Overview

Constitutional Law > Bill of Rights > Fundamental Rights > Cruel & Unusual Punishment

Torts > ... > Punitive Damages > Measurement of Damages > Constitutional Requirements

HN1[♣] Damages, Punitive Damages

On the basis of the history and purpose of the <u>Eighth Amendment</u>, its Excessive Fines Clause does not apply to awards of punitive damages in cases between private parties.



California v. American Stores Co.

Supreme Court of the United States
August 22, 1989
Nos. A-151, 89-258

Reporter

492 U.S. 1301 *; 110 S. Ct. 1 **; 106 L. Ed. 2d 616 ***; 1989 U.S. LEXIS 3552 ****; 1989-2 Trade Cas. (CCH) P68,728 CALIFORNIA v. AMERICAN STORES COMPANY ET AL.

Prior History: [****1] ON APPLICATION FOR STAY

Core Terms

merger, Divestiture, district court, Clayton Act, irreparable, enjoined, injunctive relief, anti trust law, writ petition, lessen

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > Remedies > Damages

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > Injunctions

HN1 Remedies, Damages

See 15 U.S.C.S. § 26.

Antitrust & Trade Law > ... > Private Actions > Remedies > General Overview

Mergers & Acquisitions Law > Antitrust > Remedies

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Mergers & Acquisitions Law > Antitrust > Antitrust Statutes > General Overview

Antitrust & Trade Law > Regulated Practices > Private Actions > General Overview



FTC v. Superior Court Trial Lawyers Ass'n

Supreme Court of the United States

October 30, 1989, Argued; January 22, 1990, * Decided

No. 88-1198

Reporter

493 U.S. 411 *; 110 S. Ct. 768 **; 107 L. Ed. 2d 851 ***; 1990 U.S. LEXIS 638 ****; 58 U.S.L.W. 3468; 58 U.S.L.W. 4145; 1990-1 Trade Cas. (CCH) P68,895

FEDERAL TRADE COMMISSION v. SUPERIOR COURT TRIAL LAWYERS ASSOCIATION ET AL.

Prior History: [**1]** CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

Disposition: 272 U.S. App. D. C. 272, 856 F.2d 226, reversed in part and remanded.

Core Terms

boycott, lawyers, per se rule, respondents', market power, anti trust law, antitrust, rates, Sherman Act, per hour, cases, appointments, condemnation, price-fixing, communicate, governmental interest, indigent defendant, criminal justice, competitors, concerted, campaign, prices, anticompetitive, regulation, immunized, regulars, effects, rights, restraint of trade, rule of reason

LexisNexis® Headnotes

Antitrust & Trade Law > Regulated Practices > Trade Practices & Unfair Competition > General Overview

HN1 L Regulated Practices, Trade Practices & Unfair Competition

See 15 U.S.C.S. § 45(a)(1).

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > Scope

<u>HN2</u>[♣] Fundamental Freedoms, Freedom of Speech

See U.S. Const. amend. I.

^{*}Together with No. 88-1393, Superior Court Trial Lawyers Association et al. v. Federal Trade Commission, also on certiorari to the same court.



Tafflin v. Levitt

Supreme Court of the United States

November 27, 1989, Argued; January 22, 1990, Decided

No. 88-1650

Reporter

493 U.S. 455 *; 110 S. Ct. 792 **; 107 L. Ed. 2d 887 ***; 1990 U.S. LEXIS 568 ****; 58 U.S.L.W. 3468; 58 U.S.L.W. 4157; Fed. Sec. L. Rep. (CCH) P94,880

TAFFLIN et al. v. LEVITT et al.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH

CIRCUIT.

Disposition: <u>865 F.2d 595</u>, affirmed.

Core Terms

state court, concurrent jurisdiction, federal court, incompatibility, legislative history, federal interest, state-court, cases, Clayton Act, criminal statute, unmistakable, cause of action, state law, interpretations, offenses, exclusive federal jurisdiction, exclusive jurisdiction, federal criminal law, concurrent, borrow, dictum, district court, courts, suits, racketeering activity, adjudicate, savings

LexisNexis® Headnotes

Civil Procedure > ... > Subject Matter Jurisdiction > Jurisdiction Over Actions > General Overview

Constitutional Law > Supremacy Clause > General Overview

Governments > Courts > Authority to Adjudicate

HN1 Subject Matter Jurisdiction, Jurisdiction Over Actions

Under the federal system, the states possess sovereignty concurrent with that of the federal government, subject only to limitations imposed by the <u>Supremacy Clause</u>. Under this system of dual sovereignty, state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States.

Civil Procedure > ... > Subject Matter Jurisdiction > Jurisdiction Over Actions > Concurrent Jurisdiction

Civil Procedure > ... > Jurisdiction > Subject Matter Jurisdiction > General Overview



Cal. v. Am. Stores Co.

Supreme Court of the United States

January 16, 1990, Argued; April 30, 1990, Decided

No. 89-258

Reporter

495 U.S. 271 *; 110 S. Ct. 1853 **; 109 L. Ed. 2d 240 ***; 1990 U.S. LEXIS 2214 ****; 58 U.S.L.W. 4529; 1990-1 Trade Cas. (CCH) P69,003

CALIFORNIA v. AMERICAN STORES CO. ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH

CIRCUIT.

Disposition: 872 F. 2d 837, reversed and remanded.

Core Terms

divestiture, dissolution, merger, injunctive relief, Clayton Act, injunction, district court, violations, antitrust, equitable, Sherman Act, authorize, encompass, stock, threatened loss, anti trust law, decrees, legislative history, mandatory, remedies, cases, preliminary injunction, subcommittee, acquisition, conditions, principles, provisions, settlement, divest, merged

LexisNexis® Headnotes

Governments > Legislation > Interpretation

<u>HN1</u>[基] Legislation, Interpretation

When Congress uses broad generalized language in a remedial statute, and that language is not contravened by authoritative legislative history, a court should interpret a provision generously so as to effectuate important congressional goals.

Antitrust & Trade Law > Clayton Act > General Overview

HN2[♣] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 25.

Antitrust & Trade Law > Clayton Act > General Overview



Atl. Richfield Co. v. USA Petroleum Co.

Supreme Court of the United States

December 5, 1989, Argued; May 14, 1990, Decided

No. 88-1668

Reporter

495 U.S. 328 *; 110 S. Ct. 1884 **; 109 L. Ed. 2d 333 ***; 1990 U.S. LEXIS 2543 ****; 58 U.S.L.W. 4547; 1990-1 Trade Cas. (CCH) P69,019

ATLANTIC RICHFIELD CO. v. USA PETROLEUM CO.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH

CIRCUIT.

Disposition: 859 F. 2d 687, reversed and remanded.

Core Terms

antitrust, prices, competitor, vertical, dealers, conspiracy, predatory, anti trust law, Sherman Act, price-fixing, consumers, retail, gasoline, price competition, maximum price, Clayton Act, maximum-price-fixing, anticompetitive, nonpredatory, distributor, stations, effects, losses, price fixing, sales, per se rule, practices, damages, per se violation, conspirators

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > Remedies > Damages

Antitrust & Trade Law > Clayton Act > General Overview

Antitrust & Trade Law > Clayton Act > Remedies > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Vertical Restraints > Price Fixing

Antitrust & Trade Law > Regulated Practices > Private Actions > Prioritizing Resources & Organization for Intellectual Property Act

Antitrust & Trade Law > Sherman Act > Scope > General Overview

Antitrust & Trade Law > ... > US Department of Justice Actions > Civil Actions > General Overview

HN1[基] Remedies, Damages

Section 4 of the Clayton Act, <u>15 U.S.C.S.</u> § <u>15</u>, is a remedial provision that makes available treble damages to any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws.



Texaco, Inc. v. Hasbrouck

Supreme Court of the United States

December 5, 1989, Argued; June 14, 1990, Decided

No. 87-2048

Reporter

496 U.S. 543 *; 110 S. Ct. 2535 **; 110 L. Ed. 2d 492 ***; 1990 U.S. LEXIS 3142 ****; 58 U.S.L.W. 4807; 1990-1 Trade Cas. (CCH) P69,056

TEXACO INC., PETITIONER v. RICKY HASBROUCK, DBA RICK'S TEXACO, ET AL.

Prior History: [****1] On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

Disposition: 842 F.2d 1034, affirmed.

Core Terms

discount, retail, customers, prices, stations, distributor, wholesalers, price discrimination, supplier, damages, purchasers, gasoline, differential, marketing, respondents', functions, seller, sales, commerce, buyer, antitrust, compete, supplied, lower price, reimbursement, Robinson-Patman Act, integrated, rigorous, savings, injure

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Price Discrimination > Defenses > Meeting Competition Defense

Contracts Law > Personal Property > Bona Fide Purchasers

Antitrust & Trade Law > Regulated Practices > Price Discrimination > Promotional Allowances & Services

Antitrust & Trade Law > Robinson-Patman Act > General Overview

<u>HN1</u>[**≛**] Defenses, Meeting Competition Defense

See 15 U.S.C.S. § 13(b).

Antitrust & Trade Law > Robinson-Patman Act > Claims

Antitrust & Trade Law > ... > Price Discrimination > Competitive Injuries > General Overview

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN2[♣] Robinson-Patman Act, Claims



Kansas v. Utilicorp United, Inc.

Supreme Court of the United States

April 16, 1990, Argued; June 21, 1990, Decided

No. 88-2109

Reporter

497 U.S. 199 *; 110 S. Ct. 2807 **; 111 L. Ed. 2d 169 ***; 1990 U.S. LEXIS 3293 ****; 58 U.S.L.W. 4898; 1990-1 Trade Cas. (CCH) P69,064

KANSAS ET AL. v. UTILICORP UNITED INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH

CIRCUIT.

Disposition: 866 F. 2d 1286, affirmed.

Core Terms

overcharge, purchasers, indirect, customers, consumers, antitrust, regulators, Shoe, cases, costs, rates, anti trust law, parens patriae, damages, district court, apportionment, natural gas, passthrough, pass-on, prices, suits, public utility, cost-plus, suppliers, complicate, provable, multiple recoveries, Clayton Act, inflated, pipeline

LexisNexis® Headnotes

Antitrust & Trade Law > Clayton Act > General Overview

<u>HN1</u>[♣] Antitrust & Trade Law, Clayton Act

See 15 U.S.C.S. § 15(a).

Antitrust & Trade Law > ... > Private Actions > Purchasers > General Overview

HN2[♣] Private Actions, Purchasers

The direct purchaser rule serves, in part, to eliminate the complications of apportioning overcharges between direct and indirect purchasers.

Antitrust & Trade Law > ... > Private Actions > Purchasers > General Overview

HN3[♣] Private Actions, Purchasers



Norfolk & W. R. Co. v. Am. Train Dispatchers' Ass'n

Supreme Court of the United States

December 3, 1990, Argued; March 19, 1991, * Decided

No. 89-1027

Reporter

499 U.S. 117 *; 111 S. Ct. 1156 **; 113 L. Ed. 2d 95 ***; 1991 U.S. LEXIS 1709 ****; 59 U.S.L.W. 4189; 118 Lab. Cas. (CCH) P10,598; 102-69 Fulton County D. Rep. 17B; 136 L.R.R.M. 2727; 91 Cal. Daily Op. Service 1970; 91 Daily Journal DAR 3215

NORFOLK & WESTERN RAILWAY COMPANY et al., PETITIONERS v. AMERICAN TRAIN DISPATCHERS' ASSOCIATION et al. CSX TRANSPORTATION, INC., PETITIONER V. BROTHERHOOD OF RAILWAY CARMEN ET AL.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

Disposition: 279 U.S. App. D. C. 239, 880 F.2d 562, reversed and remanded.

Core Terms

carriers, merger, exemption, collective-bargaining, conditions, consolidation, anti trust law, approving, employees, railroad, obligations, rights, carry out, arbitration, Railway, immunity provision, private contract, provisions, override, Transportation, parties, terms, collective bargaining agreement, public interest, labor-protective, liquidation, cases, impose obligation, municipal law, federal law

LexisNexis® Headnotes

Business & Corporate Compliance > ... > Transportation Law > Interstate Commerce > Restraints of Trade

Mergers & Acquisitions Law > Antitrust > Regulated Industry Mergers

Antitrust & Trade Law > Regulated Industries > Transportation > General Overview

Mergers & Acquisitions Law > General Overview

Mergers & Acquisitions Law > Antitrust > General Overview

Transportation Law > Interstate Commerce > General Overview

^{*}Together with No. 89-1028, CSX Transportation, Inc. v. Brotherhood of Railway Carmen et al., also on certiorari to the same court.



City of Columbia v. Omni Outdoor Advertising

Supreme Court of the United States

November 28, 1990, Argued; April 1, 1991, Decided

No. 89-1671

Reporter

499 U.S. 365 *; 111 S. Ct. 1344 **; 113 L. Ed. 2d 382 ***; 1991 U.S. LEXIS 1858 ****; 59 U.S.L.W. 4259; 1991-1 Trade Cas. (CCH) P69,378; 91 Cal. Daily Op. Service 2266; 92 Cal. Daily Op. Service 2366; 91 Daily Journal DAR 3723

CITY OF COLUMBIA et al. v. OMNI OUTDOOR ADVERTISING, INC.

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH

CIRCUIT.

Disposition: 891 F. 2d 1127, reversed and remanded.

Core Terms

Sherman Act, municipal, billboard, conspiracy, regulation, anticompetitive, economic regulation, exemption, ordinance, antitrust, anti trust law, immunity, private party, sham, government action, zoning, public official, lobbying, restraint of trade, public interest, state-action, invalidating, corruption, purposes, urges, city official, authorization, Advertising, city council, articulated

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

Business & Corporate Compliance > ... > Governments > Agriculture & Food > Product Promotions

Antitrust & Trade Law > Sherman Act > General Overview

HN1[♣] Exemptions & Immunities, Parker State Action Doctrine

The Sherman Act, <u>15 U.S.C.S. §§ 1</u> and <u>2</u>, do not apply to anticompetitive restraints imposed by the states "as an act of government."

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN2</u>[基] Exemptions & Immunities, Parker State Action Doctrine



Summit Health v. Pinhas

Supreme Court of the United States

November 26, 1990, Argued; May 28, 1991, Decided

No. 89-1679

Reporter

500 U.S. 322 *; 111 S. Ct. 1842 **; 114 L. Ed. 2d 366 ***; 1991 U.S. LEXIS 2917 ****; 59 U.S.L.W. 4493; 1991-1 Trade Cas. (CCH) P69,443; 91 Cal. Daily Op. Service 3844; 91 Daily Journal DAR 6166

SUMMIT HEALTH, LTD., et al., PETITIONERS v. SIMON J. PINHAS

Prior History: [****1] CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH

CIRCUIT.

Disposition: 894 F. 2d 1024, affirmed.

Core Terms

interstate commerce, conspiracy, Sherman Act, surgeon, eye surgery, commerce, boycott, peer review process, ophthalmological, out-of-state, price-fixing, antitrust, conspired, alleges, prices, nexus, alleged conspiracy, medical staff, present case, defendants', proceedings, termination, privileges, infected, patients, restrain, cases

LexisNexis® Headnotes

Antitrust & Trade Law > Sherman Act > General Overview

<u>HN1</u>[基] Antitrust & Trade Law, Sherman Act

See <u>15 U.S.C.S. § 1</u> (as amended).

Antitrust & Trade Law > Sherman Act > General Overview

Governments > Federal Government > US Congress

HN2[♣] Antitrust & Trade Law, Sherman Act

When Congress passed the Sherman Act, <u>15 U.S.C.S. § 1</u>, it left no area of its constitutional power over commerce unoccupied. Congress meant to deal comprehensively and effectively with the evils resulting from contracts, combinations and conspiracies in restraint of trade, and to that end to exercise all the power it possessed.



Eastman Kodak Co. v. Image Tech. Servs.

Supreme Court of the United States

December 10, 1991, Argued; June 8, 1992, Decided

No. 90-1029

Reporter

504 U.S. 451 *; 112 S. Ct. 2072 **; 119 L. Ed. 2d 265 ***; 1992 U.S. LEXIS 3405 ****; 60 U.S.L.W. 4465; 1992-1 Trade Cas. (CCH) P69,839; 92 Cal. Daily Op. Service 4823; 92 Daily Journal DAR 7688; 6 Fla. L. Weekly Fed. S 331

EASTMAN KODAK COMPANY, PETITIONER v. IMAGE TECHNICAL SERVICES, INC., ET AL.

Prior History: [****1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 903 F.2d 612, affirmed.

Core Terms

prices, market power, consumers, customers, aftermarket, manufacturer, markets, summary judgment, machines, costs, interbrand, sales, anti trust law, purchasers, micrographic, products, seller, per se rule, tying arrangement, antitrust, monopoly, respondents', competitors, brand, leverage, repair, tie, single-brand, derivative, court of appeals

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

HN1[♣] Price Fixing & Restraints of Trade, Tying Arrangements

A tying arrangement is an agreement by a party to sell one product but only on the condition that the buyer also purchases a different (or tied) product, or at least agrees that he will not purchase that product from any other supplier.

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > Clayton Act

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > General Overview

Antitrust & Trade Law > ... > Price Fixing & Restraints of Trade > Tying Arrangements > Sherman Act Violations

Antitrust & Trade Law > Sherman Act > General Overview

HN2[♣] Tying Arrangements, Clayton Act



FTC v. Ticor Title Ins. Co.

Supreme Court of the United States

January 13, 1992, Argued; June 12, 1992, Decided

No. 91-72

Reporter

504 U.S. 621 *; 112 S. Ct. 2169 **; 119 L. Ed. 2d 410 ***; 1992 U.S. LEXIS 3544 ****; 60 U.S.L.W. 4515; 1992-1 Trade Cas. (CCH) P69,847; 92 Cal. Daily Op. Service 4915; 92 Daily Journal DAR 8322; 6 Fla. L. Weekly Fed. S 365

FEDERAL TRADE COMMISSION, PETITIONER v. TICOR TITLE INSURANCE COMPANY, ET AL.

Prior History: [****1] On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit.

Disposition: 922 F.2d 1122, reversed and remanded.

Core Terms

supervision, immunity, regulation, rates, rating bureau, state-action, antitrust, prices, title insurance, articulated, antitrust liability, anti trust law, state official, private party, anticompetitive, state policy, filings, anticompetitive conduct, price fixing, insured, rate increase, title search, respondents', insurance company, regulatory scheme, percent, Sherman Act, price-fixing, flexibility, undertaken

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

Antitrust & Trade Law > Exemptions & Immunities > General Overview

<u>HN1</u>[Exemptions & Immunities, Parker State Action Doctrine

A state law or regulatory scheme cannot be the basis for antitrust immunity unless, first, the state has articulated a clear and affirmative policy to allow the anticompetitive conduct, and second, the state provides active supervision of anticompetitive conduct undertaken by private actors.

Antitrust & Trade Law > Exemptions & Immunities > Parker State Action Doctrine > General Overview

<u>HN2</u>[Exemptions & Immunities, Parker State Action Doctrine

Federal antitrust laws are subject to supersession by state regulatory programs. The court's decision is grounded in principles of federalism.



Spectrum Sports v. McQuillan

Supreme Court of the United States

November 10, 1992, Argued ; January 25, 1993, Decided

No. 91-10

Reporter

506 U.S. 447 *; 113 S. Ct. 884 **; 122 L. Ed. 2d 247 ***; 1993 U.S. LEXIS 1013 ****; 61 U.S.L.W. 4123; 1993-1 Trade Cas. (CCH) P70,096; 93 Cal. Daily Op. Service 529; 93 Daily Journal DAR 1069; 6 Fla. L. Weekly Fed. S 899

SPECTRUM SPORTS, INC., ET AL., PETITIONERS v. SHIRLEY McQUILLAN, ET VIR, DBA SORBOTURF ENTERPRISES

Prior History: [****1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 907 F.2d 154, reversed and remanded.

Core Terms

monopolize, sorbothane, relevant market, probability, Sherman Act, attempt to monopolize, distributor, products, specific intent, equestrian, athletic, unfair, predatory conduct, violations, decisions, courts, cases

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Intellectual Property > Bad Faith, Fraud & Nonuse > Fraud

Business & Corporate Compliance > ... > Defenses > Inequitable Conduct > Anticompetitive Conduct

Antitrust & Trade Law > Regulated Practices > Intellectual Property > General Overview

Antitrust & Trade Law > ... > Intellectual Property > Bad Faith, Fraud & Nonuse > General Overview

Antitrust & Trade Law > Regulated Practices > Market Definition > Relevant Market

Antitrust & Trade Law > ... > Monopolies & Monopolization > Actual Monopolization > Claims

Antitrust & Trade Law > ... > Monopolies & Monopolization > Attempts to Monopolize > General Overview

Patent Law > ... > Defenses > Inequitable Conduct > General Overview

Patent Law > ... > Defenses > Inequitable Conduct > Burdens of Proof

<u>HN1</u>[基] Bad Faith, Fraud & Nonuse, Fraud



Prof'l Real Estate Investors, Inc. v. Columbia Pictures Indus.

Supreme Court of the United States

November 2, 1992, Argued ; May 3, 1993, Decided

No. 91-1043

Reporter

508 U.S. 49 *; 113 S. Ct. 1920 **; 123 L. Ed. 2d 611 ***; 1993 U.S. LEXIS 3121 ****; 26 U.S.P.Q.2D (BNA) 1641; 61 U.S.L.W. 4450; Copy. L. Rep. (CCH) P27,089; 1993-1 Trade Cas. (CCH) P70,207; 93 Cal. Daily Op. Service 3198; 93 Daily Journal DAR 5465; 7 Fla. L. Weekly Fed. S 223

PROFESSIONAL REAL ESTATE INVESTORS, INC., ET AL., PETITIONERS v. COLUMBIA PICTURES INDUSTRIES, INC., ET AL.

Prior History: [****1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

Disposition: 944 F. 2d 1525, affirmed.

Core Terms

sham, lawsuit, probable cause, antitrust, competitor, immunity, baseless, sham exception, anticompetitive, genuine, merits, cases, summary judgment, infringement, motivation, objectively reasonable, government action, videodiscs, courts, copyright infringement, realistically, motion picture, Sherman Act, proceedings, repetitive, subjective intent, judicial process, anti trust law, collateral, discovery

LexisNexis® Headnotes

Antitrust & Trade Law > Exemptions & Immunities > Noerr-Pennington Doctrine > General Overview

Antitrust & Trade Law > Regulated Industries > General Overview

Antitrust & Trade Law > Regulated Industries > Transportation > General Overview

HN1 L Exemptions & Immunities, Noerr-Pennington Doctrine

Under the "sham" exception to the doctrine of antitrust immunity, as that doctrine applies in the litigation context, activity "ostensibly directed toward influencing governmental action" does not qualify for Noerr immunity if it is a mere sham to cover an attempt to interfere directly with the business relationships of a competitor.

Antitrust & Trade Law > Exemptions & Immunities > Noerr-Pennington Doctrine > General Overview

<u>HN2</u>[基] Exemptions & Immunities, Noerr-Pennington Doctrine



Brooke Group v. Brown & Williamson Tobacco Corp.

Supreme Court of the United States

March 29, 1993, Argued; June 21, 1993, Decided

No. 92-466

Reporter

509 U.S. 209 *; 113 S. Ct. 2578 **; 125 L. Ed. 2d 168 ***; 1993 U.S. LEXIS 4245 ****; 61 U.S.L.W. 4699; 1993-1 Trade Cas. (CCH) P70,277; 93 Cal. Daily Op. Service 4562; 93 Daily Journal DAR 7770; 7 Fla. L. Weekly Fed. S 469

BROOKE GROUP LTD., PETITIONER v. BROWN & WILLIAMSON TOBACCO CORPORATION

Prior History: [****1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

Disposition: 964 F.2d 335, affirmed.

Core Terms

prices, cigarettes, generic, segment, branded, black and white, list price, predatory, consumer, supracompetitive, coordination, recoupment, rebates, losses, wholesalers, predation, oligopoly, oligopolistic, Robinson-Patman Act, profits, volume, anti trust law, discounts, tacit, firms, price discrimination, below-cost, competitor, output, injure

LexisNexis® Headnotes

Antitrust & Trade Law > ... > Price Discrimination > Competitive Injuries > General Overview

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN1 ≥ Price Discrimination, Competitive Injuries

See 15 U.S.C.S. § 13(a).

Antitrust & Trade Law > ... > Price Discrimination > Competitive Injuries > General Overview

Antitrust & Trade Law > Robinson-Patman Act > General Overview

HN2 ▶ Price Discrimination, Competitive Injuries

Although price discrimination within the meaning of <u>15 U.S.C.S.</u> § <u>13(a)</u> is merely a price difference, the statute as a practical matter could not, and does not, ban all price differences charged to different purchasers of commodities of like grade and quality.