

Table of Contents

Volume 1

CHAPTER I. COMMON LAW

- § 1 Introduction
- § 2 Interference with contracts
- § 3 Interference with prospective business relations
- § 4 Restraints of trade; Contracts not to compete
- § 5 Restraints of trade; Contracts not to compete—Vertical restraints
- § 6 Restraints of trade; Contracts not to compete—Horizontal agreements among competitors
- § 7 Restraints of trade; Contracts not to compete—Effect of invalidity
- § 9 The common law of trademarks and trade names; Generally
- § 10 The origin of trademark protection
- § 11 Function of trademarks and trade names
- § 12 Trademarks and trade names; Defined and distinguished
- § 13 The acquisition of trademarks; Essential elements
- § 14 Common law; Introduction
- § 16 State action on monopolies
- § 17 Unfair trade practices; Introduction
- § 18 Imitation of appearance
- § 19 Appropriation of values; Reaping where another has sown
- § 21 Trade secrets; Definition
- § 22 Trade secrets—Protection
- § 23 Trade secrets—Customer lists
- § 24 Commercial bribery
- § 25 False advertising
- § 26 Disparagement

CHAPTER II. FEDERAL REGULATION OF COMPETITION; STATUTES

- § 27 Federal regulation of competition; Statutes in general
- § 28 The Sherman Anti-trust Act
- § 29 Imports; Exports
- § 30 Federal Trade Commission Act
- § 31 Clayton Act; Robinson-Patman Act
- § 32 Trade or commerce; Interstate commerce
- § 32A Non-import foreign commerce *[New]*
- § 33 State action; Lobbying
- § 33A Filed-rate doctrine *[New]*
- § 34 Unions
- § 35 Cooperatives; Non-profit institutions

- § 36 The McCarran-Ferguson Act
- § 36A Charities *[New]*
- § 37 Other statutes
- § 37A Other exemptions and immunities from antitrust statutes *[New]*

CHAPTER III. THE SHERMAN ANTITRUST ACT

- § 38 Origin of Sherman Anti-trust Act
- § 39 Pre-rule of reason interpretation of Sherman Anti-trust Act
- § 40 Rule of reason
- § 40A Quick-look analysis *[New]*
- § 41 Contracts; Combinations
- § 41A Intracorporate immunity *[New]*
- § 42 Price agreements
- § 43 Price arrangements—Loose knit combinations
- § 44 Division of markets; Other
- § 45 Reciprocity; Procedural safeguards; Other areas of illegality
- § 45A Injury *[New]*

CHAPTER IV. MONOPOLY

- § 46 Section 2 of the Sherman Anti-trust Act; Generally
- § 47 Test; Power and predatory practices
- § 48 Test; Power and predatory practices—Intent to monopolize
- § 49 Test; Power and predatory practices—Monopoly in fact
- § 50 Test; Power and predatory practices—Size
- § 51 Test; Power and predatory practices—Power and other factors
leading to monopolization
- § 52 Attempt to monopolize
- § 52A Predatory pricing *[Retitled]*
- § 52B Monopoly leveraging *[New]*
- § 53 Integration; Vertical; Horizontal
- § 54 Relevant market; Product
- § 54A Relevant market—Submarkets *[New]*
- § 55 Relevant market—Geographic

CHAPTER V. TRADE ASSOCIATION

- § 56 Trade association; Generally
- § 57 Trade association—Activities
- § 60 Trade association—Price reporting
- § 62 Trade association—Simplification and standardization
- § 63 Trade association—Acquisition of information
- § 64 Trade association—Meetings and other activities
- § 65 Trade association—Boundaries of legality
- § 66 Trade association—Rule of reason

CHAPTER VI. CONSCIOUS PARALLELISM—UNIFORM BUSINESS BEHAVIOR

- § 67 Conspiracy

TABLE OF CONTENTS

- § 68 Implied conspiracy and conscious parallelism
- § 69 Implied conspiracy and conscious parallelism—Conscious parallelism;
Uniform business behavior
- § 70 Implied conspiracy and conscious parallelism—Evidence
- § 71 Implied conspiracy and conscious parallelism—Section 5 of the Federal
Trade Commission Act

CHAPTER VII. DELIVERED PRICING

- § 72 Delivered pricing; Generally
- § 73 Delivered pricing—Definitions
- § 75 Delivered pricing—Conspiracy
- § 78 Delivered pricing—Freight equalization
- § 79 Delivered pricing—Robinson-Patman Act

CHAPTER VIII. DISTRIBUTION— CONTRACTS

- § 80 Distribution of goods; Franchising; General
- § 81 Section 3 of the Clayton Act
- § 82 Consignment; Generally
- § 83 Exclusive dealing and requirement contracts
- § 84 Tying-in contracts
- § 85 Refusal to deal
- § 86 Concerted refusals to deal; Boycott
- § 87 Exclusive territorial arrangements

CHAPTER IX. RESALE PRICE MAINTENANCE—FAIR TRADE LAWS

- § 88 Resale price maintenance; Generally
- § 89 Resale price maintenance—Sherman Anti-trust Act
- § 90 Resale price maintenance—Miller-Tydings Act; Brand name
- § 91 Resale price maintenance—McGuire Act

CHAPTER X. MERGERS

- § 92 Mergers; Background to section 7 of the Clayton Act
- § 93 Original section 7 of the Clayton Act
- § 94 DuPont-general motors case
- § 95 1950 amendment to section 7 of the Clayton Act
- § 96 Basic types of acquisitions and mergers
- § 97 Market structure; Concentration
- § 98 Reciprocity
- § 99 Ease of entry
- § 100 Standard of illegality
- § 101 Relevant market
- § 102 Relevant market—Line of commerce; Product market
- § 103 Relevant market—Section of the country; Geographic market
- § 104 Probable effect of merger
- § 105 May be; Tend to: Definition
- § 105A Transaction as acquisition [*New*]

- § 106 Factual approach
- § 107 Quantitative substantiality
- § 108 Functional approach
- § 109 Exceptions; Small or failing corporations
- § 110 Exceptions—Others
- § 110A Premerger notification *[New]*

CHAPTER XI. INTRACORPORATE CONSPIRACY

- § 111 Interlocking Directors; Generally
- § 112 Interlocking directors—Section 8 of the Clayton Act
- § 113 Interlocking directors—Types
- § 115 Interlocking directors—Competitors
- § 116 Interlocking directors—Remedies
- § 117 Common ownership of corporations; Affiliates
- § 118 Corporate officers; Agents
- § 119 Stockholders; Parent subsidiary corporations
- § 120 Joint venture

CHAPTER XII. FEDERAL TRADE COMMISSION—SECTION 5

- § 121 Section 5 Generally
- § 122 “Tying”; TBA cases
- § 123 Robinson-Patman Act; Extension

CHAPTER XIII. PRICE DISCRIMINATION—ROBINSON-PATMAN ACT

- § 124 Background of Robinson-Patman Act
- § 125 Elements of subsection 2(a)
- § 126 Commerce
- § 127 Price discrimination
- § 128 Purchasers
- § 129 Commodities of like grade and quality
- § 130 Use, consumption, resale
- § 131 Injury to competition
- § 132 Exceptions or defenses; Changing conditions
- § 133 Exceptions or defenses—Cost justifications
- § 134 Exceptions or defenses—Refusal to sell
- § 135 Evidence; Proof
- § 136 Good faith meeting of competition
- § 137 Brokerage
- § 138 Advertising; Facilities and services
- § 139 Violation by buyer
- § 140 Section 3 of the Robinson-Patman Act; Other remedies

CHAPTER XIV. PATENTS—COPYRIGHTS

- § 141 Patents; Background

TABLE OF CONTENTS

§ 142	Patents—Nature
§ 143	Patents—Subject
§ 144	Patents—Basic procedure
§ 145	Patents—Infringement
§ 146	Patents—Licensing
§ 148	Patents—Rule of reason
§ 149	Patents—Price fixing
§ 150	Patents—Restrictions
§ 151	Patents—Tying-in contracts
§ 153	Patents—Cross licensing; Pooling
§ 156	Patents—Infringement actions
§ 156A	Patents—Settlements <i>[New]</i>
§ 157	Patents—Contributory infringement
§ 158	Patents—Fraud
§ 158A	Patents—Collateral attack <i>[New]</i>
§ 159	Patents—Estoppel
§ 160	Patents—Remedies
§ 161	Patents—Mutuality of estoppel
§ 162	Copyrights; Generally
§ 163	Copyrights—Improper use
§ 163A	State law; Preemption <i>[New]</i>

CHAPTER XV. ENFORCEMENT OF THE ANTITRUST LAWS; REMEDIES

§ 164	Enforcement; Remedies; Generally
§ 165	Process
§ 166	Consolidated pre-trial proceedings; Multidistrict litigation
§ 167	Jurisdiction
§ 168	Jurisdiction—Ancillary; Pendent
§ 169	Jurisdiction—Primary
§ 170	Intervention
§ 171	Venue; Damage actions
§ 173	Venue—Change of
§ 174	Class actions
§ 175	Injunction
§ 176	Injunction—Preliminary; Temporary restraining order
§ 177	Statute of limitations
§ 178	Statute of limitations—Tolling
§ 178A	Laches <i>[New]</i>
§ 179	Appeals; Interlocutory
§ 179A	Expediting Act <i>[New]</i>
§ 180	Judgment; Prima facie evidence
§ 181	Judgment—Summary
§ 182	Judgment—Res judicata; Collateral estoppel; Other
§ 183	Consent decree
§ 184	Divestiture
§ 185	Dissolution
§ 186	Anti-trust law; Meaning in section 4 of the Clayton Act
§ 187	Person injured; Standing to sue

FEDERAL CONTROL OF BUSINESS

§ 187A	Parens patriae <i>[New]</i>
§ 188	Damages; Introduction
§ 189	Damages—Suits by the United States
§ 190	Damages—Persons injured
§ 191	Damages—Persons injured—Stockholders
§ 192	Damages—Composition
§ 193	Damages—Measure—Prior earnings
§ 194	Damages—Measure—Other
§ 195	Damages—Legal injury
§ 196	Damages—Proximate cause
§ 196A	Damages—Violation as necessary predicate for injury <i>[New]</i>
§ 197	Damages—Public injury
§ 198	Damages—Equities; Prospective operation
§ 199	Damages—Time period included within
§ 200	Attorney’s fees and costs
§ 201	Defenses; Passing on
§ 202	Defenses—In pari delicto
§ 202A	Defenses—Valid business justification <i>[New]</i>
§ 203A	Arbitration <i>[New]</i>
§ 205	Criminal provisions
§ 206	Administrative action; Federal trade commission
§ 207	Administrative action—Investigation
§ 208	Administrative Action—Studies; Conferences; Clearances; Other
§ 209	Administrative action—Subpoena
§ 210	Administrative action—Enforcement
§ 211	Administrative action—Consent order procedure
§ 212	Administrative action—Cease and desist order
§ 213	Adjudicative proceedings; Cease and desist order
§ 214	Antitrust Civil Process Act <i>[New]</i>

Appendices

APPENDIX A
APPENDIX B
APPENDIX C
APPENDIX D
APPENDIX E
APPENDIX F
APPENDIX G
APPENDIX H
APPENDIX I
APPENDIX J
APPENDIX K
APPENDIX L
APPENDIX M
APPENDIX N
APPENDIX O
APPENDIX P
APPENDIX Q
APPENDIX R
APPENDIX S
APPENDIX T

TABLE OF CONTENTS

APPENDIX U
APPENDIX V
APPENDIX W
APPENDIX X
APPENDIX Y
APPENDIX Z
APPENDIX AA
APPENDIX BB

Bibliography

Table of Laws and Rules

Table of Cases