

Editor's Introduction to the 2026-2027 edition

Corporate Counsel's Antitrust Deskbook will help refresh your memory about the antitrust laws. The book provides a basic understanding of antitrust law without all the extensive citations and complex discussion. You'll find landmark cases and recent interpretations plus a number of valuable topics and acts. Some of the important acts include The Sherman Act, The Robinson-Patman Act, The Federal Trade Commission Act, and The Clayton Act, along with topics such as premerger notification, antitrust and intellectual property, the antitrust aspects of distribution, antitrust leniency and sentencing, antitrust and employment, and antitrust compliance programs.

Highlights to the 2026-2027 edition include:

- New discussion of antitrust class actions, including allegations of horizontal price-fixing through coordinated restrictions on Section 340B drug discount pricing and contract pharmacy sales, and challenges to hotel pricing algorithms and revenue-management software, including analysis of parallel conduct and whether software licensing arrangements constitute vertical restraints under Section 1 of the Sherman Act (§ 1:7)
- New caselaw and discussion of sufficiency-of-complaint requirements in antitrust actions, including market definition under the rule of reason, pleading antitrust injury and proximate causation, allegations of exclusive dealing, tying, conspiracy, market foreclosure, benchmark manipulation, and the level of factual specificity required to survive dismissal (§ 2:09).
- *Seagate Technology LLC v. NHK Spring Co., Ltd.*, the Ninth Circuit held that Seagate's antitrust claims based on overseas purchases of hard disk drive components could proceed under the FTAIA because there was evidence that prices negotiated in the United States directly set the prices paid by Seagate's foreign subsidiaries. Where the court concluded that NHK's alleged price-fixing had a direct effect on U.S. commerce and remanded for further consideration of whether that domestic effect proximately caused the foreign subsidiaries' injuries (§ 12:1).
- New discussion of the sham-litigation exception to Noerr-Pennington immunity, including the requirement that patent litigation be objectively baseless and the significance of patent validity presumptions and favorable settlements in assessing sham litigation claims, including *EmblemHealth, Inc. v. Alexion Pharmaceuticals, Inc.* (14:8).