



INNOVATION MARKETS and COMPETITION ANALYSIS

EU Competition Law and US Antitrust Law

MARCUS GLADER

NEW HORIZONS IN COMPETITION LAW AND ECONOMICS

Innovation Markets and Competition Analysis

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Innovation Markets and Competition Analysis

NEW HORIZONS IN COMPETITION LAW AND ECONOMICS

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This series has been created to provide research based analysis and discussion of the appropriate role for economic thinking in the formulation of competition law and policy. The books in the series will move beyond studies of the traditional role of economics – that of helping to define markets and assess market power – to explore the extent to which economic thinking can play a role in the formulation of legal norms, such as abuse of a dominant position, restriction of competition and substantial impediments to or lessening of competition. This in many ways is the *new horizon* of competition law policy.

US antitrust policy, influenced in its formative years by the Chicago School, has already experienced an expansion of the role of economic thinking in its competition rules. Now the EU is committed to a greater role for economic thinking in its Block Exemption Regulations and Modernisation package as well as possibly in its reform of Article 82. Yet these developments still raise the issue of the *extent* to which economics should be adopted in defining the public interest in competition policy and what role economists should play in legal argument. The series will provide a forum for research perspectives that are critical of an unduly-expanded role for economics as well as those that support its greater use.

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Acknowledgments

This book is based on my doctoral thesis, which was defended in December 2004. While I have revised certain sections, this does not constitute a complete update. The book was substantially completed before I joined Cleary Gottlieb Steen & Hamilton LLP and does not represent the view of the firm or any of its clients.

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*Marcus Glader
Brussels, September 2005*

Abbreviations

CFI	Court of First Instance
DG	Directorate General (European Commission)
DOJ	Department of Justice (United States)
EC	European Community
ECJ	European Court of Justice
ECR	European Court Reports
Ed., Eds	Editor, editors
EEA	European Economic Area
EEC	European Economic Community
ETSI	European Telecommunication Standards Institute
EU	European Union
F.2d, F.3d	Federal Reporter
F.Supp.	Federal Supplement
FDA	Federal Drug Administration
Fed. Reg.	Federal Register
FTC	Federal Trade Commission
GNP	Gross National Product
IP, IPR	Intellectual Property, Intellectual Property Right
JV	Joint Venture
OECD	Organisation for Economic Co-operation and Development
OEM	Original Equipment Manufacturer
OFT	Office of Fair Trading (United Kingdom)
OJ	Official Journal of the European Union (Official Journal of the European Communities prior to 1 February 2003)
R&D	Research and Development
SSNIP	Small but Significant Non-transitory Increase in Price
TTBER	Transfer of Technology – Block Exemption Regulation
US	United States, United States Report
USC	United States Code
USCCAN	United States Code Congressional and Administrative News
WL	Westlaw

Official documents

EU

Council Regulations and Directives

- Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1/1 (2003) **76, 246**
- Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, OJ L 24/1 (2004) **79, 244**
- Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs **288**

Commission Regulations and Notices

- Commission Regulation (EEC) No 418/85 of 19 December 1984 on the application of article 85(3) of the Treaty to categories of research and development agreements. Amended by Commission Regulation (EEC) No 151/93 of 23 December 1992 **75**
- Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements, OJ L 304/7 (2000) **76, 232, 246, 254, 281, 305**
- Commission Regulation (EC) No 772/2004 of 27 April 2004 on the application of Article 81(3) of the Treaty to categories of technology transfer agreements, OJ L 123/11 (2004) **80, 81, 235, 301**
- Notice concerning agreements, decisions and concerted practices in the field of cooperation between enterprises, OJ C 75/3 (1968) **64**
- Notice on the definition of the relevant market for the purposes of Community competition law, OJ C 372/5 (1997) **67, 80**
- Guidelines on Vertical Restraints, OJ C 291/1 (2000) **11, 63, 200**
- Notice on remedies acceptable under Council Regulation (EEC) No 4064/89 and under Commission Regulation (EC) No 447/98, OJ C 68/3 (2001) **276, 277**

- Guidelines on the applicability of Article 81 of the EC Treaty to horizontal cooperation agreements, OJ C 3/02 (2001) 3, 77, 110, 112, 162, 191, 194, 201, 210, 215, 220, 225, 230, 231, 232, 245, 246, 247, 253, 269, 274, 279, 281, 304, 305
- Guidelines on the application of Article 81 of the EC Treaty to technology transfer agreements, OJ C 101/2 (2004) 3, 80, 127, 161, 201, 202, 215, 233, 234, 235, 245, 273, 280, 302
- Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C 31/5 (2004) 63, 79, 200, 245, 269, 272
- Guidelines on the application of Article 81(3) of the Treaty, OJ C 101/97 (2004) 10, 11, 190, 280

US

- US 1982 Department of Justice Merger Guidelines 67, 146, 270, 271
- US 1988 Antitrust Enforcement Guidelines for International Operations 203
- US 1992 Horizontal Merger Guidelines 68, 72, 240, 269, 270, 274
- US 1995 Antitrust Guidelines for the Licensing of Intellectual Property 2, 69, 126, 162, 190, 201, 202, 203, 215, 219, 222, 225, 226, 233, 234, 235, 270
- US 2000 Competitor Collaboration Guidelines 73, 130, 191, 201, 210, 215, 219, 220, 225, 231, 232, 235, 253, 269, 270, 271, 280, 302, 304, 305, 306

Cases

EUROPEAN COURT OF JUSTICE

56/65 <i>Société Technique Minière</i> [1966] ECR 337	273
6 and 7-73, <i>Commercial Solvents and Others v. Commission</i> , ECR 223 (1974)	177
27/76, <i>United Brands Company v. Commission</i> , ECR 207 (1978)	282
85/76, <i>Hoffmann-La Roche & Co. AG v. Commission</i> , ECR 461 (1979)	175, 179, 283
258/78, <i>Nungesser</i> , ECR 2015 (1982)	273
311/84, <i>Télémarketing v. CLT and IPB</i> , ECR 3261 (1985)	177
C-241/91 P and C-242/91 P, <i>RTE and ITP v. Commission</i> ('Magill'), ECR I-743 (1995)	177, 185, 292
C-7/97, <i>Oscar Bronner GmbH & Co. KG v. Mediaprint</i> , ECR I-7791 (1998)	177, 184, 185, 294
C-481/01 P(R), <i>NDC Health v. IMS Health and Commission</i> , ECR I-3401 (2002)	184
C-418/01, <i>IMS Health GmbH & Co. OHG v. NDC Health GmbH & Co. KG</i> , (2004)	183, 293

COURT OF FIRST INSTANCE

T-51/89, <i>Tetra Pak Rausing SA v. Commission</i> (Tetra Pak I), ECR II-309 (1990)	126, 130, 236
T-374/94, T-375/94, T-384/94 and T-388/94, <i>European Night Services v. Commission</i> , ECR II-3141 (1998)	64, 67, 247
T-184/01, <i>IMS Health v. Commission</i> , ECR II-3193 (2001)	184
T-5/02, <i>Tetra Laval v. Commission</i> , ECR II-4381 (2002)	106
T-65/98, <i>Van den Bergh Foods v. Commission</i> (2003)	179
T-219/99, <i>British Airways</i> (2003)	179

European Commission

Case No IV/23.077 – <i>Acec-Berliet</i> , OJ L 201/7 (1968)	65
Case No IV/26.352 – <i>Eurogypsum</i> OJ L 57/9 (1968), CMLR. D1 [1968]	64

Case No IV/26.917 – <i>Henkel/Colgate</i> , OJ L14/14 (1972)	65
Case No IV/29.151 – <i>Video cassette recorders</i> , OJ L 47/42 (1978)	162
Case No IV/29.479 – <i>IBM</i> (1984)	288
Case No IV/30.320 – <i>Optical fibres</i> , OJ L 236/30 (1986)	105, 110, 214, 235, 274, 286
Case No IV/30.979 and 31.394 – <i>Decca Navigator Systems</i> , OJ L 43/27 (1989)	295
Case No IV/31.043 – <i>Tetra Pak I (BTG licence)</i> , OJ L 272/27 (1988)	126, 236
Case No IV/32.009 – <i>Elopak/Metal Box-Odin</i> , OJ L 209/15 (1990)	135, 230
Case No IV/32.363 – <i>KSB/Goulds/Lowara/ITT</i> , OJ L 19/25 (1991)	135, 230
Case No IV/34.776 – <i>Pasteur Mérieux/Merck</i> , OJ L 309/1 (1994)	150, 151, 157, 164, 193, 199, 216, 230, 246, 259, 263, 264, 267, 274, 309
Case No IV/M.042 – <i>Alcatel/Telettra</i> , OJ L 122/48 (1991)	221
Case No IV/M.068 – <i>Tetra Pak/Alfa Laval</i> , OJ L 290/35 (1991)	61
Case No IV/M.072 – <i>Sanofi/Sterling Drug</i> (1991)	113
Case No IV/M.214 – <i>Du Pont/ICI</i> , OJ L 7/13 (1992)	98
Case No IV/M.221 – <i>ABB/BREL</i> , OJ C 142 (1992)	61
Case No IV/M.222 – <i>Mannesmann/Hoesch</i> , OJ L 114/34 (1992)	61
Case No IV/M.269 – <i>Shell/Montecatini</i> , OJ L 332/48 (1994)	100, 193, 202, 214, 218, 227
Case No IV/M.323 – <i>Procordia/Erbamont</i> , OJ C 128 (1993)	113
Case No IV/M.426 – <i>Rhône-Poulenc/Cooper</i> , OJ C 113 (1994)	113
Case No IV/M.457 – <i>La Roche/Syntex</i> , OJ C 178 (1993)	113
Case No IV/M.469 – <i>MSG Media Service</i> , OJ L 364/1 (1994)	271
Case No IV/M.495 – <i>Behringwerke AG/Armour Pharmaceutical Co.</i> , OJ C 134/4 (1995)	113
Case No IV/M.500 – <i>AHP/Cyanamid</i> , OJ C 278/3 (1994)	113
Case No IV/M.555 – <i>Glaxo/Wellcome</i> , OJ C 65/3 (1995)	113, 140, 259, 260, 278
Case No IV/M.587 – <i>Hoechst/Marion Merell Dow</i> (1995)	113
Case No IV/M.603 – <i>Crown Cork & Seal/CarnaudMetalbox</i> , OJ L 75/38 (1995)	97, 98, 193, 214, 227, 276
Case No IV/M.623 – <i>Kimberly-Clark/Scott Paper</i> , OJ L 183/1 (1996)	98
Case No IV/M.631 – <i>Upjohn/Pharmacia</i> , OJ C 294/9 (1995)	3, 113, 138, 147, 148, 211, 250, 272
Case No IV/M.737 – <i>Ciba-Geigy/Sandoz</i> (1996) OJ L 201/1 (1997)	3, 113, 114, 121, 155, 157, 163, 193, 206, 212, 263, 265, 309
Case No IV/M.877 – <i>Boeing/McDonnell Douglas</i> , OJ L 336/16 (1997)	228
Case No IV/M.950 – <i>Hoffman LaRoche/Boehringer Mannheim</i> (1997)	179

Case No IV/M.1229 – <i>American Home Products/Monsanto</i> (1999)	113
Case No IV/M.1378 – <i>Hoechst/Rhône-Poulenc</i> (1999)	113
Case No IV/M.1397 – <i>Sanofi/Synthelabo</i> (1999)	113
Case No IV/M.1403 – <i>Astra/Zeneca</i> (1999)	113, 115
Case No COMP/M.1846 – <i>Glaxo Wellcome/SmithKline Beecham</i> (2000)	3, 113, 114, 129, 148, 205, 207, 211, 212, 229, 230, 250, 278, 304
Case No COMP/M.1878 – <i>Pfizer/Warner-Lambert</i> (2000)	142, 251
Case No COMP/M.2220 – <i>General Electric/Honeywell</i> (2001)	98
Case No COMP/M.2416 – <i>Tetra Laval/Sidel</i> (2001)	106
Case No COMP/M.2312 – <i>ABBOTT/BASF</i> (2001)	272
Case No COMP/M.2922 – <i>Pfizer/Pharmacia</i> (2003)	120, 129, 193, 211, 230
Case No IV/C-3/36.849 – <i>MPEG-2 Licensing Programme</i> , OJ C 229/19 (1998)	157, 193, 260, 262
Case No IV/C-3/37.506 – <i>DVD Patent Licensing Programme</i> , OJ C 242/5 (1999)	160, 193, 260, 262
Case COMP/C-3/37.792 – <i>Microsoft</i> (2004)	174, 187, 214, 288, 289, 290
Case COMP D3/38.044 – <i>NDC Health v. IMS Health: interim measures</i> , OJ L 59/18 (2002)	184

US SUPREME COURT

<i>Hartford-Empire Co. v. United States</i> , 323 U.S. 386 (1945)	203
<i>Brown Shoe Co. v. United States</i> , 370 U.S. 294 (1962)	60
<i>United States v. Penn-Olin Chemical Co.</i> , 378 U.S. 158 (1964)	199
<i>Walker Process Equip., Inc. v. Food Mach. & Chem. Corp.</i> , 382 U.S. 172 (1965)	203
<i>United States v. Grinnell Corp.</i> , 384 U.S. 563 (1966)	283
<i>Federal Trade Commission v. Procter & Gamble Co.</i> , 386 U.S. 568 (1967)	59
<i>United States v. Falstaff Brewing Corp.</i> , 410 U.S. 526 (1973)	62
<i>United States v. General Dynamics Corp.</i> , 415 U.S. 486 (1974)	60, 61
<i>Aspen Skiing Co. v. Aspen High-lands Skiing Corp.</i> , 472 U.S. 585 (1985)	182
<i>Eastman Kodak Co. v. Image Technical Services</i> , 504 U.S. 451 (1992)	53, 172
<i>Spectrum Sport, Inc. v. McQuillan</i> , 506 U.S. 447 (1993)	183
<i>Verizon Communications, Inc. v. Law Offices of Curtis Trinko, LLP</i> , 540 U.S. 398, (2004)	181, 186, 187, 287

US CIRCUIT COURTS

<i>BOC International Ltd. (British Oxygen) v. FTC</i> , 557 F.2d 24 (2d Cir. 1977)	199
<i>Santa Fe-Pomeroy Inc. v. P & Z Co.</i> , 569 F.2d 1084 (9th Cir. 1978)	234
<i>United States v. Siemens Corp.</i> , 621 F.2d 499 (2d Cir. 1980)	60
<i>SCM Corp. v. Xerox Corp.</i> , 645 F.2d 1195 (2d Cir. 1981), cert. denied, 455 U.S. 1016 (1982)	61, 297
<i>MCI Communications Corp. v. AT&T</i> , 708 F.2d 1081 (7th Cir.), cert. denied, 464 U.S. 891 (1983)	182
<i>Federal Trade Commission v. PPG Industries, Inc.</i> , 789 F.2d 1500 (D.C. Cir. (1986)	64
<i>United States v. Microsoft Corp.</i> , 56 F.3d 1448 (D.C. Cir. 1995)	170
<i>United States v. Microsoft Corp.</i> , 147 F.3d 935 (D.C. Cir. 1998)	170
<i>C.R. Bard, Inc v. M3 Systems Inc.</i> 157 F.3d 1340 (Fed. Cir. 1998)	295
<i>Intergraph Corp. v. Intel Corp.</i> , 195 F.3d 1346 (Fed. Cir. 1999)	168
<i>United States v. Microsoft</i> , 253 F.3d 34 (D.C. Cir. 2001)	53, 55, 130, 170, 180, 187, 214, 224, 268, 282, 283, 285, 287, 291

US District Courts

<i>United States v. Automobile Mfrs Ass'n.</i> , 307 F.Supp. 617 (C.D. Cal. 1969)	65
<i>United States v. Black & Decker Mfg</i> , 430 F.Supp. 729 (D.Md. 1976)	60
<i>Intergraph Corp. v. Intel Corp.</i> , 3 F.Supp.2d 1255 (N.D.Ala. 1998)	166, 168
<i>FTC v. H.J. Heinz, Co.</i> , 116 F.Supp.2d 190 (D.D.C. 2000)	271
<i>In re Papst Licensing, GmbH Patent litigation</i> , 2000 WL 1145725 (E.D.La Aug. 11, 2000)	67
<i>United States v. Microsoft Corp.</i> , 87 F.Supp.2d 30 (D.D.C. 2000)	170
<i>United States v. Microsoft Corp.</i> , 97 F.Supp.2d 59 (D.D.C. 2000)	170
<i>United States v. Oracle Corp.</i> , Case No. C 04-00807 VRW, (N.D. Cal. Sept. 9, 2004)	102, 219

DEPARTMENT OF JUSTICE

<i>United States v. General Motors Corp.</i> , Civ. No. 93-530 (D. Del., filed Nov. 16, 1993)	94, 97, 98, 103, 200, 209, 214, 220
<i>United States v. Flow International Corp and Ingersoll-Rand Co.</i> , Civ. 94-71320 (E.D. Mich., filed April 14, 1994)	95, 227
<i>United States v. Lockheed Martin Corp. and Northrop Grumman Corp</i> (D.D.C., filed March 23, 1998)	107, 193, 214, 216, 218, 227, 228, 267

<i>United States v. Halliburton Company and Dresser Industries, Inc.</i> , Civ. No 98-CV-2340 (April 1, 1999)	96, 214, 225, 227
<i>United States v. Compuware, Corp. and Viasoft, Inc</i> (D.D.C., filed Oct. 29, 1999)	221
<i>Varian Medical Systems</i> (DOJ 2000)	127, 237

FEDERAL TRADE COMMISSION

<i>American Cyanamid Co.</i> , 72 F.T.C. 623 (1967)	297
<i>Bendix Corp.</i> , Docket no. 8739 (1970)	62
<i>B.A.T. Industries, Ltd.</i> , 104 F.T.C. 916 (1984)	198
<i>Roche Holdings Ltd.</i> 113 F.T.C. 1086 (1990)	135, 147, 148, 198, 211, 238, 248, 264
<i>Montedison S.p.A.</i> , FTC File No. 941-0043 (Jan. 11, 1995)	98, 193, 202, 214, 227
<i>Sensormatic Elec. Corp.</i> , File No. 941-0126, 60 Fed. Reg. 5428 (Jan. 27, 1995)	131, 147, 210, 218, 307
<i>American Home Prods. Corp.</i> , C-3557 (Feb. 14, 1995), 60 Fed. Reg. 60,807 (Nov. 29, 1994)	113, 137, 147, 149, 193, 211, 225, 239, 248, 251, 276
<i>Boston Scientific Corp.</i> , File No. 951-0002, 60 Fed. Reg. 12,948 (Mar. 9, 1995)	111, 128, 193, 211, 229, 278
<i>Wright Medical Technology, Inc.</i> , C-3564 (Mar. 23, 1995), 60 Fed. Reg. 460 (Jan. 4, 1995)	110, 125, 130, 193, 211, 229
<i>Glaxo plc.</i> , FTC File No. 951-0054, 60 Fed. Reg. 16, 139 (Mar. 29, 1995)	133, 140, 149, 218, 251, 276, 278
<i>The Upjohn Co. and Pharmacia Aktiebolag</i> , 121 F.T.C. 44, FTC File No. 951-0140, Docket no. C-3638, (Feb. 8, 1996)	139, 148, 193, 225, 249, 251, 272
<i>Ciba-Geigy Ltd.</i> , 123 F.T.C. 842, Docket no. C-3725 (1997)	153, 163, 164, 193, 206, 215, 258, 263, 265, 276, 309
<i>Baxter International Inc.</i> , File No. 971-0002, Docket no. C-3726 (1997)	140, 142, 148, 218, 225, 248
<i>Digital Equipment Corporation</i> , Docket no. C-3818 (1998)	103, 110, 193, 214, 227, 228
<i>Summit Technology, Inc. and VISX, Inc.</i> , Docket no. C-9286 (1998)	254, 297
<i>Intel Corporation</i> , Docket no. 9288 (1999)	53, 165, 186, 193, 200, 214, 285
<i>Hoechst AG</i> , File No. 991-0071, Docket no. C-3919 (2000)	124, 142, 149, 193, 277
<i>Pfizer Inc., and Warner-Lambert Company</i> , File No. 001 0059, Docket no. C-3957 (2000)	141, 142, 148, 211, 225, 230, 249, 251

- Amgen Inc. and Immunex Corporation*, Docket no. C-4053 (2002) **119, 129, 193, 210, 211, 230, 277**
- Cytec Corp. and Digene Corp.*, FTC File No. 021 0098 (2002) **123, 229**
- Pfizer Inc. and Pharmacia Corporation*, File No. 021 0192, Docket no. C-4075 (2003) **120, 129, 193, 211**
- GenCorp Inc.*, Docket no. C-4099, File No. 031 0152 (2003) **101, 219, 227**
- Genzyme/Novazyme Pharmaceuticals, Inc.*, File No. 021 0026, Closing letter, January 13, 2004 **123, 143, 144, 145, 147, 149, 193, 204, 205, 211, 213, 239, 241, 243, 248, 275, 277**

- MPEG Pool Letter, Business Review Letter from Joel I. Klein, Acting Assistant Attorney General, Antitrust Division, Department of Justice, to Garrard R. Beeney, Esq. (June 26, 1997) **157, 160, 260, 262**
- DVD Pool Letter, Business Review Letter from Joel I. Klein, Acting Assistant Attorney General, Antitrust Division, Department of Justice, to Garrard R. Beeney, Esq. (Dec. 16, 1998) **160, 260, 262**
- 3G Patent Platform Partnership, Business Review Letter from Charles A. James, Assistant Attorney General, Antitrust Division, Department of Justice, to Ky P. Ewing, Esq. (November 12, 2002) **161**

Contents

<i>Acknowledgments</i>	x
<i>List of abbreviations</i>	xi
<i>List of official documents</i>	xii
<i>List of cases</i>	xiv
1 Introduction	1
1.1 The subject	1
1.2 The antitrust law concept of innovation markets	1
1.3 Background	4
1.4 Economics and law	8
1.5 Previous works	13
1.6 Outline	14
2 Economics, innovation and competition	16
2.1 Background	16
2.2 Innovation and economic welfare	20
2.2.1 Traditional growth theory	21
2.2.2 Endogenous growth theory	22
2.2.3 Criticism and conclusions	24
2.3 Innovation and competition	26
2.3.1 Static and dynamic efficiency	26
Conclusions	28
2.3.2 Sources of innovation	28
Entrepreneurs and business opportunities	28
Large firms and routinization	30
Synthesis	32
Capabilities, resources and strategies	33
Interorganizational linkages	34
Conclusions	37
2.3.3 Market structure and innovation	38
Monopoly and competition	38
Oligopolies	40
Potential competition and barriers to entry	41
Reward for innovation	42
Technology trading	47
Conclusions	47

2.4	Implications for antitrust policy	48
2.4.1	The Harvard School and the SCP paradigm	48
2.4.2	The Chicago School and efficiency orientation	49
2.4.3	Post-Chicago developments	51
2.4.4	Competition policy and innovation industries	55
3	Policy developments	59
3.1	Introduction	59
3.2	Dynamic antitrust assessment	59
3.2.1	Present and future market conditions	59
3.2.2	Potential competition	61
3.2.3	R&D and technology issues	63
3.3	Innovation and technology in the guidelines	66
3.3.1	US 1992/1997 horizontal merger guidelines	68
3.3.2	US 1995 licensing guidelines	69
3.3.3	The Gilbert & Sunshine model	72
3.3.4	US 2000 competitor collaboration guidelines	73
3.3.5	EU 1984 and 2000 R&D block exemptions	75
3.3.6	EU 2001 horizontal cooperation guidelines	77
3.3.7	EU 2004 horizontal merger guidelines	79
3.3.8	EU 2004 technology transfer block exemption and guidelines	80
3.4	Early debate on the innovation market approach	84
4	Innovation analysis in practice	90
4.1	Introduction	90
4.2	Innovation analysis in various contexts	90
4.3	Industry bias	91
4.4	Categorization of case law	92
4.4.1	Innovation in existing markets	92
4.4.2	Potential R&D entrants	92
4.4.3	Competition for future products	93
4.4.4	General R&D competition	93
4.4.5	Unilateral conduct	94
4.5	Innovation in existing markets	94
4.5.1	Innovation: a relevant market or feature of a market?	94
4.5.2	Vertical and horizontal effects	103
4.5.3	Acquisitions in adjacent markets	106
4.5.4	Product variety, innovation pace and quality	107
4.5.5	Concluding observations	109
4.6	Potential R&D entrants	110
4.6.1	R&D competition and future product markets	110