

# FEDERAL ANTITRUST POLICY THE LAW OF COMPETITION AND ITS PRACTICE

Fourth Edition

Herbert Hovenkamp

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# **FEDERAL ANTITRUST POLICY**

## **THE LAW OF COMPETITION AND ITS PRACTICE** **Fourth Edition**

By

**Herbert Hovenkamp**

*Ben V. & Dorothy Willie Professor  
University of Iowa, College of Law*

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## Preface

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This fourth edition of *Federal Antitrust Policy: the Law of Competition and its Practice* is a complete revision of the third edition, and is current with all case law through 2010, including all decisions of the Supreme Court and all important lower court decisions.

This book seeks to give a full, although brief, accounting of United States antitrust law. Today the union of antitrust and economics is so complete that one cannot study antitrust seriously without at least minimal exposure to economics. *Federal Antitrust Policy* uses economics in a modestly technical way. I assume that the reader has no background in economics, and thus that each step must be explained. For those whose economics is more advanced, the footnotes cite to more technical literature in antitrust economics. However, the book is designed in such a way that its substance can be fully understood by a reader with no economic training and no inclination to learn even the little that is presented here. The small number of equations are merely illustrative, and almost always in footnotes. The geometric figures illustrate only what the text explains.

Law school antitrust curricula vary considerably, with some classes focusing only on questions of substance, some involving many questions of enforcement and procedure, and some being quite creative in their application of economics. I have tried to accommodate all of these to one degree or another. I have also attempted to provide a level of detail and analysis that makes this book a useful resource for the practitioner, judge or other antitrust scholar.

I chose the word “policy” for the title, since this book attempts both to state the “black letter” law and to present policy arguments for alternatives. Although I frequently disagree with court decisions, in all cases I have tried to state clearly what the legal rule is, and then give the reasons for my disagreement. Of course, I have my own ideological views. But here I have tried to present alternative views fairly, and to uncover the premises upon which they rely.

HERBERT HOVENKAMP

Iowa City, Iowa  
May 2011



## WESTLAW® Overview

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*Federal Antitrust Policy: The Law of Competition and Its Practice* offers a detailed and comprehensive treatment of the basic rules, principles, and issues relating to antitrust law. To supplement the information contained in this book, you can access Westlaw, West's computer-assisted legal research service. Westlaw contains a broad array of legal resources, including case law, statutes, expert commentary, current developments, and various other types of information.

Learning how to use these materials effectively will enhance your legal research abilities. To help you coordinate the information in the book with your Westlaw research, this volume contains an appendix listing Westlaw databases, search techniques, and sample problems.

The instructions and features described in this Westlaw overview are based on accessing Westlaw at **www.westlaw.com**.

THE PUBLISHER

# **FEDERAL ANTITRUST POLICY**

**THE LAW OF COMPETITION  
AND ITS PRACTICE**

**Fourth Edition**



# Summary of Contents

---

	Page
PREFACE .....	v
WESTLAW OVERVIEW .....	vii
<b>PART I. FOUNDATIONS: POLICY AND MEASUREMENT</b>	
<b>Chapter</b>	
1. The Basic Economics of Antitrust .....	2
2. History and Ideology in Antitrust Policy .....	57
3. Market Power and Market Definition .....	87
<b>PART II. THE SUBSTANCE OF ANTITRUST</b>	
4. Antitrust Policy Toward Collusion and Oligopoly .....	158
5. Joint Ventures of Competitors, Concerted Refusals, Patent Licensing, and the Rule of Reason .....	210
6. Exclusionary Practices and the Dominant Firm: The Basic Doctrine of Monopolization and Attempt .....	290
7. Exclusionary Practices in Monopolization and Attempt Cases .....	312
8. Predatory and Other Exclusionary Pricing .....	370
9. Vertical Integration and Vertical Mergers .....	411
10. Tie-Ins, Reciprocity, Exclusive Dealing and the Franchise Contract .....	434
11. Intrabrand Restraints on Distribution .....	489
12. Mergers of Competitors .....	540
13. Conglomerate Mergers .....	607
14. Price Discrimination and the Robinson-Patman Act .....	621
<b>PART III. ANTITRUST AS A REGULATORY INSTITUTION</b>	
15. Public Enforcement of the Federal Antitrust Laws .....	642
16. Private Enforcement .....	651
17. Damages .....	706
18. Antitrust and the Process of Democratic Government .....	746
19. Antitrust and Federal Regulatory Policy .....	767
20. Antitrust Federalism and the "State Action" Doctrine .....	793
21. The Reach of the Federal Antitrust Laws .....	820
APPENDIX: WESTLAW .....	839
TABLE OF CASES .....	855
TABLE OF STATUTES .....	885
INDEX .....	891

# Table of Contents

---

	Page
PREFACE .....	v
WESTLAW OVERVIEW .....	vii
<b>PART I. FOUNDATIONS: POLICY AND MEASUREMENT</b>	
<b>Chapter 1. The Basic Economics of Antitrust .....</b>	<b>2</b>
Sec.	
1.1 Price Theory: Economic Behavior and Perfect Competition .....	2
1.1a. The Perfectly Competitive Market .....	3
1.1b. Behavior of the Competitive Firm .....	8
1.2 Monopoly .....	12
1.2a. Price and Output of the Protected Monopolist .....	12
1.2b. Monopsony; Output Effects; Policy Implications .....	14
1.2c. De Facto Monopolies in Real World Markets .....	16
1.3 Antitrust Policy and the Social Cost of Monopoly .....	17
1.3a. Monopoly as a Status; Monopolization as a Process .....	17
1.3b. The Deadweight Loss Caused by Monopoly .....	19
1.3c. The Social Cost of Monopoly: Rent-Seeking .....	21
1.3d. The Social Cost of Monopoly: Lost Competitor Investment .....	23
1.4 Industrial Organization Theory and Economies of Scale .....	27
1.4a. The General Case of Economies of Scale .....	27
1.4b. Persistent Scale Economies, Natural Monopoly, Franchise Bidding and Contestability .....	32
1.5 Less-Than-Perfect Competition .....	36
1.5a. Product Differentiation .....	37
1.5b. Price Discrimination .....	37
1.5c. Oligopoly .....	38
1.5d. Less-Than-Perfect Competition and "Second Best" .....	38
1.6 Barriers to Entry .....	39
1.7 The Troubled Life of the Structure-Conduct-Performance Paradigm .....	42
1.8 The Increasing Importance of Transaction Cost Economics in Antitrust Analysis .....	46
<b>Chapter 2. History and Ideology in Antitrust Policy .....</b>	<b>57</b>
Sec.	
2.1 The Development of American Antitrust Policy .....	57
2.1a. The Goals of the Sherman Act: Efficiency and Interest Group Explanations .....	57
2.1b. The Common Law and the Federal Antitrust Laws .....	61
2.1c. A Thumbnail History of Federal Antitrust Policy .....	65
2.2 On the Role of Economics in Antitrust .....	69
2.2a. Antitrust and Economics Before 1960 .....	69
2.2b. The Chicago School and Its Aftermath .....	71
2.2c. Skepticism; Competitor v. Consumer Suits; Private v. Public Suits .....	73

	Page
<b>Sec.</b>	
2.2d. Politics and Democratic Policy .....	77
2.2e. Antitrust Policy in the Wake of the Chicago School .....	77
2.3 On the Use of Economics in Antitrust .....	79
2.3a. The Domain of Antitrust Economics .....	79
2.3b. The Substance of Antitrust Economics .....	82
2.3c. The Meaning of "Welfare," "Efficiency" and "Consumer Welfare" in Anti-trust Economics .....	83
<b>Chapter 3. Market Power and Market Definition .....</b>	<b>87</b>
<b>Sec.</b>	
3.1 Introduction .....	88
3.1a. Market Power Technically Defined .....	89
3.1b. Market Share as a Surrogate for Market Power .....	90
3.1c. Market Share as More Than a Surrogate; Independent Relevance of Market Share .....	91
3.1d. The Relevant Antitrust Market .....	92
3.2 Estimating the Relevant Market; The SSNIP and the "Hypothetical Monopolist" .....	92
3.2a. Size of Hypothesized Price Increase .....	95
3.2b. The "Profit-Maximizing" Increase; Critical Loss Analysis .....	96
3.2c. Broader and Narrower Markets; General Irrelevance of Submarkets .....	97
3.3 The Product Market; General Considerations .....	101
3.3a. Markets and Brands; "Lock-in" .....	103
3.3a1. Single Brand Ordinarily Not a Relevant Market; Kodak .....	103
3.3a2. Lower Court Decisions Limiting Kodak .....	108
3.3a3. Contract "Lock-in;" Franchisor Brand as Market .....	109
3.3b. Substitutes v. Complements; Cluster Markets .....	110
3.3b1. Relevant Market Consists of Substitutes .....	110
3.3b2. The Limited Rationale for Finding "Cluster" Markets .....	112
3.4 "Cross-Elasticity of Demand;" The "Cellophane" Fallacy and Its Consequences .....	114
3.4a. Cross-Price Elasticities and Their Meaning .....	114
3.4b. Cross-Elasticity of Demand in the du Pont (Cellophane) Case .....	115
3.4c. Correcting for the "Cellophane" Fallacy .....	116
3.5 Supply Elasticities; Foreign Imports .....	118
3.5a. Foreign Imports and the Alcoa Case .....	119
3.5b. Other Decisions Addressing (or Failing to Address) Supply Issues .....	121
3.5c. Accounting for Elasticity of Supply: Market Inclusion or Low Barriers to Entry? .....	123
3.6 The Geographic Market .....	123
3.6a. Shipped Goods; Minimum Geographic Market .....	124
3.6b. Stationary Goods and Services .....	126
3.6c. Price Movements and Shipping Patterns .....	128
3.6c1. Price Movements Generally; Asymmetry .....	128
3.6c2. The Elzinga-Hogarty Test .....	129
3.6d. Trade Area; Non-competition Covenants .....	130
3.6e. Price Discrimination .....	131
3.7 Computation and Interpretation of Market Shares .....	132
3.7a. Revenue v. Units .....	133
3.7b. Output v. Capacity .....	134
3.7c. Product Durability and Power .....	135
3.7d. Interpreting Market Share Data; Questions of Fact or Law .....	137

Sec.		Page
3.8	Market Definition in the Justice Department Merger Guidelines .....	139
3.8a.	Product Market Delineation in the 2010 Guidelines. ....	140
3.8b.	Geographic Market Definition Under the 2010 Guidelines .....	142
3.8c.	Calculation of Market Shares Under the 2010 Merger Guidelines .....	143
3.8d.	The “Cellophane” Fallacy and the Difference Between Market Delineation for Mergers and Other Practices .....	144
3.8e.	Conclusion; The Guidelines as a Policy Statement .....	145
3.9	Alternative Methods of Establishing Market Power .....	146
3.9a.	Measuring Residual Demand Directly .....	146
3.9b.	Persistent Price Discrimination .....	147
3.9b1.	Price Discrimination and Intellectual Property .....	149
3.9b2.	Price Discrimination and Market Definition .....	150
3.9c.	Persistent Monopoly Profits; High Margins .....	150
3.9c1.	Monopoly Profits v. Accounting Profits .....	150
3.9c2.	Absence of High Accounting Profits .....	152
3.9c3.	The Problem of “Rents” .....	152
3.9d.	Market Power and Intellectual Property .....	153

## PART II. THE SUBSTANCE OF ANTITRUST

<b>Chapter 4.</b>	<b>Antitrust Policy Toward Collusion and Oligopoly .....</b>	<b>158</b>
<b>Sec.</b>		
4.1	Introduction: The Basic Economics of Price Fixing .....	158
4.1a.	The (Virtual) Universality of Cartel Cheating .....	161
4.1a1.	Divergence Between Cartel and Single Firm Profit Maximization .....	161
4.1a2.	Cartel Cheating Strategies .....	162
4.1a3.	Detecting and Punishing Cheating; Cartel “Amnesty” .....	164
4.1b.	Competitive Fringe Firms .....	168
4.1c.	Internal Efficiencies of the Cartel .....	169
4.1d.	Cartels of Buyers .....	170
4.2	Oligopoly, Cooperative and Non-cooperative .....	171
4.2a.	Non-cooperative Cournot Oligopoly .....	172
4.2b.	Cooperative v. Non-cooperative Oligopoly Strategies .....	174
4.3	The Social Cost of Collusion .....	178
4.4	Antitrust Policy Toward Oligopoly and Tacit Collusion .....	179
4.4a.	Attacking Oligopoly; The Turner-Posner Debate .....	179
4.4b.	Identifying Tacit Collusion and Facilitators; Policy Options .....	182
4.5	Proving a Price or Output “Agreement” From Indirect or Circumstantial Evidence .....	185
4.6	Reaching Oligopoly Behavior on Less Explicit Evidence of Agreement .....	190
4.6a.	Introduction; Incomplete Agreements .....	190
4.6b.	Challenging Facilitators Established by Agreement .....	193
4.6c.	“Unilateral” Facilitators; Basing-Point Pricing Schemes .....	194
4.6d.	Other Facilitators; 5 of Federal Trade Commission Act .....	198
4.6e.	Motions to Dismiss and Summary Judgment in Conspiracy Cases .....	202
4.7	Intraenterprise Conspiracy .....	203
<b>Chapter 5.</b>	<b>Joint Ventures of Competitors, Concerted Refusals, Patent Licens- ing, and the Rule of Reason .....</b>	<b>210</b>
<b>Sec.</b>		
5.1	Introduction: Naked and Ancillary Agreements Among Competitors .....	211

Sec.		Page
5.1a.	Distinguishing Naked From Ancillary Restraints; Question of Law .....	212
5.1b.	Why Multilateral Activity Deserves Closer Antitrust Scrutiny .....	214
5.1c.	Partial Condemnation; Less Restrictive Alternatives .....	216
5.2	Joint Ventures as Market Facilitators .....	217
5.2a.	Joint Ventures: An Overview .....	217
5.2a1.	Potential Harms and Benefits .....	217
5.2a2.	The Two Sides of the Exclusivity Problem .....	220
5.2b.	Ventures Facilitating R & D, Advertising and Promotion; Ancillary Market Divisions .....	222
5.2b1.	Joint Ventures and Free Rider Problems .....	222
5.2b2.	National Cooperative Research Act .....	222
5.2b3.	Ancillary and Naked Agreements Pertaining to Advertising .....	223
5.2b4.	Ancillary Market Divisions and Noncompetition Agreements .....	224
5.2c.	Transactional Efficiencies Justifying Joint Venture Price Setting .....	228
5.2d.	The Relation Between Joint Venture Analysis and Merger Analysis .....	231
5.3	Competitor Exchanges of Price or Output Information; Posting Agreements .....	233
5.3a.	Industry-Wide Dissemination of Price and Output Information .....	234
5.3b.	Direct Competitor Exchange of Price Information .....	236
5.3c.	Agreements to Post, or to Post and Adhere .....	237
5.4	Concerted Refusals to Deal, Joint Venture Membership Restrictions, and Standard Setting .....	238
5.4a.	Harms and Benefits; Appropriate Antitrust Standard .....	238
5.4a1.	A Rule of Reason, With a Few Exceptions .....	239
5.4a2.	Special Treatment for the Learned Professions? .....	243
5.4b.	Efficient Joint Ventures and Refusals to Deal .....	245
5.4b1.	Closed-Membership and Other Traditional Joint Ventures .....	245
5.4b2.	Open-Membership Ventures; Positive Network Externalities .....	246
5.4c.	Standard Setting and Rule Enforcement in Private Entrepreneurial and Professional Associations .....	251
5.4d.	Agreements Involving Non-Competitors .....	257
5.4e.	Expressive and Noncommercial Boycotts .....	259
5.5	Agreements Governing the Licensing and Use of Patents and Other Intellectual Property .....	260
5.5a.	Introduction; Basic Issues .....	260
5.5b.	The Scope of the Patent Misuse Doctrine, Antitrust and Beyond .....	261
5.5c.	Patent Licensing .....	265
5.5c1.	Price Fixing; Output Restrictions; Royalty Rates; Exclusivity .....	265
5.5c2.	Horizontal Territorial and Other Market Division Agreements; Patent Settlements, Pharmaceutical and Otherwise .....	268
5.5c3.	Package Licenses .....	270
5.5c4.	Patent Pools .....	271
5.5c5.	Grantbacks .....	271
5.5d.	Agreements Concerning Non-Patent Intellectual Property .....	272
5.6	Characterization and Evaluation: The Per Se Rule and the Rule of Reason .....	272
5.6a.	The Supreme Court and the Per Se Rule .....	272
5.6b.	The Exaggerated Distinction Between Rule of Reason and Per Se Treatment .....	274
5.6c.	Identifying Anticompetitive Conduct: A Tentative Road Map .....	279
5.6d.	The Truncated, or "Quick Look," Rule of Reason .....	285
5.6e.	The Burden of Proof .....	287



	Page
<b>Chapter 6. Exclusionary Practices and the Dominant Firm: The Basic Doctrine of Monopolization and Attempt</b> .....	<b>290</b>
Sec.	
6.1 The Monopolization Offense .....	290
6.2 Monopoly Power and Illegal Monopolization .....	292
6.2a. Monopolization's Market Power Requirement .....	293
6.2b. The Relation Between Market Power and Market Share; Entry Barriers .....	295
6.3 Conduct Requirements—Is Bad Conduct Necessary? .....	296
6.4 Identifying Monopolizing Conduct .....	297
6.4a. Exclusionary Conduct Defined .....	298
6.4b. Private and Government Suits Distinguished .....	301
6.4c. Intent .....	302
6.5 The Offense of Attempt to Monopolize .....	303
6.5a. Attempt Law's Specific Intent Requirement .....	304
6.5b. "Dangerous Probability of Success" .....	307
6.5b1. The "Dangerous Probability" Requirement as a Screening Device ....	307
6.5b2. Dangerous Probability and Market Power .....	309
6.6 Conspiracy to Monopolize .....	310
<b>Chapter 7. Exclusionary Practices in Monopolization and Attempt Cases</b> .....	<b>312</b>
Sec.	
7.1 Introduction .....	313
7.2 Merger and Monopoly .....	314
7.3 Output Expansion; Strategic Capacity Construction .....	315
7.4 Price Discrimination; Leasing Practices .....	315
7.5 Unilateral Refusals to Deal I: General Doctrine .....	317
7.5a. Refusals Directed at Competitors .....	317
7.5b. Scope of Duty to Deal .....	321
7.5c. Possible Qualifications; Dominated Networks .....	322
7.6 Unilateral Refusal to Deal II: Vertical Integration, Price Squeezes, Tying and Exclusive Dealing .....	324
7.6a. Kodak and Its Aftermath .....	324
7.6a1. "Lock-in" Requires Initial Purchase and Subsequent Change of Policy .....	326
7.6a2. "Average" Customer Must Be Poorly Informed; or Price Discrimination Must Be Possible .....	326
7.6a3. Summary: Aftermarket Opportunism Not Within 2's Purview .....	327
7.6b. The Price or Supply "Squeeze;" Vertical Integration and linkLine .....	328
7.6c. Quasi-Tying and Exclusive Dealing—Technological Ties .....	331
7.6d. Use of Vertical Refusals by Private Antitrust Plaintiffs .....	333
7.6e. Legitimate Business Purpose .....	335
7.6f. Unilateral Refusal by Nonmonopolist .....	335
7.7 Refusal to Deal III: The "Essential Facility" Doctrine .....	336
7.7a. What Is a Qualifying "Essential Facility"? .....	337
7.7b. The Extent of the Duty to Deal .....	338
7.7c. Reasonableness of Refusal to Deal .....	338
7.7d. Essential Facility Doctrine Inconsistent With General Antitrust Goals .....	339
7.7d1. Forced Sharing Requires Price Administration .....	339
7.7d2. Forced Sharing Undercuts Incentives to Develop Alternative Sources of Supply .....	340
7.7d3. Dominated Networks as Essential Facilities .....	340

	Page
<b>Sec.</b>	
7.8 “Predatory” Product Design and Development; Failure to Predisclose; Altered Complementary Products .....	340
7.8a. Predatory Product or Process Innovation .....	341
7.8b. Failure to Predisclose New Technology .....	344
7.8c. Microsoft: Unnecessarily Harmful Redesigns and Licensing Requirements.....	344
7.8d. Strategic Entry Deterrence; Predatory Advertising, Excessive Product Differentiation.....	346
7.9 The Troublesome “Leverage” Theory; Nonmonopolistic Advantage in Second Market .....	348
7.10 Raising Rivals’ Costs (RRC) .....	349
7.10a. The Pedigree and Judicial Development of RRC .....	351
7.10b. Pre-emption of Markets or Customers as RRC .....	352
7.11 Unreasonably Exclusionary Practices Involving Patents or Other Intellectual Property Rights .....	354
7.11a. Walker Process: “Obtaining” Patent by Fraud .....	355
7.11b. Enforcement of Patent Known to Be Invalid or Unenforceable; Noerr Issues .....	356
7.11c. Accumulation; Nonuse .....	360
7.11d. Unilateral Refusal to License, Simple and Conditional .....	361
7.11d1. Absolute Refusal to License .....	361
7.11d2. Conditional Refusals to License .....	363
7.11e. Patent “Deception” and Failure to Disclose, Particularly in Standard Setting .....	364
7.12 Abuse of Government Process .....	365
7.13 Business Torts as Antitrust Violations .....	366
7.14 Conduct Requirements in Attempt Cases .....	368
<b>Chapter 8. Predatory and Other Exclusionary Pricing .....</b>	<b>370</b>
<b>Sec.</b>	
8.1 Introduction .....	370
8.2 When Is a Price Predatory? The Areeda–Turner Test .....	372
8.3 Predatory Pricing: Application and Criticism of the Areeda–Turner Test .....	373
8.3a. The Average Variable Cost (AVC) Surrogate .....	373
8.3b. The Problem of Long–Run, Strategic Behavior; “Predatory” Prices Above Cost; Multiple–Benefit Predation .....	375
8.3b1. Limit Pricing and Strategic Entry Deterrence .....	375
8.3b2. Multiple–Benefit Predation .....	378
8.3c. AVC Measured as Average Avoidable Cost; Opportunity Cost .....	379
8.4 Structural Issues: When Is Predatory Pricing Plausible? Recoupment .....	380
8.4a. The Predator’s Market Position .....	381
8.4b. Barriers to Entry .....	384
8.4c. Excess Capacity .....	385
8.4d. Disposition of Productive Assets .....	386
8.4e. Should Competitor Predatory Pricing Suits Be Abolished? .....	387
8.5 Judicial Adaption of the Areeda–Turner Test: Price/Cost Relationships and Intent....	388
8.5a. Price/Cost Relationships .....	388
8.5b. Intent .....	389
8.6 Judicial Adaption of Areeda–Turner: Identifying Relevant Costs; Multi-product Firms; Customer–Specific Pricing .....	390
8.7 Judicial Adaption of Areeda–Turner: Structural Issues and Recoupment .....	393
8.8 Predatory Pricing and the Robinson–Patman Act .....	395



	Page
<b>Sec.</b>	
8.9 More Complex Exclusionary Pricing Strategies, Particularly Discounts.....	401
8.9a. Quantity and Loyalty Discounts.....	401
8.9b. Package Pricing and Bundled Discounts.....	403
8.9b1. The Varieties of Bundled Discounts.....	403
8.9b2. The “Attribution” Test for Bundled Discounts.....	404
8.9b3. More Complex Bundles.....	406
8.9c. Slotting Allowances and Related Pricing Incentives Paid to Retailers.....	407
8.10 Predatory Buying and the Weyerhaeuser Decision.....	408
<b>Chapter 9. Vertical Integration and Vertical Mergers.....</b>	<b>411</b>
<b>Sec.</b>	
9.1 Introduction.....	411
9.2 The Economics of Vertical Integration.....	412
9.2a. The Implications of Coase’s Work; Transaction Cost Economics.....	412
9.2b. Cost Savings, Technological and Transactional.....	414
9.2c. Efficient Vertical Integration and Multi-Stage Market Power; Eliminating Double Marginalization; Two-Part Tariffs.....	417
9.3 Plausible Anticompetitive Consequences of Vertical Integration.....	420
9.3a. Strategic Control of Inputs.....	421
9.3b. Price Discrimination.....	422
9.3c. Foreclosure and Entry Barriers.....	423
9.3d. Vertical Integration by Price Regulated Firms.....	424
9.3e. Vertical Integration and Cartels.....	425
9.4 Vertical Mergers and Antitrust Law.....	425
9.5 Vertical Mergers and the Antitrust Division Merger Guidelines.....	431
9.5a. Increased Barriers to Entry.....	432
9.5b. Vertical Mergers That Facilitate Collusion.....	432
9.5c. Avoidance of Rate Regulation.....	433
<b>Chapter 10. Tie-Ins, Reciprocity, Exclusive Dealing and the Franchise Contract.....</b>	<b>434</b>
<b>Sec.</b>	
10.1 Introduction: The Judicial Test for Tie-Ins.....	435
10.2 Tying Arrangements and Consumer Welfare.....	436
10.3 Market Power and Per Se Unlawful Ties; Sherman v. Clayton Act Tests.....	437
10.3a. The Rationale and Development of Tying’s Market Power Requirement.....	438
10.3b. Tying Arrangements in Imperfectly Competitive Markets; Locked-In Cus- tomers.....	440
10.3c. Intellectual Property and the Presumption of Market Power.....	443
10.3d. “Uniqueness” and Ubiquity as Market Power.....	444
10.3e. Separate Sherman and Clayton Act Tests? Federal Trade Commission Act....	445
10.3f. The Rationale for Per Se Illegal Tie-Ins.....	446
10.4 When Are Products Tied Together?.....	448
10.4a. Coercion by Contract, Condition, or Understanding.....	448
10.4b. Proof of a Relevant Tying “Agreement;” Uncommunicated Conditions.....	450
10.4c. Package Discounts.....	451
10.4d. Coercion by Package Design; Technological Ties.....	451
10.5 The Requirement of Separate Tying and Tied Products.....	453
10.5a. Introduction; Basic Competitive Market Test.....	453
10.5b. “New” Products.....	454
10.5c. Complete and Partial Substitutes as Separate Products.....	455

Sec.		Page
	10.5d. Intellectual Property and Labor as Separate Products.....	456
	10.5e. Efficiency—"Economies of Joint Provision" .....	457
10.6	Competitive Effects .....	459
	10.6a. The Leverage Theory: Using Tie-Ins to Turn One Monopoly into Two; Tipping .....	459
	10.6b. Entry Barriers, Foreclosure, and Collusion .....	461
	10.6b1. Entry Barriers and Tying Arrangements .....	461
	10.6b2. Foreclosure; Market Share .....	462
	10.6b3. Tie-Ins and Collusion .....	463
	10.6c. Evasion of Rate Regulation .....	464
	10.6d. Predatory Pricing and Other Attempts to Monopolize .....	466
	10.6e. Tie-Ins as Price Discrimination and Metering Devices; Franchise Agree- ments.....	466
	10.6f. Tying and Double Marginalization; "Reverse Leveraging" .....	471
10.7	Tie-Ins and Efficiency: Toward a General Rule of Reason .....	473
	10.7a. Efficiencies and Tying Law's Idiosyncratic Per Se Rule .....	473
	10.7b. Distribution Economies; Full-Line Forcing and Unwanted Tied Products; Lack of Consumer Injury .....	473
	10.7c. Conclusion: Moving Tying Law Toward a Rule of Reason .....	474
10.8	Reciprocity .....	476
10.9	Exclusive Dealing.....	478
	10.9a. Anticompetitive Foreclosure and Its Variations .....	479
	10.9a1. The Foreclosure Theory of Exclusive Dealing.....	479
	10.9a2. Raising Rivals' Costs .....	479
	10.9a3. Defining Markets to Measure Vertical Foreclosure.....	480
	10.9b. Exclusive Dealing as a Cartel Facilitator .....	480
	10.9c. The Difference Between Exclusive Dealing and Tying .....	481
	10.9d. Efficiency Explanations and Defenses for Exclusive Dealing.....	482
	10.9e. The Legal Standard for Exclusive Dealing Contracts.....	484
<b>Chapter 11.</b>	<b>Intrabrand Restraints on Distribution.....</b>	<b>489</b>
<b>Sec.</b>		
11.1	Introduction .....	490
11.2	Perceived Competitive Threats of Minimum RPM and Vertical Territorial Restraints .....	491
	11.2a. Introduction.....	491
	11.2b. Vertical Restraints as Collusion Facilitators; Powerful Individual Dealers.....	491
	11.2b1. Dealer Power; Policy Implications .....	494
	11.2b2. Manufacturer Collusion and Vertical Restraints .....	496
	11.2c. Foreclosure Effects .....	497
	11.2d. Third Degree Price Discrimination .....	497
	11.2e. Other Theories .....	498
11.3	Vertical Restraints and Efficiency.....	498
	11.3a. The Free-Rider Problem.....	498
	11.3a1. The Economics of Vertical Restraints to Combat Free Riding.....	500
	11.3a2. The Domain and Efficiency of Vertical Restraints to Combat Free- Riding .....	501
	11.3b. Variations on the Free-Rider Problem and Alternative Explanations .....	502
	11.3b1. Purchase of Preferred Distribution Services; Shelf Space; Quality Certification.....	502
	11.3b2. Facilitating Resale Density .....	503