

ANTITRUST

Lawrence Anthony Sullivan

Hornbook Series



HANDBOOK OF THE LAW OF ANTITRUST

By

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HORNBOOK SERIES

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- Sullivan's Hornbook of the Law of Antitrust, 886 pages, 1977 (Text)
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- Karlen, Meisenholder, Stevens and Vestal's Cases on Civil Procedure, 923 pages, 1975 (Casebook)
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- Shipman's Hornbook on Common-Law Pleading, 3rd Ed., 644 pages, 1923 (Text)
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- Lockhart, Kamisar and Choper's Cases on Constitutional Rights and Liberties, 5th Ed., 1298 pages plus Appendix, 1981, with 1983 Supplement (Casebook)—reprint from Lockhart, et al. Cases on Constitutional Law, 5th Ed., 1980
- Vieira's Civil Rights in a Nutshell, 279 pages, 1978 (Text)

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- Epstein and Martin's Basic Uniform Commercial Code Teaching Materials, 2nd Ed., 667 pages, 1983 (Casebook)
- Henson's Hornbook on Secured Transactions Under the U.C.C., 2nd Ed., 504 pages, 1979 with 1979 P.P. (Text)
- Murray's Commercial Law, Problems and Materials, 366 pages, 1975 (Coursebook)
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- Selected Commercial Statutes, approximately 1360 pages, 1983
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- Uniform Commercial Code, Official Text with Comments, 994 pages, 1978
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Weber and Speidel's Commercial Paper in a Nutshell, 3rd Ed., 404 pages, 1982 (Text)
White and Summers' Hornbook on the Uniform Commercial Code, 2nd Ed., 1250 pages, 1980 (Text)

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Langbein's Comparative Criminal Procedure: Germany, 172 pages, 1977 (Casebook)

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Scoles and Hay's Hornbook on Conflict of Laws, Student Ed., 1085 pages, 1982 (Text)
Scoles and Weintraub's Cases and Materials on Conflict of Laws, 2nd Ed., 966 pages, 1972, with 1978 Supplement (Casebook)
Siegel's Conflicts in a Nutshell, 469 pages, 1982 (Text)

CONSTITUTIONAL LAW

- Engdahl's Constitutional Power in a Nutshell: Federal and State, 411 pages, 1974 (Text)
Lockhart, Kamisar and Choper's Cases-Comments-Questions on Constitutional Law, 5th Ed., 1705 pages plus Appendix, 1980, with 1983 Supplement (Casebook)

CONSTITUTIONAL LAW—Continued

- Lockhart, Kamisar and Choper's Cases-Comments-Questions on the American Constitution, 5th Ed., 1185 pages plus Appendix, 1981, with 1983 Supplement (Casebook)—reprint from Lockhart, et al. Cases on Constitutional Law, 5th Ed., 1980
Manning's The Law of Church-State Relations in a Nutshell, 305 pages, 1981 (Text)
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Nowak, Rotunda and Young's Hornbook on Constitutional Law, 2nd Ed., Student Ed., approximately 1000 pages, 1983 (Text)
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Schaber and Rohwer's Contracts in a Nutshell, 307 pages, 1975 (Text)
Simpson's Hornbook on Contracts, 2nd Ed., 510 pages, 1965 (Text)

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- Hamilton's Cases on Corporations—Including Partnerships and Limited Partnerships, 2nd Ed., 1108 pages, 1981, with 1981 Statutory Supplement (Casebook)
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Henn's Cases on Corporations, 1279 pages, 1974, with 1980 Supplement (Casebook)
Henn's Hornbook on Corporations, 3rd Ed., Student Ed., approximately 1170 pages, 1983 (Text)
Jennings and Buxbaum's Cases and Materials on Corporations, 5th Ed., 1180 pages, 1979 (Casebook)
Selected Corporation and Partnership Statutes, Regulations and Forms, 556 pages, 1982
Solomon, Stevenson and Schwartz' Materials and Problems on the Law and Policies on Corporations, 1172 pages, 1982 (Casebook)

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Epstein and Sheinfeld's Teaching Materials on Business Reorganization Under the Bankruptcy Code, 216 pages, 1980 (Casebook)

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- Riesenfeld's Cases and Materials on Creditors' Remedies and Debtors' Protection, 3rd Ed., 810 pages, 1979 with 1979 Statutory Supplement and 1981 Case Supplement (Casebook)
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LaFave's Modern Criminal Law: Cases, Comments and Questions, 789 pages, 1978 (Casebook)
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Uviller's *The Processes of Criminal Justice: Investigation and Adjudication*, 2nd Ed., 1384 pages, 1979 with 1979 Statutory Supplement and 1980 Update (Casebook)

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Graham's *Federal Rules of Evidence in a Nutshell*, 429 pages, 1981 (Text)

Kimball's *Programmed Materials on Problems in Evidence*, 380 pages, 1978 (Problem book)

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- McCormick's Hornbook on Evidence, 2nd Ed., 938 pages, 1972, with 1978 pocket part (Text)
- Rothstein's Evidence, State and Federal Rules in a Nutshell, 2nd Ed., 514 pages, 1981 (Text)
- Saltzburg's Evidence Supplement: Rules, Statutes, Commentary, 245 pages, 1980 (Casebook Supplement)

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- Currie's Cases and Materials on Federal Courts, 3rd Ed., 1042 pages, 1982 (Casebook)
- Currie's Federal Jurisdiction in a Nutshell, 2nd Ed., 258 pages, 1981 (Text)
- Federal Rules of Civil-Appellate-Criminal Procedure—West Law School Edition, 343 pages, 1983
- Forrester and Moye's Cases and Materials on Federal Jurisdiction and Procedure, 3rd Ed., 917 pages, 1977 with 1981 Supplement (Casebook)
- Merrill and Vetri's Problems on Federal Courts and Civil Procedure, 460 pages, 1974 (Problem book)
- Redish's Cases, Comments and Questions on Federal Courts, 878 pages, 1983 (Casebook)
- Wright's Hornbook on Federal Courts, 4th Ed., Student Ed., 870 pages, 1983 (Text)

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- Berger's Cases and Materials on Housing, 2nd Ed., 254 pages, 1973 (Casebook)—reprint from Cooper et al. Cases on Law and Poverty, 2nd Ed., 1973
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INDIAN LAW

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- Dobbyn's Insurance Law in a Nutshell, 281 pages, 1981 (Text)
- Keeton's Cases on Basic Insurance Law, 2nd Ed., 1086 pages, 1977
- Keeton's Basic Text on Insurance Law, 712 pages, 1971 (Text)
- Keeton's Case Supplement to Keeton's Basic Text on Insurance Law, 334 pages, 1978 (Casebook)
- Keeton's Programmed Problems in Insurance Law, 243 pages, 1972 (Text Supplement)

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- York and Whelan's Cases, Materials and Problems on Insurance Law, 715 pages, 1982 (Casebook)

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- Jackson's Legal Problems of International Economic Relations, 1097 pages, 1977, with Documents Supplement (Casebook)
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- Kinyon's Introduction to Law Study and Law Examinations in a Nutshell, 389 pages, 1971 (Text)
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 Leslie's Labor Law in a Nutshell, 403 pages, 1979 (Text)
 Nolan's Labor Arbitration Law and Practice in a Nutshell, 358 pages, 1979 (Text)
 Oberer, Hanslowe and Andersen's Cases and Materials on Labor Law—Collective Bargaining in a Free Society, 2nd Ed., 1168 pages, 1979, with 1979 Statutory Supplement and 1982 Case Supplement (Casebook)
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 Hagman's Hornbook on Urban Planning and Land Development Control Law, 706 pages, 1971 (Text)
 Wright and Gitelman's Cases and Materials on Land Use, 3rd Ed., 1300 pages, 1982 (Casebook)
 Wright and Webber's Land Use in a Nutshell, 316 pages, 1978 (Text)
 See also Housing and Urban Development

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- Manne's The Economics of Legal Relationships—Readings in the Theory of Property Rights, 660 pages, 1975 (Text)
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LAW AND MEDICINE—PSYCHIATRY

- Cohen's Cases and Materials on the Law of Deprivation of Liberty: A Study in Social Control, 755 pages, 1980 (Casebook)
 King's The Law of Medical Malpractice in a Nutshell, 340 pages, 1977 (Text)
 Shapiro and Spece's Problems, Cases and Materials on Bioethics and Law, 892 pages, 1981 (Casebook)
 Sharpe, Fiscina and Head's Cases on Law and Medicine, 882 pages, 1978 (Casebook)

LEGAL HISTORY

- Presser and Zainaldin's Cases on Law and American History, 855 pages, 1980 (Casebook)
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- Aldisert's Readings, Materials and Cases in the Judicial Process, 948 pages, 1976 (Casebook)
 Bodenheimer, Oakley and Love's Readings and Cases on an Introduction to the Anglo-American Legal System, 161 pages, 1980 (Casebook)
 Davies and Lawry's Institutions and Methods of the Law—Introductory Teaching Materials, 547 pages, 1982 (Casebook)
 Dvorkin, Himmelstein and Lesnick's Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism, 211 pages, 1981 (Text)
 Fryer and Orentlicher's Cases and Materials on Legal Method and Legal System, 1043 pages, 1967 (Casebook)
 Greenberg's Judicial Process and Social Change, 666 pages, 1977 (Coursebook)
 Kempin's Historical Introduction to Anglo-American Law in a Nutshell, 2nd Ed., 280 pages, 1973 (Text)
 Kimball's Historical Introduction to the Legal System, 610 pages, 1966 (Casebook)
 Mashaw and Merrill's Introduction to the American Public Law System, 1095 pages, 1975, with 1980 Supplement (Casebook)
 Murphy's Cases and Materials on Introduction to Law—Legal Process and Procedure, 772 pages, 1977 (Casebook)
 Reynolds' Judicial Process in a Nutshell, 292 pages, 1980 (Text)
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LEGAL NEGOTIATION

- Edwards and White's Problems, Readings and Materials on the Lawyer as a Negotiator, 484 pages, 1977 (Casebook)
 Williams' Legal Negotiation and Settlement, 207 pages, 1983 (Coursebook)

LEGAL PROFESSION

- Aronson's Problems in Professional Responsibility, 280 pages, 1978 (Problem book)
 Aronson and Weckstein's Professional Responsibility in a Nutshell, 399 pages, 1980 (Text)
 Mellinkoff's The Conscience of a Lawyer, 304 pages, 1973 (Text)
 Mellinkoff's Lawyers and the System of Justice, 983 pages, 1976 (Casebook)
 Pirsig and Kirwin's Cases and Materials on Professional Responsibility, 3rd Ed., 667 pages, 1976, with 1981 Supplement (Casebook)
 Schwartz and Wydick's Problems in Legal Ethics, approximately 300 pages, 1983 (Casebook)

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Smith's Preventing Legal Malpractice, 142 pages, 1981 (Text)

LEGAL RESEARCH AND WRITING

Cohen's Legal Research in a Nutshell, 3rd Ed., 415 pages, 1978 (Text)

Cohen and Berring's How to Find the Law, 8th Ed., approximately 600 pages, 1983. Problem book available (Casebook)

Dickerson's Materials on Legal Drafting, 425 pages, 1981 (Casebook)

Felsenfeld and Siegel's Writing Contracts in Plain English, 290 pages, 1981 (Text)

Gopen's Writing From a Legal Perspective, 225 pages, 1981 (Text)

Mellinkoff's Legal Writing—Sense and Nonsense, 242 pages, 1982 (Text)

Rombauer's Legal Problem Solving—Analysis, Research and Writing, 4th Ed., approximately 350 pages, 1983 (Coursebook)

Squires and Rombauer's Legal Writing in a Nutshell, 294 pages, 1982 (Text)

Statsky's Legal Research, Writing and Analysis, 2nd Ed., 167 pages, 1982 (Coursebook)

Statsky's Legislative Analysis: How to Use Statutes and Regulations, 216 pages, 1975 (Text)

Statsky and Wernet's Case Analysis and Fundamentals of Legal Writing, 576 pages, 1977 (Text)

Teply's Programmed Materials on Legal Research and Citation, 334 pages, 1982. Student Library Exercises available (Coursebook)

Weihofen's Legal Writing Style, 2nd Ed., 332 pages, 1980 (Text)

LEGISLATION

Davies' Legislative Law and Process in a Nutshell, 279 pages, 1975 (Text)

Nutting and Dickerson's Cases and Materials on Legislation, 5th Ed., 744 pages, 1978 (Casebook)

Statsky's Legislative Analysis: How to Use Statutes and Regulations, 216 pages, 1975 (Text)

LOCAL GOVERNMENT

McCarthy's Local Government Law in a Nutshell, 2nd Ed., approximately 350 pages, 1983 (Text)

Michelman and Sandalow's Cases-Comments-Questions on Government in Urban Areas, 1216 pages, 1970, with 1972 Supplement (Casebook)

Reynolds' Hornbook on Local Government Law, 860 pages, 1982 (Text)

Stason and Kauper's Cases and Materials on Municipal Corporations, 3rd Ed., 692 pages, 1959 (Casebook)

LOCAL GOVERNMENT—Continued

Valente's Cases and Materials on Local Government Law, 2nd Ed., 980 pages, 1980 with 1982 Supplement (Casebook)

MASS COMMUNICATION LAW

Gillmor and Barron's Cases and Comment on Mass Communication Law, 3rd Ed., 1008 pages, 1979 (Casebook)

Ginsburg's Regulation of Broadcasting: Law and Policy Towards Radio, Television and Cable Communications, 741 pages, 1979, with 1983 Supplement (Casebook)

Zuckman and Gayne's Mass Communications Law in a Nutshell, 2nd Ed., 473 pages, 1983 (Text)

MILITARY LAW

Shanor and Terrell's Military Law in a Nutshell, 378 pages, 1980 (Text)

MORTGAGES

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NATURAL RESOURCES LAW

See Energy and Natural Resources Law, Environmental Law, Oil and Gas, Water Law

OFFICE PRACTICE

Hegland's Trial and Practice Skills in a Nutshell, 346 pages, 1978 (Text)

Strong and Clark's Law Office Management, 424 pages, 1974 (Casebook)

See also Legal Interviewing and Counseling, Legal Negotiation

OIL AND GAS

Hemingway's Hornbook on Oil and Gas, 2nd Ed., Student Ed., approximately 535 pages, 1983 (Text)

Huie, Woodward and Smith's Cases and Materials on Oil and Gas, 2nd Ed., 955 pages, 1972 (Casebook)

Lowe's Oil and Gas Law in a Nutshell, approximately 365 pages, 1983 (Text)

See also Energy and Natural Resources Law

PARTNERSHIP

See Agency—Partnership

PATENT AND COPYRIGHT LAW

Choate and Francis' Cases and Materials on Patent Law, 2nd Ed., 1110 pages, 1981 (Casebook)

Miller and Davis' Intellectual Property—Patents, Trademarks and Copyright in a Nutshell, approximately 400 pages, 1983 (Text)

LAW SCHOOL PUBLICATIONS—Continued

PATENT AND COPYRIGHT LAW— Continued

Nimmer's Cases on Copyright and Other Aspects of Law Pertaining to Literary, Musical and Artistic Works, 2nd Ed., 1023 pages, 1979 (Casebook)

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FOREWORD

There are now several excellent books of cases and materials dealing with antitrust law. There is, however, no textual treatment of the field adequate either to the needs of the modern student or to the needs of the practitioner in search of an integrated treatment of the major areas of the subject. This book is intended primarily to fill the first of those needs; it is also intended to contribute toward meeting the second of them.

My obligations are numerous. My experience with antitrust began as a practitioner. My greatest debts are to my former partners and associates at Foley, Hoag & Eliot, in Boston, primarily to Henry E. Foley, my mentor as an antitrust counselor, and Lewis H. Weinstein, my mentor at the bar. As a student and teacher of antitrust I have drawn upon and been influenced by the work of all who are cited in these pages and doubtless by others, but primarily, I think, by the books of Joe E. Bain and F. M. Scherer among the works of economists, and, among the works of lawyers, by the basic articles of Donald Turner and the course book and teaching notes of Philip Areeda and the course book of Harlan Blake and Robert Pitofsky, all of which contributed importantly to the conceptualization and analysis of antitrust issues exemplified in this text. I would also like to express thanks to my colleagues Stefan Riesenfeld, Richard Buxbaum, Robert Mnookin and Jack Owens for encouragement and counsel, to Robert Darby, Eric Behrens and Jean Hawkes for research assistance, and to Susan Pernu for unflagging work on the manuscript.

LAWRENCE A. SULLIVAN

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