

ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY

Second Edition

Andrew I. Gavil
William E. Kovacic
Jonathan B. Baker

American Casebook Series®

THOMSON
— ★ —
WEST

ANTITRUST LAW IN PERSPECTIVE:

CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY

Second Edition

By

Andrew I. Gavil

*Professor of Law
Howard University*

William E. Kovacic

*Professor of Law
George Washington University (on leave)
and Chairman, Federal Trade Commission*

Jonathan B. Baker

*Professor of Law
Washington College of Law
American University*

AMERICAN CASEBOOK SERIES®

华东政法大学图书馆



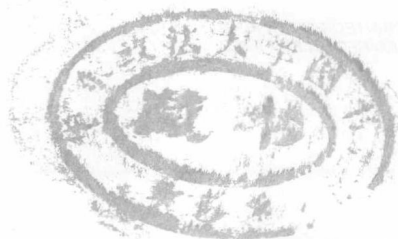
04002327

THOMSON



WEST

Mat #40392396



Thomson/West have created this publication to provide you with accurate and authoritative information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. Thomson/West are not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

American Casebook Series and West Group are trademarks registered in the U.S. Patent and Trademark Office.

© West, Thomson business, 2002
© 2008 Thomson/West
610 Opperman Drive
St. Paul, MN 55123
1-800-313-9378

Printed in the United States of America

ISBN: 978-0-314-16261-8



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



To my parents, Ruth and Irving, who gave me all they had to give,
and to my wife, Judy, and my children, Justin, Noah and
Zoe Ruth, who sustain me each day.

AIG

To my parents, Evan and Frances, and to my wife, Kathy.

WEK

To my sons, Danny and Alex, my wife, Susan, and my parents,
Beverly and David.

JBB

*

Preface to the Second Edition

In the more than five years since the first edition was published, antitrust law has continued to evolve rapidly and in important ways. In the United States, the Supreme Court and lower courts have continued to look increasingly to economic analysis to refine and narrow the substantive rules of antitrust law. Internationally, competition law and policies have expanded to more than 100 nations which now participate to varying degrees in a still developing global competition policy system. These developments have together created new challenges for antitrust professors, but also exciting opportunities for greater perspective and deeper understanding for both experienced and new students to the subject.

We are very pleased, therefore, to bring you this thoroughly updated second edition. The book's basic structure and contents will be familiar to prior adopters and we hope inviting to new ones. As with the first edition, we have strived to make the second edition a compelling introduction to how antitrust is practiced today. To accommodate different styles of teaching and different degrees of emphasis on economics, we hope you will find it both user-friendly and sophisticated. In addition to updating throughout to reflect the latest court decisions, enforcement actions, and commentary (including Supreme Court antitrust decisions through the 2006–07 term), several chapters have been revamped more substantially. The treatment of antitrust economics in Chapter 1 has been expanded and now includes an appendix on cost concepts for those teachers inclined to delve more deeply into antitrust law's economic underpinnings. To reflect major areas of change, Chapter 4 (Distributional Relationships) has been significantly revised to take full account of the Supreme Court's 2007 decision in *Leegin*. Likewise, Chapter 6 (Dominant Firm Behavior) has been significantly updated to reflect the considerable developments that have taken place with respect to the treatment of single firm conduct. Finally, we have added several "Comparative Perspective Sidebars" to facilitate classroom discussion of competition law developments in the rest of the world, especially the European Union. Additional and significantly revised Notes and Sidebars also have been interspersed throughout the book.

We are grateful for the many suggestions we received from adopters of the first edition which have helped us to improve the second. In particular, we express our appreciation to Professors Peter C. Carstensen, Alvin K. Klevorick, James C. May, and Peter P. Swire. For updating their Sidebars, we also thank Kathryn M. Fenton and Professor Spencer Weber Waller. A very special note of thanks and our deep appreciation goes to Professor Steven C. Salop, who provided us extensive comments, freely offered us the benefit of his extraordinary insights into antitrust economics and law, and even took up his pen on occasion to help us better frame some key issues.

We also thank the many students past and present who provided the research assistance and other support necessary to bring such a major under-

taking to fruition. These include at Howard University, Nina R. Frant, Obinna C. Ihekweazu, Marques S. Johnson, and Michelle M. Yost, and at American University, Katherine Chesnut. We are especially grateful for the work at Howard of Kapil V. Pandit and Jack N.E. Pitts, Jr., who gave generously of their time, intellect, skill, and good spirits under often demanding deadlines to keep the book moving forward in the final months of preparation.

As with the first edition, a complete Teacher's Manual will be available to guide the use of the second and we encourage adopters to sign on to our Author's Forum in the West Education Network (TWEN), where we will post supplemental material and updates as needed. We look forward to hearing comments and reactions from established and new adopters, alike.

ANDREW I. GAVIL
WILLIAM E. KOVACIC
JONATHAN B. BAKER

Washington, D.C.
March 2008

Preface to the First Edition

In compiling and drafting this Casebook, our goal was to capture antitrust law as it is understood and practiced today. Hence, the book emphasizes the central role of concepts such as market power, efficiency, and entry across the full spectrum of competitively sensitive conduct. It does so in a flexible format that includes accessible narrative material, as well as charts, tables and figures that enable in-class teaching. We hope it will provide an engaging, contemporary, sophisticated and user-friendly vehicle for exploring the content and boundaries of modern “competition policy.”

Reflecting our goals, the book has a number of distinctive features:

- **Immediate exposure to the core issues of antitrust law.** In a unique opening chapter, the book uses three case studies to introduce the core issues that shape competition policy. The case studies range from the hard core violations in the lysine and vitamin cartel cases, to the more complex Boeing-McDonnell Douglas merger. In addition, the chapter uses a hypothetical “Coffee Shop” problem to introduce the economics of “market power” and other fundamental economic concepts. The chapter also examines the Supreme Court’s *Brunswick* decision to demonstrate at the outset how the analysis of “antitrust injury” has led modern courts increasingly to focus on broad economic concepts in defining anticompetitive effects. Through its case studies and case excerpts, the chapter quickly introduces the fundamentals of modern antitrust analysis, including the rich factual detail required to evaluate the reasonableness of most antitrust-sensitive conduct.
- **From categories to concepts.** Traditionally, antitrust rules and antitrust casebooks were organized by categories defined by the nature of the relationships among the parties (e.g., horizontal, vertical) and type of conduct at issue (e.g., concerted vs. unilateral). Although those categories continue to play a role in modern antitrust analysis, today’s antitrust lawyers, enforcers and courts focus far more on the nature of the anticompetitive effects, and in private cases, the antitrust injuries, alleged. A major theme of the book, therefore, is that American antitrust law is evolving away from reliance on narrow doctrinal categories towards a more unitary analytical framework, driven by broad economic concepts such as market power, entry and efficiency. Reflecting that theme, the book separately groups conduct threatening collusive anticompetitive effects—including traditional horizontal agreements, vertical intrabrand agreements and horizontal mergers—and conduct threatening exclusionary effects—including dominant firm behavior, vertical interbrand restraints and vertical mergers.
- **Up-to-date and comprehensive treatment of horizontal merger analysis.** Because so much of the development of those concepts can be traced to modern merger practice, the casebook features one of the most comprehensive chapters on horizontal merger analysis to be found. It highlights the important lower court decisions that have supplanted older Supreme Court precedent in this important area, and is framed largely around the DOJ/FTC Horizontal Merger Guidelines.

- **New approaches to proving collusion.** In recognition of the renewed focus of courts, commentators and antitrust enforcers on domestic and international cartels, the book also includes one of the most comprehensive treatments available of the contemporary law and economics of proving collusion between rivals. Critical recent lower court decisions, such as *Blomkest* and *Toys-R-Us*, are excerpted and analyzed.
- **Contemporary approach to distribution practices.** Divided into two chapters, the book takes a sophisticated, yet practical and comprehensive approach to the antitrust issues that attend various distribution strategies.
- **Addresses role of antitrust in high-tech markets.** Our casebook recognizes the increasing importance of competitive effects involving innovation in antitrust analysis, and the contemporary ferment over the extent to which antitrust law can and should be harmonized with intellectual property law. The capstone chapter is devoted exclusively to antitrust in the new economy.
- **Fully integrates economic thinking.** Our casebook does not relegate modern economic analysis to occasional notes or to a discrete section on economics. Instead, we present the economics students need to know to practice antitrust today simply and clearly, and integrate economic thinking throughout the casebook. Differences between a Chicago school and post-Chicago perspective are noted where appropriate, as are other perspectives. On the other hand, we recognize that few students will have extensive backgrounds in economics, and that teachers, themselves, may have varying degrees of economic expertise. The economic content, therefore, is designed to be accessible, and adaptable to varying degrees of economic sophistication and varying styles of teaching.
- **Inclusive approach to the relevant cases.** Our casebook excerpts or discusses the traditional and familiar Supreme Court cases that have long been staples of the antitrust course. But the book also recognizes that much of the action in recent years has been in the lower courts. The casebook responds to that development by highlighting contemporary lower court decisions, especially with respect to mergers and the developing standards for proving market power and anticompetitive effects. Comprehensive treatment of the enduring aspects of the *Microsoft* litigation is also integrated throughout the book.
- **Beyond case law.** The sources of antitrust law encompass far more than just cases. The book relies upon a range of sources, not only to enhance its substantive content, but also to expose students to the full range of antitrust practice. Non-case materials include expert economic testimony, consent decrees, FTC Aids to Public Comment, business review letters, a complaint, and extensive treatment of government enforcement guidelines.
- **Sensitivity to antitrust's global context.** U.S. antitrust practitioners can no longer ignore developments in competition policy elsewhere in the world. Although comprehensive treatment of U.S. antitrust law remains the principal focus of the book, we provide an occasional counterpoint to the American approach by looking briefly at how other competition policy systems (primarily the E.U.) address similar issues. Moreover, beginning in the first chapter, we highlight the problems that the globalization

of antitrust presents for firms that must manage compliance with multiple jurisdictions simultaneously.

- **Treatment of ethics.** Several Sidebars are specifically devoted to issues of ethics and professional responsibility in both the litigation and counseling context. These Sidebars allow interested teachers and students to explore how issues of professional responsibility can arise in and complicate antitrust practice.

In addition to these substantive features of the book, teachers and students alike will notice some important, and, we hope, productive characteristics of the presentation.

- **“Sidebars” and “Notes”.** We have banned the typical “notes” sections typified by numbered paragraphs following cases. All too often, our collective experience suggests that these notes reflect a counterproductive “hide the ball” approach to teaching, and can obscure important cases and concepts. In their place, we have prepared extensive narrative interstitial material in the form of “Sidebars” and “Notes.” This material is accessible, informative, challenging and flexible. It serves many possible functions, including coverage of live controversies in the field, the historical development of antitrust concepts and thought, discussion of trends in the law, discussion of particular economic and legal issues in greater depth, and thoughts on future directions in our field.

- **Visual Learning.** In addition to the network of interstitial material, the book includes over 80 tables, charts and figures. Some simply summarize relevant factors, while others visually present more complex ideas, including relationships among parties to a case or transaction.

- **Attention to lawyering skills and problem solving.** Almost every chapter concludes with problems and exercises that develop lawyering skills as well as deepen the understanding of antitrust principles. The skills exercises also offer the opportunity to socialize students to the wide range of functions of antitrust lawyers and involve various litigation, counseling and regulatory settings.

As is common in any multi-authored book of this kind, no individual author necessarily agrees with every statement the book makes, even when we do not present multiple points of view. Moreover, we have at times chosen to emphasize perspectives we may not share for pedagogical reasons.

We believe that we have presented antitrust in an accessible yet sophisticated way that is consonant with modern antitrust practice. We hope you will agree, and look forward to hearing your comments and reactions.

ANDREW I. GAVIL
WILLIAM E. KOVACIC
JONATHAN B. BAKER

Washington, D.C.
October 2002

Acknowledgments to the First Edition

On the day we received our contract offer from West Group, I called Bill Kovacic to report that there was “good news and bad news.” The “good news”? We were on our way with our casebook concept. The “bad news”? He would be working with me on the casebook and updates for the rest of his life! I had no idea that the first phase of the rest of our working life together would take nearly six years! But here we finally are.

First and foremost, I want to thank my co-authors, Bill and Jon. All three of us share a true love for the subject, which I hope is revealed in the pages that follow. Those pages have been immeasurably enriched by the intellectual capital that Bill and Jon have brought to the book. Crossing paths with Bill Kovacic more than 15 years ago was one of the great fortunes of my life. He has been mentor, teacher, colleague, friend, and now co-author. I owe him a debt of gratitude that will be hard ever to repay. And Bill and I could not have been more delighted when Jon accepted our invitation to join the project after he left the FTC. The value he has added is incalculable in terms of the book’s economic sophistication and clarity of presentation. It would not have been the same book without you, Jon. I have thoroughly enjoyed the many hours we three have spent dissecting and pondering antitrust’s intricacies, and have learned so much from the both of you.

Bill, Jon and I also would like to collectively thank Kathryn M. Fenton, Steven C. Salop and Spencer Weber Waller, each of whom has made valuable contributions to the book that are noted in the text.

Of course, completing such a major project requires a great deal of support and research assistance. I am especially grateful to the Howard University School of Law for financial support over many years, and in particular to President H. Patrick Swygert and former Dean Alice Gresham Bullock for their consistent encouragement and support of my work. For the kind of unqualified and tireless encouragement one hopes to get from colleagues, I am also indebted to Professors Loretta C. Argrett, Rhea Ballard-Thrower, Cynthia Mabry, Laurence C. Nolan, Isiah Leggett, Okianer Christian Dark, Homer C. LaRue, Ziyad Motala, J. Clay Smith, Denise W. Spriggs, Andrew E. Taslitz and Frank H. Wu. A very special note of appreciation to the “other Andy”—to have found not only a colleague but a fellow Bronx traveler and best friend has been a source of persistent strength throughout our years together at Howard. Thanks, Taz!

Many students also have made significant contributions to the quality of the book. To my Howard students who, through the last several years, have cheerfully worked with earlier drafts of the manuscript, freely offering constructive comments, I thank you and hope the end product meets with your approval. To research assistants who have worked hard over the years, and frequently under tight deadlines, gratitude is also due. I want to especially thank Summeet Lall, Edrei Swanson, Darren P. Riley, Tyresse Horne, Sophiea C. Bai-

ley, Esther R. Sailo, Nadine Jones-Francis, Natasha Yates and Charles W. Brumskine.

I have also been a very fortunate beneficiary of the wisdom and professionalism of some terrific antitrust lawyers in Chicago, Denver and Washington, D.C., who not only taught me a great deal, but encouraged my interest and enthusiasm for antitrust law. In particular, I want to express my gratitude to the late John T. ("Ted") Loughlin, and to Victor E. Grimm, John C. Christie, Jr., Michael Sennett, James E. Hartley, Larry R. Fullerton and Andrew J. Strenio, Jr..

To my "first fan," my sister Gale S. Wachs, boundless appreciation for a lifetime of confidence, encouragement and support. And finally, there is my family, to whom I dedicate it all. Without the unwavering support, love and encouragement of my wife, Judy Veis, and our children, Justin, Noah and Zoe Ruth, it could never have been done, and could hardly have been worth the effort.

ANDREW I. GAVIL

Washington, D.C.

October 2002

I want to express my gratitude to Andy and Jon. The vision for this book is first and foremost Andy's. In 1996 Andy and I traveled to Cairo to assist the Government of Egypt in developing a new competition law. Our Egyptian counterparts often pressed us to describe how academics, practitioners, and judges analyze antitrust issues in the United States and solicited our thoughts about the optimal design of competition policy institutions. Answering these questions required us to step back and reexamine competition policy in the United States and around the globe. On a day of tourism amid the pyramids at Giza, Andy said this introspection provided us an opportunity to develop a casebook that captured modern antitrust analysis. To Andy's wonderful concept Jon later added his unsurpassed appreciation of how economics has shaped contemporary antitrust doctrine and is likely to influence its future evolution. My gratitude for the chance to work with Andy and Jon is no less monumental than the antiquities that provided the setting for Andy's original proposal.

I also must note that Andy and Jon have borne the heaviest burdens in completing the casebook, especially after I came to the Federal Trade Commission in June 2001. This was not because they had idle time to occupy. Rather, it demonstrates their unbounded generosity. Their kindness did not surprise me. On countless occasions since I met them in the mid-1980s Andy and Jon have carried me, whether teaching me economics and law, providing career advice, or simply supplying encouragement. Broad minds and great hearts.

I got lots of help from the university communities at George Mason and George Washington. No academic prospers without astute research assistants. My deepest thanks to Eric Berman, Neil Graham, Robin Moore, and Tom Mila for doing research and editing that made this a much better casebook. I am also grateful to my antitrust students at George Washington who used early versions of the manuscript and provided countless helpful suggestions.

Finally, I dedicate my efforts to my Father, who died soon before we began the project, to my Mother, and to my wife, Kathy.

WILLIAM E. KOVACIC

Washington, D.C.

October 2002

Thanks first to Andy and Bill for inviting me to join them in this project. “Free riding” works best with co-authors as hard-working and talented as both of you. Thanks also to Dean Claudio Grossman and the Washington College of Law for supporting my work on this casebook; to the students who tried out the manuscript in draft; to the Dean’s Fellows who provided research assistance, Alexandra Cornhill, Arturo DeCastro, Sharmalee Rajakumaran and Traci Tyers; and to my many mentors and colleagues in antitrust.

JONATHAN B. BAKER

Washington, D.C.

October 2002

*

Table of Cases

The principal cases are in bold type. Cases cited or discussed in the text are roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

- AAA Liquors, Inc. v. Joseph E. Seagram and Sons, Inc., 705 F.2d 1203 (10th Cir.1982), 404
- A. Ahlstrom Osakeyhtio v. Commission, 1988 E.C.R. 5193, p. 1031
- Addyston Pipe & Steel Co., United States v.**, 85 F. 271 (6th Cir.1898), 89, **166**
- Advertising Checking Bureau, Inc., Matter of, 109 F.T.C. 146 (1987), 404
- Advo, Inc. v. Philadelphia Newspapers, Inc., 51 F.3d 1191 (3d Cir.1995), 679, 985, 987
- Airtours plc v. Commission, 5 C.M.L.R. 7 (2002), 555
- A.L.A. Schechter Poultry Corporation v. United States, 295 U.S. 495, 55 S.Ct. 837, 79 L.Ed. 1570 (1935), 95, 103
- Alaska Airlines, Inc. v. United Airlines, Inc., 948 F.2d 536 (9th Cir.1991), 715
- Albrecht v. Herald Co., 390 U.S. 145, 88 S.Ct. 869, 19 L.Ed.2d 998 (1968), 358, 375
- Alfred Dunhill of London, Inc. v. Republic of Cuba, 425 U.S. 682, 96 S.Ct. 1854, 48 L.Ed.2d 301 (1976), 1047
- Allied Tube & Conduit Corp. v. Indian Head, Inc., 486 U.S. 492, 108 S.Ct. 1931, 100 L.Ed.2d 497 (1988), 1081, 1165
- Aluminum Co. of America, United States v. (Rome Cable), 377 U.S. 271, 84 S.Ct. 1283, 12 L.Ed.2d 314 (1964), 489, 531, 559
- Aluminum Co. of America, United States v. (Alcoa)**, 148 F.2d 416 (2d Cir.1945), 33, **600**, 968, 1031
- American Airlines, Inc., United States v.**, 743 F.2d 1114 (5th Cir.1984), **338**
- American Banana Co. v. United Fruit Co., 213 U.S. 347, 29 S.Ct. 511, 53 L.Ed. 826 (1909), 1031
- American Bldg. Maintenance Industries, United States v., 422 U.S. 271, 95 S.Ct. 2150, 45 L.Ed.2d 177 (1975), 1027
- American Column & Lumber Co. v. United States, 257 U.S. 377, 42 S.Ct. 114, 66 L.Ed. 284 (1921), 283
- American Cyanamid Company, Matter of, 123 F.T.C. 1257 (1997), 404
- American Linseed Oil Co., United States v., 262 U.S. 371, 43 S.Ct. 607, 67 L.Ed. 1035 (1923), 284
- American Safety Equipment Corp. v. J. P. Maguire & Co., 391 F.2d 821 (2d Cir.1968), 419
- American Soc. of Mechanical Engineers, Inc. v. Hydrolevel Corp.**, 456 U.S. 556, 102 S.Ct. 1935, 72 L.Ed.2d 330 (1982), **1166**
- American Tel. and Tel. Co., United States v., 552 F.Supp. 131 (D.D.C.1982), 1125
- American Tobacco Co. v. United States**, 328 U.S. 781, 66 S.Ct. 1125, 90 L.Ed. 1575 (1946), **264**, 583, 616, 928
- Ames Sintering Co., United States v., 927 F.2d 232 (6th Cir.1990), 342
- AMR Corp., United States v., 335 F.3d 1109 (10th Cir.2003), 672
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986), 280
- Andreas, United States v.**, 216 F.3d 645 (7th Cir.2000), **5**
- Andrx Pharmaceuticals, Inc. v. Biovail Corp. Intern.**, 256 F.3d 799, 347 U.S.App. D.C. 178 (D.C.Cir.2001), **1237**
- Ansell Inc. v. Schmid Laboratories, Inc., 757 F.Supp. 467 (D.N.J.1991), 498
- Appalachian Coals v. United States, 288 U.S. 344, 53 S.Ct. 471, 77 L.Ed. 825 (1933), 64, 95
- Archer-Daniels-Midland Co., United States v., 781 F.Supp. 1400 (S.D.Iowa 1991), 520
- Arizona v. Maricopa County Medical Soc.**, 457 U.S. 332, 102 S.Ct. 2466, 73 L.Ed.2d 48 (1982), **116**, **1005**
- Arizona, State of v. Maricopa County Medical Soc., 643 F.2d 553 (9th Cir.1980), 123
- Arnold, Schwinn & Co., United States v., 388 U.S. 365, 87 S.Ct. 1856, 18 L.Ed.2d 1249 (1967), 358
- Ash Grove Cement Co., In re, 85 F.T.C. 1123 (1975), 857
- Aspen Skiing Co. v. Aspen Highlands Skiing Corp.**, 472 U.S. 585, 105 S.Ct. 2847, 86 L.Ed.2d 467 (1985), **624**, **997**
- Associated General Contractors of California, Inc. v. California State Council of Carpenters**, 459 U.S. 519, 103 S.Ct. 897, 74 L.Ed.2d 723 (1983), **1098**, 1245
- Associated Press v. United States, 326 U.S. 1, 65 S.Ct. 1416, 89 L.Ed. 2013 (1945), 715, 769

- Atari Games Corp. v. Nintendo of America, Inc., 897 F.2d 1572 (Fed.Cir.1990), 1203
- Atlantic Richfield Co. v. USA Petroleum Co., 495 U.S. 328, 110 S.Ct. 1884, 109 L.Ed.2d 333 (1990), 406, 897, 902
- Auction Houses Antitrust Litigation, In re, 2000 WL 1840030 (S.D.N.Y.2000), 1003
- Automobile Mfrs. Ass'n, United States v., 307 F.Supp. 617 (C.D.Cal.1969), 1168
- Avnet, Inc. v. F.T.C., 511 F.2d 70 (7th Cir. 1975), 498
- Baker Hughes Inc., United States v.**, 908 F.2d 981, 285 U.S.App.D.C. 222 (D.C.Cir. 1990), 438, **455**, 563, 566
- Barr Laboratories, Inc. v. Abbott Laboratories, 978 F.2d 98 (3d Cir.1992), 849
- Bates v. State Bar of Arizona, 433 U.S. 350, 97 S.Ct. 2691, 53 L.Ed.2d 810 (1977), 1067, 1069
- Bausch & Lomb Optical Co., United States v., 45 F.Supp. 387 (S.D.N.Y.1942), 412
- Bayer AG and Aventis S.A., Matter of, 2002 WL 1551015 (F.T.C.2002), 1177
- Bell Atlantic Corp. v. Twombly, — U.S. —, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007), 280, 304, 334
- Benton, Benton & Benton v. Louisiana Public Facilities Authority, 897 F.2d 198 (5th Cir. 1990), 1076
- Berkey Photo, Inc. v. Eastman Kodak Co., 603 F.2d 263 (2d Cir.1979), 618, 736, 1168
- B.F. Goodrich Co., Matter of, 110 F.T.C. 207 (F.T.C.1988), 531
- Big Bear Lodging Ass'n v. Snow Summit, Inc.**, 182 F.3d 1096 (9th Cir.1999), **897**
- Bigelow v. RKO Radio Pictures, 327 U.S. 251, 66 S.Ct. 574, 90 L.Ed. 652 (1946), 1137
- Blair Foods, Inc. v. Ranchers Cotton Oil, 610 F.2d 665 (9th Cir.1980), 965
- Blaylock v. First American Title Ins. Co., 504 F.Supp.2d 1091 (W.D.Wash.2007), 1064
- Blomkest Fertilizer, Inc. v. Potash Corp. of Saskatchewan**, 203 F.3d 1028 (8th Cir. 2000), **311**
- Blue Cross & Blue Shield United of Wisconsin v. Marshfield Clinic, 65 F.3d 1406 (7th Cir. 1995), 348, 715, 933, 936
- Blue Dane Simmental Corp. v. American Simmental Ass'n, 178 F.3d 1035 (8th Cir.1999), 1003
- Blue Shield of Virginia v. McCready, 457 U.S. 465, 102 S.Ct. 2540, 73 L.Ed.2d 149 (1982), 896, 897, 1098
- Board of Trade of City of Chicago v. United States**, 246 U.S. 231, 38 S.Ct. 242, 62 L.Ed. 683 (1918), 90, **154**
- Boeing-McDonnell Douglas, 1997 O.J. (L.336) 16, p. 558
- Boise Cascade Corp. v. F.T.C., 837 F.2d 1127, 267 U.S.App.D.C. 124 (D.C.Cir.1988), 879
- Brand Name Prescription Drugs Antitrust Litigation, In re, 288 F.3d 1028 (7th Cir.2002), 251, 875
- Brand Name Prescription Drugs Antitrust Litigation, In re, 186 F.3d 781 (7th Cir.1999), 333
- Brand Name Prescription Drugs Anti-trust Litigation, In re**, 123 F.3d 599 (7th Cir.1997), **247**
- Bristol-Myers Squibb Company, Matter of, Dkt. No. C-4076, p. 1246
- Broadcast Music, Inc. v. Columbia Broadcasting System, Inc.**, 441 U.S. 1, 99 S.Ct. 1551, 60 L.Ed.2d 1 (1979), **107**, **990**
- Broadcom Corp. v. Qualcomm Inc., 501 F.3d 297 (3d Cir.2007), 920, 977
- Brooke Group Ltd. v. Brown & Williamson Tobacco Corp.**, 509 U.S. 209, 113 S.Ct. 2578, 125 L.Ed.2d 168 (1993), 71, **661**, 1000
- Brown v. Pro Football, Inc., 518 U.S. 231, 116 S.Ct. 2116, 135 L.Ed.2d 521 (1996), 1009
- Brown, United States v., 936 F.2d 1042 (9th Cir.1991), 967
- Brown Shoe Co. v. United States**, 370 U.S. 294, 82 S.Ct. 1502, 8 L.Ed.2d 510 (1962), 45, 65, 432, **439**, 489, **852**, 904
- Brown University, United States v.**, 5 F.3d 658 (3d Cir.1993), **33**, 171
- Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.**, 429 U.S. 477, 97 S.Ct. 690, 50 L.Ed.2d 701 (1977), **42**, 45, 894, 1138
- Business Electronics Corp. v. Sharp Electronics Corp., 485 U.S. 717, 108 S.Ct. 1515, 99 L.Ed.2d 808 (1988), 372
- California v. American Stores Co., 495 U.S. 271, 110 S.Ct. 1853, 109 L.Ed.2d 240 (1990), 478, 1059
- California v. ARC America Corp., 490 U.S. 93, 109 S.Ct. 1661, 104 L.Ed.2d 86 (1989), 393, 1059, 1096
- California Computer Products, Inc. v. International Business Machines Corp., 613 F.2d 727 (9th Cir.1979), 738, 1168
- California Dental Ass'n v. F.T.C.**, 224 F.3d 942 (9th Cir.2000), 200, **969**
- California Dental Ass'n v. F.T.C.**, 526 U.S. 756, 119 S.Ct. 1604, 143 L.Ed.2d 935 (1999), 185, **187**
- California ex rel. Van de Kamp, State of v. Texaco, Inc., 252 Cal.Rptr. 221, 762 P.2d 385 (Cal.1988), 1059
- California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 92 S.Ct. 609, 30 L.Ed.2d 642 (1972), 1081
- California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.**, 445 U.S. 97, 100 S.Ct. 937, 63 L.Ed.2d 233 (1980), **1068**
- Calmar Inc., United States v., 612 F.Supp. 1298 (D.N.J.1985), 559
- Canada (Commissioner of Competition) v. Superior Propane Inc., 7 C.P.R. (4th) 385 (2000), 572
- Cantor v. Detroit Edison Co., 428 U.S. 579, 96 S.Ct. 3110, 49 L.Ed.2d 1141 (1976), 1069
- Cargill, Inc. v. Monfort of Colorado, Inc., 479 U.S. 104, 107 S.Ct. 484, 93 L.Ed.2d 427 (1986), 895
- Caribbean Broadcasting System, Ltd. v. Cable & Wireless P.L.C., 148 F.3d 1080, 331 U.S.App.D.C. 226 (D.C.Cir.1998), 925
- Cascade Health Solutions v. PeaceHealth**, 515 F.3d 883 (9th Cir.2008), **683**

- Cascade Health Solutions v. PeaceHealth, 479 F.3d 726 (9th Cir.2007), 683
- Catalano, Inc. v. Target Sales, Inc., 446 U.S. 643, 100 S.Ct. 1925, 64 L.Ed.2d 580 (1980), 115, 152
- Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986), 280
- Cement Mfrs.' Protective Ass'n v. United States, 268 U.S. 588, 45 S.Ct. 586, 69 L.Ed. 1104 (1925), 287
- Chattanooga Foundry & Pipe Works v. City of Atlanta, 203 U.S. 390, 27 S.Ct. 65, 51 L.Ed. 241 (1906), 1059
- Chevron Corp. and Unocal Corp., Matter of, (2005), 1229
- Chicago Bridge & Iron Co., N.V. v. F.T.C., 515 F.3d 447 (5th Cir.2008), 433, 467
- Chroma Lighting v. GTE Products Corp., 111 F.3d 653 (9th Cir.1997), 879
- Ciba-Geigy, In re, 123 F.T.C. 842 (1997), 1178
- Citizens and Southern Nat. Bank, United States v., 422 U.S. 86, 95 S.Ct. 2099, 45 L.Ed.2d 41 (1975), 299, 452
- City of (see name of city)**
- Colgate & Co., United States v., 250 U.S. 300, 39 S.Ct. 465, 63 L.Ed. 992 (1919), 357, 706
- Colorado Interstate Gas Co. v. Natural Gas Pipeline Co. of America, 885 F.2d 683 (10th Cir.1989), 985
- Columbia Broadcasting System, Inc. v. American Soc. of Composers, Authors and Publishers, 620 F.2d 930 (2d Cir.1980), 115
- Columbia, City of v. Omni Outdoor Advertising, Inc., 499 U.S. 365, 111 S.Ct. 1344, 113 L.Ed.2d 382 (1991), 1072, 1076
- Commonwealth of (see name of Commonwealth)**
- Community Communications Co., Inc. v. City of Boulder, Colo., 455 U.S. 40, 102 S.Ct. 835, 70 L.Ed.2d 810 (1982), 1072, 1077
- Concord Boat Corp. v. Brunswick Corp., 207 F.3d 1039 (8th Cir.2000), 1001, 1139
- Concord, Mass., Town of v. Boston Edison Co., 915 F.2d 17 (1st Cir.1990), 861, 1064
- Conley v. Gibson, 355 U.S. 41, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957), 281
- Connecticut v. Newell Co., 1992-2 Trade Cas. (CCH) ¶ 70,008 (D.Conn.1992), 1060
- Connecticut Nat. Bank, United States v., 418 U.S. 656, 94 S.Ct. 2788, 41 L.Ed.2d 1016 (1974), 452
- Container Corp. of America, United States v., 393 U.S. 333, 89 S.Ct. 510, 21 L.Ed.2d 526 (1969), 297
- Continental Ore Co. v. Union Carbide & Carbon Corp., 370 U.S. 690, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962), 746, 1137
- Continental T. V., Inc. v. GTE Sylvania Inc.**, 433 U.S. 36, 97 S.Ct. 2549, 53 L.Ed.2d 568 (1977), 55, 158, 358, **359, 989**
- Conwood Co., L.P. v. United States Tobacco Co.**, 290 F.3d 768 (6th Cir.2002), 920, 1001, 1140, **1141**
- Copperweld Corp. v. Independence Tube Corp.**, 467 U.S. 752, 104 S.Ct. 2731, 81 L.Ed.2d 628 (1984), 229, **230, 745, 918**
- Covad Communications Co. v. Bell Atlantic Corp., 398 F.3d 666, 365 U.S.App.D.C. 78 (D.C.Cir.2005), 714
- Craftsmen Limousine, Inc. v. Ford Motor Co., 363 F.3d 761 (8th Cir.2004), 777
- Credit Suisse Securities (USA) LLC v. Billing, — U.S. —, 127 S.Ct. 2383, 168 L.Ed.2d 145 (2007), 714, 1062
- CSU, L.L.C. v. Xerox Corp.**, 203 F.3d 1322 (Fed.Cir.2000), **724**
- Dagher v. Saudi Refining, Inc., 369 F.3d 1108 (9th Cir.2004), 127
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993), 293, 1001
- Dawson Chemical Co. v. Rohm and Haas Co., 448 U.S. 176, 100 S.Ct. 2601, 65 L.Ed.2d 696 (1980), 1203
- Dehydrating Process Co. v. A. O. Smith Corp., 292 F.2d 653 (1st Cir.1961), 813
- Dell Computer Corporation, Matter of**, 121 F.T.C. 616 (1996), **1221**
- Dentsply Intern., Inc., United States v., 399 F.3d 181 (3d Cir.2005), 842
- Detroit Auto Dealers Ass'n, Inc., In re, 955 F.2d 457 (6th Cir.1992), 922
- Discon, Inc. v. NYNEX Corp., 184 F.3d 111 (2d Cir.1999), 426
- Dr. Miles Medical Co. v. John D. Park & Sons Co., 220 U.S. 373, 31 S.Ct. 376, 55 L.Ed. 502 (1911), 356, 374
- Eastern R. R. Presidents Conference v. Noerr Motor Freight, Inc., 365 U.S. 127, 81 S.Ct. 523, 5 L.Ed.2d 464 (1961), 1081
- Eastern Scientific Co. v. Wild Heerbrugg Instruments, Inc., 572 F.2d 883 (1st Cir. 1978), 367
- Eastern States Retail Lumber Dealers' Ass'n v. United States, 234 U.S. 600, 34 S.Ct. 951, 58 L.Ed. 1490 (1914), 767
- Eastman Kodak Co. v. Image Technical Services, Inc.**, 504 U.S. 451, 112 S.Ct. 2072, 119 L.Ed.2d 265 (1992), 71, 186, 636, 807, 809, 919, **997, 1000**
- Echlin Manufacturing Co., Matter of, 105 F.T.C. 410 (1985), 559, 985
- E. C. Knight Co., United States v., 156 U.S. 1, 15 S.Ct. 249, 39 L.Ed. 325 (1895), 608
- Eiberger v. Sony Corp. of America, 622 F.2d 1068 (2d Cir.1980), 369
- E.I. Du Pont De Nemours & Co. v. F.T.C. (Ethyl)**, 729 F.2d 128 (2d Cir.1984), 344, **345**
- E. I. du Pont de Nemours & Co., United States v. (Cellophane)**, 351 U.S. 377, 76 S.Ct. 994, 100 L.Ed. 1264 (1956), **482, 620, 906, 919**
- E & L Consulting, Ltd. v. Doman Industries Ltd.**, 472 F.3d 23 (2d Cir.2006), 397, **413**
- Electronics Communications Corp. v. Toshiba America Consumer Products, Inc., 129 F.3d 240 (2d Cir.1997), 405
- Emhart Corp. v. USM Corp., 527 F.2d 177 (1st Cir.1975), 471

- Empagran S.A. v. F. Hoffmann-LaRoche, Ltd., 417 F.3d 1267, 368 U.S.App.D.C. 18 (D.C.Cir.2005), 1045
- Ex parte (see name of party)**
- Expert Masonry, Inc. v. Boone County, Ky., 440 F.3d 336 (6th Cir.2006), 208
- Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005), 1097
- Fair Allocation System, Inc., In re**, 63 F.R. 43182 (1998), 1181
- Falls City Industries, Inc. v. Vanco Beverage, Inc., 460 U.S. 428, 103 S.Ct. 1282, 75 L.Ed.2d 174 (1983), 874, 879
- Falstaff Brewing Corp., United States v., 410 U.S. 526, 93 S.Ct. 1096, 35 L.Ed.2d 475 (1973), 470
- Fashion Originators' Guild of America v. Federal Trade Commission, 312 U.S. 457, 312 U.S. 668, 61 S.Ct. 703, 85 L.Ed. 949 (1941), 767
- Federal Baseball Club of Baltimore v. National League of Professional Base Ball Clubs, 259 U.S. 200, 42 S.Ct. 465, 66 L.Ed. 898 (1922), 1009
- Federal Maritime Com'n v. South Carolina State Ports Authority, 535 U.S. 743, 122 S.Ct. 1864, 152 L.Ed.2d 962 (2002), 1074
- F. Hoffmann-La Roche Ltd. v. Empagran S.A.**, 542 U.S. 155, 124 S.Ct. 2359, 159 L.Ed.2d 226 (2004), 1038
- F. Hoffmann-La Roche Ltd., United States v.**, (N.D.Tex.1999), 1107
- Fisher v. City of Berkeley, Cal., 475 U.S. 260, 106 S.Ct. 1045, 89 L.Ed.2d 206 (1986), 1077
- Flat Glass Antitrust Litigation, In re, 385 F.3d 350 (3d Cir.2004), 334
- Flegel v. Christian Hosp., Northeast-Northwest, 4 F.3d 682 (8th Cir.1993), 912
- Flood v. Kuhn, 407 U.S. 258, 92 S.Ct. 2099, 32 L.Ed.2d 728 (1972), 1009
- Foley, United States v.**, 598 F.2d 1323 (4th Cir.1979), 304
- Ford Motor Co. v. United States, 405 U.S. 562, 92 S.Ct. 1142, 31 L.Ed.2d 492 (1972), 856
- Fortner Enterprises, Inc. v. United States Steel Corp. (Fortner I), 394 U.S. 495, 89 S.Ct. 1252, 22 L.Ed.2d 495 (1969), 794
- Franklin Elec. Co., Inc., United States v., 130 F.Supp.2d 1025 (W.D.Wis.2000), 576
- Freedom Holdings, Inc. v. Spitzer, 357 F.3d 205 (2d Cir.2004), 1077
- Freeman v. San Diego Ass'n of Realtors, 322 F.3d 1133 (9th Cir.2003), 125
- F.T.C. v. Arch Coal, Inc., 329 F.Supp.2d 109 (D.D.C.2004), 531, 535, 555
- F.T.C. v. Brown Shoe Co., 384 U.S. 316, 86 S.Ct. 1501, 16 L.Ed.2d 587 (1966), 344, 828, 855
- F.T.C. v. Bunte Bros., 312 U.S. 349, 61 S.Ct. 580, 85 L.Ed. 881 (1941), 1027
- F.T.C. v. Butterworth Health Corp., 946 F.Supp. 1285 (W.D.Mich.1996), 569
- F.T.C. v. Cardinal Health, Inc.**, 12 F.Supp.2d 34 (D.D.C.1998), 507, 530, 566
- F.T.C. v. Coca-Cola Co., 641 F.Supp. 1128 (D.D.C.1986), 494, 496
- F.T.C. v. Consolidated Foods Corp., 380 U.S. 592, 85 S.Ct. 1220, 14 L.Ed.2d 95 (1965), 471
- F.T.C. v. Foster (Giant/Western), 2007 WL 1793441 (D.N.M.2007), 555
- F.T.C. v. Fred Meyer, Inc., 390 U.S. 341, 88 S.Ct. 904, 19 L.Ed.2d 1222 (1968), 874
- F.T.C. v. Harbour Group Investments, L.P., 1990-2 Trade Cas. (CCH) ¶ 69,247 (D.D.C. 1990), 574
- F.T.C. v. H.J. Heinz Co.**, 246 F.3d 708, 345 U.S.App.D.C. 364 (D.C.Cir.2001), 438, 463, 569, 572
- F.T.C. v. H.J. Heinz Co., 116 F.Supp.2d 190 (D.D.C.2000), 532
- F.T.C. v. Indiana Federation of Dentists, 476 U.S. 447, 106 S.Ct. 2009, 90 L.Ed.2d 445 (1986), 36, 142, 185, 344, 623, 908, 912, 921
- F.T.C. v. Morton Salt Co., 334 U.S. 37, 68 S.Ct. 822, 92 L.Ed. 1196 (1948), 874, 878
- F.T.C. v. Motion Picture Advertising Service Co., 344 U.S. 392, 73 S.Ct. 361, 97 L.Ed. 426 (1953), 344
- F.T.C. v. Mylan Laboratories, Inc., 99 F.Supp.2d 1 (D.D.C.1999), 1136
- F.T.C. v. Mylan Laboratories, Inc., 62 F.Supp.2d 25 (D.D.C.1999), 1136
- F.T.C. v. Procter & Gamble Co., 386 U.S. 568, 87 S.Ct. 1224, 18 L.Ed.2d 303 (1967), 469, 470, 568
- F.T.C. v. Schering-Plough Corp., — U.S. —, 126 S.Ct. 2929, 165 L.Ed.2d 977 (2006), 1248
- F.T.C. v. Sperry & Hutchinson Co., 405 U.S. 233, 92 S.Ct. 898, 31 L.Ed.2d 170 (1972), 344
- F.T.C. v. Staples, Inc.**, 970 F.Supp. 1066 (D.D.C.1997), 71, 542, 566, 570
- F.T.C. v. Superior Court Trial Lawyers Ass'n**, 493 U.S. 411, 110 S.Ct. 768, 107 L.Ed.2d 851 (1990), 105, 144
- F.T.C. v. Titor Title Ins. Co., 504 U.S. 621, 112 S.Ct. 2169, 119 L.Ed.2d 410 (1992), 1071
- F.T.C. v. University Health, Inc., 938 F.2d 1206 (11th Cir.1991), 438, 468, 569
- F.T.C. v. Whole Foods Market, Inc., 502 F.Supp.2d 1 (D.D.C.2007), 554, 555
- General Dynamics Corp., United States v.**, 415 U.S. 486, 94 S.Ct. 1186, 39 L.Ed.2d 530 (1974), 438, 448, 449, 574
- General Elec. Co. v. Commission (T210/01), [2006] 4 C.M.L.R. 15 (2005), 558
- General Elec. Co. v. Joiner, 522 U.S. 136, 118 S.Ct. 512, 139 L.Ed.2d 508 (1997), 1001
- General Electric Co., United States v., 42 F.R. 17005 (1977), 344
- General Inv. Co. v. Lake Shore & M.S. Ry. Co., 260 U.S. 261, 43 S.Ct. 106, 67 L.Ed. 244 (1922), 1021
- General Leaseways, Inc. v. National Truck Leasing Ass'n, 744 F.2d 588 (7th Cir.1984), 136, 896
- General Motors Corp., United States v., 384 U.S. 127, 86 S.Ct. 1321, 16 L.Ed.2d 415 (1966), 770

- George Van Camp & Sons Co. v. American Can Co., 278 U.S. 245, 49 S.Ct. 112, 73 L.Ed. 311 (1929), 873
- Gillette Co., United States v., 828 F.Supp. 78 (D.D.C.1993), 495
- G.K.A. Beverage Corp. v. Honickman, 55 F.3d 762 (2d Cir.1995), 861
- Goldfarb v. Virginia State Bar, 421 U.S. 773, 95 S.Ct. 2004, 44 L.Ed.2d 572 (1975), 202, 1067, 1069
- Graphic Products Distributors, Inc. v. ITEK Corp., 717 F.2d 1560 (11th Cir.1983), 369, 398
- Gregory v. Fort Bridger Rendezvous Ass'n, 448 F.3d 1195 (10th Cir.2006), 207
- Griffith, United States v., 334 U.S. 100, 68 S.Ct. 941, 92 L.Ed. 1236 (1948), 616, 715
- Grinnell Corp., United States v., 384 U.S. 563, 86 S.Ct. 1698, 16 L.Ed.2d 778 (1966), 582
- Gulf Oil Corp. v. Copp Paving Co., Inc., 419 U.S. 186, 95 S.Ct. 392, 42 L.Ed.2d 378 (1974), 1027
- Hallie, Town of v. City of Eau Claire, 471 U.S. 34, 105 S.Ct. 1713, 85 L.Ed.2d 24 (1985), 1072, 1076
- Hanover Shoe, Inc. v. United Shoe Machinery Corp., 392 U.S. 481, 88 S.Ct. 2224, 20 L.Ed.2d 1231 (1968), 1104
- Hartford Fire Ins. Co. v. California**, 509 U.S. 764, 113 S.Ct. 2891, 125 L.Ed.2d 612 (1993), 141, 143, 767, **1032**, 1050
- Hawaii v. Standard Oil Co. of Cal., 405 U.S. 251, 92 S.Ct. 885, 31 L.Ed.2d 184 (1972), 1059, 1089
- Henry v. A.B. Dick Co., 224 U.S. 1, 32 S.Ct. 364, 56 L.Ed. 645 (1912), 791
- Hertz Corp. v. City of New York, 1 F.3d 121 (2d Cir.1993), 1076
- Heublein, Inc., Matter of, 96 F.T.C. 385 (F.T.C. 1980), 471
- High Fructose Corn Syrup Antitrust Litigation, *In re*, 295 F.3d 651 (7th Cir.2002), 269, 333
- Hoechst Marion Roussel, Inc., Matter of, 66 F.R. 18636 (F.T.C.2001), 1245
- Hoffmann-La Roche & Co. AG v. Commission, [1979] ECR 461, p. 719
- Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc., 535 U.S. 826, 122 S.Ct. 1889, 153 L.Ed.2d 13 (2002), 729
- Hoover v. Ronwin, 466 U.S. 558, 104 S.Ct. 1989, 80 L.Ed.2d 590 (1984), 1068
- Hospital Corp. of America v. F.T.C.**, 807 F.2d 1381 (7th Cir.1986), 451, **522**
- HydriL Co. LP v. Grant Prideco LP, 474 F.3d 1344 (Fed.Cir.2007), 1237
- Illinois Brick Co. v. Illinois**, 431 U.S. 720, 97 S.Ct. 2061, 52 L.Ed.2d 707 (1977), 250, 1059, **1089**, 1101, 1104
- Illinois Tool Works Inc. v. Independent Ink, Inc., 547 U.S. 28, 126 S.Ct. 1281, 164 L.Ed.2d 26 (2006), 726, 808, 1195, 1207
- Image Technical Services, Inc. v. Eastman Kodak Co., 125 F.3d 1195 (9th Cir.1997), 723, 977, 999
- Impro Products, Inc. v. Herrick, 715 F.2d 1267 (8th Cir.1983), 1163
- IMS Health GmbH & Co. OHG v. NDC Health GmbH & Co. KG, [2004] E.C.R. I5039, p. 733
- Independent Music Publishers and Labels Association v. Commission, O.J. 2006 C224/39, p. 556
- In re (see name of party)**
- Intel Corp., Matter of, Dkt. No. 9288 (F.T.C. 1999), 724
- Interamerican Refining Corp. v. Texaco Maracaibo, Inc., 307 F.Supp. 1291 (D.Del.1970), 1047
- Intergraph Corp. v. Intel Corp., 195 F.3d 1346 (Fed.Cir.1999), 724
- International Ass'n of Machinists and Aerospace Workers (IAM) v. Organization of Petroleum Exporting Countries (OPEC), 477 F.Supp. 553 (C.D.Cal.1979), 1048
- International Business Machines Corporation v. United States, 298 U.S. 131, 56 S.Ct. 701, 80 L.Ed. 1085 (1936), 791, 1194
- International Salt Co. v. United States, 332 U.S. 392, 68 S.Ct. 12, 92 L.Ed. 20 (1947), 791, 1194
- International Shoe Co. v. Federal Trade Commission, 280 U.S. 291, 50 S.Ct. 89, 74 L.Ed. 431 (1930), 573
- International Shoe Co. v. State of Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945), 1031
- Interstate Circuit v. United States**, 306 U.S. 208, 59 S.Ct. 467, 83 L.Ed. 610 (1939), **257**
- Jack Walters & Sons Corp. v. Morton Bldg., Inc., 737 F.2d 698 (7th Cir.1984), 404
- Jefferson Parish Hosp. Dist. No. 2 v. Hyde**, 466 U.S. 2, 104 S.Ct. 1551, 80 L.Ed.2d 2 (1984), **794**, 811, **828**, 861, 1195
- Jerrold Electronics Corp., United States v., 187 F.Supp. 545 (E.D.Pa.1960), 813
- Joint-Traffic Ass'n, United States v., 171 U.S. 505, 19 S.Ct. 25, 43 L.Ed. 259 (1898), 89
- JTC Petroleum Co. v. Piasa Motor Fuels, Inc.**, 190 F.3d 775 (7th Cir.1999), **49**, 767
- J. Truett Payne Co., Inc. v. Chrysler Motors Corp.**, 451 U.S. 557, 101 S.Ct. 1923, 68 L.Ed.2d 442 (1981), 897, **1138**
- Kansas v. UtiliCorp United, Inc., 497 U.S. 199, 110 S.Ct. 2807, 111 L.Ed.2d 169 (1990), 1096
- Kentucky Household Goods Carriers Ass'n, Inc., Dkt. No. 9309 (2005), 1071
- Keogh v. Chicago & N.W. Ry. Co., 260 U.S. 156, 43 S.Ct. 47, 67 L.Ed. 183 (1922), 1063
- Kiefer-Stewart Co. v. Joseph E. Seagram & Sons, 340 U.S. 211, 71 S.Ct. 259, 95 L.Ed. 219 (1951), 1105
- Klor's, Inc. v. Broadway-Hale Stores, Inc., 359 U.S. 207, 79 S.Ct. 705, 3 L.Ed.2d 741 (1959), 218, 769
- Kotam Electronics, Inc. v. JBL Consumer Products, Inc., 93 F.3d 724 (11th Cir.1996), 420