ANTITRUST LAW AND ECONOMICS SEMINAR
NYU School of Law
Fall 2017
Wed: 4:10-6:00pm, 316 FH

Professor Daniel Rubinfeld

Time and Location
Prof. Rubinfeld
406 Vanderbilt Hall: (212) 992 8834
drubinfeld@nyu.edu

Assistant
Shirley Gray
GrayS@mercury.law.nyu.edu; (212) 998-6259

Recommended Reading
Robert Pindyck & Daniel Rubinfeld, MICROECONOMICS (9th ed. 2017)

READING ASSIGNMENTS

Assigned readings are available on Classes, with the exception of the 6th edition of The Antitrust Revolution (marked with an *). That book and the two recommended economic textbooks are available in Course Reserve.

I. Mergers

August 30 Introduction to Antitrust Law

Sept. 8 The Merger Guidelines: Market Definition [Friday, Sept 8, in Room 326 FH]
Daniel Rubinfeld, Notes on Market Definition
Sept. 13  Market and Monopoly Power
    DOJ: Single-Firm Conduct under Section 2 of the Sherman Act: Chapter 2: Monopoly Power

Sept. 20  Unilateral Effects Analysis - Differentiated Products Mergers
    Michael L. Katz & Carl Shapiro, Critical Loss: Let’s Tell the Whole Story, ANTITRUST MAGAZINE, Spring 2003, at 49–56
    Carl Shapiro, The 2010 Horizontal Merger Guidelines: From Hedgehog to Fox in 40 Years, 77 ANTITRUST LAW JOURNAL 701–59 (2010)

Sept. 27  Tacit Collusion and Coordinated Effects

II. Exclusion

Oct. 4  Raising Rivals’ Costs: Exclusionary Practices
    Dennis W. Carlton, A General Analysis of Exclusionary Conduct and Refusal to Deal: Why Aspen and Kodak are Misguided, 68 ANTITRUST LAW JOURNAL 659–83 (2001)
Oct. 11/Oct. 18 Microsoft, Google, and Two-Sided Markets


Oct. 25/Nov. 1 Bundling

LePage’s Inc. v. 3M, 324 F.3d 141 (3d Cir. 2003) (en banc)

Cascade Health Solutions v. PeaceHealth, 515 F.3d 883 (9th Cir. 2008)


Castro and Sugartown Pediatrics, LLC, v. Sanofi Pasteur, Inc., (U.S. District Court, District of New Jersey, opinion denying motion to dismiss.


III. Collusion

Nov. 8 Pharmaceuticals: Patent Litigation Settlements

*FTC v. Actavis, Inc.*, 133 S. Ct. 2223 (2013)


Nov. 15  Royalty Rates on Streamed Digital Music (the Web IV Proceeding)

Testimony of Daniel Rubinfeld, In re Web IV, Copyright Royalty Board (Oct. 6, 2014) (Public Version)

Testimony of Carl Shapiro, In re Web IV, Copyright Royalty Board (Oct. 6, 2014) (Public Version)

Nov. 22  The NCAA Case: Class Certification

O’Bannon v. NCAA, 7 F. Supp. 3d 955 (N.D. Cal. 2014).


Nov. 29  E-Books Case


Direct Testimony of Orley C. Ashenfelter, United States v. Apple Inc., No. 12-CV-2826 (June 6, 2013)

Declaration of Kevin M. Murphy, United States v. Apple Inc., No. 12-CV-2826 (Apr. 26, 2013)


No class on Dec. 6