ANTITRUST LAW AND ECONOMICS SEMINAR
NYU School of Law
Fall 2018
Wed: 4:10-6:00pm, 316 FH

Prof. Daniel Rubinfeld 427 Vanderbilt Hall: (212) 992 8834, drubinfeld@nyu.edu
Stephany Ramos (asst.) 422 VH, (212) 998-6259, stephany.ramos@nyu.edu

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

READING ASSIGNMENTS

Assigned readings are available on Classes, with the exception of the 6th and 7th editions of The Antitrust Revolution (marked with *s). Those books and the two recommended economic textbooks are available in Course Reserve.

I. Mergers

August 29 Introduction to Antitrust Law

Sept. 7 The Merger Guidelines: Market Definition
This is a make-up class: 2:00-3:50 pm in Furman Hall, Room 316
Daniel Rubinfeld, Notes on Market Definition

Sept. 12 Market and Monopoly Power

DOJ: Single-Firm Conduct under Section 2 of the Sherman Act: Chapter 2: Monopoly Power
Sept. 19 Unilateral Effects Analysis - Differentiated Products Mergers


Michael L. Katz & Carl Shapiro, *Critical Loss: Let’s Tell the Whole Story*, *ANTITRUST MAGAZINE*, Spring 2003, pp. 49–56


Sept. 26 Tacit Collusion and Coordinated Effects


II. Exclusion

Oct. 3 Raising Rivals’ Costs: Exclusionary Practices


Oct. 17 U.S. v. Microsoft


Oct. 24 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)

Daniel Crane, *Bargaining over Loyalty*, 92 TEXAS LAW REVIEW, 2013, pp. 253-301

**Oct. 31 Two-Sided Markets**


*Ohio et al., v. American Express Co. et al.*, U.S. Supreme Court, October Term, 2017


**III. Case Studies**

**Nov. 7 Pharmaceuticals: Patent Litigation Settlements**

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


Aaron Edlin, Scott Hemphill, Herbert Hovenkamp, and Carl Shapiro, *Activating Actavis*, ANTITRUST MAGAZINE, Fall 2013, pp, 16-23


**Nov. 14 Vertical Mergers: AT&T-Time Warner**

Steven C. Salop, *The AT&T/Time Warner Merger Case: What Happened and What is Next*, PUBLIC KNOWLEDGE, June 29, 2018

Christopher S. Yoo, *The District Court’s AT&T/Time Warner Decision: Insights into the Law of Vertical Integration*, CPI ANTITRUST CHRONICLE, August 2018

**Nov. 21 The NCAA Case: Class Certification**

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


Nov. 28 The Competitive Effects of Common Ownership


Edward B. Rock and Daniel L. Rubinfeld, Antitrust for Institutional Investors, 82 ANTITRUST LAW JOURNAL, 2018, pp. 221-278

Dec. 5 Health Insurance

Blue Cross Blue Shield Antitrust Litigation: Update on the Issues, ABA ANTITRUST SECTION, May 4, 2016

In Re: Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406, U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION, April 5, 2018