



The American Antitrust Institute
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#	Case	Date filed	Court	Authors on brief	Issues	Result/ comments	Other groups on brief
93.	Learjet v. Oneok	11.28.14	Supreme Court	Rick Brunell, Sandeep Vaheesan	Preemption of state antitrust law	Pending	
92.	SH3 v. Black & Decker	11.17.14	4th Cir.	Seth Greenstein David Golden	Standard setting abuse	Pending	National Consumers League
91.	Motorola v. AU Optronics	9.10.14	7th Cir.	Randy Stutz Rick Brunell	FTAIA	Filing disallowed	
90.	McWane v. FTC	9.9.14	11th Cir.	Randy Stutz Sandeep Vaheesan	Exclusive dealing	Pending	
89.	NC Dental Examiners v. FTC	8.6.14	Supreme Court	Rick Brunell	State action	Pending	
88.	In re Nexium	6.26.14	1st Cir.	Josh Davis Dan Gustafson	Class certification	Pending	
87.	In re Lamictal	4.28.14	3d Cir.	Mike Carrier Steve Shadowen	Pay-for-delay (no-AG promises)	Pending	Consumers Union, 53 professors
86.	Motorola v. AU Optronics	4.24.14	7th Cir. pet for rh'g	Randy Stutz Rick Brunell	FTAIA	Opinion withdrawn	
85.	United States v. US Airways	4.1.14	U.S.D.C. D.C.	Rick Brunell Randy Stutz	Tunney Act review of airline merger settlement	Position rejected	
84.	In re Cipro cases	3.18.14	Cal. Supreme Court	Rick Brunell	Pay-for-delay (standard under Cal. law)	Pending	
83.	Alice Corp. v. CLS Bank	2.27.14	Supreme Court	Andrew Chin Shubha Ghosh	Patentability of abstract ideas	Position followed, 134 S. Ct. 2347 (2014)	
82.	Ericsson v. D-Link	12.20.13	Fed. Circuit	Rick Brunell	RAND damages	Pending	
81.	Novell v. Microsoft	10.29.13	10th Cir. rehearing	Rick Brunell	Refusal to deal	Rh'g denied	
80.	Lexmark v. Static Control	10.22.13	Supreme Court	Randy Stutz Sandeep Vaheesan	Standing under Lanham Act	Position accepted, 134 S. Ct. 1377 (2014)	

79.	In re Wellbutrin XL Antitrust Litigation	9.26.13	E.D. Pa.	Mike Carrier Steve Shadowen	Pay-for-delay (no-AG promises)	Filing disallowed	Consumers Union
78.	San Diego Convention Center Corp. v. United National Maintenance	6.4.13	Ninth Circuit	Randy Stutz, Sandeep Vaheesan	State action	Position rejected; cert pet. pending	
77.	D&G v. SuperValu	4.23.13	Eighth Circuit	Randy Stutz, Sandeep Vaheesan	Applicability of per se rule to customer allocation	Pending	
76.	FTC v. Actavis	1.29.13	Supreme Court	Mike Carrier Mark Lemley	Pay-for-Delay	Position largely accepted, 133 S.Ct. 2223 (2013); cited favorably by majority	118 Law, Econ. & Bus. Professors
75.	American Express Co. v. Italian Colors Restaurant	1.29.13	Supreme Court	Ellen Meriwether	Class action waivers	Position rejected, 133 S. Ct. 2304 (2013)	
74.	Bowman v. Monsanto	12.10.12	Supreme Court	Randy Stutz Shubha Ghosh Peter Carstensen	Patent Exhaustion	Position rejected, 133 S. Ct. 1761 (2013)	National Farmers Union; Food & Water Watch; Org. for Comp. Markets; National Family Farm Coalition
73.	Apple v. Motorola	12.4.12	Federal Circuit	Joel Davidow Bob Cynkar	Injunctive relief for FRAND-encumbered SEPs	Position largely accepted, 757 F.3d 1286	
72.	McCray v. Fidelity Nat'l Title Ins. Co.	11.9.12	Supreme Court cert petition	Harry First Chris Sagers	Filed rate doctrine	Cert. denied	Numerous law professors
71.	Simon v. Keyspan	10.18.12	Second Circuit rehearing	Doug Richards Randy Stutz Sandeep Vaheesan	Applicability of filed rate doctrine to market based rates	Rh'g denied	
70.	Comcast Corp. v. Behrend	10.2.12	Supreme Court	Josh Davis Bert Foer Randy Stutz	Predominance of common questions at class cert.	Position rejected, 133 S. Ct. 1426 (2013)	American Indep. Bus. Alliance (AMIBA)
69.	FTC v. Phoebe Putney	8.27.12	Supreme Court	Rick Brunell	state action	Position followed, 133 S. Ct. 1003 (2013)	
68.	Brennan v. Concord EFS	8.7.12	9th Circuit rehearing	Jonathan Ross (Sussman)	Illinois Brick	Rh'g denied	Joined with various retailers
67.	Board of Dental Examiners v. FTC	7.5.12	4th Circuit	Ryan Marth Rick Brunell Peter Carstensen	state action	Position accepted, 717 F.3d 359 (2013)	

66.	Ritz Camera v. Sandisk	5.24.12	Fed. Circuit	Doug Richards David Kalow Rick Brunell	Purchaser standing to bring Walker Process claims	Position accepted, 700 F.3d 503	
65.	Brantley v. NBC Universal	4.20.12	9th Circuit rehearing	Rick Brunell Randy Stutz	When vertical restraints/ties can injure competition	Rh'g denied	
64.	ZF Meritor v. Eaton Corp.	2.7.12	3d Circuit	Rick Brunell Mike Tarringer	Cost based test for loyalty discounts	Position rejected (held for plaintiffs on other grounds), 696 F.3d 254 (Sept. 28, 2012)	
63.	In re Cipro cases	1.18.12	Cal. Sup. Ct. pet. for review	Josh Davis	Reverse payments	Review granted	
62.	In re W. States Wholesale Natural Gas Litig.	12.5.11	9th Circuit	Rick Brunell	Whether state antitrust claim is preempted if FERC has jurisdiction	Position followed, 715 F.3d 716 (Apr. 10, 2013)	
61.	FTC v. Lundbeck	10.12.11	8th Circuit rehearing	Chris Sagers Rick Brunell Joe Bruckner	Role of non-price competition in market definition	Rh'g denied	
60.	Minn-Chem v. Agrium Inc.	10.7.11	7th Circuit en banc	Rick Brunell	FTAIA	Position accepted, 683 F.3d 845 (2012)	
59.	Simon v. KeySpan	9.21.11	2d Circuit	Chris Sagers Rick Brunell Doug Richards	Applicability of filed rate doctrine to market based rates	Position rejected, 694 F.3d 196 (2012)	
58.	Brantley v. NBC Universal	7.18.11	9th Circuit rehearing	Rick Brunell	Whether purely vertical agreement must exclude competitors to injure competition	Panel decision modified to address some concerns	
57.	In re K-Dur Litig.	5.17.11	3d Circuit	Michael Carrier Ellen Meriwether	Reverse payments	Position accepted, 686 F.3d 197 (2012)	Numerous professors
56.	In re Hawaiian & Guamanian Cabotage Antitrust Litig.	4.9.11	9th Circuit	Chris Sagers Rick Brunell	Filed rate doctrine	Position rejected in unpublished decision	
55.	California v. Safeway	3.15.11	9th Circuit en banc	Rick Brunell	Applicability of quick-look to revenue sharing agreement	Position rejected, 651 F.3d 1118 (2011)	
54.	Louisiana Wholesale Drug v. Bayer AG (Cipro 2d Cir.)	1.20.11	Supreme Court cert.	Paul Slater	Reverse payments	Cert. denied	
53.	Sullivan v. DeBeers	1.12.11	3d Circuit en banc	Josh Davis Eric Cramer Dan Gustafson	Settlement class-certification standards	Position followed, 667 F.3d 273 (2011)	
52.	FTC v. Lundbeck	1.3.11	8th Circuit	Chris Sagers Rick Brunell	Market definition in drug merger	Position rejected, 650 F.3d 1236 (2011)	

51.	Terry v. Tyson Farms	11.23.10	Supreme Court cert.	David Balto	Competitive injury under Packers & Stockyards Act	Cert. denied	Numerous farm groups
50.	AT&T Mobility v. Concepcion	10.6.10	Supreme Court	Rick Brunell	Class action waivers	Position rejected, 131 S. Ct. 1740 (2011)	
49.	Sullivan v. DeBeers Investments	9.23.10	3d Circuit rehearing	Josh Davis Eric Cramer Dan Gustafson	Settlement class-certification standards	Rh'g granted	
48.	Messner v. NorthShore University Health System	8.9.10	7th Circuit	Eric Cramer Josh Davis Avidan Stern	Class certification standards	Position followed, 669 F.3d 802 (2012)	
47.	New York Regional Interconnect v. FERC	7.29.10	D.C. Circuit	Rick Brunell	FERC's obligation to consider competition	Appeal dismissed on procedural grounds, 634 F.3d 581 (2011)	
46.	Shames v. Cal. Travel & Tourism Comm'n	7.9.10	9th Circuit rehearing	Rick Brunell Peter Carstensen	State action defense	Position followed, 626 F.3d 1079 (2010); original opinion withdrawn	
45.	Arkansas Carpenters Health & Welfare Fund (Cipro)	5.20.10	2d Circuit rehearing	Paul Slater	Reverse payments	Rh'g denied	
44.	American Banana v. Del Monte	3.16.10	2d Circuit	Rick Brunell Ellen Meriwether	Market definition and <i>Daubert</i>	Summary judgment aff'd on other grounds, unpublished	
43.	Princo Corp. v. Int. Trade Comm'n	1.22.10	Fed. Circuit en banc	Jonathan Rubin Rick Brunell	Patent pool exclusivity agreements	Position rejected, 616 F.3d 1318	
42.	Stolt-Nielsen v. Animalfeeds	10.27.09	Supreme Court	Rick Brunell Dan Gustafson	Whether silent arbitration clause precludes class action	Position rejected, 559 U.S. 662 (2010)	Am. Ind. Bus. Alliance (AMIBA) & Nat. Comm. Pharms. Ass'n (NCPA)
41.	American Needle v. NFL	9.25.09	Supreme Court	Rick Brunell Steve Ross	Whether single entity defense applies to NFL, joint ventures	Position followed, 560 U.S. 183 (2010)	CFA
40.	PSKS v. Leegin	8.14.09	5th Circuit	Rick Brunell	Whether <i>Leegin</i> requires proof of relevant market	Position rejected, 615 F.3d 412 (2010)	
39.	Arkansas Carpenters Fund v. Bayer AG (Cipro Fed Cir)	4.27.09	Supreme Court cert.	Mark Lemley	Reverse payments	Cert. denied	AAI did not write brief; joined profs., PPF, and AARP

38.	In re DRAM Antitrust Lit.	3.5.09	9th Circuit	Rick Brunell	Indirect purchaser standing in component case	Case settled	
37.	FTC v. Rambus Inc.	12.29.08	Supreme Court cert.	Richard Wolfram David Balto	Standard of causation in §2 case involving abusive standard-setting	Cert. denied	CFA, Public Patent Foundation
36.	Pacific Bell. Tel. v. linkLine	10.21.08	Supreme Court	Rick Brunell	Viability of price squeeze theory	Position rejected, 555 U.S. 538 (2009)	
35.	Rambus v. FTC	6.11.08	DC Circuit rehearing	David Balto	Standard of causation under §2	Rh'g denied	CFA, PPF
34.	FTC v. Whole Foods Market, Inc.	1.22.08	DC Circuit	Rick Brunell	Preliminary injunction standard in FTC merger cases	Position followed, 548 F.3d 1028 (2008)	
33.	Quanta Computer v. LG Electronics	11.13.07	Supreme Court	Shubha Ghosh	Patent exhaustion doctrine	Position followed, 553 U.S. 617 (2008)	
32.	FTC v. Whole Foods Market, Inc.	7.31.07	U.S.D.C., D.C.	David Balto	Merger of Whole Foods and Wild Oats	FTC motion for PI denied, 502 F. Supp. 2d 1	CFA, Org for Competitive Markets
31.	Eichenseer v. Tavern League	6.25.07	Wisconsin Supreme Court	Peter Carstensen	Implied immunity under state law	Position rejected, 748 NW2d 154 (2008)	
30.	In re DDAVP Direct Purchaser Antitrust Lit.	5.25.07	2d Circuit	Doug Richards	Purchaser standing to bring Walker Process claim	Position accepted, 585 F.3d 677 (2d Cir. 2009)	CFA, AARP, CU, Families USA
29.	Cascade Health Solutions v. PeaceHealth	4.19.07	9th Circuit	David Balto A. Kepper C. Wildfang Tom Miller	Standard for §2 liability for bundled discounts	Position rejected, 502 F.3d 895 (9th Cir. 2007)	CFA, CU
28.	Leegin Creative Leather Products, Inc. v. PSKS, Inc.	2.26.07	Supreme Court	Rick Brunell	Validity of per se rule against RPM	Position rejected, 544 U.S. 877 (2007)	
27.	Credit Suisse Securities v. Billing	2.26.07	Supreme Court	Joe Goldberg Dan Gustafason Darren Bush	Implied immunity under securities laws	Position rejected, 551 U.S. 264 (2007)	
26.	Joblove v. Barr Labs (In re Tamoxifen)	2.15.07	Supreme Court cert. and 2d Cir.	Paul Slater	Reverse payments in drug patent settlements	Cert. denied (also filed mtn for rehearing en banc in 2d Circuit)	
25.	Broadcom Corp. v. Qualcomm Inc.	12.20.06	3rd Circuit	Eric Cramer David Balto	Deceptive conduct in standard setting as violation of §2	Position followed, 501 F.3d 297 (3d Cir. 2007)	CFA
24.	Sperry v. Crompton Corp.	11.27.06	NY Ct. App. (also filed in App. Div.)	Dan Hume Bob Lande	Availability of treble damages in class actions	Position rejected, 831 NYS 2d 760 (2007). Also filed in Cox v. Microsoft.	

23.	Bell Atlantic Corp. v. Twombly	10.13.06	Supreme Court	Parker Folse	12(b)(6) standard for conspiracy	Position rejected, 550 U.S. 544 (2007)	
22.	Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.	10.12.06	Supreme Court	Jonathan Rubin Jon Cuneo Bob Lande	Standard for predatory overbidding	Position rejected, 549 U.S. 312 (2007)	
21.	Lorix v. Crompton Corp.	10.6.06	Minnesota Supreme Court	Richard Lockridge	Indirect purchaser standing	Position followed, 736 N.W. 2d 619 (Minn. 2007)	
20.	In re Rambus Inc.	9.29.06	FTC	Jonathan Rubin	Remedy	FTC Order issued 2.5.07	
19.	In re American Express Merchants Litigation	9.20.06	2d Circuit	Dan Gustafson	Enforceability of class action waivers	Position followed, 554 F.3d 300 (2d Cir. 2009), but ultimately rejected by the Supreme Court	
18.	Texaco Inc. v. Dagher	11.10.05	Supreme Court	Steve Ross	Standard for analyzing price agreement by integrated joint venture	Position rejected, 547 U.S. 1 (2006)	
17.	J.B.D.L. Corp. v. Wyeth-Ayerst Labs, Inc.	11.7.05	6th Circuit	David Balto	Loyalty rebates and bundled discounts in drug case	Position rejected, 485 F.3d 880 (6th Cir. 2007)	AARP, CFA, Families USA, Prescription Access Lit. Project, National Ass'n of Chain Drug Stores, Medical Device Mfgs. Ass'n
16.	Illinois Tool Works Inc. v. Independent Ink, Inc.	9.28.05	Supreme Court	Jonathan Rubin	Presumption of market power in patent tying cases	Position rejected, 547 U.S. 28 (2006)	various library and auto parts associations
15.	Monsanto Co. v. Scruggs	5.5.05	Fed. Circuit	Mark Patterson	First sale doctrine	Position rejected, 459 F.3d 1328 (Fed. Cir. 2006)	
14.	Johnson v. Microsoft Corp.	7.19.04	Ohio Supreme Court	Norman Hawker Mark Tucker	Indirect purchaser standing	Position rejected, 834 NE2d 791 (2005)	
13.	In re Rambus Inc.	5.17.04	FTC	Jonathan Rubin	Liability for standard setting		
12.	Verizon Comm., Inc. v. Trinko	7.23.03	Supreme Court	Jonathan Rubin	Refusal to deal under §2	Position rejected, 540 U.S. 398 (2004)	

11.	Wal-Mart Stores, Inc. v. Rodriguez	2.27.03	1st Circuit	Kevin O'Connor	Injunction against state merger enforcement	Settled; related decision at 322 F.3d 747	
10.	Bunker's Glass Co. v. Pilkington plc	1.22.03	Arizona Supreme Court	Warren Grimes	Indirect purchaser standing	Position followed, 75 P.3d 99 (2003)	
9.	Dee-K Enterprises, Inc. v. Heveafil Sdn. Bhd	12.5.02	Supreme Court cert.	Warren Grimes Bob Skitol Doug Rosenthal	Foreign jurisdiction	Cert. denied	
8.	United States v. Visa U.S.A., Inc.	7.9.02	2d Cir.	Ian Ayres	Credit card networks' exclusionary rules	Position followed, 344 F.3d 229 (2d Cir. 2003)	Did not write brief; filed w/ 26 consumer groups
7.	Valley Drug Co. v. Geneva Pharms.	7.9.02	11th Cir.	Paul Slater	Reverse payments in drug patent settlements	Position rejected, 344 F.3d 1294 (11th Cir. 2003)	
6.	Major League Baseball v. Crist	3.29.02	11th Circuit	Steve Ross	Baseball exemption	Position rejected, 331 F.3d 1177 (11th Cir. 2003)	CFA
5.	U.S. v. Microsoft	3.11.02	U.S.D.C. D. D.C.	Jon Cuneo	Tunney Act proceeding	Position rejected	
4.	A.D. Bedell Wholesale Co., Inc. v. Philip Morris Inc.	11.21.01	Supreme Court cert.	Steve Anderson	Application of Noerr Pennington to tobacco settlement	Cert. denied	
3.	In re Disposable Contact Lens Antitrust Litigation	7.19.01	U.S.D.C. M.D. Fla.	Bert Foer	Clarification of settlement agreement		
2.	In re Cardizem CD Antitrust Litigation	5.31.01	6th Circuit	Paul Slater	Reverse payments in patent settlements	Position followed, 332 F.3d 896 (6th Cir. 2003)	
1.	Loeb Industries, Inc. v. Sumitomo Corp.	4.16.01	7th Circuit	Warren Grimes Larry Sullivan Joe Bauer	Application of Illinois Brick to copper conspiracy	Position followed in part, 306 F.3d 469 (7th Cir. 2002)	