

PBI Antitrust Discussion

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PBI Antitrust Discussion Questions 1-2

- In-house counsel for a medical device company calls you. He has just discovered outgoing emails from one of his salespeople to sales reps from two competitors, suggesting that, to make everyone more efficient, they meet to try to agree on which physicians each sales rep will or will not try to sell their devices to. Antitrust issue?
- Road Products Company sells a majority of asphalt used in the Pittsburgh area. It is introducing a new product in which it has no sales track record. To get its new product off the ground, it wants to condition the sale of its asphalt on the purchase of the new product, at least for a limited time until its customers have a chance to try the new product. Antitrust issue?

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PBI Antitrust Discussion Questions 3-4

- Your client wants to enter a strategic alliance with a competitor, whereby each company will distribute the other's products, enabling both to offer a more complete line of products. Further to the alliance, your client and the competitor want to have exclusive territories to facilitate optimal distribution. There are several huge companies with which both compete. Antitrust issue?
- A mid-size general contractor has been looking for ways to reduce bid preparation costs: bidding on every new construction project in Pittsburgh is time-consuming and expensive. It has proposed to other local contractors that each of them agree to bid only on 100 construction projects per year - far more projects than even a large contractor could actually handle. Antitrust issue?

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PBI Antitrust Discussion Questions 5-6

- You have been invited to join your client at a Natural Gas Extractors of America trade association meeting. Your client has noticed that the keynote speech is by a well-known professor and is entitled, "Impact of New Gas Discoveries on Future Gas Prices: An Empirical Study From 2000 To The Present." Antitrust issue?
- Your client General Hospital calls to ask about a merger proposal it is considering making to another nearby hospital. There are two other substantial hospitals nearby, and the local physicians are supportive. The target hospital has been losing money for years. What are the chances the FTC might try to block such a merger, or what other facts do you need to know to give a quick reaction?

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PBI Antitrust Discussion Questions 7-8

- Hot Rod, Inc., makes unique, ultra-high-performance engine parts for race cars. It has always sold its products through multiple distributors, but now wants to simplify its business and sell only to two "master distributors." Hot Rod knows the other distributors will be very angry when they learn they are being terminated, but wants your opinion: is there an antitrust claim here?
- Attorneys from Giant Conglomerate call to ask your advice about an upcoming bid for a big government project. Two different subsidiaries of Giant Conglomerate want to bid on the project. Can they share their bidding plans in advance, or alternatively, can they simply submit a single joint bid?

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PBI Antitrust Discussion Questions 9-10

- KidRide, Inc., makes infant car seats. It sells the car seats through many distributors, some of which sell over the internet. One large retailer that has many "bricks and mortar" stores has called KidRide to complain about it selling to price-cutting "internet only" vendors, and wants Manufacturer to charge internet-only outlets a higher price. Antitrust problem?
- One of your IP partners has just succeeded in getting a patent approved for some amazing new video play-back technology developed by the DroidPod Company. DroidPod executives want to refuse to license their patented technology to anyone who does business with any competing manufacturers of video-play back devices. Your partner is worried about this plan: can DroidPod do that?

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