

## MERGER ANTITRUST LAW

LAWJ/G-1469-05  
Georgetown University Law Center  
Fall 2018

Tuesdays and Thursdays, 3:30-4:55 pm  
Dale Collins  
[dale.collins@shearman.com](mailto:dale.collins@shearman.com)  
[www.appliedantitrust.com](http://www.appliedantitrust.com)

### CLASS 14 WRITTEN ASSIGNMENT

#### Instructions

Submit by email by 3:30 pm on Thursday, October 18

Send to [dale.collins@shearman.com](mailto:dale.collins@shearman.com)

Subject line: Merger Antitrust Law: Assignment for Class 14

#### Assignment

Calls for a memorandum to a partner (which may be sent to a client)

John Clark, a partner in Able & Baker LLP with whom you work, has read your memorandum on the role of the *Brown Shoe* factors in product market definition. He now would like for you to write a separate memorandum on the hypothetical monopolist test in product market definition under the 2010 DOJ/FTC Horizontal Merger Guidelines. Once again, he is planning on sending the memorandum to the client, so it needs to be concise and clear to an intelligent lawyer but one unskilled in merger antitrust law. You may assume that that the client has read your *Brown Shoe* memorandum, so there is no need for you to cover the Section 7 basics on market definition again. However, Clark has asked that the memorandum cover what is the hypothetical monopolist test, the theory behind the test, and to provide a simple example of how the test might be used in practice.<sup>1</sup>

If you have any questions, send me an e-mail. See you in class. Dale

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<sup>1</sup> You do not have to make up your own example, but you may do so if you like. Feel free to use an example in the notes, in the Horizontal Merger Guidelines, or one you find on the Internet. The point of the assignment is not to test your creativity in creating examples, but rather your ability in explaining one.