

ORAL ARGUMENT NOT YET SCHEDULED**No. 18-5214**

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**UNITED STATES OF AMERICA,
Plaintiff-Appellant,

v.

AT&T INC.; DIRECTV GROUP HOLDINGS, LLC; AND TIME WARNER INC.,
*Defendants-Appellees.*On Appeal from the
United States District Court for the District of Columbia,
No. 1:17-cv-2511 (Hon. Richard J. Leon)

**NOTICE BY THE CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA, NATIONAL ASSOCIATION
OF MANUFACTURERS, BUSINESS ROUNDTABLE, SMALL
BUSINESS & ENTREPRENEURSHIP COUNCIL, U.S. BLACK
CHAMBERS, INC., AND THE LATINO COALITION OF
INTENT TO PARTICIPATE AS *AMICI CURIAE* IN SUPPORT
OF DEFENDANTS-APPELLEES**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 26.1, each of *amici curiae*¹ the Chamber of Commerce of the United States of America, the National Association of Manufacturers, the Business Roundtable, the Small Business & Entrepreneurship Council, US Black Chambers, Inc., and The Latino Coalition certifies that it is a non-profit organization, that it does not have a parent corporation, and that no publicly held corporation owns more than ten percent of its stock.

¹ The individual associations are described in Appendix A

NOTICE OF INTENT TO PARTICIPATE AS *AMICI CURIAE*²

Pursuant to D.C. Cir. Rule 29(b), and the guidance set forth in Section IX(A)(4) of this Court's Handbook of Practice and Internal Procedure, amici hereby notify this Court of the intent to file an *amici curiae* brief in the above captioned matter in support of the Appellees.

All Parties have indicated that they consent to the filing of this *amicus curiae* brief.

Amici curiae represent a broad and diverse set of American businesses concerned that the novel approach to vertical mergers by the Government, its supporting amici and amici in support of neither party contravenes longstanding antitrust principles. If embraced by this Court, that approach would undermine myriad transactions that generally benefit consumers.

² In accordance with Federal Rule of Appellate Procedure 29(a)(4)(E), amici certify that (1) this brief was authored entirely by counsel for *amici curiae* and not by counsel for any party, in whole or part; (2) no party or counsel for any party contributed money to fund preparing or submitting this brief; and (3) apart from *amici curiae* and their counsel, no other person contributed money to fund preparing or submitting this brief. All parties have consented to the filing of this *amicus* brief.

Over the past several decades, a broad legal and economic consensus in favor of vertical mergers gave the business community confidence to invest in numerous transactions that made American industries more efficient, thereby producing enormous consumer benefits. The vague legal standard that the Government and some amici advocate would cloud the business community's ability to ascertain whether vertical mergers are lawful, making it more difficult to invest in transactions with enormous potential to lower prices and enhance innovation—all of which benefit a diverse array of customers.

The undersigned amici respectfully urge this Court to decline to upend the longstanding consensus that vertical mergers are presumptively procompetitive and thus lawful.

September 27, 2018

By: */s/Donald B. Verrilli, Jr.*

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2018, I caused a true and correct copy of the foregoing to be served on all counsel of record through the Court's CM/ECF system.

September 27, 2018

/s/ Donald B. Verrilli, Jr.

Donald B. Verrilli, Jr.

APPENDIX A

The **Chamber of Commerce of the United States of America** is the world's largest business federation. It represents 300,000 direct members and indirectly represents the interests of 3 million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus curiae* briefs in cases that raise issues of concern to the Nation's business community.

The **National Association of Manufacturers (NAM)** is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs more than 12 million men and women, contributes \$2.25 trillion to the U.S. economy annually, has the largest economic impact of any major sector and accounts for more than three-quarters of all private-sector research and development in the nation. The NAM is the voice of the manufacturing community and the leading

advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

Business Roundtable is an association of chief executive officers of leading U.S. companies working to promote a thriving U.S. economy and expanded opportunity for all Americans. Business Roundtable members lead companies that together have more than \$7 trillion in annual revenues and employ nearly 16 million employees. Business Roundtable was founded on the belief that businesses should play an active and effective role in the formation of public policy, and the organization regularly participates in litigation as *amicus* where important business interests are at stake.

The **Small Business & Entrepreneurship Council (SBE Council)** is an advocacy, research and education organization dedicated to promoting entrepreneurship and small business growth. For nearly 25 years, SBE Council has worked on a range of policy and educational initiatives to promote a healthy ecosystem for strong entrepreneurship, investment, innovation and vigorous economic growth. Its members have a strong interest in maintaining a policy environment that supports economic efficiencies, entrepreneurial

opportunity and innovative business models that fuel economic dynamism.

U.S. Black Chambers, Inc. (USBC) is an association of over 100 Black Chambers and small business associations nationwide that provides visionary leadership and advocacy for the realization of economic empowerment. Through the creation of resources and initiatives, USBC supports African American Chambers of Commerce and business organizations in their work of developing and growing Black enterprises. Those enterprises have a strong interest in clear legal rules that do not inhibit investments in transactions that make industries more efficient and reduce prices for businesses and consumers.

The Latino Coalition (TLC) was founded in 1995 by a group of Hispanic business owners from across the country to research and develop policies relevant to Latinos. TLC is a non-profit nationwide organization based in Southern California, with offices in Washington, DC and Mexico. TLC addresses policy issues that directly affect the well-being of Hispanics in the United States. TLC's agenda is to develop initiatives and partnerships that will foster economic

equivalency and enhance overall business, economic and social development of Latinos. TLC analyzes and report to the public about the impact of Federal, State and local legislation, and government regulations, has on the Latino communities. TLC is a 501 (c) (6) membership organization.