

MERGER ANTITRUST LAW

LAWJ/G-1469-05
Georgetown University Law Center
Fall 2023

Tuesdays and Thursdays, 11:10 am – 1:10 pm
Dale Collins
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www.appliedantitrust.com

CLASS 11 WRITTEN ASSIGNMENT

Instructions

Submit by email by 11:10 am on Tuesday, October 3
Send to wdc30@georgetown.edu
Subject line: Merger Antitrust Law: Assignment for Class 11

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 asked you to prepare a short memorandum explaining the role of market definition in merger antitrust cases. Clark believes that the relevant geographic market will not be in dispute, so he would like you to focus on product market definition. Clark understands that the courts typically apply two different tests determining the dimensions of a relevant product market: (1) *the Brown Shoe* “outer boundaries” test that uses reasonable interchangeability of use and high cross-elasticity of demand” as factors and which is informed by the *Brown Shoe* “practical indicia,” and (2) the hypothetical monopolist test under the 2010 DOJ/FTC Horizontal Merger Guidelines. As part of the memorandum, Clark would like you to describe these two tests so that the client can understand what they are and how they may apply in practice.