



The American Antitrust Institute

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CONTACT: Bert Foer
202-276-6002, bfoer@antitrustinstitute.org

Jonathan L. Rubin
202-457-6531, jrubin@pattonboggs.com

**AMERICAN ANTITRUST INSTITUTE TO TESTIFY BEFORE HOUSE COMMITTEE
ABOUT COMPETITION POLICY'S IMPACT ON AMERICAN ENTREPRENEURS**

(Washington, DC) - American Antitrust Institute (AAI) Advisory Board Member and Patton Boggs LLP Partner Jonathan L. Rubin will outline essential elements of antitrust policy needed to preserve entrepreneurial spirit in the American Economy on Thursday when he testifies before the House Committee on Small Business on behalf of the Institute.

Rubin's testimony will include recommendations from AAI's soon-to-be released report, "The Next Antitrust Agenda: The American Antitrust Institute's Transition Report on Competition Policy to the 44th President."

Rubin will discuss the need for increased enforcement of Section 2 of the Sherman Antitrust Act to discourage dominant firms from engaging in strategies that maintain monopolies and potentially harm small businesses. The legislation, enacted in 1890, sought to promote free market competition by making it unlawful for a company to monopolize or attempt to monopolize trade or commerce.

"The preservation of our nation as 'the land of opportunity' is, and should continue to be, an important foundational goal of antitrust," said Rubin, who practices antitrust law in Patton Boggs' Washington office. "U.S. antitrust policy must protect small businesses and entrepreneurs from the many kinds of anticompetitive conduct, specifically by recognizing the need to enforce Section 2 and addressing the concept of vertical market power."

Rubin's testimony will also focus on restrictions on retailers known as resale price maintenance. The AAI argues that such techniques should revert to being unlawful per se, or a structured rule of reason procedure recognizing that intrabrand vertical restraints, exclusive dealing, and retail price maintenance are frequently anticompetitive should be employed.

"One unique contribution of the AAI report of special importance to small- and middle-size businesses is its emphasis on vertical relationships in which dominant firm market power is projected up or down the chain of distribution," AAI President Bert Foer said. "In our report, we argue that in multi-stage distribution chains, competition on any level distribution is as worthy of antitrust protection as competition on any other level."

The hearing will take place on Thursday, September 25 at 10:00 a.m. in room 1539 of the Longworth House Office Building. Rubin's written statement will be available at www.antitrustinstitute.org at that time.

About the American Antitrust Institute

The American Antitrust Institute is an independent non-profit education, research and advocacy organization. Since its formation in 1998, the AAI's mission has been to increase the role of competition, assure that competition works in the interests of consumers, and challenge abuses of concentrated economic power in the American and world economy. To learn more about the AAI, please visit www.antitrustinstitute.org

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