



AMERICAN ANTITRUST INSTITUTE ANNUAL CONFERENCE

SUPPORTING MATERIALS

SHOULD ENFORCERS PRESUME THAT MERGERS ARE PRO-COMPETITIVE? FACTORING UNENFORCEABLE AND UNDELIVERED EFFICIENCIES CLAIMS INTO MERGER REVIEW

- Gundlach, G. T., & Moss, D. L., [Non-Price Effects of Mergers: Introduction and Overview](#). 63 *The Antitrust Bulletin*, 2 (2018).
- John Kwoka, "[The Structural Presumption and Safe Harbor in Merger Review: False Positives or Unwarranted Concerns?](#)" *Antitrust Law Journal*, 2017.
- Steven C. Salop, Revising the [Vertical Merger Guidelines: Presentation at the FTC Hearings on Competition and Consumer Protection in the 21st Century](#) (Nov. 1, 2018)
- James C. Cooper et al., [Vertical Antitrust Policy as a Problem of Inference](#), 23 *INT'L J. INDUS. ORG.* 639 (2005).

RIGHTING THE WRONGS OF MODERN ANTITRUST DOCTRINE: TOWARD AN AGENDA FOR IMPROVING ENFORCEMENT IN THE COURT SYSTEM

- Andrew I. Gavil, [Burden of Proof in U.S. Antitrust Law](#), in 1 *ISSUES IN COMPETITION LAW AND POLICY* 125 (2008).
- Salop, Steven C., "[An Enquiry Meet for the Case: Decision Theory, Presumptions, and Evidentiary Burdens in Formulating Antitrust Legal Standards](#)" (2017).
- Baker, Jonathan B. & Gavil, Andrew I., [Judge Douglas H. Ginsburg and Antitrust Law's Rule\(s\) of Reason D](#) (January 31, 2019).

INTELLECTUAL PROPERTY AND COMPETITION: MAJOR DEVELOPMENTS AT THE AGENCY

- Terrell McSweeney, [Holding the Line on Patent Holdup: Why Antitrust Enforcement Matters](#) (Mar. 21, 2018)
- U.S. Dep't of Justice & Fed. Trade Comm'n, [Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition](#) (April 2007)
- Suzanne Munck, [prepared Statement of the Federal Trade Commission Concerning Standard Essential Patent Disputes and Antitrust Law](#) – Before the Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary, United States Senate (July 2013)

ASSESSING THE STATE OF SECTION 1: DO WE HAVE AN ENFORCEMENT PROBLEM WITH POLICING ANTICOMPETITIVE AGREEMENTS?

- William E. Kovacic, Robert C. Marshall & Michael J. Meurer, [Serial Collusion by Multi-Product Firms](#), 6 *J. Antitrust Enforcement* 296 (2018).
- Gustavo Grullon et al., [Are US Industries Becoming More Concentrated?](#) (2016)
- Ann O'Brien (2008), [Cartel Settlements in the U.S. and EU: Similarities, Differences & Remaining Questions](#)