Private Antitrust Law Enforcement in Cases with International Elements

Volumes 1 and 2

Volume 2

Alen Balde

Submitted in fulfilment of the requirements for the
Degree of Doctor of Philosophy

School of Law
College of Social Sciences
University of Glasgow

January 2016

Table of Contents

Volume 1

Volume 2

Chapter 7: The Transborder Standard – Compatibility with the System of Antitrust Law Enforcement

1 Introduction

Is the transborder standard proposed in Chapter 5 of this thesis merely an idealistic solution to legal questions raised by the *Empagran* litigation, or is it an approach[1] that can be adopted immediately in future antitrust litigation?

The aim of the thesis is to address legal and practical needs[2] and to provide solutions. This thesis submits that the transborder standard is the appropriate solution to these needs.[3] Assuming that the adoption of a transborder standard is the appropriate solution to these needs, the question of the compatibility of the proposed transborder standard with the existing system of antitrust law enforcement needs to be examined. In assessing the compatibility, there are two possibilities: either the transborder standard is an idealistic solution (i.e. of such a nature that it is distinct from the existing system of antitrust law enforcement and its implementation will require some legislative changes), or it is of such a nature that can be directly adopted by adjudicating courts.

A conclusion of the research undertaken is that a transborder standard can be directly applied without any need for legislative changes. A transborder standard is an approach[4] and therefore it is related to the reasoning of the U.S. courts (and litigants) and has nothing to do with substantive (i.e. material) or procedural law areas of U.S. antitrust law. It could be argued that a transborder standard provides an explanation of the required relationship between anticompetitive effects (antitrust injury) within the U.S. and the litigated (foreign) private antitrust injury and, therefore, it is a matter of substantive law

---

1 For the nature of transborder standard see Chapter 5.

2 See Chapter 5, subsection 3.

3 See Chapter 5.

4 Ibid.

which regulates the subject matter jurisdiction of U.S. courts in antitrust litigation. It has been demonstrated in earlier chapters that the substantive law requirement to grant subject matter jurisdiction of U.S. courts was elaborated by the Supreme Court's *Empagran* judgment in such a way that (foreign) private antitrust injury may potentially be litigated before the U.S. courts on the condition that the injury is not independent from the anticompetitive effects (antitrust injury) within the U.S.[5] In contrast with the Second Court of Appeals' *Empagran* decision[6] and with post-*Empagran* case law[7] (where the U.S. adjudicating courts elaborated this 'dependency' requirement between anticompetitive effects (antitrust injury) within the U.S. and the litigated (foreign) antitrust injury in the form of 'direct causation' (i.e. anticompetitive effects in the U.S. have to be the direct cause of (foreign) antitrust injury), this thesis proposes that this 'dependency' requirement has to be addressed in the form of a transborder standard.

This chapter examines the reasoning of pre-*Empagran* courts with two objectives. Firstly, to show that a transborder standard is compatible with the existing reasoning of the U.S. courts, and consequently, compatible with the existing system of antitrust law enforcement. Secondly, to provide some examples that provide guidance for understanding the requirement of 'simultaneous and essential'[8] that has to exist in order to determine a factual situation as 'transborder'.

In addition, this chapter applies the transborder standard to some of the pre-*Empagran* U.S. antitrust cases to indicate the extent to which the reasoning of the U.S. adjudicating courts might have been altered if the transborder standard had existed at the time of the adjudication.

---

5 See Chapter 2, subsection 3.1.7.3.

6 See Chapter 2, subsection 3.1.7.4.

7 See Chapter 3, subsection 6.2.

8 See Chapter 5, subsection 2.2.

2 Reasons to Assess the Compatibility of a Transborder Standard with the System of Antitrust Law Enforcement

In the section above it is submitted that a transborder standard is an approach that can be directly adopted in U.S. antitrust litigation to address the existing legal and practical needs without a need for legislative changes in substantive and procedural antitrust law. The analysis undertaken below provides support for this conclusion.

At the preliminary stage of the analysis that follows, it is important to stress the awareness that the analysis may lack clarity if assessed in isolation. In Chapter 2 it was explained that the Supreme Court in *Empagran* did not reject the alternative theory claim,[9] but this alternative theory claim was never assessed or applied in post-*Empagran* cases' reasoning.[10] It is submitted that this omission is of no relevance to the argument that a transborder standard can and should be adopted in deciding whether subject matter jurisdiction can be conferred on the U.S. courts. The analysis in Chapter 6 demonstrated that pre-*Empagran* case law on subject matter jurisdiction and statements on private antitrust law enforcement in the selected pre-*Empagran* cases do not generally support (apart from a few examples) the acceptance of a transborder standard. Therefore, the next logical step is to conduct an analysis in order to find evidence to support the submission that a transborder standard is compatible with the existing system of U.S. antitrust enforcement.

While conducting the analysis of pre-*Empagran* cases for the purpose of Chapter 6, the judgments of the U.S. courts revealed that they encompass much more than merely case law on subject matter jurisdiction and statements on private antitrust law enforcement. The judgments of the U.S. courts include dicta and show the reasoning that adjudication court followed to deliver decisions on the dispute under antitrust litigation.

---

[9] See Chapter 2, subsection 3.1.10.

[10] See Chapter 3, subsection 5.2.

3 Reasoning in Pre-*Empagran* Cases that Supports a Transborder Standard

A transborder standard requires an assessment of factual situations (including commercial arrangements) as a whole and not in separate segments.[11] Thus, where this integral approach in assessing the factual situation is substituted by adjudicating courts for separating and isolateing categories of facts,[12] the reasoning is founded on a distorted perception of the factual situation and consequently leads to a questionable decision.

The necessity[13] to indentify and understand the nature of the connection between facts[14] inside and outside of the U.S. can find support in the *Swift*[15] case, where the adjudicating court explained that perpetrators can perform and adopt several specific acts and courses of conduct to reach the direct object of conspiracy. The present thesis does not oppose this proposition, supported by the adjudicating courts in the *Empagran* litigation[16] and post-*Empagran* courts,[17] that the existence of a worldwide conspiracy on its own is not a sufficient condition for granting subject matter jurisdiction to the U.S. courts in private antitrust litigation with a foreign injury. It is a completely different question, however, where the conspirators set up their commercial arrangements so as to prevent private parties from litigating before the U.S. courts where the injury suffered from these commercial arrangements can only be categorised as foreign. The remaining part of this section will set out four arguments and provide additional examples from pre-*Empagran* cases that may be used to support a transborder standard. The arguments are the following: the inextricability argument (subsection 1) that was mentioned in the *Empagran*

---

[11] See Chapter 5, subsection 2.

[12] See explanation of the existing dichotomy in the reasoning of the U.S. courts of categories of 'domestic' and 'foreign' in Chapter 5.

[13] For the significance that the existence of the connection between facts inside and outside the U.S. has on the legality of commercial arrangements, see Chapter 5.

[14] I.e. anticompetitive conduct, anticompetitive effect, antitrust injury, nationality of litigants (see Chapter 5).

[15] *Swift & Co.* v. *U.S.*, 196 U.S. 375,397, 25 S.Ct. 276, 49 L.Ed. 518 (1905).

[16] See Chapter 2, subsection 3.1.2.

[17] See Chapter 3, section 6.

ligation but never examined; the hub argument (subsection 2) that was not mentioned either in the *Empagran* litigation or in post-*Empagran* cases; the same critique is valid also for the scheme argument (subsection 3); relevance attributed by pre-*Empagran* courts to the international dimension of factual situations (subsection 4). This section concludes with further arguments that cannot be classified by one common denominator, but can still be relied on in support of the transborder standard.

3.1 The Inextricability Argument

The inextricability argument was mentioned in the *Empagran* litigation[18] in support of the decision that a foreign private antitrust injury that is independent from anticompetitive effect (antitrust injury) within the U.S. cannot be granted subject matter jurisdiction of the U.S. courts. Nevertheless, none of the courts in the *Empagran* litigation elaborated the substance and conditions for the foreign antitrust injury to qualify as inextricably connected with anticompetitive effect (antitrust injury) within the U.S.

Therefore, the only way to understand the inextricability argument is to examine pre-*Empagran* cases where the adjudicating courts used this argument as part of their reasoning in the process of reaching a decision.

The pre-*Empagran* case that was directly cited as a precedent of the inextricability argument in the *Empagran* litigation was *Industria Siciliana Asfalti*. In this case the adjudicating court used the inextricability argument to explain that the foreclosure and imposition of anticompetitive prices merge into a single antitrust injury.[19] The private plaintiff in this case was a non-U.S. national who suffered a private antitrust injury outside the U.S. The injury was caused by the defendants' activities that averred to be in violation of the Sherman Act.[20] More specifically, the adjudicating court explained that the imposition of anticompetitive prices which damaged the plaintiff were

[18] See Chapter 2, subsection 3.1.7.3.

[19] *Industria Siciliana Asfalti* v. *Exxon Research and Engineering, Co.*, 1977 WL 1353,11 (S.D.N.Y.).

[20] Ibid.

inextricably bound up with the domestic restraints of trade (i.e. trade in the export of design and engineering services was restrained[21]), which had enabled the defendant to enforce the reciprocal transaction.[22] The reasoning in the judgment also shows that the fact that a non-U.S. private plaintiff suffered antitrust injury in a territory outside the U.S., and the fact that this non-U.S. plaintiff did not import or export from or into the U.S., were not relevant[23] to granting the subject matter jurisdiction to the U.S. courts.

This thesis submits that particular prudence is required to avoid any inference on the nature of inextricability based on a factual situation present in the *Industria Siciliana Asfalti* case. In *Industria Siciliana Asfalti* the non-U.S. plaintiff suffered an antitrust injury because of a commercial agreement it had concluded with the defendant, who was a U.S. national. Nevertheless, it is submitted that the *Industria Siciliana Asfalti* judgment cannot be considered to establish a precedent that (foreign) private antitrust injury can be granted subject matter jurisdiction of the U.S. courts only if suffered by one of the parties to a commercial agreement concluded directly with a defendant, and this private antitrust injury derives from the substance of this concluded commercial agreement. There are four reasons that support this submission.

Firstly, neither the *Empagran* litigation[24] nor post-*Empagran* cases[25] require that only in a situation where foreign private antitrust injury that is suffered by one of the parties of a commercial agreement in relation to the substance of this concluded commercial agreement can be granted U.S. subject matter jurisdiction. Secondly, an analysis of the factual situation should not be limited merely to an analysis of the form (face) of the concluded commercial agreement. The analysis has to consider the wider economic context, and the transaction concluded by the private parties may be merely a link in a chain of circumstances and so merely one part in the entire transaction.[26] Thirdly, conspirators may take part in anticompetitive conduct and consequently cause

---

21 Ibid.

22 Ibid.

23 Ibid.

24 See Chapter 2, subsection 3.1.7.

25 See Chapter 3, subsection 6.2.

26 See analysis in Chapter 6, subsection 3.2.4.

private antitrust injury to (non)-U.S. plaintiffs even if they are not signatories to the commercial arrangements agreed with other conspirators,[27] or commercial arrangements agreed between other conspirators which harmed private party. Fourthly, other cases are analyzed further in this subsection where adjudicating courts used the inextricability argument despite the factual situation being such that the private plaintiff who suffered antitrust injury was not in a commercial arrangement with defendants.

Another pre-*Empagran* case where the inextricability argument was used is the *Carpet Group* case. The adjudication court in this case stated that the plaintiffs' antitrust injury is inextricably intertwined with the defendants' wrongdoing, and that such injury is precisely the intended consequence of the defendants' boycott.[28] The factual situation in this case was that the plaintiff attempted to effectuate a plan to assist U.S. retailers in purchasing goods directly from non-U.S. manufacturers. In response to this plaintiff's business plan, the defendants who were of U.S. nationality addressed these non-U.S. manufacturers and other non-U.S. companies who may support these non-U.S. manufacturers to join the plaintiff's plan to refrain from taking part in effectuating the plaintiff's plan, otherwise the U.S. companies would need to take retaliation measures. This pre-*Empagran* case can be used as an example in support of the position that the existence of inextricability between antitrust injury and anticompetitive effects cannot be determined merely between parties who agreed on certain commercial arrangements between themselves.

The elements of inextricability can be noted also in the *General Electric Co.* case. There was no element of antitrust injury litigated or adjudicated in this pre-*Empagran* case. Nevertheless, the importance of *General Electric Co.*[29] can be attributed to the part of the judgment where the adjudicating court stated that an arrangement between a non-U.S. company and a U.S. company where the former agrees to refrain from importing goods into the U.S. and the latter agrees to refrain from exporting goods out of the U.S. in the future are connected, market division agreements.

---

[27] Ibid.

[28] *Carpet Group Intern.* v. *Oriental Rug Importers Ass'n, Inc.*, 227 F.3d 62,77,78 (3d Cir.2000).

[29] *U.S.* v. *General Elec. Co.*, 80 F.Supp. 989,1009 (S.D.N.Y.1948).

3.2 The Hub Argument

The hub argument was present in pre-*Empagran* cases at the time of the *Empagran* litigation. Nevertheless, neither the litigants nor the adjudicating courts in the *Empagran* litigation or in post-*Empagran* cases formulated their reasoning with the help to associate their arguments by making reference to the hub argument.

Basically, the hub argument helps to identify which of the companies that are parties to an antitrust cartel holds the main role in effectuating this antitrust cartel. In a situation where this company is located or performs its business activities in the U.S., the functioning of the world-wide antitrust cartel may not be properly stopped unless this company that has the leading role in running the antitrust cartel is made a defendant in antitrust action.

The hub argument was used in two pre-*Empagran* cases. In the *General Electric Co.*[30] case, the adjudicating court explained that the U.S. company that was a party to a world-wide cartel was the motivating factor that governed contracts concluded between non-U.S. companies that took part in the cartel to maintain its dominant position as a U.S. company in the U.S. protecting itself from non-U.S. competitors. In the *Laker Airways v. Pan American* case, the adjudicating court explained that the U.S. was the key fact of the configuration of the antitrust cartel in that the U.S. was its hub and the various countries in Europe were its spokes.[31] The adjudicating court then stated that the hub of the antitrust cartel is a far more logical place where witnesses and documents that can prove the functioning of the cartel will have to be transported.[32]

3.3 The Scheme Argument

The scheme argument is another argument that was present in U.S. antitrust law at the time of the *Empagran* litigation, but was never raised or argued either in the *Empagran* litigation or in post-*Empagran* cases.

---

[30] *U.S.* v. *General Elec. Co.*, 82 F.Supp. 753,843 (D.N.J.1949).

The benefit that the scheme argument has for private plaintiffs was pointed out in the *Well Fargo*[33] case, where the adjudicating court explained that for plaintiff it might be easier to attack the entire scheme of defendant than to view the domestic and foreign activities of the defendant separately. The significance of this statement can be better understood if presented together with the statement in the *General Electric Co.*[34] case, where the adjudicating court explained that the decision by a U.S. court may be different depending on whether the court evaluates the whole picture or individual figures in it.

The scheme argument is an elaboration of the reasoning in the U.S. cases where the courts pointed out that it is necessary to look at the system and not at the elements.[35] In the U.S. courts' view, the character and the effect of a conspiracy are not to be judged by dismembering them and viewing the separate parts, but only by looking at the situation as a whole.[36] This means that the jury has a duty to look at the whole picture and not merely at the individual figures in it.[37] In relation to this, it is important to note that not merely the facts, but also the evidence has to be looked at as a whole to see whether a conspiracy may be inferred.[38]

Basically, the scheme argument gives support to the transborder standard in that it shows how the connection between different facts actually determines the nature of an antitrust cartel. The analysis of the U.S. antitrust cases that applied the scheme argument in their reasoning enables a distinction between U.S. antitrust cases to be made based on whether the relevance of the connection between facts that form an antitrust cartel is to activities performed by the

---

31 *Laker Airways Ltd*. v. *Pan American World Airways*, 568 F.Supp. 811,814 (D.C.1983).

32 *Laker Airways Ltd*. v. *Pan American World Airways*, 568 F.Supp. 811,815 (D.C.1983).

33 *Wells Fargo & Co*. v. *Wells Fargo Exp. Co*., 556 F.2d 406,430 (9th Cir.1977).

34 *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,1004 (S.D.N.Y.1948).

35 *Southern Pac. Terminal Co*. v. *Interstate Commerce Commission*, 219 U.S. 498,524, 31 S.Ct. 279, 55 L.Ed. 310 (1911).

36 *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,699, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

37 Ibid.

38 *Transnor (Bermuda) Ltd*. v. *BP North America Petroleum*, 738 F.Supp. 1472,1483 (S.D.N.Y.1990); *Overseas Motors, Inc*. v. *Import Motors Ltd., Inc*., 375 F.Supp. 499,531 (E.D.Mich.1974); *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,1004 (S.D.N.Y.1948).

parties forming the cartel (objective scheme) or the relevance is to parties who form the cartel (subjective scheme).

The objective scheme argument can be relied upon to submit that only by looking together (i.e. jointly) at different conducts, performances and other types of activities performed by the defendants can the real nature (extent and legality) of commercial arrangements be established.

The objective scheme argument gives support to the transborder standard in that all the facts that adjudicating courts have to determine what are the essential factors that when exist simultaneously determine the real nature of the factual situation and the antitrust cartel.

The statements in pre-*Empagran* cases that identify the essence of the objective scheme argument are the following: the acts charged may be lawful, but bound together as the parts of a single plan makes these parts unlawful;[39] acts (insufficient sby themselves to produce a result) and forces of nature require further acts and intention to produce result that law seeks to prevent;[40] the acts in themselves are wholly innocent, but if they are part of the sum of acts which is relied upon to effectuate the conspiracy, they come within prohibition;[41] organizations can have an innocent character and the ultimate end sought can be lawful, but if unlawful means are adopted than there cannot be justification;[42] means can be lawful on their own, but when these means are employed to accomplish the unlawful purpose of a commercial agreement between perpetrators, there can be no justification[43] (the result, not the means used, gives character to the conspiracy[44]); parts can be valid, but if their use is

---

[39] *Swift & Co.* v. *U.S.*, 196 U.S. 375,396, 25 S.Ct. 276, 49 L.Ed. 518 (1905); *Sulmeyer* v. *Seven-Up Co.*, 411 F.Supp. 635,644 (S.D.N.Y.1976) cases (in relation to the enforcement of patent infringement); *U.S.* v. *Pacific & A R & Nav Co.*, 228 U.S. 87,105, 33 S.Ct. 443, 57 L.Ed. 742 (1913); *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,77 (S.D.N.Y.1949).

[40] *Swift & Co.* v. *U.S.*, 196 U.S. 375,396, 25 S.Ct. 276, 49 L.Ed. 518 (1905).

[41] *American Tobacco Co.* v. *U.S.*, 328 U.S. 781,809, 66 S.Ct. 1125, 90 L.Ed. 1575 (1946); *Associated Radio Service Co.* v. *Page Airways, Inc.*, 624 F.2d 1342,1356, (5th Cir.1980); *Associated Press* v. *U.S.,* 326 U.S. 1,15,24 65 S.Ct. 1416, 89 L.Ed. 2013 (1944).

[42] *Bedford Cut Stone Co.* v. *Journeyman Stone Cutters' Ass'n. of North America*, 274 U.S. 37,55, 47 S.Ct. 522, 71 L.Ed. 916, 54 L.Ed. 791 (1927); *U.S.* v. *Associated Press*, 52 F.Supp. 362,369,374 (S.D.N.Y.1943).

[43] *U.S.* v. *Imperial Chemical Industries*, 105 F.Supp. 215,229 (S.D.N.Y.1952).

[44] *Bedford Cut Stone Co.* v. *Journeyman Stone Cutters' Ass'n. of North America*, 274 U.S. 37,47, 47 S.Ct. 522, 71 L.Ed. 916, 54 L.Ed. 791 (1927).

prohibited, then the whole thing is invalid, i.e. the scheme is condemned;[45] if individual contracts are integral parts of the whole commercial arrangement, then these contracts are illegal and cannot be considered as completely isolated happenings;[46] a scheme may also be made possible by the use of funds and legislation enacted in a non-U.S. country;[47] it is not individual contracts that should be examined but the entire transaction which contracts are part of, so the focus has to be on the chain of events;[48] the assessment has to be practical one, drawn from the course of business;[49] the relevance of a scheme is that you look at case (activities of perpetrator) as whole;[50] acts tat are in themselves legal lose that character when they become part of an unlawful scheme;[51] certainly each fact is meaningful primarily as part of a pattern, and the complete pattern is the most important datum of all;[52] when anticompetitive conduct is directed at both foreign and domestic markets, the success of an anticompetitive scheme in foreign markets may enhance the effectiveness of an anticompetitive scheme in the domestic market;[53] when a foreign scheme magnifies the effect of the domestic scheme, and plaintiffs who are affected only by the foreign scheme have no remedy under the U.S. laws, and the perpetrator of the scheme may have a greater incentive to pursue both the foreign scheme and the domestic scheme than the domestic scheme alone[54] (i.e. the U.S. markets suffer when the foreign scheme is not deterred because the

---

45 *U.S.* v. *Bausch & Lomb Optical Co*., 321 U.S. 707,724, 64 S.Ct. 805, 816, 88 L.Ed. 1024 (1944).

46 *U.S.* v. *Bausch & Lomb Optical Co*., 321 U.S. 707,720, 64 S.Ct. 805, 816, 88 L.Ed. 1024 (1944).

47 See *U.S.* v. *Sisal Sales Corp*., 274 U.S. 268,274, 47 S.Ct. 592, 71 L.Ed. 1042 (1927).

48 *U.S.* v. *South-Eastern Underwriters Ass'n*., 322 U.S. 533,546,547, 64 S.Ct. 1162, 88 L.Ed. 1440 (1944); *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,525 (S.D.N.Y.1945); *U.S.* v. *General Elec. Co*., 82 F.Supp. 753,887 (D.N.J.1949).

49 *U.S.* v. *South-Eastern Underwriters Ass'n*., 322 U.S. 533,547, 64 S.Ct. 1162, 88 L.Ed. 1440 (1944) case; *U.S.* v. *Singer Mfg. Co.,* 374 U.S. 174,194, 83 S.Ct. 1773, 10 L.Ed.2d 823 (1963) (combination or conspiracy is to be proven by what the perpetrators actually did rather than by the words they used, citing case).

50 *Steele* v. *Bulova Watch Co*., 344 U.S. 280,285, 73 S.Ct. 252, 97 L.Ed. 319 (1952); *U.S.* v. *Minnesota Min. & Mfg. Co*., 92 F.Supp. 947,964 (D.Mass.1950); *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,1004 (S.D.N.Y.1948).

51 *Steele* v. *Bulova Watch Co*., 344 U.S. 280,286, 73 S.Ct. 252, 97 L.Ed. 319 (1952); *Vacuum Oil Co*. v. *Eagle Oil Co. of New York*, 154 F. 867,872-874 (C.C.N.J.1907); *Associated Press* v. *U.S.,* 326 U.S. 1, 65 S.Ct. 1416, 89 L.Ed. 2013 (1944); *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,707, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

52 *Overseas Motors, Inc*. v. *Import Motors Ltd., Inc*., 375 F.Supp. 499,531 (E.D.Mich.1974); *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,1004 (S.D.N.Y.1948).

53 *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384,403 (2d Cir.2002).

54 Ibid.

domestic scheme may have a greater chance of success when it is supplemented by the foreign scheme);[55] activities within the U.S. and outside the U.S. were part of an infringing scheme,[56] therefore, it is easier for the private plaintiff to attack the entire scheme than if the activities within the U.S. and outside the U.S. are view separately.[57]

In contrast to the objective scheme argument, the subjective scheme argument requires the analysis of who are the parties that form an antitrust cartel and what contribution does cooperation make between the parties of the antitrust cartel to the nature (extent and legality) of commercial arrangements.

The subjective scheme argument provides support to the transborder standard in that it is important to determine the parties to an antitrust cartel because without their cooperation in the antitrust cartel, this cartel would not be possible and private parties might not suffer antitrust injury.

The statements in pre-*Empagran* cases that set out the essence of the subjective scheme argument are the following: acts by the perpetrators become part of a general plan and purpose to affect the private parties' (competitors') commerce;[58] if companies stand alone, this is innocent, but if there are arrangements under which companies control the entire market, then this becomes an instrument of restrain[59] (i.e. the U.S. cartel members make the international cartel workable); it is important to mention that it is necessary to look not only at the form but also at the substance of the transgression[60] (e.g. one U.S. conspirator is not formally part of the negotiated cartel or is not conducting business in a non-U.S. market, but can still be considered to form part of the cartel);[61] if an act performed by one is lawful but if performed by many in concert becomes a conspiracy and public wrong, and if the result of this

---

55 Ibid.

56 *Wells Fargo & Co*. v. *Wells Fargo Exp. Co*., 556 F.2d 406,429 (9th Cir.1977).

57 N.33.

58 N.44.

59 *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,532 (S.D.N.Y.1945).

60 *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,527 (S.D.N.Y.1945).

61 *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,529 (S.D.N.Y.1945).

conspiracy is hurtful to the public or the individual, then the act is prohibited;[62] conspirators entered a scheme (conference) whose purpose was to prevent competition between the members of the conference and eliminate competition with other providers of the same service;[63] the perpetrators created a scheme to monopolize the U.S. and non-U.S. countries and this scheme was masterminded from headquarters in the U.S.;[64] the participation of the U.S. business in the market allocation scheme was critical to its success;[65] in this regard it is possible to state that some (non-U.S.) conspirators are indispensable parties to the cartel and thereforethe U.S. courts have subject matter jurisdiction;[66] U.S. and non-U.S. companies divided up the world market, set prices for which to sell products within their exclusive markets, agreed on mutual cooperation and assistance in eliminating competition with those not part of the cartel, and agreed on participation in these foreign cartels that result in restricting export from the U.S.;[67] lack a link between subject present within the U.S. with an anticompetitive scheme or anticompetitive activities by producers outside the U.S.[68]

In a situation where the objective scheme argument and the subjective scheme argument are applied together to the same factual situation under adjudication, private parties who suffer antitrust injury outside the U.S. in relation to transactions or activities by U.S. and/or non-U.S. companies performed within and/or outside the U.S. may succeed in demonstrating that their private foreign antitrust injury is not independent from anticompetitive effect (antitrust injury) within the U.S., and consequently should be granted the subject matter jurisdiction of the U.S. courts.

---

62 *Bedford Cut Stone Co*. v. *Journeyman Stone Cutters' Ass'n. of North America*, 274 U.S. 37,54, 47 S.Ct. 522, 71 L.Ed. 916, 54 L.Ed. 791 (1927).

63 *Thomsen* v. *Union Castle Mail S.S. Co*., 166 F. 251,253 (2d Cir.1908).

64 *Mannington Mills, Inc*. v. *Congoleum Corp*., 595 F.2d 1287,1302 (3d Cir.1979) (concurring opinion); *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,1012 (S.D.N.Y.1948); *U.S.* v. *General Elec. Co*., 82 F.Supp. 753,890 (D.N.J.1949).

65 *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,431 (5th Cir.2001) (dissenting opinion); *U.S.* v. *General Elec. Co*., 82 F.Supp. 753,890 (D.N.J.1949).

66 *Eskofot A/S* v. *E.I. Du Pont De Nemours & Co*., 872 F.Supp. 81,89 (S.D.N.Y.1995).

67 *U.S.* v. *Timken Roller Bearing Co*., 83 F.Supp. 284,306,307 (N.D.Ohio 1949); see also similar statement in *U.S.* v. *U.S. Alkali Export Ass'n*., 86 F.Supp. 59,77 (S.D.N.Y.1949) and in case *U.S*. v. *Imperial Chemical Industries*, 105 F.Supp. 215,241 (S.D.N.Y.1952).

68 *Timberlane Lumber Co*. v. *Bank of America Nat. Trust and Sav. Ass'n*., 574 F.Supp. 1453,1467 (N.D.Cal.1983).

3.4 Consideration of the international Dimension in the Factual Situation

The overview of pre-*Empagran* cases[69] shows that antitrust litigation encompassed factual situations that were not limited exclusively to the national territory of the U.S. Chapter 2 elaborated[70] that the Supreme Court in its *Empagran* decision paid considerable attention to the relationship between international antitrust cartels and (foreign) antitrust injury, and determined that it is possible for private plaintiffs to be granted subject matter jurisdiction to litigate their (foreign) antitrust injury before the U.S. courts.

Chapter 2[71] presented the novelty of the alternative theory that the Supreme Court's *Empagran* decision introduced into the adjudicating process of the subject matter jurisdiction of the U.S. courts, and the analysis presented in Chapter 3[72] showed that none of the post-*Empagran* U.S. courts attempted to elaborate and apply the alternative theory of subject matter jurisdiction to the adjudicating process. Does this mean that no other U.S. court, except the Supreme Court in the *Empagran* litigation, is aware of the particularities of international antitrust cartels? Furthermore, does this also mean that no other U.S. court, except the Supreme Court in the *Empagran* litigation, is aware of the nature and extent of private antitrust injury that these international antitrust cartels can cause to private parties?

The analysis that follows shows the extent to which pre-*Empagran* courts considered it relevant to include in their adjudication analysis facts that are located in or associated with the U.S. and facts that are located in and associated with non-U.S. territory. In addition, the analysis demonstrates the awareness of some U.S. courts of the need to apply U.S. antitrust law to factual situations that extend beyond the national territory of the U.S.

---

[69] See Chapter 5.

[70] See Chapter 2, subsections 3.1.7.3. and 3.2.

[71] See Chapter 2, subsection 3.1.10.

[72] See Chapter 3, subsection 5.2.

3.4.1 The Worldwide Relevant Geographical Market

The recognition in the *Lantec*[73] case of the possibility of the relevant geographical market being global illustrates of the need to look beyond the national territory of the U.S. Because this thesis deals with private antitrust law enforcement, it is important to emphasize that the rationale of the U.S. courts[74] in the adjudication process requires the determination of the extent of the relevant geographical market (and consequently this market being of worldwide nature) not from the perspective of the alleged antitrust law wrongdoers (i.e. the defendants in private antitrust law litigation), but from the perspective of private parties (i.e. consumers) who buy products from the defendants. It is submitted that the determination of relevant market from the perspective of affected private parties is also in conformity with the *Empagran* litigation[75] and post-*Empagran* cases[76] to the extent that concluding transactions outside the U.S., suffering injury outside the U.S., and consuming goods outside the U.S. do not have a determinative role in granting the subject matter jurisdiction of the U.S. courts.

Pre-*Empagran* cases do not demonstrate a recognition of the worldwide relevant market only at the declaratory level. The *El Cid*[77] case formulated a requirement that the factual situation should be determined by assessing the worldwide market and the extent to which the U.S. market forms part of this worldwide market. In a situation where the U.S. adjudicating court determines that there exist even the slightest direct connection between U.S. commerce and a market outside the U.S. then, according to the *Transor*[78] case, the market outside the U.S. cannot be perceived as a non-U.S. market, but as a U.S. one. This statement can be interpreted to mean that the market outside the U.S. and the market inside the U.S. are considered as one market and, as such, relevant in

---

[73] *Lantec, Inc*. v. *Novell, Inc*., 306 F.3d 1003,1026 (10th Cir.2002).

[74] See *Lantec, Inc*. v. *Novell, Inc*., 306 F.3d 1003,1027 (10th Cir.2002); *El Cid, Ltd*. v. *New Jersey Zinc Co*., 551 F.Supp. 626,632 (S.D.N.Y.1982).

[75] See Chapter 2, subsection 3.2.

[76] See Chapter 3, subsection 6.4. and section 7.

[77] *El Cid, Ltd*. v. *New Jersey Zinc Co*., 551 F.Supp. 626,632 (S.D.N.Y.1982).

[78] *Transnor (Bermuda) Ltd*. v. *BP North America Petroleum*, 738 F.Supp. 1472,1476 (S.D.N.Y.1990).

the sense that private antitrust injury suffered within such a market should be granted the possibility to be adjudicated before the U.S. courts.

3.4.2 The Existence of World Trade

The recognition of a worldwide market is only one example that shows the awareness of the U.S. courts of the necessity to analyze the ties between commerce inside the U.S. and commerce outside the U.S.

Another example that shows the awareness of the U.S. courts of the necessity to consider the relationship between commerce within the U.S. and commerce outside the U.S.is the recognition of the existence of world trade.

The U.S. court in the *Metallgesellschaft*[79] case explained that in a global economy, the U.S. and non-U.S. markets are interrelated and influence each other so it is sometimes difficult to put strict economic boundaries around any particular (territorial) market. This is because, as the *State of Kuwait*[80] case showed, the nature of world trade may require that the defendants control the U.S. and non-U.S. markets. The U.S. court in the *Galavan Supplements*[81] case stated it clearly that a worldwide combination and conspiracy (i.e. international cartels) can affect the U.S. market as well as non-U.S. markets.

3.4.3 Commercial Arrangements that Have a Worldwide Dimension

This thesis does not analyze pre-*Empagran* cases merely with the purpose of finding a reasoning that the U.S. courts recognize that a worldwide conspiracy can affect the U.S. market as well as non-U.S. markets. A more important purpose of this analysis is to find explicit examples in the reasoning of U.S. courts where the adjudication analysis focused on determining the nature of the

---

79 *Metallgesellschaft AG* v. *Sumitomo Corp. of America*, 325 F.3d 836,842 (7th Cir.2003).

80 *In re Antibiotic Antitrust Actions*, 333 F.Supp. 315,316 (S.D.N.Y. 1971).

81 *Galavan Supplements, Ltd*. v. *Archer Daniels Midland Co*., 1997 WL 732498,3 (N.D.Cal.).

connection between facts taking place outside the U.S. and facts present inside the U.S.

In the *Den Norske* case, the adjudicating court assessed the connection and interrelatedness between prices in the U.S. market and prices in non-U.S. markets[82] recognizing that a worldwide price-fixing scheme and the inclusion of the U.S. market in such a scheme are necessary to generate monopoly profits for the companies involved in this scheme,[83] and these are also necessary to prevent arbitrage that would otherwise equalize unequal prices around the globe, as speculators can resell goods purchased in the U.S. to buyers in non-U.S. markets.[84] Therefore, an antitrust cartel may find it impossible to fix prices anywhere without a worldwide conspiracy,[85] and the defendants have no concerns about participating in such an antitrust cartel as liability for their commercial arrangements in the U.S. can be compensated (i.e. cross-subsidized) with the profits that the defendants obtain from their operations outside the U.S.[86]

A similar type of analysis of the dependency of a price-fixing agreement, i.e. a price-fixing agreement being successful in the U.S. only under the condition that there exists a price-fixing agreement that is successful outside the U.S., is to be found in the *Kruman*[87] case.

Pre-*Empagran* courts did not analyze the connection between the U.S. and non-U.S. markets only in relation to price-fixing agreements. The U.S. court in the *National Lead*[88] case determined as illegal under U.S. antitrust law (world-wide patent pool) the agreement to divide the world into exclusive trade areas and to suppress all competition in each of these areas among the member of the combination, as well as all commerce of goods entering or leaving the U.S.

---

82 *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,427 (5th Cir.2001).

83 *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,435 (5th Cir.2001) (dissenting opinion).

84 Ibid.

85 Ibid.

86 Ibid.

87 *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384,401 (2d Cir.2002).

88 *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,523,524,527 (S.D.N.Y.1945).

market (i.e. world wide territorial allocation). This division of global territory[89] and participation of U.S. companies in an international cartel[90] was confirmed in the *National Lead*[91] case, where non-U.S. companies joined U.S. companies in carrying out a program to restrain international commerce and to establish an international combination or conspiracy in restraint of trade. An international conspiracy (in the form of a patent pool) between U.S. companies and non-U.S. companies that restricted the export of goods from the U.S. market to non-U.S. markets was also condemned in the *Zenith Radio*[92] case.

3.4.4 The Necessary Coexistence of Facts within the U.S. and Facts outside the U.S.

The necessity of cooperation of U.S. companies in the U.S. and non-U.S. companies in the market outside the U.S. with the purpose of achieving a desired outcome in the U.S. was also considered as a relevant element in the adjudication process in the *Hartford Fire*[93] case.

A similar reasoning was applied in the *In Re Uranium Antitrust Litigation*[94] case, where U.S. corporations conspired with non-U.S. corporations to fix the price of uranium in the world market, and this conduct of the parties of the cartel outside the U.S. and within the U.S. intended to affect the uranium market in the U.S. The defendant's purpose of acquiring dominion and control of the tobacco trade at the world level was also present in the *American Tobacco*[95] case, where the defendants used various methods around the world to monopolize the trade by driving competitors out of business. Another example of competition on the worldwide market for the particular good (roller bearings) is the *Timken Roler*[96] case, where members of an antitrust cartel agreed on

---

89 *U.S.* v. *National Lead Co.*, 332 U.S. 319,341, 67 S.Ct. 1634, 91 L.Ed. 2077 (1947).

90 *U.S.* v. *National Lead Co.*, 332 U.S. 319,325, 67 S.Ct. 1634, 91 L.Ed. 2077 (1947).

91 *U.S.* v. *National Lead Co.*, 332 U.S. 319,342 67 S.Ct. 1634, 91 L.Ed. 2077 (1947).

92 *Zenith Radio Corp.* v. *Hazeltine Research, Inc.*, 395 U.S. 100,113,n.8, 89 S.Ct. 1562, 23 L.Ed.2d 129 (1969).

93 *Hartford Fire Ins. Co.* v. *California*, 509 U.S. 764,807, 113 S.Ct. 2891, 125 L.Ed.2d 612 (1993).

94 *In re Uranium Antitrust Litigation*, 617 F.2d 1248,1254 (7th Cir.1980).

95 *U.S.* v. *American Tobacco Co.*, 221 U.S. 106,181, 31 Sup.Ct. 632, 55 L.Ed. 663 (1911).

96 *U.S.* v. *Timken Roller Bearing Co.*, 83 F.Supp. 284,317 (N.D.Ohio 1949).

contracts with the purpose of regulating and restricting this competition. A commercial arrangement with the same purpose between members of an antitrust cartel, i.e. to abolish competition in foreign trade (between the U.S. and non-U.S. countries) and obtain its share of international markets, was present in the *U.S. Alkali Export Ass'n*[97] case.

In the *Pacific*[98] case, the nature of the defendants' business activity was such that it was performed simultaneously within and outside the U.S. The adjudicating courts stated that the U.S. courts do have subject matter jurisdiction to apply U.S. laws to the part of a business activity that takes place in the U.S.

In the *Hamburg Americanishe Packet*[99] case, the adjudicating court went a step further in the sense that it did not merely state the existence of connections between acts performed within the U.S. and acts performed outside the U.S. The adjudicating court qualified the nature of the connections between these facts by stating that acts to be performed in the U.S. are as material and essential as those to be performed outside the U.S. and cannot be separated.[100] In contrast to the *Pacific*[101] case, the adjudicating courts in the *Hamburg Americanishe Packet*[102] case granted subject matter jurisdiction to apply U.S. laws in this type of factual situation not only to acts performed within the U.S. but also to other acts performed outside the U.S., otherwise, in the court's view, a different decision would lead to international complications.

The subject matter jurisdiction of the U.S. courts to apply U.S. antitrust laws to those defendants' activities performed outside the U.S. was also recognized in the *Continental Ore*[103] case. The factual situation in this case was such that the

---

97 *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,74 (S.D.N.Y.1949).

98 *U.S.* v. *Pacific & A R & Nav Co.*, 228 U.S. 87,105, 33 S.Ct. 443, 57 L.Ed. 742 (1913).

99 *U.S.* v. *Hamburg-Amerikanische Packet-Fahrt-Actien-Gesellschaft*, 200 F. 806,807 (S.D.N.Y.1911).

100 Ibid.

101 N.105.

102 N.99.

103 *Continental Ore Co.* v. *Union Carbide & Carbon Corp.*, 370 U.S. 690,695, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

U.S. and non-U.S. companies performed a joint action[104] with the purpose of eliminating their competitor from a non-U.S. market. The adjudicating courts applied the scheme argument[105] and found the defendants liable under U.S. antitrust law. In the adjudication court's view, such a decision effectuates the purpose of the Sherman Act[106].

3.4.5 The Complexity of Commercial Agreements and Carefulness in Identifying their Nature

It is important to bear in mind that a commercial arrangement put in place by the members of an antitrust cartel may include a variety of different actions, performed by different members of the antitrust cartel in different countries. Therefore, the adjudication process needs to be conducted in a way to understand the contribution that each member of the cartel, by performing the designated actions, makes to the functioning of the cartel.

There are a few pre-*Empagran* cases that can be listed as examples of the complex nature of commercial arrangements by an antitrust cartel. There may be an agreement between a U.S. and non-U.S. companies that the latter will sell products within the U.S. for the same prices as the U.S. company;[107] there may be an agreement between a U.S. and non-U.S. companies that the U.S. company will buy the latter's outlets located in the U.S. so that it would be only the U.S. company who would sell goods in the U.S.;[108] there may be an agreement between U.S. and non-U.S. companies about territories to which these companies are allowed to export their goods[109] and the amount of goods that

---

[104] *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,706, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

[105] *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,707, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

[106] Ibid.

[107] *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,997-998 (S.D.N.Y.1948); *U.S.* v. *Timken Roller Bearing Co*., 83 F.Supp. 284,308,318 (N.D.Ohio 1949).

[108] *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,999 (S.D.N.Y.1948).

[109] *U.S.* v. *General Elec. Co*., 80 F.Supp. 989,999 (S.D.N.Y.1948); *U.S.* v. *General Elec. Co*., 82 F.Supp. 753,839 (D.N.J.1949); *U.S.* v. *General Elec. Co*., 115 F.Supp. 835,852 (D.N.J.1953); *U.S.* v. *Imperial Chemical Industries*, 105 F.Supp. 215,221 (S.D.N.Y.1952); *U.S.* v. *Timken Roller Bearing Co*., 83 F.Supp. 284,307,318 (N.D.Ohio 1949).

these companies are allowed to export to designated territories,[110] and a controlling mechanism was set up to monitor the members of the cartel to make sure they conducted their exports as agreed;[111] a mechanism can be set up to protect members of the anticompetitive cartels to protects each other against (foreign) competitors not members of the antitrust cartel;[112] agreement to divide up world territories.[113]

The U.S. courts explained that the place where the contract is signed and its wording of where the anticompetitive effects should take place, and the names of parties to the contract that are specifically written on the form of the contract, may not be sufficient to understanding the extent of the antitrust cartel and sufficient to know all the parties to the antitrust cartel.[114] For example, to determine the identity of the parties to the antitrust cartel, it may be necessary to examine who had responsibility for the content of the agreement,[115] who are the direct or indirect owners of the parties concluding the agreement,[116] who is actually running the parties of the antitrust cartel,[117] and whether some companies participate as beneficiaries in foreign cartels.[118] The *American Tobacco*[119] case can be used as an example where the adjudicating court stated in general terms that the nature of the combination and the determination of who the parties are to the antitrust cartel can be assessed from the point of view of stock ownership or from the standpoint of the principal corporation, accessory or subsidiary corporations viewed independently, including the foreign corporations in so far as by the contracts made by them

---

[110] *U.S.* v. *General Elec. Co.*, 80 F.Supp. 989,1000 (S.D.N.Y.1948); *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,53 (S.D.N.Y.1949).

[111] *U.S.* v. *General Elec. Co.*, 80 F.Supp. 989,1000,1003 (S.D.N.Y.1948).

[112] *U.S.* v. *Timken Roller Bearing Co.*, 83 F.Supp. 284,308,318 (N.D.Ohio 1949); *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,73 (S.D.N.Y.1949).

[113] *U.S.* v. *Imperial Chemical Industries*, 105 F.Supp. 215,220 (S.D.N.Y.1952).

[114] *U.S.* v. *General Elec. Co.*, 82 F.Supp. 753,837 (D.N.J.1949); *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,73 (S.D.N.Y.1949).

[115] *U.S.* v. *General Elec. Co.*, 82 F.Supp. 753,837 (D.N.J.1949).

[116] *U.S.* v. *General Elec. Co.*, 82 F.Supp. 753,838 (D.N.J.1949); *U.S.* v. *General Elec. Co.*, 115 F.Supp. 835,872 (D.N.J.1953); *U.S.* v. *Imperial Chemical Industries*, 105 F.Supp. 215,220 (S.D.N.Y.1952).

[117] *U.S.* v. *General Elec. Co.*, 82 F.Supp. 753,838 (D.N.J.1949).

[118] *U.S.* v. *Timken Roller Bearing Co.*, 83 F.Supp. 284,308 (N.D.Ohio 1949).

[119] *U.S.* v. *American Tobacco Co.*, 221 U.S. 106,184, 31 Sup.Ct. 632, 55 L.Ed. 663 (1911).

they became co-operators and consequently, the combination comes within the prohibition of antitrust laws.

3.4.6 The Existence of International Competition

The pre-*Empagran* cases considered in the subsections above have one thing in common, i.e. they provide evidence on how the U.S. courts analyzed the necessity and nature of facts present in the U.S. and in non-U.S. countries with the purpose of determining the nature and extent of the antitrust cartel.

There is a completely different group of pre-*Empagran* cases where the U.S. courts went a step further and recognized the possibility of international competition.

The *Eurim-Pharm* case can serve as an example that the existence of international competition may affect the way in which the U.S. courts determine the legality of certain commercial arrangements that might traditionally be considered as illegal. The adjudication court in this case explained that possibilities of international competition can contribute to the amount and prices of goods sold in the U.S. and thus rule out the possibility that the existence of a world-wide price-fixing and market allocation conspiracy on its own is sufficient to create anticompetitive effects in the U.S.[120] Another example of how international competition may affect the opinions of the U.S. courts is the *McElderry*[121] case, where the adjudicating court considered the possibility that U.S. companies may compete with non-U.S. companies on the market outside the U.S. In this situation the adjudicating court would grant subject matter jurisdiction to the U.S. courts. In relation to the exclusion from the non-U.S. market, is relevant to also mention the *National Bank of Canada* case, where the adjudicating court accepted the existence of anticompetitive effects in the U.S. and outside the U.S., and that it was sufficient that there were effects in the U.S. and these effects did not need to predominate,[122] but what is important here is that the adjudicating court analysed and concluded further

[120] *Eurim-Pharm GmbH* v. *Pfizer* Inc., 593 F.Supp. 1102,1106,1107 (S.D.N.Y.1984).

[121] *McElderry* v. *Cathay Pacific Airways*, Ltd., 678 F.Supp. 1071,1078 (S.D.N.Y.1988).

[122] *National Bank of Canada* v. *Interbank Card Ass'n.*, 507 F.Supp. 1113,1121 (S.D.N.Y.1980).

that the plaintiff was excluded from this wider market[123] A similar reasoning can be found in the *Price Line*[124] case, where the subject matter jurisdiction of the U.S. courts was granted on the basis of commercial arrangements between the U.S. and non-U.S. companies with the purpose of preserving the commerce of goods between the U.S. and non-U.S. markets. A similar reasoning on the application of U.S. antitrust law to a commercial arrangement where the performance of the U.S. company may affect commerce between the U.S. and non-U.S. countries can also be found in the *Pfizer*[125] case. The suppression of competition in the U.S. and outside the U.S. was determined in the *Den Norske*[126] case as grounds for filing a complaint before the U.S. courts[127] (i.e. the FTAIA applies to global conspiracies that result in foreign injury).[128] The adjudicating court in the *Imperial Chemical Industries*[129] case took the same approach when it stated that the suppression of competition in international trade is in and of itself a public injury. The application of the U.S. philosophy of free competition at the international level was also confirmed in the *Daishowa International*[130] case and in the *U.S. Alkali Export Ass'n*[131] case. The *U.S. Alkali Export Ass'n* case made it explicit that the cartelization of the world is considered as a violation of U.S. antitrust law,[132] so even the U.S. export association should not engage in any arrangements that would affect other U.S. companies exporting goods from the U.S. and competing on the global market.[133] A similar statement can be found in the *Timken Roler*[134] case, where the adjudicating court confirmed the applicability of U.S. antitrust laws to free competition with non-U.S. countries that exists as a consequence of events at the world level.

---

[123] Ibid.

[124] *U.S.* v. *Prince Line*, 220 F. 230,232 (S.D.N.Y.1915).

[125] *Pfizer, Inc.* v. *Government of India*, 550 F.2d 396,399 (8th Cir.1976).

[126] *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,422 (5th Cir.2001).

[127] Ibid.

[128] *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,424 (5th Cir.2001).

[129] *U.S.* v. *Imperial Chemical Industries*, 105 F.Supp. 215,225 (S.D.N.Y.1952).

[130] *Daishowa Intern.* v. *North Coast Export Co.*, 1982 WL 1850,3 (N.D.Cal.).

[131] *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,67 (S.D.N.Y.1949).

[132] *U.S.* v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59,66 (S.D.N.Y.1949).

[133] N.131.

[134] *U.S.* v. *Timken Roller Bearing Co.*, 83 F.Supp. 284,318 (N.D.Ohio 1949).

In the *Aluminium Co. of America*[135] case, the adjudicating courts stated that the assessment of commercial arrangements has to occur in light of effective competition in the future. Considering the statements listed above, it can be concluded that for the assessment of competition, it may not be sufficient to look only at the situation within the U.S. market, but a global perspective is required. An example that can be used in support of this orientation is the *In Re Microsoft*[136] case, where the adjudication courts stated that the Internet has made the concept of territorial borders obsolete, and making a distinction for jurisdictional purposes on the basis of geographical boundaries seems somewhat archaic.

3.5 Additional Elements in the Pre-*Empagran* Adjudication Process that Support the Application of a Transborder Standard

3.5.1 Respect of Economic Reality

In the *Concentrated Phosphate*[137] case, the adjudicating court required at the consideration of the economic reality of the relevant transactions. The reason for this requirement can be found in the *Aluminium Co. of America*[138] case, where the adjudicating court explained that changes in the circumstances in which companies perform their activities are relevant to the relationship with and effect on competition.

Therefore, it is important to follow the guidance provided in the *Continental Ore*[139] case, where the adjudicating court stated that the character and effect of a conspiracy are not to be judged by dismembering it and viewing its separate parts, but only by looking at it as a whole. This means that the same scheme

---

[135] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,340 (S.D.N.Y.1950).

[136] *In re Microsoft Corp. Antitrust Litigation*, 127 F.Supp.2d 702,716 (D.Md.2001).

[137] *U.S.* v. *Concentrated Phosphate Export Ass'n.*, 393 U.S. 199,208, 89 S.Ct. 361, 21 L.Ed.2d 344 (1968).

[138] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,392 (S.D.N.Y.1950).

[139] N.36.

argument as was presented in the section above[140] was relied on in the sense that the jury has a duty to look at the whole picture and not merely at the individual figures in it.[141]

The importance of economic reality in assessing the legality of the factual situation under adjudication does not automatically lead to the conclusion that the application of the U.S. antitrust law is unlimited. There are two limitations present in pre-*Empagran* cases in this regard.

Firstly, the *Laker Airways - Sabena*[142] case stated that the jurisdiction of the U.S. courts is not asserted extraterritorially irrespective of the fact that the U.S. courts apply the territorial effect doctrine in establishing the subject matter jurisdiction of the U.S. courts. The reason why subject matter jurisdiction exists in this type of factual situations, where anticompetitive effects are present in the U.S., is that not all of the causative factors producing the proscribed result may have occurred within the territory.[143] The fact that some factors that cause anticompetitive effects in the U.S. may occur in non-U.S. countries was also stated, for example, in the *Hurt*[144] case. This is the reason why, for example, in the *Caribbean Broadcasting*[145] case, the adjudication court stated that the location of the provider of services is irrelevant in determining anticompetitive effects on U.S. domestic or import commerce.

Secondly, the adjudicating court in the *Caribbean*[146] case demonstrated that the U.S. courts do not apply U.S. antitrust laws to regulate the competitive conditions of other nations' economies. Examples that show this type of limitation on the application of U.S. antitrust laws are the *McElderry*[147] case and

---

[140] See subsection on scheme argument in section above.

[141] N.36.

[142] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,923 (D.C.Cir.1984).

[143] Ibid.

[144] *Hunt* v. *Mobil Oil Corp*., 550 F.2d 68,74 (2d Cir.1977).

[145] *Caribbean Broadcasting System, Ltd*. v. *Cable & Wireless P.L.C*., 148 F.3d 1080,1086 (D.C.Cir.1998).

[146] *Caribbean Broadcast System Ltd*. v. *Cable and Wireless PLC*, 1995 WL 767164,2 (D.D.C.).

[147] *McElderry* v. *Cathay Pacific Airways*, Ltd., 678 F.Supp. 1071,1078,1079 (S.D.N.Y.1988).

the *Power East*[148] case, where the factual situation was such that the service privider was a non-U.S. company, with no operation within the U.S., who did not provide services to or from the U.S., and there was no competition between this non-U.S. company and U.S. companies outside the U.S. In these two cases, the subject matter jurisdiction of the U.S. courts was not granted despite the fact that the injured private parties were U.S. nationals who enjoyed services provided by the service providers outside the U.S.

Nevertheless, as the *Aluminium Co. of America*[149] case shows, it is important to take into consideration the competitive conditions in non-U.S. markets with the purpose of assessing the legality of a commercial situation.

3.5.2 Assessment of Factual Situations from an International Perspective

In Chapter 6[150] it was explained that the pre-*Empagran* cases show that the U.S. courts, in adjudicating subject matter jurisdiction, based their decisions on the fact that there was a direct connection with the U.S. (i.e. anticompetitive effects in the U.S., anticompetitive conduct in the U.S., litigants being U.S. nationals, signing and/or implementing a contract within the U.S.). One of the critiques raised in this regard was that on the basis of the transborder standard, the U.S. courts should assess the factual situation in its integrity,[151] i.e. consider facts present in the U.S. and outside the U.S., and establish the nature of the relationship between these facts.

Nevertheless, the analysis of pre-*Empagran* cases shows that some pre-*Empagran* judges did conduct reasoning by looking at the factual situation under adjudication in terms of how it fits into (i.e. what is its relationship with) the wider international context. This distinction between the courts' reasoning and rationale behind the decision on subject matter jurisdiction is quite remarkable.

---

[148] *Power East Ltd.* v. *Transamerica Delaval Inc.*, 558 F.Supp. 47,49 (S.D.N.Y.1983) (the element of affected competition with the U.S. competitors being absent).

[149] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,395 (S.D.N.Y.1950).

[150] See Chapter 6, subsection 3.2.

[151] See Chapter 6, subsection 2.1.

The statements in pre-*Empagran* cases that show how adjudicating courts assessed the factual situation under adjudication in a wider international context are the following: the competitive position on the market is assessed with regard to the control of sources and secure possession of them (in the U.S. and outside the U.S.) and not with regard to the amount of sources available;[152] there is a possibility that the exclusion of foreign competition who can bring goods into the U.S. affects the state of competition within the U.S.;[153] there may be a conspiracy, but is also necessary to establish whether conspirators transact business in respect of activities in furtherance of the conspiracy;[154] the essence of the violation is the illegal agreement itself rather than the overt acts performed in furtherance of this agreement,[155] so anticompetitive conduct is not the imposition of high prices pursuant to an illicit agreement, but the alleged agreement by the defendants to fix prices in foreign auction markets;[156] the abstention of a U.S. company from a foreign market can still make this company party to the cartel,[157] and this requires at the consideration not only of the form but also of the substance of the transgression,[158] so a combination or conspiracy has to be proven by what parties actually did rather than by the words they used;[159] a commercial agreement for the division of the global market is formed in a way that the U.S. is not mentioned, but this does not mean that the U.S. market was not the object of substantial international interest, so the companies who are part of such an agreement are considered liable.[160]

---

[152] See *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,358 (S.D.N.Y.1950); See also *U.S.* v. *Aluminum Co. of America*, 148 F.2d 416,434 (2d Cir.1945).

[153] *U.S.* v. *Aluminum Co. of America*, 148 F.2d 416,426 (2d Cir.1945).

[154] See *Occidental Petroleum Corp*. v. *Buttes Gas & Oil Co*., 331 F.Supp. 92,97 (C.D.Cal.1971).

[155] *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384,398 (2d Cir.2002).

[156] *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384,399 (2d Cir.2002).

[157] See n.61.

[158] N.60.

[159] *U.S.* v. *Singer Mfg. Co.,* 374 U.S. 174,194, 83 S.Ct. 1773, 10 L.Ed.2d 823 (1963); See also *U.S.* v. *General Elec. Co*., 82 F.Supp. 753,792,793,837,838 (D.N.J.1949).

[160] See *U.S.* v. *U.S. Alkali Export Ass'n*., 86 F.Supp. 59,70,73 (S.D.N.Y.1949).

3.5.3 Awareness of the Particularities of the Factual Situation under Adjudication

Do the U.S. courts understand and apply precedents in their adjudication process by showing awareness of the particularities of the factual situation and nature of the decision as it was formulated in the precedent? This question is beyond the scope of the thesis. Nevertheless, it is worth remembering that the analysis in Chapters 2[161] and 3[162] shows that neither the two courts in the *Empagran* litigation nor post-*Empagran* courts provided a convincing explanation of how precedents were used or referred to in their adjudication process to support their decision on the factual situation under adjudication.

This critique may not necessarily indicate how the U.S. courts in general use precedents. In fact, there are a few statements in pre-*Empagran* cases where the adjudicating courts clearly stated that they were aware of potential differences between precedents and the factual situation under adjudication. These statements are the following: in the application of the law it is important to bear in mind that each case is governed by its own facts;[163] the circumstances of the case are important;[164] conclusory allegations do not suffice;[165] the issues involved must be determined in accordance with the more recently established antitrust principles and not by those that were well recognized in an earlier day;[166] the U.S. courts bow to the lessons of experience and the force of better reasoning by overruling a mistaken precedent;[167] U.S. jurisdiction is precedent-based but not static;[168] allegations and decisions in different cases can be compared and applied to the case under adjudication;[169] the U.S. courts control

---

[161] See Chapter 2, subsection 3.2.

[162] See Chapter 3, subsection 6.4 and section 7.

[163] *Hoffman Motors Corp*. v. *Alfa Romeo S.p.A*., 244 F.Supp. 70,75 (S.D.N.Y.1965).

[164] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,346 (S.D.N.Y.1950); *Lantec, Inc*. v. *Novell, Inc*., 146 F.Supp.2d 1140,1150 (D.Utah 2001).

[165] *Sniado* v. *Bank Austria AG*, 174 F.Supp.2d 159,162 (S.D.N.Y. 2001).

[166] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,339 (S.D.N.Y.1950).

[167] *U.S.* v. *South-Eastern Underwriters Ass'n*., 322 U.S. 533,579, 64 S.Ct. 1162, 88 L.Ed. 1440 (1944) (dissenting opinion).

[168] *U.S*. v. *Nippon Paper Industries Co*., Ltd., 109 F.3d 1,3 (1st Cir.1997).

[169] E.g. this was done in *de Atucha* v. *Commodity Exchange, Inc*., 608 F.Supp. 510,515 (S.D.N.Y.1985).

the access to their forums,[170] and the assessment of the facts in order to determine the existence of subject matter jurisdiction should not be so strict, as facts presented for the purpose of establishing jurisdiction are often closely intertwined with the merits of an antitrust claim[171].

3.5.4 The Relationship between Anticompetitive Effects and Antitrust Injury

The purpose of the thesis is to determine the nature of the required relationship between anticompetitive effects (antitrust injury) within the U.S. and the litigated (foreign) private antitrust injury. This thesis submits that this type of relationship should be determined in the form of a dependency connection and on the legal grounds to be found in the Supreme Court' *Empagran* decision.[172] In contrast, the Second Court of Appeals in the *Empagran* litigation[173] and post-*Empagran* cases[174] require this type of relationship to be in the form of direct causation. The analysis of pre-*Empagran* cases shows[175] that it is not possible to talk about causation between anticompetitive effects and antitrust injury but only between anticompetitive conduct (antitrust violation) and anticompetitive effects (antitrust injury being part of them).

With regard to the question of how to establish whether the litigated (foreign) private antitrust injury is dependent (i.e. not independent) from anticompetitive effects (antitrust injury) in the U.S., there are few examples in pre-*Empagran* cases that show awareness on the part of the U.S. courts of what can potentially contribute to the existence of foreign antitrust injury. These statements in pre-*Empagran* cases are the following: there may exist an international market for goods and this market can have substantial contacts with the U.S., and its headquarters where it is determined how the defendants are expected to

[170] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,935 (D.C.Cir.1984).

[171] *Carpet Group Intern*. v. *Oriental Rug Importers Ass'n, Inc*., 227 F.3d 62,72 (3d Cir.2000).

[172] See Chapter 2, subsections 3.1.7.3. and 3.2.

[173] See Chapter 2, subsection 3.1.7.4.

[174] See Chapter 3, subsection 6.2.

[175] See Chapter 6, subsection 4.2.5.

conduct business can be located outside the U.S.;[176] U.S. and non-U.S. market can be affected by anticompetitive conduct performed in the U.S., but this fact on its own is not sufficient to determine the nature of foreign antitrust injury. as there may exist other market variables in non-U.S. markets that have intervened to affectpricing decisions,[177] or there may be other commercial arrangements in non-U.S. markets,[178] or there may be numerous complex transactions and this is an additional factor to be evaluated in order to determine how markets interact.[179]

3.5.5 Importance of the Relevant Market

In the subsection above[180] it was presented that pre-*Empagran* cases do recognize that the geographical relevant market may have a worldwide dimension.

The full extent of the importance of the relevant market when litigating (foreign) private antitrust injury before the U.S. courts is evidenced by the following statements from pre-*Empagran* cases: for the subject matter jurisdiction of the U.S. courts to be established, it is important that consumers

---

[176] *In re Copper Antitrust Litigation*, 117 F.Supp.2d 875,879 (W.D.Wis.2000).

[177] *de Atucha* v. *Commodity Exchange, Inc*., 608 F.Supp. 510,516 (S.D.N.Y.1985).

[178] See *Zenith Radio Corp*. v. *Hazeltine Research, Inc*., 395 U.S. 100,115,116,123,126,127,128, 89 S.Ct. 1562, 23 L.Ed.2d 129 (1969) (in relation to reasons that affected the entrance of the U.S. company into the non-U.S. markets); *U.S*. v. *Minnesota Min. & Mfg. Co*., 92 F.Supp. 947,960,961 (D.Mass.1950) (in relation to commercial arrangements under which U.S. firms performed their activity in non-U.S. markets); *U.S*. v. *General Elec. Co*., 115 F.Supp. 835,852 (D.N.J.1953) (in non-U.S. markets the standards of industrial behaviour may be different from the standards in the U.S.); *U.S.* v. *Timken Roller Bearing Co*., 83 F.Supp. 284 (N.D.Ohio 1949), p.317 (relevance of local and national pride in buying goods produced locally and resistance to sales of goods produced in countries different from the one where they are sold, and presence of tariff walls), p.318 (political and social changes in international trade and trade regulation in foreign countries); *Timken Roller Bearing Co*. v. *U.S*., 341 U.S. 593,607, 71 S.Ct. 971, 95 L.Ed. 1199 (1951) (tariffs, trade barriers, empire or domestic preferences, and various forms of parochialism); *U.S*. v. *Imperial Chemical Industries*, 105 F.Supp. 215,237 (S.D.N.Y.1952) (mentions tariffs, quota restrictions, governmental restrictions on foreign exchange as potential obstacles to U.S. goods entering non-U.S. markets); *U.S.* v. *Westinghouse Electric Corporation & Mitsubishi*, 471 F. Supp. 532,543 (N.D.Cal.1978) (tariffs, variation in cost of sales, advertising, sales promotion, local consumer preference are mentioned as examples that affect competition of U.S. goods in foreign markets).

[179] N.177.

[180] See subsection 3.4.1. of this chapter above.

are affected within the relevant market;[181] the adjudicating court must establish the relevant market,[182] as restraint of trade can be determined only by reference to a relevant market,[183] and only those conspiracies which unreasonably restrain competition in a particular market are proscribed,[184] in this regard it is important that the U.S. forms part of the relevant market;[185] the private party is required to allege facts demonstrating a causal connection between the defendants' conduct outside the U.S. and the price increase in the U.S.[186]

This means that in a situation where the litigated (foreign) antitrust injury can be determined to take place within the relevant market and the U.S. forms part of this relevant market, the subject matter jurisdiction of the U.S. courts may be established, and foreign private antitrust injury can be litigated before the U.S. courts.

3.5.6 Simultaneous Antitrust Litigation

One of the characteristics of the transborder standard is the recognition that there may be private antitrust litigation taking place simultaneously before national courts within the U.S. and in non-U.S. countries between the same private parties in relation to the same antitrust violation.[187]

This thesis submits that the U.S. courts should enforce U.S. antitrust law in this situation under the condition that subject matter jurisdiction exists, but at the

---

[181] *Caribbean Broadcasting System, Ltd*. v. *Cable & Wireless P.L.C*., 148 F.3d 1080,1087 (D.C.Cir.1998).

[182] *Lantec, Inc*. v. *Novell, Inc*., 306 F.3d 1003,1024,1026 (10th Cir.2002); *Conservation Council of Western Australia, Inc*. v. *Aluminum Co. of America (Alcoa),* 518 F.Supp. 270,279 (W.D.Pa.1981).

[183] *Overseas Motors, Inc*. v. *Import Motors Ltd., Inc*., 375 F.Supp. 499,542 (E.D.Mich.1974); *Timberlane Lumber Co*. v. *Bank of America Nat. Trust and Sav. Ass'n*., 574 F.Supp. 1453,1466 (N.D.Cal.1983).

[184] *Overseas Motors, Inc*. v. *Import Motors Ltd., Inc*., 375 F.Supp. 499,542,n.150 (E.D.Mich.1974).

[185] N.148.

[186] *Eurim-Pharm GmbH* v. *Pfizer* Inc., 593 F.Supp. 1102,1106 (S.D.N.Y.1984).

[187] See Chapter 5.

same time the U.S. courts should consider applying some correction before delivering their final decision.[188]

In general, pre-*Empagran* case law shows that the U.S. courts are not against simultaneous private antitrust litigation before national courts in different countries. The statements in pre-*Empagran* cases that show this include the following: concurrent jurisdiction does not necessarily entail conflicting jurisdiction;[189] the mere existence of dual grounds does not oust either one of the regulating forums, so each forum is ordinarily free to proceed;[190] if the rules regarding enforcement of foreign judgments are followed, there will seldom be a case where parties reach inconsistent judgments;[191] the violation of domestic public policy may justify not enforcing the foreign judgment;[192] when the availability of an action in the domestic courts is necessary to a full and fair adjudication of the plaintiff's claims, a court should preserve that forum,[193] and this is particularly true in a situation where the foreign forum did not offer the remedy sought in the domestic forum,[194] and there is nothing problematic in a situation where a private plaintiff seeking remedy that is not available in domestic a forum seeks it in a foreign forum.[195]

3.5.7 Determination of Antitrust Remedy

This thesis proposes a transborder standard. This proposal requires analysis that clearly shows how the transborder standard affects private litigation in the future. The introduction of a transborder standard is merely the first step in the development of private antitrust law enforcement within the international

---

[188] See Chapter 5, subsection 2.5.

[189] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,926 (D.C.Cir.1984).

[190] Ibid.

[191] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,929 (D.C.Cir.1984).

[192] Ibid.

[193] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909 (D.C.Cir.1984), p.929 cases, but it is important to point at the explanation of p.932,n.73, where the same adjudicating court stated that slight advantages in substantive or procedural law in the foreign court do not signify an actionable evasion of domestic public policy.

[194] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,930 (D.C.Cir.1984).

[195] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,932,n.73 (D.C.Cir.1984).

context.[196] This means that the present thesis cannot predict and provide solutions to every potential issue that may arise during the course of private antitrust litigation in the future.[197]

One of these issues that would require additional analysis is the nature, purpose and extent of private antitrust remedy within the international context. Nevertheless, it is worth mentioning the position of the U.S. courts in relation to factors that should be taken into consideration in formulating the antitrust remedy. The statements in pre-*Empagran* cases that can serve this purpose are the following: antitrust remedy is formed in existence of competitive conditions that would be in accordance with the law;[198] antitrust remedy should be an assurance that there would be no antitrust violation in the future;[199] in formulating antitrust remedy, the adjudicating court needs to establish how market conditions may change in the future;[200] non-U.S. courts cannot supersede the right and obligation of the U.S. courts to decide whether the U.S. Congress has created a remedy for those injured by trade practices adversely affecting the U.S.;[201] any victimized person is entitled to a remedy, so the non-U.S. nationality of the plaintiff or sovereignty do not play a role in deciding who is entitled to a remedy;[202] it is not relevant that the litigants are of U.S. nationality,[203] otherwise the fundamental goals of antitrust laws could be seriously frustrated;[204] U.S. jurisdiction is not supported by every conceivable repercussion of the action objected to in the U.S.,[205] but only under the condition that the U.S. market is affected, whether it is interstate commerce (i.e. within the U.S.) or commerce between the U.S. and a non-U.S. country;[206] only those injuries to U.S. commerce which reflect the anticompetitive effect

---

[196] See Chapter 5.

[197] Some of the issue that this thesis will not consider are mentioned in Chapter 6.

[198] N.135.

[199] See *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,346 (S.D.N.Y.1950).

[200] Ibid.

[201] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,935 (D.C.Cir.1984).

[202] *Pfizer, Inc*. v. *Government of India*, 434 U.S. 308,320, 98 S.Ct. 584, 54 L.Ed.2d 563 (1978).

[203] N.148.

[204] N.80.

[205] *National Bank of Canada* v. *Interbank Card Ass'n*., 666 F.2d 6,8 (2d Cir.1981).

[206] *Liamuiga Tours, Div. of Caribbean Tourism Consultants, Ltd.* v. *Travel Impressions*, Ltd., 617 F.Supp. 920,922 (E.D.N.Y.1995).

either: a.) of the violation or b.) of anticompetitive acts made possible by the violation, constitute effects sufficient to confer jurisdiction[207] (e.g. acts outside the U.S. may be essential steps in the course of business consummated outside the U.S.);[208] the perpetrators' conduct that gives rise to a claim by a private party has to be an integral part of commercial activity that has substantial contact with the U.S.;[209] if U.S. commerce is affected by the conspiracy, subject matter jurisdiction exists,[210] and if this conspiracy causes antitrust injury to a private party, this private party has jurisdiction irrespective of whether the harm felt in the U.S. is the source of the injury to the plaintiff, because treble damages suits serve a single function, i.e. the protection of U.S. commerce;[211] not all persons or entities injured abroad are precluded from recovering under U.S. antitrust laws;[212] in a situation where the defendants (of U.S. and non-U.S. nationality) are found jointly liable, the plaintiff could look to any one defendant for full satisfaction of the damage award.[213]

The statements just listed show that in general, the U.S. courts are not against adjudicating antitrust remedies to (i.e. compensating) private parties of U.S. and non-U.S. nationality who suffer antitrust injury outside the U.S. The reasons why the U.S. courts are willing to adjudicate compensation to private parties who suffer foreign antitrust injury are the following: a.) the U.S. courts first have to establish that they have subject matter jurisdiction as anticompetitive effects are present within the U.S.; b.) adjudicating antitrust remedies is a consequence of enforcing (applying) U.S. antitrust law to factual situations; c.) adjudicating antitrust remedies means protecting the goals of U.S. antitrust law.

---

[207] N.205.

[208] *American Rice, Inc*. v. *Arkansas Rice Growers Co-op. Ass'n*, 701 F.2d 408,414 (5th Cir.1983).

[209] *Filetech S.A.* v. *France Telecom, S.A.,* 212 F.Supp.2d 183,191 (S.D.N.Y. 2001).

[210] *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,439 (5th Cir.2001) (dissenting opinion).

[211] Ibid.

[212] *Papst Motoren GMbH & Co. KG* v. *Kanematsu-Goshu (U.S.A.) Inc*., 629 F.Supp. 864,868 (S.D.N.Y.1986).

[213] *In re Uranium Antitrust Litigation*, 617 F.2d 1248,1262 (7th Cir.1980).

4 The Reasoning in Pre-*Empagran* Cases that would Require Additional Consideration under the Transborder Standard

The analysis in the previous section shows that the reasoning of the U.S. courts supports the transborder standard. Nevertheless, this does not mean that the application of the transborder standard would not require certain modifications to the existing manner in which the U.S. courts adjudicate the factual situations that are brought before them.

The impact that the introduction of the transborder standard may have on the courts' reasoning is analyzed in this section from two perspectives. Firstly, this section will address the pro-active role that the pre-*Empagran* U.S. courts had in determining the path of the adjudication process (subsection 4.1). Secondly, it will provide examples of how the application of the transborder standard may affect the type of issues (questions) that become relevant in the process of formulating the judgment (subsection 4.2).

4.1 The Pro-Active Role of Adjudicating Courts

The analysis of the *Empagran* litigation showed that adjudicating courts took an active role in: a.) determining the characteristics of the factual situation that they had to adjudicate (i.e. adjudicating the assumed type of factual situation); b.) delivering their decisions without providing convincing arguments.[214] U.S. courts played a similar type of active role in post-*Empagran* cases, where they recognized the supremacy of the Supreme Court's *Empagran* decision, but no post-*Empagran* case based its reasoning on this Supreme Court judgment.[215] Post-*Empagran* courts adopted the Second Court of Appeals' *Empagran* decision without providing any elaborate explanation of why the factual situation under

[214] See Chapter 2, subsection 3.1.6.

[215] See Chapter 3, subsections 4.1. and 5.1.1.

adjudication never satisfied the required type of connection between anticompetitive effects (antitrust injury) and (foreign) private antitrust injury.[216]

Therefore, it is important to analyze whether a similar type of pro-active role was assumed by the adjudicating courts in pre-*Empagran* cases.

4.1.1 Adjudicating Courts Showing Awareness of Their Pro-active Role in the Adjudication Process

The statements in pre-*Empagran* cases that show explicitly that the U.S. courts are aware of their pro-active role in the adjudication process, which may be considered as crossing the boundaries of pure adjudication analysis, are the following: in cases where foreign nations were equalized by adjudication courts with U.S. states, dissenting judges expressed the critique[217] that this should not be adjudicated by courts,[218] as this would be understood as an innovation in statutory interpretation,[219] and therefore be considered as judicial activism;[220] adjudicating courts assuming without deciding that the plaintiffs' allegations amount to antitrust violation;[221] the adjudicating court first stated that the plaintiff lacks allegation on a particular aspect of conspiracy,[222] but nevertheless, the adjudicating court still inferred that what was not alleged was still present[223] - this approach is problematic because to establish antitrust violation, it is not enough to present theories or rely on assumptions, but the plaintiffs have to provide some evidence of some actual interference with the natural course of trade;[224] the adjudicating court assumes the existence of the

---

[216] See Chapter 3, subsections 6.2.2. and 6.4.

[217] *Pfizer, Inc*. v. *Government of India*, 550 F.2d 396,400 (8th Cir.1976) (dissenting opinion); *Pfizer, Inc*. v. *Government of India*, 434 U.S. 308,326,327,328, 98 S.Ct. 584, 54 L.Ed.2d 563 (1978) (dissenting opinion).

[218] *Pfizer, Inc*. v. *Government of India*, 434 U.S. 308,323, 98 S.Ct. 584, 54 L.Ed.2d 563 (1978) (dissenting opinion).

[219] *Pfizer, Inc*. v. *Government of India*, 434 U.S. 308,325, 98 S.Ct. 584, 54 L.Ed.2d 563 (1978) (dissenting opinion).

[220] *Pfizer, Inc*. v. *Government of India*, 434 U.S. 308,330, 98 S.Ct. 584, 54 L.Ed.2d 563 (1978) (dissenting opinion).

[221] *Clayco Petroleum Corp*. v. *Occidental Petroleum Corp*., 712 F.2d 404,406 (9th Cir.1983).

[222] *Sniado* v. *Bank Austria AG*, 174 F.Supp.2d 159,163 (S.D.N.Y. 2001).

[223] *Sniado* v. *Bank Austria AG*, 174 F.Supp.2d 159,164 (S.D.N.Y. 2001).

[224] *U.S*. v. *Prince Line*, 220 F. 230,235 (S.D.N.Y.1915).

required anticompetitive effect within the U.S.[225] despite the fact that the anticompetitive effect is not alleged, as the plaintiff interprets incorrectly the legal requirement of the required type of anticompetitive effect;[226] the adjudicating court assumes competition between U.S. and non-U.S. service providers on markets outside the U.S. despite the fact that the records shows otherwise;[227] the adjudicating court states that the effects outside the U.S. are substantial[228] despite no record or analysis being available in this regard, and the only available information being that the plaintiff is excluded from a non-U.S. market; the adjudicating court assumes that the U.S. company engages in a conspiracy that is taking place outside the U.S.;[229] the adjudicating court states that direct economic effects that one U.S. company causing to another U.S. company with regard to the trade of goods that both U.S. companies import to the U.S. is probably in the non-U.S. country;[230] the adjudication court states that it is for the jury to infer the necessary causal connection between the respondents' antitrust violations and the petitioners' injury;[231] the adjudicating court states that anticompetitive effects are substantial in the non-U.S. market and the consequences within the U.S. are speculative,[232] - the problem is that this statement is not substantiated by an explanation of the grounds on which this conclusion was reached, and by analysis of who may be affected within the U.S. and why the conditions in non-U.S. markets are actually affected.

4.1.2 Adjudicating Courts narrow down Factual Situation

In some pre-*Empagran* cases it is possible to notice that the adjudicating courts do not decide on factual situations as a whole, they deliver the decision only in

---

[225] *Sniado* v. *Bank Austria AG*, 174 F.Supp.2d 159,166 (S.D.N.Y. 2001).

[226] Ibid.

[227] N.121.

[228] *Liamuiga Tours, Div. of Caribbean Tourism Consultants, Ltd.* v. *Travel Impressions*, Ltd., 617 F.Supp. 920,925 (E.D.N.Y.1995).

[229] *Timberlane Lumber Co*. v. *Bank of America Nat. Trust and Sav. Ass'n*., 574 F.Supp. 1453,1468 (N.D.Cal.1983).

[230] *Timberlane Lumber Co*. v. *Bank of America, N.T. and S.A*., 549 F.2d 597,615 (9th Cir.1976).

[231] *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,700, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

[232] N.228.

relation to some of the facts, and without explaining why the remaining facts are left undecided.

The examples in pre-*Empagran* cases that show this characteristic of the U.S. courts are the following: despite a commercial agreement between U.S. and non-U.S companies with regard to the quality and prices of the goods that are to be sold in the U.S. and in non-U.S. countries,[233] the adjudicating court narrowed down the adjudication to commerce that is only present within the U.S.;[234] the factual situation was such that on the one hand, the defendants were engaged in anticompetitive activities and causing anticompetitive effects within the U.S., and on the other, the defendants affected the export of goods from the U.S., but the adjudicating court did not adjudicate this second part, i.e. where the export trade was affected;[235] the adjudicating court first accepts the allegations of global effects as correct,[236] but then narrows down the analysis for the purpose of the application of the subject matter jurisdiction test to the presence of anticompetitive effects within the U.S.;[237] the adjudicating court sdivided the factual situation into a conspiracy in the U.S. and activities performed in furtherance of the conspiracy outside the U.S.[238] without any reason for such separation; the adjudicating court first stated that the commercial arrangements were such that they had aworld-wide dimension,[239] but the adjudication analysis was narrowed down to the fact that the conspiracy was performed in the U.S. and that the importation of goods entering the U.S. and goods leaving the U.S. was affected;[240] the adjudicating courts accepted as true the allegations that U.S. and non-U.S. firms conspired to fix the prices of goods in the world market,[241] but then the adjudicating analysis was narrowed

---

[233] *U.S.* v. *Bausch & Lomb Optical Co.*, 321 U.S. 707,713, 64 S.Ct. 805, 816, 88 L.Ed. 1024 (1944).

[234] *U.S.* v. *Bausch & Lomb Optical Co.*, 321 U.S. 707,716, 64 S.Ct. 805, 816, 88 L.Ed. 1024 (1944).

[235] *Southern Pac. Terminal Co.* v. *Interstate Commerce Commission*, 219 U.S. 498,506,523, 31 S.Ct. 279, 55 L.Ed. 310 (1911).

[236] N.81.

[237] Ibid.

[238] *American Banana Co.* v. *United Fruit Co.*, 213 U.S. 347,355,359, 29 S.Ct. 511, 53 L.Ed. 826 (1909).

[239] See n.60.

[240] See *U.S.* v. *National Lead Co.*, 63 F.Supp. 513,524 (S.D.N.Y.1945).

[241] N.94.

down only to anticompetitive effects within the U.S.;[242] the commercial activity has consequences inside and outside the U.S., but the adjudicating courts only considered it relevant to focus on the situation within the U.S.;[243] the adjudicating court first explains how the defendants arranged the functioning of the conspiracy, and that its effects are taking place on a global scale,[244] but then the court puts emphasis only on the facts that happened within the U.S.,[245] but in the end considers the conspiracy as global, declaring it illegal under U.S. antitrust laws,[246] and despite this reasoning, the adjudicating court grounded its decision on activities and effects only within the U.S.;[247] the adjudicating court first explained the existence of a world patent pool,[248] but then considered only the amount of U.S. foreign commerce affected.[249]

The extent to which the application of the transborder standard will alter the adjudication analysis of the U.S. courts in relation to factual situations depends on the particular antitrust litigation. Nevertheless, it is possible to state that the transborder standard does not accept that some facts are excluded from the adjudication analysis merely because they are of a non-U.S. character (i.e. take place or come from non-U.S. countries).[250]

4.1.3 Adjudicating Courts are Confused by the Factual Situation

There are some examples in pre-*Empagran* cases where adjudicating courts delivered their decision without establishing the precise factual situation upon which they were expected to adjudicate. Examples are the following: the litigant was present before the U.S. court, and the anticompetitive effects were present in the U.S.; nevertheless, the adjudicating court applied the

---

[242] *In re Uranium Antitrust Litigation*, 617 F.2d 1248,1253 (7th Cir.1980).

[243] *U.S.* v. *Associated Press*, 52 F.Supp. 362,374 (S.D.N.Y.1943).

[244] N.99.

[245] Ibid.

[246] Ibid.

[247] Ibid.

[248] *U.S.* v. *Westinghouse Electric Corporation & Mitsubishi*, 471 F. Supp. 532,542,543 (N.D.Cal.1978).

[249] *U.S.* v. *Westinghouse Electric Corporation & Mitsubishi*, 471 F. Supp. 532,545 (N.D.Cal.1978).

[250] See also explanation in subsection 4.1.4. of this chapter below.

jurisdictional rule of reason analysis as elaborated in the *Timberlane* case despite knowing the place where the anticompetitive conduct occurred;[251] irrespective of the fact that adjudicating courts first stated that the market at issue was international,[252] private plaintiffs activities are then explained to take place on a foreign market (i.e. outside the U.S.),[253] and no analysis is undertaken in relation to the connection between the non-U.S. and the U.S. markets, but all that the adjudicating courts considered as relevant were activities conducted in the non-U.S. market;[254] the adjudicating courts attributed activities to the defendant despite the fact that the record does not support such conclusion;[255] the adjudicating court, in relation to a cartel that operates on a global scale, first stated that the plaintiffs' alleged facts that the defendants caused anticompetitive effects within the U.S.,[256] and the goods entering the U.S. are only certain percentage of goods that defendants sell worldwide,[257] but then the adjudicating court stated that the plaintiff still has to demonstrate that the defendants prevented him from marketing the goods in the U.S., otherwise there would be no demonstrated anticompetitive effects present in the U.S.[258]

4.1.4 Adjudicating Courts Deliver a Limited Decision in Relation to the Factual Situation that is before them for Adjudication

In a situation where private parties litigate before the U.S. courts in relation to a factual situation that may have different elements and may extend toprivate parties within different countries, anticompetitive conduct and anticompetitive effects within and outside the U.S., it is expected that the adjudicating courts deliver their decisions by addressing every element of the factual situation.

---

[251] *Daishowa Intern*. v. *North Coast Export Co*., 1982 WL 1850,6 (N.D.Cal.).

[252] N.176.

[253] *In re Copper Antitrust Litigation*, 117 F.Supp.2d 875,882 (W.D.Wis.2000).

[254] See analysis *In re Copper Antitrust Litigation*, 117 F.Supp.2d 875,887 (W.D.Wis.2000).

[255] *American Banana Co*. v. *United Fruit Co*., 213 U.S. 347,355, 29 S.Ct. 511, 53 L.Ed. 826 (1909).

[256] *Eskofot A/S* v. *E.I. Du Pont De Nemours & Co*., 872 F.Supp. 81,85,n.5 (S.D.N.Y.1995).

[257] *Eskofot A/S* v. *E.I. Du Pont De Nemours & Co*., 872 F.Supp. 81,85 (S.D.N.Y.1995).

[258] Ibid.

Examples in pre-*Empagran* cases show that this may not necessarily be the reality of the U.S. adjudication process. These examples are the following: allegations of the perpetrators being engaged in business with non-U.S. countries[259] and their commercial arrangements to monopolize commerce with non-U.S. countries[260] were not analysed; foreign elements present in the trade of goods from the U.S. to a non-U.S. country were determined as insignificant by the adjudicating court;[261] the position of the plaintiff is assessed only in relation to the potential competitor outside the U.S.[262] without assessing the state of competition within the U.S.; the commercial arrangements of the perpetrators extended to the U.S. and non-U.S. countries,[263] but the adjudicating courts then narrowed down their analysis only to conduct and effects in relation to the U.S.[264] and stated that there was no need to put any emphasis on some of the perpetrators being of non-U.S. nationality, performing lawful activities outside the U.S. under the law of non-U.S. countries,[265] so no assessment was conducted in relation to commercial arrangements in the wider world market; the adjudicating court first explained that in a global economy, domestic and foreign markets are interrelated and influence each other, therefore sometimes it is difficult to put strict economic boundaries around any particular country,[266] and the court then stated that a global conspiracy to inflate prices could have anticompetitive effects on the U.S. economy whether the conspiracy occurred within the United States or abroad,[267] but then the court in its analysis of the facts did not follow this explanation of global economy to establish whether this 'global' nature of the conspiracy was present, as the court focused all the adjudication on the fact that the plaintiff traded and obtained goods in the

[259] *Swift & Co.* v. *U.S.*, 196 U.S. 375,391, 25 S.Ct. 276, 49 L.Ed. 518 (1905).

[260] *Swift & Co.* v. *U.S.*, 196 U.S. 375,392, 25 S.Ct. 276, 49 L.Ed. 518 (1905).

[261] N.137.

[262] N.146.

[263] *U.S.* v. *The Watchmakers of Switzerland Information Center*, 1962 U.S. Dist. LEXIS 5816,141,142 (S.D.N.Y.).

[264] *U.S.* v. *The Watchmakers of Switzerland Information Center*, 1962 U.S. Dist. LEXIS 5816,141,142,143,148 (S.D.N.Y.).

[265] *U.S.* v. *The Watchmakers of Switzerland Information Center*, 1962 U.S. Dist. LEXIS 5816,151 (S.D.N.Y.).

[266] N.79.

[267] Ibid.

U.S.;[268] the adjudicating court first stated that the conspirators had impacted on the worldwide market and the U.S. market,[269] but then the court narrowed down the adjudication (for standing purposes) only to the U.S. market,[270] therefore no relationship between the U.S. and non-U.S. markets was analyzed to establish whether the worldwide market had any relevance to determining the issue of the defendants' conduct constituting antitrust violation in the first place; the adjudicating court determined that there was a conspiracy that affected the world market,[271] but then considered only the analysis of anticompetitive effects within the U.S. as relevant;[272] the adjudicating court determined that the agreement to divide up world territories was unlawful,[273] but then considered only the state of competition affected within the U.S. as relevant;[274] the adjudicating court first explains that the character and effects of a conspiracy can be judged only by looking at the conspiracy as a whole,[275] but then narrows down its decision to the fact that eliminating a participant from the U.S. market is sufficient to cause antitrust injury (and separately addresses the issue of eliminating a firm from a non-U.S. market);[276] the adjudicating court, in deciding who is the private party entitled to protection, relied on the formulation of the nature of effects that is required to be present within the U.S.,[277] and did not pay any attention to the fact that the nature of the antitrust injury suffered by the private party was related to goods that this party should bring into the U.S.[278]

The application of the transborder standard requires an assessment of the factual situation as a whole, and not the modification of the facts according to

---

[268] See ibid.

[269] *Galavan Supplements, Ltd*. v. *Archer Daniels Midland Co*., 1997 WL 732498,4 (N.D.Cal.).

[270] Ibid.

[271] N.132.

[272] N.97.

[273] N.113.

[274] *U.S*. v. *Imperial Chemical Industries*, 105 F.Supp. 215,227 (S.D.N.Y.1952).

[275] N.36.

[276] *Continental Ore Co*. v. *Union Carbide & Carbon Corp*., 370 U.S. 690,699,700,702, 82 S.Ct. 1404, 8 L.Ed.2d 777 (1962).

[277] *United Phosphorus, Ltd*. v. *Angus Chemical Co*., 131 F.Supp.2d 1003,1023 (N.D.Ill.2001).

[278] Ibid.

which facts take place within the U.S. and which take place outside the U.S.[279] Therefore, in situations where adjudicating courts apply the transborder standard in future litigation, it is expected that the courts would not deliver decisions only in relation to some parts of the factual situation,[280] or decisions that are not based on an analysis of how the facts are interconnected.

4.1.5 Adjudicating Courts Grasp at Undisputed Authorities on which to Base their Reasoning

Adjudicating courts rely on precedents[281] to conduct their adjudication process, but at the same time they look for other sources that may help them to determine the wider context within which they are expected to provide a correct decision.

Sometimes, the U.S. courts recognize that the sources (material) on which they should rely in formulating their reasoning does not exist or is confusing. Consequently, the adjudicating courts are required to perform a role that may exceed the process of adjudication. Examples in pre-*Empagran* cases that indicate this type of activity by adjudicating courts include the following: the delineation between the legal and the illegal in the antitrust field is unclear;[282] the dependency of adjudication on judicial thoughts with respect to economic and legal philosophies;[283] examining prior law and theory which have evolved in relation to both substantive violations and the purposes of the remedy under the Sherman Act, it is perhaps possible to formulate a more or less concrete delineation of the standards that should be met in seeking a just decision upon the complicated facts of this case;[284] when theories of law begin to lose touch with the realities of normal behaviour, it is highly desirable that the theories undergo a bit of modification;[285] courts have been invested with jurisdiction to

---

[279] For further analysis see Chapter 5, section 2.

[280] The same applies to subsection 4.2.1. of this chapter above.

[281] See subsection 3.5.3. of this chapter above.

[282] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,415 (S.D.N.Y.1950).

[283] N.135.

[284] Ibid.

[285] *U.S.* v. *Aluminum Co. of America*, 91 F.Supp. 333,416 (S.D.N.Y.1950).

create and develop antitrust law in the manner of the common law courts;[286] while courts speak of determining congressional intent when interpreting statutes, the meaning of antitrust laws has emerged through the relationship between all three branches of government;[287] for the interpretation of statutory text, the adjudicating court relied on academic writing;[288] whether economic consequences warrant the relaxation of the scope of enforcement of the antitrust laws is a policy matter committed to congressional or executive resolution, and is not within the province of the courts whose function is to apply existing law;[289] an interest balancing formula is not suitable for conducting assessment of the economic realities of modern commerce, which may underlie the reluctance of most courts to strike a balance in favour of not applying domestic law.[290]

The introduction of a transborder standard tries to provide an approach to the U.S. courts that is known, solid, and in conformity with existing legal and practical needs.[291] This means that the application of a transborder standard in future litigation may help the courts not to feel that they are on their own.

4.2 Making the Adjudication Process More Elaborate

The analysis of pre-*Empagran* cases under a transborder standard is not undertaken with the purpose of challenging the plausibility ofexisting case law. This task would not be appropriate. The transborder standard did not exist at the time when pre-*Empagran* cases were adjudicated, and the adjudication process in those cases might not have required additional data, i.e. data that may be considered relevant from the transborder standard perspective[292].

---

[286] *U.S.* v. *Nippon Paper Industries Co.*, Ltd., 109 F.3d 1,9 (1st Cir.1997) (concurring opinion).

[287] *U.S.* v. *Nippon Paper Industries Co.*, Ltd., 109 F.3d 1,10 (1st Cir.1997) (concurring opinion).

[288] N.253.

[289] *U.S.* v. *Singer Mfg. Co.,* 374 U.S. 174,195, 83 S.Ct. 1773, 10 L.Ed.2d 823 (1963).

[290] *Laker Airways Ltd*. v. *Sabena*, Belgian World Airlines, 731 F.2d 909,951 (D.C.Cir.1984).

[291] For further explanation see Chapter 5.

[292] Ibid.

At the same time, it is important to bear in mind that the analysis in the section above[293] submits that pre-*Empagran* cases do hold reasoning that supports (i.e. can be considered to be in conformity with) a transborder standard. The question that logically follows is to what extent the application of a transborder standard alters the existing reasoning[294] of the U.S. courts.

The simplest and most practical way to answer this question is to consider, on a case-by-case basis, the approach taken by particular pre-*Empagran* courts in particular cases, and then add the missing elements (in the form of facts and questions that need to be answered) that would be required under the transborder standard.

The examples that show the impact of the transborder standard on the reasoning of adjudicating courts are the following:

In the assessment of U.S. companies competing with non-U.S. companies on a non-U.S. market, the U.S. courts should not concentrate on what the stimulations U.S. companies already had,[295] but on whether the U.S. companies met the minimum requirements to satisfactorily compete with non-U.S. firms;

There is a confusing statement on the relationship between antitrust injury suffered by a non-U.S. plaintiffs and antitrust injury suffered by U.S. consumers;[296] what the court should do instead is to assess the anticompetitive effect in the U.S. and bear in mind that the type of injury in non-U.S. countries is different from the antitrust injury in the U.S. (e.g. conducting business in a foreign country, prices may be higher in a foreign country); in addition, it is also unclear how the adjudicating court is expected to establish a connection, and the adjudicating court should bear in mind that the injury suffered by the plaintiff may be different from the injury suffered by consumers in general;

---

[293] See section 3 above.

[294] For the impact of the transborder standard on the U.S. courts' reasoning on how to decide subject matter jurisdiction and how to apply private antitrust law enforcement within the international context see Chapter 6, subsections 3.4. and 4.3.

[295] This was done in the *U.S.* v. *Concentrated Phosphate Export Ass'n*., 393 U.S. 199,208,209,210, 89 S.Ct. 361, 21 L.Ed.2d 344 (1968).

[296] See this statement in the *Caribbean Broadcasting System, Ltd*. v. *Cable & Wireless P.L.C*., 148 F.3d 1080,1087 (D.C.Cir.1998).

In assessing the location where the transaction took place, it is not sufficient merely to state that the transaction was concluded outside the U.S. (and therefore did not form part of the U.S. market);[297] instead, the reason why the transaction took place outside the U.S. and the existence of a possibility to conclude the same transaction in the U.S. should be established. In this way, it is possible to establish the existence of a transborder standard and also whether the prices inside and outside the U.S. were set up by a conspiracy so that the place of purchase cannot influence the difference in the potential injury that plaintiff suffers;

Some activities and effects/injury taking place outside the U.S. were understood as taking place on a foreign market;[298] instead, it should be analyzed whether these markets and the U.S. market can be determined as a single, global market;

In a situation where there are identifiable private parties within the U.S., there is no need to achieve the objective of deterrence by allowing foreign injury to be litigated before the U.S. courts.[299] This argument is not valid anymore merely because of the *Empagran* litigation;

The fact of the anticompetitive effect and the antitrust injury falling outside the U.S. should not be crucial on its own,[300] but the adjudicating court needs to establish whether there exists a connection with effects and injury suffered within the U.S.;

The perception that a worldwide conspiracy should be addressed by every country dealing separately with conditions within its own territory, as laws and policies may vary,[301] is not in conformity with the economic reality. If a

---

[297] This was done in the *In re Microsoft Corp. Antitrust Litigation*, 127 F.Supp.2d 702,715,716 (D.Md.2001); *Ferromin Intern. Trade* v. *UCAR Intern., Inc.*, 153 F.Supp.2d 700,705 (E.D.Pa.2001).

[298] This was done in the *de Atucha* v. *Commodity Exchange, Inc.*, 608 F.Supp. 510,517,518 (S.D.N.Y.1985); *In re Copper Antitrust Litigation*, 117 F.Supp.2d 875,897 (W.D.Wis.2000).

[299] This argument in present in the *de Atucha* v. *Commodity Exchange, Inc.*, 608 F.Supp. 510,518 (S.D.N.Y.1985).

[300] This was done by the adjudication court in the *Turicentro, S.A.* v. *American Airlines, Inc.*, 152 F.Supp.2d 829,833 (E.D.Pa.2001).

[301] This is the position taken by the adjudicating court in the *Mannington Mills, Inc.* v. *Congoleum Corp.*, 595 F.2d 1287,1298 (3d Cir.1979).

commercial arrangement takes place in several countries, and each company and each conduct and effect within those territories is required to achieve a designated goal, then the adjudicating courts, regardless of where the litigation takes place, should take this into consideration;

The assessment of a commercial arrangement entered into by companies outside the U.S. used to be conducted in relation to what this means for the U.S. market only,[302] but looking at these commercial arrangements from a transborder standard perspective requires the adjudicating courts to start asking whether the commercial arrangements were to target only the U.S. market or the U.S. competitors, or whether the commercial arrangements were required by conditions on the market in general, regardless of the U.S. market being one of the markets where goods/services enter;

The adjudication court took into consideration the commercial arrangement between a U.S. company and a non-U.S. company with regard to the sale of goods produced in the U.S. in the non-U.S. market, and in this context the adjudicating courts attributed relevance to the fact that the injury was suffered outside the U.S.[303] and to the fact that the plaintiff did not sell products to consumers or retailers in the U.S.,[304] but the adjudication courts did not analyze the factual situation from the perspective that other U.S. companies are obstructed from competing in the non-U.S. market, or from the perspective that U.S. consumers/retailers may obtain goods only outside the U.S.[305] In this type of situation it may be useful to be reminded of the inextricability argument[306] in relation to injuries caused to the plaintiff and effects on the U.S. and to the fact

---

[302] This was done by the adjudication court in the *U.S.* v. *The Watchmakers of Switzerland Information Center*, 1962 U.S. Dist. LEXIS 5816,154 (S.D.N.Y.).

[303] *The 'In' Porters, S.A*. v. *Hanes Printables, Inc*., 663 F.Supp. 494,500 (M.D.N.C.1987).

[304] *The 'In' Porters, S.A*. v. *Hanes Printables, Inc*., 663 F.Supp. 494,499 (M.D.N.C.1987).

[305] This question may be relevant within the analysis of *S. Megga Telecommunications Ltd*. v. *Lucent Technologies, Inc*., 1997 WL 86413,9 (D.Del.), where the adjudication courts refused subject matter jurisdiction to the private plaintiff because the private plaintiff did not show any intention to sell goods to the U.S. or to U.S. consumers; a similar reasoning is also present in *Montreal Trading Ltd*. v. *Amax Inc*., 661 F.2d 864,869,870 (10th Cir.1981) and in *Raubal* v. *Engelhard Minerals & Chemicals Corp*., 364 F.Supp. 1352,1356 (S.D.N.Y.1973) even if in the latter case, the requirement of selling goods in to the U.S. was elaborated within the context of the foreign plaintiff lacking standing; the adjudicating court had a different opinion in *Papst Motoren GMbH & Co. KG* v. *Kanematsu-Goshu (U.S.A.) Inc*., 629 F.Supp. 864,868 (S.D.N.Y.1986) whereby the requirement of anticompetitive effect within the U.S. can be satisfied regardless of whether the private plaintiff shows intent to sell goods in the U.S.

[306] See section 3 above.

that such commercial arrangement would not be possible without the participation of U.S. firms (this means that the adjudication should not stop at looking only at the place where the antitrust injury took place);

This same critique should also apply to the adjudication of the case where the court refused protection under U.S. antitrust laws to a U.S. company who provided services outside the U.S. because of the particularities of this service, and this U.S. company suffered injury because of the conduct in the U.S. and with participation of other U.S. companies who excluded this U.S. provider from a non-U.S. market.[307] The court explained that the affected U.S. provider of services should enjoy the protection of the laws of this non-U.S. market. This argument of the adjudication court makes even less sense if compared with the reasoning in a case[308] where the adjudicating court granted protection to a non-U.S. private plaintiff who was excluded from a non-U.S. market due to the fact that U.S. consumers were injured. Another argument that can be used in support of this reasoning is the definition of the geographical market that requires an analysis of the region where consumers purchase the products at issue,[309] or, alternatively, the argument of the unique nature of tourist services, where the location of the facilities themselves is actually a geographical component of the definition of the product market;[310]

Adjudicating courts refused subject matter jurisdiction to a non-U.S. plaintiff because the plaintiff obtained a service outside the U.S. for a need that was outside the U.S. from non-U.S. companies,[311] but it seems that the adjudicating courts did not consider the fact that such provision of services was a consequence of an arrangement at a global level that caused anticompetitive effects in the U.S. and in non-U.S. markets.[312] In addition, the adjudicating court

---

[307] This factual situation was present in the *Liamuiga Tours, Div. of Caribbean Tourism Consultants, Ltd.* v. *Travel Impressions*, Ltd., 617 F.Supp. 920,924 (E.D.N.Y.1995) case, and there is a bit of confusion in the judgment itself where the adjudicating court on p.925 states that there is no evidence of anticompetitive practices.

[308] *Caribbean Broadcasting System, Ltd.* v. *Cable & Wireless P.L.C.*, 148 F.3d 1080 (D.C.Cir.1998).

[309] *Dominicus Americana Bohio* v. *Gulf & Western Industries, Inc.*, 473 F.Supp. 680,691,n.5 (S.D.N.Y.1979).

[310] Ibid.

[311] *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,426 (5th Cir.2001).

[312] *Den Norske Stats Oljeselskap As* v. *HeereMac Vof*, 241 F.3d 420,416 (5th Cir.2001).

should have questioned the lack of possibility for a private plaintiff to obtain the service from a U.S. company;

in a situation where a worldwide anticompetitive cartel exists, it is difficult to understand the argument provided by the adjudicating court[313] that a world-wide cartel can cause anticompetitive prices within the U.S. only if the importation of goods into the U.S. is affected or the manufacture and sale of goods in the U.S. is restricted,[314] because in reality, there may be other means to achieve a problematic level of prices within the U.S., e.g. by worldwide price fixing and market allocation schemes,[315] and it is, therefore, surprising that the adjudicating court did not elaborate its argument accordingly;

In relation to the comment just expressed, it is important to emphasize that the transborder standard does not support the argument[316] for a private plaintiff to be granted subject matter jurisdiction of the U.S. courts as soon as an (international) conspiracy causes anticompetitive effects within the U.S. The reason why the transborder standard cannot support this argument is that the analysis of the *Empagran* litigation[317] and post-*Empagran* cases[318] has provided sufficient explanation that for foreign antitrust injury to be litigated before the U.S. courts, a private plaintiff has to establish the required type of relationship between anticompetitive effects (and antitrust injury) within the U.S. and the litigated foreign antitrust injury (and anticompetitive effects outside the U.S.). Irrespective of this problematic reasoning by the adjudicating courts in the *Kruman*[319] case, the factual situation in this case reveals a possibility that conspirators may set up commercial arrangements under which goods are available only outside the U.S. irrespective of whether the potential consumers are of U.S. or non-U.S. nationality. It is submitted that such factual situations

---

[313] This argument was made in the *Eurim-Pharm GmbH* v. *Pfizer* Inc., 593 F.Supp. 1102,1107 (S.D.N.Y.1984).

[314] The requirement of manufacture of goods in the U.S. was considered insufficient on its own to establish subject matter jurisdiction of the U.S. courts in *Ferromin Intern. Trade* v. *UCAR Intern., Inc.*, 153 F.Supp.2d 700,706 (E.D.Pa.2001).

[315] N.186.

[316] The argument that is criticized here was elaborated in the *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384,397-401 (2d Cir.2002).

[317] See Chapter 2.

[318] See Chapter 3.

[319] *Kruman* v. *Christie's Intern. PLC*, 284 F.3d 384 (2d Cir.2002).

are transborder and all (potential) consumers who obtained or could not obtain goods because of anticompetitive conduct should be granted the subject matter jurisdiction of the U.S. courts; the reasoning[320] may be correct that the U.S. courts should not be required to adjudicate litigation in a situation where one U.S. company is eliminated from operation on a non-U.S. market by a conspiracy between another U.S. company and a non-U.S. company, but the adjudicating courts should think about the possibility that both U.S. companies were competing for sources that the latter intended to import into the U.S. In such a situation it is not possible to exclude the potential anticompetitive effects in the U.S. and consequently the excluded U.S. company should be granted the subject matter jurisdiction of the U.S. courts;

The adjudicating court considered it appropriate to grant subject matter jurisdiction to the U.S. courts because the commercial arrangements between U.S. exporters (?) affected U.S. taxpayers,[321] but the question that the adjudication court should really have asked is whether competition within the U.S. was affected, and whether the arrangements among the U.S. exporters were required to win the competition with foreign companies in order to obtain a competitive advantage on markets outside the U.S.;

There is nothing to object to in the argument that non-U.S. companies outside the U.S. helped U.S. companies in conducting business in a particular way consequently causing anticompetitive effects within the U.S.,[322] but the question that should be analyzed is whether non-U.S. companies set up their arrangements only to help U.S. companies, or was the arrangement such that it may be considered as a new general policy that applies to all companies with which the non-U.S. companies are in a business relationship, irrespective of the country where the business partners perform their activities.

---

[320] Presented in the *Industrial Inv. Development Corp*. v. *Mitsui & Co., Ltd*., 671 F.2d 876,884 (5th Cir.1982).

[321] N.137.

[322] *Hartford Fire Ins. Co*. v. *California*, 509 U.S. 764, 113 S.Ct. 2891, 125 L.Ed.2d 612 (1993).

5 Conclusion

The analysis of the reasoning in pre-*Empagran* cases from a transborder standard perspective provides two quite distinct conclusions. On the one hand, there exist elements in the courts' reasoning which are in conformity with (i.e. they provide support to) the transborder standard. On the other hand, there are numerous elements in the courts' reasoning that the application of the transborder standard would alter.

One of the major findings of the analysis conducted in this chapter is the awareness of the U.S. courts that the adjudication process should not be limited to understanding the factual situation from a formal point of view (i.e. looking merely at the surface of the facts before the court), but the adjudication analysis should be conducted to understand the substance of a factual situation in a real-life context.

This awareness of the U.S. courts that understanding the nature of the economic reality, including the particularities of conducting business on a global scale, can be further used to understand why there may be so many examples and arguments within courts' reasoning where adjudication did consider facts (irrespective of how strongly they were presented to the adjudication court) beyond the national territorial borders of the U.S.

Unfortunately, this was not always the case. This means that the analysis in this chapter showed a similar type of limitation in the courts' reasoning where the courts did not necessarily base their decision on an analysis of the whole factual situation. There is no clear explanation in the judgments why some courts modified the factual situation to consider as relevant only those facts that were connected to the U.S.[323]

It is difficult to know whether this modification of the factual situation has anything to do with the courts' pro-active role in conducting the adjudication

[323] This connection was either in the form anticompetitive conduct and/or its consequences, or in the form of the nationality of the litigants.

process or with the courts' lack of guidance on how to deal with antitrust litigation in the international context.

Instead of judging or criticizing the courts' adjudication process, this chapter tried to present the application of a transborder standard in a way that may serve as guidance to the courts on what elements to pay more attention to in future litigation.

Chapter 8: Conclusion

The analysis in this thesis shows that the *Empagran* litigation presents an important step in the development of antitrust law enforcement within the international context. This conclusion has been reached by a comparison of factual situations and the reasoning of courts in pre-*Empagran* cases with factual situations and the reasoning of courts in the *Empagran* and post-*Empagran* cases.

This thesis submits that the Supreme Court of the United States has opened a possibility for foreign private antitrust injury to be litigated before the U.S. courts. The Court did this by formulating the *Empagran* decision in a way that explicitly denies the protection of the U.S. courts only to foreign private antitrust injury that is independent from anticompetitive effects in the U.S. The *Empagran* litigation ended without providing any indication of how to determine dependency.

Post-*Empagran* case law did not attempt to address the questions that remained unanswered after the *Empagran* litigation. The analysis of post-*Empagran* case law shows that post-*Empagran* courts sometimes even misinterpret the decisions delivered in the *Empagran* litigation.

The analysis of post-*Empagran* case law shows a trend among the U.S. courts of deliver their decisions on the litigated foreign injury by invoking the requirement that private plaintiffs need to satisfy the proximate causation rule. The decisions that the U.S. courts have delivered on this issue do not show any willingness, commitment or desire to explain what is needed to satisfy the proximate causation requirement. The only information that private litigants are given is that they have not satisfied the proximate causation requirement.

Irrespective of this very passive approach by the U.S. courts in determining the conditions under which private plaintiffs can satisfy the proximate causation requirement, this thesis submits that the requirement of proximate causation may be considered an obstacle to private plaintiffs litigating their foreign claims in the U.S.

This thesis understands the Supreme Court's *Empagran* decision as establishling the required type of relationship between anticompetitive effects in the U.S. and the litigated foreign private antitrust injury not within a framework of 'causation' but in a framework of 'connection.' In fact, the present thesis demonstrates that all pre-*Empagran* courts considered the question of causation only in the context of the relationship between anticompetitive conduct and antitrust injury, and never between anticompetitive effect and antitrust injury.

Therefore, this thesis develops and proposes a transborder standard as an alternative to proximate causation. The transborder standard requires courts to understand commercial arrangements in their totality, not by modifying the nature of the arrangement by focussing on what facts are 'domestic' and what facts are 'foreign'. There may be situations that are transborder in the sense that all the facts are so interconnected that they can exist only if they take place simultaneously, and the existence of each of them is sine-qua-non for the existence of the rest of them.

After the *Empagran* litigation, the existence of private antitrust law enforcement at an international level cannot be ignored. Therefore, it is important for adjudicating courts to bear in mind that in private antitrust litigation, disputes should be resolved in a way that provides protection to private parties. The public interest of the countries concerned should not predominate.

At the same time, it is important for the courts to enesure that in protecting private litigants, they do not allow them to abuse the system by obtaining compensation from courts in different countries.

Application of the Transborder Standard to the *Empagran* Litigation

The next part of the thesis illustrates the application of the transborder standard by hypothetically applying it to the *Empagran* litigation. There are three reasons for performing this task:

- The *Empagran* litigation itself was the catalyst for undertaking the research and developing this thesis. Therefore, it is appropriate to discuss the extent to which a transborder standard is a suitable response to the questions that triggered adjudication concerns at various stages of the *Empagran* litigation.

- The real significance of the introduction of a transborder standard to private antitrust litigation is only possible to determine by analyzing the extent to which the existence of tranborder standard at the time of the *Empagran* litigation would have impacted on the course of the *Empagran* litigation (i.e. submissions by litigants and reasoning by adjudicating courts) and on the outcome of the case.

- This thesis introduces a new concept of 'a transborder standard' requiring a novel approach to: a.) the analysis of the factual situation under adjudication, and b.) the theoretical analysis of the possibility of litigating foreign private antitrust injury before the U.S. courts. Consequently, it is useful to provide a factual example of how the application of a transborder standard would function in practice. As the *Empagran* litigation was analyzed in great detail at the very beginning of the thesis, its factual situation has been chosen as suitable for illustrating the application of the transborder standard.

The application of the transborder standard is a three-step approach for the court seized of the litigation, and is possible only in factual situations that are of a transborder nature. Therefore, the first step is to determine whether the *Empagran* factual situation is of a tranborder character.[1]

If the answer to this question is positive, then the transborder standard can be applied as the second step in deciding whether the litigation can take place before a U.S. court. The U.S. courts in the *Empagran* litigation would be required to consider whether adjudicating the claim would be in conformity with the goals of U.S. antitrust laws and with the purpose of U.S. private antitrust law enforcement, i.e. whether private parties who suffer antitrust injury due to

[1] See Chapter 5, subsections 2.1., 2.2., and 2.3.

a violation of U.S. antitrust laws are entitled to protection and compensation in the form of antitrust damages.[2]

If the answer is positive, then there is a third step to be taken in the application of the transborder standard. U.S. courts need to assess whether any adjustments are required to the decision that granted antitrust remedies to private plaintiffs in the *Empagran* litigation. In this regard, the U.S. courts would be required to determine whether it is appropriate for them to grant the *Empagran* private plaintiffs antitrust remedies irrespective of the fact that the private plaintiffs are also conducting private antitrust litigation for the same suffered antitrust injury before non-U.S. courts.[3]

1.1 Step 1: The Transborder Nature of the *Empagran* Factual Situation

1.1.1 Location of Relevant Facts

The analysis of whether there exists a transborder factual situation can only be conducted under the condition that there exist relevant facts on both sides of the U.S. national territorial borders, i.e. within and outsise the U.S.

In *Empagran*, the vitamin manufacturers and distributors who practised anticompetitive conduct were U.S. companies[4] and non-U.S. companies.[5] They operated worldwide[6] and internationally,[7] i.e. within U.S. territory[8] as well as

---

2 See Chapter 5, subsection 2.4.

3 See Chapter 5, subsection 2.5.

4 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,159 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,339,340 (D.C.Cir.2004).

5 Ibid.

6 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

7 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,2 (D.D.C. June 7, 2001).

8 Ibid.

outside the U.S.[9] Their antitrust conduct, including meetings and agreements among them, took place both within[10] and outside the U.S.[11]

This conduct affected commerce in the U.S.[12] and commerce in other (i.e. non-U.S.) countries[13]. In other words, the anticompetitive conduct affected virtually every market where these companies operated. They distributed and sold their products around the world[14] and they operated worldwide.[15]

Consequently, the antitrust conduct caused direct, substantial, and reasonably foreseeable effects on U.S. commerce[16] (i.e. in the U.S.[17]) and on foreign commerce[18] (i.e. outside the U.S.[19]). The effect of the conduct was to raise the prices of vitamin products sold in the U.S.[20] and outside the U.S.[21]

Thus, the conduct had an effect on consumers in the U.S.,[22] i.e. those who purchased vitamin products in the U.S.,[23] and on consumers outside the U.S.,[24] i.e. those who purchased vitamin products outside the U.S.[25] Therefore, the conspiracy (cartel) injured customers both in the U.S.[26] and outside the U.S.[27]

---

9 Ibid.

10 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,3 (D.D.C. June 7, 2001).

11 Ibid.

12 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,2 (D.D.C. June 7, 2001); *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,159,162 (2004).

13 N.7.

14 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,340 (D.C.Cir.2003).

15 Ibid.

16 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,3 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,344,358 (D.C.Cir.2003).

17 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,340,344 (D.C.Cir.2003).

18 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,358 (D.C.Cir.2003).

19 N.14.

20 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,159,162 (2004).

21 Ibid.

22 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,164 (2004).

23 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,1 (D.D.C. June 7, 2001); *F. Hoffmann–La Roche, Ltd. v. Empagran S.A.*, 542 U.S. 155,159 (2004).

24 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,164 (2004).

25 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,1 (D.D.C. June 7, 2001).

26 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,339,340 (D.C.Cir.2004); *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,158 (2004).

Consumers who purchased goods in the U.S. concluded transactions with members of the conspiracy in the U.S.,[28] and those consumers who purchased goods outside the U.S.[29] concluded transactions with members of the conspiracy outside the U.S.[30]

Thus, the U.S. consumers who concluded transactions in the U.S. brought their claim based on injuries they suffered in the U.S.,[31] and non-U.S. consumers who concluded transactions outside the U.S. brought their claim based on injuries they suffered outside the U.S.[32] Thus the facts were similar both within and outside the U.S.

This was true for the operation of the antitrust conspiracy, the activities of its members, the relationships between the conspiracy members, and the consequences that the conspiracy had. The factual scenario is a sufficient justification for further analysis to determine the nature of the relationship between the facts within and outside the U.S.

1.1.2 Reasons for the Existence of Relevant Facts

The relationship between the facts within and outside the U.S. cannot be determined properly without understanding the operation of the commercial activity and its consequences.[33]

The judgments delivered during the *Empagran* litigation provide a limited explanation of why the price-fixing conspiracy was shaped[34] in a particular way. Allegedly, members of the conspiracy intended to inflate the prices of various

---

[27] *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,339,340 (D.C.Cir.2004).

[28] N.6.

[29] *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1268 (D.C.Cir.2005).

[30] N.7

[31] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341,352 (D.C.Cir.2003).

[32] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,352 (D.C.Cir.2003); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1268 (D.C.Cir.2005).

[33] See Chapter 5, subsection 2.3.

[34] In this regard, see subsection 1.1.3.

vitamins irrespective of whether they were being sold within or outside the U.S.[35]

The vitamin products that members of the conspiracy were selling were fungible and readily transportable.[36] Therefore, the members of conspiracy had to find a system that would enable them to sustain the anticompetitive prices of the products both within and outside the U.S. This meant that they had to keep the prices of the vitamin products they sold in the U.S. in equilibrium with the prices of the vitamin products they sold outside the U.S.[37] This is why the conspiracy had to avoid a system of arbitrage.[38]

The conspirators tackled this problem by fixing a single global price for the vitamins and by creating barriers to international vitamin trade in the form of market division agreements that prevented bulk vitamins from being traded between the U.S. and non-U.S. countries.[39]

They achieved this by first setting anticompetitive prices for products they were selling in the U.S., and then setting anticompetitive prices for products they were selling outside the U.S. This meant that the members of the conspiracy first fixed the price of the products sold in the U.S., and this price then served as a benchmark for the price of vitamins outside the U.S.[40] In other words, without anticompetitive prices within the U.S., the members of conspiracy (the sellers) could not have maintained the anticompetitive price of products sold outside the U.S.[41] Thus, the international price-fixing arrangement could not

---

[35] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,1 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,342 (D.C.Cir.2003).

[36] *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,175 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,340 (D.C.Cir.2004) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1269 (D.C.Cir.2005) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270 (D.C.Cir.2005).

[37] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,344 (D.C.Cir.2004) reference to *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

[38] Ibid.

[39] *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270,n.5 (D.C.Cir.2005).

[40] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2004 WL 1398217,1 (C.A.D.C. June 21, 2004) cite *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

[41] *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,339 (D.C.Cir.2004) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004).

have been maintained without setting anticompetitive prices in the U.S.[42] Or, to put in another way, anticompetitive effects in the U.S. (higher prices in the U.S.) were a necessary link in creating antitrust injury (higher prices) outside the U.S.[43]

A similar explanation derives from allegations that control of the U.S. market was necessary for the conspiracy to succeed.[44] Control of the U.S. market was necessary to prevent arbitrage destroying supra-competitive pricing.[45] The members of the conspiracy had to take the global vitamin market into account.[46] If the price of vitamins is affected in the U.S., then the price of vitamins will also be affected outside the U.S.[47] Therefore, they had to make adjustments, set and fix the price of vitamins in relation to world market conditions.[48] When price changes were made and supply shifted in the U.S., injuries were caused to those who bought vitamins outside the U.S.[49]

The members of the conspiracy set a single global price. In addition, they concluded a market division agreement[50] that created barriers to international vitamin trade.[51] This arrangement was necessary to prevent purchasers outside the U.S. obtaining vitamins from U.S. suppliers or from people who bought vitamins in the U.S. (at lower prices than the inflated price for which members of the conspiracy sold vitamins outside the U.S.) and sold them to purchasers outside the U.S.[52]

---

42 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2004 WL 1398217,1 (C.A.D.C. June 21, 2004).

43 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,342 (D.C.Cir.2004).

44 Ibid.

45 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,343 (D.C.Cir.2004).

46 Ibid.

47 Ibid.

48 Ibid.

49 N.45, reference to *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

50 N.39.

51 Ibid.

52 *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270 (D.C.Cir.2005).

1.1.3 Type of Connection between the Relevant Facts

The existence of facts within and outside the U.S.[53] and the finding that the aim was to control the global market of vitamin products and to achieve the highest revenue possible[54] do not assist in determining the relationship between anticompetitive effect (antitrust injury) within the U.S. and anticompetitive effects (antitrust injury) outside the U.S.

For a foreign private antitrust injury to be litigated before the U.S. courts, it has to be dependent from anticompetitive effects (antitrust injury) within the U.S.[55] This thesis submits that a foreign private antitrust injury can satisfy this requirement under the condition that private plaintiffs can prove that their foreign private antitrust injury is of a transborder character (nature). To do so, private plaintiffs have to prove that facts within and outside the U.S., including the litigated foreign private antitrust injury, exist simultaneously, and that one injury cannot exist without the other (i.e. that their existence is sine-qua-non for the success of the conspiracy and for the foreign private antitrust injury).[56]

Indeed, there are classifications of the factual situation in the *Empagran* judgments, but they are too general and, consequently, do not provide sufficient indication of their transborder character. The classifications in the judgments are: price fixing conspiracy,[57] global conspiracy,[58] massive international cartel[59], global nature of the defendants' conduct.[60] These classifications merely describe the nature of the anticompetitive conduct. The nature of the anticompetitive

---

[53] See subsection 1.1.1.

[54] See subsection 1.1.2.

[55] See Chapter 2, subsection 3.1.7.3

[56] See Chapter 5, subsection 2.2.

[57] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,1 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,342 (D.C.Cir.2003); *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,159 (2004).

[58] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,2 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,340,358 (D.C.Cir.2003).

[59] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,344 (D.C.Cir.2003).

[60] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,3 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,340 (D.C.Cir.2003); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,342 (D.C.Cir.2004).

conduct is not a sufficient indication of whether the foreign private antitrust injury is of a tranborder character.[61]

Classifications that determine the character/nature of the vitamin market are more useful. These classifications are: global market for bulk vitamins,[62] the vitamin market is a single, global market,[63] control of the global market is in the hands of the conspirators.[64] These classifications can be beneficial in attempting to determine whether the situation is of a transborder character, but unfortunately, they do not provide an explanation of the significance that the facts occurring outside the U.S. have for the factual situation within the U.S. and for the foreign private antitrust injury.

The significance of facts within and outside the U.S. and their sine-qua-non relevance to their mutual co-existence can be deduced from the combination of the following elements:

- The goods (i.e. vitamin products) that the members of the conspiracy manufactured, distributed and sold around the world were of a fungible nature[65], readily transportable[66], and globally marketed.[67]

- The conspiracy fixed vitamin prices around the world[68] to obtain a single global price.[69] Vitamin sellers around the world agreed to fix prices[70] and

---

61 See Chapter 2, subsection 3.1.2.

62 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,340,342 (D.C.Cir.2004).

63 *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1271 (D.C.Cir.2005).

64 N.45.

65 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,175 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,340 (D.C.Cir.2004) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1269 (D.C.Cir.2005) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270 (D.C.Cir.2005).

66 Ibid.

67 N.52.

68 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,343 (D.C.Cir.2003).

69 N.39.

70 *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,159,162 (2004).

consequently raised, stabilized, and maintained the price of vitamins[71] as agreed.

- The conspiracy exercised global market power.[72] There are only a small number of vitamin producers[73] but there are significant barriers to entry.[74]

- The members of the conspiracy divided the global market between themselves by market division agreements[75] and by allocating market shares[76] amongst themselves. They created barriers to the international vitamin trade in the form of market division agreements that prevented bulk vitamins from being traded between the U.S. and non-U.S.[77] At the same time, U.S. and non-U.S. manufacturers and distributors agreed to leave each other's markets.[78]

- The members of the conspiracy also eliminated arbitrage.[79] To achieve this, control of the U.S. market was necessary for the conspiracy to succeed,[80] otherwise it would not have been possible to maintain supra-competitive prices within and outside the U.S.[81] By avoiding arbitrage, the members of the conspiracy were able to keep prices outside the U.S. in equilibrium with prices within the U.S.[82] They fixed prices for vitamins sold in the U.S. and these prices acted as a benchmark for the world's vitamin prices in other markets.[83] With this arrangement in place, the

---

71 N.14.

72 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,344 (D.C.Cir.2003).

73 N.14.

74 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,340 (D.C.Cir.2004).

75 *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1271 (D.C.Cir.2005).

76 *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,1 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,342 (D.C.Cir.2003).

77 N.39

78 N.74.

79 Ibid.

80 N.43.

81 N.45.

82 N.6.

83 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,344 (D.C.Cir.2004) reference to *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

> members of the conspiracy ensured that if they caused prices in the U.S. to be affected then they also affected prices around the world.[84]

The combination of all the above points shows the precise type of connection in *Empagran* between the foreign private antitrust injury and the anticompetitive effects in the U.S. Purchasers were able to obtain vitamins only from a small (limited) number of manufacturers and producers. Irrespective of the fact that vitamins are fungible and that there should be no difficulties in their transportation around the world, members of the conspiracy altered the conditions of the vitamins market globally, so that purchasers did not have any chance to benefit from competition between the vitamins sellers. Members of the conspiracy prevented this competition from taking place. Purchasers outside the U.S. could purchase goods only outside the U.S. from members of the conspiracy that were selling vitamins in the national territory where the purchasers tend to use the goods. It is not possible for purchasers to buy vitamins within one territory (e.g. in the U.S.) and import them to another territory (e.g. outside the U.S.). In addition, the sellers are not free to determine the price for which to sell vitamins to the buyers. Both sellers in the U.S. and sellers outside the U.S. are required to comply with the price that was set by the conspiracy. This means that purchasers, including the ones outside the U.S., are not free to choose between sellers from different national territories, and do not have the possibility to benefit from price competition.

Therefore, the analysis of the factual situation in the *Empagran* litigation support the arguments delivered during the litigation that: the members of the conspiracy made, set and fixed arrangements with regard to the world market conditions;[85] purchasers outside the U.S. were injured by paying higher prices charged by the global conspiracy (rather than from super-competitive prices in one particular market);[86] the prices that private plaintiffs paid for vitamins outside the U.S. were a direct result of the increases in the U.S. prices even

---

[84] N.45.

[85] N.45.

[86] *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1271 (D.C.Cir.2005); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,343 (D.C.Cir.2003).

though they bought the vitamins outside the U.S.;[87] super-competitive pricing in the U.S. gave rise to foreign super-competitive prices from which the private plaintiffs claim injury;[88] the prices of vitamins outside the U.S. are a result of the anticompetitive effects of price changes and supply shifts in the U.S. trade;[89] the members of the conspiracy were able to sustain super-competitive prices outside the U.S. only by also maintaining super-competitive prices in the U.S.[90] (the prices in the U.S. causing anticompetitive effects in the U.S.).[91]

Analyzing the factual situation in the *Empagran* litigation within a transborder analytical framework leads to the conclusion that the litigated foreign private antitrust injury is of a transborder character, and therefore not independent[92] but dependent on anticompetitive effects (antitrust injury) in the U.S. The members of the conspiracy affected the competitive conditions within and outside the U.S., and the arrangements they put into place were such that anticompetitive effects and antitrust injury outside the U.S. would not be able to exist without anticompetitive effects and antitrust injury in the U.S.

---

87 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003); *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2004 WL 1398217,1 (C.A.D.C. June 21, 2004) cite *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,344 (D.C.Cir.2004) reference to *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

88 *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270 (D.C.Cir.2005); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,339 (D.C.Cir.2004) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,341,342 (D.C.Cir.2004).

89 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003); *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155,175 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,340 (D.C.Cir.2004) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1269 (D.C.Cir.2005) reference to *F. Hoffmann–La Roche, Ltd.* v. *Empagran S.A.*, 542 U.S. 155 (2004); *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,343 (D.C.Cir.2004) reference to *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,341 (D.C.Cir.2003).

90 *Empagran S.A.* v. *F. Hoffmann–LaRoche, Ltd.*, 417 F.3d 1267,1270 (D.C.Cir.2005); *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2004 WL 1398217,1 (C.A.D.C. June 21, 2004).

91 *Empagran S.A.* v. *F. Hoffman–LaRoche, Ltd.*, 388 F.3d 337,341 (D.C.Cir.2004).

92 As was the position of the litigating courts in the *Empagran* case, see Chapter 2, subsection 3.1.7.

1.2 Step 2: Protection of the Affected Private Plaintiffs

The analysis in the subsection above[93] shows that the factual situation in the *Empagran* litigation is of a transborder character. The next step is to apply U.S. private antitrust law enforcement to a situation where there is tranborder anticompetitive conduct that regulates the supply of specific products in a transborder market and in this way affects transborder commerce. The application of the U.S. private antitrust law enforcement system should not be altered merely because private plaintiffs suffer their private antitrust injury in a transborer context. If the private litigants in the *Empagran* litigation had been able to prove the elements required under the U.S. private antitrust law enforcement system, the *Empagran* adjudicating courts should have protected the private rights (in the form of remedies) under U.S. antitrust law.

The private plaintiffs in *Empagran* demonstrated the existence of anticompetitive conduct,[94] the existence of anticompetitive effects that this anticompetitive conduct caused not only outside but also within the U.S.,[95] and the private antitrust injury they suffered due to the anticompetitive conduct.[96]

The private plaintiffs in *Empagran* who were domiciled in several non-U.S. countries stated explicitly that they purchased the vitamins outside the U.S. directly from the vitamin companies or their alleged co-conspirators[97] (i.e. the defendants) at inflated prices that were caused by the defendants' conspiracy.[98] The payment of inflated prices for the vitamins injured the private plaintiffs.[99] This loss suffered by the private plaintiffs was the type of loss that a violation of the Sherman Act would be likely to cause.[100]

---

93 Subsection 1.1.

94 Ibid.

95 Ibid.

96 Ibid.

97 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,342 (D.C.Cir.2003).

98 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,358 (D.C.Cir.2003).

99 *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,357 (D.C.Cir.2003).

100 N.98.

The private plaintiffs in *Empagran* have also paid particular attention to providing an explanation of the source of the antitrust injury they suffered, i.e. of antitrust causation.[101] They attributed their injury: unlawful price-fixing conduct;[102] global conspiracy;[103] the defendants' worldwide conspiracy to fix prices and exercise global market power over vitamin products;[104] the defendants' conspiracy to fix vitamin prices globally.[105] All these statements show that the private plaintiffs in *Empagran* who had purchased vitamins from the defendants at inflated prices were injured by conduct that violated the Sherman Act - a global price-fixing conspiracy.[106]

Particular consideration has to be given to the question whether the private plaintiffs in *Empagran* might have satisfied the antitrust standing requirement. A comparison of pre-*Empagran* case law on antitrust standing[107] and an analysis of standing by U.S. adjudicating courts in the *Empagran* litigation[108] reveals that the requirement of antitrust standing should not be an obstacle to private plaintiffs succeeding with their private antitrust claim.

In order to provide an explanation of the application of the transborder standard to the *Empagran* litigation on the issue of antitrust standing, it may be useful to present the extent to which the transborder standard may have altered the decisions of the *Empagran* courts on the issue of antitrust standing for private plaintiffs.

As far as the antitrust standing requirement is concerned, private plaintiffs have to prove that the injury was suffered in the relevant market.[109] The private plaintiffs in *Empagran* argued that their alleged injuries occurred in a global market, which necessarily includes U.S. commerce.[110] This explanation is

---

[101] For the valid case law on antitrust causation see Chapter 6, subsection 4.2.5.

[102] N.14.

[103] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,343 (D.C.Cir.2003).

[104] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,6 (D.D.C. June 7, 2001).

[105] N.99.

[106] N.98.

[107] See Chapter 6, subsection 4.2.4.

[108] See Chapter 2, subsection 3.1.4.

[109] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,5 (D.D.C. June 7, 2001).

[110] Ibid.

perfectly in conformity with the above analysis[111] that the relevant market in the *Empagran* litigation was of a transborder character.

In relation to other elements that are required to exist before private plaintiffs have standing, additional analysis is not required, as the application of the transborder standard does not alter the findings of the *Empagran* courts that there was no risk of duplicative recovery;[112] private plaintiffs suffered direct injury so the injury they claimed was not speculative;[113] there were no more direct plaintiffs other than the private plaintiffs in the *Empagran* litigation;[114] courts would not face the risk of dealing with complex damage apportionment.[115]

Not only did the private plaintiffs in the *Empagran* litigation prove the existence of all the relevant elements necessary to benefit from the U.S. private antitrust law enforcement system, but they also went further. They did not invoke this protection merely because they had suffered injury recognized by U.S. antitrust law, but they built their private antitrust claims on another U.S. private antitrust law enforcement goal, i.e. deterrence of anticompetitive conduct.[116] The private plaintiffs pleaded the risk that the global conspiracy would be under-deterred, and the members of the conspiracy would continue with their conspiracy as the gains obtained outside the U.S. make the conspiracy profitable.[117] They also contended that their private antitrust action would contribute to the welfare of U.S. consumers,[118] and that they could take action more effectively than private plaintiffs in the U.S.[119] The last two statements may be correct, but the available data from the *Empagran* judgments does not provide sufficient evidence to support such a conclusion.

---

[111] See subsection 1.1.3.

[112] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,6,7 (D.D.C. June 7, 2001); *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,358 (D.C.Cir.2003).

[113] N.98.

[114] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,358,359 (D.C.Cir.2003).

[115] N.98.

[116] See Chapter 4, subsection 3.1.

[117] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,356 (D.C.Cir.2003).

[118] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,356,357 (D.C.Cir.2003).

[119] *Empagran S.A.* v. F. *Hoffman–La Roche, Ltd.*, 315 F.3d 338,359 (D.C.Cir.2003).

The above analysis shows that the private plaintiffs in the *Empagran* litigation presented their private antitrust claim in a way that they satisfied every single element of U.S. private antitrust law enforcement. No other factor is relevant to altering this conclusion. Therefore, the application of the transborder standard to the *Empagran* litigation would not have required much from the adjudicating courts. All they would have had to do was to accept that the private plaintiffs had suffered the type of antitrust injury for which the U.S. antitrust law provides an antitrust remedy. This conclusion cannot be altered by the fact that the factual situation in the *Empagran* litigation is of tranborder character, or the fact that the litigated private antitrust injury was suffered by non-U.S. plaintiffs out of transactions concluded outside the U.S. to obtain goods outside the U.S., and these goods were never intended to enter the U.S. market.

1.3 Step 3: The Private Plaintiffs Have to Show that Obtaining Antitrust Remedies before the U.S. Courts would be Appropriate

The final step in the application of the transborder standard is to assess whether granting antitrust damages to private plaintiffs who suffer foreign private antitrust injuries would be correct, fair and just for both the litigants and the non-U.S. countries.[120]

The application of this requirement to the *Empagran* litigation can be formulated with the following question. What is the reason that motivated private plaintiffs to seek protection for their private antitrust injuries they had suffered outside the U.S. before the U.S. courts and under U.S. antitrust law?

Some of the defendants had pleaded guilty to price fixing activities in violation of U.S. antitrust laws before the *Empagran* litigation started.[121] Therefore, the private plaintiffs did not bring a private antitrust action before the U.S. courts with the purpose of identifying the existence of a U.S. antitrust law violation.

---

[120] See Chapter 5, subsection 2.5.

[121] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,4 (D.D.C. June 7, 2001).

The existence of this violation was established before the *Empagran* litigation started.

In general, a court's decision that the defendants have violated U.S. antitrust law is not an obstacle to private parties who have suffered private antitrust injury bringing a private antitrust suit before the U.S. courts. The U.S. private antitrust law enforcement system provides for a follow-on action,[122] and there does not exist any particular reason why this type of action would not be available to the private plaintiffs in the *Empagran* litigation.

A challenging aspect of the *Empagran* litigation is the fact that the private plaintiffs brought the private antitrust suit before the U.S. courts after[123] they had already brought private antitrust actions for the same type of injury before non-U.S. courts.

Why did the private plaintiffs in *Empagran* consider it necessary to start an additional private antitrust litigation before the U.S. courts? There is no obstacle to filing two or more private antitrust litigations between the same litigants in courts of different countries.[124] In addition, the application of the U.S. private antitrust law enforcement system and the award of antitrust remedies under the U.S. antitrust law is not conditioned by the fact that the private plaintiffs did not obtain antitrust remedies for the injuries suffered under non-U.S. antitrust law. Nevertheless, allowing private plaintiffs to litigate the same antitrust injury before the courts of different countries (the U.S. and non-U.S.), and in this way obtain multiple damage awards for the same suffered injury under the antitrust laws of different countries, would be unfair and unjust. Where the total amount of antitrust awarded damages obtained is three times the suffered damage,[125] this is not necessarily problematic.[126] The problem with the private plaintiffs in the *Empagran* litigation is that they did not exclude the possibility of there being an abuse[127] of the U.S. private antitrust law enforcement system and

[122] See Chapter 4, section 4.

[123] *Empagran S.A.* v. *Hoffman–La Roche Ltd.*, 2001 WL 761360,8 (D.D.C. June 7, 2001).

[124] See Chapter 7, subsection 3.5.6.

[125] Considering that private plaintiffs can claim treble damages under U.S. antitrust law.

[126] Considering that under the antitrust laws of some countries, compensation that is higher than the antitrust injury actually suffered may be against public policy..

consequently, of benefitting from accumulating additional antitrust damages out of same antitrust injury caused by the same anticompetitive conduct.

The only explanation that the private plaintiffs in *Empagran* provided for bringing the additional private antitrust suit before the U.S. courts was fairness[128] and deterrence.[129] The private plaintiffs never elaborated on the substance of fairness in relation to the litigants and in relation to non-U.S. countries, but they used fairness as an abstract and vague argument in support of expanding the subject matter jurisdiction of U.S. antitrust law that this thesis does not support.[130] In relation to the deterrence argument,[131] the private plaintiffs in the *Empagran* litigation did not provide any specific explanation why it was not be possible to stop the anticompetitive conduct (i.e. global price fixing conspiracy) without bringing a private antitrust suit before the U.S. courts against non-U.S. defendants. Without this explanation, it is not possible to determine whether without the *Empagran* litigation the global price fixing conspiracy would still be able to operate and, consequently, whether the private plaintiffs would continue to suffer similar private antitrust injury in the future.

This analysis shows that the application of the third step of the transborder standard (i.e. appropriate adjustments) to the *Empagran* litigation requires a refusal by the U.S. courts to grant antitrust damages to plaintiffs who suffered foreign private antitrust injury because such decision would be incorrect, unfair and unjust.

---

[127] See Chapter 4, section 4.

[128] N.121.

[129] *Empagran S.A.* v. *F. Hoffman–La Roche, Ltd.*, 315 F.3d 338,356,357,359 (D.C.Cir.2003).

[130] See analysis in Chapter 2, subsection 3.1.3.

[131] See subsection 1.2. and Chapter 2, subsection 3.1.9.

List of Cases

1 The Supreme Court of the U.S. Cases

Adickes v. *S. H. Kress & Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142, Argued November 12, 1969, Decided June 1, 1970, Supreme Court of the United States.

Aikens v. *State of Wisconsin*, 195 U.S. 194, 25 S.Ct. 3, 49 L.Ed. 154, Argued and submitted October 21, 22, 1903, Ordered for Reargument. May 31, 1904, Reargued and Submitted October 17, 18, 1904, Decided November 7, 1904, Supreme Court of the United States.

American Banana Co. v. *United Fruit Co.*, 213 U.S. 347, 29 S.Ct. 511, 53 L.Ed. 826, Argued April 12, 1909, Decided April 26, 1909, Supreme Court of the United States.

American Column & Lumber Co. v. *U.S.*, 257 U.S. 377, 42 S.Ct. 114, 66 L.Ed. 284, 21 A.L.R. 1093, Reargued October 12, 13, 1921, Decided December 19, 1921, Supreme Court of the United States.

American Tobacco Co. v. *U.S.*, 328 U.S. 781, 66 S.Ct. 1125, 90 L.Ed. 1575, Argued November 7, 8, 1945, Decided June 10, 1946, Supreme Court of the United States.

Angle v. *Chicago, St. P., M. & O. Ry. Co.*, 151 U.S. 1, 14 S.Ct. 240, 38 L.Ed. 55, January 3, 1894, Supreme Court of the United States.

Apex Hosiery Co. v. *Leader*, 310 U.S. 469, 60 S.Ct. 982, 84 L.Ed. 1311, Argued April 1, 2, 1940, Decided May 27, 1940, Supreme Court of the United States.

Appalachian Coals v. *U.S.*, 288 U.S. 344, 53 S.Ct. 471, 77 L.Ed. 825, Argued January 9, 10, 1933, Decided March 13, 1933, Supreme Court of the United States.

Arbaugh v. *Y & H Corp.*, 546 U.S. 500, 126 S.Ct. 1235, 163 L.Ed.2d 1097, Argued January 11, 2006, Decided February 22, 2006, Supreme Court of the United States.

Argentine Republic v. *Amerada Hess Shipping Corp.*, 488 U.S. 428, 109 S.Ct. 683, 102 L.Ed.2d 818, Argued December 6, 1988, Decided January 23, 1989, Supreme Court of the United States.

Ashcroft v. *Iqbal*, 556 U.S. 66, 129 S.Ct. 1937, 173 L.Ed.2d 868, Argued December 10, 2008, Decided May 18, 2009, Supreme Court of the United States.

Associated General Contractors of California, Inc. v. *California State Council of Carpenters*, 459 U.S. 519, Argued October 5, 1982, Decided February 22, 1983, Supreme Court of the United States.

Associated Press v. *U.S.*, 326 U.S. 1, 65 S.Ct. 1416, 89 L.Ed. 2013, Argued December 5, 6, 1944, Decided June 18, 1945, Rehearing Denied October 8, 1945, Supreme Court of the United States.

Atlantic Cleaners & Dyers v. *U.S.*, 286 U.S. 427, 52 S.Ct. 607, 76 L.Ed. 1204, Argued April 28, 1932, Decided May 23, 1932, Supreme Court of the United States.

Atlantic Richfield Co. v. *USA Petroleum Co.*, 495 U.S. 328, 110 S.Ct. 1884, 109 L.Ed.2d 333, Argued December 5, 1989, Decided May 14, 1990, Supreme Court of the United States.

Baker v. *Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663, Reargued October 9, 1961, Decided March 26, 1962, Supreme Court of the United States.

Banco Nacional de Cuba v. *Sabbatino*, 376 U.S. 398, 84 S.Ct. 923, 11 L.Ed.2d 804, Argued October 22 and 23, 1963, Decided March 23, 1964, Supreme Court of the United States.

Bank of U.S. v. *Planters' Bank of Georgia*, 22 U.S. (9 Wheat) 904, 6 L.Ed. 244, March 20, 1824, Supreme Court of the United States.

Bedford Cut Stone Co. v. *Journeyman Stone Cutters' Ass'n. of North America*, 274 U.S. 37, 47 S.Ct. 522, 71 L.Ed. 916, 54 L.Ed. 791, Argued January 18, 1927, Decided April 11, 1927, Supreme Court of the United States.

Bell Atlantic Corp. v. *Twombly*, 550 U.S. 54, 127 S.Ct. 1955, Argued November 27, 2006, Decided May 21, 2007, Supreme Court of the United States.

Bell v. *Hood*, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939, Argued January 29, 1946, Decided April 1, 1946, Supreme Court of the United States.

Benson v. *Henkel*, 198 U.S. 1, 25 S.Ct. 569, 49 L.Ed. 919, Argued February 20, 21, 1905, Decided April 17, 1905, Supreme Court of the United States.

Berizzi Bros. Co. v. *The Pesaro*, 271 U.S. 562, 46 S.Ct. 611, 70 L.Ed. 1088, Argued May 7, 1926, Decided June 7, 1926, Supreme Court of the United State.

Bigelow v. *RKO Radio Pictures*, 327 U.S. 251, 66 S.Ct. 574, 90 L.Ed. 652, Argued February 7, 1946, Decided February 25, 1946, Rehearing Denied March 25, 1946, Supreme Court of the United States.

Binderup v. *Pathe Exchange Inc.*, 263 U.S. 291, 44 S.Ct. 96, 68 L.Ed. 308, Argued October 16, 1923, Decided November 19, 1923, Supreme Court of the United States.

Blackmer v. *U.S.*, 284 U.S. 421, 52 S.Ct. 252, 76 L.Ed. 375, Argued January 5, 1932, Decided February 15, 1932, Supreme Court of the United States.

Blue Shield of Virginia v. *McCready*, 457 U.S. 465, 102 S.Ct. 2540, 73 L.Ed.2d 149, Argued March 24, 1982, Decided June 21, 1982, Supreme Court of the United States.

Board of Trade of City of Chicago v. *U.S.*, 246 U.S. 231, 38 S.Ct. 242, 62 L.Ed. 683, Ann.Cas.1918D, 1207, Argued December 18 and 19, 1917, Decided March 4, 1918, Supreme Court of the United States.

Breed v. *Jones*, 421 U.S. 519, 95 S.Ct. 1779, 44 L.Ed.2d 346, Argued February 25 and 26, 1975, Decided May 27, 1975, Supreme Court of the United States.

Broadcast Music, Inc. v. *Columbia Broadcasting System, Inc.*, 441 U.S. 1, 99 S.Ct. 1551, 60 L.Ed.2d 1, Argued January 15, 1979, Decided April 17, 1979, Supreme Court of the United States.

Brooke Group Ltd. v. *Brown & Williamson Tobacco Corp.*, 509 U.S. 209, 113 S.Ct. 2578, 125 L.Ed.2d 168, Argued March 29, 1993, Decided June 21, 1993, Rehearing Denied August 9, 1993, Supreme Court of the United States.

Brunswick Corp. v. *Pueblo Bowl-O-Mat, Inc.*, 429 U.S. 477, 97 S.Ct. 690, 50 L.Ed.2d 701, Argued November 3, 1976, Decided January 25, 1977, Supreme Court of the United States.

Burton v. *U.S.*, 202 U.S. 344, 26 S. Ct. 688, 50 L. Ed. 1057, 6 Ann. Cas. 362, Argued April 3, 4, 1906, Decided May 21, 1906, Supreme Court of the United States.

California Motor Transport Co. v. *Trucking Unlimited*, 404 U.S. 508, 92 S.Ct. 609, 30 L.Ed.2d 642, Argued November 10, 1971, Decided January 13, 1972, Supreme Court of the United States.

California v. *American Stores Co.*, 495 U.S. 271, 110 S.Ct. 1853, 109 L.Ed.2d 240, Argued January 16, 1990, Decided April 30, 1990, Supreme Court of the United States.

California v. *ARC America Corp.*, 490 U.S. 93, 109 S.Ct. 1661, 104 L.Ed.2d 86, Argued February 27, 1989, Decided April 18, 1989, Supreme Court of the United States.

Chattanooga Foundry & Pipe Works v. *City of Atlanta*, 203 U.S. 390, 27 S.Ct. 65, 51 L.Ed. 241, Argued November 3 and 12, 1906, Decided December 3, 1906, Supreme Court of the United States.

Cheong Ah Moy v. *U.S.*, 113 U.S. 216, 5 S.Ct. 431, 28 L.Ed. 983, January 26, 1885, Supreme Court of the United States.

Chevron U.S.A., Inc. v. *Natural Resources Defense Council, Inc.*, 467 U.S. 837, 104 S.Ct. 2778, 81 L.Ed.2d 694, Argued Feb. 29, 1984, Decided June 25, 1984, Supreme Court of the United States.

City of Chicago v. *International College of Surgeons*, 522 U.S. 156, 118 S.Ct. 523, 139 L.Ed.2d 525, Argued October 14, 1997, Decided December 15, 1997, Supreme Court of the United States.

Clark v. *Uebersee Finanz-Korporation*, A.G., 332 U.S. 480, 68 S.Ct. 174, 92 L.Ed. 88, Reargued November 12, 1947, Decided December 8, 1947, Supreme Court of the United States.

Cohens v. *State of Virginia*, 19 U.S. 264, 5 L.Ed. 257, March 3, 1821, Supreme Court of the United States.

Cole v. *Cunningham*, 133 U.S. 107, 10 Sup. Ct. 269, January 20, 1890, Supreme Court of the United States.

Colorado River Water Conservation Dist. v. *U. S.*, 424 U.S. 800, 96 S.Ct. 1236, 47 L.Ed.2d 483, Argued January 14, 1976, Decided March 24, 1976, Leave to File Petition for Rehearings Denied June 1, 1976, Supreme Court of the United States.

Comcast Corp. v. *Behrend*, 133 S.Ct. 142, 185 L.Ed.2d 515, Argued November 5, 2012, Decided March 27, 2013, Supreme Court of the United States.

Conley v. *Gibson*, 355 U.S. 41, 78 S.Ct. 99, 2 L.Ed.2d 80, Argued October 21, 1957, Decided November 18, 1957, Supreme Court of the United States.

Continental Ore Co. v. *Union Carbide & Carbon Corp.*, 370 U.S. 690, 82 S.Ct. 1404, 8 L.Ed.2d 777, Argued April 16 and 17, 1962, Decided June 25, 1962, Supreme Court of the United States.

Copperweld v. *Independence Tube*, 467 U.S. 752, 104 S.Ct. 2731, 81 L.Ed.2d 628, Argued December 5, 1983, Decided June 19, 1984, Supreme Court of the United States.

Corn Products Refining Co. v. *Federal Trade Commission*, 324 U.S. 726, 65 S.Ct. 961, 89 L.Ed. 1320, Argued February 28, and March 1, 1945, Decided April 23, 1945, Supreme Court of the United States.

Coronado Coal Co. v. *United Mine Workers of America*, 268 U.S. 295, 45 S.Ct. 551, 69 L.Ed. 963, Argued January 7, 1925, Decided May 25, 1925, Supreme Court of the United States.

Dr. Miles Medical Co. v. *John D. Park & Sons Co.*, 220 U.S. 373, 31 Sup.Ct. 376, 55 L.Ed. 502, Argued January 4 and 5, 1911, Decided April 3, 1911, Supreme Court of the United States.

Dura Pharmaceuticals, Inc. v. *Broudo*, 544 U.S. 336, 125 S.Ct. 1627, 161 L.Ed.2d 577, Argued January 12, 2005, Decided April 19, 2005, Supreme Court of the United States.

E.E.O.C. v. *Arabian American Oil Co.*, 499 U.S. 244, 111 S.Ct. 1227, 113 L.Ed.2d 274, Argued January 16, 1991, Decided March 26, 1991, Supreme Court of the United States.

E.E.O.C. v. *Commercial Office Products Co.*, 486 U.S. 107, 108 S.Ct. 1666, 100 L.Ed.2d 96, Argued January 13, 1988, Decided May 16, 1988, Supreme Court of the United States.

Eastern R. R. Presidents Conference v. *Noerr Motor Freight, Inc.*, 365 U.S. 127, 81 S.Ct. 523, 5 L.Ed.2d 464, Argued December 12, 1960, Decided February 20, 1961, Rehearing Denied April 3, 1961, Supreme Court of the United States.

Eastern States Retail Lumber Dealers' Ass'n. v. *U.S.*, L.R.A. 1915A, 234 U.S. 600, 34 S.Ct. 951, 58 L.Ed. 1490, Argued October 24 and 27, 1913, Decided June 22, 1914, Supreme Court of the United States.

Ex parte Cooper, 143 U.S. 472, 12 Sup. Ct. Rep. 453, February 29, 1892, Supreme Court of the United States.

Ex parte Republic of Peru, 318 U.S. 578, 63 S.Ct. 793, 87 L.Ed. 1014, Argued March 1, 1943, Decided April 5, 1943, Supreme Court of the United States.

F. Hoffmann-La Roche Ltd. v. *Empagran S.A.*, 542 U.S. 155, 124 S.Ct. 2359, 159 L.Ed.2d 226, Argued April 26, 2004, Decided June 14, 2004, Supreme Court of the United States.

F.T.C. v. *Consolidated Foods Corp.*, 380 U.S. 592, 85 S.Ct. 1220, 14 L.Ed.2d 95, Argued March 10 and 11, 1965, Decided April 28, 1965, Supreme Court of the United States.

Fashion Originators' Guild of America v. *Federal Trade Commission*, 312 U.S. 457, 61 S.Ct. 703, 85 L.Ed. 949, Argued February 10, 1941, Decided March 3, 1941, As Amended March 31, 1941, Supreme Court of the United States.

Federal Trade Commission v. *Cement Institute*, 333 U.S. 683, 68 S.Ct. 793, 92 L.Ed. 1010, Argued October 20, 21, 1947, Decided April 26, 1948, Rehearing Denied June 7, 1948, Supreme Court of the United States.

Flast v. *Cohen*, 392 U.S. 83, 88 S.Ct. 1942, 20 L.Ed.2d 947, Argued March 12, 1968, Decided June 10, 1968, Supreme Court of the United States.

Fleitmann v. *Welsbach Street Lighting Co. of America*, 240 U.S. 27, 36 S.Ct. 233, 60 L.Ed. 505, Argued December 17, 1915, Decided January 24, 1916, Supreme Court of the United States.

Fletcher v. *Peck*, 6 Cranch 87, 3 L.Ed. 162, February Term, 1810, Supreme Court of the United States.

Foley Bros. v. *Filardo*, 336 U.S. 281, 69 S.Ct. 575, 93 L.Ed. 680, Argued December 15, 1948, Decided March 7, 1949, Supreme Court of the United States.

Ford v. *U.S.*, 273 U.S. 593, 47 S.Ct. 531, 71 L.Ed. 793, Argued October 26-27, 1926, Decided April 11, 1927, Supreme Court of the United States.

Fortner Enterprises, Inc. v. *U.S. Steel Corp.*, 394 U.S. 495, 89 S.Ct. 1252, 22 L.Ed.2d 495, Argued January 23, 1969, Decided April 7, 1969, Supreme Court of the United States.

Gompers v. *Buck's Stove & Range Co.*, 221 U.S. 418, 31 S.Ct. 492, 55 L.Ed. 797, 34 L.R.A.,N.S., 874, Argued January 27 and 30, 1911, Decided May 15, 1911, Supreme Court of the United States.

Great Southern Fire Proof Hotel Co. v. *Jones*, 177 U.S. 449, 44 L. ed. 842, 20 Sup. Ct. Rep. 690, Argued March 21, 22, 1900, Decided April 9, 1900, Supreme Court of the United States.

Grenada Lumber Co. v. *State of Mississippi*, 217 U.S. 433, 30 S.Ct. 535, 54 L.Ed. 826, Submitted January 10, 1910, Decided May 2, 1910, Supreme Court of the United States.

Group Life & Health Ins. Co. v. *Royal Drug Co.*, 440 U.S. 205, 99 S.Ct. 1067, 59 L.Ed.2d 261, Argued October 11, 1978, Decided February 27, 1979, Rehearing Denied April 16, 1979, Supreme Court of the United States.

Hanover Shoe, Inc. v. *United Shoe Machinery Corp.*, 392 U.S. 481, 88 S.Ct. 2224, 20 L.Ed.2d 1231, Argued March 5, 1968, Decided June 17, 1968, Rehearings Denied Oct. 14, 1968, Supreme Court of the United States.

Hanover Star Milling Co. v. *Metcalf*, 240 U.S. 403, 36 S.Ct. 357, 60 L.Ed. 713, Argued May 7 and 10, 1915, Decided March 6, 1916, Supreme Court of the United States.

Hartford Fire Ins. Co. v. *California*, 509 U.S. 764, 113 S.Ct. 2891, 125 L.Ed.2d 612, Argued February 23, 1993, Decided June 28, 1993, Supreme Court of the United States.

Hecht Co. v. *Bowles*, 321 U.S. 321, 64 S.Ct. 587, 88 L.Ed. 754, Argued February 3, 4, 1944, Decided February 28, 1944, Supreme Court of the United States.

Henderson ex rel. Henderson v. *Shinseki*, 131 S.Ct. 1197, Argued December 6, 2010, Decided March 1, 2011, Supreme Court of the United States.

Hilton v. *Guyot*, 159 U.S. 113, 16 Sup. Ct. 139, 40 L. Ed. 95, June 3, 1895, Supreme Court of the United States.

Hopkins v. *U.S.*, 171 U.S. 578, 19 Sup.Ct. 40, 43 L.Ed. 290, October 24, 1898, Supreme Court of the United States.

Horner v. *U.S.*, 143 U.S. 207, 12 Sup. Ct. 407, February 29, 1892, Supreme Court of the United States.

Hospital Bldg. Co. v. *Trustees of Rex Hospital*, 425 U.S. 738, 96 S.Ct. 1848, 48 L.Ed.2d 338, Argued February 25, 1976, Decided May 24, 1976, Supreme Court of the United States.

Howard v. *Illinois Cent. R. Co.*, 207 U.S. 463, 28 S.Ct. 141, 52 L.Ed. 297, Argued April 10, 11, 1907, Decided January 6, 1908, Supreme Court of the United States.

Hudson v. *U.S.*, 522 U.S. 93, 118 S.Ct. 488, 139 L.Ed.2d 450, Argued October 8, 1997, Decided December 10, 1997, Supreme Court of the United States.

Hyatt v. *People of State of New York*, 188 U.S. 691, 23 S.Ct 456, 47 L.Ed. 657, Argued January 6, 7, 1903, Decided February 23, 1903, Supreme Court of the United States.

Illinois Tool Works Inc. v. *Independent Ink, Inc.*, 547 U.S. 28, 126 S.Ct. 1281, 164 L.Ed.2d 26, Argued November 29, 2005, Decided March 1, 2006, Supreme Court of the United States.

In re Baiz, 135 U.S. 403, 10 S.Ct. 854, 34 L.Ed. 222, May 5, 1890, Supreme Court of the United States.

In re Trade-Mark Cases, 100 U.S. 82, 25 L.Ed. 550, October Term, 1879, Supreme Court of the United States.

Ingenohl v. *Walter E. Olsen & Co.*, 273 U.S. 541, 47 S.Ct. 451, 71 L.Ed. 762, Argued March 1, 1927, Decided March 14, 1927, Supreme Court of the United States.

Insurance Corp. of Ireland, Ltd. v. *Compagnie des Bauxites de Guinee*, 456 U.S. 694, 102 S.Ct. 2099, 72 L.Ed.2d 492, Argued March 23, 1982, Decided June 1, 1982, Supreme Court of the United States.

International Harvester Co. v. *State of Missouri ex inf. Attorney General*, 234 U.S. 199, 34 Sup.Ct. 859, 58 L.Ed. 1276, 52 L.R.A.(N.S.) 525, Argued April 29, 1914, Decided June 8, 1914, Supreme Court of the United States.

International Salt Co. v. *U.S.*, 332 U.S. 392, 68 S.Ct. 12, 92 L.Ed. 20, Argued October 16, 1947, Decided November 10, 1947, Supreme Court of the United States.

Interstate Circuit v. *U.S.*, 306 U.S. 208, 59 S.Ct. 467, 83 L.Ed. 610, Argued January 11, 1939, Decided February 13, 1939, Supreme Court of the United States.

Johnson v. *Eisentrager*, 339 U.S. 763, , 70 S.Ct. 936, 94 L.Ed. 1255, Argued April 17, 1950, Decided June 5, 1950, Supreme Court of the United States.

Jones v. *Montague*, 194 U.S. 147, 24 S. Ct. 611, 48 L. Ed. 913, Argued April 4, 5, 1904, Decided April 25, 1904, Supreme Court of the United States.

Kawananakoa v. *Polyblank*, 205 U.S. 349, 51 L. ed. 834, 27 Sup. Ct. Rep. 526, Argued and submitted March 21, 1907, Decided April 8, 1907, Supreme Court of the United States.

Klor's, Inc. v. *Broadway-Hale Stores, Inc.*, 359 U.S. 207, 79 S.Ct. 705, 3 L.Ed.2d 741, Argued February 25, 26, 1959, Decided April 6, 1959, Supreme Court of the United States.

Kokkonen v. *Guardian Life Ins. Co. of America*, 511 U.S. 375, 114 S.Ct. 1673, 128 L.Ed.2d 391, Argued March 1, 1994, Decided May 16, 1994, Supreme Court of the United States.

La Republique Francaise v. *Saratoga Vichy Spring Co.*, 191 U.S. 427, 24 S.Ct. 145, 48 L.Ed. 247, Argued November 4, 1903, Decided December 7, 1903, Supreme Court of the United States.

Lamar v. *U.S.*, 240 U.S. 60, 36 S.Ct. 255, 60 L.Ed. 526, Submitted January 17, 1916, Decided January 31, 1916, Supreme Court of the United States.

Lauritzen v. *Larsen*, 345 U.S. 571, 73 S.Ct. 921, 97 L.Ed. 1254, Argued January 6, 1953, Decided May 25, 1953, Supreme Court of the United States.

Lawlor v. *Loewe*, 235 U.S. 522, 35 S.Ct. 170, 59 L.Ed. 341, Argued December 10 and 11, 1914, Decided January 5, 1915, Supreme Court of the United States.

Lewis v. *U.S.*, 216 U.S. 611, 30 S.Ct. 438, 54 L.Ed. 637, Submitted February 28, 1910, Decided March 14, 1910, Supreme Court of the United States.

Lieutenant Colonel Daniel C. Stearns v. *Brigadier General George H. Wood*, 236 U.S. 75, 35 S.Ct. 229, 59 L.Ed. 475, Argued and submitted December 18, 1914, Decided January 18, 1915, Supreme Court of the United States.

Little v. *Bowers*, 134 U.S. 547, 10 S.Ct. 620, 33 L.Ed. 1016, April 7, 1890, Supreme Court of the United States.

Loewe v. *Lawlor*, 208 U.S. 274, 28 S.Ct. 301, 52 L.Ed. 488, 13 Ann.Cas. 815, Argued December 4, 5, 1907, Decided February 3, 1908, Supreme Court of the United States.

Lord v. *Veazie*, 49 U.S. 251, 12 L.Ed. 1067, January Term, 1850, Supreme Court of the United States.

Lujan v. *Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 119 L.Ed.2d 351, Argued December 3, 1991, Decided June 12, 1992, Supreme Court of the United States.

Mandeville Island Farms v. *American Crystal Sugar Co.*, 334 U.S. 219, 68 S.Ct. 996, 92 L.Ed. 1328, Argued November 19, 1947, Decided May 10, 1948, Rehearing Denied June 1, 1948, Supreme Court of the United States.

Mansfield, C. & L.M. Ry. Co. v. *Swan*, 111 U.S. 379, 4 S.Ct. 510, 28 L.Ed. 462, April 21, 1884, Supreme Court of the United States.

Maryland v. *U.S.*, 460 U.S. 1001, 103 S.Ct. 1240, 75 L.Ed.2d 472, February 28, 1983, Supreme Court of the United States.

Massie v. *Watts*, 6 Cranch 148, 3 L.Ed. 181, February Term, 1810, Supreme Court of the United States.

Matsushita Elec. Indus. Co., Ltd. v. *Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348, 89 L.Ed.2d 538, Argued November 12, 1985, Decided March 26, 1986, Supreme Court of the United States.

McClellan v. *Carland*, 217 U.S. 268, 30 Sup.Ct. 501, 54 L.Ed. 762, Argued January 25, 26, 1910, Decided April 11, 1910, Supreme Court of the United States.

McCulloch v. *Sociedad Nacional de Marineros de Honduras*, 372 U.S. 10, 83 S.Ct. 671, 9 L.Ed.2d 547, Argued December 11 and 12, 1962, Decided February 18, 1963, Supreme Court of the United States.

McLain v. *Real Estate Bd. of New Orleans, Inc.*, 444 U.S. 232, 100 S.Ct. 502, 62 L.Ed.2d 441, Argued November 6, 1979, Decided January 8, 1980, Supreme Court of the United States.

Mercedel W. Miles v. *APEX Marine Corporation*, 498 U.S. 19, 111 S.Ct. 317, Argued October 3, 1990, Decided Nov. 6, 1990, Supreme Court of the United States.

Milliken v. *Meyer*, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 278, Argued December 13, 1940, Decided December 23, 1940, Rehearing Denied January 20, 1941, Mandate Conformed to March 3, 1941, Supreme Court of the United States.

Mills v. *Green*, 159 U.S. 651, 16 S.Ct. 132, 40 L.Ed. 293, November 25, 1895, Supreme Court of the United States.

Minnesota Min. & Mfg. Co. v. *New Jersey Wood Finishing Co.*, 381 U.S. 311, 85 S.Ct. 1473, 14 L.Ed.2d 405, Argued April 29, 1965, Decided May 24, 1965, Supreme Court of the United States.

Montgomery v. *U.S.*, 82 U.S. 395, December Term, 1872, Supreme Court of the United States.

Morrison v. *National Australia Bank Ltd.*, 561 U.S. 247, 130 S.Ct. 2869, 177 L.Ed.2d 535, Argued March 29, 2010, Decided June 24, 2010, Supreme Court of the United States.

Murray v. *The Charming Betsey*, 6 U.S. (2 Cranch) 64, February Term 1804, Supreme Court of the United States.

National Mut. Ins. Co. of Dist. of Col. v. *Tidewater Transfer Co.*, 337 U.S. 582, 69 S.Ct. 1173, 93 L.Ed. 1556, Argued November 8, 1948, Decided June 20, 1949, Supreme Court of the United States.

National Soc'y of Prof. Engineers v. *U.S.*, 435 U.S. 679, Argued January 18, 1978, Decided April 25, 1978, Supreme Court of the United States.

Newman-Green, Inc. v. *Alfonzo-Larrain*, 490 U.S. 826, 109 S.Ct. 2218, 104 L.Ed.2d 893, Argued April 24, 1989, Decided June 12, 1989, Rehearing Denied August 11, 1989, Supreme Court of the United States.

Northern Securities Co. v. *U.S.*, 193 U.S. 197, 24 Sup.Ct. 436, 48 L.Ed. 679, Argued December 14, 15, 1903, Decided March 14, 1904, Supreme Court of the United States.

O'Reilly De Camara v. *Brooke*, 209 U.S. 45, 52 L. ed. 676, 28 Sup. Ct. Rep. 439, Argued February 28, March 2, 1908, Decided March 16, 1908, Supreme Court of the United States.

Old Dominion S.S. Co. v. *Gilmore*, 207 U.S. 398, 28 S.Ct. 133, 52 L.Ed. 264, Argued December 13, 1907, Decided December 23, 1907, Supreme Court of the United States.

Ortiz v. *Fibreboard Corp.*, 527 U.S. 815, 119 S.Ct. 2295, Argued December 8, 1998, Decided June 23, 1999, Supreme Court of the United States.

Palliser v. *U.S.*, 136 U.S. 257, 34 L. ed. 514, 10 Sup. Ct. Rep. 1034, May 19, 1890, Supreme Court of the United States.

People of State of California v. *San Pablo & T.R. Co.*, 149 U.S. 308, 13 S.Ct. 876, 37 L.Ed. 747, May 10, 1893, Supreme Court of the United States.

Perkins v. *Standard Oil Co. of Cal.*, 395 U.S. 642, 89 S.Ct. 1871, 23 L.Ed.2d 599, Argued April 22, 23, 1969, Decided June 16, 1969, Rehearing Denied October 13, 1969, Supreme Court of the United States.

Perma Life Mufflers, Inc. v. *International Parts Corp.*, 392 U.S. 134, 88 S.Ct. 1981, 20 L.Ed.2d 982, Argued April 22 and 23, 1968, Decided June 10, 1968, Supreme Court of the United States.

Pfizer, Inc. v. *Government of India*, 434 U.S. 308, 98 S.Ct. 584, 54 L.Ed.2d 563, Argued November 1, 1977, Decided January 11, 1978, Rehearing Denied February 27, 1978, Supreme Court of the United States.

Phelps v. *McDonald*, 99 U.S. 298, October Term, 1878, Supreme Court of the United States.

Piper Aircraft Co. v. *Reyno*, 454 U.S. 235, 102 S.Ct. 252, 70 L.Ed.2d 419, Argued October 14, 1981, Decided December 8, 1981, Rehearing Denied January 25, 1982, Supreme Court of the United States.

Poller v. *Columbia Broadcasting System, Inc.*, 368 U.S. 464, 82 S.Ct. 486, 7 L.Ed.2d 458, Argued November 13 and 14, 1961, Decided February 19, 1962, Supreme Court of the United States.

Principality of Monaco v. *State of Mississippi*, 292 U.S. 313, 54 S.Ct. 745, 78 L.Ed. 1282, Argued on Return to Rule March 5, 1934, Decided May 21, 1934, Supreme Court of the United States.

Printz v. *U.S.*, 521 U.S. 89, 117 S.Ct. 2365, 138 L.Ed.2d 914, Argued December 3, 1996, Decided June 27, 1997, Supreme Court of the United States.

Radiant Burners, Inc. v. *Peoples Gas Light & Coke Co.*, 364 U.S. 656, 81 S.Ct. 365, 5 L.Ed.2d 358, Argued December 7, 1960, Decided January 16, 1961, Supreme Court of the United States.

Reed Elsevier, Inc. v. *Muchnick*, 559 U.S. 154, 130 S.Ct. 1237, 176 L.Ed.2d 18, Argued October 7, 2009, Decided March 2, 2010, Supreme Court of the United States.

Reid v. *Covert*, 354 U.S. 1, 77 S.Ct. 1222, 1 L.Ed.2d 1148, Argued February 27, 1957, Decided June 10, 1957, Supreme Court of the United States.

Reiter v. *Sonotone Corp.*, 442 U.S. 330, 99 S.Ct. 2326, 60 L.Ed.2d 931, Argued April 25, 1979, Decided June 11, 1979, Supreme Court of the United States.

Republic of Argentina v. *Weltover, Inc.*, 504 U.S. 607, 112 S.Ct. 2160, 119 L.Ed.2d 394, Argued April 1, 1992, Decided June 12, 1992, Supreme Court of the United States.

Republic of Austria v. *Altmann*, 541 U.S. 677, 124 S.Ct. 2240, 159 L.Ed.2d 1, Argued February 25, 2004, Decided June 7, 2004, Supreme Court of the United States.

Ricaud v. *American Metal Co.*, 246 U.S. 304, 38 S.Ct. 312, 62 L.Ed. 733, Submitted January 3, 1918, Decided March 11, 1918, Supreme Court of the United States.

Richardson v. *McChesney*, 218 U.S. 487, 54 L. ed. 1121, 31 Sup. Ct. Rep. 43, Argued October 31 and November 1, 1910, Decided November 28, 1910, Supreme Court of the United States.

Romero v. *International Terminal Operating Co.*, 358 U.S. 354, 79 S.Ct. 468, 3 L.Ed.2d 368, Reargued October 22, 23, 1958, Decided February 24, 1959, Rehearing Denied April 6, 1959, Supreme Court of the United States.

Ross v. *McIntyre*, 140 U.S. 453, 35 L ed 581, 11 S Ct 897, May 25, 1891, Supreme Court of the United States.

Sale v. *Haitian Centers Council, Inc.*, 509 U.S. 155, 113 S.Ct. 2549, 125 L.Ed.2d 128, Argued March 2, 1993, Decided June 21, 1993, Supreme Court of the United States.

Saudi Arabia v. *Nelson*, 507 U.S. 349, 113 S.Ct. 1471, 123 L.Ed.2d 47, Argued November 30, 1992, Decided March 23, 1993, Supreme Court of the United States.

Sebelius v. *Auburn Regional Medical Center*, 133 S.Ct. 817, 184 L.Ed.2d 627, Decided January 22, 2013, Supreme Court of the Unites States.

Security Mut. Life Ins. Co. v. *Prewitt*, 200 U.S. 446, 26 S.Ct. 314, 50 L.Ed. 545, Argued January 16, 1906, Decided February 19, 1906, Supreme Court of the United States.

Skiriotes v. *State of Florida*, 313 U.S. 69, 61 S.Ct. 924, 85 L.Ed. 1193, Argued March 14, 1941, Decided April 28, 1941, Rehearing Denied May 26, 1941, Supreme Court of the United States.

Slater v. *Mexican Nat. R. Co.*, 194 U.S. 120, 48 L. ed. 900, 24 Sup. Ct. Rep. 581, Argued and submitted February 29, 1904, Decided April 11, 1904, Supreme Court of the United States.

Sloan Shipyards Corp. v. *U.S. Shipping Bd. Emergency Fleet Corp.*, 258 U.S. 549, 42 S.Ct. 386, 66 L.Ed. 762, Argued March 15 and 16, 1922, Decided May 1, 1922, Supreme Court of the United States.

Societe Nationale Industrielle Aerospatiale v. *U.S. Dist. Court for Southern Dist. of Iowa*, 482 U.S. 522, 107 S.Ct. 2542, 96 L.Ed.2d 461, Argued January 14, 1987, Decided June 15, 1987, Supreme Court of the United States.

South Spring Hill Gold-Min. Co. v. *Amador Medean Gold-Min. Co.*, 145 U.S. 300, 12 S.Ct. 921, 36 L.Ed. 712, May 16, 1892, Supreme Court of the United States.

Southern Pac. Terminal Co. v. *Interstate Commerce Commission*, 219 U.S. 498, 31 S.Ct. 279, 55 L.Ed. 310, Argued December 9, 1910, Decided February 20, 1911, Supreme Court of the United States.

Standard Oil Co. of New Jersey v. *U.S.*, 221 U.S. 1, 31 S.Ct. 502, 55 L.Ed. 619, Argued March 14, 15, and 16, 1910, Ordered for reargument April 11, 1910, Reargued January 12, 13, 16, and 111, 1911, Supreme Court of the United States.

Standard Sanitary Mfg. Co. v. *U.S.*, 226 U.S. 20, 33 S.Ct. 9, 57 L.Ed. 107, Argued October 15, 16, and 17, 1912, Decided November 18, 1912, Supreme Court of the United States.

State of New Jersey v. *City of New York*, 283 U.S. 473, 51 S.Ct. 519, 75 L.Ed. 1176, Argued on Exceptions to Report of Special Master April 30, 1931, Decided May 18, 1931, Supreme Court of the United States.

State Oil Co. v. *Khan*, 522 U.S. 3, 118 S.Ct. 275, 139 L.Ed.2d 199, Argued October 7, 1997, Decided November 4, 1997, Supreme Court of the United States.

Steel Co. v. *Citizens for a Better Environment*, 523 U.S. 83, 118 S.Ct. 1003, 140 L.Ed.2d 210, Argued October 6, 1997, Decided March 4, 1998, Supreme Court of the United States.

Steele v. *Bulova Watch Co.*, 344 U.S. 280, 73 S.Ct. 252, 97 L.Ed. 319, Argued November 10, 1952, Decided December 22, 1952, Supreme Court of the United States.

Strassheim v. *Daily*, 221 U.S. 280, 31 S.Ct. 558, 55 L.Ed. 735, Argued April 3 and 4, 1911, Decided May 15, 1911, Supreme Court of the United States.

Sugar Institute v. *U.S.*, 297 U.S. 553, 56 S.Ct. 629, 80 L.Ed. 859, Argued February 3, 4, 1936, Decided March 30, 1936, Supreme Court of the United States.

Summit Health, Ltd. v. *Pinhas*, 500 U.S. 322, 111 S.Ct. 1842, 114 L.Ed.2d 366, Argued November 26, 1990, Decided May 28, 1991, Supreme Court of the United States.

Swift & Co. v. *U.S.*, 196 U.S. 375, 25 S.Ct. 276, 49 L.Ed. 518, Argued January 6, 9, 1905, Decided January 30, 1905, Supreme Court of the United States.

Texaco Inc. v. *Dagher*, 547 U.S. 1, 126 S.Ct. 1276, 164 L.Ed.2d 1, Argued January 10, 2006, Decided February 28, 2006, Supreme Court of the United States.

The Paquete Habana, 175 U.S. 677, 20 S.Ct. 290, 44 L.Ed. 320, Argued November 7, 8, 1899, Decided January 8, 1900, Supreme Court of the United States.

The Sapphire, 78 U.S. 164, December Term, 1870, Supreme Court of the United States.

The Schooner Exchange v. *McFaddon*, 7 Cranch 116, 11 U.S. 116, 3 L.Ed. 287, February 24, 1812, Supreme Court of the United States.

Theatre Enterprises, Inc. v. *Paramount Film Distributing Corp.*, 346 U.S. 537, 74 S.Ct. 257, 98 L.Ed. 273, Argues November 30 and December 1, 1953, Decided January 4, 1954, Supreme Court of the United States.

Thomsen v. *Cayser*, 243 U.S. 66, 37 Sup.Ct. 353, 61 L.Ed. 597, Ann. Cas. 1917D, 322, Argued April 28 and 29, 1914, Restored to docket for argument before full bench June 21, 1915, Reargued January 19 and 22, 1917, Decided March 6, 1917, Supreme Court of the United States.

Timken Roller Bearing Co. v. *U.S.*, 341 U.S. 593, 71 S.Ct. 971, 95 L.Ed. 1199, Argued April 24, 1951, Decided June 4, 1951, Supreme Court of the United States.

U.S. Alkali Export Ass'n. v. *U.S.*, 325 U.S. 196, 65 S.Ct. 1120, 89 L.Ed. 1554, Argued May 1, 2, 1945, Decided May 21, 1945, Supreme Court of the United States.

U.S. Shipping Board Emergency Fleet Corporation v. *Western Union Telegraph Co.*, 275 U.S. 415, 48 S.Ct. 198, 72 L.Ed. 345, Argued December 2-5, 1927, Decided January 3, 1928, Supreme Court of the United States.

U.S. v. *A. Schrader's Son*, 252 U.S. 85, 40 S.Ct. 251, 64 L.Ed. 471, Argued January 22 and 23, 1920, Decided March 1, 1920, Supreme Court of the United States.

U.S. v. *American Linseed Oil Co.*, 262 U.S. 371, 43 S.Ct. 607, 67 L.Ed. 1035, Argued April 25, 26, 1923, Decided June 4, 1923, Supreme Court of the United States.

U.S. v. *American Tobacco Co.*, 221 U.S. 106, 31 Sup.Ct. 632, 55 L.Ed. 663, Argued January 3, 4, 5, and 16, 1910, Ordered for reargument April 11, 1910, Reargued January 6, 9, 10, 11, and 12, 1911, Decided May 29, 1911, Supreme Court of the United States.

U.S. v. *Bausch & Lomb Optical Co.*, 321 U.S. 707, 64 S.Ct. 805, 88 L.Ed. 1024, Argued December 8, 1943, Decided April 10, 1944, Supreme Court of the United States.

U.S. v. *Bevans*, 16 U.S. 336, February 21, 1818, Supreme Court of the United States.

U.S. v. *Borden Co.*, 308 U.S. 188, 60 S.Ct. 182, 84 L.Ed. 181, Argued and Submitted November 15, 1939, Decided December 4, 1939, Supreme Court of the United States.

U.S. v. *Borden Co.*, 347 U.S. 514, 74 S.Ct. 703, 98 L.Ed. 903, Argued April 27, 1954, Decided May 17, 1954, Supreme Court of the United States.

U.S. v. *Bowman*, 260 U.S. 94, 43 S.Ct. 39, 67 L.Ed. 149, Argued October 17, 1922, Decided November 13, 1922, Supreme Court of the United States.

U.S. v. *Colgate & Co.*, 250 U.S. 300, 39 S.Ct. 465, 63 L.Ed. 992, Argued March 10, 1919, Decided June 2, 1919, Supreme Court of the United States.

U.S. v. *Concentrated Phosphate Export Ass'n.*, 393 U.S. 199, 89 S.Ct. 361, 21 L.Ed.2d 344, Argued October 24, 1968, Decided Nov. 25, 1968, Supreme Court of the United States.

U.S. v. *Crescent Amusement Co.*, 323 U.S. 173, 65 S.Ct. 254, 89 L.Ed. 160, Argued November 6, 7, 1944, Decided December 11, 1944, Rehearing Denied January 8, 1945, Supreme Court of the United States.

U.S. v. *E. I. du Pont de Nemours & Co.*, 366 U.S. 316, 81 S.Ct. 1243, 6 L.Ed.2d 518, Argued February 20, 21, 1961, Decided May 22, 1961, Supreme Court of the United States.

U.S. v. *Frankfort Distilleries*, 324 U.S. 293, 65 S.Ct. 661, 89 L.Ed. 951, Argued February 8, 1945, Decided March 5, 1945, Supreme Court of the United States.

U.S. v. *General Electric Co.*, 272 U.S. 476, 47 S.Ct. 192, 71 L.Ed. 362, Argued October 13, 1926, Decided November 23, 1926, Supreme Court of the United States.

U.S. v. *Griffith*, 334 U.S. 100, 68 S.Ct. 941, 92 L.Ed. 1236, Argued December 15, 1947, Decided May 3, 1948, Supreme Court of the United States.

U.S. v. *Halper*, 490 U.S. 435, 109 S.Ct. 1892, 104 L.Ed.2d 487, Argued January 17, 1989, Decided May 15, 1989, Supreme Court of the United States.

U.S. v. *Hamburg-Amerikanische Packet-Fahrt-Actien Gesellschaft*, 239 U.S. 466, 36 S.Ct. 212, 60 L.Ed. 387, Argued November 3 and 4, 1915, Decided January 10, 1916, Supreme Court of the United States.

U.S. v. *Hutcheson*, 312 U.S. 219, 61 S.Ct. 463, 85 L.Ed. 788, Argued December 10, 1940, Decided February 3, 1941, Supreme Court of the United States.

U.S. v. *International Harvester Co.*, 274 U.S. 693, 47 S.Ct. 748, 71 L.Ed. 1302, Argued October 26, 1926, Decided June 6, 1927, Supreme Court of the United States.

U.S. v. *Joint-Traffic Ass'n.*, 171 U.S. 505, 19 Sup.Ct. 25, 43 L.Ed. 259, October 24, 1898, Supreme Court of the United States.

U.S. v. *Lapene*, 84 U.S. 601, October Term, 1873, Supreme Court of the United States.

U.S. v. *Line Material Co.*, 333 U.S. 287, 68 S.Ct. 550, 92 L.Ed. 701, Reargued November 12, 13, 1947, Decided March 8, 1948, Supreme Court of the United States.

U.S. v. *Masonite Corporation*, 316 U.S. 265, 62 S.Ct. 1070, 86 L.Ed. 1461, Argued April 9, 1942, Decided May 11, 1942, Supreme Court of the United States.

U.S. v. *National Ass'n of Real Estate Bds.*, 339 U.S. 485, 70 S.Ct. 711, 94 L.Ed. 1007, Argued March 31, 1950, Decided May 8, 1950, Supreme Court of the United States.

U.S. v. *National Lead Co.*, 332 U.S. 319, 67 S.Ct. 1634, 91 L.Ed. 2077, Argued February 3, 4, 5, 1947, Decided June 23, 1947, As Amended October 13, 1947, Supreme Court of the United States.

U.S. v. *Nord Deutscher Lloyd*, 223 U.S. 512, 32 S.Ct. 244, 56 L.Ed. 531, Argued January 12, 1912, Decided February 19, 1912, Supreme Court of the United States.

U.S. v. *Pacific & A R & Nav Co.*, 228 U.S. 87, 33 S.Ct. 443, 57 L.Ed. 742, Argued February 26, 1913, Decided April 7, 1913, Supreme Court of the United States.

U.S. v. *Paramount Pictures*, 334 U.S. 131, 68 S.Ct. 915, 92 L.Ed. 1260, Argued February 9, 10, 11, 1948, Decided May 3, 1948, Supreme Court of the United States.

U.S. v. *Patten*, 226 U.S. 525, 33 S.Ct. 141, 57 L.Ed. 333, Argued November 9 and 10, 1911, Ordered for reargument before full bench April 29. 1912, Reargued October 23 and 24, 1912, Decided January 6, 1913, Supreme Court of the United States.

U.S. v. *Reading Co.*, 226 U.S. 324, 33 S.Ct. 90, 57 L.Ed. 243, Argued October 10 and 11, 1911. Decided December 16, 1912, Supreme Court of the United States.

U.S. v. *Reading Co.*, 253 U.S. 26, 40 S.Ct. 425, 64 L.Ed. 760, Argued October 10, 11, 1916, Restored for Reargument May 21, 1917, Reargued November 20, 21, 1917, Restored for Reargument June 10, 1918, Reargued October 7, 1919, Decided April 26, 1920, Supreme Court of the United States.

U.S. v. *Sealy, Inc.*, 388 U.S. 350, 87 S.Ct. 1847, 18 LEd.2d 1238, Argued April 20, 1967, Decided June 12, 1967, Supreme Court of the United States.

U.S. v. *Singer Mfg. Co.*, 374 U.S. 174, 83 S.Ct. 1773, 10 L.Ed.2d 823, Argued April 25 and 29, 1963, Decided June 17, 1963, Supreme Court of the United States.

U.S. v. *Sisal Sales Corp.*, 274 U.S. 268, 47 S.Ct. 592, 71 L.Ed. 1042, Argued March 9, 1927, Decided May 16, 1927, Supreme Court of the United States.

U.S. v. *Socony-Vacuum Oil Co.*, 310 U.S. 150, 84 L ed 1129, 60 S Ct 811, Argued February 5, 6, 1940, Decided May 6, 1940, Rehearing Denied June 3, 1940, Supreme Court of the United States.

U.S. v. *South-Eastern Underwriters Ass'n.*, 322 U.S. 533, 64 S.Ct. 1162, 88 L.Ed. 1440, Argued January 11, 1944, Decided June 5, 1944, Rehearing Denied October 9, 1944, Supreme Court of the United States.

U.S. v. *Southern Pac. Co.*, 259 U.S. 214, 42 S.Ct. 496, 66 L.Ed. 907, Reargued April 11, 12, and 13, 1922, Decided May 29, 1922, Supreme Court of the United States.

U.S. v. *Strang*, 254 U.S. 491, 41 Sup. Ct. 165, 65 L. Ed. 368, Argued December 9, 1920, Decided January 3, 1921, Supreme Court of the United States.

U.S. v. *Swift & Co.*, 286 U.S. 106, 52 S.Ct. 460, 76 L.Ed. 999, Argued March 17, 18, 1932, Decided May 2, 1932, Supreme Court of the United States.

U.S. v. *Texas*, 507 U.S. 529, 113 S.Ct. 1631, 123 L.Ed.2d 245, Argued March 1, 1993, Decided April 5, 1993, Supreme Court of the United States.

U.S. v. *The Paquete Habana*, 189 U.S. 453, 23 S.Ct. 593, 47 L.Ed. 900, Argued March 19, 1903, Decided April 6, 1903, Supreme Court of the United States.

U.S. v. *Topco Associates, Inc.*, 405 U.S. 596, 92 S.Ct. 1126, 31 L.Ed.2d 515, Argued November. 16, 1971, Decided March 29, 1972, Supreme Court of the United States.

U.S. v. *Trans-Missouri Freight Ass'n.*, 166 U.S. 290, 17 Sup.Ct. 540, 41 L.Ed. 1007, March 22, 1897, Supreme Court of the United States.

U.S. v. *Trenton Potteries Co.*, 273 U.S. 392, 47 S.Ct. 377, 71 L.Ed. 700, Argued November 30, December 1, 1926, Decided February 21, 1927, Supreme Court of the United States.

U.S. v. *U.S. Gypsum Co.*, 333 U.S. 364, 68 S.Ct. 525, 92 L.Ed. 746, Argued November 13, 14, 1947, Decided March 8, 1948, Rehearing Denied April 5, 1948, Supreme Court of the United States.

U.S. v. *U.S. Gypsum Co.*, 340 U.S. 76, 71 S.Ct. 160, 95 L.Ed. 89, Argued and Submitted October 19, 1950, Decided November 27, 1950, Motion to Amend Denied January 2, 1951, Supreme Court of the United States.

U.S. v. *U.S. Steel Corp.*, 251 U.S. 417, 40 S.Ct. 293, 64 L.Ed. 343, Argued March 9, 12, 13, and 14, 1917, Restored to docket May 21, 1917, Reargued October 7, 8, 9, and 10, 1919, Decided March 1, 1920, Supreme Court of the United States.

U.S. v. *Union Pac. R. Co.*, 226 U.S. 61, 33 Sup.Ct. 53, 57 L.Ed. 124, Argued April 19, 22, and 23, 1912, Decided December 2, 1912, Supreme Court of the United States.

U.S. v. *Univis Lens Co.*, 316 U.S. 241, 62 S.Ct. 1088, 86 L.Ed. 1408, Argued April April 9, 10, 1942, Decided May 11, 1942, Supreme Court of the United States.

U.S. v. *W. T. Grant Co.*, 345 U.S. 629, 73 S.Ct. 894, 97 L.Ed. 1303, Argued and Submitted April 9, 1953, Decided May 25, 1953, Supreme Court of the United States.

U.S. v. *Wise*, 370 U.S. 405, 82 S.Ct. 1354, 8 L.Ed.2d 590, Argued April 16, 1962, Decided June 25, 1962, Supreme Court of the United States.

Underhill v. *Hernandez*, 168 U.S. 250, 18 Sup. Ct. 83, 42 L. Ed. 456, November 29, 1897, Supreme Court of the United States.

United Mine Workers of America v. *Coronado Coal Co.*, 259 U.S. 344, 42 S.Ct. 570, 66 L.Ed. 975, Reargued March 22, 23, 1922, Decided June 5, 1922, Supreme Court of the United States.

United Mine Workers of America v. *Gibbs*, 383 U.S. 715, 86 S.Ct. 1130, 16 L.Ed.2d 218, Argued January 20, 1966, Decided March 28, 1966, Supreme Court of the United States.

United Mine Workers of America v. *Pennington*, 381 U.S. 657, 85 S.Ct. 1585, 14 L.Ed.2d 626, Argued January 27, 1965, Decided June 7, 1965, Supreme Court of the United States.

Verizon Communications Inc. v. *Law Offices of Curtis V. Trinko*, LLP, 540 U.S. 398, 124 S.Ct. 872, 157 L.Ed.2d 823, Argued October 14, 2003, Decided January 13, 2004, Supreme Court of the United States.

Verlinden B.V. v. *Central Bank of Nigeria*, 461 U.S. 480, 103 S.Ct. 1962, 76 L.Ed.2d 81, Argued January 11, 1983, Decided May 23, 1983, Supreme Court of the United States.

Vermilya-Brown Co. v. *Connell*, 335 U.S. 377, 69 S.Ct. 140, Argued October 15, 1948, Decided December 6, 1948, Rehearing Denied March 7, 1949, Supreme Court of the United States.

W.W. Montague & Co. v. *Lowry*, 193 U.S. 38, 48 L. ed. 608, 24 Sup. Ct. Rep. 307, Submitted October 27, 1903, Decided February 23, 1904, Supreme Court of the United States.

Walker Process Equipment, Inc. v. *Food Machinery & Chemical Corp.*, 382 U.S. 172, 86 S.Ct. 347, 15 L.Ed.2d 247, 147 USPQ 404, Argued October 12, 13, 1965, Decided December 6, 1965, Supreme Court of the United States.

Warth v. *Seldin*, 422 U.S. 490, 95 S.Ct. 2197, 45 L.Ed.2d 343, Argued March 17, 1975, Decided June 25, 1975, Supreme Court of the United States.

Weinberger v. *Rossi*, 456 U.S. 25, 102 S.Ct. 1510, 71 L.Ed.2d 715, Argued February 22, 1982, Decided March 31, 1982, Supreme Court of the United States.

Wilson v. *Simpson*, 50 U.S. 109, 13 L.Ed. 66, January Term, 1850, Supreme Court of the United States.

Zenith Radio Corp. v. *Hazeltine Research, Inc.*, 395 U.S. 100, 89 S.Ct. 1562, 23 L.Ed.2d 129, Argued January 22, 1969, Deciding May 19, 1969, Supreme Court of the United States.

2 The U.S. Court of Appeals Cases

Adams v. *Bain*, 697 F.2d 1213, Argued May 7, 1982, Decided December 30, 1982, United States Court of Appeals, Fourth Circuit.

Alfred Bell & Co. v. *Catalda Fine Arts*, 191 F.2d 99, Argued June 7, 1951, Decided July 20, 1951, United States Court of Appeals, Second Circuit.

Allegaert v. *Perot*, 548 F.2d 432, Argued December 2, 1976, Decided January 25, 1977, United States Court of Appeals, Second Circuit.

Alliance For Environmental Renewal, Inc. v. *Pyramid Crossgates Co.*, 436 F.3d 82, Argued September 1, 2005, Decided January 24, 2006, United States Court of Appeals, Second Circuit.

American Ad Management, Inc. v. *General Telephone Co. of California*, 190 F.3d 1051, Argued and Submitted December 10, 1998, Decided September 9, 1999, United States Court of Appeals, Ninth Circuit.

American Co-op. Serum Ass'n. v. *Anchor Serum Co.*, 153 F.2d 907, March 4, 1946, Rehearing Denied April 3, 1946, Circuit Court of Appeals, Seventh Circuit.

American Rice, Inc. v. *Arkansas Rice Growers Co-op. Ass'n*, 701 F.2d 408, March 28, 1983, United States Court of Appeals, Fifth Circuit.

American Safety Equipment Corp. v. *J. P. Maguire & Co.*, 391 F.2d 821, Argued November 22, 1967, Decided March 20, 1968, United States Court of Appeals, Second Circuit.

American Tobacco Co. v. *U.S.*, 147 F.2d 93, December 8, 1944, Writ of Certiorari Granted March 26, 1945, Circuit Court of Appeals, Sixth Circuit.

Anderson News, L.L.C. v. *American Media, Inc.*, 680 F.3d 162, Argued October 19, 2011, Decided April 3, 2012, United States Court of Appeals, Second Circuit.

Andrx Pharmaceuticals, Inc. v. *Biovail Corp. Intern.*, 256 F.3d 799, Argued February 12, 2001, Decided July 31, 2001, United States Court of Appeals, District of Columbia Circuit.

Animal Science Products, Inc. v. *China Minmetals Corp.*, 654 F.3d 462, Argued: January 24, 2011, Filed: August 17, 2011, United States Court of Appeals, Third Circuit.

Aquamar, S.A. v. *Del Monte Fresh Produce N.A., Inc.*, 179 F.3d 1279, June 30, 1999, United States Court of Appeals, Eleventh Circuit.

Associated Radio Service Co. v. *Page Airways, Inc.*, 624 F.2d 1342, August 29, 1980, United States Court of Appeals, Fifth Circuit.

Augustine v. *U.S.*, 704 F.2d 1074, Argued and Submitted November 12, 1981, Decided April 26, 1983, United States Court of Appeals, Ninth Circuit.

Austin v. *McNamara*, 979 F.2d 728, Argued and Submitted December 6, 1991, Decided November 6, 1992, United States Court of Appeals, Ninth Circuit.

Bacchus Industries, Inc. v. *Arvin Industries, Inc.*, 939 F.2d 887, June 19, 1991, Rehearing Denied July 30, 1991, United States Court of Appeals, Tenth Circuit.

Baisch v. *Gallina*, 346 F.3d 366, Argued March 6, 2003, Decided October 2, 2003, United States Court of Appeals, Second Circuit.

Balistreri v. *Pacifica Police Dept.*, 901 F.2d 696, Argued and Submitted March 16, 1988, Original Opinion filed August 23, 1988, Amended Opinion filed February 27, 1990, Second Amended Opinion filed May 11, 1990, United States Court of Appeals, Ninth Circuit.

Benson and Ford, Inc. v. *Wanda Petroleum Co.*, 833 F.2d 1172, December 16, 1987, United States Court of Appeals, Fifth Circuit.

Berardinelli v. *Castle & Cooke Inc.*, 587 F.2d 37, November 30, 1978, United States Court of Appeals, Ninth Circuit.

Bhan v. *NME Hospitals, Inc.*, 772 F.2d 1467, Argued and Submitted June 12, 1985, Decided October 2, 1985, United States Court of Appeals, Ninth Circuit.

Bhan v. *NME Hospitals, Inc.*, 929 F.2d 1404, Argued and Submitted December 11, 1990, Decided March 25, 1991, United States Court of Appeals, Ninth Circuit.

BHP New Zealand Ltd. v. *UCAR Intern., Inc.*, 106 Fed.Appx. 138, Argued March 11, 2003, Decided August 9, 2004, United States Court of Appeals, Third Circuit.

Black v. *Payne*, 591 F.2d 83, Rehearing Denied April 16, 1979, United States Court of Appeals, Ninth Circuit.

Blackburn v. *Sweeney*, 53 F.3d 825, Argued February 16, 1995, Decided May 3, 1995, As Amended on Denial of Rehearing and Suggestion for Rehearing En Banc June 15, 1995, United States Court of Appeals, Seventh Circuit.

Blue Tree Hotels Inv. (Canada), Ltd. v. *Starwood Hotels & Resorts Worldwide, Inc.*, 369 F.3d 212, Argued May 27, 2003, Decided May 20, 2004, United States Court of Appeals, Second Circuit.

Bracken v. *Matgouranis*, 296 F.3d 160, Submitted Under Third Circuit LAR 34.1(a) June 14, 2002, Filed July 15, 2002, As Amended August 5, 2002, United States Court of Appeals, Third Circuit.

Branch v. *F.T.C.*, 141 F.2d 31, Rehearing Denied March 25, 1944, Circuit Court of Appeals, Seventh Circuit.

Brown v. *Philadelphia Housing Authority*, 350 F.3d 338, Argued October 2, 2003, Decided November 19, 2003, United States Court of Appeals, Third Circuit.

Bulova Watch Co. v. *Steele*, 194 F.2d 567, Rehearing Denied March 13, 1952, United States Court of Appeals, Fifth Circuit.

Calderone Enterprises Corp. v. *United Artists Theatre Circuit, Inc.*, 454 F.2d 1292, Argued Nov. 11, 1971, Decided Dec. 28, 1971, United States Court of Appeals, Second Circuit.

Capital Currency Exchange, N.V. v. *National Westminster Bank PLC*, 155 F.3d 603, Argued April 1, 1998, Decided September. 16, 1998, United States Court of Appeals, Second Circuit.

Caribbean Broadcasting System, Ltd. v. *Cable & Wireless P.L.C.*, 148 F.3d 1080, Argued September 5, 1997, Decided July 17, 1998, United States Court of Appeals, District of Columbia Circuit.

Carpet Group Intern. v. *Oriental Rug Importers Ass'n, Inc.*, 227 F.3d 62, Argued July 21, 2000, Filed Sept. 8, 2000, United States Court of Appeals, Third Circuit.

Carrier Corp. v. *Outokumpu Oyj*, 673 F.3d 430, Argued: October 13, 2009, Decided and Filed: March 2, 2012, Rehearing and Rehearing En Banc Denied April 30, 2012, United States Court of Appeals, Sixth Circuit.

Central States Southeast and Southwest Areas Health and Welfare Fund v. Merck-Medco Managed Care, L.L.C., 433 F.3d 181, Argued May 18, 2005, Decided December 8, 2005, United States Court of Appeals, Second Circuit.

Cestonaro v. *U.S.*, 211 F.3d 749, Argued December 7, 1999, Filed May 1, 2000, United States Court of Appeals, Third Circuit.

Chatham Condominium Associations v. *Century Village, Inc.*, 597 F.2d 1002, July 2, 1979, United States Court of Appeals, Fifth Circuit.

Chavez v. *Carranza*, 559 F.3d 486, Argued October 28, 2008, Decided and Filed March 17, 2009, United States Court of Appeals, Sixth Circuit.

Chrysler Corp. v. *Fedders Corp.*, 643 F.2d 1229, Argued April 11, 1980, Decided and Filed March 18, 1981, Rehearing and Rehearing En Banc Denied May 6, 1981, United States Court of Appeals, Sixth Circuit.

Chua Han Mow v. *U.S.*, 730 F.2d 1308, Argued and Submitted December 15, 1983, Decided April 12, 1984, United States Court of Appeals, Ninth Circuit.

City of Vernon v. *Southern California Edison Co.*, 955 F.2d 1361, Argued and Submitted October 11, 1991, Decided February 7, 1992, United States Court of Appeals, Ninth Circuit.

Clayco Petroleum Corp. v. *Occidental Petroleum Corp.*, 712 F.2d 404, Argued December 8, 1981, Submitted March 23, 1982, Decided August 2, 1983, United States Court of Appeals, Ninth Circuit.

Coca-Cola Co. v. *Overland, Inc.*, 692 F.2d 1250, Argued and Submitted December 14, 1981, Decided November 18, 1982, United States Court of Appeals, Ninth Circuit.

Columbia Nitrogen Corp. v. *Royster Co.*, 451 F.2d 3, Argued April 6, 1971, Decided October 26, 1971, United States Court of Appeals, Fourth Circuit.

Common Cause of Pennsylvania v. *Pennsylvania*, 558 F.3d 249, February 26, 2009, United States Court of Appeals, Third Circuit.

Compania de Gas de Nuevo Laredo, S. A. v. *Entex, Inc.*, 686 F.2d 322, September 24, 1982, United States Court of Appeals, Fifth Circuit.

Coniglio v. *Highwood Services, Inc.*, 495 F.2d 1286, Argued March 27, 1974, Decided April 17, 1974, United States Court of Appeals, Second Circuit.

ConnTech Development Co. v. *University of Connecticut Educ. Properties, Inc.*, 102 F.3d 677, Argued September 10, 1996, Decided December 19, 1996, United States Court of Appeals, Second Circuit.

Cook v. *Winfrey*, 141 F.3d 322, Argued February 17, 1998, Decided April 8, 1998, United States Court of Appeals, Seventh Circuit.

Coors Brewing Co. v. *Molson Breweries*, 51 F.3d 1511, March 30, 1995, United States Court of Appeals, Tenth Circuit.

Datagate, Inc. v. *Hewlett-Packard Co.*, 60 F.3d 1421, Argued and Submitted June 14, 1995, Decided July 27, 1995, United States Court of Appeals, Ninth Circuit.

De Lancie v. *Birr, Wilson & Co.*, 648 F.2d 1255, Argued and Submitted March 9, 1981, Decided June 26, 1981, United States Court of Appeals, Ninth Circuit.

Dee-K Enterprises, Inc. v. *Heveafil Sdn. Bhd*, 299 F.3d 281, Argued May 7, 2002, Decided July 30, 2002, United States Court of Appeals, Fourth Circuit.

DeJames v. *Magnificence Carriers, Inc.*, 654 F.2d 280, Argued March 19, 1981, Decided July 9, 1981, Rehearing Denied July 23, 1981, United States Court of Appeals, Third Circuit.

Den Norske Stats Oljeselskap As v. *HeereMac Vof*, 241 F.3d 420, February 5, 2001, United States Court of Appeals, Fifth Circuit.

Dial A Car, Inc. v. *Transportation, Inc.*, 82 F.3d 484, Argued February 2, 1996, Decided April 30, 1996, Rehearing and Suggestion for Rehearing In Banc Denied June 28, 1996, United States Court of Appeals, District of Columbia Circuit.

Disability Advocates, Inc. v. *New York Coalition for Quality Assisted Living, Inc.*, 675 F.3d 149, Argued December 8, 2010, Decided April 6, 2012, United States Court of Appeals, Second Circuit.

Disenos Artisticos E Industriales, S.A. v. *Costco Wholesale Corp.*, 97 F.3d 377, Argued and Submitted September 13, 1995, Decided October 8, 1996, United States Court of Appeals, Ninth Circuit.

Doctor's Hospital of Jefferson, Inc. v. *Southeast Medical Alliance, Inc.*, 123 F.3d 301, September 25, 1997, United States Court of Appeals, Fifth Circuit.

Doe v. *Unocal Corp.*, 248 F.3d 915, Argued and Submitted December 5, 2000, Filed April 27, 2001, United States Court of Appeals, Ninth Circuit.

E & L Consulting, Ltd. v. *Doman Industries Ltd.*, 472 F.3d 23, Argued October 26, 2005, Decided December 15, 2006, United States Court of Appeals, Second Circuit.

E. J. Delaney Corp. v. *Bonne Bell, Inc.*, 525 F.2d 296, Argued July 8, 1975, Decided November 11, 1975, Certiorari Denied March 29, 1976, United States Court of Appeals, Tenth Circuit.

Eagle Oil Co. of New York v. *Vacuum Oil Co.*, 162 F. 671, June 18, 1908, Circuit Court of Appeals, Third Circuit.

Eichman v. *Fotomat Corp.*, 880 F.2d 149, Argued and Submitted November 4, 1988, Decided March 17, 1989, As Amended on Denial of Rehearing and Rehearing En Banc July 13, 1989, United States Court of Appeals, Ninth Circuit.

Empagran S.A. v. *F. Hoffman-LaRoche, Ltd.*, 315 F.3d 338, Argued September 9, 2002, Decided January 17, 2003, Rehearing and Rehearing En Banc Denied September 11, 2003, United States Court of Appeals, District of Columbia Circuit.

Empagran S.A. v. *F. Hoffman-LaRoche, Ltd.*, 388 F.3d 337, Decided November 2, 2004, United States Court of Appeals, District of Columbia Circuit.

Empagran S.A. v. *F. Hoffmann-LaRoche, Ltd.*, 417 F.3d 1267, Argued April 20, 2005, Decided June 28, 2005, United States Court of Appeals, District of Columbia Circuit.

Empagran S.A., et al., v. *F. Hoffman LaRoche, Ltd.*, et al., 2004 WL 1398217 (D.C.Cir.), June 21, 2004. United States Court of Appeals, District of Columbia Circuit.

Estate of Harshman v. *Jackson Hole Mountain Resort Corp.*, 379 F.3d 1161, August 16, 2004, United States Court of Appeals, Tenth Circuit.

Expert Masonry, Inc. v. *Boone County, Ky.*, 440 F.3d 336, Argued December 2, 2005, Decided and Filed March 8, 2006, United States Court of Appeals, Sixth Circuit.

Fashion Originators Guild of America v. *Federal Trade Commission*, 114 F.2d 80, July 22, 1940, Writ of Certiorari Granted Nov. 25, 1940, Circuit Court of Appeals, Second Circuit.

Filetech S.A. v. *France Telecom S.A.*, 157 F.3d 922, Argued May 19, 1998, Decided October 6, 1998, United States Court of Appeals, Second Circuit.

Filetech S.A. v. *France Telecom S.A.*, 304 F.3d 180, Argued April 1, 2002, Decided September 10, 2002, United States Court of Appeals, Second Circuit.

Fine v. *Barry and Enright Productions*, 731 F.2d 1394, Argued and Submitted January 3, 1984, Decided April 25, 1984, United States Court of Appeals, Ninth Circuit.

Fosburgh v. *California & Hawaiian Sugar Refining Co.*, 291 F. 29, July 2, 1923, Circuit Court of Appeals, Ninth Circuit.

Fount-Wip, Inc. v. *Reddi-Wip, Inc.*, 568 F.2d 1296, February 6, 1978, United States Court of Appeals, Ninth Circuit.

Frankfort Distilleries v. *U.S.*, 144 F.2d 824, August 26, 1944, November 13, 1944, Circuit Court of Appeals, Tenth Circuit.

Freeman v. *Lester Coggins Trucking, Inc.*, 771 F.2d 860, September 23, 1985, United States Court of Appeals, Fifth Circuit.

G.K.A. Beverage Corp. v. *Honickman*, 55 F.3d 762, Argued December 5, 1994, Decided June 1, 1995, United States Court of Appeals, Second Circuit.

GAF Corp. v. *Circle Floor Co.*, 463 F.2d 752, Argued April 19, 1972, Decided July 5, 1972, United States Court of Appeals, Second Circuit.

Garcia v. *Copenhaver, Bell & Associates, M.D.'s, P.A.*, 104 F.3d 1256, February 3, 1997, United States Court of Appeals, Eleventh Circuit.

Gatewood v. *Fiat, S. p. A.*, 617 F.2d 820, Argued May 8, 1979, Decided January 24, 1980, United States Court of Appeals, District of Columbia Circuit.

Gelfand v. *Tanner Motor Tours, Limited*, 385 F.2d 116, Argued October 13, 1967, Decided November 13, 1967, United States Court of Appeals, Second Circuit.

George Haug Co., Inc. v. *Rolls Royce Motor Cars Inc.*, 148 F.3d 136, Argued May 27, 1998, Decided June 24, 1998, United States Court of Appeals, Second Circuit.

George W. Luft Co. v. *Zande Cosmetic Co.*, 142 F.2d 536, May 9, 1944, Circuit Court of Appeals, Second Circuit.

Glen Holly Entertainment, Inc. v. *Tektronix Inc.*, 343 F.3d 1000, Argued and Submitted October 9, 2002, Filed September 9, 2003, United States Court of Appeals, Ninth Circuit.

Goldberg v. *Southern Builders*, 184 F.2d 345, Argued May 12, 1950, Decided July 10, 1950, United States Court of Appeals, District of Columbia Circuit.

Gordon v. *Lewistown Hosp.*, 423 F.3d 184, Argued September 14, 2004, September 12, 2005, United States Court of Appeals, Third Circuit.

Grafon Corp. v. *Hausermann*, 602 F.2d 781, Argued June 5, 1979, Decided July 24, 1979, Rehearing and Rehearing En Banc Denied August 20, 1979, United States Court of Appeals, Seventh Circuit.

Green v. *Ferrell*, 664 F.2d 1292, January 6, 1982, United States Court of Appeals, Fifth Circuit.

Gushi Bros. Co. v. *Bank of Guam*, 28 F.3d 1535, Argued and Submitted May 13, 1994, Decided July 7, 1994, United States Court of Appeals, Ninth Circuit.

Hanil Bank v. *PT. Bank Negara Indonesia (Persero)*, 148 F.3d 127, Argued March 12, 1998, Decided June 24, 1998, United States Court of Appeals, Second Circuit.

Harris Rutsky & Co. Ins. Services, Inc. v. *Bell & Clements Ltd.*, 328 F.3d 1122, Argued and Submitted December 4, 2002, Filed May 12, 2003, United States Court of Appeals, Ninth Circuit.

Hecht v. *Pro-Football, Inc.*, 570 F.2d 982, Argued 20 December 1976, Decided 20 December 1977, United States Court of Appeals, District of Columbia Circuit.

Heille v. *City of St. Paul, Minn.*, 671 F.2d 1134, Submitted December 14, 1981, Decided February 26, 1982, United States Court of Appeals, Eighth Circuit.

Hilao v. *Estate of Marcos*, 103 F.3d 789, Argued and Submitted June 18, 1996, Decided December 17, 1996, United States Court of Appeals, Ninth Circuit.

Hospital Bldg. Co. v. *Trustees of Rex Hosp.*, 511 F.2d 678, Argued October 3, 1974, Decided February 18, 1975, United States Court of Appeals, Fourth Circuit.

Howard Hess Dental Laboratories Inc. v. *Dentsply Intern., Inc.*, 424 F.3d 363, Argued April 7, 2005, Filed September 21, 2005, United States Court of Appeals, Third Circuit.

Hunt v. *Mobil Oil Corp.*, 550 F.2d 68, Argued October 26, 1976, Decided January 12, 1977, United States Court of Appeals, Second Circuit.

In re ATM Fee Antitrust Litigation, 686 F.3d 741, Argued and Submitted December 6, 2011, Filed July 12, 2012, United States Court of Appeals, Ninth Circuit.

In re Automotive Refinishing Paint Antitrust Litigation, 358 F.3d 288, Argued December 15, 2003, Filed February 13, 2004, United States Court of Appeals, Third Circuit.

In re Brand Name Prescription Drugs Antitrust Litigation, 123 F.3d 599, Argued June 25, 1997, Decided August 15, 1997, United States Court of Appeals, Seventh Circuit.

In re Cardizem CD Antitrust Litigation, 332 F.3d 896, Argued April 30, 2002, Decided and Filed June 13, 2003, Rehearing and Rehearing En Banc Denied July 24, 2003, United States Court of Appeals, Sixth Circuit.

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, 546 F.3d 981, Argued and Submitted March 13, 2008, Filed August 14, 2008, Amended October 9, 2008, United States Court of Appeals, Ninth Circuit.

In re Eastern Shore Shipbuilding Corp., 274 F. 893, June 15, 1921, Circuit Court of Appeals, Second Circuit.

In re Elevator Antitrust Litigation, 502 F.3d 47, Argued: June 14, 2007, Decided: September 4, 2007, United States Court of Appeals, Second Circuit.

In re High Fructose Corn Syrup Antitrust Litigation, 295 F.3d 651, Argued May 17, 2002, Decided June 18, 2002, Rehearing and Rehearing En Banc Denied August 5, 2002, United States Court of Appeals, Seventh Circuit.

In re Insurance Antitrust Litigation, 938 F.2d 919, Argued and Submitted March 15, 1991, Decided June 18, 1991, United States Court of Appeals, Ninth Circuit.

In re Linerboard Antitrust Litigation, 305 F.3d 145, Argued July 19, 2002, Filed September 5, 2002, United States Court of Appeals, Third Circuit.

In re Lorazepam & Clorazepate Antitrust Litigation, 289 F.3d 98, Argued March 12, 2002, Decided May 14, 2002, United States Court of Appeals, District of Columbia Circuit.

In re Maxwell Communication Corp. plc by Homan, 93 F.3d 1036, Argued May 10, 1996, Decided August 21, 1996, United States Court of Appeals, Second Circuit.

In re Monosodium Glutamate Antitrust Litigation, 477 F.3d 535, Submitted: December 11, 2006, Filed: February 8, 2007, United States Court of Appeals, Eighth Circuit.

In re Sugar Industry Antitrust Litigation, 579 F.2d 13, Argued January 12, 1978, Decided March 6, 1978, Rehearing Denied July 5, 1978, As Amended August 14, 1978, United States Court of Appeals, Third Circuit.

In re Uranium Antitrust Litigation, 617 F.2d 1248, Argued September 20 and November 9, 1979, Decided February 15, 1980, United States Court of Appeals, Seventh Circuit.

In re Warfarin Sodium Antitrust Litigation, 214 F.3d 395, Argued March 24, 2000, Filed May 30, 2000, United States Court of Appeals, Third Circuit.

In re Western Liquid Asphalt Cases, 487 F.2d 191, As Amended Nov. 30, 1973, Certiorari Denied Feb. 19, 1974, United States Court of Appeals, Ninth Circuit.

Indiana Grocery, Inc. v. *Super Valu Stores, Inc.*, 864 F.2d 1409, Argued September 22, 1988, Decided January 6, 1989, Rehearing and Rehearing En Banc Denied March 7, 1989, United States Court of Appeals, Seventh Circuit.

Industrial Inv. Development Corp. v. *Mitsui & Co., Ltd.*, 671 F.2d 876, March 31, 1982, United States Court of Appeals, Fifth Circuit.

International Ass'n of Machinists and Aerospace Workers, (IAM) v. *Organization of Petroleum Exporting Countries (OPEC)*, 649 F.2d 1354, Argued and Submitted November 5, 1980, Decided July 6, 1981, As Amended August 24, 1981, United States Court of Appeals, Ninth Circuit.

International Housing Ltd. v. *Rafidain Bank Iraq*, 893 F.2d 8, Argued October 16, 1989, Decided December 22, 1989, United States Court of Appeals, Second Circuit.

Jewish Hospital Ass'n of Louisville, Ky., Inc. v. *Stewart Mechanical Enterprises, Inc.*, 628 F.2d 971, Argued June 19, 1980, Decided August 29, 1980, Rehearing Denied September. 29, 1980, United States Court of Appeals, Sixth Circuit.

Joseph Muller Corp. Zurich v. *Societe Anonyme de Gerance et D'Armement*, 451 F.2d 727, Argued October 13, 1971, Decided November 11, 1971, United States Court of Appeals, Second Circuit.

JP Morgan Chase Bank v. *Altos Hornos de Mexico, S.A. de C.V.*, 412 F.3d 418, Argued December 3, 2004, Decided June 22, 2005, United States Court of Appeals, Second Circuit.

Kadic v. *Karadzic*, 70 F.3d 232, Argued June 20, 1995, Decided October 13, 1995, Rehearing Denied January 6, 1996, United States Court of Appeals, Second Circuit.

Kendall v. *Visa U.S.A., Inc.*, 518 F.3d 1042, Argued and Submitted June 11, 2007, Filed March 7, 2008, United States Court of Appeals, Ninth Circuit.

Kennecott Copper Corp. v. *Curtiss-Wright Corp.*, 584 F.2d 1195, Argued June 21, 1978, Decided Sept. 28, 1978, United States Court of Appeals, Second Circuit.

Kruman v. *Christie's Intern. PLC*, 284 F.3d 384, Argued October 3, 2001, Decided March 13, 2002, United States Court of Appeals, Second Circuit.

Laker Airways Ltd. v. *Sabena, Belgian World Airlines*, 731 F.2d 909, Argued 14 November 1983, Decided 6 March 1984, As Amended March 6 and 9, 1984, United States Court of Appeals, District of Columbia Circuit.

Lantec, Inc. v. *Novell, Inc.*, 306 F.3d 1003, September 19, 2002, United States Court of Appeals, Tenth Circuit.

Leasco Data Processing Equipment Corp. v. *Maxwell*, 468 F.2d 1326, Argued November 11, 1971, and September 26, 1972, Decided October 30, 1972, United States Court of Appeals, Second Circuit.

Lerner v. *Fleet Bank, N.A.*, 318 F.3d 113, Argued May 31, 2002, Decided January 22, 2003, As Amended April 16, 2003, United States Court of Appeals, Second Circuit.

Lieberthal v. *North Country Lanes, Inc.*, 332 F.2d 269, Argued March 16, 1964, Decided May 15, 1964, United States Court of Appeals, Second Circuit.

Long Island Lighting Co. v. *Standard Oil Co. of California*, 521 F.2d 1269, Argued June 18, 1975, Decided August 22, 1975, United States Court of Appeals, Second Circuit.

Long v. *Shorebank Development Corp.*, 182 F.3d 548, Argued October 30, 1998, Decided June 25, 1999, United States Court of Appeals, Seventh Circuit.

Lotes Co., Ltd. v. Hon Hai Precision Industry Co., 753 F.3d 395, 2014-1 Trade Cases P 78,794, Argued January 13, 2014, Decided June 4, 2014.United States Court of Appeals, Second Circuit.

Lucas v. *Bechtel Corp.*, 633 F.2d 757, Argued and Submitted September 9, 1980, Decided October 7, 1980, United States Court of Appeals, Ninth Circuit.

Magnetic Engineering & Mfg. Co. v. *Dings Mfg. Co.*, 178 F.2d 866, Argued December 8, 1949, Decided January 4, 1950, United States Court of Appeals, Second Circuit.

Mannington Mills, Inc. v. *Congoleum Corp.*, 595 F.2d 1287, Argued January 15, 1979, Decided April 3, 1979, United States Court of Appeals, Third Circuit.

McFarlane v. *Esquire Magazine*, 74 F.3d 1296, Argued September 6, 1995, Decided January 30, 1996, United States Court of Appeals, District of Columbia Circuit.

McGlinchy v. *Shell Chemical Co.*, 845 F.2d 802, Argued and Submitted December 16, 1987, Decided April 22, 1988, As Amended on Denial of Rehearing and Rehearing En Banc July 11, 1988, United States Court of Appeals, Ninth Circuit.

Menchaca v. *Chrysler Credit Corp.*, 613 F.2d 507, March 7, 1980, United States Court of Appeals, Fifth Circuit.

Metallgesellschaft AG v. *Sumitomo Corp. of America*, 325 F.3d 836, Argued September 5, 2001, Decided March 31, 2003, Rehearing and Rehearing En Banc Denied May 28, 2003, United States Court of Appeals, Seventh Circuit.

Metro Industries, Inc. v. *Sammi Corporation*, 82 F.3d 839, Argued and Submitted February 8, 1996, Decided April 29, 1996, United States Court of Appeals, Ninth Circuit.

Minn-Chem, Inc. v. *Agrium Inc.*, 657 F.3d 650, Argued June 3, 2010, Decided September 23, 2011, United States Court of Appeals, Seventh Circuit.

Minn-Chem, Inc. v. *Agrium, Inc.*, 683 F.3d 845, Argued February 8, 2012, Decided June 27, 2012, United States Court of Appeals, Seventh Circuit.

Miranda v. *Reno*, 238 F.3d 1156, Argued and Submitted October 12, 200, Filed February. 7, 2001, United States Court of Appeals, Ninth Circuit.

Montreal Trading Ltd. v. *Amax Inc.*, 661 F.2d 864, Argued November 18, 1980, Decided October 14, 1981, United States Court of Appeals, Tenth Circuit.

Morel v. *I.N.S.*, 144 F.3d 248, Argued March 25, 1996, Reargued April 3, 1997, Decided May 11, 1998, United States Court of Appeals, Third Circuit.

Mortensen v. *First Federal Sav. and Loan Ass'n.*, 549 F.2d 884, Argued September 7, 1976, Decided January 20, 1977, United States Court of Appeals, Third Circuit.

Motorola Mobility LLC v. AU Optronics Corp., 746 F.3d 842, Submitted March 13, 2014, Decided March 27, 2014, Rehearing Granted, Opinion Vacated July 1, 2014, United States Court of Appeals, Seventh Circuit.

Motorola Mobility LLC v. AU Optronics Corp., 775 F.3d 816, 2015-1 Trade Cases P 78,976, Argued November 13, 2014, Decided November 26, 2014, Amended January 12, 2015, United States Court of Appeals, Seventh Circuit.

National Bank of Canada v. *Interbank Card Ass'n.*, 666 F.2d 6, Argued February 5, 1981, Decided February 20, 1981, United States Court of Appeals, Second Circuit.

Navarro v. *Block*, 250 F.3d 729, Submitted March 7, 2001, Filed May 11, 2001, Rehearing and Rehearing En Banc Denied June 29, 2001, United States Court of Appeals, Ninth Circuit.

Norma J. Nesbit, v. *Gears Unlimited, Inc.*, 347 F.3d 72, Argued March 22, 2002, Filed October 21, 2003, United States Court of Appeals, Third Circuit.

Northwest Publications, Inc. v. *Crumb*, 752 F.2d 473, Argued and Submitted December 14, 1984, Decided February 1, 1985, United States Court of Appeals, Ninth Circuit.

NYSA-ILA Pension Trust Fund By and Through Bowers v. *Garuda Indonesia*, 7 F.3d 35, Argued August 11, 1993, Decided October 4, 1993, United States Court of Appeals, Second Circuit.

O.N.E. Shipping Ltd. v. *Flota Mercante Grancolombiana, S.A.*, 830 F.2d 449, Argued February 26, 1987, Decided October 1, 1987, United States Court of Appeals, Second Circuit.

O'Neill v. *Maytag*, 339 F.2d 764, Argued October 30, 1964, Decided December 29, 1964, United States Court of Appeals, Second Circuit.

Oaxaca v. *Roscoe*, 641 F.2d 386, April 3, 1981, United States Court of Appeals, Fifth Circuit, Unit A.

Occidental Petroleum Corp. v. *Buttes Gas & Oil Co.*, 461 F.2d 1261, June 23, 1972, United States Court of Appeals, Ninth Circuit.

Ohio Nat. Life Ins. Co. v. *U.S.*, 922 F.2d 320, Argued June 11, 1990, Decided December 20, 1990, United States Court of Appeals, Sixth Circuit.

Okoro v. *Bohman*, 164 F.3d 1059, Argued Sept. 18, 1998, Decided January 8, 1999, Rehearing Denied February 23, 1999, United States Court of Appeals, Seventh Circuit.

Overseas Motors, Inc. v. *Import Motors Ltd., Inc.*, 519 F.2d 119, June 2, 1975, United States Court of Appeals, Sixth Circuit.

Pace Electronics, Inc. v. *Canon Computer Systems, Inc.*, 213 F.3d 118, Argued March 14, 2000, Filed May 22, 2000, United States Court of Appeals, Third Circuit.

Pacific Seafarers, Inc. v. *Pacific Far East Line, Inc.*, 404 F.2d 804, Argued March 12, 1968, Decided September 30, 1968, Certiorari Denied February 24, 1969, United States Court of Appeals, District of Columbia Circuit.

Page v. *Work*, 290 F.2d 323, March 8, 1961, Rehearing Denied May 3, 1961, United States Court of Appeals, Ninth Circuit.

Paterson v. *Weinberger*, 644 F.2d 521, May 8, 1981, United States Court of Appeals, Fifth Circuit.

Patterson v. *U.S.*, 222 F. 599, March 13, 1915, Circuit Court of Appeals, Sixth Circuit.

Paycom Billing Services, Inc. v. *Mastercard Intern., Inc.*, 467 F.3d 283, Argued November 22, 2005, Decided October 27, 2006, United States Court of Appeals, Second Circuit.

Pennsylvania Sugar Refining Co. v. *American Sugar Refining Co.*, 166 F. 254, December 15, 1908, Circuit Court of Appeals, Second Circuit.

Pfizer, Inc. v. *Government of India*, 550 F.2d 396, Submitted March 11, 1976, Decided May 19, 1976, On Rehearing En Banc September 3, 1976, Certiorari Granted April 18, 1977, United States Court of Appeals, Eighth Circuit.

Pfizer, Inc. v. *Lord*, 522 F.2d 612, Submitted March 31, 1975, Decided August 27, 1975, United States Court of Appeals, Eighth Circuit.

Phillips v. *County of Allegheny*, 515 F.3d 224, Argued June 26, 2007, Filed February 5, 2008, United States Court of Appeals, Third Circuit.

Pianta v. *H.M. Reich Co.*, 77 F.2d 888, May 20, 1935, Circuit Court of Appeals, Second Circuit.

Pinker v. *Roche Holdings Ltd.*, 292 F.3d 361, Argued November 7, 2001, Filed May 30, 2002, United States Court of Appeals, Third Circuit.

Port Dock & Stone Corp. v. *Oldcastle Northeast, Inc.*, 507 F.3d 117, Argued June 14, 2007, Decided October 23, 2007, United States Court of Appeals, Second Circuit.

Power Integrations, Inc. v. *Fairchild Semiconductor Intern., Inc.*, 711 F.3d 1348, March 26, 2013, Rehearing and Rehearing En Banc Denied May 28, 2013, United States Court of Appeals, Federal Circuit.

Pressroom Unions-Printers League Income Sec. Fund v. *Continental Assur. Co.*, 700 F.2d 889, Argued January 6, 1983, Decided February 18, 1983, As Amended on Denial of Rehearing April 7, 1983, United States Court of Appeals, Second Circuit.

Productive Inventions v. *Trico Products Corp.*, 224 F.2d 678, Argued June 7, 1955, Decided July 20, 1955, United States Court of Appeals, Second Circuit.

Ralph C. Wilson Industries, Inc. v. *Chronicle Broadcasting Co.*, 794 F.2d 1359, Argued and Submitted Oct. 9, 1985, Decided July 16, 1986, United States Court of Appeals, Ninth Circuit.

Rasmussen v. *American Dairy Ass'n.*, 472 F.2d 517, December 29, 1972, Rehearings Denied January 30, 1973, United States Court of Appeals, Ninth Circuit.

Reading Industries, Inc. v. *Kennecott Copper Corp.*, 631 F.2d 10, Argued April 3, 1980, Decided September 24, 1980, United States Court of Appeals, Second Circuit.

Rebel Oil Co., Inc. v. *Atlantic Richfield Co.*, 51 F.3d 1421, Argued and Submitted December 16, 1993, Decided April 7, 1995, United States Court of Appeals, Ninth Circuit.

Reiss v. *Societe Centrale Du Groupe Des Assurances Nationales*, 235 F.3d 738, Argued September 22, 2000, Decided December 27, 2000, United States Court of Appeals, Second Circuit.

Republic of Panama v. *BCCI Holdings (Luxembourg) S.A.*, 119 F.3d 935, August 20, 1997, United States Court of Appeals, Eleventh Circuit.

Roberts v. *Corrothers*, 812 F.2d 1173, Argued August 12, 1986, Submitted October 23, 1986, Decided March 16, 1987, United States Court of Appeals, Ninth Circuit.

Robertson v. *Dean Witter Reynolds, Inc.*, 749 F.2d 530, Submitted January 12, 1984, Decided December 10, 1984, United States Court of Appeals, Ninth Circuit.

Rosemound Sand & Gravel Co. v. *Lambert Sand & Gravel Co.*, 469 F.2d 416, November 8, 1972, United States Court of Appeals, Fifth Circuit.

Ross v. *Bank of America, N.A.(USA)*, 524 F.3d 217, Argued October 25, 2007, Decided April 25, 2008, United States Court of Appeals, Second Circuit.

Royal and Sun Alliance Ins. Co. of Canada v. *Century Intern. Arms, Inc.*, 466 F.3d 88, Argued April 12, 2006, Decided October 10, 2006, United States Court of Appeals, Second Circuit.

Royal Italian Government v. *National Brass & Copper Tube Co.*, 294 F. 23, November 5, 1923, Circuit Court of Appeals, Second Circuit.

Royal Printing Co. v. *Kimberly Clark Corp.*, 621 F.2d 323, April 28, 1980, United States Court of Appeals, Ninth Circuit.

Safe Air for Everyone v. *Meyer*, 373 F.3d 1035, Argued and Submitted November 4, 2003, Filed July 1, 2004, United States Court of Appeals, Ninth Circuit.

Saksenasingh v. *Secretary of Educ.*, 126 F.3d 347, Argued September 9, 1997, Decided October 21, 1997, United States Court of Appeals, District of Columbia Circuit.

Salerno v. *American League of Professional Baseball Clubs*, 429 F.2d 1003, Argued May 26, 1970, Decided July 13, 1970, United States Court of Appeals, Second Circuit.

San Antonio Tel. Co., Inc. v. *American Tel. & Tel. Co.*, 499 F.2d 349, August 23, 1974, United States Court of Appeals, Fifth Circuit.

Schroder v. *Bush*, 263 F.3d 1169, August 24, 2001, United States Court of Appeals, Tenth Circuit.

Schuylkill Energy Resources, Inc. v. *Pennsylvania Power & Light Co.*, 113 F.3d 405, Argued February 6, 1997, Decided May 5, 1997, Sur Petition for Rehearing June 2, 1997, United States Court of Appeals, Third Circuit.

SCM Corp. v. *Radio Corp. of America*, 407 F.2d 166, Argued June 17, 1968, Decided January 9, 1969, Certiorari Denied June 9, 1969, United States Court of Appeals, Second Circuit.

Scotch Whiskey Ass'n. v. *Barton Distilling Co.*, 489 F.2d 809, Argued October 27, 1972, Decided November 12, 1973, United States Court of Appeals, Seventh Circuit.

Securities and Exchange Commission v. *Minas De Artemisa, S. A.*, 150 F.2d 215, June 26, 1945, As Amended July 9, 1945, Circuit Court of Appeals, Ninth Circuit.

Shapiro v. *Republic of Bolivia*, 930 F.2d 1013, Argued January 11, 1991, Decided April 17, 1991, United States Court of Appeals, Second Circuit.

Shaw v. *Hahn*, 56 F.3d 1128, Argued and Submitted May 1, 1995, Decided June 6, 1995, United States Court of Appeals, Ninth Circuit.

Sheridan v. *Marathon Petroleum Co. LLC*, 530 F.3d 590, Argued May 5, 2008, Decided June 23, 2008, United States Court of Appeals, Seventh Circuit.

Shwarz v. *U.S.*, 234 F.3d 428, Argued and Submitted October 11, 2000, Filed December 8, 2000, United States Court of Appeals, Ninth Circuit.

SmileCare Dental Group v. *Delta Dental Plan of California, Inc.*, 88 F.3d 780, Argued and Submitted March 4, 1996, Decided July 5, 1996, United States Court of Appeals, Ninth Circuit.

Smith v. *Gross*, 604 F.2d 639, September 17, 1979, United States Court of Appeals, Ninth Circuit.

Sniado v. *Bank Austria AG*, 352 F.3d 73, Argued October 24, 2003, Decided November 21, 2003, United States Court of Appeals, Second Circuit.

Sniado v. *Bank Austria AG*, 378 F.3d 210, Argued October 24, 2003, Decided August 5, 2004, United States Court of Appeals, Second Circuit.

Southern Concrete Co. v. *U.S. Steel Corp.*, 535 F.2d 313, July 19, 1976, United States Court of Appeals, Fifth Circuit.

Stanley v. *Central Intelligence Agency*, 639 F.2d 1146, March 16, 1981, United States Court of Appeals, Fifth Circuit.

State of W. Va. v. *Chas. Pfizer & Co.*, 440 F.2d 1079, Argued March 16, 1971, Decided March 29, 1971, United States Court of Appeals, Second Circuit.

Stavrides v. *Mellon Nat. Bank & Trust Co.*, 487 F.2d 953, Argued November 6, 1973, Decided November 26, 1973, United States Court of Appeals, Third Circuit.

Stearns v. *Tinker & Rasor*, 252 F.2d 589, December 27, 1957, Rehearing Denied February 25, 1958, United States Court of Appeals, Ninth Circuit.

Sterling Drug, Inc. v. *Bayer AG*, 14 F.3d 733, Argued January 25, 1993, Decided January 7, 1994, United States Court of Appeals, Second Circuit.

Sun Valley Gasoline, Inc. v. *Ernst Enterprises, Inc.*, 711 F.2d 138, Argued and Submitted June 9, 1983, Decided July 22, 1983, United States Court of Appeals, Ninth Circuit.

Swift & Co. v. *U.S.*, 308 F.2d 849, October 11, 1962, United States Court of Appeals, Seventh Circuit.

Tel-Oren v. *Libyan Arab Republic*, 726 F.2d 774, Argued March 24, 1982, Decided Feb. 3, 1984, United States Court of Appeals, District of Columbia Circuit.

Texas Trading & Mill. Corp. v. *Federal Republic of Nigeria*, 647 F.2d 300, Argued March 6, 1981, Decided April 16, 1981, United States Court of Appeals, Second Circuit.

The Adriatic, 258 F. 902, June 7, 1919, Circuit Court of Appeals, Third Circuit.

The Salton Sea Cases, 172 F. 792, August 2, 1909, Rehearing denied October 4, 1909, Circuit Court of Appeals, Ninth Circuit.

Thomas P. Gonzalez Corp. v. *Consejo Nacional De Produccion De Costa Rica*, 614 F.2d 1247, March 10, 1980, United States Court of Appeals, Ninth Circuit.

Thomsen v. *Union Castle Mail S.S. Co.*, 166 F. 251, October 1, 1908, Circuit Court of Appeals, Second Circuit.

Thornhill Pub. Co., Inc. v. *General Tel. & Electronics Corp.*, 594 F.2d 730, February 6, 1979, Rehearing Denied March 22, 1979, United States Court of Appeals, Ninth Circuit.

Three Keys Ltd. v. *SR Utility Holding Co.*, 540 F.3d 220, Argued January 7, 2008, Opinion Filed August 20, 2008, United States Court of Appeals, Third Circuit.

Tiger Trash v. *Browning-Ferris Industries, Inc.*, 560 F.2d 818, Heard June 2, 1977, Decided August 18, 1977, United States Court of Appeals, Seventh Circuit.

Timberlane Lumber Co. v. *Bank of America Nat. Trust and Sav. Ass'n.*, 749 F.2d 1378, Argued and Submitted August 7, 1984, Decided December 27, 1984, United States Court of Appeals, Ninth Circuit.

Timberlane Lumber Co. v. *Bank of America, N.T. and S.A.*, 549 F.2d 597, December 27, 1976, As Amended on Denial of Rehearing and Rehearing En Banc March 3, 1977, United States Court of Appeals, Ninth Circuit.

Todd v. *Exxon Corp.*, 275 F.3d 191, Argued September 27, 2001, Decided December 20, 2001, United States Court of Appeals, Second Circuit.

Transamerica Leasing, Inc. v. *La Republica de Venezuela*, 200 F.3d 843, Argued September 13, 1999, Decided January 21, 2000, Rehearing and Rehearing En Banc Denied March 8, 2000, United States Court of Appeals, District of Columbia Circuit.

Turicentro, S.A. v. *American Airlines Inc.*, 303 F.3d 293, Argued March 7, 2002, Filed September 9, 2002, United States Court of Appeals, Third Circuit.

U.S. Express Lines, Ltd. v. *Higgins*, 281 F.3d 383, Argued November 26, 2001, Filed February 15, 2002, United States Court of Appeals, Third Circuit.

U.S. Ozone Co. v. *U.S. Ozone Co. of America*, 62 F.2d 881, December 20, 1932, Rehearing Denied Feb. 22, 1933, Circuit Court of Appeals, Seventh Circuit.

U.S. v. *Addyston Pipe & Steel Co.*, 46 L.R.A. 122, February 8, 1898, Circuit Court of Appeals, Sixth Circuit.

U.S. v. *Aluminum Co. of America*, 148 F.2d 416, March 12, 1945, Circuit Court of Appeals, Second Circuit.

U.S. v. *Berkos*, 543 F.3d 392, Argued February 22, 2008, Decided September 9, 2008, United States Court of Appeals, Seventh Circuit.

U.S. v. *Bowens*, 224 F.3d 302, Argued February 29, 2000, Decided August. 18, 2000, United States Court of Appeals, Fourth Circuit.

U.S. v. *Brown*, 936 F.2d 1042, Argued and Submitted September 13, 1990, Decided February 15, 1991, As Amended on Denial of Rehearing and Rehearing En Banc June 27, 1991, United States Court of Appeals, Ninth Circuit.

U.S. v. *Downing*, 297 F.3d 52, Argued April 30, 2002, Decided July 1, 2002, United States Court of Appeals, Second Circuit.

U.S. v. *Fiorillo*, 186 F.3d 1136, Argued and Submitted February 8, 1999, Filed July 14, 1999, As Amended on Denial of Rehearing and Rehearing En Banc September 10, 1999, United States Court of Appeals, Ninth Circuit.

U.S. v. *First Nat. City Bank*, 396 F.2d 897, Argued June 12, 1968, Decided June 26, 1968, United States Court of Appeals, Second Circuit.

U.S. v. *Gifford*, 17 F.3d 462, Heard December 6, 1993, Decided February 24, 1994, United States Court of Appeals, First Circuit.

U.S. v. *Hayes*, 653 F.2d 8, Argued February 2, 1981, Decided June 19, 1981, United States Court of Appeals, First Circuit.

U.S. v. Hui Hsiung, 758 F.3d 1074, Argued and Submitted October 18, 2013, Filed July 10, 2014, United States Court of Appeals, Ninth Circuit.

U.S. v. Hui Hsiung, 778 F.3d 738, 15 Cal. Daily Op. Serv. 1097, 2015 Daily Journal D.A.R. 1345, Argued and Submitted Oct. 18, 2013, Filed July 10, 2014, Amended Jan. 30, 2015, United States Court of Appeals, Ninth Circuit.

U.S. v. *Javino*, 960 F.2d 1137, Argued January 22, 1992, Decided April 6, 1992, United States Court of Appeals, Second Circuit.

U.S. v. *LSL Biotechnologies*, 379 F.3d 672, Argued and Submitted August 5, 2003, Submission Withdrawn December 18, 2003, Resubmitted July 27, 2004, Filed August 11, 2004, United States Court of Appeals, Ninth Circuit.

U.S. v. *Nippon Paper Industries Co., Ltd.*, 109 F.3d 1, Agreed January 6, 1997, Decided March 17, 1997, United States Court of Appeals, First Circuit.

U.S. v. *Ranum*, 96 F.3d 1020, Argued December 13, 1995, Decided September 25, 1996, United States Court of Appeals, Seventh Circuit.

U.S. v. *Sabella*, 272 F.2d 206, Decided November 13, 1959, United States Court of Appeals, Second Circuit.

U.S. v. Stabler, 169 F.2d 995, Argued August 16, 1948, Decided August 26, 1948, Circuit Court of Appeals, Third Circuit.

U.S. v. *Strickland*, 245 F.3d 368, Argued January 26, 2001, Decided April 3, 2001, United States Court of Appeals, Fourth Circuit.

U.S. v. *Trans-Missouri Freight Ass'n.*, 24 L.R.A. 73, October 2, 1893, Circuit Court of Appeals, Eighth Circuit.

U.S. v. *USX Corp.*, 68 F.3d 811, Argued July 26, 1995, Decided October 23, 1995, As Amended December 14, 1995, United States Court of Appeals, Third Circuit.

U.S. v. *Wilshire Oil Co. of Tex.*, 427 F.2d 969, March 24, 1970, April 23, 1970, Rehearing Denied June 16, 1970, United States Court of Appeals, Tenth Circuit.

U.S. v. *Yousef*, 750 F.3d 254, Decided April 29, 2014, United States Court of Appeals, Second Circuit.

Union Castle Mail S.S. Co. v. *Thomsen*, 190 F. 536, July 26, 1911, Circuit Court of Appeals, Second Circuit.

United Phosphorus, Ltd. v. *Angus Chemical Co.*, 322 F.3d 942, Argued April 4, 2002, Reargued En Banc November 6, 2002, Decided March 10, 2003, United States Court of Appeals, Seventh Circuit.

Van Buskirk v. *Cable News Network, Inc.*, 284 F.3d 977, Argued December 5, 2001, Submitted March 20, 2002, Filed March 20, 2002, United States Court of Appeals, Ninth Circuit.

Volasco Products Co. v. *Lloyd A. Fry Roofing Co.*, 308 F.2d 383, September 12, 1962, United States Court of Appeals, Sixth Circuit.

Vollrath Co. v. *Sammi Corp.*, 9 F.3d 1455, Argued May 9, 1991, Submission Deferred May 9, 1991, Resubmitted August 7, 1991, Submission Withdrawn July 27, 1993, Resubmitted November 19, 1993, Decided November 29, 1993, United States Court of Appeals, Ninth Circuit.

W. L. Gore & Associates, Inc. v. *Carlisle Corp.*, 529 F.2d 614, Argued October 3, 1975, Decided January 23, 1976, United States Court of Appeals, Third Circuit.

Wells Fargo & Co. v. *Wells Fargo Exp. Co.*, 556 F.2d 406, April 22, 1977, United States Court of Appeals, Ninth Circuit.

Weltover, Inc. v. *Republic of Argentina*, 941 F.2d 145, Argued May 23, 1991, Decided August 13, 1991, United States Court of Appeals, Second Circuit.

Western Min. Council v. *Watt*, 643 F.2d 618, Argued and Submitted August 11, 1980, Decided April 23, 1981, United States Court of Appeals, Ninth Circuit.

White v. *Lee*, 227 F.3d 1214, Argued and Submitted July 10, 2000, Filed September 27, 2000, United States Court of Appeals, Ninth Circuit.

Windt v. *Qwest Communications Intern., Inc.*, 529 F.3d 183, Argued March 11, 2008, Filed June 10, 2008, United States Court of Appeals, Third Circuit.

Yentsch v. *Texaco, Inc.*, 630 F.2d 46, Argued February 11, 1980, Decided May 12, 1980, United States Court of Appeals, Second Circuit.

3 The U.S. District Court Cases

Alfred Bell & Co. v. *Catalda Fine Arts*, 5 F.R.D. 327, February 14, 1946, District Court, S. D. New York.

Alfred Bell & Co. v. *Catalda Fine Arts*, 74 F.Supp. 973, September 23, 1947, District Court, S.D. New York.

Alfred Bell & Co. v. *Catalda Fine Arts*, 86 F.Supp. 399, July 18, 1949, United States District Court, S.D. New York.

Allied Signal Inc. v. *Blue Cross of California*, 924 F.Supp. 34, April 29, 1996, United States District Court, D. New Jersey.

Alpine Atlantic Asset Management AG v. *Comstock*, 552 F.Supp.2d 1268, May 12, 2008, United States District Court, D. Kansas.

American Pan Co. v. *Lockwood Mfg., Inc.*, 2008 WL 471685 (S.D.Ohio), February 15, 2008, United States District Court, S.D. Ohio.

Animal Science Products, Inc. v. China Minmetals Corp., 34 F.Supp.3d 465, Signed July 24, 2014, United States District Court, D. New Jersey.

Animal Science Products, Inc. v. *China Nat. Metals & Minerals Import & Export Corp.*, 702 F.Supp.2d 320, April 1, 2010, United States District Court, D. New Jersey.

Animal Science Products, Inc. v. *China Nat. Metals & Minerals Import & Export Corp.*, 596 F.Supp.2d 842, December 30, 2008, United States District Court, D. New Jersey.

Arista Records LLC v. *Lime Group LLC*, 532 F.Supp.2d 556, December 3, 2007, United States District Court, S.D. New York.

Auwood v. *Harry Brandt Booking Office, Inc.*, 647 F.Supp. 1551, November 21, 1986, United States District Court, D. Connecticut.

Aventis Environmental Science USA LP v. *Scotts Co.*, 383 F.Supp.2d 488, January 13, 2005, United States District Court, S.D. New York.

Bodner v. *Banque Paribas*, 114 F.Supp.2d 117, August 31, 2000, United States District Court, E.D. New York.

Bowoto v. *Chevron Texaco Corp.*, 312 F.Supp.2d 1229, March 22, 2004, United States District Court, N.D. California.

Boyd v. *AWB Ltd.*, 544 F.Supp.2d 236, March 25, 2008, United States District Court, S.D. New York.

Bustop Shelters, Inc. v. *Convenience & Safety Corp.*, 521 F.Supp. 989, September 10, 1981, United States District Court, S. D. New York.

Caribbean Broadcast System Ltd. v. *Cable and Wireless PLC*, 1995 WL 767164 (D.D.C.), Dec. 21, 1995, United States District Court, District of Columbia.

Cascade Steel Rolling Mills, Inc. v. *C. Itoh and Co. (America) Inc.*, 499 F.Supp. 829, August 28, 1980, United States District Court, D. Oregon.

Centronics Data Computer Corp. v. *Mannesmann, A. G.*, 432 F.Supp. 659, June 10, 1977, United States District Court, D. New Hampshire.

Colonial Bank v. *Compagnie Generale Maritime et Financiere*, 645 F.Supp. 1457, October 15, 1986, United States District Court, S.D. New York.

Commercial Street Express LLC v. *Sara Lee Corp.*, 2008 WL 5377815 (N.D.Ill.), December 18, 2008, United States District Court, N.D. Illinois.

Conservation Council of Western Australia, Inc. v. *Aluminum Co. of America (Alcoa)*, 518 F.Supp. 270, July 9, 1981, United States District Court, W. D. Pennsylvania.

Coors Brewing Co. v. *Miller Brewing Co.*, 889 F.Supp. 1394, June 6, 1995, United States District Court, D. Colorado.

Costco Wholesale Corp. v. AU Optronics Corp., Slip Copy, 2014 WL 4718358 (W.D.Wash.), Signed September 22, 2014, United States District Court, W.D. Washington, at Seattle.

Crompton Corporation v. *Clariant Corp.*, 220 F.Supp.2d 569, August 7, 2002, United States District Court, M.D. Louisiana.

CSR Ltd. v. *Cigna Corp.*, 2005 WL 3132188 (D.N.J.), November 21, 2005, United States District Court, D. New Jersey.

CSR Ltd. v. *CIGNA Corp.*, 405 F.Supp.2d 526, December 13, 2005, United States District Court, D. New Jersey.

CSR Ltd. v. *Federal Ins. Co.*, 141 F.Supp.2d 484, April 24, 2001, United States District Court, D. New Jersey.

CSR Ltd. v. *Federal Ins. Co.*, 146 F.Supp.2d 556, May 25, 2001, United States District Court, D. New Jersey.

CSR Ltd. v. *Federal Ins. Co.*, 40 F.Supp.2d 559, October 9, 1998, United States District Court, D. New Jersey.

Daishowa Intern. v. *North Coast Export Co.*, 1982 WL 1850 (N.D.Cal.), Filed May 24, 1982, United States District Court, N.D. California.

David Cabrera, Inc. v. *Union De Choferes Y Duenos De Camiones Hermanados De Puerto Rico*, 256 F.Supp. 839, August 17, 1966, United States District Court, D. Puerto Rico.

de Atucha v. *Commodity Exchange, Inc.*, 608 F.Supp. 510, May 9, 1985, United States District Court, S.D. New York.

DeRoburt v. *Gannett Co., Inc.*, 548 F.Supp. 1370, October 13, 1982, United States District Court, D. Hawaii.

Dominicus Americana Bohio v. *Gulf & Western Industries, Inc.*, 473 F.Supp. 680, July 11, 1979, United States District Court, S. D. New York.

Donlan v. *Carvel*, 193 F.Supp. 246, April 17, 1961, United States District Court, D. Maryland.

E. & J. Gallo Winery v. *EnCana Energy Services, Inc.*, 2008 WL 2220396 (E.D.Cal.), May 27, 2008, United States District Court, E.D. California.

El Cid, Ltd. v. *New Jersey Zinc Co.*, 551 F.Supp. 626, November 30, 1982, United States District Court, S.D. New York.

El-Hadad v. *U.S.*, 377 F.Supp.2d 42, June 29, 2005, United States District Court, District of Columbia.

eMag Solutions LLC v. *Toda Kogyo Corp.*, 2005 WL 1712084 (N.D.Cal.), July 20, 2005, United States District Court, N.D. California.

eMag Solutions, LLC v. *Toda Kogyo Corp.*, 426 F.Supp.2d 1050, April 12, 2006, United States District Court, N.D. California.

Emerson Elec. Co. v. *Le Carbone Lorraine, S.A.*, 500 F.Supp.2d 437, August 9, 2007, United States District Court, D. New Jersey.

Empagran S.A. v. *F. Hoffman-La Roche Ltd.*, 453 F.Supp.2d 1, August 1, 2006, United States District Court, District of Columbia.

Empagran S.A. v. *F. Hoffman-La Roche, Ltd.*, 2001 WL 761360 (D.D.C.), June 7, 2001, United States District Court, District of Columbia.

Ensign-Bickford Co. v. *ICI Explosives USA Inc.*, 817 F.Supp. 1018, March 31, 1993, United States District Court, D. Connecticut.

Eskofot A/S v. *E.I. Du Pont De Nemours & Co.*, 872 F.Supp. 81, January 6, 1995, United States District Court, S.D. New York.

Eurim-Pharm GmbH v. *Pfizer Inc.*, 593 F.Supp. 1102, September 17, 1984, United States District Court, S.D. New York.

Falise v. *American Tobacco Co.*, 241 B.R. 63, November 10, 1999, United States District Court, E.D. New York.

Farmland Dairies, Inc. v. *New York Farm Bureau, Inc.*, 1996 WL 191971 (N.D.N.Y.), April 15, 1996, United States District Court, N.D. New York.

Federal Sugar Refining Co. v. *U.S. Sugar Equalization Board*, 268 F. 575, June 24, 1920, District Court, S.D. New York.

Fenerjian v. *Nongshim Company, Ltd.*, 2014 WL 5685562 (N.D.Cal.), 2014-2 Trade Cases P 78,954, November 4, 2014, United States District Court, N.D. California.

Ferromin Intern. Trade v. *UCAR Intern., Inc.*, 153 F.Supp.2d 700, June 13, 2001, Order Amending Memorandum and Order June 15, 2001, United States District Court, E.D. Pennsylvania.

Filetech S.A. v. *France Telecom, S.A.*, 212 F.Supp.2d 183, March 20, 2001, United States District Court, S.D. New York.

Filetech S.A.R.L. and Filetech U.S.A. v. *France Telecom and France Telecom*, 978 F.Supp. 464, September 15, 1997, United States District Court, S.D. New York.

Filetech, S.A. v. *France Telecom, S.A.*, 1999 WL 92517 (S.D.N.Y.), February 17, 1999, United States District Court, S.D. New York.

Fleischmann Distilling Corp. v. *Distillers Co. Ltd.*, 395 F.Supp. 221, May 12, 1975, United States District Court, S.D. New York.

Fond du Lac Bumper Exchange, Inc. v. *Jui Li Enterprise Co., Ltd.*, 753 F.Supp.2d 792, November 30, 2010, United States District Court, E.D. Wisconsin.

Galavan Supplements, Ltd. v. *Archer Daniels Midland Co.*, 1997 WL 732498 (N.D.Cal.), November 19, 1997, United States District Court, N.D. California.

Green v. *William Mason & Co.*, 996 F.Supp. 394, March 5, 1998, United States District Court, D. New Jersey.

Hinds County, Miss. v. *Wachovia Bank N.A.*, 700 F.Supp.2d 378, March 25, 2010, Opinion Denying Reconsideration April 9, 2010, United States District Court, S.D. New York.

Hoffman Motors Corp. v. *Alfa Romeo S.p.A.*, 244 F.Supp. 70, July 28, 1965, United States District Court, S.D. New York.

Hunt v. *A Cargo of Petroleum Products Laden on Steam Tanker Hilda*, 378 F.Supp. 701, June 17, 1974, United States District Court, E.D. Pennsylvania.

Hunt v. *Mobil Oil Corp.*, 410 F.Supp. 10, November 5, 1975, On Motion for Certification March 2, 1976, United States District Court, S.D. New York.

Hunt v. *Mobil Oil Corp.*, 410 F.Supp. 4, October 15, 1975, United States District Court, S.D. New York.

Hunt v. *Mobil Oil Corp.*, 444 F.Supp. 68, December 5, 1977, United States District Court, S. D. New York.

Hunt v. *Mobil Oil Corp.*, 465 F.Supp. 195, October 12, 1978, United States District Court, S. D. New York.

Hunt v. *Mobil Oil Corp.*, 557 F.Supp. 368, February 15, 1983, United States District Court, S.D. New York.

Hunt v. *Mobil Oil Corp.*, 583 F.Supp. 1092, April 24, 1984, United States District Court, S.D. New York.

Hunt v. *Mobil Oil Corp.*, 654 F.Supp. 1487, February 23, 1987, United States District Court, S.D. New York.

I. S. Joseph Co., Inc. v. *Mannesmann Pipe & Steel Corp.*, 408 F.Supp. 1023, March 10, 1976, United States District Court, D. Minnesota, Fourth Division.

In re Air Cargo Shipping Services Antitrust Litigation, 2008 WL 5958061 (E.D.N.Y.), September 26, 2008, United States District Court, E.D. New York.

In re Antibiotic Antitrust Actions, 333 F.Supp. 315, May 26, 1971, United States District Court, S.D. New York.

In re Aspartame Antitrust Litigation, 2008 WL 2275531 (E.D.Pa.), May 13, 2008, United States District Court, E.D. Pennsylvania.

In re Auction Houses Antitrust Litigation, 193 F.R.D. 162, April 20, 2000, United States District Court, S.D. New York.

In re Auction Houses Antitrust Litigation, 197 F.R.D. 71, September 22, 2000, United States District Court, S.D. New York.

In re Auction Houses Antitrust Litigation, 2001 WL 170792 (S.D.N.Y.), February 22, 2001, United States District Court, S.D. New York.

In re Automotive Parts Antitrust Litigation, Not Reported in F.Supp.3d, 2014 WL 4209588 (E.D.Mich.), 2015-1 Trade Cases P 79,066, Signed August 26, 2014, United States District Court, E.D. Michigan, Southern Division.

In re California Title Ins. Antitrust Litigation, 2009 WL 1458025 (N.D.Cal.), May 21, 2009, United States District Court, N.D. California.

In re Cathode Ray Tube (CRT) Antitrust Litigation, 2010 WL 9543295 (N.D.Cal.), Filed February 5, 2010, United States District Court, N.D. California.

In re Cathode Ray Tube (CRT) Antitrust Litigation, 738 F.Supp.2d 1011, March 30, 2010, United States District Court, N.D. California.

In re Cathode Ray Tube (CRT) Antitrust Litigation, Not Reported in F.Supp.2d, 2014 WL 1091589 (N.D.Cal.), Signed March 13, 2014, United States District Court, N.D. California.

In re Chocolate Confectionary Antitrust Litigation, 602 F.Supp.2d 538, March 4, 2009, United States District Court, M.D. Pennsylvania.

In re Copper Antitrust Litigation, 117 F.Supp.2d 875, October 2, 2000, United States District Court, W.D. Wisconsin.

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, 2006 WL 515629 (N.D.Cal.), March 1, 2006, United States District Court, N.D. California.

In re eBay Seller Antitrust Litigation, 2008 WL 3925350 (N.D.Cal.), August 22, 2008, United States District Court, N.D. California.

In re Elevator Antitrust Litigation, 2006 WL 1470994 (S.D.N.Y.), May 30, 2006, United States District Court, S.D. New York.

In re Flash Memory Antitrust Litigation, 643 F.Supp.2d 1133, March 31, 2009, United States District Court, N.D. California, Oakland Division.

In re Flat Glass Antitrust Litigation, 191 F.R.D. 472, November 5, 1999, United States District Court, W.D. Pennsylvania, Pittsburgh Division.

In re Foreign Exchange Benchmark Rates Antitrust Litigation, 2015 WL 363894 (S.D.N.Y.), 2015-1 Trade Cases P 79,042, Signed January 28, 2015, United States District Court, S.D. New York.

In re Grand Jury Investigation of the Shipping Industry, 186 F.Supp. 298, June 14, 1960, United States District Court, District of Columbia.

In re Grand Jury Subpoenas Duces Tecum Addressed to Canadian Intern. Paper Co., 72 F.Supp. 1013, July 21, 1947, District Court, S.D. New York.

In Re Graphite Electrodes Antitrust Litigation, 2007 WL 137684 (E.D.Pa.), January 16, 2007, United States District Court, E.D. Pennsylvania.

In re Greene, 52 F. 104, 7 Ohio F.Dec. 245, August 4, 1892, Circuit Court, S.D. Ohio, Western Division.

In re Hydrogen Peroxide Antitrust Litigation, 702 F.Supp.2d 548, March 31, 2010, United States District Court, E.D. Pennsylvania.

In re Intel Corp. Microprocessor Antitrust Litigation, 2007 WL 137152 (D.Del.), January 12, 2007, United States District Court, D. Delaware.

In re Intel Corp. Microprocessor Antitrust Litigation, 452 F.Supp.2d 555, September 26, 2006, United States District Court, D. Delaware.

In re Intel Corp. Microprocessor Antitrust Litigation, 476 F.Supp.2d 452, March 7, 2007, United States District Court, D. Delaware.

In re Korean Air LInes Co., Ltd. Antitrust Litigation, 2010 WL 3184372, August 2, 2010, United States District Court, C.D. California.

In re Mercedes-Benz Anti-Trust Litigation, 157 F.Supp.2d 355, August 9, 2001, United States District Court, D. New Jersey.

In re Microsoft Corp. Antitrust Litigation, 127 F.Supp.2d 702, January 12, 2001, United States District Court, D. Maryland.

In re Monosodium Glutamate Antitrust Litigation, 2005 WL 1080790 (D.Minn.), May 2, 2005, United States District Court, D. Minnesota.

In re Monosodium Glutamate, 2005 WL 2810682 (D.Minn.), October 26, 2005, United States District Court, D. Minnesota.

In re NASDAQ Market-Makers Antitrust Litigation, 169 F.R.D. 493, November 26, 1996, United States District Court, S.D. New York.

In re Nine West Shoes Antitrust Litigation, 80 F.Supp.2d 181, January 7, 2000, United States District Court, S.D. New York.

In re Optical Disk Drive Antitrust Litigation, 2011 WL 3894376, August 3, 2011, United States District Court, N.D. California, San Francisco Division.

In re Optical Disk Drive Antitrust Litigation, 303 F.R.D. 311, 2014-2 Trade Cases P 78,932, October 3, 2014, United States District Court, N.D. California, San Francisco Division.

In re Optical Disk Drive Antitrust Litigation, Not Reported in F.Supp.2d, 2014 WL 3378336 (N.D.Cal.), 2014-2 Trade Cases P 78,931, Signed July 10, 2014, United States District Court, San Francisco Division. San Francisco Division.

In re Potash Antitrust Litigation, 667 F.Supp.2d 907, November 3, 2009, United States District Court, N.D. Illinois, Eastern Division.

In re Publication Paper Antitrust Litigation, 2005 WL 2175139 (D.Conn.), September 7, 2005, United States District Court, D. Connecticut.

In re Rail Freight Fuel Surcharge Antitrust Litigation, 587 F.Supp.2d 27, November 7, 2008, United States District Court, District of Columbia.

In re Refrigerant Compressors Antitrust Litigation, 2015 WL 1181168 (E.D.Mich.), Signed March 13, 2015, United States District Court, E.D. Michigan, Southern Division.

In re Rubber Chemicals Antitrust Litigation, 486 F.Supp.2d 1078, May 9, 2007, United States District Court, N.D. California.

In re Rubber Chemicals Antitrust Litigation, 504 F.Supp.2d 777, August 15, 2007, United States District Court, N.D. California.

In re Salomon Analyst Level 3 Litigation, 350 F.Supp.2d 477, December 2, 2004, United States District Court, S.D. New York.

In re Static Random Access Memory (SRAM) Antitrust Litigation, 2010 WL 5477313 (N.D.Cal.), December 31, 2010, United States District Court, N.D. California.

In re Static Random Access Memory (SRAM) Antitrust Litigation, 580 F.Supp.2d 896, February 14, 2008, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2010 WL 2610641 (N.D.Cal.), June 28, 2010, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2010 WL 2629728 (N.D.Cal.), June 29, 2010, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2011 WL 5444261, November 9, 2011, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2012 WL 3763616, August, 29, 2012, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2012 WL 506327 (N.D.Cal.), February 15, 2012, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2013 WL 1164897, March 20, 2012, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 2013 WL 6174683, November 20, 2013, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 267 F.R.D. 291, March 28, 2010, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 267 F.R.D. 583, March 28, 2010, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 599 F.Supp.2d 1179, March 3, 2009, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 781 F.Supp.2d 955, March 16, 2011, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 785 F.Supp.2d 835, March 28, 2011, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, 822 F.Supp.2d 953, October 5, 2011, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, Not Reported in F.Supp.3d, 2014 WL 4652126 (N.D.Cal.), September 18, 2014, United States District Court, N.D. California.

In re TFT-LCD (Flat Panel) Antitrust Litigation, Not Reported in F.Supp.2d, 2014 WL 1568870 (N.D.Cal.), Signed April 18, 2014, United States District Court, N.D. California.

In re Transpacific Passenger Air Transp. Antitrust Litigation, 2011 WL 1753738 (N.D.Cal.), May 9, 2011, United States District Court, N.D. California.

In re Uranium Antitrust Litigation, 480 F.Supp. 1138, November 7, 1979, United States District Court, N.D. Illinois, Eastern Division.

In re Urethane Antitrust Litigation, 261 F.R.D. 570, August 11, 2009, United States District Court, D. Kansas.

In re Urethane Antitrust Litigation, 683 F.Supp.2d 1214, January 25, 2010, United States District Court, D. Kansas.

In re Vitamin C Antitrust Litigation, 810 F.Supp.2d 522, September 6, 2011, United States District Court, E.D. New York.

In re Vitamin C Antitrust Litigation, 904 F.Supp.2d 310, November 16, 2012, United States District Court, E.D. New York.

In re Vitamins Antitrust Litigation, 2001 WL 1049433 (D.D.C.), June 20, 2001, United States District Court, District of Columbia.

In re Vitamins Antitrust Litigation, 2001 WL 755852 (D.D.C.), June 7, 2001, United States District Court, District of Columbia.

Industria Siciliana Asfalti v. *Exxon Research and Engineering, Co.*, 1977 WL 1353 (S.D.N.Y.), Filed January 18, 1977, United States District Court, S.D. New York.

Information Resources, Inc. v. *Dun & Bradstreet Corp.*, 127 F.Supp.2d 411, July 12, 2000, Order Clarifying Opinion February 6, 2001, United States District Court, S.D. New York.

International Ass'n of Machinists and Aerospace Workers (IAM) v. *Organization of Petroleum Exporting Countries (OPEC)*, 477 F.Supp. 553, September 18, 1979, United States District Court, C. D. California.

Iwanowa v. *Ford Motor Co.*, 67 F.Supp.2d 424, October 28, 1999, United States District Court, D. New Jersey.

Jarmatt Truck Leasing Corp. v. *Brooklyn Pie Co., Inc.*, 525 F.Supp. 749, October 29, 1981, United States District Court, E. D. New York.

Joseph Muller Corp. Zurich v. *Societe Anonyme De Gerance Et D'Armement*, 314 F.Supp. 439, June 23, 1970, United States District Court, S.D. New York.

Korea Kumho Petrochemical v. *Flexsys America LP*, 2007 WL 2318906, August 13, 2007, United States District Court, N.D. California.

Korea Kumho Petrochemical v. *Flexsys America LP*, 2008 WL 686834, March 11, 2008, United States District Court, N.D. California.

Kruman v. *Christie's Intern. PLC*, 129 F.Supp.2d 620, January 29, 2001, United States District Court, S.D. New York.

La Republique Francaise v. *Schultz*, 94 F. 500, May 23, 1899, Circuit Court, S.D. New York.

Laker Airways Ltd. v. *Pan American World Airways*, 568 F.Supp. 811, May 3, 1983, United States District Court, District of Columbia.

Lantec, Inc. v. *Novell, Inc.*, 146 F.Supp.2d 1140, April 9, 2001, United States District Court, D. Utah, Central Division.

Lantec, Inc. v. *Novell, Inc.*, 2000 U.S. Dist. LEXIS 19905, Decided September 14, 2000, Filed September 15, 2000, United States District Court for the District of Utah, Central Division.

Lantec, Inc. v. *Novell, Inc.*, 2001 WL 1916256 (D.Utah), May 8, 2001, United States District Court, D. Utah, Central Division.

Lantec, Inc. v. *Novell*, No. 2:95–CV–97–ST, 2000 U.S.Dist.LEXIS 19905, Decided September 14, 2000, Filed September 15, 2000, United States Court for the District of Utah, Central Division.

Latino Quimica-Amtex S.A. v. *Akzo Nobel Chemicals B.V.*, 2005 WL 2207017 (S.D.N.Y.), Sept. 8, 2005, United States District Court, S.D. New York.

Lavoho, LLC v. *Apple Inc.*, 2014 WL 6791612 (S.D.N.Y.), 2014-2 Trade Cases P 78,978, Signed December 3, 2014, United States District Court, S.D. New York.

Laydon v. *Mizuho Bank, Ltd.*, Slip Copy, 2014 WL 1280464 (S.D.N.Y.), Signed March 28, 2014, United States District Court, S.D. New York.

Lefrak v. *Arabian American Oil Co.*, 487 F.Supp. 808, January 10, 1980, United States District Court, E. D. New York.

Leonard J. Strandberg and Associates v. *Misan Const. Corp.*, 2010 WL 1565485 (E.D.N.Y.), April 19, 2010, United States District Court, E.D. New York.

Lewis v. *District of Columbia*, 535 F.Supp.2d 1, January 24, 2008, United States District Court, District of Columbia.

Liamuiga Tours, Div. of Caribbean Tourism Consultants, Ltd. v. *Travel Impressions, Ltd.*, 617 F.Supp. 920, September 18, 1995, United States District Court, E.D. New York.

Long Island Lighting Co. v. *Standard Oil Co. of California*, 390 F.Supp. 1172, February, 27, 1975, United States District Court, S.D. New York.

Lotes Co., Ltd. v. *Hon Hai Precision Industry Co. Ltd.*, 2013 WL 2099227 (S.D.N.Y.), May 14, 2013, United States District Court, S.D. New York.

Mars Inc. v. *Nippon Conlux Kabushiki-Kaisha*, 825 F.Supp. 73, June 10, 1993, United States District Court, D. Delaware.

Marshall v. *Turnbull*, 32 F. 124, August 10, 1887, Circuit Court, E.D. New York.

McElderry v. *Cathay Pacific Airways, Ltd.*, 678 F.Supp. 1071, February 2, 1988, As Amended March 15, 1988, United States District Court, S.D. New York.

McLafferty v. *Deutsche Lufthansa A.G.*, 2009 WL 3365881 (E.D.Pa.), October 16, 2009, United States District Court, E.D. Pennsylvania.

MM Global Services, Inc. v. *Dow Chemical Co.*, 2004 WL 556577 (D.Conn.), March 18, 2004, United States District Court, D. Connecticut.

MM Global Services, Inc. v. *Dow Chemical Co.*, 283 F.Supp.2d 689, September 12, 2003, United States District Court, D. Connecticut.

MM Global Services, Inc. v. *Dow Chemical Co.*, 329 F.Supp.2d 337, August 11, 2004, United States District Court, D. Connecticut.

Motorola Mobility, Inc. v. *AU Optronics Corporation*, 2014 WL 258154, January 23, 2014, United States District Court, N.D. Illinois, Eastern Division.

National Bank of Canada v. *Interbank Card Ass'n.*, 507 F.Supp. 1113, December 9, 1980, United States District Court, S. D. New York.

National Hockey League v. *Plymouth Whalers Hockey*, 166 F.Supp.2d 1155, September 27, 2001, United States District Court, E.D. Michigan, Southern Division.

Occidental Petroleum Corp. v. *Buttes Gas & Oil Co.*, 331 F.Supp. 92, March 17, 1971, United States District Court, C. D. California.

Ocean View Capital, Inc. v. *Sumitomo Corp. of America*, 1999 WL 1201701 (S.D.N.Y.), December 15, 1999, United States District Court, S.D. New York.

Optimum, S.A. v. *Legent Corp.*, 926 F.Supp. 530, March 5, 1996, United States District Court, W.D. Pennsylvania.

Overseas Motors, Inc. v. *Import Motors Ltd., Inc.*, 375 F.Supp. 499, March 18, 1974, United States District Court, E.D. Michigan, Southern Division.

Papst Motoren GMbH & Co. KG v. *Kanematsu-Goshu (U.S.A.) Inc.*, 629 F.Supp. 864, January 9, 1986, United States District Court, S.D. New York.

Phillip Gall and Son v. *Garcia Corp.*, 340 F.Supp. 1255, April 12, 1972, United States District Court, E. D. Kentucky, Lexington Division.

Phoenix Canada Oil Co. Ltd. v. *Texaco, Inc.*, 658 F.Supp. 1061, March 13, 1987, United States District Court, D. Delaware.

Phone Directories Co., Inc. v. *Contel Corp.*, 786 F.Supp. 930, February 14, 1992, United States District Court, D. Utah, Central Division.

Pickthall v. *Anaconda Copper Min Co.*, 73 F.Supp. 694, October 3, 1947, District Court, S.D. New York.

Power East Ltd. v. *Transamerica Delaval Inc.*, 558 F.Supp. 47, January 21, 1983, United States District Court, S.D. New York.

Precision Associates, Inc. v. *Panalpina World Transport (Holding) Ltd.*, 2011 WL 7053807 (E.D.N.Y.), January 4, 2011, United States District Court, E.D. New York.

Precision Associates, Inc. v. *Panalpina World Transport, (Holding) Ltd.*, 2013 WL 6481195, September 20, 2013, United States District Court, E.D. New York.

Ramirez & Feraud Chili Co. v. *Las Palmas Food Co.*, 146 F.Supp. 594, November 8, 1956, United States District Court S.D. California, Central Division.

Raubal v. *Engelhard Minerals & Chemicals Corp.*, 364 F.Supp. 1352, September 25, 1973, United States District Court, S.D. New York.

Ravins v. *Alvarez AND Ravins* v. *Endersby*, 2004 WL 5642455 (C.D.Cal.), July 29, 2004, United States District Court, C.D. California.

Rios v. *Marshall*, 100 F.R.D. 395, December 12, 1983, United States District Court, S.D. New York.

Ryals v. *National Car Rental System, Inc.*, 404 F.Supp. 481, September 24, 1975, United States District Court, D. Minnesota, Fourth Division.

S. Megga Telecommunications Ltd. v. *Lucent Technologies, Inc.*, 1997 WL 86413 (D.Del.), February 14, 1997, United States District Court, D. Delaware.

Sanib Corp. v. *United Fruit Co.*, 135 F.Supp. 764, November 22, 1955, United States District Court, S.D. New York.

School Dist. of Philadelphia, Com. of Pa. v. *Kurtz Bros.*, 240 F.Supp. 361, March 18, 1965, United States District Court, E.D. Pennsylvania.

Sebastian Tow Boat & Salvage v. *Slavens*, 2002 WL 32063121 (M.D.Fla.), Filed July 3, 2002, October 15, 2002, United States District Court, M.D. Florida.

Sniado v. *Bank Austria AG*, 174 F.Supp.2d 159, November 30, 2001, United States District Court, S.D. New York.

Star Lines, Ltd. v. *Puerto Rico Maritime Shipping Authority*, 442 F.Supp. 1201, January 5, 1978, United States District Court, S. D. New York.

Stavrides v. *Mellon Nat. Bank & Trust Co.*, 353 F.Supp. 1072, January 4, 1973, United States District Court, W. D. Pennsylvania.

Sulmeyer v. *Seven-Up Co.*, 411 F.Supp. 635, March 26, 1976, United States District Court, S.D. New York.

Sun Microsystems Inc. v. *Hynix Semiconductor Inc.*, 2007 WL 1056783 (N.D.Cal.), April 5, 2007, United States District Court, N.D. California.

Sun Microsystems Inc. v. *Hynix Semiconductor Inc.*, 534 F.Supp.2d 1101, October 15, 2007, United States District Court, N.D. California.

Sun Microsystems Inc. v. *Hynix Semiconductor Inc.*, 608 F.Supp.2d 1166, March 31, 2009, United States District Court, N.D. California.

Texas Instruments, Inc. v. *Hyundai Electronics Industries, Co. Ltd.*, 49 F.Supp.2d 893, April 19, 1999, United States District Court, E.D. Texas, Marshall Division.

The 'In' Porters, S.A. v. *Hanes Printables, Inc.*, 663 F.Supp. 494, June 11, 1987, United States District Court, M.D. North Carolina.

The Maipo, 259 F. 367, February 21, 1919, District Court, S.D. New York.

The Roseric, 254 F. 154, November 22, 1918, District Court, D. New Jersey.

Thomson v. *Union Castle Mail S S Co.*, 149 F. 933, January 16, 1907, Circuit Court, S.D. New York.

TI Inv. Services, LLC v. *Microsoft Corp.*, 23 F.Supp.3d 451, 2014-1 Trade Cases P 78,792, Signed May 30, 2014, United States District Court, D. New Jersey.

Timberlane Lumber Co. v. *Bank of America Nat. Trust and Sav. Ass'n.*, 574 F.Supp. 1453, October 24, 1983, United States District Court, N.D. California.

Todhunter-Mitchell & Co., Ltd. v. *Anheuser-Busch, Inc.*, 383 F.Supp. 586, October 11, 1974, United States District Court, E.D. Pennsylvania.

Transnor (Bermuda) Ltd. v. *BP North America Petroleum*, 738 F.Supp. 1472, April 18, 1990, United States District Court, S.D. New York.

Trugman-Nash, Inc. v. *New Zealand Dairy Bd.*, 942 F.Supp. 905, October 8, 1996, United States District Court, S.D. New York.

Trugman-Nash, Inc. v. *New Zealand Dairy Bd., Milk Products Holdings (North America) Inc.*, 954 F.Supp. 733, February 24, 1997, United States District Court, S.D. New York.

Turicentro, S.A. v. *American Airlines, Inc.*, 152 F.Supp.2d 829, July 24, 2001, United States District Court, E.D. Pennsylvania.

U.S. v. *Aluminum Co. of America*, 91 F.Supp. 333, June 2, 1950, United States District Court, S.D. New York.

U.S. v. *Associated Press*, 52 F.Supp. 362, October 6, 1943, District Court, S.D. New York.

U.S. v. *Bethlehem Steel Corp*, 168 F.Supp. 576, November 20, 1958, United States District Court, S.D. New York.

U.S. v. *Colorado Wholesale Wine and Liquor Dealers Ass'n.*, 47 F.Supp. 160, October 10, 1942, District Court, D. Colorado.

U.S. v. *Corn Products Refining Co.*, 234 F. 964, June 24, 1916, District Court, S.D. New York.

U.S. v. *Deutsches Kalisyndikat Gesellschaft*, 31 F.2d 199, January 5, 1929, District Court, S.D. New York.

U.S. v. *General Dyestuff Corporation*, 57 F.Supp. 642, November 6, 1944, District Court, S.D. New York.

U.S. v. *General Dynamics Corp.*, 258 F.Supp. 36, August 26, 1966, United States District Court, S.D. New York.

U.S. v. *General Elec. Co.*, 115 F.Supp. 835, October 2, 1953, United States District Court, D. New Jersey.

U.S. v. *General Elec. Co.*, 80 F.Supp. 989, October 8, 1948, United States District Court, S.D. New York.

U.S. v. *General Elec. Co.*, 82 F.Supp. 753, January 19, 1949, As Corrected April 4, 1949, United States District Court, D. New Jersey.

U.S. v. *Hamburg-Amerikanische Packet-Fahrt-Actien-Gesellschaft*, 200 F. 806, December 20, 1911, Circuit Court, S.D. New York.

U.S. v. *Hamburgh-American S.S. Line*, 216 F. 971, October 13, 1914, District Court, S.D. New York.

U.S. v. *Imperial Chemical Industries*, 105 F.Supp. 215, May 16, 1952, United States District Court, S.D. New York.

U.S. v. *Line Material Co.*, 64 F.Supp. 970, March 6, 1946, District Court, E.D. Wisconsin.

U.S. v. *Minnesota Min. & Mfg. Co.*, 92 F.Supp. 947, September 13, 1950, As Amended September 20, 1950, United States District Court, D. Massachusetts.

U.S. v. *National Lead Co.*, 63 F.Supp. 513, August 24, 1945, Final Decree October 11, 1945, District Court, S.D. New York.

U.S. v. *Prince Line*, 220 F. 230, February 3, 1915, District Court, S.D. New York.

U.S. v. *R. P. Oldham Co.*, 152 F.Supp. 818, June 11, 1957, United States District Court, N.D. California, Southern Division.

U.S. v. *Standard Ultramarine & Color Co.*, 137 F.Supp. 167, December 16, 1955, United States District Court, S.D. New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 168 F.Supp. 904, December 23, 1958, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1957 U.S. Dist.LEXIS 4208, December 19, 1957, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1959 U.S. Dist. LEXIS 3988, December 16, 1959, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1959 U.S.Dist.LEXIS 3983, November 19, 1959, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1959 U.S. Dist. LEXIS 3943, March 11, 1959, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1960 U.S. Dist. LEXIS 4772, May 18, 1960, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1962 U.S. Dist. LEXIS 5816, December 20, 1962, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 1965 U.S. Dist. LEXIS 9479, January 7, 1965, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 25 F.R.D. 197, October 26, 1959, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 25 F.R.D. 347, March 15, 1960, United States District Court for the Southern District of New York.

U.S. v. *The Watchmakers of Switzerland Information Center*, 25 F.R.D. 203, March 2, 1960, United States District Court for the Southern District of New York.

U.S. v. *Timken Roller Bearing Co.*, 83 F.Supp. 284, March 3, 1949, United States District Court, N.D. Ohio, Eastern Division.

U.S. v. *U.S. Alkali Export Ass'n.*, 58 F.Supp. 785, December 26, 1944, Writ of Certiorari Granted March 5, 1945, District Court, S.D. New York.

U.S. v. *U.S. Alkali Export Ass'n.*, 86 F.Supp. 59, August 12, 1949, United States District Court, S.D. New York.

U.S. v. *Watchmakers of Switzerland Information Center*, 133 F.Supp. 40, July 13, 1955, Reargument Denied September 15, 1955, United States District Court, S.D. New York.

U.S. v. *Watchmakers of Switzerland Information Center*, 134 F.Supp. 710, September 15, 1955, United States District Court, S.D. New York.

U.S. v. *Westinghouse Electric Corporation & Mitsubishi*, 471 F. Supp. 532, October 20, 1978, United States District Court, Northern District of California.

Ubiquiti Networks, Inc. v. *Kozumi USA Corp.*, 2013 WL 368365 (N.D.Cal.), January 29, 2013, United States District Court, N.D. California.

United Phosphorus, Ltd. v. *Angus Chemical Co.*, 131 F.Supp.2d 1003, February 16, 2001, United States District Court, N.D. Illinois, Eastern Division.

United Phosphorus, Ltd. v. *Angus Chemical Co.*, 1994 WL 577246 (N.D.Ill.), October 18, 1994, United States District Court, N.D. Illinois, Eastern Division.

Vacuum Oil Co. v. *Eagle Oil Co. of New York*, 154 F. 867, June 18, 1907, Circuit Court, D. New Jersey.

Vacuum Oil Co. v. *Eagle Oil Co.*, 122 F. 105, March 3, 1903, Circuit Court, D. New Jersey.

Vespa of America Corp. v. *Bajaj Auto Ltd.*, 550 F.Supp. 224, June 23, 1982, United States District Court, N.D. California.

Volkswagen De Mexico, S.A. v. *Germanischer Lloyd*, 768 F.Supp. 1023, July 18, 1991, United States District Court, S.D. New York.

W. L. Gore & Associates, Inc. v. *Carlisle Corp.*, 381 F.Supp. 680, September 9, 1974, United States District Court, D. Delaware.

Waldbaum v. *Worldvision Enterprises, Inc.*, 84 F.R.D. 95, October 12, 1979, United States District Court, S.D. New York.

Waldron v. *British Petroleum Co.*, 149 F.Supp. 830, March 18, 1957, United States District Court, S.D. New York.

Wasserstein Perella Emerging Markets Finance, LP v. *Province of Formosa*, 2000 WL 573231 (S.D.N.Y.), May 11, 2000, United States District Court, S.D. New York.

Wells Fargo & Co. v. *Wells Fargo Exp. Co.*, 358 F.Supp. 1065, April 10, 1973, United States District Court, D. Nevada.

Windt v. *Qwest Communications Intern., Inc.*, 544 F.Supp.2d 409, March 28, 2008, United States District Court, D. New Jersey.

4 The U.S. State Court Cases

Com. v. *Macloon*, 101 Mass. 1, January Term, 1869, Supreme Judicial Court of Massachusetts.

Com. v. *Smith*, 11 Allen 243, November Session, 1865, Supreme Judicial Court of Massachusetts.

Commonwealth v. *Gillespie*, 1822 WL 1861, January, 1822, Supreme Court of Pennsylvania.

Commonwealth v. *Peaslee*, 177 Mass. 267, January 1, 1901, Supreme Judicial Court of Massachusetts, Essex.

Dempsey v. *Chambers*, 13 L.R.A. 219, September 3, 1891, Supreme Judicial Court of Massachusetts, Essex.

Elmer v. *Fessenden*, 5 L.R.A. 724, November 26, 1889, Supreme Judicial Court of Massachusetts, Franklin.

Hunt v. *Coastal States Gas Producing Co.*, 570 S.W.2d 503, August 23, 1978, Rehearings Denied September 13, 1978, Court of Civil Appeals of Texas, Houston (14th Dist.).

Hunt v. *Coastal States Gas Producing Co.*, 583 S.W.2d 322, June 13, 1979, Rehearing Denied July 18, 1979, Supreme Court of Texas.

J.*E. Rhoads & Sons, Inc.* v. *Ammeraal, Inc.*, 1988 WL 32012 (Del.Super.), March 30, 1988, Superior Court of Delaware, New Castle County.

Milliken v. *Pratt*, 125 Mass. 374, October 4, 1877, September 12, 1878, Supreme Judicial Court of Massachusetts.

Moran v. *Dunphy*, 52 L.R.A. 115, January 4, 1901, Supreme Judicial Court of Massachusetts, Suffolk.

Outokumpu Engineering Enterprises, Inc. v. *Kvaerner EnviroPower, Inc.*, 685 A.2d 724, Submitted March 19, 1996, Decided July 10, 1996, Superior Court of Delaware, New Castle County.

Pomanowski v. *Monmouth County Bd. of Realtors*, 89 N.J. 306, Argued January 25, 1982, Decided May 10, 1982, Supreme Court of New Jersey.

Sickles v. *Cabot Corp.*, 379 N.J.Super. 100, Submitted June 8, 2005, Decided July 7, 2005, Superior Court of New Jersey, Appellate Division.

Simpson v. *State*, 22 L.R.A. 248, May 29, 1893, Supreme Court of Georgia.

State v. *Carter*, 27 N.J.L. 499, June Term, 1859, Supreme Court of New Jersey.

State v. *Lawn King, Inc.*, 84 N.J. 179, Argued February 20, 1980, Decided July 31, 1980, Supreme Court of New Jersey.

State v. *Piver*, 74 Wash. 96, June 13, 1913, Supreme Court of Washington.

Weil v. *Black*, 76 W.Va. 685, October 5, 1915, Supreme Court of Appeals of West Virginia.

Bibliography

1.1 Books

Amato, G. (1997). *Antitrust and the Bounds of Power; The Dilemma of Liberal Democracy in the History of the Market*. Oxford, UK: Hart Publishing.

American Bar Association, S. o. A. L. (1996). *Proving Antitrust Damages; Legal and Economic Issues*. American Bar Association.

Bork, R. H. (1978). *The Antitrust Paradox: A Policy at War with Itself*. Basic Books, Inc.

Cheng, C.-J., Lui, L. S., & Wang, C.-K. (Eds.). (1995). *International Harmonization of Competition laws*. Dordrecht, The Netherlands: Martinus Nijhoff Publishers.

Dabbah, M. M. (2003). *The Internationalisation of Antitrust Policy*. Cambridge, UK: Cambridge University Press.

Ewing, K. P. J. (2006). *Competition Rules for the 21st Century: Principles from America's Experience* (9). Alphen AAn Den Rijn, The Netherlands: Kluwer Law International.

Hovenkamp, H. (2005). *The Antitrust Enterprise: Principles and Execution*. Cambridge, Massachusetts, USA: Harvard University Press.

Jones, C. A. (1999). *Private Enforcement of Antitrust Law in the EU, UK, and USA*. New York, US: Oxford University Press.

Komninos, A. P. (2008). *EC Private Antitrust Enforcement; Decentralised Application of EC Competition Law by National Courts*. Oxford and Portland, Oregon, US: Hart Publishing.

Letwin, W. (1966). *Law and Economic Policy in America; The Evolution of the Sherman Antitrust Act*. Edinburgh University Press.

Marsden, P. (Ed.). (2006). *Handbook of Research in Trans-Atantic Antitrust*. Cheltenham, UK, Northampton, Massachusetts, USA: Edward Elger.

Nazzini, R. (2004). *Concurrent Proceedings in Competition Law; Procedure, Evidence, and Remedies*. New York, US: Oxford University Press.

Neale, A. D., & Stephens, M. L. (1988). *International Business and National Jurisdiction*. New York, US: Clarendon Press, Oxford University Press.

Neumann, M., & Weigand, J. (Eds.). (2004). *The International Handbook of Competition*. Cheltenham, UK, Northampton, Massachusetts, USA: Edward, Elger.

Neumann, M., & Weigand, J. (Eds.). (2004). *The International Handbook of Competition*. Cheltenham, UK

Posner, R. A. (2001). *Antitrust Law* (2 ed.). The University of Chicago Press.

Thorelli, H. B. (1954). *The Federal Antitrust Policy; Origination of an American Tradition*. Stockholm, Sweden: George Allen & Unwin Ltd., P.A. Norstedt & Söner.

Ullrich, H. (Ed.). (1998). *Comparative Competition Law: Approaching an International System of Anti-trust Law: Proceedings of the Workshop, Bruges, College of Europe, July 3-5,1997*. Baden-Baden, Germany: Auflage.

Zanettin, B. (2002). *Cooperation Between Antitrust Agencies at the International Level*. Portland, Oregon, USA: Hart Publishing.

1.2 Articles

Baker, D. I. (2004). Revisiting History - What Have We Learned about Private Antitrust Enforcement That We Would Recommend to Others? *Loyola Consumer Law Review*, *16*(4), 379-408.

Bauer, J. (2001). The Stealth Assault on Antitrust Enforcement: Raising the Barriers for Antitrust Injury and Standing. *University of Pittsburg Law Review*, *62*, 437-452.

Bennett, D. J. (2005). Killing One Bird With Two Stones: The Effect of Empagran and the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 on Detecting and Deterring International Cartels. *The Georgetown Law Journal*, *93*(4), 1421-1455.

Berger, D., & Bernstein, R. (1977). An Analytical Framework for Antitrust Standing. *The Yale Law Journal*, *86*(5), 809-883.

Bloom, M. (2005). Should Foreign Purchasers Have Access to U.S. Antitrust Damages Remedies? A Post-Empagran Perspective From Europe. *New York University Annual Survey of American Law, 61*(3), 433-451

Breit, W., & Elzinga, K. G. (1985). Private Antitrust Enforcement: The New Learning. Journal of Law and Economics, *28*(2), 405-443.

Burnett, S. E. (2004). U.S. Judicial Imperialism post Empagran v F. Hoffmann-Laroche? Conflicts of Jurisdiction and International Comity in Extraterritorial Antitrust. *Emory International Law Review*, *18*(2), 555-643.

Buswell, D. J. (2003). Foreign Trade Antitrust Improvements Act: A Three Ring Circus - Three Circuits, Three Interpretations. *Delaware Journal of Corporate Law*, *28*(3), 979-997.

Butler, G. (2005). Supreme Court's Destruction of Incentive to Participate in the Justice Department's Cartel Leniency Program. *Boston University Public Interest Law Journal*, *15*(1), 169-186.

Buxbaum, H. L. (2004). Jurisdictional Conflict in Global Antitrust Enforcement. *Loyola Consumer Law Review*, *16*(4), 365-377.

Buxbaum, H. L. (2004). National Courts, Global Cartels: F. Hoffman-LaRoche Ltd. v. Empagran, S.A. (U.S. Supreme Court 2004). *German Law Journal*, *5*(9), 1095-1106.

Buxbaum, H. L. (2009). Territory, Territoriality, and the Resolution of Jurisdictional Conflict. *American Journal of Comparative Law*, *57*(3), 631-676.

Calkins, S. (1986). Summary Judgment, Motions to Dismiss, and Other Examples of Equilibrating Tendencies in the Antitrust System. *Georgetown Law Journal*, *74*, 1065-1161.

Casey, S. A. (2005). Balancing Deterrence, Comity Considerations, and Judicial Efficiency: The Use of the D.C. Circuit's Proximate Cause Standard for Determining Subject Matter Jurisdiction over Extraterritorial Antitrust Cases. *American University Law Review*, *55*(2), 585-620.

Cavanagh, E. D. (2003). The FTAIA and Subject Matter Jurisdiction over Foreign Transactions under Antitrust Laws: The New Frontier in Antitrust Litigation. *SMU Law Review*, *56*(4), 2151-2189.

Cavanagh, E. D. (2005). The FTAIA and Empagran: What Next? *SMU Law Review*, *58*(4), 1419-1451.

Coffee, J. C. J. (1983). Rescuing the Private Attorney General: Why the Model of the Lawyer as Bounty Hunter is Not Working. *Maryland Law Review*, *42*(2), 215-288.

Comment. (1939). Fifty Years of Sherman Act Enforcement. *The Yale Law Journal*, *49*(2), 284-302.

Comment. (1951). Government Judgments as Evidence in Private Anti-Trust Proceedings: Section 5 of the Clayton Act. *Illinois Law Review*, *46*(5), 765-775.

Comment. (1952). Antitrust Enforcement By Private Parties: Analysis of Developments in the Treble Damage Suit. *The Yale Law Journal*, *61*(6), 1010-1065.

Connor, J. M., & Bush, D. (2008). How to Block Cartel Formation and Price Fixing: Using Extraterritorial Application of the Antitrust Laws as a Deterrence Mechanism. *Penn State Law Review*, *112*(3), 813-858.

Dam, K. W. (1969). Fortner Enterprises v. United States: “Neither a Borrower, Nor a Leader Be”. *The Supreme Court Review*, *1969*, 1-40.

Davis, J. P., & Lande, R. H. (2013). Toward an Empirical and Theoretical Assessment of Private Antitrust Enforcement. *Seattle University Law Review*, *36*, 1269-1335.

Davis, R. W. (2004). Empagran and International Cartels - A Comity of Errors. *Antitrust*, *19*(1), 58-65.

Diamond, S. L. (2006). Empagran, the FTAIA and Extraterritorial Effects: Guidance to Courts Facing Questions of Antitrust Jurisdiction Still Lacking. *Brooklyn Journal of International Law*, *31*(3), 805-856.

Dodge, W. S. (1998). Understanding the Presumption Against Extraterritoriality. *Berkeley Journal of International Law*, *16*, 85-125.

Donovan, L. M. (2006). Importing Plaintiffs: The Extraterritorial Scope of the Sherman Act after Empagran. *Iowa Law Review*, *91*(2), 719-750.

Draba, R. E. (2004). International Antitrust: Supreme Court Decides the Meaning of “Gives Rise to a Claim” and “Foreign Tribunal”. *Loyola University Chicago International Law Review*, *2*(1), 129-152.

Favretto, R. J. (1989). Private Antitrust Enforcement: the Defense Perspective. Antitrust Law Journal, *58*(2), 303-310.

Fernandes, S. (2005). *F. Hoffman-Laroche, Ltd* v. *Empagran* and the Extraterritorial Limits of United States Antitrust Jurisdiction: Where Comity and Deterrence Collide. *Connecticut Journal of International Law*, *20*(2), 267-317.

First, H. (2001). The Vitamins Case: Cartel Prosecutions and the Coming of International Competition Law. *Antitrust Law Journal*, *68*(3), 712-734.

Fitzpatrick, M. (2005). Hoffman-La Roche Ltd. v. Empagran S.A.: The Supreme Court Trusts that Foreign Nations Can Preserve Competition without American Interference. *Tulane Journal of International and Comparative Law*, *13*, 357-378.

Flynn, J. J. (1980). Rethinking Sherman Act Section 1 Analysis: Three Proposals for Reducing the Chaos. *Antitrust Law Journal*, *49*, 1593-1634.

Gerber, D. J. (1998). *Law and Competition in Twentieth Century Europe; Protecting Prometheus*. Oxford University Press.

Griffin, J. P. (1987). United States Antitrust Laws and Transnational Business Transactions: An Introduction. *International Lawyer*, *21*, 307-341.

Grippando, J. M. (1983). Declining to Exercise Extraterritorial Antitrust Jurisdiction on Grounds of International Comity: An Illegitimate Extension of the Judicial Abstention Doctrine. *Virginia Journal of International Law*, *23*(3), 395-428.

Guilfoil, J. D. (1965). Private Enforcement of U.S. Antitrust Law. *The Antitrust Bulletin*, *10*, 747-777.

Guzman, A. (2003). The Case for International Antitrust. *Boalt Workign Papers in Public Law*, *Paper 10*, 1-44.

Haas, R. A. (2003). Act Locally, Apply Globally: Protecting Consumers from International Cartels by Applying Domestic Antitrust Law Globally. *Loyola Consumer Law Review*, *15*(2), 99-124.

Halabi, S. F. (2005). The "Comity" of Empagran: The Supreme Court decides that Foreign Competition Regulation Limits American Antitrust Jurisdiction over International Cartels. *Harvard International Law Journal*, *46*(1), 279-293.

Handler, M. (1971). The Shift from Substantive to Procedural Innovations in Antitrust Suits – the Twenty-third Annual Antitrust Review. *Columbia Law Review*, *71*(1), 1-36.

Harrison, P. (2004). Empagran Proves to be an Anti-Climax. *European Lawyer*, *42*, 8.

Hausfeld, M. D. (2004). Five Principles of Common Sense Why Foreign Plaintiffs Should be Allowed to Sue Under U.S. Antitrust Laws. *Loyola Consumer Law Review*, *16*(4), 361-364.

Hausfeld, M. D. (2009). Global Enforcement of Anticompetitive Conduct. *Sedona Conference Journal*, *10*, 9-22.

Hoffman, Herwing C.H. (2014). Transnational and Trans-Territorial Rule-Making, A Basic Framework. *Missouri Law Review, 78(2),* 423-442.

Hovenkamp, H. (1989). Antitrust's Protected Classes. *Michigan Law Review*, *88*, 1-48.

Huffman, M. (2007). A Retrospective on Twenty-Five Years of the Foreign Trade Antitrust Improvements Act. *Houston Law Review*, *44*(2), 285-347.

Huffman, M. (2007). A Standing Framework for Private Extraterritorial Antitrust Enforcement. *SMU Law Review*, *60*(1), 103-156.

Jones, C. A. (2004). Exporting Antitrust Courtrooms to the World: Private Enforcement in a Global Market. *Loyola Consumer Law Review*, *16*(4), 409-430.

Kauper, T. E., & Snyder, E. A. (1986). An Inquiry Into the Efficiency of Private Antitrust Enforcement: Follow-on and Independently Initiated Cases Compared. *The Georgetown Law Journal*, *74*, 1163-1230.

Klevorick, A. K., & Sykes, A. O. (2007). United States Courts and the Optimal Deterrence of International Cartels: A Welfarist Perspective on Empagran. *Journal of Competition Law and Economics*, *3*(3), 309-340.

Knox, J. H. (2010). A Presumption against Extrajurisdictionality. *American Journal of International Law*, *104*(3), 351-396.

Köster, T. D., & Wheeler, H. H. (2004). Appellate Courts Split on the Interpretation of the Foreign Trade Antitrust Improvements Act: Should the Floodgates Be Opened. *Indiana International & Comparative Law Review*, *14*(3), 717-728.

Kovacic, W. E. (2007). The Intellectual DNA of Modern U.S. Competition Law for Dominant Firm Conduct: The Chicago/Harvard Double Helix. *Columbia Business Law Review*, *2007*(1), 1-81.

Kudrle, R. T. (2003). Hegemony Strikes Out: The U.S. Global Role in Antitrust, Tax Evasion, and Illegal Immigration. *International Studies Perspective*, *4*, 52-71.

Lande, R. H., & Davis, J. P. (2011). Comparative Deterrence from Private Enforcement and Criminal Enforcement of the U.S. Antitrust Laws. *Brigham Young University Law Review*, *2011*(2), 315-390.

Lande, R. H., & Davis, J. P. D. (2008). Benefits from Private Antitrust Enforcement: An Analysis of Forty Cases. University of San Francisco Law Review, *42*(Spring), 879-918.

Landes, W. M., & Posner, R. (1979). Adjudication as a Private Good. The Journal of Legal Studies, *8*, 235-284.

Landes, W. M., & Posner, R. A. (1975). The Private Enforcement of Law. The Journal of Legal Studies, *4*, 1-46.

Lear, E. T. (2009). Federalism, Forum Shopping, and the Foreign Injury Paradox. *William and Mary Law Review*, *51*(1), 87-142.

Lin, P., Raj, B., Sanford, M., & Slottje, D. (2000). The US Antitrust System and Recent Trends in Antitrust Enforcement. Journal of Economic Surveys, *14*(3), 255-306.

Loevinger, L. (1958). Private Action - the Strongest Pillar of Antitrust. *The Antitrust Bulletin*, *3*, 167-177.

Lytle, C. G. (1997). A Hegemonic Interpretation of Extraterritorial Jurisdiction in Antitrust: From American Banana to Hartford Fire. *Syracuse Journal of International Law and Commerce*, *24*, 41-75.

Malloy, E. (2006). Closing the Antitrust Door on Foreign Injuries: U.S. Jurisdiction over Foreign Antitrust Injuries in the Wake of Empagran. *Texas Tech Law Review*, *38*(2), 395-428.

Marovitz, A. S. (2003). Empagran and the Globalization of the Sherman Act. *Business Law International*, *2003*(3), 197-206.

McElaney, A. J., Jr. (1968). Robinson-Patman Act, Section 2(d): The Expanded Definition of 'Customer'. *Boston College Industrial and Commercial Law Review*, *10*, 374-391.

Mehra, S. K. (2003). "A" is for Anachronism: The FTAIA Meets the World Trading System. *Dickinson Law Review*, *107*(4), 763-774.

Mehra, S. K. (2004). Foreign-Injured Antitrust Plaintiffs in U.S. Courts: Ends and Means. *Loyola Consumer Law Review*, *16*(4), 347-359.

Mehra, S. K. (2004). More is Less: A Law-and-Economics Approach to the International Scope of Private Antitrust Enforcement. *Temple Law Review*, *77*(1), 47-70.

Monestier, T. J. (2011). Transnational Class Actions and the Illusory Search for Res Judicata. *Tulane Law Review*, *86*(1), 1-79.

Monts, W. L. (1998). Antitrust Litigation: Initial Evaluation of the Case. Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B0-00D3, *November*, 25-77.

Note. (1983). Antitrust Injury and Standing: A Question of Legal Cause. *Minnesota Law Review*, *67*, 1011-1039.

Note. (1990). Constructing the State Extraterritorially: Jurisdictional Discourse, the National Interest, and Transnational Norms. *Harvard Law Review*, *103*(6), 1273-1305.

Note. (2011). Comity and Extraterritoriality in Antitrust Enforcement. *Harvard Law Review*, *124*, 1269-1279.

O'Brein, K. (2003). Giving Rise to a Claim: Is FTAIA's Section 6A(2) an Antitrust Plaintiff's Key to the Courthouse Door. *Southwestern Journal of Law and Trade in the Americas*, *9*(2), 421-458.

O'Malley, K. (2006). Does U.S. Antitrust Jurisdiction Extend to Claims of Independent/Dependent Foreign Injury? *Temple International and Comparative Law Journal*, *20*(1), 219-249.

Page, W. H. (1985). The Scope of Liability for Antitrust Violations. Stanford Law Review, *37*, 1445-1512.

Paul, J. R. (2008). The Transformation of International Comity. *Law and Contemporary Problems*, *71*(3), 19-38.

Pitofsky, R. (1987). Antitrust in the Next 100 Years. *California Law Review*, *75*, 817-833.

Reich, R. B. (1980). The Antitrust Industry. *The Georgetown Law Journal*, *68*, 1053-1073.

Reinker, K. S. (2004). Recent Development, Case Comment, Roche v. Empagran. *Harvard Journal of Law & Public Policy*, *28*(1), 297-306.

Roach, K., & Trebilcock, M. J. (1996). Private Enforcement of Competition Law. *Osgoode Hall Law Journal*, *34*(3), 461-508.

Schmidt, J. T. (2006). Keeping U.S. Courts Open to Foreign Antitrust Plaintiffs: A Hybrid Approach to the Effective Deterrence of International Cartels. *Yale Journal of International Law*, *31*(1), 211-264.

Seigmund, E. (2011). Extraterritoriality and the Unique Analogy between Multinational Antitrust and Securities Fraud Claims. *Virginia Journal of International Law*, *51*(4), 1047-1082.

Setear, J. K. (2005). Forest with No Trees: The Supreme Court and International Law in the 2003 Term. *Virginia Law Review*, *91*(3), 579-675.

Sherman, R. S. (1976). Antitrust Standing: From Loeb to Malamud. *New York University Law Review*, *51*(3), 374-407.

Söderlung, C. (2005). Lis Pendens, Res Judicata and the Issue of Parallel Judicial Proceedings. *Journal of International Arbitration*, *22*(4), 301-322.

Stanger, A. (2003). Analyzing U.S. Antitrust Jurisdiction over Foreign Parties After Empagran S.A. v. F. Hoffman-LaRoche, Ltd. *Brigham Young University Law Review*, *2003*(4), 1453-1490.

Suhr, J. M. (2007). Keeping the Door Ajar for Foreign Plaintiffs in Global Cartel Cases after Empagran. *Michigan Law Review*, *105*(4), 779-804.

Sullivan, C. A. (1983). Breaking Up the Treble Play: Attacks on the Private Treble Damage Antitrust Action. *Seton Hall Law Review*, *14*, 17-73.

Symeonides, S. C. (2004). Choice of Law in the American Courts in 2004: Eighteenth Annual Survery. *The American Journal of Comparative Law*, *52*, 919-993.

Taffet, E. (2011). The Foreign Trade Antitrust Improvements Act's Domestic Injury Exception: A Nullity for Private Foreign Plaintiffs Seeking Access to American Courts. *Columbia Journal of Transnational Law*, *50*(1), 216-252.

Tucker, K. L. (2010). In the Wake of Empagran - Lights Out on Foreign Activity Falling under Sherman Act Jurisdiction - Courts Carve out a Prevailing Standard. *Fordham Journal of Corporate & Financial Law*, *15*(3), 807-840.

Tuttle, W. J. (2003). The Return of Timberlane?: The Fifth Circuit Signals a Return to Restrictive Notions of Extraterritorial Antitrust. *Vanderbilt Journal of Transnational Law*, *36*, 319-366.

Tyler, R. B. (1978). Private Antitrust Litigation: The Problem of Standing. University of Colorado Law Review, *49*, 269-298.

Waller, S. W. (1998). Prosecution by Regulation: The Changing Nature of Antitrust Enforcement. *Oregon Law Review*, *77*, 1383-1449.

Waller, S. W. (2003). The Incoherence of Punishment in Antitrust. *Chicago-Kent Law Review*, *78*(1), 207-236.

Wood, D. P. (2005). Antitrust at the Global Level. *The University of Chicago Law Review*, *72*, 309-324.

Woods, D. (2004). Private Enforcement of Antitrust Rules - Modernization of the EU Rules and the Road Ahead. *Loyola Consumer Law Review*, *16*(4), 431-461.

Wragg, L. P. J. (1961). Private Suits Under the Sherman Act: The New Injury-to-Competitors Test. Wayne Law Review, *7*, 535-570.

Wurmnest, W. (2005). Foreign Private Plaintiffs, Global Conspiracies, and the Extraterritorial Application of U.S. Antitrust Law. *Hastings International & Comparative Law Review*, *28*(2), 205-227.

Wyant, M. A. (2008). Reconsidering the D.C. Circuit's Proximate Cause Standard for Extraterritorial Jurisdiction: Precluding the Globalization Theory to Promote Global Enforcement. *Richmond Journal of Global Law and Business*, *7*(1), 15-44.

1.3 Other Consulted Relevant Literature

1.3.1 Books

Akbar, Y. H. (2003). *Global Antitrust; Trade and Competition Linkages*. Ashgate Publishing Limited.

Alter, K. J. (2003). *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe*. Oxford University Press.

American Bar Association, A. S. (1999). *The Rule of Reason* (Monograph No. 23). American Bar Association.

American Bar Association, S. o. A. L. (2007). *Antitrust Law Developments* (6 ed.).

American Law Institute, C. A. *UNIDROIT, Principles of Transnational Civil Procedure*. Cambridge University Press.

Areeda, P., Kaplow, L., & Edlin, A. (2004). *Antitrust Analysis; Problems, Text, and Cases* (6 ed.). ASPEN Publishers.

Ashiagbor, D., Countouris, N., & Lianos, I. (Ed.). (2012). *The European Union after the Treaty of Lisbon*. Cambridge University Press.

Bagwell, K. W., Bermann, G. A., & Mavroidis, P. C. (Ed.) (2010). *Law and Economics of Contingent Protection in International Trade*. Cambridge University Press.

Barton, B. H. (2011). *The Lawyer-Judge Bias in the American Legal System*. Cambridge University Press.

Basedow, J. (Ed.). (2002). *Limits and Control of Competition with a View to International Harmonization*. (Vol. 7). Hague, The Netherlands: Kluwer Law International.

Basedow, J. (Ed.). (2007). *Private Enforcement of EC Competition Law*. (Vol. 25). Kluwer Law International.

Bekker, P. H. F., Dolzer, R., & Waibel, M. (Ed.). (2010). *Making Transnational Law Work in the Global Economy*. Cambridge University Press.

Bell, J. (2006). *Judiciaries within Europe, A Comparative Review*. Cambridge University Press.

Bermann, G. A., Herdegen, M., & Lindseth, P. L. (Eds.). (2001). *Transatlantic Regulatory Cooperation: Legal Problems and Political Prospects*. Oxford University Press.

Bernitz, U., & Ringe, W.-G. (2010). *Company Law and Economic Protectionism: New Challenges to European Integration*. Oxford University Press.

Bingham, T. (2000). *The Business of Judging: Selected Essays and Speeches*. Oxford University Press.

Bishop, S., & Walker, M. (2010). *The Economics of EC Competition Law: Concepts, Application and Measurement*. Sweet & Maxwell.

Black, O. (2005). *Conceptual Foundations of Antitrust*. Cambridge University Press.

Bohannan, C., & Hovenkamp, H. (2012). *Creation without Restraint: Promoting Liberty and Rivalry in Innovation*. Oxford University Press.

Bouterse, R. B. (1994). *Competition and Integration - What Goals Count? EEC Competition Law and Goals of Industrial, Monetary, and Cultural Policy*. Deventer, The Netherlands: Kluwer Law and Taxation Publishers.

Brand, R. A., & Jablonski, S. R. (2007). *Forum Non Conveniens: History, Global Practice, and Future under the Hague Convention on Choice of Court Agreements*. Oxford University Press.

Brown, C. (2007). *A Common Law of International Adjudication*. Oxford University Press.

Burrows, A., & Peel, E. (Eds.). (2003). *Commercial Remedies; Current Issues and Problems*. New York, US: Oxford University Press.

Byers, M. (2001). *The Role of Law in International Politics: Essays in International Relations and International Law*. Oxford University Press.

Canenbly, C. (1981). *Enforcing Antitrust Against Foreign Enterprise; Procedural Problems in the Extraterritorial Application of Antitrust Laws*. Deventer, The Netherlands: Kluwer.

Carmody, C., Garcia, F. J., & Linarelli, J. (Ed.). (2012). *Global Justice and International Economic Law, Opportunities and Prospects*. Cambridge University Press.

Carrier, M. A. (2009). *Innovation for the 21st Century: Harnessing the Power of Intellectual Property and Antitrust Law*. Oxford University Press.

Cass, D. Z. (2005). *The Constitutionalization of the World Trade Organization: Legitimacy, Democracy, and Community in the International Trading System*. Oxford University Press.

Cassese, T. L. A. (2012). *Realizing Utopia: The Future of International Law*. Oxford University Press.

Chao, Y.-C., San, G., Lo, C., & Ho, J. (Eds.). (2001). *International and Comparative Competition Laws and Policies*. (Vol. 3). The Hague, The Netherlands: Kluwer Law International.

Coleman, J. L. (2002). *Markets, Morals, and the Law*. Oxford University Press.

Colino, S. M. (2011). *Competition Law of the EU and UK*. Oxford University Press.

Conrad, C. A. (2005). *Improving International Competition Order; An Institutional Approach*. Palgrave MacMillan.

Cottier, T., & Delimatsis, P. (2011). *The Prospects of International Trade Regulation*. Cambridge University Press.

Crane, D. A. (2011). *The Institutional Structure of Antitrust Enforcement*. Oxford University Press.

Cremona, M. (2012). *Compliance and the Enforcement of EU Law*. Oxford University Press.

Dhall, V. (Ed.). (2007). *Competition Law Today: Concepts, Issues, and the Law in Practice*. New Delhi, India: Oxford University Press

Dickson, B. (2007). *Judicial Activism in Common Law Supreme Courts*. Oxford University Press.

Domnarski, W. (2008). *Federal Judges Revealed*. Oxford University Press.

Dunning, J. H. (1999). *Governments, Globalization, and International Business*. Oxford University Press.

Edwards, C. D. (1967). *Control of Cartels and Monopolies*. New York, USA: Oceana Publications, Inc.

Elhauge, E., & Geradin, D. (2007). *Global Competition Law and Economics*. Oxford and Portland, Oregon USA: Hart Publishing.

Epstein, R. A., & Greve, M. S. (Eds.). (2004). *Competition Laws in Conflict; Antitrust Jurisdiction in the Global Economy*. Washington, D.C.: The AEI Press.

Faull, J., & NIkpay, A. (2007). *The EC Law of Competition* (Second Edition). Oxford University Press.

Focarelli, C. (2012). *International Law as Social Construct: The Struggle for Global Justice*. Oxford University Press.

Fox, E. M., & Trebilcock, M. J. (Ed.). (2012). *The Design of Competition Law Institutions: Global Norms, Local Choices*. Oxford University Press.

Frazer, T. (1988). *Monopoly, Competition and the Law; The Regulation of Business Activity in Britain, Europe and America*. Sussex, UK: Wheatsheaf Books.

Freyer, T. A. (2009). *Antitrust and Global Capitalism, 1930-2004*. Cambridge University Press.

Furse, M. (2008). *Competition Law of the EC and UK*. Oxford University Press.

Gavil, A. I., Kovacic, W. E., & Baker, J. B. (2008). *Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy* (2 ed.). Thomson West.

Gellhorn, E., Kovacic, W. E., & Calkins, S. (2004). *Antitrust Law and Economics in a Nutshell* (5 ed.). Thomson West.

Georgakopoulos, N. L. (2005). *Principles and Methods of Law and Economics; Basic Tools for Normative Reasoning*. Cambridge University Press.

Gerber, D. (2010). *Global Competition: Law, Markets, and Globalization*. Oxford University Press.

Goodwin-Gill, G. S., & Talmon, S. (Ed.). (1999). *The Reality of International Law: Essays in Honour of Ian Brownlie*. Oxford University Press.

Gottschalk, E., Michaels, R., Rühl, G., & Von Hein, J. (Eds.). (2007). *Conflict of Laws in a Globalized World*. Cambridge University Press.

Goyder, D. G., Goyder, J., & Albors-Llorens, A. (2009). *Goyder's EC Competition Law* (5 ed.). Oxford University Press.

Greenawalt, K. (2012). *Statutory and Common Law Interpretation*. Oxford University Press.

Guarnieri, C., & Pederzoli, P. (2002). *The Power of Judges: A Comparative Study of Courts and Democracy* (C. Thomas, Trans.). Oxford University Press.

Guzman, A. T. (Ed.). (2010). *Cooperation, Comity, and Competition Policy*. Oxford University Press.

Harding, C., & Joshua, J. (2010). *Regulating Cartels in Europe*. Oxford University Press.

Hermann, A. H. (1982). *Conflicts of National Laws with International Business Activity: Issues of Extraterritoriality*. British-North American Committee.

Hohmann, H. (Ed.). (2008). *Agreeing and Implementing the Doha Round of the WTO*. Cambridge University Press.

Hovenkamp, H. (2011). *Federal Antitrust Policy; The Law of Competition and its Practice* (4 ed.). Thomson Reuters.

Hylton, K. N. (2003). *Antitrust Law; Economic Theory and Common Law Evolution*. Cambridge University Press.

Jackson, J. H. (2006). *Sovereignty, the WTO and Changing Fundamentals of International Law*. Cambridge University Press.

Jackson, J. H., Davey, W. J., & Sykes, A. O., Jr. (2002). *Legal Problems of International Economic Relations; Cases, Material and Text on the National and International Regulation of Transnational Economic Relations* (4 ed.). West Group.

Jacobson, J. M., Bye, M. J., Ewing, K. P., Finch, A. C., Gleklen, J. I., Grube, B. K. et al. (Eds.). (2007). *Antitrust Law Developments (Sixth)*. (Vol. II). ABA Publishing.

Jacobson, J. M., Bye, M. J., Ewing, K. P., Finch, A. C., Gleklen, J. I., Grube, B. K. et al. (Eds.). (2007). *Antitrust Law Developments (Sixth)*. (Vol. I). ABA Publishing.

Jones, A., & Sufrin, B. (2011). *EC Competition Law; Text, Cases, and Materials*. Oxford University Press.

Jones, A., & Surfin, B. (2008). *EU Competition Law* (4 ed.). Oxford University Press.

Jones, C. A., & Matsushita, M. (Eds.). (2002). *Competition Policy in the Global Trading System*. (Vol. 5). The Hague, The Netherlands: Kluwer Law International.

Kamerling, A., & Osman, C. (2004). *Restrictive Convenants under Common and Competition Law*. London: Sween & Maxwel.

Kennedy, K. C. (2001). *Competition Law and the World Trade Organisation; The Limits of Multilateralism*. London, UK: Sweet & Maxwell.

Kerse, C. S., & Khan, N. (2005). *EC Antitrust Procedure*. London, UK: Sweet & Maxwell.

Kokkoris, I., & Olivares-Caminal, R. (2010). *Antitrust Law Amidst Financial Crises*. Cambridge University Press.

Kreijen, G., Brus, M., Duursma, J., De Vos, E., & Dugard, J. (2002). *State, Sovereignty, and International Governance*. Oxford University Press.

Kwoka, J. E., Jr., & White, L. J. (2004). *The Antitrust Revolution*. New York, USA: Oxford University Press.

Lang, A. (2011). *World Trade Law after Neoliberalism: Reimagining the Global Economic Order*. Oxford University Press.

Lee, H. P. (Ed.). (2011). *Judiciaries in Comparative Perspective*. Cambridge University Press.

Lindquist, S. A., & Cross, F. B. (2009). *Measuring Judicial Activism*. Oxford University Press.

Lonbay, J. (Ed.). (1994). *Frontiers of Competition Law*. Sussex, UK: Wiley Chancery Law Publishing; A Division of John Wiley & Sons.

Maitland-Walker, J. (Ed.). (1984). *A Review of National Laws*. (Vol. 1). ESC Publishing Limited.

Maitland-Walker, J. (Ed.). (1984). *International Anti-trust Law; A Review of National Laws*. (Vol. I). Oxford, UK: ESC Publishing Limited.

Maitland-Walker, J. (Ed.). (1984). *International Anti-trust Law; Recent Developments in EEC and US Anti-trust*. (Vol. II). Oxford, UK: ESC Publishing Limited.

Maitland-Walker, J. (Ed.). (1984). *Recent Developments in EEC and US Antitrust*. (Vol. 2). ESC Publishing Limited.

McLachlan, C., & Nygh, P. (Eds.). (1996). *Transnational Tort Litigation; Jurisdictional Principles*. Clarendon Press, Oxford University Press.

McNutt, P. A. (2005). *Law, Economics and Antitrust; Towards a New Perspective*. Cheltenham UK: Edward Elger.

Melischek, C. A. (2013). *The Relevant Market in International Economic Law; A Comparative Antitrust and GATT Analysis*. Cambridge University Press.

Miller, R. A., & Zumbansen, P. C. (Ed.). (2011). *Comparative Law as Transnational Law: A Decade of the German Law Journal*. Oxford University Press.

Möllers, T. M. J., & Heinemann, A. (2007). *The Enforcement of Competition Law in Europe*. Cambridge University Press.

Monti, G. (2007). *EC Competition Law*. Cambridge University Press.

Motta, M. (2004). *Competition Policy: Theory and Practice*. Cambridge, UK: Cambridge University Press.

Nakagawa, J. (2011). *International Harmonization of Economic Regulation*. Oxford University Press.

Nerep, E. (1983). *Extraterritorial Control of Competition under International law; With Special Regard to US Antitrust Law* (1). Stockholm, Sweden: PA Norstedt & Söners Förlag.

Nerep, E. (1983). *Extraterritorial Control of Competition under International Law; With Special Regard to US Antitrust Law* (2). Stockholm, Sweden: PA Norstedt & Söners Förlag.

Noonan, C. (2008). *The Emerging Principles of International Competition Law*. Oxford University Press.

Papadopoulos, A. S. (2010). *The International Dimension of EU Competition Law and Policy*. Cambridge University Press.

Parzych, K. M. (1987). *A Premier to Antitrust Law and Regulatory Policy*. University Press of America.

Peritz, R. J. R. (2000). *Competition Policy in America; History, Rhetoric, Law*. Oxford University Press.

Petersmann, E.-U., & Harrison, J. (2005). *Reforming the World Trading System: Legitimacy, Efficiency, and Democratic Governance*. Oxford University Press.

Pitofsky, R. (Ed.). (2008). *How the Chicago School Overshot the Mark: The Effect of Conservative Economic Analysis on U.S. Antitrust*. Oxford University Press.

Posner, R. A. (1998). *Economic Analysis of Law* (5 ed.). Aspen Law & Business, A Division of Aspen Publishers, Inc.

Prosser, T. (2005). *The Limits of Competition Law: Markets and Public Services*. Oxford University Press.

Reydams, L. (2004). *Universal Jurisdiction: International and Municipal Legal Perspectives*. Oxford University Press.

Rolland, S. E. (2012). *Development at the World Trade Organization*. Oxford University Press.

Ryngaert, C. (2008). *Jurisdiction in International Law*. Oxford University Press.

Schlossberg, R. S. (Ed.). (2004). *Mergers and Acquisitions; Understanding the Antitrust Issues*. American Bar Association, Section of Antitrust Law.

Schropp, S. A. B. (2009). *Trade Policy Flexibility and Enforcement in The World Trade Organization; A Law and Economics Analysis*. Cambridge University Press.

Scott, A. J. (1999). *Regions and the World Economy: The Coming Shape of Global Production, Competition, and Political Order*. Oxford University Press.

Slot, P. J., & Johnston, A. C. (2006). *An Introduction to Competition Law* (1st English Edition ed.). Oxford and Portland, Oregon, USA: Hart Publishing.

Slot, P. J., & McDonnell, A. (Eds.). (1993). *Procedure and Enforcement in E.C and U.S. Competition Law: Proceedings of the Leiden Europa Instituut, Seminar on User-Friendly Competition Law*. London, UK: Sweet & Maxwell.

Sorge, A. (2005). *The Global and the Local: Understanding the Dialectics of Business Systems*. Oxford University Press.

Sullivan, E. T. (Ed.). (1991). *The Political Economy of the Sherman Act; The First One Hundred Years*. New York, USA: Oxford University Press.

Sullivan, L. A. (1977). *Handbook of the Law of Antitrust*. West Publishing Co.

Taylor, M. D. (2006). *International Competition Law, A New Dimension for the WTO?* Cambridge University Press.

Ullrich, H. (Ed.). (2006). *The Evolution of European Competition Law; Whose Regulation, Which Competition?* Cheltenham, UK: Edward Elger.

Van Damme, I. (2009). *Treaty Interpretation by the WTO Appellate Body*. Oxford University Press.

Van den Bergh, R., & Camesasca, P. (2006). *European Competition Law and Economics: A Comparative Perspective*. London, UK: Sweet & Maxwell.

Vives, X. (Ed.). (2009). *Competition Policy in the EU: Fifty Years on from the Treaty of Rome*. Oxford University Press.

Weiler, J. H. H. (2004). *The EU, the WTO, and the NAFTA: Towards a Common Law of International Trade?* Oxford University Press.

Whish, R., & Bailey, D. (2012). *Competition Law* (7 ed.). Oxford University Press.

White, M. D. (Ed.). (2009). *Theoretical Foundations of Law and Economics*. Cambridge University Press.

Wils, W. P. J. (2005). *Principles of European Antitrust Enforcement*. Portland, Oregon, US: Hart Publishing.

Windolf, P. (2002). *Corporate Networks in Europe and the United States*. Oxford University Press.

Yilmaz, M. (2013). *Domestic Judicial Review of Trade Remedies*. Cambridge University Press.

Zimmer, D. (Ed.). (2012). *The Goals of Competition Law*. Edward Elger.

1.3.2 Journal Articles

A Dismal Prospect. *U.C. Davis Law Review*, *14*, 907-917.

Aballi, A. J. J. (1968). Comparative Developments in the Law of Choice of Forum. *New York University Journal of International Law and Politics, 1*, 178-207.

Abbott, F. M. (2004). Are the Competition Rules in the WTO TRIPS Argument Adequate? *Journal of International Economic Law*, *7*(3), 687-703.

Abel, R. L. (1981). Toward a Political Economy of Lawyers. *Wisconsin Law Review*, *1981*, 1117-1187.

Abell, J. E. (2008). Setting the Standard: A Fraud-based Approach to Antitrust Pleading in Standard Development Organization Cases. *The University of Chicago Law Review*, *75*(4), 1601-1632.

Abelson, A. (2009). Prosecute/Extradite Dilemma: Concurrent Criminal Jurisdiction and Global Governance. *U.C. Davis Journal of International Law & Policy*, *16*(1), 1-38.

Abeyratne, R. (2003). The Decision of the European Court of Justice on Open Skies and Competition Cases. *World Competition*, *26*(3), 335-362.

Abrams, R. (1987). Developments in State Antitrust Enforcement. New York University Law Review, *62*, 989-997.

Abrantes-Metz, R., & Bajari, P. (2009). Screen for Conspiracies and their Multiple Applications. *Antitrust*, *24*(1), 66-77.

Abutbul, K. (2010). The U.S. and E.U. Approaches to Competition Law - Convergent or Divergent Paths. *Columbia Journal of European Law*, *17*(1), 101-128.

Achampong, F. (1991). The McCaran-Ferguson Act and the Limited Insurance Antitrust Exemption: An Indefensible Aberration? *Seton Hall Legislative Journal*, *15*(1), 141-169.

Aciman, C. (1997). Reengineering the International Corporation: Application of U.S. Antitrust Law to Non-U.S. Conduct Affecting Foreign Markets, Consumers or Products. *International Law Practicum*, *10*(Spring), 5-9.

Adams, R. F., & Bock, G. M. (1980). Damages in Horizontal Price Fixing Cases. *Antitrust Law Journal*, *49*, 141-152.

Adams, W. (1951). Dissolution, Divorcement, Divestiture: The Pyrrhic Victories of Antitrust. *Indiana Law Journal*, *27*(1), 1-37.

Adams, W. (1954). The "Rule of Reason": Workable Competition or Workable Monopoly? *The Yale Law Journal*, *63*, 348-370.

Adams, W., & Brock, J. W. (1986). The "New Learning" and the Euthanasia of Antitrust. *California Law Review*, *74*, 1515-1566.

Adams, W., & Brock, J. W. (1987). Antitrust and Efficiency: A Comment. *New York University Law Review*, *62*, 1116-1124.

Adams, W., & Brock, J. W. (1995). Ideology, and the Arabesques of Economic Theory. *University of Colorado Law Review*, *66*(2), 257-327.

Addis, J. S. (2009). Missed Opportunity: How Pakootas v. Teck Cominco Metals, Ltd. Could Have Clarified the Extraterritoriality Doctrine. *Seattle University Law Review*, *32*(4), 1011-1050.

Addy, G., & Banicevic, A. (2008). Remedies - How Far and How Much? *Loyola Consumer Law Review*, *20*(2), 193-196.

Adelman, M. A. (1948). Effective Competition and the Antitrust Laws. *Harvard Law Review*, *61*(3), 1289-1350.

Adelman, M. A. (1949). Integration and Antitrust Policy. *Harvard Law Review*, *63*, 27-77.

Adler, M. J. (1931). Law and the Modern Mind: A Symposium; Legal Certainty. *Columbia Law Review*, *31*, 91-108.

Adolphsen, J. (2005). Conflict of Laws in Cartel Matters in a Globalised World: Alternatives to the Effects Doctrine. *Journal of Private International Law*, *1*, 151-196.

Adolphsen, J. (2005). The Conflict of Laws in Cartel Matters in a Globalised World: Alternatives to the Effects Doctrine. *Journal of Private International Law*, *1*(1), 151-183.

Ahlborn, C., & Bailey, D. (2006). Discounts, Rebates and Selective Pricing by Dominant Firms: A Trans-Atlantic Comparison. *European Competition Journal*, *2*(July, Special Issue), 101-143.

Ailsa Sinclair, A., Jukneviciute, V., & Breit, I. (2009). Regulation 1/2003: How has this landmark reform worked in practice? *Competition Policy Newsletter*, *2*, 23-25.

Akehurst, M. D. (1972). Jurisdiction in International Law. *British Yearbook of International Law*, *46*, 145-257.

Akerlof, G. A. (1970). The Market for "Lemons": Quality Uncertainty and the Market Mechanism. *The Quarterly Journal of Economics*, *84*(3), 488-500.

Aksen, G. (1969). Arbitration and Antitrust - Are They Compatible? *New York University Law Review*, *44*, 1097-1110.

Alchian, A. A. (1991). Development of Economic Theory and Antitrust: A View From the Theory of the Firm: SomeConcluding Remarks. *Journal of Institutional and Theoretical Economics*, *147*(1), 232-234.

Alcock, J. E., & Mansell, D. (1977). Predisposition and Behaviour in a Collective Dilemma. *The Journal of Conflict Resolution*, *21*(3), 443-457.

Alesina, A., & Perotti, R. (1997). The Welfare State and Competitiveness. *The American Economic Review*, *87*(5), 921-939.

Alexander, B. (1994). The Impact of the National Industrial Recovery Act on Cartel Formation and Maintenance Costs. *The Review of Economics and Statistics*, *76*(2), 245-254.

Alexander, B. J. (1997). Failed Cooperation in Heterogeneous Industries Under the National Recovery Administration. *The Journal of Economic History*, *57*(2), 322-344.

Alexander, G. J. (1961). Section 5 of the Federal Trade Commission Act, A Deux Ex Machina in the Tragic Interpretation of the Robinson-Patman Act. *Syracuse Law Review*, *12*, 317-330.

Alexis, G., & deShazo, A. (2002). Punitive Damages: Is Bifurcation Right for Your Case? *Antitrust*, *16*(3), 82-88.

Alferez, F. J. G. (1999). Regulatory Competition: A Private International Law Approach. *European Journal of Law and Economics*, *8*(3), 251-270.

Alford, R. P. (1992). The Extraterritorial Application of Antitrust Laws: The United States and European Community Approaches. *Virginia Journal of International Law*, *33*(1), 1-50.

Alford, R. P. (1993). The Extraterritorial Application of Antitrust Laws: A Postscript on Hartford Fire Insurance Co. v. California. *Virginia Journal of International Law*, *34*(1), 213-231.

Alford, R. P. (2006). Foreign Relations as a Matter of Interpretation: The Use and Abuse of Charming Betsy. *Ohio State Law Journal*, *67*(6), 1339-1390.

Alford, R. P. (2006). Four Mistakes in the Debate on Outsourcing Authority. *Albany Law Review*, *69*(3), 653-682.

Alford, R. P. (2008). International or Foreign Law as An Interpretative Aid in Supreme Court Jurisprudence. *Engage: The Journal of the Federalist Society's Practice Groups; Special Issue: Supreme Court Retrospective, International Law and National Security*, *9*, 79-84.

Alioto, J. L. (1966). The Economics of a Treble Damage Case. *Antitrust Law Journal*, *32*, 87-97.

Alioto, J. L. H., & Donnici, P. J. (1970). Standing Requirements for Antitrust Plaintiffs: Judicially Created Exceptions to a Clear Statutory Policy. *University of San Francisco Law Review*, *4*(April), 205-215.

Allen, C., Gasiorek, M., & Smith, A. (1998). European Single Market; How the Programme has Fostered Competition; The Competition Effects of the Single Market in Europe. *Economic Policy*, *October*, 440-486.

Allen, D. M., & Coutroulis, C. C. (2003). Back to the Future: Toward a More Rigorous Analysis of Antitrust Class Actions. *The Antitrust Bulletin*, *48*(2), 463-503.

Allen, K. W., & Williams, M. D. (1990). Commercial Bribery, Antitrust Injury and Section 2(c) of the Robinson-Patman Anti-Discrimination Act. *Gonzaga Law Review*, *26*, 167-181.

Allen, M. P. (2004). Supreme Court, Punitive Damages and State Sovereignty. *George Mason Law Review*, *13*(1), 1-68.

Allision, R., & Duhlberg, A. (2012). Antitrust Violations. *American Criminal Law Review*, *49*, 403-442.

Allison, J. R. (1985). Complaining Dealers, the Terminated Price Cutter, and Sherman Act Conspiracy Doctrine. *American Business Law Journal*, *22*, 467-501.

Allison, J. R. (1986). Arbitration of Private Antitrust Claims in International Trade: A Study in the Subordination of National Interests to the Demands of a World Market. *New York University Journal of International Law and Politics*, *18*, 361-439.

Allwood, W. A. (1998). The Scope of "Matters relating to Contract. *European Law Review*, *13*(5), 366-368.

Alpa, G. (2005). 'Principles of European Tort Law': A Critical View from the Outside. *European Business Law Review*, 957-974.

Alpa, G. (2005). New Perspectives in the Protection of Consumers: A General Overview and some Criticism of Financial Services. *European Business Law Review*, *4*(16), 719-735.

Alprin, K. J. (1998). Moving Towards an Antitrust Policy Based on Consumer Welfare: *State Oil Co.* v. *Khan*. *Tulane Law Review*, *73*, 353-364.

Aman, A. C. J. (1998). The Globalizing State: A Future-Oriented Perspective on the Public/Private Distinction, Federalism, and Democracy. *Vanderbilt Journal of Transnational Law*, *31*, 760-870.

Amar, V. D. (1996). Indirect Effects of Direct Election: A Structural Examination of the Seventeenth Amendment. *Vanderbilt Law Review*, *49*(6), 1347-1405.

Amato, F. (2001). International Antitrust: What Future? *World Competition*, *24*(4), 451-473.

Ambrose, C. (2003). Can Anti-Suit Injunctions Survive European Community Law? *International and Comparative Law Quarterly*, *52*, 401-424.

Ames, J. B. (1095). How Far and Act May be a Tort Because of the Wrongful Motive of the Actor. *Harvard Law Review*, *18*(6), 411-422.

Amirfar, C. (2004). Developments in the Act of State Doctrine. *The International Lawyer*, *38*(2), 342-345.

Ammer, D. S. (1962). Realistic Reciprocity. *Harvard Business Review*, *40*(1), 116-124.

Anand, R. P. (1962). Role of the "New" Asian-African Countries in the Present International Legal Order. *The American Journal of International Law*, *56*(2), 383-406.

Anawaty, W. J. (1971). Antitrust - Unfair Competition - Efforts by a Trading Stamp Company to Prevent Unauthorized Exchange or Redemption of Stamps do not Constitute Unfair Methods of Competition. *Texas Law Review*, *49*, 791-797.

Andenas, M. (2005). Concurrent Proceedings in Competition Law – Procedure, Evidence and Remedies, by R. Nazzini, Book Review. *European Business Law Review*, *16(4)*(4), 951-952.

Anderson, C. V. (1963). Effective Antitrust Compliance Programs and Procedures. *The Business Lawyer*, *18*, 739-751.

Anderson, K., Martin, W., & Van Der Mensbrugghe, D. (2006). Impact of Global Trade and Subsidy Policies on Developing Country Trade. *Journal of World Trade*, *40*(5), 945-968.

Anderson, S. P., & De Palma, A. (2000). From Local to Global Competition. *European Economic Review*, *44*(3), 423-488.

Anderssson, T. (2005). The Symposium 'Parallel and Conflicting Enforcement of Law' in Thoresta, Sweden, 18-19 August 2004. *European Review of Private Law*, *2*, 265-269.

Andreangeli, A. (2004). Courage Ltd v Crehan and the Enforcement of Article 81 EC Before the National Courts. *European Competition Law Review*, *25*(12), 758-764.

Andreangeli, A. (2007). The Enforcement of Article 81 EC Treaty Before National Courts after the House of Lords' Decision in Inntrepreneur Pub Co Ltd v Crehan. *European Law Review*, *32*(2), 260-270.

Andrews, E. B. (1889). Trusts According to Official Investigations. *The Quarterly Journal of Economics*, *3*(2), 117-152.

Andrews, N. (2001). Multi-Party Proceedings in England: Representative and Group Actions. *Duke Journal of Comparative & International Law*, *11*, 249-267.

Ansel, G. D. (2003). Admonishing a Drunken Man: Class Action Reform. *The Antitrust Bulletin*, *48*(2), 451-462.

Anson, T. K., & Schenkkan, P. M. (1980). Federalism, the Dormant Commerce Clause, and State-Owned Resources. *Texas Law Review*, *59*, 71-99.

Antitrust Maze. *Hastings Constitutional Law Quarterly*, *10*, 255-283.

Applebaum, H. M. (1980). Are U.S. International Trade and Commerce Conduct Laws in Harmony with Traditional Antitrust Law and Policy? *Antitrust Law Journal*, *49*, 1207-1215.

Applebaum, H. M. (1982). Introduction. *Antitrust Law Journal*, *50*, 69.

Archer, R. A. (1968). The Defendant's View. *Antitrust Law Journal*, *37*, 837-857.

Areeda, P. (1976). Antitrust Violations Without Damage Recoveries. *Harvard Law Review*, *89*(6), 1130-1136.

Areeda, P. (1981). Antitrust Immunity for "State Action" after Lafayette. *Harvard Law Review*, *95*, 435-455.

Areeda, P. (1983). Justice's Merger Guidelines: The General Theory. *California Law Review*, *71*, 303-310.

Areeda, P. (1987). Monopolization, Mergers, and Markets: A Century Past and the Future. *California Law Review*, *75*(3), 959-981.

Areeda, P. (1989). Essential Facilities: An Epithet in Need of Limiting Principles. *Antitrust Law Journal*, *58*(4), 841-853.

Areeda, P., & Turner, D. F. (1975). Predatory Pricing and Related Practices Under Section 2 of the Sherman Act. *Harvard Law Review*, *88*, 697-733.

Areeda, P., & Turner, D. F. (1979). Predatory Pricing: A Rejoinder. *The Yale Law Journal*, *8*(8), 1641-1642.

Areeda, P., & Turner, D. F. (1986). Scherer on Predatory Pricing: A Reply. *Harvard Law Review*, *89*, 891-900.

Arlen, J. (1994). The Potentially Perverse Effects of Corporate Criminal Liability. *The Journal of Legal Studies*, *23*, 833-867.

Armstrong, A. O. J. (1957). Fedaral Jurisdiction: Law Applicable to Government Instruments. *California Law Review*, *45*, 212-216.

Arnold, C. A. T. (2004). Working out an Environmental Ethic: Anniversary Lessons from Mono Lake. *Wyoming Law Review*, *4*(1), 1-55.

Arnold, T. (1938). Fair and Effective Use of Present Antitrust Procedure. *The Yale Law Journal*, *47*, 1294-1303.

Arnold, T. (1955). The Economic Purpose of Antitrust Laws. *Mississippi Law Journal*, *26*(3), 207-214.

Arnold, T. A. (1932). Law Enforcement - An Attempt at Social Dissection. *The Yale Law Journal*, *42*(1), 1-24.

Arnold, T. W. (1934). Trial by Combat and the New Deal. *Harvard Law Review*, *47*(6), 913-947.

Arnold, T. W. (1938). Prosecution Policy under the Sherman Act. *A.B.A. Journal*, *24*, 417-420.

Arnsperger, C., & de Ville, P. (2004). Can Competition Ever be Fair? *Ethical Theory and Moral Practice*, *7*, 433-451.

Art, J.-Y., & McCurdy, G. V. S. (2004). The European Commission's Media Player Remedy in Its Microsoft Decision: Compulsory Code Removal Despite the Absence of Tying or Foreclosure. *European Competition Law Review*, *25*(11), 694-707.

Arthur, T. C. (1986). Farewell to the Sea of Doubt: Jettisoning the Constitutional Sherman Act. *California Law Review*, *74*, 263-376.

Arthur, T. C. (1988). Workable Antitrust Law: The Statutory Approach to Antitrust. *Tulane Law Review*, *62*, 1163-1236.

Arthur, T. C. (2000). A Workable Rule of Reason: A Less Ambitious Antitrust Role for the Federal Courts. *Antitrust Law Journal, 68*, 337-389.

Asch, P. (1981). Industrial Concentration, Efficiency, and Antitrust Reform once Again: A Reply to Professor Liebler. *Southwestern University Law Review, 12*, 405-411.

Asch, P., & Seneca, J. J. (1975). Characteristics of Collusive Firms. *The Journal of Industrial Economics*, *23*(3), 223-237.

Atanasiu, I., & Ehlermann, C.-D. (2002). The Modernisation of EC Antitrust Law: Consequences for the Future Role and Function of the EC Courts. *European Competition Law Review*, *23*(2), 72-80.

Atwood, B. A. (1982). State Court Judgments in Federal Litigation: Mapping the Contours of Full Faith and Credit. *Indiana Law Journal*, *58*, 59-109.

Atwood, J. R. (1987). Conflicts of Jurisdiction in The Antitrust Field: The Example of Export Cartels. *Law and Contemporary Problems*, *50*, 153-164.

Auer, M. (2002). Good Faith. A Semiotic Approach. *European Review of Private Law*, *2*, 279-301.

Auerbach, J. S. (1902). President Roosevelt and the Trusts. *The North American Review*, *175*(553), 877-894.

Austern, H. T. (1966). Isn't Thirty Years Enough? *A.B.A. Antitrust Section*, *30*, 18-27.

Austern, H. T., Day, R. E., Johnson, H. R., DeLone, H. F., & Bergson, H. A. (1964). Merger developments in the Supreme Court. *A.B.A. Antitrust Section, 26*, 233-250.

Austin, A. D. (1967). The Tying Arrangement: A Critique and Some New Thoughts. *Wisconsin Law Review, 1967*(1), 88-126.

Austin, A. D. (1969). A Priori Mechanical Jurisprudence in Antitrust. *Minnesota Law Review*, *53*, 739-784.

Austin, A. D. (1972). The Emergence of Societal Antitrust. *New York University Law Review*, *47*, 903-927.

Austin, A. D. (1978). Negative Effects of Treble Damage Actions: Reflections on the New Antitrust Strategy. *Duke Law Journal*, *1978*, 1353-1374.

Austin, G. W. (2005). Berne Convention as a Canon of Construction: Moral Rights after Dastar. *New York University Annual Survey of American Law*, *61*(2), 111-150.

Austin, G. W. (2005). Intellectual Property Politics and the Private International Law of Copyright Ownership. *Brooklyn Journal of International Law*, *30*(3), 899-924.

Austin, G. W. (2006). Importing Kazza - Exporting Grokster. *Santa Clara Computer and High Technology Law Journal*, *22*(3), 577-620.

Averill, L. H. J. (1969). Choice-of-Law Problems Raised by Sister-State Judgments and the Full-Faith-and-Credit Mandate. *Northwestern University Law Review*, *64*(5), 686-703.

Averitt, N. W. (1979). Structural Remedies in Competition Cases Under the Federal Trade Commission Act. *Ohio State Law Journal*, *40*, 781-845.

Averitt, N. W. (1980). The Meaning of "Unfair Methods of Competition" in Section 5 of the Federal Trade Commission Act. Boston College Law Review, *21*, 227-300.

Averitt, N. W. (1981). The Meaning of "Unfair Acts or Practices" in Section 5 of the Federal Trade Commission Act. The Georgetown Law Journal, *70*, 225-296.

Averitt, N. W., & Lande, R. H. (1997). Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law. *Antitrust Law Journal*, *65*, 713-756.

Averitt, N. W., & Lande, R. H. (1998). Consumer Choice: The Practical Reason for Both Antitrust and Consumer Protection Law. *Loyola Consumer Law Review*, *10*(1), 44-63.

Averitt, N. W., & Lande, R. H. (2007). Using the 'Consumer Choice' Approach to Antitrust Law. *Antitrust Law Journal*, *74*, 175-264.

Ayres, I., & Talley, E. (1995). Solomonic Bargaining: Dividing a Legal Entitlement To Facilitate Coasean Trade. *The Yale Law Journal*, *104*, 1027-1117.

B., D. H. (1967). Erie, Forum non Conveniens and Choice of Law in Diversity Cases. *Virginia Law Review*, *53*, 380-402.

B., E. M. (1917). The Right of Alien Enemies to Sue in Our Courts. *The Yale Law Journal*, *27*, 104-108.

Baade, H. W. (1960). Indonesian Nationalization Measures Before Foreign Courts-A Reply. *The American Journal of International Law*, *54*(4), 801-835.

Babbin, J. R., Amarante, E. L., Bolden, V. A., & Garrity-Rokous, G. (2005). Developments in the Second Circuit: 2003-2004. *Connecticut Law Review*, *37*(4), 963-1120.

Bachmeier, L., Gaughan, P., & Swanson, N. R. (2004). The Volume of Federal Litigation and the Macroeconomy. *International Review of Law and Economics*, *24*, 191-207.

Backer, J. R. (1977). Sherman Act Jurisdiction and the Acts of Foreign Sovereigns. *Columbia Law Review*, *77*(8), 1247-1265.

Backer, L. C. (2006). Multinational Corporations, Transnational Law: The United Nations' Norms on the Responsibilities of Transnational Corporations as a Harbinger of Corporate Social Responsibility in International Law. *Columbia Human Rights Law Review*, *37*(2), 287-389.

Baer, M. G. (1973). Limited Automobile Accident Insurance and Choice of law. *McGill Law Journal*, *19*(2), 284-293.

Baer, W. J., & Balto, D. A. (1999). The Politics of Federal Antitrust Enforcement, Debate: Public Choice: Do Politics Corrupt Antitrust Enforcement? *Harvard Journal of Law & Public Policy*, *23*, 113-132.

Baer, W. J., Frazer, T., & Gyselen, L. (2005). International Leniency Regimes: New Developments and Strategic Implications. *Corporate Counsel's International Adviser*, *246*, 1.

Baer, W. J., Frazer, T., Gyselen, L., & Liss, F. (2005). International Leniency Regimes: New Developments and Their Strategic Implications. *Global Competition Review*, *8*(9 Supplement), 61-64.

Baer, W. J., Gyselen, L., & Frazer, T. (2004). International Leniency Regimes: New Developments and Strategic Implications. *Global Competition Review*, *7*(10 Supplement), 54-58.

Baier, A. (1986). Trust and Antitrust. *Ethics*, *96*(2), 231-260.

Bailey, D. (2004). Scope of Juridical Review Under Article 81 EC. *Common Market Law Review*, *41*, 1327-1360.

Bailey, M. A. (1985). Applying Res Judicata in Antitrust Cases: Marrese Provides an Approach, But Few Answers. *Indiana Law Review*, *18*, 573-598.

Baily, M. N. (2003). The Year in Review: A Turning Poing?, 1-39. http://www.iie.com/publications/papers/baily0203.pdf

Baird, D. G. (1990). Self-Interest and Cooperation in Long-Term Contracts. *The Journal of Legal Studies*, *19*, 583-596.

Baker, C. E. (1980). Starting Points in Economic Analysis of Law. *Hofstra Law Review*, *8*, 939-972.

Baker, D. I. (1972). Section 2 Enforcement - View from the Trench. *Antitrust Law Journal*, *41*, 613-621.

Baker, D. I. (1978). To Indict or Not to Indict: Prosecutorial Discretion in Sherman Act Enforcement. *Cornell Law Review*, *63*(3), 405-418.

Baker, D. I. (1986). Restating Law and Refining Remedies: The Trading Company Act, The Joint Research Act, and The Local Government Antitrust Act. *Antitrust Law Journal*, *55*, 499-513.

Baker, D. I. (1993). Compulsory Access to Network Joint Ventures Under the Sherman Act: Rules or Roulette? *Utah Law Review*, *1993*(4), 999-1133.

Baker, D. I. (1993). Insurance, Internationalism and Irony, the U.S. Supreme Court Speaks Ambiguously in Hartford Fire Insurance. *International Insurance Law Review*, *1*(10), 340-344.

Baker, D. I. (2001). The Use of Criminal Law Remedies To Deter and Punish Cartels and Bid-Rigging. *The George Washington Law Review*, *69*(5&6), 693-714.

Baker, D. I. (2002). Federalism and Futility: Hitting the Potholes on the Illinois Brick Road. *Antitrust*, *17*(1), 14-18.

Baker, D. I. (2009). Enduring Antitrust Divide across the Atlantic over Whether to Incarcerate Conspirators and When to Restrain Abusive Monopolists. *European Competition Journal*, *5*(1), 145-200.

Baker, D. I. (2013). Extraterritoriality and the Rule of Law: Why Friendly Foreign Democracies Oppose Novel, Expansive U.S. Jurisdiction Claims by Non-Resident Aliens Under the Alien Tort Statute. *Maryland Journal of International Law*, *28*, 42-64.

Baker, D. I., & Ayer, D. B. (1993). Anti-Trust Imperialism. *European Competition Law Review*, *14*(1), 3-5.

Baker, D. I., & Reeves, B. A. (1977). The Paper Label Sentences: Critiques. *The Yale Law Journal*, *86*, 619-644.

Baker, D. I., & Stabile, M. R. (1993). Arbitration of Antitrust Claims: Opportunities and Hazards for Corporate Counsel. *The Business Lawyer*, *48*, 395-436.

Baker, E. R., & Baum, D. J. (1962). Section 5 of the Federal Trade Commission Act: a Continuing Process of Redefinition. *Villanova Law Review*, *7*(4), 517-562.

Baker, J. B. (1988). Private Information and the Deterrent Effect of Antitrust Damage Remedies. *Journal of Law, Economics & Organization*, *4*(2), 385-408.

Baker, J. B. (1989). Identifying Cartel Policing under Uncertainty: The U.S. Steel Industry, 1933-1939 Empirical Approaches to Market Power. *Journal of Law and Economics, 32*(2), S47-S76.

Baker, J. B. (1996). Identifying Horizontal Price Fixing in the Electronic Marketplace. *Antitrust Law Journal*, *65*, 41-55.

Baker, J. B. (1997). "Continuous" Regulatory Reform at the Federal Trade Commission. *Administrative Law Review*, *49*, 859-874.

Baker, J. B. (1997). The Problem with Baker Hughes and Syufy: On the Role of Entry in Merger Analysis. *Antitrust Law Journal*, *65*, 353-374.

Baker, J. B. (2000). Stepping Out in and Old Brown Shoe: in Qualified Praise of Submarkets. *Antitrust Law Journal*, *68*, 203-218.

Baker, J. B. (2001). New Horizons in Cartel Detection. *The George Washington Law Review*, *69*(5/6), 824-828.

Baker, J. B. (2002). Mavericks, Megers, and Exlusion: Proving Coordinated Competitive Effects under the Antitrust Laws. *New York University Law Review*, *77*, 135-203.

Baker, J. B. (2003). The Case for Antitrust Enforcement. *Journal of Economic Perspectives*, *17*(4), 27-50.

Baker, J. B. (2007). Beyond Schumpeter vs. Arrow: How Antitrust Fosters Innovation. *Antitrust Law Journal*, *74*, 575-575.

Baker, J. B., & Rubinfeld, D. L. (1999). Empirical Methods in Antitrust Litigation: Review and Critique. *American Law and Economic Review*, *1*(1), 386-435.

Baker, T. (1996). On the Genealogy of Moral Hazard. *Texas Law Review*, *75*(2), 237-292.

Baker, T. A. (1980). The Supreme Court and the Per Se Tying Rule: Cutting the Gordon Knot. *Virginia Law Review*, *66*, 1235-1319.

Baker, T. A. (1981). Interconnected Problems of Doctrine and Economics in the Section one Labyrinth: Is Sylvania a Way Out? *Virginia Law Review*, *67*(8), 1457-1520.

Balan, V. I. (2003). Recognition and Enforcement of Foreign Judgments in the United States: The Need for Federal Legislation. *The John Marshall Law Review*, *37*(1), 229-255.

Balfour, J. (2004). EC Competition Law and Airline Alliances. *Journal of Air Transport Management*, *10*, 81-85.

Ballamy, C. (1999). How Far Can We Harmonize? *New England Law Review*, *34*(1), 173-174.

Balto, D. A. (1999). Antitrust Enforcement in the Clintion Administration. *Cornell Journal of Law and Public Policy*, *9*, 61-132.

Balto, D. A. (2000). Pharmaceutical Patent Settlements: The Antitrust Risks. *Food and Drug Law Journal*, *55*, 321-341.

Balzano, J. C. (2013). Direct Effect Jurisdiction under the Foreign Sovereign Immunities Act: Searching For an Integrated Approach. *Duke Journal of Comparative & International Law*, *24*(1), 1-50.

Banakas, S. (2002). European Tort Law: Is it Possible? *European Review of Private Law*, *3*, 363-375.

Bantekas, I. (2008). Foundations of Arbitrability in International Commercial Arbitration. *Australian Year Book of International Law*, *27*(1), 193-224.

Bantekas, I. (2008). Private Dimension of the International Customary Nature of Commercial Arbitration. *Journal of International Arbitration*, *25*(4), 449-460.

Baquizal, K. (2011). The Extraterritorial Reach of Section 10(B): Revisiting Morrison in Light of Dodd-Frank. *Fordham International Law Journal*, *34*(6), 1544-1583.

Baraf, D. L. B. (1966). The Foreign Corporation - A Problem in Choice-of-Law Doctrine. *Brooklyn Law Review*, *33*, 219-252.

Barber, C. F. (1955). Refusals to Deal under the Federal Antitrust Laws. *University of Pennsylvania Law Review*, *103*(7), 847-885.

Barbezat, D. (1991). A Price for Every Product, Every Place: The International Steel Export Cartel, 1933-39. *Business History*, *33*(4), 70-86.

Barbuto, C. M. (1994). Toward Convergence of Antitrust and Trade Law: An International Trade Analogue to Robinson-Patman. *Fordham Law Review*, *62*, 2047-2094.

Barcelo, J. J. (2006). The Paradox of Excluding WTO Direct and Indirect Effect in U.S. Law. *Tulane European & Civil Law Forum*, *21*, 147-172.

Bares, B. H., Fanelli, C. M., Gordon, T., & Murphy, W. F. (1978). Scaling the Illinois Brick Wall: The Future of Indirect Purchasers in Antitrust Litigation. *Cornell Law Review*, *63*, 309-338.

Barger, J. F. J., Bucy, P. H., Eubank, M. M., & Raspanti, M. S. (2005). States, Statutes and Fraud: An Empirical Study of Emerging State False Claims Acts. *Tulane Law Review*, *80*, 465-512.

Barker, P. (2012). Universal Civil Jurisdiction and the Extraterritorial Reach of the Alien Tort Statute: The Case of Kiobel Before the Unites States Supreme Court. *University of Miami international and Comparative Law Review*, *20*, 1-58.

Barnes, D. W. (1988). Federal and State Philosophies in the Antitrust Law of Mergers. *The George Washington Law Review*, *56*(2), 263-294.

Barnes, D. W. (1989). Revolutionary Antitrust: Efficiency, Ideology, and Democracy. *University of Cincinnati Law Review*, *58*, 59-113.

Barnes, I. R. (1963). The Primacy of Competition and the Brow Shoe Decision. *The Georgetown Law Journal*, *51*, 706-748.

Barnett, E. W. (1965). Problems of Compliance-Conflicts in State and Federal Antitrust Enforcement. *A.B.A. Antitrust Section*, 285-300.

Barnett, R. E. (1986). Foreword: Four Senses of the Public Law--Private Law Distinction. *Harvard Journal of Law & Public Policy*, *9*(2).

Barnett, T. O. (2006). Interoperability between Antitrust and Intellectual Property. *Antitrust Counselor*, *142*, 1-10.

Barnett, T. O. (2007). Interoperability between Antitrust and Intellectual Property. *George Mason Law Review*, *14*(4), 859-870.

Barnett, T. O. (2008). Antitrust Update: Supreme Court Decisions, Global Developments, and Recent Enforcement. *The Antitrust Counselor*, *160*, 1-8.

Barnett, T. O. (2008). Maximizing Welfare Through Technological Innovation. *George Mason Law Review*, *15*, 1191-1204.

Barrett, A. C. (2010). Substantive Canons and Faithful Agency. *Boston University Law Review*, *90*(1), 109-182.

Barron, D. J., & Lederman, M. S. (2008). The Commander in Chief at the Lowest Ebb, Framing the Problem, Doctrine, and Original Understanding. *Harvard Law Review*, *121*(3), 689-804.

Bartels, L. (2001). Applicable Law in WTO Dispute Settlement Proceedings. *Journal of World Trade*, *35*(3), 499-519.

Barton, T. D. (1985). Common Law and its Substitutes: The Allocation of Social Problems to Alternative Decisional Institutions. *North Carolina Law Review*, *63*, 519-534.

Barutciski, M., Blaxland, R., Castañeda, G., Collins, D., Cowie, J., Harty, R. P. et al. (2004). International Antitrust Law. *The International Lawyer*, *38*(2), 129-148.

Basedow, J. (1994). Conflicts of Economic Regulation. *American Journal of Comparative Law*, *42*, 423-447.

Basedow, J. (2000). International Antitrust: From Extraterritorial Application to Harmonization. *Louisiana Law Review*, *60*(4), 1037-1052.

Basedow, J. (2001). Who Will Protect Competition in Europe? From Central Enforcement to Authority Networks and Private Litigation. *European Business Organization Law Review*, *2*(3/4), 443-468.

Bass, I. S., Farmer, D. J., & Horowitz, H. A. (1980). Report on Proposed Legislation to Limit the Standing of Foreign Sovereigns to Sue under the Antitrust Laws of the United States (Pfizer v. India). *Antitrust Law Journal*, *49*, 281-288.

Bassett, D. L. (2006). Constructing Class Action Reality. *Brigham Young University Law Review*, *2006*, 1415-1468.

Bates, J. C. (2000). Home Is Where the Hurt Is: Forum Non Conveniens and Antitrust. *The University of Chicago Legal Forum*, *2000*, 281-326.

Bathaee, Y. (2008). Developing an Antitrust Injury Requirement for Injunctive Relief that Reflects the Probability of Anticompetitive Harm. *Fordham Journal of Corporate & Financial Law*, *13*(2), 329-366.

Battle, G. G. (1942). Enemy Litigants in Our Courts. *Virginia Law Review*, *28*(4), 429-444.

Batz, M. T. (2007). Comparative Analysis of United States and European Union Jurisdiction in Extraterritorial Antitrust Law & the Need for International Standards. *Duquesne Business Law Journal*, *9*, 65-90.

Baudenbacher, C., & Higgins, I. (2002). Decentralisation of EC Competition Law Enforcement and Arbitration. *Columbia Journal of European Law*, *8*, 1-18.

Bauer, J. (2004). Reflections on the Manifold Means of Enforcing the Antitrust Laws: Too Much, Too Little, or Just Right? Loyola Consumer Law Review, *16*(4), 303-327.

Bauer, J. P. (1975). Professional Activities and the Antitrust Laws. *Notre Dame Lawyer*, *50*, 570-602.

Bauer, J. P. (1979). Per Se Illegality of Concerted Refusal to Deal: A Rule Ripe for Reexamination. *Columbia Law Review*, *79*, 685-717.

Bauer, J. P. (1980). A Simplified Approach to Tying Arrangements: A Legal and Economic Analysis. *Vanderbilt Law Review*, *33*(2), 283-342.

Bauer, J. P. (1983). Government Enforcement Policy of Section 7 of the Clayton Act: Carte Blanche for Conglomerate Mergers? *California Law Review*, *71*, 348-375.

Bauer, J. P. (1984). A Federal Law of Unfair Competition: What Should be the Reach of Section 43(a) of the Lanham Act? *UCLA Law Review*, *31*, 671-753.

Bauer, J. P. (1995). South Bend, Indiana: A Case Study Of The Possibilities And Realities Of Hospital Cooperation. *Loyola Consumer Law Reporter*, *8*(2), 143-152.

Bauer, J. P. (2012). The Foreign Trade Antitrust Improvements Act: De We Really Want to Return to American Banana? *Maine Law Review*, *65*, 3-26.

Bauerfeld, R. J. (1982). Effectiveness of Choice-of-Law Clauses in Contract Conflicts of Law: Party Autonomy of Objective Determination? *Columbia Law Review*, *82*, 1659-1691.

Baumgartner, S. P. (2004). Is Transnational Litigation Different? *University of Pennsylvania Journal of International Economic Law*, *25*(4), 1297-1394.

Baumgartner, S. P. (2008). How Well Do U.S. Judgments Fare in Europe? *The George Washington International Law Review*, *40*(1), 173-232.

Baumol, W. J. (1972). On Taxation and the Control of Externalities. *The American Economic Review*, *62*(3), 307-322.

Baumol, W. J. (1982). Contestable Markets: An Uprising in the Theory of Industry Structure. *The American Economic Review*, *72*(1), 1-15.

Baumol, W. J., & Ordover, J. A. (1985). Use of Antitrust to Subvert Competition. *Journal of Law and Economics*, *28*(2), 247-265.

Bavasso, A. (2003). Industrial Policy and Extraterritoriality in International Antitrust: A Lesson from Europe. *The Antitrust Bulletin*, *48*(3), 657-666.

Bavasso, A. F. (1998). Boeing/McDonnell Douglass: Did the Commission Fly Too High? *European Competition Law Review*, *19*(4), 243-248.

Baxter, S., Dethmers, F., & Dodoo, N. (2006). The GE/Honeywell Judgment and the Assessment of Conglomerate Effects: What's New in EC Practice? *European Competition Journal*, *2*(1), 141-167.

Baxter, W. (1994). Remarks of Professor William Baxter, Former Assistant Attorney General, Antitrust Division. *The Antitrust Bulletin*, *39*, 895-899.

Baxter, W. F. (1963). Choice of Law and the Federal System. *Stanford Law Review*, *16*, 1-42.

Baxter, W. F. (1966). Legal Restrictions on Exploitation of the Patent Monopoly: An Economic Analysis. *The Yale Law Journal*, *76*(2), 358-370.

Baxter, W. F. (1979). Placing the Burger Court in Historical Perspective. *Antitrust Law Journal*, *47*, 803-818.

Baxter, W. F. (1982). Separation of Powers, Prosecutorial Discretion, and the "Common Law" Nature of Antitrust Law. *Texas Law Review*, *60*, 661-703.

Baxter, W. F. (1982). Vertical Restraints and Resale Price Maintenance: A "Rule of Reason" Approach. *Antitrust Law & Economics Review*, *13*(4), 13-36.

Baxter, W. F. (1983). Reflections upon Professor Williamson's Comments. *Saint Louis University Law Journal*, *27*, 315 -3320.

Bazyler, M. J. (2011). From "Lamentation and Liturgy to Litigation": The Holocaust-Era Restitution Movement as a Model for Bringing Armenian Genocide-Era Restitution Suits in American Courts. *Marquette Law Review*, *95*(1), 245-303.

Beales, H., Craswell, R., & Salop, S. C. (1981). The Efficient Regulation of Consumer Information. *Journal of Law and Economics*, *24*(3), 491-540.

Bear, W. J., & Balto, D. A. (1999). New Myths and Old Realities: Recent Developments in Antitrust Enforcement. *Columbia Business Law Review*, *1999*, 207-270.

Beard, D., & Jones, A. (2002). Co-contractors, Damages and Article 81: The ECJ Finally Speaks. *European Competition Law Review*, *23*(5), 246-256.

Beausang, M. F. J. (1966). The Extraterritorial Jurisdiction of the Sherman Act. *Dickinson Law Review*, *70*(2), 187-197.

Beaverstock, J. V., Doel, M. A., Hubbard, P. J., & Taylor, P. J. (2002). Attending to the World: Competition, Cooperation and Connectivity in the World City Network. *Global Networks*, *2*(2), 111-132.

Bebchuk, L. A. (1980). The Pursuit of A Bigger Pie: Can Everyone Expect a Bigger Slice? *Hofstra Law Review*, *8*, 671-709.

Beck, J. R. (2000). The False Claims Act and the English Eradication of Qui Tam Legislation. *North Carolina Law Review*, *78*, 539-642.

Beckenstein, A. R., & Gabel, H. L. (1982). Antitrust Compliance: Results of a Survey of Legal Opinion. *Antitrust Law Journal*, *51*, 459-516.

Beckenstein, A. R., Gabel, H. L., & Roberts, K. (1983). An Executive's Guide to Antitrust Compliance. *Harvard Business Review*, *September-October*, 94-102.

Becker, F. (2007). Case of Export Cartel Exemptions: Between Competition and Protectionism. *Journal of Competition Law and Economics*, *3*(1), 97-126.

Becker, F. (2007). The Case of Export Cartel Exemptions: Between Competition and Protectionism. *Journal of Competition Law and Economics*, *3*(1), 97-126.

Becker, G. S. (1968). Crime and punishment: an Economic Approach. *Journal of Political Economy*, *76*(2), 169-217.

Becker, G. S., & Stigler, G. J. (1974). Law Enforcement, Malfeasance, and Compensation of Enforcers. *The Journal of Legal Studies*, *3*, 1-18.

Becker, R. W., & Kirtland, M. H. (2003). Extraterritorial Application of U.S. Antitrust Law: What Is a "Direct, Substantial, and Reasonable Foreseeable Effect" under the Foreign Trade Antitrust Improvements Act? *Texas International Law Journal*, *38*(1), 11-25.

Beckner, C. F., & Salop, S. C. (1999). Decision Theory and Antitrust Rules. *Antitrust Law Journal*, *67*, 41-76.

Bederman, D. J. (2007). Diversity and Permeability in Transnational Governance. *Emory Law Journal*, *57*(1), 201-231.

Bederman, D. J. (2008). Agore: Medellin - Medellin's New Paradigm for Treaty Interpretation. *American Journal of International Law*, *102*, 529-572.

Bederman, D. J. (2008). Romero's Enduring Legacy. *Journal of Maritime Law and Commerce*, *39*(1), 27-42.

Bederman, D. J. (2011). Law of the Land, Law of the Sea: The Lost Link between Customary International Law and the General Maritime Law. *Virginia Journal of International Law*, *51*(2), 299-352.

Begley, K. J. (2007). Multinational Patent Enforcement: What the Parochial United States Can Learn from Past and Present European Initiatives. *Cornell International Law Journal*, *40*(2), 521-570.

Beisner, J. H., Shors, M., & Miller, J. D. (2005). Class Action "Cops": Public Servants or Private Entrepreneurs? *Stanford Law Review*, *57*, 1441-1474.

Belanger, S., & Pinard, M. (1991). Ethnic Movements and the Competition Model: Some Missing Links. *American Sociological Review*, *56*(4), 446-457.

Bellamy, C. (1999). Some Reflections on Competition Law in the Global Market. *New England Law Review*, *34*(1), 15-20.

Bellia, A. J. J. (2001). Federal Regulation of State Court Procedures. *The Yale Law Journal*, *110*, 947-1001.

Bellia, A. J. J. (2005). State Courts and the Making of Federal Common Law. University of Pennsylvania Law Review, *153*(3), 825-920.

Ben-Ner, A., & Putterman, L. (2001). Trusting and Trustworthiness. *Boston University Law Review*, *81*, 523-551.

Benbow, T. H., Buck, L. E., Steinhouse, C. L., Hershman, M., & Morrison, J. H. (1979). Dramatization: The Pros and Cons of Settlement. *Antitrust Law Journal*, *48*, 165-187.

Benedettelli, M. V. (2005). Conflict of Jurisdiction and Conflict of Law in Company Law Matters Within the EU 'Market for Corporate Models': Brussels I and Rome II after Centros. *European Business Law Review*, 55-81.

Bennett, T. B. (2012). Canon at the Water's Edge. *New York University Law Review*, *87*(1), 207-247.

Bennett, T. B. (2012). The Canon at the Water's Edge. *New York University Law Review*, *87*, 207-247.

Benson, B. L., Greenhut, M. L., & Norman, G. (1990). On the Basing-Point System: Reply. *The American Economic Review*, *80*(4), 963-967.

Benz, S. F. (1990). Below-Cost Sales and the Buying of Market Share. *Stanford Law Review*, *42*(3), 695-774.

Berenson, S. (1998). Politics and Plurality in a Lawyer's Choice of Clients: The Case of *Stropnicky* v. *Nathanson*. *San Diego Law Review*, *35*(1), 1-60.

Berge, W. (1940). Some Problems in the Enforcement of the Antitrust Laws. *Michigan Law Review*, *38*, 462-478.

Bergen, C. (2006). Generating Extra Wind in the Sails of the EU Antitrust Enforcement Boat. *Journal of International Business & Law*, *5*, 203-231.

Berger, K. P. (2001). Harmonisation of European Contract Law The Influence of Comparative Law. *International and Comparative Law Quarterly*, *50*, 877-900.

Berger, P. G., & Ofek, E. (1995). Diversification's Effect on Firm Value. *Journal of Financial Economics*, *37*, 39-65.

Berlin, M. B. (2006). Hague Convention on Choice of Court Agreements: Creating an International Framework for Recognizing Foreign Judgments. *International Law & Management Review*, *3*(1), 43-78.

Berlingieri, F. (1977). Jurisdiction and Choice of Law in Collision Cases and an Overview of the Concept of Fault and Its Apportionment. *Tulane Law Review*, *51*, 866-879.

Berman, N. (2006). Intervention in a "Divided World": Axes of Legitimacy. *European Journal of International Law*, *17*(4), 743-769.

Berman, P. S. (2004). Judges as Cosmopolitan Transnational Actors. *Tulsa Journal of Comparative & International Law*, *12*(1), 109-122.

Berman, P. S. (2005). Towards a Cosmopolitan Vision of Conflict of Laws: Redefining Governmental Interest in a Global Era. *University of Pennsylvania Law Review*, *153*(6), 1819-1882.

Berman, P. S. (2007). Global Legal Pluralism. *Southern California Law Review*, *80*(6), 1155-1237.

Bernauer, T., & Caduff, L. (2004). In Whose Interest? Pressure Group Politics, Economic Competition and Environmental Regulation. *International Public Policy*, *24*(1), 99-126.

Bernhard, R. C. (1960). English Law and American Law on Monopolies and Restraints of Trade. *The Journal of Law and Economics*, *3*, 136-145.

Bernhardt, D. (1984). Dumping, Adjustment Costs and Uncertainty. *Journal of Economic Dynamics and Control*, *8*(3), 349-370.

Bernhofen, D. M. (2001). Product Differentiation, Competition, and International Trade. *Canadian Journal of Economics*, *34*(4), 1010-1023.

Bernstein, D. E. (2003). Locher's Legacy's Legacy. *Texas Law Review*, *82*(1), 1-64.

Bernstein, D. E. (2003). Lochner Era Revisionism, Revised: Lochner and the Origins of Fundamental Rights Constitutionalism. *The Georgetown Law Journal*, *92*, 1-60.

Bernstein, L. (1992). Opting Out of the Legal System: Extralegal Contractual Relations in the Diamond Industry. *The Journal of Legal Studies*, *21*, 115-157.

Bernstein, R. D., Dugan, J. C., & Addison, L. M. (2012). Closing Time: You Don't Have to Go Home, But You Can't Stay Here. *The Business Lawyer*, *67*, 957-976.

Berrisch, G., Jordan, E., & Roldan, R. S. (2004). E.U. Competition and Private Actions for Damages. *Northwestern Journal of International Law and Business*, *24*(3), 585-600.

Besanko, D., & Spulber, D. F. (1990). Are Treble Damages Neutral? Sequential Equilibrium and Private Antitrust Enforcement. *The American Economic Review*, *80*(4), 870-887.

Bessette, A. R. (2010). Trans-Tec Asia v. M/V Harmony Container: Should American Judges Don Foreign Hats (or Wigs). *Santa Clara Journal of International Law*, *8*(2), 405-430.

Betlem, G., & Bernasconi, C. (2006). European Private International Law, The Environment and Obstacles for Public Authorities. *Law Quarterly Review*, *112*, 124-151.

Bettauer, R. J. (2009). Introductory Note to the United States Supreme Court: Ministry of Defense & Support for the Armed Forces of the Islamic Republic of Iran v. Elahi. *International Legal Material*, *48*(4), 804-819.

Bhattacharjea, A. (2006). Case for a Multilateral Agreement on Competition Policy: A Developing Country Perspective. *The Journal of International Economic Law, 9*(2), 293-324.

Bhattacharjea, A. (2006). The Case for a Multilateral Agreement on Competition Policy: a Developing Country Perspective. *Journal of International Economic Law*, *9*(2), 293-323.

Bhide, A., & Stevenson, H. H. (1990). Why be Honest if Honesty Doesn't Pay. *Harvard Business Review*, *68*(5), 121-129.

Bickler, R. (1995). The Role of Competition Policy in the New World Trade Order. *International Trade Law & Regulation*, *1*(6), 210-214.

Bicks, R. A. (1959). The Department of Justice and Private Treble Damage Actions. *The Antitrust Bulletin*, *4*, 5-15.

Bilder, R. B. (1982). Some Limitations of Adjudication as an International Dispute Settlement Technique. *Virginia Journal of International Law*, *23*(1), 1-12.

Bingaman, A. K. (1994). Closing Remarks of Anne K. Bingaman, Assistant Attorney General, Antitrust Division. *The Antitrust Bulletin*, *39*, 925-926.

Bingaman, A. K. (1994). Keynote Address by Anne K. Bingaman, Assistant Attorney General, Antitrust Division: Antitrust and Innovation in a High Technology Society. *The Antitrust Bulletin*, *39*, 869-879

Bingaman, A. K. (1994). Recognitions by Anne K. Bingaman, Assistant Attorney General, Antitrust Division. *The Antitrust Bulletin*, *39*, 835-837.

Bingham, J. W., Denman, W., Griffiths, F. P., Harley, J. E., Hinckley, F. E., Lillick, I. S. et al. (1932). Part IV - Piracy. *The American Journal of International Law Supplement*, *26*, 739-885.

Binmore, K., & Harbord, D. (2005). Bargaining Over Fixed-to-Mobile Termination Rates: Countervailing Buyer Power as a Constraint on Monopoly Power. *Journal of Competition Law and Economics*, *1*(3), 449-472.

Bird, C. C. (1970). Sherman Act Limitations on Noncommercial Concerted Refusals to Deal. *Duke Law Journal*, *1970*(2), 247-292.

Bird, P. S. (1987). Mass Tort Litigation: A Statutory Solution to the Choice of Law Impasse. *The Yale Law Journal*, *96*, 1077-1098.

Birkmose, H. S. (2006). Regulatory Competition and the European Harmonisation Process. *European Business Law Review*, 1075-1097.

Birks, P. (2000). Rights, Wrongs, and Remedies. *Oxford Journal of Legal Studies*, *20*(1), 1-37.

Bishop, B. (1997). The Boeing/McDonnell Douglas Merger. *European Competition Law Review*, *18*(7), 417-419.

Bishop, H. O. (1932). George Washington and the Tories. *A.B.A. Journal*, *18*, 807-809.

Bishop, S., & Marsden, P. (2006). The Article 82 Discussion Paper: A Missed Opportunity. *European Competition Journal*, *2*(1), 1-7.

Bissocoli, E. F. (2000). Trade Associations and Information Exchange under US Antitrust and EC Competition Law. *World Competition*, *23*(1), 79-106.

Bittlingmayer, G. (1985). Did Antitrust Policy Cause the Great Merger Wave? *Journal of Law and Economics*, *28*(1), 77-118.

Bjorklund, A. K. (2007). Mandatory Rules of Law and Investment Arbitration. *American Review of International Arbitration*, *18*, 175-203.

Black, C. L. J. (1950). Admiralty Jurisdiction: Critique and Suggestions. *Columbia Law Review*, *50*(3), 259-280.

Black, F. R. (1942). Judicata and Conspiracy Cases under the Sherman act. *Kentucky Law Journal*, *30*(3), 255-285.

Black, O. (2005). Communication, Concerted Practices and the Oligopoly Problem. *European Competition Journal*, *1*(2), 341-346.

Blackmun, H. A. (1994). The Supreme Court and the Law of Nations. *The Yale Law Journal*, *104*(1), 39-49.

Blair, J. M. (1964). Planning for Competition. *Columbia Law Review*, *64*, 524-542.

Blair, M. M. (2003). Locking in Capital: What Corporate Law Achieved for Business Organizers in the Nineteenth Century. *UCLA Law Review*, *51*, 387-455.

Blair, M. M., & Stout, L. A. (2001). Trust, Trustworthiness, and the Behavioral Foundations of Corporate Law. *University of Pennsylvania Law Review*, *149*, 1735-1810.

Blair, P. (1929). The Doctrine of Forum non Convenience in Anglo-American Law. *Columbia Law Review*, *29*(1), 1-34.

Blair, R. D. (1972). The Sharman Act and The Incentive to Collude. *The Antitrust Bulletin*, *17*, 433-444.

Blair, R. D. (1980). Antitrust Penalties: Deterrence and Compensation. *Utah Law Review*, *1980*, 57-72.

Blair, R. D., & Durrance, C. P. (2008). Antitrust Sanctions: Deterrence and (Possibly) Overdeterrence. *The Antitrust Bulletin*, *53*(3), 643-661.

Blair, R. D., & Harrison, J. L. (1989). Rethinking Antitrust Injury. *Vanderbilt Law Review*, *42*, 1539-1573.

Blair, R. D., & Harrison, J. L. (1999). Antitrust: On the Cutting Edge. *The Antitrust Bulletin*, *44*(1), 1-4.

Blair, R. D., & Herndon, J. B. (2003). Antitrust Class Actions - Problems and Prospects; Introduction. *The Antitrust Bulletin*, *48*(2), 449-450.

Blair, R. D., & Herndon, J. B. (2003). Class Action in Resale Price Maintenance Cases. *The Antitrust Bulletin*, *48*, 571-594.

Blair, R. D., & Maurer, V. G. (1982). Umbrella Pricing and Antitrust Standing: An Economic Analysis. *Utah Law Review*, *1982*, 763-796.

Blair, R. D., & Page, W. H. (1995). "Speculative" Antitrust Damages. *Washington Law Review*, *70*, 423-463.

Blair, R. D., & Piette, C. A. (2006). Antitrust Damages: Theory and Practice. *The Antitrust Bulletin*, *51*(3), 449-451.

Blair, R. D., & Piette, C. A. (2006). Coupon Settlements: Compensation and Deterrence. *The Antitrust Bulletin*, *51*(3), 661-685.

Blair, R. D., & Schafer, C. D. (1987). Evolutionary Models of Legal Change and the *Albrecht* Rule. *The Antitrust Bulletin*, *32*(4), 989-1006.

Blake, H. M. (1961). The Shareholders' Role In Antitrust Enforcement. *University of Pennsylvania Law Review*, *110*(2), 143-178.

Blake, H. M. (1973). Conglomerate Mergers and the Antitrust Laws. *Columbia Law Review*, *73*, 555-592.

Blake, H. M., & Jones, W. K. (1965). In Defense of Antitrust. *Columbia Law Review*, *65*, 377-400.

Blake, H. M., & Jones, W. K. (1995). Toward a Three-Dimensional Antitrust Policy. *Columbia Law Review*, *65*, 422-466.

Blake, S., & Schnichels, D. (2004). Leniency Following Modernisation: Safeguarding Europe's Leniency Programmes. *Competition Policy Newsletter*, *2*, 7-13.

Blanke, G. (2005). The ECJ's Recent Jurisprudence on Anti-Suit Injunctions under the Brussels Convention: A Promising Début for a more Prominent Role for Arbitration in European Commercial Dispute Resolution at the Dawn of the 21st Century? *European Business Law Review*, 591-620.

Blanke, G. (2005). The Role of EC Competition Law in International Arbitration: A Plaidoyer. *European Business Law Review*, 169-181.

Blanke, G. (2008). The Evolution of European Competition Law: Whose Regulation, Which Competition?, by Hanns Ullrich, Book Review. *European Competition Law Review*, *29(2)*, 146-148.

Blanke, G., & Nazzini, R. (2008). Arbitration and ADR of Global Competition Disputes: Taking Stock: Part 2. *Global Competition Litigation Review*, *1*(2), 78-89.

Blaug, M. (2001). Is Competition Such a Good Thing? Static Efficiency versus Dynamic Efficiency. *Review of Industrial Organization*, *19*, 37-48.

Blecher, M. M. (1968). The Plaintiff's Viewpoint. *Antitrust Law Journal*, *38*, 50-58.

Blecher, M. M. (1972). Discovery and Trial. *Antitrust Law Journal*, *41*, 240-247.

Blecher, M. M., & Carlo, C. E. (1980). Toward More Effective Handling of Complex Antitrust Cases. *Utah Law Review*, *1980*, 727-752.

Blechman, M. D. (1980). Antitrust Jurisdiction, Discovery and Enforcement in the International Sphere: An Appraisal of American Developments and Foreign Reactions. *Antitrust Law Journal*, *49*, 1197-1206.

Block, D. J., & Warren, I. H. (1979). New Battles in the 'Class Struggle' - the Federal Courts Reexamine the Securities Class Action. *The Business Lawyer*, *34*(January), 455-474.

Block, M. K., & Feinstein, J. S. (1986). The Spillover Effect of Antitrust Enforcement. *The Review of Economics and Statistics*, *68*(1), 122-131.

Block, M. K., & Lind, R. C. (1975). Crime and Punishment Reconsidered. *The Journal of Legal Studies*, *4*, 241-247.

Block, M. K., & Sidak, J. G. (1980). The Cost of Antitrust Deterrence: Why Not Hang a Price Fixer Now and Then? *The Georgetown Law Journal*, *68*, 1131-1139.

Block, M. K., Nold, F. C., & Sidak, J. G. (1981). The Deterrent Effect of Antitrust Enforcement. *Journal of Political Economy*, *89*(3), 429-445.

Blomquist, R. F. (1988). Rethinking the Citizen as Prosecutor Model of Environmental Enforcement Under the Clean Water Act: Some Overlooked Problems of Outcome-Independent Values. *Georgia Law Review*, *22*, 337-423.

Blonigen, B. A. (2003). Evolving Discretionary Practices of U.S. Antidumping Activity. *National Bureau of Economic Research; Working Paper No. 9625*, *April*, 1-34.

Bloom, E. T. (1985). The Executive Claims Settlement Power: Constitutional Authority and Foreign Affairs Applications. *Columbia Law Review, 85*(1), 155-189.

Blum, G. (2008). Bilateralism, Multilateralism, and the Architecture of International Law. *Harvard International Law Journal*, *49*, 323-379.

Blum, J. (1994). The Deep Freeze: Torts, Choice of Law, and the Antarctic Treaty Regime. *Emory International Law Review*, *8*, 667-699.

Blum, J. D. (1995). A Consumer Perspective on the Pros and Cons of Antitrust Enforcement in Health Care: An Introduction. *Loyola Consumer Law Reporter*, *8*(2), 76-77.

Blumenfeld, S. J. (1987). Artful Pleading and Removal Jurisdiction: Ferreting Out the True Nature of a Claim. *UCLA Law Review*, *35*, 315-367.

Blumenthal, W. (2000). Clear Agency Guidelines: Lessons from 1982. *Antitrust Law Journal*, *68*, 5-27.

Blumstein, J. F. (1995). Assessing Hospital Cooperation Laws. *Loyola Consumer Law Reporter*, *8*(2), 98-117.

Board. (2001). Competition Law and the Turn of the Century. *Legal Issues of Economic Integration*, *28*(2), 135-139.

Boatner, A. J. (1999). Consolidation of the Aerospace and Defense Industries: The Effect of The Big Three Mergers in the United States Defense Industry. *Journal of Air Law and Commerce*, *64*, 913-940.

Bodner, J. J. (1972). Monopolization And Attempts To Monopolize: Whatever Happened To Section 2? *Antitrust Law Journal*, *41*, 589-594.

Bogert, G. G. (1927). Confidential Relations and Unenforceable Express Trusts. *Cornell Law Quarterly*, *13*, 237-251.

Boisot, L., Jr. (1891). The Legality of Trust Combinations. *The American Law Register*, *39*(12), 751-769.

Bok, D. C. (1960). Section 7 of the Clayton Act and the Merging of Law and Economics. *Harvard Law Review*, *74*, 226-355.

Bok, D. C. (1961). The Tampa Electric Case and the Problem of Exclusive Arrangements under the Clayton Act. *The Supreme Court Review*, *1961*, 267-332.

Bolt, C. (2004). The Role of the Office of Fair Trading and the Competition Commission in Establishing Common Regulatory Practices. *Utility Policy*, *12*, 83-86.

Bolt, J. W., & Wheatley, J. K. (2006). Private Rules for International Discovery in U.S. District Court: The U.S.-German Example. *UCLA Journal of International Law and Foreign Affairs*, *11*(1), 1-38.

Boltuck, R. D., & Kaplan, S. (1993). Conflicting Entitlements: Can Antidumping and Antitrust Regulation be Reconciled? *University of Cincinnati Law Review*, *61*, 903-917.

Bomhoff, J. (2008). The Reach of Rights: "the Foreign" and "the Private" in Conflict-of-Laws, State-Action, and Fundamental-Rights Cases with Foreign Elements. *Law and Contemporary Problems*, *71*(3), 39-71.

Bondurant, E. J. (1980). Antitrust Considerations in the Selection and Modification of Distribution Systems. *Antitrust Law Journal*, *49*, 775-789.

Bone, R. G. (1995). Lon Fuller's Theory of Adjudication and The False Dichotomy Between Dispute Resolution and Public Law Models of Litigation. *Boston University Law Review*, *75*, 1273-1324.

Bonell, M. J. (2001). A `Global' Arbitration Decided on the Basis of the UNIDROIT Principles: In re Andersen Consulting Business Unit Member Firms v. Arthur Andersen Business Unit Member Firms and Andersen Worldwide Societe Cooperative. *Arbitration International*, *17*(3), 249-261.

Boni, S., & Manzini, P. (2001). National Social Legislation and EC Antitrust Law. *World Competition*, *24*(2), 239-255.

Bookman, P. K. (2006). Solving the Extraterritoriality Problem: Lessons from the Honest Services Statute. *Virginia Law Review*, *92*(4), 749-792.

Boon, K., & Soljan, L. (2004). Developments in the Doctrine of Forum Non Conveniens. *The International Lawyer*, *38*(2), 345-347.

Borchard, E. M. (1932). The Unrecognized Government in American Courts. *The American Journal of International Law*, *26*, 261-271.

Borchard, E. M. (1934). The Protection of Citizens Abroad and Change of Original Nationality. *The Yale Law Journal*, *43*(4), 359-392.

Borchers, P. J. (1992). Forum Selection Agreements in the Federal Courts After Carnival Cruise: A Proposal for Congressional Reform. *Washington Law Review*, *67*, 55-111.

Borchers, P. J. (1993). The Origins of Diversity Jurisdiction, the Rise of Legal Positivism, and a Brave New World for Erie and Klaxon. *Texas Law Review*, *72*, 79-133.

Borchers, P. J. (1995). The Internationalization of Contractual Conflicts Law. *Vanderbilt Journal of Transnational Law*, *28*, 421-486.

Bork, R. (1954). Vertical Integration and the Sherman Act: The Legal History of an Economic Misconception. *University of Chicago Law Review*, *22*, 157-201.

Bork, R. H. (1965). Contrasts in Antitrust Theory: I. *Columbia Law Review*, *65*, 401-416.

Bork, R. H. (1965). The Rule of Reason and the Per se Concept: Price Fixing and Market Division. *The Yale Law Journal*, *74*, 775-847.

Bork, R. H. (1966). Legislative Intent and the Policy of Sherman Act. *The Journal of Law and Economics*, *9*, 7-48.

Bork, R. H. (1966). The Rule of Reason and the Per Se Concept: Price Fixing and Market Division. *The Yale Law Journal*, *75*(3), 373-475.

Bork, R. H., & Bowman, W. S., Jr. (1965). The Crisis in Antitrust. *Columbia Law Review*, *65*(3), 363-376.

Bork, R. H., & Bowman, W. S., Jr. (1965). The Goals of Antitrust: A Dialogue on Policy, The Crisis in Antitrust. *Columbia Law Review*, *65*(3), 363-376.

Born, G. B. (1992). A Reappraisal of the Extraterritorial Reach of U.S. Law. *Law and Policy in International Business*, *24*(1), 1-100.

Bos, J. (2002). Antitrust Treatment of Cartels: A Comparative Survey of Competition Law Exemptions in the United States, the European Union, Australia and Japan. *Washington University Global Studies Law Review*, *1*, 415-450.

Boscheck, R. (2001). The Governance of Global Market Relations: The Case of Substituting Antitrust for Antidumping. *World Competition*, *24*(1), 41-64.

Botchway, F. N. (2010). Mergers and Acquisitions in Resource Industry: Implications for Africa. *Connecticut Journal of International Law*, *26*(1), 51-88.

Botteman, Y. (2006). Mergers, Standard of Proof and Expert Economic Evidence. *Journal of Competition Law and Economics*, *2*(1), 71-100.

Bouchard, R. A. (2007). Balancing Public and Private Interests in teh Commercialization of Publicly Funded Medical Research: Is There a Role for Compulsory Government Royalty Fees? *Boston University Journal of Science and Techonology Law*, *13*, 120-191.

Boudin, L. B. (1939). The Sherman Act and Labor Disputes: I. *Columbia Law Review*, *39*(8), 1283-1337.

Boudin, L. B. (1940). The Sherman Act and Labor Disputes: II. *Columbia Law Review*, *40*, 14-51.

Bourgeois, J., & Bocken, J. (2005). Guidelines on the Application of Article 81(3) of the EC Treaty or How to Restrict a Restriction. *Legal Issues of Economic Integration*, *32*(2), 111-121.

Boute, A. (2006). Environmental Protection and EC Anti-Trust Law: The Commission's Approach for Packaging Waste Management Systems. *RECIEL, Journal Compilation*, *15*(2), 146-159.

Bovis, C. H. (2005). State Aid and European Union Transport: A Reflection on Law, Policy and Practice. *Journal of World Trade*, *39*(4), 587-636.

Bowman, H. M. (1938). The Unconstitutionality of the Rule of Swift v. Tyson. *Boston University Law Review*, *18*, 659-680.

Bowman, W. S. (1957). Tying Arrangements and the Leverage Problem. *The Yale Law Journal*, *67*, 19-36.

Bowman, W. S. (1965). Contrasts in Antitrust Theory: II. *Columbia Law Review*, *65*, 417-421.

Bowman, W. S., Jr. (1955). The Prerequisites and Effects of Resale Price Maintenance. *The University of Chicago Law Review*, *22*, 825-873.

Bowman, W. S., Jr. (1957). Tying Arrangements and the Leverage Problem. *The Yale Law Journal*, *67*, 19-36.

Boyd, K. L. (2004). Universal Jurisdiction and Structural Reasonableness. *Texas International Law Journal*, *40*(1), 1-58.

Boyd, W. E. M. (2000). Panel V: Party Autonomy: Choice of Law, Jurisdiction, and Model Agreements. *Arizona Journal of International and Comparative Law*, *17*(1), 157-169.

Boydston, M. (1992). Cruz v. Shesapeake Shipping and the Choice-of-Law Problem in Admiralty Actions. *Texas International Law Journal*, *27*, 419-446.

Boyer, A. (1983). Form as Substance: A Comparison of Antitrust Regulation by Consent Decrees in the USA, Reports of the Monopolies and Megers Commission in the UK, and Grants of Clearance by the European Commission. *International and Comparative Law Quarterly*, *32*, 904-930.

Boyer, B., & Meidinger, E. (1985). Privatizing Regulatory Enforcement: A Preliminary Assessment of Citizen Suits under Federal Environmental Laws. *Buffalo Law Review*, *34*, 833-964.

Bradford, A. (2007). International Antitrust Negotiations and the False Hope of the WTO. *Harvard International Law Journal*, *48*, 383-439.

Bradford, A. (2012). The Brussels Effect. *Northwestern University Law Review*, *107*(1), 1-67.

Bradley, C. A. (1997). Territorial Intellectual Property Rights in an Age of Globalism. *Virginia Journal of International Law*, *37*(2), 505-585.

Bradley, C. A. (2000). Chevron Deference and Foreign Affairs. *Virginia Law Review*, *86*(4), 649-726.

Bradley, C. A. (2008). Intent, Presumptions, and Non-Self-Executing Treaties. *American Journal of International Law*, *102*, 540-551.

Bradley, C. A. (2008). Self-Execution and Treaty Duality. *Supreme Court Review*, *2008*, 131-182.

Bradley, C. A. (2012). AGORA: Kiobel, Attorney General Bradford's Opinion and the Alien Tort Statute. *The American Journal of International Law*, *106*, 509-526.

Bradley, C. A., & Goldsmith, J. L. (1997). Customary International Law as Federal Common Law: a Critique of the Modern Position. *Harvard Law Review*, *110*(4), 815-876.

Bradley, C. A., & Goldsmith, J. L. (2005). Congressional Authorization and the War on Terrorism. *Harvard Law Review*, *118*(7), 2047-2133.

Bradley, C. A., Goldsmith, J. L., & Moore, D. H. (2007). SOSA, Customary International Law, and the Continuing Relevance of Erie. *Harvard Law Review*, *120*(4), 869-936.

Bradley, R. L., Jr. (1990). On the Origins of the Sherman Antitrust Act. *Cato Journal*, *9*(3), 737-742.

Bradshaw, B. G., Schiller, J. A., & Nagarajn, R. P. (2012). Foreign Sovereignty and U.S. Antitrust Enforcement: Is "The State Made Me Do It" a Viable Defense? *Antitrust*, *26*, 19-24.

Braeutigam, R., Owen, B., & Panzar, J. (1984). An Economic Analysis of Alternative Fee Shifting Systems. *Law and Contemporary Problems*, *47*(1), 173-185.

Brame, J. R., & Feller, H. (1982). The Immunity of Local Governments and Their Officials from Antitrust Claims After City of Boulder. *University of Richmond Law Review*, *16*(4), 705-1982.

Brammer, S. (2005). Concurrent Jurisdiction under Regulation 1/2003 and the Issue of Case Allocation. *Common Market Law Review*, *42*, 1383-1424.

Brander, J., & Krugman, P. (1983). A "Reciprocal Dumping" Model of International Trade. *Journal of International Economics*, *15*(3-4), 313-321.

Brandon, M. (1950). Legal Control oer Resident Enemy Alines in Time of War in the United States and in the United Kingdom. *The American Journal of International Law*, *44*(2), 382-387.

Bratton, W. W. J. (1975). The Preemption Doctrine: Shifting Prespectives on Federalism and the Burger Court. *Columbia Law Review*, *75*, 623-654.

Bratton, W. W., & McCahery, J. A. (1987). The New Economics of Jurisdictional Competition: Devolutionary Federalism in Second-Best World. *Georgetown Law Journal*, *86*, 201-278.

Braunig, L. T. (2005). Statutory Interpretation in a Choice of Law Context. *New York University Law Review*, *80*(3), 1050-1078.

Breit, W. (1976). Efficiency and Equity Considerations. *Southwestern University Law Review*, *8*, 539-549.

Breit, W., & Elzinga, K. G. (1973). Antitrust Penalties and Attitudes Toward Risk: an Economic Analysis. *Harvard Law Review*, *86*, 693-713.

Breit, W., & Elzinga, K. G. (1974). Antitrust Enforcement and Economic Efficiency: the Uneasy Case for the Treble Damages. *The Journal of Law and Economics*, *17*, 329-356.

Breit, W., & Elzinga, K. G. (1974). The Instruments of Antitrust Enforcement. Emory Law Journal, *23*, 943-961.

Brenner, J. F. (1974). Nuisance Law and the Industrial Revolution. *The Journal of Legal Studies*, *3*, 403-433.

Breslin, S. (2004). Globalization, International Coalitions, and Domestic Reform. *Critical Asian Studies*, *36*(4), 657-675.

Brest, P. (1971). Palmer v. Thompson: An Approach to the Problem of Unconstitutional Legislative Motive. *The Supreme Court Review*, *1971*, 95-146.

Brewster, K. J. (1957). Extraterritorial Effect of the U.S. Antitrust Laws: "An Appraisal". *A.B.A. Antitrust Section*, *11*, 65-74.

Bridgeman, J. (2002). International Mergers and Acquisitions. *European Business Journal*, *14*(2), 58-62.

Brietzke, P. H. (1988). The Constitutionalization of Antitrust: Jefferson, Madison, Hamilton, and Thomas C. Arthur. *Valparaiso University Law Review*, *22*(2), 275-330.

Briggs, E. W. (1948). The Jurisdictional - Choice-of-Law Relation in Conflicts Rules. *Harvard Law Review*, *61*, 1165-1206.

Briggs, H. C., Huryn, K., & McBridge. (1996). Treble Damages and the Incentive to Sue and Settle. *The RAND Journal of Economics*, *27*(4), 770-786.

Briggs, J. D., & Matherson, D. J. (2010). The Supreme Court's 21st Century Section 2 Jurisprudence: Penelope or Thermopylae? *Sedona Conference Journal*, *11*, 137-160.

Briggs, T. R., Crane, M., Hawk, B. K., & Taylor, R. P. (1987). 60 Minutes with Charles F. Rule Acting Assistant Attorney General, Antitrust Division. *Antitrust Law Journal*, *56*, 261-281.

Brill, C. A., & Carlson, B. A. (1999). U.S. and Japanese Antimonopoly Policy and the Extraterritorial Enforcement of Competition Laws. *The International Lawyer*, *33*, 75-118.

Brilmayer, L. (1980). How Contacts Count: Due Process Limitations on State Court Jurisdiction. *The Supreme Court Review*, *1980*, 77-113.

Brilmayer, L. (1980). Interest Analysis and the Myth of Legislative Intent. *Michigan Law Review*, *78*, 392-431.

Brilmayer, L. (1981). Legitimate Interests in Multistate Problems: as Between State and Federal Law. *Michigan Law Review*, *79*, 1315-1349.

Brilmayer, L. (1987). The Extraterritorial Application of American Law: A Methodological and Constitutional Appraisal. *Law and Contemporary Problems*, *50*(3), 11-38.

Brilmayer, L. (1989). Rights, Fairness, and Choice of Law. *The Yale Law Journal*, *98*(7), 1277-1319.

Brinson, J. D. (1987). Proof of Economic Power in a Sherman Act Tying Agreement Case: Should Economic Power be Presumed when the Tying Product is Patented of Copyrighted? *Louisiana Law Review*, *48*, 29-85.

Brkan, M. (2005). Procedural Aspects of Private Enforcement of EC Antitrust Law: Heading Toward New Reforms. *World Competition*, *28*(4), 479-506.

Brockbank, D. (1996). The 1995 International Antitrust Guidelines: The Reach of U.S. Antitrust Law Continues to Expand. *Journal of International Legal Studies*, *2*, 1-39.

Brockmeyer, M. F. (1989). Report on the NAAG Multi-State Task Force. *Antitrust Law Journal*, *58*, 215-220.

Broder, D. F. (2005). United States: General - US Appellate Courts. *European Competition Law Review*, *26*(3), 46-48.

Broder, D. F., & Allen, E. A. (2003). USA - procedure. *European Competition Law Review*, *24*(5), N91-N92.

Broder, D. F., & Katze, S. (2008). USA: Procedure - Computer Industry - Price-Fixing - Foreign Injury - Lack of Subject Matter Jurisdiction - Appeal - Confirmed (Case Comment). *European Competition Law Review*, *29*(12), 205-206.

Broder, D., & Martens, R. C. (2005). Co-operation Between Antitrust Authorities In - And Outside the EU: What Does It Mean for Multinational Corporations: Part 1. *European Competition Law Review*, *26*(8), 125.

Broder, D., & Roeber, J. (2005). United States: Procedure - Territoriality. *European Competition Law Review*, *26*(11), 174-175.

Brodley, J. F. (1972). Massive Industrial Size, Classical Economics, and the Search for Humanistic Value (Book Review). *Stanford Law Review*, *24(6)*(6), 1155-1178.

Brodley, J. F. (1979). Limiting Conglomerate Mergers: The Need for Legislation. *Ohio State Law Journal*, *40*, 867-894.

Brodley, J. F. (1987). The Economic Goals of Antitrust: Efficiency, Consumer Welfare, and Technological Progress. *New York University Law Review*, *62*, 1020-1053.

Brodley, J. F. (1995). Antitrust Standing in Private Merger Cases: Reconciling Private Incentives and Public Enforcement Goals. *Michigan Law Review*, *94*, 1-108.

Brodley, J. F., & Hay, G. A. (1981). Predatory Pricing: Competing Economic Theories and the Evolution of Legal Standards. *Cornell Law Review*, *66*, 738-803.

Broecker, C. (2008). Better the Devil You Know: Home State Approaches to Transnational Corporate Accountability. *New York University Journal of International Law and Policy*, *41*(1), 159-218.

Broh-Kahn, L. E. (1941). Amendment by Decision - More on the Erie Case. *Kentucky Law Journal*, *30*(1), 3-60.

Broh-Kahn, L. E. (1943). Uniformity Run Riot - Extensions of the Erie Case. *Kentucky Law Journal*, *31*(2), 99-121.

Bronckers, M. (2008). From "Direct Effect" to "Muted Dialogue": Recent Developments in the European Courts' Case Law on the WTO and Beyond. *Journal of International Economic Law*, *11*(4), 885-898.

Bronsteen, J., & Fiss, O. (2003). The Class Action Rule. *Notre Dame Law Review*, *78*(5), 1419-1453.

Brooks, J. (1941). Remarks of Jack Brooks, U.S. House of Representatives. *The Antitrust Bulletin*, *39*, 841-844.

Brown, C. G., & Huck, D. N. (1988). The State of State Antitrust Enforcement: A Return to the States' Traditional Role. *Journal of Reprints for Antitrust Law and Economics*, *18*(2), 15-25.

Brown, C. M., & Singhvi, N. S. (1998). Antitrust Violations. *American Criminal Law Review*, *35*(3), 467-501.

Brown, H., & Cohen, J. (1978). Franchising: Constitutional Considerations for "Good Cause" State Legislation. *Houston Law Review*, *21*, 21-62.

Brown, J. P. (1973). Toward an Economic Theory of Liability. *The Journal of Legal Studies*, *2*, 323-349.

Brown, N. I., & Burns, J. R. (2000). Antitrust Violations. *American Criminal Law Review*, *37*, 163-206.

Brown, R. S. J. (1948). Advertising and the Public Interest: Legal Protection of Trade Symbols. *The Yale Law Journal*, *57*(7), 1165-1206.

Brown, T. (1986). Choice of Law Stipulations by Litigants. *Washington and Lee Law Review*, *43*, 141-166.

Browning, C. H. J. (1980). Parens Patriae Actions: An Assessment. *Antitrust Law Journal*, *49*, 1015-1022.

Brozen, Y. (1970). The Antitrust Task Force Deconcentration Recommendation. *Journal of Law and Economics*, *13*(2), 279-292.

Brubaker, J. R., & Daly, M. P. (2010). Twenty-Five Years of the Prospective Waiver Doctrine in International Dispute Resolution: Mitsubishi's Footnote Nineteen Comes to Life in the Eleventh Circuit. *University of Miami Law Review*, *64*(4), 1233-1278.

Bruce, J., Crain, L., Stevens, M. L., & Zeidman, P. F. (1980). Dramatization: Distribution Channels. *Antitrust Law Journal*, *49*, 457-487.

Bruce, T. S. (2009). A Choice of Public Law? Resolving the International Arbitrator's Dilemma. *American Review of International Arbitration*, *20*, 97-116.

Brudney, J. J. (2010). Canon Shortfalls and the Virtues of Political Branch Interpretive Assets. *California Law Review*, *98*(4), 1199-1234.

Brunet, E. (1984). Streamlining Antitrust Litigation by "Facial Examination" of Restraints: The Burger Court and the Per se – Rule of Reason Distinction. *Washington Law Review*, *60*(1), 1-32.

Brusick, P. (2001). UNCTAD's Role in Promoting Multilateral Co-operation on Competition Law and Policy. *World Competition*, *24*(1), 23-29.

Bryant, P. G., & Eckard, W. (1991). Price Fixing: The Probability of Getting Caught. *The Review of Economics and Statistics*, *73*(3), 531-536.

Bucy, P. H. (1995). Civil Prosecution of Health Care Fraud. *Wake Forest Law Review*, *30*, 693-757.

Bucy, P. H. (2002). Information as a Commodity in the Regulatory World. *Houston Law Review*, *39*(4), 905-978.

Bucy, P. H. (2002). Private Justice and the Constitution. *Tennessee Law Review*, *69*, 939-986.

Bucy, P. H. (2002). Private Justice. *Southern California Law Review*, *76*, 1-160.

Bucy, P. H. (2004). Games and Stories: Game Theory and the Civil False Claims Act. *Florida State University Law Review*, *31*, 603-706.

Budzinski, O. (2006). An Economic Perspective on the Jurisdictional Reform of the European Merger Control System. *European Competition Journal*, *2*(1), 119-140.

Bull, R. E. (2000). Operation of the New Article 9 Choice of Law Regime in an International Context. *Texas Law Review*, *78*, 679-718.

Bulst, F. W. (2003). The Provimi Decision of the High Court: Beginnings of Private Antitrust Litigation in Europe. *European Business Organization Law Review*, *4*(4), 623-650.

Bundeskartellamt. (2006). A Bundeskartellamt/Competition Law Forum Debate on Reform of Article 82: A "Dialectic" on Competing Approaches. *European Competition Journal*, *2*, 211-227.

Bunn, C. (1949). The National Law of Unfair Competition. *Harvard Law Review*, *62*(6), 987-1001.

Burbank, S. B. (1985). Afterwards: A Response to Professor Hazard and a Comment on Marrese. *Cornell Law Review*, *70*, 659-665.

Burbank, S. B. (1986). Interjurisdictional Preclusion, Full Faith and Credit and Federal Common Law: a General Approach. *Cornell Law Review*, *71*, 733-832.

Burbank, S. B. (2004). Jurisdictional Conflict and Jurisdictional Equilibration: Paths to a Via Media? *Houston Journal of International Law*, *26*(2), 385-404.

Burch, E. C. (2008). Cafa's Impact on Litigation as a Public Good. *Cardozo Law Review*, *29*, 2517-2556.

Burchett, A. E. (1968). California Choice of Law in Tort: Demise of Lex Loci Delicti-Reich v. Purcell. *The Hastings Law Journal*, *19*, 949-962.

Burger, C. J. (1970). The State of the Judiciary - 1970. *American Bar Association Journal*, *56*(October), 929-929.

Burling, J. C., Lee, W. F., & Qualres, J. L. (1982). “State Action” Antitrust Immunity-A Doctrine in Search of Definition. *Berigman Young University Law Review*, *1982*, 809-840.

Burman, R. S. (1980). Restrictive Immunity and the OPEC Cartel: A Critical Examination of the Foreign Sovereign Immunities Act and International Association of Machinists v. Organization of Petroleum Exporting Countries. *Hofstra Law Review*, *8*, 771-809.

Burnley, R. (2002). Interstate Trade Revised – the Jurisdictional Criterion for Article 81 and 82 EC. *European Competition Law Review*, *23*(5), 217-226.

Burnley, R. (2005). Who’s Afraid of Conglomerate Mergers? A Comparison of the US and EC Approaches. *World Competition*, *28*(1), 43-70.

Burns, J. W. (1991). The New Role of Coercion in Antitrust. *Fordham Law Review*, *60*, 379-435.

Burns, J. W. (1994). The Paradox of Antitrust and Lanham Act Standing. *UCLA Law Review*, *42*, 47-103.

Burns, J. W. (2000). Emgracing Both Faces of Antitrust Federalism: Parker and ARC America Corp. *Antitrust Law Journal*, *68*, 29-44.

Burns, P. (1975). Private Prosecution in Canada: the Law and a Proposal for Change. *McGill Law Journal*, *21*, 269-297.

Burnside, A. (2002). GE, Honey I Sank the Merger. *European Competition Law Review*, *23*(2), 107-110.

Burnside, A., & Botteman, Y. (2004). Networking Amongst Competition Agencies. International Trade Law & Regulation, *10*(1), 1-10.

Burnside, A., & Crossley, H. (2005). Cooperation in Competition: A New Era? *European Law Review*, *30*(2), 234-260.

Burnstein, M. L. (1960). A Theory of Full-Line Forcing. *Northwestern University Law Review*, *55*(1), 62-95.

Burnstein, M. R. (1996). Conflicts on the Net: Choice of Law in Transnational Cyberspace. *Vanderbilt Journal of Transnational Law*, *29*, 75-116.

Burr, S. A. (1944). The Application of U.S. Antitrust Law to Foreign Conduct: Has Hartford Fire Extinguished Consideration of Comity? *University of Pennsylvania Journal of International Business Law*, *15*(2), 221-258.

Burris, S., & Bushler, J. (2003). Applying the Common Rule to Public Health Agencies: Questions and Tentative Answers About a Separate Regulatory Regime. *Journal of Law, Medicine and Ethics*, *31*, 638-650.

Burton, M. (2002). Assigning the Judicial Power to International Tribunals: NAFTA Binational Panels and Foreign Affairs Flexibility. *Virginia Law Review*, *88*(7), 1529-1582.

Burton, T. E. (1908). Development of the Federal Government. *Annals of the American Academy of Political and Social Science, Federal Regulation of Industry*, *32*, 212-217.

Busby, J. B., & Gaston, J. J. (2004). United States Supreme Court Update. *Appellate Advocate*, *17*(Summer), 34-52.

Buschkin, I. (2005). Viability of Class Action Lawsuits in a Globalized Economy - Permitting Foreign Claimants to Be Members of Class Action Lawsuits in the U.S. Federal Courts. *Cornell Law Review*, *90*(6), 1563-1600.

Busey, R. C. (2006). U.S. Antitrust Modernization: A Preview. *Antitrust Source*, *6*, 1-10.

Bush, D., & Massa, S. (2004). Rethinking the Potential Competition Doctrine. *Wisconsin Law Review*, *2004*, 1035-1160.

Butler, C. (2003). Economic Crime and the Challenge of Globalization. *European Business Law Review*, *14*(1), 69-73.

Butler, H. N. (1983). Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages. *Washington Law Review*, *59*, 27-60.

Butler, H. N., & Baysinger, B. D. (1983). Vertical Restraints of Trade as Contractual Integration: A Synthesis of Relational Contracting Theory, Transaction-Cost Economics, and Organization Theory. *Emory Law Journal*, *32*, 1009-1109.

Butters, G. R. (1976). A Survey of Advertising and Market Structure. *The American Economic Review*, *66*(2), 392-397.

Buttigieg, E. (2005). Consumer Interests Under the EC's Competition Rules on Collusive Practices. *European Business Law Review*, 643-718.

Buxbaum, H. L. (2001). The Private Attorney General in a Global Age: Public Interest in Private International Antitrust Litigation. *Yale Journal of International Law*, *26*(1), 219-263.

Buxbaum, H. L. (2002). Conflict of Economic Laws: From Sovereignty to Substance. *Virginia Journal of International Law*, *42*(4), 931-978.

Buxbaum, H. L. (2004). Forum Selection in International Contract Litigation: The Role of Judicial Discretion. *Willamette Journal of International Law & Dispute Resolution*, *12*, 185-210.

Buxbaum, H. L. (2005). German Legal Culture and the Globalization of Competition Law: A Historical Perspective on the Expansion of Private Antitrust Enforcement. *Berkeley Journal of International Law*, *23*(2), 474-495.

Buxbaum, H. L. (2006). Transnational Regulatory Litigation. *Virginia Journal of International Law*, *46*(2), 251-318.

Buxbaum, H. L. (2007). Multinational Class Actions under Federal Securities Law: Managing Jurisdictional Conflict. *Columbia Journal of Transnational Law*, *46*(1), 14-71.

Buxbaum, H. L. (2010). Multinational Class Actions Under Federal Securities Law: Managing Jurisdictional Conflict. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 25100*, *826*, 135-194.

Buxbaum, H. L. (2010). National Jurisdiction and Global Business Networks. *Indiana Journal of Global Legal Studies*, *17*(1), 165-182.

Buxbaum, H. L. (2011). Morrison v. National Australia Bank: Defining the Domestic interest in International Securities Litigation. *American Society of International Law Proceedings*, *105*, 402-405.

Buxbaum, H. L. (2012). Remedies For Foreign Investors Under U.S. Federal Securities Law. *Law and Contemporary Problems*, *75*(1), 161-186.

Buzzardt, C. M. (2013). Discovering Civil Antitrust Violations Overseas. *Yale Journal on Regulation*, *30*, 475-485.

Byowitz, M. H., John, D., Estruelas, G., Libow, D. A., & Crampton, P. (1997). International Antitrust. *The International Lawyer*, *31*(2), 413-420.

Byrnes, P. D. (1966). Bringing the Co-Conspirator Theory of Venue up-to-date into Proper Perspective. *The Antitrust Bulletin*, *11*(5&6), 889-896.

C., N. A. (1942). Application of Federal Common Law. *Temple University Law Quarterly*, *16*, 336-340.

Cabral, L. M. B., & Riordan, M. H. (1997). The Learning Curve, Predation, Antitrust, and Welfare. *The Journal of Industrial Economics*, *45*(2), 155-169.

Cadot, O., Grether, J.-M., & De Melo, J. (2000). Trade and Competition Policy; Where do we Stand? *Journal of World Trade*, *34*(3), 1-20.

Cafarelli, A. (2011). Transnational Criminal Law - Non-Fugitive Foreign Defendant Entitled to Ruling on Motion to Dismiss Indictment for Lack of Jurisdiction without Surrendering - In re Hijazi, 589 F.3d 401 (7th Cir. 2009). *Suffolk Transnational Law Review*, *34*(1), 255-262.

Calabresi, G. (1975). Concerning Cause and the Law of Torts: An Essay for Harry Kalven, Jr. *The University of Chicago Law Review*, *43*, 69-108.

Calabresi, G. (1980). An Exchange about Law and Economics: A Letter to Ronald Dworkin. *Hofstra Law Review*, *8*, 553-562.

Calabresi, G., & Melamed, D. (1972). Property Rules, Liability Rules, and Inalienability: One View of the Cathedral. *Harvard Law Review*, *85*(6), 1089-1128.

Calfee, J. E., & Craswell, R. (1984). Some Effects of Uncertainty on Compliance with Legal Standards. *Virginia Law Review*, *70*, 965-1003.

Calkins, S. (1978). Illinois Brick and Its Legislative Aftermath. *Antitrust Law Journal*, *47*, 967-985.

Calkins, S. (1994). The October 1992 Supreme Court Term and Antitrust: More Objectivity than Ever. *Antitrust Law Journal*, *62*(Winter), 327-407.

Calkins, S. (1997). An Enforcement Official's Reflections on Antitrust Class Actions. *Arizona Law Review*, *39*(2), 413-451.

Calkins, S. (1997). Corporat Compliance and the Antitrust Agencies's Bi-Modal Penalties. *Law and Contemporary Problems*, *60*(3), 127-167.

Calkins, S. (1998). In Praise of Antitrust Litigation: The Second Annual Bernstein Lecture. *St. John's Law Review*, *72*(1), 1-41.

Calkins, S. (2000). California Dental Association: Not a Quick Look but not the Full Monty. *Antitrust Law Journal*, *67*, 495-557.

Calkins, S. (2003). Perspective on State and Federal Antitrust Enforcement. Duke Law Journal, *53*(2), 673-735.

Calkins, S. (2006). Antitrust Modernization: Looking Backwards. *The Journal of Corporation Law*, *31*(2), 421-452.

Calkins, S. (2006). Civil Monetary Remedies Available to Federal Antitrust Enforcers. *University of San Francisco Law Review*, *40*(Spring), 567-599.

Callister, P. D. (1991). The December 1989 European Community Merger Control Regulation: A Non-EC Perspective. *Cornell International Law Journal*, *24*, 97-134.

Calvani, T. (2005). Conflict, Cooperation, and Convergence in International Competition. *Antitrust Law Journal*, *72*(3), 1127-1146.

Calvani, T., & Berg, A. G. (1984). Resale Price Maintenance after Monsanto: A Doctrine Still at War with Itself. *Duke Law Journal*, *1984*, 1163-1204.

Campbell, A. N., & Rowley, J. W. (2008). The Internationalization of Unilateral Conduct Laws - Conflict, Comity, Cooperation and/or Convergence. *Antitrust Law Journal*, *75*(2), 267-352.

Campbell, A. N., & Rowley, J. W. (2011). Proposals for Evolving the Patchwork of Domestic Monopolisation and Dominance Laws. *Business Law International January*, *12*(1), 1-53.

Campbell, G. C. (1984). Corporation Law – Weinberger v. UOP, Inc. Delaware Reevaluates State-Law Limitations on Take Out Mergers. *North Carolina Law Review*, *62*, 812-832.

Campbell, T. J. M., Calkins, S., Briggs, J. D., Schmalensee, R., Hay, G. A., & Salop, S. C. (1987). Economic Concepts and Antitrust Analysis: A Critical Reexamination; Pannel Discussion. *Antitrust Law Journal*, *56*, 91-96.

Canenbly, C., & Rosenthal, M. (2005). Co-operation Between Antitrust Authorities In - And Outside the EU: What Does It Mean for Multinational Corporations: Part 1. *European Competition Law Review*, *26*(2), 106-114.

Canenbly, C., & Rosenthal, M. (2005). Co-operation Between Antitrust Authorities In - And Outside the EU: What Does It Mean for Multinational Corporations: Part 2. *European Competition Law Review*, *26*(3), 178-187.

Canizares, A. O. (2006). Is Charming Betsy Losing Her Charm? Interpreting U.S. Statutes Consistently with International Trade Agreements and the Chevron Doctrine. *Emory International Law Review*, *20*(2), 591-650.

Cann, W. A., Jr. (1985). Section 7 of the Clayton Act and the Pursuit of Economic "Objectivity": Is There any Role for Social and Political Values in Merger Policy? *Notre Dame Law Review*, *60*, 273-317.

Cannon, W. S. (1986). A Reassessment of Antitrust Remedies: The Administration's Antitrust Remedies Reform Proposal: Its Derivation and Implications. *Antitrust Law Journal*, *55*, 103-122.

Canon, B. C., & Kolson, K. (1971). Rural Compliance with Gault: Kentucky, A Case Study. *Journal of Family Law*, *10*(3), 300-326.

Caplow, S., & Waller, S. W. (1996). Images of Law School and Law teaching in "An Imperfect Spy" (Book Review). *Yale Journal of Law & the Humanities*, *8*, 263-294.

Capobianco, A. (2004). Information Exchange Under EC Competition Law. *Common Market Law Review*, *41*, 1247-1276.

Carey, G. (2004). US Supreme Court Clarification of Sherman Act Application. *Commercial Law Practitioner*, *11*(10), 256-258.

Carey, R. (1989). The Sherman Act: What Did Congress Intend? *The Antitrust Bulletin*, *34*(2), 337-358.

Carlin, D. H., Harrington, E. D., Edelstein, J. S., & Snyder, W. S. (1980). Dramatization: Advertising Claims. *Antitrust Law Journal*, *49*, 527-548.

Carlston, K. S. (1955). Antitrust Policy Abroad. *Northwestern University Law Review*, *49*(6), 713-736.

Carlton, D. W. (2004). Using Economics to Improve Antitrust Policy. *Columbia Business Law Review*, *2004*(2), 283-334.

Carlton, D. W., & Frankel, A. S. (2005). Transaction Costs, Externalities, and "Two-Sided" Payment Markets. *Columbia Business Law Review*, *2005*, 617-642.

Carlton, D. W., & Klamer, J. M. (1983). The Need for Coordination Among Firms, with Special Reference to Network Industries. *The University of Chicago Law Review*, *50*, 446-465.

Carnegie, A. (1889). The Bugaboo of Trusts. *The North American Review*, *148*, 141-150.

Carney, J. A. (1972). Section 5 of the Federal Trade Commission Act - Unfairness to Consumers. *Wisconsin Law Review*, *1972*, 1071-1096.

Caron, D. D. (2004). Does International Law Matter? American Society of International Law Proceedings, *98*, 311-324.

Carr, J. G. (1974). The Effect of the Double Jeopardy Clause on Juvenile Proceedings. *The University of Toledo Law Review*, *6*(1), 1-62.

Carrington, P. D., & Haagen, P. H. (1996). Contract and Jurisdiction. *The Supreme Court Review*, *1996*, 331-402.

Carstensen, P. (1995). While Antitrust was out to Lunch: Lessons from the 1980s for the Next Century Enforcement. *SMU Law Review*, *48*, 1881-1916.

Carstensen, P. C. (1989). How to Assess the Impact of Antitrust on the American Economy: Examining History or Theorizing? *Iowa Law Review*, *74*(5), 1175-1217.

Carstensen, P. C. (1995). The Reconstruction of Legal-Economic Relations: Achieving Workable Competition. *Loyola Consumer Law Reporter*, *8*(2), 153-166.

Carstensen, P. C. (2001). The Competitive Dynamics of Distribution Restraints: The Efficiency Hypothesis Versus the Rent-Seeking, Strategic Alternatives. *Antitrust Law Journal*, *69*, 569-609.

Carstensen, P. C., & Questal, N. H. (1978). The Use of Section 5 of the Federal Trade Commission Act to Attack Large Conglomerate Mergers. *Cornell Law Review*, *63*, 841-878.

Carswell-Parmentier, L. (2006). Recent Developments in French Competition Law - Commitments, Leniency and Settlement Procedures - The French Approach. *European Competition Law Review*, *27*(11), 616-630.

Carter, B. E., & Stewart, D. P. (2010). Jurisdiction and Immunities in U.S. Foreign Relations Law. *American Society of International Law Proceedings*, *104*, 307-311.

Carter, E. J. (2001). Market Definition in the Broadcasting Sector. *World Competition*, *24*(1), 93-124.

Carter, T. (2002). Drug Wars; Coalition Tactics Make Price Fight Look Like Battle Over Tobacco. *A.B.A. Journal*, *88*, 41-45.

Caruso, D. (2006). Private Law and State-Making in the Age of Globalization. *New York University Journal of International Law and Politics, 39*(1), 1-74.

Case. (2004). Text of Decision. *International Legal Material*, *43*(6), 1390-1420.

Casenote. (2004). Federal Statutes and Regualations. *Harvard Law Review*, *118*, 476-486.

Casper, J. D. (1976). The Supreme Court and National Policy Making. *The American Political Science Review*, *70*(1), 50-63.

Cass, R. A. (2010). Competition in Antitrust Regulation: Law beyond Limits. *Journal of Competition Law and Economics*, *6*(1), 119-152.

Castañeda, G., Collins, D., Crampton, P. S., Harty, R. P., Peterson, A. M., Matthews, A. et al. (2002). International Antitrust. *The International Lawyer*, *36*(2), 287-308.

Castañeda, G., Collins, D., Harty, R. R., & Katz, M. (2005). International Antitrust. *International Lawyer*, *39*(2), 171-190.

Castel, J. G. (1990). Multistate Defamation: Should the Place of Publication Rule be Abandoned for Jurisdiction and Choice of Law Purposes? *Osgoode Hall Law Journal*, *28*, 153-177.

Casto, W. R. (2014). The ATS Cause of Action is Sui Generis. *Notre Dame Law Review*, *89*(4), 1545-1575.

Catlett, I. M. (2005). The New EC Competition Policy: Is Private Enforcement Appropriate for the Banking Sector? *Journal of International Banking Law and Regulation*, *20*(7), 305-314.

Cavanagh, E. (2005). Antitrust Remedies Revisited. *Oregon Law Review*, *84*(1), 147-226.

Cavanagh, E. D. (1983). Illinois Brick Revisited: An Analysis of a Developing Antitrust Jurisprudence. *17*(2), 63.

Cavanagh, E. D. (1987). Contribution, Claim Reduction, and Individual Treble Damage Responsibility: Which Path to Reform of Antitrust Remedies? *Vanderbilt Law Review*, *40*, 1277-1336.

Cavanagh, E. D. (1987). Detrebling Antitrust Damages: An Idea Whose Time Has Come? *Tulane Law Review*, *61*, 777-848.

Cavanagh, E. D. (1988). Attorneys' Fees in Antitrust Litigation: Making the System Fairer. *Fordham Law Review*, *57*, 51-110.

Cavanagh, E. D. (2003). Edward D. FTAIA and Subject Matter Jurisdiction over Foreign Transactions under the Antitrust Laws: The New Frontier in Antitrust Litigation. *SMU Law Review*, *56*(4), 2151-2190.

Cavanagh, E. D. (2004). Illinois Brick: A Look Back and a Look Ahead. *Loyola Consumer Law Reporter*, *17*, 1-51.

Cavanagh, E. D. (2010). The Private Antitrust Remedy: Lessons from the American Experience. *Loyola University Chicago Law Journal*, *41*, 629-649.

Cavanagh, E. D. (2011). The FTAIA and Claims by Foreign Plaintiffs Under State Law. *Antitrust*, *26*, 43-49.

Cavers, D. F. (1960). The Conditional Seller's Remedies and the Choice-of-Law Process – Some Notes on Shanahan. *New York University Law Review*, *35*, 1126-1149.

Cavers, D. F. (1971). Legislative Choice of Law: Some European Examples. *South California Law Review*, *44*, 340-361.

Cavers, D. F. (1983). A Correspondence with Brainerd Currie, 1957-1958. *Mercer Law Review*, *34*, 471-499.

Caves, R. E., & Porter, M. E. (1977). From Entry Barriers to Mobility Barriers: Conjectural Decisions and Contrived Deterrence to New Competition. *Quarterly Journal of Economics*, *91*(2), 241-261.

Cavusgil, S. T. (1993). Globalization of Markets and Its Impact on Domestic Institutions. *Indiana Journal of Global Legal Studies*, *1*, 83-93.

Celler, E. (1965). The Trial Court's Competence to Pass upon Divestiture Relief. *The Antitrust Bulletin*, *10*, 693-705.

Cellini, D. B. (1980). An Overview of Antitrust Class Actions. *Antitrust Law Journal*, *49*, 1501-1511.

Cerny, P. G., & Evans, M. (2004). Globalisation and Public Policy under New Labour. *Policy Studies*, *25*(1), 51-65.

Chadwick, M. E. (1993). Invigorating State Merger Enforcement: a Proposed Analytic Framework that Preempts Preemption Problems. *Arizona Law Review*, *35*, 445-466.

Chafee, Z. (1940). Unfair Competition. *Harvard Law Review*, *53*, 1289-1321.

Chaloupka, R. S. (2006). Jurisdiction Issues in International Antitrust Matters. *The Antitrust Counselor*, *137*, 1-14.

Chaloupka, R. S. (2006). Jurisdiction Issues in International Antitrust Matters. *Corporate Counsel's International Adviser*, *259*, 1-14.

Chaloupka, R. S. (2007). Jurisdiction Issues in International Antitrust Matters. *The Lawyer's Brief*, *37*(18), 1-15.

Chaloupka, R. S. (2008). Antitrust Law. *Corporate Counsel's Annual Review*, *145*, 1-16.

Chander, A. (2009). Trade 2.0. *The Yale Journal of International Law*, *34*(2), 281-330.

Chang, S. W. (1993). Extraterritorial Application of U.S. Antitrust Laws to Other Pacific Countries: Proposed Bilateral Agreements for Resolving International Conflicts Within the Pacific Community. *Hastings International & Comparative Law Review*, *16*, 295-320.

Charnas, C. N. (1984). Segregation of Antitrust Damages: an Excessive Burden on Private Plaintiffs. *California Law Review*, *72*, 403-436.

Charnovitz, S. (2003). The World Trade Organization and Law Enforcement. *Journal of World Trade*, *37*(5), 817-837.

Chavez, J. A. (2006). The Carrot and the Stick Approach to Antitrust Enforcement. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 8736*, *1542*, 521-583.

Chavez, J. A. (2008). International Cartels: The Enforcers are Hunting in Packs. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 14450*, *1671*, 795-853.

Chavez, J. A. (2009). More Aggressive Action to Curb International Cartels. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 18840*, *1739*, 807-868.

Chavez, J. A. (2010). International Cartel Enforcement: Creating a Fear of Detection. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 22603*, *1811*, 929-993.

Chayes, A. (1976). The Role of Judge in Public Law Litigation. *Harvard Law Review*, *89*(7), 1281-1316.

Cheatham, E. E., & Reese, W. L. M. (1952). Choice of the Applicable Law. *Columbia Law Review*, *52*(8), 959-982.

Cheffins, B. (1989). The Development of Competition Policy, 1890-1940: A Re-evaluation of a Canadian and American Tradition. *Osgoode Hall Law Journal*, *27*, 449-490.

Chen, J. (2003). The Vertical Dimension of Cooperative Competition Policy. *The Antitrust Bulletin*, *48*(4), 1005-1036.

Chen, Y. (2000). Promises, Trust, and Contracts. *Journal of Law, Economics & Organization*, *16*(1), 209-232.

Chien, M. (2010). When Two Laws are Better than One: Protecting the Rights of Migrant Workers. *Berkeley Journal of International Law*, *28*(1), 15-63.

Childress, D. E. (2010). Comity as Conflict: Resituating International Comity as Conflict of Laws. *U.C. Davis Law Review*, *44*(1), 11-80.

Childress, D. E. (2012). The Alien Tort Statute, Federalism, and the Next Wave of Transnational Litigation. *The Georgetown Law Journal*, *100*(3), 709-757.

Childress, D. E. (2013). Private International Law and Transnational Litigation; International Antitrust Litigation: Conflict of Law and Coordination, by Jürgen Basedow, Stephanie Francq, Laurence Itod eds., Book Review. *The American Journal of Comparative Law*, *61*, 461-476.

Chirico, V. (2004). Extraterritorial Application of United States Law. *The international Lawyer*, *38*(2), 347-351.

Chisum, D. S. (1971). The Allocation of Jurisdiction between State and Federal Courts in Patent Litigation. *Washington Law Review*, *46*(4), 633-673.

Chivvis, M. (2007). Reexamining the Yahoo! Litigation: Towards an Effects Test for Determining International Cyberspace Jurisdiction. *University of San Francisco Law Review*, *41*(4), 699-725.

Choi, S. J., & Silberman, L. J. (2009). Transnational Litigation and Global Securities Class-Action Lawsuits. *Wisconsin Law Review*, *2009*(2), 465-506.

Chopnick, S. B. (2008). Search Costs and Famous Foreign Marks: Should Congress Reduce the Search Costs of the Global Consumer and Protect Famous Foreign Marks. *Seton Hall Circuit Review*, *5*(1), 213-238.

Chouai, K. (1983). Discharged Employees and Treble Damages: The Outer Limits of "Antitrust Injury". *University of Pittsburg Law Review*, *44*, 1005-1037.

Chow, D. C. K. (1987). Rethinking the Act of State Doctrine: an Analysis in Terms of Jurisdiction to Prescribe. *Washington Law Review*, *62*(3), 397-478.

Christian, R. (1991). The Costs of Choice: A Review of Guido Calabresi's Ideas, Beliefs, Attitudes, and the Law. *Brigham Young University Law Review*, *1991*, 625-643.

Christiansen, A. (2009). Fox and Crane's Antitrust Stories. *European Competition Law Review*, *30(8)*(8), 400.

Christiansen, A., & Kerber, W. (2006). Competition Policy with Optimally Differentiated Rules Instead of "Per Se Rules vs Rule of Reason". *Journal of Competition Law and Economics*, *2*(2), 215-244.

Christoforous, T., & Rockwell, D. B. (1989). European Economic Community Law: The Territorial Scope of Application of EEC Antitrust Law. *Harvard International Law Journal*, *30*(1), 195-206.

Chritton, W. E. (1944). Constitutional Law - Further Developments under the Rule of Erie R. v. Tompkins. *Wisconsin Law Review*, *1944*, 163-170.

Chu, G. (2006). 'Playing at Killing' Freedom of Movement. *Legal Issues of Economic Integration*, *33*(1), 85-94.

Chung, D. D. (2000). The Preclusive Effect of Sate Court Adjudication of Patent Issues and the Federal Courts' Choice of Preclusion Laws. Fordham Law Review, *69*, 707-755.

Chung, J. H. (1996). The International Antitrust Enforcement Assistance Act of 1994 and the Maelstrom Surrounding The Extraterritorial Application of the Sherman Act. *Temple Law Review*, *69*, 371-412.

Cirace, J. (1982). An Economic Analysis of the "State-Municipal Action" Antitrust Cases. *Texas Law Review*, *61*, 481-515.

Cirace, J. (1990). Appoirtioning Damages Between Direct and Indirect Purchasers in Consolidated Antitrust Suits: ARC America Unravels the Illinois Brick Rule. *Villanova Law Review*, *35*(2), 283-332.

Civiletti, B. (1983). The Fallout from Community Communcations Co. v. City of Boulder: Prospects for a Legislative Solution. *Catholic University Law Review*, *32*, 379-393.

Clark, B. J. (1995). The Maritime Choice of Law Test's Stepchild, the Base of Operations, Emerges as the Belle du Jour: Why the Vessel Owner's 'Place of Day-to-Day Operations' Should Rule for Longer than One Day. *Tulane Law Review*, *70*, 745-784.

Clark, B. R. (1996). Federal Common Law: A Structural Reinterpretation. *University of Pennsylvania Law Review*, *144*(4), 1245-1376.

Clark, B. R. (2001). Separation of Powers as a Safeguard of Federalism. *Texas Law Review*, *79*(6), 1321-1458.

Clark, C. E. (1940). Procedural Aspects of the New State Independence. *The George Washington Law Review*, *8*, 1230-1242.

Clark, C. E. (1941). The Tompkins Case and the Federal Rules. *Journal of the American Judicature Society*, *24*, 158-162.

Clark, C. E. (1946). State Law in the Federal Courts: The Brooding Omnipresence of Erie v. Tompkins. *The Yale Law Journal*, *55*(2), 267-296.

Clark, E. P. J. (1949). Administrative Law: Judicial Review Denied Attorney General's Order for Removal of Enemy Alien. *Cornell Law Quarterly*, *34*, 425-430.

Clark, H. (1954). The Treble Damage Bonanza: New Doctrines of Damages in Private Antitrust Suits. *Michigan Law Review*, *52*, 363-414.

Clark, J. B. (1887). The Limits of Competition. *Political Science Quarterly*, *2*(1), 45-61.

Clark, J. M. (1940). Toward a Concept of Workable Competition. *The American Economic Review*, *30*(2), 241-256.

Clark, M. E. J. (1972). Settling an Antitrust Class Action. *Antitrust Law Journal*, *41*, 248-256.

Clark, N. E. (1985). Antitrust Comes Full Circle: The Return to the Cartelization Standard. *Vanderbilt Law Review*, *38*(5), 1125-1197.

Clark, T. C. (1971). Parajudges and the Administration of Justice. *Vanderbilt Law Review*, *24*, 1167-1179.

Clarke, J. L., & Evenett, S. J. (2003). The Deterrent Effects of National Anticartel Laws: Evidence from the International Vitamins Cartel. *The Antitrust Bulletin*, *48*(3), 689-726.

Clarke, R. N., Warren-Boulton, F., Smith, D. D., & Simon, M. J. (1988). Sources of Crisis in Liability Insurance: An Economic Analysis. *Yale Journal on Regulation*, *5*, 367-395.

Clemont, K., & Eisenberg, T. (1996). Xenophilia in American Courts. *Harvard Law Review*, *109*(5), 1120-1143.

Clermont, K. M., & Currivan, J. D. (1978). Improving the Contingent Fee. *Cornell Law Review*, *63*(4), 529-639.

Clermont, K. M., & Eisenberg, T. (1992). Trial by Jury or Judge: Transceding Empiricism. *Cornell Law Review*, *77*, 1124-1177.

Clermont, K. M., & Eisenberg, T. (1995). Exorcising the Evil of Forum-Shopping. *Cornell Law Review*, *80*, 1507-1535.

Clopton, Z. D. (2011). Bowman Lives: The Extraterritorial Application of U.S. Criminal Law After Morrison v. National Australia Bank. *New York University Annual Survey of American Law*, *67*(2), 137-194.

Coase, R. H. (1960). The Problem of Social Cost. *The Journal of Law and Economics*, *3*(October), 1-69.

Coase, R. H. (1973). The Nature of the Firm. *Economics, New Series*, *4*(16), 386-405.

Coase, R. H. (1974). The Lighthouse in Economics. *Journal of Law and Economics*, *17*(2), 357-376.

Coate, M. B., Higgins, R. S., & McChesney, F. S. (1990). Bureaucracy and Politics in FTC Merger Challenges. *Journal of Law and Economics*, *33*(2), 463-482.

Coffee, J. C. J. (1981). "No Soul to Damn: No Body to Kick": An Unscandalized Inquiry into the Problem of Corporate Punishment. *Michigan Law Review*, *79*, 386-459.

Coffee, J. C. J. (1986). Understanding the Plaintiff's Attorney: The Implications of Economic Theory for Private Enforcement of Law Through Class and Derivative Actions. *Columbia Law Review*, *86*(4), 669-727.

Coffee, J. C. J. (2006). Reforming the Securities Class Action: An Essay on Deterrence and Its Implementation. *Columbia Law Review*, *106*, 1534-1586.

Coglianese, C. (1997). Assessing Consensus: The Promise and Performance of Negotiated Rulemaking. *Duke Law Journal*, *46*(6), 1255-1349.

Cohen, H. G. (2006). Supremacy and Diplomacy: The International Law of the U.S. Supreme Court. *Berkeley Journal of International Law*, *24*(1), 273-329.

Cohen, I. G. (2012). Circumvention Tourism. *Cornell Law Review*, *97*, 1309-1398.

Cohen, J. A., & Lawson, T. (2001). Navigating Multistate Indirect Purchaser Lawsuits. *Antitrust*, *15*(Summer), 29-33.

Cohen, M. A., & Rubin, P. H. (1985). Private Enforcement of Public Policy. *Yale Journal on Regulation*, *3*, 167-193.

Cohen, M. A., & Scheffman, D. T. (1989). The Antitrust Sentencing Guidelines: Is the Punishment Worth the Cost? *American Criminal Law Review*, *27*, 331-366.

Cohen, M. R. (1927). Property and Sovereignty. *The Cornell Law Quarterly*, *13*(1), 8-30.

Cohen, M. R. (1933). The Basis of Contract. *Harvard Law Review*, *46*(4), 553-592.

Cohen, N. B., & Waller, S. W. (2004). Taking Pop-Ups Seriously: The Jurisprudence of the Infield Fly Rule. *Washington University Law Quarterly*, *82*(2), 453-476.

Cohen, W. (1983). Congressional Power to Validate Unconstitutional State Laws: A Forgotten Solution to an Old Enigma. *Stanford Law Review*, *35*, 387-422.

Colangelo, A. J. (2010). The Foreign Commerce Clause. *Virginia Law Review*, *96*(5), 949-1042.

Colangelo, A. J. (2011). A Unified Approach to Extraterritoriality. *Virginia Law Review*, *97*(5), 1019-1110.

Colangelo, A. J. (2013). The Alien Tort Statute and the Law of Nations in Kiobel and Beyond. *Georgetown Journal of International Law*, *44*, 1329-1346.

Colby, T. B. (2008). Clearing the Smoke from Philip Morris v. Williams: The Past, Present, and Future of Punitive Damages. *The Yale Law Journal*, *118*, 392-479.

Coleman, J. L. (1980). Efficiency, Utility, and Wealth Maximization. *Hofstra Law Review*, *8*(3), 509-551.

Collard, C., & Roquilly, C. (2002). Closed Distribution Networks and E-commerce: Antitrust Issues. *International Review of Law Computers & Technology*, *16*(1), 81-92.

Collen, S. (1972). Procedural Directions in Antitrust Treble Damage Litigation: an Overview of Changing Judicial Attitudes. *The Antitrust Bulletin*, *17*, 997-1056.

Collins, L. (1986). Blocking and Clawback Statutes, Blocking and Clawback Statutes - the United Kingdom Approach: Part 1. *Journal of Business Law, September*, 372-377.

Collins, L. (1986). Blocking and Clawback Statutes: The United Kingdom Approach: Part 2. *Journal of Business Law*, *November*, 452-465.

Collins, M. G. (1995). Article III Cases, State Court Duties, and the Madisonian Compromise. *Wisconsin Law Review*, *1995*, 39-197.

Collins, P., & Eatrides, V. (2003). An Analysis of the Proposal to Decriminalize the Anti-Competitive Pricing Practices Under the Competition Act. *World Competition*, *26*(3), 381-432.

Collins, R. B. (1988). Economic Union as a Constitutional Value. *New York University Law Review*, *63*, 43-129.

Collins, W. D. (1992). The Coming of Age of EC Competition Policy. Review Essay. Competition Policy and Merger Control in the Single European Market By Sir Leon Brittan. Cambridge: Grotius Publications Limited, 1991, PP. XI, 56. *Yale Journal of International Law*, *17*, 249-296.

Colombo, R. J. (2007). Buy, Sell, or Hold? *Brooklyn Law Review*, 91-154.

Colson, C. (2002). Challenges to Information Retrieval – a Global Solution? *International Journal of Law and Information Technology*, *10*(3), 294-326.

Comanor, W. S. (1985). Vertical Price-fixing, Vertical Market Restrictions and the New Antitrust Policy. *Harvard Law Review*, *98*, 983-1002.

Comanor, W. S. (1987). Vertical Arrangements and Antitrust Analysis. *New York University Law Review*, *62*, 1153-1165.

Comanor, W. S., & Mueller, D. C. (1997). Global Issues on Competition Policy. *Empirica*, *24*, 1-3.

Comerford, M. E. (2001). B2B Web Sites, Antitrust Concerns, and the Rule of Reason. *Saint John's Law Review*, *75*, 649-671.

Comment, C. (2004). United States: Procedure - Overseas Plaintiffs. *European Competition Law Review*, *25*(4), N69-N70.

Comment, C. (2004). USA: Sherman Act, Sec.1, 15 U.S.C. s.1; Clayton Act, Secs.4 and 16, 15 U.S.C. ss.15, 16 - "Empagran". International Review of Intellectual Property and Competition Law, *35*(4), 478-483.

Comment. (1928). What is "General Law' within the Doctrine of Swift v. Tyson? *The Yale Law Journal*, *38*, 88-110.

Comment. (1929). Recovery of Treble Damages Under the Sherman Act. *The Yale Law Journal*, *38*, 503-537.

Comment. (1933). The Distinction Between Legislative and Constitutional Courts. *Yale Law Journal*, *43*(2), 316-323.

Comment. (1937). The Aluminium Industry: An Anti-Trust Experience. *Columbia Law Review*, *37*, 269-292.

Comment. (1938). Constitutional Law - Courts - Federal General Common Law - Repudiation of Doctrine of Swift v. Tyson as Unconstitutional. *Minnesota Law Review*, *22*, 885-888.

Comment. (1940). Courts - Rule of the Case - Whether Applicable When Courts Have Overlooked Pertinent Statute. *Iowa Law Review*, *25*, 375-376.

Comment. (1940). Federal Practice - Determination of the Right to Jury Trial where Federal and State Rules Conflict. *University of Pennsylvania Law Review*, *88*, 1015-1017.

Comment. (1940). Labor and the Sherman Act. *The Yale Law Journal*, *49*, 518-536.

Comment. (1940). Monopoly - Labor Disputes and the Sherman Act - Jurisdiction. *New York University Law Quarterly Review*, *17*, 470-476.

Comment. (1942). Constitutional Law - Interstate Comerce - Supercedure of State Law by Federal Regulation. *Virginia Law Review, 28*, 822-825.

Comment. (1942). Courts - Federal Common Law. *Minnesota Law Review, 26*, 895-901.

Comment. (1943). Conflict of Laws - Inapplicability of Erie v. Tompkins to Suits Involving Commercial Paper Issued by the United States. *Columbia Law Review*, *43*, 520-523.

Comment. (1943). Group Health Plans: Some Legal and Economic Aspects. *The Yale Law Journal*, *53*(1), 162-182.

Comment. (1944). Conflict of Laws - Erie v. Tompkins - Limitation of Suits in Equity. *Columbia Law Review, 44*, 915-925.

Comment. (1945). Unfair Competition - Trade Disparagement - False Representation of Nation-Wide Survey. *Columbia Law Review*, *45*, 473-478.

Comment. (1949). Deterring Unjustifiable Litigation by Imposing Substantial Costs. *Illinois Law Review*, *44*, 507-520.

Comment. (1949). Effect of Gardella on the Treble Damage Suit. *Illinois Law Review, 44*, 493-506.

Comment. (1949). Tactical Use and Abuse of Depositions under the Federal Rules. *The Yale Law Journal*, *59*, 117-138.

Comment. (1950). Proof Requirements in Anti-Trust Suits: The Obstacles to Treble Damage Recovery. *The University of Chicago Law Review, 18*(1), 130-138.

Comment. (1950). The Prospects for Rule X-10B-5: An Emerging Remedy for Defrauded Investors. *The Yale Law Journal, 59*, 1120-1159.

Comment. (1951). Conscious Parallelism - Fact or Fancy? *Stanford Law Review*, *3*, 679-699.

Comment. (1951). Moore v. Mead Service Co. - Civil Liability for Retaliatory Violation of the Anti-Trust Laws. *Illinois Law Review*, *46*, 654-663.

Comment. (1951). The Effect of the Housing Shortage on the Single-Family Residential Zone. *Illinois Law Review*, *46*, 745-797.

Comment. (1951). Vertical Integration in Aluminium: A Bar to “Effective Competition”. *The Yale Law Journal*, *60*, 294-310.

Comment. (1952). Damages Under the Robinson-Patman Act. *Stanford Law Review*, *4*(February), 304-308.

Comment. (1952). Local Monopoly in the Daily Newspaper Industry. *The Yale Law Journal*, *61*, 948-1009.

Comment. (1952). The Schwegmann Case and Fair Trade: An Obituary? *The Yale Law Journal*, *61*, 381-404.

Comment. (1956). Exclusive Federal Jurisdiction: The Effect of State Court Findings. *Stanford Law Review*, *8*, 439-451.

Comment. (1959). Private Suits, Public Injury and Market Effects under the Sherman Act. *Stanford Law Review*, *11*, 338-343.

Comment. (1960). The Defense of Antitrust Illegality in Contract Actions. *The University of Chicago Law Review*, *27*, 758-776.

Comment. (1960). The Effect of United States Labor Legislation on the Flag-of-Convenience Fleet: Regulation of Shipboard Labor Relations and Remedies against Shoreside Picketing. *The Yale Law Journal*, *69*(3), 498-530.

Comment. (1962). State Substantive Law Inapplicable in Contract Cases Where Federal Government is a Party. *Minnesota Law Review*, *46*, 975-982.

Comment. (1962). The Act of State Doctrine - Its Relation to Private and Public International Law. *Columbia Law Review*, *62*, 1278-1312.

Comment. (1962). The Antitrust Laws and Labor. *Fordham Law Review*, *30*, 759-776.

Comment. (1965). An Experiment in Preventive Anti-Trust: Judicial Regulation of the Motion Picture Exhibition Market under the Paramount Decrees. *The Yale Law Journal*, *74*, 1040-1112.

Comment. (1967). Choice of Law in Fraudulent Conveyance. *Columbia Law Review*, *67*(7), 1313-1319.

Comment. (1969). Antitrust - Clayton Act §4 - Standing - Antitrust Violator May be Liable for Damages Resulting from Over-Charges in Sales by Non-Conspiring Competitors. *Harvard Law Review*, *82*, 1374-1379.

Comment. (1969). The Attack on Trading Stamps - An Expanded Use of Section 5 of the Federal Trade Commission Act. *The Georgetown Law Journal*, *57*, 1082-1096.

Comment. (1971). Fifth Circuit Rules That FTC May not Find a Section 5 Unfair Practice Absent some Violation of the Letter or Spirit of an Antitrust Statute. *71*, 476-487.

Comment. (1971). Franchisor Standing to Sue in Treble Damage Actions. *University of Pennsylvania Law Review*, *119*, 696-705.

Comment. (1971). Treble Damage Actions for Violations of Section 7 of the Clayton Act. *The University of Chicago Law Review*, *38*, 404-417.

Comment. (1972). Mangano and Ultimate-Consumer Standing: The Misuse of the Hanover Doctrine. *Columbia Law Review, 72*, 394-414.

Comment. (1973). The Transnational Reach of Rule 10(b)(5). *University of Pennsylvania Law Review, 121*(6), 1363-1403.

Comment. (1974). Court awarded Attorney's Fees and Equal Access to the Courts. *University of Pennsylvania Law Review, 122*, 636-713.

Comment. (1975). Standing to Sue in Antitrust Cases. *University of Pennsylvania Law Review, 123*, 976-1000.

Comment. (1980). Standing of Purchasers from Nonconspirators to Challenge Price-Fixing Conspiracy: Mid-West Paper Products Co. v. Continental Group, Inc. *Harvard Law Review, 93*, 598-607.

Comment. (2001). Foreign Trade Antitrust Improvement Act – No Jurisdiction over Conduct which Affects Victim Solely Outside the USA. *European Competition Law Review, 22*(6), 97.

Comment. (2002). Brief of Amici Curiae, the American Intellectual Property Law Association and Federal Circuit Bar Association in Support of Appellants' Combined Petitions for Rehearing in Union Carbide Chemicals & (and) Plastics Technology Corp. v. Shell Oil Co. *Federal Circuit Bar Journal, 15*(3), 515-522.

Comment. (2003). Panel II: Pricing Abuses (Other than Excessive Pricing). *European Competition Law Annual, 2003,* 157-460.

Comment. (2004). Empagran Goes Against Plaintiffs. *Global Competition Review, 7*(6), 5-6.

Comment. (2006). Panel II: Investigation Powers of the Competition Authorities (comments). *European Competition Law Annual, 2006,* 141-222.

Comment. (2006). Panel III: Public Enforcement (Administrative and Criminal). *European Competition Law Annual, 2006*, 223-378.

Comment. (2006). Panel VI: Immunity/Leniency/Financial Incentives/Plea Bargaining. *European Competition Law Annual, 2006,* 489-626.

Comment. (2008). Closer Look from the Perspective of Enforcers, Defendants, Potential Plaintiffs, the Courts and the Legal Profession. *European Competition Law Annual, 2008,* 113-142.

Comment. (2009). The Antitrust Marathon: Introduction. *Loyola Consumer Law Review, 22*(1), 10-14.

Comments, N. (1963). Conglomerate Mergers Under Section 7 of the Clayton Act. *The Yale Law Journal, 72*, 1265-1281.

Comments, N. a. (1960). Extraterritorial Application of the Antitrust Laws; A Conflict of Laws Approach. *The Yale Law Journal*, *70*(2), 259-287.

Comments, N. a. (1965). Choice of Law After Transfer of Venue. *The Yale Law Journal*, *75*(1), 90-137.

Committee, A. B. C. N. Y. A. (2003). Supplement to the 2002 Milton Handler Annual Antitrust Review Proceedings, Recent Developments In Four Areas Of Antitrust Law: Merger Enforcement; Criminal Enforcement And Health Care Initiatives; Exclusionary Conduct; And The Noerr-Pennington Doctrine And State Action Immunity ABCNY Antitrust Committee. *Columbia Business Law Review*, *2003*, 451-577.

Committee, A. P. E. C. E. (2001). The New Economy and APEC. *October*.

Committee, R. o. t. A. M. (1908). Twelfth Annual Meeting of the American Academy of Political and Social Science. *Annals of the American Academy of Political and Social Science, Federal Regulation of Industry*, *32*, 261-263.

Conant, M. (1983). The Supremacy Clause and State Economic Controls: The

Connolly, W. P. (2001). Lessons to be Learned: The Conflict in International Antitrust Law Contrasted with Progress in International Finance Law. *Fordham Journal of Corporate & Financial Law*, *6*(1), 207-246.

Connor, J. M. (2001). "Our Customers Are Our Enemies": The Lysine Cartel of 1992-1995. *Review of Industrial Organization*, *18*(1), 5-21.

Connor, J. M. (2004). Extraterritoriality of the Sherman Act and Deterrence of Private International Cartels. *Bepress Legal Series*, *Paper 263*, 1-20.

Connor, J. M. (2004). Global Antitrust Prosecutions of Modern International Cartels. *Journal of Industry, Competition and Trade*, *4*(3), 239-267.

Connor, J. M. (2007). Optimal Deterrence and Private International Cartels. *April*, 1-42.

Connor, J. M. (2008). Global Antitrust Prosecutions of International Cartels: Focus on Asia. *World Competition*, *31*(4), 575-606.

Connor, J. M., & Lande, R. H. (2005). How High Do Cartels Raise Prices - Implications for Optimal Cartel Fines. *Tulane Law Review*, *80*(2), 513-570.

Connor, J. M., & Lande, R. H. (2012). Cartels as Rational Business Strategy: Crime Pays. *Cardozo Law Review*, *34*, 427-490.

Conrad, C. A. (1995). Steel: A New Round of Protectionism in American Trade. *Intereconomics*, *30*(3), 150-156.

Conrad, C. A. (2002). Dumping and Anti-Dumping Measures from a Competition and Allocation Perspective. *Journal of World Trade*, *36*(3), 563-575.

Conrad, C. A. (2003). Strategies to Reform the Regulation on International Competition. *World Competition*, *26*(1), 101-121.

Constantine, L. (1987). Current Antitrust Enforcement Initiatives by State Attorney General. *Antitrust Law Journal*, *56*, 111-123.

Constantine, L. (1990). Antitrust Federalism. *Washburn Law Journal*, *29*, 163-184.

Conway, G. T. (2008). The Rise and (Coming) Fall of "F-Cubed" Securities Litigation. *Engage: The Journal of the Federalist Society's Practice Groups, 9*, 33-37.

Conway, G. T. (2011). Extraterritoriality's Watchdog After Morrison v. National Australia Bank. *American Society of International Law Proceedings*, *105*, 394-396.

Cook, C. L., Jr., & Murphy, J. R. (1980). Dramatization: Patent-Antitrust Considerations. *Antitrust Law Journal*, *49*, 439-453.

Cook, T. A. (2011). Courts as Diplomats: Encouraging an International Patent Enforcement Treaty through Extraterritorial Constructions of the Patent Act. *Virginia Law Review*, *97*(5), 1181-1222.

Cook, W. W. (1933). "Substance" and "Procedure" in the Conflict of Laws. *The Yale Law Journal*, *42*, 333-358.

Cook, W. W. (1942). The Federal Courts and the Conflict of Laws. *Illinois Law Review of Northwestern University*, *36*, 493-528.

Cooke, F. H. (1910). The Adequacy of Remedies against Monopoly under State Law. *The Yale Law Journal*, *19*, 356-360.

Coons, S. L. (1996). Robinson-Patman Act Jurisdiction over Retail Sales: A Reexamination of the Cases and the Case for Reform. *Journal of Corporation Law*, *21*, 541-567.

Cooper, C. J. J. (1955). Treble Damages-Reward for Private Enforcement of Federal Antitrust Laws. *Dicta*, *32*(July-August), 293-304.

Cooper, E. H. (1972). State Law of Patent Exploitation. *Minnesota Law Review*, *56*, 313-391.

Cooper, E. H. (2001). Class Action Advise in the Form of Questions. *Duke Journal of Comparative & International Law*, *11*, 215-247.

Cooper, J. C., & Kovacic, W. E. (2010). U.S. Convergence with International Competition Norms: Antitrust Law and Public Restraints on Competition. *Boston University Law Review*, *90*, 1555-1610.

Cooper, J. R. (1969). Choice of Law in Arizona: Schwartz v. Schwartz, Something Old, Something New, Something Borrowed. *Arizona Law Review*, *11*, 275-289.

Cooper, L. (1986). Statutes of Limitations in Minnesota Choice of Law: The Problematic Return of the Substance-Procedure Distinction. *Minnesota Law Review*, *71*, 363-391.

Cooter, R., & Kornhauser, L. (1980). Can Litigation Improve the Law Without the Help of Judges? The Journal of Legal Studies, *9*, 139-163.

Cooter, R., Kornhauser, L., & Lane, D. (1979). Liability Rules, Limited Information, and the Role of Precedent. *The Bell Journal of Economics*, *10*(1), 336-373.

Corbett, P. E. (1943). World Order – An Agenda for Lawyers. *The American Journal of International Law*, *37*, 201-221.

Corbin, A. L. (1941). The Common Law of hte United States. *The Yale Law Journal*, *47*, 1351-1353.

Corbin, A. L. (1941). The Laws of the Several States. *The Yale Law Journal*, *50*, 762-777.

Corones, S. G. (2000). The Treatment of Global Mergers: An Australian Perspective. *Northwestern Journal of International Law and Business*, *20*, 255-285.

Corwin, E. S. (1932). The Anti-Trust Acts and the Constitution. *Virginia Law Review*, *18*(4), 355-378.

Cosenza, E. (2011). Paradise Lost: 10(b) after Morrison v National Australia Bank. *Chicago Journal of International Law*, *11*(2), 343-398.

Cosma, H. A., & Whish, R. (2003). Soft Law in the Field of EU Competition Policy. *European Business Law Review*, 25-55.

Cotter, J. L. (1994). Extraterritorial Jurisdiction: The Application of U.S. Antitrust Laws to Acts Outside the United States – Hartford Fire Insurance Co. v. California, 113 S.CT. 2891 (1993). *William Mitchell Law Review*, *20*, 1109-1141.

Cotter, R. (1984). Prices and Sanctions. *Columbia Law Review*, *84*, 1523-1560.

Cotterill, R., Egan, L., & Buckhold, W. (2001). Beyond Illinois Brick: The Law and Economics of Cost Pass-Through in the ADM Price Fixing Case. *Review of Industrial Organization*, *18*, 45-52.

Couch, H. (1970). Choice-of-Law, Guest Statutes, and the Louisiana Supreme Court: Six Judges in Search of a Rulebook. *Tulane Law Review*, *45*, 100-113.

Coughlan, A. T., & Schmidt, R. M. (1985). Executive Compensation, Management Turnover, and Firm Performance: An Empirical Investigation. *Journal of Accounting and Economics*, *7*, 43-66.

Countryman, V. (1973). Executory Contracts in Bankruptcy: Part I. *Minnesota Law Review*, *57*, 439-491.

Countryman, V. (1974). Executory Contracts in Bankruptcy: Part II. *Minnesota Law Review*, *58*, 479-567.

Coutroulis, C. C., & Allen, D. M. (1999). The Pass-on Problem in Indirect Purchaser Class Litigation. *The Antitrust Bulletin*, *44*(1), 179-210.

Covelli, N. (2003). Member Intervention in World Trade Organization Dispute Settlement Proceedings After EC-Sardines: The Rules, Jurisprudence, and Controversy. *Journal of World Trade*, *37*(3), 673-690.

Cowan, T. A. (1938). Constitutional Aspects of the Abolition of Federal "Common Law'. *Louisiana Law Review*, *1*, 161-173.

Cox, A. (1955). Labor and the Antitrust Laws-A Preliminary Analysis. *University of Pennsylvania Law Review*, *104*(2), 252-284.

Cox, A. (1966). The Supreme Court 1965 Term; Foreword: Constitutional Adjudication and the Promotion of Human Rights. *Harvard Law Review*, *80*(1), 91-122.

Cox, A. (1972). Labor Law Preemption Revisited. *Harvard Law Review*, *85*(7), 1337-1377.

Cox, H. B. (1965). Competition and Section 2 of the Sherman Act. *A.B.A. Antitrust Section*, *27*, 72-86.

Coyle, J. F. (2010). Incorporative Statutes and the Borrowed Treaty Rule. *Virginia Journal of International Law*, *50*(3), 655-718.

Craft, P. A., & Sheppard, M. G. (2004). Framed by the Times. *Tennessee Bard Journal*, *40*, 18-31.

Craig, R. K. (2004). Supreme Court News. Administrative & Regulatory Law News, *30*, 20-21.

Crampton, P. S., & Witterick, C. L. (1997). Trade Distorting Private Restraints and Market Access: Learning to Walk Before We Run. *Empirica*, *24*, 53-73.

Crandall, R. W. (2001). The Failure of Structural Remedies in Sherman Act Monopolization Cases. *Oregon Law Review*, *80*, 109-198.

Crandall, R. W., & Waverman, L. (2006). The Failure of Competitive Entry Into Fixed-Line Telecommunications: Who is at Fault? *Journal of Competition Law and Economics, 2*(1), 113-148.

Crandley, M. (2000). The Failure of the Integrated Enterprise Test: Why Courts Need to Find New Answers to the Multiple-Employer Puzzle in Federal Discrimination Cases. *Indiana Law Journal*, *75*(3), 1041-1071.

Crane, D. A. (1996). A Poor Relation? Regulatory after *Dolan* v. *City of Tigard*. *The University of Chicago Law Review*, *63*, 199-238.

Crane, D. A. (2005). Harmful Output in the Antitrust Domain: Lessons from the Tobacco Industry. *Georgia Law Review*, *39*, 321-410.

Crane, D. A. (2005). Lochnerian Antitrust. *New York University Journal of Law and Liberty*, *1*(1), 496-514.

Crane, D. A. (2005). Multiproduct Discounting: A Myth of Nonprice Predation. *University of Chicago Law Review*, *72*, 27-48.

Crane, D. A. (2005). The Paradox of Predatory Pricing. *Cornell Law Review*, *91*, 1-66.

Crane, D. A. (2006). Damages for Exclusionary Bundled Discounts. *The Antitrust Bulletin*, *51*(3), 507-520.

Crane, D. A. (2007). Rules versus Standards in Antitrust Adjudication. *Washington and Lee Law Review*, *64*, 49-110.

Crane, D. A. (2008). Antitrust Antifederalism. *California Law Review, 96*, 1-62.

Crane, D. A. (2008). Technocracy and Antitrust. *Texas Law Review, 86*, 1159-1221.

Crane, D. A. (2009). Bargaining in the Shadow of Rate-Setting Courts. *Antitrust Law Journal*, *76*, 307-328.

Crane, D. A. (2009). Intellectual Liability. *Texas Law Review*, *88*(2), 253-300.

Crane, D. A. (2010). Optimizing Private Antitrust Enforcement. Vanderbilt Law Review, *63*(3), 675-723.

Crane, M., & Denger, M. L. (1987). Current Trends in State Antitrust Enforcement: Introductory Remarks. *Antitrust Law Journal*, *56*, 97-101.

Craswell, R. (1981). The Identification of Unfair Acts and Practices by the Federal Trade Commission. *Wisconsin Law Review, 1981*, 107-153.

Craswell, R., & Calfee, J. E. (1986). Deterrence and Uncertain Legal Standards. *Journal of Law, Economics, and Organization*, *2*(2), 279-303.

Crawford, E. B., & Carruthers, J. M. (2003). Conflict of Laws Update. *Scots Law Times*, *16*, 137-141.

Crawford, J. E. (1997). The Harmonization of Law and Mexican Antitrust: Cooperation or Resistance? *Global Legal Studies Journal*, *4*, 407-433.

Crihfield, P. J. (1980). Methods and Considerations for Pursuing the Comparative Advertising Challenge. *Antitrust Law Journal*, *49*, 845-859.

Crocioni, P. (2006). Can State Aid Policy Become more Economic Friendly? *World Competition*, *29*(1), 89-108.

Crocker, K. J., & Lyon, T. P. (1994). What Do "Facilitating Practices" Facilitate? An Empirical Investigation of Most-Favored-Nation Clauses in Natural Gas Contracts. *Journal of Law and Economics*, *37*(2), 297-322.

Cronin, Z. A. (2013). The Competitor's Dilemma: Tailoring Antitrust Sanctions to White-Collar Priorities in the Fight Against Cartels. *Fordham International Law Journal*, *36*, 1683-1731.

Crootof, R. (2011). Judicious Influence: Non-Self-Executing Treaties and the Charming Betsy Canon. *The Yale Law Journal*, *120*(7), 1784-1819.

Cross, F. B. (1989). Rethinking Environmental Citizens Suits. *Temple Environmental Law and Technology Journal*, *8*, 55-76.

Cross, J. T. (1989). State Choice of Law Rules in Bankruptcy. *Oklahoma Law Review*, *42*(4), 531-580.

Crotty, T. P. (1977). The Law of Nations in the District Courts: Federal Jurisdiction Over Tort Claims by Aliens Under 28 U.S.C. § 1350. *Boston College International & Comparative Law Journal*, *1*(1), 71-89.

Crump, L. (2006). Global Trade Policy Development in a Two-Track System. *Journal of International Economic Law*, *9*(2), 487-510.

Cummings, H. (1938). The Unsolved Problem of Monopoly. *United States Law Review*, *72*, 23-27.

Cummins, H. B. (1965). In Personam Jurisdiction Over Nonresident Manufacturers in Product Liability Actions. *Michigan Law Review*, *63*, 1028-1044.

Cunningham, R. O., Pointer, J., & Latimer, H. (1980). Panel Discussion: The Nuts and Bolts of Antitrust Class Actions. *Antitrust Law Journal*, *49*, 1587-1589.

Currie, B. (1958). Married Women's Contracts: a Study in Conflict-of-Laws Method. *The University of Chicago Law Review*, *25*(2), 227-268.

Currie, B. (1958). The Constitution and the Choice of Law: Governmental Interests and the Judicial Function. *The University of Chicago Law Review*, *26*, 9-84.

Currie, B. (1959). Notes on Methods and Objectives in the Conflict of Laws. *Duke Law Journal*, *1959*(2), 171-181.

Currie, B. (1963). The Disinterested Third State. *Law and Contemporary Problems*, *28*, 754-794.

Currie, D. P. (1978). Res Judicata: The Neglected Defense. *The University of Chicago Law Review*, *45*, 317-350.

Currivan, J. D. (1997). Choice of Law in Federal Court After Transfer of Venue. *Cornell Law Review*, *63*, 149-163.

Cutler, M. R. (1985). Comparative Conflict of Law: Effectiveness of Contractual Choice of Forum. *Texas International Law Journal*, *20*, 97-131.

Cyrenne, P. (1999). On Antitrust Enforcement and the Deterrence of Collusive Behaviour. *Review of Industrial Organization*, *14*(3), 257-272.

Czapracka, K. A. (2007). Where Antitrust Ends and IP Begins – On the Roots of the Transatlantic Clashes. *Law Journal of Law and Technology*, *9*, 44-108.

D., R. J. (1949). War Powers - Deportation of Alien Enemies - Termination of War. *The George Washington Law Review*, *17*(4), 578-582.

D'Amato, A. (1990). Aspects of Deconstruction: The Failure of the Word "Bird". *Northwestern University Law Review*, *84*(2), 536-541.

Da Silva, A. G., & Sansom, M. (2009). Antitrust Implications of the Financial Crisis: A UK and EU View. *Antitrust*, *23*(2), 24-31.

Dagan, H., & White, J. J. (2000). Government, Citizens, and Injurious Industries. *New York University Law Review*, *75*, 354-428.

Dahl, R. A. (1957). Decision-Making in a Democracy: the Supreme Court as a National Policy-Maker. *Journal of Public Law*, *6*, 279-295.

Dam, K. W. (1975). Class Actions: Efficiency, Compensation, Deterrence, and Conflict of Interest. *The Journal of Legal Studies*, *4*, 47-73.

Dam, K. W. (1993). Extraterritoriality in an Age of Globalization: The Hartford Fire Case. *The Supreme Court Review*, *1993*, 289-328.

Damtofr, R. W., & Flanagan, R. (2009). The Development of International Networks in Antitrust. *International Lawyer*, *43*, 137-150.

Danforrth, M. E. (2011). Corporate Civil Liability under the Alien Tort Statute: Exploring its Possibility and Jurisdictional Limitations. *Cornell International Law Journal*, *44*(3), 659-692.

Daniel, W. W. (1948). Enforcement of the Sherman Act by Actions for Treble Damages. *Virginia Law Review*, *34*, 901-926.

Danson, A. S. (1964). Territorially Limited Statutes and the Choice-of-law Process. *Harvard Journal on Legislation*, *1*, 115-150.

Darby, M. R., & Karni, E. (1973). Free Competition and the Optimal Amount of Fraud. *Journal of Law and Economics*, *16*(1), 67-88.

Dau-Schmidt, K. G., & Brun, C. L. (2006). Lost in Translation: The Economic Analysis of Law in the United States and Europe. *Columbia Journal of Transnational Law*, *44*(2), 602-621.

Davenport, F. (2005). Uruguay Round Agreements Act Supremacy Clause: Congressional Preclusion of the Charming Betsy Standard with Respect to WTO Agreements. *Federal Circuit Bar Journal*, *15*(2), 279-314.

Davey, W. J. (2000). The WTO Dispute Settlement System. *Journal of International Economic Law*, *3*, 15-18.

Davidow, J. (1974). Antitrust, Foreign Policy, and International Buying Cooperation. *The Yale Law Journal*, *84*(2), 268-292.

Davidow, J. (1993). Keiretsu and U.S. Antitrust. *Law & Policy in International Business*, *24*, 1035-1050.

Davidow, J. (1999). Antitrust Issues Arising out of Actual or Potential Enforcement of Trade Law. *Journal of International Economic Law*, *2*(4), 681-693.

Davidow, J. (2001). United States Antitrust Developments in the New Millennium. *World Competition*, *24*(3), 425-442.

Davidow, J. (2002). International Implications of US Antitrust in the George W. Bush Era. *World Competition*, *25*(4), 493-507.

Davidow, J. (2004). Recent US Antitrust Developments of International Relevance. *World Competition*, *27*(3), 407-417.

Davidow, J. (2005). Recent Developments in US Antitrust. *World Competition*, *28*(3), 299-312.

Davidow, J., & Shapiro, H. (2003). The Feasibility and Worth of a World Trade Organization Competition Agreement. *Journal of World Trade*, *37*(1), 49-68.

Davidson, M. L., & Butters, R. D. (1978). Parher and Usery: Portended Constitutional Limits on the Federal Interdiction of Anticompetitive State Action. *Vanderbilt Law Review*, *31*, 575-605.

Davidson, P. (1984). The Definition of "Employee" Under Title VII: Distinguishing Between Employees and Independent Contractors. *University of Cincinnati Law Review*, *53*(1), 203-229.

Davies, A. (2006). Reviewing Dispute Settlement at the World Trade Organization: A Time to Reconsider the Role/s of compensation? *World Trade Review*, *5*(1), 31-67.

Davies, G. (2006). Competition, Free Movement, and Consumers of Public Services. *European Business Law Review*, 95-104.

Davies, G. (2006). Subsidiarity: The Wrong Idea, in the Wrong Place, at the Wrong Time. *Common Market Law Review*, *43*, 63-84.

Davies, R. E. (2003). Remedial Nonacquiescence. *Iowa Law Review*, *89*, 65-121.

Davis, D. M. (2009). Competition Law and Globalisation: Uniformity or Convergence, Networking or State Sovereignty. *Acta Juridica*, *2009*(1), 185-203.

Davis, G. C. (1962). The Transformation of the Federal Trade Commission, 1914-1929. *The Mississippi Valley Historical Review*, *49*(3), 437-455.

Davis, J. P. (2004). Supreme Court Review of the Foreign Trade Antitrust Improvements Act: A Case of a Misleading Question? *University of San Francisco Law Review*, *38*(3), 431-466.

Davis, K. C. (1970). The Liberalized Law of Standing. *The University of Chicago Law Review*, *37*, 450-473.

Davis, K. C. (1974). An Approach to Legal Control of the Police. *Texas Law Review*, *52*, 703-725.

Davis, P. A. (2001). The Defamation of Choice-of-Law in Cyberspace: Countering the View that the Restatement (Second) of Conflict of Laws in Inadequate to Navigate the Borderless Reaches of the Intangible Frontier. *Federal Communication Law Journal*, *54*(2), 339-363.

Davis, R. W. (1997). Indirect Purchaser Litigation: ARC America's Chickens Come Home to Roost on the Illinois Brick Wall. *Antitrust Law Journal*, *65*, 375-406.

Davis, R. W. (2001). International Cartels and Monopolization Cases Expose a Gap in Foreign Trade Antitrsut Improvement Act. *Antitrust*, *15*, 53-58.

Davis, R. W. (2003). The Mystery Deepens: U.S. Antitrust Treatment of International Cartels. *Antitrust*, *17*(3), 31-35.

Davison, L. M. (2002). The GE/Honeywell Merger Controversy and the Path to Analytical Convergence in International Merger Assessment: a Critical Commentary. *Liverpool Law Review*, *24*, 89-107.

Davison, L. M. (2004). EU Merger Control and the Compatibility Test: A Review of Recent Development. *Liverpool Law Review*, *25*, 195-220.

Davison, L., & Johnson, D. (2002). Multilateralism, Bilateralism and Unilateralism: a Critical Commentary on the EU's Triple-Track Approach to the International Dimension of Competition Policy. *European Business Law*, *14*(1), 7-19.

Dawes, R. M., McTavish, J., & Shaklee, H. (1977). Behavior, Communication, and Assumptions About Other People's Behavior in A Commons Dilemma Situation. *Journal of Personality and Social Psychology*, *35*(1), 1-11.

Dawson, F. G., & Weston, B. H. (1962). 'Prompt, Adequate and Effective': A Universal Standard of Compensation? *Fordham Law Review*, *30*(4), 727-758.

Dawson, J. P. (1974). Lawyers and Involuntary Clients: Attorney's Fees from Funds. *Harvard Law Review*, *87*(8), 1597-1654.

Day, R. E. (1965). Private Actions Under Section 7 of the Clayton Act. *A.B.A. Antitrust Section*, *29*, 155-162.

Day, R. E. (1968). Exclusive Dealing, Tying and Reciprocity-A Reappraisal. *Ohio State Law Journal*, *29*(3), 539-592.

de Araujo Jr., J. T. (2002). Legal and Economic Interfaces Between Antidumping and Competition Policy. *World Competition*, *25*(2), 159-172.

De Bettignies, J.-E. (2006). Product Market Competition and Boundaries of the Firm. *Canadian Journal of Economics*, *39*(3), 948-970.

De Leon, I. (1997). The Dilemma of Regulating International Competition Under the WTO System. *European Competition Law Review*, *18*(3), 162-177.

De Lima-Campos, A. (2005). Nineteen Proposals to Curb Abuse in Anti-dumping and Countervailing Duty Proceedings. *Journal of World Trade*, *39*(2), 239-280.

De Poorter, J. C. A. (2013). Constitutional Review in the Netherlands: A Joint Responsibility. *Utrecht Law Review*, *9*(2), 89-105.

De Ravel D'Esclapon, P. F. (1987). Non-Price Predation and the Improper Use of U.S. Unfair Trade Laws. *Antitrust Law Journal*, *56*(2), 543-560.

De Rosa, P. J. (1993). Cooperative Joint Venture in European Competition Law. *Buffalo Law Review*, *41*, 993-1044.

Deakin, S. (1999). The Evolution of Tort. *Oxford Journal of Legal Studies*, *19*, 537-546.

Dean, A. H. (1957). Extraterritorial Effects of the U.S. Antitrust Laws: Advising the Client. *A.B.A. Antitrust Section*, *11*, 88-102.

DeBroff, R. M. (1957). Constitutional Law. *University of Pittsburg Law Review*, *18*, 820-823.

Decker, R. K., & Pollock, E. E. (1972). Symposium on Antitrust Actions, Introductory Remarks. *Antitrust Law Journal*, *41*, 229-231.

Decker, R. K., & Warnke, P. C. (1971). The Quality of Life and the Antitrust Laws. *Antitrust Law Journal*, *40*(2), 282-284.

Deckert, M. R. (2000). Some Preliminary Remarks on the Limitations of European Competition Law. *European Review of Private Law*, *1*, 173-185.

Deem, W. J. (1939). Court - Application of State Law by Federal Court - Pleading of Lack of Contributory Negligence in Complaint. *The Georgetown Law Journal*, *27*, 375-376.

Deffense, C. (1984). A Farewell to Arms: The Implementation of a Policy-Based Standing Analysis in Antitrust Treble Damages Actions. *California Law Review*, *72*, 437-476.

Degnan, R. E. (1976). Federalized Res Judicata. *The Yale Law Journal*, *85*(6), 741-773.

Dekeyser, K., & De Smijter, E. (2005). The Exchange of Evidence Within the ECN and How it Contributes to the European Co-operation and Co-ordination in Cartel Cases. *Legal Issues of Economic Integration*, *32*(2), 161-174.

Delahunty, R. J., & Perez, A. F. (2005). Moral Communities or a Market State: The Supreme Court's Vision of the Police Power in the Age of Globalization. *Houston Law Review*, *42*(3), 637-726.

Delaume, G. R. (1972). Choice of Law and Forum Clauses in Euro-Bonds. *Columbia Journal of Transnational Law*, *11*, 240-266.

Dellett, S. (1985). Arbitration, Forum Selection, and Choice of Law Agreements in International Securities Transactions. *Washington and Lee Law Review*, *42*, 1069-1097.

DeLong, J. V. (1981). The Role, if any, of Economic Analysis in Antitrust Litigation. *Southwestern University Law Review*, *12*(2), 298-333.

Delrahim, M. (2005). Drawing the Boundaries of the Sherman Act: Recent Developments in the Application of the Antitrust Laws to Foreign Conduct. *New York University Annual Survey of American Law*, *61*(3), 415-431.

DeMers, C. B. (2004). Limiting Lanham to save Sherman: Narrowing the Application of the FTDA to Further the Goals of Federal Antitrust Law. *Federal Circuit Bar Journal*, *13*, 691-718.

Demetriou, M., & Robertson, A. (1994). "But That Was in Another Country.": The Extraterritorial Application of US Antitrust Laws in the US Supreme Court. *International and Comparative Law Quarterly*, *43*(2), 417-425.

Demsetz, H. (1968). Why Regulate Utilities. *Journal of Law and Economics*, *11*(1), 55-65.

Demsetz, H. (1970). Private Production of Public Goods. *The Journal of Law and Economics*, *13*(2), 293-306.

Demsetz, H. (1992). How Many Cheers for Antitrust's 100 Years? *Economic Inquiry*, *30*, 207-217.

Denenberg, H. S. (1963). The Legal Definition of Insurance: Insurance Principles in Practice. *The Journal of Insurance*, *30*(3), 319-343.

Denicola, R. M. (1983). A Proposed Minimum Threshold Analysis for the Imposition of State Door-Closing Statutes. *Fordham Law Review*, *51*, 1360-1402.

Dennis, R. G. (1991). Liability of Officers, Directors and Shareholders Under CERCLA: The Case for Adopting State Law. *Villanova Law Review*, *36*(6), 1367-1512.

Depoorter, B., & Mot, J. D. (2006). Whistle Blowing: An Economic Analysis of the False Claims Act. *Supreme Court Economic Review*, *14*, 135-162.

Derenberg, W. J. (1957). Federal Unfair Competition Law at the End of the First Decade of the Lanham Act: Prologue or Epilogue? *New York University Law Review*, *32*, 1029-1065.

Desautels-Stein, J. (2008). Extraterritoriality, Antitrust, and the Pragmatism Style. *Emory International Law Review*, *22*(2), 499-570.

Desiderio, J. M. (1982). Private Treble Damage Actions: an Outline of Fundamental Principles. *Brooklyn Law Review*, *48*, 409-430.

Desmedt, A. (2000). ECJ Restricts Effect of WTO Agreements in the EC Legal Order. *Journal of International Economic Law*, *3*, 191-192.

Desta, M. G. (2003). The Organization of Petroleum Exporting Countries, the World Trade Organization, and Regional Trade Agreements. *Journal of World Trade*, *37*(3), 523-551.

Dethmers, F., Dodoo, N., & Morfey, A. (2005). Conglomerate Mergers under EC Merger Control: An Overview. *European Competition Journal*, *1*(2), 265-291.

Deutsch, J. G. (1974). Precedent and Adjudication. *The Yale Law Journal*, *83*(8), 1153-1584.

Deutsch, M. (1958). Trust and Suspicion. *The Journal of Conflict Resolution*, *2*(4), 265-279.

Deutsch, S. L. (1984). Antitrust Challenges to Local Zoning and Other Land Use Controls. *Chicago Kent Law Review*, *60*, 63-88.

Deveroux, M. B., & Lee, K. M. (2001). Dynamic Gains from International Trade with Imperfect Competition and Market Power. *Review of Development Economics*, *5*(2), 239-255.

Devlin, A. (2010). Antitrust in an Era of Market Failure. *Harvard Journal of Law & Public Policy*, *33*(2), 557-606.

Devlin, A., & Jacobs, M. (2010). Antitrust Divergence and the Limits of Economics. *Northwestern University Law Review*, *104*(1), 253-292.

Devlin, A., Jacobs, M., & Peixoto, B. (2009). Success, Dominance, and Interoperability. *Indiana Law Journal*, *84*, 1157-1201.

Dewey, D. (1955). The Common-Law Background of Antitrust Policy. *Virginia Law Review*, *41(6)*, 759-786.

Dewey, D. (1964). The Economic Theory of Antitrust: Science or Religion? Virginia Law Review, *50*, 413-434.

Di Brozolo, L. G. R. (2004). Antitrust Claims: Why Exclude Them From the Hague Jurisdiction and Judgment Convention. *European Competition Law Review*, *25*(12), 780-788.

Di Brozolo, L. G. R. (2004). Antitrust: A Paradigm of the Relations Between Mandatory Rules and Arbitration - A Fresh Look at the "Second Look". *International Arbitration Law Review*, *7*(1), 23-37.

Diamond, T. A. (1997). Choice of Law Clauses and Their Preemptive Effect Upon the Federal Arbitration Act: Reconciling the Supreme Court with Itself. *Arizona Law Review*, *39*, 35-65.

Dibadj, R. (2004). Saving Antitrust. *University of Colorado Law Review*, *75*, 745-862.

Dibadj, R. (2007). Article 82: Gestalt, Myths, Questions. *Santa Clara Computer and High Technology Law Journal*, *23*(4), 615-642.

Dick, A. R. (1996). Identifying Contracts, Combinations and Conspiracies in Restraint of Trade. *Managerial and Decision Economics*, *17*(2), 203-216.

Dick, A. R. (1996). When are Cartels Stable Contracts? *The Journal of Law and Economics*, *39*, 241-283.

Dickinson, E. D. (1923). The Unrecognized Government or State in English and American Law. *Michigan Law Review*, *22*(2), 118-134.

Dickinson, E. D. (1925). Is the Crime of Piracy Obsolete? *Harvard Law Review*, *38*(3), 334-360.

Dickinson, E. D. (1952). The Law of Nations as Part of the National Law of the United States. *University of Pennsylvania Law Review*, *101*, 26-56.

Dickinson, E. D. (1952). The Law of Nations as Part of the National Law of the United States, II. *University of Pennsylvania Law Review*, *101*, 792-833.

Dickinson, E. D. (1956). The Law of Nations As National Law: 'Political Questions. *University of Pennsylvania Law Review*, *104*(4), 451-493.

Dickinson, J. (1932). The Anti-Trust Laws and the Self-Regulation of Industry. *A.B.A. Journal*, *18*, 600-604.

Diemer, C. (2006). The Green Paper on Damages Actions for Breach of the EC Antitrust Rules. *European Competition Law Review*, *27*(6), 309-316.

Diesenhaus, J. L. (1987). Competitor Standing to Challenge a Merger of Rivals: The Applicability of Strategic Behavior Analysis. *California Law Review, 75*, 2057-2115.

Dillon, C. B. (1961). But the Other Referee Said! - A Criticism of Multiple Litigation in Identical Bidding and Merger Casest. *Texas Law Review*, *39*, 782-810.

Dilorenzo, T. J. (1985). The Origins of Antitrust: An Interest-Group Perspective. *International Review of Law and Economics*, *5*, 73-90.

DiLorenzo, T. J., & High, J. C. (1988). Antitrust and Competition, Historically Considered. *Economic Inquiry*, *26*(3), 423-435.

Director, A., & Levi, E. H. (1956). Law and the Future: Trade Regulation. *Northwestern University Law Review*, *51*, 281-296.

Dishman, R. B. (1951). Mr. Justice White and the Rule of Reason. *The Review of Politics*, *13*(2), 229-243.

Dix, M. J. (1942). Decrees and Judgments under Section 5 of the Clayton Antitrust Law. *The Georgetown Law Journal*, *30*(4), 331-347.

Djelic, M.-L. (2005). From Local Legislation to Global Structuring Frame; The Story of Antitrust. *Global Social Policy Copyright*, *5*(1), 55-76.

Dodd, E. M., Jr. (1921). The New Doctrine of the Supremacy of Admiralty Over the Common Law. *Columbia Law Review*, *21*(7), 647-665.

Dodds, L. B. (1946). The Anticipatory Competence of Copending Patents. *Journal of the Patent Office Society*, *28*(4), 238-260.

Dodge, W. S. (1998). Extraterritoriality and Conflict-of-Laws Theory: An Argument for Judicial Unilateralism. *Harvard International Law Journal*, *39*(1), 101-169.

Dodge, W. S. (2001). Antitrust and the Draft Hague Judgments Convention. *Law & Policy in International Business*, *32*, 363-390.

Dodge, W. S. (2003). An Economic Defense of Concurrent Antitrust Jurisdiction. *Texas International Law Journal*, *38*, 27-40.

Dodge, W. S. (2004). Bridging Erie: Customary International Law in the U.S. Legal System after Sosa v. Alvarez-Machain. *Tulsa Journal of Comparative & International Law*, *12*(1), 87-108.

Dodge, W. S. (2008). Public-Private Distinction in the Conflict of Laws. *Duke Journal of Comparative & International Law*, *18*(2), 371-394.

Dodge, W. S. (2010). Withdrawing from Customary International Law: Some Lessons from History. *Yale Law Journal Online*, *120*, 169-192.

Dodge, W. S. (2011). Morrison's Effects Test. *Southwestern Law Review*, *40*(4), 687-696.

Dodge, W. S. (2011). The Presumption Against Extraterritoriality After Morrison. *American Society of International Law Proceedings*, *105*, 396-399.

Dogan, S. L., & Lemley, M. A. (2009). Antitrust Law and Regulatory Gaming. *Texas Law Review*, *87*(4), 685-730.

Doman, N. R. (1948). Postwar Nationalization of Foreign Property in Europe. *Columbia Law Review*, *48*(8), 1125-1161.

Donnellan, L. (2003). The Extraterritorial Reach of Antitrust Laws: a Comparative Analysis. *Hibernian Law Journal*, *4*(1), 239-261.

Donnem, R. W. (1970). Federal Antitrust Law Versus Anticompetitive State Regulation. *Antitrust Law Journal*, *39*, 950-967.

Donoghue, J. E. (1992). Taking the "Sovereign" Out of the Foreign Sovereign Immunities Act: A Functional Approach to the Commercial Activity Exception. *Yale Journal of International Law*, *17*(2), 489-538.

Donovan, D. F., & Roberts, A. (2006). Emerging Recognition of Universal Civil Jurisdiction. *American Journal of International Law*, *100*(1), 142-163.

Donovan, M. D., & Farr, S. (1981). Conflicts 'Through the Looking Glass' or the Present State of the Choice of Law Rules in New York Involving Rights of Election. *New York Law School Law Review*, *26*, 1040.

Donovan, W. J. (1930). The Need for a Commerce Court. *Annals of the American Academy of Political and Social Science*, *147*, 138-145.

Donovan, W. J., & Irvine, R. R. (1940). Proof of Damages Under the Anti-Trust Law. *University of Pennsylvania Law Review*, *88*(5), 511-526.

Donovan, W. J., & McAllister, B. P. (1933). Consent Decrees in the Enforcement of Federal Anti-Trust Laws. *Harvard Law Review*, *46*(6), 885-932.

Dooley, M. P. (1980). Enforcement of Insider Trading Restrictions. *Virginia Law Review*, *66*(1), 1-83.

Doris, C. R. (2001). Another View on State Antitrust Enforcement - A Reply to Judge Posner. *Antitrust Law Journal*, *69*, 345-347.

Dorman, J. (2002). Calculation of Damages in Transnational Antitrust Cases. *Loyola Consumer Law Review*, *14*, 559-566.

Dorman, R. G. (1980). The Case for Compensation: Why Compensatory Components are Required for Efficient Antitrust Enforcement. *The Georgetown Law Journal*, *68*, 1113-1120.

Dougherty, L. (2008). Does a Cartel Aim Expressly - Trusting Calder Personal Jurisdiction When Antitrust Goes Global. *Florida Law Review*, *60*(4), 915-946.

Dow, D. R., Jeu, C., & Convey, A. C. (2008). Judicial Activism on the Rehnquist Court: An Empirical Assessment. *St. John's Journal of Legal Commentary*, *23*(1), 35-110.

Drake, S. (2006). Scope of Courage and the Principle of "Individual Liability" for Damages: Further Development of the Principle of Effective Judicial Protection by the Court of Justice. *European Law Review*, *31*(6), 841-864.

Dresnick, J. A., Piro, K. A., & Encinosa, I. J. (2009). United States as Global Cop: Defining the Substantial Effects Test in U.S. Antitrust Enforcement in the Americas and Abroad. *University of Miami Inter-American Law Review*, *40*(3), 453-494.

Drexl, J. (2004). International Competition Policy after Cancun: Placing a Singapore Issue on the WTO Development Agenda. *World Competition*, *27*(3), 419-457.

Dreyfuss, R. (2005). Ali Principles on Transnational Intellectual Property Disputes: Why Invite Conflicts. *Brooklyn Journal of International Law*, *30*(3), 819-848.

Dreyfuss, R. C. (2004). TRIPS - Round II: Should Users Strike Back? *The University of Chicago Law Review*, *71*, 21-35.

Drimmer, J. (2012). Resurrection Ecology and the Evolution of the Corporate Alien Tort Movement. *Georgetown Journal of International Law*, *43*, 989-1000.

Dubbs, T. A. (2014). Textualism and Transnational Securities Law: A Reapprisal of Justice Scalia's Analysis in Morrison v. National Australia Bank. *Southwestern Journal of International Law*, *20*, 227-281.

Dubois, R. H. (2013). Understanding the Limits of the Foreign Trade Antitrust Improvement Act Using Tort Law Principles as a Guide. *New York Law School Law Review*, *58*, 707-739.

Duesenberg, R. W. (1982). The Business Judgment Rule and Shareholder Derivative Suits: a View From the Inside. *Washington University Law Quarterly*, *60*, 311-344.

Duke, A. (2010). Broadening the Extraterritorial Reach of Australia's Cartel Prohibition: Adopting the Effects' Doctrine without the Negative Effects. *Federal Law Review*, *38*(1), 97-142.

Dumbauld, E. (1953). Clearfield: Clouded Field of Federal Common Law. *Columbia Law Review*, *53*, 991-1008.

Dumbauld, E. (1997). The Clear Field of Clearfield. *Dickinson Law Review*, *61*, 299-321.

Dunfee, T. W., & Friedman, A. S. (1984). The Extra-Territorial Application of United States Antitrust laws: a Proposal for an Interim Solution. *Ohio State Law Journal*, *45*(4), 883-932.

Dunham, W. R. (2007). The Determination of Antitrust Liability in United States v. Microsoft: The Empirical Evidence the Department of Justice Used to Prove Its Case. *Journal of Competition Law and Economics*, *2*(4), 549-671.

Dunoff, J. L. (2008). Less than Zero: The Effects of Giving Domestic Effect to WTO Law. *Loyola University Chicago International Law Review*, *6*, 279-310.

Duong, W. N. (2008). Ghetto'ing Workers with Hi-Tech: Exploring Regulatory Solutions for the Effect of Artificial Intelligence on "Third World" Foreign Direct Investment. *Temple International and Comparative Law Journal*, *22*(1), 63-140.

Durand, A. L. (1981). An Economic Analysis of Fluid Class Recovery Mechanisms. *Stanford Law Review*, *34*, 173-201.

Durand, B., Galarza, A., & Mehta, K. (2004). The Interface Between Competition Policy and International Trade Liberalisation. Looking into the Future: Applying a New Virtual Anti-Trust Standard. *World Competition*, *27*(1), 3-12.

Durantes, H. G., & Varona, E. N. (2002). Interim measures in competition cases before the European Commission and Courts. *European Competition Law Review*, *23*(10), 512-523.

DuVal, B. S. J. (1976). The Class Action as an Antitrust Enforcement Decree: the Chicago Experience (II). *American Bar Foundation Research Journal*, *1976*, 1273-1358.

DuVal, B. S. J. (1976). The Class Action as an Antitrust Enforcement Device: The Chicago Experience (I). *American Bar Foundation Research Journal*, *1976*, 1021-1106.

Duval, G. L. (1908). Necessity and Purpose of Anti-Trust Legislation. *Annals of the American Academy of Political and Social Science*, *32*, 63-68.

Duxbury, N. (1990). Robert Hale and the Economy of Legal Force. *The Modern Law Review*, *53*(4), 421-444.

Duxbury, N. (1993). Faith in Reson: The Process Tradition In American Jurisprudence. *Cardozo Law Review*, *15*, 601-705.

Dwight, T. W. (1888). The Legality of "Trusts". *Political Science Quarterly*, *3*(4), 592-632.

Dworkin, R. (1980). Why Efficiency? A Response to Professors Calabresi and Posner. *Hofstra Law Review*, *8*, 563-590.

Dworkin, R. M. (1980). Is Wealth a Value? *The Journal of Legal Studies*, *9*, 191-226.

Dyal, G. E. (1984). The Canada-United States Memorandum of Understanding Regarding Application of National Antitrust Law: New Guidelines for Resolution of Multinational Antitrust Enforcement Disputes. *Northwestern Journal of International Law and Business*, *6*, 1065-1095.

Dye, P. B., Davidow, J. H., Rumbaugh, H., Eisenhauer, N. S., Howley, J. J. P., Prete, E. et al. (2006). International Litigation. *International Lawyer*, *40*(2), 275-310.

Dyer, K. K., & Liskey, G. M. (2008). Antitrust Violations. *American Criminal Law Review*, *45*, 195-195.

Dymond, W. A., & Hart, M. M. (2000). Post-Modern Trade Policy; Reflections on the Challenges to Multilateral Trade Negotiations After Seattle. *Journal of World Trade*, *34*(3), 21-38.

Easterbrook, F. H. (1981). Maximum Price Fixing. *The University of Chicago Law Review*, *48*(4), 886-910.

Easterbrook, F. H. (1981). Predatory Strategies and Counterstrategies. *The University of Chicago Law Review*, *48*(2), 263-337.

Easterbrook, F. H. (1982). Is There a Ratchet in Antitrust Law? *Texas Law Review*, *60*, 705-717.

Easterbrook, F. H. (1983). Antitrust and the Economics of Federalism. *The Journal of Law and Economics*, *26*, 23-50.

Easterbrook, F. H. (1984). Legal Interpretation and the Power of the Judiciary. *Harvard Journal of Law and Public Policy*, *7*(1), 87-99.

Easterbrook, F. H. (1984). The Limits of Antitrust. *Texas Law Review*, *63*(1), 1-40.

Easterbrook, F. H. (1984). The Supreme Court, 1983 Term: Forward: The Court and the Economic System. *Harvard Law Review*, *98*, 4-60.

Easterbrook, F. H. (1984). Vertical Arrangements and the Rule of Reason. *Antitrust Law Journal*, *53*, 135-173.

Easterbrook, F. H. (1985). Colloquy: Method, Result, and Authority: A Reply. *Harvard Law Review*, *98*, 622-629.

Easterbrook, F. H. (1985). Detrebling Antitrust Damages. *Journal of Law and Economics*, *28*(2), 445-467.

Easterbrook, F. H. (1986). On Identifying Exclusionary Conduct. *Notre Dame Law Review*, *61*, 972-980.

Easterbrook, F. H. (1986). Treble What? *Antitrust Law Journal*, *55*, 95-101.

Easterbrook, F. H. (1986). Workable Antitrust Policy. *Michigan Law Review*, *84*, 1696-1713.

Easterbrook, F. H. (1987). Comparative Advantage and Antitrust Law. *California Law Review*, *75*, 983-989.

Easterbrook, F. H. (1989). Discovery as Abuse. *Boston University Law Review*, *69*, 635-648.

Easterbrook, F. H. (1999). Does Antitrust have a Competitive Advantage? *Harvard Journal of Law & Public Policy*, *3*, 5-10.

Easterbrook, F. H., & Fischel, D. R. (1981). The Proper Role of a Target's Management in Responding to a Tender Offer. *Harvard Law Review*, *94*(6), 1161-1204.

Easterbrook, F. H., & Fischel, D. R. (1982). Antitrust Suits by Targets of Tender Offers. *Michigan Law Review*, *80*(May), 1155-1155.

Easterbrook, F. H., Landes, W. M., & Posner, R. A. (1980). Contributing among Antitrust Defendants: A Legal and Economic Analysis. *The Journal of Law and Economics*, *23*, 331-370.

Eaton, A. M. (1890). On Contracts in Restraint of Trade. *Harvard Law Review*, *4*, 128-137.

Eaton, M. M., Hosmer, C. F., Jones, R., & Lowell, H. B. (1980). Franchising as a Distribution Channel: Outline of Relevant Law. *Antitrust Law Journal*, *49*, 791-803.

Ebers, M. (2003). Company Law in Member States Against the Background of Legal Harmonization and Competition Between Legal Systems. *European Review of Private Law*, *4*, 509-518.

Ebke, W. F. (2005). The European Conflict-of-Corporate-Laws Revolution: Überseeing, Inspire Art and Beyond. *European Business Law Review*, 9-53.

Eckler, J. (1949). Baseball - Sport or Commerce. *The University of Chicago Law Review*, *17*, 56-78.

Economides, N., & Lianos, I. (2010). Critical Appraisal of Remedies in the E.U. Microsoft Cases. *Columbia Business Law Review*, *2010*, 346-420.

Edelman, J., & Odudu, O. (2002). Compensatory Damages for Breach of Article 81. *European Law Review*, *27*(3), 327-339.

Editors. (1977). Reflections on White-Collar Sentencing. *The Yale Law Journal*, *86*(4), 589.

Edwards, C. D. (1943). Thurman Arnold and the Antitrust Laws. *Political Science Quarterly*, *58*(3), 338-355.

Eeckhout, P. (2013). The Constitutionalization of European Foreign Policy. *American Society of International Law Proceedings*, *107*, 171-174.

Eekelaar, J. (2002). Judges and Citizens: Two Conceptions of Law. *Oxford Journal of Legal Studies*, *22*(3), 497-516.

Egbert, L. D. (1947). Judicial Decisions; International Military Tribunal (Nuremberg), Judgment and Sentences. *The American Journal of International Law*, *41*(1), 172-333.

Ehlermann, C. D. (1992). Antitrust in Global Environment: Conflicts and Resolutions, Commentary I. *Antitrust Law Journal*, *60*, 551-556.

Ehlermann, C. D. (1992). Antitrust in Global Environment: Conflicts and Resolutions, Commentary II. *Antitrust Law Journal*, *60*, 587-591.

Ehlermann, C. D. (1992). Antitrust Issues in an International Dimension. *The University of Chicago Legal Forum*, *1992*, 241-262.

Ehlermann, C.-D. (2006). Introduction. *European Competition Law Annual*, *2006*, xxv-xx2.

Ehlermann, C.-D., & Atanasiu, I. (2002). The Modernisation of EC Antitrust Law: Consequences for the Future Role and Function of the EC Courts. *European Competition Law Review*, *23*(2), 72-80.

Ehrenhaft, P. D. (2002). Is Interface of Antidumping and Antirust Laws Possible? *The George Washington International Law Review*, *34*(2), 363-400.

Ehrenzweig, A. A. (1967). “False Conflicts” and the “Better Rule”: Threat and Promise in Multistate Tort Law. *Virginia Law Review*, *53*, 847-856.

Ehrlich, I. (1972). The Deterrent Effect of Criminal Law Enforcement. *The Journal of Legal Studies*, *1*, 259-276.

Ehrlich, I. (1973). Participation in Illegitimate Activities: a Theoretical and Empirical Investigation. *Journal of Political Economy*, *81*(3), 521-565.

Ehrlich, I., & Posner, R. (1974). An Economic Analysis of Legal Rulemaking. *The Journal of Legal Studies*, *3*, 257-286.

Eilmansberger, T. (2005). How to Distinguish Good From Bad Competition Under Article 82 EC: In Search of Clearer and More Coherent Standard for Anti-Competitive Abuses. *Common Market Law Review*, *42*, 129-177.

Eilmansberger, T. (2006). Dominance – The Lost Child? How Effects – Based Rules Could and Should Change Dominance Analysis. *European Competition Journal*, *2*(July, Special Issue), 15-29.

Eimer, N. (1997). The Detection and Punishmnet of Tacit Collusion. *Loyola Consumer Law Reporter*, *9*(2), 165-167.

Einsenhart, E. E. J. (1941). Federal Decisonal Law Independent of State Common Law since Erie R.R. Co. v. Tompkins. *The George Washington Law Review*, *9*, 465-473.

Einsenhauser, N. S. (2004). Developments in Personal Jurisdiction. *The International Lawyer*, *38*(2), 315-320.

Eisenber, T., Goerdt, J., Ostrom, B., Rottman, D., & Wells, M. T. (1997). The Predictability of Punitive Damages. *The Journal of Legal Studies*, *26*, 623-661.

Eisenberg, T. (1994). Negotiation, Lawyering, and Adjudication: Kritzer on Brokers and Deals. *Law and Social Inquiry*, *19*, 275-299.

Eisenberg, T., & Clermont, K. M. (1996). Trial by Jury or Judge: Which is Speedier? *Judicature*, *79*(4), 176-180.

Eisenberg, T., & Henderson, J. A. J. (1992). Inside the Quiet Revolution in Product Liabiity. *UCLA Law Review*, *39*, 731-810.

Eisenberg, T., & Schwab, S. J. (1989). What Shapes Perceptions of the Federal Court System? *The University of Chicago Law Review*, *56*, 501-539.

Elhauge, E. R. (1991). The Scope of Antitrust Process. *Harvard Law Review*, *104*(3), 667-747.

Elimansberger, T. (2004). The Relationship Between Rights and Remedies in EC Law: In Search of Missing Link. *Common Market Law Review, 41*, 1199-1246.

Ellenberg, A. (2007). Due Process Limitations on Extraterritorial Tort Legislation. *Cornell Law Review, 92*(3), 549-571.

Ellenbogen, G. (1952). English Arbitration Practice Commercial Arbitration--Part 2. *Law and Contemporary Problems, 17*(4), 656-678.

Ellis, D. D. J. (2002). Projecting the Long Arm of the Law: Extraterritorial Criminal Enforcement of U.S. Antitrust Laws in the Global Economy. *Washington University Global Studies Law Review, 1*, 477-506.

Ellison, G. (1994). Theories of Cartel Stability and the Joint Executive Committee. *The RAND Journal of Economics, 25*(1), 37-57.

Elman, P. (1970). The Regulatory Process: A Personal View. *Antitrust Law Journal, 39*, 901-913.

Ely, J. H. (1970). Legislative and Administrative Motivation in Constitutional Law. *The Yale Law Journal, 79*(7), 1205-1341.

Ely, J. H. (1981). Choice of Law and the States's Interests in Protecting its Own. *William and Mary Law Review, 23*(2), 173-217.

Elzinga, K. G. (1969). The Antimerger Law: Pyrrhic Victories? *The Journal of Law and Economics, 12*, 43-78.

Elzinga, K. G. (1977). The Goals of Antitrust: Other than Competition and Efficiency, What else Counts? *University of Pennsylvania Law Review, 126*(6), 1191-1213.

Enders, J. (2001). A Chair System in Transition: Appointments, Promotions, and Gate-Keeping in German Higher Education. *Higher Education, 41*(1/2), 3-25.

Endicott, T. A. O. (1999). The Impossibility of the Rule of Law. *Oxford Journal of Legal Studies, 19*, 1-18.

Entin, J. L. (1987). The Removal Power and the Federal Deficit: Form, Substance, and Administrative Independence. *Kentucky Law Journal, 75*, 699-792.

Enzor, A. L. (2013). Ignoring the Obligation to Provide Consular Notification: How this Nation's Approach to Treaties Deprives Criminal Defendants of Procedural Safeguards. *Alabama Civil Rights & Civil Liberties Law Review, 3*(2), 123-140.

Epstein, D. (1960). Trade Regulation - The Knowing Inducement or Receipt of Discriminatory Advertising Allowances Prohibiting by Section 2(d) of the Amended Clayton Act Constitutes

an Unfair Trade Practice Under Section 5 of the Federal Trade Commission Act. *The Georgetown Law Journal*, *49*, 379-384.

Epstein, J. (2002). The Other Side of Harmony: Can Trade and Competition Laws Work Together in the International Marketplace? *American University International Law Review*, *17*, 343-368.

Epstein, R. A. (1997). The Narrow Province of the Antitrust Laws, or, Doing a Few Things Well. *Loyola Consumer Law Reporter*, *9*(2), 122-131, 143.

Epstein, R. A. (2003). The "Necessary" History of Property and Liberty. *Chapman Law Review*, *6*, 1-29.

Epstein, R. A., & Greve, M. S. (2004). Introduction: The Intractable Problem of Antitrust Jurisdiction. In R. A. Epstein & M. S. Greve (Eds.), *Competition Laws in Conflict; Antitrust Jurisdiction in the Global Economy* (pp. 1-30). Washington, D.C.: The AEI Press.

Erichson, H. M. (1998). Interjurisdictional Preclusion. *Michigan Law Review*, *96*, 945-1017.

Erickson, W. B. (1969). Costs and Conspiracy: Use of Cost Data in Private Antitrust Litigation. *The Antitrust Bulletin*, *14*, 347-370.

Erickson, W. B. D. (1969). Economics of Price Fixing. *Antitrust Law & Economics Review*, *2*, 83-122.

Erickson, W. B. D. (1972). The Profitability of Violating the Antitrust Laws: Dissolution and Treble Damages in Private Antitrust Litigation. *Antitrust Law & Economics Review*, *5*, 101-118.

Ernst, D. R. (1989). The Labor Exemption, 1908-1914. *Iowa Law Review*, *74*, 1151-1173.

Erxleben, W. C. (1975). The FTC's Kaleidoscopic Unfairness Statute: Section 5. *Gonzaga Law Review*, *10*, 333-351.

Eskridge, W. N. J., & Frickey, P. P. (1994). he Supreme Court, 1993 Term - Foreward: Law as Equilibrium. *Harvard Law Review*, *108*, 26-108.

Eskridge, W. N., Jr. (1988). Overruling Statutory Precedents. *The Georgetown Law Journal*, *76*, 1361-1435.

Estreicher, S., & Revesz, R. L. (1989). Nonacquiescence by Federal Administrative Agencies. *The Yale Law Journal*, *98*(4), 679-772.

Estrella, A. T. G., & Horlick, G. N. (2006). Mandatory Abolition of Anti-dumping, Countervailing Duties and Safeguards in Customs Unions and Free-Trade Areas Constituted Between World Trade Organization Members: Revisiting a Long-standing Discussion in Light of the Appellate Body's Turkey - Textiles Ruling. *Journal of World Trade*, *40*(5), 909-944.

Estry, D. C. (2000). Regulatory Competition in Focus. *Journal of International Economic Law*, *3*(2), 215-217.

Estry, D. C., & Geradin, D. (2000). Regulatory Co-operation. *Journal of International Economic Law*, *3*, 235-255.

Eswaran, M. (1997). Cartel Unity over the Business Cycle. *The Canadian Journal of Economics*, *30*(3), 644-672.

Etro, F. (2006). Competition Policy: Toward a New Approach. *European Competition Journal*, *2*(1), 29-55.

Eule, J. N. (1982). Laying the Dormant Commerce Clause to Rest. *The Yale Law Journal*, *91*(3), 425-485.

Evans, D. S. (2001). Dodging the Consumers Harm Inquiry: A Brief Survey of Recent Government Antitrust Cases. *St. John's Law Review*, *75*, 545-559.

Evans, D. S. (2005). How Economists Can Help Courts Design Competition Rules: An EU and US Perspective. *World Competition*, *28*(1), 93-99.

Evans, D. S. (2009). Why Different Jurisdictions do not (and should not) adopt the Same Antitrust Rules. *Chicago Journal of International Law*, *10*, 161-187.

Evans, D. S., Nichols, A. L., & Schmalensee, R. (2005). *United States* v. *Microsoft*: Did Consumers Win? *Journal of Competition Law and Economics*, *1*(3), 497-539.

Evans, M. L. (1967). Collateral Estoppel: The Demise of Mutuality. *Cornell Law Quarterly*, *52*(5), 724-737.

Evenett, S. J. (2004). Systemic Research Questions Raised by the Failure of the WTO Ministerial Meeting in Cancun. *Legal Issues of Economic Integration*, *31*(1), 1-6.

Evenett, S. J., & Hoekman, B. M. (2005). Government Procurement: Market Access, Transparency, and Multilateral Trade Rules. *European Journal of Political Economy*, *21*, 163-183.

Evenett, S. J., & Suslow, V. Y. (2000). Preconditions for Private Restraints on Market Access and International Cartels. *Journal of International Law*, *3*(4), 593-631.

Evenett, S. J., Levenstein, M., & Suslow, V. Y. (2001). International Cartel Enforcement: Lessons from the 1990s. *The World Economy*, *24*(9), 1221-1245.

Everett, J. C. J., & McCutcheon, N. W. (2008). Patents in the Roberts Court: An Antitrust Lawyer's Guide to Recent Supreme Court Patent Decisions. *Antitrust*, *23*(1), 80-86.

Ewing, K. P. J. (1987). Overview of State Antitrust Law. *Antitrust Law Journal*, *56*, 103-110.

Eyre, B. (2004). Chaos and Confusion Reign for Europe's Competition Lawyers. *European Lawyer*, *42*, 42,49-50,52.

Ezrachi, A. (2001). Limitations on the Extraterritorial Reach of the European Merger Regulation. *European Competition Law Review*, *22*(4), 137-146.

Ezrachi, A. (2002). Globalization of Merger Control: A Look at Bilateral Cooperation Through the Ge/Honeywell Case. *Florida Journal of International Law*, *14*, 397-425.

Ezrachi, A. (2006). Behavioural Remedies in EC Merger Control – Scope and Limitations. *World Competition*, *29*(3), 459-479.

Fairman, C. (1949). Some New Problems of the Constitution Following the Flag. *Stanford Law Review*, *1*(June), 587-645.

Faith, R. L., Leavens, D. R., & Tollison, R. D. (1982). Antitrust Pork Barrel. *The Journal of Law and Economics*, *25*, 329-342.

Falk, R. A. (1959). International Jurisdiction: Horizontal and Vertical Conceptions of Legal Order. *Temple Law Quarterly*, *32*(3), 295-320.

Falk, R. A. (1961). Toward a Theory of the Participation of Domestic Courts in the International Legal Order: A Critique of *Banco Nacional de Cuba* v. *Sabbatino*. *Rutgers Law Review*, *16*(1), 1-41.

Fallon, S. M. (2013). Justice for All: American Muslims, Sharia law, and Maintaining Comity within American Jurisprudence. *Boston College International & Comparative Law Review*, *36*, 153-182.

Fallon, W. G. J. (1983). Municipal Government Exemption from Federal Antitrust Laws: an Examination of the Midcal Test After Boulder. *Washington and Lee Law Review*, *40*, 143-170.

Fan, H. (2004). Enforcement of Foreign Judgments. *The International Lawyer*, *38*(2), 326-329.

Farber, D. A., & Matheson, J. H. (1985). Beyond Promissory Estoppel: Contract Law and the "Invisible Handshake". *The University of Chicago Law Review*, *52*, 903-947.

Farber, D. A., & McDonnell, B. H. (2003). Why (and How) Fairness Matters at the IP/Antitrust Interface. *Minnesota Law Review*, *87*, 1817-1870.

Farlow, J. C. (1998). Ego or Equity? Examining United States Extension of the Sherman Act. *The Transnational Lawyer*, *11*(1), 175-202.

Farmer, S. B. (1989). Dual Enforcement of State and Federal Antitrust Laws. Antitrust Law Journal, *58*, 197-200.

Farmer, S. B. (1999). More Lessons from the Laboratories: Cy Pres Distributions in Parens Patriae Antitrust Actions Brought by State Attorney General. *Fordham Law Review*, *68*, 361-406.

Farmer, S. B. (2003). Introduction: Competition Without Borders: Antitrust Law and the Challenge of Globalization. *Dickinson Law Review*, *107*(4), 725-776.

Farmer, S. B. (2009). Evolution of Chinese Merger Notification Guidelines: A Work in Progress Integrating Global Consensus and Domestic Imperatives. *Tulane Journal of International and Comparative Law*, *18*(1), 1-92.

Farrar, Q. C. (2011). U.S. Energy Sanctions and the Race to Prevent Iran from Acquiring Weapons of Mass Destruction. *Fordham Law Review*, *79*(5), 2347-2394.

Farrell, K., & Whidbee, D. A. (2003). Impact of Firm Performance Expectations on CEO Turnover and Replacement Decisions. *Journal of Accounting and Economics*, *36*, 165-196.

Farrell, L. (2004). UK Private Antitrust Litigation. *Global Competition Review*, *7*(9 Supplement), 242-246.

Farrell, L. (2005). UK Private Antitrust Litigation. *Global Competition Review*, *8*(9 Supplement), 212-216.

Farrell, L. (2006). UK Private Antitrust Litigation. *Global Competition Review*, *November Supplement*, 237-241.

Farrington, D. G. (1982). Private Plaintiffs and the Public Interest. Hastings Law Journal, *33*(March), 985-1007.

Fassberg, C. W. (2002). On Time and Place in Choice of Law for Property. *International and Comparative Law Quarterly*, *51*, 385-400.

Faure, M., & Zhang, X. (2013). Towards an Extraterritorial Application of the Chinese Anti-Monopoly Law that Avoids Trade Conflicts. *The George Washington International Law Review*, *45*, 501-538.

Feinberg, R. M. (1985). The Enforcement and Effects of European Competition Policy: Results of a Survey at Legal Option. *Journal of Common Market Studies*, *23*(4), 373-384.

Feinberg, W. (1969). Arbitration and Antitrust - An Introduction. *New York University Law Review*, *44*(6), 1069-1071.

Feldman, L. N. (1984). Employees Discharged in Retaliation for Resisting Employers' Antitrust Violations: The Need for a Federal Remedy. *The University of Chicago Law Review*, *51*, 559-580.

Feldman, M. (2010). Putting the Brakes on Libel Tourism: Examining the Effects Test as a Basis for Personal Jurisdiction under New York's Libel Terrorism Protection Act. *Cardozo Law Review*, *31*(6), 2457-2490.

Feldman, N. (2001). Choice of Law, Choices of War. *Harvard Journal of Law & Public Policy*, *25*(2), 457-485.

Feldon, G. D. (2006). The Antitrust Model of Extraterritorial Trademark Jurisdiction: Analysis and Predictions after F. Hoffmann-La Roche. *Emory International Law Review*, *20*, 651-698.

Felix, R. L. (1973). Diversity Jurisdiction and Choice of Law: Of Strangers Bearing Stale Products Liability Claims. *South Carolina Law Review*, *25*, 199-213.

Fels, A. (2010). A Model of Antitrust Regulatory Strategy. *Loyola University Chicago Law Journal*, *41*, 489-520.

Fenton, K. M., & Hollman, H. M. (2009). US Supreme Court to Address Price Squeeze Issues. *Competition Law International*, *5*(1), 46-51.

Ferrari, F. (2002). "Forum Shopping" Despite International Uniform Contract Law Conventions. *International and Comparative Law Quarterly*, *51*, 689-708.

Ferrell, T. W. (1994). Choice of Law. *San Diego Justice Journal*, *2*, 53-54.

Fetter, F. A. (1937). The New Plea for Basing-Point Monopoly. *Journal of Political Economy*, *45*(5), 577-605.

Feuerle, P. (1977). International Arbitration and Choice of Law Under Article 42 of the Convention on the Settlement of Investment Disputes. *Yale Studies in World Public Order*, *4*, 89-121.

Fiebig, A. (1999). Crisis Cartels and the Triumph of Industrial Policy over Competition Law in Europe. *Brooklyn Journal of International Law*, *25*(3), 607-638.

Fiebig, A. (2000). A Role for the WTO in International Merger Control. *Northwestern Journal of International Law and Business*, *20*, 233-254.

Field, M. A. (1986). Sources of Law: The Scope of Federal Common Law. *Harvard Law Review*, *99*(5), 881-984.

Fieleke. (1994). Is Global Competition Making the Poor Even Poorer? *New England Economic Review*, *November/December*, 3-16.

Fikentscher, W. (1984). Third World Trade Partnership: Supranational Authority vs. National Extraterritorial Antitrust – a Plea for "Harmonized" Regionalism. *Michigan Law Review*, *82*(5/6), 1489-1509.

Finch, M. S. (1995). Choice-of-Law Problems in Florida Courts: A Retrospective on the Restatement (Second). *Stetson Law Review*, *24*, 653-718.

Finch, M. S. (1996). Choice-of-Law and Property. *Stetson Law Review*, *26*, 257-298.

Findlater, J. E. (1981). The Proposed Revision of DR 5-103 (B): Champerty and Class Actions. *The Business Lawyer*, *36*(July), 1667-1678.

Fine, F. L. (2002). International Mergers: The Antitrust Process, by J. William Rowley (ed.), Book Review. *European Competition Law Review*, *23(2)*(2), 111-112.

Finger, J. M. (2005). The Future of the World Trade Organization: Addressing Institutional Challenges in the New Millennium, Report by the Consultative Board to the Director General Supachai Pantichpakdi. *Journal of World Trade*, *39*(4), 795-804.

Finn, J. J. (1968). Private Arbitration and Antitrust Enforcement: A Conflict of Policies. *Boston College Industrial and Commercial Law Review*, *10*, 406-420.

First, H. (1987). Structural Antitrust Rules and International Competition: The Case of Distressed Industries. *New York University Law Review*, *62*, 1054-1110.

First, H. (1995). Antitrust Enforcement in Japan. *Antitrust Law Journal*, *64*(1), 137-182.

First, H. (1995). Is Antitrust 'Law'? *Antitrust*, *10*(Fall), 9-12.

First, H. (1997). The Intersection of Trade and Antitrust Remedies. *Antitrust*, *12*, 16-21.

First, H. (1997). U.S. Antitrust Laws and the Global Market: National and Extraterritorial Enforcement. *Loyola Consumer Law Reporter*, *9*(2), 172-179.

First, H. (2001). Delivering Remedies: The Role of the States in Antitrust Enforcement. *George Washington Law Review*, *69*, 1004-1041.

Fischel, D. R. (1976). The Use of Government Judgments in Private Antitrust Litigation: Clayton Act Section 5(a), Collateral Estoppel, and Jury Trial. *The University of Chicago Law Review*, *43*, 338-375.

Fischel, D. R., & Sykes, A. O. (1996). Corporate Crime. *The Journal of Legal Studies*, *25*, 319-349.

Fischel, D. R., & Sykes, A. O. (1999). Governmental Liability for Breach of Contract. *American Law and Economic Review*, *1*(1/2), 313-385.

Fish, S. (1908). The Nation and the Railways. *Annals of the American Academy of Political and Social Science*, *32*, 125-137.

Fisher, A. A., & Lande, R. H. (1983). Efficiency Considerations in Merger Enforcement. *California Law Review*, *71*, 1582-1696.

Fisher, A. A., Johnson, F. I., & Lande, R. H. (1987). Do the DOJ Vertical Restraints Guidelines Provide Guidance? *The Antitrust Bulletin*, *32*, 609-642.

Fisher, F. M. (1980). Multiple Regression in Legal Proceedings. *Columbia Law Review*, *80*, 702-736.

Fisher, F. M. (2006). Economic Analysis and Antitrust Damages. *World Competition, 29*(3), 383-394.

Fisher, K. R. (2006). Transparency in Global Merger Review: A Limited Role for the WTO? *Stanford Journal of Law, Business & Finance*, *11*(2), 327-386.

Fishman, T. S. (2007). Tripping Point. *International Financial Law Review*, *26*(10), 26-29.

Fishman, T. S. (2008). International Comity and the Securities Laws. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 13750, 1643*, 515-525.

Fiss, O. M. (1979). The Supreme Court - 1978 Term; Foreword: The Forms of Justice. *Harvard Law Review*, *93*(1), 1-58.

Fitchen, J. (2006). Allocating Jurisdiction in Private Competition Law Claims within the EU. *Maastricht Journal of European and Comparative Law*, *13*(4), 381-402.

Fitts, N. O. (1999). A Critique of Noncommercial Justifications for Sherman Act Violations. *Columbia Law Review, 99*, 478-507.

Fitzgerald, D. A. (1997). Allen v. Lloyd's of London: A Comment on Forum Selection. *Connecticut Law Review*, *30*(1), 257-294.

Fjell, K., & Sorgard, L. (2006). How to Test for Abuse of Dominance? *European Competition Journal*, *2*, 69-83.

Fletcher, D. J. (2005). Lure of Leniency: Maximizing Cartel Deterrence in Light of La Roche v. Empagran and the Antitrust Criminal Penalty Enhancement and Reform Act of 2004. *Transnational Law & Contemporary Problems, 15*(1), 341-362.

Fletcher, W. A. (1984). The General Common Law and Section 34 of the Judiciary Act of 1789: The Example of Marine Insurance. *Harvard Law Review*, *97*(7), 1513-1580.

Flexner, D. L., & Racanelli, M. A. (1994). State and Federal Antitrust Enforcement in the United States: Collision or Harmony? *Connecticut Journal of International Law*, *9*, 501-534.

Flicker, M. R. (1966). Newcomer Defenses: Reasonable Use of Tie-ins, Franchises, Territorials, and Exclusives. *Stanford Law Review*, *18*(2), 457-474.

Flores, R. G. J. (1998). Competition and Trade in Services: The Airlines' Global Alliances. *The World Economy*, *21*(8), 1095-1108.

Floyd, C. D. (1997). Antitrust Victims Without Antitrust Remedies: The Narrowing of Standing in Private Antitrust Actions. *Minnesota Law Review*, *82*, 1-72.

Flynn, J. J. (1966). The "is" and "ought" of Vertical Restraints after Monsanto Co. v. Spray-Rite Service Corp. *Cornell Law Review*, *71*, 1095-1149.

Flynn, J. J. (1977). Antitrust Jurisprudence: A Symposium on the Economic, Political and Social Goals of Antitrust Policy. *University of Pennsylvania Law Review*, *125*, 1182-1190.

Flynn, J. J. (1979). Trends in Federal Antitrust Doctrine Suggesting Future Directions for State Antitrust Enforcement. *The Journal of Corporation Law*, *4*, 479-511.

Flynn, J. J. (1981). The Misuse of Economic Analysis in Antitrust Litigation. *Southwestern University Law Review*, *12*(2), 335-354.

Flynn, J. J. (1988). Legal Reasoning, Antitrust Policy and the Social "Science" of Economics. *The Antitrust Bulletin*, *33*, 713-743.

Flynn, J. J. (1988). The Reagan Administration's Antitrust Policy, "Original Intent" and the Legislative History of the Sherman Act. *The Antitrust Bulletin*, *33*(2), 259-307.

Flynn, J. J. (1990). Which Past is Prolog? The Future of Private Antitrust Enforcement. *The Antitrust Bulletin*, *35*(Winter), 879-939.

Flynn, J. J. (2006). The Role of Rules in Antitrust Analysis, Recurring Issues in Antitrust Enforcement: A Symposium in Honor of Professor John J. Flynn. *Utah Law Review*, *2006*, 605-640.

Flynn, J. J., & Ponsoldt, J. F. (1987). Legal Reasoning and the Jurisprudence of Vertical Restraints: The Limitations of Neoclassical Economic Analysis in the Resolution of Antitrust Disputed. *New York University Law Review*, *62*(5), 1125-1152.

Foer, A. A. (1983). The Political-Economic Nature of Antitrust. *Saint Louis University Law Journal*, *27*, 331-340.

Foer, A. A. (2001). Toward Guidelines for Merger Remedies. *Case Western Reserve Law Review*, *52*, 211-230.

Foer, A. A. (2003). The Third Leg of the Antitrust Stool: What The Business Schools have to offer to Antitrust. *New York Law School Law Review*, *47*, 21-49.

Folloni, D. A. (1980). Class Actions: Certification and Notice Requirements. *The Georgetown Law Journal*, 1009-1034.

Folsom, R. H. (1990). State Antitrust Remedies: Lessons from the Laboratories. *The Antitrust Bulletin, 35*, 941-983.

Folsom, R. H. (2005). Indirect Purchasers: State Antitrust Remedies and Roadblocks. *The Antitrust Bulletin*, *50*(1), 181-195.

Forbath, W. E. (2006). Popular Constitutionalism in the Twentieth Century: Reflections on the Dark Side, the Progressive Constitutional Imagination, and the Enduring Role of Judicial Finality in Popular Understanding of Popular Self-Rule. *Chicago-Kent Law Review*, *81*(3), 967-990.

Force, R. (2001). Choice of Law in Admiralty Cases: 'National Interests' and the Admiralty Clause. *Tulane Law Review*, *75*, 1421-1488.

Forder, K. A. (1983). Community Communications Co. v. City of Boulder: The Emasculation of Municipal Immunity from Sherman Act Liability. *Catholic University Law Review, 32*, 413-436.

Forrester, I. S. (2001). The Reform of the Implementation of Articles 81 and 82 Following Publication of the Draft Regulation. *Legal Issues of Economic Integration, 28*(2), 173-194.

Fort, P. W. (2008). Access to Evidence - The Conflict Between Leniency and Private Antitrust Litigation. *Global Competition Litigation Review*, *1*(1), 24-31.

Fortas, A. (1965). Portens for New Antitrust Policy; Part II. *The Antitrust Bulletin, 10*, 41-49.

Fortenberry, J. E. (1971). Jurisdiction Over Extraterritorial Antitrust Violations Paths Through the Great Grimpen Mire. *Ohio State Law Journal*, *32*(3), 519-552.

Foster, D. (1876). The Case of the 'Franconia'. *American Law Review, 11*(4), 625-640.

Foster, S. E. (2001). While America Slept: The Harmonization of Competition Laws Based upon the European Union Model. *Emory International Law Review*, *15*(2), 467-519.

Foster, S. E. (2013). LIBOR Manipulation and Antitrust Allegations. *DePaul Business & Commerclal Law Journal*, *11*, 291-330.

Fotopolus, M. C. (2006). Civil Rights across Borders: Extraterritorial Application of Information Technology Accessibility Requirements under Section 508 of the Rehabilitation Act. *Public Contract Law Journal, 36*(1), 95-124.

FOWV. (2005). European Competition Law Revisited: The 'Great Overhaul' of 2004 Analysed. *Legal Issues of Economic Integration, 32*(2), 105-109.

Fox, E. (1997). Antitrust and Values: Where Liberals and Libertarians Meet. *Loyola Consumer Law Reporter*, *9*(2), 132-137.

Fox, E. M. (1975). Antitrust, Mergers, and the Supreme Court: The Politics of Section 7 of Clayton Act. *Mercer Law Review*, *26*(2), 389-425.

Fox, E. M. (1980). Monopoly and Competition: Tilting the Law Towards a more Competitive Economy, Washington and Lee Law Review. *Washington and Lee Law Review*, *37*, 49-71.

Fox, E. M. (1980). The Modernization of Antitrust: A New Equilibrium. *Cornell Law Review*, *66*, 1140-1192.

Fox, E. M. (1983). The 1982 Merger Guidelines: When Economists Are Kings? *California Law Review*, *7*, 281-302.

Fox, E. M. (1986). Monopolization and Dominance in the United States and the European Community - Efficiency, Opportunity, and Fairness. *Notre Dame Law Review*, *61*(5), 981-1020.

Fox, E. M. (1986). The Politics of Law and Economics in Judicial Decision Making: Antitrust as a Window. *New York University Law Review*, *61*(4), 554-588.

Fox, E. M. (1987). Chairman Miller, The Federal Trade Commission, Economics, and *Rashomon*. *Law and Contemporary Problems*, *50*(4), 33-55.

Fox, E. M. (1987). The Battle for the Soul of Antitrust. *California Law Review*, *75*, 917-923.

Fox, E. M. (1990). Competitors' Collaboration – A Methodology for Analysis. *Antitrust*, *5*(Fall/Winter), 19-22.

Fox, E. M. (1990). The Future of the Per Se Rule: Two Visions at War With One Another. *Washburn Law Journal*, *29*, 200-210.

Fox, E. M. (1990). The Sherman Antitrust Act and the World – Let Freedom Ring. *Antitrust Law Journal*, *59*(1), 109-118.

Fox, E. M. (1992). Harmonization of Law and Procedures in a Globalized World: Why, What, and How? *Antitrust Law Journal*, *60*, 593-598.

Fox, E. M. (1992). The End of Antitrust Isolationism: The Vision of One World. *The University of Chicago Legal Forum*, *1992*, 221-240.

Fox, E. M. (1995). Competition Law and the Agenda for the WTO: Forging the Links of Competition and Trade. *Pacific Rim Law & Policy Journal*, *4*, 1-36.

Fox, E. M. (1996). Antitrust, Competitiveness, and the World Arena: Efficiencies and Failing Firms in Perspective. *Antitrust Law Journal*, *64*, 725-733.

Fox, E. M. (1997). Toward World Antitrust and Market Access. *American Journal of International Law*, *91*, 1-25.

Fox, E. M. (1998). International antitrust: Against Minimal Rules: For Cosmopolitan Principles. *The Antitrust Bulletin, 43*(5), 5-13.

Fox, E. M. (1999). Global Problem in a World of National Law. *New England Law Review, 34*, 11-14.

Fox, E. M. (1999). The Merger Regulation and its Territorial Reach. *European Competition Law Review, 20*(6), 334-336.

Fox, E. M. (2000). Antitrust and Regulatory Federalism: Races Up, Down, and Sideways. *New York University Law Review, 75*, 1781-1807.

Fox, E. M. (2000). Foreword: Merger, Market Access and the Millennium. *Northwestern Journal of International Law and Business, 20*, 203-206.

Fox, E. M. (2000). National Law, Global Markets, and Hartford: Eyes Wide Shut. *Antitrust Law Journal, 68*(1), 73-86.

Fox, E. M. (2001). Global Markets, National Law, and The Regulation of Business: A View From The Top. *St. John's Law Review, 75*(2), 383-400.

Fox, E. M. (2001). The Elusive Promise of Modernisation: Europe and the World. *Legal Issues of Economic Integration, 28*(2), 141-149.

Fox, E. M. (2002). Globalization and Human Rights: Looking out for the Welfare of the Worst Off. *New York University Journal of International Law and Politics, 35*, 201-220.

Fox, E. M. (2002). Mergers in Global Markets: Ge/Honeywell and the Future of Merger Control. *University of Pennsylvania Journal of International Economic Law, 23*, 457-468.

Fox, E. M. (2002). What is Harm to Competition? Exclusionary Practices and Anticompetitive Effect. *Antitrust Law Journal, 70*, 371-411.

Fox, E. M. (2003). Can We solve the Antitrust Problems of Globalization by Extraterritoriality and Cooperation? Sufficiency and Legitimacy. *The Antitrust Bulletin, 48*(2), 355-376.

Fox, E. M. (2003). International Antitrust and The Doha Dome. *Virginia Journal of International Law, 43*(4), 911-932.

Fox, E. M. (2003). We Protect Competition, You Protect Competitors. *World Competition, 26*(2), 149-165.

Fox, E. M. (2005). Remedies and the Courage of Convictions in a Globalized World: How Globalization Corrupts Relief. *Tulane Law Review, 80*(2), 571-594.

Fox, E. M. (2006). The European Court's Judgement in GE/Honeywell - Not a Poster Child for Comity or Convergence. *Antitrust, 20*, 77-80.

Fox, E. M. (2006). The WTO's First Antitrust Case - Mexican Telecom: A Sleeping Victory For Trade And Competition. *Journal of International Economic Law*, *9*(2), 271-292.

Fox, E. M. (2007). Economic Development, Poverty and Antitrust: The Other Path. *Southwestern Journal of Law and Trade in the Americas*, *13*(2), 211-236.

Fox, E. M. (2009). Modernization of Effects Jurisdiction: From Hands-off to Hands-Linked. *New York University Journal of International Law and Politics*, *42*(1), 159-174.

Fox, E. M. (2010). Antitrust and Institutions: Design and Change. *Loyola University Chicago Law Journal*, *41*, 473-488.

Fox, E. M. (2010). Antitrust Without Borders: From Roots to Codes to Networks. In A. T. Guzman (Ed.), *Cooperation, Comity, and Competition Policy* (pp. 265-285). Oxford University Press.

Fox, E. M., & Pitofsky, R. (1987). The Antitrust Alternative, Introduction. *New York University Law Review*, *62*, 931-935.

Fox, E. M., & Sullivan, L. A. (1987). Antitrust – Retrospective and Prospective: Where are We Coming from? Where are We Going? *New York University Law Review*, *62*, 936-988.

Fox, E. M., Proger, P. A., Silberman, A. H., & Weinbaum, R. C. (1994). 60 Minutes with Anne K. Bingaman, Assistnat Attorney General, Antitrust Division, U.S. Department of Justice. *Antitrust Law Journal*, *63*, 323-343.

Fox, J., & Guyer, M. (1977). Group Size and Others' Strategy in an N-Person Game. *The Journal of Conflict Resolution*, *21*(2), 323-338.

Fraenkel, O. K. (1925). The Juristic Status of Foreign States, Their Property and Their Acts. *Columbia Law Review*, *25*(5), 544-570.

Franchising Committee, S. o. A. L. (1980). Franchising as a Distribution Channel: Outline of Relevant Law. *Antitrust Law Journal*, *49*, 791-803.

Franck, T. M., & Lockwood, B. B. J. (1974). Preliminary Thoughts Towards an International Convention on Terrorism. *The American Journal of International Law*, *68*(1), 69-90.

Frank, J. P. (1948). Historical Bases of the Federal Judicial System. *Law and Contemporary Problems*, *13*(1), 3-28.

Frank, R. H., Gilovich, T., & Regan, D. T. (1993). Does Studying Economics Inhibit Cooperation? *The Journal of Economic Perspectives*, *7*(2), 159-171.

Frank, R. H., Gilovich, T., & Regan, D. T. (1993). The Evolution of One-Shot Cooperation: An Experiment. *Ethology and Sociobiology*, *14*(4), 247-256.

Frank, T. H. (2008). Did the Right Make America a Lawsuit Nation? *Texas Review of Law and Politics, 12*, 477-518.

Frankfurter, F. (1928). Distribution of Judicial Power between United States and State Courts. *Cornell Law Quarterly*, *13*(4), 499-530.

Frankfurter, F. (1931). A Note on Diversity Jurisdiction - In Reply to Professor Yntema. *University of Pennsylvania Law Review*, *79*(8), 1097-1100.

Frankfurter, F. (1947). Some Reflections on the Reading of Statutes. *Columbia Law Review*, *47*(4), 527-546.

Franklin, D. L. (2006). Facial Challenges, Legislative Purpose, and the Commerce Clause. *Iowa Law Review*, *92*(1), 41-103.

Frantz, P. (2005). International Employment: Antidiscrimination Law Should Follow Employees Abroad. *Minnesota Journal of Global Trade*, *14*(2), 227-260.

Franz, M. (2014). The Competing Approaches to the Foreign Trade Antitrust Improvements Act: A Fundamental Disagreement. *Pepperdine Law Review*, *41*, 861-902.

Frass, A. G., & Greer, D. F. (1977). Market Structure and Price Collusion: An Empirical Analysis. *The Journal of Industrial Economics*, *26*(1), 21-44.

Freed, M. (1992). The Detection and Punishmnet of Tacil Collusion. *Loyola Consumer Law Reporter*, *9*(2), 152.

Freeman, J., & Guzman, A. (2009). Climate Change and U.S. Interests. *Columbia Law Review*, *109*, 1531-1601.

Freeman, L. A. (1968). The Private Plaintiff's View. *Antitrust Law Journal*, *37*, 827-837.

Freyer, T. (1989). The Sherman Antitrust Act, Comparative Business Structure, and the Rule of Reason: America and Great Britain, 1880-1920. *Iowa Law Review*, *74*, 991-1017.

Freyer, T. A. (1999). Restrictive Trade Practices and Extra Territorial Application of Antitrust Legislation in Japanese-American Trade. *Arizona Journal of International and Comparative Law*, *16*, 159-184.

Fried, J. M., McAfee, R. P., Williams, M. S., & Williams, M. A. (2000). Collusive Bidding in the Market for Corporate Control. *Nebraska Law Review*, *79*, 48-74.

Friedberg, J. J. (1991). The Convergence of Law in an Era of Political Integration: the Wood Pulp Case and the Aloca Effects Doctrine. *University of Pittsburg Law Review*, *52*(2), 289-326.

Friedelbaum, S. H. (1950). The British Iron and Steel Industry: 1929-49. *The Journal of Business of the University of Chicago*, *23*(2), 117-132.

Friedlander, R. A. (1981). The PLO and the Rule of Law: A Reply to Dr. Anis Kassim. *Journal of International Law and Policy*, *10*(2), 225-235.

Friedman, D. (1984). Efficient Institutions for the Private Enforcement of Law. *The Journal of Legal Studies*, *13*, 379-397.

Friedman, J. S. (2006). Whiskey and the Wires: The Inadvisable Application of the Wire Fraud Statute to Alcohol Smuggling and Foreign Tax Evasion. *The Journal of Criminal Law and Criminology*, *96*(3), 911-946.

Friendly, H. J. (1928). The Historic Basis of Diversity Jurisdiction. *Harvard Law Review*, *41*(4), 483-510.

Frignani, A. (2001). A Comparison of the Common Law and Civil Law in the International Franchise Arena: A Perspective from a Civil Law Jurisdiction. *International Journal of Franchising and Distribution Law*, *3*(2), 81-102.

Frost, C. W. (1993). Organizational Form, Misappropriation Risk, and the Substantive Consolidation of Corporate Groups. *Hastings Law Journal*, *44*(3), 449-498.

Frostestad, H. L. (2000). Voest-Alpine Trading v. Bank of China: Can a Uniform Interpretation of a "Direct Effect" be Attained under the Foreign Sovereign Immunities Act (FSIA) of 1976? *Valparaiso University Law Review*, *34*(3), 515-553.

Fugate, W. L. (1963). Antitrust Jurisdiction and Foreign Sovereignty. *Virginia Law Review*, *49*(5), 925-937.

Fugate, W. L. (1989). The New Justice Department Antitrust Enforcement Guidelines for International Operations - A Reflection of Regan and, Perhaps, Bush Administration Antitrust Policy. *Virginia Journal of International Law*, *29*, 295-345.

Fuisz, J. A., & Henek, C. (2004). Recent Developments in the Service of Process Abroad. *The International Lawyer*, *38*(2), 320-325.

Fukunaga, Y. (2004). An 'Effect-Based' Approach to Anti-Dumping: Why Should We Introduce a 'Mandatory Lesser Duty Rule'? *Journal of World Trade*, *38*(3), 491-507.

Fukuyama, F. (2001). Differing Disciplinary Perspectives on the Origins of Trust. *Boston University Law Review*, *81*, 479-494.

Fulda, C. H. (1965). The First Antitrust Decisions of the Commission of the European Economic Community. *Columbia Law Review*, *65*, 625-645.

Fullan, J. P. T. H. (1968). The Judical View. *Antitrust Law Journal*, *37*, 866-871.

Fuller, L. L. (1978). The Forms and Limits of Adjudication. *Harvard Law Review*, *92*, 353-409.

Fullerton, D. (2013). Petitioning for Cash: How Domestic Industries Exploiting Antidumping Procedures and Antitrust Exceptions to Force Their Foreign Competitors into Lucrative Settlement Agreements. *American University Law Review*, *2*(2), 353-388.

Fullerton, L., & Mazard, C. C. (2001). International Antitrust Co-operation Agreements. *World Competition*, *24*, 405-423.

Funk, D. R. (1972). Standing under Clayton § 4: A Proverbial Mystery. *Dickinson Law Review*, *77*, 73-93.

Funk, M. (2003). The Effects of Trade on Research and Development. *Open Economies Review*, *14*, 29-42.

Funk, W. (1997). Bargaining Toward the New Millenium: Regulatory Negotiation and the Subversion of the Public Interest. *Duke Law Journal*, *46*, 1351-1388.

Furman, R. (1980). Offensive Assertion of Collateral Estoppel by Persons Opting Out of a Class Action. *The Hastings Law Journal*, *31*, 1189-1214.

Furse, M. (2004). Maher M. Dabbah. The Internalisation of Antitrust Policy - Publication Review. *European Competition Law Review*, *25*(12), 789.

Furse, M. (2004). The Internalisation of Antitrust Policy, by Maher M. Dabbah, Book Review. *European Competition Law Review*, *25(12)*(12), 789.

Furth, F. P. E., & Burns, R. E. (1974). The Anatomy of a Seventy Million Dollar Sherman Act Settlement - a Law Professor's Tape-talk with Plaintiff's Trial Counsel. *DePaul Law Review*, *23*, 865-902.

Furusawa, T., Higashida, K., & Ishikawa, J. (2004). Tariffs Versus Quotas in the Presence of Imperfect Competition and Cross-Border Externalities. *Canadian Journal of Economics*, *37*(2), 445-458.

Gage, R. J. (1979). The Discriminating Use of Information Disclosure Rules by the Federal Trade Commission. *UCLA Law Review*, *26*, 1037-1083.

Gahagan, J. P., & Tedeschi, J. T. (1968). Strategy and the Credibility of Promises in the Prisoner's Dilemma Game. *The Journal of Conflict Resolution*, *12*(2), 224-234.

Gal, M. S. (2009). Antitrust in a Globalized Economy: The Unique Enforcement Challenges Faced by Small and Developing Jurisdictions. *Fordham International Law Journal*, *33*(1), 1-56.

Gal, M. S. (2010). Free Movement of Judgments: Increasing Deterrence of International Cartels through Jurisdictional Reliance. *Virginia Journal of International Law*, *51*(1), 57-94.

Gal, M. S. (2010). When the Going Gets Tight: Institutional Solutions when Antitrust Enforcement Resources are Scarce. *Loyola University Chicago Law Journal*, *41*, 417-441.

Galbraith, J. (2014). International Law in the U.S. Supreme Court; Continuity and Change, Edited by David L. Sloss, Michael D. Ramsey, and William's Dodge, Book Review. *The American Journal of International Law*, *108*, 127-131.

Gallo, J. C., Dau-Schmidt, K. G., Craycraft, J. L., & Parker, C. J. (1994). Criminal Penalties Under the Sherman Act: A Study of Law and Economics. *Research in Law and Economics*, *16*, 25-71.

Gallo, J. C., Dau-Schmidt, K., Craycraft, J. L., & Parker, C. J. (2000). Department of Justice Antitrust Enforcement, 1955-1997: An Empirical Study. *Review of Industrial Organization*, *17*, 75-133.

Ganzfried, J. J. (1972). Double Jeopardy and the Waiver of Jurisdiction in California's Juvenile Courts. *Stanford Law Review*, *24*(5), 874-902.

Garcia-Castrillon, C. O. (2001). Private Parties Under the Present WTO (Bilateralist) Competition Regime. *Journal of World Trade*, *35*(1), 99-122.

Garland, B. D. J., & Levary, R. R. (1995). The Role of American Antitrust Laws in Today's Competitive Global Marketplace. *University of Miami Business Law Journal*, *6*, 43-57.

Garland, M. B. (1985). Deregulation and Judicial Review. *Harvard Law Review*, *98*(3), 505-591.

Garland, M. B. (1987). Antitrust and Federalism: A Response to Professor Wiley. *The Yale Law Journal*, *96*, 1291-1295.

Garland, M. B. (1987). Antitrust and State Action: Economic Efficiency and the Political Process. *The Yale Law Journal*, *96*, 486-519.

Garrett, B. L. (2011). Globalized Corporate Prosecutions. *Virginia Law Review*, *97*(8), 1775-1876.

Garth, B., Nagel, I. H., & Plager, S. J. (1988). The Institution of the Private Attorney General: Perspective from an Empirical Study of Class Action Litigation. *Southern California Law Review*, *61*, 353-398.

Garvey, G. E. (1982). The Foreign Trade Antitrust Improvement Act of 1981. *Law & Policy in International Business*, *14*, 1-46.

Garza, D. (2006). Remarks on the Progress of the Antitrust Modernization Commission. *Columbia Business Law Review, 2006*(2), 261-278.

Gauer, C. L. K., Dalheimer, D. S., Eddy, Schnichels, D., & Laurila, M. (2004). Regulation 1/2003 and the Modernisation Package Fully Applicable Since 1 May 2004. *Competition Policy Newsletter, 2*, 1-6.

Gavil, A. I. (1991). Teaching Antitrust Law in Its Second Century: In Search of the Ultimate Antitrust Casebook; Cases and Materials on Antitrust, by Eleanor M. Fox and Lawrence A. Sullivan, Book Review. *New York University Law Review*, *66*, 189-224.

Gavil, A. I. (1993). Reconstructing the Jurisdictional Foundation of Antitrust Federalism. *The George Washington Law Review*, *61*(3), 658-722.

Gavil, A. I. (1995). Competition and Cooperation on Sherman Island: An Antitrust Ethnography. *DePaul Law Review, 44*, 1225-1250.

Gavil, A. I. (2001). Federal Judicial Power and the Challenges of Multijurisdictional Direct and Indirect Purchaser Antitrust Litigation. *The George Washington Law Review, 69*(5/6), 860-901.

Gavil, A. I. (2005). Antitrust Remedy Wars Episode I: Illinois Brick from Inside the Supreme Court. *St. John's Law Review*, *79*, 553-624.

Gavil, A. I. (2009). Thinking Outside the Illinois Brick Box: A Proposal for Reform. *Antitrust Law Journal*, *76*, 167-202.

Gaylord, J. E. (1999). State Regulatory Jurisdiction and the Internet: Letting the Dormant Commerce Clause Lie. *Vanderbilt Law Review*, *52*, 1095-1130.

Gehring, M. W. (2006). Competition for Sustainability: Sustainable Development Concerns in National and EC Competition Law. *RECIEL, Journal Compilation, 15*(2), 172-184.

Gelfand, D. I., Dunne, T. N., & Bock, P. R. (2004). Looking for Treble. *Global Competition Review*, *7*(7), 10-11.

Gellhorn, E., James, C. A., Pogue, R., & Sims, J. (1990). Has Antitrust Outgrown Dual Enforcement? A Proposal for Rationalization. *The Antitrust Bulletin, 35*(Fall), 695-743.

Gelter, M. (2005). The Structure of Regulatory Competition in European Corporate Law. *Journal of Corporate Law Studies*, *5*(2), 247-284.

Genesove, D., & Mullin, W. P. (2001). Rules, Communication, and Collusion: Narrative Evidence from the Sugar Institute Case. *The American Economic Review, 91*(3), 379-398.

Genschel, P. (2004). Globalization and the Welfare State: a Retrospective. *Journal of European Public Policy, 11*(4), 613-636.

Gensler, H. (1998). Law and Economics: A Topical Bibliography. International Journal of Legal Information, *26*, 184-263.

Georgetown Study. (1986). Introduction. *The Georgetown Law Journal*, *74*, 999.

Geradin, D. (2009). The Perils of Antitrust Proliferation: The Globalization of Antitrust and the Risks of Overregulation of Competitive Behavior. *Chicago Journal of International Law*, *10*(Summer), 189-211.

Geradin, D., & Henry, D. (2005). The EC Fining Policy for Violation of Competition Law: An Empirical Review of the Commission Decisional Practice and the Community Courts' Judgments. *European Competition Journal*, *1*(2), 401-473.

Geradin, D., & Petit, N. (2006). Price Discrimination under EC Competition Law: Another Antitrust Doctrine in Search of Limiting Principles? *Journal of Competition Law and Economics*, *2*(3), 479-531.

Gerber, D. J. (1983). The Extraterritorial Application of the German Antitrust Laws. *The American Journal of International Law*, *77*(4), 756-783.

Gerber, D. J. (1984). Beyond Balancing: International Law Restraints on the Reach of National Law. Yale Journal of International Law, *10*, 185-221.

Gerber, D. J. (1989). International Competitive Harm and Domestic Antitrust Laws, Forms of Analysis. *Northwestern Journal of International Law and Business*, *10*(1), 41-55.

Gerber, D. J. (1999). Europe and the Globalization of Antitrust Law. *Connecticut Journal of International Law*, *14*(1), 15-26.

Gerber, D. J. (1999). The U.S. – European Conflict Over the Globalization of Antitrust Law: A Legal Experience Perspective. *New England Law Review*, *34*(1), 123-144.

Gerber, D. J. (2000). Afterwards: Antitrust and American Business Abroad Revised. *Northwestern Journal of International Law and Business*, *20*, 307-312.

Gerber, D. J. (2000). Prescriptive Authority: Global Markets as a Challenge to National Regulatory Systems. *Houston Journal of International Law*, *26*(22), 287-308.

Gerber, D. J. (2007). Competition Law and the WTO: Rethinking the Relationship. *Journal of International Economic Law*, *10*(3), 707-724.

Gerber, D. J. (2010). Sovereignty as a Solution: Extending the Reach of National Laws. In Global Competition: Law, Markets, and Globalization (pp. 55-78). Oxford University Press.

Gergen, M. P. (1982). Constitutional Limitations on State Long Arm Jurisdiction. *The University of Chicago Law Review*, *49*, 156-180.

Gergen, M. P. (1988). Territoriality and the Perils of Formalism. *Michigan Law Review*, *86*, 1735-1742.

Gerhart, P. M. (1981). The "Competitive Advantages" Explanation for Intrabrand Restraints: An Antitrust Analysis. *Duke Law Journal*, *1981*(3), 417-448.

Gerhart, P. M. (1982). The Supreme Court and Antitrust Analysis: The (Near) Triumph of the Chicago School. *The Supreme Court Review*, *1982*, 319-349.

Gerla, H. S. (1984). Competition on the Merits – A Sound Industrial Policy for Antitrust Law. *University of Florida Law Review*, *36*(4), 553-590.

Ghosh, S. (2000). Relaxing Antitrust During Economic Downturns: A Real Options Analysis of Appalachian Coal and the Failing Firm Defense. *Antitrust Law Journal*, *68*(1), 111-124.

Giandomenico, M. (2000). The Credibility Crisis of Community Regulation. *Journal of Common Market Studies*, *38*(2), 273-302.

Gibeaut, J. (1997). The Reals Insiders; SEC may take Securities Trading Issue to Supreme Court. *A.B.A. Journal*, *83*, 42-43.

Gibeaut, J. (2004). Antitrust American Style. *A.B.A. Journal*, *90*(4), 55-60.

Gibeaut, J. (2004). Court Deals Blow to Foreigners Using U.S. Antitrust Law. *ABA Journal E-Report*, *3*(24).

Giddings, F. H. (1887). The Persistence of Competition. *Political Science Quarterly*, *2*(1), 62-78.

Gifford, D. J. (1986). The Antitrust State-Action Doctrine After Fisher v. Berkeley. *Vanderbilt Law Review*, *39*, 1257-1306.

Gifford, D. J. (1986). The Role of the Ninth Circuit in the Development of the Law of Attempt to Monopolize. *Notre Dame Law Review*, *61*, 1021-1051.

Gifford, D. J. (1994). Predatory Pricing Analysis in the Supreme Court. *The Antitrust Bulletin*, *39*(Summer), 431-483.

Gifford, D. J. (1994). The Damaging Impact of the Eastman Kodak Precedent Upon Product Competition: Antitrust Law in Need of Correction. *Washington University Law Quarterly*, *72*, 1507-1535.

Gifford, D. J. (1995). Antitrust and Trade Issues: Similarities, Differences, and Relationships. *DePaul Law Review*, *44*, 1049-1095.

Gifford, D. J. (1995). The Jurisprudence of Antitrust. *SMU Law Review*, *48*(5), 1677-1712.

Gifford, D. J. (1997). The Draft International Antitrust Code Proposed at Munich: Good Intentions Gone Awry. *Minnesota Journal of Global Trade*, *6*(1), 1-66.

Gifford, D. J. (2003). Introduction: The Sullivan Conference on Global Antitrust Law and Policy. *The Antitrust Bulletin*, *48*(2), 299-303.

Gifford, D. J., & Kudrle, R. T. (2003). European Union Competition Law and Policy: How much Latitude for Convergence with the United States? *The Antitrust Bulletin*, *48*(3), 727-780.

Gifford, D. J., & Kudrle, R. T. (2005). Rhetoric and Reality in the Merger Standards of the United States, Canada, and the European Union. *Antitrust Law Journal*, *72*(2), 423-470.

Gilles, M. E. (2000). Reinventing Structural Reform Litigation: Deputizing Private Citizens in the Enforcement of Civil Rights. *Columbia Law Review*, *100*, 1384-1453.

Gilles, M. E. (2001). Representational Standing: U.S. ex rel. Stevens and the Future of Public Law Litigation. *California Law Review*, *89*, 315-367.

Gilligan, T. W., Marshall, W. J., & Weingast, B. R. (1989). Regulation and the Theory of Legislative Choice: The Interstate Commerce Act of 1887. *Journal of Law and Economics*, *32*(1), 35-61.

Gilliss, T. (1973). Administrative Law - Unfair Practices - F.T.C. - Power to Determine Unfair Practices Is Not Limited to Violations of the Letter of Spirit of the Antitrust Laws - FTC v. Sperry & Hutchinson Company, 405 U.S. 233 (1972) (Case Note). *Catholic University Law Review*, *22*, 697-702.

Ginsburg, D. H. (1991). The Goals of Antitrust Revisited: Comments. *Journal of Institutional and Theoretical Economics*, *147*(1), 24-30.

Ginsburg, D. H. (2005). Comparing Antitrust Enforcement in the United States and Europe. *Journal of Competition Law and Economics*, *1*(3), 427-439.

Ginsburg, D. H. (2006). Synthetic Competition. *Media Law and Policy*, *Fall*, 1-24.

Giordano-Coltart, J. (2007). Walking the Line: Why the Presumption against Extraterritorial Application of U.S. Patent Law Should Limit the Reach of 35 U.S.C. Section 271(F). *Duke Law and Technology Review*, *2007*, 1-29.

Gisser, M. V. (1981). Indirect Purchaser Suits Under State Antitrust Laws: A Detour Around the Illinois Brick Wall. *Stanford Law Review*, *34*, 203-220.

Glaeser, E. L., Liabson, D. I., Scheinkman, J. A., & Soutter, C. L. (2000). Measuring Trust. *The Quarterly Journal of Economics*, *115*(3), 811-846.

Glassman, M. L. (1980). Market Definition as a Practical Matter. *Antitrust Law Journal*, *49*, 1155-1166.

Gleason, J. P. (2008). From Russia with Love: The Legal Repercussions of the Recruitment and Contracting of Foreign Players in the National Hockey League. *Buffalo Law Review*, *56*(2), 599-654.

Glenn, H. P. (2000). Globalization and Dispute Resolution. *Civil Justice Quarterly*, *19*, 136-153.

Glensy, R. (1997). The Extent of Congress' Power under the Full Faith and Credit Clause. *Southern California Law Review*, *71*, 137-181.

Glick, M. A., Campbell, D. A., & Mangum, D. G. (2003). Measuring Damages in a Private Plaintiff Robertson-Patman case: Applying Economics to Relieve to Pain of J. Truett Payne. *The Antitrust Bulletin*, *48*(1), 77-117.

Goco, J. B. (2006). Non-Discrimination, "Likeness", and Market Definition in World Trade Organization Jurisprudence. *Journal of World Trade*, *40*(2), 315-340.

Goetz, C. H. (1980). The Basic Rules of Antitrust Damages. *Antitrust Law Journal*, *49*, 125-140.

Goetz, C. J., Higgins, R. S., & McChesney, F. S. (2006). More can be Better: Contribution and Setoffs in Antitrust. *The Antitrust Bulletin*, *51*(3), 631-660.

Golbert, A. S., & Bradford, G. (1977). The Act of State Doctrine: Dunhill and Other Sabbatino Progeny. *Southwestern University Law Review*, *9*(1), 1-45.

Goldberg, V. P. (1984). The Free Rider Problem, Imperfect Pricing, and the Economics of Retailing Services. *Northwestern University Law Review*, *79*(4), 736-757.

Goldberg, V. P. (2009). The Empagran Exception: Between Illinois Brick and a Hard Place. *Columbia Business Law Review*, *2009*(3), 785-801.

Goldfein, S., & Pak, T. (2008). Negotiated Antitrust Settlements: Some Perspectives from U.S. Defendants. *European Competition Law Annual*, *2008*, 205-236.

Goldhaber, M. D. (2013). Corporate Human Rights Litigation in Non-U.S. Courts: A Comparative Scorecard. *UC Irvine Law Review*, *3*, 127-149.

Goldman, C. S., Hersh, C., & Witterick, C. L. (2005). Comity after Empagran and Intel. *Antitrust*, *19*(3), 6-11.

Goldman, L. (1992). My Way and the Highway: the Law and Economics of Choice of Forum Clauses in Consumer Form Contracts. *Northwestern University Law Review*, *85*(3), 700-741.

Goldman, N. P. (1971). Canadian Competition Law and Unfair Trade Practices. *Boston College Industrial and Commercial Law Review*, *13*, 1303-1329.

Goldman, S. (1971). Behavioral Approaches to Judicial Decision-Making: Toward a Theory of Judicial Voting Behavior Articles and Reports. *Jurimetrics*, *11*(3), 142-164.

Goldman, S. (1975). Voting Behavior on the United States Courts of Appeals Revisited. *The American Political Science Review*, *69*(2), 491-506.

Goldschmid, H. J. (1987). Horizontal Restraints in Antitrust: Current Treatment and Future Needs. *California Law Review*, *75*, 925-931.

Golodner, A. M. (2001). Antitrust, Innovation, Entrepreneurship and Small Business. *Small Business Economics*, *16*, 31-35.

Gómez, M. A. (2012). Will the Birds Stay South? The Rise of Class Actions and Other Forms of Group Litigation Across Latin America. *Inter-American Law Review*, *43*, 481-521.

Gompers, S. (1908). Attitude of Labor towards Government Regulation of Industry. *Annals of the American Academy of Political and Social Science*, *32*, 75-81.

Gonzalez-Espejo, P., & Fernandez, C. (2002). Actions for Damages Based on Community Competition Law: New Case Law on Direct Applicability of Articles 81 and 82 by Spanish Civil Courts. *European Competition Law Review*, *23*(4), 163-171.

Gonzalez, C. E. (2011). Turning Unambiguous Statutory Materials into Ambiguous Statutes: Ordering Principles, Avoidance, and Transparent Justification in Cases of Interpretive Choice. *Duke Law Journal*, *61*(3), 583-650.

Good, D., Sanders, M., & Boylan, P. (2003). Challenging the Cartels: Private Enforcement of Competition Law. *14*(6), 10-11.

Goodin, P. (2001). Keeping the Foxes from Guarding the Henhouse: the Effect of Humana v. Forsyth on McCarran-Ferguson's Antitrust Exemption for the Business of Insurance. *Iowa Law Review*, *86*, 979-1011.

Goodman, J. C. (1978). An Economic Theory of the Evolution of Common Law. The Journal of Legal Studies, *7*, 393-406.

Goodrich, H. F. H. (1941). Mr. Tompkins Restates the Law. *A.B.A. Journal*, *27*, 547-548.

Gordon, J. J. (1942). The Right of Alien Enemies to Sue in American Courts. *Illinois Law Review of Northwestern University*, *36*, 809-818.

Gordon, M. W. (1996). United States Extraterritorial Subject Matter Jurisdiction in Securities Fraud Litigation. *Florida Journal of International Law*, *10*, 487-546.

Gordon, R. D. (2008). A Question of Fairness: Should Noerr-Pennington Immunity Extend to Conduct in International Commercial Arbitration? *American Review of International Arbitration*, *19*, 211-233.

Gordon, S. D. (1963). Attitudes towards Trusts prior to the Sherman Act. *Southern Economic Journal*, *30*(2), 156-167.

Gormley, L. W. (2002). Competition and Free Movement: Is the Internal Market the Same as a Common Market? *European Business Law Review*, 517-522.

Gotfryd, W. T. (1997). The Proper Goals of Antitrust: When Public and Private Interests Collide. *Loyola Consumer Law Reporter*, *9*(2), 113-114.

Gotfryd, W. T., Nader, R., Epstein, R., & Fox, E. (1997). The Proper Goals of Antitrust: When Public and Private Interests Collide. *Loyola Consumer Law Reporter*, *9*(2), 113-151.

Gould, J. P. (1973). The Economics of Legal Conflicts. *The Journal of Legal Studies*, *2*, 279-300.

Gould, W. B. (2007). Globalization in Collective Bargaining, Baseball, and Matsuzaka: Labor and Antitrust Law on the Diamond. *Comparative Labor Law & Policy Journal*, *28*(2), 283-312.

Gould, W. B. (2010). Labor Law beyond U.S. Borders: Does What Happens outside of America Stay outside of America? *Stanford Law and Policy Review*, *21*(3), 401-426.

Gould, W. B. (2013). Bargaining, Race, and Globalization: How Baseball and Other Sports Mirror Collective Bargaining, Law, and Life. *University of San Francisco Law Review*, *48*, 1-42.

Gould, W. B. (2014). The Supreme Court, Job Discrimination, Affirmative Action, Globalization, and Class Actions: Justice Ginsburg's Term. *University of Hawaii Law Review*, *36*, 371-401.

Governo, E. (1999). Tribal Sovereign Immunity: History, Competing Policies, and Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc. *New England Law Review*, *34*(1), 175-213.

Grabner-Kraeuter, S. (2002). The Role of Consumers' Trust in Online-Shopping. *Journal of Business Ethics*, *39*, 43-50.

Grady, K., Conners, P. A., Lowe, P., Muris, T. J., Pate, R. H., Bruckmann, B. et al. (2004). Roundable Conference with Enforcement Officials. *Antitrust Law Journal*, *72*(1), 283-326.

Graglia, L. A. (1999). Is Antitrust Obsolete? *Harvard Journal of Law and Public Policy*, *23*, 11-21.

Graham, E. M. (2003). "Internationalizing" Competition Policy: An Assessment of the Two Main Alternatives. *The Antitrust Bulletin*, *48*(4), 947-972.

Granitz, E., & Klein, B. (1996). Monopolization by "Raising Rivals' Costs": the Standard Oil Case. *The Journal of Law and Economics, 39*, 1-47.

Granof, P. S., Hans, R. F., Haridi, S. A. F., & Kozar, J. (2008). EBB and Flow: The Changing Jurisdictional Tides of Global Litigation. *New York International Law Review, 21*, 53-67.

Granovetter, M. (1985). Economic Action and Social Structure: The Problem of Embeddedness. *American Journal of Sociology, 91*(3), 481-510.

Grant, J. K. (2007). Extradition as a Tool for United States Antitrust Enforcement: Implications of the U.K. Decision Norris v. Secretary of State for the Home Department. *Brooklyn Journal of International Law, 33*(1), 209-236.

Grant, J., & Neven, D. J. (2005). The Attempted Merger Between General Electric and Honeywell: A Case Study of Transatlantic Conflict. *Journal of Competition Law & Economics, 1*(3), 595-633.

Grasso, R. (2008). E.U. Leniency Program and U.S. Civil Discovery Rules: A Fraternal Fight. *Michigan Journal of International Law, 29*(3), 565-604.

Graupner, F. (2004). Microsoft – Implications of the EU Case for Non-Dominant Companies. *Business Law Review, May/June*, 106-107.

Graveson, R. H., Newman, M. H., Anton, A. E., & Edwards, D. M. (1969). Taking of Evidence Abroad in Civil or Commercial Matters. *International and Comparative Law Quarterly, 18*(3), 618-680.

Gray, A. (2008). Criminal Sanctions for Cartel Behavior. *Queensland University of Technology Law and Justice Journal, 8*(2), 364-379.

Gray, C. (1999). The Choice Between Restitution and Compensation. *European Journal of International Law, 10*(2), 413-423.

Gray, K. R. (2005). Transboundary Environmental Disputes along the Canada-US Frontier: Revisiting the Efficacy of Applying the Rules of State Responsibility. *Canadian Yearbook of International Law, 43*, 333-392.

Graziano, A. W. J. (1967). Foreign Governmental Compulsion as a Defense in United States Antitrust Law. *Virginia Journal of International Law, 7*(2), 100-145.

Greaney, T. L. (1995). Regulating for Efficiency in Health Care Through the Antitrust Laws. *Utah Law Review, 1995*(2), 465-501.

Greaney, T. L. (1997). Night Landings on an Aircraft Carrier: Hospital Mergers and Antitrust Law. *American Journal of Law & Medicine, 23*(2&3), 191-220.

Green, E. D. (2006). Re-Examining Mediator and Judicial Roles in Large, Complex Litigation: Lessons from Microsoft and Other MegaCases. *Boston University Law Review*, *86*(5), 1171-1206.

Green, E. J., & Porter, R. H. (1984). Noncooperative Collusion under Imperfect Price Information. *Econometrica*, *52*(1), 87-100.

Green, H. B. (1982). State Indirect Purchaser Statutes: the Preemptive Power of Illinois Brick. *Boston University Law Review*, *62*, 1241-1273.

Green, L. (1930). Mahoney v. Beatman: A Study in Proximate Cause. *The Yale Law Journal*, *39*(4), 532-542.

Green, M., & Nader, R. (1973). Economic Regulation vs. Competition: Uncle Sam the Monopoly Man. *The Yale Law Journal*, *82*(5), 871-889.

Green, T. F. J. (1961). Federal Jurisdiction in Personam of Corporations and Due Process. *Vanderbilt Law Review*, *14*, 967-986.

Greenberg, W. (1995). Private Antitrust as a Public Good Blue Cross and Blue Shield United of Wisconsin and Compcare Health Services Insurance Corp., v. The Marshfield Clinic and Security Health Plan of Wisconsin, Inc. *Loyola Consumer Law Reporter*, *8*(2), 118-124.

Greenfield, L. B., & Olsky, D. (2004). Life after Empagran. *Global Competition Review*, *7*(9), 26-27.

Greenfield, L., & Olsky, D. (2005). Is Empagran the End for Foreign Plaintiffs in the US? *Global Competition Review*, *8*(7), 27-28.

Greenfield, M. M. (1975). A Constitutional Limitation of the Enforcement of Judgments – Due Process and Exemptions. *Washington University Law Quarterly*, *1975*(4), 877-931.

Grengs, C. M. (2006). *Verizon* v. *Trinko*: From Post-Chicago Antitrust to Resource-Advantage Competition. *Journal of Law, Economics & Policy*, *2*, 105-144.

Grenholm, C.-H. (2004). Economics, Justice, and Welfare: An Introduction. *Ethical Theory and Moral Practice*, *7*, 339-345.

Grewlich, A. S. (2001). Globalisation and Conflict in Competition Law, Elements of Possible Solution. *World Competition*, *24*(3), 367-404.

Griffin, J. P. (1991). The Impact of Reconsideration of US Antitrust Policy Intended to Protect US Exporters. *World Competition*, *15*, 5-16.

Griffin, J. P. (1992). Special International Antitrust Doctrines and Defenses. *Antitrust Law Journal*, *60*, 543-550.

Griffin, J. P. (1993). Extraterritorial Application of U.S. Antitrust Laws Clarified by United States Supreme Court. *Federal Bar News and Journal*, *40*(9), 564-569.

Griffin, J. P. (1997). The WTO Study of the International Between Trade and Competition Policy: Timely and Controversial. *International Trade Law & Regulation*, *3*(2), 39-41.

Griffin, J. P. (1998). Foreign Governmental Reactions to US Assertions of Extraterritorial Jurisdiction. *European Competition Law Review*, *19*(2), 64-73.

Griffin, J. P. (1998). Jurisdiction and Enforcement: Foreign Governmental Reactions to U.S. Assertions of Extraterritorial Jurisdiction. *George Mason Law Review*, *6*(3), 505-523.

Griffin, J. P. (1998). Regulation of Competition in the Canada/U.S. Context - Extraterritorial Reach of U.S. Antitrust Law - A U.S. Perspective. *Canada - United States Law Journal*, *24*, 315-325.

Griffin, J. P. (1999). Extraterritoriality in U.S. and EU Antitrust Enforcement. *Antitrust Law Journal*, *67*(1), 159-199.

Griffin, J. P. (1999). What Business People Want From a World Antitrust Code. *New England Law Review*, *34*(1), 39-45.

Griffin, J. W. (1924). The Federal Maritime Lien Act. *Harvard Law Review*, *37*, 15-48.

Griffin, R. P. (1949). Constitutional Law - Due Process - Right of Alien Enemy to Judicial Review of Deportation Proceeding. *Michigan Law Review*, *47*(3), 404-406.

Griffith, J. A. (1999). Extraterritorial Application of the Federal Antitrust Laws: Expanding their Criminal Reach Under Nippon Paper. *Maryland Journal of International Law and Trade*, *23*, 103-126.

Griggs, L. (2002). A Teleological Approach to Market Definition – Has it Led to Single Product Market Definition? *University of Notre Dame Australia Law Review*, *4*, 77-96.

Griller, S. (2000). Judicial Enforceability of WTO Law in The European Union Annotation to Case C-149/96, Portugal v. Council. *Journal of International Economic Law*, *3*, 441-472.

Grimes, W. S. (1994). Antitrust Tie-in Analysis after Kodak: Understanding the Role of Market Imperfections. *Antitrust Law Journal*, *62*, 263-325.

Grimes, W. S. (2006). Future of Distribution Restraints Law: Will the New Learning Take Hold. *Utah Law Review*, *2006*(3), 885-912.

Gross, S. R., & Syverud, K. D. (1991). Getting to No: A Study of Settlement Negotiations and the Selection of Cases for Trial. *Michigan Law Review*, *90*, 319-393.

Grosscup, P. S. (1908). The Government's Relation to Corporate Construction and Management. *Annals of the American Academy of Political and Social Science, Federal Regulation of Industry*, *32*, 3-29.

Grosskopf, O. (2001). Protection of Competition Rules Via the Law of Restitution. *Texas Law Review*, *79*, 1981-2019.

Groves, P. (2003). The Reform of EC Competition Law. *Business Law Review*, 254-256.

Grundfest, J. A. (1994). Disimplying Private Rights of Action under the Federal Securities Laws: The Commission's Authority. *Harvard Law Review*, *107*(5), 961-1024.

Guidry, F., Leone, A. J., & Rock, S. (1999). Earnings-Based Bonus Plans and Earnings Management by Business Unit Managers. *Journal of Accounting and Economics*, *26*, 113-142.

Gundlach, G. T., & Phillips, J. M. (2003). Contributions and Challenges of Marketing to Antitrust. *New York Law School Law Review*, *47*, 51-66.

Gunton, G. (1888). The Economic and Social Aspect of Trusts. *Political Science Quarterly*, *3*(3), 385-408.

Gupta, V. (1996). After Hartford fire: Antitrust and Comity. The Georgetown Law Journal, *84*(6), 2287-2318.

Gurrea, S. D., & Owen, B. M. (2003). Coordinated Interaction and Clayton §7 Enforcement. *George Mason Law Review*, *12*, 89-118.

Guseva, Y. (2013). Cross-Listening and the New World of International Capital: Another Look at the Efficiency and Extraterritoriality of Securities Law. *Georgetown Journal of International Law*, *44*, 411-501.

Gustafson, L. K., Collins, B. M., & McKay, B. (2003). Criminal Consequences of Anticompetitive Conduct. *South Texas Law Review*, *45*(1), 89-110.

Gustman, D. C. (2002). Antitrust Beyond Borders: Some Concluding Thoughts on the Globalization of Antitrust. *Loyola Consumer Law Review*, *14*, 605-607.

Guttag, E. W. (2007). When Offshore Activities become Infringing: Applying 271 to Technologies that Straddle Territorial Borders. *Richmond Journal of Law & Technology*, *14*(1), 1-54.

Guzman, A. (2004). The Case for International Antitrust. *Berkeley Journal of International Law*, *22*, 355-374.

Guzman, A. (2004). The Case for International Antitrust. *Berkeley Journal of International Law*, *22*(3), 355-374.

Guzman, A. T. (1998). Is International Antitrust Possible? *New York University Law Review*, *73*(5), 1501-1548.

Guzman, A. T. (2000). Arbitrator Liability: Reconciling Arbitration and Mandatory Rules. *Duke Law Journal*, *49*, 1279-1334.

Guzman, A. T. (2001). Antitrust and International Regulatory Federalism. *New York University Law Review*, *76*(4), 1142-1163.

Guzman, A. T. (2002). Choice of Law: New Foundations. *The Georgetown Law Journal*, *90*(4), 883-940.

Guzman, A. T. (2002). Introduction-International Regulatory Harmonization. *Chicago Journal of International Law*, *3*(2), 271-276.

Guzman, A. T. (2003). International Antitrust and the WTO: The Lesson from Intellectual Property. *Virginia Journal of International Law*, *43*, 933-957.

Guzman, A. T. (2004). Global Governance and the WTO. *Harvard International Law Journal*, *45*(2), 303-351.

Guzman, A. T. (2005). Saving Customary International Law. *Michigan Journal of International Law*, *27*, 115-176.

Haas, R. (1972). Professional and Ethical Aspects of Antitrust Class Actions. *Antitrust Law Journal*, *41*, 280-287.

Haberman, A. G. (2010). Software Patents: The Case for Harmonization of European and American Law through American Decisiveness and Leadership. *Intellectual Property Brief*, *1*, 4-8.

Hachigian, N. (1995). Essential Mutual Assistance in International Antitrust Enforcement. *The International Lawyer*, *29*(1), 117-152.

Hadari, Y. (1974). The Choice of National Law Applicable to the Multinational Enterprise and the Nationality of Such Enterprises. *Duke Law Journal*, *1974*(1), 1-57.

Haddock, D. D. (1982). Basing-Point Pricing: Competitive vs. Collusive Theories. *The American Economic Review*, *72*(3), 289-306.

Hahm, R. W., & Layne-Farrar, A. (2003). Federalism in Antitrust. *Harvard Journal of Law & Public Policy*, *26*(3), 877-921.

Haight, G. W. (1954). International Law and Extraterritorial Application of the Antitrust Laws. *The Yale Law Journal*, *63*, 639-654.

Hale, G. E. (1940). Trust Dissolution: “Atomizing” Business Units of Monopolistic Size. *Columbia Law Review*, *40*, 615-632.

Hale, R. L. (1943). Bargaining, Duress, and Economic Liberty. *Columbia Law Review*, *43*, 603-628.

Hall, J. E. J., Kniffen, D. C., Patton, R. L., Popson, S. J., & Roberts, M. G. (1983). The UCCJA: Coming of Age. *Mercer Law Review*, *34*, 861-897.

Hall, T. D. (1982). Physician Maximum Fee Reimbursement Agreements: Arizona v. Maricopa County Medical Society. *Emory Law Journal*, *31*, 913-971.

Haller, S. M. (1983). Ohio Choice-of-Law Rules: A Guide to the Labyrinth. *Ohio State Law Journal*, *44*, 239-268.

Halper, H. R. (1966). The Unsettling Problems of Settlement in Antitrust Damage Cases. *Antitrust Law Journal*, *32*, 98-116.

Hamel, G., Doz, Y. L., & Prahalad, C. K. (1989). Collaborate with Your Competitors - and Win. *Harvard Business Review*, *67*(1), 133-139.

Hamill, S. P. (1999). From Special Privilege to General Utility: A Continuation of Willard Hurst’s Study of Corporations. *American University Law Review*, *49*, 81-180.

Hamilton, B. W. (2003). Class Action in Price-Fixing Litigation when the Fixed Price is a Wage Rate: Law et al. v. NCAA. *The Antitrust Bulletin*, *48*(2), 505-529.

Hamilton, W., & Till, I. (1940). Antitrust - The Reach after New Weapons. *Washington University Law Quarterly*, *26*(1), 1-26.

Hammer, K. J. (2002). The Globalization of Law: International Merger Control and Competition Law in the United States, The European Union, Latin America and China. *Journal of Transnational Law and Policy*, *11*, 385-405.

Hammond, R. A., Cramton, R. C., Elman, P., Kramer, V. H., Pollock, E. E., Posner, R. A. et al. (1971). Proposal for Change in the Structure of Antitrust Enforcement: The Department of Justice, The FTC and the Courts, Part II. *Antitrust Law Journal*, *40*, 360-389.

Hammond, S. D. (2002). From Hollywood to Hong Kong- Criminal Antitrust Enforcement is Coming to a City Near You. *Loyola Consumer Law Reporter*, *14*, 567-575.

Hammond, S. D., Cramton, R. C., Elman, P., Kramer, P., Pollock, E. E., Posner, R. A. et al. (1971). Proposal For Change in Making and Implementing Antitrust Policy Within the Department of Justice and the FTC, Part I. *Antitrust Law Journal*, *40*, 343-360.

Hancock, M. (1975). Some Choice-of-Law Problems Posed by Antiguest Statutes: Realism in Wisconsin and Rule-Fetishism in New York. *Stanford Law Review*, *27*, 775-789.

Hand, E. T. (2003). Department of Justice Experience in Reconciling Antitrust and Trade. *New York Law School Law Review*, *47*(1), 131-140.

Handler, M. (1928). The Constitutionality of Investigation by the Federal Trade Commission: I. *Columbia Law Review*, *28*, 708-733.

Handler, M. (1932). Industrial Mergers and the Anti-Trust Laws. *Columbia Law Review*, *32*(2), 179-271.

Handler, M. (1932). The Antitrust Laws and the Public Interest. *A.B.A. Journal*, *18*(10), 635-640.

Handler, M. (1936). The Sugar Institute Case and the Present Status of the Anti-Trust Laws. *Columbia Law Review*, *36*(1), 1-26.

Handler, M. (1940). Unfair Competition and the Federal Trade Commission. *The George Washington Law Review*, *8*, 399-426.

Handler, M. (1957). The Judicial Architects of the Rule of Reason. *A.B.A. Antitrust Section*, *10*, 21-39.

Handler, M. (1959). Recent Developments in Antitrust Law: 1958-59. *Columbia Law Review*, *59*(6), 843-873.

Handler, M. (1959). Varieties of Approach to the Problem of Competition. *The McGill Law Journal*, *5*(4), 209-221.

Handler, M. (1961). Recent Antitrust Developments. *The Yale Law Journal*, *71*, 75-106.

Handler, M. (1963). Antitrust - Past and Present. *Kentucky Law Journal*, *51*, 393-403.

Handler, M. (1963). Emerging Antitrust Issues: Reciprocity, Diversification & Joint Ventures. *Virginia Law Review*, *49*(3), 433-447.

Handler, M. (1963). What is Wrong with the Antitrust Laws? *The Antitrust Bulletin*, *8*, 557-569.

Handler, M. (1964). Recent Antitrust Developments - 1964. *Michigan Law Review*, *63*, 59-94.

Handler, M. (1965). Recent Antitrust Developments - 1965. *New York University Law Review*, *40*, 823-359.

Handler, M. (1966). Some Misadventures in Antitrust Policymaking - Nineteenth Annual Review. *The Yale Law Journal*, *76*, 92-126.

Handler, M. (1967). The Supreme Court and the Antitrust Laws (From the Viewpoint of the Critic). *Antitrust Law Journal*, *34*, 21-41.

Handler, M. (1967). The Supreme Court and the Antitrust Laws: A Critic's Viewpoint. *Georgia Law Review*, *1*(3), 339-362.

Handler, M. (1967). The Twentieth Annual Antitrust Review – 1967. *Virginia Law Review*, *53*(8), 1667-1699.

Handler, M. (1969). Through The Antitrust Looking Glass-Twenty-First Annual Antitrust Review. *California Law Review*, *57*, 182-217.

Handler, M. (1970). Antitrust: 1969. *Cornell Law Review*, *55*(2), 161-210.

Handler, M. (1970). Labor and Antitrust: A Bit of History. *Antitrust Law Journal*, *40*, 233-241.

Handler, M. (1973). Regulation Versus Competition. *Antitrust Law Journal*, *43*, 277-293.

Handler, M. (1973). Twenty-Five Years of Antitrust (Twenty-Fifth Annual Antitrust Review). *Columbia Law Review*, *73*(3), 415 -4461.

Handler, M. (1975). Antitrust - Myth and Reality in an Inflationary Era. *New York University Law Review*, *50*(2), 211-272.

Handler, M. (1975). Regulation Versus Competition. *University of Cincinnati Law Review*, *44*(2), 191-206.

Handler, M. (1975). The Inevitability of Risk Taking in Antitrust. *Georgia Law Review*, *9*(4), 743-755.

Handler, M. (1977). Changing Trends in Antitrust Doctrines: An Unprecedented Supreme Court Term - 1977. *Columbia Law Review*, *77*, 979-1028.

Handler, M. (1978). Antitrust - 1978. *Columbia Law Review*, *78*(7), 1363-1428.

Handler, M. (1982). Reforming the Antitrust Laws. *Columbia Law Review*, *82*, 1287-1364.

Handler, M. (1989). Is Antitrust's Centennial a Time for Obsequies or for Renewed Faith in its National Policy? *Cardozo Law Review*, *10*(7), 1933-1946.

Handler, M., & Blechmann, M. D. (1976). Antitrust and the Consumer Interest: The Fallacy of Parens Partiae and A Suggested New Approach. *The Yale Law Journal*, *85*(5), 626-676.

Handler, M., & De Sevo, R. A. (1984). The Noerr Doctrine and its Sham Exception. *Cardozo Law Review*, *6*, 1-69.

Hankel, A. E. (2008). On the Road to the Merits in Our Federal System: Is the Forum Defendant Rule a Procedural Speed Bump or a Jurisdictional Road Block. *Washington University Journal of Law & Policy*, *28*, 427-456.

Hannay, W. M. (2000). Transnational Competition Law Aspect of Mergers and Aquisitions. *Northwestern Journal of International Law and Business*, *20*, 287-305.

Hansen, V. R. (1957). The Enforcement of the United States Antitrust Laws by the Department of Justice to Protect Freedom of United States Foreign Trade. *A.B.A. Antitrust Section*, *11*, 75-87.

Hansson, S. O. (2004). Welfare, Justice, and Pareto Efficiency. *Ethical Theory and Moral Practic*, *7*, 361-380.

Harbour, P. J. (2007). The Supreme Court's Antitrust Future: New Directions or Revisiting Old Case? *Antitrust Source*, *7*, 1-6.

Hardin, R. (1993). The Street-Level Epistemology of Trust. *Politics & Society*, *21*(4), 505-529.

Hardin, R. (2001). Distrust. *Boston University Law Review*, *81*, 495-522.

Harding, C. (1995). Procedure and Enforcement in EC and US Competition Law, by Piet Jan Slot, Publication Review. *Journal of Business Law*, 319-320.

Harding, C. (2002). Business Cartels as a Criminal Activity; Reconciling North American and European Models of Regulation. *Maastricht Journal of European and Comparative Law*, *9*(4), 393-419.

Harding, C. (2004). Forging the European Cartel Offence: The Supranational Regulation of Business Conspiracy, European Journal of Crime. *Criminal Law and Criminal Justice*, *12*(4), 275-3000.

Hardt, R. (1997). Kodak v. Fuji; a Test Case for the Extraterritorial Application of the Sherman Act. *Boston University International Law Journal*, *15*(1), 309-342.

Hardy, R. (1933). Loose and Consolidated Combinations under the Antitrust Laws. *Georgetown Law Journal*, *21*(2), 123-146.

Hargrove, D. L. (2004). Soldiers of Qui Tam Fortune: Do Military Service Members have Standing to File Qui Tam Actions under the False Claims Act? *Public Contract Law Journal*, *34*(1), 45-102.

Harkins, J. G. J. (1980). Another Look at Class Action. *Antitrust Law Journal*, *49*, 989-1000.

Harkrider, J. D. (2009). Lessons From the Great Depression. *Antitrust*, *23*, 6-10.

Harpaz, G. (2005). "Dumping" the Anti-dumping Instruments in the Trade Relations Between the European Union and the State of Israel? The European Union's Perspective. *Journal of World Trade*, *39*(3), 445-482.

Harris, A. (2004). Recent Congressional Responses to Demands for Affordable Pharmaceuticals. *Loyola Consumer Law Reporter*, *16*(3), 219-245.

Harris, G. R. (1971). Consolidation and Transfer in the Federal Courts: 28 U.S.C. Section 1407 Viewed in Light of Rule 42(a) and 28 U.S.C. Section 1404 (a). *The Hastings Law Journal*, *22*, 1289-1326.

Harris, H. S. J. (2006). Making of an Antitrust Law: The Pending Anti-Monopoly Law of the People's Republic of China. *Chicago Journal of International Law*, *7*(1), 169-230.

Harris, H. S. J., & Yang, K. L. (2005). China: Latest Developments in Anti-Monopoly Law Legislation. *Antitrust*, *19*(2), 89-96.

Harris, J. (2000). Contractual Freedom in the Conflict of Laws. *Oxford Journal of Legal Studies*, *20*(2), 247-269.

Harris, R. G., & Jorde, T. M. (1984). Antitrust Market Definition: An Integrated Approach. *California Law Review*, *72*(1), 1-67.

Harris, R. G., & Sullivan, L. A. (1979). Passion on the Monopoly Overcharge. A comprehensive Policy Analysis. *University of Pennsylvania Law Review*, *128*(2), 269-360.

Harris, S., & Smith, J. (2004). The Vitamins Cartel: Key Cross-Border Issues. *Global Counsel*, *9*(2 Supplement), 15-17.

Harrison, G., & Bell, M. (2006). Recent Enhancements in Antitrust Criminal Enforcement: Bigger Sticks and Sweeter Carrots. *Houston Business and Tax Law Journal*, *6*, 206-239.

Hart, H. M. H. J. (1954). The Relations Between State and Federal Law. *Columbia Law Review*, *54*(4), 489-542.

Hart, H. M. H. J. (1959). The Supreme Court 1958 Term. *Harvard Law Review*, *73*, 84-239.

Hart, J. A., & Prakash, A. (2006). Globalization and Regionalisation: Conceptual Issues and Reflections. *International Trade Law & Regulation*, *2*(6), 205-211.

Hart, M., & Dymond, B. (2003). Special and Differential Treatment and the Doha 'Development' Round. *Journal of World Trade*, *37*(2), 395-415.

Hart, P. A. (1970). The Quality of Life and the Antitrust Laws: A View from Capitol Hill. *Antitrust Law Journal*, *40*, 302-306.

Harter, P. J. (1982). Negotiating Regulations: A Cure for Malaise. *The Georgetown Law Journal*, *71*, 1-118.

Hartwell, R. V. (2005). Global Cartel Enforcement: More Players and Higher Stakes. *Global Competition Review*, *8*(9 Supplement), 16-19.

Harty, R. P., & Withers, C. H. (2004). US: F Hoffmann-La Roche Ltd v Empagran. *Global Competition Review*, *7*(7), 46-47.

Harty, R., & McKellar, C. (2007). United States: Court Answers Question Raised by Empagran case. *Global Competition Review*, *October*, 47.

Harvey, C. (2000). Contesting Legality. *Oxford Journal of Legal Studies*, *20*(4), 667-672.

Harvey, D. (2006). Anticompetitive Social Norms as Antitrust Violations. *California Law Review*, *94*, 769-791.

Hasl, R. C. (1973). Standing Revisited - the Aftermath of Data Processing. *Saint Louis University Law Journal*, *18*, 12-40.

Hassan, F. (1981). Panacea or Mirage? Domestic Enforcement of International Human Rights Law: Recent Cases. *Houston Journal of International Law*, *4*(1), 13-38.

Hassan, F. (1982). Human Rights Symposium: Further Commentary; International Human Rights and the Alien Tort Statute, Past and Future. *Houston Journal of International Law*, *5*(1), 131-150.

Hatch, O. G. (1981). Evaluation of Current Antitrust Enforcement and the Need for Legislation. Southwestern University Law Review, *12*, 284-295.

Hathaway, O. A. (1998). Positive Feedback: The Impact of Trade Liberalization on Industry Demands for Protection, International Organization. *International Organization*, *52*(3), 575-612.

Hatzopoulos, V., & Do, T. U. (2006). The Case Law of The ECJ Concerning the Free Provision of Services: 2000-2005. *Common Market Law Review*, *43*, 923-991.

Haudek, W. E. (1968). The Settlement and Dismissal of Stockholders' Actions - Part I. *Southwestern Law Journal*, *22*, 767-789.

Hausfeld, M. D., & Hertzfeld, A. L. (2007). A Victim's Culture. *European Business Law Review*, *18*(6), 1209-1230.

Hausfeld, M. D., Olson, S. D., & Gosselin, S. S. (2009). The United States Heightens Plaintiff's Burden of Proof on Class Certification: A Response. *Global Competition Litigation Review*, *2*(4), 185-187.

Hausman, R. M. (1964). Reciprocal Dealing and the Antitrust Laws. *Harvard Law Review*, *77*(5), 873-886.

Hausrath, K. (2005). Crossing Borders: The Extraterritorial Application of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). *University of Baltimore Journal of Environmental Law*, *13*(1), 1-28.

Havighurst, C. C. (1995). Are The Antitrust Agencies Overregulating Physician Networks? *Loyola Consumer Law Reporter*, *8*(2), 78-97.

Haw, R. (2011). Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal. *Texas Law Review*, *89*(6), 1247-1292.

Hawes, J. M., Mast, K. E., & Swan, J. E. (1989). Trust Earning Perceptions of Sellers and Buyers. *The Journal of Personal Selling and Sales Management*, *9*(1), 1-8.

Hawk, B. E. (1982). International Antitrust Policy and the 1982 Acts: The Continuing Need for Reassessment. *Fordham Law Review*, *51*(2), 201-254.

Hawk, B. E. (1988). The American (Anti-trust) Revolution: Lessons for the EEC? *European Competition Law Review*, *9*(1), 53-87.

Hawk, B. E. (1995). U.K. Merger Control: Law and Practice. By Roger J. Finbow & A. Nigel Parr. *Fordham International Law Journal*, *18*, 1588-1593.

Hawk, B. E., Victor, A. P., Rosenthal, D. E., Applebaum, H. M., & Blechman, M. D. (1980). Panel Discussion on Antitrust and International Trade – Special Rules. *Antitrust Law Journal*, *49*, 1217-1223.

Hawker, N. W. (1991). The New Antitrust Paradox: Antitrust Injury. *Rutgers Law Review*, *44*, 101-134.

Hawker, N. W. (2003). Antitrust Insights from Strategic Management. *New York Law School Law Review*, *47*, 67-85.

Hawley, E. W. (1974). Herbert Hoover, the Commerce Secretariat, and the Vision of an "Associative State," 1921-1928. *The Journal of American History*, *61*(1), 116-140.

Hawley, E. W. (1989). Herbert Hoover and the Sherman Act, 1921-1933: An Early Phase of a Continuing Issue. *Iowa Law Review*, *74*, 1067-1103.

Hay, G. A. (1991). Observations: Sylvania in Retrospect. *Antitrust Law Journal*, *60*, 61-66.

Hay, G. A. (2006). Horizontal Agreements: Concept and Proof. *The Antitrust Bulletin*, *51*(4), 877-914.

Hay, G. A. (2007). The Quiet Revolution in U.S. Antitrust Law. *The University of Queensland Law Journal*, *26*(1), 27-38.

Hay, G. A., & Kelley, D. (1974). An Empirical Survey of Price Price Fixing Conspiracies. *The Journal of Law and Economics*, *17*, 13-38.

Hay, P. (1983). Full Faith and Credit and Federalism in Choice of Law. *Mercer Law Review*, *34*, 709-729.

Hay, P. (2008). Harold Berman and Conflicts Law - An Appreciation. *Emory Law Journal*, *57*(6), 1421-1426.

Hayden, J. P. (1982). The California State Courts and Consumer Class Actions for Antitrust Violations. *The Hastings Law Journal*, *33*, 689-726.

Hazard, G. C. J. (1998). Discovery and the Role of the Judge in Civil Law Jurisdictions. *Notre Dame Law Review*, *73*(4), 1017-1028.

Hazard, G. C. J., Taruffo, M., Sturner, R., & Gidi, A. (2001). Introduction to the Principles and Rules of Transnational Civil Procedure. *New York University Journal of International Law and Politics*, *33*(3), 769-784.

Hazlett, T. W. (1986). Is Antitrust Anticompetitive? *Harvard Journal of Law and Public Policy*, *9*, 277-336.

Hazlett, T. W. (1992). The Legislative History of The Sherman Act Re-examined. *Economic Inquiry*, *30*(2), 263-276.

He, D. (2013). Beyond Securities Fraud: The Territorial Reach of U.S. Laws after Morrison v N.A.B. *Columbia Business Law Review*, *2013*(1), 148-208.

Heald, P. (1987). Unfair Competition and Federal Law: Constitutional Restraints on the Scope of State Law. University of Chicago Law Review, *54*(Fall), 1411-1440.

Heald, P. J. (2003). Mowing the Playing Field: Addressing Information Distortion and Asymmetry in the TRIPS Game. *Minnesota Law Review*, *88*(2), 249-314.

Heaps, J., & Jackson, S. (2007). US-Style Litigation and the Spread of the Class Action. *Law and Financial Markets Review*, *1*(2), 135-140.

Heck, A. (1984). Federal Republic of Germany and the EEC. *The International Lawyer*, *18*, 793-803.

Heim, R. C. (1980). Measuring Damages in Robinskon-Patman Act Secondary Line Price Discrimination Cases. *Antitrust Law Journal*, *49*, 201-210.

Helfer, L. R., & Slaughter, A.-M. (1997). Toward a Theory of Effective Supranational Adjudication. *The Yale Law Journal*, *107*(2), 273-391.

Helmer, J. B. J., & Neff, R. C. J. (1991). War Stories: A History of the Qui Tam Provisions of the False Claims Act, The 1986 Amendments to the False Claims Act, and Their Application in the United States ex rel. Gravitt v. General Electric Co. Litigation. *Ohio Northern University Law Review*, *18*, 35-75.

Helsel, S. D. (1995). Preventing Predatory Abuses in Litigation between Business Competitors: Focusing on a Litigant's Reasons for Initiating the Litigation to Ensure a

Balance Between the Constitutional Right to Petition and the Sherman Act's Guarantee of Fair Competition in Business. *William and Mary Law Review, 36*, 1135-1167.

Henderson, J. A. J. (1995). Comment: Settlement Class Actions and the Limits of Adjudication. *Cornell Law Review, 80*, 1014-1021.

Henkin, L. (1976). Is There a 'Political Question' Doctrine? *The Yale Law Journal, 85*(5), 597-625.

Henry, R. E. (2011). Leading Lawyers on Cooperating With Enforcement Agencies, Understanding New Laws, and Constructing Compliance Programs; Antitrust Issues in the Global Marketplace. *Aspatore, 2011*, 1-9.

Hensler, D. R. (2001). Revisiting the Monster: New Myths and Realities of Class Action and Other Large Scale Litigation. *Duke Journal of Comparative & International Law, 11*, 179-213.

Herlihy, E. D., & Levine, T. A. (1976). Corporate Crisis: the Overseas Payment Problem. *Law & Policy in International Business, 8*, 547-629.

Herring, P. (1940). The Federal Trade Commission. *The George Washington Law Review, 8*, 339-364.

Herriott, M. H. (1941). Has Congress the Power to Modify the Effect of Erie Railroad Co. v. Tompkins? *Marquette Law Review, 26*(1), 1-10.

Hesselink, M. W. (2005). Capacity and Capability in European Contract Law. *European Review of Private Law, 4*, 491-507.

Heyer, K. (2005). A World of Uncertainty: Economics and the Globalization of Antitrust. *Antitrust Law Journal, 72*, 375-422.

Heymann, P. B. (1973). The Problem of Coordination: Bargaining and Rules. *Harvard Law Review, 86*(5), 797-877.

Hibner, D. T., Jr. (1980). Introductory Remarks. *Antitrust Law Journal, 49*, 1291-1293.

Hildebrand, D. (2002). The European School of EC Competition Law. *World Competition, 25*(1), 3-23.

Hilke, J. C. (1979). Advertising Predation and the Areeda-Turner and Williamson Rules. *Journal of Reprints for Antitrust Law and Economics, 10*, 367-398.

Hill, A. (1981). Choice of Law and Jurisdiction in the Supreme Court. *Columbia Law Review, 81*, 960-993.

Hill, N. L. (1934). International Affairs: The Individual in International Organization. *The American Political Science Review*, *28*(2), 276-287.

Hill, T. J., & Lezell, S. B. (2010). Antitrust Violations. *American Criminal Law Review*, *47*(2), 245-285.

Hilton, G. W. (1966). The Consistency of the Interstate Commerce Act. *Journal of Law and Economics*, *9*, 87-113.

Himelfarb, A. J. (1996). The International Language of Convergence: Reviving Antitrust Dialogue Between the United States and the European Union with a Uniform Understanding of "Extraterritoriality". *University of Pennsylvania Journal of International Economic Law*, *17*, 909-955.

Himes, J. L. (2002). Exploring the Antitrust Operating System: State Enforcement of Federal Antitrust Law in the Remedies Phase of the Microsoft Case. *George Mason Law Review*, *11*, 37-109.

Himma, K. E. (1999). Judicial Discretion and the Concept of Law. *Oxford Journal of Legal Studies*, *19*, 71-82.

Himmelberg, R. F. (1965). The War Industries Board and the Antitrust Question in November 1918. *The Journal of American History*, *52*(1), 59-71.

Himmelberg, R. F. (1968). Business, Antitrust Policy, and the Industrial Board of the Department of Commerce, 1919. *The Business History Review*, *42*(1), 1-23.

Hinchliffe, S., & Casey, S. (2004). When Is an Agreement Not an Agreement? Implications of the Bayer Judgment for Parallel Trade and Contractual Dealing with Wholesalers and Distributors. *Business Law Review*, *May/June*, 108-111.

Hirschkowitz, M. (2006). Implying against Intent: A New Test for Congressional Intent under Cort v. Ash. *FIU Law Review*, *1*, 239-298.

Hirshleifer, J., & Coll, J. C. M. (1988). What Strategies Can Support the Evolutionary Emergence of Cooperation? *The Journal of Conflict Resolution*, *32*(2), 367-398.

Ho, D. E., & Ross, E. L. (2010). Did Liberal Justices Invent the Standing Doctrine - An Empirical Study on the Evolution of Standing, 1921-2006. *Stanford Law Review*, *62*(3), 591-668.

Hoaglund, E. W. (1986). Municipal Antitrust Liability After Town of Hallie v. City of Eau Clare. *Wisconsin Law Review*, *1986*, 1039-1060.

Hobbs, C. O. (1978). Unfair at the FTC - The Legacy of S&H. *Antitrust Law Journal*, *47*, 1023-1034.

Hochstadt, E. S. (2002). The Brown Shoe of European Union Competition Law. *Cardozo Law Review*, *24*, 287-395.

Hodge, T. C. (2012). Compatible or Conflicting: The Promotion of a High Level of Employment and the Consumer Welfare Standard under Article 101. *William and Mary Law Review*, *3*(1), 59-138.

Hodges, C. (2001). Multi-Party Actions: A European Approach. *Duke Journal of Comparative & International Law*, *11*, 321-354.

Hoekman, B. (1997). Competition Policy and the Global Trading System. *The World Economy*, *20*(4), 383-406.

Hoekman, B. M., & Mavroidis, P. C. (1994). Competition, Competition Policy and the GATT. *The World Economy*, *17*(2), 121-150.

Hoekman, B., & Mavroidis, P. C. (2003). Economic Development, Competition Policy and the World Trade Organization. *Journal of World Trade*, *37*(1), 1-27.

Hoffert, E. M. (2013). Animal Science and Minn-Chem: a New Era in Interpreting the Foreign Trade Antitrust Improvements Acts. *George Mason Law Review*, *21*(1), 217-244.

Hoffman, G. A. (2005). Critique, Culture and Commitment: The Dangerous and Counterproductive Paths of International Legal Discourse. *Nova Law Review*, *29*(2), 211-285.

Hoffman, L. S., & Rowley, K. A. (2000). Forum Non Conveniens in Federal Statutory Cases. *Emory Law Journal*, *49*, 1137-1209.

Hofstetter, W. T., & Davis, F. T. (1980). Comparative Advertising in Court: Outline of Briefs. *Antitrust Law Journal*, *49*, 861-883.

Holahan, W. L. (1978). Cartel Problems: Comment. *The American Economic Review*, *68*(5), 942-946.

Holbrook, T. R. (2008). Extraterritoriality in U.S. Patent Law. *William and Mary Law Review*, *49*(6), 2119-2192.

Holland, E. E. (2003). Using Merger Review to Cure Prior Conduct: The European Commission's Ge/Honeywell Decision. *Columbia Law Review*, *103*, 74-109.

Holmes, K. (2004). Public Enforcement or Private Enforcement? Enforcement of Competition law in the EC and UK. *European Competition Law Review*, *25*(1), 25-36.

Holmes, M., & Davey, L. (2004). Counting the Cost of Competition Law. *European Lawyer*, *40*, 41-42.

Holmes, O. W. (1897). The Path of the Law. *Harvard Law Review*, *10*(8), 457-478.

Holmes, O. W. (1997). The Path of the Law, The Path of the Law after One Hundred Years. *Harvard Law Review*, *110*(5), 991-1009.

Holmes, W. C. (1982). Government Antitrust Actions and Remedies Involving Foreign Commerce: Procedural and Substantive Limitations. *Northwestern Journal of International Law and Business*, *4*, 105-129.

Holmes, W. C. (2002). Jurisdiction and Standing in the International Arena. *Loyola Consumer Law Review*, *14*(4), 537-546.

Hölscher, J., & Stephen, J. (2004). Competition Policy in Central Eastern Europe in the Light of EU Accession. *JCMS*, *42*(2), 321-345.

Holt, W. (1989). The Origins of Alienage Jurisdiction. *Oklahoma City University Law Review*, *14*, 547-564.

Homan, P. T. (1930). Industrial Combination as Surveyed in Recent Literature. *The Quarterly Journal of Economics*, *44*(2), 345-375.

Hondius, E. (2002). Good Faith in European Contract Law – A First Publication of the Trento Common Core Project; Good Faith in European Contract

Honoré, T. (2002). The Necessary Connection Between Law and Morality. *Oxford Journal of Legal Studies, 22*(3), 489-495.

Horlick, G. N. (2005). The 10 Major Problems With the Anti-Dumping Instrument in the United States. *Journal of World Trade*, *39*(1), 169-179.

Horlick, G. N., & Vermulst, E. (2005). The 10 Major Problems With the Anti-Dumping Instrument: An Attempt as Synthesis. *Journal of World Trade*, *39*(1), 67-73.

Horlick, J., Cyr, J., Reynolds, S., & Behrman, A. (2008). American and Canadian Civil Actions Alleging Human Rights Violations Abroad by Oil and Gas Companies. *Alberta Law Review*, *45*(3), 653-690.

Horn, H., & Levinsohn, J. (2001). Merger Policies and Trade Liberalization. *The Economic Journal, 11*, 244-276.

Horn, H., & Mavroidis, P. C. (2008). Permissible Reach of National Environmental Policies. *Journal of World Trade*, *42*(6), 1107-1178.

Hornstein, G. D. (1939). The Councel Fee in Stockholder's Derivative Suits. *Columbia Law Review*, *39*, 784-816.

Horovitz, D. (2009). The Remedy of More Trade. *International Trade Law & Regulation*, *15*(2), 35-39.

Horowitz, H. W. (1967). Toward a Federal Common Law of Choice of Law. *UCLA Law Review*, *14*, 1191-1210.

Horvath, S. J. (1983). Standing of the Terminated Employee under Section 4 of the Clayton Act. *William and Mary Law Review*, *25*, 341-372.

Horwitz, M. J. (1980). Law and Economics: Science or Politics? *Hofstra Law Review*, *8*, 905-912.

Hoseinian, F. (2005). Passing-on Damages and Community Antitrust Policy - An Economic Background. *World Competition*, *28*(1), 3-23.

Hoskins, R. J. (2002). Antitrust Analysis of Joint Ventures and Competitor Collaborations: A Primer for the Corporate Lawyer. *University of Miami Business Law Review*, *10*(1), 119-144.

Hough, C. M. (1908). The Nation Should Superintend All Carriers. *Annals of the American Academy of Political and Social Science*, *32*, 218-224.

Houston, D. B., & Pratt, J. L. (2006). Jurisdictional Issues in International Cartel Cases: A Canadian Perspective. *International Law Practicum*, *19*, 21-33.

Hovenkamp, H. (1981). Can a Foreign Sovereign be an Antitrust Defendant? *Syracuse Law Review*, *32*, 879-911.

Hovenkamp, H. (1982). Distributive Justice and the Antitrust Laws. *George Washington Law Review*, *51*, 1-31.

Hovenkamp, H. (1982). Federalism Revised; Harmony & Dissonance: The Swift & Erie Cases in American Federalism, by Tony Freyer, Book Review. *The Hastings Law Journal*, *34*, 201-226.

Hovenkamp, H. (1982). Personal Jurisdiction and Venue in Private Antitrust Actions in the Federal Courts: A Policy Analysis. *Iowa Law Review*, *67*, 485-523.

Hovenkamp, H. (1982). Tying Arrangements and Class Action. *Vanderbilt Law Review*, *36*(2), 213-262.

Hovenkamp, H. (1983). State Antitrust in Federal Scheme. Indiana Law Journal, *58*(3), 375-432.

Hovenkamp, H. (1984). Technology, Politics, and Regulated Monopoly: An American Historical Perspective. *Texas Law Review*, *62*, 1263-1312.

Hovenkamp, H. (1984). Vertical Integration by the Newspaper Monopolist. *Iowa Law Review*, *69*(2), 451-467.

Hovenkamp, H. (1985). Antitrust Policy After Chicago. *Michigan Law Review*, *84*, 213-284.

Hovenkamp, H. (1988). Labor Conspiracies in American Law, 1880-1930. *Texas Law Review*, *66*(5), 919-965.

Hovenkamp, H. (1988). The Political Economy of Substantive Due Process. *Stanford Law Review*, *40*, 379-447.

Hovenkamp, H. (1988). Treble Damages Reform. *The Antitrust Bulletin*, *33*(Summer), 233-258.

Hovenkamp, H. (1989). The Antitrust Movement and the Rise of Industrial Organization. *Texas Law Review*, *68*, 105-168.

Hovenkamp, H. (1989). The Sherman Act and the Classical Theory of Competition. *Iowa Law Review*, *74*, 1019-1065.

Hovenkamp, H. (1990). The First Great Law & Economics Movement. *Stanford Law Review*, *42*, 993-1058.

Hovenkamp, H. (2000). The Robinson-Patman Act and Competition: Unfinished Business. *Antitrust Law Journal*, *68*, 125-144.

Hovenkamp, H. (2001). Post-Chicago Antitrust: A Review and Critique. *Columbia Business Law Review*, *2001*(2), 257-337.

Hovenkamp, H. (2003). Antitrust as Extraterritorial Regulatory Policy. *The Antitrust Bulletin*, *48*(3), 629-655.

Hovenkamp, H. (2004). Antitrust and the Regulatory Enterprise. *Columbia Business Law Review*, *2004*, 335-377.

Hovenkamp, H. (2005). Exclusion and the Sherman Act. *The University of Chicago Law Review*, *72*, 147-164.

Hovenkamp, H. (2005). Principles of European Antitrust Enforcement, by Wouter P.J. Wills, Book Review. *European Law Review*, *30(4)*(4), 595-598.

Hovenkamp, H. (2007). Restraints on Innovation. *Cardozo Law Review*, *29*, 247-260.

Hovenkamp, H., & Mackerron, J. A. (1985). Municipial Regulation and Federal Antitrust Policy. *UCLA Law Review*, *32*, 719-783.

Hovenkamp, H., Janis, M. D., & Lemley, M. A. (2006). Unilateral Refusals to License. *Journal of Competition Law and Economics*, *2*(1), 1-46.

Howell, B. J. (2010). Antitrust Law: Resisting Modern Protectionism in a Global Recession. *Gonzaga Journal of International Law*, *13*, 1-16.

Howells, G. G. (2002). Federalism in USA and EC – The Scope for Harmonised Legislative Activity Compared. *European Review of Private Law*, *5*, 601-622.

Howrey, E. F. (1960). Utilization by the FTC of Section 5 of the Federal Trade Commission Act as an Antitrust Law. *The Antitrust Bulletin*, *6*, 161-185.

Howrey, E. F. (1968). Interplay of Unfair Competition and Antitrust Doctrines Under Section 5 of the Federal Trade Commission Act. *Patent, Trademark, Copyright Journal of Research and Education*, *12*, 119-137.

Hoyt, H. M. (1908). Corporation Regulation by State and Nation. *Annals of the American Academy of Political and Social Science*, *32*, 235-239.

Hozelitz, B. F. (1946). The Cartel Report. *The Canadian Journal of Economics and Political Science*, *12*(2), 172-175.

Hubbard, R. L. (2007). Protecting Consumers Post-Leegin. *Antitrust*, *22*(1), 41-44.

Huber, P. (1984). Competition, Conglomerates, and the Evolution of Cooperation; The Evolution of Cooperation, by Robert Aselrod, Book Review. *The Yale Law Journal*, *93*, 1147-1172.

Hudec, R. E. (1999). A WTO Perspective on Private Anti-Competitive Behavior in World Markets. *New England Law Review*, *34*(1), 79-102.

Hudec, R. E. (2003). Private Anticompetitive Behavior in World Markets: a WTO Perspective. *The Antitrust Bulletin*, *48*(4), 1045-1079.

Huebner, G. G. (1908). Five Years of Railroad Regulation by the States. *Annals of the American Academy of Political and Social Science*, *32*, 138-156.

Hufbauer, G. (2003). Antitrust and Antidumping: Forever Separate Tables? *New York Law School Law Review*, *47*, 141-148.

Hufbauer, G., & Warren, T. (1999). The Globalization of Services; What has Happened? What Are the Implications?, 1-18.

Huffman, M. (2006). Stephen G. Breyer, Active Liberty: Interpreting Our Democratic Constitution (Alfred A. Knopf, PUB., 2005). *Review of Litigation*, *25*, 501-528.

Huffman, M. (2006). Using All Available Information. *Review of Litigation*, *25*(3), 501-528.

Huffman, M. (2008). The Necessity of Pleading Elements in Private Antitrust Conspiracy Claims. *University of Pennsylvania Journal of Business and Employment Law*, *10*, 627-661.

Huffman, M. (2013). A Global Collection; The Global Limits of Competition Law, by

Hughes, E. J. (1994). The Left Side of Antitrust: What Fairness Means and Why It Matters. *Marquette Law Review, 77*, 265-306.

Humphrey, J. M. L. (1979). A Legal Lohengrin: Federal Jurisdiction Under the Alien Tort Claims Act of 1789. *University of San Francisco Law Review*, *14*(1), 105-132.

Hungar, T. G., & Koopmans, R. G. (2009). Appellate Advocacy in Antitrust Cases: Lessons from the Supreme Court. *Antitrust*, *23*(2), 53-59.

Hunt, K. L. (1972). Product Separability: A Workable Standard to Identify Tie-In Arrangements Under the Antitrust Laws. *Southern California Law Review*, *46*(1), 160-183.

Huo, Z. (2008). Tiger without Teeth: The Antitrust Law of the People's Republic of China. *Asian-Pacific Law & Policy Journal*, *10*(1), 32-61.

Hurabiell, M. L. (1995). Protectionism versus Free Trade: Implementing the GATT Antidumping Agreement in the United States. *University of Pennsylvania Journal of International Business Law*, *16*(3), 567-614.

Hurwitz, J. D., & Kovacic, W. E. (1982). Judicial Analysis of Predation: The Emerging Trends. *Vanderbilt Law Review*, *35*, 63-157.

Hurwitz, J. G. (2008). The Value of Patents in Industry Standards: Avoiding License Arbitrage with Voluntary Rules. *AIPLA Quarterly Journal*, *36*(1), 1-41.

Hutchinson, C., & Yahya, M. A. (2008). Infringement & the International Reach of U.S. Patent Law. *Federal Circuit Bar Journal*, *17*(3), 241-278.

Hutchinson, D. W. (1984). Antitrust 1984: Five Decisions in Search of a Theory. *The Supreme Court Review*, *1984*, 69-148.

Hylton, K. N., & Deng, F. (2007). Antitrust Around the World: An Empirical Analysis of the Scope of Competition Laws and Their Effects. *Antitrust Law Journal*, *74*(2), 271-341.

Hynes, R., & Posner, E. A. (2002). The Law and Economics of Consumer Finance. *American Law and Economics Review*, *4*(1), 168-207.

Inman, R. P., & Rubinfeld, D. L. (1997). Making Sense of the Antitrust State-Action Doctrine: Balancing Political Participation and Economic Efficiency in Regulatory Federalism. *Texas Law Review*, *75*(6), 1203-1299.

Innes, R. (1999). Self-Policing and Optimal Law Enforcement when Violator Remediation is Valuable. *Journal of Political Economy, 107*(6), 1305-1325.

Innes, R. (2001). Violator Avoidance Activities and Self-Reporting in Optimal Law Enforcement. *The Journal of Law, Economics, & Organization, 17*(1), 239-256.

Inotai, A. G., & Ryan, S. (2009). Improving the Effectiveness of Competition Agencies Around the World – A Summary of Recent Developments in the Context of the International Competition Network. *Competition Policy Newsletter*, *2*, 27-31.

Ippolito, P. M. (1991). Resale Price Maintenance: Empirical Evidence from Litigation. *Journal of Law and Economics*, *34*(2), 263-263.

Iraola, R. (2011). Jurisdiction, Treaties, and Due Process. *Buffalo Law Review*, *59*(3), 693-714.

Irwin, D. A., & Pavcnik, N. (2004). Airbus versus Boeing Revised: International Competition in the Aircraft Market. *Journal of International Economics*, *64*, 223-245.

Irwin, M. R., & Barrett, W. H. (1974). Antitrust Enforcement in the United States: Market Structure versus Market Conduct. Washington University Law Quarterly, *1974*, 37-57.

Isaacs, L. R. (1972). Psychological Advertising: A New Area of FTC Regulation. *Wisconsin Law Review*, *1972*(4), 1097-1124.

Isenbergh, M. S., & Rubin, S. J. (1940). Antitrust Enforcement Through Consent Decrees. *Harvard Law Review*, *53*, 386-414.

Ismail, F. (2005). Mainstream Development in the World Trade Organization. *Journal of World Trade*, *39*(1), 11-21.

Issacharoff, S. (2008). Democracy and Collective Decision Making. *International Journal of Constitutional Law*, *6*(2), 231-266.

Jackson, J. H. (1998). Global Economics and International Economic Law. *Journal of International Economic Law*, *1*, 1-23.

Jackson, R. H. (1937). Should the Antitrust Laws Be Revised? *United States Law Review*, *71*, 575-582.

Jackson, R. H. (1945). Full Faith and Credit - the Lawyer's Clause of the Constitution. *Columbia Law Review*, *45*(1), 1-34.

Jackson, R. H. H. (1938). The Rise and Fall of Swift v. Tyson. *A.B.A. Journal*, *24*, 609-614 & 644.

Jackson, R. H., & Dumbauld, E. (1938). Monopolies and the Courts. *University of Pennsylvania Law Review*, *86*(3), 231-257.

Jackson, V. C. (2006). World Habeas Corpus. *Cornell Law Review*, *91*(2), 303-368.

Jacobs, F. G. (1984). Civil Enforcement of EEC Antitrust Law. *Michigan Law Review*, *82*(5/6), 1364-1376.

Jacobs, M. S. (1995). An Essay on the Normative Foundations of Antitrust Economics. *North Carolina Law Review*, *74*, 219-266.

Jacobson, J. M., & Greer, T. (1998). Twenty-one Years of Antitrust Injury: Down the Alley with Brunswick v. Pueblo Bowl-O-Mat. *Antitrust Law Journal*, *66*, 273-312.

Jaffe, L. L. (1968). The Citizen as Litigant in Public Actions: the Non-hohfeldian or Ideological Plaintiff. *University of Pennsylvania Law Review*, *116*, 1033-1047.

Jaffin, G. H. (1935). Prologue to Nomostatistics. *Columbia Law Review*, *35*(1), 1-32.

Jalabert-Doury, N. (2003). Competition Policies. *European Business Law*, *2003*(5), 547-565.

Jalabert-Doury, N., Nouvel, L., & Simic, I. (2006). Politiques de Concurrence - Competition Policies. *International Business Law Journal*, *2006*, 535-546.

James, C. A. (2001). International Antitrust in the 21st Century: Cooperation and Convergence, Assistant Attorney General Antitrust Division U.S. Department of Justice. *Department of Justice; OECD Global Forum on Competition*, 1-7.

James, F. J., & Perry, R. F. (1951). Legal Cause. *The Yale Law Journal*, *60*(5), 761-811.

Jamnejad, M., & Wood, M. (2009). The Principle of Non-Intervention. *Leiden Journal of International Law*, *22*(2), 345-381.

Jane Whittaker, & Elliot Thomas. (2004). US Antitrust Jurisdiction: the Long Awaited US Supreme Court Decision in Empagran on the Extraterritorial Reach of America's Antitrust Laws has Failed to Provide Certainty for International Competition Lawyers and Their Clients. *Competition Law Insight*, *18*(July/August), 3-5.

Janow, M. E. (1999). The Work of the International Competition Policy Advisory Committee to the Attorney General and the Assistant Attorney General for Antitrust. *Journal of International Economic Law*, 441-444.

Janow, M. E., & Lewis, C. R. (2001). International Antitrust and the Global Economy: Perspectives on The Final Report and Recommendations of the International Competition Policy Advisory Committee to the Attorney General and the Assistant Attorney General for Antitrust. *World Competition*, *24*(1), 3-21.

Janow, M. E., & Shapiro, A. J. (2001). A Trusting Approach to Antitrust. *The International Economy*, *September/October*, 42-53.

Janow, M. E., & Shapiro, A. J. (2001). A Trusting Approach to Antitrust. *The International Economy*, *September/October*, 42-53.

Jarvenpaa, S. L., & Tiller, E. H. (2001). Customer Trust in Virtual Environments: A Managerial Perspective. *Boston University Law Review*, *81*, 665-686.

Jay, S. (1985). Origins of Federal Commona Law: Part Two. *University of Pennsylvania Law Review, 133*(6), 1231-1333.

Jayme, E. (2005). Globalization in Art Law: Clash of Interest and International Tendencies. *Vanderbilt Journal of Transnational Law, 38*(4), 927-946.

Jebsen, P., & Stevens, R. (1996). Assumptions, Goals, and Dominant Undertakings: The Regulation of Competition Under Article 86 of the European Union. *Antitrust Law Journal*, *64*(3), 443-516.

Jeffers, L. (1971). Current Antitrust Enforcement and Its Critics: Recent Proposals for Reform and Restructure in the Antitrust Division, The FTC and The Courts. *Antitrust Law Journal, 40*(2), 341-342.

Jeffrey, R. S. (2003). Facilitating Welfare Rights Class Action Litigation: Putting Damages and Attorney's Fees to Work. *Brooklyn Law Review, 69*, 281-343.

Jeliazkova, M., & Westerheijden, D. F. (2002). Systemic Adaptation to a Changing Environment: Towards a Next Generation of Quality Assurance Models. *Higher Education*, *44*(3/4), 433-448.

Jennings, R. Y. (1957). Extraterritorial Jurisdiction and the United States Antitrust Laws. *British Yearbook of International Law*, *33*, 146-175.

Jenny, F. (2003). Competition Law and Policy: Global Governance Issues. *World Competition*, *26*(4), 609-624.

Jenny, F. (2003). International Cooperation on Competition: Myth, Reality and Perspective. *The Antitrust Bulletin, 48*(4), 973-1003.

Jenny, F. (2006). Cartels and Collusion in Developing Countries: Lessons from Empirical Evidence. *World Competition, 29*(1), 109-137.

Jentes, W. R. (1972). Defining and Notifying the Class. *Antitrust Law Journal*, *41*, 232-239.

Jessup, P. C. (1939). The Doctrine of Erie Railroad v. Tompkins Applied to International Law. *American Journal of International Law, 33*, 740-743.

Jianzhong, S., & Wenting, H. (2013). On the Perfection of Leniency Programs in China from a Comparative Law Perspective. *China Legal Science*, *1*, 78-94.

Joannis Lianos & D. Daniel Sokol, eds. *Minnesota Law Review Headnotes*, *98*, 7-21.

Joelson, M. R. (1980). The Need for a Thoughtful Assessment of the Application of U.S. Antitrust Law to International Transactions. *Northwestern Journal of International Law and Business*, *2*(2), 365-371.

Joffe, R. D. (2001). Antitrust Law and Proof of Consumer Injury. *St. John's Law Review*, *75*, 615-632.

Johansen, E. (2005). I Say Antitrust; You Say Anticompetitive: Why Bridging the Divide Between U.S. and EU Competition Policy Makes Economic Sense. *Penn State International Law Review*, *24*(2), 331-351.

John, S. (2011). Improper Seizures by Sovereigns at Customs: Limiting EC 1383/2003 Through the Effects Principle. *George Mason Journal of International Commercial Law*, *3*, 79-116.

Johnsen, B., & Yahya, M. A. (2004). The Evolution of Sherman Act Jurisdiction : A Roadmap for Competitive Federalism. *University of Pennsylvania Journal of Constitutional Law*, *7*, 403-472.

Johnson, C. (1997). U.S. Antitrust Laws and the Global Market: National and Extraterritorial Enforcement. *Loyola Consumer Law Reporter*, *9*(2), 170-171.

Johnson, C. S. (1971). Private Antitrust Actions: Limitations and Releases. *Boston College Industrial and Commercial Law Review*, *13*, 308-325.

Johnson, E. P. (1983). Current Antitrust Goals and Policies: How Different are They Really? *Saint Louis University Law Journal*, *27*, 321-330.

Johnson, E. R. (1908). The Trend of Governmental Regulation of Railroads. *Annals of the American Academy of Political and Social Science*, *32*, 120-124.

Johnson, G. E. J. (1977). The Federal Trade Commission's Power to Protect Consumers Sued in Inconvenient Forums. *Texas Law Review*, *55*, 1416-1426.

Johnson, I. (2000). Restitution on Behalf of Indirect Purchasers: Opening the Backdoor to Illinois Brick. *Washington and Lee Law Review*, *57*, 1005-1042.

Johnson, J. H., & Leonard, G. K. (2007). Economics and the Rigorous Analysis of Class Certification in Antitrust Cases. *Journal of Competition Law and Economic*, *3*(3), 341-356.

Johnson, K. R. (1996). Why Alienage Jurisdiction? Historical Foundations and Modern Justifications for Federal Jurisdiction Over Disputes Involving Noncitizens. *Yale Journal of International Law*, *21*, 1-66.

Johnson, M. B. (1983). Can Economic Analysis Give Better Guidance to Antitrust Policy? *Economic Inquiry*, *21*(1), 1-10.

Johnston, A. (2006). EC Freedom of Establishment, Employee Participation in Corporate Governance and the Limits of Regulatory Competition. *Journal of Corporate Law Studies*, *6*(1), 71-112.

Johnston, E. R. (1959). An Approach to Some Common Problems. *A.B.A. Journal*, *45*, 441-444.

Johnston, E. R., & Stevens, J. P. (1949). Monopoly or Monopolization - A Reply to Professor Rostow. *Illinois Law Review of Northwestern University*, *44*(3), 269-297.

Joiner, C. W. (1980). The Controversy Surrounding the Rights of Indirect Purchasers to Recover. *Antitrust Law Journal*, *49*, 1001-1014.

Jois, G. U. (2006). Can't touch this! Private Property, Takings, and the Merit Goods Argument. *South Texas Law Review*, *48*(1), 183-257.

Jolly, A. (2003). Is it Useful – or Even Possible – to Distinguish Primary from Secondary Liabilities arising from Contractual Obligation? *European Business Law Review*, *14*(1), 57-68.

Jones, A. (1967). Thomas M. Cooley and "Laissez-Faire Constitutionalism": A Reconsideration. *The Journal of American History*, *53*(4), 751-771.

Jones, A. (2008). Completion of the Revolution in Antitrust Doctrine on Restricted Distribution: Leegin and its Implications for EC Competition Law. *The Antitrust Bulletin*, *53*(4), 903-966.

Jones, C. A. (2000). Toward Global Competition Policy? The Expanding Dialogue on Multilateralism. *Journal of World Competition*, *23*(2), 95-99.

Jones, C. A. (2004). Private Antitrust Enforcement in Europe: A Policy Analysis and Reality Check. *World Competition*, *27*(1), 13-24.

Jones, F. D. (1926). Historical Development of the Law of Business Competition. *The Yale Law Journal*, *36*, 207-234.

Jones, F. D. (1927). Historical Development of the Law of Business Competition. *The Yale Law Journal*, *36*, 351-383.

Jones, T. M. (1980). An Empirical Examination of the Resolution of Shareholder Derivative and Class Action Lawsuits. *Boston University Law Review*, *60*(3), 542-573.

Jordan, W. A. (1972). Producer Protection, Prior Market Structure and the Effects of Government Regulation. *Journal of Law and Economics, 15*(1), 151-176.

Jorde, T. M. (1981). The Seventh Amendment Right to Jury Trial of Antitrust Issues. *California Law Review*, *69*(1), 1-79.

Jorde, T. M. (1987). Antitrust and the New State Action Doctrine: A Return to Deferential Economic Federalism. *California Law Review*, *75*, 227-256.

Joseph, R. T., Conners, P. A., Monti, M., Muris, T. J., Pate, R. H., Angland, J. et al. (2003). Roundtable Conference with Enforcement Officials. *Antitrust Law Journal*, *71*(1), 333-376.

Joshua, J. (2004). Competition Law Enforcement: Criminalisation, Cartels, Leniency and Class Actions: a Look Into the Future. *Competition Law Insight*, *22*(October), 3-7.

Joshua, J. M. (2005). After Empagran: Could London Become a One-stop for Antitrust Litigation? *Competition Law Insight*, *9*, 1-5.

Joshua, J. M., & Jordan, S. (2004). Combinations, Concerted Practices and Cartels: Adopting the Concept of Conspiracy in European Community Competition Law. *Northwestern Journal of International Law and Business*, *24*, 647-681.

Joskow, P. L., & Klevorick, A. K. (1979). A Framework for Analyzing Predatory Pricing Policy. *The Yale Law Journal*, *89*(2), 213-270.

Joslyn, A. S. (1982). Measure of Damages for the Destruction of a Business. *Brooklyn Law Review*, *48*, 431-463.

Jost, T. i. S., Dawson, D., & den Exter, A. (2006). The Role of Competition in Health Care: A Western European Perspective. *Journal of Health Politics, Policy and Law*, *31*(3), 687-703.

Juenger, F. K. (1981). Supreme Court Intervention in Jurisdiction and Choice of Law:

Juenger, F. K. (1984). Conflict of Laws: A Critique of Interest Analysis. *The American Journal of Comparative Law*, *32*(1), 1-50.

Juknevičiūtė, V., & Capiau, J. (2010). The state of ECN Leniency Convergence. *Competition Policy Newsletter*, *1*, 13-15.

Jung, I. H. (2000). A Comparative Study on the Question of Extraterritorial Application of the Competition Law. *Dickinson Journal of International Law*, *18*, 305-341.

Kaal, W. A., & Painter, R. W. (2012). Forum Competition and Choice of Law Competition in Securities Law After Morrison v. National Australia Bank. *Minnesota Law Review*, *97*, 132-205.

Kaczorowska, A. (2000). International Competition Law in the Context of Global Competition. *European Competition Law Review*, *21*(2), 117-127.

Kadish, S. A. (1982). Comity and the International Application of the Sherman Act: Encouraging Courts to Enter the Political Arena. *Northwestern Journal of International Law and Business*, *4*(1), 130-171.

Kagen, R. A. (1997). Should Europe Worry About Adversarial Legalism? *Oxford Journal of Legal Studies*, *17*(2), 165-183.

Kahale, G., & Vega, M. A. (1979). Immunity and Jurisdiction: Toward a Uniform Body of Law in Actions Against Foreign States. *Columbia Journal of Transnational Law*, *18*(2), 211-258.

Kahan, D. M. (1996). Is Chevron Relevant to Federal Criminal Law? *Harvard Law Review*, *110*, 469-521.

Kahn, D. S. (2010). The Collapsing Jurisdictional Boundaries of the Antifraud Provisions of the U.S. Securities Laws: The Supreme Court and Congress Ready to Redress Forty Years of Ambiguity. *New York University Journal of Law & Business*, *6*(2), 365-420.

Kales, A. M. (1917). Contracts to Refrain from Doing Business or From Entering or Carrying on an Occupation. *Harvard Law Review*, *31*(2), 193-209.

Kalinowski, J. O. v., Izard, J., Millstein, I. M., Bohon, S. E., Breit, W., Elzinga, K. G. et al. (1973). Panel discussion: Private Actions - Purposes Sought and the Results Achieved. *Antitrust Law Journal*, *43*, 73-124.

Kamien, M. I., & Schwartz, N. L. (1975). Market Structure and Innovation: A Survey. *Journal of Economic Literature*, *13*(1), 1-37.

Kamm, S. M. (1962). Venue in Private Antitrust Suits. *New York University Law Review*, *37*(2), 268-268.

Kane, J. S. (2008). Refining Chevon - Restoring Judicial Review to Protect Religious Refugees. *Administrative Law Review*, *60*(3), 513-592.

Kane, R. P. (1971). Section 5 of the Federal Trade Commission Act: an Elastic Anti-Trust Supplement. *Loyola University Chicago Law Journal*, *2*, 308-319.

Kang, J., & Banaji, M. R. (2006). Fair Measures: A Behavioral Realist Revision of "Affirmative Action". *California Law Review*, *94*(4), 1063-1118.

Kanner, A., & Nagy, T. (2005). Exploding the Blackmail Myth: A New Perspective on Class Action Settements. *Baylor Law Review*, *57*(3), 681-704.

Kanowitz, L. (1978). Comparative Impairment and Better Law: Grand Illusions in the Conflict of Laws. *The Hastings Law Journal*, *30*, 255-300.

Kanter, R. (2003). United States v. Nippon Paper Industries: Price-Fixing Conspiracy or Trade Remedy? *UCLA Journal of International Law and Foreign Affairs*, *8*, 165-191.

Kantor, D. (2010). The Limits of Federal Jurisdiction and the F-Cubed Case: Adjudicating Transnational Securities Disputes in Federal Courts. *New York University Annual Survey of American Law*, *65*(4), 839-882.

Kaplan, B. (1967). Continuing Work of the Civil Committee: 1966 Amendments of the Federal Rules of Civil Procedure (I). *Harvard Law Review*, *81*, 359-416.

Kaplow, L. (1982). The Accuracy of Traditional Market Power Analysis and a Direct Adjustment Alternative. *Harvard Law Review, 95*, 1817-1848.

Kaplow, L. (1984). The Patent-Antitrust Intersection: A Reappraisal. *Harvard Law Review*, *97*, 1813-1892.

Kaplow, L. (1985). Extension of Monopoly Power Through Leverage. *Columbia Law Review*, *85*, 515-556.

Kaplow, L. (1987). Antitrust, Law & Economics, and the Courts. *Law and Contemporary Problems*, *50*(4), 181-216.

Kareen O'Brien. (2003). Giving Rise to a Claim: Is FTAIA's Sections 6A(2) an Antitrust Plaintiff's Key to the Courthouse Door? *Southwestern Journal of Law and Trade in the Americas*, *9*(2), 421-458.

Karon, D. R. (2001). Price Fixing, Market Allocation and Big Rigging Conspiracies: How to Counsel Your Clients to Detect Violations and Inform You of Potential Claims Trial Techniques. *American Journal of Trial Advocacy*, *25*(2), 241-256.

Karpoff, J. M., & Lott, J. R. J. (1993). The Reputational Penalty Firms Bear from Committing Criminal Fraud. *The Journal of Law and Economics, 36*, 757-802.

Kasper, M. D. (2010). Air Transport Association's Challenge to the European Union's Extension of Its Emissions Trading Scheme to International Aviation: A Legal Analysis. *Issues in Aviation Law and Policy, 10*(1), 145-168.

Kassim, A. F. (1981). A Response to Professor Robert A. Friedlander. *Journal of International Law and Policy, 10*, 237-241.

Kattan, J. (1996). The Role of Efficiency Considerations in the Federal Trade Commission's Antitrust Analysis. *Antitrust Law Journal, 64*, 613-632.

Katyal, N. K. (2003). Conspiracy Theory. *The Yale Law Journal*, *112*, 1307-1398.

Katz, M. (1940). The Consent Decree in Antitrust Administration. *Harvard Law Review, 53*, 415-447.

Katz, M. L., & Shapiro, C. (1985). Network Externalities, Competition, and Compatibility. *The American Economic Review, 75*(3), 424-440.

Katz, M. L., & Shelanski, H. A. (2007). Mergers and Innovation. *Antitrust Law Journal*, *74*, 1-85.

Katzenbach, N. d. (1956). Conflicts on an Unruly Horse: Reciprocal Claims and Tolerances in Interstate and International Law. *The Yale Law Journal, 65*(8), 1087-1157.

Kaufman, F. (1975). The Role of the Private Prosecutor: A Critical Analysis of the Complaint's Position in Criminal Cases. *McGill Law Journal*, *7*, 102-114.

Kauper, T. E. (1968). The "Warren Court" and the Antitrust Laws: of Economics, Populism, and Cynicism. *Michigan Law Review*, *67*, 325-342.

Kauper, T. E. (1978). Competition Policy and the Institutions of Antitrust. *South Dakota Law Review*, *23*(Winter), 1-29.

Kauper, T. E. (1990). The Justice Department and the Antitrust Laws: Law Enforcer or Regulator? *The Antitrust Bulletin*, *35*(1), 83-122.

Kay, H. H. (1980). The Use of Comparative Impairment to Resolve True Conflicts: An Evaluation of the California Experience. *California Law Review*, *68*, 577-617.

Kay, H. H. (1983). Theory into Practice: Choice of Law in the Courts. *Mercer Law Review*, *34*, 521-592.

Kay, R., & Segal, D. (1973). The Role of the Attorney in Juvenile Court Proceedings: A Non-Polar Approach. *The Georgetown Law Journal*, *61*, 1401-1424.

Keeffe, A. J. (1956). JAG Justice in Korea. *Catholic University Law Review*, *6*, 1-55.

Keithley, T. (2005). Does the National Labor Relations Act Extend to Americans Who Are Temporarily Abroad. *Columbia Law Review*, *105*(7), 2135-2170.

Kelley, M. F. (1991). The Prescriptive Jurisdictional Reach of U.S. Antitrust Law: Judge Learned Hand's Requirement of a "Substantive Anticompetitive Effect". *University of Miami Inter-American Law Review*, *23*, 195-248.

Kelman, M. (1979). Conscription Theory, Production Theory, and Ideology in the Coase Theorem. *Southern California Law Review*, *52*, 669-698.

Kelman, M. (1998). Behavioral Economics as Part of a Rhetorical Duet: A Response to Jolls, Sunstein, and Thaler. *Stanford Law Review*, *50*, 1577-1591.

Kelman, M. (2003). Law and Behavioral Science: Conceptual Overviews. *Northwestern University Law Review*, *97*(3), 1347-1392.

Kelman, M. G. (1983). Misunderstanding Social Life: A Critique of the Core Premises of 'Law and Economics'. *Journal of Legal Education*, *33*, 274-284.

Kelmar, P. (1993). Binational Panels of the Canada-United States Free Trade Agreement in Action: The Constitutional Challenge Continues. *George Washington Journal of International Law and Economics*, *27*(1).

Kennedy, D. (1976). Form and Substance in Private Law Adjudication. *Harvard Law Review*, *89*, 1685-1778.

Kennedy, D. (1981). Cost-Benefit Analysis of Entitlement Problems: A Critique. *Stanford Law Review*, *33*, 387-445.

Kennedy, D. (1982). Distributive and Paternalist Motives in Contract and Tort Law, With Special Reference to Compulsory Terms and Unequal Bargaining Power. *Maryland Law Review*, *41*(4), 563-658.

Kennedy, D. (1985). The Role of Law in Economic Thought: Essays on the Fetishism of Commodities. A Symposium of Critical Legal Study. *American University Law Review*, *34*, 939-1001.

Kennedy, D. (2000). My Talk at the ASIL: What is New Thinking in International Law? *American Society*, *94*, 104-125.

Kennedy, D. (2001). A Semiotic of Critique. *Cardozo Law Review*, *22*, 1147- 1189.

Kennedy, D. (2002). The International Human Rights Movement: Part of the Problem? *Harvard Human Rights Journal*, *15*, 101-125.

Kennedy, D., & Michelman, F. (1980). Are Property and Contract Efficient? *Hofstra Law Review*, *8*, 711-770.

Kennedy, R. E. (1979). Of Lawyers, Lightbulbs, and Raisins: An Analysis of the State Action Doctrine under the Antitrust Laws. *Northwestern University Law Review*, *74*(1), 31-75.

Kenney, R. W., & Klein, B. (1983). The Economics of Block Booking. *Journal of Law and Economics*, *26*, 497-540.

Kerber, W. (2000). Interjurisdictional Competition within the European Union. *Fordham International Law Journal*, *23*, 217-249.

Kerber, W. (2008). Institutional Change in Globalization: Transnational Commercial Law from Evolutionary Economic Perspective. *German Law Journal*, *9*, 411-436.

Kerber, W., & Budzinski, O. (2004). Towards a Differentiated Analysis of Competition of Competition Laws. *German Working Papers in Law and Economics*, *Paper 12*, 1-37.

Kern, J. (1987). Price Manipulation in the Commodity Futures Market: A Reexamination of the Justification for Simultaneous Causes of Action Under the CEA and the Sherman Act. *UCLA Law Review*, *34*, 1305-1329.

Kern, S. K. (2010). Is the FTAIA Jurisdictional? Subject Matter Jurisdiction after Arbaugh and Reed Elsevier. *Competition the Journal of the Antitrust and Unfair Competition Law Section of the State Bar of Cal.*, *19*(2), 108-112.

Kessedjian, C. (2006). The Impact of EU Enlargement on the Enforcement of Contracts – Positive Law Aspects. *European Business Law Review*, 437-440.

Kesselman, J. (2012). Multinational Corporate Jurisdiction & The Agency Test: Should the United States be a Forum for the World's Disputes? *New England Law Review*, *47*, 361-396.

Kessler, F., & Stern, R. H. (1959). Competition, Contract, and Vertical Integration. *The Yale Law Journal*, *69*(1), 1-129.

Kestenbaum, L. (1982). Antitrust's "Extraterritorial" Jurisdiction: a Progress Report on the Balancing of Interest Test. *Stanford Journal of International Law*, *18*(2), 311-346.

Keyhani, D. (2009). Patent Law in the Global Economy: A Modest Proposal for U.S. Patent Law and Infringement without Borders. *Villanova Law Review*, *54*(2), 291-308.

Keyte, J. A., & Stoll, N. R. (2004). Markets? We don't need no Stinking Markets! The FTC and Market Definition. *The Antitrust Bulletin*, *49*(3), 593-632.

Khan, B. S., & Barber, N. H. (2013). Antitrust Violations. *American Criminal Law Review*, *50*, 639-680.

Khula, B. A. (2003). Antitrust at the Water's Edge: National Security and Antitrust Enforcement. *Notre Dame Law Review*, *78*(2), 629-676.

Kikuchi, T. (2001). A Note on the Distribution of Trade Gains in a Model of Monopolistic Competition. *Open Economies Review*, *12*, 415-421.

Kilbert, N. (2011). Howmet Corp. v. EPA. *Harvard Environmental Law Review*, *35*(2), 555-566.

Kim, D. (2008). Perfectly Properly Triable in the United States: Is Extradition a Real and Significant Threat to Foreign Antitrust Offenders. *Northwestern Journal of International Law and Business*, *28*(3), 583-610.

Kingsbury, A. (2004). Should United States Antitrust Law be Applied to State Trading Enterprises in Agricultural Trade? *Drake Journal of Agricultural Law*, *9*(2), 185-212.

Kingsbury, B. (2009). Weighing Global Regulatory Rules and Decisions in National Courts. *Acta Juridica*, *2009*(1), 90-122.

Kintner, E. W., & Bauer, J. P. (1986). The Robinson-Patman Act: A Look Backwards, A View Forward. *The Antitrust Bulletin*, *31*(Fall), 571-609.

Kintner, E. W., & Griffin, J. P. (1977). Jurisdiction over Foreign Commerce under the Sherman Antitrust Act. *Boston College Industrial and Commercial Law Review*, *18*(2), 199-238.

Kintner, E. W., & Hallgarten, K. D. (1973). Application of United States Antitrust Laws to Foreign Trade and Commerce - Variations on American Banana Since 1909. *Boston College industrial and Commercial Law Review*, *15*(2), 343-367.

Kintner, E. W., Griffin, J. P., & Goldston, D. B. (1977). The Hart-Scott-Rodino Antitrust Improvements Act of 1976: An Analysis. *The George Washington Law Review*, *46*(1), 1-33.

Kirby, M. W. (1973). The Control of Competition in the British Coal-Mining Industry in the Thirties. *The Economic History Review*, *26*(2), 273-284.

Kirby, R. W. (2011). Access to United States Courts by Purchasers of Foreign Listed Securities in the Aftermath of Morrison v. National Australia Bank Ltd. *Hastings Business Law Journal*, *7*, 223-272.

Kirios, A. G. (1972). Territoriality and International Copyright Infringement Actions. *Copyright Law Symposium*, *22*, 53-79.

Kirk, A. G. (1970). The Quality of life and the Antitrust Laws: An EPA Perspective. *Antitrust Law Journal*, *40*, 293-301.

Kirkpatrick, M. W., & Mahinka, S. P. (1976). The Supreme Court and the "New Economic Realism" of Section 7 of the Clayton Act. *Southwestern Law Journal*, *30*, 821-837.

Kirkpatrick, M. W., Bernstein, J. Z., Pitofsky, R., Brockmeyer, M. F., Rill, J. F., Buc, N. L. et al. (1989). Report of the American Bar Association Section of Antitrust Law Special Committee to Study the Role of the Federal Trade Commission. *Antitrust Law Journal*, *58*, 43-178.

Kirkpatrick, M. W., Elman, P., Pitofsky, R. T. H., & Baxter, W. F. (1980). Debate: The Federal Trade Commission under Attack: Should the Commission's Role be Changed? *Antitrust Law Journal*, *49*, 1481-1497.

Kirkwood, J. B., & Lande, R. H. (2008). The Fundamental Goal of Antitrust: Protecting Consumers, not Increasing Efficiency. *Notre Dame Law Review*, *84*(1), 191-243.

Kirshner, J. A. (2012). Why is the U.S. Abdicating the Policing of Multinational Corporations to Europe?: Extraterritoriality, Sovereignty, and the Alien Tort Statute. *Berkeley Journal of International Law*, *30*(2), 259-302.

Kitch, E. W. (1980). The Law and Economics of Rights in Valuable Information. *The Journal of Legal Studies*, *9*, 683-723.

Kittelle, S. S., & Mostow, E. (1940). A Review of the Trade Practice Conferences of the Federal Trade Commission. *The George Washington Law Review*, *8*, 427-451.

Klawiter, D. C. (1998). Criminal Antitrust Comes to the Global Market. *St. John's Journal of Legal Commentary*, *13*, 201-222.

Klawiter, D. C. (2000). Corporate Leniency in the Age of International Cartels: The American E:perience. *Antitrust*, *14*, 13-17.

Klawiter, D. C. (2001). After the Deluge: The Powerful Effect of Substantial Criminal Fines, Imprisonment and Other Penalties in the Age of International Cartels. *The George Washington Law Review*, *69*, 745-765.

Klawiter, D. C. (2004). Global Cartel Enforcement in 2004: Penalties, Leniency Considerations and Coordination. *The Antitrust Review of the Americas*, 24-27.

Klawiter, D. C. (2006). From the Section Chair. *Antitrust*, *20*(2), 3-4.

Klawiter, D. C., & Everett, J. C. (2004). Global Cartel Enforcement in 2005: Empagran, Executives and Equilibrium. *Global Competition Review*, *7*(10 Supplement), 10-13.

Klein, B. (2003). Exclusive Dealing as Competition for Distribution "On the Merits". *George Mason Law Review*, 119-162.

Klein, B., & Saft, L. F. (1985). The Law and Economics of Franchise Tying Contracts. *Journal of Law and Economics*, *28*(2), 345-361.

Klein, B., Lerner, A. V., Murphy, K. M., & Plache, L. L. (2006). Competition in Two-Sided Markets: The Antitrust Economics of Payment Card Interchange Fees. *Antitrust Law Journal*, *73*, 571-626.

Klein, C. A. (2007). The New Nuisance: An Antidote to Wetland Loss, Sprawl, and Global Warming. *Boston College Law Review*, *48*, 1155-1234.

Klein, J. I. (2000). Antitrust Enforcement in the Twenty-First Century. *Connecticut Law Review*, *32*, 1065-1073.

Klein, J.-E. S. (1998). The Stark Laws: Conquering Physician Conflicts of Interest? *The Georgetown Law Journal*, *87*, 499-529.

Klein, J., & Bansal, P. (1996). International Antitrust Enforcement in the Computer Industry. *Villanova Law Review*, *41*, 173-192.

Klingsberg, D. (1971). Bulls Eyes and Carom Shots: Complications and Conflicts on Standing to Sue and Causation Under Section 4 of the Clayton Act. *The Antitrust Bulletin*, *16*, 351-369.

Klodt, H. (2001). Conflict and Conflict Resolution in International Anti-trust: Do We Need International Competition Rules? *The World Economy*, *24*(7), 877-888.

Klonoff, R. H. (2005). Antitrust Class Actions: Chaos in the Courts. *Stanford Journal of Law, Business & Finance*, *11*, 1-27.

Knapp, M. A. (1908). The Public and the Railways. *Annals of the American Academy of Political and Social Science*, *32*, 97-101.

Knieper, R. (2006). Privatization of Enforcement Is Not the Answer. *European Business Law Review*, 355-357.

Knights, M. (2006). Recent Decisions of the United States Court of Appeals for the District of Columbia Circuit: Criminal Law. *The George Washington Law Review*, *74*(4), 754-770.

Knop, K., Michaels, R., & Riles, A. (2008). Foreword. *Law and Contemporary Problems*, *71*, 1-17.

Knop, K., Michaels, R., & Riles, A. (2012). From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style. *Stanford Law Review*, *64*(3), 589-656.

Knorr, K. E. (1946). The Problems of International Cartels and Intergovernmental Commodity Agreements. *The Yale Law Journal*, *55*(5), 1097-1126.

Knox Smith, H. (1908). The Public Regulation of Corporations - Discussion of Judge Grosscup's Address. *Annals of the American Academy of Political and Social Science, Federal Regulation of Industry*, *32*, 30-33.

Kobayashi, B. H. (1992). Deterrence with Multiple Defendants: An Explanation for "Unfair" Plea Bargains. *The RAND Journal of Economics*, *23*(4), 507-517.

Kobayashi, B. H. (2001). Antitrust, Agency and Amnesty: An Economic Analysis of the Criminal Enforcement of the Antitrust Laws Against Corporations. *George Washington Law Review*, *69*(5&6), 715-744.

Kobayashi, B. H., & Lott, J. R. J. (1992). Low-Probability-High Penalty Enforcement Strategies and the Efficient Operation of the Plea-Bargaining System. *International Review of Law and Economics*, *12*, 69-77.

Koch, J. S. (1966). A Primer on Private Antitrust Enforcement. *Antitrust Law Journal*, *32*, 1-4.

Koh, H. H. (1998). Is international Law Really State Law? *Harvard Law Review*, *111*, 1824-1861.

Koh, H. H. (2004). The Ninth Annual John W. Hager Lecture, The 2004 Term: The Supreme Court Meets international Law. Tulsa Journal of Comparative & International Law, *12*(1), 1-22.

Kohl, U. (2014). Corporate Human Rights Accountability: the Objections of Western Governments to the Alien Tort Statute. *International and Comparative Law Quarterly*, *63*(3), 665-697.

Kohn, H. E. (1968). Evaluation of an Antitrust Claim, Prospective Cost of Litigation, Standing to Sue and Preparation of Suits. *Antitrust Law Journal*, *38*, 7-16.

Kohn, H. E. (1972). The Antitrust Class Action as a Social Instrument. *Antitrust Law Journal*, *41*, 288-291.

Kohn, H. E. (1972). The Antitrust Class Suit: A Manageable Instrument for Social Justice. *Antitrust Law Journal*, *41*, 292-300.

Kohn, H. E., & Kaplan, A. M. (1972). The Antitrust Class Suit: A Manageable Instrument for Social Justice. *Antitrust Law Journal*, *41*, 292-300.

Kolasky, W. (2004). An End to Cooperation in Competition? *European Lawyer*, *35*, 28-30.

Kolasky, W. (2008). What is Competition? A comparison of U.S. and European Perspectives. *The Antitrust Bulletin*, *49*(1/2), 29-53.

Kolasky, W. J. J., & Lowe, J. W. (1997). The Merger Review Process at the Federal Trade Commission: Administrative Efficiency and the Rule of Law. *Administrative Law Review*, *49*(4), 889-914.

Koller, R. H. (1971). The Myth of Predatory Pricing-An Empirical Study. *Antitrust Law & Economics Review*, *4*(4), 105-123.

Kolowrat, H., & Staton, J. C., Jr. (1980). Dramatization: Restraints on Technology Access. *Antitrust Law Journal*, *49*, 429-437.

Komesar, N. (2010). Stranger in a Strange Land: An Outsider's View of Antitrust and the Courts. *Loyola University Chicago Law Journal*, *41*, 443-453.

Komninos, A. P. (2001). Arbitration and the Modernisation of European Competition Law Enforcement. *World Competition*, *24*(2), 211-238.

Komninos, A. P. (2002). New Prospects for Private Enforcement of EC Competition Law: Courage v. Crehan and the Community Right to Damages. *Common Market Law Review*, *39*, 447-487.

Komninos, A. P. (2004). Article 234 EC and National Competition Authorities in the Era of Decentralisation. *European Law Review*, *29*(1), 106-114.

Komninos, A. P. (2006). Public and Private Antitrust Enforcement in Europe: Complement? Overlap? *The Competition Law Review*, *3*(1), 5-26.

Komninos, A. P. (2008). The EU White Paper for Damages Actions: A first Appraisal. *Concurrences; Revue des droits de la concurrence*, *2*, 84-92.

Komninos, A. P. (2008). The Road to the Commission's White Paper for Damages Action: Where We Came From. *Competition Policy Newsletter*, *4*(2), 81-105.

Kon, S., & Maxwell, A. (1998). Enforcement in National Courts of the E.C. and New U.K. Competition Rules: Obstacles to Effective Enforcement. *European Competition Law Review*, *19*(7), 443-454.

Koob, C. E., Vann, D. E., & Oruc, A. Y. (2004). Developments in Private Enforcement of Competition Laws – Introduction. *Global Competition Review*, *7*(10 Supplement), 3-8.

Korman, D. (1970). The Antitrust Plaintiff Following in the Government's Footsteps. *Villanova Law Review*, *16*(November), 57-87.

Korn, H. L. (1983). The Choice-of-Law Revolution: A Critique. *Columbia Law Review*, *83*, 772-973.

Kornhauser, L. A. (1980). A Guide to the Perplexed Claim of Efficiency in the Law. *Hofstra Law Review*, *8*, 591-639.

Korowicz, M. S. (1956). The Problem of the International Personality of Individuals. *The American Journal of International Law*, *50*, 533-562.

Kosicki, G., & Cahill, M. B. (2006). Economics of Cost Pass Through and Damages in Indirect Purchaser Antirust Cases. *The Antitrust Bulletin*, *51*(3), 599-630.

Koskenniemi, M. (1990). The Politics of International Law. *Journal of International Law*, *1*, 4-32.

Koskenniemi, M. (1999). Letter to the Editors of the Symposium. *The American Journal of International Law*, *93*, 351-361.

Kotalik, E. J. J. (1983). Conscious Parallelism: The Business Judgment Defense in a Summary Judgment Contex. *The Hastings Law Journal*, *35*(1), 115-132.

Kotler, P. (1980). Luncheon Address: The Marketer and Antitrust. *Antitrust Law Journal*, *49*, 489-496.

Kotuby, C. T., Jr. (2008). Private International Law before the United States Supreme Court: Recent Terms in Review. *Journal of Private International Law*, *4*(1), 61-82.

Kovacic, W. E. (1982). The Federal Trade Commission and Congressional Oversight of Antitrust Enforcement. *Tulsa Law Journal*, *17*(4), 587-671.

Kovacic, W. E. (1988). Congress and the Federal Trade Commission. *Antitrust Law Journal*, *57*, 869-905.

Kovacic, W. E. (1988). Public Choice and the Public Interest: Federal Trade Commission Antitrust Enforcement During the Reagan Administration. *The Antitrust Bulletin*, *33*, 467-504.

Kovacic, W. E. (1989). Failed Expectations: The Troubled Past and Uncertain Future of the Sherman Act as a Tool for Deconcentration. *Iowa Law Review*, *74*, 1105-1150.

Kovacic, W. E. (1990). Comments and Observations (The Sherman Act: The First Century). *Antitrust Law Journal*, *59*, 119-130.

Kovacic, W. E. (1990). The Antitrust Paradox Revised: Robert Bork and the Transformation of Modern Antitrust Policy. *The Wayne Law Review*, *36*, 1413-1471.

Kovacic, W. E. (1992). The Influence of Economics on Antitrust Law. *Economic Inquiry*, *30*(April), 294-306.

Kovacic, W. E. (1996). Downsizing Antitrust: Is it Time to End Dual Federal Enforcement? *The Antitrust Bulletin*, *41*(Fall), 505-540.

Kovacic, W. E. (1997). The Detection and Punishment of Tacit Collusion. *Loyola Consumer Law Reporter*, *9*(2), 153-159.

Kovacic, W. E. (1997). The Quality of Appointments and the Capability of the Federal Trade Commission. *Administrative Law Review*, *49*(4), 915-961.

Kovacic, W. E. (1999). Designing Antitrust Remedies for Dominant Firm Misconduct. *Connecticut Law Review*, *31*, 1285-1319.

Kovacic, W. E. (2000). Lessons of Competition Policy Reform in Transition Economies for U.S. Antitrust Policy. *St. John's Law Review*, *74*(2), 361-405.

Kovacic, W. E. (2001). Evaluating Antitrust Experiments: Using Ex Post Assessments of Government Enforcement Decisions to Inform Competition Policy. *George Mason Law Review*, *9*(3), 843-861.

Kovacic, W. E. (2001). Institutional Foundations for Economic Legal Reform in Transnation Economies: The Case of Competition Policy and Antitrust Enforcement. *Chicago-Kent Law Review*, *77*, 265-315.

Kovacic, W. E. (2001). Private Monitoring and Antitrust Enforcement: Paying Informants to Reveal Cartels. *The George Washington Law Review*, *69*(5/6), 766-797.

Kovacic, W. E. (2001). Transatlantic Turbolence: the Boeing-McDonnell Douglas Merger and International Competition Policy. *Antitrust Law Journal*, *68*, 805-873.

Kovacic, W. E. (2003). Extraterritoriality, Institutions, and Convergence in International Competition Policy. *American Society of International Law Proceedings*, *97*, 309-319.

Kovacic, W. E. (2003). Sauce for the Gander: Foreign Extraterritorial Regulation of U.S. Parties. American Society of International Law Proceedings, *97*, 309-312.

Kovacic, W. E. (2003). The Modern Evolution of U.S. Competition Policy Enforcement Norms. *Antitrust Law Journal*, *71*, 377-477.

Kovacic, W. E. (2006). Antitrust in the O'Connor-Rehnquist Era: A View from Inside the Supreme Court. *Antitrust*, *21*(3), 21-27.

Kovacic, W. E. (2007). Competition Policy, Consumer Protection, and Economic Disadvantage. *Washington University Journal of Law and Policy*, *25*, 101-118.

Kovacic, W. E., & Shapiro, C. (1999). Antitrust Policy: A Century of Economic and Legal Thinking. *Paper CPC99-009*, *October*.

Kovaleff, T. P. (1994). Introduction. *The Antitrust Bulletin*, *39*, 813-823.

Kovaleff, T. P., & Bingaman, A. K. (1994). Theodore P. Kovaleff interview with Anne K. Bingaman. *The Antitrust Bulletin*, *39*, 929-940.

Kowal, S. M. E. (2004). Criminal Antitrust Enforcement: A Global Challenge. *Andrew White-Collar Crime Reporter*, *19*(4).

Kowal, S. M. E. (2005). Criminal Antitrust Enforcement: A Global Challenge. *Andrews Antitrust Litigation Reporter*, *12*(10), 15.

Kowal, S. M. E. (2005). Criminal Antitrust Enforcement: A Global Challenge. *Andrews Tobacco Industry Litigation Reporter*, *20*(11), 11.

Kozyris, P. J. (1981). Reflections on Allstate-The Lessening of Due Process in Choice of Law. *U.C. Davis Law Review*, *14*, 889-906.

Kramer, L. (1990). Diversity Jurisdiction. *Brigham Young University Law Review*, *1990*, 97-129.

Kramer, L. (1992). The Lawmaking Power of the Federal Courts. *Pace Law Review*, *12*, 263-301.

Kramer, L. (1995). Extraterritorial Application of American Law after the *Insurance Antitrust* Case: A Reply to Professors Lowenfeld and Trimble. *American Journal of International Law*, *89*(4), 750-758.

Kramer, V. H. (1968). Subsequent Use of the Record and Proceedings in a Criminal Case. *Antitrust Law Journal*, *38*, 300-303.

Kramer, V. H. (1985). The Supreme Court and Tying Arrangements: Antitrust as History. *Minnesota Law Review*, *69*, 1013-1070.

Krash, A. (1964). The Legality of Reciprocity under Section 7 of the Clayton Act. *The Antitrust Bulletin*, *9*(1), 93-100.

Krattenmaker, T. G., & Pitofsky, R. (1988). Antitrust Merger Policy and the Reagan Administration. *The Antitrust Bulletin*, *33*, 211-232.

Krattenmaker, T. G., & Salop, S. C. (1996). Anticompetitive Exclusion: Raising Rivals' Costs To Achieve Power over Price. *The Yale Law Journal*, *96*(2), 209-293.

Krause, J. H. (2001). Health Care Providers and the Public Fisc: Paradigms of Government Harm under the Civil False Claims Act. *Georgia Law Review*, *36*, 121-217.

Krause, J. H. (2002). "Promises to Keep": Health Care Providers and the Civil False Claims Act. *Cardozo Law Review*, *23*, 1363-1417.

Krause, J. H. (2004). A Conceptual Model of Health Care Fraud Enforcement. *Journal of Law and Policy*, *12*, 55-147.

Krause, J. H. (2004). Regulating, Guiding, and Enforcing Health Care Fraud. *New York University Annual Survery of American Law*, *60*, 241-282.

Krauskopf, P. L. (2011). Competition Law Violations and Private Enforcement: Forum Shopping Strategies. *Global Competition Litigation Review*, *4*(1), 26-38.

Krauze, R., & Mulcahy, J. (2003). Antitrust Violations. *American Criminal Law Review*, *40*, 241-284.

Kraver, P. E., & Purcell, R. E. (1995). Application of the Lanham Act to Extraterritorial Activities: Trend Towards Universality or Imperialism? *Journal of the Patent and Trademark Office Society*, *77*, 115-137.

Kreider, J. S. (1934). A Brief History of the Growth of Anti-trust Legislation in the United States. *Southern California Law Review*, *7*, 144-182.

Krenzler, H. G. (1998). Globalisation and Multilateral Rules. *International Trade Law & Regulation*, *4*(4), 144-150.

Kreps, D. M., Milgrom, P., Roberts, J., & Wilson, R. (1982). Rational Cooperation in th Finitely Repeated Prisoners' Dilemma. *Journal of Economic Theory*, *27*(2), 245-252.

Kresic, M. D. (1983). The Inconvenient Forum and International Comity in Private Antitrust Actions. *Fordham Law Review*, *52*(3), 399-427.

Krier, J. E. (1974). Economic Analysis of Law, by Richard A. Posner, Boston andToronto, 1972, Book Review. *University of Pennsylvania Law Review*, *122*, 1664-1705.

Krisch, N. (2014). The Decay of Consent: International Law in an Age of Global Public Goods. *American Journal of International Law*, *108*, 1-40.

Krischer, D. E. (1972). Franchise Regulation, An Appraisal of Recent State Legislation. *Boston College Industrial and Commercial Law Review*, *13*(3), 529-567.

Kronman, A. T. (1980). Wealth Maximization as a Normative Principle. *The Journal of Legal Studies*, *9*, 227-242.

Krucks, W. N. (1976). Standing to Sue under Section 4 of the Clayton Act: Direct Injury, Target Area, or Twilight Zone. *Mississippi Law Journal*, *47*, 502-525.

Kruse, L. E. (1978). Deconcentration and Section 5 of the Federal Trade Commission Act. *The George Washington Law Review*, *46*(2), 200-232.

Ku, J. G. (2013). Kiobel and the Surprising Death of Universal Jurisdiction under the Alien Tort Statute. *The American Journal of International Law*, *107*, 835-841.

Kuhlman, J. M. (1967). Theoretical Issues in the Estimation of Damages in a Private Antitrust Action. *Southern Economic Journal*, *33*(4), 548-558.

Kühn, K.-U., Stillman, R., & Caffarra, C. (2005). Economic Theories of Bundling and Their Policy Implications in Abuse Cases: An Assessment in Light of The Microsoft Case. *European Competition Journal*, *1*(1), 85-121.

Kumar, N., Rajiv, S., & Jeuland, A. (2001). Effectiveness of Trade Promotions: Analyzing the Determinants of Retail Pass Through. *Marketing Science*, *20*(4), 382-404.

Kunzlik, P. F. (2003). Globalization and Hybridization in Antitrust Enforcement: European "Borrowings" from the U.S. Approach. *The Antitrust Bulletin*, *48*(2), 319-353.

Kurland, P. B. (1958). The Supreme Court, the Due Process Clause and the In Personam Jurisdiction of State Courts; From Pennoyer to Denckla: A Review. *The University of Chicago Law Review*, *25*(4), 569-624.

Kurland, S. (1980). Damages in Class Action Cases. *Antitrust Law Journal*, *49*, 1311-1318.

Kurlantzick, L. (2008). Tampering Prohibition and Agreements between American and Foreign Sports Leagues. *Columbia Journal of Law and the Arts*, *32*(3), 271-332.

Kusunoki, S. (2002). Shaping an Anti-Monopoly Law Sanction Regime Against Cartels or Bid Collusion: A Perspective on Japan's Choice. *University of Detroit Mercy Law Review*, *79*, 399-414.

Kwerel, E. (1977). To Tell the Truth: Imperfect Information and Optimal Pollution Control. *The Review of Economic Studies*, *44*(3), 595-601.

Kwoka, J. E., Jr. (1979). The Effect of Market Share Distribution on Industry Performance. *The Review of Economics and Statistics*, *61*(1), 101-109.

Kwon, H.-K. (2004). Markets, Institutions, and Politics under Globalization; Industrial Adjustments in the United States and in Germany in the 1990s. *Comparative Political Studies*, *37*(1), 88-113.

L., J. A. N. (1980). Contribution for Antitrust Codefendants. *Virginia Law Review*, *66*, 797-825.

L., N. (2006). Unavailable Judicial Remedies and the Rule of Law. *Legal Issues of Economic Integration*, *33*(3), 205-206.

L., O. D. (1978). Denial of Standing to Private Noncommercial Consumers Under Section 4 of the Clayton Act. *Vanderbilt Law Review*, *31*, 1531-1549.

La Rocca, L. (2011). The Controversial Issue of the Parent Company Liability for the Violation of EC Competition Rules by the Subsidiary. *European Competition Law Review*, *32*(2), 68-76.

Laby, A. B. (2013). Regulation of Global Financial Firms after Morrison v. National Australia Bank. *St. John's Law Review*, *87*, 561-594.

Lacarte-Moro, J., & Gappah, P. (2000). Developing Countries and the WTO Legal and Dispute Settlement System: View from the Bench. *Journal of international Law*, *3*, 395-401.

LaCasse, C. (1995). Bid Rigging and the Threat of Government Prosecution. *The RAND Journal of Economics*, *26*(3), 398-417.

Lahav, A. D. (2007). The Law and Large Numbers: Preserving Adjudication in Complex Litigation. *Florida Law Review*, *59*, 383-436.

Lahey, J. (1970). Tying Arrangements and the Singe Product Issue. *Ohio State Law Journal*, *31*, 861-868.

Lahno, B. (1995). Trust, Reputation, and Exit in Exchange Relationships. *The Journal of Conflict Resolution*, *39*(3), 495-510.

Lakhani, A. (2006). The Role of Citizens and the Future of International Law: A Paradigm for a Changing World. *Cardozo Journal of Conflict Resolution*, *8*, 159-208.

Lamb, D. W. (2001). Avoiding Impotence: Rethinking the Standards for Applying State Antitrust Laws to Interstate Commerce. *Vanderbilt Law Review*, *54*, 1705-1750.

Lambert, T. A. (2006). The “Failure to Mitigate” Defense in Antitrust. *The Antitrust Bulletin*, *51*(3), 569-598.

Lambert, T. A. (2008). Antitrust (Over-?) Confidence. *Loyola Consumer Law Review*, *20*(2), 219-231.

Lamendola, L. R. (1999). The Continuing Transformation of International Antitrust Law and Policy: Criminal Extraterritorial Application of the Sherman Act in United States v. Nippon Paper Industries. *Suffolk Transnational Law Review*, *22*, 663-714.

Lampert, M. A. (2006). Antitrust in IP Licensing: Selected Concerns and Considerations. *American Law Institute - American Bar Association Continuing Legal Education - Intellectual Property Licensing Today*, 1-16.

Lampert, M. A. (2007). Antitrust in IP Licensing: Selected Concerns and Considerations. *American Law Institute - American Bar Association Continuing Legal Education; Cross-Border Business Transactions: intellectual Property and Related Issues*, 1-17.

Lampert, T. (1999). International Co-operation Among Competition Authorities. *European Competition Law Review*, *20*(4), 214-224.

Lande, R. H. (1982). Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged. *Hastings Law Journal*, *34*, 65-151.

Lande, R. H. (1988). The Rise and (Coming) Fall of Efficiency as the Ruler of Antitrust. *The Antitrust Bulletin*, *33*(3), 429-465.

Lande, R. H. (1989). Chicago’s False Foundation: Wealth Transfers (Not Just Efficiency) Should Guide Antitrust. *Antitrust Law Journal*, *58*(3), 631-644.

Lande, R. H. (1990). When Should States Challenge Mergers: A Proposed Federal/State Balance. *New York Law School Law Review*, *35*, 1047-1094.

Lande, R. H. (1993). Are Antitrust ‘Treble” Damages Really Single Damages? *Ohio State Law Journal*, *54*(1), 115-174.

Lande, R. H. (1999). Proving the Obvious: The Antitrust Laws: Were Passed to Protect Consumers (Not Just to Increase Efficiency). *Hastings Law Journal*, *50*, 959-968.

Lande, R. H. (1999). Wealth Transfers as the Original and Primary Concern of Antitrust: The Efficiency Interpretation Challenged. *Hastings Law Journal*, *50*, 871-957.

Lande, R. H. (2001). Consumer Choice as the Ultimate Goal of Antitrust. *University of Pittsburgh Law Review*, *62*, 503-525.

Lande, R. H. (2004). Why Antitrust Damage Levels Should be Raised. *Loyola Consumer Law Review*, *16*(4), 329-346.

Lande, R. H. (2006). Five Myths about Antitrust Damages. *University of San Francisco Law Review*, *40*(3), 651-674.

Lande, R. H. (2013). A Traditional and Textualist Analysis of the Goals of Antitrust: Efficiency, Preventing Theft from Consumers, and Consumer Choice. *Fordham Law Review*, *81*, 2349-2403.

Lande, R. H., & Langenfeld, J. (2001). The Perfect Caper? Private Damages and the Microsoft Case. *The George Washington Law Review*, *69*(5/6), 902-914.

Lande, R. H., & Marvel, H. P. (2000). The Three Types of Collusion: Fixing Prices, Rivals, and Rules. *Wisconsin Law Review*, *2000*, 941-999.

Landes, W. M. (1971). An Economic Analysis of the Courts. *The Journal of Law and Economics*, *14*(1), 61-107.

Landes, W. M. (1983). Optimal Sanctions for Antitrust Violations. *The University of Chicago Law Review*, *50*, 651-678.

Landes, W. M., & Posner, R. A. (1975). Independent Judiciary in an Interest-Group Perspective, The Economic Analysis of Political Behavior. *The Journal of Law and Economics*, *18*(3), 875-901.

Landes, W. M., & Posner, R. A. (1976). Legal Precedent: A Theoretical and Empirical Analysis. *Journal of Law and Economics*, *19*(2), 249-308.

Landes, W. M., & Posner, R. A. (1978). Salvors, Finders, Good Samaritans, and other Rescuers: An Economic Study of Law and Altruism. *The Journal of Legal Studies*, *7*, 83-128.

Landes, W. M., & Posner, R. A. (1979). Should Indirect Purchasers Have Standing To Sue Under the Antitrust Laws? An Economic Analysis of Illinois Brick? *University of Chicago Law Review*, *46*(3), 602-635.

Landes, W. M., & Posner, R. A. (1980). The Economics of Passing on: A Reply to Harris and Sullivan. *University of Pennsylvania Law Review*, *128*, 1274-1279.

Landes, W. M., & Posner, R. A. (1981). Market Power in Antitrust Cases. *Harvard Law Review*, *94*(5), 937-996.

Landes, W. M., & Posner, R. A. (1983). Causation in Tort Law: An Economic Approach. *The Journal of Legal Studies*, *12*, 109-134.

Landes, W. M., & Posner, R. A. (1993). The Influence of Economics on Law: A Quantitative Study. *The Journal of Law and Economics*, *36*, 385-424.

Lane, N. (1970). American Antitrust Laws and Canadian Patent Rights. *University of Pennsylvania Law Review*, *118*(6), 983-1002.

Lane, R. (2001). Competition. *International and Comparative Law Quarterly*, *50*, 702-714.

Lang, C. G. (2001). Class Actions and the US Antitrust Laws: Prerequisites and Interdependencies of the Implementation of a Procedural Device for the Aggregation of Low-Value Claims. *World Competition*, *24*(2), 285-302.

Lang, J. T. (2004). Mandating Access: The Principles and the Problems in Intellectual Property and Competition Policy. *European Business Law Review*, *15*(5), 1087-1113.

Langbein, J. H. (1985). The German Advantage in Civil Procedure. *The University of Chicago Law Review*, *52*(4), 823-866.

Langenfeld, J. L., & Silvia, L. (1993). Federal Trade Commission Horizontal Restraint Cases: An Economic Perspective. *Antitrust Law Journal*, *61*, 653-697.

Langer, R. M., Crane, M., Loftis, J. R., Silberman, A. H., & Walbolt, S. H. (1991). 60 Minutes with Robert M. Langer, Assistant Attorney General State Connecticut, and Chair, NAAG Multistate Antitrust Task Force. *Antitrust Law Journal*, *60*, 197-215.

Lanning, S. G. (1987). Costs of Maintaining a Cartel. *The Journal of Industrial Economics*, *36*(2), 157-174.

Lanucara, L. (2002). The Globalization of Antitrust Enforcement: Governance Issues and Legal Responses. *Indiana Journal of Global Legal Studies*, *9*(2), 433-460.

Lanzillotti, R. F. (1971). Problem of Proof of Damages in Antitrust Suits. *The Antitrust Bulletin*, *16*, 329-369.

Lanzillotti, R. F. (1996). The Great School Milk Conspiracies of the 1980s. *Review of Industrial Organization*, *11*(4), 413-458.

Lao, M. (1994). Jurisdictional Reach of the U.S. Antitrust Laws: Yokosuka and Yokota, and "Footnote 159" Scenarios. *Rutgers Law Review*, *46*, 821-871.

Lao, M. (1997). Tortious Interference and the Federal Antitrust Law of Vertical Restraints. *Iowa Law Review*, *35*, 35-77.

Lao, M. (2004). Reclaiming a Role for Intent Evidence in Monopolization Analysis. *American University Law Review*, *54*(1).

Lasky, M. (1969). Overview and Overkill: Private Enforcement of Antitrust Laws. *The Business Lawyer*, *24*(July), 1221-1238.

Latham, E. (1950). The Politics of Basing Point Legislation. *Law and Contemporary Problems*, *15*(2), 272-310.

Latimer, H. (1980). Damages, Settlements and Attorneys' Fees in Antitrust Class Actions. *Antitrust Law Journal*, *49*, 1553-1580.

Lauck, J. (2008). "The Organic Law of a Great Commonwealth": The Framing of the South Dakota Constitution. *South Dakota Law Review*, *53*(2), 203-259.

Lauterpacht, H. (1951). The Problem of Jurisdictional Immunities of Foreign States. *British Yearbook of International Law*, *28*, 220-272.

Lave, J. M. (2003). Umbrella Standing: The Tradeoff Between Plaintiff Suit and Speculative Claims. *The Antitrust Bulletin*, *48*(1), 223-269.

Lavinbuk, A. N. (2005). Rethinking Early Judicial Involvement in Foreign Affairs: An Empirical Study of the Supreme Court's Docket. *The Yale Law Journal*, *114*(4), 855-904.

Lavranos, N. (2008). Solange-Method as a Tool for Regulating Competing Jurisdictions among International Courts and Tribunals. *Loyola of Los Angeles International and Comparative Law Review*, *30*(3), 275-334.

Law, by Reinhard Zimmermann and Simon Whittaker. *European Review of Private Law*, *3*, 471-472.

Law, D. i. t. (1955). Trade-Marks and Unfair Competition. *Harvard Law Review*, *68*(5), 814-920.

Lawrence, J., & Moffat, J. (2004). A Dangerous New World - Practical Implications of the Enterprise Act 2002. *European Competition Law Review*, *25*(1), 1-4.

Lawrence, L. G. (1977). The Convenient Forum Abroad Revisited: A Decade of Development of the Doctrine of Forum Non Conveniens in International Litigation in the Federal Courts. *Virginia Journal of International Law*, *17*(4), 755-791.

Laws: A Response to the 'New Critics'. *Mercer Law Review*, *34*, 593-644.

Laycock, D. (1992). Equal Citizens of Equal and Territorial States: The Constitutional Foundations of Choice of Law. *Columbia Law Review*, *92*(2), 249-337.

Layton, A., & Parry, A. M. (2004). Extraterritorial Jurisdiction - European Responses. *Houston Journal of International Law*, *26*(2), 309-325.

Layton, D. W., & Miranda, J. O. (2003). Advocacy Before World Trade Organization Dispute Settlement Panels in Trade Remedy Cases. *Journal of World Trade*, *37*(1), 69-103.

Lazarus, R. J. (2008). Advocacy Matters before and within the Supreme Court: Transforming the Court by Transforming the Bar. *Georgetown Law Journal*, *96*(5), 1487-1564.

Le, N. (2005). What Does 'Capable of Eliminating All Competition' Mean? *European Competition Law Review*, *26*(1), 6-10.

Lean, D. F., Ogur, J. D., & Rogers, R. P. (1985). Does Collusion Pay. Does Antitrust Work? *Southern Economic Journal*, *51*, 828-841.

Lear, E. T. (2006). Congress, the Federal Courts, and Forum Non Conveniens: Friction on the Frontier of the Inherent Power. *Iowa Law Review*, *91*(4), 1147-1208.

Leary, T. B. (2002). Essential Stability of Merger Policy in the United States. *Antitrust Law Journal*, *70*, 105-142.

Leathers, J. R. (1998). Choice of Law in Kentucky. *Kentucky Law Journal*, *87*, 583-678.

Lechter, J., Posner, D., & Morris, G. (2002). Antitrust Violations. *American Criminal Law Review*, *39*, 225-272.

Ledewitz, B. (2005). Up Against the Wall of Separation: The Question of American Religious Democracy. *William and Mary Law Review*, *14*(2), 555-675.

Lee, G. (2004). How the Globalization of R&D Competition Affects Trade and Growth. *The Japanese Economic Review*, *55*(3), 267-285.

Lee, M. S. (1998). *United States* v. *Nippon Paper Industries Co.*: Extending the Criminal Provisions of the Sherman Act to Foreign Conduct Producing a Substantial Intended Effect in the United States. *Wake Forest Law Review*, *33*(1), 189-217.

Lee, S. (2007). Using Action in Damages to Improve Criminal Penalties Against Cartels: Comparative Analysis of Competition Law of United States and South Korea. *Currents International Trade Law Journal*, *16*(2), 55-69.

Lee, T. D., & Livingston, A. (1988). The Road Less Traveled: State Court Resolution of Patent, Trademark, or Copyright Disputes. *St. Mary's Law Journal*, *19*, 703-752.

Leff, A. A. (1970). Injury, Ignorance and Spite-The Dynamics of Coercive Collection. *The Yale Law Journal*, *80*(1), 1-46.

Leff, A. A. (1974). Economic Analysis of Law: Some Realism About Nominalism. *Virginia Law Review*, *60*, 451-482.

Leffle, K. B. (1983). *Arzona* v. *Maricopa Country Medical Society*: Maximum-Price Agreements in Market with Insured Buyers. *Supreme Court Economic Review*, *2*, 187-211.

Leffler, K. (1985). Toward a Reasonable Rule of Reason: Comments. *Journal of Law and Economics*, *28*(2), 381-386.

Lefkin, P. A. (1988). Shattering Some Myths on the Insurance Liability Crisis: A Comment on the Article by Clarke, Warren-Boulton, Smith, and Simon. *Yale Journal on Regulation*, *5*(2), 417-425.

Leflar, R. A. (1932). Extrastate Enforcement of Penal and Governmental Claims. *Harvard Law Review*, *46*(2), 193-225.

Leflar, R. A. (1960). The Converging Limits of State Jurisdictional Powers. *Journal of Public Law*, *9*, 282-292.

Leflar, R. A. (1963). Constitutional Limits of Free Choice of Law. *Law and Contemporary Problems*, *28*, 706-731.

Leflar, R. A. (1966). Choice-Influencing Considerations in Conflicts Law. *New York University Law Review*, *41*, 267-327.

Lehman, I. (1942). The Influence of Judge Cardozo on the Common Law. *Law Library Journal*, *35*(1), 2-10.

Leibenstein, H. (1966). Allocative efficiency vs. "X-Efficiency". *The American Economic Review*, *56*(3), 392-415.

Lemley, M. A. (2002). Intellectual Property Rights and Standard-Setting Organizations. *California Law Review*, *90*, 1889-1980.

Lemley, M. A., & Weiser, P. J. (2007). Should Property or Liability Rules Govern Information? *Texas Law Review*, *85*(4), 783-841.

Lemos, M. M. (2011). Special Incentives to Sue. *Minnesota Law Review*, *95*(3), 782-845.

Lenaerts, K., & Gerard, D. (2004). Decentralisation of EC Competition Law Enforcement: Judges in the Frontline. *World Competition*, *27*(3), 313-349.

Lendermann, M., & Pühl, H. (2013). The Extraterritorial Application of US Securities Law after Morrison v. National Australia Bank. *DAJV Newsletter*, *38*(1), 2-6.

Lenvin, N. B., & Meyers, E. S. (1942). Nolo Contendere: Its Nature and Implications. *The Yale Law Journal*, *51*(8), 1255-1268.

Lerman, A. M. (1980). Settlement of Government and Private Cases: The Defense. *Antitrust Law Journal*, *50*, 17-23.

Les Benedict, M. (1985). Laissez-Faire and Liberty: A Re-Evolution of the Meaning and Origins of Laissez-Faire Constitutionalism. *Law and History Review*, *3*, 293-331.

Leslie, C. R. (2004). Trust, Distrust, and Antitrust. *Texas Law Review*, *82*(3), 515-680.

Leslie, C. R. (2005). The Need to Study Coupon Settlements in Class Action Litigation. *Georgetown Journal of Legal Ethics*, *18*, 1395-1418.

Leslie, C. R. (2006). Antitrust Amnesty, Game Theory, and Cartel Stability. *The Journal of Corporation Law*, *31*(2), 453-488.

Leslie, C. R. (2006). Antitrust Damages and Deadweight Loss. *The Antitrust Bulletin*, *51*(3), 521-567.

Leslie, C. R. (2008). Cartels, Agency Costs, and Finding Virtue in Faithless Agents. *William and Mary Law Review*, *49*(5), 1621-1700.

Leslie, C. R. (2009). Judgment-Sharing Agreements. *Duke Law Journal*, *58*(5), 747-826.

Lessing, L. (1995). The Regulation of Social Meaning. *The University of Chicago Law Review*, *62*(3), 943-1045.

Letsou, P. V. (1995). The Political Economy of Consumer Credit Regulation. *Emory Law Journal*, *44*, 587-677.

Letwin, W. L. (1954). The English Common Law Concerning Monopolies. *The University of Chicago Law Review*, *21*, 355-385.

Letwin, W. L. (1956). Congress and the Sherman Antitrust Law: 1887-1890. *The University of Chicago Law Review*, *23*, 221-258.

Leubsdorf, J. (1981). The Contingency Factor in Attorney Fee Awards. *The Yale Law Journal*, *90*(3), 473-513.

Levenstein, M. C., & Suslow, V. Y. (2005). The Changing International Status of Export Cartel Exemptions. *American University International Law Review*, *20*(4), 785-828.

Levenstein, M. C., & Suslow, V. Y. (2007). Economic Impact of the U.S. Export Trading Company Act. *Antitrust Law Journal*, *74*(2), 343-386.

Levenstein, M., & Suslow, V. Y. (2004). Contemporary International Cartels and Developing Countries: Economic Effects and Implications for Competition Policy. *Antitrust Law Journal*, *71*(3), 801-852.

Lêvêque, F. (2005). Innovation, Leveraging and Essential Facilities: Interoperability Licensing in the EU Microsoft Case. *World Competition*, *28*(1), 71-91.

Levi-Faur, D. (1999). The Governance of Competition: the Interplay of Technology, Economics, and Politics in European Union Electricity and Telecom Regimes. *International Public Policy*, *19*(2), 175-207.

Levi, E. H. (1966). Aaron Director and the Study of Law and Economics. *Journal of Law and Economics*, *9*, 3-4.

Levin, A. J. (1944). Mr. Justice William Johnson, Creative Dissenter. *Michigan Law Review*, *43*, 497-548.

Levin, A. J. (1945). Mr. Justice William Johnson and the Common Incidents of Life: I. *Michigan Law Review*, *44*, 59-112.

Levine, E. (2011). Amicus Curiae in International Investment Arbitration: The Implications of an Increase in Third-Party Participation. *Berkeley Journal of International Law*, *29*(1), 200-224.

Levine, P. E. (1973). Attempt to Monopolize under the Sherman Act: Defendant's Market Power as a requisite to a Prima Facie Case. *Columbia Law Review*, *73*(7), 1451-1475.

Levit, J. K. (2003). Going Public with Transnational Law: The 2002-2003 Supreme Court Term. *Tulsa Law Review*, *39*(1), 155-165.

Levmore, S. (1982). Rescuing Some Antitrust Law: An Essay on Vertical Restrictions and Consumer Information. *Iowa Law Review*, *67*, 981-993.

Lewis, T. P. (1960). The Meaning of State Action. *Columbia Law Review*, *60*, 1083-1123.

Lewis, W. D. (1905). Should the Motive of the Defendant Affect the Question of his Liability? – The Answer of one Class of Trade and Labor Cases. *Columbia Law Review*, *5*, 107-123.

Lianos, I. (2007). The Contribution of the United Nations to the Emergence of Global Antitrust Law. *Tulane Journal of International and Comparative Law*, *15*(2), 415-462.

Libecap, G. D. (1992). The Rise of the Chicago Packers and the Origins of Meat Inspection and Antitrust. *Economic Inquiry*, *30*(2), 242-262.

Lichtenbaum, P. (2000). Dispute Settlement and Institutional Issues. *Journal of International Economic Law*, *3*, 173-176.

Liebeler, W. J. (1981). Industrial Concentration, Efficiency, and Antitrust Reform: Another View. *Southwestern University Law Review*, *12*, 379-404.

Liebeler, W. J. (1983). 1983 Economic Review of Antitrust Developments: The Distinction Between Price and Nonprice Distribution Restrictions. *UCLA Law Review*, *31*, 384-422.

Liebler, W. J. (1982). Intrabrand "Cartels" under GTE Sylvania. *UCLA Law Review*, *30*, 1-51.

Liebling, J. H. (1996). Judicial Usurpation of the F.T.C.'s Authority: A Return to the Rule of Reason. *The John Marshall Law Review*, *30*, 283-319.

Liebscher, C. (2003). Arbitration and EC Competition Law – The New Competition Regulation: Back to Square One. *Journal of International Arbitration*, *6*(3), 84-94.

Liebscher, C. (2004). Drafting Arbitration Clauses for EC Merger Control. *Journal of International Arbitration*, *21*(1), 67-81.

Lieske, R. J. (1987). Antitrust Law - Standing and the Use of "Antitrust Injury": Local Beauty Supply, Inc. v. Lamaur, Inc. *The Journal of Corporation Law*, *13*, 169-185.

Lillich, R. B., & Paxman, J. M. (1977). State Responsibility for Injuries to Aliens Occasioned by Terrorist Activities. *The American University Law Review*, *26*(2), 217-313.

Limbaugh, R. H. (1953). Historic Origins of Anti-Trust Legislation. *Missouri Law Review*, *18*(3), 215-248.

Link, A. S. (1959). What Happened to the Progressive Movement in the 1920's? *The American Economic Review*, *64*(4), 833-851.

Lipicnik, S. M., & Gibbs, J. M. (1985). An Overview of the Last Decade of State Antitrust Law, Including "Little FTC Acts", Unfair Trade Practice Legislation, Franchise, and Business Opportunity Legislation, RICO and the Rejection of Illinois Brick. *Toledo Law Review*, *16*, 929-940.

Lipsky, A. B., Jr. (1992). Deterring Cartel Behavior: Harmonies and Disharmonies, Problems and Solutions. *Antitrust Law Journal*, *60*, 563-569.

Lipsky, A. B., Jr., & Wilmot, K. (2013). The Foreign Trade Antitrust Improvement Act: Did Arbaugh Erase Decades of Consensus Building? *Antitrust Source*, *12*, 1-10.

Liss, H. M., Rill, J. F., Posner, B., & Fulgency, R. J. (1980). Dramatization: Pricing and Promotional Decisions. *Antitrust Law Journal*, *49*, 497-526.

Litvack, S. M. (1982). Government Antitrust Policy: Government Antitrust Policy: Theory Versus Practice and the Role of the Antitrust Division. *Texas Law Review*, *60*, 649-660.

Liu, M. X. (2014). Jurisdictional Limits of In Rem Proceedings against Domain Names. *Michigan Telecommunications and Technology Law Review*, *20*, 467-496.

Livingston, J. (1987). The Social Analysis of Economic History and Theory: Conjectures on Late Nineteenth-Century American Development. *The American Historical Review*, *92*(1), 69-95.

Lloyd, H. D. (1884). Lords of Industry. *The North American Review*, *138*(331), 535-553.

Lloyd, P. J. (1998). Multilateral Rules for International Competition Law? *The World Economy*, *21*(8), 1129-1149.

Lockhart, W. B. (1947). Violation of the Antitrust Laws as a Defense in Civil Actions. *Minnesota Law Review*, *31*(6), 507-574.

Lockhart, W. B., & Sacks, H. R. (1952). The Relevance of Economic Factors in Determining Whether Exclusive Arrangements Violate Section 3 of the Clayton Act. *Harvard Law Review*, *65*(6), 913-954.

Loescher, S. M. (1979). Limiting Corporate Power. *Journal of Economic Issues*, *13*(2), 557-571.

Loevinger, L. (1953). Antitrust and the New Economics. *Minnesota Law Review*, *37*(7), 505-568.

Loevinger, L. (1959). Handling a Plaintiff's Antitrust Damage Suit. *The Antitrust Bulletin*, *4*, 29-53.

Loevinger, L. (1969). Antitrust Issues as Subjects of Arbitration. *New York University Law Review*, *44*, 1085-1096.

Loewenstein, A. B. (2004). Development in the Foreign Sovereign Immunities Act. *The International Lawyer*, *38*(2), 333-342.

Logan, K. R., & Litwin, E. E. (2004). Courts and Agencies refine US Antitrust Law. *International Financial Law Review*.

Looper, S. (2010). NOPEC Goes Bananas: Thwarting Congress's Attempt to Extend U.S. Antitrust Law's Extraterritorial Reach. *Houston Journal of International Law*, *32*(2), 281-332.

Lopatka, J. E. (1984). State Action and Municipal Antitrust Immunity: An Economic Approach. Fordham Law Review, *1984*(October), 23-81.

Lopatka, J. E. (1986). The State of "State Action" Antitrust Immunity a Progress Report. *Louisiana Law Review*, *46*, 941-1043.

Lopatka, J. E. (1996). Solving the oligopoly problem: Turner's try. *The Antitrust Bulletin*, *41*, 843-908.

Lopatka, J. E. (2006). Overcharge Damages for Monopolization of New Economy Market. *The Antitrust Bulletin*, *51*(3), 453-505.

Lopatka, J. E., & Page, W. H. (2002). Antitrust Injury and the Evolution of Antitrut Law. *Antitrust*, *17*(1), 20-26.

Lopatka, J. E., & Page, W. H. (2002). Brinswick at 25: Antitrust Injury and the Evolution of Antitrust Law. *Antitrust*, 20-26.

Lopatka, J. E., & Page, W. H. (2003). Indirect Purchaser Suit and the Consumer Interest. *The Antitrust Bulletin*, *48*(2), 531-570.

Lopatka, J. E., & Page, W. H. (2003). State Action and the Meaning of Agreement Under the Sherman Act: an Approach to Hybrid Restraints. Yale Journal on Regulation, *20*, 269-323.

Lopatka, J. E., & Page, W. H. (2005). Economic Authority and the Limits of Expertise in Antitrust Cases. *Cornell Law Review*, *90*, 617-703.

Lopez, J. J. P. (2006). The Aggravating Circumstance of Recidivism and the Principle of Legality in the EC Fining Policy: Nulla Poena Sine Lege? *World Competition*, *29*(3), 441-457.

Lou, Y. (2005). How does Globalization affect Corporate Governance and Accountability? A Perspective from MNEs. *Journal of International Management*, *11*, 19-41.

Lovett, W. A. (2003). Exxon Valdez, Punitive Damages, and Tort Reform. *Tort Trial & Insurance Practice Law Journal*, *38*, 1071-1126.

Low, D. M. (2003). Disequilibrium in International Leniency Practice - Recent Ripples from US Civil Practice. International Business Lawyer, *31*(4), 193-202.

Lowe, A. V. (1980). Blocking Extraterritorial Jurisdiction: The British Protection of Trading Interests Act, 1980. *The American Journal of International Law*, *75*, 257-282.

Lowe, A. V. (1984). Public International Law and the Conflict of Laws: The European Response to the United States Export Administration Regulations. *International and Comparative Law Quarterly*, *33*, 515-530.

Lowe, P. (2004). Current Issues of E.U. Competition Law: The New Competition Enforcement Regime. *Northwestern Journal of International Law and Business*, *24*, 567-584.

Lowe, P. (2007). Keynote Address. *George Mason Law Review*, *14*(4), 871-878.

Lowe, P., & Held, A. (2005). Modernisation and Beyond: The Role of Competition Policy in Driving Economic Growth. *European Competition Journal*, *1*(1), 35-50.

Lowe, P., Kolasky, W. J., Muris, T. J., & Finckenstein, K. v. (2002). ICN Roundtable: The Roundtable. *Antitrust*, *17*(1), 34-43.

Lowe, V. (1989). International Law and the Effects Doctrine in the European Court of Justice. *The Cambridge Law Journal*, *48*(1), 9-11.

Lowenfeld, A. F. (1974). Litigating a Sovereign Immunity Claim - The Haiti Case. *New York University Law Review*, *49*(4), 377-436.

Lowenfeld, A. F. (1982). Antitrust, Interest Analysis, and the New Conflict of Law, Book Review. *Harvard Law Review*, *95(8)*(8), 1976-2009.

Lowenfeld, A. F. (1982). Antitrust, Interest Analysis, and the New Conflict of Laws; Antitrust and American Business Abroad By James R. Atwood and Kingman Brewster, Colorado Springs, 1981, Book Review. *Harvard Law Review*, *95*, 1976-2009.

Lowenfeld, A. F. (1986). Jurisdiction, Choice of Law, and Conflict Resolution. *Boston University International Law Journal*, *4*, 91-97.

Lowenfeld, A. F. (1994). Thoughts About a Multinational Judgment Convention: A Reaction to the Von Mehren Report. *Law and Contemporary Problems*, *57*(3), 289-304.

Lowenfeld, A. F. (1995). Conflict, Balancing of Interests and the Exercise of Jurisdiction to Prescribe: Reflections on the Insurance Antitrust Case. *The American Journal of International Law*, *89*(1), 42-53.

Lowry, J. (2006). The Whistle-Blower and the Non-Executive Director. *Journal of Corporate Law Studies*, *6*(1), 249-257.

Lubman, S. (1962). The Unrecognized Government in American Courts: Upright v. Mercury Business Machines. *Columbia Law Review*, *62*(2), 275-310.

Lunney, G. S., Jr. (1995). Responsibility, Causation, and the Harm-Benefit Line in Taking Jurisprudence. *Fordham Environmental Law Journal*, *6*, 433-521.

Lunsford, J. R. J. (1950). Trade-Marks and Unfair Competition - The Demise of Erie v. Tompkins. *The Trade-Mark Reporter*, *40*(3), 169-183.

Lyons, D. A. (2009). Public Use, Public Choice, and the Urban Growth Machine: Competing Political Economies of Takings Law. *University of Michigan Journal of Law Reform*, *42*, 265-322.

Lytle, D. B., & Purdue, B. (1976). Antitrust Target Area under Section 4 of the Clayton Act: Determination of Standing in Light of the Alleged Antitrust Violation. *The American University Law Review*, *25*(4), 795-820.

Macaulay, S. (1996). Organic Transactions: Contract, Frank Lloyd Wright and the Johnson Building. *Wisconsin Law Review*, *1996*, 75-121.

MacChesney, B., & Murphy, W. D. (1940). Investigatory and Enforcement Powers of the Federal Trade Commission. *The George Washington Law Review*, *8*, 581-607.

Macey, J. R., & Miller, G. P. (1991). The Plaintiffs' Attorney's Role in Class Action and Derivative Litigation: Economic Analysis and Recommendations for Reform. *The University of Chicago Law Review*, *58*(1), 1-118.

MacIntyre, A. E., & Volhard, J. J. (1970). The Federal Trade Commission. *Boston College Industrial and Commercial Law Review*, *11*, 723-783.

MacIntyre, A. E., & Volhard, J. J. (1973). The Federal Trade Commission and Incipient Unfairness. *The George Washington Law Review*, *41*, 407-445.

MacIntyre, E. (1962). The Role of the Private Litigant in Antitrust Enforcement. *The Antitrust Bulletin*, *7*, 113-129.

MacIntyre, E., & Von Brand, T. P. (1970). Unfair Methods of Competition as an Evolving Concept - Prelude to Consumerism. *St. John's Law Review*, *44*, 597-625.

Madíega, T. (2006). Innovation and Market Definition under the EU Regulatory Framework for Electronic Communications. *World Competition*, *29*(1), 55-72.

Madill, J., & Mexis, A. (2009). Consumers at the Heart of EU Competition Policy. *Competition Policy Newsletter*, *1*, 27-28.

Madison, B. V. (2004). Rico, Judicial Activism, and the Roots of Separation of Powers. *Brandeis Law Journal*, *43*(1), 29-78.

Magarian, G. P. (2003). Regulating Political Parties under a "Public Rights" First Amendment. *William and Mary Law Review*, *44*(5), 1939-2061.

MaGill, R. (1952). The Income Tax Aspects of Antitrust Litigation. *Taxes*, *30*, 211-215.

Magney, J. S., & Anderson, R. C. (2004). Recent Developments in Criminal Enforcement of US Antitrust Laws. World Competition, *27*(1), 101-106.

Magnus, J. R. (2005). Joint Export Trade Provisions in Antitrust Laws: A Supporter's Perspective. *Journal of World Trade*, *39*(1), 181-184.

Maher, I. (2000). Re-imagining the Story of European Competition Law. *Oxford Journal of Legal Studies*, *20*(1), 155-166.

Maher, I. (2002). Competition Law in the International Domain: Networks as a New Forum of Governance. *Journal of Law and Society*, *29*(1), 111-136.

Mahoney, C. J. (2007). Treaties as Contracts: Textualism, Contract Theory, and the Interpretation of Treaties. *The Yale Law Journal*, *116*(4), 824-858.

Maier-Rigaud, F. P. (2006). Article 82 Rebates: Four Common Fallacies. *European Competition Journal*, *2*, 85-100.

Maier, H. G. (1982). Extraterritorial Jurisdiction at a Crossroads: An Intersection Between Public and Private International Law. *The American Journal of International Law*, *76*(2), 280-320.

Maier, H. G. (1982). Extraterritorial Jurisdiction at a Crossroads: An Intersection Between Public and Private International Law. *The American Journal of International Law*, *76*(2), 280-320.

Maier, H. G. (1983). Interest Balancing and Extraterritorial Jurisdiction. *American Journal of Comparative Law*, *31*(4), 579-598.

Maier, H. G. (1984). Resolving Extraterritorial Conflicts, or "There are Back Again". *Virginia Journal of International Law*, *25*(1), 7-48.

Maier, H. G. (1993). Finding the Trees in spite of the Metaphorist: the Problem of State Interests in Choice of Law. *Albany Law Review*, *56*, 753-772.

Maier, H. G. (1999). The Trade Embargo as an International Political Instrument. *New England Law Review*, *34*(1), 47-56.

Maier, J., & Maier, H. G. (1995). Case Two: Extraterritorial Application of United States Law Against United States and Alien Defendants (Sherman Act). *New England Law Review*, *29*, 608-616.

Maitland-Walker, J. (Ed.). (1984). *International Anti-trust Law; A Review of National Laws*. (Vol. I). Oxford, UK: ESC Publishing Limited.

Majumdar, A. (2008). The Role of a Consumer Harm Test in Competition Policy. *Loyola Consumer Law Review*, *20*(2), 144-150.

Malferrari, L. (2006). Annulment Actions by Third Parties Against Decisions of the Italian Competition Authority Held Admissible. Change in the Italian Case Law: Only a Positive Development or Also the Opening of a Pandora's box? *European Competition Law Review*, *27*(2), 74-81.

Malina, M. (1972). The Search for the Pot of Gold; Fluid Class Recovery as a Consumer Remedy in Antitrust Cases. *Antitrust Law Journal*, *41*, 301-320.

Malina, M. (1995). Some Thoughts on the Source of Antitrust Law in the Nineties. *Antitrust Law Journal*, *63*, 853-860.

Malina, M., & Blechman, M. D. (1970). Parens Patriae Suits for Treble Damages Under the Antitrust Laws. *Northwestern University Law Review*, *65*(2), 193-231.

Maltz, E. M. (1986). The Concept of Precedent in Choice of Law Theory. *Missouri Law Review*, *51*, 191-199.

Mamolea, A. (2011). The Future of Corporate Aiding and Abetting Liability under the Alien Tort Statute: A Roadmap. *Santa Clara Law Review*, *51*(1), 79-152.

Mann, F. A. (1990). The Extremism of American Extraterritorial Jurisdiction. *International and Comparative Law Quarterly*, *39*, 410-412.

Manne, H. G. (1967). Our Two Corporation Systems: Law and Economics. *Virginia Law Review*, *53*(2), 259-284.

Manne, H. G. (1991). New Views on Antitrust: Summary Comments. *Journal of Institutional and Theoretical Economics*, *147*(1), 235-239.

Mantell, E. H. (1982). Denial of a Forum to Indirect - Direct Purchaser Victims of Price Fixing Conspiracies: A Legal and Economic Analysis of Illinois Brick. *Pace Law Review*, *2*(2), 153-230.

Mantell, E. H. (1991). Potential Antitrust Obstacles to a Merger and the Role of the Economist. *Westchester Bar Journal*, *18*, 299-314.

Marburg, T. (1908). Amendment of the Sherman Anti-Trust Law. *Annals of the American Academy of Political and Social Science*, *32*, 34-42.

Marburg, T. (1908). The Panic and the Present Depression. *Annals of the American Academy of Political and Social Science*, *32*, 55-62.

Marceau, G. (2001). Conflicts of Norms and Conflicts of Jurisdiction; The Relationship between the WTO Agreement and MEAs and other Treaties. *Journal of World Trade*, *35*(6), 1081-1131.

Marcus, P. (1951). Civil Rights and the Anti-Trust Laws. *The University of Chicago Law Review*, *18*(2), 171-217.

Mark, G. (2013). RICO's Extraterritoriality. *American Business Law Journal*, *50*, 543-608.

Mark, G. A. (1987). The Personification of the Business Corporation in American Law. *The University of Chicago Law Review*, *54*, 1441-1483.

Markey, E. J. (1971). Section 5 of the Federal Trade Commission Act: A Source of Protection for Competitors and Consumers. *Boston College Industrial and Commercial Law Review*, *12*, 982-996.

Markham, J. W. (1950). An Alternative approach to the concept of workable competition. *American Economic Review*, *40*(3), 348-361.

Markovits, R. S. (1980). Legal Analysis and the Economic Analysis of Allocative Efficiency. *Hofstra Law Review*, *8*(4), 811-903.

Markovits, R. S. (1984). The Limits to Simplifying Antitrust: A Reply to Professor Easterbrook. *Texas Law Review*, *63*, 41-87.

Markovits, R. S. (1985). The Functions, Allocative Efficiency, and Legality of Tie-Ins: A Comment. *Journal of Law and Economics*, *28*(2), 387-404.

Marks, M. M. (1908). Effects of Anti-Trust Legislation on Business. *Annals of the American Academy of Political and Social Science*, *32*, 45-49.

Marquez, J. (1994). Life Expectancy of International Cartels: An Empirical Analysis. *Review of Industrial Organization*, *9*(3), 331-341.

Marquis, M. (2007). O2 (Germany) v Commission and the Exotic Mysteries of Article 81(1) EC. *European Law Review*, *32*(1), 29-47.

Marquis, M. (2008). Cartel Settlements and Commitment Decisions. *European Competition Law Annual*, *2008*, xxix-xxi2.

Marrouk, L. (2002). A Critique of the U.S. and EU Proposals for Improving International Enforcement of Antitrust Law. *Columbia Journal of European Law*, *8*(1), 101-123.

Marsden, P. (2004). Pros and Cons of a Sectoral Approach without a Comprehensive Multilateral Competition Framework. *European Business Law Review*, 253-262.

Marsden, P. (2008). Picking Over the CFI Microsoft Judgment of 17 September, 2007. *Loyola Consumer Law Review*, *20*(2), 172-175.

Marsden, P. (Ed.). (2006). *Handbook of Research in Trans-Atantic Antitrust*. Cheltenham, UK

Marsden, P., Majumdar, A., Calkins, S., Carstensen, P., Foer, B., Gerber, D. et al. (2008). The Antitrust Marathon; Part II: Role of a Consumer Harm Test in Competition Policy. *Loyola Consumer Law Review*, *20*(2), 151-166.

Marshall, K. S. (2007). The Economics of Competitive Injury. *Brandeis Law Journal*, *45*, 345-385.

Marshall, P. W. (1971). The Commerce Requirement of the Robinson-Patman Act. *The Hastings Law Journal*, *22*, 1245-1267.

Martin, J. (1980). Personal Jurisdiction and Choice of Law. *Michigan Law Review*, *78*, 872-888.

Martin, J. A. (1976). Constitutional Limitations of Choice of Law. *Cornell Law Review*, *61*(2), 185-230.

Martin, J. A. (1981). The Constitution and Legislative Jurisdiction. *Hofstra Law Review*, *10*, 133-148.

Martin, J. R., & Trulove, J. (2009). Empagran - Practical Considerations From the Trenches. *Antitrust*, *24*, 72-76.

Martin, J. S. (2007). Private Antitrust Litigation in Europe: what Fence is High Enough to Keep Out the US Litigation Cowboy? *European Competition Law Review*, *28*(1), 2-7.

Martinez, J. S. (2003). Towards an International Judicial System. *Stanford Law Review*, *56*(2), 429-529.

Martinez, J. S. (2005). Enforcing the Decisions of International Tribunals in the U.S. Legal System. *Santa Clara Law Review*, *45*(4), 877-888.

Marvel, H. P., & McCafferty, S. (1985). The Welfare Effects of Resale Price Maintenance. *Journal of Law and Economics*, *28*(2), 363-379.

Marvel, H. P., Netter, J. M., & Robinson, A. M. (1988). Price Fixing and Civil Damages: An Economic Analysis. *Stanford Law Review*, *40*(February), 561-575.

Mascott, J. L. (2005). Constitutional Law. *The George Washington Law Review*, *73*(4), 802-826.

Mason, E. S. (1944). The Future of International Cartels. *Foreign Affairs*, *22*(4), 604-615.

Mason, E. S. (1949). The Current Status of the Monopoly Problem in the United States. *Harvard Law Review*, *62*(8), 1265-1285.

Massey, D. B. (1997). How the American Law Institute Influences Customary Law: The Reasonableness Requirement of the Restatement of Foreign Relations Law. *Yale Journal of International Law*, *22*(2), 419-445.

Massimiliano, M., & Cocuzza, C. (1998). International Antitrust Co-Operation in a Global Economy. *European Competition Law Review*, *19*(3), 156-163.

Mather, R. (1908). How the States Make Interstate Rates. *Annals of the American Academy of Political and Social Science*, *32*, 102-119.

Mathis, J. (2004). A Competition Policy for the WTO, by Philip Marsden, Book Review. *Legal Issues of Economic Integration*, *31(3)*(3), 184-218.

Matsushita, M. (1991). The Structural Impediments Initiative: An Example of Bilateral Trade Negotiation. *Michigan Journal of International Law*, *12*, 436-449.

Matsushita, M. (1995). Competition Law and Policy in the Context of the WTO System. *DePaul Law Review*, *44*(4), 1097-1118.

Matthew, D. B. (2001). Tainted Prosecution of Tainted Claims: The Law, Economics, and Ethics of Figthing Medical Fraud under the Civil False Claims Act. *Indiana Law Journal*, *76*, 525-589.

Matthew, D. B. (2007). The Moral Hazard Problem with Privatization of Public Enforcement: The Case of Pharmaceutical Fraud. University of Michigan Journal of Law Reform, *40*(2), 281-339.

Maurer, V. G. (1984). Blue Shield of Virginia v. McCready: The Limits of the Antitrust Injury Doctrine. *American Business Law Journal*, *22*, 67-91.

Maurer, V. G. (1991). Antitrust and RICO: Standing on the Slippery Slope. *Georgia Law Review*, *25*, 711-782.

Mavroidis, P. C., & Neven, D. J. (2001). From the White Paper to the Proposal for a Council Regulation: How to Treat the New Kids on the Block? *Legal Issues of Economic Integration*, *28*(2), 151-171.

Max, P. (1980). The Role of the Expert in Proving Damages: The Economist and Antitrust Damages. *Antitrust Law Journal*, *49*, 1319-1323.

Maxeiner, J. R. (2008). Some Realism about Legal Certainty in the Globalization of the Rule of Law. *Houston Journal of International Law*, *31*, 27-46.

May, J. (1987). Antitrust Practice and Procedure in the Formative Era: The Constitutional and Conceptual Reach of State Antitrust Law, 1880-1918. *University of Pennsylvania Law Review*, *135*, 495-593.

May, J. (1989). Antitrust in the Formative Era: Political and Economic Theory in Constitutional and Antitrust Analysis, 1880-1918. *Ohio State Law Journal*, *50*, 257-395.

May, J. (1990). Historical Analysis in Antitrust Law. *New York Law School Law Review*, *35*, 857-877.

May, J. (1990). The Role of States in the First Century of the Sherman Act and the Larger Picture of Antitrust Policy (The Sherman Act: The First Century). *Antitrust Law Journal*, *59*, 93-107.

Mayer, D. N. (2009). Substantive Due Process Rediscovered: The Rise and Fall of Liberty of Contract. *Mercer Law Review*, *60*, 563-658.

Mazziotti, G. (2005). Did Apple's Refusal to License Proprietary Information enabling Interoperability with its iPod Music Player Constitute an Abuse under Article 82 of the EC Treaty? *World Competition*, *28*(2), 253-275.

McAfee, R. P., & Vakkur, N. V. (2004). The Strategic Abuse of the Antitrust Laws. *Journal of Strategic Management Education*, *1*(3), 1-17.

McAllister, B. P. (1950). The Big Case: Procedural Problems in Antitrust Litigation. *Harvard Law Review*, *64*, 27-61.

McCall, J. R. (1987). The Disaggregation of Damages Requirement in Private Monopolization Actions. *Notre Dame Law Review*, *62*, 643-676.

McCann, T. A. (2008). Plaintiffs' Attorneys Wince as Second Circuit Applies Tough Twombly Standard to Antitrust Suits. *Loyola Consumer Law Reporter*, *20*, 232-245.

McCarty, H. C. (1930). Trade Practice Conferences. *Corporate Practice Review*, *2*, 19-29.

McChesney, F. S. (1980). On The Economics of Antitrust Enforcement. *The Georgetown Law Journal*, *68*, 1103-1111.

McChesney, F. S. (1999). Economics versus Politics in Antitrust, Debate: Public Choice: Do Politics Corrupt Antitrust Enforcements? *Harvard Journal of Law and Public Policy*, *23*(1), 133-143.

McChesney, F. S. (2003). Talking 'Bout my Antitrust Generation: Competition for and in the Field of Competition Law. *Emory Law Journal*, *52*, 1401-1438.

McClatchey, J. E. (1989). Private Enforcement in the New Antitrust Era. Antitrust Law Journal, *58*, 271-275.

McClatchey, J. E., Crew, E., Freeman, L. A. J., Favretto, R. J., & Susman, S. D. (1989). Private Antitrust Enforcement: Preparing and Prosecuting Actions in a New Antitrust Era [panel discussion]. *Antitrust Law Journal*, *58*(2), 311-325.

McCloskey, R. G. (1962). Economic Due Process and the Supreme Court: An Exhumation and Reburial. *The Supreme Court Review*, *1962*, 34-62.

McClure, J. A. (1972). International Law: The Act of State Doctrine as a Limitation upon the Extraterritorial Application of United States Antitrust Laws. *Journal of Public Law*, *21*(1), 151-168.

McConnaughay, P. J. (1999). Reviving the 'Public Law Taboo' in International Conflict of Laws. *Stanford Journal of International Law*, *35*, 255-312.

McConnaughay, P. J. (1999). The Risks and Virtues of Lawlessness: A 'Second Look' at International Commercial Arbitration. *Northwestern University Law Review*, *93*(2), 453-524.

McConnell, T. C. (1950). The Treble Damage Action. *University of Illinois Law Forum*, *1950*(4), 659-672.

McCormick, C. T., & Hewins, E. H. (1938). The Collapse of "General" Law in the Federal Courts. *Illinois Law Review*, *33*, 126-144.

McCraw, T. (1975). Regulation in America: A Review Article. *The Business History Review*, *49*(2), 159-183.

McCurdy, C. W. (1975). Justice Field and the Jurisprudence of Government-Business Relations: Some Parameters of Laissez-Faire Constitutionalism, 1863-1897. *The Journal of American History*, *61*(4), 970-1005.

McCurdy, G. V. S. (2004). The Impact of Modernisation of the EU Competition Law System on the Courts and Private Enforcement of the Competition Laws: A Comparative Perspective. *European Competition Law Review*, *25*(8), 509-517.

McDavid, J. L. (2009). Antitrust Update: U.S. Antitrust Division Revises Language of Conditional Leniency Letters, Issues Comprehensive Written Explanation of Amnesty Program Policies. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 18840*, *1739*, 707-714.

McDavid, J. L., Sankbeil, W. A., Schmidt, E. C., & Brett, B. J. (1983). Antitrust Consent Decrees: Ten Years of Experience Under the Tunney Act. *Antitrust Law Journal*, *52*, 883-916.

McDonnell, B. H., & Farber, D. A. (2003). Are Efficient Antitrust Rules Always Optimal? *The Antitrust Bulletin*, *48*(2), 807-835.

McDougal, L. L. (1982). Judicial Jurisdiction: From a Contacts to an Interest Analysis. *Vanderbilt Law Review*, *35*(1), 1-61.

McElwee, D. (2004). Should the European Commission Adopt 'Amnesty Plus' in Its Fight Against Hard-Core Cartels. *European Competition Law Review*, *25*(9), 558-565.

McEntee, J. L., Jr. (1980). Damages for Victims of Monopolization: The Berkey Photo and SCM Experience. *Antitrust Law Journal*, *49*, 1303-1310.

McEntee, J. L., Jr., & Kahrl, R. C. (1980). Damages Caused by the Acquisition and Use of Monopoly Power. *Antitrust Law Journal*, *49*, 165-200.

McEntee, J. L., Jr., Roj, W. H., & Meurlin, C. N. (1980). Antitrust Damages in the Patent-Antitrust Context. *Antitrust Law Journal*, *49*, 227-254.

McFarlane, G. (1998). Kodak-Fuji Dispute: US-Japan Trade Conflict in the World Trade Forum. *Company Lawyer*, *19*(4), 122-123.

McGee, J. S. (1958). Predatory Price Cutting: The Standard Oil (N.J.) Case. *Journal of Law and Economics*, *1*, 137-169.

McGee, J. S. (1960). Ocean Freight Rate Conferences and The American Merchant Marine. *The University of Chicago Law Review*, *27*(2), 191-314.

McGee, J. S. (1980). Predatory Pricing Revisited. *The Journal of Law and Economics*, *23*(2), 289-330.

McGee, R. (1993). An Economic Analysis of Protectionism in the United States with Implications for International Trade in Europe. *George Washington Journal of International Law and Economics*, *26*(3), 539-573.

McGinnis, J. O. (2003). The Political Economy of International Antitrust Harmonization. *William and Mary Law Review*, *45*(2), 549-594.

McGovney, D. O. (1943). A Supreme Court Fiction; Corporations in the Diverse Citizenship Jurisdiction of the Federal Courts. *Harvard Law Review*, *56*(6), 853-898.

McGovney, D. O. (1943). A Supreme Court Fiction: II, The Fiction at Work. *Harvard Law Review*, *56*, 1090-1124.

McGowan, D. (2001). Innovation, Uncertainty, and Stability in Antitrust Law. *Berkeley Technology Law Journal*, *16*, 729-811.

McGrath, T. (2012). Kiobel v. Royal Dutch Petroleum: Delineating the Bounds of the Alien Tort Statute. *Duke Journal of Constitutional Law & Public Policy Sidebar*, *8*, 1-24.

McGregor, L. (2001). The Future for the Control of Oligopolies Following Compagnie Maritime Belge. *European Competition Law Review*, *22*(10), 434-442.

McKinnon, M. G. (1994). Federal Judicial and Legislative Jurisdiction over Entities Abroad: The Long-Arm of U.S. Antitrust Law and Viable Solutions Beyond the Timberlane/Restatement Comity Approach. *Pepperdine Law Review*, *21*, 1219-1311.

McKinnon, R. I. (1966). Stigler's Theory of Oligopoly: A Comment. *Journal of Political Economy*, *74*(3), 281-285.

McKinstry, L. (2013). Regulating a Global Market: The Extraterritorial Challenge of Dodd-Frank's Margin Requirements for Uncleared OTC Derivatives & A Mutual Recognition Solution. *Columbia Journal of Transnational Law*, *51*, 776-832.

McLaren, R. W. (1971). The Quality of Life and the Antitrust Laws: the Rewards of Competitive Alternatives. *Antitrust Law Journal*, *40*(2), 285-292.

McLaren, R. W., Rowley, W., & Schneider, R. G. (1968). Relationship Between Government Enforcement Actions and Private Damage Actions, Introductory Remarks. *Antitrust Law Journal*, *37*, 823-826.

McLaughin, J. A. (1937). The Courts and The Robinson Patman Act: Possibilities of Strict Construction. *Law and Contemporary Problems*, *4*, 410-419.

McLaughin, T. M. (2007). Comments on Professor Page's Discussion of Matsushita. *Loyola University Chicago Law Journal*, *38*(3), 467-474.

McManis, C. R. (1976). Questionable Corporate Payments Abroad: An Antitrust Approach. *The Yale Law Journal*, *86*(2), 215-257.

McNeill, J. S. (1998). Extraterritorial Antitrust Jurisdiction: Continuing the Confusion in Policy, Law, and Jurisdiction. *California Western International Law Journal*, *28*, 425-458.

McNelis, N. (2003). What Obligations Are Created by World Trade Organization Dispute Settlement Reports? *Journal of World Trade*, *37*(3), 647-672.

McNulty, P. J. (1967). A Note on the History of Perfect Competition. *Journal of Political Economy*, *75*(4), 395-399.

McNulty, P. J. (1968). Economic Theory and the Meaning of Competition. *The Quarterly Journal of Economics*, *82*(4), 639-656.

Meal, D. H. (1979). Defenses to Extraterritorial Reach of Antitrust Law: a Choice of Law Approach. *The Fletcher Forum*, *3*(1), 47-99.

Medinger, J. D. (2003). Antitrust Leniency Programs: A Call for Increased Harmonization as Proliferating Programs Undermine Deterrence. *Emory Law Journal*, *52*(3), 1439-1481.

Meel, M., & Saat, M. (2000). International Enterprises and Trade Unions. *Journal of Business Ethics*, *27*, 117-123.

Meese, A. J. (1999). Liberty and Antitrust in the Formative Era. *Boston University Law Review*, *79*, 1-92.

Meese, A. J. (2000). Farewell of the Quick Look: Redefining the Scope and Content of the Rule of Reason. *Antitrust Law Journal*, *68*, 461-498.

Meese, A. J. (2003). Price Theory, Competition and the Rule of Reason. *University of Illinois Law Review*, *2003*, 77-170.

Meese, A. J. (2005). Market Failure and Non-standard Contracting: How the Ghost of Perfect Competition Still Haunts Antitrust. *Journal of Competition Law and Economics*, *1*, 21-95.

Meessen, K. M. (1984). Antitrust Jurisdiction under Customary International Law. *American Journal of International Law*, *78*(4), 783-810.

Megregian, S. S., & Sheren, K. M. (2003). Elements of US Private Antitrust Legislation. *International Business Lawyer*, *31*(4), 151-156.

Mehde, V. (2003). Responsibility and Accountability in the European Commission. *Common Market Law Review*, *40*, 423-442.

Mehra, S. K. (1999). Extraterritorial Antitrust Enforcement and the Myth of International Consensus. *Duke Journal of Comparative & International Law*, *10*, 191-221.

Mehra, S. K. (2002). Deterrence: The Private Remedy and International Antitrust Cases. *Columbia Journal of Transnational Law*, *40*(2), 275-322.

Mehra, S. K. (2002). Politics and Antitrust in Japan; Antitrust in Germany and Japan: The First Fifty Years 1947-1998, by John O. Haley, Book Review. *Virginia Journal of International Law*, *43*, 303-317.

Mehra, S. K. (2009). Antitrust by Other Means: Haley on Form and Function. *Washington University Global Studies Law Review*, *8*(2), 333-344.

Melamed, A. D. (1995). Antitrust: The New Regulation. *Antitrust*, *10*, 13-15.

Melamed, A. D. (1999). International Cooperation in Competition Law and Policy: What Can be Achieved at the Bilateral, Regional, and Multilateral Levels. *Journal of International Economic Law*, 423-433.

Melamed, A. D. (2012). Antitrust as Law Enforcement. *Antitrust*, *27*, 76-77.

Melamed, D. (1998). Antitrust Enforcement in a Global Economy. *22 October*, www.usdoj.gov/atr/public/speeches/2043.htm

Melamed, D. (1998). International Antitrust in an Age of International Deregulation. *George Mason Law Review*, *6*(3), 437-445.

Melican, J. P., Jr. (1980). The Treble Damage Case: Fact and Fiction. *Antitrust Law Journal*, *49*, 981-988.

Meltzer, B. D. (1965). Labor Unions, Collective Bargaining, and the Antitrust Laws. *The University of Chicago Law Review*, *32*, 659-734.

Meltzer, B. D. (1966). Aaron Director: A Personal Appreciation. *Journal of Law and Economics*, *9*, 5-6.

Meltzer, D. J. (1988). Deterring Constitutional Violations by Law Enforcement Officials: Plaintiff and Defendants as Private Attorney General. *Columbia Law Review*, *88*, 247-328.

Mendelsohn, A. I. (2008). International Litigation: The U.S. Jurisdiction to Prescribe and the Doctrine of Forum Non Conveniens. *Journal of Air Law and Commerce*, *73*(1), 17-36.

Mendelsohn, A. I. (2008). International Litigation: The U.S. Jurisdiction to Prescribe and the Doctrine of Forum Non Conveniens. *Federal Lawyer*, *55*(9), 32-38.

Mendelsohn, A. I. (2008). The United States and the European Union in International Aviation. *Issues in Aviation Law and Policy*, *2004-2008*, 13271-13292.

Mendelsohn, A. I. (2008). United States and the European Union in International Aviation. *Federal Lawyer*, *55*(7), 36-45.

Menell, P. S. (1983). A Note on Private versus Social Incentives to Sue in a Costly Legal System. *The Journal of Legal Studies*, *12*, 41-52.

Mentschikoff, S. (1952). The Significance of Arbitration--A Preliminary Inquiry, The Commercial Arbitration--Part 2. *Law and Contemporary Problems*, *17*(4), 698-710.

Mentschikoff, S. (1961). Commercial Arbitration. *Columbia Law Review*, *61*, 846-869.

Mercurio, B. (2004). Improving Dispute Settlements in the World Trade Organization: The Dispute Settlement Understanding Review-Making it Work? *Journal of World Trade*, *38*(5), 795-854.

Merges, R. P. (1994). Of Property Rules, Coase, and Intellectual Property. *Columbia Law Review*, *94*, 2655-2673.

Merrill, T. W. (1985). The Common Law Powers of Federal Courts. *The University of Chicago Law Review*, *52*(1), 1-72.

Merritt, W. G. (1930). What the Anti-Trust Laws Should Be. *Annals of the American Academy of Political and Social Science*, *147*, 195-202.

Mertensk̈otter, P. (2013). National Courts as "Trustees of Humanity"? *New York University Journal of International Law and Politics*, *46*, 291-342.

Messerlin, P. A., & Reeds, G. (1995). Antidumping Policies in the United States and the European Communities. *The Economic Journal*, *105*, 1565-1575.

Messick, D. M., Wilke, H., Brewer, M. B., Kramer, R. M., Zemke, P. E., & Lui, L. (1983). Individual Adaptations and Structural Change as Solutions to Social Dilemmas. *Journal of Personality and Social Psychology*, *44*(2), 294-309.

Messigian, A. (2006). Love's Labour's Lost: Michael Lewis Clark's Constitutional Challenge of 18 U.S.C. 2423(C). *American Criminal Law Review*, *43*(3), 1241-1266.

Metlin, E., Batts, A. J., & Martin, J. R. (2005). The Webb-Pomerene Act: a Relic that has Outlived Its Usefulness. *Global Competition Review*, *8*(9 Supplement), 84-86.

Meyer, J. A. (2009). Second Thoughts on Secondary Sanctions. *University of Pennsylvania Journal of International Law*, *30*(3), 905-968.

Meyer, J. A. (2010). Dual Illegality and Geoambiguous Law: A New Rule for Extraterritorial Application of U.S. Law. *Minnesota Law Review*, *95*(1), 110-186.

Meyer, J. A. (2014). Extraterritorial Common Law: Does the Common Law Apply Abroad? *The Georgetown Law Journal*, *102*, 301-350.

Michaels, R. (2005). Re-State-ment of Non-State Law: The State, Choice of Law, and the Challenge from Global Legal Pluralism. *Wayne Law Review, 51*(3), 1209-1260.

Michaels, R., & Jansen, N. (2006). Private Law beyond the State? Europeanization, Globalization, Privatization. *American Journal of Comparative Law, 54*(4), 843-890.

Michelman, F. I. (1980). Constitutions, Statutes, and the Theory of Efficient Adjudication. *The Journal of Legal Studies, 9*, 431-461.

Micklitz, H.-W. (2006). Consumers and Competition – Access and Compensation under EC Law. *European Business Law Review*, 3-21.

Mikva, A. J. (1983). How Well Does Congress Support and Defend the Constitution? *North Carolina Law Review, 61*, 587-611.

Miller, A. R. (1979). Of Frankenstein Monsters and Shining Knights: Myth, Reality and the "Class Action Problem". *Harvard Law Review, 92*, 664-694.

Miller, A. R. (2006). Common Law Protection for Products of the Mind: An "Idea" Whose Time has Come. *Harvard Law Review, 119*(3), 703-779.

Miller, A. R., & Crump, D. (1986). Jurisdiction and Choice of Law in Multistate Class Actions After Phillips Petroleum Co. v. Shutts. *The Yale Law Journal, 96*(1), 1-81.

Miller, C. H. (1980). Special Damage Considerations in Class Action Situations. *Antitrust Law Journal*, 211-226.

Miller, F. H. (1995). Illuminating Patient Choice Releasing Physician-Specific Data To The Public. *Loyola Consumer Law Reporter, 8*(2), 127-142.

Miller, G. P. (1996). Overlapping Class Actions. *New York University Law Review, 71*(April-May), 514-546.

Miller, J. C., & Pautler, P. (1985). Predation: The Changing View in Economics and the Law. *Journal of Law and Economics, 28*(2), 495-502.

Miller, J. T. J. (1963). Extraterritorial Effects of Trade Regulation. *University of Pennsylvania Law Review, 111*(8), 1092-1136.

Miller, M. I., Rothe, E. W., Alioto, J., Freeman, L. A., Hanley, R. F., McSweeney, W. D. et al. (1973). Workshop III: Government Enforcement and Private Actions. *Antitrust Law Journal, 42*, 208-243.

Miller, R. W. (2009). Construing Offers to Sell Patent Infringement: Why Economic Interests Rather than Territoriality Should Guide the Construction. *Ohio State Law Journal, 70*(2), 403-454.

Millkan, C. E. J. (1949). Constitutional Law - Right of Alien Enemies to the Due Process Clause of the Fifth Amendment. *South California Law Review*, *22*, 307-309.

Millon, D. (1988). The Sherman Act and the Balance of Power. *Southern California Law Review*, *61*, 1219-1292.

Millon, D. (1990). The First Antitrust Statute. *Washburn Law Journal*, *29*, 141-149.

Millon, D. (1990). Theories of the Corporation, Frontiers of Legal Thought I. *Duke Law Journal*, *1990*, 201-262.

Mills, D. E., & Elzinga, K. G. (1978). Cartel Problems: Comment. *The American Economic Review*, *68*(5), 938-941.

Millstein, I. M. C., Constantine, L., Favretto, R. J., Flexner, D. L., Grimes, W. S., Kauper, T. E. et al. (1990). Report of the American Bar Association Section of Antitrust Law Task Force on the Antitrust Division of the U.S. Department of Justice. *Antitrust Law Journal*, *58*, 737-793.

Millstein, I. M., & Kessler, J. L. (1988). The Antitrust Legacy of the Reagan Administration. *The Antitrust Bulletin*, *33*, 505-541.

Milne, R. A., & Pace, J. E. (2003). The Scope of Expert Testimony on the Subject of Conspiracy in a Sherman Act Case, From Theory to Practice: Working with Economic Experts Cover Story Conspiratologists at the Gate. *Antitrust*, *17*(Spring), 36-42.

Minda, G. (1989). The Common Law, Labor and Antitrust. *Industrial Relations Law Journal*, *11*, 461-539.

Minda, G. (1995). Antitrust at Century's End. *SMU Law Review*, *48*, 1749-1782.

Minow, M. (1987). The Supreme Court, 1986 Term-Foreword: Justice Engendered. *Harvard Law Review*, *101*, 10-95.

Mishkin, P. J. (1957). The Variousness of "Federal Law": Competence and Discretion in the Choice of National and State Rules for Decision. *University of Pennsylvania Law Review*, *105*, 797-834.

Mitchell, A. D. (2001). Broadening the Vision of Trade Liberalisation; International Competition Law and the WTO. *World Competition*, *24*(3), 343-365.

Mitchell, L. E. (1993). Faireness and Trust in Corporate Law. *Duke Law Journal*, *43*(3), 425-491.

Mitchell, L. E. (2001). The Importance of Being Trusted. *Boston University Law Review*, *81*, 591-617.

Mobley, S., & Arakistain, M. (2000). How the European Commission Sets Cartel Fines. *Antitrust*, *14*(3), 24-29.

Modernisation and the Road Ahead. *Competition Policy Newsletter*, *2*, 31-37.

Molot, J. T. (2003). An Old Judicial Role for a New Litigation Era. *The Yale Law Journal*, *113*, 27-118.

Moltenbrey, M. J. (1997). The Detection and Punishment of Tacit Collusion. *Loyola Consumer Law Reporter*, *9*(2), 160-164.

Monaghan, H. P. (1975). The Supreme Court 1974 Term; Foreword: Constitutional Common Law. *Harvard Law Review*, *89*(1), 1-45.

Moncus, J. R. (2002). The Marriage of the False Claims Act and the Freedom of Information Act: Parasitic Potential or Positive Synergy? *Vanderbilt Law Review*, *55*, 1549-1590.

Montague, G. H. (1915). Unfair Methods of Competition. *The Yale Law Journal*, *25*, 20-41.

Montague, G. H. (1927). Antitrust Laws and the Federal Trade Commission, 1914-1927. *Columbia Law Review*, *27*, 650-678.

Montgomery, R. H. (1958). Antitrust-Sufficiency of Complaint-Failure to Allege Public Injury in Private Antitrust Suit. *The George Washington Law Review*, *27*, 378-382.

Monti, G. (2002). An International Antitrust Primer: A Guide to the Operation of US, EU and Other Key Competition Laws in the Global Economy, by Mark R. Joelson, Book Review. *European Law Review*, *27(3)*(3), 366-367.

Monti, G. (2002). Anti-competitive Agreements: the Innocent Party's Right to Damages. *European Law Review*, *27*(3), 282-302.

Monti, G. (2002). Article 81 EC and Public Policy. *Common Market Law Review*, *39*, 1057-1099.

Monti, M. (2004). Competition Policy in a Global Economy. *International Finance*, *7*(3), 495-504.

Montini, M. (1998). Globalization and International Antitrust Cooperation; International Conference: Trade and Competition in the WTO and Beyond., 1-20.

Montini, M., & Cocuzza, C. (1998). International Antitrust Co-operation in a Global Economy. *European Competition Law Review*, *19*(3), 156-163.

Montpelier, D. J. (1994). Diamonds are Forever? Implications of United States Antitrust Statutes on International Trade and the De Beers Diamond Cartel. *California Western International Law Journal*, *24*, 277-344.

Moodaliyar, K. (2008). Are Cartels Skating on Thin Ice: An Insight into the South African Corporate Leniency Policy. *The South African Law Journal*, *125*(1), 157-177.

Moore, D. H. (2010). Do U.S. Courts Discriminate against Treaties: Equivalence, Duality, and Non-Self-Execution. *Columbia Law Review*, *110*(8), 2228-2294.

Moore, T. W. (2009). Untying Our Hands: The Case for Uniform Personal Jurisdiction over Libel Tourists. *Fordham Law Review*, *77*(6), 3207-3250.

Moore, W. D. (1994). Reconceiving Interpretative Autonomy: insights from the Virginia and Kentucky Resolutions. *Constitutional Law Comment*, *11*, 315-354.

Mora, P. D. (2014). The Alien Tort Statute after Kiobel: the Possibility for Unlawful Assertions of Universal Civil Jurisdiction Still Remains. *International and Comparative Law Quarterly*, *63*(3), 699-719.

Morasch, K. (2000). Strategic Alliances: a Substitute for Strategic Trade Policy? *Journal of International Economics*, *52*, 37-67.

Morawetz, V. (1904). The Anti-trust Act and the Merger Case. *Harvard Law Review*, *17*, 533-542.

Morgan, B. (2002). What is Right with Ideology? *Oxford Journal of Legal Studies*, *22*(3), 517-538.

Morgan, D. G. (1944). Mr. Justice William Johnson and the Constitution. *Harvard Law Review*, *57*, 328-361.

Morgan, E. M. (1994). Choice of Law Governing Proof. *Harvard Law Review*, *58*(2), 153-195.

Morgan, J. T. (1981). Antitrust and State Regulation: Standards of Immunity After Midcal. *Arkansas Law Review*, *35*, 453-485.

Morgan, L. B., & Rosenbaum, H. S. (1992). U.S. Department of Justice Antitrust Enforcement Policy. *Harvard International Law Journal*, *34*, 192-205.

Morgan, L. B., & Rosenbaum, H. S. (1993). Recent Development: U.S. Department of Justice Antitrust Enforcement Policy. *34*(1).

Morgan, T. D. (2008). The Power of Stories Eleanor M. Fox and Daniel A. Crane, Editors Antitrust Stories Foundation Press 2007. *Antitrust Source*, *7*, 1-5.

Morris, M., & Hester-Haddad, A. (2008). Preferring Defects: The Jurisdiction of Military Commissions. *Wayne Law Review*, *54*(2), 537-568.

Mortelmans, K. (2001). Towards Convergence in the Application of the Rules on Free Movement and on Competition? *Common Market Law Review*, *38*, 613-649.

Möschel, W. (1991). The Goals of Antitrust Revisited. *Journal of Institutional and Theoretical Economics*, *147*(1), 7-23.

Moschel, W. (1999). International Restraints of Competition: A Regulatory Outline. *Northwestern Journal of International Law and Business*, *10*, 76-83.

Moschzisker, R. V. (1925). The Common Law and our Federal Jurisprudence. *University of Pennsylvania Law Review*, *74*(2), 109-130.

Mosk, S. (1962). State Antitrust Enforcement and Coordination with Federal Enforcement Current Questions of Antitrust Remedies and Enforcement. *A.B.A. Antitrust Section*, *21*, 358-369.

Moss, G. C. (1999). Performance of Obligations as the Basis of Jurisdiction and Choice of Law (Lugano and Brussels Conventions Article 5(1) and Rome Convention Article 4). *Nordic Journal of International Law*, *68*, 379-396.

Mota, S. A. (2004). Global Antitrust Enforcement: The Sherman Act Does Not Apply without Any Direct Domestic Effect, but Discovery Assistance May Be Available to Aid a Foreign Tribunal, according to the U.S. Supreme Court. *John Marshall Law Review*, *38*(2), 495-512.

Mota, S. A. (2008). Antitrust, Limited: The Supreme Court Reins in Antitrust Enforcement in 2007. *Florida State University Business Review*, *7*, 121-138.

Motaal, D. A. (2005). Is the World Trade Organization Anti-Precaution? *Journal of World Trade*, *39*(3), 483-501.

Motenko, N., & Shuffain, R. (2004). Intel v. Advanced Micro Devices: The Court's Permissive Approach to U.S. Discovery in Aid of Foreign Proceedings. *Antitrust*, *19*(1), 66-71.

Mowrey, R. T. (1978). Attorney Fees in Securities Class Actions and Derivative Suits. *The Journal of Corporation Law*, *3*(Winter), 267-363.

Muchlinski, P. (2001). Corporations in International Litigation: Problems of Jurisdiction and the United Kingdom Asbestos Cases. *International and Comparative Law Quarterly*, *50*, 1-25.

Muchmore, A. I. (2010). Private Regulation and Foreign Conduct. *San Diego Law Review*, *47*(2), 371-420.

Muchmore, A. L. (2013). Jurisdictional Standards (and Rules). *Vanderbilt Journal of Transnational Law*, *46*, 171-232.

Mueller, C. E. (1966). Antitrust and Economics: A Look at "Competition". *Saint Louis University Law Journal*, *10*(7), 482-516.

Mueller, C. E. (1987). The New Antitrust, a 'Structural' Approach. *Antitrut Law & Economics Review*, *1*, 87-130.

Mueller, D. C. (1996). Lessons from the United States Antitrust History. *International Journal of Industrial Organization*, *14*(4), 415-445.

Mueller, W. F. (1972). Monopoly and the Inflation - Unemployment Dilemma: Trustbusting or Administrative "Controls"? *Antitrust Law & Economics Review*, *5*, 15-34.

Mueller, W. F. (1987). Comments on Harry First's Structural Antitrust Ruls and International Competition: The Case of Distressed Industries. *New York University Law Review*, *62*, 1111-1115.

Mujumdar, S. (2004). Revenue Implications of Trade Liberalization Under Imperfect Competition. *Economic Letters*, *82*, 83-89.

Mulheron, R. (2009). The Case for an Opt-Out Class Action for European Member States: A Legal and Empirical Analysis. *Columbia Journal of European Law*, *15*(3), 409-454.

Muller, M. (2005). The European Commission's Decision Against Microsoft: A Violation of the Antitrust Agreements between the United States and the European Union. *European Competition Law Review*, *26*(6), 309-315.

Muller, M. (2005). Who Owns the Internet - Ownership as a Legal Basis for American Control of the Internet. *Fordham Intellectual Property, Media & Entertainment Law*, *15*(3), 709-748.

Munro, C. (2005). Competition Cases Take Off. *Journal of the Law Society of Scotland*, *50*(3), 28-30.

Muris, T. J. (1980). The Efficiency Defense Under Section 7 of the Clayton Act. *Case Western Reserve Law Review*, *30*(3), 381-432.

Muris, T. J. (1988). The New Rule of Reason. *Antitrust Law Journal*, *57*, 859-865.

Muris, T. J. (1998). The Federal Trade Commission and The Rule of Reason: In Defense of Massachusetts Board. *Antitrust Law Journal*, *66*, 773-804.

Muris, T. J. (2000). California Dental Association v. Federal Trade Commission: The Revenge of Footnote 17. *Supreme Court Economic Review*, *8*, 265-310.

Muris, T. J. (2000). The Rule of Reason After California Dental. *Antitrust Law Journal*, *68*, 527-539.

Muris, T. J. (2001). GTE Sylvania and the Empirical Foundations of Antitrust. *Antitrust Law Journal*, *68*, 899-912.

Muris, T. J. (2002). Competition Agencies in a Market-Based Global Economy. *European Foreign Affairs Review*, *7*, 241-249.

Muris, T. J. (2003). Improving the Economic Foundations of Competition Policy. *George Mason Law Review*, *12*, 1-30.

Muris, T. J. (2005). Principles for a Successful Competition Agency. *University of Chicago Law Review*, *72*(1), 165-187.

Murphy, D. D. (2005). Interjurisdictional Competition and Regulatory Advantage. *Journal of International Economic Law*, *8*(4), 891-920.

Murphy, D. T. (1986). Moderating Antitrust Subject Matter Jurisdiction: The Foreign Trade Antitrust Improvements Act and the Restatement of Foreign Relations Law (Revised). *Cincinnati Law Review*, *54*(3), 779-827.

Murphy, G. (2002). Responding to the Challenges of a Globalised Marketplace. *European Competition Law Review*, *23*(5), 227-230.

Mutchnik, J. H., Casamassima, C. T., & Rogers, B. A. (2008). The Volume of Commerce Enigma. *Antitrust Source*, *7*, 1-10.

Nachum, L. (2003). Liability of Foreignness in Global Competition? Financial Service Affiliates in the City of London. *Strategic Management Journal*, *24*, 1187-1208.

Nader, R. (1997). The Proper Goals of Antitrust: When Public and Private Interests Collide. *Loyola Consumer Law Reporter*, *9*(2), 115-121, 138.

Nagaoka, S., & Goto, A. (1997). Vertical Restraints and Market Access. *Empirica*, *24*(1), 21-36.

Nagareda, R. A. (2009). Aggregate Litigation Across the Atlantic and the Future of American Exceptionalism. *Vanderbilt Law Review*, *62*(1), 1-52.

Nagareda, R. A. (2011). The Litigation-Arbitration Dichotomy Meets the Class Action. *Notre Dame Law Review*, *86*(3), 1069-1130.

Nagel, C. (1930). The Origin and Purpose of the Sherman Act. *St. Louis Law Review*, *15*(4), 313-324.

Naish, H. F. (1998). Imperfect Competition and the Gains from Trade in a Macro Duopoly Model. *Review of International Economics*, *6*(2), 266-283.

Nazerali, J., & Pourbaix, N. (2004). D-Day for Modernisation of EU Competition Law. *Business Law Review*, *August*, 208.

Nazerali, J., & Pourbaix, N. (2005). EU and UK Competition Law. *Business Law Review*, *26*, 240-243.

Nazzini, R. (2004). International Arbitration and Public Enforcement of Competition Law. *European Competition Law Review*, *25*(3), 153-162.

Nazzini, R. (2005). Parallel and Sequential Proceedings in Competition Law: An Essay on the Modes of Interaction between Community and National Law. *European Business Law Review*, 245-273.

Nazzini, R. (2006). Article 81 EC Between Time Present and Time Past: A Normative Critique of "Restriction of Competition" in EU Law. *Common Market Law Review*, *43*, 497-536.

Nazzini, R., & Andenas, M. (2006). Awarding Damages for Breach of Competition Law in English Courts – Crehan in the Court of Appeal. *European Business Law Review*, 1191-1210.

Neal, P. C., & Goldberg, P. (1964). The Electrical Equipment Antitrust Cases: Novel Judicial Administration. *American Bar Association Journal*, *50*(July), 621-628.

Neils, G. (2000). What is Antidumping Policy Really About? *Journal of Economic Surveys*, *14*(4), 467-492.

Neklen, M. L. (1986). Sanctions Under Amended Federal Rule 11-Some "Chilling" Problems in the the Struggle Between Compensation and Punishment. *The Georgetown Law Journal*, *74*, 1313-1369.

Nelson, C. (2013). State and Federal Models of the Interaction between Statutes and Unwritten Law. *The University of Chicago Law Review*, *80*, 657-767.

Nelson, R. R. (1979). Comments on a Paper by Posner. *University of Pennsylvania Law Review*, *127*, 949-952.

Nelson, R. R., & Winter, S. G. (1978). Forces Generating and Limiting Concentration under Schumpeterian Competition. *The Bell Journal of Economics*, *9*(2), 524-548.

Nelson, T. H. (1976). The Politization of FTC Rulemaking. *Connecticut Law Review*, *8*(3), 413-448.

Neuhaus, J. E. (1981). Power To Reverse Foreign Judgments: The British Clawback Statute Under International Law. *Columbia Law Review*, *81*(5), 1097-1133.

Neuman, G. L. (2004). The Abiding Significance of Law in Foreign Relations. *The Supreme Court Review*, *2004*(1), 111-152.

Neuman, J. N. (1995). Through a Glass Darkly: The Case Against Pilkington Plc. Under the New U.S. Department of Justice International Enforcement Policy. Northwestern Journal of International Law and Business, *16*(Winter), 284-317.

Neven, D., & Siotis, G. (1993). Foreign Direct Investments in the European Community: Some Political Issues. *Oxford Review of Economic Policy*, *9*(2), 72-93.

Newman, P. C. (1948). Key German Cartels under the Nazi Regime. *The Quarterly Journal of Economics*, *62*(4), 576-595.

Newmark, C. M. (1988). Does Horizontal Price Fixing Raise Price? A Look at the Bakers of Washington Case. *The Journal of Law and Economics*, *31*, 469-484.

Nicholas, B., & Schmitt, E. (2011). Antitrust Violations. *American Criminal Law Review*, *48*(2), 335-374.

Nicholls, L. M. (2006). Humanitarian Monarchy Legislates: The International Committee of the Red Cross and Its 161 Rules of Customary International Humanitarian Law. *Duke Journal of Comparative & International Law*, *17*(1), 223-252.

Nicolaides, P. (1994). Towards Multilateral Rules on Competition – The Problems in Mutual Recognition of National Rules. *World Competition*, *17*(3), 5-48.

Nicolaides, P. (1996). Why Multilateral Rules on Competition Are Needed. *Intereconomics*, *September/October*, 211-218.

Nicolaides, P. (2005). The Balancing Myth: The Economics of Article 81(1) & (3). *Legal Issues of Economic Integration*, *32*(2), 123-145.

Niels, G., & Kate, A. T. (2004). Introduction: Antitrust in the U.S. and the EU - Converging or Diverging Paths? *The Antitrust Bulletin*, *49*(1/2), 1-27.

Nihoul, P. (2006). From Unfair Trading to Free Competition – Towards a New Organisation of Markets in the European Union. *European Business Law Review*, 23-47.

Nijenhuis, E. (1987). Antitrust Suits Involving Foreign Commerce: Suggestions for Procedural Reform. *University of Pennsylvania Law Review*, *135*, 1003-1054.

Nissenbaum, H. (2001). Security Trust Online: Wisdom or Oxymoron? *Boston University Law Review*, *81*, 635-664.

Noland, M. (1999). Competition Policy and FDI: A Solution in Search of a Problem? *Peterson Institute for International Economics; Working Papers, Working Paper 99*.

Noll, D. L. (2014). The New Conflict Law. *Stanford Journal of Complex Litigation*, *2*(1), 41-96.

Noonan, C. (2007). The Extraterritorial Application of New Zealand Competition Law. *New Zealand University Law Review*, *22*, 369-431.

Noonan, C. (2008). The Proper Scope of Transnational Competition Law. In *The Emerging Principles of International Competition Law* (pp. 351-402). Oxford University Press.

Noonan, C. (2013). Bad Poynter: International Cartels and Territorial Jurisdiction. *New Zealand Business Law Quarterly, 19*, 138-168.

Nordlander, K. (2004). Discovering Discovery - US Discovery of EC Leniency Statements. *European Competition Law Review, 25*(10), 646-659.

Norman, E. D. (2008). Weak Overseas Protection for American Software Patents: The Need for A Congressional Response to Microsoft Corp. v. AT & T Corp. *Chicago-Kent Journal of Intellectual Property, 8*, 111-140.

North, P. (2001). Private International Law: Change of Decay? *international and Comparative Law Quarterly, 50*, 477-508.

Norton, G. A. (1983). Antitrust: The Parker Doctrine and Home Rule Municipalities. *Washburn Law Journal, 22*, 534-543.

Norton, J. J. (1979). Extraterritorial Jurisdiction of U.S. Antitrust and Securities Laws. *International and Comparative Law Quarterly, 28*(4), 575-597.

Note. (1887). Evils of Corporations. *American Law Review, 21*(3), 451-452.

Note. (1922). Unfair Competition - Measure of Damages - Goodwill in Title of Play. *Harvard Law Review, 36*, 114.

Note. (1926). The Application of Forfeiture Statues to the Interests on Innocet Third Parties. *Columbia Law Review, 26*, 589-613.

Note. (1930). Aftermath of the Supreme Court's Stop, Look, and Listen Rule. *Harvard Law Review, 43*, 926-932.

Note. (1932). Procedure in Private Suits Under the Sherman and Clayton Acts. *Columbia Law Review, 32*(2), 335-346.

Note. (1932). The Rule of Reason in Loose-Knit Combinations. *Columbia Law Review, 32*(2), 291-324.

Note. (1935). The Concept of Interstate Commerce as Defined by the Anti-Trust Cases. *Columbia Law Review, 35*, 1072-1090.

Note. (1939). The Legal Problems of Group Health. *Harvard Law Review, 52*, 809-817.

Note. (1940). War-Suit by Enemy Alien-Motion to Strike Out Action Granted Although Suit Was Instituted Before Commencement of Hostilities. *Harvard Law Review, 54*(2), 350-352.

Note. (1941). "Substance" and "Procedure" in Federal Equity - The Labor Injunction and hte Stockholder's Suit. *Columbia Law Review, 41*, 104-121.

Note. (1941). Application by Federal Courts of State Rules on Conflict of Laws. *Columbia Law Review*, *41*, 1403-1420.

Note. (1941). Developments in the Doctine of Erie Railroad Co. v. V. Tompkins; Part I. *The University of Chicago Law Review*, *9*(1), 113-127.

Note. (1943). Federal Courts - Questions of State Law - District Court Held Poerless to Exercise Equity Jurisdiction Based on Diversity of Citizenship where State Court Could Better Administer State Policy. *Harvard Law Review*, *56*, 1162-1164.

Note. (1943). Jurisdiction in Federal Courts oer Non-Federal Claims when Joined with a Federal Question. *The Yale Law Journal*, *52*, 922-928.

Note. (1944). Recent Supreme Court Limitations on Federal Jurisdiction. *The Yale Law Journal*, *53*, 788-795.

Note. (1945). Congressional Consent to Disciminatory State Legislation. *Columbia Law Review*, *45*, 927-952.

Note. (1946). The Proof of Damages Under the Anti-Trust Laws. *Illinois Law Review*, *41*, 462-465.

Note. (1947). Aliens - Alien Enemies - After Cessation of Hostilities but Before Termination of State of War, German Citizen May be Deported by Procedure not Meeting Due Process Standards. *Harvard Law Review*, *60*(3), 456-457.

Note. (1947). Developments in the Law: Damages - 1935-1947. *Harvard Law Review*, *61*, 113-198.

Note. (1947). Foreign Corporations - Jurisdiction - Corporation Consenting to Service in Actions Arising from Business Transacted in State held Subject to Service Because of Co-conspirators' Prior Acts within State. *Harvard Law Review*, *60*, 462-463.

Note. (1948). Federal Antitrust Laws - Nolo Contendere Conviction as Evidence. *Rutgers Law Review*, *2*, 178-181.

Note. (1948). Res Judicata - Matters Concluded - Collateral Estoppel Held Inapplicable in Tax Case Where Original Judgmnet No Longer in Accord with Law. *Harvard Law Review*, *61*, 1463-1464.

Note. (1949). Denial of Reorganization Profits on Bonds Purchased by Insiders During Insolvency. *The Yale Law Journal*, *59*, 151-157.

Note. (1949). Venue in Antitrust Cases: Applicability of the New Discretionary Transfer Provision. *The Yale Law Journal*, *58*, 482-489.

Note. (1950). Developments in the Law - Statutes of Limitations. *Harvard Law Review*, *63*, 1177-1270.

Note. (1950). Restraint of Trade - Sherman Act: In General - Royalties Paid under Contract Not Inherently Illegal not Recoverable in Treble Damage Action. *Harvard Law Review*, *63*(5), 907-909.

Note. (1950). The Requirement of Creativity in the Proof of Lost Profits. *Harvard Law Review*, *64*, 317-325.

Note. (1951). Application of In Pari Delicto Doctrine to Robinson-Patman Damage Action. *Columbia Law Review*, *51*, 523-525.

Note. (1951). Curtailing the Scope of 1404 (A) - Round Two. *The Yale Law Journal*, *60*, 183-188.

Note. (1951). Judicial Application of Antitrust Law to Regulated Industries. *Harvard Law Review*, *64*, 1154-1181.

Note. (1951). Section 1404(a) and Transfers of Substantive Law. *The Yale Law Journal*, *60*, 537-540.

Note. (1951). Section 7 of Clayton Act Amended to Limit Asset Acquisitions. *Harvard Law Review*, *64*, 1212-1214.

Note. (1951). Treble Damage Time Limitations: Federalism Rampant. *The Yale Law Journal*, *60*, 553-558.

Note. (1952). Clayton Act, Section 5: Aid to Treble Damage Suitors? *The Yale Law Journal*, *61*, 417-426.

Note. (1952). Developments in the Law - Res Judicata. *Harvard Law Review*, *65*, 818-887.

Note. (1952). Proof of Cost Differentials Under the Robinson-Patman Act. *Harvard Law Review*, *65*, 1011-1035.

Note. (1953). Contributory Infringement and Misuse-The Effect of Section 271 of the Patent Act of 1953. *Harvard Law Review*, *66*(5), 909-918.

Note. (1953). Diminishing Applicability of the Antitrust Laws in Regulated Industry: Congress, the Courts, and the Agencies. *Indiana Law Journal*, *28*, 194-211.

Note. (1954). The Jurisdictional Immunity of Foreign Sovereigns. *The Yale Law Journal*, *63*, 1148-1172.

Note. (1956). Determining the Scope of Choice of Law Provisions in Steamship Tickets: Adhesion Contract and the Conflict of Laws. *The Yale Law Journal*, *65*, 553-564.

Note. (1956). Extraterritorial Application of the Antitrust Laws. *Harvard Law Review*, *69*(8), 1452-1462.

Note. (1956). Jurisdiction of Federal District Courts over Foreign Corporations. *Harvard Law Review*, *69*(3), 508-524.

Note. (1956). Restraint of Trade - Clayton Act - Patent Licensor has no Standing to Bring Treble Damage Suit Against Competitor of License for Antitrust Violation. *Harvard Law Review*, *69*, 575-577.

Note. (1957). Exclusive Jurisdiction of the Federal Courts in Private Civil Actions. *Harvard Law Review*, *70*, 509-517.

Note. (1957). Jurisdiction Over Forces Abroad. *Harvard Law Review*, *70*(6), 1050-1053.

Note. (1959). Preemption as a Preferential Ground: A New Canon of Construction. *Stanford Law Review*, *12*, 208-225.

Note. (1959). Proving Injury to Competition in Private Antitrust Suits Provoked by Concerted Refusals to Deal. *The Yale Law Journal*, *68*, 949-963.

Note. (1959). The Consent Judgement as an Instrument of Compromise and Settlement. *Harvard Law Review*, *72*, 1314-1334.

Note. (1961). Buyer's Knowing Inducement of Violation of Section 2(d) of Clayton Act is Unfair Trade Practice Although not Violative of Clayton Act. *Columbia Law Review*, *61*, 291-296.

Note. (1961). Federal Preemption in Television Antitrust. *Stanford Law Review*, *13*, 629-635.

Note. (1961). The Commerce Clause and State Antitrust Regulation. *Columbia Law Review*, *61*, 1469-1496.

Note. (1961). Unfair Competition: Federal Trade Commission Act: Knowing Inducement of Violation of Section 2(d) of Robinson-Patman Act Illegal under Section 5 of Federal Trade Commission Act. *UCLA Law Review*, *8*, 243-249.

Note. (1963). Implying Civil Remedies From Federal Regulatory Statues. *Harvard Law Review*, *77*(2), 285-298.

Note. (1964). Availability of Divestiture in Private Litigation as a Remedy for Violation of Section 7 of the Clayton Act. *Minnesota Law Review*, *49*(2), 267-283.

Note. (1964). Standing to Sue for Treble Damages under Section 4 of the Clayton Act. *64*, 570-588.

Note. (1964). The Choice of Law in Multistate Defamation – a Functional Approach. *Harvard Law Review*, *77*, 1463-1484.

Note. (1965). Antitrust Law-Actions and Defenses-Remedies. *The Georgetown Law Journal*, *50*, 1133-1138.

Note. (1965). Choice of Law: Federal Government's Suit to Collect Loan Granted by Federal Agency Defeated by State Law Defense of Coverture. Duke Law Journal, *1965*(2), 386-394.

Note. (1965). In Pari Delicto and Conset as Defenses in Private Antitrut Suits. *Harvard Law Review*, *78*, 1241-1249.

Note. (1966). Nolo Pleas in Antitrust Cases. *Harvard Law Review*, *79*, 1475-1488.

Note. (1967). Private Treble Damage Antitrust Suits: Measures of Damages for Destruction of All or Part of Business. *Harvard Law Review*, *80*, 1566-1588.

Note. (1969). Restraint of Trade - Trading Stamps - The Federal Trade Commission and the Green Stamp: The Effect upon Competition of Restrictions on Distribution and Redemption of Trading Stamps. *Michigan Law Review*, *67*, 560-572.

Note. (1970). Antitrust Enforcement Against Organized Crime. *Columbia Law Review*, *70*(2), 307-336.

Note. (1970). Legislative Purpose and Federal Constitutional Adjudication. *Harvard Law Review*, *83*(8), 1887-1903.

Note. (1971). Billy Baxter: A Beacon for Causation in Private Antitrust Suits. *Duke Law Journal*, *1971*(4), 805-819.

Note. (1972). The Applicability of the Sherman Act to Legal Practice and Other "Non-Commercial" Activities. *The Yale Law Journal*, *82*(2), 313-337.

Note. (1973). The Developing Meaning of "Tender Offer" Under the Securities Exchange Act of 1934. *Harvard Law Review*, *86*(7), 1250-1281.

Note. (1973). The ITT Divided: Reform of Deparment of Justice Consent Decree Procedures. *Columbia Law Review*, *73*, 594-634.

Note. (1975). Parker v. Brown: A Preemption Analysis. *The Yale Law Journal*, *84*, 1164-1177.

Note. (1975). Regulation of Franchising. *Minnesota Law Review*, *59*(6), 1027-1063.

Note. (1975). Specifying the Procedures Required by Due Process: Toward Limits on the Use of Interest Balancing. *Harvard Law Review*, *88*, 1510-1543.

Note. (1976). American Adjudication of Transnational Securities Fraud. *Harvard Law Review*, *89*(3), 553-572.

Note. (1976). Antitrust Law - Clayton Act - Remedy of Divestiture Is Not Available to Private Plaintiff in Suit under Section 16 of Clayton. *Harvard Law Review*, *89*, 1247-1257.

Note. (1976). Developments in the Law: Class Actions. *Harvard Law Review*, *89*, 1318-1644.

Note. (1976). Export Policy, Antitrust and the Arab Boycott. *New York University Law Review*, *51*(1), 94-132.

Note. (1976). The State Action Exemption and Antitrust Enforcement under the Federal Trade Commission Act. *Harvard Law Review*, *89*, 715-751.

Note. (1977). Conflict of Laws. *California Law Review*, *65*, 290-290.

Note. (1978). A Framework for Preemption Analysis. *The Yale Law Journal*, *88*, 363-389.

Note. (1978). Fairness and Unfairness in Television Product Advertising. *Michigan Law Review*, *76*, 498-550.

Note. (1978). The Collateral Estoppel Effect of Prior State Court Findings in Cases Within Exclusive Federal Jurisdiction. *Harvard Law Review*, *91*, 1281-1308.

Note. (1978). The Supreme Court, 1977 Term. *Harvard Law Review*, *92*, 57-326.

Note. (1979). Foreign Nondisclosure Laws and Domestic Discovery Orders in Antitrust Litigation. *The Yale Law Journal*, *88*(3), 612-628.

Note. (1979). From Feres to Stencel: Should Military Personnel Have Access to FTCA Recovery? *Michigan Law Review*, *77*(4), 1099-1126.

Note. (1980). Contribution in Private Antitrust Actions. *Harvard Law Review*, *93*, 1540-1561.

Note. (1980). Resolutions of the Section on Pfizer v. India Legislation. *Antitrust Law Journal*, *49*, 279.

Note. (1980). Standing of Purchasers from Nonconspirators to Challenge Price-Fixing Conspiracy: Mid-West Paper Products Co. v. Continental Group, Inc. *Harvard Law Review*, *93*, 598-607.

Note. (1981). Trustbusting in Japan: Cartels and Government-Business Cooperation. *Harvard Law Review*, *94*(5), 1064-1084.

Note. (1982). The Preemption Alternative to Municipal Antitrust Liability. *The George Washington Law Review*, *51*(1), 145-169.

Note. (1983). Employee Standing Under Section 4 of the Clayton Act. *Michigan Law Review*, *81*, 1846-1866.

Note. (1983). Fixing the Price Fixing Confusion: A Rule of Reason Approach. *The Yale Law Journal*, *92*(4).

Note. (1983). Standing at the Fringe: Antitrust Damages and the Fringe Producer. *Stanford Law Review*, *35*(April), 763-785.

Note. (1986). Predictability and Comity: Toward Common Principles of Extraterritorial Jurisdiction. *Harvard Law Review*, *98*(6), 1310-1330.

Note. (1996). In-Kind Class Action Settlements. *Harvard Law Review*, *109*, 810-827.

Note. (2001). A Most Private Remedy: Foreign Party Suits and the U.S. Antitrust Laws. *Harvard Law Review*, *114*(7), 2122-2145.

Note. (2004). Federal Statutes nad Regulations. *Harvard Law Review, 118*, 436-496.

Note. (2004). Perspectives on Empagran. *Antitrust Source*, *4*, 1-8.

Note. (2005). Actualizing the Trope of Internationalism in Class Action Theory. *Harvard Law Review*, *118*(8), 2814-2835.

Note. (2007). Antitrust Law. *Corporate Counsel's Monitor*, *247*, 1-7.

Note. (2007). Antitrust Updates. *The Antitrust Counselor*, *150*, 1-5.

Note. (2007). Antitrust. *Corporate Counsel's Monitor*, *250*, 1-7.

Note. (2007). Updates - Antitrust. *The Antitrust Counselor*, *147*, 1-7.

Note. (2008). Antitrust Law Updates. *The Antitrust Counselor*, *166*, 1-7.

Note. (2008). Antitrust Law. *Corporate Counsel's Monitor*, *266*, 1-7.

Note. (2008). How Far is Too Far - The United States Supreme Court Restrains the Extraterritorial Reach of 35 U.S.C. 271(f) Over Software Exports in Microsoft Corp. v. AT and T Corp., 127 S. Ct. 1746 (2007). *Nebraska Law Review*, *87*(1), 301-327.

Note. (2008). Sherman Act Doesn't Bar Foreign Price-Fixing. *Andrews Antitrust Litigation Reporter*, *16*(4), 1-2.

Note. (2011). Developments in the Law - Extraterritoriality. *Harvard Law Review*, *124*(5), 1226-1304.

Note. (2011). Theme Statement: Harmony and Dissonance in International Law. *American Society of International Law Proceedings*, *105*, 577-594.

Note. (2014). International Law – Universal Jurisdiction – D.C. Circuit Upholds Charges for Facilitator of Piracy Under Universal Jurisdiction – United States v. Ali, 718 F.3d, 929 (D.C. Cir. 2013). *Harvard Law Review*, *127*, 1244-1251.

Nottage, H. (2003). Trade and Competition in the WTO: Pondering the Applicability of Special and Differential Treatment. *Journal of International Economic Law*, *6*(1), 23-47.

Nottage, L. (2002). The Practice of Transnational Law, by Klaus Peter Berger ed., Bood Review. *Journal of International Arbitration*, *19(1)*(1), 67-71.

Notz, W. (1919). The Webb-Pomerene Law-Extraterritorial Scope of the Unfair Competition Clause. *The Yale Law Journal*, *29*(1), 29-45.

Notz, W. (1920). International Private Agreements in the form of Cartels, Syndicates, and other Combinations. *Journal of Political Economy*, *28*(8), 658-679.

O Neill, M. (2005). On the Boundary Clash between EC Commercial Law and WTO Law. *Legal Issues of Economic Integration*, *32*(1), 65-86.

O'Connor, K. J. (2001). Is the Illinois Brick Wall Crumbling? *Antitrust*, *15*(Summer), 34-40.

O'Connor, K. J. (2002). Federalist Lessons for International Antitrust Convergence. *Antitrust Law Journal*, *70*, 413-441.

O'Connor, M. A. (1993). A Socio-Economic Approach to the Japanese Corporate Governance Structure. *Washington and Lee Law Review*, *50*, 1529-1564.

O'Donnell, S. W. (2003). Antitrust Subject Matter Jurisdiction over State Owned Enterprises and the End of Prudential Prophylactic Judicial Doctrines. *Suffolk Transnational Law Review*, *26*(2), 247-294.

O'Hara, E. A., & Ribstein, L. E. (2000). From Politics to Efficiency in Choice of Law. *The University of Chicago Law Review*, *67*, 1151-1232.

O'Reilly, J. T. (1996). Collision in the Congress: Congressional Accountability, Workplace Conflict, and the Separation of Powers. *George Mason Law Review*, *5*, 1-44.

Oakes, J. (1996). Art. 2298: The Codification of the Principle Forbidding Unjust Enrichment, and The Elimination of Quantum Meruit As a Basis for Recovery in Louisiana. *Louisiana Law Review*, *56*(4), 873-903.

Oakland, W. H. (1974). Public Goods, Perfect Competition and Underproduction. *Journal of Political Economy*, *82*(5), 927-939.

Odudu, O. (2002). Article 81(3) Discretion and Direct Effect. *European Competition Law Review*, *23*(1), 17-25.

Odudu, O. (2008). Developing Private Enforcement in the EU: Lessons from the Roberts Court. *The Antitrust Bulletin*, *53*(4), 873-902.

OECD Global Forum on Competition, S. (2003). Challenges/Obstacles Faced by Competition Authorities in Achieving Greater Economic Development through the Promotion of Competition. *OECD Papers*, *4*(6), 1-29.

OECD Global Forum on Competition, S. (2004). How Enforcement against Private Anticompetitive Conduct Has Contributed to Economic Development. *OECD Papers*, *4*(6), 1-8.

OECD, C. o. C. L. a. P. (1999). Making International Markets More Efficient Through 'Positive Comity' in Competition Law Enforcement. *OECD Journal of Competition Law and Policy*, *DAFFE/CLP*(99), 2-40.

OECD, S. (2003). Issues for Trade and Competition in the Global Conext. *OECD Journal of Competition Law and Policy*, *5*(3), 7-55.

Ohyama, M. (1997). Monopolistic Competition, Increasing Returns and International Coordination of Entry Policy. *Pacific Economy Review*, *2*(3), 197-209.

Oldham, A. S. (2007). Sherman's March (in)to the Sea. *Tennessee Law Review*, *74*(3), 319-382.

Oliver, C. T. (1982). A Brief Replication: The Big Picture and Mr. Schneebaum's Reply. *Houston Journal of International Law*, *5*(1), 151-155.

Oliver, D. (1986). Luncheon Address. *Antitrust Law Journal*, *55*, 349-358.

Oliver, D. (1988). Federal and State Antitrust Enforcement: Constitutional Principles and Policy Considerations. *Cardozo Law Review*, *9*, 1245-1275.

Oliver, P. (2005). The Concept of "Abuse" of a Dominant Position under Article 82 EC: Recent Developments in Relation to Pricing. *European Competition Journal*, *1*(2), 315-339.

Olken, S. R. (2009). Justice Sutherland Reconsidered. *Vanderbilt Law Review*, *62*, 639-693.

Olsen, F. E. (1983). The Family and the Market: A Study of Ideology and Legal Reforms. *Harvard Law Review*, *96*, 1497-1578.

Olsen, G. (2005). Compensation and deterrence? The Passing on Defence and the Future Direction of UK Private Proceedings. *Competition Law Insight*, *2005*(10 May), 3-5.

Olsoff, J. A., & Hull, D. W. (2003). International Cartels; Limiting your Exposure. *ACCA Docket*, *21*(10), 57-73.

Ong, D. M. (2001). The Impact of Environmental Law on Corporate Governance: International and Comparative Perspective. *European Journal of International Law*, *12*(4), 685-726.

Ongman, J. W. (1977). "Be No Longer a Chaos": Constructing a Normative Theory of the Sherman Act's Extrterritorial Jurisdictional Scope. *Northwestern University Law Review*, *71*(6), 733-766.

Opi, S. B. (1997). Merger Control in the United States and European Union: How Should the United States' Experience Influence the Enforcement of the Council Merger Regulation? *Journal of Transnational Law and Policy*, *6*, 223-287.

Oppenheim, S. C. (1950). Divestiture as a Remedy Under the Federal Antitrust Laws. *The George Washington Law Review*, *19*(2), 119-131.

Oppenheim, S. C. (1955). Highlights of the Final Report of the Attorney General's National Committee to Study the Antitrust Laws. *The Antitrust Bulletin*, *1*, 6-36.

Oppenheim, S. C. (1955). Patents and Antitrust: Peaceful Coexistence. *Michigan Law Review*, *54*(2), 199-218.

Oppenheim, S. C. (1961). Guides to Harmonizing Section 5 of the Federal Trade Commission Act wtih the Sherman and Clayton Acts. *Michigan Law Review*, *59*(6), 821-854.

Ordover, J. A., Saloner, G., & Salop, S. C. (1990). Equilibrium Vertical Foreclosure. *The American Economic Review*, *80*(1), 127-142.

Osborne, B. (2003). Title IX in the 21st Century. *Marquette Sports Law Review*, *14*(1), 141-162.

Osborne, D. K. (1976). Cartel Problems. *The American Economic Review*, *66*(5), 835-844.

Osborne, D. K. (1978). Cartel Problems: Reply. *The American Economic Review*, *68*(5), 947-949.

Ostoyich, J. A., & DeCastro, A. (2005). The Increasing Risks of US Litigation for Global companies. *Global Competition Review*, *8*(9 Supplement), 49-52.

Oswald, L. J. (1993). Strict Liability of Individuals under CERCLA: A Normative Analysis. *Boston College Environmental Affairs Law Review*, *20*(4), 579-637.

Overall, T. J. (2006). Physical Supply of Intangible Components: Misapplication of Sec. 271(f) Haunts Microsoft. *Federal Circuit Bar Journal*, *16*(2), 219-246.

Overton, T. R. (1991). Substantive Distinctions Between United States Antitrust Law and the Competition Policy of the European Community: A Comparative Analysis of Divergent Policies. *Houston Journal of International Law*, *13*, 315-342.

Owen, B. M. (2004). Imported Antitrust; Competition Policy for Small Market Economies, by Michal S. Gal, Book Review. *Yale Journal on Regulation*, *21*, 441-459.

Owen, B. M. (2004). Imported Antitrust. *Yale Journal on Regulation*, *21*, 441-459.

Owen, D. G. (1994). A Punitive Damages Overview: Functions, Problems and Reform. *Villanova Law Review*, *39*, 363-413.

Oxman, B. H. (1983). The Choice Between Direct Discovery and Other Means of Obtaining Evidence Abroad: The Impact of the Hague Evidence Convention. *University of Miami Law Review*, *37*, 733-795.

P., M. N. (1942). War: Right of Alien Enemies to Sue – part 1. *California Law Review*, *30*(3), 358-364.

Page, W. H. (1980). Antitrust Damages and Economic Efficiency: An Approach to Antitrust Injury. *The University of Chicago Law Review*, *47*, 467-504.

Page, W. H. (1981). Antitrust, Federalism, and the Regulatory Process: A Reconstruction and Critique of the State Action Exemption after Midcal Aluminium. *Boston University Law Review*, *61*(5), 1099-1138.

Page, W. H. (1987). Interest Groups, Antitrust, and State Regulation: Parker v. Brown in the Economic Theory of Legislation. *Duke Law Journal*, *1987*, 618-668.

Page, W. H. (1988). Capture, Clear Articulation, and Legitimacy: A Reply to Professor Wiley. *Southern California Law Review*, *61*, 1343-1355.

Page, W. H. (1989). The Chicago School and the Evolution of Antitrust: Characterization, Antitrust Injury, and Evidentiary Sufficiency. *Virginia Law Review*, *75*, 1221-1308.

Page, W. H. (1990). Optimal Antitrust Penalties and Competitor's Injury. *Michigan Law Review*, *88*, 2151-2166.

Page, W. H. (1991). Ideological Conflict and the Origins of Antitrust Policy. *Tulane Law Review*, *66*(1), 1-67.

Page, W. H. (1995). Legal Realism and the Shaping of Modern Antitrust. *Emory Law Journal*, *44*(1), 1-70.

Page, W. H. (1999). Microsoft and the Public Choice Critique of Antitrust. *The Antitrust Bulletin*, *44*(1), 5-63.

Page, W. H. (1999). The Limits of State Indirect Purchaser Suits: Class Certification in the Shadow of Illinois Brick. *Antitrust Law Journal*, *67*(1), 1-39.

Page, W. H. (2005). Class Certification in the Microsoft Indirect Purchaser Litigation. *Journal of Competition Law and Economics*, *1*(2), 303-338.

Page, W. H. (2007). Communication and Concerted Action. *Loyola University Chicago Law Journal*, *38*, 405-460.

Page, W. H. (2008). Class Interpleader: The Antitrust Modernization Commission's Recommendation to Overrule Illinois Brick. *The Antitrust Bulletin*, *53*(3), 725-744.

Page, W. H. (2009). Twombly and Communication: The Emerging Definition of Concerned Action. *Journal of Competition Law and Economics*, *5*, 439-468.

Page, W. H., & Blair, R. D. (1992). Controlling the Competitor Plaintiff in Antitrust Litigation. *Michigan Law Review*, *91*, 111-123.

Page, W. H., & Lopatka, J. E. (1993). State Regulation in the Shadow of Antitrust: FIC v Ticor Tide Insurance Co. *Supreme Court Economic Review*, *3*, 189-237.

Page, W. H., & Lopatka, J. E. (1996). Antitrust Injury, Merger Policy and the Competitor Plaintiff. *Iowa Law Review*, *82*, 127-150.

Pailli, G. (2014). Global Deterrence of Wrongful Behaviour and Recent Trends in Class Action and Class Arbitration: is the US Stepping Down as the World's Problems Solver? *Civil Justice Quarterly*, *33*(3), 266280.

Palmer, D. K. (2002). Should Prejudgment Interest Be a Matter of Procedural or Substantive Law in Choice-of-Law Disputes? *The University of Chicago Law Review*, *69*, 705-728.

Panel. (1972). Pannel Discussion. *Antitrust Law Journal*, *41*, 321-350.

Pape, W. (1999). Socio-Cultural Differences and International Competition Law. *European Law Journal*, *5*(4), 438-460.

Paris, M. L. (1995). Trust, Lies, and Interrogaton. *Virginia Journal of Social Policy & the Law*, *3*, 3-66.

Parisi, F. (2002). Rent-seeking Through Litigation: Adversarial and Inquisitorial Systems Compared. *International Review of Law and Economics*, *22*, 193-216.

Parisi, J. J. (1999). Enforcement Co-operation Among Antitrust Authorities. *European Competition Law Review*, *20*(3), 133-142.

Park, Y. D., & Eggers, B. (2000). WTO Dispute Settlement 1995-99: A Statistical Analysis. *Journal of International Economic Law*, *3*, 193-204.

Parker, A. L. (1971). Treble Damage Action - a Financial Deterrent to Antitrust Violation? *The Antitrust Bulletin*, *16*, 483-505.

Parker, A. L. (1973). The Deterrent Effect of Private Treble Damage Suits: Fact or Fantasy? *New Mexico Law Review*, *3*(May), 286-293.

Parker, J. J. H. (1932). The Federal Jurisdiction and Recent Attack upon It. *A.B.A. Journal*, *18*, 433-439 & 479.

Parker, J. S. (1996). Doctrine for Destruction: The Case of Corporate Criminal Liability. *Managerial and Decision Economics*, *17*(4), 381-398.

Parnham, R. (2004). In-House Lawyers under Siege. *European Lawyer*, *37*, 54.

Parret, L. (2005). Judicial Protection after Modernisation of Competition Law. *Legal Issues of Economic Integration*, *32*(4), 339-368.

Parrish, A. (2008). The Effect Test: Extraterritoriality's Fifth Business. *Vanderbilt Law Review*, *61*(5), 1455-1505.

Parrish, A. L. (2005). Trail Smelter Deja Vu: Extraterritoriality, International Environmental Law, and the Search for Solutions to Canadian-U.S. Transboundary Water Pollution Disputes. *Boston University Law Review*, *85*(2), 363-430.

Parrish, A. L. (2009). Reclaiming International Law from Extraterritoriality. *Minnesota Law Review*, *93*(3), 815-874.

Parrish, A. L. (2011). Morrison, The Effects Test, and the Presumption Against Extraterritoriality: A Reply to Professor Dodge. *American Society of International Law Proceedings*, *105*, 399-402.

Parrish, A. L. (2012). Evading Legislative Jurisdiction. *Notre Dame Law Review*, *87*(4), 1673-1707.

Parsons, S. (2005). Theft Liability in Business and Other Civil Law Relationships. *Business Law Review*, *June*, 141-144.

Partridge, M. D. (1997). Is Inequality Harmful for Growth? Comment. *The American Economic Review*, *87*(5), 1019-1032.

Pate, R. H. (2003). Antitrust Enforcement at the United States Department of Justice: Issues in Merger Investigations and Litigation. *Columbia Business Law Review*, *2003*, 411-429.

Patten, S. N. (1908). The Political Significance of Recent Economic Theories. *Annals of the American Academy of Political and Social Science*, *32*, 82-94.

Patterson, W. B. (2005). Defining the Reach of the Securities Exchange Act: Extraterritorial Application of the Antifraud Provisions. *Fordham Law Review*, *74*(1), 213-256.

Pattishall, B. W. (1952). Trade-Marks and The Monopoly Phobia. *Michigan Law Review*, *50*(7), 967-990.

Paul, J. R. (1991). Comity in International Law. *Harvard International Law Journal*, *32*(1), 1-79.

Paul, R. D. (2003). Expanding Extraterritorial Application of U.S. Antitrust Laws: What are the Borders? *International Law Practicum*, *16*(Autumn), 122-133.

Paulus, A. (2013). Human Rights Protection in a European Network of Courts. *American Society of International Law Proceedings*, *107*, 174-182.

Paulus, A. L. (2000). Law and Politics in the Age of Globalization. *European Journal of International Law*, *11*, 465-472.

Paulus, A. L. (2004). From Neglect to Defiance? The United States and International Adjudication. *European Journal of International Law*, *15*, 783-812.

Paust, J. J. (1992). The Other Side of Right: Private Duties Under Human Rights Law. *Harvard Human Rights Journal*, *5*, 51-63.

Paust, J. J. (2005). International Law before the Supreme Court: A Mixed Record of Recognition. *Santa Clara Law Review*, *45*(4), 829-856.

Pauwelyn, J. (2003). How to Wing a World Trade Organization Dispute Based on Non-World Trade Organization Law? *Journal of World Trade*, *37*(6), 997-1030.

Peacock, A. T., & Rowley, C. K. (2001). Pareto Optimality and the Political Economy of Liberalism. *Journal of Political Economy*, 476-490.

Peacock, P. D. (1969). Private Divestiture Suits Under Section 16 of the Clayton Act. *Texas Law Review*, *48*, 54-83.

Pearce, B. (1994). The Comity Doctrine as a Barrier to Judicial Jurisdiction: A U.S.-E.U. Comparison. *Stanford Journal of International Law*, *30*, 525-578.

Pearson, R. N. (1967). Section 5 of the Federal Trade Commission Act as Antitrust: a Comment. *Boston University Law Review*, *47*, 1-19.

Peck, B. (1998). Extraterritorial Application of Antitrust Laws and the U.S.-E.U. Dispute over the Boeing and McDonnell Douglas Merger: From Comity to Conflict? An Argument for a Binding International Agreement on Antitrust Enforcement and Dispute Resolution. *San Diego Law Review*, *35*(4), 1163-1214.

Peck, J., Theodore, N., & Ward, K. (2005). Constructing Markets for Temporary Labour: Employment Liberalization and the Internationalization of the Staffing Industry. *Global Networks*, *5*(1), 3-26.

Peltzman, S. (1976). Toward a More General Theory of Regulation. *The Journal of Law and Economics*, *19*, 211-240.

Peltzman, S. (2001). The Decline of Antitrust Enforcement. Review of Industrial Organization, *19*, 49-53.

Pennisi, M. (2011). Enforcing International Insurers' Expectations: Can States Unilaterally Quash Commercial Arbitration Agreements under the McCarran-Ferguson Act. *Fordham Journal of Corporate & Financial Law*, *16*(3), 601-672.

Peppin, J. C. (1940). Price-Fixing Agreements Under the Sherman Anti-Trust Law. *California Law Review*, *28*(6), 667-732.

Peppin, J. C. (1940). Price-Fixing Agreements Under the Sherman Anti-Trust Law. *California Law Review*, *28*(3), 297-351.

Pera, A., & Auricchio, V. (2005). Consumer Welfare, Standard of Proof and the Objectives of Competition Policy. *European Competition Journal*, *1*(1), 153-177.

Perez, A. F. (2002). International Antitrust at the Crossroad: The End of Antitrust History or the Clash of Competition Policy Civilization? *Law & Policy in International Business*, *33*, 527-554.

Perez, A. F. (2004). May a Foreign Plaintiff Sue a Foreign Defendant for Conduct outside the U.S. that Caused Antitrust Injury outside the U.S.? Preview of United States Supreme Court Cases, *2003-2004*(7), 380-385.

Peritz, R. J. (1984). The Predicament of Antitrust Jurisprudence: Economics and the Mono-Polization of Price Discrimination Argument. *Duke Law Journal*, *1984*, 1205-1295.

Peritz, R. J. (1989). A Genealogy of Vertical Restraints Doctrine. *Hastings Law Journal*, *40*, 511-576.

Peritz, R. J. (1989). The "Rule of Reason" in Antitrust Law: Property Logic in Restraint of Competition. *Hastings Law Journal*, *40*, 285-342.

Peritz, R. J. (1990). A Counter-History of Antitrust Law. *Duke Law Journal*, *1990*, 263-320.

Peritz, R. J. (2000). Theory and Fact in Antitrust Doctrine: Summary Judgment Standards, Single-Brand Aftermarkets and the Clash of Microeconomic Models. *The Antitrust Bulletin*, *45*(Winter), 887-920.

Peritz, R. J. R. (2003). Toward Dynamic Antitrust Analysis of Strategic Market Behavior. *New York Law School Law Review*, *47*, 101-118.

Perrin, B. (2006). Challenges Facing the EU Network of Competition Authorities: Insights From a Comparative Criminal Law Perspective. *European Law Review*, *31*(4), 540-564.

Perry, M. K., & Porter, R. H. (1985). Oligopoly and the Incentive for Horizontal Merger. *The American Economic Review*, *75*(1), 219-227.

Peter, W. (2003). Arbitration of Mergers and Acquisitions: Purchase Price Adjustment Disputes. *Arbitration International*, *19*(4), 491-505.

Peters, L. L. (1989). Managing Competition in German Coal, 1893-1913. *The Journal of Economic History*, *49*(2), 419-433.

Peters, P. G., Jr. (2008). Health Courts? *Boston University Law Review*, *88*, 227-289.

Petersmann, E.-U. (1998). How to Promote the International Rule of Law?; Contributions by the World Trade Organization Appellate Review System. *Journal of International Economic Law*, *1*, 25-48.

Petersmann, E.-U. (1999). Legal, Economic and Political Objectives of National and International Competition Policies: Constitutional Functions of WTO "Linking Principles" for Trade and Competition. *New England Law Review*, *34*, 145-162.

Petersmann, E.-U. (2006). Justice in International Economic Law? From the 'International Law among States' to 'International Integration law' and 'Constitutional Law'. *EUI Working Papers*, *2006/46*, 1-37.

Petersmann, E.-U. (2007). Multilevel Judicial Governance of International Trade Requires a Common Conception of Rule of Law and Justice. *Journal of International Economic Law*, *10*(3), 529-551.

Peterson, C. A. J., & McDermott, J. T. (1970). Mudtidistrict Litigation: New Forms of Judicial Administration. *American Bar Association Journal*, *56*(August), 737-746.

Peterson, E. R., Gavin, M. L., Byrnes, S. J., & Moyers, A. (2005). Introduction to Survey: Solving Problems Facing International Law Today. *Transnational Law & Contemporary Problems*, *15*(1), 1-4.

Peterson, L. B. (1985). Comment on Antitrust Remedies. *Journal of Law and Economics*, *28*(2), 483-488.

Petrucci, C. (2008). The Issues of the Passing-on Defence and Indirect Purchasers' Standing in European Competition Law. *European Competition Law Review*, *29*(1), 33-42.

Petty, A. R. (2006). How Qui Tam Actions Could Fight Public Corruption. *University of Michigan Journal of Law Reform*, *39*, 851-888.

Peysner, J. (2006). Costs and Financing in Private Third Party Competition Damages Actions. *Competition Law Review*, *3*(1), 97-115.

Pflander, J. E. (2006). The Geography of Class Litigation. *Illinois Bar Journal*, *94*, 148-149.

Pfunder, M. R. (1989). Constitutional Limitation on State Antitrust Enforcement. Antitrust Law Journal, *58*, 207-213.

Pfunder, M. R., Plaine, D. J., & Whittemore, A. M. G. (1972). Compliance with Divestiture Order under Section 7 of the Clayton Act: an Analysis of the Relief Obtained. *The Antitrust Bulletin*, *17*, 19-180.

Phaesant, J. (2006). Damages Actions for Breach of the EC Antitrust Rules: the European Commission's Green Paper. *European Competition Law Review*, *27*(7), 365-381.

Phillips, L. R. (1976). Standing to Sue in Antitrust: the Application of Data Processing to Private Treble Damage Action. *Tulsa Law Journal*, *11*, 542-562.

Piccirillo, A. C. (2011). Sisyphus Meets Icarus: The Jurisdictional and Comity Limits of Post-Satisfaction Anti-Foreign-Suit Injunctions. *Fordham Law Review*, *80*(3), 1407-1452.

Piché, C. (2004). Discovery in International Litigation. *The International Lawyer*, *38*(2), 329-333.

Picker, R. C. (2007). Twombly, Leegin, and the Reshaping of Antitrust. *Supreme Court Review*, *2007*, 161-203.

Pielemeier, J. R. (1983). Due Process Limitations on the Application of Collateral Estoppel Against Nonparties to Prior Litigation. *Boston University Law Review*, *63*, 383-440.

Pierson, W. W. (1908). Regulation of Foreign Commerce by the Interstate Commerce Commission. *Annals of the American Academy of Political and Social Science*, *32*, 157-181.

Piilola, A. (2003). Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation. *Stanford Journal of International Law*, *39*, 207-251.

Pikna, R. J. J. (1980). The Uranium Cartel Saga - Yellowcake and Act of State: What Will Be Their Eventual Fate? *Case Western Reserve Law Review*, *12*(3), 591-639.

Pilisuk, M., & Skolnick, P. (121-133). Inducing Trust: A Test of the Osgood Proposal. *Journal of Personality and Social Psychology*, *8*(2), 1968.

Pindyck, R. S. (1979). The Cartelization of World Commodity Markets. *The American Economic Review*, *69*(2), 154-158.

Pindyck, R. S. (1985). The Measurement of Monopoly Power in Dynamic Markets. *Journal of Law and Economics*, *28*(1), 193-222.

Pindyek, R. S. (1977). Cartel Pricing and the Structure of the World Bauxite Market. *The Bell Journal of Economics*, *8*(2), 343-360.

Pinkham, F. O. (1995). The Accreditation Problem. *Annals of the American Academy of Political and Social Science*, *301*, 65-74.

Pinsolle, P. (2004). Private Enforcement of European Community Competition Rules by Arbitrators. *International Arbitration Law Review*, *7*(1), 14-22.

Piraino, S. D. (2012). A Prescription for Excess: Using Prescriptive Comity to Limit the Extraterritorial Reach of the Sherman Act. *Hofstra Law Review*, *40*, 1099-1136.

Piraino, T. A., Jr. (1994). Making Sense of the Rule of Reason: A New Standard for Section 1 of the Sherman Act. *Vanderbilt Law Review*, *47*, 1753-1805.

Piraino, T. A., Jr. (2001). A Proposed Antitrust Approach to Collaborations Among Competitors. *Iowa Law Review*, *86*, 1137-1207.

Piraino, T. A., Jr. (2007). Reconciling the Harvard and Chicago Schools: A New Antitrust Approach for the 21st Century. *Indiana Law Journal*, *82*, 345-409.

Pirie, F. (2000). The Complainant in EC Competition Law. *World Competition*, *23*(1), 107-140.

Pitcavage, M. (2001). Camouflage and Conspiracy; The Militia Movement From Ruby Ridge to Y2K. *American Behavioral Scientist*, *44*(6), 957-981.

Pitigliani, F. R. (1940). The Development of Italian Cartels Under Fascism. *Journal of Political Economy*, *48*(3), 375-400.

Pitney, H. C. (1987). Sovereign Compulsion and International Antitrust: Conflicting Laws and Separating Powers. *Columbia Journal of Transnational Law*, *25*(2), 403-432.

Pitofsky, R. (1965). Trade Regulation – 1964. *The Business Lawyer*, *20*, 657-688.

Pitofsky, R. (1969). Arbitration and Antitrust Enforcement. *New York University Law Review*, *44*, 1072-1084.

Pitofsky, R. (1977). Beyond Nader: Consumer Protection and the Regulation of Advertising. *Harvard Law Review*, *90*(4), 661-701.

Pitofsky, R. (1978). The *Sylvania* Case: Antitrust Analysis of Non-Price Vertical Restrictions. *Columbia Law Review*, *78*(1), 1-38.

Pitofsky, R. (1979). The Political Content of Antitrust. *University of Pennsylvania Law Review*, *127*, 1051-1075.

Pitofsky, R. (1983). In Defense of Discounters: the No-Frills Case for a Per Se Rule Against Vertical Price Fixing. *The Georgetown Law Journal*, *71*, 1487-1495.

Pitofsky, R. (1990). New Definitions of Relevant Market and the Assault on Antitrust. *Columbia Law Review, 90*(7), 1805-1864.

Pitofsky, R. (1992). Proposals for Revised United States Merger Enforcement in a Global Economy. *The Georgetown Law Journal*, *81*, 195-250.

Pitofsky, R. (1993). Antitrust Policy in a Clinton Administration. *Antitrust Law Journal*, *62*(1), 217-224.

Pitofsky, R. (1994). Remarks of Professor Robert Pitofsky: The Future of Antitrust. *The Antitrust Bulletin*, *39*, 913-921.

Pitofsky, R. (1999). Competition Policy in a Global Economy – Today and Tomorrow. *Journal of International Economic Law*, *2*(3), 403-411.

Pitofsky, R. (2002). Antitrust at the Turn of the Twenty-first Century: the Matter of Remedies. *The Georgetown Law Journal*, *91*, 169-181.

Pitofsky, R. (2005). Past, Present and Future of Antitrust Enforcement at the Federal Trade Commission. The University of Chicago Law Review, *72*, 209-227.

Pitofsky, R., & Dam, K. W. (1968). Is the Colgate Doctrine Dead? *Antitrust Law Journal*, *37*(4), 772-788.

Pivateau, G. T. (2008). Putting the Blue Pencil Down: An Argument for Specificity in Noncompete Agreements. *Nebraska Law Review*, *86*, 672-707.

Pizer, S. D. (2000). Does International Competition Undermine Wage Differentials and Increase Inequality? *Journal of International Economics*, *52*, 259-282.

Platt, A. (2007). Fate of Domestic Exporters under the Byrd Amendment: A Case Study for Resuscitating Last-in-Time Interpretation. *International Law & Management Review*, *3*(2), 171-212.

Pletcher, D. M. (2000). Feature Review, The United States and Extraterritoriality. *Diplomatic History*, *27*(3), 405-407.

Plush, L. (2006). A Balanced Approach to Government Attorney - Client Privilege in the Confirmation Settings. *Georgetown Journal of Legal Ethics*, *19*, 907-923.

Podgor, E. S. (2002). "Defensive Territoriality": A New Paradigm for the Prosecution of Extraterritorial Business Crimes. *Georgia Journal of International and Comparative Law*, *31*(2), 1-30.

Podgor, E. S. (2006). A New Dimension in the Prosecution of White Collar Crime: Enforcing Extraterritorial Social Harms. *McGeorge Law Review*, *37*(1), 83-103.

Podolny, J. M., & Morton, F. M. S. (1999). Social Status, Entry and Predation: The Case of British Shipping Cartels 1879-1929. *The Journal of Industrial Economics*, *47*(1), 41-67.

Pofcher, M. F. (1951). The Choice of Law, State or Federal, in Cases Involving Government Contracts. *Louisiana Law Review*, *12*, 37-55.

Pogue, R. A., Reasoner, H. M., Shenefield, J. H., & Whiting, R. A. (1985). 60 Minutes with J. Paul McGrath Assistant Attorney General Antitrust Division. *Antitrust Law Journal*, *54*, 131-152.

Pointer, S. C. J. (1980). The Judge's Viewpoint on Issues and Problems Arising in Antitrust Class Actions. *Antitrust Law Journal*, *49*, 1581-1585.

Polden, D. J. (1989). Antitrust Standing and the Rule Against Resale Price Maintenance. *Cleveland State Law Review*, *37*, 179-226.

Polenske, K. R. (2004). Competition, Collaboration and Cooperation: An Uneasy Triangle in Networks of Firms and Regions. *Regional Studies*, *38*(9), 1029-1043.

Polinsky, A. M. (1980). Private Versus Public Enforcement of Fines. *The Journal of Legal Studies*, *9*(1), 105-127.

Polinsky, A. M. (1986). Detrebling versus Decoupling Antitrust Damages: Lessons from the Theory of Enforcement. *The Georgetown Law Journal*, *74*, 1231-1236.

Polinsky, A. M. (1997). Are Punitive Damages Really Insignificant, Predictable, and Rational? A Comment on Eisenberg et al. *The Journal of Legal Studies*, *26*, 663-677.

Polinsky, A. M., & Rubinfeld, D. L. (2003). Alinging the Interests of Lawyers and Clients. *American Law and Economic Review*, *5*(1), 165-188.

Polinsky, A. M., & Rubinfeld, D. L. (2006). A Damage-Revelation Model of Coupon Remedies. *The Journal of Law, Economics, & Organization*, *23*(3), 653-661.

Polinsky, A. M., & Shavell, S. (1979). The Optimal Tradeoff Between the Probability and Magnitude of Fine. *The American Economic Review*, *69*(5), 880-891.

Polinsky, A. M., & Shavell, S. (1981). Contribution and Claim Reduction Among Antitrust Defendants: an Economic Analysis. *Stanford Law Review*, *33*(February), 447-471.

Polinsky, A. M., & Shavell, S. (1992). Enforcement Costs and the Optimal Magnitude and Probability of Fines. *The Journal of Law and Economics*, *35*, 133-148.

Polinsky, A. M., & Shavell, S. (1993). Should Employees be Subject to Fines and Imprisonment Given the Existence of Corporate Liability? *International Review of Law and Economics*, *13*, 239-257.

Pollock, E. E. (1962). The “Injury” and “Causation” Elements of a Private Antitrust Action. *A.B.A. Antitrust Section*, *21*, 341-357.

Pollock, E. E. (1966). Standing to Sue, Remoteness of Injury, and the Passion-on Doctrine. *Antitrust Law Journal*, *32*, 5-40.

Pollock, E. E. (1971). Proposals for Change in the Structure of Antitrust Enforcement: the Department of Justice, the FTC and the Courts. *Antitrust*, *40*, 360-387.

Pollock, E. E. (1980). Introductory Remarks. *Antitrust Law Journal*, *49*, 977.

Pollock, E. E. (1985). The “New Antitrust” - Its Implications for the Practitioner. *Antitrust Law Journal*, *54*, 51-55.

Pollock, E. E. (1987). Antitrust Problems in Distribution. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-6778*, *554*, 343-376.

Pollock, E. E. (1988). Antitrust Problems in Distribution. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-6809*, *594*, 359-393.

Pollock, E. E. (1989). Antitrust Problems in Distribution. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-6861*, *634*, 151-187.

Pollock, E. R. (1982). Terrorism as a Tort in Violation of the Law of Nations. *Fordham International Law Journal*, *6*(1), 236-260.

Pomerantz, A. L. (1970). New Developments in Class Actios - Has Their Death Knell Been Sounded? *The Business Lawyer*, *25*(April), 1259-1266.

Ponsoldt, J. F. (1986). Immunity Doctrine, Efficiency Promotion, and the Applicability of Federal Antitrust Law to State-Approved Hospital Acquisitions. *The Journal of Corporation Law*, *12*(1), 37-72.

Ponsoldt, J. F. (1987). The Enrichment of Sellers as a Justification for Vertical Restraints: A Response to Chicago’s Swiftian Modest Proposal. *New York University Law Review*, *62*, 1166-1171.

Pope, H. (1907). Legal Aspect of Monopoly. *Harvard Law Review*, *20*, 167-191.

Popkin, L. S. (1952). Practical Problems Confronting the Practicing Lawyer Commercial Arbitration--Part 2. *Law and Contemporary Problems*, *17*(4), 652-655.

Popkin, W. D. (1989). A Common Law Lawyer on the Supreme Court: The Options of Justice Stevens. *Duke Law Journal*, *1989*, 1087-1161.

Porter, R. H. (1985). On the Incidence and Duration of Price Wars. *The Journal of Industrial Economics*, *33*(4), 415-426.

Posnak, B. (1983). Choice of Law: A Very Well-Curried Leflar Approach. *Mercer Law Review*, *34*, 731-785.

Posner, E. A. (1998). Symbols, Signals, and Social Norms in Politics and the Law. *The Journal of Legal Studies*, *27*, 765-798.

Posner, E. A., & Sunstein, C. R. (2007). Chevronizing Foreign Relations Law. *The Yale Law Journal*, *116*(6), 1170-1228.

Posner, R. A. (1969). Natural Monopoly and Its Regulation. *Stanford Law Review*, *21*, 548-643.

Posner, R. A. (1969). Oligopoly and the Antitrust Laws: A Suggested Approach. *Stanford Law Review*, *21*, 1562-1606.

Posner, R. A. (1970). A Statistical Study of Antitrust Enforcement. *Journal of Law and Economics*, *13*(2), 365-419.

Posner, R. A. (1971). Killing or Wounding to Protect a Property Interest. *Journal of Law and Economics*, *14*(1), 201-232.

Posner, R. A. (1972). The Behavior of Administrative Agencies. *The Journal of Legal Studies*, *1*, 305-347.

Posner, R. A. (1973). An Economic Approach to Legal Procedure and Judicial Administration. *The Journal of Legal Studies*, *2*(2), 399-458.

Posner, R. A. (1974). Theories of Economic Regulation. *The Bell Journal of Economics and Management Science*, *5*(2), 335-358.

Posner, R. A. (1975). Antitrust Policy and the Supreme Court: An Analysis of the Restricted Distribution, Horizontal Merger and Potential Competition Decisions. *Columbia Law Review*, *75*, 282-327.

Posner, R. A. (1975). The Social Costs of Monopoly and Regulation. *Journal of Political Economy*, *83*, 807-827.

Posner, R. A. (1977). The Rule of Reason and the Economic Approach: Reflections on the *Sylvania* Decision. *The University of Chicago Law Review*, *45*(1), 1-20.

Posner, R. A. (1979). Some Uses and Abuses of Economics in Law. *The University of Chicago Law Review*, *46*(2), 281-306.

Posner, R. A. (1979). The Chicago School of Antitrust Analysis. *University of Pennsylvania Law Review*, *127*, 925-948.

Posner, R. A. (1979). Utilitarianism, Economics, and Legal Theory. *The Journal of Legal Studies, 8*, 103-140.

Posner, R. A. (1980). Retribution and Related Concepts of Punishment. *The Journal of Legal Studies, 9*, 71-92.

Posner, R. A. (1980). The Ethical and Political Basis of the Efficiency Norm in Common Law Adjudication. *Hofstra Law Review, 8*, 487-507.

Posner, R. A. (1980). The Value of Wealth: A Comment on Dworkin and Kronman. *The Journal of Legal Studies, 9*, 243-252.

Posner, R. A. (1981). The Next Step in the Antitrust Treatment of Restricted Distribution: Per Se Legality. *The University of Chicago Law Review, 48*, 6-26.

Posner, R. A. (1982). Economics, Politics, and the Reading of Statutes and the Constitution. *The University of Chicago Law Review, 49*(2), 263-291.

Posner, R. A. (1983). Statutory Interpretation – in the Classroom and in the Courtroom. *The University of Chicago Law Review, 50*, 800-822.

Posner, R. A. (1989). The Federal Trade Commission. *The University of Chicago Law Review, 37*, 47-69.

Posner, R. A. (1999). An Economic Approach to the Law of Evidence. *Stanford law Review, 51*(6), 1477-1546.

Posner, R. A. (2000). The Effects of Deregulation on Competition: The Experience of the United States. *Fordham International Law Journal, 23*, 7-19.

Posner, R. A. (2001). Antitrust in the New Economy. *Antitrust Law Journal, 68*, 925-943.

Posner, S. P. (1974). The Proper Relationship between State Regulation and the Federal Antitrust Laws. *New York University Law Review, 49*, 693-739.

Pottow, J. A. E. (2005). Procedural Incrementalism: A Model for International Bankruptcy. *Virginia Journal of International Law, 45*(4), 935-1016.

Pottow, J. A. E. (2006). Greed and Pride in International Bankruptcy: The Problems of and Proposed Solutions to Local Interests. *Michigan Law Review, 104*(8), 1899-1950.

Pound, R. (1931). The Call for a Realist Jurisprudence. *Harvard Law Review, 44*, 697-711.

Powell, H. J. (1985). The Original Understanding of Original Intent. *Harvard Law Review, 98*(5), 885-948.

Power, V. J. G. (2010). Relative Merits of Courts and Agencies in Competition Law - Institutional Design: Administrative Models; Judicial Models; and Mixed Models. *European Competition Journal*, *6*(1), 91-128.

Prager, R. A. (1992). The Effects of Horizontal Mergers on Competition: The Case of the Northern Securities Company. *The RAND Journal of Economics*, *23*(1), 123-133.

Pratt, J. A. (1980). The Petroleum Industry in Transition: Antitrust and the Decline of Monopoly Control in Oil. *The Journal of Economic History*, *40*(4), 815-837.

Pratt, J. H. (2001). A Comparison of Common Law and Civil Law in the International Franchise Arena. *International Journal of Franchising and Distribution Law*, *3*(2), 103-110.

Prechal, S. (2006). Member State Liability and Direct Effect: What's the Difference After All? *European Business Law Review*, 299-316.

Prete, L. (2006). State Aid Reform: Some Reflections on the Need to Revise the Notice on Guarantees. *World Competition*, *29*(3), 421-439.

Price, L. A. (1994). Remarks of Laurel A. Price, Deputy Attorney General, State of New Jersey: Sixty Years of Federal Antitrust Enforcement: a State Perspective. *The Antitrust Bulletin*, *39*, 853-856.

Prichard, J. R. S., & Brudner, A. (1983). Tort Liability for Breach of Statute: a Natural Rights Perspective. *Law and Philosophy*, *2*(1), 89-117.

Prichard, J. R. S., & Trebilcock, M. J. (1978). Class Actions and Private Law Enforcement. *27*, 5-17.

Pridgen, D., & Preston, I. L. (1980). Enhancing the Flow of Information in the Marketplace: From Caveat Emptor to Virginia Pharmacy and Beyond at the Federal Trade Commission. *Georgia Law Review*, *14*(4), 635-680.

Priest, G. L. (1977). Cartels and Patent License Arrangements. *Journal of Law and Economics*, *20*(2), 309-378.

Priest, G. L. (1977). The Common Law Process and the Selection of Efficient Rules. The Journal of Legal Studies, *6*, 65-82.

Priest, G. L. (1985). Reexamining the Selection Hypothesis: Learning From Wittman's Mistakes. *The Journal of Legal Studies*, *14*, 215-243.

Priest, G. L., & Klein, B. (1984). The Selection of Disputes for Litigation. *The Journal of Legal Studies*, *13*, 1-55.

Pringle, R. B. (2009). Antitrust. *American Bar Association. Section of Public Utility, Communications and Transportation Law Annual Report*, *2009*, 15-32.

Prosser, W. L. (1966). Misrepresentation and Third Persons. *Vanderbilt Law Review*, *19*(2), 231-255.

Pruitt, D. G., & Kimmel, M. J. (1977). Twenty Years of Experimental Gaming: Critique, Synthesis, and Suggestions for the Future. *Annual Review of Psychology*, *28*, 363-392.

Psychogiopoulou, E. (2006). EC State Aid Control and Cultural Justification. *Legal Issues of Economic Integration*, *33*(1), 3-28.

Putnam, T. (2011). Back to the Bedrock with U.S. Extraterritoriality? Safeguarding Domestic Rule Integrity as a Touchstone for Judicial Action. *American Society of International Law Proceedings*, *105*, 443-446.

Queen, T. W. (1985). Recent Developments in Federal Antitrust Legislation. *Antitrust Law Journal*, *54*, 383.

Quinn, J. (1998). Sherman gets Judicial Authority to go Global: Extraterritorial Jurisdictional Reach of U.S. Antitrust Laws and Expanded. *John Marshall Law Review*, *32*(1), 141-166.

Rabkin, J. (2013). Off the Track or Just Down the Line? From Erie Railroad to Global Governance. *Journal of Law, Economics & Policy*, *10*(1), 251-299.

Rabkin, M. A. (2007). When Consumer Fraud Crosses the International Line: The Basis for Extraterritorial Jurisdiction under the FTC Act. *Northwestern University Law Review*, *101*(1), 293-330.

Rachlin, R. D., Esq. (2003). Growing Old With Judge Posner. *Vermont Bar Journal*, *29*, 20-24.

Radin, M. j. (1993). Compensation and Commensurability. *Duke Law Journal*, *43*, 56-86.

Rahl, J. A. (1959). Per Se Rules and Boycotts Under the Sherman Act: Some Reflections on the Klor's Case. *Virginia Law Review*, *45*, 1165-1174.

Rahl, J. A. (1960). Does Section 5 of the Federal Trade Commission Act Extend the Clayton Act? *The Antitrust Bulletin*, *5*, 533-549.

Rahl, J. A. (1961). Toward a Worthwhile State Antitrust Policy. *Texas Law Review*, *39*, 753-781.

Rahl, J. A. (1962). Price Competition and the Price Fixing Rule-Preface and Perspective. *Northwestern University Law Review*, *57*(2), 137-150.

Rahl, J. A. (1974). Foreign Commerce Jurisdiction of the American Antitrust Laws. *Antitrust Law Journal*, *43*(3), 521-529.

Rahl, J. A. (1980). International Application of American Antitrust Laws: Issues and Proposals. *Northwestern Journal of International Law and Business*, *2*, 336-364.

Rai, S. (2006). Protection of Competition Through Antidumping Law: A Case Study of the Vitamin Industry in India. *Journal of World Trade*, *40*(5), 969-977.

Raiford, D. S., Shulman, S. A., & Lasagna, L. (1994). Determining Appropriate Reimbursement for Prescription Drugs: Off Label Uses and Investigational Therapies. *Food and Drug Law Journal*, *49*, 37-76.

Rajabiun, R. (2009). Strategic Considerations in the Emergence of Private Action Rights. *World Competition*, *32*(3), 409-434.

Ramsey, M. D. (1998). Escaping "Internatinal Comity". *Iowa Law Review*, *83*, 893-952.

Ramsey, M. D. (2009). International Law Limits on Investor Liability in Human Rights Litigation. *Harvard International Law Journal*, *50*(2), 271-322.

Ramseyer, J. M., & Nakazato, M. (1989). The Rational Litigant: Settlement Amounts and Verdict Rates in Japan. *The Journal of Legal Studies*, *18*(2), 263-290.

Rand, W. H. J. (1895). Swift v. Tyson versus Gelpcke v. Dubuque. *Harvard Law Review*, *8*, 328-351.

Randall, J. (2006). Does De-Trebling Sacrifice Recoverability of Antitrust Awards? *Yale Journal on Regulation*, *23*(2), 311-320.

Rappeport, J. J. (1958). Trade-mark and Unfair Competition in International Conflict of Laws: An Analysis of the Choice of Law Problem. *University of Pittsburg Law Review*, *20*(1), 1-32.

Rasher, S. (1997). U.S. Antitrust Laws and the Global Market: National and Extraterritorial Enforcement. *Loyola Consumer Law Reporter*, *9*(2), 187-191.

Raskind, L. J. (2003). Convergence and Harmonization of Antitrust Principles from the Bottom -- moving from Patchwork toward Network. The Antitrust Bulletin, *48*(2), 439-448.

Rasmusen, E. (2004). Agency Law and Contract Formation. *American Law and Economic Review*, *6*(2), 369-409.

Ratliff, J. (2005). Major Events and Policy Issues in EC Competition Law, 2003-2004: Part 2. *International Company and Commercial Law Review*, *16*(3), 109-128.

Ratner, J. R. (1989). Using Currie's Interest Analysis to Resolve Conflicts Between State Regulation and the Sherman Act. *William and Mary Law Review*, *30*, 705-786.

Ratner, L. G. (1974). Choice of Law: Interest Analysis and Cost-Contribution. *South California Law Review*, *47*, 817-841.

Raustiala, K. (2002). The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law. *Virginia Journal of International Law*, *43*, 1-92.

Raustiala, K. (2005). Form and Substance in International Agreements. *American Journal of International Law*, *99*, 581-614.

Raustiala, K. (2005). Geography of Justice. *Fordham Law Review*, *73*(6), 2501-2560.

Raustiala, K. (2011). Harmony and Dissonance in Extraterritorial Regulation: Introductory Remarks. *American Society of International Law Proceedings*, *105*, 393-394.

Raymond, J. M. (1953). Madsen v. Kinsella - Landmark and Guidepost in Law of Military Occupation. *American Journal of International Law*, *47*(2), 300-308.

Raymond, J. M. (1967). The Exercise of Concurrent Jurisdiction: "Move with Circumspection Appropriate". *Boston College Industrial and Commercial Law Review*, *8*(4), 673-711.

Reasoner, H. M. (1980). Introductory Remarks. *Antitrust Law Journal*, *49*, 1143-1144.

Reasoner, H. M., Turner, D. F., Glassman, M. L., Collins, W. D., & Kaplan, L. A. (1980). Panel Discussion on Market Definition in Merger and Monopolization Cases: Concept and Techniques. *Antitrust Law Journal*, *49*, 1167-1181.

Reddy, B., Evans, D., Nichols, A., & Schmalensee, R. (2001). A Monopolist Would Still Charge More for Windows: A Comment on Werden. *Review of Industrial Organization*, *18*, 263-268.

Reder, M. W. (1982). Chicago Economics: Permanence and Change. *Journal of Economic Literature*, *20*, 1-38.

Redish, M. H. (1981). Due Process, Federalism, and Personal Jurisdiction: A Theoretical Evaluation. *Northwestern University Law Review*, *75*(6), 1112-1144.

Redish, M. H. (1989). Federal Common Law, Political Legitimacy, and the Interpretive Process: An "Institutionalist" Perspective. *Northwestern University Law Review*, *83*(4), 761-804.

Redish, M. H., & Mathews, A. L. (2004). Why Punitive Damages are Unconstitutional. *Emory Law Journal*, *53*, 1-53.

Redish, M. H., & Sklaver, S. (1998). Federal Power to Commandeer State Courts: Implications for the Theory of Judicial Federalism. *Indiana Law Review*, *32*, 71-110.

Reed, O. L. J., & Coalson, J. L. J. (1977). Eighteenth-Century Legal Doctrine Meets Twentieth-Century Marketing Techniques: F.T.C. Regulation of Emotionally Conditioning Advertising. *Georgia Law Review*, *11*(4), 733-782.

Reese, W. L. M. (1950). The Status In This Country of Judgments Rendered Abroad. *Columbia Law Review*, *50*(6), 783-800.

Reese, W. L. M. (1978). Legislative Jurisdiction. *Columbia Law Review*, *78*, 1587-1608.

Reese, W. L. M. (1983). The Second Restatement of Conflict of Laws Revisited. *Mercer Law Review*, *34*, 501-519.

Reeves, W. H. (1960). Act of State Doctrine and the Rule of Law-A Reply. *The American Journal of International Law*, *54*(1), 141-156.

Reform. (2005). The Reform of Article 82: Recommendations on Key Policy Objectives. *European Competition Journal*, *1*(1), 179-183.

Reform. (2006). The Reform of Article 82: Comments on the DG-Competition Discussion Paper on the Application of Article 82 to Exlusionary Abuses. *European Competition Journal*, *2*(1), 169-175.

Regan, D. H. (1986). The Supreme Court and State Protectionism: Making Sense of the Dormant Commerce Clause. *Michigan Law Review*, *84*, 1091-1287.

Regan, D. H. (1987). Siamese Essays: (I) CTS Corp. v. Dynamics Corp. of America and Dormant Commerce Clause Doctrine; (II) Extraterritorial State Legislation. *Michigan Law Review*, *85*, 1865-1913.

Reich, B. (1946). The Entertainment Industry and the Federal Antitrust Laws. *South California Law Review*, *20*(1), 1-36.

Reich, N. (2005). The "Courage" Doctrine: Encouraging or Discouraging Compensation for Antitrust Injuries? *Common Market Law Review*, *42*(1), 35-66.

Reich, R. B. (1979). Toward A New Consumer Protection. *University of Pennsylvania Law Review*, *128*(1), 1-40.

Reichelt, D. (2005). To What Extent Does the Co-operation Within the European Competition Network Protect the Rights of Undertakings? *Common Market Law Review*, *42*, 745-782.

Reimann, M. (2000). Parochialism in American Conflict Law. *American Journal of Comparative Law*, *49*, 369-389.

Reinhart, T. L., Muyskens, N. J., & Tierney, C. (2005). The Business of Sentencing: Facing the Facts After Blakely, Booker, and Fanfan. *Antitrust Source*, *4*, 1-9.

Reinker, K. S. (2004). Case Comment: Roche v. Empagran. *Harvard Journal of Law & Public Policy*, *28*(1), 297-306.

Renckens, A. (2007). Welfare Standards, Substantive Tests, and Efficiency Considerations in Merger Policy: Defining the Efficiency Defense. *Journal of Competition Law and Economics*, *3*(2), 149-179.

Rendleman, D. (1992). Irreparability Irreparably Damaged. *Michigan Law Review*, *90*, 1642-1697.

Renfrew, C. B., The Honorable. (1980). The Property of a Jury in The Complex Antitrust Action. *Antitrust Law Journal*, *49*, 1023-1027.

Reno, J. (1994). Remarks of Janet Reno, Attorney General of the United States. *The Antitrust Bulletin*, *39*, 831-832.

Reppy, W. A. J. (1983). Eclecticism in Choice of Law: Hybrid Method or Mishmash? *Mercer Law Review*, *34*, 645-708.

Reske, H. J. (1996). Two Wins for Class Action Objectors: Hired Guns, Consumer Groups Replace Gadflies as Settlement Opponents. *American Bar Association Journal*, *82*, 36-37.

Ressler, J. S. (2009). Plausibly Pleading Personal Jurisdiction. *Temple Law Review*, *82*, 627-656.

Reuland, R. C. (1994). Hartford Fire Insurance Co., Comity, and the Extraterritorial Reach of United States Antitrust Laws. Texas International Law Journal, *29*(2), 159-209.

Reuter, A. (1990). International Marketing and Advertising and Conflict of Laws: Germany as an Example. *European Competition Law Review*, *11*(5), 232-243.

Reuveni, E. (2010). Extraterritoriality as Standing: A Standing Theory of the Extraterritorial Application of the Securities Laws. *U.C. Davis Law Review*, *43*(4), 1071-1134.

Revesz, R. L. (2000). Federalism and Regulation: Extrapolating from teh Analysis of Environmental Regulation in the United States. *Journal of International Economic Law*, *3*, 219-233.

Review, F. L. (2005). The Nomos and Narrative of Matsushita. *Levin, Nickolai G.*, *73*(4), 1627-1710.

Rey, P., & Stiglitz, J. (1995). The Role of Exclusive Territories in Producers' Competition. *The RAND Journal of Economics*, *26*(3), 431-451.

Reyna, J. V., Applebaum, H. M., Gallardo, G. C., Fox, E. M., Gero, J., Stewart, T. P. et al. (1996). Comments on the Tension Between Trade and Antitrust Laws. *United States - Mexico law Journal*, *4*, 61-70.

Reynolds, M. J., & Anderson, D. G. (2006). Immunity and Leniency in EU Cartel Cases: Current Issues. *European Competition Law Review*, *27*(2), 82-90.

Reynolds, R. J. (1980). The Economics of Antitrust Enforcement: Theory and Measurement. The Georgetown Law Journal, *68*, 1121-1130.

Reynolds, R. J., & Ordover, J. A. (2002). Archimedean Leveraging and the GE/Honeywell Transaction. *Antitrust Law Journal*, *70*, 171-198.

Reynolds, R. M. (1998). The Extraterritorial Application of the US Antitrust Laws to Criminal Conspiracies. *European Competition Law Review*, *19*(3), 151-155.

Reynolds, W. B. (1967). Extraterritorial Application of Federal Antitrust: Delimiting the Reach of Substantive Law under the Sherman Act. *Vanderbilt Law Review*, *20*(5), 1030-1061.

Reynolds, W. L. (1992). The Proper Forum for a Suit: Transnational Forum Non Conveniens and Counter-Suit Injunctions in the Federal Courts. *Texas Law Review*, *70*, 1663-1714.

Reynolds, W. L., & Waller, S. W. (1955). Legal Process and the Past of Antitrust. *SMU Law Review*, *48*(5), 1811-1834.

Rharican, J. P. (1995). Hartford Fire Insurance co. v. California: a Mixed blessing for Insurance Antitrust Defendants. *Rutgers Law Review*, *47*(2), 905-964.

Rheinstein, M. (1944). The Place of Wrong: A Study in the Method of Case Law. *Tulane Law Review*, *19*, 4-31.

Rho, J. J. (2007). Blackbeards of the Twenty-First Century: Holding Cybercriminals Liable under the Alien Tort Statute. *Chicago Journal of International Law*, *7*(2), 695-718.

Rhode, D. L. (1982). Class Conflicts in Class Actions. *Stanford Law Review*, *34*, 1183-1262.

Rholl, E. L. (1990). Inconsistent Application of the Extraterritorial Provisions of the Sherman Act: A Judicial Response Based Upon the Much Maligned "Effects" Test. *Marquette Law Review*, *73*, 435-476.

Riazi, J. A. (2005). Finding Subject Matter Jurisdiction over Antitrust Claims of Extraterritorial Origin: Whether the Seventh Circuit's Approach Properly Balances Policies of International Comity and Deterrence. *DePaul Law Review*, *54*(4), 1277-1323.

Ribstein, L. E. (2001). Law v. Trust. *Boston University Law Review*, *81*, 553-590.

Ribstein, L. E. (2003). From Efficiency to Politics in Contractual Choice of Law. *Georgia Law Review*, *37*, 363-471.

Rich, D. A. (2010). Deference to the “Law of Nations”: The Intersection between the New York Convention, the Convention Act, the McCarran-Ferguson Act, and State Anti-Insurance Arbitration Statutes. *Thomas Jefferson Law Review*, *33*(1), 81-138.

Rich, G. S. (1953). Infringement Under Section 271 of the Patent Act of 1952. *The George Washington Law Review*, *21*(3), 521-546.

Richards, E. L. (1983). Exploring the Far Reaches of the State Action Exemption: Implications for Federalism. *St. John’s Law Review*, *57*, 274-314.

Richards, J. D. (2011). Heart of Darkness: A Satirical Commentary. *New York University Annual Survey of American Law*, *66*(3), 569-592.

Richardson, J. B. J. (1980). The Nikkei Case: Toward a More Uniform Application of the Direct Effect Clause of the Foreign Sovereign Immunities Act. *Fordham International Law Journal*, *4*(1), 109-134.

Richardson, M. (1999). Trade and Competition Policies: Concordia Discors? *Oxford Economic Papers*, *51*, 649-664.

Richman, B. D., & Murry, C. R. (2007). Rebuilding Illinois Brick: A Functionalist Approach to the Indirect Purchaser Rule. *Southern California Law Review*, *81*, 69-109.

Richman, D. C. (1984). Antitrust Standing, Antitrust Injury, and the Per Se Standard. *The Yale Law Journal*, *93*(7), 1309-1329.

Richman, S. (2004). Extra-Territorial Effect of Antitrust Laws. *New Yersey Lawyer, the Magazine*, *228*, 9-13.

Richman, S. M. (1999). Competition Law After NAFTA. *New Jersey Lawyer, the Magazine*, *195*, 42-48.

Riles, A. (2014). Managing Regulatory Arbitrage: a Conflict of Laws Approach. *Cornell International Law Journal*, *47*, 63-119.

Riley, A. (2003). EC Antitrust Modernisation: The Commission does very Nicely - Thank You! Part 1: Regulation 1 and the Notification Burden. *European Competition Law Review*, *24*(11), 604-615.

Riley, A. (2003). EC Antitrust Modernisation: The Commission does very Nicely - Thank You! Part 2: Between the Idea and the Reality: Decentralisation under Regulation 1. *European Competition Law Review*, *24*(12), 2003.

Riley, A. (2004). EU Antitrust Modernisation. *European Policy Anayst*, *March*, 40-49.

Riley, A. (2004). US Remains the World Court for Antitrust Damages. *Acquisitions Monthly*, *July*, 30-31.

Riley, A. (2005). Beyond Leniency: Enhancing Enforcement in EC Antitrust Law. *World Competition*, *28*(3), 377-400.

Rill, J. F. (1992). Antitrust in a Global Environment: Conflicts and Resolutions, Commentary I. *Antitrust Law Journal*, *60*, 557-561.

Rill, J. F. (1992). Antitrust in a Global Environment: Conflicts and Resolutions, Commentary II. *Antitrust Law Journal*, *60*, 583-586.

Rill, J. F. (1992). Creating and Maintaining Competition in a Common Market: The Future of Antitrust in an Integrated World Economy. *The University of Chicago Legal Forum*, *1992*, 263-276.

Rill, J. F. (1993). Competition Policy: A Force for Open Markets. *Antitrust Law Journal*, *61*, 637-650.

Rill, J. F. (1994). Remarks of James F. Rill, Former Assistant Attorney General, Antitrust Division. *The Antitrust Bulletin*, *39*, 903-909.

Rill, J. F. (2002). International Competition Network: The Private Sector Perspective. *Antitrust*, *17*(1), 37-39.

Rill, J. F., & Griffin, J. P. (1988). Report to the House of Delegates; On Draft Antitrust Guidelines for International Operations. *Antitrust Law Journal*, *57*, 651-684.

Ringe, W.-G. (2005). No Freedom of Emigration for Companies? *European Business Law Review*, *16*(3), 621-642.

Riordan, M. H., & Salop, S. C. (1995). Evaluating Vertical Megers: A Post-Chicago Approach. *Antitrust Law Journal*, *63*, 513-568.

Ris, B., & Pullen, M. (1996). Does the World Need a Global Anti-Trust System. *International Trade Law & Regulation*, *2*(6), 203-204.

Ritchie, L. (2008). Reconciling Contract Doctrine with Intellectual Property Law: An Interdisciplinary Solution. *Santa Clara Computer and High Technology Law Journal*, *25*, 105-156.

Rizzo, M. J. (1980). The Mirage of Efficiency. *Hofstra Law Review*, *8*, 641-658.

Roberto, S. (1998). The Boeing/McDonnell Douglas Merger Review: A Serious Stretch of European Competition Powers. *Brooklyn Journal of International Law*, *24*, 593-623.

Robertson, A., & Demetriou, M. (1994). "But That Was in Another Country.": The Extraterritorial Application of US Antitrust Laws in the US Supreme Court. *International and Comparative Law Quarterly*, 417-425.

Robertson, D. W. (1995). Displacement of State Law by Federal Maritime Law. *Journal of Maritime Law and Commerce*, *26*, 325-383.

Robertson, D. W. (1996). Court-Awarded Attorneys' Fees in Maritime Cases: The "American Rule" in Admiralty. *Journal of Maritime Law and Commerce*, *27*(4), 507-580.

Robertson, E. L. (2000). A Corrective Justice Theory of Antitrust Regulation. *Catholic University Law Review*, *49*, 741-783.

Robertson, E. L. (2002). Antitrust as Anti-Civil Rights? Reflections on Judge Higginbotham's Perspective on the 'Strange' Case of United States v. Brown University. *Yale Law & Policy Review*, *20*, 399-426.

Robins, K. (2007). Extraterritorial Patent Enforcement and Multinational Patent Litigation: Proposed Guidelines for U.S. Courts. *Virginia Law Review*, *93*(5), 1259-1314.

Robinson-Dorn, M. J. (2006). The Trail Smelter: Is What's Past Prologue - EPA Blazes a New Trial for CERCLA. *New York Environmental Law Journal*, *14*, 233-321.

Robinson, G. O. (1983). The Sherman Act as a Home Rule Charter: Community Communications Co. v. City of Boulder. *Supreme Court Economic Review*, *2*, 131-164.

Robinson, J. H. (2000). The Extraterritorial Application of American Law: Preliminary Reflections. *Journal of College and University Law*, *27*(1), 187-205.

Robinson, S. D. (1980). Recent Antitrust Developments – 1979. *Columbia Law Review*, *80*(1), 1-42.

Rocks, A. (2011). Whoops! The Imminent Reconciliation of U.S. Securities Laws with International Comity after Morrison v. National Australia Bank and the Drafting Error in the Dodd-Frank Act. *Villanova Law Review*, *56*(1), 163-198.

Rodger, B. (2006). Competition Law Litigation in the UK Courts: A Study of All Cases to 2004: Part 1. *European Competition Law Review*, *27*(5), 241-248.

Rodger, B. (2006). Competition Law Litigation in the UK Courts: A Study of All Cases to 2004: Part 2. *European Competition Law Review*, *27*(6), 279-292.

Rodger, B. (2006). Competition Law Litigation in the UK Courts: A Study of All Cases to 2004: Part 3. *European Competition Law Review*, *27*(7), 341-350.

Rodger, B. J. (1995). Decentralisation, the Public Interest and the "Pursuit of Certainty": Reform of UK Competition Policy: the Trade and Industry Committee Report. *European Competition Law Review*, *16*(7), 395-399.

Rodger, B. J. (2000). Competition Policy, Liberalism and Globalization: A European Perspective. *Columbia Journal of European Law*, *6*, 289-319.

Rodger, B. J. (2002). The Interface between Competition Law and Private Law: Article 81, Illegality and Unjustified Enrichment. *Edinburgh Law Review*, *6*(2), 217-243.

Rodger, B. J. (2008). Private Enforcement of Competition law, the Hidden Story: Competition Litigation Settlements in the United Kingdom, 2000-2005. *European Competition Law Review*, *29*(2), 96-116.

Rodger, B. J., & MacCulloch, A. D. (1996). Wielding the Blunt Sword: Interim Relief for Breaches of EC Competition Law before the UK Courts. *European Competition Law Review*, *17*(7), 393-402.

Rodgers, F. (2005). Foreign Law in U.S. Supreme Court Decisions: The 2003-2004 Term. *Judge's Journal*, *44*(2), 14-18.

Rodgers, F. (2006). Foreign Law in U.S. Supreme Court Decisions - The Importance of the 2003-2004 Term. *Consumer Finance Law Quarterly Report*, *60*, 424-425.

Rodos, J. G., & McMahon, P. J. (1975). Standing to Sue of Subsequent Purchasers for Antitrust Violations - the Pass-on Issue Reevaluated. *South Dakota Law Review*, *20*, 107-127.

Rodriguez, D. B. (1989). The Substance of the New Legal Process; Cases and Material on Legislation: Statutes and the Creation of Public Policy, by William N. Eskridge, Book Review. *California Law Review*, *77*, 919-953.

Rodriguez, S. A. (2006). Exile and the Not-So-Lawful Permanent Resident: Does International Law Require a Humanitarian Waiver of Deportation for the Non-Citizen Convicted of Certain Crimes. *Georgetown Immigration Law Journal*, *20*(3), 483-544.

Roeder, J. D. (1949). Constitutional Law-Statutory Construction-Judicial Determination of End of War. *North Carolina Law Review*, *27*(2), 238-243.

Rogers, C. P. (1980). Municipal Antitrust Liability in a Federalist System. *Arizona State Law Journal*, *1980*, 305-343.

Rogers, C. P. (1985). Still Running Against the Wind: Comment on Antitrust Jurisdiction and Laker Airways Ltd. v. Sabena, Belgian World Airlines. *Journal of Air Law and Commerce*, *50*, 931-967.

Rogers, E. S. (1949). The Lanham Act and The Social Function of Trade-Marks. *Law and Contemporary Problems*, *14*(2), 173-184.

Roiphe, R. (2006). The Most Dangerous Profession. *Connecticut Law Review*, *39*(2), 603-665.

Rojas, M. J. (2005). Review of Current Issues Affecting Economic Development in Mexico. *United States - Mexico law Journal*, *13*, 1-8.

Roll, D. L. (1976). Dual Enforcement of the Antitrust Laws by the Department of Justice and the FTC: The Liaison Procedure. *Business Lawyer*, *31*(7), 2075-2085.

Röller, L.-H., & de la Mano, M. (2006). The Impact of the New Substantive Test in European Merger Control. *European Competition Journal*, *2*(1), 9-28.

Rooney, W. H. (2001). Consumer Injury in Antitrust Litigation: Necessary, but by what Standard? *St. John's Law Review*, *75*, 561-591.

Roper, E. (1949). The Public Looks at Business. *Harvard Business Review*, *27*(March), 165-174.

Rosch, J. T. (2010). Rewriting History: Antitrust Not As We Know It. Yet. *The Lawyer's Brief*, *40*(19), 1-11.

Rosch, J. T. (2010). Rewriting History: Antitrust Not As We Know It. Yet. *The Antitrust Counselor*, *186*, 1-11.

Rose, C. M. (1992). Giving, Trading, Thieving, and Trusting: How and Why Gifts Become Exchanges, and (More Improtantly) Vice Versa. *Florida Law Review*, *44*(3), 295-317.

Rose, C. M. (1995). Trust in the Mirror of Betrayal. *Boston University Law Review*, *75*, 531-558.

Rose, J. (1994). State Antitrust Enforcement, Mergers, and Politics. *The Wayne Law Review*, *41*, 71-134.

Roseman, R. M. (2011). American Investors Can No Longer Fully Protect Their Interests Exclusively in U.S. Courts. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 28249*, *1904*, 643-678.

Rosenberg, D., & Shavell, S. (1985). A Model in Which Suits are Brought for Their Nuisance Value. *International Review of Law and Economics*, *5*, 3-13.

Rosenberg, D., & Sullivan, J. P. (2006). Coordinating Private Class Action and Public Agency Enforcement of Antitrust Law. *Journal of Competition Law and Economics*, *2*(2), 159-187.

Rosenberg, R. H. (2004). The Ultimate Independence of the Federal Courts: Defying the Supreme Court in the Exercise of Federal Common Law Powers. *Connecticut Law Review*, *36*, 425-509.

Rosenfeld, M. (2008). Rethinking Constitutional Ordering in an Era of Legal and Ideological Pluralism. *International Journal of Constitutional Law*, *6*(3/4), 415-455.

Rosenfield, A. (1976). An Empirical Test of Class Action Settlement. *The Journal of Legal Studies*, *5*, 113-120.

Rosenthal, D. E. (1976). Subject-Matter Jurisdiction in U.S. Export Trade. *Journal of Reprints for Antitrust Law and Economics, 7*, 111-118.

Rosenthal, D. E. (1980). Relationship of U.S. Antitrust Laws to Formulation of Foreign Economic Policy, Particularly Export and Overseas Investment Policy. *Antitrust Law Journal*, *49*(3), 1189-1196.

Rosic, E. A. J. (1983). The Use of Interest Analysis in the Extraterritorial Application of United States Antitrust Law. *Cornell International Law Journal*, *16*, 147-192.

Rosochowicz, P. H. (2004). The Appropriateness of Criminal Sanctions in the Enforcement of Competition Law. *European Competition Law Review*, *25*(12), 752-757.

Ross, L. A. (2012). Using Foreign Relations Law to Limit Extraterritorial Application of the Foreign Corrupt Practices Act. *Duke Law Journal*, *62*, 445-485.

Ross, M. (2009). A Healthy Approach to Service of General Economic Interest? The BUPA Judgment of the Court of First Instance. *European Law Review*, *34*(1), 127-140.

Ross, M. E. (1974). The Single Product Issue in Antitrust Tying: A Functional Approach. *Emery Law Journal*, *23*, 963-1014.

Ross, S. F. (2001). Network Economic Effects and the Limits of GTE Sylvania's Efficiency Analysis. *Antitrust Law Journal*, *68*(3), 945-965.

Ross, S. F. (2003). Competition Law as a Constraint on Monopolistic Exploitation by Sports Leagues and Clubs. *Oxford Review of Economic Policy*, *19*(4), 569-584.

Ross, T. W. (1984). Winners and Losers under the Robinson-Patman Act. *Journal of Law and Economics*, *27*(2), 243-271.

Ross, T. W. (2004). Sunk Costs and the Entry Decision. *Journal of Industry, Competition and Trade, Bank Papers*, 79-93.

Rossi, J. (2003). Lowering the Field Tariff Shield: Judicial Enforcement for a Deregulatory Era. *Vanderbilt Law Review*, *56*, 1591-1659.

Rostow, E. V. (1947). The New Sherman Act: a Positive Instrument of Progress. *The University of Chicago Law Review*, *12*, 567-600.

Rostow, E. V. (1949). Monopoly Under the Sherman Act: Power or Purpose? *Illinois Law Review of Northwestern University*, *43*(6), 745-793.

Rotem, Y. (2012). Economic Regulation and the Presumption Against Extraterritoriality – A New Justification. *William and Mary Law Review*, *3*, 229-269.

Rotem, Y. (2013). The Law Applicable to a Derivative Action on Behalf of a Foreign Corporation - Corporate Law in Conflict. *Cornell International Law Journal*, *46*, 321-360.

Rotemberg, J. J., & Saloner, G. (1986). A Supergame-Theoretic Model of Price Wars during Booms. *The American Economic Review*, *76*(3), 390-407.

Roth, J. G. (2008). Voda v. Cordis Corp.: No Supplemental Jurisdiction over Foreign Patent Infringement Claims. for Now. *Tulane Journal of International and Comparative Law*, *16*(2), 523-542.

Roth, P. M. (1992). Reasonable Extraterritoriality: Correcting the "Balance of Interests". *International and Comparative Law Quarterly*, *41*(2), 245-286.

Roth, P. M. (1994). Jurisdiction, British public policy and the United States Supreme Court. *Law Quarterly Review*, *110*(April), 194-199.

Rothschild, M. (1974). Searching for the Lowest Price When the Distribution of Prices Is Unknown. *Journal of Political Economy*, *82*(4), 689-711.

Rousseva, E. (2005). Modernizing by Eradicating: How the Commission's New Approach to Article 81 EC Dispenses with the Need to Apply Article 82 EC to Vertical Restraints. *Common Market Law Review*, *42*, 587-638.

Rowe, F. M. (1951). Prince Discrimination, Competition, and Confusion: Another Look at Robinson-Patman. *The Yale Law Journal*, *60*(6), 929-975.

Rowe, F. M. (1964). The Federal Trade Commission's Administration of the Anti-Price Discrimination Law - A Paradox of Antitrust Policy. *Columbia Law Review*, *64*, 415-438.

Rowe, F. M. (1966). The Robinson-Patman Act - Thirty Years Thereafter. *A.B.A. Antitrust Section*, *30*, 9-17.

Rowe, F. M. (1981). Antitrust as Ideology, Commentary. *Antitrust Law Journal*, *50*, 721-729.

Rowe, F. M. (1984). The Decline of Antitrust and the Delusions of Models: The Faustian Pact of Law and Economics. *The Georgetown Law Journal*, *72*, 1511-1570.

Rowe, T. D. J. (2003). Shift Happens: Pressure on Foreign Attorney - Fee Paradigms from Class Actions. *Duke Journal of Comparative & International Law*, *13*, 125-149.

Rowley, W. (1966). Proof of Damages in Antitrust Cases. *Antitrust Law Journal*, *32*, 75-86.

Roy, S. N. G. (1961). Is the Law of Responsibility of States for Injuries to Aliens a Part of Universal International Law? *The American Journal of International Law*, *55*(4), 863-891.

Royall, S. (1995). Post-Chicago Economics, Editor's Note. *Antitrust Law Journal*, *63*, 445-454.

Royall, S. M. (1997). Disaggregation of Antitrust Damages. *Antitrust Law Journal*, *65*, 311-352.

Rubenstein, J. B. (2010). Fraud on the Global Market: U.S. Courts Don't Buy It; Subject-Matter Jurisdiction in F-Cubed Securities Class Actions. *Cornell Law Review*, *95*(3), 627-656.

Rubin, E. L. (1997). Legal Reasoning, Legal Process and the Judiciary as an Institution; Legal Reasoning and Political Conflict, by Cass R. Sunstein, Book Review. *California Law Review*, *85*, 265-286.

Rubin, P. H. (1977). Why is the Common Law Efficient? The Journal of Legal Studies, *6*, 51-63.

Rubin, S. (1974). Rethinking State Antitrust Enforcement. *University of Florida Law Review*, *26*(4), 653-757.

Rubin, S., & Malet, E. I. (1979). State Initiatives in Antitrust Investigation. *The Journal of Corporation Law*, *4*, 513-546.

Rubinfeld, D. L. (2000). Market Definition with Differentiated Products: the Post/Nabisco Cereal Merger. *Antitrust Law Journal*, *68*, 163-166.

Rublee, G. (1926). The Original Plan and Early History of the Federal Trade Commission. *Proceedings of the Academy of Political Science in the City of New York*, *11*(4), 114-120.

Rudstein, D. S. (1972). Double Jeopardy in Juvenile Proceedings. *William and Mary Law Review*, *14*(2), 266-311.

Ruffin, R. J. (2003). International Trade under Oligopoly Conditions. *Review of International Economics*, *11*(4), 577-587.

Ruggeberg, J., & Schinkel, M. P. (2006). Consolidating Antitrust Damages in Europe: A Proposal for Standing in Line with Efficient Private Enforcement. *World Competition*, *29*(3), 395-420.

Rule, C. F. R., Nanni, A. V., & Rubinstein, F. M. (2005). US Criminal Enforcement: Increasing Deterrence and Incentives to Cooperate with the Government. *Global Competition Review*, *8*(9 Supplement), 33-37.

Rule, C. F., & Meyer, D. L. (1988). An Antitrust Enforcement Policy to Maximize the Economic Wealth of all Consumers. *The Antitrust Bulletin*, *33*, 677-712.

Rulon, R. R. (1980). Proof of Damages for Terminated or Precluded Plaintiffs. *Antitrust Law Journal*, *49*, 153-163.

Rupert, D. W. (1950). The Relationship of Patent Law to Antitrust Law. *Antitrust Law Journal*, *49*, 755-774.

Rustad, M. L. (2005). Happy no More: Federalism Derailed by the Court that Would be King of Punitive Damages. *Maryland Law Review*, *64*, 461-540.

Rustad, M., & Thomas, K. (1993). The Historical Continuity of Punitive Damages Awards: Reforming the Tort Reformers. *The American University Law Review*, *42*, 1269-1333.

Rutledge, P. B. (2012). Toward a Functional Approach to Sovereign Equality. *Virginia Journal of International Law*, *53*, 181-200.

Rutledge, P. B., & Angarella, N. L. (2004). End of Term Exam: October Term 2003 at the Supreme Court of the United States. *Catholic University Law Review*, *54*(1), 151-266.

Rylee, W. Y. (1943). Enemy Aliens as Litigants. *The George Washington Law Review*, *12*(1), 54-70.

Ryngaert, C. (2004). Foreign-to-Foreign Claims: The US Supreme Court's Decision (2004) v. the English High Court's Decision (2003) in the Vitamins Case. *European Competition Law Review*, *25*(10), 611-616.

Ryngaert, C. (2008). A Reasonable Exercise of Jurisdiction. In *Jurisdiction in International Law* (pp. 134-184). Oxford University Press.

Ryngaert, C. (2008). Introduction. In Jurisdiction in International Law (pp. 1-20). Oxford University Press.

S., T. D. (1967). Admiralty and the Choice of Law: Lauritzen v. Larsen Applied. *Virginia Law Review*, *47*, 1400-1413.

Sabalot, D. A. (1982). Shortening the Long Arm of American Antitrust Jurisdiction: Extraterritoriality and the Foreign Blocking Statutes. *Loyola Law Review*, *28*(1), 213-279.

Sabbey, N. C. (1968). Private Antitrust Suits: The In Pari Delicto Defense. *Boston College Industrial and Commercial Law Review*, *10*, 172-180.

Safrin, S. (2007). Chain Reaction: How Property Beget Property. *Notre Dome Law Review*, *82*, 1917-1969.

Sagers, C. (2006). The Demise of Regulation in Ocean Shipping: A Study in the Evolution of Competition Policy and the Predictive Power of Microeconomics. *Vanderbilt Journal of Transnational Law*, *39*, 779-818.

Sagers, C. L. (2004). Antitrust Immunity and Standard Setting Organizations: A Case Study in the Public-Private Distinction. *Cardozo Law Review*, *25*(4), 1393-1427.

Salant, S. W., Switzer, S., & Reynolds, R. J. (1983). Losses from Horizontal Merger: The Effects of an Exogenous Change in Industry Structureon Cournot-Nash Equilibrium. *The Quarterly Journal of Economics*, *98*(2), 185-199.

Salas, M., & Jackson, J. H. (2000). Procedural Overview of the WTO EC – Banana Dispute. *Journal of International Economic Law*, *3*, 145-166.

Salinas de Gortari, C., & Unger, R. M. (1999). The Market Turn Without Neoliberalism. *Challenge*, *42*(1), 14-33.

Salop, S. C., & White, L. J. (1986). Economic Analysis of Private Antitrust Litigation. *The Georgetown Law Journal*, *74*(4), 1001-1064.

Salop, S. C., & White, L. J. (1986). Treble Damages Reform: Implications of the Georgetown Project. *Antitrust Law Journal*, *55*, 73-94.

Samuels, W. J. (1973). The Economy as a System of Power and its Legal Basis: The Legal Economics of Robert Lee Hale. *University of Miami Law Review*, *27*(3-4), 261-371.

Samuels, W. J., & Mercuro, N. (1984). Posnerian Law and Economics on the Bench. *International Review of Law and Economics*, *4*(2), 107-236.

Samuelson, C. D., Messick, D. M., Rutte, C. G., & Wilke, H. (1984). Individual and Structural Solutions ot Resource Dilemmas in Two Cultures. *Journal of Personality and Social Psychology*, *47*(1), 94-104.

Sandage, J. B. (1985). Forum Non Conveniens and the Extraterritorial Application of United States Antitrust Law. *The Yale Law Journal*, *94*(7), 1693-1714.

Sandeen, S. K. (2008). Kewanee Revisited: Returning to First Principles of Intellectual Property Law to Determine the Issue of Federal Preemption. *Marquette Intellectual Property Law Review*, *12*, 299-357.

Santos, K. M. M. (2012). The Transnational Cartels and the Transnationalization of Antitrust Law Decisions. *Brazilian Journal of International Law*, *9*(4), 59-91.

Sarbaugh, J. E. (1968). The Government's View. *Antitrust Law Journal*, *37*, 857-866.

Sasse, D. A. (2008). Private Damages Actions and the Limitations of US Class Actions for a Global Solution. *Global Competition Litigation Review*, *1*(2), 106-113.

Saunders, O. O. R. (2006). Regulation 1/2003 – An Effective Mechanism for Managing Economic and Monetary Union in an England Community? *Business Law Review*, *June*, 148-155.

Saxonhouse, G. R. (1991). Japan, SII and the International Harmonization of Domestic Economic Practices. *Michigan Journal of International Law*, *12*, 450-469.

Scalia, A. H. (1989). Judicial Deference to Administrative Interpretations of Law. *Duke Law Journal*, *1989*(3), 511-521.

Schaberg, R. E. (1971). Oligopoly and Secion 5 of the Federal Trade Commission Act. *Boston College Industrial and Commercial Law Review*, *13*, 113-148.

Schaefer, E. J. (1975). Passing-on Theory in Antitrust Treble Damage Actions: an Economic and Legal Analysis. *William and Mary Law Review*, *16*, 833-936.

Schaeffer, F. A., Roberts, C. V., Froim, I., Hochstadt, E. S., Leto, M. A., Rovira, A. L. et al. (2006). International Antitrust. *International Lawyer*, *40*(2), 159-196.

Schaffer, I. L. (2006). International Train Wreck Caused in Part by a Defective Whistle: When the Extraterritorial Application of Sox Conflicts with Foreign Laws. *Fordham Law Review*, *75*(3), 1829-1882.

Schaldenbrand, A. M. (2010). Constitutional and Jurisdictional Limitations of In Rem Jurisdiction in Forfeiture Actions: A Response to International Forfeiture and the Constitution: The Limits of Forfeiture Jurisdiction over Foreign Assets under 28 U.S.C. Sec. 1355(B)(2). *Syracuse Journal of Inernational Law and Commerce*, *38*(1), 55-90.

Schechter, F. I. (1927). The Rational Basis of Trademark Protection. *Harvard Law Review*, *40*, 813-833.

Scheflin, A. W. (1972). Jury Nullification: The Right to Say No. *Southern California Law Review*, *45*(1), 168-227.

Scheineson, M. J., & Klinger, S. T. (2005). Lessons From Expanded Government Enforcement Efforts Against Drug Companies. *Food and Drug Law Journal*, *60*, 1-16.

Schepel, H. (2002). Delegation of Regulatory Powers to Private Parties Under EC Competition Law: Towards a Procedural Public Interest Test. *Common Market Law Review*, *39*, 31-51.

Schepel, H. (2004). The Enforcement of EC Law in Contractual Relations: Case Studies in How Not to 'Constitutionalize' Private Law. *European Review of Private Law*, *5*, 661-673.

Scherer, F. M. (1976). Predatory Pricing and the Sherman Act: A Comment. *Harvard Law Review*, *89*, 869-890.

Scherer, F. M. (1976). Some Last Words on Predatory Pricing. *Harvard Law Review*, *89*, 901-903.

Scherer, F. M. (1977). The Posnerian Harvest: Separating Wheat from Chaff; Antitrust Law: An Economic Perspective, by Richard A. Posner, Book Review. *The Yale Law Journal*, *86*, 974-1002.

Scherer, F. M. (1983). The Economics of Vertical Restraints. *Antitrust Law Journal*, *52*, 687-718.

Scherer, F. M. (1987). Antitrust, Efficiency, and Progress. *New York University Law Review*, *62*(5), 998-1019.

Scherer, F. M. (1990). Efficiency, Fairness, and the Early Contributions of Economists to the Antitrust Debate. *Washburn Law Journal*, *29*, 243-255.

Scherer, F. M. (1990). Sunlight and Sunset at the Federal Trade Commision. *Administrative Law Review*, *42*(4), 461-488.

Scherer, F. M. (1997). Competition Policy Convergence: Where Next? *Empirica*, *24*, 5-19.

Scherer, F. M. (2001). Some Principles for Post-Chicago Antitrust Analysis, Antitrust: New Economy, New Regime Second Annual Symposium of the American Antitrust Institute. *Case Western Reserve Law Review*, *52*, 5-23.

Scherer, F. M. (2003). Competition Policy and Trade Policy: The Need for Rapprochment. *New York Law School Law Review*, *47*, 153-165.

Schieffelin, W. J. (1908). The Drug Trade and the Anti-Trust Law. *Annals of the American Academy of Political and Social Science*, *32*, 69-74.

Schiffer, L. J. (2004). National Environmental Policy Act Today, with an Emphasis on Its Application Across U.S. Borders. *Duke Environmental Law & Policy Forum*, *14*(2), 325-346.

Schleicher, T. J. (1997). The US Supreme Court's Use of Post-Chicago Antitrust Theory in Eastman Kodak v. Image Technical Services: Implications for Marketing Practice. *Journal of Public Policy and Marketing*, *16*(2), 310-318.

Schmalensee, R. (1978). Entry Deterrence in the Ready-to-Eat Breakfast Cereal Industry. *The Bell Journal of Economics*, *9*(2), 305-327.

Schmalensee, R. (1979). On the Use of Economic Models in Antitrust: The *Realemon* Case. *University of Pennsylvania Law Review*, *127*, 994-1050.

Schmertz, J. R., & Meier, M. (2004). In Class Action suit by Vitamin Buyers Against Vitamin Distributors, U.S. Supreme Court Holds That Sherman Act Does not Reach Foreign Antitrust Activity Occurring Within and Outside United States That Causes Injury to Foreign Customer Where That Injury is Independent of Any Injury to Domestic Customer. *International Law Update*, *10*, 83.

Schmertz, J. R., & Meier, M. (2004). Second Circuit Dismisses Claim for Excessive Service Fees for Euro Currency Exchanges Holding that Sherman Act Does not Reach Foreign Antitrust Activity Occurring Within and Outside United States that Causes Injuyr to Foreign Customer Where that Injury is Independent of Any Injury to Domestic Customer. *International Law Update*, *10*, 117.

Schmertz, J. R., & Meier, M. (2007). In Patent Infringement Suit by AT&T Against Microsoft, U.S. Supreme Court Holds that §271(f) of U.S. Patent Act Does Not Apply to Microsoft's Sending of its Windows Operating System to Foreign Computer Makers Who Make Copies Thereof and Install These Upon Their Computers for Sale Abroad Since Microsoft Was not Supplying "Components" of AT&T Patented Speech-Processing Software Abroad. *International Law Update*, *13*, 79.

Schmid, C. U. (1999). The Emergence of a Transnational Legal Science in European Private Law. *Oxford Journal of Legal Studies*, *19*, 673-689.

Schmid, C. U. (2000). Diagonal Competence Conflicts between European Competition Law and National Regulation – A Conflict of Laws Reconstruction of the Dispute on Book Price Fixing. *European Review of Private Law*, *1*, 153-170.

Schmidt, H. R. (1985). The Extraterritorial Application of the United States Antitrust Laws. *Journal of Law and Commerce*, *5*, 321-345.

Schmidt, J., & Harwick, E. (2005). Ending Forum Shopping: the Empagran Case Ends Higher Damages Claims for Antitrust Breaches Where the Loss Occurs Entirely Outside the US. *Competition Law Insight*, *4*(13), 10-11.

Schmidt, L. D. (1980). Simultaneous Filing of State and Federal Antitrust Actions: A Jurisdictional Dilemma. *University of Pittsburg Law Review*, *41*, 629-645.

Schmidtchen, D. (1991). The Goals of Antitrust Revisited: Comments. *Journal of Institutional and Theoretical Economics*, *147*(1), 31-37.

Schmitten, J. M. (2012). Antitrust's Single-Entity Doctrine: A Formalistic Approach for a Formalistic Rule. *Columbia Journal of Law and Social Problems*, *46*, 93-114.

Schneider, R. G. (1980). Damages for the Termination of a Business Interest. *Antitrust Law Journal*, *49*, 1295-1302.

Schneider, R. G. (1980). Introduction. *Antitrust Law Journal*, *49*, 123-124.

Schnell, G. (2007). Class Action Madness in Europe - A Call for a More Balanced Debate. *European Competition Law Review*, *28*(11), 617-619.

Schnell, G., & Nyhan, A. (2008). Exporting US Competition Law. *Global Competition Review*, *April*, 35-36.

Schoenbaum, T. J. (1994). The International Trade Laws and the New Protectionism: The Need for a Synthesis with Antitrust. *North Carolina Journal of International & Commercial Regulation*, *19*(3), 393-436.

Schofield, L. G. (1980). Effects Jurisdiction under the Foreign Sovereign Immunities Act and the Due Process Clause. *New York University Law Review*, *55*(3), 474-516.

Schoneveld, F. R. (2003). Cartel Sanctions and International Competition Policy: Cross-Border Cooperation and Appropriate Forums for Cooperation. *World Competition*, *26*(3), 433-471.

Schoppa, L. J. (1993). Two-Level Games and Bargaining Outcomes: Why Gaiatsu Succeeds in Japan in Some Cases but not Others. *International Organization*, *47*(3), 353-386.

Schores, D. F. (2012). Antitrust in the Roberts Court. *The Antitrust Bulletin*, *57*(3), 591-654.

Schrader, H. S. (1982). Custom and General Principles as Sources of International Law in American Federal Courts. *Columbia Law Review*, *82*, 751-783.

Schramm, F. B. (1954). The Relationship of the Patent Act of 1952 to the Antitrust Laws. *The George Washington Law Review*, *23*(1), 36-67.

Schröter, H. G. (1996). Cartelization and Decentralization in Europe, 1870-1995: Rise and Decline of an Economic Institution. *Journal of European Economic History*, *25*(1), 129-153.

Schwarcz, S. L. (2005). The Limits of Lawyering: Legal Opinions in Structured Finance. *Texas Law Review*, *84*(1), 1-58.

Schwartz-Leeper, D. A. (1995). USA: Virgin Atlantic Airways Ltd v. British Airways Ltd: Virgin Complaint to be Tried in New York. *European Competition Law Review*, *16*(2), 57-59.

Schwartz, A., & Wilde, L. L. (1979). Intervening in Markets on the Basis of Imperfect Information: A Legal and Economic Analysis. *University of Pennsylvania Law Review*, *127*, 630-682.

Schwartz, E. B., & Rees, M. (2007). Private Antitrust Enforcement in Europe: Are American-Style Class Actions on the Way? *Andrews Antitrust Litigation Reporter*, *15*(7), 1-6.

Schwartz, E. B., & Rees, M. (2007). Private Antitrust Enforcement in Europe: Are American-Style Class Actions on the Way? *Andrews Class Action Litigation Reporter*, *14*(9), 1-8.

Schwartz, L. B. (1960). Institutional Size and Individual Liberty: Authoritarian Aspects of Bigness. *Northwestern University Law Review*, *55*, 4-24.

Schwartz, L. B. (1979). "Justice" and Other Non-Economic Goals of Antitrust. *University of Pennsylvania Law Review*, *127*, 1076-1081.

Schwartz, L. B. (1979). On the Uses of Economics: A Review of the Antitrust Treaties (Book Review). *University of Pennsylvania Law Review*, *128*, 244-268.

Schwartz, M. (1986). The Perverse Effects of the Robinson-Patman Act. *The Antitrust Bulletin*, *31*(3), 733-757.

Schwartz, M. L., & Mitchell, D. J. B. (1970). An Economic Analysis of the Contingent Fee in Personal Injury Litigation. *Stanford Law Review*, *22*, 1125.

Schwartz, T. M. (1977). Regulating Unfair Practices Under the FTC Act: The Need for a Legal Standard of Unfairness. *Akron Law Review*, *11*(1), 1-28.

Schwartz, W. F. (1980). An Overview of the Economics of Antitrust Enforcement. *The Georgetown Law Journal*, *68*, 1075-1102.

Schwarza, J. (2004). Judical Review of European Administrative Procedure. *Public Law*, 146-166.

Schweppe, A. J. (1938). What has Happened to Federal Jurisprudence? *A.B.A. Journal*, *24*, 421-425 & 487.

Schwintowski, H.-P. (2003). The Common Good, Public Substance and the Functions of Public Undertaking in the European Internal Market. *European Business Organization Law Review*, *4*, 353-382.

Scott, A. (2005). Cain and Abel? Trade and Competition Laws in the Global Economy; A Competition Policy for the WTO, by Philip Marsden, Book Review. *The Modern Law Review*, *68(1)*(1), 135-155.

Scott, A. W. (1942). Collateral Estoppel by Judgment. *Harvard Law Review*, *56*(1), 1-29.

Scott, J., & Roberts, V. (2004). Empagran: The View from Across the Atlantic. *European Lawyer*, *35*, 31.

Scott, K. E. (1973). Standing in the Supreme Court - A Functional Analysis. *Harvard Law Review*, *86*(4), 645-692.

Scott, R. E., & Stephan, P. B. (2004). Self-Enforcing International Agreements and the Limits of Coercion. *Wisconsin Law Review*, *2004*(2), 551-630.

Scott, T. J. G. (2010). Prosecuting Charles Taylor's Son for Torture: A Step toward the Domestication of International Law. *Loyola University Chicago International Law Review*, *8*(1), 33-56.

Sealy, L. S. (1975). Undue Influence and Inequality of Bargaining Power. *The Cambridge Law Journal*, *34*(1), 21-25.

Seamans, F. L. (1966). First Aid to the Plaintiff. *Antitrust Law Journal*, *32*, 41-74.

Sebok, A. J. (1995). Misunderstanding Positivism. *Michigan Law Review*, *93*(June), 2054-2132.

Sebok, A. J. (1996). Reading the Legal Process. *Michigan Law Review*, *94*(May), 1571-1595.

Sebok, A. J. (2003). What did Punitive Damages do? Why Misunderstanding the History of Punitive Damages Matters Today. *Chicago-Kent Law Review*, *78*, 163-206.

Sebok, A. J. (2007). Punitive Damages: From Myth to Theory. *Iowa Law Review*, *92*, 957-1036.

Secor, P. G. (2012). Antitrust Law: Jurisdictional Review – Analysis of Sherman Act Claims Against Foreign Defendants Requires a Merits-Based Review – Animal Sci. Prods., Inc. v. China Minmetals-Corp., 654 F.3d 462 (3d Cir. 2011). *Suffolk Transnational Law Review*, *35*(1), 245-254.

Sedler, R. A. (1972). Standing, Justiciability and All That: A Behavioral Analysis. *Vanderbilt Law Review*, *25*(3), 479-512.

Sedler, R. A. (1977). The Governmental Interest Approach to Choice of Law: An Analysis and a Reformulation. *UCLA Law Review*, *25*, 181-243.

Sedler, R. A. (1981). Constitutional Limitations on Choice of Law: the Perspective of Constitutional Generalism. *Hofstra Law Review*, *10*, 59-59.

Sedler, R. A. (1983). Interest Analysis and Forum Preference in the Conflict of

Sedler, R. A. (1985). The Negative Commerce Clause as a Restitution on State Regulation and Taxation: an Analysis in Terms of Constitutional Structure. *Wayne Law Review*, *31*(3), 885-1027.

Sedler, R. A. (2005). Law beyond Borders: Jurisdiction in an Era of Globalization Introduction to the Symposium. *Wayne Law Review*, *51*(3), 1065-1104.

Seiden, M. L. (1995). Antitrust Law-Extraterritorial Jurisdiction. *Suffolk Transnational Law Review*, *18*, 307-317.

Seild-Hohenveldern, I. (1962). Title to Confiscated Foreign Property and Public International Law. *The American Journal of International Law*, *56*(2), 507-510.

Seligman, A. B. (2001). Role Complexity, Risk, and The Emergence of Trust. *Boston University Law Review*, *81*, 619-634.

Seligman, J. (1984). The Future of the National Market System. *The Journal of Corporation Law*, *10*, 79-139.

Semeraro, S. (2000). Demystifying Antitrust State Action Doctrine. *Harvard Journal of Law & Public Policy*, *24*(1), 203-282.

Semeraro, S. (2003). The efficiency and fairness of Enforcing Sharing: an Examination of the Essence of Antitrust. *University of Kansas Law Review*, *52*(1), 57-104.

Semeraro, S. (2007). Credit Card Interchange Fees: Three Decades of Antitrust Uncertainty. *George Mason Law Review*, *14*, 941-1002.

Semeraro, S. (2008). Sweet Land of Property? The History, Symbols, Rhetoric, and Theory behind the Ordering of the Rights to Liberty and Property in the Constitutional Lexicon. *South Carolina Law Review*, *60*(1), 1-61.

Semmel, H. (1968). Collateral Estoppel, Mutuality and Joinder of Parties. *Columbia Law Review*, *68*, 1457-1481.

Sen, A. (1970). The Impossibility of a Paretian Liberal. *Journal of Political Economy*, *78*, 152-157.

Sen, A. (1985). Goals, Commitment, and Identity. *Journal of Law, Economics, and Organization*, *1*(2), 341-355.

Sentell, R. P. J. (1982). The United States Supreme Court as Home Rule Wrecker. *Mercer Law Review*, *34*, 363-392.

Shaffer, A. D., & Pavarini, P. A. (1998). Resolving Conflicting Laws and Policy in Integrated Delivery Systems. *Journal of Law and Health*, *12*, 85-120.

Shank, R. D. (1996). The Justice Department's Recent Antitrust Enforcement Policy: Toward a "Positive Comity" Solution to International Competition Problems? Vanderbilt Journal of Transnational Law, *29*(1), 155-189.

Shapiro, C. (1985). Patent Licensing and R &D Rivalry. *The American Economic Review*, *75*(2), 25-30.

Shapiro, D. I. (1972). Processing the Consumer's Claim. *Antitrust Law Journal*, *41*, 257-279.

Sharkey, R. T. (2013). Pecover v. Electronics Arts, Inc.: Should Exclusive Licensing Agreements made by Madden NFL's Publisher be sacked by the Sherman and Cartwright Act? *Jeffrey S. Moorad Sports Law Journal*, *20*, 167-208.

Shavell, S. (1979). Risk Sharing and Incentives in the Principal and Agent Relationship. *The Bell Journal of Economics*, *10*(1), 55-73.

Shavell, S. (1980). An Analysis of Causation and the Scope of Liability in the Law of Torts. *The Journal of Legal Studies*, *9*, 463-516.

Shavell, S. (1980). Strict Liability Versus Negligence. *The Journal of Legal Studies*, *9*, 1-25.

Shavell, S. (1982). Suit, Settlement, and Trial: A Theoretical Analysis Under Alternative Methods for the Allocation of Legal Costs. *The Journal of Legal Studies*, *11*, 55-81.

Shavell, S. (1982). The Social Versus the Private Incentive to Bring Suit in a Costly Legal System. *The Journal of Legal Studies*, *11*, 333-339.

Shavell, S. (1984). Liability for Harm Versus Regulation of Safety. *The Journal of Legal Studies*, *13*, 357-374.

Shavell, S. (1990). Deterrence and the Punishment of Attempts. *The Journal of Legal Studies*, *19*, 435-466.

Shavell, S. (1993). The Optimal Structure of Law Enforcement. *Journal of Law and Economics*, *36*(1), 255-287.

Shavell, S. (1997). The Fundamental Divergence between the Private and the Social Motive to Use the Legal System. *Journal of Legal Studies*, *26*, 575-612.

Shavell, S. (2002). Law versus Morality as Regulators of Conduct. *American Law and Economics Review*, *4*(2), 227-257.

Shehadeh, R., Larson, J., & Gotts, I. K. (2009). The Effect of Financial Distress on Business Investment: Implications for Merger Reviews. *Antitrust*, *23*(2), 12-16.

Sheinman, H. (2000). Contractual Liability and Voluntary Undertakings. *Oxford Journal of Legal Studies*, *20*(2), 205-220.

Shelanski, H. A., & Sidak, J. G. (2001). Antitrust Divestiture in Network Industries. *The University of Chicago Law Review*, *68*(1), 1-99.

Shell, G. R. (1991). Opportunism and Trust in the Negotiation of Commercial Contracts: Toward a New Cause of Action. *Vanderbilt Law Review*, *44*(2), 221-282.

Shelton, J. R. (1999). Competition Policy: What Chance for International Rules? *OECD Journal of Competition Law and Policy*, *1*(2), 3-15.

Shelton, J. R. (1999). Competition Policy: What Chance for International Rules? *OECD Journal of Competition Law and Policy*, *1*(2), 57-73.

Shemanski, D. R. (1983). Obtaining Evidence in the Federal Republic of Germany: The Impact of The Hague Evidence Convention on German-American Judicial Cooperation. *International Lawyer*, *17*(3), 465-487.

Shenefield, J. (1994). Remarks of John Shenefield, Former Assistant Attorney General, Antitrust Division. *The Antitrust Bulletin*, *39*, 883-891.

Shenefield, J. H. (2004). Coherence or Confusion: The Future of the Global Antitrust Conversation. *The Antitrust Bulletin*, *49*(1&2), 385-434.

Shepherd, S. R. (1972). Damage Distribution in Class Actions: The Cy Pres Remedy. *The University of Chicago Law Review*, *39*, 448-465.

Shepherd, W. G. (1972). The Economics: A Pep Talk. *Antitrust Law Journal*, *41*, 595-600.

Shepherd, W. G. (1990). Potential Competition versus Actual Competition. *Administrative Law Review*, *42*, 5-34.

Sheppard, J. S., Jr. (1911). The Decadence of the System of Precedents. *Harvard Law Review*, *24*(4), 298-305.

Sherwin, E. (2008). The Jurisprudence of Pleading: Rights, Rules, and Conley v. Gibson. *Howard Law Journal*, *52*, 73-98.

Shestack, J. J. (1982). Of Private and State Terror-Some Preliminary Observations. *Rutgers Law Journal*, *13*(3), 453-463.

Shientag, B. L. (1930). The Opinions and Writings of Judge Benjamin N. Cardozo. *Columbia Law Review*, *30*(5), 597-650.

Shin, H.-H., & Stulz, R. (1998). Are Internal Capital Markets Efficient. *The Quarterly Journal of Economics*, *113*, 531-552.

Shin, J. S. (1990). Extraterritorial Application of U.S. Antitrust Law. *Land and Water Law Review*, *25*, 177-206.

Shoenberger, A. (2007). Privacy Wars: EU Versus US: Scattered Skirmishes, Storm Clouds Ahead. *Indiana International & Comparative Law Review*, *17*(2), 355-394.

Shores, D. F. (1968). Treble Damage Antitrust Suits: Admissibility of Prior Judgments Under § 5 of the Clayton Act. *Iowa Law Review*, *54*, 434-455.

Shores, D. F. (2001). Antitrust Decisions and Legislative Intent. *Missouri Law Review*, *66*(4), 725-792.

Shreve, G. R. (1982). In Search of a Choice-of-Law Reviewing Standard - Reflections on Allstate Insurance Co. v. Hague. *Minnesota Law Review*, *66*, 327-355.

Shreve, G. R. (1986). Preclusion and Federal Choice of Law. *Texas Law Review*, *64*(7), 1209-1265.

Shughart, W. F., & Tollison, R. D. (1985). The Positive Economics of Antitrust Policy: A Survey Article. *International Review of Law and Economics*, *5*(1), 39-57.

Shulman, D. R. (2011). Comment: “Anticompetitive Effect”. *Minnesota Law Review Headnotes*, *95*, 92-112.

Shulman, H. (1938). The Demise of Swift v. Tyson. *The Yale Law Journal*, *47*(8), 1336-1351.

Shulman, H. (1940). Labor and the Anti-Trust Laws. *Illinois Law Review of Northwestern University*, *34*(7), 769-787.

Shulman, H., & Jaegerman, E. C. (1936). Some Jurisdictional Limitations on Federal Procedure. *The Yale Law Journal*, *45*(3), 393-421.

Sibley, S. H. (1943). Delimitations of Erie Railroad Co. vs. Tompkins. *Kentucky Law Journal*, *29*, 172-180.

Sidak, J. G. (1981). Rethinking Antitrust Damages. *Stanford Law Review*, *33*, 329-352.

Sidak, J. G., & Teece, D. J. (2009). Dynamic Competition in Antitrust Law. *Journal of Competition Law & Economics*, *5*(4), 581-631.

Sidkin, S., & McGinn, B. (2006). Compensation for Agents: A Matter of Goodwill. *Business Law Review*, *May*, 126-129.

Sidkin, S., & McGinn, B. (2006). Honyvem v De Zotti: A Bottom Line for Compensating Commercial Agents. *Business Law Review*, *July*, 176-177.

Siegan, B. H. (2003). Protecting Economic Liberties. *Chapman Law Review*, *6*, 43-121.

Siegel, J. R. (2000). The Use of Legislative History in a System of Separated Powers. *Vanderbilt Law Review*, *53*, 1457-1527.

Siegel, N. S. (2001). State Sovereign Immunity and Stare Decisis: Solving the Prisoners’ Dilemma within the Court. *California Law Review*, *89*, 1165-1197.

Silberman, A. (1994). Remarks of Alan Silberman, Esq., Chairman, Antitrust Section, American Bar Association. *The Antitrust Bulletin*, *39*, 861-865

Silberman, A. H. (1980). The Defense View - Litigation with Just a “Touch of Class”. *Antitrust Law Journal*, *49*, 1529-1551.

Silberman, L. (1981). Can the State of Minnesota Bind the Nation? Federal Choice-of-Law Constraints after Allstate Insurance Co. v. Hague. *Hofstra Law Review*, *10*, 103-132.

Silberman, L. (2006). Transnational Litigation: Is There a Field - A Tribute to Hal Maier. *Vanderbilt Journal of Transnational Law*, *39*(5), 1427-1438.

Silberman, L., & Lowenfeld, A. F. (2000). A Different Challenge for the ALI: Herein of Foreign Country Judgments, an International Treaty, and an American Statute. *Indiana Law Journal*, *75*(2), 635-647.

Silberston, A. (1972). Economics of Scale in Theory and Practice. *The Economic Journal*, *82*(1), 369-391.

Silberston, A. (2003). Anti-dumping Rules – Time for Change? *Journal of World Trade*, *37*(6), 1063-1081.

Simmons, I., & O'Rourke, K. R. (2012). Reflections on Cartel Enforcement. *Antitrust*, *27*, 33-42.

Simmons, I., & Patel, B. (2010). One Hundred Years of (Attempted) Solitude: Navigating the Foreign Trade Antitrust Improvements Act. *Antitrust*, *24*(2), 72-78.

Simon, A. M., & Waller, S. W. (1986). A Theory of Economic Sovereignty: An Alternative to Extraterritorial Jurisdictional Disputes. *Stanford Journal of International Law*, *22*, 337-361.

Simon, W. (1952). The Case Against the Federal Trade Commission. *The University of Chicago Law Review*, *19*, 297-338.

Simpson, R. (2006). Environmental Services and Competition: A Global Perspective. *RECIEL*, *15*(2), 160-171.

Sims, J. (1984). New Approaches to Antitrust Damages: The Alternatives to Mandatory Trebling. *The Business Lawyer*, *39*, 1089-1104.

Sims, J., & Herman, D. P. (1997). The Effect of Twenty Years of Hart-Scott-Rodino on Merger Practice: a Case Study in the Law of Unintended Consequences Applied to Antitrust Legislation. *Antitrust Law Journal*, *65*, 865-904.

Sims, J., & Lande, R. H. (1986). The End of Antitrust - Or a New Beginning? *The Antitrust Bulletin*, *31*, 301-322.

Simson, G. J. (1974). The Return of American Banana : A Contemporary Perspective on American Antitrust Abroad. *The Journal of International Law and Economics*, *9*(2), 233-265.

Simson, G. J. (1978). State Autonomy in Choice of Law: A Suggested Approach. *Southern California Law Review*, *52*, 61-88.

Sinclair, J. (2002). Damages in Private Antitrust Actions in Europe. *Loyola Consumer Law Reporter*, *14*, 547-557.

Sinclair, J. (2004). International Disputes: Problems and Approach. *European Lawyer*, *40*, 58.

Singer, H. J. (2006). The Competitive Effects of a Cable Television Operator's Refusal to Carry DSL Advertising. *Journal of Competition Law & Economics*, *2*(2), 301-331.

Singham, S. A. (1998). Shaping Competition Policy in the Americas: Scope for Transatlantic Cooperation? *Brooklyn Journal of International Law*, *24*(2), 363-439.

Singla, T. (2008). The Remedies (not) Available for Breaches of Article 81 EC. *European Competition Law Review*, *29*(3), 201-205.

Skouris, V. (2006). Effect Utile Versus Legal Certainty: The Case-law of the Court of Justice on the Direct Effect of Directives. *European Business Law Review*, 241-255.

Slater, P. E. (1974). Antitrust and Government Action: A Formula for Narrowing Parker v. Brown. *Northwestern University Law Review*, *69*(1), 71-109.

Slater, T. G. J. (1982). Local Government and State Action Immunity After City of Lafayette and City of Boulder. *Antitrust Law Journal*, *51*, 349-359.

Slaughter, A.-M. (1998). Court to Court. *The American Journal of International Law*, *92*(4), 708-712.

Slaughter, A.-M. (2001). Agencies on the Loose? Holding Government Networks Accountable. In G. A. Bermann, M. Herdegen, & P. L. Lindseth (Eds.), Transatlantic Regulatory Cooperation: Legal Problems and Political Prospects (pp. 521-546). Oxford University Press.

Slaughter, A.-M. (2003). A Global Community of Courts. *Harvard International Law Journal*, *44*(1), 191-219.

Slaughter, A.-M. (2003). Global Government Networks, Global Information Agencies, and Disaggregated Democracy. *Michigan Journal of International Law*, *24*, 1041-1075.

Slawson, W. D. (1971). Standard from Contracts and Democratic Control of Lawmaking Power. *Harvard Law Review*, *84*(3), 529-566.

Slayden, J. L. (1908). Railway Regulation in Texas. *Annals of the American Academy of Political and Social Science*, *32*, 225-234.

Sloan, F. B. (1943). International Law-Access of Alien Enemies to Nebraska Courts in Time of Wa. *Nebraska Law Review*, *22*(1), 36-39.

Sloss, D. (2011). Two Centuries of International Law in the U.S. Supreme Court. *American Society of International Law Proceedings*, *105*, 529-532.

Sloss, D. L. (2013). Kiobel and Extraterritoriality: A Rule Without a Rationale. *Maryland Journal of International Law*, *28*, 241-255.

Slot, P. J. (2004). A View From the Mountain: 40 Years of Development in EC Competition Law. *Common Market Law Review*, *41*, 443-473.

Slota, R. E. (1961). Federal Jurisdiction - Choice of Law - Federal Law of Negotiable Instruments. *Villanova Law Review, 6*, 388-403.

Smerek, S. R., & Hamilton, J. C. (2011). Extraterritorial Application of United States Law after Morrison v National Australia Bank. *Dispute Resolution International*, *5*(1), 21-34.

Smets, H., & Van Cayseele, P. (1995). Competing Merger Policies in a Common Agency Framework. *International Review of Law and Economics*, *15*, 425-441.

Smith, A. D. (1994). Bringing Down Private Trade Barriers--An Assessment of the United States' Unilateral Options: Section 301 of the 1974 Trade Act and Extraterritorial Application of U.S. Antitrust Law. *Michigan Journal of International Law*, *16*(1), 241-298.

Smith, A. M. (2005). Good Fences Make Good Neighbors: The Wall Decision and the Troubling Rise of the ICJ as a Human Rights Court. *Harvard Human Rights Journal*, *18*, 251-264.

Smith, B. (1951). Effective Competition: Hypothesis for Modernizing the Antitrust Laws. *New York University Law Review*, *26*(3), 405-450.

Smith, H. K. (1908). The Public Regulation of Corporations- Discussion of Judge Grosscup's Address. *Annals of the American Academy of Political and Social Science*, *32*, 30-33.

Smith, H., E. (2007). Intellectual Property as Property: Delineating Entitlements in Information. *The Yale Law Journal*, *116*, 1742-1822.

Smith, J. J. S. (2008). Competition and Transparency: What Works for Public Procurement Reform. *Public Contract Law Journal*, *38*, 85-129.

Smith, M. E. (1986). State Discriminations Against Interstate Commerce. *California Law Review*, *74*, 1203-1257.

Smith, P. M. (1999). A Long and Winding Road: TRIPS and the Evolution of International Competition Framework. *Journal of International Economic Law*, 435-440.

Smith, R. (2006). On Parallel Trade and Preliminary Issue – a Healthy Approach to Competition Law Enforcement? *Legal Issues of Economic Integration*, *33*(1), 61-83.

Smith, R. L. (2000). When Competition is not Enough: Consumer Protection. *Australian Economic Papers, December*, 408-425.

Smitherman, C. W. (2004). The Future of Global Competition Governance: Lessons From the Transatlantic. *American University International Law Review*, *19*(4), 769-881.

Smits, R. (2005). The European Competition Network: Selected Aspect. *Legal Issues of Economic Integration*, *32*(2), 175-192.

Smolka, P. H. (1949). Federal Antitrust Laws - Nolo Contendere as Evidence - Illegal Patent License Restrictions. *Journal of the Patent and Trademark Office Society*, *31*(10), 777-783.

Smythe, D. J. (2005). The Supreme Court and the Trusts: Antitrust and the Foundations of Modern American Business Regulation from Knight to Swift. *U.C. Davis Law Review*, *39*, 85-147.

Snell, S. L. (1997). Controlling Restrictive Business Practices in Global Markets: Reflections on the Concepts of Sovereignty, Fairness and Comity. *Stanford Journal of International Law*, *33*(2), 215-304.

Snow, C. J. (1997). Building Trust in the Workplace. *Hofstra Labor Law Journal*, *14*, 465-525.

Snyder, A. M. (2007). Equitable Remedies in Civil RICO Actions: In Support of Allowing District Courts to Order Disgorgement. *The University of Chicago Law Review*, *74*(3), 1057-1082.

Snyder, D. (1997). Mergers and Acquisitions in the European Community and the United States: a Movement Toward a Uniform Enforcement Body? *Law & Policy in International Business*, *29*, 115-144.

Snyder, E. A. (1965). Foreign Investment and Trade: Extraterritorial Impact of United States Antitrust Law. *The Virginia Journal of International Law*, *6*(1), 1-40.

Snyder, E. A. (1985). Efficient Assignment of Rights to Sue for Antitrust Damages. *Journal of Law and Economics*, *28*(2), 469-482.

Snyder, E. A. (1990). The Effect of Higher Criminal Penalties on Antitrust Enforcement. *The Journal of Law and Economics*, *33*(October), 439-462.

Snyder, E. A., & Kauper, T. E. (1991). Misuse of the Antitrust Laws: The Competitor Plaintiff. *Michigan Law Review*, *90*(3), 551-603.

Snyder, F. (2003). The Gatekeepers: The European Courts and WTO Law. *Common Market Law Review*, *40*, 313-367.

Snyder, J. L. (1985). International Competition: Toward a Normative Theory of United States Antitrust Law and Policy. *Boston University International Law Journal*, *3*, 257-324.

Socarres, M. P. (2011). International Law and the Constitution. *The Federal Circuit Bar Journal*, *4*(2), 185-242.

Sofaer, A. D. (1972). The Change-of-Status Adjudication: a Case Study of the Informal Agency Process. *The Journal of Legal Studies*, *1*, 349-421.

Sohn, L. B. (1982). The New International Law: Protection of the Rights of Individuals Rather than States. *The American University Law Review*, *32*, 1-64.

Sokol, D. D. (2007). Monopolists without Borders: The Institutional Challenge of International Antitrust in a Global Gilded Age. *Berkeley Business Law Journal*, *4*(1), 37-122.

Sokol, D. D. (2008). Order Without (Enforceable) Law: Why Countries enter into Non-Enforceable Competition Policy Chapters in Free Trade Agreements. *Chicago-Kent Law Review*, *83*, 231-291.

Sokol, D. D. (2009). Competition Policy and Comparative Corporate Governance of State-Owned Enterprises. *Brigham Young University Law Review*, *2009*, 1713-1812.

Sokol, D. D. (2009). Limiting Anticompetitive Government Interventions that Benefit Special Interests. *George Mason Law Review*, *17*, 119-189.

Sokol, D. D. (2010). Antitrust, Institutions, and Merger Control. *George Mason Law Review*, *17*, 1055-1148.

Sokol, D. D. (2010). Designing Antitrust Agencies for More Effective Outcomes: What Antitrust Can Lean from Restaurant Guides. *Loyola University Chicago Law Journal*, *41*, 573-586.

Sokol, D. D. (2013). Policing the Firm. *Notre Dame Law Review*, *89*(2), 785-848.

Solimine, M. E. (1998). The Quiet Revolution in Personal Jurisdiction. *Tulane Law Review*, *73*(1), 1-67.

Solimine, M. E. (2002). The Law and Economics of Conflcit of Laws; Review of Politics and Pragmatism in the Conflict of Laws, by Michael J. Whincop and Mary Keyes, Book Review. *American Law and Economic Review*, *4(1)*(1), 208-226.

Solimine, M. E. (2005). Judicial Stratification and the Reputations of the United States Courts of Appeals. *Florida State University Law Review*, *32*(4), 1331-1364.

Solley, T. (2008). Problem and the Solution: Using the Internet to Resolve Internet Copyright Disputes. *Georgia State University Law Review*, *24*(3), 813-842.

Solomon, L. (1960). The Influence of Some Types of Power Relationships nad Game Strategies Upon the Development of Interpersonal Trust. *Journal of Abnormal and Social Psychology*, *61*(2), 223-230.

Soma, J. T., & Weingarten, E. K. (2000). Multinational Economic Network Effects and the Need for and International Antitrust Response from the World Trade Organization: a Case Study in Broadcast-Media and News Corporation. *University of Pennsylvania Journal of International Economic Law*, *21*(1), 41-130.

Sornarajah, M. (1982). The Extraterritorial Enforcement of U.S. Antitrust Laws: Conflict and Compromise. *International and Comparative Law Quarterly*, *31*(January), 127-149.

Sosnick, S. H. (1958). A Critique of Concepts of Workable Competition. *The Quarterly Journal of Economics*, *72*(3), 380-423.

Sowell, R. D. (2014). New Decisions Highlight Old Misgivings: A Reassessment of the Foreign Trade Antitrust Improvements Act Following Minn-Chem. *Florida Law Review*, *66*, 511-552.

Spance, M. (1976). Product Selection, Fixed Costs, and Monopolistic Competition. *The Review of Economic Studies*, *43*(2), 217-235.

Spann, R. M., & Erickson, E. W. (1970). The Economics of Railroading: The Beginning of Cartelization and Regulation. *The Bell Journal of Economics and Management Science*, *1*(2), 227-244.

Speck, W. H. (1951). The Use of Discovery in United States District Courts. *The Yale Law Journal*, *60*(7), 1132-1155.

Spence, M. (1976). Product Differentiation and Welfare. *The American Economic Review*, *66*(2), 407-414.

Spengler, J. J. (1950). Vertical Integration and Antitrust Policy. *Journal of Political Economy*, *58*(4), 347-352.

Sperino, S. F. (2006). Flying Without a Statutory Basis: Why McDonnell Douglas is not Justified by any Statutory Construction Methodology. *Houston Law Review*, *43*, 743-806.

Spiller, P. T. (1985). Comments on Easterbrook and Snyder. *Journal of Law and Economics*, *28*(2), 489-494.

Spitzer, M. L. (1988). Antitrust Federalism and Rational Choice Political Economy: A Critique of Capture Theory. *South California Law Review*, *61*, 1293-1326.

Spitzer, M., & Hoffman, E. (1980). Reply to Conscription Theory, Production Theory, and Ideology in the Coase Theorem. *Southern California Law Review*, *53*, 1187-1214.

Spitzley, M. (1998). Criminal Sanctions Under the Sherman Act Arise in the Land of the Rising Sun: How Far Can Sherman Go? *The Wayne Law Review*, *44*(3), 1493-1517.

Spratling, G. R. (2001). Detection and Deterrence: Rewarding Informants for Reporting Violations. *The George Washington Law Review*, *69*(5/6), 798-823.

Spratling, G. R. (2010). International Cartels Investigations: Evaluating Options and Managing Risk in Multi-Jurisdictional Criminal Antitrust Investigations. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 25213*, *1788*, 229-351.

Sprigman, C. (2005). Fix Prices Globally, Get Sued Locally - U.S. Jurisdiction over International Cartels. *The University of Chicago Law Review*, *72*(1), 265-288.

Sproul, R. G. J. (1968). United States Antitrust Laws and Foreign Joint Ventures. *American Bar Association Journal*, *54*, 889-895.

Spulber, D. F., & Yoo, C. S. (2003). Access to Networks: Economic and Constitutional Connections. *Cornell Law Review*, *88*(4), 885-1024.

Spulber, D. F., & Yoo, C. S. (2005). Network Regulation: The Many Faces of Access. *Journal of Competition Law & Economics*, *1*(4), 635-678.

Squeri, S. J. (1995). Government Investigation and Enforcement: Antitrust Division. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-7098*, 519-742.

Squeri, S. J. (1996). Government Investigation and Enforcement: Antitrust Division and the Federal Trade Commission. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-7128*, 539-653.

Squeri, S. J. (1998). Government Investigation and Enforcement. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B0-0023*, 951-1028.

Squeri, S. J. (1999). Government Investigation and Enforcement: Antitrust Division and the Federal Trade Commission. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B0-009D*, 999-1083.

Squeri, S. J. (2000). Government Investigation and Enforcement: Antitrust Division and the Federal Trade Commission. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B0-00IJ*, 873-960.

Squeri, S. J. (2001). Government Investigation and Enforcement: Antitrust Division and the Federal Trade Commission. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B0-00Z6*, 689-872.

Srinivasan, S. (1994). College Financial Aid and Antitrust: Applying the Sherman Act to Collaborative Nonprofit Activity. *Stanford Law Review*, *46*, 919-958.

Stancil, P. J. (2005). Atomism and the Private Merger Challenge. *Temple Law Review*, *78*, 949-1023.

Stanfield, J. (2006). Dependent Injury Based Claims: The Next Step in American Regulation of Antitrust. *U.C. Davis Law Review*, *39*(4), 1691-1720.

Stanley, T. J. (1994). An Analysis of the Rules of Contribution and No Contribution for Joint and Several Liability in Conspiracy Cases. *Santa Clara Law Review*, *35*, 1-122.

Stark, C. S. (1998). International Cooperation in the Pursuit of Cartels. *George Mason Law Review*, *6*(3), 533-541.

Stedman, J. C. (1955). The Committee's Report: More Antitrust Enforcement- or Less? *Northwestern University Law Review*, *50*(3), 316-341.

Stedman, R. W. (1965). Consent Decrees and the Private Action: An Antitrust Dilemma. *California Law Review*, *53*, 627-654.

Steenbergen, J. (2005). Legal Issues of Economic Integration, Modernisation and International Competition Law. *Legal Issues of Economic Integration*, *32*(2), 219-228.

Steiger, J. D. (1994). Remarks of Janet D. Steiger, Chairman, Federal Trade Commission. *The Antitrust Bulletin*, *39*, 847-849.

Steinbuch, R. (2007). The Executive-Internalization Approach to High-Risk Corporate Behavior: Establishing Individual Criminal Liability for the International or Reckless Introduction of Excessively Dangerous Products or Services into the Stream of Commerce. *New York University of Legislation and Public Policy*, *10*(2), 321-365.

Steiner, D. (1997). The International Convergence of Competition Laws. *Manitoba Law Journal*, *24*(3), 557-620.

Steinhardt, R. G. (2013). Kiobel and the Weakening of Precedent: A Long Walk for a Short Drink. *The American Journal of International Law*, *107*, 841-845.

Stempel, J. W. (2004). Arbitration, Unconscionability, and Equilibrium: The Return of Unconscionability Analysis as a Counterweight to Arbitration Formalism. *Ohio State Journal on Dispute Resolution*, *19*, 757-860.

Stephan, A. (2010). Cartel Laws Undermined: Corruption, Social Norms, and Collectivist Business Cultures. *Journal of Law and Society*, *37*(2), 345-367.

Stephan, P. B. (1999). The Futility of Unification and Harmonization in International Commercial Law. *Virginia Journal of International Law*, *39*(3), 743-797.

Stephan, P. B. (1999). The New International Law - Legitimacy, Accountability, Authority, and Freedom in the New Global Order. *University of Colorado Law Review*, *70*, 1555-1587.

Stephan, P. B. (2002). Courts, Tribunals, and Legal Unification - The Agency Problem. *Chicago Journal of International Law*, *3*, 333-352.

Stephan, P. B. (2002). The Political Economy of Choice of Law. *Georgetown Law Journal*, *90*, 957-970.

Stephan, P. B. (2005). Global Governance, Antitrust, and the Limits of International Cooperation. *Cornell International Law Journal*, *38*(1), 173-218.

Stephan, P. B. (2009). Open Doors. *Lewis & Clark Law Review*, *13*(1), 11-34.

Stephan, P. B. (2010). Introductory Note to U.S. Supreme Court: Morrison v. Australia Nat'l Bank Ltd. *International Legal Material*, *49*(5), 1217-1237.

Stephan, P. B. (2011). Privatizing International Law. *Virginia Law Review*, *97*(7), 1573-1664.

Stephan, P. B. (2012). Regulatory Competition and Anticorruption Law. *Virginia Journal of International Law*, *53*, 53-70.

Stephan, P. B. (2014). Courts on Courts: Contracting for Engagement and Indifference in International Judicial Encounters. *Virginia Law Review*, *100*, 17-109.

Stephens, B. (2008). Judicial Deference and the Unreasonable Views of the Bush Administration. *Brooklyn Journal of International Law*, *33*(3), 773-832.

Stephens, B. (2014). The Curious History of the Alien Tort Statute. *Notre Dame Law Review*, *89*(4), 1467-1543.

Stephenson, M. C. (2005). Public Regulation of Private Enforcement: The Case for Expanding the Role of Administrative Agencies. *Virginia Law Review*, *9*(1), 93-173.

Sterio, M. (2007). Clash of the Titans: Collisions of Economic Regulations and the Need to Harmonize Prescriptive Jurisdiction Rules. *U.C. Davis Journal of International Law & Policy*, *13*(2), 95-118.

Sterio, M. (2008). Evolution of International Law. *Boston College International & Comparative Law Journal*, *31*(2), 213-256.

Sterk, S. E. (1981). Enforceability of Agreements to Arbitrate: An Examination of the Public Policy Defense. *Cardozo Law Review*, *2*(3), 481-543.

Sterk, S. E. (1992). Competition Among Municipalities as a Constraint of Land Use Exactions. *Vanderbilt Law Review*, *45*, 831-867.

Sterk, S. E. (2008). Property Rules, Liability Rules, and Uncertainty About Property Rights. *Michigan Law Review*, *106*, 1285-1335.

Stern, R. L. (1946). The Commerce Clause and the National Economy, 1933-1946. *Harvard Law Review*, *59*(5), 645-693.

Stern, R. L. (1946). The Commerce Clause and the National Economy: 1933-1946 (part 2). *Harvard Law Review*, *59*(6), 883-947.

Steuer, R. M. (1995). Counseling Without Case Law. *Antitrust Law Journal*, *63*, 823-852.

Steuer, R. M. (2010). Bundling Beyond Borders. *Antitrust*, *24*(3), 40-45.

Steuer, R. M., & Barile, P. A. (2002). Antitrust in Wartime. *Antitrust*, *16*(Spring), 71-75.

Steur, R. M. (2009). Jobs and Antitrust. *Antitrust*, *23*(3), 98-106.

Stevens, S. (2002). The Increased Aggression of the EC Commission in Extraterritorial Enforcement of the Merger Regulation and its Impact on Transatlantic Cooperation in Antitrust. *Syracuse Journal of Inernational Law and Commerce*, *29*(3), 263-302.

Stevens, W. H. S. (1940). The Federal Trade Commission's Contribution to Industrial and Economic Analysis: The Work of The Economic Division. *The George Washington Law Review*, *8*, 545-580.

Stewart, M. G. (1989). A New Litany of Personal Jurisdiction. *University of Colorado Law Review*, *60*(1), 5-53.

Stewart, R. B. (1975). The Reformation of American Administrative Law. *Harvard Law Review*, *88*, 1667-1813.

Stewart, R. B., & Sunstein, C. R. (1982). Public Programs and Private Rights. *Harvard Law Review*, *95*(6), 1193-1322.

Stewart, T. (2004). Is Flexibility Needed Within Designing Competition Law for Small Open Economies? A View from the Caribbean. *Journal of World Trade*, *38*(4), 725-750.

Stewart, T. (2004). The Fate of Competition Policy in Cancun: Politics or Substance? *Legal Issues of Economic Integration*, *31*(1), 7-11.

Stigall, D. E. (2012). International Law and Limitations on the Exercise of Extraterritorial Jurisdiction in U.S. Domestic Law. *Hastings International & Comparative Law Review*, *35*(2), 323-382.

Stigler, G. J. (1955). Mergers and Preventive Antitrust Policy. *University of Pennsylvania Law Review*, *104*, 176-184.

Stigler, G. J. (1964). A Theory of Oligopoly. *Journal of Political Economy*, *72*(1), 44-61.

Stigler, G. J. (1966). The Economic Effects of the Antitrust Laws. *The Journal of Law and Economics*, *9*, 225-258.

Stigler, G. J. (1970). The Optimum Enforcement of Laws. Journal of Political Economy, *78*(3), 526-536.

Stigler, G. J. (1971). The Theory of Economic Regulation. *Bell Journal of Economics and Management Science*, *2*, 3-21.

Stigler, G. J. (1972). The Process of Economic Regulation. *The Antitrust Bulletin*, *17*, 207-235.

Stigler, G. J. (1982). The Economists and the Problem of Monopoly. *AEA Papers and Proceedings, 72*(2), 1-11.

Stigler, G. J. (1983). The Economists and the Problem of Monopoly. *University of Chicago Law School, Chicago Unbound, Occasional Papers*, *19*, 1-22.

Stigler, G. J. (1985). The Origin of The Sherman Act. *The Journal of Legal Studies*, *14*, 1-12.

Stigler, G. J., & Friedland, C. (1962). What Can Regulators Regulate - The Case of Electricity. *Journal of Law and Economics*, *5*, 1-16.

Stigler, G. J., Bowman, W. S., Coase, R. H., Cramton, R. S., Dam, K. W., Mulford, R. H. et al. (1969). Report of the Task Force on Productivity and Competition. *Antitrust Law & Economics Review*, *2*, 13-36.

Stiglitz, J. E. (2007). Multinational Corporations: Balancing Rights and Responsibilities. *American Society of International Law Proceedings*, *101*, 3-60.

Stiglitz, J. E. (2008). Regulating Multinational Corporations: Towards Principles of Cross-Border Legal Framework in a Globalized World Balancing Rights with Responsibilities. *American University International Law Review*, *23*(3), 451-558.

Stiglitz, J. W. (2006). Federalism in Securities Regulation: An Economist's Perspective. *University of San Francisco Law Review*, *40*(4), 805-822.

Stillman, R. (1983). Examining Antitrust Policy Towards Horizontal Megers. *Journal of Financial Economics*, *11*, 225-240.

Stimson, E. S. (1938). Swift v. Tyson - What Remains? What Is (State) Law? *Cornell Law Quarterly*, *24*(1), 54-79.

Stockel, C. (1999). Sherman's March on Japan: U.S. v. Nippon Paper and the Extraterritorial Reach of Criminal Antitrust Law. *Transnational Law & Contemporary Problems*, *9*, 399-422.

Stocking, G. W., & Mueller, W. F. (1955). The Cellophane Case and the New Competition. *The American Economic Review*, *45*(1), 29-63.

Stocking, G. W., & Mueller, W. F. (1957). Business Reciprocity and the Size of Firms. *The Journal of Business of the University of Chicago*, *30*, 73-95.

Stoll, J. A. (1983). Home Rule and the Sherman Act After Boulder: Cities Between a Rock and a Hard Place. *Brooklyn Law Review*, *49*, 259-299.

Stoll, N. R., & Goldfein, S. (2004). Limiting the Sherman Act's Extraterritoriality. *New York Law Journal*, *231*(9), 6-7.

Stone, C. D. (1991). Sentencing the Corporation. *Boston University Law Review*, *71*, 383-394.

Stone, H. F. (1938). Mr. Justice Cardozo. *The Yale Law Journal*, *48*, 371-373.

Stone, H. F. (1939). Mr. Justice Cardozo. *The Yale Law Journal*, *52*, 353-355.

Stone, R. W. (1979). Reviving State Antitrust Enforcement: The Problems with Putting New Wine in Old Wine Skins. *The Journal of Corporation Law*, *4*, 547-679.

Stoyanova, M. (2005). Regulatory and Competition Law Approaches to Price Squeeze: Access Pricing in the Telecommunications Sector. *European Competition Journal*, *1*(2), 347-374.

Strand, N. (2007). A Simple Critical Loss Test for the Geographical Market. *Journal of Competition Law and Economics*, *2*(4), 697-707.

Straus, I. (1908). Causes of the Present Business Situation. *Annals of the American Academy of Political and Social Science, Federal Regulation of Industry*, *32*, 50-54.

Straus, I. (1908). Causes of the Present Business Situation. *Annals of the American Academy of Political and Social Science*, *32*, 50-54.

Strauss, P. L. (1984). The Place of Agencies in Government: Separation of Powers and the Fourth Branch. *Columbia Law Review*, *84*(3), 573-669.

Strauss, P. L. (1987). One Hundred Fifty Cases Per Year: Some Implications of the Supreme Court's Limited Resources for Judicial Review of Agency Action. *Columbia Law Review*, *87*(6), 1093-1136.

Stucke, M. E. (2006). Morality and Antitrust. *Columbia Business Law Review*, *2006*, 443-547.

Stucke, M. E. (2009). Does the Rule of Reason Violate the Rule of Law? *U.C. Davis Law Review*, *42*, 1375-1490.

Stuyck, J. (2005). EC Competition Law After Modernisation: More Than Ever in the Interest of Consumers. *Journal of Consumer Policy*, *28*, 1-30.

Sugden, W. (2002). Global Antitrust and the Evolution of an International Standard. *Vanderbilt Journal of Transnational Law*, *35*, 989-1020.

Sullivan, E. T. (1986). The Antitrust Division as a Regulatory Agency: An Enforcement Policy in Transition. *Washington University Law Quarterly*, *64*(4), 997-1055.

Sullivan, E. T. (2003). Antitrust Remedies in the U.S. and EU: Advancing a Standard of Proportionality. *The Antitrust Bulletin*, *48*(2), 377-425.

Sullivan, E. T., & Thompson, R. B. (2004). Supreme Court and Private law: The Vanishing Importance of Securities and Antitrust. *Emory Law Journal*, *53*(4), 1571-1644.

Sullivan, L. A. (1955). Post-Chicago Economics: Economists, Lawyers, Judges, and Enforcement Officials in a less Determinate Theoretical World. *Antitrust Law Journal*, *63*, 669-681.

Sullivan, L. A. (1977). Economics and more Humanistic Disciplines: What are the Sources of Wisdom for Antitrust? *University of Pennsylvania Law Review*, *125*(6), 1214-1243.

Sullivan, L. A. (1980). Antitrust, Microeconomics, and Politics: Reflections on Some Recent Relationships. *California Law Review*, *68*(1), 1-12.

Sullivan, L. A. (1987). The Viability of the Current Law on Horizontal Restraints. *California Law Review*, *75*, 835-891.

Sullivan, L. A. (1992). Section 2 of the Sherman Act and Vertical Strategies by Dominant Firms. *Southwestern University Law Review*, *21*, 1227-1263.

Sullivan, L. A., & Fikentscher, W. (1998). On the Growth of the Antitrust Idea. *Berkeley Journal of International Law*, *16*(2), 197-233.

Sullivan, L. A., & Wiley, J. S. (1972). Recent Antitrust Developments: Defining the Scope of Exemption, Expanding Coverage, and Refining the Rule of Reason. *UCLA Law Review*, *27*(2), 265-342.

Sullivan, L. A., & Wiley, J. S. (1979). Recent Antitrust Developments: Defining the Scope of Exemptions, Expanding Coverage, and Refining the Rule of Reason. *UCLA Law Review*, *27*, 265-342.

Sullivan, T. A. (1986). The Antitrust Division as a Regulatory Agency: An Enforcement Policy in Transition. *Washington University Law Quarterly*, *64*(4), 997-1055.

Sullivan, T. E., & Thompson, R. B. (2004). The Supreme Court and Private Law: The Vanishing Importance of Securities and Antitrust. *Emory Law Journal*, *53*(4), 1571-1644.

Sunstein, C. R. (1985). Interest Groups in American Public Law. *Stanford Law Review*, *38*, 29-87.

Sunstein, C. R. (1990). Law and Administration after *Chevron*. *Columbia Law Review*, *90*(8), 2071-2120.

Sunstein, C. R. (1993). Standing Injuries. *The Supreme Court Review*, *1993*, 37-64.

Sunstein, C. R. (2003). Lochnering, Reply. *Texas Law Review*, *82*, 65-71.

Susman, S. D. (1980). Prosecuting the Antitrust Class Action. *Antitrust Law Journal*, *49*, 1513-1527.

Susman, S. D. (1989). Plaintiff's Strategies and Tactics - Pretrial and Trial. *Antitrust Law Journal*, *58*, 277-287.

Sussman, J. (2007). Editor's Note. *Loyola Consumer Law Review*, *20*, 114.

Sutherland, P. (1978). Rio Tinto-Zinc Corporation v. Westinghouse Electric Corporation: Extraterritorial Jurisdiction in Antitrust Matters. *Monash University Law Review*, *5*, 76-85.

Swaine, E. T. (2001). The Local Law of Global Antitrust. *William and Mary Law Review*, *43*(2), 627-786.

Swaine, E. T. (2003). Against Principled Antitrust. *Virginia Journal of International Law*, *43*, 959-1001.

Swanson, S. R. (2006). Antisuit Injunctions in Support of International Arbitration. *Tulane Law Review*, *81*(2), 395-442.

Swanson, S. R. (2011). Fifth Amendment Due Process, Foreign Shipowners, and International Law. *Tulane Maritime Law Journal*, *36*(1), 123-158.

Swanson, S. R. (2011). Google Set Sail: Ocean-Based Server Farms and International Law. *Connecticut Law Review*, *43*(3), 709-752.

Sweeney, B. (2006). The Role of Damages in Regulating Horizontal Price-Fixing: Comparing the Situation in the United States, Europe and Australia. *Melbourne University Law Review*, *30*(3), 837-879.

Sweeney, B. (2007). Combating Foreign Anti-Competitive Conduct: What Role for Extraterritorialism. *Melbourne Journal of International Law*, *8*(1), 35-87.

Sydnor, T. D. (2008). The Making-Available Right and the Barker Case: Improving the Rationale for a Sound Result. *E-Commerce Law Report*, *10*(7), 1-29.

Sykes, A. O. (1999). Externalities in Open Economy Antitrust and Their Implications for International Competition Policy. *Harvard Journal of Law & Public Policy*, *23*(1), 89-96.

Sykes, A. O. (1999). Regulatory Protectionism and the Law of International Trade. *The University of Chicago Law Review*, *66*, 1-46.

Sykes, A. O. (2000). Regulatory Competition or Regulatory Harmonization? A silly Question? *Journal of International Economic Law*, *3*(2), 257-264.

Symeonides, S. C. (2009). Choice of Law in Cross-Border Torts: Why Plaintiffs Win and Should. *Hastings Law Journal*, *61*(2), 337-412.

Symeonides, S. C. (2010). American Federalism and Private International Law. *Revue Hellenique de Droit International*, *63*(2), 537-580.

Symeonides, S. C. (2011). Choice of Law in the American Courts in 2010: Twenty-Fourth Annual Survey. *American Journal of Comparative Law*, *59*(2), 303-394.

Symposium. (1980). Symposium on Efficiency as a Legal Concern. *Hofstra Law Review*, *8*(3), 485-486.

Szoboszlai, J. (2006). Delegation of State Regulatory Powers to Private Parties - Towards an Active Supervision Test. *World Competition*, *29*(1), 73-87.

Tacha, D. R. (1999). The Federal Courts in the 21st Century. *Chapman Law Review*, *2*, 7-26.

Taggart, M. D., & Andrews, R. M. (2011). Due Process Limitations on Indirect Purchaser Claims Under the Cartwright Act: Toward a New Standard? *Competition the Journal of the Antitrust and Unfair Competition Law Section of the State Bar of Cal.*, *20*(2), 49-63.

Takahashi, K. (2002). Forum Non-Conveniens Discretion in Third Party Proceedings. *International and Comparative Law Quarterly*, *51*, 127-134.

Taladay, J. M. (2008). Implications of International Cartel Settlements for Private Rights of Action. *European Competition Law Annual*, *2008*, 317-330.

Tang, P. J. G., & Wälde, K. (2001). International Competition, Growth and Welfare. *European Economic Review*, *45*(8), 1439-1459.

Tarazi, A. M. (1993). Recent Developmens; A Small Step or a Giant Leap? The Implications of Australia's First Judicial Recognition of Indigenous Land Rights: Mabo and Others v. State of Queensland, 107 A.L.R. 1 (1992) (Austl). *Harvard International Law Journal*, *34*(1), 177-275.

Tarullo, D. K. (1999). Competition Policy for Global Markets. *Journal of International Economic Law*, *2*(3), 445-455.

Tarullo, D. K. (2000). Norms and Institutions in Global Competition Policy. *The American Journal of International Law*, *94*(3), 478-504.

Tate, A. J. (1980). The "New" Judicial Solution: Occasions for and Limits to Judicial Ceativity. *Tulane Law Review*, *54*, 877-915.

Tay, A., & Willman, G. (2005). Why (No) Global Competition Policy is a Tough Choice. *The Quarterly Review of Economics and Finance*, *45*(2/3), 312-324.

Taylor, P. (2006). Competition Law Issues in Insolvency and Restructuring. *International Corporate Rescue*, *3*(2), 90-92.

Taylor, R. C. (2001). Indirect Damages from Price Fixing: The Alabama Lysine Case. *Review of Industrial Organization*, *18*, 33-43.

Taylor, R. P. (1980). Contribution: Searching for Fairness to Litigants in a Procedural Thicket. *Antitrust Law Journal*, *49*, 1029-1050.

Taylor, R. P., & Busey, R. C. (2008). Relationship Among Competitors. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 14450*, *1670*, 11-147.

Taylor, R. P., & Busey, R. C. (2009). Relationships Among Competitors. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 18840*, *1738*, 155-290.

Taylor, R. P., & Busey, R. C. (2010). Relationships Among Competitors. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 22603*, *1810*, 137-277.

Taylor, R. P., & Busey, R. C. (2011). Relationships Among Competitors. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 28409*, *1861*, 171-309.

Taylor, R. P., & Busey, R. C. (2012). Relationships Among Competitors. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 34104*, *1955*, 131-274.

Teece, D. J. (1980). Economies of Scope and the Scope of the Enterprise. *Journal of Economic Behavior and Organization*, *1*(3), 223-247.

Teitz, L. E. (2004). Developments in Parallel Proceedings: The Globalization of Procedural Responses. *The International Lawyer*, *38*(2), 303-314.

Telser, L. G. (1960). Why Should Manufacturers Want Fair Trade? *Journal of Law and Economics*, *3*, 86-105.

Telser, L. G. (1964). Advertising and Competition. *The Journal of Political Economy*, *72*(6), 537-562.

Telser, L. G. (1965). Abusive Trade Practices: An Economic Analysis Antitrust Laws and Single-Firm Conduct. *Law and Contemporary Problems*, *30*(3), 488-505.

Telser, L. G. (1966). Cutthroat Competition and the Long Purse. *Journal of Law and Economics*, *9*, 259-277.

Telser, L. G. (1985). Cooperation, Competition, and Efficiency. *Journal of Law and Economics*, *28*(2), 271-295.

Teply, L. L. (1974). Antitrust Immunity of State and Local Governmental Action. *Tulane Law Review*, *48*(2), 272-298.

Tercinet, A. (2007). American Leniency Policy: A Model Placed under the Seal of Pragmatism. *International Business Law Journal*, *2007*(6), 767-786.

Tesauro, G. (2003). International Competition Network. *World Competition*, *26*(2), 277-281.

Teton, A. B. (1941). The Story of Swift v. Tyson. *Illinois Law Review of Northwestern University*, *35*, 519-539.

Theeuwes, J. (2005). An Economic Analysis of the New Regulation 139/2004. *Legal Issues of Economic Integration*, *32(2)*(2), 209-217.

Thieffry, P., Van Doorn, P., & Nahmias, P. (1991). The Notification of Mergers Under the New EEC Merger Control Regulation. *International Lawyer*, *25*, 615-645.

Thomas, C. (2004). Challenges for Democracy and Trade: The Case of the United States. *Harvard Journal on Legislation*, *41*, 1-27.

Thomas, D. (2008). Xiaoning v. Yahoo Inc.'s Invocation of the Alien Tort Statute: An Important Issue but an Improper Vehicle. *Vanderbilt Journal of Entertainment and Technology Law*, *11*(1), 211-248.

Thompson, B. H. J. (2000). The Continuing Innovation of Citizen Enforcement. *University of Illinois Law Review*, *2000*(1), 185-236.

Thompson, G. A. (1932). Relationships and Responsibilities of the Legal Profession. *American Bar Association Journal*, *18*, 631-635.

Thompson, H. (1940). Highlights in the Evolution of the Federal Trade Commission. *The George Washington Law Review*, *8*, 257-279.

Thumann, H. C. (2008). Mutijurisdictional Regulation of Monopoly in a Global Market. *Wisconsin Law Review*, *2008*, 261-268.

Thunström, M., Carle, J., & Lindeborg, S. P. (2002). State Liability Under the EC Treaty Arising From Anti-Competitive State Measures. *World Competition*, *25*(4), 515-528.

Thurman, A. (1932). The Role of Substantive Law and Procedure in the Legal Process. *Harvard Law Review*, *45*(4), 617-647.

Tidmarsh, J. (1992). Unattainable Justice: The Form of Complex Litigation and the Limits of Judicial Power. *The George Washington Law Review*, *60*(6), 1683-1817.

Tiebout, C. M. (1956). A Pure Theory of Local Expenditures. *Journal of Political Economy*, *64*(5), 416-424.

Tilley, I. (2007). Sour Carrot and a Big Stick: Reviving Antitrust Enforcement after Stolt-Nielsen. *Seattle Journal for Social Justice*, *6*(1), 391-430.

Timberg, S. (1949). Trade-Marks, Monopoly, and the Restraints of Competition. *Law and Contemporary Problems*, *14*(2), 323-361.

Timberg, S. (1950). Equitable Relief Under the Sherman Act. *University of Illinois Law Forum*, *1950*(Winter), 629-658.

Timberg, S. (1976). Sovereign Immunity and Act of State Defenses: Transnational Boycotts and Economic Coercion. *Texas Law Review*, *55*(1), 1-37.

Timberlake, E. C. (1961). The Legal Injury Requirement and Proof of Damages in Treble Damage Actions under the Antitrust Laws. *The George Washington Law Review*, *30*, 231-284.

Timmins, P. V. (1986). Divestiture as a Remedy in Private Actions Brought Under Section 16 of the Clayton Act. *Michigan Law Review*, *84*, 1579-1597.

Tisdell, B. A. (2002). "Steeling" the World: Economic and Antitrust Implications of Steel Industry Cartels as Alternatives to Trade Protectionism. *Northwestern University Law Review*, *97*(1), 473-505.

Todino, M. (2003). International Competition Network; The State of Play after Naples. *World Competition*, *26*(2), 283-302.

Tollefson, C. (1995). When the 'Private Interest' Loses: the Liability of Public Interest Litigants for Adverse Costs Awards. *University of British Columbia Law Review*, *29*(2), 303-339.

Tollison, R. D. (1982). Rent Seeking: A Survey. *KYKLOS*, *35*, 575-602.

Tom, W. K. (1995). Competitive Impact Statement in United States v. Pilkington Plc and Pilkington Holdings, Inc. *Practising Law Institute, Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series, PLI Order No. G4-3938*, *404*, 491-518.

Topkis, J. H. (1949). Monopoly in Professional Sports. *The Yale Law Journal*, *58*, 691-712.

Torremans, P. L. C. (1996). Extraterritorial Application of EU and U.S. Competition Law. *European Law Review*, *21*(4), 280-293.

Tosini, S. C. (2007). Foreign Sovereign Standing to Sue the United States in Its Own Courts Under the Administrative Procedure Act. *University of Pennsylvania Journal of International Economic Law*, *28*, 91-112.

Touton, L. (1979). Preclusion of Absent Disputants to Compel Intervention. *Columbia Law Review*, *79*, 1551-1576.

Towns, D. M. (1992). Merit-Based Class Action Certification: Old Wine in a New Bottle. *Virginia Law Review*, *78*, 1001-1044.

Trachtman, J. P. (1993). International Regulatory Competition, Externalization, and Jurisdiction. *Harvard International Law Journal*, *34*, 47-104.

Trachtman, J. P. (1994). Conflict of Laws and Accuracy in the Allocation of Government Responsibility. *Vanderbilt Journal of Transnational Law*, *26*(5), 975-1057.

Trachtman, J. P. (1999). The Domain of WTO Dispute Resolution. *Harvard International Law Journal*, *40*, 333-377.

Trachtman, J. P. (2000). Regulatory Competition and Regulatory Jurisdiction. *Journal of International Economic Law*, *3*(2), 331-348.

Trachtman, J. P. (2001). Economic Analysis of Prescriptive Jurisdiction. *Virginia Journal of International Law*, *42*(1), 1-80.

Traum, J. S. S. E. (1959). Antitrust Laws-Concerted Refusal to Deal-Public Injury. *Michigan Law Review*, *57*, 1244-1246.

Trautman, D. T. (1961). The Role of Conflicts Thinking in Defining the International Reach of American Regulatory Legislation. *Ohio State Law Journal*, *22*, 586-627.

Travers, A. H. J. (1968). interlocks in Corporate Management and the Antitrust Laws. *Texas Law Review*, *46*(6), 819-864.

Traynor, M. (2011). The Future of Foreign Relations Law of the United States. *Southwestern Journal of International Law*, *18*(1), 5-20.

Traynor, R. J. (1959). Is This Conflict Really Necessary? *Texas Law Review*, *37*(6), 657-675.

Traynot, M. (2007). First Restatements and the Vision of the American Law Institute, Then and Now. *Southern Illinois University Law Journal*, *32*(1), 145-172.

Treanor, W. M. (2008). Community of Reason and Rights. *Fordham Law Review*, *77*(2), 583-608.

Trebilcock, M. J., & Iacobucci, E. M. (2002). Designing Competition Law Institutions. *World Competition*, *25*(3), 361-394.

Trebilcock, M. J., & Iacobucci, E. M. (2010). Designing Competition Law Institutions: Valus, Structure, and Mandate. *Loyola University Chicago Law Journal*, *41*, 455-471.

Trenor, J. A. (1995). Jurisdiction and the Extraterritorial Application of Antitrust Laws After Hartford Fire. *The University of Chicago Law Review*, *62*, 1583-1617.

Tribe, L. H. (1985). Constitutional Calcus: Equal Justice or Economic Efficiency? *Harvard Law Review*, *98*, 592-621.

Trimble, P. R. (1995). The Supreme Court and International Law: The Demise of Restatement Section 403. *The American Journal of International Law*, *89*, 53-57.

Trooboff, P. D. (1989). International Decisions. *The American Journal of International Law*, *83*, 918-936.

Tucker, D. S., & Pessolano, K. (2007). Supreme Court's Weyerhaeuser Decision Follows Recent Pattern. *Antitrust Source*, *6*, 1-5.

Tullock, G. (1967). The Prisoner's Dilemma and Mutual Trust. *Ethics*, *77*(3), 229-230.

Tullock, G. (1967). The Welfare Costs of Tariffs, Monopolies, and Theft. *Economic Inquiry*, *5*(3), 224-232.

Tullock, G. (1971). Public Decisions as Public Goods. *Journal of Political Economy*, *79*(4), 913-918.

Tullock, G. (1980). Two Kinds of Legal Efficiency. *Hofstra Law Review*, *8*, 659-669.

Tullock, G. (1985). Adam Smith and the Prisoners' DilemmaAuthor. *The Quarterly Journal of Economics*, *100*(Supplement), 1073-1081.

Tung, F. (2006). Before Competition: Origins of the Internal Affairs Doctrine. *Journal of Corporation Law*, *32*(1), 33-101.

Tunks, L. K. (1939). Categorization and Federalism: "Substance" and "Procedure" after Erie Railroad v. Tompkins. *Illinois Law Review of Northwestern University*, *34*, 271-302.

Turley, J. (1990). "When in Rome": Multinational Misconduct and the Presumption against Extraterritoriality. *Northwestern University Law Review*, *84*(2).

Turner, D. F. (1958). The Validity of Tying Arrangements Under the Antitrust Laws. *Harvard Law Review*, *72*(1), 50-75.

Turner, D. F. (1962). The Definition of Agreement under the Sherman Act: Conscious Parallelism and Refusals to Deal. *Harvard Law Review*, *75*(4), 655-706.

Turner, D. F. (1965). Conglomerate Mergers and Section 7 of the Clayton Act. *Harvard Law Review*, *78*(7), 1313-1395.

Turner, D. F. (1969). The Scope of Antitrust and other Economic Regulatory Policies. *Harvard Law Review*, *82*, 1207-1244.

Turner, D. F. (1980). The Role of the "Market Concept" in Antitrust Law. *Antitrust Law Journal*, *49*, 1145-1154.

Turner, D. F. (1987). The Durability, Relevance, and Future of American Antitrust Policy. *California Law Review*, *75*(3), 797-815.

Tushnet, M. (1979). Rethinking the Dormant Commerce Clause. *Wisconsin Law Review*, *1979*, 125-165.

Tushnet, M. (1995). Policy Distortion and Democratic Debilitation: Comparative Illumination of the Countermajoritarian Difficulty. *Michigan Law Review*, *94*, 245-301.

Tuttle, J. R., & Landsman, R. J. (2011). Morrison v. National Australia Bank: Reflecting on Its Impact One Year Later. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 28249*, *1904*, 701-716.

Tyler, T. R. (1989). The Psychology of Procedural Justice: A Test of the Group-Value Model. *Journal of Personality and Social Psychology*, *57*(5), 830-838.

Tzakas, D. P. L. (2012). Civil Antitrust Liability in the International Context: From Empagran to the Rome II Regulation. *DAJV Newsletter*, *37*(1), 19-27.

Udin, A. C. (2001). Slaying Goliath: The Extraterritorial Application of U.S. Antitrust Law to OPEC. *American University Law Review*, *50*(5), 1321-1374.

Upson, B. T. (1983). Progress and Problems with the Purposes and Goals of Antitrust. *Saint Louis University Law Journal*, *27*, 341-346.

Urofsky, M. I. (1985). State Courts and Protective Legislation during the Progressive Era: A Reevaluation. *The Journal of American History*, *72*(1), 63-91.

Uslaner, E. M. (2000). Producing and Consuming Trust. *Political Science Quarterly*, *115*(4), 569-590.

Vadnais, M. (2000). The Terrorism Exception to the Foreign Sovereign Immunities Act: Forward Leaning Legislation or Just Bad Law? *UCLA Journal of International Law and Foreign Affairs*, *5*(1), 199-227.

Valdespino, E. (2009). Shifting Viewpoints: The Foreign Trade Antitrust Improvement Act, a Substantive or Jurisdictional Approach. *Texas International Law Journal*, *45*(2), 457-486.

Vallindas, G. (2006). New Directions in EC Competition Policy: The Case of Merger Control. *European Law Journal*, *12*(5), 636-660.

Van Alstine, M. P. (2004). Federal Common Law in an Age of Treaties. *Cornell Law Review*, *89*, 892-992.

Van Alstine, M. P. (2005). Death of Good Faith in Treaty Jurisprudence and a Call for Resurrection. *The Geogetown Law Journal*, *93*(6), 1885-1946.

Van Alstine, M. P. (2012). Stare Decisis and Foreign Affairs. *Duke Law Journal*, *61*(5), 941-1024.

Van Alstine, M. P. (2012). Treaty Double Jeopardy: The OECD Anti-Bribery Convention and the FCPA. *Ohio State Law Journal*, *73*(5), 1321-1352.

Van Bael, I. (1994). The Role of the National Courts. *European Competition Law Review*, *15*(1), 3-7.

Van Barlingen, B., & Barennes, M. (2005). The European Commission's 2002 Leniency Notice in Practice. *Competition Policy Newsletter*, *3*(Automn), 6-16.

Van de Broek, N. (2003). Power Paradoxes in Enforcement and Implementation of World Trade Organization Dispute Settlement Reports; Interdisciplinary Approaches and New Proposals. *Journal of World Trade*, *37*(1), 127-162.

Van de Gronden, J. W. (2006). The Internal Market, the State and Private Initiative. *Legal Issues of Economic Integration*, *33*(2), 105-137.

Van Gervan, G., & Snels, T. (2005). The New ECMR: Procedural Improvements. *Legal Issues of Economic Integration*, *32*(2), 193-208.

Van Gerven, Y., & Hoet, L. (2001). Gencor: Some Notes on Transnational Competition Law Issues. *Legal Issues of Economic Integration*, *28*(2), 195-210.

Van Vormizeele, P. V. (2010). The Fault Requirement in European Private Antitrust Litigation and Compliance Programmes as Exculpating or Mitigating Factor. *Global Competition Litigation Review*, *3*(1), 1-10.

Vandenbussche, H. (2000). Trade Policy Versus Competition Policy: Substitutes or Complements? *De Economist*, *148*(5), 625-642.

Vandenbussche, H., Veugelers, R., & Konings, J. (2001). Unionization and European Antidumping Protection. *Oxford Economic Papers*, *53*, 297-317.

Vanderstar, J. (1983). Liability of Municipalities under the Antitrust Laws: Litigation Strategies. *Catholic University Law Review*, *32*, 395-412.

Varat, J. D. (1981). State "Citizenship" and Interstate Equality. *The University of Chicago Law Review*, *48*(3), 487-572.

Varela, S. L. (2008). Damned if You Do, Doomed if You Don't: Patenting Legal Method and Its Effect on Lawyers' Professional Responsibility. *Florida Law Review*, *60*, 1146-1177.

Vargas, J. A. (2005). Emerging Presence of Mexican Law in California Courts. *San Diego International Law Journal*, *7*(1), 215-222.

Varona, E. N., & Durantes, H. G. (2002). Interim Measures in Competition Cases Before the European Commission and Courts. *European Competition Law Review*, *23*(10), 512-523.

Vaughan, D. (1999). A View from the UK. *New England Law Review*, *34*(1), 21-25.

Vaughan, D. (2005). Factortame and After: A Fishy Story. *European Business Law Review*, 511-517.

Vedder, H. (2006). Competition Law and Consumer Protection: How Competition Law can be Used to Protect Consumers Even Better – Or Not? *European Business Law Review*, *17*(1), 83-93.

Vedder, H. H. B. (2001). Environmental Protection and Free Competition: A New Balance? *Legal Issues of Economic Integration*, *28*(1), 105-116.

Velvel, L. R. (1975). Antitrust Suits by Foreign Nations. *Catholic University Law Review*, *25*, 1-41.

Venit, J. S. (2003). Brave New World: The Modernization and Decentralization of Enforcement under 81 and 82 of the EC Treaty. *Common Market Law Review*, *40*, 545-580.

Venit, J. S. (2005). Private Practice in the Wake of the Commission's Modernization Program. *Legal Issues of Economic Integration*, *32*(2), 147-159.

Ventoruzzo, M. (2012). Like Moths to a Flame? International Securities Litigation After Momson: Correcting the Supreme Court's "Transactional Test". *Virginia Journal of International Law*, *52*(2), 405-444.

Ventura, C. (2005). Extraterritorial Application of Antitrust Laws. *ILSA Journal of International & Comparative Law*, *11*(2), 461-464.

Verdier, P.-H. (2009). Transnational Regulatory Networks and Their Limits. *The Yale Journal of International Law*, *34*(1), 113-172.

Verhagen, H. L. E. (2002). The Tension Between Party Autonomy and European Union Law: Some Observations on Ingmar Gb Ltd. v. Eaton Leonard Technologies, Inc. *International and Comparative Law Quarterly*, *51*, 135-154.

Verkuil, P. R. (1975). State Action, Due Process and Antitrust: Reflections on Parker v. Brown. *Columbia Law Review*, *75*, 328-358.

Verkuil, P. R. (1976). Preemption of State Law by the Federal Trade Commission. *Duke Law Journal*, *1976*, 225-247.

Vermulst, E. (2005). The 10 Major Problems With the Anti-Dumping Instrument in the European Community. *Journal of World Trade*, *39*(1), 105-113.

Vermulst, E., Pernaute, M., & Lucenti, K. (2004). Recent European Community Safeguards Policy: 'Kill Them All and Let God Sort Them Out'? *Journal of World Trade*, *38*(6), 955-984.

Verwey, W. D. (1981). The International Hostages Convention and National Liberation Movements. *The American Journal of International Law*, *75*, 69-92.

Vestal, A. D. (1954). Preclusion/Res Judicata Variables: Parties. *Iowa Law Review*, *50*(1), 27-76.

Vestal, A. D. (1965). Preclusion/Res Judicata Variables: Nature of the Controversy. *Washington University Law Quarterly*, *1965*, 158-192.

Vestal, A. D. (1966). Preclusion/Res Judicata Variables: Adjudicating Bodies. *The Georgetown Law Journal*, *54*, 857-890.

Vestal, A. D. (1968). Res Judicata/Preclusion by Judgment: The Law Applied in the Federal Courts. *Michigan Law Review*, *66*(8), 1723-1750.

Vickers, J. (2006). Market Power in Competition Cases. *European Competition Journal*, *2*(Special Issue), 3-14.

Victor, A. P. (1980). Introductory Remarks. *Antitrust Law Journal*, *49*, 1187-1188.

Victor, A. P., & Chou, J. G. (1985). U.S. Antitrust Jurisdiction Over Overseas Disputed, After Title IV of the 1982 Trading Company Act, and Timberlane. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. B4-6734*, *502*, 11-58.

Victor, P. A. (1992). Export Cartels: An Idea Whose Time has Passed. *Antitrust Law Journal*, *60*(2), 571-581.

Vogelenzang, P. (1980). Foreign Sovereign Compulsion in American Antitrust Law. *Stanford Law Review*, *33*(1), 131-153.

Vogelson, J. M. (1995). American Bar Association Section of International Law and Practice Report to the House of Delegates: Using Antitrust Laws to Enhance Access of U.S. Firms to Foreign Markets. *The International Lawyer*, *29*(4), 945-957.

Völcker, S. B. (2003). Development in EC Competition Law in 2003: An Overview. *Common Market Law Review*, *41*, 1027-1072.

Völcker, S. B. (2003). Leveraging as a Theory of Competitive Harm in EU Merger Control. *Common Market Law Review*, *40*, 581-614.

Völcker, S. B. (2004). Development in EC Competition Law in 2004: An Overview. *Common Market Law Review*, *42*, 1691-1736.

Vold, L. (1940). Are Threefold Damages under the Antitrust Act Penal or Compensatory? *Kentucky Law Journal*, *28*, 117-159.

Von Bogdandy, A. (2005). Legal Effects of World Trade Organization Decisions Within European Union Law: A Contribution to the Theory of the Legal Acts of International Organization and the Action for Damages Under Article 288(2) EC. *Journal of World Trade*, *39*(1), 45-66.

Von Mehran, A. T. (2001). Drafting a Convention on International Jurisdiction and the Effects of Foreign Judgments Acceptable World-wide: Can the Hague Conference Project Succeed? *The American Journal of Comparative Law*, *49*(2), 191-202.

Von Mehren, A. T. (1983). Adjudicatory Jurisdiction: General Theories Compared and Evaluated. *Boston University Law Review*, *63*(2), 279-340.

Von Mehren, A. T., & Trautman, D. T. (1966). Jurisdiction to Adjudicate: A Suggested Analysis. *Harvard Law Review*, *79*(6), 1121-1179.

Von Meibom, W., & Geiger, A. (2002). A World Competition Law as an Ultima Ratio. *European Competition Law Review*, *23*(9), 445-452.

Wald, P. M. (1983). Some Observations on the Use of Legislative History in the 1981 Supreme Court Term. *Iowa Law Review*, *68*, 195-216.

Wälde, T. W. (2006). Efficient Management of Transnational Disputes: Mutual Gain by Mediation or Joint Loss in Litigation. *Arbitration International*, *22*(2), 205-232.

Waldfogel, J. (1995). The Selection Hypothesis and the Relationship between Trial and Plaintiff Victory. *Journal of Political Economy*, *103*(2), 229-260.

Wallace, C. D. (2002). "Extraterritorial" Discovery: Ongoing Challenges for Antitrust Litigation in an Environment of Global Investment. *Journal of International Economic Law*, *5*(2), 353-392.

Wallace, D., Jr. (1999). Reasons For Skepticism. *New England Law Review*, *34*(1), 113-121.

Wallace, D., Jr., & Griffin, J. P. (1989). The Restatement and Foreign Sovereign Compulsion: A Plea for Due Process. *The International Lawyer*, *23*(3), 593-604.

Wallace, R. A., & Douglas, P. H. (1952). Antitrust Policies and the New Attack on the Federal Trade Commission. *The University of Chicago Law Review*, *19*, 684-723.

Wallach, D. (2010). Alien Tort Statute and the Limits of Individual Accountability in International Law. *Stanford Journal of International Law*, *46*(1), 121-166.

Wallance, D. J. (1999). Symposium: Competing Competition Laws: Do We Need a Global Standard? Pannel Three: Is Reconsiliation Possible? Reasons for Skepticism. *New England Law Review*, *34*(1), 113-121.

Waller, C. (1980). Unequal Protection: Public Benefits, Public Policy, and Aliens. *North Carolina Journal of International & Commercial Regulation*, *6*, 1-17.

Waller, C. (1982). Unequal Protection: Public Benefits, Public Policy, and Aliens. *Immigration and Nationality Law Review*, *6*, 455-471.

Waller, S. W. (1982). Redefining the Foreign Compulsion Defense in U.S. Antitrust Law: The Japanese Auto Restraints and Beyond. *Law & Policy in International Business*, *14*(3), 747-817.

Waller, S. W. (1985). Abusing the Trade Laws: An Antitrust Perspective. *Law & Policy in International Business*, *17*, 487-518.

Waller, S. W. (1986). The Collusive Settlement of International Trade Cases. *Reprints Antitrust Law and Economics*, *16*, 505-523.

Waller, S. W. (1989). How to Protect your Client. When the Grand Jury Door Slams Shut. *The Compleat Lawyer*, *6*(Fall), 28-31 and 49.

Waller, S. W. (1989). The Ambivalence of United States Antitrust Policy Towards Single-Country Export Cartels. *Northwestern Journal of International Law and Business*, *10*, 98-113.

Waller, S. W. (1989). The Ambivalence of United States Antrust Policy Toward Single-Country Export Cartels. *Northwestern Journal of International Law and Business*, *10*, 98-113.

Waller, S. W. (1991). Bringing Meaning to Interest Balancing in Transactional Litigation. *Vanderbilt Journal of Transnational Law*, *23*(5), 925-966.

Waller, S. W. (1992). The Failure of hte Export Trading Company Program. *North Carolina Journal of International & Commercial Regulation*, *17*, 239-276.

Waller, S. W. (1992). The Uruguay Round and the Future of World Trade. *Brooklyn Journal of International Law*, *18*(1), 1-9.

Waller, S. W. (1992). Understanding and Appreciating EEC Competition Law. *Antitrust Law Journal*, *61*(1), 55-77.

Waller, S. W. (1993). A Unified Theory of Transnational Procedure. *Cornell International Law Journal*, *26*(1), 101-132.

Waller, S. W. (1994). Neo-Realism and the International Harmonization of Law: Lessons from Antitrust. *University of Kansas Law Review*, *42*(3), 557-604.

Waller, S. W. (1994). The Antitrust Philosophy of Oliver Wendell Holmes. *Southern Illinois University Law Journal*, *18*(2), 283-327.

Waller, S. W. (1994). The Modern Antitrust Relevance of Oliver Wendell Holmes. *Brooklyn Law Review*, *59*(4), 1443-1471.

Waller, S. W. (1995). Antitrust and American Business Abroad Today. *DePaul Law Review*, *44*(4), 1251-1287.

Waller, S. W. (1996). A Comparative Look at Failing Firms and Failing Industries. *Antitrust Law Journal*, *64*, 703-723.

Waller, S. W. (1996). National Laws and International Markets: Strategies of Cooperation and Harmonization in the Enforcement on Competition Law. *Cardozo Law Review*, *18*(3), 1111-1128.

Waller, S. W. (1997). Comparative Competition Law as a Form of Empiricism. *Brooklyn Journal of International Law*, *23*(2), 455-464.

Waller, S. W. (1997). International Trade and US Antitrust Law. *European Intellectual Property Review*, *19*(7), 391.

Waller, S. W. (1997). Market Talk: Competition Policy in America. *Law and Social Inquiry*, *22*(2), 435-457.

Waller, S. W. (1997). The Internationalization of Antitrust Enforcement. *Boston University Law Review*, *77*(2), 343-404.

Waller, S. W. (1998). Teaching Linkages in International Trade. *University of Pennsylvania Journal of International Economic Law*, *19*(3), 697-708.

Waller, S. W. (1999). An International Common Law of Antitrust. *New England Law Review*, *34*(1), 163-172.

Waller, S. W. (1999). The Twilight of Comity. *Columbia Journal of Transnational Law*, *38*(3), 563-579.

Waller, S. W. (2000). Bringing Globalism Home: Lessons from Antitrust and Beyond. *Loyola University Chicago Law Journal*, *32*(1), 113-136.

Waller, S. W. (2000). Can U.S Antitrust Laws Open International Markets? *Northwestern Journal of International Law and Business*, *20*(2), 207-231.

Waller, S. W. (2001). Antitrust as Consumer Choice: Comment of the New Paradigm. *University of Pittsburg Law Review*, *62*(3), 535-544.

Waller, S. W. (2001). New and Critical Perspectives in International Antitrust: Introduction. *The Antitrust Bulletin*, *46*, 435-438.

Waller, S. W. (2001). The Language of Law and the Language of Business. *Case Western Reserve Law Review*, *52*(1), 283-338.

Waller, S. W. (2002). Competition, Consumer Protection and Energy Deregulation: A Conference Introduction. *Loyola Consumer Law Reporter*, *33*, 749-758.

Waller, S. W. (2002). Suing OPEC. *University of Pittsburg Law Review*, *64*(1), 105-155.

Waller, S. W. (2002). The United States as Antitrust Courtroom to the World: Jurisdiction and Standing Issues in Transnational Litigation. *Loyola Consumer Law Review*, *14*(4), 523-535.

Waller, S. W. (2003). Public Choice Theory and the International Harmonization of Antitrust Law. *The Antitrust Bulletin*, *48*(2), 427-438.

Waller, S. W. (2003). The Short Unhappy Judgeship of Thurman Arnold. *Wyoming Law Review*, *3*(1), 233-256.

Waller, S. W. (2003). The Use of Business Theory in Antitrust Litigation. *New York Law School Law Review*, *47*, 119-129.

Waller, S. W. (2004). Future of Private Rights of Action in Antitrust: A Conference Introduction. *Loyola Consumer Law Review*, *16*(4), 295-302.

Waller, S. W. (2004). The Antitrust Legacy of Thurman Arnold. *St. John's Law Review*, *78*(3), 569-613.

Waller, S. W. (2004). The Future of Private Right of Action in Antitrust. *Loyola Consumer Law Review*, *16*(4), 295-430.

Waller, S. W. (2004). The Future of Private Rights of Action in Antitrust: A Conference Introduction. Loyola Consumer Law Review, *16*, 295-302.

Waller, S. W. (2004). The Law in Action at the WTO, review of Shaffer, Defending Interests: Public-Private Partnerships in WTO Litigation. *Texas International Law Journal*, *40(1)*(1), 191-196.

Waller, S. W. (2005). Antitrust at the Beach: Mass Market Books about Competition Law. *World Competition*, *28*(3), 401-404.

Waller, S. W. (2005). In Search of Economic Justice: Considering Competition and Consumer Protection Law. *Loyola University Chicago Law Journal*, *36*(2), 631-639.

Waller, S. W. (2006). Microsoft and Trinko: A Tale of Two Courts. *Utah Law Review*, *2006*(3), 741-759.

Waller, S. W. (2006). Towards a Constructive Public-Private Partnership to Enforce Competition Law. *World Competition*, *29*(3), 367-382.

Waller, S. W. (2008). The Monopolization/Abuse Offence. *Loyola Consumer Law Review*, *20*(2), 167-171.

Waller, S. W. (2008). The Role of Monopolization and Abuse of Dominance in Competition Law. *Loyola Consumer Law Review*, *20*(2), 123-126.

Waller, S. W. (2009). Justice Stevens and the Rule of Reason. *SMU Law Review*, *62*(2), 693-724.

Waller, S. W. (2009). The Law and Economics Virus. *Cardozo Law Review*, *31*(2), 367-404.

Waller, S. W. (2009). The Past, Present and Future of Monopolization Remedies. *Antitrust Law Journal*, *76*, 11-29.

Waller, S. W. (2010). Designing Better Institutions to Enforce Competition Law: A Symposium Introduction. *Loyola University Chicago Law Journal*, *41*, 411-415.

Waller, S. W., & Byrne, N. J. (1993). Changing Views of Intellectual Property and Competition Law in the European Community and the United States of American. *Brooklyn Journal of International Law*, *20*(1), 1-24.

Waller, S., Davidson, K., Marsden, P., Carstensen, P., Calkins, S., Shadowen, S. et al. (2008). The Monopolization/Abuse Offence: Microsoft as a Case Study (Part III). *Loyola Consumer Law Review*, *20*(2), 176-192.

Waller, S., Marsden, P., Fiebig, A., Leslie, C., Carstensen, P., Davidson, K. et al. (2008). The Antitrust Marathon; Part IV: Remedies - How Far and How Much? *Loyola Consumer Law Review*, *20*, 197-218.

Waller, S., Marsden, P., Gerber, D., Foer, B., Calkins, S., Cross, J. et al. (2008). The Antitrust Marathon; Part I: The Role of Monopolization and Abuse of Dominance in Competition Law. *Loyola Consumer Law Reporter*, *20*(2), 127-143.

Wallis, R. J. (2005). Letter to Section Chair. *Antitrust*, *19*(2), 3-4.

Walsh, C. M. (2010). Al-Bihani, No So Charming. *Vanderbilt Journal of Transnational Law*, *43*(4), 1151-1177.

Walter, G. (2001). Mass Tort Litigation in Germany and Switzerlad. *Duke Journal of Comparative & International Law*, *11*, 369-379.

Walter, I. (1999). The Global Asset Management Industry: Competitive Structure and Performance. *Financial Markets, Institutions and Instruments*, *8*(1), 1-78.

Wang, X. (2008). Highlights of China's New Anti-Monopoly Law. *Antitrust Law Journal*, *75*(1), 133-150.

Ward, J. E. (2002). "Is That Your Final Answer?" The Patchwork Jurisprudence Surrounding the Presumption Against Extraterritoriality. *University of Cincinnati Law Review*, *70*(2), 715-750.

Warner, D. M. (2003). An Essay on the Market as God: Law, Spirituality, and the Eco-Crisis. *Rutgers Journal of Law & Religion*, *6*(1), 1-66.

Warner, J. B., Watts, R. L., & Wruck, K. H. (1988). Stock Prices and Top Management Changes. *Journal of Financial Economics*, *20*, 461-492.

Warren, C. (1923). New Light on the History of the Federal Judiciary Act of 1789. *Harvard Law Review*, *37*(1), 49-132.

Warren, T., & Findlay, C. (1998). Competition Policy and International Trade in Air Transport and Telecommunications Services. *The World Economy*, *21*(4), 445-456.

Wasilczyk, J. J. (1977). Conflict of Laws. *California Law Review*, *65*, 290-304.

Wasmeier, M., & Thwaites, N. (2006). The Development of Ne Bis in Idem Into a Transnational Fundamental Right in EU Law: Comments on Recent Developments. *European Law Review*, *31*(4), 565-578.

Wasserman, H. M. (2005). Jurisdiction and Merits. *Washington Law Review*, *80*(3), 643-704.

Wasserman, H. M. (2008). Jurisdiction, Merits, and Non-Extant Rights. *University of Kansas Law Review*, *56*(2), 227-276.

Wasserman, H. M. (2011). The Demise of "Drive-By Jurisdictional Rulings". *Northwestern University Law Review*, *105*(2), 947-968.

Wasserman, M. F. (2007). Divided Infringement: Expanding the Extraterritorial Scope of Patent Law. *New York University Law Review*, *82*(1), 281-310.

Watkins, M. W. (1922). The Change in Trust Policy. *Harvard Law Review*, *35*(7), 815-837.

Watkins, M. W. (1922). The Change in Trust Policy - II. *Harvard Law Review*, *35*(8), 926-949.

Watkins, M. W. (1932). An Appraisal of the Work of the Federal Trade Commission. *Columbia Law Review*, *32*, 272-289.

Watkins, M. W. (1961). Electrical Equipment Antitrust Cases - Their Implications for Government and for Business. *The University of Chicago Law Review*, *29*, 97-110.

Watson, G. D. (2001). Class Actions: The Canadian Experience. *Duke Journal of Comparative & International Law*, *11*, 269-287.

Watz, J. H. (1966). Section 7 of the Clayton Act: The Private Plaintiff's Remedies. *Boston College Industrial and Commercial Law Review*, *7*(2), 333-349.

Waxman, M. P. (1995). Enforcing American Private Antitrust Decisions in Japan: Is Comity Real? *DePaul Law Review*, *44*, 1119-1147.

Wayman, C. H. (1968). Patent Protection in International Business Transactions. *Denver Law Journal*, *45*(1), 64-92.

Wechsler, H. (1959). Toward Neutral Principles of Constitutional Law. *Harvard Law Review*, *73*(1), 1-35.

Wegner, H. C. (2006). Injunctive Relief: A Charming Betsy Bommerang. *Northwestern Journal of Technology and Intellectual Property*, *4*(2), 156-170.

Wegner, J. W. (2000). Imagining the World Anew: The Course in State and Local Government Law and the Future of Legal Education. *Washington University Journal of Law & Policy*, *3*, 741-772.

Weinberg, H. R. (2005). Is the Monopoly Theory of Trademarks Robust or a Bust? *Journal of Intellectual Property Law*, *13*, 137-178.

Weinberg, L. (1982). Choice of Law and Minimal Scrutiny. *The University of Chicago Law Review*, *49*, 440-488.

Weinberg, L. (1989). Federal Common Law. *Northwestern University Law Review*, *83*(4), 805-852.

Weinberg, L. (1989). The Curious Notion that the Rules of Decision Act Blocks Supreme Federal Common Law. *Northwestern University Law Review*, *83*(4), 860-875.

Weinberg, L. (1991). Against Comity. *The Georgetown Law Journal*, *80*, 53-94.

Weiner, M. L. (1955). Antitrust and the Rise of the Regulatory Consent Decree. *Antitrust*, *10*, 4-8.

Weiner, M. L. (1993). Developments as the Division, in the Court, and in Congress: the Increasing Internationalization of Antitrust. *Antitrust*, *8*(Fall), 31-33.

Weiner, M. L. (1993). Distinguishing the Legitimate from the Unlawful. *Antitrust*, *7*, 22-25.

Weiner, M. L. (1996). Remedies in International Transactions: A Case for Flexibility. *Antitrust Law Journal*, *65*, 261-276.

Weing, H. (2005). The European Community's Anti-dumping System: Salient Features. *Journal of World Trade*, *39*(4), 787-794.

Weinstein, I. (1999). Regulating the Market for Snitches. *Buffalo Law Review*, *47*(1), 563-644.

Weinstein, J. (2004). The Federal Common Law Origins of Judicial Jurisdiction: Implications for Modern Doctrine. *Virginia Law Review*, *90*, 169-300.

Weintraub, R. J. (1981). Who's Afraid of Constitutional Limitations of Choice of Law? *Hofstra Law Review*, *10*, 17-34.

Weintraub, R. J. (1992). The Extraterritorial Application of Antitrust and Securities Laws: An Inquiry into the Utility of a "Choice-of-Law" Approach. *Texas Law Review*, *70*(7), 1799-1829.

Weintraub, R. J. (1999). Globalization's Effect on Antitrust Law. *New England Law Review*, *34*(1), 27-38.

Weisman, D., L. (2006). When Can Regulation Defer to Competition for Constraining Market Power? Complements and Critical Elasticities. *Journal of Competition Law and Economic*, *2*(1), 101-122.

Weiss, C. (1998). Is Imperfect Competition in the Product Market Relevant for Labour Market? *Labour*, *13*(3), 451-471.

Weiss, F. (2000). From World Trade Law to World Competition Law. *Fordham International Law Journal*, *23*, 250-273.

Weiss, L. W. (1979). The Structure-Conduct-Performance Paradigm and Antitrust. *University of Pennsylvania Law Review*, *127*, 1104-1140.

Weissman, J. (2010). Distribution, I Presume: A Role for Presumptions in Establishing the Making Available Right. *Cardozo Arts & Entertainment Law Journal*, *27*(3), 737-762.

Weitbrecht, A. (2008). From Freiburg to Chicago and beyond - the first 50 years of European Competition law. *European Competition Law Review*, *29*(2), 81-88.

Welch, T. B. (2008). Territorial Avoidance Power of the Bankruptcy Code. *Emory Bankruptcy Developments Journal*, *24*(2), 553-586.

Weller, C. D. (1978). The McCarran-Ferguson Act's Antitrust Exemption for Insurance: Language, History and Policy. *Duke Law Journal*, *1978*(2), 587-643.

Weller, C. D. (2009). Roberts Court and Supreme Court's New Antitrust Law for the Global Knowledge and Entrepreneurial Economy in a Perfect Storm of Danger - and Opportunity. *The Antitrust Bulletin*, *54*(1), 157-231.

Werden, G. J. (2006). Competition Policy on Exclusionary Conduct: Towards an Effects-Based Analysis? *European Competition Journal*, *2*(July, Special Issue), 53-67.

Werden, G. J., & Balmer, T. A. (1982). Conflicts Between State Law and the Sherman Act. *University of Pittsburg Law Review, 44*, 1-72.

Werden, G. J., & Froeb, L. M. (1994). The Effects of Mergers in Differentiated Products Industries: Logit Demand and Merger Policy. *The Journal of Law, Economics, & Organization, 10*, 407-425.

Werden, G. J., & Simon, M. J. (1987). Why price fixers should go to prison. *The Antitrust Bulletin, 32*(4), 917-937.

Werden, G. J., Froeb, L. M., & Tschantz, S. (2005). The Effects of Merger Efficiencies on Consumers of Differentiated Products. *European Competition Journal, 2*(1), 245-264.

Werden, G., & Schwarz, M. (1984). Illinois Brick and the Deterrence of Antitrust Violations - An Economic Analysis. *The Hastings Law Journal, 35*(4), 629-668.

Wertheimer, B. (1984). Rethinking the Rule of Reason: From Professional Engineers to NCAA. *Duke Law Journal, 1984*, 1297-1324.

Wertheimer, F. (2004). Archibald Cox. *Harvard Law Review, 118*, 19-24.

Wesseling, R. (1997). Subsidiarity in Community Antitrust Law: Setting the Right Agenda. *European Law Review, 22*(1), 35-54.

Westbrook, J. L. (1996). The Lessons of Maxwell Communication. *Fordham Law Review, 64*(6), 2531-2541.

Western, P., & Lehman, J. S. (1980). Is There Life for Erie After the Death of Diversity? *Michigan Law Review, 78*, 311-391.

Weston, C. (2011). The Enforcement Loophole: Judgment-Recognition Defenses as a Loophole to Corporate Accountability for Conduct Abroad. *Emory International Law Review, 25*(1), 731-770.

Westwood, H. C., & Howard, E. G. (1974). Self-Government in the Securities Business Commercial Arbitration--Part 1. *Law and Contemporary Problems, 17*(3), 518-544.

Wezenbeek, R. (2006). Consumers and Competition Policy: The Commission's Perspective and the Example of Transport. *European Business Law Review, 17*(1), 73-82.

Wham, B. (1954). Antitrust Treble-Damage Suits: The Government's Chief Aid in Enforcement. *American Bar Association Journal, 40*, 1061-1063.

Whatstein, L. (1992). Extraterritorial Application of EU Competition Law - Comments and Reflections. *Israel Law Review, 26*(2), 195-237.

Wheeler, M. E. (1972). Some Observations on Tie-ins, the Single-Product Defense, Exclusive Dealing and Regulated Industries. *California Law Review*, *60*(6), 1557-1585.

Wheeler, M. E. (1973). Antitrust Treble-Damage Actions: Do They Work? *California Law Review*, *61*(6), 1319-1352.

Wheeler, M. E. (1977). Judges are Cool to Prison for Price-Fixers. *American Bar Association Journal*, *63*, 785-786.

Wheeler, M. E. (1977). Trustbusting at the Crossroad. *American Bar Association Journal*, *63*, 601, 614-601, 616.

Wheeler, P. D. (1981). Direct Effect Jurisdiction under the Foreign Sovereign Immunities Act of 1976. *New York University Journal of International Law and Policy*, *13*(3), 571-615.

White, B. (1977). Recovery by Indirect Purchasers and the Functions of Antitrust Treble Damages. *Texas Law Review*, *55*, 1445-1466.

White, B. A. (1991). Black and White Thinking in the Gray Areas of Antitrust: The Dismantling of Vertical Restraints Regulation. *George Washington Law Review*, *60*, 1-64.

White, D. N. (2009). Conduct and Effects: Reassessing the Protection of Foreign Investors from International Securities Fraud. *Regent University Law Review*, *22*(1), 81-134.

White, L. J. (1985). The Georgetown Study of Private Antitrust Litigation. *Antitrust Law Journal*, *54*, 59-63.

White, L. J. (2001). Lysine and Price Fixing: How Long? How Severe? *Review of Industrial Organization*, *18*, 23-31.

White, L. J. (2003). Microeconomics and Antitrust in MBA Programs: What's Thought, What's Taught. *New York Law School Law Review*, *47*, 87-99.

White, M. J., & Wittman, D. (1981). Optimal Spatial Location under Pollution: Liability Rules and Zoning. *The Journal of Legal Studies*, *10*, 249-268.

Whitener, M. D. (2004). Editor's Note: Keeping Up. *Antitrust*, *19*(1), 4.

Whitener, M. D. (2009). Editor's Note: A Crisis of Confidence. *Antitrust*, *23*(2), 4-5.

Whitener, M. D., Gavil, A. I., Hemphill, C. S., McDavid, J. L., Pincus, A. J., & Stern, R. A. (2007). Antitrust and the Roberts Court. *Antitrust*, *22*(Fall), 8-20.

Whiting, R. A. (1980). Introductory Remarks. *Antitrust Law Journal*, *49*, 979-980.

Whiting, R. A., Melican, J. P., Harkins, J. G. J., Joiner, C. W., Browning, C. H. J., Renfrew, C. B. et al. (1980). Panel Discussion on Treble Damage Litigation - Now and in the Future. *Antitrust Law Journal*, *49*, 1051.

Whitney, W. D. (1954). Sources of Conflict Between International Law and the Antitrust Laws. *The Yale Law Journal*, *63*(5), 655-662.

Whittaker, J. (2003). Crushing the Cartels. *European Lawyer*, *27*, 30-32.

Whittaker, J., & Graupner, F. (2003). US Government Files Brief to Reduce the Reach of Antitrust Law's Long Arm. *Competition Law Insight*, *5*(April), 3-5.

Whittaker, J., & Thomas, E. (2004). Three Meanings of the Indefinite Article, Three Judgments and the Global Reach of US Anti-trust Laws. *Business Law Review*, *25*(5/6), 112-114.

Wickelgren, A. L. (2004). Comment on "aligning the Interests of Lawyers and Clients". *American Law and Economics Review*, *6*(2), 434-439.

Wickihalder, U. (2006). The Distinction Between an "Agreement" within the Meaning of Article 81(1) of the EC Treaty and Unilateral Conduct. *European Competition Journal*, *2*(1), 87-117.

Widay, C. B. (2013). Minn-Chem and the New Normal: A Revitalized Foreign Trade Antitrust Improvement Act. *Connecticut Law Review*, *46*(1), 309-329.

Wijckmans, F. M. (2003). Internationalization of Competition Policy Observations from a European Practitioner's Perspective. *The Antitrust Bulletin*, *48*(4), 1037-1044.

Wilde, L. L., & Schwartz, A. (1979). Equilibrium Comparison Shopping. *The Review of Economic Studies*, *46*(3), 543-553.

Wilderspin, M. (2006). The Impact of Community Law on the Enforcement of Contract in the Region. *European Business Law Review*, 441-445.

Wiley, J. S. J. (1986). A Capture Theory of Antitrust Federalism. *Harvard Law Review*, *99*(4), 713-789.

Wiley, J. S. J. (1986). The Berkeley Rent Control Case: Treating Victims as Villains. *The Supreme Court Review*, *1986*, 157-173.

Wiley, J. S. J. (1987). Revision and Apology in Antitrust Federalism. *The Yale Law Journal*, *96*, 1277-1290.

Wiley, J. S. J. (1988). A Capture Theory of Antitrust Federalism: Reply to Professors Page adn Spitzer. *Southern California Law Review*, *61*, 1327-1341.

Wiley, J. S. J. (1998). Reciprocal Altruism as a Felony: Antitrust and the Prisoner's Dilemma. *Michigan Law Review*, *86*, 1906-1928.

Wilhelmsson, T. (2006). Cooperation and Competition Regarding Standard Contract Terms in Consumer Contracts. *European Business Law Review*, 49-72.

Wilk, K. (1939). International Affairs: The International Sugar Régime. *The American Political Science Review*, *33*(5), 860-878.

Wilkins, R. G., Worthington, S., Reynolds, J., & Nielsen, J. J. (2005). Supreme Court Voting Behavior 2004 Term. *Hastings Constitutional Law Quarterly*, *32*(4), 909-986.

Wilkins, R. G., Worthington, S., Updike, L., & Reynolds, J. (2005). Supreme Court Voting Behavior - 2003 Term. *Hastings Constitutional Law Quarterly*, *32*(3), 769-846.

Willborn, E. (2013). Extraterritorial Enforcement and Prosecutorial Discretion in the FCPA: A Call for International Prosecutorial Factors. *Minnesota Journal of International Law*, *22*(2), 422-452.

Williams, J. S. (1908). Federal Usurpations. Annals of the American Academy of Political and Social Science, Federal Regulation of Industry, *32*(July), 185-211.

Williams, S. N. (2014). The Sometimes "Craven Watchdog" the Disparate Criminal-Civil Application of the Presumption against Extraterritoriality. *Duke Law Journal*, *63*, 1381-1422.

Williams, T. (1908). No Combination without Regulation. *Annals of the American Academy of Political and Social Science*, *32*, 240-258.

Williams, W. J. (1942). The Extent of the Alien's Right to Use State and Federal Courts. *University of Detroit Law Journal*, *5*(3), 106-110.

Williamson, O. E. (1968). Economies as an Antitrust Defence: the Welfare Tradeoffs. *American Economic Review*, *58*(1), 18-36.

Williamson, O. E. (1977). Economies as an Antitrust Defense Revisited. *University of Pennsylvania Law Review*, *124*(4), 699-736.

Williamson, O. E. (1979). Symposium on Antitrust Law and Economics; Introduction. *University of Pennsylvania Law Review*, *127*, 918-924.

Williamson, O. E. (1979). Williamson on Predatory Pricing II, Commentary. *The Yale Law Journal*, *88*(6), 1183-1200.

Williamson, O. E. (1981). The Modern Corporation: Origins, Evolution and Attributes. *Journal of Economic Literature*, *19*(December), 1537-1568.

Williamson, O. E. (1983). Antitrust Enforcement: Where it's been, where it's going. *Saint Louis University Law Journal*, *27*, 289-314.

Williamson, O. E. (1993). Calculativeness, Trust, and Economic Organization. *The Journal of Law and Economics*, *36*, 453-486.

Williamson, O. E. (1997). Predatory Pricing: A Strategic and Welfare Analysis. *The Yale Law Journal*, *87*, 284-340.

Wilmore, K. B., Hendrix, G. P., & Calamita, N. J. (2005). International Litigation. *International Lawyer*, *39*(2), 297-324.

Wils, W. P. J. (2000). The Undertaking as Subject of EC Competition Law and the Imputation of Infringements to Natural or Legal Persons. *European Law Review*, *25*(2), 99-116.

Wils, W. P. J. (2003). Self-Incrimination in EC Antitrust Enforcement: A Legal and Economic Analysis. *World Competition*, *26*(4), 567-588.

Wils, W. P. J. (2003). The Principle of Ne Bis in Idem in EC Antitrust Enforcement: A Legal and Economic Analysis. *World Competition*, *26*(2), 131-148.

Wils, W. P. J. (2003). Wouter P.J. Wils. Should Private Antitrust Enforcement Be Encouraged in Europe? *World Competition*, *26*(3), 473-488.

Wils, W. P. J. (2004). The Combination of Investigative and Prosecutorial Function and the Adjudicative Function in EC Antitrust Enforcement: A Legal and Economic Analysis. *World Competition*, *27*(2), 201-224.

Wils, W. P. J. (2005). Is Criminalization of EU Competition Law the Answer? *World Competition*, *28*(2), 117-159.

Wils, W. P. J. (2006). Optimal Antitrust Fines: Theory and Practice. *World Competition*, *29*(2), 183-208.

Wils, W. P. J. (2006). Powers of Investigation and Procedural Rights and Guarantees in EU Antitrust Enforcement: The Interplay Between European and National Legislation, and Case-Law. *World Competition*, *29*(1), 3-24.

Wils, W. P. J. (2006). Settlements of EU Antitrust Investigations: Commitment Decisions under Article 9 of Regulation No.1/2003. *World Competition*, *39*(3), 345-366.

Wilsher, D. (2006). The Public Aspects of Private Enforcement in EC Law: some Constitutional and Administrative Challenges of a Damages Culture. *The Competition Law Review*, *3*(1), 27-45.

Wilson, E. A. (2008). Is Torture All In A Day's Work - Scope of Employment, the Absolute Immunity Doctrine, and Human Rights Litigation Against U.S. Federal Officials. *Rutgers Journal of Law & Public Policy*, *6*(1), 175-258.

Wilson, J. (2009). From the Section Chair. *Antitrust*, *23*(Spring), 3.

Wilson, T. M. (1989). The Spectre of Double Recovery in Antitrust Federalism. *Antitrust Law Journal*, *58*, 201-206.

Wind, E. (2005). Remedies and Sanctions in Article 82 of the EC Treaty. *European Competition Law Review*, *26*(12), 659-668.

Winerman, M. (2003). The Origins of the FTC: Concentration, Cooperation, Control, and Competition. *Antitrust Law Journal*, *71*, 1-97.

Winslow, T. (2004). Preventing Market Abuses and Promoting Economic Efficiency, Growth and Opportunity. *OECD Journal of Competition Law and Policy*, *6*(1&2), 7-108.

Winter, R. K., Jr. (1963). Collective Bargaining and Competition: The Application of Antitrust Standards to Union Activities. *The Yale Law Journal*, *73*(1), 14-73.

Wise, A. S., & Duwadi, K. (2005). Competition Between Cable Television and Direct Broadcast Satellite: The Importance of Switching Cost and Regional Sport Network. *Journal of Competition Law & Economics*, *1*(4), 679-705.

Withers, C. H. (2002). Jurisdiction and Applicable Law in Antitrust Tort Claims. *Journal of Business Law*, *May*, 250-271.

Withrow, J. R., & Larm, R. P. (1976). The "Big" Antitrust Case: 25 Years of Sisyphean Labor. *Cornell Law Review*, *62*(1), 1-49.

Witterick, C. L. (1998). Regulation of Competition in the Canada/U.S. Context – Extraterritorial Reach of U.S. Antitrust Law – a Canadian Perspective. *Canada - United States Law Journal*, *24*, 299-314.

Wittman, D. (1985). Is the Selection of Cases for Trial Biased? *The Journal of Legal Studies*, *14*, 185-214.

Wittman, D. (1988). Dispute Resolution, Bargaining, and the Selection of Cases for Trial: a Study of the Generation of Biased and Unbiased Data. *The Journal of Legal Studies*, *17*, 313-352.

Wohlgemugh, M. (1999). Entry Barriers in Politics, or: Why Politics, Like Natural Monopoly, Is Not Organised as an Ongoing Market-Process. *Review of Austrian Economics*, *12*, 175-200.

Wolf, M. A. (2007). Looking Backwards: Richard Epstein Ponders the 'Progressive' Peril. *Michigan Law Review*, *105*, 1233-1253.

Wolff, E. N. (2001). The Rich Get Richer. And Why the Poor don't. *The American Prospect*, *12*(3), 15-17.

Wolff, R. P. (1962). Reflections on Game Theory and the Nature of Value. *Ethics*, *72*(3), 171-179.

Wolfram, C. W. (1976). The Antibiotics Class Actions. *American Bar Foundation Research Journal*, *1976*, 251-363.

Wood Hutchinson, D. (1984). Antitrust 1984. Five Decisions in Search of a Theory. *The Supreme Court Review*, *1984*, 69-148.

Wood, D. P. (1987). Conflict of Jurisdiction in Antitrust Law: a Comment on Ordover and Attwod. *Law and Contemporary Problems*, *50*, 179-188.

Wood, D. P. (1989). International Jurisdiction in National Legal Systems: The Case of Antitrust. *Northwestern Journal of International Law and Business*, *10*(1), 56-75.

Wood, D. P. (1992). The Impossible Dream: Real International Antitrust. *The University of Chicago Legal Forum*, *1992*, 277-313.

Wood, D. P. (1994). United States Antitrust Law in the Global Market. *Indiana Journal of Global Legal Studies*, *1*, 409-429.

Wood, D. P. (1995). The 1995 Antitrust Enforcement Guidelines for International Operations: An Introduction. *U.S. Department of Justice*, *5 April*, 1-11.

Wood, D. P. (1995). The Internationalization of Antitrust Law: Options for the Future. *DePaul Law Review*, *44*, 1289-1299.

Wood, D. P. (1997). U.S. Antitrust Laws and the Global Market: National and Extraterritorial Enforcement. *Loyola Consumer Law Reporter*, *9*(2), 180-186.

Wood, D. P. (1999). Is Cooperation Possible? *New England Law Review*, *34*(1), 103-112.

Wood, D. P. (2002). International Harmonization of Antitrust Law: The Tortoise or the Hare? *Chicago Journal of International Law*, *3*(2), 391-407.

Wood, D. P. (2003). Soft Harmonization among Competition Laws: Track Record and Prospects. *The Antitrust Bulletin*, *48*(2), 305-318.

Wood, D. P. (2004). Antitrust in the US Supreme Court: a Review of the 2003-2004 Term. *Competition Law Journal*, *3*(2), 101-112.

Wood, D. P. (2004). The U.S. Antitrust Laws in Global Context. *Columbia Business Law Review*, *2004*(1), 265-282.

Wood, J. L., & Carrera, V. M. (1979). The International Uranium Cartel: Litigation and Legal Implications. *Texas International Law Journal*, *14*(1), 59-114.

Wood, W. P. (1943). Estoppel of Patent Licensee to Deny Validity. *The George Washington Law Review*, *12*, 94-99.

Woodcock, D. R. J., & Geyser, D. D. (2010). Subject Matter Jurisdiction over F-Cubed Lawsuits. *Securities Litigation Report*, *7*(1), 1-10.

Woods, D., Ailsa Sinclair, Alisa, & Ashton, D. (2004). Private Enforcement of Community Competition Law:

Woodsome, M. K., & Dumouchel, K. S. (2009). Antitrust Violations. *American Criminal Law Review*, *46*(2), 275-314.

Woodward, W. J. J. (1985). Passing-on the Right to Restitution. *University of Miami Law Review*, *39*, 873-931.

Woodward, W. R. (1943). Sola Electric Co. v. Jefferson Electric Co.: Right of Licensee to Deny Patent Validity where License Provides for Price Control. *Harvard Law Review*, *56*, 814-818.

Wotherspoon, D. (2012). The "Element" of Surprise: The Third Circuit Bucks the Foreign Trade Antitrust Improvements Act Trend in Animal Science Products, Inc. v. China Minmetals Corp. *Villanova Law Review*, *57*, 785-807.

Wright, C. M., & Baer, M. D. (2004). Price-fixing Class Actions: A Canadian Perspective. *Loyola Consumer Law Review*, *16*(4), 463-478.

Wright, K. (2008). Binding the Judicial with the Administrative: Some Aspects of the European Commission's White Paper on Damages Actions for Breach of EC Antitrust Rules. *European Current Law*, *November*, xi-xv.

Wright, L. H. (1966). A Tax Formula to Restore the Historical Effects of the Antitrust Treble Damages Provisions. *Michigan Law Review*, *65*(December), 245-258.

Wrightsman, L. S., & La Mort, J. R. (2005). Why Do Supreme court Justices Succeed or Fail? Harry Blackmun as an Example. *Missouri Law Review*, *70*(4), 1261-1287.

Wuerth, I. B. (2005). Authorizations for the Use of Force, International Law, and the Charming Betsy Canon. *Boston College Law Review*, *46*(2), 293-358.

Wuerth, I., Jenks, C., Tomonori, M., Fontanelli, F., Blumrosen, A., Malet-Deraedt, F. et al. (2013). International Decisions. *The American Journal of International Law*, *107*, 601-649.

Wureth, I. (2010). Alien Tort Statute and Federal Common Law: A New Approach. *Notre Dame Law Review*, *85*(5), 1931-1972.

Wyman, B. (1902). Competition and the Law. *Harvard Law Review*, *15*(6), 427-445.

Wyszomierski, T. (1997). Lessons of the Boeing Merger. *Journal of Commerce*, *July 29*, 8A.

Y'Barbo, D. (1997). On the Patent Jurisdiction of the Federal Circuit: A Few Simple Rules. *Journal of the Patent and Trademark Office Society*, *79*(9), 651-672.

Yamagishi, T. (1986). The Provision of a Sanctioning System as a Public Good. *Journal of Personality and Social Psychology*, *51*(1), 110-116.

Yamagishi, T., & Sato, K. (1986). Motivational Bases of the Public Goods Problem. *Journal of Personality and Social Psychology*, *50*(1), 67-73.

Yano, M. (2001). Trade Imbalance and Domestic Market Competition Policy. *International Economic Review*, *42*(3), 729-750.

Yaroshefsky, E. (1999). Cooperation with Federal Prosecutors: Experiences of Truth Telling and Embellishment. *Fordham Law Review*, *68*, 917-964.

Yelpaala, K. (1994). Strategy and Planning in Global Product Distribution – Beyond the Distribution Contract. *Law and Policy in International Business*, *25*, 839-944.

Yip, J. T. (2012). Addressing the Costs and Comity Concerns of International E-Discovery. *Washington Law Review*, *87*, 595-637.

Yntema, H. E. (1928). The Handbook Method and the Conflict of Laws. *The Yale Law Journal*, *37*, 468-483.

Yntema, H. E. (1931). The Purview of Research in the Administration of Justice. *Iowa Law Review*, *16*(3), 337-360.

Yntema, H. E. (1933). The Jurisdiction of the Federal Courts in Controversies Between Citizens of Different States. *A.B.A. Journal*, *19*, 71-76 & 119.

Yntema, H. E. (1933). The Jurisdiction of the Federal Courts in Controversies Between Citizens of Different States - II. *A.B.A. Journal*, *19*, 149-154.

Yntema, H. E. (1966). The Comity Doctrine. *Michigan Law Review*, *65*, 9-32.

Yntema, H. E., & Jaffin, G. H. (1931). Preliminary Analysis of Concurrent Jurisdiction. *University of Pennsylvania Law Review*, *79*(7), 869-919.

Yoo, C. S. (2006). Network Neutrality and the Economics of Congestion. *The Geogetown Law Journal*, *94*, 1847-1908.

Young, C. (2005). F. Hoffmann-La Roche Ltd. v. Empagran S.A. *New York International Law Review*, *18*, 191-198.

Young, J. T. (1930). Who Shall Administer the Anti-Trust Laws? *Annals of the American Academy of Political and Social Science*, *147*, 171-178.

Young, J. W. (1999). Globalism versus Extraterritoriality Consensus versus Unilateralism: Is there a Common Ground? A US Perspective. *Air & Space Law*, *24*(4/5), 209-216.

Young, S. F. (2002). An International Antitrust Dilemma: An Analysis of the Interaction of Antitrust Laws in the United States and the European Union. *John Marshall Law Review*, *36*, 271-294.

Young, T. M. (1983). Unestablished Business and Treble Damage Recovery Under Section Four of the Clayton Act. *The University of Chicago Law Review*, *49*, 1076-1097.

Youngdale, E. M. (2006). Reviewing the Law Reviews. *Defense Counsel Journal*, *73*(2), 205-213.

Youngwood, J. K. (2008). Class Action Lawsuits Involving Foreign Claimants. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 14204*, *786*, 117-135.

Youngwood, J. K. (2009). Class Action Lawsuits Involving Foreign Claimants. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 18259*, *808*, 59-78.

Youngwood, J. K. (2010). Class Action Lawsuits Involving Foreign Claimants. *Practising Law Institute, Corporate Law and Practice Course Handbook Series, PLI Order No. 23276*, *840*, 63-83.

Ysewyn, J. (2006). Private Enforcement of Competition Law in the EU: Trials and Tribulations. *International Law Practicum*, *19*, 1419.

Z., D. S. (1943). Federal Jurisdiction - Unfair Conpetition - Trade Mark Infringement - State v. Federal Law - Erie Railroad v. Tompkins Applied. *The George Washington Law Review*, *11*, 255-258.

Zagalis, P. (1994). Hartford Fire Insurance Company v. California: Reassessing the Application of the McCarran-Ferguson Act to Foreign Reinsurers. *Cornell International Law Journal*, *27*(1), 241-269.

Zalta, M. (2005). Recent Interpretation of 28 U.S.C. 1782(A) by the Supreme Court in Intel Corp. v. Advanced Micro Devices, Inc.: The Effects on Federal District Courts, Domestic Litigants, and Foreign Tribunals and Litigants. *Pace International Law Review*, *17*(2), 413-444.

Zampetti, A. B. (2003). Democratic Legitimacy in the World Trade Organization: The Justice Dimension. *Journal of World Trade*, *37*(1), 105-126.

Zander, M. (1959). The Act of State Doctrine. *The American Journal of International Law*, *53*, 826-852.

Zane, P. C. (2003). The Price Fixer's Dilemma: Applying Game Theory to the Decision of Whether to Plead Guilty to Antitrust Crimes. *The Antitrust Bulletin, 48*(1), 1-31.

Zanfagna, G. P. (2004). Lepage's v. 3M: A Reality Check. *Antitrust Source, 4*, 1-5.

Zanfagna, G. P. (2007). What's Next for the Supreme Court on Antitrust Issues? *Antitrust Source, 7*, 1-4.

Zeigler, D. H. (1999). Gazing into the Crystal Ball: Reflections on the Standards State Judges Should Use to Ascertain Federal Law. *William and Mary Law Review, 40*, 1143-1222.

Zekoll, J. (1991). European Community Competition Law and National Competition Laws: Compatibility Problems from a German Perspective. *Vanderbilt Journal of Transnational Law, 24*, 75-111.

Zelek, E. F., Stern, L. W., & Dunfee, T. W. (1980). A Rule of Reason Decision Model After Sylvania. *California Law Review, 68*, 13-47.

Zerbe, R. O., Jr. (2006). Justice and the Evolution of the Common Law. *Journal of Law, Economics & Policy, 3*(1), 81-122.

Zimmer, M. J., & Sullivan, C. A. (1976). Consent Decree Settlement by Administrative Agencies in Antitrust and Employment Discrimination: Optimizing Public and Private Interests. *Duke Law Journal, 1976*(2), 163-224.

Zimmerman, D. A. (1999). Why State Attorneys General Should have a Limited Role in Enforcing the Federal Antitrut Law of Mergers. *Emory Law Journal, 48*, 337-336.

Zimmerman, L. (2010). Sovereignty-Based Defenses in Antitrust Cases against Chinese Manufacturers: Making Room for Diplomacy. *Brooklyn Journal of International Law, 36*(1), 337-374.

Zlinkoff, S. S. (1942). *Erie* v. *Tompkins*: In Relation to the Law of Trade-Marks and Unfair Competition. *Columbia Law Review, 42*(6), 955-990.

Zlinkoff, S. S. (1942). Some Reactions ot the Opinion of Judge Wyzanski in National Fruit Products Co. v. Dwinell-Wright Company. *The Trade-Mark Reporter, 32*, 131-135.

Zlinkoff, S. S. (1944). Monopoly Versus Competition: Significant Trents in Patent, Anti-Trust, Trade-Mark, and Unfair Competition Suits. *The Yale Law Journal, 53*, 514-552.

Zonnekeyn, G. A. (2000). The Status of WTO Law in the EC Legal Order; The Final Curtain? *Journal of World Trade, 34*(3), 111-125.

Zubrod, D. E. (1975). Arbitration From the Arbitrator's Point of View. *Tulane Law Review, 49*, 1054-1064.

Zumbusch, L. V. (1987). Arbitrability of Antitrust Claims Under U.S., German, and EEC Law: The “International Transaction” Criterion and Public Policy. *Texas International Law Journal*, *22*, 291-329.

Zwarensteyn, H. (1965). The Foreign Reach of the American Antitrust Laws. *American Business Law Journal*, *3*(2), 163-178.

Zwiefel, P., & Zäch, R. (2003). Vertical Restraints: The Case of Multinationals. *The Antitrust Bulletin*, *48*(1), 271-298.

Zwisler, M. M. (2006). Volvo Trucks v. Redder-Simco: Judicial Activism at the Supreme Court. *Antitrust*, *20*(3), 40-43.