



TOP 10 TASKS/TOOLS • SELF-GUIDED TOUR

Practical Guidance Antitrust

This list contains key resources and tools found on the Antitrust practice area.

1. DEPARTMENT OF JUSTICE (DOJ) & FEDERAL TRADE COMMISSION (FTC) CASE TRACKERS

Stay current on antitrust enforcement with trackers that chart and summarize DOJ and FTC enforcement actions.

Trackers

- [DOJ/FTC Antitrust Case Tracker \(Merger\)](#)
- [DOJ Antitrust Case Tracker \(Civil Nonmerger\)](#)
- [FTC Antitrust Case Tracker \(Civil Nonmerger\)](#)

2. RESOURCES FOR NEGOTIATING, DRAFTING, AND REVIEWING ANTITRUST CLAUSES IN M&A AGREEMENTS

Negotiate and draft antitrust clauses with expert, data-driven insight. Stay on top of trends in antitrust clause drafting—such as language for hell or high water contracts and dollar and percentage amounts of reverse termination fees.

Tool [Market Standards – Antitrust](#)
Resource Kit [Antitrust Clauses in M&A Agreements Resource Kit](#)

3. HART-SCOTT-RODINO (HSR) ACT

Explore the HSR process—from reportability to filing, and through noncompliance penalties—to guide clients seamlessly through premerger notifications.

Resource Kit [Hart-Scott-Rodino \(HSR\) Act Resource Kit](#)

4. ROBINSON-PATMAN ACT (RPA)

Help clients comply with or understand potential liability under the RPA, a complex and potentially tricky statute which prohibits price discrimination between competing buyers of commodities.

Practice Note [Robinson-Patman Act Section 2\(a\) Price Discrimination Claims: Elements](#)
Checklist [Robinson-Patman Act Section 2\(a\) Price Discrimination Elements and Defenses Checklist](#)

5. CRIMINAL ANTITRUST VIOLATIONS (CARTELS)

Gain essential insight on violations of the antitrust laws that are prosecuted criminally, often referred to as cartels.

Practice Note [Department of Justice Criminal Antitrust Investigation Process Leniency Program](#)
Resource Kit [Criminal Antitrust Resource Kit](#)
Checklists [Dawn Raid Preparation and Response Checklist](#)
[Criminal Antitrust Fines Calculation Checklist](#)

6. SECTION 1 OF THE SHERMAN ACT / UNREASONABLE RESTRAINTS OF TRADE

Discern the nuances of Section 1, which prohibits certain horizontal restraints (agreements among competitors) and certain vertical restraints (agreements between customers and suppliers).

Resources regarding horizontal restraints include:

- Practice Note** [Horizontal Restraints](#)
- Annotated Template** [Reminder to be Read Aloud at Trade Association Meetings](#)

Resources regarding vertical restraints include:

- Practice Notes** [Nonprice Restraints in Vertical Agreements](#)
[Resale Price Restraints in Vertical Agreements](#)

7. SECTION 2 OF THE SHERMAN ACT / MONOPOLIZATION

Review expert materials on monopolization to help clients who have a dominant share of a market—or who may have a claim against a monopolist.

- Practice Notes** [Exclusive Dealing Arrangements and Anticompetitive Concerns](#)
[Loyalty Discounts and Anticompetitive Concerns](#)
- Annotated Template** [Competitor's Antitrust Complaint for Exclusive Dealing, Monopolization, and Attempted Monopolization \(Federal\)](#)

8. HEALTHCARE ANTITRUST

Understand antitrust enforcement in the healthcare industry, which continues to be a focus of the FTC.

- Practice Notes** [Pay-for-Delay Deals and Antitrust Concerns](#)
[Pharmaceutical Pricing and Antitrust Liability Concerns](#)
[Hospital and Other Health-Care Provider Mergers and Acquisitions](#)
- Resource Kit** [Healthcare Antitrust Resource Kit](#)

9. CIVIL ANTITRUST LITIGATION

Prepare for all stages of an antitrust civil litigation, including discovery and opting out of a class action. Gain access to important templates, including complaints and motions to dismiss.

- Practice Notes** [Discovery in Antitrust Cases](#)
[Opt-Out and Direct-Action Plaintiffs in Antitrust Class Actions](#)
[Monetary Recoveries in Civil Antitrust Cases](#)
- Annotated Template** [Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12\(b\)\(6\)](#)
[Memorandum in Support of Defendant's Motion to Dismiss](#)

10. ANTITRUST COMPLIANCE

Prepare for all stages of an antitrust civil litigation, including discovery and opting out of a class action. Gain access to important templates, including complaints and motions to dismiss.

- Practice Note** [Antitrust Compliance: Drafting Policies and Procedures](#)
- Resource Kit** [Antitrust Compliance Resource Kit](#)
[Annotated Template Antitrust Compliance Policy Manual](#)

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