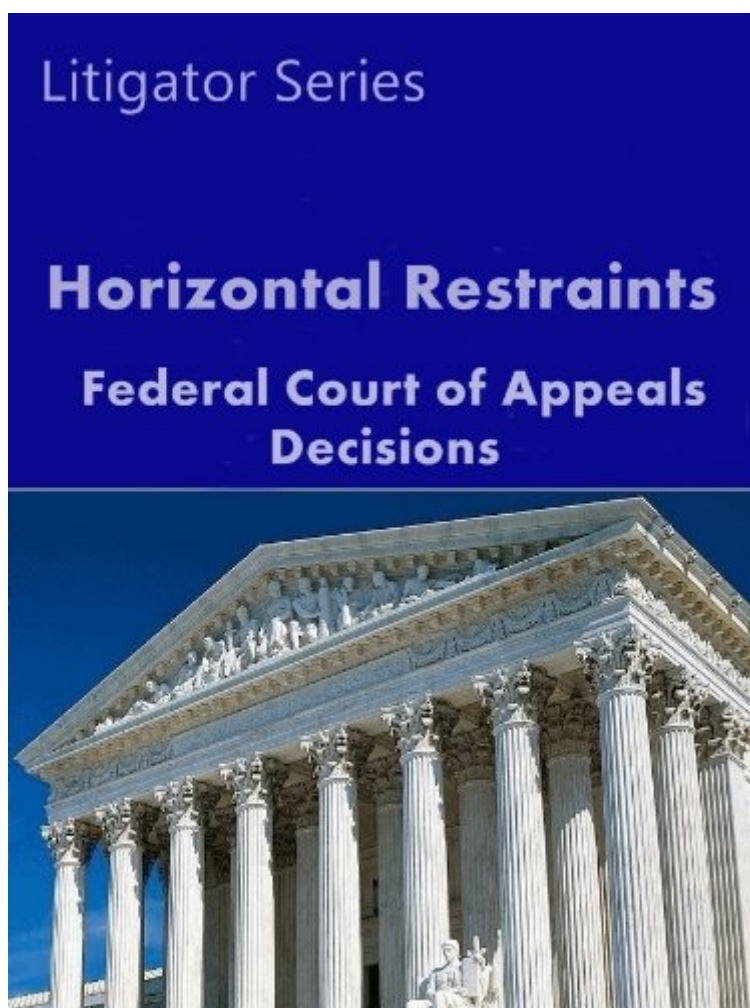


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# Horizontal Restraints: Federal Court Of Appeals Decisions (Litigator Series)



## Synopsis

This ebook contains 142 decisions of the Federal Courts of Appeals that address issues stemming from horizontal restraints against free trade. The decisions are organized by federal circuit and span from 1975 to 2011. Contracts, combinations and conspiracies in restraint of trade covered by Section 1 of the Sherman Act are of two types, horizontal or vertical. Horizontal combinations are cartels or agreements among competitors which restrain competition among enterprises at the same level of distribution. They are ordinarily illegal per se. *Catalano, Inc. v. Target, Inc.*, 446 U.S. 643, 647, 100 S.Ct. 1925, 1927, 64 L.Ed.2d 580 (1980) (per curiam); *National Society of Professional Engineers v. United States*, 435 U.S. 679, 692-93, 98 S.Ct. 1355, 1365-66, 55 L.Ed.2d 637 (1978); *Continental T.V., supra*, 433 U.S. at 58 n.28, 97 S.Ct. at 2561 n.28 (1977). Vertical restraints are imposed by persons or firms further up the chain of distribution of a specific product (or in rare cases, further down the chain) than the enterprise restrained. Vertical non-price restraints are tested under the rule of reason; that is, the plaintiff must prove that the restraint had an anticompetitive effect in the relevant market in order to prevail. *Continental T.V., supra*, 433 U.S. at 58-59, 97 S.Ct. at 2561. See *Red Diamond Supply, Inc. v. Liquid Carbonic Corp.*, 637 F.2d 1001, 1005 (5th Cir. 1981) and cases cited therein. *Muenster Butane, Inc. v. Stewart Co.*, 651 F. 2d 292 - Court of Appeals, (5th Circuit 1981).

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## Customer Reviews

Very useful collection of cases decided by the Federal Courts of Appeals since 1975. However, editors should have omitted some cases considered by all academics as vertical restraints, such as Continental TV v. GTE Sylvania and PSKS v. Leegin, and are already included in the other book of the same collection.

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