



Agriculture & Food Committee,  
Joint Conduct Committee,  
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Presents

## De Facto Partial Exclusive Dealing: Oxymoron or the Law?

March 18, 2013  
12:30pm – 1:30pm eastern

The Third Circuit's *ZF Meritor* decision introduced a new term of art to the antitrust lexicon: "de facto partial exclusive dealing." The majority held that, despite a supplier's above-cost prices, a jury could find, under the rule of reason, that the supplier's customer arrangements foreclosed a substantial share of the market. The dissent criticized the majority's "creative neologism" and departure from the price-cost test enunciated in *Brooke Group*. What led to the majority's conclusion? Will new pleading and evidentiary presumptions arise as a result? Did it create a circuit split? The program will explore these issues.

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### Moderator

- David J. Stanoch, Associate, Dechert LLP, Philadelphia, PA

### Panelists

- Jonathan M. Jacobson, Partner, Wilson Sonsini Goodrich & Rosati, New York, NY
- Fiona M. Scott-Morton, Professor of Economics, Yale School of Management, New Haven, CT
- Peggy J. Wedgworth, Partner, Milberg LLP, New York, NY
- Saami Zain, Assistant Attorney General, Antitrust Bureau of the NY Attorney General's Office, New York, NY

### Location

### By Telephone

### CLE

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