**Antitrust**

**Law 6550 class 29648**

**University of Florida Levin College of Law**

**Professor Wentong Zheng—3 credits**

**Fall 2024**

**Syllabus**

(Updated Aug 2, 2024)

**COURSE INFORMATION**

Credit: 3

Class meeting time and place: Tue/Thu, 1:45-3:10 pm, Classroom: HH 355B

Office hours: Tue/Thu, 12:00-1:00 pm

Office: Holland Hall 312M

Phone: 352-273-0936

Email: wtzheng@law.ufl.edu

**COURSE DESCRIPTION**

This class is about the law of competition, monopoly, and markets—the laws that protect consumers by ensuring competition in the marketplace. We will discuss many questions, some of which are front and center in today’s biggest antitrust challenges. What are the goals of antitrust law and why? What makes a monopoly unlawful? What rules limit businesses in dealing with their competitors and those in their supply chain? When does tough competition become unlawful exclusion? And how does all this work when applied to massive entities like Big Tech? When should one entity be prevented from buying or merging with another? We will explore these and other important questions throughout the course, with a focus on some of the most pressing issues of today.

The class is aimed towards those who are new to antitrust law. Topics for discussion will include agreements among competitors, monopolization, merger review, and the intersection of antitrust and intellectual property. We will examine Supreme Court doctrines, influential modern lower court decisions, and government enforcement guidelines.

**COURSE OBJECTIVES**

At the end of this course, students should be able to:

1. Understand the goals of antitrust, its basic institutions, and enforcement structures;
2. Understand the antitrust and enforcement policies governing mergers, including Section 7 of the Clayton Act, the 2010 Horizontal Merger Guidelines, and vertical merger analysis;
3. Understand the antitrust laws and enforcement policies governing horizontal restraints of trade, including Section 1 of the Sherman Act; and
4. Understand the antitrust laws and enforcement policies governing monopolization and vertical restraints of trade, including Section 1 and 2 of the Sherman Act.
5. Understand the antitrust laws and enforcement policies governing intellectual property, particularly antitrust issues in the standardization setting.

**REQUIRED COURSE MATERIALS**

We will use an open-source publication by the American Bar Association (ABA), *Antitrust Principles, Cases, and Materials* (Working Draft - Spring 2023), by Daniel Francis and Christopher Jon Sprigman, which will be available on Canvas. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

We will also assign enforcement agency guidelines and other supplementary materials and articles that will be posted on Canvas or otherwise available online.

**COURSE WORKLOAD**

It is anticipated that you will spend approximately 6 hours outside of class every week, reading assigned materials and preparing for class.

**CLASS ATTENDANCE**

Attendance is mandatory and you are expected to be on time. Beginning in the second week of the semester, you will be required to sign an attendance sheet for every class. However, I understand that circumstances beyond your control may cause you to miss classes. Therefore, each student is allowed to have four (4) absences with no negative consequences. Provided that your total number of absences does not exceed four (4), you do NOT have to notify me of the absences in advance or provide any justifications for them.

If you expect your total number of absences to exceed four (4), however, please do notify me in advance of the anticipated absences. If the circumstances causing the anticipated absences are extraordinary—a determination to be made by me alone—I may exempt you from the class attendance policy for the absences. Extraordinary circumstances include, but are not limited to, medical emergency (with doctor’s note), protracted illness (with doctor’s note), and job interviews (with interviewer’s note). Absences due to observance of religious holidays are exempted from the class attendance requirement, too.

If your total number of absences in the semester exceeds four (4) and you did not obtain advance approval from me, I reserve the right to lower your final grade by one level (A to A-, A- to B+, and so on). If your total number of absences in the semester exceeds eight (8) and you did not obtain advance approval from me, I reserve the right to lower your final grade by two levels (A to B+, A- to B, and so on).

**CLASS PARTICIPATION**

You will be assigned to a panel of students who will be “on call” for one—and only one—week in the semester. Please make sure that you are prepared for class discussions during your assigned week. You are encouraged to participate in class discussions even if you are not on call. I reserve my right to adjust your final grade based on your class participation record (see also Grading).

**FINAL EXAMINATION**

Date: December 4, 2024

The final exam for this course will be a three-hour open book exam consisting of three essay questions. Your performance in the final exam will account for 100 percent of your final grade.

**GRADING**

The composition of your final grade for this course is as follows:

Final Exam: 100%

As explained above in Class Attendance, I reserve the right to adjust your final grade based on your class attendance record.

As explained above in Class Participation, I reserve the right to adjust your final grade based on your class participation.

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

The law school grading policy is available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

Generally, I will grant grade change requests only for calculation errors. Substantive review and re-grading of answers to specific questions will not be granted unless answers to ALL questions are reviewed and re-graded.

**COMPLIANCE WITH UF HONOR CODE**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

**OBSERVANCE OF RELIGIOUS HOLIDAYS**

UF Law respects students’ [observance of religious holidays.](https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx)

* Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
* Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
* Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

**EXAM DELAYS AND ACCOMMODATIONS**

The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

**STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Students requesting accommodations for disabilities must first register with the Disability Resource Center (https://disability.ufl.edu/). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

**STUDENT COURSE EVALUATIONS**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-results/).

**RECORDINGS OF CLASS**

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session. Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor and Student Conduct Code.

**Class Schedule and Assignments**

The following table sets out the class schedule along with the assignment for each class. Chapters in the assignment table refer to chapters in the casebook. Both the schedule and the assignments are subject to change.

|  |  |  |  |
| --- | --- | --- | --- |
| Dates | Topic | Assignment | Class Panel |
| Aug. 20 | Introduction & Overview (I) | Chapter I | -- |
| Aug. 22 | Introduction & Overview (II) | Chapter I; supplemental reading |
| **Module I: Agreements** | | | | |
| Aug. 27 | Agreements | Chapter IV | Maximus Baldwin  Rikki Blake Brookes  Max Blue  Caroline Ruth Bradley  Dannon R Catherwood  Monif Chahla |
| Aug. 29 | Horizontal Agreements | Chapter V, Sections A-B |
| Sept. 3 | Horizontal Agreements | Chapter V, Sections C-D | Nathan Riley Cochran  Alexander P Cohen  Steven W Cutler  Wesley Dantzler  Andrew Joseph Daves  Manoach T Deliscar |
| Sept. 5 | Vertical Agreements | Chapter VI, Sections A-C |
| **Module II: Monopolization** | | | | |
| Sept. 10 | Antitrust Economics | Chapter II | Skylar T.I. Detjen  MacKenzie Ann DiLeo  Austin Esposito  Skye Jacquelyn Fox  Chana Gandelsman  Michael E Guirgis |
| Sept. 12 | Market Power and Market Definition | Chapter III |
| Sept. 17 | Cancelled |  |  |
| Sept. 18  (makeup) | Monopolization | Chapter VII, Sections A-C.3 | Christopher J Hanna  Pablo Orlando Hanono  Mori Z Harris  Patrick L Healy  Jake S Heiges  Garrett Horton |
| Sept. 19 | Monopolization | Chapter VII, Sections C.3-D.1 |
| Sept. 24 | Monopolization | Chapter VII, Sections D.2-D.3 | Kevin A Kapral  Noell N Kellers  Philip Kelly  Automn Hope Klein  Anusha Krisnani  Kate Lee |
| Sept. 26 | Monopolization | Chapter VII, Sections D.4-E |
| **Module III: Merger Control** | | | | |
| Oct. 1 | Merger Control | Chapter VIII, Sections A-B.2(a); Chapter XI, Section E | Elizabeth Marie Leonard  Vas Levin  Li Lin  William L Liu  Javier E Lopez-Nieto  Erika M Martinez |
| Oct. 3 | Merger Control | Chapter VIII, Sections B.2(b) & B.2(c) |
| Oct. 8 | Merger Control | Chapter VIII, Sections B.2(d), C, and D.2 | Connor M McCarthy  James M McCauley  Luiz Antonio Milanez  Issac Miller  Ocean Lis Miller-Shaked  William Booker Moore |
| Oct. 10 | Merger Control | Chapter VIII, Sections D.1, D.3-E.1, and E.3 | Aubrey Marie Mys  Jake Orlick  Devki A Pancholi  Natasha Krystina Peet  Katie Madeline Pine  Michael JC Porter |
| **Module IV: Enforcement** | | | | |
| Oct. 15 | Immunities and Exemptions | Chapter IX | Daniel Agustin Ramos  Samuel B Rappeport  Max Andrew Razavi  David Aaron Rhein  Hannah Rice  Chase M Robinson |
| Oct. 17 | Government Enforcement | Chapter XI |
| Oct. 22 | Criminal Enforcement | Supplemental reading | Dalton R Robinson  Winslow F Robinson  Christopher M Ruckdeschel  David Safir  Aaron Michael Sarner  Reese Michael Sarnowski |
| Oct. 24 | Private Enforcement | Chapter XII |
| **Module V: Advanced Topics** | | | | |
| Oct. 29 | Intellectual Property and Antitrust (I) | Chapter X | Charles A Seymour  Madeline D Smith  Jennifer St. George  Tyler C Thorne  Emma Reid Towler  Matthew G Trainor |
| Oct. 31 | Intellectual Property and Antitrust (II) | Supplemental reading |
| Nov. 5 | Comparative Antitrust: Europe | Supplemental reading | Lauren Ashley VanHemel  Lily Wang  Xuan Wang  Yanjun Wang  Jonathan I Williams  Julie C Wittenberg |
| Nov. 7 | Comparative Antitrust: China | Supplemental reading |
| Nov. 12 | Digital Platforms Antitrust | Supplemental reading | Claire E Wubben  Fengnian Zhou  Runyuan Zhou |
| Nov. 14 | Review | -- |