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Antitrust Institute 2012: Developments & Hot Topics

New York City,* May 7-8, 2012
Boston, Cleveland, Philadelphia, Pittsburgh and Mechanicsburg Groupcast Locations, May 7-8, 2012
Live Webcast, May 7-8, 2012 — www.pli.edu
Chicago, June 18-19, 2012

Special Feature
Earn one full hour of ethics credit!

- Mergers, monopolies, and resale price maintenance issues — Practical advice for tackling the challenges
- Recent decisions and pending cases — Hear Plaintiff, Defense and Enforcer perspectives
- International antitrust developments — What do you need to know?
- New Topic! Antitrust in the sports arena

*This is an approved transitional program

Do You Know There Are 5 Ways To Attend PLI’s Programs? See inside for details...

Register Online at www.pli.edu or Call (800) 260-4PLI
Why You Should Attend
Reinvigorated antitrust enforcement has resulted in changes to critical areas of antitrust law, from mergers to resale price maintenance, and cartels to price discrimination. In addition, 2011 was an extraordinarily rich year for antitrust law and sports, with lockouts impacting the NFL and NBA. Hear from leading antitrust practitioners, senior government officials, and state regulators about how to manage these changes. Whether you are a seasoned antitrust practitioner or just a beginner, this program will equip you with the knowledge and practice tips you can rely on daily.

What You Will Learn
• Clear exposition of important recent decisions and new developments
• Determining when it’s possible to require exclusive dealing
• Understanding the twists and turns of tying
• Practical risks of consumer class actions and private treble damages suits from competitors
• Discuss changes to H-S-R pre-merger notification process
• Impact of decisions in recent merger challenges
• New DOJ remedy guidelines
• What are the federal and state enforcement priorities?
• How is international antitrust enforcement shaping U.S. antitrust law?
• New topic! Antitrust issues in the NFL and NBA

Who Should Attend
This advanced program is intended for in-house corporate counsel and attorneys in government and private practice with responsibility for, or interest in, antitrust matters.

What Past Attendees Have Said:
“Amazingly comprehensive but accessible to those of us with limited antitrust background. I cannot remember a presentation with more distinguished panelists and engrossing presentations. All around fantastic — I will repeat for updates!”
Christopher J. Allen, Dickstein Shapiro LLP

“Concise, cogent and compelling.”
Hector Torres, Kasowitz Benson Torres & Friedman LLP

“A good, clear and practical explanation of antitrust issues. Well done.”
Peter Barlow, Smith, Gambrell & Russell, LLP

“One of the best presentations I’ve seen! Full of useful, relevant information from the first minute to the last!”
Linda Cummings
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Program Attorney: Seema Lal Meehan

New York City, Groupcast Locations and Live Webcast
**Day One: 9:00 a.m. – 5:00 p.m.**

**Morning Session: 9:00 a.m. – 12:15 p.m.**

9:00
**Introduction**

9:15
**Cartels and Other Horizontal Relationships**

- Section 1 of the Sherman Act: Overview and current issues relating to horizontal relationships
- Rule of reason and per se scrutiny: What’s new?
- Bidding coordination; concerted allocation of customer markets; concerted refusals to deal
- Post-

- Twombly developments in pleading and discovery requirements
- ANDA settlements, cross-license agreements, patent pools, and technology market developments

**NYC, BOS, CLE, PHIL, PITT, MECH & WEB:** Saul P. Morgenstern, Robert P. Taylor

**CHI:** Roxane C. Busey, Robert P. Taylor

11:00 Networking Break

11:15
**Monopolization**

- What’s new in Section 2? Who’s at risk for a claim?
- What are the elements and how are courts interpreting them?
- Important monopoly case law update, including Intel
- How have standards of “anticompetitive conduct” changed?
- How do you define relevant markets and market power?
- IP and antitrust law: unilateral conduct explored
- Loyalty and bundled discounts

**NYC, BOS, CLE, PHIL, PITT, MECH & WEB:** Daniel G. Swanson

**CHI:** William L. Greene

12:15 Lunch

**Afternoon Session: 1:15 p.m. – 5:00 p.m.**

1:15
**Evolving Standards on Resale Price Maintenance, Tying and Other Vertical Restraints:**

Do We Still Have to Treat Vertical Restraints as a Serious Issue?

- Practice tips and advice
- How do you establish the “agreement” requirement?
- Minimum advertised price programs
- Dual distribution
- Counseling in light of Leegin
- Mitigating the risks of a claim: exclusive dealing
- Current government enforcement efforts
- Tying after Independent Ink and Microsoft
- Special considerations in aftermarkets
- Addressing Internet issues

**NYC, BOS, CLE, PHIL, PITT, MECH & WEB:** Holly A. House, Hon. J. Thomas Rosch

**CHI:** Alan H. Silberman

2:30
**Acquisitions and Mergers**

- Section 7 of the Clayton Act
- Revised Horizontal Merger Guidelines
- Critical H-S-R reporting updates
- What are the latest enforcement activities at federal and state levels?
- Recent decisions involving unilateral and coordinated competitive effects
- Investigations of non-reportable transactions
- Consummated mergers
- Gun-jumping and pre-merger integration

**NYC, BOS, CLE, PHIL, PITT, MECH & WEB:** Yvonne S. Quinn

**CHI:** William F. Dolan

3:30 Networking Break

3:45
**Recent Decisions and Their Impact on Antitrust Enforcement and Litigation**

- The Plaintiffs’ view
- The Federal Enforcers’ view
- The Defendants’ view

**NYC, BOS, CLE, PHIL, PITT, MECH & WEB:**

Kit A. Pierson, Fiona A. Schaeffer, Moses Silverman

**CHI:** David C. Gustman, Amy B. Manning, Kalina M. Tulley

5:00 Adjourn
Day Two: 9:00 a.m. – 4:45 p.m.

Morning Session: 9:00 a.m. – 12:00 p.m.

9:00 Discrimination in Price and Promotions

- R-P Act Discrimination in price and promotional allowances
- Current developments
- Elements of price discrimination
- Secondary line injury and risk of private suits
- Counseling after Reeder-Simco/Volvo
- Functional discounts
- Dual distribution
- Meeting competition and cost justification
- Availability
- Buyer liability
- Advertising and promotional allowances
- Proving antitrust injury and damages

NYC, BOS, CLE, PHIL, PITT, MECH & WEB: Harvey M. Applebaum, Harvey I. Saferstein

10:45 Networking Break

11:00 Antitrust in the Sports Arena

- Overview of antitrust issues and their impact on sports matters
- Sports antitrust claims after the recent NFL and NBA lockouts
- Hear player and management perspectives

NYC, BOS, CLE, PHIL, PITT, MECH & WEB: Benjamin C. Block, Jeffrey L. Kessler

Moderator: Robert Boland

CHI: Speakers to be announced soon!
Visit www.pli.edu for updates!

Moderator: Andrew S. Tulumello

12:00 Lunch

Afternoon Session: 1:15 p.m. – 4:45 p.m.

1:15 Dealing with Enforcement Issues and Opportunities

- Updates on the latest developments facing antitrust law today
- Department of Justice, Federal Trade Commission, and State Attorneys General Offices provide insight on the latest in enforcement


CHI: Mildred L. Calhoun, Blake L. Harrop, Marvin N. Price, Jr., Stephen Y. Wu

2:30 What Lawyers Need to Know about International Antitrust Law

- International cartel enforcement
- Parental liability (Arkema/Elf Aquitaine) and discoverability of leniency materials (Pfleiderer and National Grid v. ABB)
- EU and U.S.: More convergence than meets the eye?
- Evolving standards for dominant firms

NYC, BOS, CLE, PHIL, PITT, MECH & WEB: Juan A. Rodriguez

CHI: W. David Braun

3:30 Networking Break

3:45 Corporate Compliance and Ethics

- Designing an effective compliance program
- Sentencing Commission Guidelines
- Attorney-client privilege, including Akzo-Nobel
- Monitoring, auditing and reporting mechanisms
- Conflicts of interest

NYC, CHI, BOS, CLE, PHIL, PITT, MECH & WEB: Theodore L. Banks

4:45 Adjourn

What Past Attendees Have Said:

“Absolutely first rate.” Patrick Pope

“Highly impressed all around.” Anabela de Oliveira

“I really appreciated the pace of the presentation. It enabled complete comprehension.” Donald Meiers

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New York City Seminar Location: PLI New York Center, 810 Seventh Avenue at 33rd Street (21st floor), New York, New York 10019. Message Center, program days only: (800) 260-4745.

New York City Hotel Accommodations: Due to high demand and limited inventory in NYC, we recommend reserving hotel rooms as early as possible. Hilton New York Hotel, 1335 Avenue of the Americas, New York, New York 10019. Reservations (877) NYC-HLTM. Please mention you are booking a room under the Practising Law Institute Corporate Rate and the Client File # is 9475471. You may also book reservations online: go to www.pli.edu for this program, click Hilton link to see preferred rates. Enter requested dates and Practising Law Institute rates will appear.

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Sheraton Chicago Hotel & Towers, 301 E. North Water Street, Chicago, Illinois 60611. (312) 464-1000. When calling, please mention PLI and the name of the program you are attending. The cut-off date for the preferred rate is May 19, 2012 (this date is 30 days prior to the first day of the program).

Boston Groupcast Location: Massachusetts CLE, 10 Winter Place, Boston, Massachusetts 02101. (617) 350-7008.

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Antitrust Institute 2012: Developments & Hot Topics

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