

Acquisition With Steep Price Hike Survives FTC Challenge

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A district court rejected a challenge to the acquisition of a newly developed drug by a company that owned a well-established drug used to treat the same condition because it found that the two drugs were not in the same relevant market. The U.S. Court of Appeals for the Ninth Circuit ruled that a profit-sharing agreement among Southern California supermarkets to counteract targeted strikes during a labor dispute was not shielded from antitrust scrutiny by the labor exemption. The U.S. Court of Appeals for the Federal Circuit decided that an agreement between participants in a standard-setting collaboration not to license competitive technology did not give rise to a patent misuse defense in an infringement action.