

Grocery Wholesalers' Asset Swap Scrutinized

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The U.S. Court of Appeals for the Eighth Circuit ruled that determining whether an asset swap agreement between grocery wholesalers should be judged under the rule of reason or as a per se market allocation agreement required fact-finding by a jury. The U.S. Court of Appeals for the Second Circuit decided that an alleged breach of contracts to supply generic drug companies with an unbranded version of a drug did not state a monopolization claim under a duty to deal theory.