

Supreme Court Overturns Century Old Rule that Vertical Price Restraints are Per Se Illegal

Date: 06/29/07

The U.S. Supreme Court has ruled that vertical minimum price restraints (sometimes referred to as resale price maintenance or "RPM" agreements) are not *per se* illegal, but rather are subject to review under the rule of reason. In reaching this result in a 5-4 decision, the Court, in an opinion by Justice Kennedy, explicitly overruled its contrary 1911 decision in *Dr. Miles Medical Co. v. John D. Park & Sons Co.*