

Monopoly Leveraging Theory Rejected by Ninth Circuit

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The U.S. Court of Appeals for the Ninth Circuit ruled that, in light of the U.S. Supreme Court's recent price-squeeze opinion, a monopoly leveraging claim could not be asserted by purchasers of HIV drugs without allegations of a refusal to deal or below-cost pricing. The U.S. Court of Appeals for the Second Circuit decided that a public hospital was shielded from antitrust scrutiny under the state action immunity doctrine but that physicians practicing at the hospital would have to show that they were actively supervised to benefit from the doctrine.