

Resale Price Maintenance Examined Under State Laws

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The Supreme Court of Kansas ruled that, unlike a recently reconsidered interpretation of federal law, resale price maintenance agreements are per se illegal under that state's antitrust laws, while a New York appellate court decided that such agreements are not illegal under a New York statute that makes them unenforceable. The U.S. Court of Appeals for the Eleventh Circuit reaffirmed its prior rulings that the settlement of a patent infringement dispute between rival drug makers could not violate antitrust laws unless it exceeded the scope of the patent.

Other antitrust developments of note included the U.S. Court of Appeals for the First Circuit's reinstatement of a complaint charging U-Haul with attempting to fix prices in violation of Massachusetts law as well as several hospital merger challenges by the Federal Trade Commission (FTC).