

Market-Share Discounts Scrutinized by Third Circuit

Date: 12/28/12

Source: The New York Law Journal. Reprinted with permission.

The U.S. Court of Appeals for the Third Circuit ruled that a transmission manufacturer's supply contracts with truck makers, which included market-share discounts, could be condemned as unlawful de facto exclusive dealing arrangements. The U.S. Court of Appeals for the Second Circuit decided that indirect purchasers' claims that air carriers conspired in violation of state antitrust laws were preempted by federal aviation laws.