

DAVID L. MEYER
MEYERLAWDC.COM

Selected Articles and Speaking Engagements

Philadelphia National Bank Meets Wireless Telecom: Overcoming the Structural Presumption in T-Mobile/Sprint, Antitrust, Vol. 34, No. 3 (Summer 2020)

Federal Antitrust Agencies Encourage Appropriate Competitor Collaboration to Address the COVID-19 Crisis, Morrison & Foerster Client Alert (Mar. 25, 2020)

American Needle's Legacy Ten Years On: Darning the Section 1 Tapestry, Antitrust, Vol. 34, No. 1 (Fall 2019)

DOJ and FTC Release Updated Antitrust Guidelines for International Enforcement and Cooperation, Morrison & Foerster Client Alert (Jan. 19, 2017)

DOJ and FTC Release Updated Antitrust Guidelines for IP Licensing, Morrison & Foerster Client Alert (Jan. 18, 2017)

Key Take-Aways From the FTC's New Section 5 Statement: The Federal Trade Commission's New Section 5 Statement Preserves the Agency's "Doctrinal Flexibility" but Fails to Provide Meaningful Concrete Guidance (with Andrew Meyer), European Competition Law Review, Vol. 36, No. 12 (2015)

Overlapping Ownership by Institutional Investors: A Legal Perspective (with Allen Grunes), ABA Antitrust Section Transportation and Energy Industries Committee Newsletter (Fall 2015)

Morrison & Foerster Discusses DOJ Antitrust Gun Jumping, Columbia Law School Blue Sky Blog (Dec. 10, 2014)

Accentuate the Positive: Defending Antitrust Litigation by Demonstrating the Procompetitive Character of the Challenged Conduct (with Robert Nichols), Antitrust & Trade Regulation Report, 107 ATRR 382 (Sept. 19, 2014)

Do First Amendment Principles Limit the Antitrust Agencies' Ability to Prohibit Enforcement of Standards-Essential Patents? (with Fabien Thayamballi), California Lawyers' Ass'n, Competition, Vol. 23, No. 1 (Spring 2014)

The Sixth Circuit's Application of the Rule of Reason in Realcomp II—Less About the Rule's Reasonableness than the Reason for the Rule, The Antitrust Source (August 2011)

Merger Enforcement Two Years Later – What Clues Does the Obama Administration's Record Hold for The Years Ahead? (with Joshua A. Hartman), The Threshold Vol. XI, No. 2 (Spring 2011)

What's Driving the US Antitrust Agencies? (with Jeff Jaeckel and Jeny Maier), Global Competition Review (Feb. 2011)

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DOJ Alleges HSR Gun-Jumping When Seller Submits Multi-Year Procurement Contracts for Buyer's Approval, Morrison & Foerster Client Alert (Jan. 21, 2010)

We Should Not Let the Ongoing Rationalization of Antitrust Lead to the Marginalization of Antitrust, George Mason University 11th Annual Antitrust Symposium, Oct. 31, 2007, George Mason Law Review Vol. 15, No. 5 (August 2008)

Section 2 Standards and Consumer Welfare: Some Lessons from the World of Merger Enforcement, 2006 Milton Handler Antitrust Review, Columbia Business Law Review, Vol. 2007, No. 2 (2007)

Three Tenors and the Section 1 Analytical Framework: A Continuum Drawn with Bright Lines (with Derek Ludwin), Antitrust, Vol. 20, No 1 (Fall 2005)

Direct Evidence of What?: Republic Tobacco and the Proper Use of “Direct Evidence” of Anticompetitive Effects, Antitrust, Vol 19, No. 2 (Spring 2005)

LePage’s II: The En Banc Third Circuit Revisits 3M’s Bundled Discounts and Sees Unlawful “Exclusion” Instead of Above-Cost Pricing, Antitrust Source (July 2003)

The HFCS Decision: A Reply to Kenneth Glazer, Antitrust, Vol. 17, No. 3 (Summer 2003)

Sweet for Plaintiffs, Sticky for Defendants: The Seventh Circuit’s High Fructose Corn Syrup Decision, Antitrust, Vol. 17, No. 1 (Fall 2002)

LePage’s v. 3M: Will the Third Circuit Make Brooke Group Stick in Assessing the Legality of a Monopolist’s Bundled Discount Programs?” (with Raymond A. Atkins), Antitrust Source (May 2002)

Antitrust Liability (with Charles F. Rule), in *Health Care Corporate Law, Financing & Liability* (Mark A. Hall, Ed.), Aspen Publishers (1999)

Health Care Collaboration Does Not Require Substantive Antitrust Reform, (with Charles F. Rule), Wake Forest Law Review, Vol. 29, No. 1 (Spring 1994)

Toward a Merger Policy that Maximizes Consumer Welfare: Enforcement by Careful Analysis, Not by the Numbers (with Charles F. Rule), Antitrust Bulletin, Vol. 35, No. 1 (Spring 1990)

An Antitrust Enforcement Policy to Maximize the Economic Wealth of All Consumers (with Charles F. Rule), Antitrust Bulletin, Vol. 33, No. 4 (Winter 1988)

A Standard for Tailoring Noerr-Pennington Immunity More Closely to the First Amendment Mandate, Yale Law Journal, Vol. 95, No. 4 (Mar. 1986)