



Economics of Antitrust in Tech and Pharma

Attorneys General Education Program

Law & Economics Center

Antonin Scalia Law School

George Mason University

Thursday, October 27 through Saturday, October 29, 2022

Hotel: Residence Inn Arlington Ballston, 650 N Quincy St, Arlington, VA 22203

Classes: George Mason University Antonin Scalia Law School, 3301 Fairfax Drive, Arlington, VA 22041

Thursday, October 27

5:00 – 6:15 pm

Registration

6:30 – 9:00 pm

Welcome Reception and Dinner

Arthur B. Laffer, Founder & Chairman, Laffer Associates and Former Presidential Economic Policy Advisor

With Remarks From:

Henry N. Butler, Henry G. Manne Professor of Law and Economics; Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

Hon. Douglas H. Ginsburg, Judge, United States Court of Appeals for the District of Columbia; Professor of Law, George Mason University Antonin Scalia Law School

Friday, October 28

6:00 – 7:30 am

Breakfast

8:00 – 9:15 am

Class 1: Competition, Monopoly, & Welfare

Murat Mungan, Professor of Law, George Mason University Antonin Scalia Law School

Reading Assignment:

[*Chapter IX: Market Structure & Antitrust*](#), in Henry N. Butler, et al., [*Economic Analysis for Lawyers*](#) 492-507, 517-519, 523-526, 537 (3rd ed. 2014).

9:30 – 10:45 am

Class 2: Rule of Reason & Consumer Welfare Standard | Judge Ginsburg

Reading Assignment:

Jay B. Sykes, [The American Innovation and Choice Online Act](#), Congressional Research Service (2022).

Eric Cortellessa, [Senate Vote on Big Tech Antitrust Bill Unlikely Before Election, Key Players Say](#), TIME (2022).

Alex Reinauer, [Terrible Tech Bills from the 117th Congress](#), Competitive Enterprise Institute (2022).

11:00 am – 12:15 pm

Class 3: Horizontal Mergers – Market Definition, Market Power, & Unilateral Effects

John Yun, Associate Professor of Law; Deputy Executive Director, Global Antitrust Institute, George Mason University Antonin Scalia Law School

Reading Assignment:

Benjamin Klein, [Market Power in Antitrust: Economic Analysis After Kodak](#), 3 *Sup. Ct. Econ. Rev.* 43, 71-82 (1993).

Jonathan Baker, [Market Definition: An Analytical Overview](#), 74 *Antitrust L. J.* 129 (2007).

12:30 – 1:45 pm

Working Lunch and Class 4: Assessing Digital Markets with Network Effects | Yun

Reading Assignment:

John M. Yun, [Overview of Network Effects & Platforms in Digital Markets](#), Global Antitrust Institute Digital Report 1 (2020).

Catherine Tucker, [What Have We Learned in the Last Decade? Network Effects and Market Power](#), 32 *Antitrust* 77 (2018).

1:45 pm

Afternoon Study Session

Saturday, October 29

7:00 – 7:30 am

Breakfast

7:30 am

Walk to the Law School

8:00 – 9:15 am

Class 5: Intersection of Antitrust & Privacy

James Cooper, Professor of Law; Director, Program on Economics & Privacy, George Mason University Antonin Scalia Law School

Reading Assignment:

James C. Cooper & John M. Yun, [Antitrust & Privacy: It's Complicated](#), (George Mason Law & Economics Research Paper No. 21-14, 2021).

9:30 – 10:45 am

Class 6: Intellectual Property & Antitrust

Bruce Kobayashi, Paige V. and Henry N. Professor of Law and Economics, George Mason University Antonin Scalia Law School

Reading Assignment:

[DOJ & FTC Antitrust Guidelines for the Licensing of Intellectual Property \(2017\)](#).

Bruce H. Kobayashi, Joshua D. Wright, Douglas H. Ginsburg & Joanna Tsai, [Actavis and Multiple ANDA Entrants: Beyond the Temporary Duopoly](#), 29 *Antitrust* 89 (2015).

11:00 am – 12:15 pm

Class 7: Antitrust & Federalism | Kobayashi

Reading Assignment:

Bruce Johnsen & Moin A. Yahya, [The Evolution of Sherman Act Jurisdiction: A Roadmap for Competitive Federalism](#),

7 J. Constitutional L. 403 (2004).

Frank H. Easterbrook, *Antitrust and the Economics of Federalism*, 26 J. L. Econ. 23 (1983).

The Global Antitrust Institute Report on the Digital Economy, pages 1118-1157.

Bruce H. Kobayashi & Joshua D. Wright, *What's Next in Apple Inc. v. Pepper?: The Indirect Purchaser Rule and the Economics of Pass Through*, 2018-2019 Cato Supreme Court Review (2019), pp. 249-269.

12:15 pm

Adjourn