

Klor's

Evidence of agreement don't really know, but apparently it wasn't a big secret

Possible real motivations of defendants? hard to tell; eliminate a competitor to boost profits?; spite?

Vertical aspects? suppliers/manufacturers for Klor's and B-H

Procompetitive arguments they offered nothing

How could consumers be harmed? lost competition, higher prices

Defendant won or lost? lost

Per se / RoR? per se

Fashion Originators Guild

bylaws, out in the open, literally a "guild"

maybe morally upset about designers getting ripped off; laziness (didn't want to bother with getting a patent); wanted to increase prices & avoid competition

textile suppliers above designers, retailers below

to provide benefits of IP, incentivizing new designs (but there were many reasons to be skeptical of this being helpful in the same way as IP law)

higher prices, fewer choices (no availability of knock-offs)

lost

per se (but court at least listened to procompetitive arguments)

AP

bylaws

having an advantage over competitors,
avoiding competition

Maybe not really, because the AP is an
organization of the horizontal members,
but maybe AP as an entity is above

the AP, itself, is clearly procompetitive,
but for the challenged restraint (almost
completely barring new members), not
much was offered

higher prices, less choice for consumers

lost

court says per se, but it felt like rule of
reason

Northwest Stationers

bylaws

tired of living with Pacific from having
been grandfathered in

Pacific is both wholesaler and retailer,
and very big, Northwest is wholesaler
co-op made up of retailer members

co-op is procompetitive, and every co-op
needs some rules, so many expulsion
rules are okay

not sure, maybe Pacific is less good for
consumers, and that somewhat impacts
choice?

won this round (RoR on remand)

rule of reason