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Trade Regulation: Final Examination (June 4, 1962)

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Trade Regulation

Final Examination

June 4, 1962

INT

1. What is a "combination in restraint"? Is it synonymous with a "conspiracy"?
2. Compare and contrast the divergent views of Peckham, J., Taft, J., and White, C. J., regarding the Sherman Act and the antecedent common law. Contrast also their views concerning the meaning of the restraint of trade concept and the scope of the rule of reason at common law.
3. Consider the following cases: United States v. Columbia Steel, 334 U.S. 495; United States v. Griffith 334 U.S. 100; United States v. Aluminum Company of America, 2 Cir. 148 F. 2d. 416; United States v. United Shoe Machinery, 110 F. Sup. 295. Write a critical essay based upon your analysis of the decisions and opinions with respect to the current state of judicial thinking in regard to monopoly, markets and mergers.
4. Contrast the standards of legality in Section 2(a) of the Robinson-Patman Act with those of Sections 3 and 7 of the Clayton Act. (Citing cases).
5. What is the relation of subsections (d) and (e) to one another and to subsection (a) in Robinson-Patman? Does subsection (f) apply to all of the preceding subsections of this section? (Citing cases).
6. Are any of the acts prohibited in Clayton 2 and 3 violative of the Sherman Act?
7. In his ^{concurring} ~~dissenting~~ opinion in United States v. Line Material Co., 333 U.S. 287, Douglas, J., stated that he "would be rid of United States v. General Electric Co." Do you agree or disagree with the ~~opinion~~ ^{disposition}? Give reasons based upon the law and the economics of both cases.
8. Does it follow that terms which are not protected as technical trade marks, or which are incapable of registration upon the Principal Register, are therefore denied all judicial protection? Support your contention with appropriate analysis of appropriate citations.