

**American Bar Association
Section of Antitrust Law
Joint Conduct Committee
Presents**

A Fundamentals Series on Section 1 of the Sherman Act

Program One: Copperweld and Dagher - When Do Agreements Among Competitors Take Their Conduct Beyond the Scope of Section 1?

**A Brown Bag Program to be held
Friday, December 5, 2008
12:30 p.m. – 2:30 p.m. EST (Telephone Participation)**

When does an arrangement between actual or potential competitors become so integrated that they form a single entity under *Copperweld* or a fully-integrated joint venture under the Supreme Court's *Dagher* decision such that its or their ongoing decisions are beyond the reach of section 1 of the Sherman Act? These questions have arisen in many circumstances - partial ownership investments, production and sales joint ventures, and franchisor-franchisee relationships – in many industries such as healthcare, sports leagues and newspapers. Recent decisions involving the National Hockey League and the National Football League reflect application of the *Copperweld* principles beyond the parent-subsidiary relationship out of which it arose. And, while the Antitrust Division of U.S. Department of Justice argued in support of the position adopted by the Supreme Court in *Dagher*, the Division has argued for limitations on the scope of the decision's applicability in its ongoing challenge to the merger of two newspapers in Charleston, West Virginia. Our panelists have actively litigated these issues and will share their experiences and insights on them.

MODERATOR:	Rebecca H. Farrington	Counsel, White & Case
PANELISTS:	John R. Read	Chief, Litigation III Section, DOJ Antitrust Division,
	Shepard Goldfein	Partner, Skadden, Arps, Slate, Meagher & Flom LLP
	John J. "Jeff" Miles	Principal, OberKaler

This is the first in a series of complimentary audio conferences that the Joint Conduct Committee will host on Section 1 issues. **If you would like to participate, please e-mail your RSVP to Kim Shannon at kshannon@akingump.com.** A dial-in number for the program will be e-mailed to you 3 days in advance. If you have any questions, please contact Diane Odom at (312) 988-5702 (odomd@staff.abanet.org).

Recordings of this Brown Bag (and the other Brown Bags in the series) will be posted on the Section website's Members Only area and are downloadable in an MP3 format, free of charge, at <http://www.abanet.org/antitrust/at-bb/bb-audio.shtml>