

Expansion in Global Reach of U.S. Antitrust Laws

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The U.S. Court of Appeals for the Seventh Circuit (the “Court”) recently potentially expanded the extraterritorial reach of the U.S. antitrust laws. Its unanimous en banc decision in *Minn-Chem, Inc. v. Agrium Inc.* (7th Cir. 2012) may make it easier for the Department of Justice (“DOJ”), the Federal Trade Commission (“FTC”) and private litigants to challenge the conduct of foreign parties in foreign markets under the U.S. antitrust laws. The decision also creates and entrenches several circuit splits regarding the proper interpretation of the Foreign Trade Antitrust Improvements Act of 1982 (“FTAIA”), and thereby increases the likelihood that the Supreme Court will elect to weigh in on these questions.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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