

D.C. Circuit Allows AT&T-Time Warner Merger to Stand, Rejecting DOJ's Challenge

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Yesterday, the D.C. Circuit affirmed the district court's rejection of the DOJ's challenge to the AT&T-Time Warner merger. Together with the district court's ruling, the D.C. Circuit's decision may be viewed by some in the bar as a setback for proponents of a more aggressive approach to vertical merger enforcement. The D.C. Circuit's fact-driven analysis suggests, however, that future vertical enforcement cases will rise or fall on the evidence specific to the industry and parties at issue.

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