

06-480 LEEGIN CREATIVE LEATHER PRODUCTS V. PSKS, INC.

DECISION BELOW:171 Fed. Appx. 464

LOWER COURT CASE NUMBER: 04-41243

QUESTIONS PRESENTED:

This Court has held that antitrust “per se rules are appropriate only for conduct that . . . would always or almost always tend to restrict competition.” Modern economic analysis establishes that vertical minimum resale price maintenance does not meet this condition because the practice often has substantial competition-enhancing effects. The question presented is whether vertical minimum resale price maintenance agreements should be deemed per se illegal under Section 1 of the Sherman Act, or whether they should instead be evaluated under the rule of reason.

CERT. GRANTED 12/7/2006