Wilmer Cutler Pickering Hale and Dorr LLP
Wilmer Cutler Pickering Hale and Dorr Antitrust Series

Year 2004 *Paper* 17

Antitrust and Law Update: Interesting Times for IP Holders in Europe, the Implications of Microsoft and IMS Health

Sven Volcker[*] Leon Greenfield[†]
Antonio Capobianco[‡] Markus Hutschneider[**]

[*]WilmerHale
[†]
[‡]
[**]

Antitrust and Law Update: Interesting Times for IP Holders in Europe, the Implications of Microsoft and IMS Health

Sven Volcker, Leon Greenfield, Antonio Capobianco, and Markus Hutschneider

Abstract

On March 24th 2004, the European Commission issued its long awaited Microsoft decision, which has now been published on its Website.1 On April 29th 2004, the Court of Justice handed down its judgment in the IMS Health case.2 Both decisions have important implications for all companies with valuable IP portfolios that do business in the European Union. Although these decisions are arguably not revolutionary given the existing legal framework for dominant companies set out in Article 82 EC, they illustrate that EC competition law sometimes strikes a different balance than US antitrust law between spurring innovation by protecting IP rights and promoting competition in innovation-driven markets.

WILMER CUTLER PICKERING LLP

Antitrust and Competition Law Update

MAY 12, 2004

Interesting times for IP holders in Europe: The implications of *Microsoft* and *IMS Health*

On March 24th 2004, the European Commission issued its long awaited *Microsoft* decision, which has now been published on its Website.[1] On April 29th 2004, the Court of Justice handed down its judgment in the *IMS Health* case.[2] Both decisions have important implications for all companies with valuable IP portfolios that do business in the European Union. Although these decisions are arguably not revolutionary given the existing legal framework for dominant companies set out in Article 82 EC, they illustrate that EC competition law sometimes strikes a different balance than US antitrust law between spurring innovation by protecting IP rights and promoting competition in innovation-driven markets.

In this bulletin, we examine (i) the Commission's treatment of tying issues with respect to Microsoft's Windows Media Player; (ii) the Commission's analysis of Microsoft's withholding of interoperability specifications for workgroup server operating systems; and (iii) the Court of Justice's pronouncements on refusals by dominant companies to license IP rights in *IMS Health*. In each case, we outline the principal arguments, place them in the existing framework of Article 82 EC, compare them to US antitrust law, and comment on their possible implications for future cases.

I. Microsoft's tying of the Windows operating system with the Windows Media Player

1. The Commission's decision

Since 1999, Microsoft has licensed its successive versions of Windows operating systems (OS) only in a bundle with its own Windows Media Player ("WMP").[3] The Commission found this to constitute illegal tying under Article 82 (d) EC. In the Commission's view, this practice amounts to an abuse of Microsoft's dominant position in the PC OS market. The Commission ordered Microsoft to unbundle the two products by making available to PC OEM manufacturers a version of its OS that does not include WMP code.

Having – unsurprisingly – concluded that Microsoft holds a dominant position in the PC OS market, the Commission first found that "streaming" media players constitute a market separate from PC OS. To support this finding, the Commission relied, among other things, on evidence of demand for streaming media players separate from OS's (mostly through free Internet downloads), as well as the existence of specialized media player vendors such as Real

1 http://www.europa.eu.int/comm/competition/antitrust/cases/decisions/37792/en.pdf

2 Case C-418/01 *IMS Health v. NDC Health*, nyr.

3 Previously, it had bundled the Windows OS with the media player developed by complainant Real Networks.

Networks (RealPlayer) and Apple (QuickTime). The Commission rejected Microsoft's argument that there is no consumer demand for OS without a media player. It found that, absent Microsoft's bundling, PC OEMs could meet consumer demand for a pre-installed media player by supplying the OS with a media player other than WMP.

Next, the Commission found that Microsoft's refusal to license to OEMs its Windows OS without WMP constituted tying within the meaning of Article 82(d) EC. In particular, the Commission observed that although OEMs were free to install additional media player software, they were unable technically to uninstall WMP. It also rejected Microsoft's argument that the WMP is included in Windows without "extra charge", because (i) a charge for WMP might be "hidden" in the Windows/WMP bundled price; and (ii) the pricing issue was in any event irrelevant to the foreclosure concerns that drive the rules against tying.

The Commission then undertook an extensive analysis of the foreclosure effects of tying WMP to Windows. It found that given the ubiquity of Microsoft's OS, suppliers of other media players cannot gain comparable access to customers' PCs. Although the Commission examined other distribution channels (*e.g.*, Internet downloading and OEM installation agreements), it concluded that none could match the penetration of Windows OS.

The Commission also found the ubiquity of WMP to create incentives for content providers and software developers to encode their products using only WMP technology. According to the Commission, the rapid growth of WMP to the detriment of competing media players (measured, *e.g.*, on the basis of player usage, format usage, content offered by websites, installed base) shows the exclusionary effects of Microsoft's practice. (Elsewhere in the decision, the Commission also notes the potential "chilling effect" of WMP-style bundling on software developers seeking to develop additional functionalities whose markets would be preempted if Microsoft decided to integrate comparable functions into Windows.)

Finally, the Commission considered, but ultimately rejected, several "objective justifications" that Microsoft proffered. As to distribution efficiencies, the Commission noted that the same efficiencies could be obtained if Microsoft offered OEMs the choice whether to include WMP or another media player with PCs they ship. As to possible efficiencies resulting from content and applications developers being able to place calls to WMP's application programming interfaces ("API"), the Commission also found that such efficiencies could also be realized without tying, *i.e.*, by OEMs deciding on their own to pre-install WMP if the latter offers the best functionality.

2. Comparison with EC precedent

Given existing Article 82 EC precedent, such as *Hilti*[4] and *Tetra Pak II*,[5] it is arguably not surprising that the Commission concluded that tying Windows with WMP constitutes an abuse. Indeed, in analyzing in detail the actual foreclosure effects of Microsoft's tying practices, the Commission seems to have taken a less strict view of Article 82's tying prohibitions than the Community courts in recent decisions. For example, in *Michelin II* and *British Airways*, the Court of First Instance determined that for less exclusionary forms of bundling (pricing incentives), the Commission need not show that bundling actually led to foreclosure so long as the conduct in question is likely to have such an effect.[6] The Commission's dismissal of the objective justifications offered by Microsoft seems consistent with the Community courts' strict scrutiny of such justifications in previous tying cases.[7]

3. Comparison with US antitrust law

Some US commentators have criticized the Commission's *Microsoft* decision – including its tying analysis and the remedies imposed – as hostile to innovation and out of step with US antitrust law. On closer inspection, however, the decision does not seem to diverge significantly from US tying law.

---

4 Case T-30/89 *Hilti v. Commission* [1991] ECR II-1439.

5 Case C-333/94 P *Tetra Pak v. Commission* [1996] ECR I-5951 *("Tetra Pak II")*.

6 Case T-203/01 *Michelin v. Commission*, nyr (para. 241); Case T-219/99 *British Airways v. Commission*, nyr. (para. 293).

7 *See, e.g.*, *Tetra Pak II* supra note 5.

As regards Microsoft's tying, the US Department of Justice (DOJ) and many States brought their own antitrust action against Microsoft in 1998, alleging among other things that Microsoft illegally bundled Windows OS with its Internet Explorer web browser. That case focused on an allegation under Section 2 of the Sherman Act that Microsoft had sought to eliminate the Netscape Navigator browser to protect its quasi monopoly in the PC OS market. However, the Government also relied on a tying theory under Section 1. Although the district court ruled for the plaintiffs on the tying claim,[8] the court of appeals reversed on the ground that the district court wrongly applied the *per-se* rule to tying practices involving the complex markets for platform and applications software.[9]

The court of appeals explicitly left open the possibility that the plaintiffs could succeed under a rule of reason analysis on remand. Since the plaintiffs later abandoned their tying claim, it is not clear how the US courts would have applied the rule of reason.

Further, the "WMP code removal" remedy that the Commission imposed arguably does not go much further than the unbundling remedy in the settlement between Microsoft and the Government that the district court approved in November 2002.[10] Under the settlement, Microsoft must provide means for enabling OEMs and end-users to hide the icon and entries representing the WMP application on the computer screen, but Microsoft is not required to remove code.

As a formal matter, that the US settlement did not require code removal can be explained by the fact that the settlement remedies were not designed to remedy tying as such. As a matter of substance, the Commission's insistence on unbundling through code removal is based on its finding that parallel installation of two players would impose substantial support costs on OEMs, so that they would rarely if ever choose to install non-Microsoft media players in addition to WMP. Whether or not the Commission is right as a factual matter, the EC remedy does not represent a fundamental difference in approach to that of the US agencies or courts.

4. Implications for future cases

In terms of precedent setting, the primary significance of the Commission's decision (if upheld by the Community Courts) is its implications for Microsoft's future plans to include additional sets of functionalities into its next OS release (code-named "Longhorn"), for example virus protection and search engine functionalities. While the Commission's decision sets out the analytical framework under Article 82 EC if Microsoft decides to incorporate such functionalities into Longhorn, it is not necessarily dispositive for the outcome of any such future investigation. The Commission's analysis of foreclosure effects and possible efficiencies of tying WMP is highly fact specific. It is therefore conceivable that the analysis could be different depending on the functionality in question and on developments in the dynamically evolving software industry over time. For instance, as broadband Internet access proliferates and users' sophistication in downloading software increases, the foreclosure effects of tying additional functionalities to Microsoft's OS may no longer be viewed as significant. If Microsoft can show that efficiencies from integration outweigh relatively limited foreclosure effects, it might be able to avoid liability under Article 82 EC.

The possible implications of the Commission's decision outside of Microsoft's OS are more speculative. Few markets -- in or outside the software industry -- exhibit the degree of market power and network effects that Microsoft enjoys in PC OS. In terms of network effects, platform software for mobile devices may have comparable potential, but as yet no dominant provider of such platform software has emerged.

More generally, though ultimately of no avail to Microsoft, the Commission's willingness to at least consider arguments about the absence of foreclosure and redeeming virtues of *prima facie* abusive practices may foreshadow a somewhat more economically rigorous approach to Article 82 EC enforcement by the Commission. The Commission's forthcoming notice on the subject will shed more light on its intentions.

8 http://www.usdoj.gov/atr/cases/f4400/4469.htm

9 http://ecfp.cadc.uscourts.gov/MS-Docs/1720/0.pdf

10 http://www.usdoj.gov/atr/cases/f200400/200457.htm

II. Microsoft's withholding of interoperability specifications for workgroup sever operating systems

1. The Commission's decision

The Commission also determined that Microsoft had infringed Article 82 EC by abusing its dominance in the desktop and workgroup server OS markets in order to achieve and maintain dominance in the latter market. The Commission found that Microsoft had refused to supply Sun Microsystems and other rivals with the specifications for protocols that Windows work group servers use. By refusing to do so, Microsoft kept those companies from implementing such specifications to develop fully interoperable work group sever OS products. As a remedy, the Commission ordered Microsoft to provide all interested parties with the necessary interoperability specifications within 120 days on reasonable and non-discriminatory terms.

The Commission found Microsoft dominant not only in the market for PC OS, but also in the market for work group server OS delivering file, print and group and user administration services in small to medium-sized networks. Microsoft vigorously argued that there is not a separate market for such a narrow category of server OS. (Microsoft has a much weaker market position for other types of server OS, in particular for high-end servers.) The company argued that the same OS could be used for all types of servers regardless of what tasks the servers performed, and that OS for higher-end types of servers could easily be "slimmed down" to be sold as work group server OS.

The Commission responded that Microsoft itself offers a differentiated range of server OS for different tasks at significantly different prices. Moreover, it found that due to their frequent interaction with client PCs, work group server OS require a higher degree of interoperability than OS for other types of servers and are thus not substitutable by other types of servers. This also led the Commission to conclude that competitors could not easily "scale down" OS originally designed for higher-end servers since those usually do not offer the same degree of interoperability with client PCs as work group servers do.

In the market for work group server OS, the Commission estimated that Microsoft's market share exceeds 60 %. In addition, it emphasized the close links with the market for PC operating systems due to interoperability requirements. Referring in particular to the *Tetra Pak II* judgment, it inferred from those links that Microsoft should be considered dominant in both markets. Nevertheless, it appears that the Commission links Microsoft's abusive behavior primarily to its dominance in the market for PC OS.

The Commission found that Microsoft had abused its dominant position by refusing to supply specifications for both client-to-server and server-to-server protocols that would enable competing server OS software to fully interoperate with the Windows domain architecture. It reached this conclusion despite its explicit recognition that disclosure of the relevant protocols could impinge on Microsoft's intellectual property rights. Although recognizing that refusals to license intellectual property can constitute an abuse only in exceptional circumstances, the Commission refused to be bound by an "exhaustive checklist" of such circumstances as set out in *Magill*[11] or other judgments by the Community courts.

Here, the Commission found the following facts to constitute exceptional circumstances justifying the finding of an abuse. *First*, Microsoft's refusal to disclose protocol specifications amounted to a disruption of "previous levels of supply". In particular, the Commission found that Microsoft made such disclosures before it had a credible server OS offering, but deliberately discontinued them after it developed one in order to disadvantage its rivals. *Second*, Microsoft's refusal to disclose protocol specifications risked eliminating competition in the work group server OS market, as demonstrated by Microsoft's "rapid rise to dominance" in that market. *Third*, the Commission emphasized that interoperability disclosures were indispensable for rivals to compete, and that open industry standards supported in Windows, the distribution of client-side software by the server OS vendor, or reverse engineering of Microsoft's products provided no viable substitute. *Fourth*, the Commission found that Microsoft's conduct was not justified by the protection of its intellectual property rights. Any disincentives for future innovation by Microsoft resulting from the compulsory disclosure of such IP rights would be outweighed by the substantial promotion of competitive innovation in the market as a whole. The Commission repeatedly pointed out that it was not requiring Microsoft to disclose the actual *source code* of its OS, but only the *specifications* necessary to ensure interoperability.

11 Joined Cases C-241/91 P and C-242/91 P, *RTE and ITP v. Commission,* [1995] ECR I-743 *("Magill")*

2. Comparison with EC precedent

In condemning Microsoft's refusals to deal with its competitors, the Commission relies on a series of judgments concerning this category of abuse, namely *Commercial Solvents,*[12] *Magill,*[13] *Tiercé Ladbroke,*[14] and *Bronner*[15]. Given the Commission's acknowledgement that the disclosures refused by Microsoft would likely impinge on Microsoft's IP rights, *Magill* is arguably the precedent that is most on point. However, the facts in *Magill* were quite different from those here because the refusal concerned an input (a single channel's copyrighted TV listings) that was needed to market a completely new product (a multi-channel TV guide). Here, by contrast, complainant Sun Microsystems was seeking the disclosure of interoperability information to compete more effectively with an existing product against Microsoft's existing products.

The Commission's express refusal to be bound by an "exhaustive checklist of exceptional circumstances" justifying compulsory licensing shows that it recognizes its decision is breaking new ground. On the other hand, that Microsoft appears to have made sufficient interoperability information available to server OS vendors until it had a credible product offering of its own is a factor that was not present in *Magill* – there the copyright holder had never before licensed its TV listings. Indeed, the termination of existing supplies to a competitor when those supplies are essential for the competitor's business has been condemned as abusive by the Community Courts since *Commercial Solvents* in 1974. The significance of Microsoft's previous dealings with Sun and other workgroup server OS vendors are therefore likely to be a key legal issue in Microsoft's appeal to the Court of First Instance.

3. Comparison with US antitrust law

Some US commentators have also criticized the Commission's assessment of Microsoft's refusal to make interoperability disclosures. Again, one can distinguish between the substantive assessment of refusals to deal and the remedies already in place with respect to the US settlement.

Previous US legal proceedings against Microsoft did not center on refusals to deal. Unlike the Commission, the US did not allege that Microsoft had monopolized or attempted to monopolize the server software market. The disclosure requirements that formed part of Microsoft's settlement and are discussed below were designed to remedy Microsoft's unlawfully maintained desktop OS monopoly by facilitating rivals' development of "middleware" products that could lower the "applications barrier to entry" and help erode the desktop monopoly.

Would a US court have found monopolization on the basis of the Commission's factual record? As the US Supreme Court has recently confirmed in the *Trinko*[16] case, US antitrust law recognizes few exceptions to the general principle that even monopolists are free to deal with whomever they please. In particular, the Supreme Court was unwilling to expand its previous holding in *Aspen Skiing*.[17] In *Aspen*, a ski operator controlling three of the four mountain areas within the area had terminated a joint selling arrangement with the much smaller operator. It even refused to sell its tickets at retail prices, preventing the smaller operator from offering an all-area ski ticket. If one interprets *Trinko* as limiting actionable refusals to deal to situations where the monopolist has previously dealt with rivals on commercial terms, it seems doubtful that a US agency or court would have found Microsoft's refusal to deal to constitute a violation of Section 2 of the Sherman Act. Notwithstanding the previous disclosures of interoperability information by Microsoft to server OS vendors, it did not "sell" those disclosures on a commercial basis, and certainly not to end customers.

As regards existing US remedies, Microsoft argued before the Commission that its "Communications

12 Joined Cases 6 and 7-73, *Commercial Solvents and Others v Commission*, [1974] ECR 223.

13 *See, e.g., Magill* supra note 11.

14 Case T-504/93, *Tiercé Ladbroke v Commission*, [1997] ECR II-923.

15 Case C-7/97, *Bronner*, [1998] ECR I-7791.

16 Verizon v. Trinko, 540 U.S. ____ (2004).

17 Aspen Skiing v. Aspen Highlands, 472 U.S. 585.

Protocol Program" (MCPP), which it developed in connection with its settlement with the US Department of Justice, was an sufficient remedy for any interoperability concerns. The Commission disagreed. It pointed out that this program only addresses client-to-server and not server-to-server protocols, and was thus insufficient given the tight link between client-to-server and server-to-server interoperability. It appears that Microsoft has recently expanded the scope of the MCPP in response to concerns voiced by DOJ, and that Sun as the principal complainant before the Commission has decided to participate in MCPP as part of its more comprehensive US$ 1.6 billion settlement with Microsoft. It is thus unclear whether there is still a significant gap between MCPP and the requirements imposed by the Commission in its decision.

4. Implications for future cases

The implications of the Commission's pronouncements on interoperability requirements are likely to be broader than those of its findings on WMP bundling. The Commission's decision potentially means that any dominant supplier of hardware or software is required to continue to supply interface information to rivals offering peripherals or accessories in competition with the dominant supplier if the dominant supplier has previously decided to provide such information. In contrast, it could be argued that suppliers who have never made interface information protected by IP rights available to rivals might only be subject to compulsory licensing under Article 82 EC under the narrower circumstances of *Magill*, *i.e.*, where they are suppressing the emergence of a new product not yet offered by the dominant supplier.

III. IMS Health

When the Court of Justice handed down its *IMS Health* judgment, both Microsoft and the Commission immediately claimed that it supported their respective legal positions. As explained below, the better view seems to be that *IMS Health* is not dispositive for the outcome of Microsoft's appeal. Nonetheless, *IMS Health* is a significant step to clarifying the reach of the *Magill* doctrine on compulsory licensing generally.

1. The Court's judgment and EC precedent

The Court of Justice's ruling in the *IMS Health* case is the culmination of an ongoing saga. IMS provides pharmaceutical companies with data on the sale of pharmaceutical products, which is used for, among other things, remunerating sales representatives. To provide useful data to its customers within existing privacy constraints, IMS had developed and copyrighted a geographical breakdown called a "brick structure" for processing data received from pharmaceutical wholesalers. When IMS rival NDC tried to use a similar brick structure in order to provide pharmaceutical data collection services in competition with IMS, the latter brought a successful action in German courts to block the use of its copyrighted system. NDC complained to the Commission, which adopted an interim decision requiring IMS to license its brick structure to NDC. After IMS successfully sought a suspension of the decision from the President of the CFI (an order confirmed by the President of ECJ), the Commission eventually withdrew the interim decision in August 2003 on the basis that the *Camera Care* criteria were no longer satisfied as NDC no longer needed protection. In parallel, the German trial court hearing the copyright dispute referred to the Court of Justice the question of whether IMS' refusal to license its brick structure to NDC constituted an abuse of a dominant position under Art. 82 EC.

In its ruling, the Court provided some important clarifications about the exceptional conditions under which Article 82 EC justifies compulsory licensing.

First, drawing on its *Bronner* judgment, the Court clarified that it is not an essential element of the *Magill* doctrine that the "input" that is deemed to be essential to competing in the downstream market is sold separately. Rather, it is sufficient if the input is part of a "potential" or even a "hypothetical" market. For IMS, this means that it cannot defend itself solely on the basis that it has never commercially offered licenses to its brick structure.

Second, the Court stated that compulsory licensing can be required only where the company requesting the license "does not intend to limit itself essentially to duplicating the goods or services already offered" by the dominant IP right holder, but "intends to produce new goods or services not offered by the owner of the right and for which there is a potential consumer demand." There are clearly a number of ambiguities in the Court's language. In particular, there is an obvious gray zone between products that are not "essentially a duplication of existing products" and products that are truly "new". Given that the Court deals with a scenario in which the "new" and existing products by definition belong to the same (dominated) antitrust market, significant improvements to existing products could arguably suffice to be considered "new products". Moreover, the Court's notion of an "intent" to offer new products begs the question of how serious such intent must be to gain access to the dominant company's essential inputs. It remains for future cases to resolve these questions, so it is premature to say whether *IMS Health* should be read as a limitation or expansion of *Magill,* in terms of requirements on the product to be offered by the complainant.

Third, the Court agreed the complainants in the *IMS Health* case that the extent to which customers had participated in the elaboration of IMS's brick structure and the costs that they may incur in switching to an alternative structure are relevant for the analysis under Article 82, insofar as they affect the complainant's ability to offer a viable product in competition with IMS. If such switching costs are fatal to a viable competitive offering, this would imply that access to IMS's brick structure is in fact "indispensable" and could thus give rise to compulsory licensing if the other elements of the *Magill* test are met.

2. Comparison with US antitrust law

As pointed out above, US antitrust law is very skeptical about refusal to deal claims. The Supreme Court's interpretation of its *Aspen Skiing* decision in the *Trinko* case suggest that when the dominant company has not previously supplied the complainant or other companies with the essential input on commercial terms, it will be difficult to establish the conditions necessary to make a refusal to deal actionable. To the extent that the *IMS Health* judgment makes it clear that previous commercial dealings are not an essential requirement of Article 82 liability based on refusal to deal, it thus would thus appear to widen the gap between EC and US antitrust law.

3. Implications for future cases

In terms of its implications for the Microsoft appeal, the *IMS Health* judgment is arguably not dispositive. As mentioned above, the Commission has not directly relied on the test set out in *Magill,* and its case is thus not directly affected by any modification or clarification of *Magill* in *IMS Health*. Nor would *IMS Health* appear to affect the Commission's premise that there is no "exhaustive check list" of "exceptional circumstances" justifying compulsory licensing. Therefore, both parties could only seek to take comfort from certain parts of the judgment.

For instance, the Commission is likely to welcome the Court's clarification that there need not be an existing market for the relevant "input", because this should help address arguments such as that disclosure of interoperability information is not customary in the software industry. Conversely, Microsoft may seek to argue that competing server OS are not "new" products within the meaning of *IMS Health*, but merely seek to replicate functionality (including client-to-server and server-to-server interoperability) that Microsoft's workgroup server operating systems already offer. At the end of the day, it seems more likely that the Court of First Instance will decide on the Microsoft case by examining the specific arguments in the Commission's decision rather than by simply invoking *IMS Health* in order to rule one way or the other.

IMS Health may however have significant general implications for dominant IP right holders. The Court's statement that even a "hypothetical" market for essential input is sufficient in a compulsory licensing context could have far-reaching consequences for arguably dominant companies holding process and component patents, copyrights, or other forms of secret know-how that provide a significant competitive advantage. Also, as mentioned above, the ambiguity of the Court's "new product" and "intent" requirements may tempt some national authorities and courts towards a broad interpretation of compulsory licensing requirements, in particular where Article 82 EC is invoked as a defense in patent infringement cases. Last, the Court's acknowledgement that customer involvement in developing products can heighten the risk of compulsory licensing may in certain cases discourage such customer involvement with a negative impact on innovation.

IV. Conclusion

The Commission's Microsoft decision and the Court's *IMS Health* judgment do not mark a significant change in the interpretation and enforcement of Article 82 EC. However, precisely for that reason, they do illustrate the differences in approach – sometimes subtle, sometimes obvious – between the European Union and the United States to balancing the interests of IP right holders with that of stimulating competition where a proprietary technology has become the de-facto industry standard. Even after the two decisions, many issues still await clarification through further case law, which now will be shaped by agencies and courts throughout the EU's 25 jurisdictions. IP right holders doing business in Europe are well advised to follow these developments closely.

* * *

This bulletin has been prepared by Sven Völcker, Lee Greenfield, Chuck Stark, Antonio Capobianco and Markus Hutschneider.

WILMER ANTITRUST AND COMPETITION GROUP

In Brussels:	***+32 (2) 285.49.00***		
Claus-Dieter Ehlermann	Christian Duvernoy	Axel Gutermuth	Flavia Distefano
John Ratliff	Yves Van Gerven	Natalie McNelis	Jan Heithecker
Charles Stark	Sven Voelcker	Antonio Capobianco	David Reingewirtz
Frédéric Louis	Thomas Mueller	Pablo Charro	Naboth van den Broek
Marco Bronckers	Anne Vallery	Axel Desmedt	
In Berlin:	***+49 (30) 20.22.64.00***		
Karlheinz Quack	Joerg Karenfort	Rainer Velte	Hartmut Schneider
Ulrich Quack	Stefan Ohlhoff	Markus Hutschneider	Andreas Zuber
Natalie Luebben	Ruediger Schuett	Alexander Juengling	
In London:	***+44 (20) 7872.1000***		
Suyong Kim	Rona Bar-Isaac	Mark Toner	Deirdre Waters
	Peter Grundberg		
In Washington, DC:	***+1 (202) 663.6000***		
William Kolasky	Ali Stoeppelwerth	Jeffrey Ayer	Andrew King
Douglas Melamed	Leon Greenfield	Laura Batenic	Yaa Apori
Robert Bell	Eric Mahr	Aaron Brinkman	Alexander Krulich
Veronica Kayne	Nicole Berry	Jacqueline Haberer	Jeffrey Schomig
John Rounsaville	James Frost	David Olsky	Jeffrey Rogers
James Lowe	Janet Ridge	Barbara Blank	

All attorneys can be reached via email by firstname.lastname@wilmer.com