THE OFFICE:

HABOOSH:

The current state of empirical research makes it more difficult to distinguish pro-competitive from anti-competitive vertical restraints. I strongly suspect that distribution channel participants' incentives and interests conflict and clash to a far greater extent than most of the economic models predict or account for.

THE OFFICE:

HABOOSH:

I would like the Commission to develop more cases that will flesh out the application of the [1992 FTC/DOJ] Horizontal Merger Guidelines in cases involving pure innovation markets.

[7] Federal Trade Comm'n & U.S. Dep't of Justice, Hearings on Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy (Feb. 6–Nov. 6, 2002), *available at* http://www.ftc.gov/opp/intellect/index.htm.

[8] *See* News Release, FTC, FTC Issues Report on How to Promote Innovation Through Balancing Competition with Patent Law and Policy (Oct. 28, 2003), *available at* http://www.ftc.gov/opa/2003/10/cpreport.htm.

[9] U.S. Dep't of Justice & Federal Trade Comm'n, Horizontal Merger Guidelines (1992, revised 1997) [Guidelines], *available at* http://www.ftc.gov/bc/docs/horizmer.htm.

[10] *See supra* note 1.

HE O CE: *Genzyme* *Genzyme* [17] . C ?

HA BO : *Genzyme/Novazyme* C . B C , E G . G ,

As one Commissioner,

I have a limited ability

to influence the

Commission to bring

more vertical cases,

but if it were up to me

to bring the next

generation of vertical

cases, I would be

looking for situations

where there are

The United States clearly has some energy problems; we face major challenges in sustaining a viable, long-term balance between supply and demand. There are environmental problems, engineering problems, lifestyle issues—it is all-encompassing. But most of these problems are not antitrust problems.

[24] Geoffrey Christopher Rapp, *Gouging: Terrorist Attacks, Hurricanes, and the Legal and Economic Aspects of Post-Disaster Price Regulation*, 94 KENTUCKY L.J. (forthcoming), *available at* http://ssrn.com/abstract=800745.

HE O CE: C

HA BO :