



## REQUEST FOR PUBLIC COMMENT

### Exclusionary Conduct

(Comments Requested by July 15, 2005)

1. What are the circumstances in which a firm's refusal to deal with (or discrimination against) rivals in adjacent markets violates Section 2 of the Sherman Act? Does the Supreme Court's decision in *Verizon Communications, Inc. v. Law Offices of Curtis V. Trinko, LLP*, 540 U.S. 398 (2004), state an appropriate legal standard in this respect?
2. Should the essential facilities doctrine constitute an independent basis of liability for single-firm conduct under Section 2 of the Sherman Act?
3. What should be the standards for determining when a firm's product bundling or bundled pricing violates Section 2 of the Sherman Act?
4. How should the standards for exclusionary or anticompetitive conduct be determined (e.g., through legislation, judicial development, *amicus* efforts by DOJ and FTC), particularly if you believe the current standards are not appropriate or clear?

Source: 70 Fed. Reg. 28902–28907 (May 19, 2005)