

The United States and the Federal Trade Commission will address the following question presented:

Whether, in reversing the dismissal of a complaint for failure to state a claim upon which relief may be granted under Section 2 of the Sherman Act, 15 U.S.C. 2, the court of appeals erred by relying on a standard of liability that does not require predatory or exclusionary conduct.

TABLE OF CONTENTS

	Page
Interest of the United States and the Federal Trade	
Commission	1
Statement	1
Discussion	8
Conclusion	20

TABLE OF AUTHORITIES

Cases:

948 F.2d 536 (9th Cir. 1991)	17
472 U.S. 585 (1985)	1, 6-7, 10, 11, 12, 13
326 U.S. 1 (1945)	15
525 U.S. 366 (1999)	3, 8, 12
603 F.2d 263 (2d Cir. 1979)	11, 18
65 F.3d 1406 (7th Cir. 1995)	11
404 U.S. 508 (1972)	11
383 U.S. 213 (1966)	8
500 U.S. 928 (1991)	19
467 U.S. 752 (1984)	9-10
299 F.3d 1272 (11th Cir. 2002)	19-20
902 F.2d 174 (2d Cir. 1990), cert. denied, 500 U.S. 928 (1991)	19
170 F.3d 53 (1st Cir. 1999)	14

Cases—Continued:	Page
<i>Am. Soc. of Int'l L. v. S. Ct.</i> , 253 F.3d 34 (D.C. Cir.), cert. denied, 534 U.S. 952 (2001)	11
<i>Am. Soc. of Int'l L. v. S. Ct.</i> , 224 U.S. 383 (1912)	1, 15
1646 (2002)	2-3, 8, 15
256 (2d Cir. 2001)	7, 16
<i>Am. Soc. of Int'l L. v. S. Ct.</i> , 382 U.S. 172 (1966)	11
 Statutes and rules:	
Communications Act of 1934, § 202, 47 U.S.C. 202	5, 7, 8
Sherman Act, 15 U.S.C. 1	
§ 1, 15 U.S.C. 1	11
§ 2, 15 U.S.C. 2	
Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (47 U.S.C. 151	4, 9, 14
47 U.S.C. 152 note (§ 601(b), 110 Stat. 143)	4, 7
47 U.S.C. 251	2
47 U.S.C. 251(c)	3
47 U.S.C. 251(c)(1)	2
47 U.S.C. 251(c)(2)	14
47 U.S.C. 251(c)(2)(C)	4
47 U.S.C. 252	3
47 U.S.C. 252(a)(2)	2
47 U.S.C. 252(c)(3)	2
47 U.S.C. 252(c)(4)	3
47 U.S.C. 252(d)(1)	3
47 U.S.C. 252(d)(3)	3
Fed. R. Civ. P.:	
Rule 8	19
Rule 12(b)(6)	18

VI

Miscellaneous:	Page
P. Areeda & H. Hovenkamp, <i>Antitrust Law</i> (2d ed. 2002):	
Vol. 3	10, 11, 12, 13, 16
Vol. 3A	1, 12, 14
Order Approving Interconnection Agreement, Case No. 06-C-0723 (N.Y. Pub. Serv. Comm'n June 13, 1997), <i>1997 WL 410707</i>	4

**INTEREST OF THE UNITED STATES AND THE
FEDERAL TRADE COMMISSION**

✻ ✻

STATEMENT

STATEMENT

A dense grid of small black symbols, possibly a barcode or a data matrix, arranged in a roughly rectangular shape. The symbols are small, black, and appear to be a mix of vertical lines, dots, and small geometric shapes, arranged in a regular, grid-like pattern. The overall appearance is that of a high-resolution data matrix or a barcode. The symbols are arranged in a roughly rectangular shape, with some variations in density and spacing, suggesting a complex data structure or a specific encoding scheme. The symbols are small and black, set against a white background, and are arranged in a regular, grid-like pattern. The overall appearance is that of a high-resolution data matrix or a barcode.

The image is a high-contrast, black and white scan of a document page. It is extremely dense with black ink, making most of the content illegible. There are several faint, scattered characters and symbols that are barely visible against the black background. These include the letters 'L', 'G', 'A', and 'C', which appear to be part of a larger text or code. The overall appearance is that of a very dark, noisy scan of a printed page.

A
O
E
L
C
L
I
I

$A \vee E_f \cdot C \cdot -FMC C$

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& B$

A

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& B$

A

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& B$

A

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& B$

A

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& B$

A

$B \vee P, K \cdot -E, K, C$

$M \vee C, B, Q \cdot \& C$

C

$C \vee M \vee C$

C

C

C

$M \vee C$

C

C

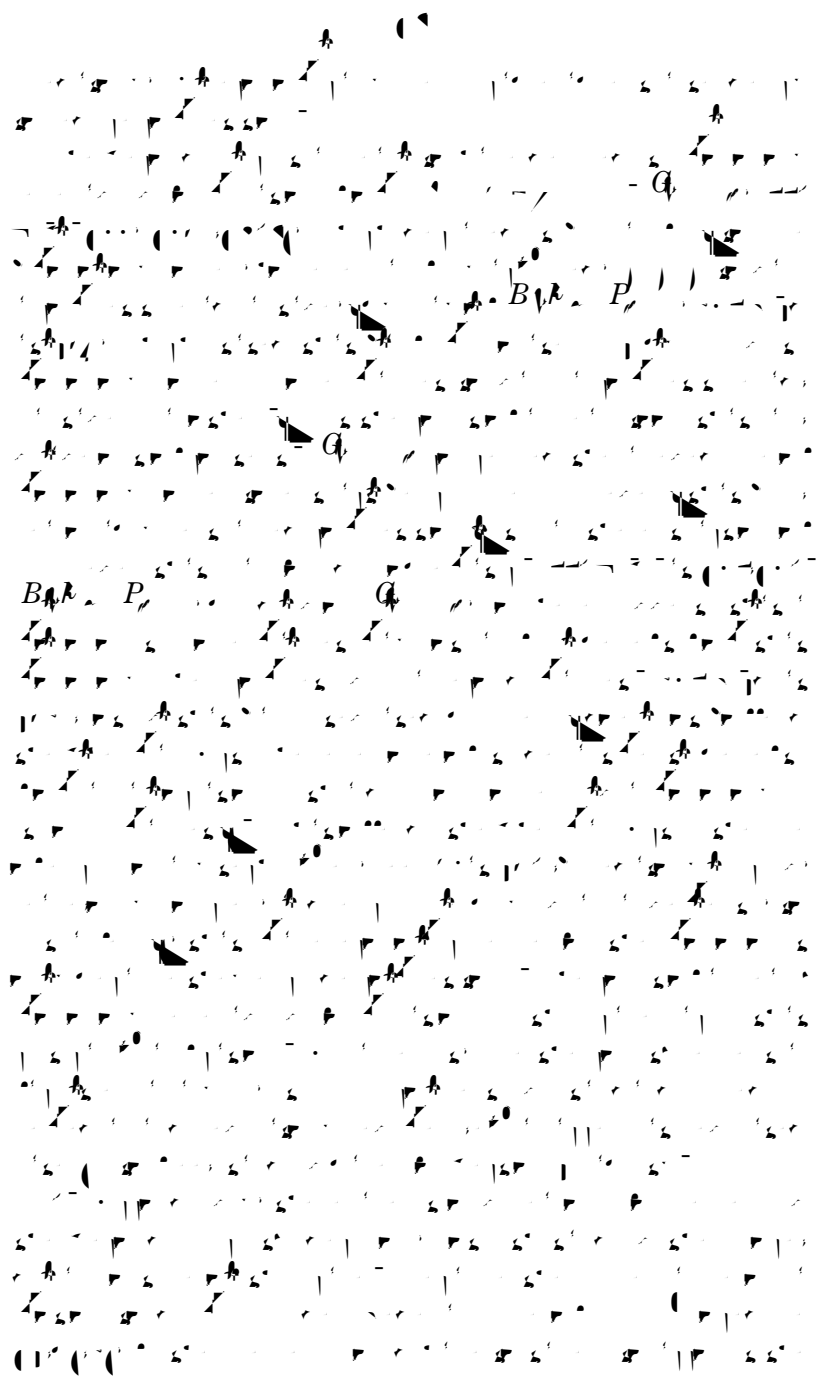
M

M

1. $\int \frac{1}{x^2} dx = -\frac{1}{x} + C$
 2. $\int \frac{1}{x} dx = \ln|x| + C$
 3. $\int x^n dx = \frac{x^{n+1}}{n+1} + C$
 4. $\int e^x dx = e^x + C$
 5. $\int a^x dx = \frac{a^x}{\ln a} + C$
 6. $\int \frac{1}{a^x} dx = -\frac{1}{a^x \ln a} + C$
 7. $\int \frac{1}{\sqrt{x}} dx = 2\sqrt{x} + C$
 8. $\int \frac{1}{x^3} dx = -\frac{1}{2x^2} + C$
 9. $\int \frac{1}{x^4} dx = -\frac{1}{3x^3} + C$
 10. $\int \frac{1}{x^5} dx = -\frac{1}{4x^4} + C$
 11. $\int \frac{1}{x^6} dx = -\frac{1}{5x^5} + C$
 12. $\int \frac{1}{x^7} dx = -\frac{1}{6x^6} + C$
 13. $\int \frac{1}{x^8} dx = -\frac{1}{7x^7} + C$
 14. $\int \frac{1}{x^9} dx = -\frac{1}{8x^8} + C$
 15. $\int \frac{1}{x^{10}} dx = -\frac{1}{9x^9} + C$
 16. $\int \frac{1}{x^{11}} dx = -\frac{1}{10x^{10}} + C$
 17. $\int \frac{1}{x^{12}} dx = -\frac{1}{11x^{11}} + C$
 18. $\int \frac{1}{x^{13}} dx = -\frac{1}{12x^{12}} + C$
 19. $\int \frac{1}{x^{14}} dx = -\frac{1}{13x^{13}} + C$
 20. $\int \frac{1}{x^{15}} dx = -\frac{1}{14x^{14}} + C$
 21. $\int \frac{1}{x^{16}} dx = -\frac{1}{15x^{15}} + C$
 22. $\int \frac{1}{x^{17}} dx = -\frac{1}{16x^{16}} + C$
 23. $\int \frac{1}{x^{18}} dx = -\frac{1}{17x^{17}} + C$
 24. $\int \frac{1}{x^{19}} dx = -\frac{1}{18x^{18}} + C$
 25. $\int \frac{1}{x^{20}} dx = -\frac{1}{19x^{19}} + C$
 26. $\int \frac{1}{x^{21}} dx = -\frac{1}{20x^{20}} + C$
 27. $\int \frac{1}{x^{22}} dx = -\frac{1}{21x^{21}} + C$
 28. $\int \frac{1}{x^{23}} dx = -\frac{1}{22x^{22}} + C$
 29. $\int \frac{1}{x^{24}} dx = -\frac{1}{23x^{23}} + C$
 30. $\int \frac{1}{x^{25}} dx = -\frac{1}{24x^{24}} + C$
 31. $\int \frac{1}{x^{26}} dx = -\frac{1}{25x^{25}} + C$
 32. $\int \frac{1}{x^{27}} dx = -\frac{1}{26x^{26}} + C$
 33. $\int \frac{1}{x^{28}} dx = -\frac{1}{27x^{27}} + C$
 34. $\int \frac{1}{x^{29}} dx = -\frac{1}{28x^{28}} + C$
 35. $\int \frac{1}{x^{30}} dx = -\frac{1}{29x^{29}} + C$
 36. $\int \frac{1}{x^{31}} dx = -\frac{1}{30x^{30}} + C$
 37. $\int \frac{1}{x^{32}} dx = -\frac{1}{31x^{31}} + C$
 38. $\int \frac{1}{x^{33}} dx = -\frac{1}{32x^{32}} + C$
 39. $\int \frac{1}{x^{34}} dx = -\frac{1}{33x^{33}} + C$
 40. $\int \frac{1}{x^{35}} dx = -\frac{1}{34x^{34}} + C$
 41. $\int \frac{1}{x^{36}} dx = -\frac{1}{35x^{35}} + C$
 42. $\int \frac{1}{x^{37}} dx = -\frac{1}{36x^{36}} + C$
 43. $\int \frac{1}{x^{38}} dx = -\frac{1}{37x^{37}} + C$
 44. $\int \frac{1}{x^{39}} dx = -\frac{1}{38x^{38}} + C$
 45. $\int \frac{1}{x^{40}} dx = -\frac{1}{39x^{39}} + C$
 46. $\int \frac{1}{x^{41}} dx = -\frac{1}{40x^{40}} + C$
 47. $\int \frac{1}{x^{42}} dx = -\frac{1}{41x^{41}} + C$
 48. $\int \frac{1}{x^{43}} dx = -\frac{1}{42x^{42}} + C$
 49. $\int \frac{1}{x^{44}} dx = -\frac{1}{43x^{43}} + C$
 50. $\int \frac{1}{x^{45}} dx = -\frac{1}{44x^{44}} + C$
 51. $\int \frac{1}{x^{46}} dx = -\frac{1}{45x^{45}} + C$
 52. $\int \frac{1}{x^{47}} dx = -\frac{1}{46x^{46}} + C$
 53. $\int \frac{1}{x^{48}} dx = -\frac{1}{47x^{47}} + C$
 54. $\int \frac{1}{x^{49}} dx = -\frac{1}{48x^{48}} + C$
 55. $\int \frac{1}{x^{50}} dx = -\frac{1}{49x^{49}} + C$
 56. $\int \frac{1}{x^{51}} dx = -\frac{1}{50x^{50}} + C$
 57. $\int \frac{1}{x^{52}} dx = -\frac{1}{51x^{51}} + C$
 58. $\int \frac{1}{x^{53}} dx = -\frac{1}{52x^{52}} + C$
 59. $\int \frac{1}{x^{54}} dx = -\frac{1}{53x^{53}} + C$
 60. $\int \frac{1}{x^{55}} dx = -\frac{1}{54x^{54}} + C$
 61. $\int \frac{1}{x^{56}} dx = -\frac{1}{55x^{55}} + C$
 62. $\int \frac{1}{x^{57}} dx = -\frac{1}{56x^{56}} + C$
 63. $\int \frac{1}{x^{58}} dx = -\frac{1}{57x^{57}} + C$
 64. $\int \frac{1}{x^{59}} dx = -\frac{1}{58x^{58}} + C$
 65. $\int \frac{1}{x^{60}} dx = -\frac{1}{59x^{59}} + C$
 66. $\int \frac{1}{x^{61}} dx = -\frac{1}{60x^{60}} + C$
 67. $\int \frac{1}{x^{62}} dx = -\frac{1}{61x^{61}} + C$
 68. $\int \frac{1}{x^{63}} dx = -\frac{1}{62x^{62}} + C$
 69. $\int \frac{1}{x^{64}} dx = -\frac{1}{63x^{63}} + C$
 70. $\int \frac{1}{x^{65}} dx = -\frac{1}{64x^{64}} + C$
 71. $\int \frac{1}{x^{66}} dx = -\frac{1}{65x^{65}} + C$
 72. $\int \frac{1}{x^{67}} dx = -\frac{1}{66x^{66}} + C$
 73. $\int \frac{1}{x^{68}} dx = -\frac{1}{67x^{67}} + C$
 74. $\int \frac{1}{x^{69}} dx = -\frac{1}{68x^{68}} + C$
 75. $\int \frac{1}{x^{70}} dx = -\frac{1}{69x^{69}} + C$
 76. $\int \frac{1}{x^{71}} dx = -\frac{1}{70x^{70}} + C$
 77. $\int \frac{1}{x^{72}} dx = -\frac{1}{71x^{71}} + C$
 78. $\int \frac{1}{x^{73}} dx = -\frac{1}{72x^{72}} + C$
 79. $\int \frac{1}{x^{74}} dx = -\frac{1}{73x^{73}} + C$
 80. $\int \frac{1}{x^{75}} dx = -\frac{1}{74x^{74}} + C$
 81. $\int \frac{1}{x^{76}} dx = -\frac{1}{75x^{75}} + C$
 82. $\int \frac{1}{x^{77}} dx = -\frac{1}{76x^{76}} + C$
 83. $\int \frac{1}{x^{78}} dx = -\frac{1}{77x^{77}} + C$
 84. $\int \frac{1}{x^{79}} dx = -\frac{1}{78x^{78}} + C$
 85. $\int \frac{1}{x^{80}} dx = -\frac{1}{79x^{79}} + C$
 86. $\int \frac{1}{x^{81}} dx = -\frac{1}{80x^{80}} + C$
 87. $\int \frac{1}{x^{82}} dx = -\frac{1}{81x^{81}} + C$
 88. $\int \frac{1}{x^{83}} dx = -\frac{1}{82x^{82}} + C$
 89. $\int \frac{1}{x^{84}} dx = -\frac{1}{83x^{83}} + C$
 90. $\int \frac{1}{x^{85}} dx = -\frac{1}{84x^{84}} + C$
 91. $\int \frac{1}{x^{86}} dx = -\frac{1}{85x^{85}} + C$
 92. $\int \frac{1}{x^{87}} dx = -\frac{1}{86x^{86}} + C$
 93. $\int \frac{1}{x^{88}} dx = -\frac{1}{87x^{87}} + C$
 94. $\int \frac{1}{x^{89}} dx = -\frac{1}{88x^{88}} + C$
 95. $\int \frac{1}{x^{90}} dx = -\frac{1}{89x^{89}} + C$
 96. $\int \frac{1}{x^{91}} dx = -\frac{1}{90x^{90}} + C$
 97. $\int \frac{1}{x^{92}} dx = -\frac{1}{91x^{91}} + C$
 98. $\int \frac{1}{x^{93}} dx = -\frac{1}{92x^{92}} + C$
 99. $\int \frac{1}{x^{94}} dx = -\frac{1}{93x^{93}} + C$
 100. $\int \frac{1}{x^{95}} dx = -\frac{1}{94x^{94}} + C$
 101. $\int \frac{1}{x^{96}} dx = -\frac{1}{95x^{95}} + C$
 102. $\int \frac{1}{x^{97}} dx = -\frac{1}{96x^{96}} + C$
 103. $\int \frac{1}{x^{98}} dx = -\frac{1}{97x^{97}} + C$
 104. $\int \frac{1}{x^{99}} dx = -\frac{1}{98x^{98}} + C$
 105. $\int \frac{1}{x^{100}} dx = -\frac{1}{99x^{99}} + C$

106. $\int \frac{1}{x^{101}} dx = -\frac{1}{100x^{100}} + C$
 107. $\int \frac{1}{x^{102}} dx = -\frac{1}{101x^{101}} + C$
 108. $\int \frac{1}{x^{103}} dx = -\frac{1}{102x^{102}} + C$
 109. $\int \frac{1}{x^{104}} dx = -\frac{1}{103x^{103}} + C$
 110. $\int \frac{1}{x^{105}} dx = -\frac{1}{104x^{104}} + C$
 111. $\int \frac{1}{x^{106}} dx = -\frac{1}{105x^{105}} + C$
 112. $\int \frac{1}{x^{107}} dx = -\frac{1}{106x^{106}} + C$
 113. $\int \frac{1}{x^{108}} dx = -\frac{1}{107x^{107}} + C$
 114. $\int \frac{1}{x^{109}} dx = -\frac{1}{108x^{108}} + C$
 115. $\int \frac{1}{x^{110}} dx = -\frac{1}{109x^{109}} + C$
 116. $\int \frac{1}{x^{111}} dx = -\frac{1}{110x^{110}} + C$
 117. $\int \frac{1}{x^{112}} dx = -\frac{1}{111x^{111}} + C$
 118. $\int \frac{1}{x^{113}} dx = -\frac{1}{112x^{112}} + C$
 119. $\int \frac{1}{x^{114}} dx = -\frac{1}{113x^{113}} + C$
 120. $\int \frac{1}{x^{115}} dx = -\frac{1}{114x^{114}} + C$
 121. $\int \frac{1}{x^{116}} dx = -\frac{1}{115x^{115}} + C$
 122. $\int \frac{1}{x^{117}} dx = -\frac{1}{116x^{116}} + C$
 123. $\int \frac{1}{x^{118}} dx = -\frac{1}{117x^{117}} + C$
 124. $\int \frac{1}{x^{119}} dx = -\frac{1}{118x^{118}} + C$
 125. $\int \frac{1}{x^{120}} dx = -\frac{1}{119x^{119}} + C$
 126. $\int \frac{1}{x^{121}} dx = -\frac{1}{120x^{120}} + C$
 127. $\int \frac{1}{x^{122}} dx = -\frac{1}{121x^{121}} + C$
 128. $\int \frac{1}{x^{123}} dx = -\frac{1}{122x^{122}} + C$
 129. $\int \frac{1}{x^{124}} dx = -\frac{1}{123x^{123}} + C$
 130. $\int \frac{1}{x^{125}} dx = -\frac{1}{124x^{124}} + C$
 131. $\int \frac{1}{x^{126}} dx = -\frac{1}{125x^{125}} + C$
 132. $\int \frac{1}{x^{127}} dx = -\frac{1}{126x^{126}} + C$
 133. $\int \frac{1}{x^{128}} dx = -\frac{1}{127x^{127}} + C$
 134. $\int \frac{1}{x^{129}} dx = -\frac{1}{128x^{128}} + C$
 135. $\int \frac{1}{x^{130}} dx = -\frac{1}{129x^{129}} + C$
 136. $\int \frac{1}{x^{131}} dx = -\frac{1}{130x^{130}} + C$
 137. $\int \frac{1}{x^{132}} dx = -\frac{1}{131x^{131}} + C$
 138. $\int \frac{1}{x^{133}} dx = -\frac{1}{132x^{132}} + C$
 139. $\int \frac{1}{x^{134}} dx = -\frac{1}{133x^{133}} + C$
 140. $\int \frac{1}{x^{135}} dx = -\frac{1}{134x^{134}} + C$
 141. $\int \frac{1}{x^{136}} dx = -\frac{1}{135x^{135}} + C$
 142. $\int \frac{1}{x^{137}} dx = -\frac{1}{136x^{136}} + C$
 143. $\int \frac{1}{x^{138}} dx = -\frac{1}{137x^{137}} + C$
 144. $\int \frac{1}{x^{139}} dx = -\frac{1}{138x^{138}} + C$
 145. $\int \frac{1}{x^{140}} dx = -\frac{1}{139x^{139}} + C$
 146. $\int \frac{1}{x^{141}} dx = -\frac{1}{140x^{140}} + C$
 147. $\int \frac{1}{x^{142}} dx = -\frac{1}{141x^{141}} + C$
 148. $\int \frac{1}{x^{143}} dx = -\frac{1}{142x^{142}} + C$
 149. $\int \frac{1}{x^{144}} dx = -\frac{1}{143x^{143}} + C$
 150. $\int \frac{1}{x^{145}} dx = -\frac{1}{144x^{144}} + C$
 151. $\int \frac{1}{x^{146}} dx = -\frac{1}{145x^{145}} + C$
 152. $\int \frac{1}{x^{147}} dx = -\frac{1}{146x^{146}} + C$
 153. $\int \frac{1}{x^{148}} dx = -\frac{1}{147x^{147}} + C$
 154. $\int \frac{1}{x^{149}} dx = -\frac{1}{148x^{148}} + C$
 155. $\int \frac{1}{x^{150}} dx = -\frac{1}{149x^{149}} + C$

0
1
2
3
4
5
6
7
8
9
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z
[
\
]
^
_
`
a
b
c
d
e
f
g
h
i
j
k
l
m
n
o
p
q
r
s
t
u
v
w
x
y
z
{
|
}
~
`



0

Handwritten text, possibly a signature or name, appearing as a series of connected loops and strokes.

1
C, C, G, C, B, A, C
LLC, C, D, F, .C. C