

In the Supreme Court of the United States

VOVO TRUCKS NORTH AMERICA, INC., PETITIONER

v.

RESIMCO GMC, INC.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

**BRIEF FOR THE UNITED STATES
AS AMICUS CURIAE SUPPORTING PETITIONER**

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QUESTION PRESENTED

W
a
a
S 2(a) C a A , a
a R -Pa A , 15 S.C. 13(a),
a
a

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In the Supreme Court of the United States

No. 04-905

Volvo Trucks North America, Inc., Petitioner

v.

Respondeo Simco GMC, Inc.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

**BRIEF FOR THE UNITED STATES
AS AMICUS CURIAE SUPPORTING PETITIONER**

INTEREST OF THE UNITED STATES

The Federal Trade Commission (FTC) is a federal agency that is responsible for enforcing antitrust laws and preventing unfair trade practices. The FTC has a long history of protecting consumers and promoting competition in the marketplace. In this case, the FTC is supporting the Petitioner, Volvo Trucks North America, Inc., in its appeal of the Respondent's, Respondeo Simco GMC, Inc., decision. The FTC believes that the Respondent's decision is in the public interest and should be affirmed.

STATEMENT

Respondeo Simco GMC, Inc. (Respondent) is a company that manufactures and sells heavy-duty trucks. Respondent's trucks are sold in the United States through its subsidiary, Volvo Trucks North America, Inc. (VTA). Respondent's trucks are known for their reliability and durability. Respondent's trucks are used by a wide range of customers, including construction companies, law enforcement agencies, and commercial fleets.

1 2 | 3 4 a a a | 5 6 | 7 8 a 9 10 11 12

a . P . A . 17a, 20a. Ra

f R a V fa -

Id. a 17a. T

a fa a a a a a R

, i R a a . Id. a 19a. Ta -

a R a a a V a a -

a R a a a . Ibid.

J H R

Pa A a . P . A . 27a-32a. H a

R fa [] a -

a R fa V a -

a a a a a a a a

a a a a a a a a

. B a a a a a a a -

[A] a a a a a a a -

a a a a a a a a

a a Id. a 27a-28a. T a a a a

[] a a a a a a a -

a a . Id. a 29a. J H a a a -

R a a a a a a a -

a a a A a a a

[A] a a a a a a

a a a a a a a

a a a a a a a

[] a a a a a a a -

Ibid.

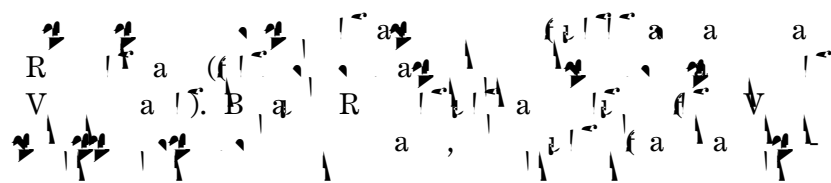
[] a a a a a a a -

15 U.S.C. 13(a). T, a A
Corn Prods. Ref. Co., *FTC*, 324 U.S. 726, 742
 (1945),
Brooke Group, 509 U.S. a 222 (*Falls City*,
 460 U.S. a 434). S a H H a , *The
 Robinson-Patman Act And Competition: Unfinished Busi-
 ness*, 68 *A.J.* 125, 134-135 (2000). T
 R -Pa A
 G Pa a ,
 a a a fa
 a a a a A

2. T. C. a a a A
a a a a a a a a
a a a a a a a a .

(15 U.S.C. 13(a))

a a id. a 437(8), a a
 a a Va . B a A a
 a a a a a *retail diversion*
 a a a a a a . Id. a 436.⁸
 A C a a a a
 a a a a a S
 2(a) f R -Pa A , a a
 a a a a a
 a . W Pa ,



Musical score for voice and piano. The score consists of two staves. The upper staff is for the voice, and the lower staff is for the piano accompaniment. The lyrics are: R a (f) a a a V a). B a R a , a a a V. The music features a mix of eighth and sixteenth notes, with some rests and dynamic markings like 'f' (forte).

2. T R a P A . 11a-12a. T a V a
* * * *Id.* a 11a
(*Best Brands Beverage, Inc. v. Falstaff Brewing Corp.*, 842 F.2 578, 585 (2 Cl. 1987)). R Sa
V a a a a Sa a
R a V a a a
a R a a a a V
a *Id.* a 11a-12a. B a V a

¹¹ R R -Pa A a fa f a a a . T a -
a a a a a a V a a a - - a
a a a a a a a a a a
a a a a a a a a V . T
a a a a V a a a S
10, two-puru a chasesedbpurclaxonsto wa- simply

The image displays a musical score for a vocal line, likely a soprano or alto, with lyrics printed below the notes. The notation includes various note values such as quarter, eighth, and sixteenth notes, along with rests. Dynamics like *ff* (fortissimo) and *f* (forte) are present. The lyrics are as follows:

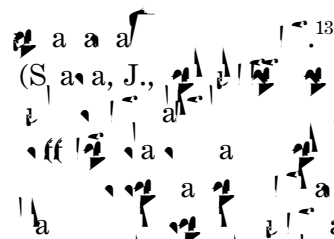
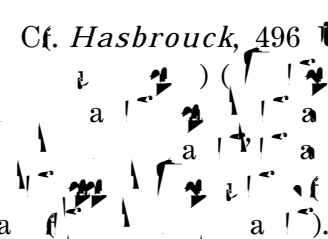
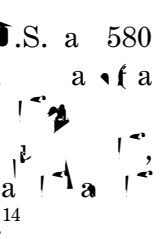
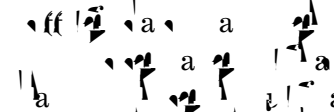
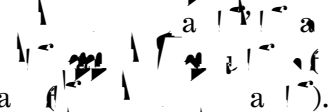
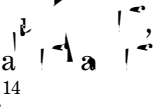


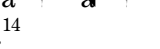
fa
a V a a . T V
a R a a a
a a a a R Pa a
T *Best Brands* a a a
A a a C a a a
a a a a A
J H a V a a
a a a a a
a a a a * * *
a a a . P . A . 28a-29a. T a a
a a a a a a V
a a a A a
a a a a
f a a a a R a a a
V a a a .
P . A . 4a, 11a-12a. a a V
a a S . 4, *supra*. T
a a a a a
a a a a A a .

3. T
 a a a
 a a a
 a V a
 a a a R a
 a a A a R
 a a A R
 a a a
 a a a

Morton Salt . P . A . 15a *Rose Confections, Inc.* . *Ambrosia Chocolate Co.*, 816 F.2 381, 385 (8 G. 1987).

a. C a , R

M
 A . P
 T
 A
 P . A . 13a-16a. B
 T R -Pa A
 a 225 (fa) S Brooke Group, 509 U.S.
 fa) a a f a a f -
 fa) a a f -

 ¹³ Cf. *Hasbrouck*, 496 U.S. at 580
(S. a. a, J., ) ( a f a
 ff  a a  a | a a |
 a  a | a |  a | a |)¹⁴

**C. Extending the Robinson-Patman Act To Reach Volvo's
Conduct Would Undercut The Pro-Competitive Poli-
cies Of The Antitrust Laws**

V
 a
 f a -
 V
 V
 3a; Metro Ford Truck Sales, Inc. v. Ford Motor Co., 145
 F.3d 320, 323 (5th Cir. 1998)
 P.A. v. F. a -
 a F a
 fa
 a
), 525 U.S.
 1068 (1999). I
 a
 a
 15
 T
 a a
 V V
 a
 P.A. 3a, a
 R
 a
 16a, a
 , id. a
 19a. B, a C
 a 30 a
 a a
 a a
 Continental T.V., Inc. v. GTE Syl-
 vania Inc., 433 U.S. 36, 51-52 (1977). B a
 a , id. a
 52 .19, a

¹⁵ Cf. 14 H v. H a , Antitrust Law 2301a, a 4-6 (1999) (a
 a
 a
 R -Pa A ,
 a a)

a . T R -Pa A
 V a l a
 a] . I d a 54. T A
 a a fa a a
 a a a a
 a fa a a a
 a a a a
 a a a a
 a a a a
 a a a a
 R -Pa A .

CONCLUSION

T a a
 R .

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