

To: *Antitrust Law Journal* Editors
From: Tina Miller & Tammy Feldman
Date: September 2021
Re: *Antitrust Law Journal* Cite Checking Guide

Note: Before embarking on a cite check, review the required source docs and flag any that are not readily available; put together a request list of hard-to-locate source docs for the author to provide.

1. Overview: Basics of Cite Checking

- a. Check that bio note is indicated with an **asterisk** and **NOT** numbered as note 1.
- b. As part of the editing process, indicate where additional citations/footnotes are required (e.g., quotes, characterization of findings or assertions in another publication, speech, etc.). Ask author to fill in needed cites AND needed pincites.
- c. Check the substance of any citation reference against the text statement it supports.
- d. Verify that the correct case is cited because many cases have the same name (i.e., different decisions, different courts). Check the history of cases cited to see the disposition of appeals or later cases.
- e. Check exact wording in quotes against the original source document.
- f. Confirm that information presented in charts, tables, and graphs matches the source material of the data and matches the discussion of the chart, table, or graph in the text of the article itself.
- g. Confirm that cites have correct spelling of author and/or editor name(s), article title, journal title, journal volume number, page number(s), date, court, etc. **Check to be sure the most current edition of treatises and texts are used (e.g., Areeda & Hovenkamp, Posner, Carlton & Perloff, etc.), unless the author specifically intends to use an older version to show how language has changed.**
- h. Conform all cites to Bluebook format (which may require adding information such as author's full name, journal volume number, etc.). (Definitive reference: *The Bluebook: A Uniform System of Citation 21st edition*.) *Journal* exceptions to Bluebook formatting are included in this memo.
- i. Confirm that URLs link to the intended document or Web site.
- j. Check to see whether working papers or unpublished manuscripts cited are now published or forthcoming as published articles or book chapters. If cite indicates "forthcoming", check to see if it is now published.
- k. Check *supra* and *infra* cites to confirm that they correspond to the correct notes and/or parts of the article. **Cases CANNOT be referenced by a *supra* or an *infra* cite unless the citation is very long (i.e., long case history or URL for EU cites);** if the author has done this, replace the *supra* or *infra* with the complete case cite.

2. Citation Formatting Tips

- a. Complete case name citations in footnotes are not italicized unless used as part of a sentence; shortened names for cases are italicized, but the full case names should be used in the first citation of a case. Short forms should only be used after the full case name has been provided within 5 footnotes prior OR if the full case name is provided in the text supported by the footnote. Words or names used in short forms are not abbreviated (except for Corp., Co., and Inc.). *Id.* can be used for cases.
- b. When mentioned in the main text, case names (full or shortened) are italicized.

- c. Books, periodicals, etc.: When referring to a publication in the article text, use italics. In footnotes, follow Bluebook font format (i.e., books and journals are in small caps.)
- d. Full names (including any middle initial) are used for authors when citing to their works; the names should match those on the source document.
- e. When otherwise hard-to-locate source materials are available on-line, include the entire URL in the citation (**eliminating the http://**). URLs in citations are not enclosed in brackets. For Web blog citations, include date of post (see Bluebook 18.2.2.c); otherwise, *ALJ* style **excludes** the parenthetical “(last visited Month, Day, Year)” in all Web citations; the exception is that we do use “(last visited Month, Day, Year)” if the cite has a short “shelf life” and can be expected to disappear. We include URLs for speeches, guidelines, working papers, and most press releases (except those on Europa.eu RAPID because with the info we provide in the citation, those are easily found).
- f. We usually do NOT include URLs for
 - i. articles in readily available law reviews and journals.
 - ii. cases available through Lexis-Nexis, Westlaw, or EUR-lex.europa.eu. This is especially relevant when the material is quoted from and/or pincites are used. (For example, see “*ALJ* Non-U.S. Citation Formatting Guide” for *ALJ* style on URL exceptions in European Commission Decisions.).
 - iii. subscription sites (i.e., behind a pay wall), e.g., *Law360* or *Global Competition Review*.
 - iv. materials that can be easily found by a simple Google search (i.e., the correct URL or source comes up on the first page of a Google search).
- g. We no longer include <http://> or <https://> in the URLs. When including a URL in the citation, it comes before any parenthetical, and we **no longer include** “*available at*” or “*at*.”

3. Specific Examples of Common Citation Types

- a. Citing *Antitrust Law Journal* articles (note: years can be different for same *ALJ* volume):
 Jorge L. Contreras, *A Brief History of FRAND: Analyzing Current Debates in Standard Setting and Antitrust Through a Historical Lens*, 80 ANTITRUST L.J. 39 (2015).
- b. Citing *Antitrust* magazine articles (note: no volume/issue number used but month/season and year identify issue b/c non- consecutively paginated):
 Thomas P. Brown & Samuel C. Zun, *Patent Aggregation: Guidance from the DOJ’s Recent Approval of Three Major Patent Portfolio Acquisitions*, ANTITRUST, Summer 2012, at 60.
- c. Citing to *Source* articles:
 Gregory K. Leonard, *Reflections on the Debates Surrounding Standard-Essential Patents*, ANTITRUST SOURCE (Aug. 2013),
www.americanbar.org/content/dam/aba/publishing/antitrust_source/aug15_full_source.authcheckdam.pdf.
- d. Citing to *Journal of Economic Perspectives* (note: no volume/issue number used but month/season and year identify issue b/c non-consecutively paginated):
 William E. Kovacic & Carl Shapiro, *Antitrust Policy: A Century of Economic and Legal Thinking*, J. ECON. PERSP., Winter 2000, at 43
- e. Citing to *Competition Policy International* (note: these are different from *CPI Antitrust Chronicle* articles):
 Richard Gilbert, *Holding Innovation to an Antitrust Standard*, COMPETITION POL’Y INT’L, Spring 2007, at 47, 61–62.

- f. Citing to *CPI Antitrust Chronicle* articles (no URLs and no first page number used with these cites, unless there is a pincite):
- No pincite to article: Randal C. Picker, *Google Android Antitrust: Dominance Pivots and a Business Model Clash in Brussels*, CPI ANTITRUST CHRON., Dec. 2018.
- Pincite to article: Dennis W. Carlton, *Use and Misuse of Empirical Methods in the Economics of Antitrust*, CPI ANTITRUST CHRON., Spring 2011, at 1, 10.
- Cite to journal when it was GCP (no pincite): Richard Schmalensee, *Economic Analysis of Class Certification*, GLOB. COMPETITION POL'Y, Spring 2008.
- g. Citing to Law360 articles:
- Melissa Lipman, *Visa, MasterCard Hit with More UK Swipe Fee Antitrust Claims*, LAW360 (June 14, 2017).
- h. Citing to Papers and Proceedings issue of *American Economic Review* (which is **not** sequentially paginated with the other issues in the same annual volume):
- Michael D. Whinston, *Assessing the Property Rights and Transaction-Cost Theories of Firm Scope*, 91 AM. ECON. REV.: PAPERS & PROCEEDINGS 184, 185 (2001).
- i. Citing to BE Journals (online—note that these articles are no longer on the BE Press site):
- Joseph Farrell & Carl Shapiro, *Antitrust Evaluation of Horizontal Mergers: An Economic Alternative to Market Definition*, 10 B.E. J. THEORETICAL ECON., Vol. 10, No. 1, Art. 9 (2010), faculty.haas.berkeley.edu/shapiro/alternative.pdf.
- j. Citing Books—the author's name and book title are in large and small caps. Give a subtitle only if it is particularly relevant. For example:
- RICHARD A. POSNER, ANTITRUST LAW 245 (2d ed. 2001).
- k. Citing *ABA Section of Antitrust Law, Issues in Competition Policy*:
- Gregory K. Leonard & J. Douglas Zona, *Simulation in Competitive Analysis*, in 2 ABA SECTION OF ANTITRUST LAW, ISSUES IN COMPETITION LAW AND POLICY 1405 (W. Dale Collins ed., 2008).
- l. Citing Speeches:
- Renata B. Hesse, Deputy Assistant Att'y Gen., Antitrust Div., U.S. Dep't of Justice, Remarks at the Global Competition Review Law Leaders Forum: IP, Antitrust and Looking Back on the Last Four Years (Feb. 8, 2013). **NOTE: NO URL FOR FTC and DOJ SPEECHES (EASY TO GOOGLE).**
- m. Citing Guidelines (note: for U.S. docs, these are in regular roman):
- U.S. Dep't of Justice & Fed. Trade Comm'n, Horizontal Merger Guidelines (2010), ftc.gov/os/2010/08/100819hmg.pdf.
- n. Citing the *U.S. Antitrust Modernization Commission Report & Recommendations*:
- ANTITRUST MODERNIZATION COMM'N, REPORT AND RECOMMENDATIONS 287–88 (2007) (Recommendation 48) [hereinafter AMC REPORT], govinfo.library.unt.edu/amc/report_recommendation/amc_final_report.pdf.
- o. Citing Briefs, Court Filings, and Transcripts:
- Transcript of Record at 3877–78, *United States v. Phila. Nat'l Bank*, 374 U.S. 321 (1963) (No. 83).
- Complaint ¶ 8, *McCormick & Co.*, FTC Docket No. C-4225 (July 29, 2008).
- Plaintiffs' Joint Pre-Trial Memorandum at 34, *Saint Alphonsus Med. Ctr.-Nampa Inc. v. St. Luke's Health Sys., Ltd.*, 12-cv-560-BLW (D. Idaho filed Sept. 10, 2013) [hereinafter *St. Luke's* Plaintiffs' Pre-Trial Memorandum]

- p. Citing the agency (DOJ, FTC) and non-governmental organization (OECD, ICN, WTO) reports. DOJ and FTC should be spelled out as “authors”: Dep’t of Justice & Fed. Trade Comm’n. For other organizations, if the acronym is provided in the text— e.g., World Trade Organization (WTO)—, then use the acronym for the “author” name:

ICN, ANTITRUST ENFORCEMENT IN REGULATED SECTORS WORKING GROUP, REPORT TO THE THIRD ICN ANNUAL CONFERENCE 3 (2004), www.internationalcompetitionnetwork.org/uploads/library/doc377.pdf.

DEP’T OF JUSTICE & FED. TRADE COMM’N, COMMENTARY ON THE HORIZONTAL MERGER GUIDELINES (2006), www.justice.gov/atr/file/801216/download

- q. Citing to Press Releases (please include URL for all except EU press releases):

Press Release, Halliburton and Baker Hughes Reach Agreement to Combine in Stock and Cash Transaction Valued at \$34.6 Billion (Nov. 17, 2014), www.halliburton.com/public/news/pubsdata/press_release/2014/HAL-BHI-Joint-Announcement-Press-Release.pdf.

Press Release, Fed. Trade Comm’n, Statement from FTC Chairwoman Edith Ramirez on Appellate Ruling in the Wyndham Hotels and Resorts Matter (Aug. 24, 2015), www.ftc.gov/news-events/press-releases/2015/08/statement-ftc-chairwoman-edith-ramirez-appellate-ruling-wyndham.

- r. Citing to databases:

FED. TRADE COMM’N, FTC MERGER ENFORCEMENT ACTIONS (2018), www.ftc.gov/site-information/open-government/data-sets.

FACTSET MERGERSTAT, M&A DATABASE (2018), w3.nexis.com/sources/scripts/info.pl?156282.

- s. Citing non-U.S. cases and documents: Any *Journal* exceptions to Bluebook formatting described in Part 5, *infra*.

4. General Tips for Common Case Citation Forms

- a. When the Department of Justice is a party in the case, spell out “United States” and never abbreviate it. For example:

United States v. Oracle Corp., 331 F. Supp. 2d 1098 (N.D. Cal. 2004).

- b. For FTC cases, do not spell out “Federal Trade Commission”—use FTC. For example:

FTC v. Swedish Match N. Am., Inc., 131 F. Supp. 2d 151 (D.D.C. 2000). [note spacing for F.#Supp.#2d]

- c. For FTC cases, do not include the phrase “In re” or “In the matter of” in the case name. For example: Mass. Bd. of Registration in Optometry, 110 F.T.C. 549 (1988).

- d. For multidistrict litigation, do include the phrase “*In re*” (in italics). For example:

In re Tamoxifen Citrate Antitrust Litig., 277 F. Supp. 2d 121 (E.D.N.Y. 2003).

- e. For FTC complaints, orders, etc., include docket number or case number:

Decision and Order, Google Inc., FTC Docket No. C-4336 (Oct. 13, 2011) (consent order), www.ftc.gov/sites/default/files/documents/cases/2011/10/111024googlebuzzdo.pdf.

5. Specific Examples of Common Citations for European Cases and Documents:

- a. Citing the Founding Treaties for the European Union (with a specific reference to Article 82/now 102): Consolidated Version of the Treaty on the Functioning of the European Union art. 102, 2016 O.J. (C 202) 1 [hereinafter TFEU].

b. Citing a General Court (GC), Court of First Instance (CFI), or European Court of Justice (CJ) case (refer to BB Rule 21.5.2):

Example with pincite: Case T-219/99, *British Airways plc v. Comm'n*, 2003 E.C.R. II-5917, ¶¶ 211, 225 (CFI).

Example with pincite: Case C-418/01, *IMS Health GmbH & Co. OHG v. NDC Health GmbH & Co. KG*, 2004 E.C.R. I-5039, ¶¶ 35, 52 (CJ). Alternatively, can cite as Case C-418/01, *IMS Health GmbH v. NDC Health GmbH*, 2004 E.C.R. I-5039, ¶¶ 35, 52 (CJ).

For “Joined Cases”: Joined Cases 6 & 7/73, *Istituto Chemioterapico Italiano S.p.A & Commercial Solvents Corp. v. Comm'n*, 1974 E.C.R. 223 (CJ).

For cases not yet published or not available in E.C.R.: Case T-286/09, *Intel v. Comm'n*, ECLI:EU:T:2014:547 (GC June 12, 2014). [can add a URL if there is a pincite]

c. Citing an EU Commission Decision—four variations on Commission decision cites:

(i) Full case decision is printed in the Official Journal, e.g.,

Case COMP/C-1/37.451, 37.578, 37.579—*Deutsche Telekom AG*, Comm'n Decision, 2003 O.J. (L 263) 9, ¶ 206.

Only a summary of the case is available in the O.J., and there is no pincite:

Case COMP/C-3/37.990—*Intel*, Comm'n Decision (Summary), 2009 O.J. (C 227) 13.

Only a summary of case is available in the O.J. but full case is available online (and pincite is to the full case), e.g.,

Case COMP/38.784—*Wanadoo España v. Telefónica*, Comm'n Decision, ¶¶ 765–766 (July 4, 2007) (summary: 2008 O.J. (C 83) 6), [eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008XC0402\(01\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52008XC0402(01)).

Case COMP/C-3/37.792—*Microsoft Corp.*, Comm'n Decision, ¶¶ XXX–XXX (Mar. 24, 2004) (summary: 2007 O.J. (L 32) 23),

ec.europa.eu/competition/antitrust/cases/dec_docs/37792/37792_4177_1.pdf, *aff'd*, Case T-201/04, *Microsoft Corp. v. Comm'n*, 2007 E.C.R. II-3601 (CFI).

No O.J. cite (summary or full) but case is available online, e.g.,

Case COMP/A.37.507/F3—*AstraZeneca*, Comm'n Decision, ¶ 914 (June 15, 2005), ec.europa.eu/comm/competition/antitrust/cases/decisions/37507/en.pdf.

(ii) Short form (for special case of EU Commission Decisions that are repeatedly cited).

Case COMP/39.530—*Microsoft (Tying)*, *supra* note XX, ¶¶ XXX–XXX.

d. Citing an EU Comm'n Regulation, Notice, or Directive (refer to BB Rule 21.9 (a) (ii)):

(i) Council Regulation No. 1/2003, 2003 O.J. (L 1) 1, 9 (explaining the implementation of the rules on competition in Articles 81 and 82 of the Treaty).

(ii) Eur. Comm'n, Guidelines on the Applicability of Article 101 of the Treaty on the Functioning of the European Union to Horizontal Co-operation Agreements, 2011 O.J. (C 11) 1.

e. Citing to EU Press Releases (IPs and Memos and Speeches)—no URL needed if readily available on Europa.eu (Press Releases RAPID) (refer to BB Rule 21.9 (e)):

(i) Press Release, Eur. Comm'n, Commission Confirms Sending a Statement of Objections to Rambus (Aug. 23, 2007) (Memo/07/330).

(ii) Press Release, Eur. Comm'n, Antitrust: Commission Ensures Compliance with 2004 Decision Against Microsoft (Oct. 22, 2007) (IP/07/1567).

f. Citing to Comm'n Discussion or White Papers, and Reports (refer to BB Rule 21.9 (e)):

- (i) Eur. Comm'n, DG Competition, *Communication from the Commission—Guidance on the Commission's Enforcement Priorities in Applying Article 82 EC Treaty to Abusive Exclusionary Conduct by Dominant Undertakings*, 2009 O.J. (C45) 7 (Dec. 3, 2008) [hereinafter *Commission Guidance*].
- (ii) Eur. Comm'n, DG Competition, *DG Competition Discussion Paper on the Application of Article 82 of the Treaty to Exclusionary Abuses*, ¶ 15 (Dec. 2005), ec.europa.eu/competition/antitrust/art82/discpaper2005.pdf.
- (iii) Eur. Comm'n, *White Paper on Damages Actions for Breach of the EC Antitrust Rules*, COM (2008) 165 final (Apr. 2, 2008).
- (iv) Eur. Comm'n, *Green Paper on Damages Actions for Breach of the EC Antitrust Rules*, COM (2005) 672 final (Dec. 19, 2005).
- (v) EUR. COMM'N, 24TH ANNUAL REPORT ON COMPETITION POLICY 2005 at 25–27 (2007).

6. Specific Examples of Common Citations for PRC (Ch.) Cases and Documents:

a. Anti-Monopoly Law

- Zhonghua Renmin Gongheguo Fanlongduan Fa (中华人民共和国反垄断法) [Anti-Monopoly Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Aug. 30, 2007, effective Aug. 1, 2008) [hereinafter AML], gkml.samr.gov.cn/nsjg/fgs/201908/t20190819_306107.html (Ch.).
- Zhonghua Renmin Gongheguo Fanlongduan Fa Xiuding Cao'an (Gongkai Zhengqiu Yijian Gao) (《中华人民共和国反垄断法》修订草案 (公开征求意见稿)) [Draft Revisions to the Anti-Monopoly Law of the People's Republic of China (Draft for Public Comments)] (released by SAMR, Jan. 2, 2020) [hereinafter Draft AML Revisions], www.samr.gov.cn/hd/zjdc/202001/t20200102_310120.html (Ch.).
- Guowuyuan Fanlongduan Weiyuanhui Guanyu Qicheye De Fanlongduan Zhinan (国务院反垄断委员会关于汽车业的反垄断指南) [Antitrust Guidelines of the Antitrust Commission of the State Council for the Automotive Industry] (promulgated by the Antitrust Commission of the State Council, Jan. 4, 2019, effective Jan. 4, 2019), gkml.samr.gov.cn/nsjg/fldj/202009/t20200918_321860.html (Ch.).
- Guowuyuan Fanlongduan Weiyuanhui Guanyu Zhishi Chanquan Lingyu De Fanlongduan Zhinan (国务院反垄断委员会关于知识产权领域的反垄断指南) [Antitrust Guidelines of the Antitrust Commission of the State Council for the Intellectual Property Area] (promulgated by the Antitrust Commission of the State Council, Jan. 4, 2019, effective Jan. 4, 2019) [hereinafter IP Guidelines], gkml.samr.gov.cn/nsjg/fldj/202009/t20200918_321857.html (Ch.).
- Guowuyuan Fanlongduan Weiyuanhui Hengxiang Longduan Xieyi Anjian Kuanda Zhidu Shiyong Zhinan (国务院反垄断委员会横向垄断协议案件宽大制度适用指南) [Guidelines of the Antitrust Commission of the State Council for the Application of Leniency in Horizontal Monopoly Agreement Cases] (promulgated by the Antitrust Commission of the State Council, Jan. 4, 2019, effective Jan. 4, 2019), gkml.samr.gov.cn/nsjg/fldj/202009/t20200918_321856.html (Ch.).
- Guowuyuan Fanlongduan Weiyuanhui Longduan Anjian Jingyingzhe Chengnuo Zhinan (国务院反垄断委员会垄断案件经营者承诺指南) [Guidelines of the Antitrust Commission of the State Council for the Business Operators' Commitments in Monopoly Cases] (promulgated by the Antitrust Commission of the State Council, Jan. 4, 2019, effective Jan. 4, 2019), gkml.samr.gov.cn/nsjg/fldj/202009/t20200918_321855.html (Ch.).
- Jingying Zhe Fanlongduan Hegui Zhinan (经营者反垄断合规指南) [Anti-Monopoly Compliance Guidelines for Business Operators] (promulgated by SAMR, Sept. 11, 2020), gkml.samr.gov.cn/nsjg/fldj/202009/t20200918_321796.html (Ch.).

b. Competition Enforcement Notices and Announcements from MOFCOM, SAMR & NDRC

- Shangwubu Gonggao 2013 Nian Di 20 Hao Guanyu Fujia Xianzhixing Tiaojian Pizhun Jianengke Guoji Gongsi Shougou Site Lata Gongsi Jingyingzhe Jizhong Fanlongduan Shencha Jueding De Gonggao (商务

部公告2013年第20号 关于附加限制性条件批准嘉能可国际公司收购斯特拉塔公司经营者集中反垄断审查决定的公告) [Ministry of Commerce 2013 No. 20 Notice on Conditional Approval of Glencore International plc Acquiring Xstrata plc] (released by Ministry of Commerce, Apr. 16, 2013), www.mofcom.gov.cn/article/b/fwzl/201304/20130400091299.shtml (Ch.)

- Guojia Fazhan Gaige Wei Dui Gaotong Gongsong Longduan Xingwei Zeling Zhenggai Bing Fakuan 60 Yi Yuan (国家发展改革委对高通公司垄断行为责令整改并罚款60亿元) [The National Development and Reform Commission ordered Qualcomm to rectify its monopolistic behavior and fined it 6 billion CNY] (issued by NDRC, Feb. 10, 2015), xwzx.ndrc.gov.cn/xwfb/201502/t20150210_663823.html (Ch.).
- Jingzheng Zhifa Gonggao 2016 Nian 10 Hao, Guojia Gongshang Zongju Yifa Dui Lile Jituan Chu Fakuan Jin 6.7 Yi Yuan (竞争执法公告2016年10号, 国家工商总局依法对利乐集团处罚款近6.7亿元) [2016 Competition Enforcement Notice No. 10, SAMR imposed a fine of nearly 670 million CNY on Tetra Pak in accordance with the law] (issued by SAIC, Nov. 9, 2016), www.samr.gov.cn/fldj/tzgg/xzcf/201703/t20170309_301575.html (Ch.).
- Shichang Jianguan Zongju Fabu Alibaba Jituan Konggu Youxian Gongsong Zai Zhongguo Jingnei Wangluo Lingshou Pingtai Fuwu Shichang Longduan An Xingzheng Chufa Juedingshu He Xingzheng Zhidaoshu (市场监管总局发布阿里巴巴集团控股有限公司在中国境内网络零售平台服务市场垄断案行政处罚决定书和行政指导书) [Alibaba was fined RMB 18.2 billion by SAMR for engaging in monopoly conduct in the Internet retail platform service market in China] (issued by SAMR, Apr. 10, 2021), www.samr.gov.cn/fldj/tzgg/xzcf/202104/t20210409_327698.html (Ch.).

c. Other Ch. Cites

- Zhonghua renmin Gongheguo Waishang Touzi Fa (中华人民共和国外商投资法) [Foreign Investment Law of the People's Republic of China] (National People's Congress, Order No. 26 of the President of the People's Republic of China, Mar. 15, 2019, eff. Jan. 1, 2020).
- Zhonghua Renmin Gongheguo Chukou Guanzhi Fa (《中华人民共和国出口管制法》) [Export Control Law of the People's Republic of China] (promulgated by the Standing Committee of the National People's Congress, Oct. 17, 2020, effective Dec. 1, 2020) [hereinafter ECL] (Ch.).