

04-905 VOLVO TRUCKS NORTH AMERICA V. REEDER-SIMCO GMC

DECISION BELOW:374 F3d 701

LOWER COURT CASE NUMBER: 02-2462

QUESTIONS PRESENTED:

The Robinson-Patman Act prohibits specified forms of price discrimination "between different purchasers" where the effect of "such discrimination" may be harm to competition "with any person who * * * knowingly receives the benefit of such discrimination."

The questions presented are:

1. Whether an unaccepted offer that does not lead to a purchase - so that there is not "discriminat[ion] * * * between different purchasers" as the statutory language contemplates – may be the basis for liability under the Act.
2. Whether the Act permits recovery of damages by a disfavored purchaser that does lose sales or profits to a competitor that does not purchase from the defendant, but does not lose sales or profits to any purchaser that "receives the benefit of" the defendant's price discrimination.

CERT. GRANTED 3/7/2005