

**03-724 F. HOFFMANN-LAROCHE v. EMPAGRAN S.A.**

Ruling below: CA DC, 315 F.3d 338

QUESTION PRESENTED

The District of Columbia Circuit, in a divided opinion, interpreted the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a, to permit U.S. antitrust claims by foreign buyers based on transactions with foreign sellers conducted entirely in foreign countries. Rehearing was denied by a 4-3 vote. The D.C. Circuit's decision conflicts with decisions of other courts of appeals and with the views of the United States. The question presented is as follows:

Whether plaintiffs may pursue Sherman Act claims seeking recovery for injuries sustained in transactions occurring entirely outside U.S. commerce.

CERT. GRANTED: 12/15/03

J. O'Connor took no part.