

1. Overview: Basics of Cite Checking: Authors should do this; editors should check authors work for both substance and formatting

- a. As part of the editing process, indicate where additional citations/endnotes are required (e.g., quotes, characterization of findings or assertions in another publication, speech, etc.). Ask author to fill in needed cites and pincites.
 - b. Check the substance of any citation reference against the statement it supports in the text.
 - c. Check the history of cases cited to see the disposition of appeals or later cases.
 - d. Check exact wording in quotes against the original source document.
 - e. 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.
 - f. 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* 21th edition.) *Magazine* exceptions to Bluebook formatting are included in this memo.
 - g. Confirm that URLs link to the intended document or Web site.
 - h. Check to see whether working papers cited are now published or forthcoming as published articles or book chapters.
 - i. 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. *Id.*
2. Citation Formatting Tips
- a. Complete case name citations in endnotes are not italicized unless used as part of a sentence; shortened names for cases are italicized and are not abbreviated. The full case name should be used in the first citation of a case. Short forms should only be used after the full case name has been provided. Note: we do not follow the "within 5 rule" requiring full case names in the endnotes if they are not cited within 5 notes.

- b. When mentioned in the main text, case names (full case name or shortened) are italicized.
 - c. Books, periodicals, etc.: When referring to a publication in the text of the article, use italics. In the endnote, follow Bluebook format on fonts (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 source materials are available on-line, include the URL in the citation. **Do not use “available at” or “at” to introduce a URL.** URLs in citations are not enclosed in brackets. URLs in citations are not enclosed in brackets. For Web blog citations, include date and time of post (see example at Bluebook 18.2.2.c; otherwise, Antitrust magazine style excludes the parenthetical “(last visited Month, Day, Year)” in all Web citations except for blogs.
 - f. For European cites, see below.
- g. We usually do NOT include URLs for cases available through Lexis-Nexis, Westlaw, or EUR-lex.europa.eu unless those are the best cites available and the material is otherwise difficult to locate. This is especially relevant when the material is quoted from and/or pin cites are used.

3. Common Citation Types

- a. For citing to *Antitrust* magazine articles and other articles in non-consecutively paginated periodicals (note: no volume number used):
 Michael L. Katz & Carl Shapiro, *Critical Loss: Let’s Tell the Whole Story*, ANTITRUST, Spring 2003, at 49.
- b. For citing to *Antitrust Law Journal* articles (note: years can be different for same volume of the *ALJ*):
 Andrew I. Gavil, *Exclusionary Distribution Strategies by Dominant Firms: Striking a Better Balance*, 72 ANTITRUST L.J. 3 (2004). [note: no space between L.J.]
- c. For *Source* and other online referenced articles:
 Jonathan M. Jacobson, *Towards a Consistent Antitrust Policy for Unilateral Conduct* 6–7, ANTITRUST SOURCE (Feb. 2009),
<http://www.abanet.org/antitrust/source/09/02/Feb09-Jacobson2-26f.pdf>.

Note: Newspaper article citations can default to online URL and use this format.

- d. For Books: the author’s name and book title are in large and small caps. For example:
 RICHARD A. POSNER, ANTITRUST LAW 245 (2d ed. 2001).
- e. For Speeches:
 Timothy J. Muris, *Antitrust Enforcement at the Federal Trade Commission: In a Word—Continuity*, Remarks Before the ABA Section of Antitrust Law Annual Meeting (Aug. 7, 2001),
<http://www.ftc.gov/speeches/muris/murisaba.htm>.

f. For Guidelines:
U.S. Dep't of Justice & Federal Trade Comm'n, Horizontal Merger Guidelines (2010), <http://ftc.gov/os/2010/08/100819hmg.pdf>.

g. Citing the U.S. Antitrust Modernization Commission Report and Recommendations:

ANTITRUST MODERNIZATION COMM'N, REPORT AND RECOMMENDATIONS 287–88 (2007) (Recommendation 48) [hereinafter AMC REPORT], http://govinfo.library.unt.edu/amc/report_report_recommendation/toc.htm.

h. Citing the agencies' (DOJ, FTC) and other non-governmental organizations' (OECD, ICN) reports:

U.S. DEP'T OF JUSTICE, COMPETITION AND MONOPOLY: SINGLE FIRM CONDUCT UNDER SECTION 2 OF THE SHERMAN ACT (2008) [hereinafter DOJ SECTION 2 REPORT], <http://www.usdoj.gov/atr/public/reports/236681.pdf>. As of May 2009, the current administration has withdrawn the *DOJ Section 2 Report*. See Press Release, U.S. Dep't of Justice, Justice Department Withdraws Report on Antitrust Monopoly Law (May 11, 2009), http://www.usdoj.gov//atr/public/press_releases/2009/245710.pdf.

i. Citing other types of agency materials – Generally use normal typeface and include the matter number, date, and URL:

Concurring Statement of Commissioner Julie Brill, Debt Collection Roundtable Report, FTC File No. P094806 (July 12, 2010), <http://www.ftc.gov/speeches/brill/100712debtcollect.pdf>

j. Citing non-U.S. cases and documents: Any exceptions to Bluebook formatting are included in the guides to non-U.S. Citation Formatting.

4. Common Case Citations

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” in the name of the case. 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) when citing. For example:
In re Tamoxifen Citrate Antitrust Litig., 277 F. Supp. 2d 121 (E.D.N.Y. 2003).

Commonly Cited Non-U.S. Documents

5. General Cite Checking Comments:

- a. Note that as of now, we are not switching to use the ECLI notation for cases unless no E.C.R. cite is available.
- b. Any magazine exceptions to Bluebook formatting for European cites are included in this memo. (*The Bluebook: A Uniform System of Citation* 21th ed.).
- c. We usually do NOT include URLs for cases available through EUR-lex.europa.eu (see examples of cites below for exceptions).

6. 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, 2012 O.J. (C 326) 47 [hereinafter TFEU].
- b. Citing a General Court (GC), Court of First Instance (CFI), or European Court of Justice (ECJ) 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.

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. Alternatively, you can cite as Case C-418/01, *IMS Health GmbH v. NDC Health GmbH*, 2004 E.C.R. I-5039, ¶¶ 35, 52.

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.

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.
 - (ii) Only a summary of the case is available in the O.J., and there is no pincite:
COMP/C-3/37.990—Intel, Comm’n Decision (Summary), 2009 O.J. (C 227) 13.
 - (iii) 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 at 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 at 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.
 - (iv) 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.
 - (v) Short form (for special case of EU Commission Decisions that are repeatedly cited).
Full Cite: Case COMP/39.530—Microsoft (Tying), Comm’n Decision (Mar. 6, 2013), (summary at 2010 O.J. (C 36) 7) 9) (*Microsoft (Tying)*), ec.europa.eu/competition/antitrust/cases/dec_docs/39530/39530_2671_3.pdf
Short Form Cite: Case COMP/39.530—*Microsoft (Tying)*, *supra* note XX.
- 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).