

Law360 Features Partner David Evans on Amazon's Role in Staples, Office Depot Merger

March 17, 2016

Partner [David Evans](#) was quoted in the *Law360* article "Amazon Will Loom Large In FTC's Staples Merger Trial." As the Federal Trade Commission prepares to take Staples and Office Depot to trial on Monday over their planned \$6.3 billion merger, the article notes that antitrust attorneys will be watching to see if the office supply giants can convince a D.C. federal judge that online rivals, especially Amazon, would keep the post-merger market competitive. "It seems to me like the case probably would be winnable by the FTC, but you'd want to listen to how the judge treats Amazon as a competitor and how skeptical he is of the national accounts argument," Mr. Evans said. "I think those issues will be the ones that signal where the case is going." He went on to say that for purposes of the merger case, Amazon's status as a competitor depends on the extent to which it can provide national accounts with services that replicate what Staples and Office Depot provide through their stores. To evaluate that ability, the judge will have to consider factors such as the shipping time built into Amazon Business' model. When it comes to commodity office supplies, the main difference between Amazon and brick-and-mortar stores is how immediately they can provide the product.

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