

Law360 Features Partner David Evans on FTC Victory over Staples, Office Depot

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Partner [David Evans](#) was featured in the *Law360* article "4 Takeaways From The FTC's Staples Antitrust Triumph." The Federal Trade Commission's (FTC) victory over the proposed \$6.3 billion merger of Staples and Office Depot came in the form of a brief order without much explanation, but this article features antitrust experts who are already starting to piece together how the office supply giants lost and what other companies can learn. Mr. Evans noted that the FTC's focus on the well-honed national accounts concept, coupled with the customer testimony, likely helped the agency win the relevant market fight. He went on to comment on the process by which the FTC obtained a declaration from an Amazon Business executive. The judge's comments on the declaration process, combined with other signals from the bench, likely factored into Staples and Office Depot's thinking when they decided to rest their case without calling any of their own witnesses, Mr. Evans said. He also said that, "It would be improbable for him to conclude that the deal was anti-competitive if he thought Amazon competed, because they can scale so easily and quickly in any of those spaces. So I think he probably did not view the FTC's interaction with Amazon as fatal to Amazon's testimony."

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