

Alerts & Publications

The Difficulties of Showing Pass Through in Indirect Purchaser Component Cases

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Partner Bo Pearl and associate Allison Smith authored this article, which appears in the December edition of *Competition*, published by the California Antitrust, Unfair Competition, and Privacy Law section of the California Lawyers Association.

The authors provide a recent case study, the lithium ion battery litigation, as an example of the difficulty of showing pass through on a case-wide basis.

“Pass through continues to be a hurdle to showing antitrust injury for a class of indirect purchasers of an allegedly price-fixed component, although the record in electronic component cases is somewhat mixed,” the authors write. “While not dispositive, certain market characteristics impede indirect purchasers’ ability to show pass through of an overcharge on a class wide basis, particularly heterogeneity of the component or finished product and pricing strategies and pressures that influence intermediaries’ pricing decisions.”

To read the full article, click [here](#).