

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

_____)	
AMERICAN NEEDLE, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 04-CV-7806
)	
NEW ORLEANS LOUISIANA SAINTS, <i>et al.</i> ,)	Judge Sharon Johnson Coleman
)	
Defendants.)	Argument Date: August 27, 2013
_____)	

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT (RELEVANT MARKET)

The NFL, the 30 clubs named in the complaint, NFL Properties LLC, and Reebok International Inc. hereby move for summary judgment on the remaining counts of the complaint on the ground that American Needle cannot meet its evidentiary burden of showing that NFL-branded headwear and NFL headwear licenses unreasonably restrained trade in a *plausible relevant market*.

Plaintiff contends that NFL-branded headwear and NFL headwear licenses are isolated in their own respective product markets—*i.e.*, that they face no meaningful competition from the apparel and licenses of other professional sports leagues, colleges, fashion brands, sports apparel companies, and entertainment providers. Undisputed evidence, as well as common sense, conclusively undermine that contention, upon which plaintiff’s claims admittedly depend.

The evidence establishes beyond dispute that, for at least some uses, consumers have many economic substitutes for NFL headwear (and that headwear manufacturers have many economic substitutes for NFL headwear licenses). There is *no* evidence showing, as

American Needle's proposed relevant markets would require, that a significant number of purchasers would not switch from NFL-branded headwear (or NFL licenses) to alternative headwear or other apparel (or licenses) in the event of a price increase. Accordingly, American Needle's proposed relevant market definitions are much too narrow and implausible. That conclusion is confirmed by application of every one of the factors prescribed by the Supreme Court for guiding a relevant market analysis. *See generally Brown Shoe Co. v. United States*, 370 U.S. 294 (1962). Accordingly, summary judgment for defendants is required. *E.g., DSM Desotech, Inc. v. 3D Sys. Corp.*, 2013 WL 389003 (N.D. Ill. Jan. 31, 2013).

A supporting memorandum, statement of undisputed material facts, and volume of supporting exhibits are filed concurrently herewith.

Respectfully submitted,

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April 1, 2013

CERTIFICATE OF SERVICE

I, Derek Ludwin, an attorney, do hereby certify that I caused a copy of the foregoing to be electronically filed with the Court and to be served on all parties on April 1, 2013 by electronic mail and by FedEx.

By: /s/ Derek Ludwin
Derek Ludwin