

AAI INVITATIONAL SYMPOSIUM

ANTITRUST REMEDIES: A MULTIDISCIPLINARY APPROACH

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BIOGRAPHIES OF SPEAKERS

Patricia A. Brink, Director of Civil Enforcement, Antitrust Division, U.S. Department of Justice

Patty Brink supervises the Antitrust Division's merger and nonmerger civil matters. With the aid of four special assistants (Division attorneys detailed to the Office of Operations), Ms. Brink supports and advises the Deputy Assistant Attorney General for Civil Enforcement and manages the workload of the six civil sections: Networks and Technology Enforcement Section; Telecommunications and Media Enforcement Section; Transportation, Energy, and Agriculture Section; and Litigation I, II, and III sections. Brink was appointed as Director of Civil Enforcement in the fall of 2010. Ms. Brink serves as a liaison between the front office leadership and the Division's civil sections. She reviews and advises on all civil recommendations, including civil investigative demands, closings, and case recommendations. For example, she closely examines consent decree packages to ensure adequate remedies. She provides information and advice on civil matters in the context of the Division's policies and practices to the front office leadership. She is also responsible for the coordination of resources allocation on the civil side, including attorney staffing and information technology. As Director of Civil Enforcement, Ms. Brink hopes to enhance the civil program's processes by sharing best practices among the sections, staying on top of changes in areas such as electronic discovery, and facilitating open and effective communications among and between the different sections and the front office.

Richard, A. Feinstein, Partner, Boies Schiller Flexner LLP

Richard Feinstein's primary practice area is complex litigation, with a particular emphasis on antitrust matters. He frequently represents plaintiffs and defendants in private litigation, in addition to representing parties and third parties in the context of DOJ, FTC and State Attorney General investigations and litigation. He also advises clients regarding transactions—both their own and those of others—including mergers or acquisitions that may be subject to review by federal, state or international antitrust authorities. Mr. Feinstein rejoined the firm in December 2013 after serving for four years as the Director of the Bureau of Competition at the Federal Trade Commission. He directed the FTC's antitrust enforcement activity during a period when approximately 80 enforcement actions were initiated in a wide variety of industries. Major matters included, among others, two victories in the Supreme Court (involving pay-for-delay and state action), successful challenges to hospital mergers, and Intel and Google consent orders. He also participated directly in drafting and implementing the 2010 Horizontal Merger Guidelines. Prior to serving as Bureau Director, Mr. Feinstein was a partner in the firm's Washington office from 2001 to 2009. From October 1998 to June 2001, he served as an Assistant Director of the Bureau of Competition, in charge of the Health Care Services and Products Division. The work of that Division focused on antitrust enforcement in the health care industry, including

anticompetitive practices and mergers involving health care providers, and anticompetitive conduct in the pharmaceutical industry.

Gregory T. Gundlach, Distinguished Professor of Marketing, Coggin College of Business, University of North Florida

Gregory T. Gundlach is a Director and Senior Fellow at the American Antitrust Institute. Before coming to the University of North Florida in 2003, Professor Gundlach was the John Berry, Sr. Professor of Business at the University of Notre Dame where he was a faculty member since 1987. Professor Gundlach received his Bachelor's Degree in 1979, his Master of Business Administration in 1981, his Doctor of Jurisprudence (law) in 1985, and his Doctor of Philosophy in Marketing in 1987. All four degrees are from the University of Tennessee, Knoxville. Professor Gundlach's interests focus on the intersection of marketing and public policy. His research investigates both vertical (e.g., supply chain/ distribution/ retailing/ consumer) and horizontal (e.g., competition/ cooperation) forms of exchange and marketing practices with particular emphasis on how such associations are managed, their performance, and the nature of business and public policy implications that may result. His research has appeared in numerous academic publications in marketing and public policy and he regularly provides counsel and expertise on marketing and public policy issues to interested stakeholders. His most recent research monograph *Resale Price Maintenance After Leegin: The Curious Case of Contact Lenses* (with Riley Krotz) examines the widespread use of restrictive pricing practices in the retail distribution of contact lenses.

John Kwoka, Neal F. Finnegan Distinguished Professor of Economics, Northeastern University

John E. Kwoka teaches industrial organization, antitrust, and regulatory economics. Professor Kwoka has written and lectured extensively on issues of market concentration, mergers and merger remedies, promotional practices, privatization, price cap regulation, professional practice restrictions, and vertical integration in numerous industry settings. He has previously taught at several universities and served in various capacities at the Federal Trade Commission, the Antitrust Division of the Department of Justice, and the Federal Communications Commission. His book *The Antitrust Revolution*, co-edited with L.J. White, is a compilation of case studies of major antitrust proceedings and is now in its sixth edition. His most recent book *Mergers, Merger Control, and Remedies: A Retrospective on U.S. Policy* evaluates the effects of mergers and the effectiveness of merger control and remedy policy and has recently been published by MIT Press. He is a Director of the American Antitrust Institute.

Diana L. Moss, President, American Antitrust Institute

Diana L. Moss became the President of the American Antitrust Institute in January 2015. An economist, Dr. Moss has developed and expanded AAI's advocacy channels and strategies, and strengthened communications with enforcers, Congress, other advocacy groups, and the media. Her work spans both antitrust and regulation, with industry expertise in electricity, petroleum, agriculture, airlines, telecommunications, and healthcare. Before joining AAI in 2001, Dr. Moss was at the Federal Energy Regulatory Commission, where she coordinated the agency's competition analysis for electricity mergers. From 1989 to

1994, she consulted in private practice in the areas of regulation and antitrust. Dr. Moss has spoken widely on various topics involving competition policy and enforcement, testified before Congress, appeared before state and federal regulatory commissions, and made numerous radio and television appearances. She has published articles in a number of economic and legal academic journals, including: *American Economic Review*, *Journal of Industrial Organization*, the *Energy Law Journal*, and the *Antitrust Bulletin*. She is editor of *Network Access, Regulation and Antitrust* (2005). Dr. Moss is Adjunct Faculty in the Department of Economics at the University of Colorado at Boulder. She holds a M.A. degree from the University of Denver and a Ph.D. from the Colorado School of Mines.

Melissa Schilling, Professor of Management and Organizations, Leonard N. Stern School of Business, New York University

Melissa Schilling teaches courses in strategic management, corporate strategy and technology and innovation management. Before joining NYU, she was an Assistant Professor at Boston University (1997-2001), and has also served as a Visiting Professor at INSEAD, and the Bren School of Environmental Science & Management at the University of California at Santa Barbara. She has also taught strategy and innovation courses at Siemens Corporation, IBM, the Kauffman Foundation Entrepreneurship Fellows program, Sogang University in Korea, and the Alta Scuola Polytecnica, a joint institution of Politecnico di Milano, and Politecnico di Torino. Prof. Schilling is widely recognized as an expert on innovation and strategy in high technology industries. She is an appointed member of the National Academy of Sciences Committee on Overcoming Barriers to Electric Vehicle Deployment, and she also serves on the review panel for the European Research Council. Her textbook, *Strategic Management of Technological Innovation* (now in its fourth edition), is the number one innovation strategy text in the world, and is available in seven languages. Her research has also appeared in leading academic journals such as *Academy of Management Journal*, *Academy of Management Review*, *Management Science*, *Organization Science*, *Strategic Management Journal*, and *Journal of Economics and Management Strategy and Research Policy*. She also sits on the editorial review boards of *Organization Science* and *Strategic Organization*. She received her Bachelor of Science in business administration from the University of Colorado at Boulder. She received her Doctor of Philosophy in strategic management from the University of Washington.

Carin Zelenko, Director, Capital Strategies Department, International Brotherhood of Teamsters

Carin Zelenko has been with the International Brotherhood of Teamsters for more than 20 years and has served as the Director of the IBT's Capital Strategies Department since 2000. The Capital Strategies Department provides analysis of corporate transactions, performance and governance for Teamster leaders and trustees of affiliated pension and benefit funds and advises on mergers and acquisitions and key proxy votes. Teamster affiliated pension and benefit funds have approximately \$100 billion invested in the capital markets. She works closely with other institutional investors to promote greater financial transparency and corporate accountability among listed companies and provides investors, industry analysts and regulators insights on Teamster represented industries. Ms. Zelenko served as a representative on the Board of the Council of Institutional Investors, an association of public, union and corporate pension funds with combined assets of more than \$3 trillion from 2010-2014.