



# AMERICAN ANTITRUST INSTITUTE

## ANNUAL CONFERENCE

### BIOGRAPHIES OF SPEAKERS

#### **Richard Brunell, Vice President and General Counsel, American Antitrust Institute**

Returning to the AAI after a stint as Senior Advisor for Competition Matters at the Federal Trade Commission, Richard Brunell previously practiced in the litigation department at Foley Hoag LLP in Boston, the Massachusetts Attorney General's Office, and at the Antitrust Division of the Justice Department. A contributing editor of the Antitrust Law Journal, Mr. Brunell is the author of numerous antitrust articles and book chapters. He has testified before Congress and the Federal Trade Commission and is a frequent speaker at national and international conferences. Mr. Brunell is a graduate of Swarthmore College and the Harvard Law School, where he was an editor of the Harvard Law Review. He has taught as an adjunct and visiting professor at Boston University School of Law and Boston College Law School.

#### **Stephen Calkins, Professor of Law, Wayne State University**

Professor Stephen Calkins returned to Wayne Law in fall semester 2015 after being on leave since 2011. During his leave, Calkins served as a member of The Competition Authority of Ireland and its successor organization, the Competition and Consumer Protection Commission. From 2008 to 2011, Calkins served as Wayne State University's associate vice president for academic personnel, while continuing to teach at Wayne Law on a limited basis. From 1995 to 1997, he served as general counsel of the Federal Trade Commission. At Wayne Law, Calkins teaches courses and seminars that draw on his experience - Antitrust and Trade Regulation, and Consumer Law - plus Torts. He has extensive publication and lectures widely. He has taught at the universities of Michigan, Pennsylvania and Utrecht (The Netherlands) and served as Wayne Law's interim dean.

#### **Eric Citron, Partner, Goldstein & Russell**

Prior to joining Goldstein & Russell, Eric Citron clerked on the Supreme Court of the United States for Associate Justices Sandra Day O'Connor and Elena Kagan. Before his time at the Supreme Court, Mr. Citron was a senior associate in the Litigation/Controversy Department and a member of the Appellate and Supreme Court Litigation and Government and Regulatory Litigation Practice Groups at WilmerHale. He has also served as counsel to the Assistant Attorney General in the Antitrust Division of the United States Department of Justice, where he drafted position papers, policy memoranda and speeches, and advised on issues related to policy, appeals, inter-agency coordination, international relations, and litigation. Immediately following law school, Mr. Citron clerked for the Honorable James Robertson of the US District Court for the District of Columbia, and the Honorable David S. Tatel of the US Court of Appeals for the District of Columbia Circuit.

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### **Dean M. Harvey, Partner, Lief Cabraser Heimann & Bernstein, LLP**

Located in his firm's San Francisco office, Dean Harvey represents individuals and companies in antitrust, business tort, employment, and intellectual property litigation. Mr. Harvey's cases remedy and prevent wrongful conduct by dominant firms. These precedent-setting lawsuits concern a wide variety of industries and markets. Remedies include reimbursing purchasers who have overpaid for price-fixed products; preventing monopolists from stifling innovation and eliminating competition; and obtaining damages for businesses, inventors, and copyright owners. For instance, Mr. Harvey was a leader in the class action against Google, Apple, Intel and other tech giants for allegedly conspiring to suppress the mobility and compensation of their technical employees. This landmark case resulted in the largest recovery (by far) of any class action asserting antitrust claims in the employment context: \$435 million. Mr. Harvey continues the fight to ensure that employees receive competitive compensation. Prior to joining Lief Cabraser, Mr. Harvey represented both plaintiffs and defendants in antitrust class actions and other complex commercial cases. He previously worked for the Antitrust Division of the United States Department of Justice, and was a Law Clerk to the Honorable James V. Selna of the United States District Court for the Central District of California.

### **Scott Hemphill, Professor of Law New York University School of Law**

Scott Hemphill teaches and writes about antitrust, intellectual property, and regulation of industry. He holds a JD and PhD in economics from Stanford, an AB from Harvard, and an MS. in economics from the London School of Economics, where he studied as a Fulbright Scholar. He served as Antitrust Bureau Chief for the New York Attorney General and clerked for Judge Richard Posner on the US Court of Appeals for the Seventh Circuit, and Justice Antonin Scalia on the United States Supreme Court. Hemphill joined NYU from Columbia Law School, where he was a professor of law. Professor Hemphill's research focuses on the law and economics of competition and innovation. His scholarship ranges broadly, from drug patents to net neutrality to fashion and intellectual property. Recent work examines the antitrust problem of parallel exclusion in concentrated industries and anticompetitive settlements of patent litigation by drug makers. His scholarship has been cited by the United States Supreme Court and California Supreme Court, among others, and formed the basis for congressional testimony on matters of regulatory policy. His writing has appeared in law reviews, peer-reviewed journals, and the popular press, including the Yale Law Journal, Science, and the Wall Street Journal.

### **Renata B. Hesse, Partner, Sullivan & Cromwell**

Renata Hesse is a member of her firm's Litigation Group. Her practice focuses on antitrust counseling, cartels and merger clearance, with a particular emphasis on the intersection of antitrust and intellectual property matters in high-tech industries. She is currently co-chair of the ABA Antitrust Section's Spring Meeting and is a frequent speaker at antitrust and legal forums. Ms. Hesse counsels some of the world's biggest companies on a range of high-stakes antitrust matters. Over the last year she advised client Amazon on its \$13.7 billion acquisition of Whole Foods Market; Tanker Investments on Hart-Scott-Rodino matters for its \$188 million merger with Teekay Tankers; and United Rentals Inc., the world's largest equipment rental company, on antitrust matters in its \$1.3 billion acquisition of Neff Corp. Ms. Hesse joined Sullivan & Cromwell following a distinguished career in government, including leading the Antitrust Division at the Department of Justice twice as Acting Assistant Attorney General and serving that division for more than 15 years. During her time at the Division, Ms. Hesse worked on a number of high profile transactions, as well as other key initiatives related to the licensing and enforcement of standards-essential patents. She also had oversight of the criminal program as the Principal Deputy Assistant Attorney General, where she was a decision-maker on a range of significant criminal matters. Ms Hesse was previously Chief of the Networks and Technology Section (now the Technology and Financial Services Section) and a Trial Attorney in two

Division sections, and has worked extensively with antitrust and competition law enforcement agencies at the highest levels across Asia, Europe, Australia and Latin America. Ms. Hesse also served as Senior Counsel to the Chairman of the Federal Communications Commission, where she advised Chairman Genachowski on transactions pending FCC approval.

**Jonathan M. Jacobson, Partner, Wilson Sonsini Goodrich & Rosati**

Jonathan Jacobson is a partner in his firm's New York office, and is the Chair of the ABA's Section of Antitrust Law. Mr. Jacobson has taken a lead role in representing major corporate clients in many high-profile antitrust litigations, investigations, trials, and appeals. He has served as lead counsel for Coca-Cola in several cases, including *PepsiCo v. Coca-Cola*, a leading monopolization case under Section 2 of the Sherman Act. He also led the representation of American Express in *United States v. Visa USA*; defended Google in the *KinderStart*, *Person*, *TradeComet*, and *myTriggers* cases; defended Netflix in *In re Online DVD Rental Antitrust Litigation*, and Live Nation and Clear Channel in *Heervagen v. Clear Channel*, *In re Live Concert Antitrust Litigation*, and *It's My Party v. Live Nation*. Mr. Jacobson was appointed by Congress to serve on the Antitrust Modernization Commission, responsible for reviewing and recommending potential changes to the nation's antitrust laws. Now Chair of the ABA's Section of Antitrust Law, he previously served as an Officer, Council member, and in several other Antitrust Section positions, including editorial chair of *Antitrust Law Developments* (6th ed.).

**Daryl Lim, Associate Professor and Director of the Center for Intellectual Property, Information Technology & Privacy Law, The John Marshall Law School**

Daryl Lim is an associate professor at the John Marshall Law School and Director of its Center for Intellectual Property (IP), Information Technology & Privacy Law. He teaches courses in IP law as well as antitrust law. Professor Lim is a peer reviewer for the Max Planck Institute's International Review of IP and Competition Law (IIC), one of about thirty reviewers worldwide. He is also a peer reviewer for *The Yale Law Journal*, the Hong Kong University Press, and Cambridge University Press. Professor Lim's book, *Patent Misuse and Antitrust: Empirical, Doctrinal and Policy Perspectives* was published by Edward Elgar Publishing in 2013. The book was cited to the U.S. Supreme Court by lawyers for both sides in their briefs in *Kimble v. Marvel Enterprises, Inc.*, a case concerning post-expiration patent royalty payments. His work has also been cited in a number of reports, including those by the Organization for Economic Co-operation and Development (OECD), the World Intellectual Property Organization (WIPO), and the Canadian government.

**Ioana E. Marinescu, Assistant Professor, University of Pennsylvania; Faculty Research Fellow, National Bureau of Economic Research**

Ioana Marinescu is an economist who studies the labor market to craft policies that can enhance employment, productivity, and economic security. To make an informed policy decision, it is crucial to determine the costs and benefits of policies. Dr. Marinescu's research expertise includes online job search, workforce development, unemployment insurance, the universal basic income, and employment contracts. Dr. Marinescu's research has been published in leading academic journals such as the *Journal of Labor Economics* and the *Journal of Public Economics*. She is the economist leading the *Data@Work* Research Hub, a workforce data gathering and sharing project funded by the Sloan Foundation. She writes a monthly op-ed for the French newspaper *Liberation*, and a monthly blog post on hiring and management tips backed by research at [CareeBuilder.com](http://CareeBuilder.com).

### **Terrell McSweeney**

Terrell McSweeney served as a Commissioner of the Federal Trade Commission until April 2018. McSweeney's previous government service includes leadership roles in the White House, Department of Justice, and the U.S. Senate. Prior to joining the FTC, McSweeney served as Chief Counsel at the U.S. Department of Justice Antitrust Division. During President Obama's first term she was Deputy Assistant to the President and Domestic Policy Advisor to the Vice President, advising on policy in a variety of areas, including health care, innovation, intellectual property, energy, education, women's rights, criminal justice and domestic violence. In the Senate, McSweeney served as Senator Joe Biden's Deputy Chief of Staff and Policy Director and as Counsel on the Senate Judiciary Committee. She began her legal career as an attorney at O'Melveny & Myers LLP. McSweeney is a graduate of Harvard University and Georgetown University Law School.

### **Doha Mekki, Counsel to the Assistant Attorney General, U.S. Department of Justice**

Doha Mekki is a Trial Attorney in the Defense, Industrials, and Aerospace Section of the U.S. Department of Justice's Antitrust Division. In that role, she has led merger and conduct investigations and litigated merger challenges in the rail, commercial vehicle, and aviation industries. In 2017, she received the Assistant Attorney General's Award for Individual Achievement. Prior to joining the Antitrust Division in 2015, she was an associate in the antitrust and financial services groups of an international law firm in New York, NY. In her antitrust practice, Ms. Mekki represented companies in complex civil antitrust litigation, with a particular focus on disputes involving conspiracy, monopolization, tying, exclusive dealing, and predatory pricing claims. She also counseled clients on a variety of antitrust matters, including government investigations and the antitrust risks of mergers and acquisitions, joint ventures, and competitor collaborations. She has represented clients in many significant industries, including the banking, telecommunications, health care, and chemical sectors. Ms. Mekki received her A.B. from Duke University in 2007, where she was a Benjamin N. Duke Scholar, and her J.D. from the University of Pennsylvania Law School, where she earned a Dean's Scholarship and served as Editor-in-Chief of the *Journal of International Law*. She also holds an M.B.E. from the Department of Medical Ethics & Health Policy at the University of Pennsylvania Perelman School of Medicine.

### **Diana L. Moss, President, American Antitrust Institute**

Diana 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.

**Suzanne Munck, Deputy Director and Chief Counsel For Intellectual Property, Federal Trade Commission**

Suzanne Munck is Chief Counsel for Intellectual Property for the United States Federal Trade Commission and Deputy Director of its Office of Policy Planning. Ms. Munck frequently speaks about policy issues involving standard setting, patent assertion entities, and other issues at the intersection of antitrust and intellectual property. Ms. Munck also has significant experience litigating patent issues that arise during the FTC's enforcement efforts, particularly in the ICT and healthcare sectors. Before joining the FTC, Ms. Munck was a patent and antitrust litigator in Los Angeles.

**Nancy L. Rose, Department Head and Charles P. Kindleberger Professor of Applied Economics, Department of Economics, Massachusetts Institute of Technology**

Nancy Rose focuses her teaching and research on competition policy, the economics of regulation, and industrial organization. She served as deputy assistant attorney general in the Antitrust Division of the US Department of Justice from 2014 to 2016, where she oversaw economic analysis for antitrust investigations and merger litigation across a wide range of industries and served on the Division's leadership team. She was the director of the National Bureau of Economic Research research program in Industrial Organization from 1991-2014, and Vice President of the American Economic Association in 2012-2103. Her research includes analyses of economic regulation and firm behavior in a variety of transportation and energy markets, labor rent-sharing and determinants of executive pay, and most recently, the antitrust framework for mergers with upstream harm. Her edited volume *Economic Regulation and Its Reform: What Have We Learned?* (NBER, 2014) describes the regulatory landscapes and lessons learned from deregulation and regulatory restructuring across eight broad industries, and the interplay of competition policy and economic regulation.

**Jonathan B. Sallet, Partner, Steptoe & Johnson LLP**

Jonathan Sallet provides counsel and litigation strategy on matters involving antitrust law, communications law, and broader issues of competition policy. In addition to his years in private practice, Jon recently served as general counsel of the Federal Communications Commission and as deputy assistant attorney general in the Antitrust Division of the US Department of Justice. In the Clinton Administration, he served in the US Department of Commerce, focusing on technology-policy issues. Most recently, in the DOJ's Antitrust Division, Mr. Sallet had responsibility for specific merger and conduct investigations and litigation matters across a variety of industries. He served as the Division's senior decision maker on select cases and oversaw ongoing district court and appellate litigation. As general counsel of the FCC, Jon led the defense of the 2015 Open Internet Order and oversaw the FCC's review of major telecommunications mergers. He also handled a large variety of communications law issues reviewed by the Office of General Counsel, including privacy and cybersecurity matters. President Obama appointed Mr. Sallet to the governing council of the Administrative Conference of the United States.

**Steve Salop, Professor of Economics and Law, Georgetown University Law Center**

Steve Salop teaches courses in Antitrust Law, Economic Reasoning and the Law, and conducts a Faculty Workshop in Law and Economics at Georgetown. His recent writings include several articles in the Antitrust Law Journal that focus on exclusionary conduct, including an article on the overarching antitrust standard for exclusionary conduct, an article on exclusionary conduct by buyers and an article on the antitrust standard for refusals to deal and price squeezes. Professor Salop has other articles on the consumer welfare standard, the raising rivals' cost conduct, and the first principles approach to antitrust. His research focuses on antitrust law and economics and economic analysis of industrial competition and imperfect information. Before joining the Law Center faculty in 1981, he served as Associate Director for



Special Projects with the Bureau of Economics of the FTC, as an adjunct professor of economics at the University of Pennsylvania, where he received his B.A. in 1968, and as an economist with the Civil Aeronautics Board and Federal Reserve Board. He is a member of the American Economic Association and the Econometric Society. He has been an associate editor of the *Journal of Economic Perspectives*, *The International Journal of Industrial Organization* and the *Journal of Industrial Economics*.

**Steve Shadowen, Partner, Hilliard & Shadowen LLP**

Steve Shadowen has dedicated his work to cases where intellectual property and antitrust law intersect. Shadowen was lead counsel for the purchaser plaintiffs in the landmark litigation that began calling Big Pharma to account for anticompetitive conduct. In *Abbott Labs. v. Teva Pharmaceuticals, U.S.A., Inc.*, Mr. Shadowen was on plaintiffs' trial team, and was one of the driving forces in the litigation, in the first case to accept the "product hopping" theory of anticompetitive conduct. Mr. Shadowen serves on the advisory boards of the American Antitrust Institute and the Institute for Consumer Antitrust Studies and is an adjunct professor at the Pennsylvania State University Dickinson School of Law. Shadowen has published numerous papers on antitrust and civil rights issues and lectured on antitrust and competition law at universities across the nation and in Europe. Prior to starting Hilliard Shadowen LLC, Shadowen was a partner at the Philadelphia-based firms, Hanglely Aronchick Segal & Pudlin, and Schnader Harrison Segal & Lewis, where he represented plaintiffs in antitrust litigation for more than 19 years. As a law student he was the criminal procedure project editor of the *Georgetown Law Journal*. Upon graduation from Georgetown he served as a clerk for the Hon. Boyce F. Martin, Jr. of the United States Court of Appeals for the Sixth Circuit.

**Malcolm Stewart, Deputy Solicitor General, U.S. Department of Justice**

Malcolm Stewart has worked in the United States Department of Justice since 1991. He has argued 80 cases before the United States Supreme Court. Previously, he served as an Assistant to the Solicitor General and as a member of the Appellate Staff of the Justice Department's Civil Division. His docket areas include antitrust, bankruptcy, environmental, international trade, government contracts, intellectual property, and securities and tax. A graduate of Yale (J.D. and M.Phil.) and Princeton (A.B.), he clerked for Chief Judge Patricia M. Wald on the United States Court of Appeals for the District of Columbia Circuit and for Justice Harry Blackmun on the U.S. Supreme Court.

**Randy Stutz, Associate General Counsel, American Antitrust Institute**

Randy M. Stutz joined the AAI from the Antitrust Department of a leading international law firm, where he consulted on merger and cartel investigations and multidistrict class actions. Stutz oversees the AAI's Curriculum Development and Judicial Education projects and has authored or consulted on numerous amicus briefs filed in the U.S. Supreme Court and the federal circuit courts. He has published multiple journal articles and is associate editor of the *International Handbook on Private Enforcement of Competition Law* (Edward Elgar, 2010) and co-editor of *Private Enforcement of Antitrust Law in the United States* (Edward Elgar, 2012). He is a graduate of Washington University in St. Louis and the Catholic University Columbus School of Law.