



Computer & Communications  
Industry Association  
Tech Advocacy Since 1972

NOVEMBER  
**08**  
2019  
HARVARD  
LAW SCHOOL

*2<sup>nd</sup> Annual*

# CHALLENGES TO ANTITRUST IN A CHANGING ECONOMY

PROGRAM + SPEAKERS' BIOS




The background of the slide is a deep blue space filled with numerous small, distant stars. A bright light source, likely the sun, is positioned on the left side, creating a strong lens flare and illuminating the horizon of the Earth. The Earth's curve is visible as a bright blue arc across the lower half of the image, with some cloud detail visible near the horizon. The word "Program" is written in a clean, white, sans-serif font in the upper right area of the slide.

# Program

## November 8, 2019 Harvard Law School

- 8:00 - 8:40 am **REGISTRATION & BREAKFAST**
- 8:40 - 8:45 am **PROGRAM OPEN**  
Einer R. ELHAUGE, Professor of Law, Harvard Law School
- 8:45 - 9:00 am **WELCOMING REMARKS**  
John F. MANNING, Morgan and Helen Chu Dean and Professor of Law, Harvard Law School
- 9:00 - 9:15 am **INTRODUCTORY REMARKS**  
Edward J. BLACK, President & CEO, CCIA
- 9:15 - 10:30 am **PANEL 1: COMPETITION, CONCENTRATION & COMMON OWNERSHIP: WHAT ARE THE ANTITRUST IMPLICATIONS?**  
Hadiye ASLAN, Assistant Professor of Finance, J. Mack Robinson College of Business, Georgia State University  
Einer R. ELHAUGE, Professor of Law, Harvard Law School  
Martin C. SCHMALZ, Associate Professor of Finance, Saïd Business School, University of Oxford  
Lucian A. BEBCHUK, Professor of Law, Economics, and Finance, Harvard Law School  
*Moderator: Terrell MCSWEENEY, Partner, Covington & Burling*
- 10:30 - 10:45 am **COFFEE BREAK**
- 10:45 am - 12:00 pm **PANEL 2: COMPETITION IN DIGITAL ADVERTISING: IS THERE ONLINE AND OFFLINE CONVERGENCE?**  
Gregory K. LEONARD, Partner, Edgeworth Economics  
Steve TADELIS, Professor of Economics, Business and Public Policy; Chair in Business, University of California Berkeley Haas School of Business  
Daniel FRANCIS, Associate Director, Digital Markets, US FTC  
Christopher S. YOO, Professor of Law, Communication, and Computer and Information Science, Penn Law  
*Moderator: David MCLAUGHLIN, Reporter, Bloomberg*
- 12:00- 12:30 pm **LUNCH**



12:30 - 1:30 pm

**A FIRESIDE CHAT WITH...**

Noah J. PHILLIPS, Commissioner, US FTC

Nikhil SHANBHAG, Vice President, Competition & Telecommunications Law, Facebook

William E. KOVACIC, Director, The GWU Competition Law Center

*Moderator: Leah NYLEN, Chief Global Antitrust Correspondent, MLex*

1:30 - 2:45 pm

**PANEL 3: THE ECONOMICS BEHIND DIGITAL SERVICES: HOW DO THEY COMPETE?**

Catherine TUCKER, Professor of Management, MIT

Hal VARIAN, Emeritus Professor of Business, Economics, and Information Management, University of California, Berkeley; Chief Economist, Google

Howard SHELANSKI, Professor of Law, Georgetown Law; Partner, Davis Polk

Jonathan B. BAKER, Research Professor of Law, Washington College of Law, American University

*Moderator: Susan A. CREIGHTON, Partner, Wilson Sonsini Goodrich & Rosati*

2:45 - 3:00 pm

**COFFEE BREAK**

3:00 - 3:30 pm

**KEYNOTE SPEECH**

Makan DELRAHIM, Assistant Attorney General, US DOJ

3:30 - 4:45 pm

**PANEL 4: FTC HEARINGS & OTHER ONGOING CONSULTATIONS**

Philip MARSDEN, Professor of Law and Economics, College of Europe; Deputy Chair of Enforcement Decision Making Committee, Bank of England

Reiko AOKI, Commissioner, JFTC

Henri PIFFAUT, Vice President, Autorité de la Concurrence

Geoffrey A. MANNE, Founder & Executive Director, International Center for Law & Economics

Derek W. MOORE, Attorney Advisor, Policy Planning Office, US FTC

*Moderator: D. Daniel SOKOL, Professor of Law, Levin College of Law, University of Florida*

4:45 - 6:00 pm

**PANEL 5: FORMER ENFORCERS' ROUNDTABLE**

Allan FELS AO, Professor of Law, University of Melbourne

A. Douglas MELAMED, Professor of the Practice of Law, Stanford Law School

Bill BAER, Partner, Arnold & Porter

Maureen K. OHLHAUSEN, Partner, Baker Botts

*Moderator: Jon LEIBOWITZ, Partner, Davis Polk*

6:00 - 6:30 pm

**COCKTAIL RECEPTION**



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# Speakers' Bios



## **Einer R. ELHAUGE**

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Einer R. Elhauge is The Petrie Professor of Law at Harvard Law School, where he writes and teaches on Antitrust Law and Economics. Professor Elhauge is author of U.S. Antitrust Law & Economics, co-author of Global Antitrust Law & Economics, co-author of Areeda, Elhauge & Hovenkamp, Vol X, Antitrust Law, editor of the Research Handbook on the Economics of Antitrust Law, and the author of many articles on antitrust law and economics that have won awards and appeared in peer-reviewed economics journals and top law reviews.



## **John F. MANNING**

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John F. Manning '85, an eminent public-law scholar with expertise in statutory interpretation and structural constitutional law, became Harvard Law School's thirteenth dean in 2017, succeeding Martha M. Minow. A graduate of both Harvard College and Harvard Law School, Dean Manning has served on the HLS faculty since 2004, following a decade at Columbia Law School, and served as Deputy Dean from 2013-2017.

A prolific and influential scholar, Dean Manning has published more than 40 articles in a range of leading law journals and is co-editor of two leading casebooks, Hart & Wechsler's Federal Courts and the Federal System and Legislation and Regulation. His honors include the ABA Section on Administrative and Regulatory Law's Award for Scholarship in Administrative Law and Columbia Law School's Willis Reese Prize for Excellence in Teaching, which he received two years in a row. He has argued nine cases before the U.S. Supreme Court.




## **Edward J. BLACK**

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Ed Black has been President & CEO of the Computer & Communications Industry Association (CCIA) since 1995. His overall responsibility for the association includes leading its efforts on a wide range of policy matters relevant to CCIA and its member companies. He specializes in international trade, competition policy and intellectual property matters and has been extensively involved in issues including e-commerce, privacy, security, open standards, federal procurement and telecommunications policy.

In addition to serving on the Hill as Chief of Staff and Legislative Director for two Members of Congress, Mr. Black served as a senior congressional liaison for several Secretaries of State, including Secretaries Kissinger and Vance, and several Secretaries of Commerce. Mr. Black went on to practice law in the private sector, where he represented high-tech companies and associations. Mr. Black regularly testifies be-





fore Congress and is a frequent commentator for both national and industry media, being regularly quoted in major publications including the Washington Post, New York Times, Wall Street Journal, San Jose Mercury News, Los Angeles Times and Business Week, and frequently appearing on television programs such as MSNBC, CNN, Fox, ABC News, The News Hour, and Nightly Business Report, and was listed on the Washingtonian's 2009 and 2011 Tech Titans list.

Mr. Black received his Bachelor of Arts degree from Muhlenberg College and his Juris Doctor degree from the American University Washington College of Law, where he won honors in the field of international law. He previously served as CCIA's Vice-President and General Counsel. He is a former Chairman of the State Department's Advisory Committee on International Communications & Information Policy and former President of the Washington International Trade Association & Foundation and Chairman of the Pro-Trade Group. He serves on the advisory board for the American Antitrust Institute, and has served as a member of various bar and technology policy organizations, including a stint as Chairman of the American Intellectual Property Law Association's Subcommittee on Export Controls, and the Advisory Board for BNA's Electronic Information Policy and Law Report.

### **Hadiye ASLAN**

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Hadiye Aslan is an assistant professor of finance at the J. Mack Robinson College of Business at Georgia State University. She received her Ph.D. in finance from Cornell University and her M.A. in Economics from Vanderbilt University. Professor Aslan's research interests focus on empirical corporate finance, household finance, product markets, and real economy.



### **Martin C. SCHMALZ**

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Martin Schmalz is an Associate Professor of Finance (with tenure) at the University of Oxford's Saïd Business School, a Research Affiliate with the Centre for Economic Policy Research (London) and CESifo (München), and a Research Member with the European Corporate Governance Institute (Brussels). He previously served as the NBD Bancorp Assistant Professor in Business Administration, Harry H. Jones Research Scholar, and as an Assistant Professor of Finance at the University of Michigan's Stephen M. Ross School of Business and a Faculty Affiliate of the Center on Finance, Law, and Policy at the University of Michigan. He was featured as one of the "40 under 40" best business school professors worldwide at the age of 33. He has taught PhD courses in corporate financial theory, the finance core for BBA and EMBA, and won a Teaching Excellence Award for his case-based "Valuation" elective in Michigan's daytime MBA curriculum. He now teaches an elective

for Oxford's MBAs, MFEs, and MLFs on Big Data and Machine Learning in Finance. He holds a graduate degree (Dipl.-Ing.) in mechanical engineering from the Universität Stuttgart (Germany) and a M.A. and PhD in Economics from Princeton University (USA). Professor Schmalz has published papers on entrepreneurship, corporate finance and governance, behavioral finance and asset pricing, and various studies of the asset management industry. His research on how the ownership structure of firms affects firm behavior and market outcomes has affected policy-making and antitrust enforcement worldwide. His research has been published in *The Journal of Finance*, *Journal of Financial Economics*, and *Review of Financial Studies*, and has won various awards, including a Brattle Group Distinguished Paper Prize for one of the best papers published in *The Journal of Finance* in 2017. It has been covered, among others, by *The New York Times*, *The Economist*, *Wall Street Journal*, *Financial Times*, *Bloomberg*, *The New Yorker*, *The Atlantic*, *Forbes*, *Fortune*, *Frankfurter Allgemeine Zeitung*. He was invited to present to regulators and policy makers across the globe, including the US Department of Justice, The White House Council of Economic Advisers, European Commission, European Parliament, OECD, various central banks, and at universities across America, Europe, Asia, and Australia.



## Lucian A. BEBCHUK

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Lucian Bebchuk is the James Barr Ames Professor of Law, Economics, and Finance and Director of the Program on Corporate Governance at Harvard Law School. Bebchuk is also a Fellow of the American Academy of Arts and Sciences and Research Associate of the National Bureau of Economic Research.

Trained in both law and economics, Professor Bebchuk holds an LL.M. and S.J.D. from Harvard Law School and an M.A. and a Ph.D. in Economics from the Harvard Economics Department. The author of more than one hundred research papers, Bebchuk has been ranked by the Social Science Research Network (SSRN) as first among legal academics of all fields in terms of citations to his work in each of the past five years.

Bebchuk has served as President of the Western Economics Association International, President of the American Law and Economics Association, and Chair of the Business Association Section of the American Association of Law Teachers.

A frequent contributor to policy-making and practice, Bebchuk has appeared in hearings and roundtables before the Senate Finance Committee, the Senate Banking Committee, the House of Representatives Committee of Financial Services, and the SEC; has authored numerous op-ed pieces, including in the *Wall Street Journal*, the *New York Times*, and the *Financial Times*; and has advised governmental bodies, such as the Special Master on TARP executive compensation during the financial crisis, and publicly traded firms.



### **Terrell MCSWEENEY**

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Terrell McSweeney, a partner at Covington & Burling, is a former Commissioner of the Federal Trade Commission (FTC). She has held senior appointments in the White House, Department of Justice (DOJ), and the U.S. Senate. McSweeney's law practice focuses on antitrust, privacy and data governance, and artificial intelligence. She is a distinguished fellow of Georgetown Law's Institute for Technology, Law & Policy.

Prior to joining the Commission, Ms. McSweeney served as Chief Counsel for Competition Policy and Intergovernmental Relations for the U.S. Department of Justice, Antitrust Division. She joined the Antitrust Division after serving as Deputy Assistant to the President and Domestic Policy Advisor to the Vice President from January 2009 until February 2012, advising President Obama and Vice President Biden on policy in a variety of areas. She previously served as Counsel on the Senate Judiciary Committee and Deputy Chief of Staff to Senator Joe Biden.



### **Gregory K. LEONARD**

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Gregory K. Leonard is an economist specializing in applied microeconomics and econometrics. Dr. Leonard has written widely in the areas of competition policy, industrial organization, econometrics, intellectual property, and class certification, with publications in journals such as the RAND Journal of Economics, the Journal of Industrial Economics, the Journal of Econometrics, the International Journal of Industrial Organization, and the Antitrust Law Journal, among others. Dr. Leonard is the Editorial Board Vice Chair for Economics of the Antitrust Law Journal and has served as a referee for numerous economic journals. He has been invited to speak on competition issues by the Federal Trade Commission and the Department of Justice and served as a consultant on the issue of immunities and exemptions to the Antitrust Modernization Commission. Outside the US, Dr. Leonard has given invited presentations at DG Comp, China's antitrust agencies and the Supreme People's Court, and the Japan Fair Trade Commission. Dr. Leonard has provided expert witness testimony on economic issues before US federal and state courts, government agencies, and arbitration panels.



## Steven TADELIS

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Steve Tadelis is a Professor of Economics and Sarin Chair in Leadership and Strategy at Berkeley Haas. His research primarily revolves around e-commerce and the economics of the internet.

During the 2016-2017 academic year he was on leave at Amazon, where he applied economic research tools to a variety of product and business applications and worked with technologists, computer and ML scientists, and business leaders. During the 2011-2013 academic years he was on leave at eBay research labs, where he hired and led a team of research economists who focused on the economics of e-commerce, with particular attention to creating better matches of buyers and sellers; reducing market frictions by increasing trust and safety in eBay's marketplace; understanding the underlying value of different advertising and marketing strategies; and exploring the market benefits of different pricing structures.

Aside from the economics of e-commerce, his main fields of interest are the economics of incentives and organizations, industrial organization, and microeconomics. Some of his past research aspired to advance our understanding of the roles played by two central institutions—firms and contractual agreements—and how these institutions facilitate the creation of value. Within this broader framework, Tadelis explored firm reputation as a valuable, tradable asset; the effects of contract design and organizational form on firm behavior with applications to outsourcing and privatization; public and private sector procurement and award mechanisms; and the determinants of trust.



## Daniel FRANCIS

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Daniel Francis is the Associate Director for Digital Markets in the Federal Trade Commission's Bureau of Competition, where he helps to oversee the Bureau's antitrust enforcement and policy activities in digital and high-technology markets, including the work of the Bureau's new Technology Enforcement Division (formerly the Technology Task Force). Daniel also helps to supervise various merger and conduct matters outside the digital space. He was previously Senior Counsel to the Director of the Bureau of Competition.

Before joining the FTC, Daniel served as a Climenko Fellow and Lecturer in Law at Harvard Law School, and spent ten years in the private practice of antitrust law with two multinational law firms, where his work focused on the defense, aerospace, and oil and gas sectors. Daniel's academic interests include US and EU constitutional law and federalism as well as antitrust: he previously taught a course on European Union constitutional law and political history at Harvard College; has published on public law, antitrust and related topics; and served as Associate Editor of the *International Journal of Constitutional Law* from Fall 2016 to Spring 2018. Daniel holds degrees in law from Trinity College, Cambridge, and Harvard Law School.



### **Christopher S. YOO**

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Christopher S. Yoo is the John H. Chestnut Professor of Law, Communication, and Computer & Information Science and the Founding Director of the Center for Technology, Innovation and Competition at the University of Pennsylvania. He is the author of over one hundred scholarly works and has taught at over a dozen universities around the world. His major research projects include comparing due process in antitrust enforcement practices in China, Europe, and the U.S.; analyzing these jurisdictions' responses to big data; assessing antitrust liability for high-tech platforms; and analyzing the technical determinants of optimal interoperability. He has also created innovative joint degree programs designed to produce a new generation of professionals with advanced training in both law and engineering.

Professor Yoo received his A.B. from Harvard University, his M.B.A. from UCLA, and his J.D. from Northwestern University. Before entering the academy, Professor Yoo clerked for Justice Anthony M. Kennedy of the Supreme Court of the United States and practiced law with the predecessor firm to Hogan Lovells under the supervision of now-Chief Justice John G. Roberts, Jr. He is frequently called to testify before the U.S. Congress, U.S. Federal Trade Commission, U.S. Justice Department Antitrust Division, U.S. Federal Communications Commission, foreign governments, and international organizations. He is currently serving as a member of the Federal Communication Commission's Broadband Deployment Advisory Committee, the Board of Advisers for the American Law Institute's Project on Principles of Law for Data Privacy, and the joint European Law Institute-American Law Institute project on Principles for a Data Economy.



### **David MCLAUGHLIN**

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David McLaughlin is a journalist at Bloomberg News. He holds an MBA from NYU Stern School of Business with particular focus on finance, economics and business analytics. David has an extensive experience reporting on competition policy and antitrust enforcement, mergers and acquisitions and corporate restructuring.



### **Noah J. PHILLIPS**

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Following his nomination by President Donald J. Trump and unanimous confirmation by the United States Senate, Noah Joshua Phillips was sworn in as a Commissioner on the Federal Trade Commission on May 2, 2018. Before coming to the FTC, Phillips served as Chief Counsel to U.S. Senator John Cornyn, of Texas, on the Senate Judiciary Committee. From 2011 to 2018, he advised Senator Cornyn on legal and policy matters including antitrust, constitutional law, consumer privacy,

fraud, and intellectual property. Prior to his Senate service, Phillips worked as a litigator at Cravath, Swaine & Moore LLP, in New York City, and Steptoe & Johnson LLP, in Washington, D.C. Phillips began his career at Wasserstein Perella & Co., an investment bank in New York City. Phillips received his A.B. from Dartmouth College and his J.D. from Stanford Law School.



## **Nikhil SHANBHAG**

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Nikhil Shanbhag is Vice President of Competition and Regulatory Law at Facebook, where he manages a team that handles competition, telecommunications, and regulatory issues for the company. He previously served as General Counsel for delivery startup Instacart, as Director of Competition Law at Google, and was at O'Melveny & Meyers between 2004 and 2007.

Nikhil holds a BA in Economics and Mathematics from Cornell University and a JD from Yale Law School, where he was a John M. Olin Fellow for Law and Economics and Essays Editor for the Yale Law Journal. From 2003-2004, he served as a Law Clerk for the Honorable Barrington D. Parker, Jr. on the United States Court of Appeals for the Second Circuit.



## **William E. KOVACIC**


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William E. Kovacic is Global Competition Professor of Law and Policy at George Washington University Law School, Professor of Law and Director of the Competition Law Center.

Since August 2013, Professor Kovacic has served as a Non-Executive Director with the United Kingdom's Competition and Markets Authority. From January 2009 to September 2011, he was Vice-Chair for Outreach for the International Competition Network.

Bill's papers and articles feature antitrust in the high technology industry, behavioral economics and its applications, competition agency design, integrity in public procurement, and on organizations such as the International Competition Network, World Trade Organization, and FTC. He has advised many countries and international organizations on antitrust, consumer protection, government contracts, and the design of regulatory institutions.

Prior to 1999, Professor Kovacic was the George Mason University Foundation Professor at the George Mason University School of Law (now the Antonin Scalia Law School). He has also served as Commissioner and Chairman of the US FTC, among



other appointments, and in 2011 received the FTC's Miles W. Kirkpatrick Award for Lifetime Achievement. He is co-editor of the Journal of Antitrust Enforcement, and has published numerous papers on competition law and economics in leading journals both in the US and Europe.



### **Leah NYLEN**

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Leah Nylén is the Chief Global Antitrust Correspondent for MLex, where she reports on US antitrust policy, cartels, intellectual property, conduct and private damage actions. She was selected as an Abe Journalist Fellow in 2014 by the Social Science Research Council and the Japan Foundation Center for Global Partnership for a reporting project on Japanese cartels and cartel deterrence policies. Leah has previously worked for Bloomberg, Main Justice and Congressional Quarterly, and received a Master's from Northwestern University's Medill School of Journalism.



### **Catherine TUCKER**

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Catherine Tucker is the Sloan Distinguished Professor of Management and a Professor of Marketing at MIT Sloan. She is also Chair of the MIT Sloan PhD Program.

Her research interests lie in how technology allows firms to use digital data and machine learning to improve performance, and in the challenges this poses for regulation. Tucker has particular expertise in online advertising, digital health, social media, and electronic privacy. Her research studies the interface between marketing, the economics of technology, and law.

She has received an NSF CAREER Award for her work on digital privacy, the Erin Anderson Award for an Emerging Female Marketing Scholar and Mentor, the Garfield Economic Impact Award for her work on electronic medical records, the Paul E. Green Award for contributions to the practice of Marketing Research, the William F. O'Dell Award for most significant, long-term contribution to Marketing, and the INFORMS Society for Marketing Science Long Term Impact Award for long-run impact on marketing.

She is a cofounder of the MIT Cryptoeconomics Lab which studies the applications of blockchain and also a co-organizer of the Economics of Artificial Intelligence initiative sponsored by the Alfred P. Sloan Foundation. She has been a Visiting Fellow at All Souls College, Oxford. She has testified to Congress regarding her work on digital privacy and algorithms, and presented her research to the OECD and the ECJ.

Tucker is coeditor at Quantitative Marketing and Economics, associate editor at Management Science, Marketing Science, and the Journal of Marketing Research and a research associate at the National Bureau of Economic Research. She teaches MIT Sloan's course on Pricing and the EMBA course "Marketing Management for the Senior Executive." She has received the Jamieson Prize for Excellence in Teaching as well as being voted "Teacher of the Year" at MIT Sloan.

She holds a PhD in economics from Stanford University and a BA from the University of Oxford.



## Hal R. **VARIAN**

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Hal R. Varian is the Chief Economist at Google and has been involved in many aspects of the company, including auction design, econometric analysis, finance, corporate strategy and public policy. He is also an emeritus professor at the University of California, Berkeley in three departments: business, economics, and information management.

Professor Varian has published numerous papers in economic theory, industrial organization, financial economics, econometrics and information economics. He is the author of two major economics textbooks which have been translated into 22 languages. He is the co-author of a bestselling book on business strategy, *Information Rules: A Strategic Guide to the Network Economy* and wrote a monthly column for the *New York Times* from 2000 to 2007.

Dr. Varian received his SB degree from MIT in 1969 and his MA in mathematics and PhD in economics from UC Berkeley in 1973. He has taught courses at MIT, Stanford, Oxford, Michigan and other universities around the world. He is a fellow of the Guggenheim Foundation, the Econometric Society, and the American Academy of Arts and Sciences. He was Co-Editor of the *American Economic Review* from 1987-1990 and holds honorary doctorates from the University of Oulu, Finland and the University of Karlsruhe, Germany.



## Howard **SHELANSKI**

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Howard Shelanski is a partner in Davis Polk's Litigation Department in Washington DC and a Professor of Law at Georgetown University. He is one of the nation's leading authorities on antitrust and regulation, with high-level experience at the Federal Trade Commission, the Federal Communications Commission, and in the Executive branch of government. Mr. Shelanski served as Administrator of the White House Office of Information and Regulatory Affairs from 2013 to 2017. Previously, he was Director of the FTC's Bureau of Economics, where he supervised economic analysis and advised the Commission on economic policy matters. From 2009 to 2011, he served as the Bureau's Deputy Director. Before joining the FTC and the Georgetown Faculty, Mr. Shelanski was a Professor of Law at the University of California, Berkeley, where he co-directed the Berkeley Center for Law and Technology from 2000 to 2008. He was Chief Economist of the Federal Communications Commission from 1999 to 2000, and a Senior Economist for the President's Council of Economic Advisers at the White House from 1998 to 1999. Mr. Shelanski served as a law clerk to Justice Antonin Scalia of the U.S. Supreme Court, Judge Louis H. Pollak of the U.S. District Court for the Eastern District of Pennsylvania and Judge Stephen F. Williams of the U.S. Court of Appeals for the District of Columbia Circuit.





### **Jonathan B. BAKER**

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Jonathan B. Baker is Research Professor of Law at American University Washington College of Law. He specializes in the areas of antitrust and economic regulation and has published widely in the fields of antitrust law, policy, and economics. Among other acknowledgements, he has received the Federal Trade Commission's Award for Distinguished Service and the Jerry S. Cohen Award for Antitrust Scholarship.

Professor Baker served as the Chief Economist of the Federal Communications Commission from 2009 to 2011, and as the Director of the Bureau of Economics at the Federal Trade Commission from 1995 to 1998. Previously, he worked as a Senior Economist at the President's Council of Economic Advisers, Special Assistant to the Deputy Assistant Attorney General for Economics in the Antitrust Division of the Department of Justice, Assistant Professor at Dartmouth's Amos Tuck School of Business Administration, and Attorney Advisor to the Acting Chairman of the Federal Trade Commission, in addition to his private practice in antitrust.

Baker holds a PhD in Economics from Stanford University and a JD from Harvard University. He is the author of *The Antitrust Paradigm*, the co-author of widely-used antitrust casebook, a past Editorial Chair of *Antitrust Law Journal*, and a former member of the Council of the American Bar Association's Section of Antitrust Law.



### **Susan A. CREIGHTON**

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Susan Creighton is co-chair of the firm's antitrust practice. Susan's practice focuses on merger review, government conduct investigations, and antitrust litigation and counseling. Representative matters include serving as lead outside counsel for Google in the Federal Trade Commission's search investigation of the company, and representing Netflix in connection with the Justice Department's investigation of the proposed Comcast/TWC merger.

Susan was named "Lawyer of the Year" by *Global Competition Review* in 2013, and was one of *The National Law Journal's* "Outstanding Women Lawyers" in 2015. She has testified before the Antitrust Modernization Commission, the Federal Trade Commission, and the Senate on antitrust-related issues. She also has written a number of widely cited articles, including on issues related to mergers, intellectual property, and unilateral conduct.

From 2003 through the end of 2005, Susan served at the Federal Trade Commission as Director of the Bureau of Competition. From 2001 to 2003, she served as Deputy Director of the Bureau under then-Director Joe Simmons. Prior to joining the FTC, Susan wrote the white paper for Netscape that is credited with triggering the Department of Justice's investigation and eventual suit against Microsoft for illegal monopolization.

Susan has served in a variety of leadership roles within the firm, including on the board of directors.

Makan DELRAHIM firm, she was a law clerk to U.S. Supreme Court Justice Sandra Day O'Connor. She also served as a law clerk to Federal District Judge Pamela Ann Rymer.



## **Makan DELRAHIM**

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Makan Delrahim was confirmed on September 27, 2017, as Assistant Attorney General for the Antitrust Division. Mr. Delrahim previously served as Deputy Assistant to the President and Deputy White House Counsel. Mr. Delrahim's rich antitrust background covers the full range of industries, issues, and institutions touched upon by the work of the Antitrust Division. He is a former partner in the Los Angeles office of a national law firm. He served in the Antitrust Division from 2003 to 2005 as a Deputy Assistant Attorney General, overseeing the Appellate, Foreign Commerce, and Legal Policy sections. During that time, he played an integral role in building the Antitrust Division's engagement with its international counterparts and was involved in civil and criminal matters. He has served on the Attorney General's Task Force on Intellectual Property and as Chairman of the Merger Working Group of the International Competition Network. Mr. Delrahim was also a Commissioner on the Antitrust Modernization Commission from 2004 to 2007. Earlier in his career, Mr. Delrahim served as antitrust counsel, and later as the Staff Director and Chief Counsel of the U.S. Senate Judiciary Committee.



## **Philip MARSDEN**

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Dr. Philip Marsden is Deputy Chair of the Bank of England's Enforcement Decision Making Committee, and a case decision maker at the Financial Conduct Authority, the Payment Systems Regulator and OFGEM. In September 2018, the Chancellor appointed Philip to the Treasury's Digital Competition Experts Panel. In November 2018, Philip also affiliated with Charles River Associates International as a Senior Advisor on policy and strategy issues. In June 2019 he was appointed to the government's Open Finance Advisory Group, advising the FCA on how to extend Open Banking to other financial services and sectors.

For ten years until October 2018, Philip held various roles at the UK competition authority, first as member of the Board of the Office of Fair Trading, then as Inquiry Chair and Senior Director, Case Decision Groups, at the Competition and Markets Authority, where he decided on Phase II mergers, market investigations and antitrust cases, post-Statement of Objections.

Philip is also Professor of Law and Economics at the College of Europe, Bruges, teaching the core LL.M. competition course and is co-founder and General Editor of the European Competition Journal, and the Oxford Competition Law case reporter series. A prosecutor early on in his career, for the last 30 years Philip has also acted as independent counsel, specialising in advice to firms and governments. In private practice he worked at major law firms in Toronto, Tokyo and London. Philip earned his doctorate in law from the University of Oxford.



### **Reiko AOKI**

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Reiko Aoki is Commissioner of Japan Fair Trade Commission. She has conducted research and published on economics of patents, patent pools, standards, innovation and intergenerational political economy. She had academic positions at the Ohio State University, SUNY Stony Brook, University of Auckland and Hitotsubashi University. She served as Executive Member of Council for Science and Technology Policy, Japanese Cabinet Office 2009-2014 and Member of Science Council of Japan 2014-2016. Prior to joining the JFTC, she was Executive Vice-President (International, Gender Equality, and Intellectual Property) at Kyushu University. She received her B.S. from University of Tokyo and PhD in economics and MS in statistics from Stanford University. She is the current Vice-President of Japan Law and Economics Association.



### **Henri PIFFAUT**

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Henri Piffaut is a Vice President of French Competition Authority. He is a former Adviser to the Deputy Director General for mergers at DG Competition of the European Commission. He has spent most of his career in the competition policy field. During the academic year 2016/17 he served as a fellow at Harvard University where he pursued research on the interaction of competition policy and platform industries. He has been a head of unit for merger control and for conduct cases. Both at DG Competition and in the private sector he dealt with pay-for-delay cases in the pharmaceutical industry, conduct and merger cases in the energy, payment systems, IT and telecom industries, State intervention in the transport industry and merger cases in a variety of industries. He holds degrees in science and engineering, political science and economics.



### **Geoffrey A. MANNE**

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Geoffrey A. Manne is the president and founder of the International Center for Law and Economics (ICLE), a nonprofit, nonpartisan research center based in Portland, Oregon. He is also a distinguished fellow at Northwestern University's Center on Law, Business, and Economics. In 2017 he was appointed by FCC Chairman Ajit Pai to the FCC's Broadband Deployment Advisory Committee, and prior to that he served for two years on the FCC's Consumer Advisory Committee.

Mr. Manne earned his JD and AB degrees from the University of Chicago and is an expert in the economic analysis of law, specializing in competition, telecommunications, consumer protection, intellectual property, and technology policy.

Prior to founding ICLE, Manne was a law professor at Lewis & Clark Law School. From 2006-2009, he took a leave from teaching to develop Microsoft's law and economics academic outreach program. Manne has also served as a lecturer in law at the University of Chicago Law School and the University of Virginia School of Law. He practiced antitrust law and appellate litigation at Latham & Watkins, clerked for Hon. Morris S. Arnold on the 8th Circuit Court of Appeals, and worked as a research assistant for Judge Richard Posner. He was also once (very briefly) employed by the FTC.



## **Derek W. MOORE**

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Derek W. Moore is an attorney advisor in the Office of Policy Planning at the Federal Trade Commission. Prior to that, he was an attorney advisor to FTC Commissioner Joshua D. Wright. Prior to joining the Commission, Mr. Moore was an associate in the antitrust practice group at Cadwalader, Wickersham & Taft LLP, in Washington, DC. Before joining Cadwalader, Mr. Moore served as a law clerk to the Honorable Douglas H. Ginsburg, Circuit Judge on the United States Court of Appeals for the D.C. Circuit, and the Honorable Claude M. Hilton, Senior District Judge on the United States District Court for the Eastern District of Virginia. Mr. Moore received his law degree from the University of Virginia School of Law, and a bachelor's degree in economics from the University of Virginia.



## **D. Daniel SOKOL**

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D. Daniel Sokol is the University of Florida Research Foundation Professor of Law and Term Professor of Law at the University of Florida Levin College of Law.

Sokol writes across several different topics in antitrust. The Global Competition Review named Sokol its Antitrust Academic of the Year in 2014 at its awards ceremony. Sokol is among the top 10 most cited antitrust law professors in the past five years. Sokol is also a non-governmental advisor to the International Competition Network and academic advisor to the US Chamber of Commerce for Antitrust.



### Allan FELS AO

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Professor Allan Fels AO is currently a professorial fellow in the University of Melbourne, both in the Melbourne Law School and in the Faculty of Economics and Business, an adjunct professor at Monash University in the Faculty of Business and Economics, and visiting professor at the Division of Social Sciences in the University of Oxford.

Professor Fels is former Chairman of the Australian Competition and Consumer Commission (1995-2003) and its predecessor bodies. Professor Fels is former Dean of the Australia and New Zealand School of Government (ANZSOG). Professor Fels was Chair of the National Mental Health Commission of Australia from 2012-2018. He is now Commissioner on the Victorian Royal Commission into Mental Health.

He is Electricity Price Commissioner, and the Emergency Services Levy Insurance Monitor, both for the Government of New South Wales. He is a Director of the Chinese Competition Research Centre at the University of the Chinese Academy of Science (CAS) as well as an international adviser to the Chinese Academy of Social Sciences (CASS). He is a member of the Global Public Advisory Board of Uber. He is Chair of the Visy Australasia Governance Board (Australia's largest private business). He is author of *Tough Customer* (Melbourne University Press 2019).



### A. Douglas MELAMED

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Doug Melamed practiced law for 43 years before spending the 2014-15 academic year at the Law School as the Herman Phleger Visiting Professor of Law. He was appointed Professor of the Practice of Law in 2015.

From 2009 until 2014, Professor Melamed was Senior Vice President and General Counsel of Intel Corporation and was responsible for overseeing Intel's legal, government affairs and corporate affairs departments. Prior to joining Intel in 2009, he was a partner in the Washington, D.C., office of WilmerHale, a global law firm in which he served as a chair of the Antitrust and Competition Practice Group. His practice included appellate and trial court litigation, counseling, and representing clients in matters before government law enforcement and regulatory agencies. He joined WilmerHale's predecessor in 1971. From 1996 to 2001, Professor Melamed served in the U.S. Department of Justice as Acting Assistant Attorney General in charge of the Antitrust Division and, before that, as Principal Deputy Assistant Attorney General.

Professor Melamed has received numerous professional awards and honors. He has been the Distinguished Visitor from Practice and an adjunct professor at the Georgetown University Law Center, and he has authored numerous articles on antitrust and on law and economics. He is a member of the boards of directors of

the Nasdaq exchanges and the American Law Institute and a Contributing Editor of the Antitrust Law Journal. He was for many years a member of the Yale University Council and a member of the board of trustees of Sidwell Friends School in Washington, D.C. After graduating from law school, he clerked for Judge Charles M. Merrill of the U.S. Court of Appeals for the Ninth Circuit.



## Bill BAER

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Bill Baer is the only individual to have held the helm at both US antitrust enforcement agencies, serving as Assistant Attorney General in charge of the Antitrust Division of the US Department of Justice from 2013 to 2016, and as Director of the Bureau of Competition at the US Federal Trade Commission from 1995 to 1999. He represents a broad range of companies in US and international cartel investigations, antitrust litigation, and mergers and acquisition reviews by antitrust enforcers including the DOJ, FTC, state Attorneys General, and the European Commission.



## Maureen K. OHLHAUSEN

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Maureen K. Ohlhausen joins the firm after leading the Federal Trade Commission as Acting Chairman and Commissioner. She directed all aspects of the FTC's antitrust work, including merger review and conduct enforcement, and steered all FTC consumer protection enforcement, with a particular emphasis on privacy and technology issues. A thought leader, Ms. Ohlhausen has published dozens of articles on antitrust, privacy, IP, regulation, FTC litigation, telecommunications, and international law issues in prestigious publications and has testified over a dozen times before the U.S. Congress. Ms. Ohlhausen has relationships with officials in the U.S. and abroad, with a particular emphasis on Europe and China, and has led the U.S. delegation at international antitrust and data privacy meetings on many occasions. She has received numerous awards, including the FTC's Robert Pitofsky Lifetime Achievement Award.

Prior to her role as Commissioner, Ms. Ohlhausen led the FTC's Internet Access Task Force, which produced an influential report analyzing competition and consumer protection legal issues in the areas of broadband and Internet.

In private practice, she headed the FTC practice group at a leading telecommunications firm, representing and counseling telecommunications and technology clients on antitrust compliance, privacy, and consumer protection matters before the FTC and the FCC. She also clerked at the U.S. Court of Appeals for the D.C. Circuit.



## Jon LEIBOWITZ

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Jon Leibowitz is a partner in Davis Polk's Washington DC and New York offices. His practice focuses on the complex antitrust aspects of mergers and acquisitions as well as government and private antitrust investigations and litigation. He also provides counsel in the developing areas of consumer protection and privacy law as well as advocacy involving Congress.

Mr. Leibowitz was Chairman of the US Federal Trade Commission from 2009 through 2013 and Commissioner from 2004 to 2009. While at the FTC, he presided over a major revision of the Horizontal Merger Guidelines in collaboration with the Antitrust Division of the DOJ. He also headed multiple delegations of American government officials with counterparts on antitrust and privacy matters, including to China and the EU.

As Chairman, Jon was noted for leading the FTC's efforts to protect the privacy of consumers and police single firm conduct. His tenure resulted in multiple Supreme Court victories for the agency, involving hospital mergers, pharmaceutical arrangements and the State Action doctrines.







About

## About the Organizers

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This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

