TUESDAY, MARCH 26, 2019

4:30 – 9:00 PM
REGISTRATION OPEN
2nd Floor Mezzanine
Registration will be one level above the lobby. Badges will be required to access the conference meeting space. Individuals on conference floors without 2019 Spring Meeting badges will be billed accordingly.

3:30 – 5:00 PM
PATHWAYS TO LEADERSHIP
M1: Georgetown
Presented by the Membership & Diversity Committee
Interested in becoming a leader in antitrust and consumer protection law? Seeking ways to enhance your career and grow professionally? Get tips and pointers from Section leaders as they share their pathways to success, including strategies for using Section membership to enhance and develop your career.

SESSION CHAIR/MODERATOR
Jaime TARONJI, Attorney, Legal Counsel Section, Office of the General Counsel, Federal Trade Commission, Washington, DC

SPEAKERS
• Bret FULKERSON, Assistant Attorney General, Office of the Attorney General, Austin, TX
• Deona T. KALALA, Akin Gump Strauss Hauer & Feld LLP, Atlanta, GA
• Kellie M. KEMP, Wilson Sonsini Goodrich & Rosati PC, Washington, DC
• Su SUN, Economists Incorporated, Washington, DC

5:00 – 6:00 PM
YOUNG LAWYERS & LAW STUDENT HAPPY HOUR
M1: Georgetown
Have you been practicing for less than 10 years? Are you a law student? Then pick up your Spring Meeting badge and join us as we kick off the start of the Spring Meeting. This is a great opportunity to meet other young lawyers, Section Officers, and the Leadership of the Membership & Diversity Committee.

5:30 – 7:00 PM
COCKTAILS FOR CONSUMER PROTECTION PARTY
2nd Floor Mezzanine
Does your area of concentration include privacy law and/or consumer protection? Are you interested in learning more about this rising practice area? Even if you would just like to join us for a cocktail after you register, stop by and get to know more about this area of Section activity with our three CP committees. This is a great way to kick off your Spring Meeting festivities.

6:00 – 7:00 PM
RECEPTION FOR INTERNATIONAL ENFORCERS [TICKETED EVENT]
International enforcement officials are invited to a pre-conference reception with the Section Officers and Council to mingle and learn more about the Section. A ticket to attend will be included in the registration materials for all international enforcers registered for the Spring Meeting.

6:00
MOONLIGHT MONUMENT TOURS
Embark on a Monument by Moonlight Tour of D.C. Become a part of our nation’s most historic landscape and feel history come to life as you visit some of our country’s most beloved sites.

WEDNESDAY, MARCH 27, 2019

7:30AM – 5:30 PM
REGISTRATION OPEN
2nd Floor Mezzanine

7:30AM – 5:30 PM
BOOKSTORE
M4: Archives

9:00 – 10:15 AM
AGENCY UPDATE WITH THE U.S. DEPARTMENT OF JUSTICE
M4: Salons I – P
Presented by the Federal Civil Enforcement Committee
Spring Meeting would not be complete without hearing from the U.S. Department of Justice Antitrust Division Deputy Assistant Attorneys General about the latest in civil enforcement, cartel cases, and policy initiatives.

SESSION CHAIR
Meghan M. RISSMILLER, Hogan Lovells US LLP, Washington, DC

MODERATOR
Brian R. HENRY, Vice President & Senior Managing Counsel, The Coca-Cola Company, Atlanta, GA

SPEAKERS
• Roger P. ALFORD, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Andrew C. FINCH, Principal Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Michael F. MURRAY, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Bernard A. NIGRO, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Richard M. POWERS, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
9:00 – 10:15 AM
DECONSTRUCTING DEPOSITIONS
M2: Salons 7 & 8
Presented by the Civil Practice & Procedure, Transportation & Energy Industries, and Trial Practice Committees
Depositions are important discovery tools in both antitrust investigations and litigation. How are litigation depositions and investigational hearings different? How can attorneys and economists effectively prepare for, take, and use depositions? Our panelists will discuss these questions and effective questioning techniques, in addition to walking the audience through interactive exercises.
SESSION CHAIR/MODERATOR
Laura B. COLLINS, Freshfields Bruckhaus Deringer LLP, Washington, DC
SPEAKERS
• Katherine A. CELESTE, Trial Attorney, U.S. Department of Justice, Antitrust Division, Washington, DC
• Chanler A. LANGHAM, Susman Godfrey LLP, Houston, TX
• Subramaniam RAMANARAYANAN, NERA Economic Consulting, New York, NY
• Valarie C. WILLIAMS, Alston & Bird LLP, Atlanta, GA

9:00 – 10:15 AM
DIGITAL RPM: ONLINE SALES, PLATFORMS & ALGORITHMS
M4: Salons E - H
Presented by the Pricing Conduct Committee
Online marketplace and reseller platforms are facing new, unique antitrust risks, such as online sales restrictions and the use of advanced algorithms. This discussion will highlight recent agency approaches in RPM cases addressing these new issues, such as the European Commission’s enforcement action against electronics manufacturers, the CMA’s Ping case, and the German Rossmann case.
SESSION CHAIR/MODERATOR
R. Dale GRIMES, Bass Berry & Sims PLC, Nashville, TN
SPEAKERS
• Charlotte BREUVART, Jones Day, Brussels
• Thomas KRAMLER, Head of the Digital Single Market Task Force, DG Competition, European Commission, Brussels
• Isabel TAYLOR, Slaughter & May, London
• Forrest W. TREAT, Senior Attorney, Competition Law Group, Microsoft Incorporated, Redmond, WA

9:00 – 10:15 AM
FINDINGS OF THE DOMINANCE DIVERGENCE TASK FORCE
M2: Salons 9 & 10
Presented by the Dominance Divergence Task Force, with the International and Unilateral Conduct Committees
For two years and through several Global Seminars, the Dominance Divergence Task Force has studied how and why jurisdictions differ on unilateral conduct enforcement. The picture that emerges includes both notable divergence and substantial convergence. Hear a preview of the Task Force’s report.
SESSION CHAIR/MODERATOR
Cynthia L. LAGDAMEO, Counsel for International Antitrust, Federal Trade Commission, New York, NY
SPEAKERS
• Alexandre CORDEIRO MACEDO, General Superintendent, Conselho Administrativo de Defesa Economica (CADE), Brasilia
• Eleanor M. FOX, New York University, New York, NY
• Jürgen SCHINDLER, Allen & Overy LLP, Brussels
• Gregory J. WERDEN, Senior Economic Counsel, U.S. Department of Justice, Antitrust Division, Washington, DC

9:00 – 10:15 AM
FUNDAMENTALS—CONSUMER PROTECTION
M4: Capitol & Congress
Presented by the Consumer Protection Committee
With perspectives from a government enforcer, private practitioner, in-house counsel, and industry watchdog, this panel will provide an introduction to consumer protection law, including privacy, data security, and advertising and marketing law.
SESSION CHAIR/MODERATOR
Kay Lynn BRUMBAUGH, GIAC Systems LLC, Allen, TX
SPEAKERS
• Elisa K. JILLSON, Attorney, Federal Trade Commission, Washington, DC
• Ilunga L. KALALA, Privacy Counsel, Turner Broadcasting Incorporated, Atlanta, GA
• Laura KIM, Covington & Burling LLP, Washington, DC
• Anahid M. UGURLAYAN, Assistant Director – Communications, National Advertising Division, Council of Better Business Bureaus, Incorporated, New York, NY

9:00 – 10:15 AM
GMO, BE, ORGANIC, NATURAL: DO LABELS MATTER?
M2: Salons 12 & 13
Presented by the Agriculture & Food Committee
USDA has proposed bioengineered food labeling standards while media attention and litigation have focused on all-natural products that may contain GMO foods (or trace amounts of pesticides GMO crops are designed to withstand). Do label regulations work or have they failed producers and the consuming public? Will legal challenges to labeling claims succeed or be preempted?
SESSION CHAIR
Anthony P. AARON, IceMiller LLP, Indianapolis, IN
MODERATOR
August T. HORVATH, Foley Hoag LLP, New York, NY
SPEAKERS
• Gregory JAFFE, Center for Science in the Public Interest, Biotechnology Project Director, Washington, DC
• Karin MOORE, Senior Vice President & General Counsel, Grocery Manufacturers Association, Washington, DC
• Kim E. RICHMAN, Richman Law Group, Brooklyn, NY
• Jennifer TUCKER, Deputy Administrator of National Organic Program, Agriculture Marketing Services, U.S. Department of Agriculture, Washington, DC
9:00 – 10:15 AM
INTERNATIONAL MERGER CONTROL: WHAT YOU NEED TO KNOW
M2: Salons 1 – 4
Presented by the International and Mergers & Acquisitions Committees
Specialists from key jurisdictions explore merger control issues around the globe, including jurisdiction and thresholds in the digital economy, minority shareholdings, and gun-jumping.

SESSION CHAIR/MODERATOR
Fiona A. SCHAEFFER, Milbank Tweed Hadley & McCloy, New York, NY

SPEAKERS
• Pedro CALLOL, Callol Coca and Associates, Madrid
• Samir R. GANDHI, AZB & Partners, New Delhi
• Paula RIEDEL, Kirkland & Ellis LLP, London
• Michael ROSENTHAL, Sullivan & Cromwell LLP, Brussels

9:00 – 10:15 AM
WORDS CAN DEFINITELY HURT YOU!  ETHICS
M4: Salons A – D
Presented by the Corporate Counseling Committee
A CEO’s post touting the acquisition of a maverick competitor; a salesman's deck promoting his company’s dominance; a VP’s email to her counterpart boasting of a future strategic plan. These statements can kill deals, ruin careers, and expose companies to billions in antitrust damages, yet they are ubiquitous. How can we ethically and effectively help our clients think before they write?

SESSION CHAIR/MODERATOR
Suzanne E. WACHSTOCK, Chief Antitrust Counsel, Walmart Incorporated, Washington, DC

SPEAKERS
• Charlesa CERES, Associate General Counsel, Antitrust & Competition Law, United Technologies Corporation, Hartford, CT
• David I. GELFAND, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
• Mark SEIDMAN, Deputy Assistant Director, Mergers IV, Federal Trade Commission, Washington, DC
• John M. SNYDER, Alston & Bird LLP, Washington, DC

10:45 AM – NOON
AGENCY ECONOMISTS ROUNDTABLE
M2: Salons 9 & 10
Presented by the Economics Committee
An in-depth conversation with economists for leading competition authorities on their economic methods and practice, and their views on merger simulation, market power, and market definition, as well as the economics of major recent transactions, investigations, and cases.

SESSION CHAIR/MODERATOR
Robert B. MCNARY, Crowell & Moring LLP, Los Angeles, CA

SPEAKERS
• Reiko AOKI, Commissioner, Japan Fair Trade Commission, Tokyo
• Julie BON, Deputy Chief Economic Adviser, UK Competition & Markets Authority, London
• Tommaso M. VALLETTI, Chief Competition Economist, DG Competition, European Commission, Brussels
• Nathan E. WILSON, Acting Deputy Assistant Director, Bureau of Economics, Federal Trade Commission, Washington, DC

10:45 AM – NOON
ANTITRUST IP: THE DARK SIDE OF THE MOON
M4: Salons A – D
Presented by the Intellectual Property Committee
While patents are often at the center of Antitrust-IP policy debates, enforcement actions, and litigation, other types of IP sometimes seem to be on the far side of the moon. We shine the light on recent matters involving trademark and copyright, including 1-800 Contact and ASCAP/BMI, to illuminate how these developments are shaping the intersection of Antitrust and IP.

SESSION CHAIR/MODERATOR
Alexander P. OKULIAR, Orrick Herrington & Sutcliffe LLP, Washington, DC

SPEAKERS
• Susan A. CREIGHTON, Wilson Sonsini Goodrich & Rosati PC, Washington, DC
• Cunzhen HUANG, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
• Lisa KIMMEL, Crowell & Moring LLP, Washington, DC
• William J. RINNER, Acting Chief of Staff and Senior Counsel, U.S. Department of Justice, Antitrust Division, Washington, DC

10:45 AM – NOON
FTC HEARINGS: CONSUMER PROTECTION TOPICS IN-DEPTH
M4: Capitol & Congress
Presented by the Consumer Protection Committee
This session discusses the consumer protection-specific topics addressed in the FTC hearings, its report and likely implications for future consumer protection enforcement, potential harmonization in approaches, laws and remedies in enforcement, and any implications for practitioners.

SESSION CHAIR/MODERATOR
Alysa Z. HUTNIK, Kelley Drye & Warren LLP, Washington, DC

SPEAKERS
• Katie HARRINGTON-MCBRIDE, Assistant General Counsel, The Walt Disney Company, Burbank, CA
• Kevin J. O’CONNOR, Godfrey & Kahn SC, Madison, WI
• David C. VLADECK, Georgetown University, Washington, DC
• Thomas F. ZYCH, Thompson Hine LLP, Cleveland, OH
10:45 AM – NOON
FUNDAMENTALS—ANTITRUST
M3: Shaw & LeDroit Park
Learn antitrust fundamentals from a panel of experienced practitioners and professors with perspectives from government and private practice. This session is essential for less-experienced competition lawyers and anyone else who desires a refresher on the core principles of the Sherman, Clayton, and FTC Acts, the key institutions and enforcements, and competition law outside the United States.

SESSION CHAIR/MODERATOR
Spencer W. WALLER, Loyola University Chicago, Chicago, IL

SPEAKERS
• Stephen CALKINS, Wayne State, Detroit, MI
• Jonathan I. GLEKLEN, Arnold & Porter, Washington, DC
• Tanisha A. JAMES, Cooley LLP, Washington, DC
• Rita SINKFIELD BELIN, Skadden Arps Slate Meagher & Flom LLP, New York, NY

10:45 AM – NOON
IS THERE LIFE AFTER LENIENCY?
M4: Salons E – H
Presented by the Cartel & Criminal Practice Committee and the International Cartel Task Force
As leniency applications decline globally, experienced practitioners and prosecutors discuss its potential causes, its implications, how the trend compares to other areas of law, and whether new tools are needed by enforcers.

SESSION CHAIR/MODERATOR
John F. TERZAKEN, Simpson Thacher & Bartlett LLP, Washington, DC

SPEAKERS
• Eduardo FRADE, VMCA Advogados, Sao Paulo
• Susan JONES, Novartis, Basel
• Lisa M. PHelan, Morrison & Foerster LLP, Washington, DC
• Brent SNYDER, Chief Executive Officer, Hong Kong Competition Commission, Hong Kong

10:45 AM – NOON
KNOCK, KNOCK: WHEN CONGRESS COMES CALLING
M2: Salons 12 & 13
Presented by the Legislation Committee
Your client may be one tweet away from being called to testify before Congress; are you prepared? Tips from experts on what to expect from Congressional investigations and testimony.

SESSION CHAIR/MODERATOR
Anant RAUT, Counsel, U.S. Senate Committee on the Judiciary, Washington, DC

SPEAKERS
• Peter S. HYUN, Wiley Rein LLP, Washington, DC
• Tom MANATOS, Vice President of Government Relations, Spotify, Washington, DC
• James P. MORAN, McDermott Will & Emery, Washington, DC
• Chan PARK, Monument Policy Group, Washington, DC

10:45 AM – NOON
SPORTS AND ANTITRUST: BENDING THE RULES
M2: Salons 7 & 8
Presented by the Exemptions & Immunities and Trade, Sports & Professional Associations Committees
The “baseball exemption” is perhaps the most notorious antitrust anomaly, but U.S. courts have shown broad deference to the “rules of the game,” including near-immunity status for concepts such as “amateurism.” In Europe, there is an historic immunity for activities of a “sporting character.” But today sports is a huge commercial enterprise, and courts are reevaluating sports’ special status.

SESSION CHAIR
Kimberly L. SCOTT, Miller Canfield Paddock & Stone PLC, Ann Arbor, MI

MODERATOR
Bryan L. BLOOM, Assistant Attorney General, Antitrust Bureau, Office of the Attorney General, New York, NY

SPEAKERS
• Mary K. BRAZA, Foley & Lardner LLP, Milwaukee, WI
• Jeffrey L. KESSLER, Winston & Strawn LLP, New York, NY
• Matthew J. MITTEN, Marquette University Law School, Milwaukee, WI
• Nina NIEJARH, Baker McKenzie, Brussels

10:45 AM – NOON
VERTICALLY CHALLENGED: VERTICAL MERGERS AFTER AT&T/TIME WARNER
M2: Salons 1 – 4
Presented by the Economics and Mergers & Acquisitions Committees
The AT&T-Time Warner merger has invigorated the debate over how to assess and sometimes remedy competition problems in vertical mergers. How will the U.S. agencies deal with vertical merger challenges and remedies in light of the court’s treatment of AT&T-Time Warner? Experienced practitioners will give their takes.

SESSION CHAIR/MODERATOR
Lisl J. DUNLOP, Axinn, Veltrop & Harkrider LLP, New York, NY

SPEAKERS
• Norman ARMSTRONG JR., King & Spalding LLP, Washington, DC
• Dennis W. CARLTON, University of Chicago, Chicago, IL
• Shara A. POZEN, Vice President, Global Competition & Policy, General Electric, Washington, DC
• Howard A. SHELANSKI, Davis Polk & Wardwell LLP, Washington, DC
10:45 AM – NOON

**VIEWS FROM THE BENCH—NON-MERGERS**

*M4: Salons I – P*

Antitrust litigation requires litigants to present and courts to engage in fact-specific analysis of the potential benefits and harms of complex business practices. Typically, antitrust courts also must evaluate conflicting economic testimony. The judges on the panel will provide their perspective on how the courts apply the antitrust laws and what advocates can do to present more effectively fact and economic testimony in complex antitrust cases.

**SESSION CHAIR/MODERATOR**
Joshua H. SOVEN, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

**SPEAKERS**
- The Honorable James DONATO, Judge, U.S. District Court for the District of Northern California, San Francisco, CA
- The Honorable Beth L. FREEMAN, Judge, U.S. District Court for the District of Northern California, San Jose, CA
- The Honorable R. David PROCTOR, Judge, U.S. District Court for the District of Northern Alabama, Birmingham, AL

12:00 – 1:30 PM

**SECTION LUNCHEON [TICKETED EVENT]**

**1:45 – 3:15 PM**

**ADVOCATING BEFORE THE AGENCIES: WHITE PAPERS & MEETINGS**

*M4: Salons A – D*

Presented by the Federal Civil Enforcement and Mergers & Acquisitions Committees

Writing persuasive white papers and convincing government enforcers of your client’s position require a deep understanding of the enforcement process. Current and former government officials and practitioners will share their strategies and experiences to explain how to advocate your client’s position effectively when it matters the most—when an agency considers a challenge.

**SESSION CHAIR/MODERATOR**
GERALD A. STEIN, Norton Rose Fulbright LLP, New York, NY

**SPEAKERS**
- Jessica K. DELBAUM, Shearman & Sterling, New York, NY
- Scott I. FITZGERALD, Assistant Chief, Healthcare and Consumer Products Section, U.S. Department of Justice, Antitrust Division, Washington, DC
- Darren S. TUCKER, Vinson & Elkins LLP, Washington, DC
- John M. YUN, George Mason University, Washington, DC

1:45 – 3:15 PM

**ANTITRUST COMPLIANCE: A CHANGING LANDSCAPE?**

*M2: Salons 7 & 8*

Presented by the Cartel & Criminal Practice and Compliance and Ethics Committees

Dynamic compliance programs are expensive to design and implement effectively; yet, they serve a crucial function as the first line of defense in preventing, detecting, and remedying anticompetitive conduct. Panelists on the front lines of compliance innovation will discuss best practices, tips, and tools and debate whether robust and well-executed programs should receive credit at sentencing.

**SESSION CHAIR/MODERATOR**
Lindsey R. VAALA, Vinson & Elkins LLP, Washington, DC

**SPEAKERS**
- Matthew M. BOSWELL, Commissioner of Competition, Competition Bureau Canada, Gatineau
- Alan R. DIAL, King & Spalding LLP, Washington, DC
- Kalina M. TULLEY, Acting Chief, U.S. Department of Justice, Antitrust Division, Chicago, IL
- Charles WEBB, Senior Antitrust Attorney, FedEx, Memphis, TN

1:45 – 3:15 PM

**BANKERS (AND OTHER THIRD PARTY) PRIVILEGE? [ETHICS]**

*M4: Salons I – L*

Presented by the Corporate Counseling Committee

Banks, accounting firms, and other consultants are integral to transactions and other business planning. We need their counsel on sensitive and confidential business decisions, and yet in many circumstances our communications with them can be discovered. How can we most effectively protect privilege and still get the advice we need from experts?

**SESSION CHAIR/MODERATOR**
Mary N. LEHNER, Freshfields Bruckhaus Deringer US LLP, Washington, DC

**SPEAKERS**
- Kevin J. ARQUIT, Kasowitz Benson Torres LLP, New York, NY
- Saralisa C. BRAU, Chief Counsel, McKesson Corporation, Antitrust, Washington, DC
- Dorothy B. FOUNTAIN, Chief Legal Advisor, U.S. Department of Justice, Antitrust Division, Washington, DC
- Willard K. TOM, Morgan Lewis & Bockius LLP, Washington, DC

1:45 – 3:15 PM

**CHINA: LOOKING BACK AND LOOKING FORWARD**

*M4: Salons E – H*

Presented by the International Committee and the International Task Force

Few antitrust regimes make changes as fundamental as China has by merging three antitrust authorities into one. DG Zhenguo Wu will provide thoughts and reflections on both the past decade of, and what the future holds for, competition enforcement in China. DG Wu’s remarks will be followed by commentary from distinguished practitioners.

**SESSION CHAIR/MODERATOR**
Ninette O. DODOO, Freshfields Bruckhaus Deringer LLP, Beijing

**SPEAKERS**
- William J. BAER, Arnold & Porter, Washington, DC
- Michael HAN, Fangda Partners, Beijing
- William J. KOVACIC, George Washington University, Washington, DC
- Zhenguo WU, Director General, Anti-Monopoly Bureau, State Administration for Market Regulation, Beijing
1:45 – 3:15 PM

COMPETITION AND COMPARATIVE ADVERTISING: CAN THEY COEXIST?
M4: Capitol & Congress
Presented by the Advertising Disputes & Litigation, Distribution & Franchising, and Health Care & Pharmaceuticals Committees
Marketing has changed dramatically since the FTC issued guidance on comparative advertising some 40 years ago. Is the guidance still viable and, if not, how should it be updated? Distributors and franchisors who use comparative advertising to promote and protect their brands need to be able to compete effectively in the marketplace without running afoul of consumer protection and competition laws.

SESSION CHAIR/MODERATOR
Gregory W. FORTSCH, Associate General Counsel & Privacy Officer, The Nature's Bounty Company, Ronkonkoma, NY

SPEAKERS
• Katie BOND, Amin Talati Upadhye LLP, Washington, DC
• Antonio J. DOMENICO, Fasken Martineau, Toronto
• Mary K. ENGLE, Associate Director, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC
• W. David HUBBARD, Vice President & Deputy General Counsel, Verizon, Basking Ridge, NJ

1:45 – 3:15 PM

GLOBAL CLASS ACTION DEVELOPMENTS
M3: Shaw & LeDroit Park
Presented by the Global Private Litigation Committee
In this session, we provide an update on antitrust class actions in the U.S. and Canada and the expanding collective redress practice in the UK and Europe, comparing their approaches and highlighting recent developments including the treatment of uninjured class members in the U.S., key cases such as MasterCard and Trucks in the UK and Europe, and potentially game-changing legislative proposals, plus more.

SESSION CHAIR/MODERATOR
Kenneth R. O'ROURKE, O'Melveny & Myers LLP, Washington, DC

SPEAKERS
• Katherine L. KAY, Stikeman Elliott LLP, Toronto
• Mark SANSOM, Freshfields Bruckhaus Deringer LLP, London
• Martijn VAN MAANEN, BarentsKrans, The Hague
• Judith A. ZAHID, Zelle LLP, San Francisco, CA

1:45 – 3:15 PM

KOKESH, LABMD, AND AGENCY ORDERS
M4: Salons M – P
Presented by the Privacy & Information Security Committee
In a closely-watched 2018 decision, the 11th Circuit held that an FTC order requiring LabMD to implement data security reforms lacked specificity and therefore was unenforceable. In 2017, in Kokesh, the Supreme Court limited the SEC’s ability to seek disgorgement of ill-gotten gains. This panel will explore the impact of court decisions on agency enforcement programs, with a special focus on the FTC’s response to LabMD and the enforceability of FTC orders.

SESSION CHAIR/MODERATOR
Erika M. DOUGLAS, Temple University, Philadelphia, PA

SPEAKERS
• Maneesha MITHAL, Associate Director, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC
• Lydia B. PARNES, Wilson Sonsini Goodrich & Rosati PC, Washington, DC
• M. Sean ROYALL, Gibson Dunn & Crutcher LLP, Dallas, TX
• Berin SZOKA, TechFreedom, Washington, DC

1:45 – 3:15 PM

SHAM LITIGATION AFTER FTC V. ABBVIE
M2: Salons 12 & 13
Presented by the Exemptions & Immunities Committee
FTC v. AbbVie—calling for the disgorgement of $448 million on the basis of sham patent litigation —surely caught the attention of C-suite executives across the country. A few weeks later, a sham litigation jury verdict resulted in a $315 million award against Scientific Games Corp. This panel will survey the current state of play in litigating the sham exception to Noerr-Pennington immunity.

SESSION CHAIR/MODERATOR
Vittorio E. COTTAFAVI, Special Assistant to the Directors of Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

SPEAKERS
• Craig C. MARTIN, Jenner & Block LLP, Chicago, IL
• Patricia M. MCDERMOTT, General Attorney, Federal Trade Commission, Washington, DC
• Robert A. ROWAN, Nixon & Vanderhye PC, Arlington, VA
• Christopher L. SAGERS, Cleveland State University, Cleveland, OH
1:45 – 3:15 PM

SHOULD ANTITRUST TAME THE GLOBAL TECH GIANTS?
M2: Salons 1 – 4

Presented by the Media & Technology Committee

The EC and certain member states have aggressively pursued Google, Facebook, and other U.S. technology firms. Some have cried foul, arguing these actions are politically or economically motivated. Others have lauded these cases, suggesting the U.S. and other jurisdictions follow Europe’s lead. Thorny competition and political issues are implicated in this growing intercontinental divide.

SESSION CHAIR/MODERATOR
Gregory P. LUJB, Dechert LLP, Washington, DC

SPEAKERS
• Nicholas BANASEVIC, Head of Unit, Internet and Consumer Electronics Unit, DG Competition, European Commission, Brussels
• Oliver BETHELL, Head of EMEA Competition, Google Incorporated, London
• Ariel EZRACHI, University of Oxford, Oxford
• Carl SHAPIRO, University of California at Berkeley, Berkeley, CA

1:45 – 3:15 PM

UNEXPECTED OUTCOMES: WHEN MERGER REVIEW BREAKS BAD
M2: Salons 9 & 10

Presented by the Corporate Counseling, Federal Civil Enforcement, and Mergers & Acquisitions Committees

Prosecutions for price-fixing, obstruction, illegal information sharing, and no-poach agreements have all arisen out of merger investigations. How can companies prepare for these unexpected risks? And what lessons can be learned by these examples for counselors, particularly in light of new, free-wheeling forms of electronic communications?

SESSION CHAIR/MODERATOR
Michael A. GLEASON, Jones Day, Washington, DC

SPEAKERS
• Andrea AGATHOKLIS MURINO, Goodwin Procter LLP, Washington, DC
• Leah O. BRANNON, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC
• Patricia BRINK, Director of Civil Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC
• David P. WALES, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

3:30 – 5:00 PM

ABUSE OF SUPERIOR BARGAINING POSITION: AVOIDING TROUBLE
M2: Salons 7 & 8

Presented by the International and Unilateral Conduct Committees

Enforcement based on theories of abuse of a superior bargaining position has been on the rise in multiple jurisdictions. This doctrine has long been surrounded by controversy. Panelists will discuss the doctrine’s origins, elements of an offense, practical steps to avoid violations, and views on whether the doctrine is consistent with the objectives of competition law and economics principles.

SESSION CHAIR
SHELLEY J. WEBB, Associate General Counsel, Intel Corporation, Santa Clara, CA

MODERATOR
Joy FUYUNO, Asia Regional Senior Counsel, Microsoft Incorporated, Singapore

SPEAKERS
• Kostis HATZITASKOS, Cornerstone Research, Chicago, IL
• Sanghoon SHIN, Bae Kim & Lee, Seoul
• Ingrid VANDENBORRE, Skadden Arps Slate Meagher & Flom LLP, Brussels
• Kaori YAMADA, Freshfields Bruckhaus Deringer LLP, Tokyo

3:30 – 5:00 PM

ANTITRUST “MARKMAN” HEARINGS: CARTEL CLASS CERTIFICATION BATTLES
M4: Salons M – P

Presented by the Antitrust Magazine, Civil Practice & Procedure Committee, and the International Cartel Task Force

Class certification battles are the “Markman” hearings in cartel cases: motions are resolved once robust factual and expert records are developed and the resolution can be outcome determinative. Gone are the “battle of the expert” and “you can’t look at the merits” mantras as rigorous scrutiny reigns. What are plaintiffs’ and defendants’ best practices?

SESSION CHAIR/MODERATOR
Ian SIMMONS, O’Melveny & Myers LLP, Washington, DC

SPEAKERS
• Tiffany RIDER, Axinn Veltrop & Harkrider LLP, Washington, DC
• Bruce L. SIMON, Pearson Simon & Warshaw LLP, San Francisco, CA
• Bonny E. SWEENEY, Hausfeld, San Francisco, CA
• Lawrence M. WU, NERA Economic Consulting, San Francisco, CA
3:30 – 5:00 PM

CONSUMER PROTECTION YEAR IN REVIEW
M4: Capitol & Congress
Presented by the Consumer Protection Committee
2018 was a year full of important developments for regulators and self-regulators on cutting-edge consumer protection enforcement issues, including native advertising, endorsements, consumer reviews used for claims substantiation, privacy, and more. Hear from the people in the trenches regarding current enforcement priorities and initiatives.

SESSION CHAIR/MODERATOR
Patricia A. CONNERS, Deputy Attorney General, Office of the Attorney General, Tallahassee, FL

SPEAKERS
- Laura BRETT, Director, National Advertising Division, Council of Better Business Bureaus, Incorporated, New York, NY
- Robert M. LANGER, Wiggin & Dana LLP, Hartford, CT
- Christie G. THOMPSON, Kelley Drye & Warren LLP, Washington, DC

3:30 – 5:00 PM

FTC HEARINGS: MOVING THE BALL?
M4: Salons E – H
Presented by the Federal Civil Enforcement Committee
Last Fall and Winter, the FTC held a series of hearings on the effects of broad-based changes in the economy, evolving business practices, new technologies, and international developments on competition policy and enforcement. The panel will include a discussion of interesting observations and any findings arising from the hearings.

SESSION CHAIR/MODERATOR
Shylah R. ALFONSO, Perkins Coie LLP, Seattle, WA

SPEAKERS
Jonathan M. JACOBSON, Wilson Sonsini Goodrich & Rosati PC, New York, NY
Derek W. MOORE, Attorney Advisor, Federal Trade Commission, Washington, DC
Diana L. MOSS, President, American Antitrust Institute, Washington, DC
Fiona M. SCOTT MORTON, Yale University, New Haven, CT

3:30-5:00 PM

FUNDAMENTALS—ECONOMICS
M3: Shaw & LeDroit Park
Presented by the Economics Committee
Basic economic precepts are indispensable to effective antitrust arguments. Yet, economists’ use of increasingly sophisticated theories and methodologies stretches the capacity of lawyers and courts to properly apply their conclusions. Four distinguished economists will discuss basic economic principles, including the fundamentals of vertical theories, and the value to lawyers of keeping pace with the state-of-the-art economic thinking.

SESSION CHAIR/MODERATOR
Nathan B. BLALOCK, NERA Economic Consulting, Houston, TX

SPEAKERS
- Nicholas HILL, Bates White, Washington, DC
- Aditi M. MEHTA, Assistant Chief, U.S. Department of Justice, Economic Litigation Section, Antitrust Division, Washington, DC
- Joanna TSAI, Charles River Associates, Washington, DC
- Michael G. VITA, Deputy Director, Bureau of Economics, Federal Trade Commission, Washington, DC

3:30 – 5:00 PM

INFORMATION EXCHANGE COUNSELING IN THE DIGITAL AGE
M4: Salons I – L
Presented by the Corporate Counseling Committee
U.S. law has long recognized that information exchanges can make markets more intelligent and should not be summarily condemned. But counseling clients — without chilling procompetitive exchanges — has become more difficult across all industries with the proliferation of digital communication tools, information-rich business models, and active enforcement agendas, as well as divergent global rules.

SESSION CHAIR/MODERATOR
Elai E. KATZA, Cahill Gordon & Reindel LLP, New York, NY

SPEAKERS
- Michael BAUER, CMS Law, Brussels
- Joseph V. FARRELL, University of California at Berkeley, Berkeley, CA
- Scott A. SCHEELE, Chief, Telecommunications and Broadband Section, U.S. Department of Justice, Antitrust Division, Washington, DC
- Amanda L. WAIT, Norton Rose Fullbright, Washington, DC

3:30 – 5:00 PM

LATIN AMERICAN ANTITRUST: WHERE NEXT?
M4: Salons A – D
Presented by the International Committee and the International Task Force
Rapidly improved and strengthened enforcement regimes and regional cooperation are driving ever-increasing antitrust activity in Latin America. But what enforcement and policy challenges are these jurisdictions facing? How can practitioners identify and minimize antitrust risks in the region? Hear practical guidance and predictions from heads of leading Latin American antitrust authorities.

SESSION CHAIR/MODERATOR
Krisztian KATONA, Counsel for International Antitrust, Federal Trade Commission, Washington, DC

SPEAKERS
- Alexandre BARRETO DE SOUZA, President, Conselho Administrativo de Defesa Economica (CADE), Brasilia
- Andrés BARRETO GONZALEZ, Superintendent, Superintendencia de Industria y Comercio (SIC), Bogotá
- Esteban M. GRECO, President, Comision Nacional de Defensa de la Competencia (CND), Buenos Aires
- Lynda K. MARSHALL, Chief, International Section, U.S. Department of Justice, Antitrust Division, Washington, DC
3:30 – 5:00 PM
MDL: A BLESSING OR A BURDEN?
M2: Salons 12 & 13
Presented by the Civil Practice & Procedure and State Enforcement Committees
When faced with similar cases in multiple courts around the county, should a litigant race to the MDL panel and request consolidation in a single court? The benefits are obvious, including streamlined discovery. But does it really simplify discovery? Do the benefits outweigh the burdens? This panel will, with the help of the audience, try to answer these questions.

SESSION CHAIR
Nicole CALLAN, WilmerHale, Washington, DC
MODERATOR
Lizabeth A. BRADY, Chief, Multistate Antitrust Enforcement, Office of the Attorney General, Tallahassee, FL
SPEAKERS
• Roberta D. LIEBENBERG, Fine Kaplan & Black, Philadelphia, PA
• Samuel M. RANDALL, Kenny Nachwalter, Miami, FL
• Marguerite M. SULLIVAN, Latham & Watkins LLP, Washington, DC
• Schonette M. WALKER, Deputy Chief Assistant Attorney General, Office of the Attorney General, Baltimore, MD

3:30 – 5:00 PM
TRAILBLAZERS: THE WOMEN BEHIND SIGNIFICANT ANTITRUST/CP MILESTONES ETHICS
M2: Salons 9 & 10
Presented by the Membership & Diversity Committee
Most practitioners know that in 2016 women ran not only both agencies in the United States but also the European Commission’s DG-Comp, Mexico’s COFECE, the Portuguese Competition Authority, and many other agencies around the world. But do you know about the landmark contributions women have made to the antitrust and consumer protection law institutions that exist today? Come hear a panel of distinguished female leaders responsible for many of the significant developments in the fields of antitrust and consumer protection, ranging from cartels to agency best practices to Do Not Call to the development of ICN.

SESSION CHAIR/CO-MODERATOR
Kathryn M. FENTON, Jones Day, Washington, DC
CO-MODERATOR
The Honorable Diane P. WOOD, Chief Judge, U.S. Court of Appeals for the Seventh Circuit, Chicago, IL
SPEAKERS
• Anne K. BINGAMAN, Former Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Lois C. GREISMAN, Associate Director, Division of Marketing Practices, Federal Trade Commission, Washington, DC
• Sheridan E. SCOTT, Former Commissioner of Competition, Canada, and Former Chair of the International Competition Network Steering Committee, Gatineau

3:30 – 5:00 PM
VIEWS FROM THE BENCH-MERGERS
M2: Salons 1 – 4
Hear from the judges who have presided over some of the most challenging and rigorously contested merger cases in the past several years as they discuss lessons and observations from the bench. Check online for additional panelists.

SESSION CHAIR/CO-MODERATOR
Margaret A. WARD, Jones Day, Palo Alto, CA
SPEAKERS
• The Honorable Trevor MCFADDEN, Judge, U.S. District Court for the District of Columbia, Washington, DC
• The Honorable Sue L. ROBINSON, Retired Senior Judge, U.S. District Court for the District of Delaware, Wilmington, DE
• The Honorable Gerald Bard TJOFLAT, Judge, U.S. Court of Appeals for the Eleventh Circuit, Jacksonville, FL

5:00 – 6:00 PM
WELCOME RECEPTION
2nd Floor Mezzanine
Mix and mingle with your fellow Spring Meeting attendees. Your Spring Meeting badge is your ticket to attend.

6:00 – 7:00 PM
PLAINTIFFS’ RECEPTION TICKETED EVENT
Registered attorneys from the plaintiffs’ bar are invited to join their peers and the Global Private Litigation Committee for an opportunity to network and discuss issues of common interest. A ticket to attend will be included in the registration materials for plaintiffs’ counsel and spring registrants registered for the Global Private Litigation Conference.
THURSDAY, MARCH 28

7:30AM – 5:30 PM
REGISTRATION OPEN
2nd Floor Mezzanine

7:30AM – 5:30 PM
BOOKSTORE
M4: Archives

8:30 – 10:00 AM
BEYOND NO-POACH: Mergers, Monopsony, and Labor Markets
M4: Salons A – D
Presented by the Corporate Counseling, Mergers & Acquisitions, and Unilateral Conduct Committees
The Antitrust Division has said that non-solicitation agreements among competing employers is a violation of Section 1, and may be prosecuted criminally. The FTC has said that it would examine claims that monopsonists restrain competition in labor markets. Scholars have suggested that we look at the effects of mergers in labor market. Is labor, in this sense, an article or commodity of commerce?

SESSION CHAIR/MODERATOR
Elinor R. HOFFMANN, Deputy Chief, Antitrust Bureau; Special Counsel, Economic Justice Division, Office of the Attorney General, New York, NY

SPEAKERS
• Nicholas E.O. GAGLIO, Axinn Veltrop & Harkrider LLP, New York, NY
• Doha MEKKI, Counsel to the Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
• Nancy L. ROSE, Massachusetts Institute of Technology, Cambridge, MA
• Steven C. SALOP, Georgetown University, Washington, DC

8:30 – 10:00 AM
BRIEFING WITH THE STATE ENFORCERS
M2: Salons 12 & 13
Presented by the Consumer Protection and State Enforcement Committees
State Attorneys General actively enforce state and federal antitrust and consumer protection laws. Join our panelists, who represent antitrust and consumer protection bureaus from across the country, as we discuss recent enforcement activities and the ongoing missions of state enforcement agencies.

SESSION CHAIR/SPEAKER
Gwendolyn J. COOLEY, Assistant Attorney General for Antitrust, Office of the Attorney General, Madison, WI

MODERATOR
Victor J. DOMEN, Norton Rose Fulbright US LLP, Washington, DC

ADDITIONAL SPEAKERS
• Linda J. CONTI, Consumer Protection Division Chief, Office of the Attorney General, Augusta, ME
• Kathleen E. FOOTE, Senior Assistant Attorney General, Office of the Attorney General, San Francisco, CA
• Paula L. GIBSON, Deputy Attorney General, Office of the Attorney General, Los Angeles, CA

8:30 – 10:00 AM
CODE RED FOR CROSS-MARKET HEALTHCARE MERGERS?
M4: Salons I – L
Presented by the Health Care & Pharmaceuticals and State Enforcement Committees
Health systems nationwide continue to consolidate across service lines and geographic markets. State enforcers have recently taken action against such “cross-market” mergers, and economic literature posits that these mergers can lead to increased prices for consumers. Join this discussion of the competitive impact of cross-market healthcare mergers and the future of enforcement in this arena.

SESSION CHAIR
Amy E. MCFARLANE, Assistant Attorney General, Office of the Attorney General, New York, NY

MODERATOR
Jared P. NAGLEY, Staff Attorney, Federal Trade Commission, New York, NY

SPEAKERS
• Jeffrey W. BRENNAN, McDermott Will & Emery, Washington, DC
• Kate HO, Princeton University, Princeton, NJ
• Tracy W. WERTZ, Senior Deputy Attorney General, Office of the Attorney General, Harrisburg, PA
• Christine L. WHITE, Vice President, Office of Legal Affairs, Northwell Health, New York, NY

8:30 – 10:00 AM
COMPETITION TORT CLAIMS AROUND THE GLOBE
M4: Salons M – P
Presented by the Competition Torts, Global Private Litigation, and International Committees
As private antitrust litigation proliferates beyond the United States, what parallel causes of action and existing jurisprudence can be brought to bear by private litigants to address anticompetitive conduct in the U.S. and abroad? Join our international panel of practitioners to hear about the theories and causes of action that can accompany novel claims for antitrust liability.

SESSION CHAIR/MODERATOR
Scott A. MARTIN, Hausfeld, New York, NY

SPEAKERS
• Cecil S.H. CHUNG, Yulchon LLC, Seoul
• Andrea L. HAMILTON, McDermott Will & Emery, Brussels
• Dean M. HARVEY, Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA
• W. Michael G. OSBORNE, Cassels Brock & Blackwell LLP, Toronto
8:30 – 10:00 AM
FUNDAMENTALS—ANTITRUST IP
M3: Shaw & LeDroit Park
Presented by the Intellectual Property Committee
Understanding the oft-disputed terrain at the intersection of IP and antitrust can be daunting to the newly initiated. Our panelists will offer a basic primer to the IP laws, key doctrines governing litigation and enforcement matters in the antitrust/IP space, and an overview of the IP enforcement guidelines from the world’s leading antitrust agencies.

SESSION CHAIR/MODERATOR
Sonia K. PFAFFENROTH, Arnold & Porter, Washington, DC

SPEAKERS
• Dustin F. GUZIOR, Sullivan & Cromwell LLP, New York, NY
• Milan KRISTOF, Référendaire, Court of Justice of the European Union, Luxembourg City
• Jenni LUKANDER, Senior Vice President, Head of Patent Business, Nokia Technologies, Espoo
• Anupama R. SAWKAR, Special Counsel for Intellectual Property, U.S. Department of Justice, Antitrust Division, Washington, DC

8:30 – 10:00 AM
STIFLING INNOVATION: IS IT WORSE THAN PRICE FIXING?    DEBATE
M4: Salons E – H
Presented by the Economics and Unilateral Conduct Committees
Price fixing agreements are often described as the clearest and most egregious of antitrust offences. But, do they have the worst consequences?

SESSION CHAIR/MODERATOR
James B. MUSGROVE, McMillan LLP, Toronto

SPEAKERS
• Margaret E. GUERIN-CALVERT, Compass Lexecon, Washington, DC
• Wilson D. MUDGE, Arnold & Porter, Washington, DC
• Margaret F. SANDERSON, Charles River Associates, Toronto
• Thomas VINJE, Clifford Chance, Brussels

8:30 – 10:00 AM
TELEMARKETING LITIGATION IS THE NEW BLACK
M4: Capitol & Congress
Presented by the Consumer Protection Committee
Regulatory action under the Telemarketing Sales Rule and private Telephone Consumer Protection Act litigation are surging, with recent record TCPA settlements resulting in hundreds of millions in fines by the FTC and FCC. But, recent Supreme Court and other decisions may drastically alter the telemarketing litigation landscape. Our panelists discuss these cases and the future of the TCPA and TSR.

SESSION CHAIR/MODERATOR
Daniel S. BLYNN, Venable LLP, Washington, DC

SPEAKERS
• Aytan BELLIN, Bellin & Associates LLC, New York, NY
• William T. MAXSON, Assistant Director, Division of Marketing Practices, Federal Trade Commission, Washington, DC
• Christine M. REILLY, Manatt Phelps & Phillips LLP, Los Angeles, CA
• Crystal N. SKELTON, Corporate Counsel, ZipRecruiter Incorporated, Santa Monica, CA

8:30 – 10:00 AM
UP THE CREEK WITHOUT A PRESUMPTION?
M4: M2: Salons 7 – 10
Presented by the Federal Civil Enforcement and Trial Practice Committees
The government appears to win merger cases when it can invoke the structural presumption but seems to struggle in recent merger and conduct cases when it cannot. This panel will test and consider the implications and use of litigation presumptions, including what it takes to rebut the structural presumption, whether the government needs presumptions to prevail, and whether new ones are appropriate.

SESSION CHAIR/MODERATOR
Jonathan B. SALLET, Steptoe & Johnson, Washington, DC

SPEAKERS
• Melanie L. AITKEN, Bennett Jones, Washington, DC
• Julie S. ELMER, Trial Attorney, U.S. Department of Justice, Antitrust Division, Washington, DC
• Richard G. PARKER, Gibson Dunn & Crutcher LLP, Washington, DC
• Tara L. REINHART, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

10:15 AM – NOON
CHAIR’S SHOWCASE: COMPETITION, SOCIAL MEDIA, AND DIGITAL SERVICES
M2: Salons 5 & 6
Competition and consumer protection authorities around the globe are actively considering competition law and policy questions relating to social media and other digital content services, including questions about market power, the use of consumer data, the effect of differential rules on competition, and the use of algorithms. Key enforcers and policy makers discuss their views on these complex issues.

SECTION CHAIR
Deborah A. GARZA, Covington & Burling LLP, Washington, DC

MODERATOR
Thomas O. BARNETT, Covington & Burling LLP, Washington, DC

SPEAKERS
• Isabelle DE SILVA, Présidente, Autorité de la Concurrence, Paris
• Konrad OST, Vice President, Bundeskartellamt, Bonn
• Rodney G. SIMS, Chairman, Australian Competition and Consumer Commission, Canberra
• Abigail A. SLATER, Special Assistant to the President for Tech, Telecom, and Cyber Policy, Executive Office of the President, Washington, DC
LUNCHEON RECEPTION FOR IN-HOUSE COUNSEL

The Section Officers and Spring Meeting Co-chairs invite registered Spring Meeting in-house counsel to a luncheon reception. This is an opportunity to make connections and discuss issues of common interest with peers at other companies. A ticket to attend will be included in the registration materials for in-house counsel attending the Spring Meeting. Details will be emailed closer to the Spring Meeting.

BIG DATA: IS IT A BIG DEAL?

M4: Salons A – H

Presented by the Antitrust Source and Privacy & Information Security Committee

With data as a hot topic, commentators continue to grapple with the proper framework for how to analyze it. This panel will take it a step further and discuss the implications or lack thereof of data as it relates to algorithmic collusion, barriers to entry, privacy, and more.

SESSION CHAIR/MODERATOR
Kevin L. YINGLING, Senior Competition Counsel, Google LLC, Washington, DC

SPEAKERS
• Cecilio MADERO VILLAREJO, Deputy Director General, DG Competition, European Commission, Brussels
• Terrell MCSWEENEY, Covington & Burling LLP, Washington, DC
• The Honorable Noah J. PHILLIPS, Commissioner, Federal Trade Commission, Washington, DC
• Melissa SCANLAN, Vice President, IP and Antitrust, T-Mobile, Bellevue, WA

CONSUMER FINANCIAL PROTECTION ENFORCEMENT UNDER TRUMP

M2: Salons 7 – 10

Presented by the Advertising Disputes & Litigation and Consumer Protection Committees

According to the famous Monty Python line, “I’m not dead yet!” Does that phrase apply to consumer financial protection enforcement in the current administration? Our panel will review what is going on in the area at FTC and CFPB and the legal ramifications of an agency like CFPB abruptly changing course. What can we expect from federal and state oversight of consumer financial protection?

SESSION CHAIR/MODERATOR
Christopher A. COLE, Crowell & Moring LLP, Washington, DC

SPEAKERS
• Meredith FUCHS, Senior Vice President, Chief Counsel, Regulatory Advisory, Capital One, Washington, DC
• James KIM, Ballard Spahr LLP, New York, NY
• Duane C. POZZA, Wiley Rein LLP, Washington, DC
• The Honorable Karl A. RACINE, Attorney General, Office of the Attorney General of the District of Columbia, Washington, DC

CONSUMER PROTECTION LITIGATION: U.S. TRENDS AND DEVELOPMENTS

M4: Capitol & Congress

Presented by the Advertising Disputes & Litigation and Consumer Protection Committees

An expert panel from the judiciary, private bar, and in-house counsel explores recent case trends in the U.S., including the use of communication surveys, approaches to the reasonable consumer’s standard, deceptive pricing lawsuits, social media advertising, developments under the California Consumer Remedies Act, and models for damages.

SESSION CHAIR/MODERATOR
Nicole L. WILLIAMS, Thompson & Knight LLP, Dallas, TX

SPEAKERS
• Aparna M. DAVE, Managing Counsel, Brand, Marketing, Trademark & Copyright, Wells Fargo, Houston, TX
• Patrick S. THOMPSON, Perkins Coie LLP, San Francisco, CA
• The Honorable Jon S. TIGAR, Judge, U.S. District Court for the Northern District of California, San Francisco, CA

FAMILY TIES: ANTITRUST ISSUES WITH COMMON OWNERSHIP

M2: Salons 3 & 4

Presented by the Insurance & Financial Services, Joint Conduct, and Mergers & Acquisitions Committees

This session will focus on the antitrust issues raised when institutional investors hold minority interests in multiple competitors in an industry. The panelists will address the recent debate on the potential competitive impact of these types of interests, as well as other types of minority interests, and what legal standards might apply to the acquisition or maintenance of such interests.

SESSION CHAIR/MODERATOR
Eric J. STOCK, Gibson Dunn & Crutcher LLP, New York, NY

SPEAKERS
• Einer R. ELHAUGE, Harvard University, Cambridge, MA
• Ilene K. GOTTS, Wachtell Lipton Rosen & Katz, New York, NY
• Joanne C. LEWERS, Drinker Biddle & Reath LLP, Philadelphia, PA
• Daniel P. O’BRIEN, Compass Lexecon, Washington, DC
1:30 – 3:00 PM  
**MONEY ISN'T EVERYTHING: NON-PRICE MERGER EFFECTS**  
*M3: Shaw & LeDroit Park*  
**Presented by the International and Mergers & Acquisitions Committees**  
When deciding which product or service to use, consumers take into account not only price but also ease of use, cool features, or even privacy. How are enforcers in the U.S. and abroad looking at the impact of mergers on these non-price considerations? How can and should such effects be identified and quantified?  

**SESSION CHAIR/MODERATOR**  
Hartmut SCHNEIDER, WilmerHale, Washington, DC  

**SPEAKERS**  
- Deborah L. FEINSTEIN, Arnold & Porter, Washington, DC  
- Catriona HATTON, Baker Botts LLP, Brussels  
- Bojana IGNJATOVIC, RBB Economics, London  
- Joseph J. MATELIS, Sullivan & Cromwell LLP, Washington, DC

1:30 – 3:00 PM  
**PHARMACEUTICAL INNOVATION: A TOUGH PILL TO SWALLOW**  
*M2: Salons 1 & 2*  
**Presented by the Health Care & Pharmaceuticals and Intellectual Property Committees**  
During the 2013-2015 timeframe, the Actavis, King Drug, and Namenda cases signaled a sharp uptick in antitrust scrutiny over pharma IP enforcement strategies like reverse payment patent settlements and product hopping. This panel will discuss the impact of the decisions in these cases, and whether innovation has benefited from the application of the antitrust laws in this industry.  

**SESSION CHAIR/MODERATOR**  
David T. EMANUELSON, Global Antitrust Counsel, Intel Corporation, Washington, DC  

**SPEAKERS**  
- Lisa J. CAMERON, The Brattle Group, Boston, MA  
- Scott C. HEMPHILL, New York University, New York, NY  
- Markus H. MEIER, Assistant Director, Healthcare Division, Federal Trade Commission, Washington, DC  
- Rohit K. SINGLA, Munger Tolles & Olson, San Francisco, CA

1:30 – 3:00 PM  
**WHEN SEPARATE COUNSEL IS NEEDED IN ANTITRUST INVESTIGATIONS**  
*M2: Salons 12 & 13*  
**Presented by the Civil Practice & Procedure and Mergers & Acquisitions Committees**  
The panel will discuss when the need arises for a company to obtain separate counsel for individuals in a criminal antitrust investigation. Conflicts will be discussed as well as whether the rules in the United States differ from other countries.  

**SESSION CHAIR/MODERATOR**  
Niall E. LYNCH, Latham & Watkins LLP, San Francisco, CA  

**SPEAKERS**  
- Ryan J. DANKS, Chief, Washington Criminal I Section, U.S. Department of Justice, Antitrust Division, Washington, DC  
- Heather S. NYONG’O, WilmerHale, Palo Alto, CA  
- Cynthia RICHMAN, Gibson Dunn & Crutcher LLP, Washington, DC  
- Phillip H. WARREN, Covington & Burling LLP, San Francisco, CA

1:30 – 5:00 PM  
**BREAK 3:00 – 3:15 PM**  
**MOCK TRIAL**  
*M4: Salons I – P*  
**Presented by the Trial Practice Committee**  
No matter the industry, no-poach agreements have caught the attention of both government antitrust enforcers and private plaintiffs. Come watch as two distinguished trial teams tackle some of the challenging fact issues raised in recent cases and watch how a jury responds to them and the economics on which they often turn.  

**SESSION CHAIR/MODERATOR**  
William M. KATZ, Thompson & Knight LLP, Dallas, TX  

**PARTICIPANTS**  
- Elizabeth M. BAILEY, NERA Economic Consulting, San Francisco, CA  
- Johanna J. CARRANE, JuryScope, Minneapolis, MN  
- The Honorable Bernice B. DONALD, Judge, U.S. Court of Appeals for the Sixth Circuit, Memphis, TN  
- Karma M. GIULIANELLI, Bartlit Beck Herman Palenchar & Scott LLP, Denver, CO  
- Jay L. HIMES, Labaton & Sucharow LLP, New York, NY  
- Jennifer C. JONES, Robins Kaplan LLP, New York, NY  
- Adam S. PARIS, Sullivan & Cromwell LLP, Los Angeles, CA  
- Jonathan SCHWARTZ, Nathan Associates, Arlington, VA

3:15 – 5:00 PM  
**HOT TOPICS**  
*M4: Salons A – H*  
Antitrust and consumer protection policy, enforcement, and litigation change every day with vital issues constantly surfacing. Take a quick look at how the past year has set the stage for the news of today and trends of tomorrow.  

**SESSION CHAIR/MODERATOR**  
Adam J. BIEGEL, Alston & Bird LLP, Washington, DC  

**SPEAKERS**  
- Subrata BHATTACHARJEE, Borden Ladner Gervais LLP, Toronto  
- Johannes LAITENBERGER, Director General, DG Competition, European Commission, Brussels  
- Maureen K. OHLHAUSEN, Baker Botts LLP, Washington, DC  
- The Honorable Christine S. WILSON, Commissioner, Federal Trade Commission, Washington, DC
3:15–5:00 PM

MEDIA AND TECH CONVERGENCE: A BLURRED HORIZON

M2: Salons 1 & 2

Presented by the Economics and Media & Technology Committees

The digitization and electronic transmission of content has transformed the media landscape. As innovative distribution methods have proliferated, companies traditionally focused on technology have entered the space, and networks began delivering content directly to consumers. How do these developments impact the competitive assessment of mergers and unilateral conduct in a converged media world?

SESSION CHAIR/MODERATOR
Logan M. BREED, Hogan Lovells US LLP, Washington, DC

SPEAKERS
- Beau W. BUFFIER, Chief, Antitrust, Office of the Attorney General, New York, NY
- Arthur J. BURKE, Davis Polk & Wardwell LLP, New York, NY
- The Honorable Rohit CHOPRA, Commissioner, Federal Trade Commission, Washington, DC
- Gabrielle Z.A. KOHLMEIER, Associate General Counsel for Antitrust and Strategic Affairs, Verizon, Arlington, VA

3:15 – 5:00 PM

RESHAPING PRIVACY REGULATIONS – COMPLIANCE AND CONSEQUENCES

M2: Salons 3 & 4

Presented by the Consumer Protection and Privacy & Information Security Committees

On the heels of the GDPR, the world faces at least four new data privacy laws: China’s Personal Information Security Specification, the California Consumer Privacy Act, Brazil’s General Data Protection Law, and India’s proposed Personal Data Protection Bill. With countries, and at least one U.S. state, trying to match the GDPR, this panel will examine how companies can balance innovation and consumer protection.

SESSION CHAIR
Katherine E. ARMSTRONG, Drinker Biddle & Reath LLP, Washington, DC

MODERATOR
William C. MACLEOD, Kelley Drye & Warren LLP, Washington, DC

SPEAKERS
- Ruth BOARDMAN, Bird & Bird LLP, London
- Pam DIXON, Executive Director, World Privacy Forum, Portland, OR
- The Honorable Rebecca K. SLAUGHTER, Commissioner, Federal Trade Commission, Washington, DC
- Stephen K. WONG, Privacy Commissioner for Personal Data, Office of the Privacy Commissioner for Personal Data, Hong Kong

3:15 – 5:00 PM

TRADE ASSOCIATION ANTITRUST COMPLIANCE: SAFETY IN NUMBERS?

M3: Shaw & LeDroit Park

Presented by the Compliance & Ethics and Trade, Sports & Professional Associations Committees

Many companies join trade and industry associations to stay abreast of the latest and greatest in their industries. Counseling the associations can raise ethics and compliance challenges beyond merely avoiding price-fixing: dual representation of the association and individual members, privilege issues, and more. Please join our discussion of how to navigate these challenges.

SESSION CHAIR/MODERATOR
Charles C. MOORE, White & Case LLP, Washington, DC

SPEAKERS
- Daniel E. HAAR, Assistant Chief of Legal Policy, U.S. Department of Justice, Antitrust Division, Washington, DC
- Creighton J. MACY, Baker McKenzie, Washington, DC
- Kristina NORDLANDER, Sidley Austin LLP, Brussels
- Hill B. WELLFORD, Vinson & Elkins LLP, Washington, DC

3:15 – 5:00 PM

TRADE WARS, ANTITRUST CASUALTIES?

M4: Capitol & Congress

Presented by the International Committee

Trade wars are increasingly being fought using antitrust as a weapon. Some commentators believe that foreign antitrust enforcement tools have been used to pursue unrelated policy objectives at the expense of multinational companies. Our panel of trade and competition experts will debate the relative merits of mixing competition enforcement and trade policy.

SESSION CHAIR/MODERATOR
Julie A. SOLOWAY, Blakes LLP, Toronto

SPEAKERS
- Rambod BEHBOODI, King & Spalding LLP, Geneva
- Abbott B. LIPSKY, George Mason University, Arlington, VA
- Eduardo PEREZ MOTTO, SAI Consultores, Mexico City
- Yong HUANG, UIBE University, Beijing
3:15 – 5:00 PM  
**TWO-SIDED MARKETS AFTER AMEX: THE UNANSWERED QUESTIONS**  
**M2: Salons 7 – 10**  
Presented by the Insurance & Financial Services Committee  
The Supreme Court decided in *Amex* that we must treat some two-sided markets differently. But which ones? Only transaction platforms? Is the decision compatible with traditional market definition principles? How does a plaintiff satisfy its first-step burden to show an overall anticompetitive effect?  
**SESSION CHAIR/MODERATOR**  
Gary W. KUBEK, Debevoise & Plimpton LLP, New York, NY  
**SPEAKERS**  
- Nicholas S. ECONOMIDES, New York University, New York, NY  
- James W. LOWE, Sidley Austin LLP, Washington, DC  
- Leslie C. OVERTON, Alston & Bird LLP, Washington, DC  
- Edith RAMIREZ, Hogan Lovells US LLP, Washington, DC

3:15 – 5:00 PM  
**VULNERABLE CUSTOMERS IN MERGER CHALLENGES**  
**M2: Salons 12 & 13**  
Presented by the Civil Practice & Procedure and Mergers & Acquisitions Committees  
The agencies’ recent merger challenges in *Wilhelmsen*, *Smuckers*, *Anthem*, *Staples*, and *Sysco* have alleged targeted customer groups, rather than the entire customer base. When is it appropriate to challenge a merger based on customer-specific effects? How do agencies determine when sufficient vulnerable customers exist to justify a challenge?  
**SESSION CHAIR/MODERATOR**  
Mary K. MARKS, Davis Polk & Wardwell LLP, New York, NY  
**SPEAKERS**  
- Alexis J. GILMAN, Crowell & Moring LLP, Washington, DC  
- Kathleen S. O’NEILL, Chief, Transportation Energy & Agriculture Section, U.S. Department of Justice, Antitrust Division, Washington, DC  
- Mark W. RYAN, Mayer Brown, Washington, DC  
- Haidee L. SCHWARTZ, Akin Gump Strauss Hauer & Feld LLP, Washington, DC

7:15 – 9:30 PM  
**SECTION DINNER WITH DESSERT RECEPTION**  
(TICKETS AVAILABLE FOR PURCHASE)  
**M2: Marquis Ballroom**  
Join us for our annual dinner and dessert reception.

FRIDAY, MARCH 29

7:30AM – NOON  
**REGISTRATION OPEN**  
2nd Floor Mezzanine

7:30AM – 12:30 PM  
**BOOKSTORE**  
**M4-Archives**

8:30 – 9:45 AM  
**AGENCY UPDATE WITH ASEAN ENFORCERS**  
**M4: Salons I – L**  
Presented by the International Committee and International Task Force  
Southeast Asia is a region of emerging economies and a new frontier of antitrust laws and enforcement that affects multinational as well as domestic firms. This panel will tell you everything you and your clients need to know about competition developments in the dynamic ASEAN region.  
**SESSION CHAIR/MODERATOR**  
Randolph W. TRITELL, Director, Office of International Affairs, Federal Trade Commission, Washington, DC  
**SPEAKERS**  
- Amabelle ASUNCION, Commissioner, Philippine Competition Commission (PCC), Manila  
- Iskandar ISMAIL, Chief Executive Officer, Malaysia Competition Commission (MyCC), Kuala Lumpur  
- Michelle O. RINDONE, Assistant Chief, International Section, U.S. Department of Justice, Antitrust Division, Washington, DC  
- Han Li TOH, Chief Executive & Commissioner, Competition & Consumer Commission of Singapore (CCCS), Singapore

8:30 – 9:45 AM  
**AGENCY UPDATE WITH THE FTC BUREAU DIRECTORS**  
**M4: Salons A – H**  
Presented by the Federal Civil Enforcement Committee  
You won’t want to miss the annual session where you hear directly from the Federal Trade Commission Directors of the Bureau of Competition, Bureau of Consumer Protection, and Bureau of Economics about the latest in antitrust and consumer protection enforcement and policy initiatives.  
**SESSION CHAIR**  
Megan S. BROWDIE, Cooley LLP, Washington, DC  
**MODERATOR**  
Gary P. ZANFAGNA, Chief Antitrust Counsel & Associate General Counsel, Honeywell International Incorporated, Morris Plains, NJ  
**SPEAKERS**  
- D. Bruce HOFFMAN, Director, Bureau of Competition, Federal Trade Commission, Washington, DC  
- Bruce H. KOBAYASHI, Director, Bureau of Economics, Federal Trade Commission, Washington, DC  
- Andrew M. SMITH, Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC
8:30 – 9:45 AM
INTERACTING WITH YOUR JOINT VENTURES
M2: Salons 7 – 10
Presented by the Joint Conduct and Transportation & Energy Industries Committees
Companies in a spectrum of industries are increasingly turning to joint ventures and alliances to limit risk, support growth, and reach new markets. Knowing when companies should treat their joint ventures as competitors is not always clear. This session will take a look at the risks associated with parents and their joint ventures jointly undertaking activities such as marketing, procurement, and information sharing.

SESSION CHAIR
Robert E. FRIEDMAN, Senior Counsel, Antitrust, ExxonMobil Corporation, Houston, TX

MODERATOR
John T. DELACOURT, Vice President, Legal Affairs & Global Operations, Plasma Protein Therapeutics Association, Washington, DC

SPEAKERS
• Mark J. BOTTI, Baker Botts LLP, Washington, DC
• Stacy E. FRAZIER, Executive Counsel, Competition Law & Policy, General Electric, Washington, DC
• Morgan F. FRONTCZAK, Senior Antitrust Counsel, Shell International LTD, Houston, TX
• William R. VIGDOR, Vinson & Elkins LLP, Washington, DC

8:30 – 9:45 AM
MICROSCOPE ON PHARMA MERGERS: ENFORCEMENT CADENCE REVEALED
M2: Salons 12 & 13
Presented by the Health Care & Pharmaceuticals and Mergers & Acquisitions Committees
Pharma mergers are at the top of the antitrust enforcement agenda worldwide from mega-deals, to acquisitions of nascent competitors, to international aspects. Implications of FTC v. Mallinckrodt, divestiture sufficiency, the FTC’s Merger Remedies report, and comparative issues, such as mandatory notification of pre-marketed products in Germany, can make the difference in getting your deal cleared.

SESSION CHAIR/MODERATOR
Jacqueline I. GRISE, Cooley LLP, Washington, DC

SPEAKERS
• John BOYCE, Slaughter & May, Brussels
• Cristina CAFFARRA, Charles River Associates, Brussels
• Lauren M. RACKOW, Cahill Gordon & Reindel LLP, New York, NY
• Kari A. WALLACE, Staff Attorney, Federal Trade Commission, Washington, DC

8:30 – 9:45 AM
MOCK DATA BREACH: PREPARING YOUR CRISIS RESPONSE ETHICS
M4: Capitol & Congress
Presented by the Advertising Disputes & Litigation and Privacy & Information Security Committees
This panel will run through a mock data breach exercise, e.g., the launch of an immersive artificial intelligence personalized shopping experience that goes awry. While the launch is a hit, the customer database is immediately hacked. With the retailer facing PR, law enforcement, and investor backlash, panelists playing various corporate roles will hash out their response.

SESSION CHAIR/MODERATOR
Mary Ellen CALLAHAN, Assistant General Counsel, Privacy, The Walt Disney Company, Burbank, CA

SPEAKERS
• Shawn HENRY, Chief Scientific Officer & President, CrowdStrike, Arlington, VA
• Kim KIEFER PERETTI, Alston & Bird LLP, Washington, DC
• C.M. Tokë VANDERVOORT, Vice President, Deputy General Counsel, Under Armour, Washington, DC

8:30 – 9:45 AM
THE SHIFTING SANDS OF THE ANTITRUST-PATENT INTERFACE
M4: Salons M – P
Presented by the Federal Civil Enforcement, Intellectual Property, and Unilateral Conduct Committees
U.S. patent law underwent dramatic changes in recent years, through prolific case law and the passage of the America Invents Act. At the same time, antitrust enforcement, policy, and private litigation demonstrated a profound interest in patent related issues. This panel will explore the current antitrust-patent interface line in light of these shifting legal landscapes.

SESSION CHAIR/MODERATOR
Dina KALLAY, Head of Antitrust (IPR, Americas & Asia-Pacific), Ericsson, Washington, DC

SPEAKERS
• Gail F. LEVINE, Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC
• The Honorable Paul R. MICHEL, Judge (retired), U.S. Court of Appeals for the Federal Circuit, Washington, DC
• Teresa S. REA, Crowell & Moring LLP, Washington, DC
• Henry C. SU, Constantine Cannon LLP, Washington, DC
ENFORCERS ROUNDTABLE

10:00 AM – NOON

Please join us for an in-depth conversation with leading competition authorities about their enforcement priorities and the transactions, investigations, and cases that are making headlines this year. The Enforcers Roundtable is always a concluding highlight of the Spring Meeting. Don't miss it!

SESSION CHAIR/MODERATOR
Deborah A. GARZA, Covington & Burling LLP, Washington, DC

QUESTIONER
Renata B. HESSE, Sullivan & Cromwell LLP, Washington, DC

SPEAKERS
- The Honorable Makan DELRAHIM, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC
- Sarah OXENHAM ALLEN, Chair, Multistate Antitrust Task Force, National Association of Attorneys General, Richmond, VA
- Alejandra PALACIOS PRIETO, President, Comision Federal de Competencia Economica (COFECE), Mexico City
- The Honorable Joseph J. SIMONS, Chairman, Federal Trade Commission, Washington, DC
- Margrethe VESTAGER, Vice President & Commissioner, DG Competition, European Commission, Brussels