

**61<sup>ST</sup> ABA SECTION OF ANTITRUST LAW SPRING MEETING**  
**SCHEDULE OF EVENTS** as of 04.07.13

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**TUESDAY, APRIL 9, 2013**

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**3:30–5:00 pm**

**PATHWAYS TO LEADERSHIP**

JUSTICE

*Presented by the Membership & Equal Opportunity Committee*

Learn from Section Leaders all that your Section membership has to offer, including how to make the most of Section resources, opportunities, and professional relationships to help advance your career.

**CHAIR AND MODERATOR:**

Paula C. MARTUCCI, Associate General Counsel, Wal-Mart Stores, Inc., Bentonville, AR

**PANELISTS:**

J. Anthony CHAVEZ, Counsel, Exxonmobil Chemical Company, Houston, TX  
April J. TABOR, Senior Attorney, Federal Trade Commission, Washington, DC  
Rebecca VALENTINE, Latham & Watkins LLP, Washington, DC

**5:30–6:30 pm**

**BARRISTERS HAPPY HOUR**

PENN AVENUE TERRACE

Have you been in the practice for less than 10 years? Then pick-up your Spring Meeting badge and attend the Barristers Reception prior to the official start of the Spring Meeting. This is your opportunity to meet peers, Section Officers, and the Leadership of the Membership & Equal Opportunity Committee.

**6:00–7:00 pm**

**RECEPTION FOR INTERNATIONAL ENFORCERS**

TICKETED EVENT

International enforcement officials are invited to a pre-conference reception to learn more about the Section from the Section's Officers and Council. A ticket to attend will be included in the registration materials for international enforcers attending the Spring Meeting.

**WEDNESDAY, APRIL 10, 2013**

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**8:45-11:45 am**

**FUNDAMENTALS — ANTITRUST**

SALON I

Learn antitrust fundamentals from a panel of experienced practitioners with perspectives from academia, government and private practice. This session is essential for newer competition lawyers.

**CHAIR AND MODERATOR:**

Adam J. BIEGEL, Alston & Bird LLP, Atlanta, GA

**PANELISTS:**

Andrea AGATHOKLIS MURINO, Wilson Sonsini Goodrich & Rosati PC, Washington, DC  
Subrata BHATTACHARJEE, Heenan Blaikie LLP, Toronto, ON, Canada  
Carolyn H. FEENEY, Dechert LLP, Philadelphia, PA  
Thom A. LAMBERT, University Of Missouri School Of Law, Columbia, MO

**8:45-11:45 am**

**FUNDAMENTALS — CONSUMER PROTECTION`**

FIRST AMENDMENT, NATIONAL PRESS CLUB

*Presented by the Consumer Protection, Privacy & Information Security, and Private Advertising Litigation Committees*

Learn the fundamentals of consumer protection law, both U.S. and international, including the basics of false and deceptive advertising, promotions, marketing law, and privacy and data security. This session also will provide an introduction to federal, state, and private enforcement of consumer protection statutes and rules.

**CHAIR AND MODERATOR:**

Amy E. RALPH MUDGE, Venable LLP, Washington, DC

**PANELISTS:**

Bridget CALHOUN, Crowell & Moring LLP, Washington DC  
Brinsley DRESDEN, Lewis Silkin LLP, London, United Kingdom  
Svetlana GANS, Federal Trade Commission, Washington, DC  
Maura L. SCOTT, Assistant General Counsel, Altria Client Services, Richmond, VA

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**WEDNESDAY, APRIL 10, 2013**

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**9:00-10:30 am**

**A DAY IN THE LIFE: COMPLIANCE PROGRAM EFFECTIVENESS**

SALON III

*Presented by the Cartel & Criminal Practice and Corporate Counseling Committees*

Effective antitrust compliance programs are critical to company success, especially as competition enforcement goes global. How do in-house lawyers monitor effectiveness? This interactive panel discusses best practices and effective strategies for early cartel detection, proactive monitoring of conduct, and compliance with remedies.

**CHAIR:**

Casey W. HALLADAY, McMillan LLP, Toronto, ON, Canada

**MODERATOR:**

Dorothy G. RAYMOND, Law Offices of Dorothy Gill Raymond, Loveland, CO

**PANELISTS:**

Karine R. FADEN, Managing Counsel—Regulatory, Antitrust & Competition, United Airlines, Washington, DC

Kathryn M. FENTON, Jones Day, Washington, DC

Brian R. HENRY, Senior Managing Counsel, Venturing and Emerging Brands and North America Competition Law, Atlanta, GA

**9:00-10:30 am**

**ADVERTISING CLAIMS—ARE THE SUBSTANTIATION STANDARDS SHIFTING?**

HOLEMAN, NATIONAL PRESS CLUB

*Presented by the Consumer Protection, Corporate Counseling, and Private Advertising Litigation Committees*

Advertising claims may lead to protracted private litigation and/or government enforcement action. The panel will provide the latest practical guidance on evaluating and supporting advertising claims. Have the FTC's standards for substantiation truly become more stringent? If so—what are the implications for the type of support required to minimize legal risk?

**CHAIR AND MODERATOR:**

Steven J. CERNAK, Schiff Hardin LLP, Ann Arbor, MI

**PANELISTS:**

Mary K. ENGLE, Associate Director, Division of Advertising Practices, Federal Trade Commission, Washington, DC

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

John M. PACKMAN, Senior Counsel, Food Law and Advertising Substantiation, Atlanta, GA

**9:00-10:30 am**

**AGENCY UPDATE WITH THE DEPUTY ASSISTANT ATTORNEY GENERALS**

SALONS D, E, F & G

*Presented by the Federal Civil Enforcement Committee*

Hear directly from key Department of Justice Antitrust Division front office representatives about the latest enforcement actions, policy initiatives, and agency priorities. Topics will include civil enforcement and litigation, key criminal and cartel cases, merger enforcement, and related economic and legal policy issues.

**CHAIR:**

James R. WADE, Haynes and Boone LLP, Washington, DC

**MODERATOR:**

Christopher B. Hockett, Davis Polk & Wardwell LLP, Menlo Park, CA

**PANELISTS:**

Scott D. HAMMOND, Deputy Assistant Attorney General for Criminal Enforcement, Department of Justice, Washington, DC

Renata B. HESSE, Deputy Assistant Attorney General for Criminal and Civil Operations, Department of Justice, Washington, DC

Aviv NEVO, Deputy Assistant Attorney General for Economic Analysis, Department of Justice, Washington, DC

Leslie C. OVERTON, Deputy Assistant Attorney General for Civil Enforcement, Department of Justice, Washington, DC

**9:00-10:30 am**

**APPLYING SETTLEMENT OFFSETS TO ANTITRUST JUDGMENTS**

BALLROOM, NATIONAL PRESS CLUB

*Presented by the Business Torts & Civil RICO and Trial Practice Committees*

Recent antitrust trials highlight an often overlooked possibility in large, multi-defendant antitrust cases, namely, that plaintiffs could recover more in pre-trial settlements than they are able to prove in damages (after trebling) at trial. This program explores how pre-trial settlements and judgment sharing agreements may affect the litigation strategy of both plaintiffs and defendants.

**CHAIR AND MODERATOR:**

Thomas J. LANG, Morgan Lewis & Bockius LLP, Washington, DC

**PANELISTS:**

John H. CHUNG, White & Case LLP, New York, NY

Brendan P. GLACKIN, Liefke Cabraser Heimann & Bernstein LLP, San Francisco, CA

Bonny E. SWEENEY, Robbins Geller Rudman & Dowd LLP, San Diego, CA

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**9:00-10:30 am**

**COUNSELING ON MFNS AND SIMILAR PROVISIONS IN THE NEW ENFORCEMENT ENVIRONMENT**

SALON IV

*Presented by the Corporate Counseling, Distribution & Franchising, and Unilateral Conduct Committees*

MFNs or similar provisions granting a business treatment as favorable as its competitors historically faced few antitrust challenges. Recent enforcement actions and private litigation have called into question the assumption that these provisions pose little risk. How can an antitrust counselor identify which MFNs may raise serious antitrust concerns and advise clients in the new enforcement environment?

**CHAIR AND MODERATOR:**

Gary W. KUBEK, Debevoise & Plimpton LLP, New York, NY

**PANELISTS:**

John BOYCE, Slaughter and May, Brussels, Belgium

Fiona SCOTT MORTON, Yale School of Management, New Haven, CT

John THORNE, Kellogg Huber Hansen Todd Evans & Figel PLLC, Washington, DC

Mark D. WHITENER, Senior Counsel, Competition Law and Policy, General Electric Company, Washington, DC

**9:00-10:30 am**

**THE FTAIA IN THE COURTS: CONSUMERS TRUMPING COMITY?**

SALON II

*Presented by the Exemptions & Immunities and International Committees*

Can foreign conspiracies ever escape U.S. antitrust law? Recent decisions applying the Foreign Trade Antitrust Improvements Act (FTAIA) have allowed plaintiffs to sue over the downstream consequences of activity affecting goods made and sold overseas. The panel will explore the practical implications for criminal enforcement, civil exposure, and comity principles.

**CHAIR AND MODERATOR:**

David L. MEYER, Morrison & Foerster LLP, Washington, DC

**PANELISTS:**

Craig A. BENSON, Paul Weiss Rifkind Wharton & Garrison LLP, Washington, DC

M. Elaine JOHNSTON, Allen & Overy LLP, New York, NY

Alastair MORDAUNT, Clifford Chance LLP, London, United Kingdom

Hollis SALZMAN, Robins, Kaplan, Miller & Ciresi LLP, New York

**10:45 am – noon**

**2013 AND BEYOND: ANTITRUST IN OBAMA'S SECOND TERM**

BALLROOM, NATIONAL PRESS CLUB

*Presented by the Consumer Protection, Corporate Counseling, and Federal Civil Enforcement Committees*

What can we expect from the antitrust agencies in Obama's second term? What will the new Assistant Attorney General's competition priorities be? How will the likely responses to the current global economic challenges impact consumer protection, competition policy and international enforcement? Our panelists predict the administration's competition agenda in its second term.

**CHAIR:**

Eric J. STOCK, Hogan Lovells US LLP, New York, NY

**MODERATOR:**

Howard FELLER, McGuireWoods LLP, Richmond, VA

**PANELISTS:**

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

Molly S. BOAST, WilmerHale, New York, NY

A. Douglas MELAMED, Senior Vice President & General Counsel, Intel Corporation, Santa Clara, CA

Timothy J. MURIS, Kirkland & Ellis LLP, Washington, DC

**10:45 am - noon**

**CLASS CERTIFICATION TODAY: HOW RIGOROUS IS "RIGOROUS ANALYSIS"?**

SALON IV

*Presented by the Civil Practice & Procedure, Economics, and Health Care & Pharmaceuticals Committees*

After an overview of current class certification decisions, pairs of attorneys and economists will participate in a mock hearing on a motion to certify a class in a hypothetical health care market. A panel discussion, including questions from the audience, will follow.

**CHAIR AND MODERATOR:**

Paul H. SAINT-ANTOINE, Drinker Biddle & Reath LLP, Philadelphia, PA

**PANELISTS:**

W. Joseph BRUCKNER, Lockridge Grindal Nauen PLLP, Minneapolis, MN

Margaret F. SANDERSON, Charles River Associates, Toronto, ON, Canada

Barbara T. SICALIDES, Pepper Hamilton LLP, Philadelphia, PA

Hal J. SINGER, Navigant Economics, Washington, DC

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**10:45 am - noon**

**ENFORCING TERRITORIAL RESTRICTIONS IN A GLOBAL ECONOMY**

SALON II

*Presented by the Distribution & Franchising and International Committees*

As the world continues to shrink, the challenge of enforcing territorial restrictions in distribution contracts becomes increasingly complex. Explore recent developments in the EU, BRIC countries and beyond, including a discussion of passive sales, internet retailing, export control and trademark regulation. Panelists will share practical solutions for this multifaceted problem.

**CHAIR:**

Paul H. FRIEDMAN, Dechert LLP, Washington, DC

**MODERATOR:**

Tom BOOTH, Legal Counsel, Downstream, Shell Canada Limited, Calgary, AB, Canada

**PANELISTS:**

Suchitra CHITALE, Chitale & Chitale Partners, New Delhi, India  
Thomas FUNKE, Osborne Clarke, Köln, Germany  
Paul JONES, Jones & Co, Toronto, ON, Canada  
Barbara ROSENBERG, Barbosa Mussnich & Aragao, São Paulo, SP, Brazil

**10:45 am-noon**

**INFORMATION EXCHANGE UPDATE: STEELY NURSES AND IRON PIPES**

SALON III

*Presented by the Joint Conduct and Trade, Sports & Professional Associations Committees*

Recent private and government challenges to information exchanges by competitors—from nurses' wage data among hospitals to sales volumes among pipe manufacturers—demonstrate renewed scrutiny of such conduct. What do these cases say about the risk and analysis of such exchanges, the validity of past DOJ/FTC guidance, and best compliance practices?

**CHAIR AND MODERATOR:**

John DELACOURT, General Counsel, Plasma Protein Therapeutics Association, Washington, DC

**PANELISTS:**

Richard BROSNICK, Butzel Long, New York, NY  
Joseph OSTOYICH, Baker Botts LLP, Washington, DC  
Amanda P. REEVES, Latham & Watkins LLP, Washington, DC  
Marceline TOURNIER, Nestle SA, Senior Completion Counsel, Vevey, Switzerland

**10:45 am-noon**

**IS HINDSIGHT 20/20? LESSONS LEARNED FROM ENFORCEMENT ACTIONS**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Consumer Protection Committee*

Hear from regulators from the FTC, state attorneys general, and National Advertising Division about recent enforcement activities and whether enforcement priorities may shift. Learn how those priorities can affect your company's vision of the future.

**CHAIR AND MODERATOR:**

Christie G. THOMPSON, Kelley Drye & Warren LLP, Washington, DC

**PANELISTS:**

Esther CHAVEZ, Senior Assistant Attorney General, Consumer Protection Division, Texas Attorney General, Austin, TX  
Lesley FAIR, Senior Attorney, Bureau of Consumer Protection Federal Trade Commission, Washington, DC  
C. Lee PEELER, President & CEO, Advertising Self Regulatory Council, and Executive Vice President, Council of Better Business Bureaus, Washington, DC

**10:45 am-noon**

**LITIGATION WAVE CROSSES THE "POND": WHAT ARE THE RIPPLES?**

SALON G

*Presented by the Civil Practice & Procedure and International Committees*

Private damages actions are now commonly being filed in Europe. Just as cartel enforcement has expanded globally, so may privacy follow-on actions. Parties may encounter different substantive and procedural standards across jurisdictions. What are the challenges for the claimants, defendants, leniency applicants, and even the enforcement agencies?

**CHAIR AND MODERATOR:**

Tiffany RIDER, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

**PANELISTS:**

Maya LESTER, Brick Court Chambers, London, United Kingdom  
Anthony MATON, Hausfeld & Company LLP, London, United Kingdom  
Thomas MUELLER, WilmerHale, Washington, DC  
Ewoud SAKKERS, European Commission, DG Competition, Brussels, Belgium

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**Noon-2:00 pm**

**SECTION LUNCHEON**

SALONS D, E & F

Join your friends and colleagues for luncheon cuisine accompanied by the Calkins Review.

**CHAIR:**

Theodore VOORHEES JR., Covington & Burling LLP, Washington, DC

**SPEAKER:**

Stephen CALKINS, Member & Director of Mergers Division, Competition Authority of Ireland, Dublin, Ireland

**2:00-3:30 pm**

**BEHAVIORAL REMEDIES IN MEDIA AND TECHNOLOGY MERGERS**

**BALLROOM, NATIONAL PRESS CLUB**

*Presented by the Media & Technology and Mergers & Acquisitions Committees*

Antitrust authorities are increasingly using behavioral remedies for media and technology sector mergers, including the TicketMaster/Live Nation, Comcast/NBCUniversal, Google/ITA, and Verizon Wireless/Cable transactions. Are these types of remedies appropriate and do they have the effect of turning antitrust authorities into regulators? Are they sufficient to resolve the alleged competitive concerns?

**CHAIR AND MODERATOR:**

Arthur J. BURKE, Davis Polk & Wardwell LLP, New York, NY

**PANELISTS:**

Leah BRANNON, Cleary Gottlieb Steen & Hamilton LLP, Washington, DC

Deborah L. FEINSTEIN, Arnold & Porter LLP, Washington, DC

John E. KWOKA, JR., Northeastern University, Boston, MA

W. Robert MAJURE, Economics Director Of Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

**2:00-3:30 pm**

**COMPLIANCE TOOLS FOR IN-HOUSE CHIEF PRIVACY OFFICERS**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Corporate Counseling and Privacy & Information Security Committees*

A panel of technology experts from industry, academia and in-house legal departments will address how companies can implement good internal governance procedures. As companies migrate increasingly to the digital realm, with data security listed as a core concern for directors and general counsel, companies find they must deploy even more robust privacy defenses.

**CHAIR AND MODERATOR:**

Pamela JONES HARBOUR, Fulbright & Jaworski LLP, Washington, DC

**PANELISTS:**

Michael MCCULLOUGH, Vice President, Ent. Information Management & Privacy, Macy's, Cincinnati, OH

Saira M. NAYAK, TRUSTe, Washington, DC

Daniel J. SOLOVE, George Washington University Law School, Washington, DC

Ilana WESTERMAN, Create with Context, Santa Clara, CA

**2:00-3:30 pm**

**COUNSELING TRADE ASSOCIATIONS: BEYOND THE ANTITRUST COMPLIANCE STATEMENT**

**SALON III**

*Presented by the Corporate Counseling Committees and Trade, Sports & Professional Associations*

How do well-counseled associations go astray? Experienced panelists offer practical lessons going beyond the usual price-fixing admonitions, exposing the most frequent counseling gaps—the extent (or lack thereof) of Noerr protection, failure to appreciate how things will look five years down the road, privilege issues here and abroad, and others.

**CHAIR:**

Charles C. MOORE, White & Case LLP, Washington, DC

**MODERATOR:**

Ryan C. TISCH, Crowell & Moring LLP, Washington, DC

**PANELISTS:**

Diane E. BIERI, Arnold & Porter LLP, Washington, DC

Karin F.R. MOORE, Vice President & Co-General Counsel, Wine & Spirits Wholesalers Of America, Washington, DC

Kristina NORDLANDER, Sidley Austin LLP, Brussels, Belgium

James A. WILSON, Vorys Sater Seymour & Pease LLP, Columbus, OH

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**2:00-3:30 pm**

**DANCING WITH THE DOJ: NEGOTIATING A PLEA AGREEMENT**

SALON IV

*Presented by the Cartel & Criminal Practice and Civil Practice & Procedure Committees*

A simple fact: Most criminal cases settle. Negotiating a plea agreement with DOJ presents many complicated and challenging issues. It is vitally important to a company and to executives for counsel to possess a solid understanding of a myriad of tricky subjects, including scope of the plea, volume of affected commerce, model plea language, discounts and credits, civil implications, and carve outs.

**CHAIR AND MODERATOR:**

Mark R. ROSMAN, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

**PANELISTS:**

Roxann E. HENRY, Morrison & Foerster LLP, Washington, DC

James H. MUTCHNIK, Kirkland & Ellis LLP, Chicago, IL

Lisa M. PHELAN, Chief, National Criminal Enforcement Section, U.S. Department of Justice, Antitrust Division, Washington, DC

A. Paul VICTOR, Winston & Strawn LLP, New York, NY

**2:00-3:30 pm**

**FUNDAMENTALS — ANTITRUST ECONOMICS**

SALON G

*Presented by the Economics Committee*

Understanding basic economic principles is critical to the analysis of antitrust issues. As a complement to the Antitrust Law Fundamentals program, four distinguished economists will teach fundamental antitrust economics material on market definition, market power, competitive effects and econometrics.

**CHAIR:**

Mary T. COLEMAN, Compass Lexecon, Boston, MA

**MODERATOR:**

Donald K. STOCKDALE, JR, Mayer Brown LLP, Washington, DC

**PANELISTS:**

Peter BOBERG, Charles River Associates, Boston, MA

Eric R. EMCH, Bates White, Washington, DC

Lauren STIROH, Nera Economic Consulting, White Plains, NY

Valerie Y. SUSLOW, University of Michigan, Ann Arbor, MI

**2:00-3:30 pm**

**LOWEST COMMON DENOMINATOR PRIVILEGE**

SALON II

*Presented by the Civil Practice & Procedure, Compliance & Ethics, and International Committees*

We have created a world of disappearing borders. What happens to privilege claims in related cross-border lawsuits and investigations? What are the implications of disclosing information in one jurisdiction that is protected in another? What happens when communications are not protected despite a legitimate expectation of privilege?

**CHAIR:**

Valentina RUCKER, Wilson Sonsini Goodrich & Rosati PC, Washington, DC

**MODERATOR:**

Brady DUGAN, Squire Sanders, Washington, DC

**PANELISTS:**

Julia HOLTZ, Director, Competition - EMEA, China, India, Google Inc., London, United Kingdom

Bruce KILPATRICK, Addleshaw Goddard, London, United Kingdom

Lynda K. MARSHALL, Assistant Chief, Foreign Commerce, U.S. Department of Justice, Antitrust Division, Washington, DC

Mariana TAVARES DE ARAUJO, Levy & Salomão Advogados, Rio De Janeiro, Brazil

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**2:00-3:30 pm**

**PATENT ACQUISITIONS AND ANTITRUST — THE NEXT FRONTIERS**

SALON I

*Presented by the Intellectual Property Committee*

In the aftermath of DOJ's approval of the Google/MMI deal and the Rockstar and Novell patent acquisitions, how are the agencies monitoring the exercise of the acquired essential patents (SEPS)? Going forward, the agencies likely will have to evaluate transactions involving large groups of commercially significant non-SEPS. How does the analysis differ from SEP acquisitions? Do the traditional tests apply?

**CHAIR AND MODERATOR:**

Logan M. BREED, Hogan Lovells US LLP, Washington, DC

**PANELISTS:**

Matthew J. BYE, Competition Counsel, Google Inc., Mountain View, CA

Greg SIVINSKI, Assistant General Counsel, Antitrust Group, Microsoft Corporation, Redmond, WA

James TIERNEY, Chief, Networks & Technology Section, U.S. Department Of Justice, Antitrust Division, Washington, DC

Joanna TSAI, Charles River Associates, Washington, DC

**3:15-5:15 pm**

**THE ABA'S 2012 CHANGES IN ETHICS RULES**

ETHICS

SALONS D, E & F

*Presented by the Compliance & Ethics Committee*

Review of and commentary on the new ABA ethics initiatives and the results of the Ethics 2020 Commission.

**CHAIR AND MODERATOR:**

Kathleen M. BEASLEY, Haynes and Boone LLP, Dallas, TX

**PANELISTS:**

Jamie GORELICK, WilmerHale, Washington, DC

Lee HARRIS, University of Memphis School of Law, Memphis, TN

Robert E. HAUBERG, JR., Baker Donelson, Jackson, MS

Thomas MORGAN, George Washington University Law School, Washington, DC

**3:45-5:15 pm**

**BOTH SIDES NOW: WHAT'S SPECIAL ABOUT TWO-SIDED MARKETS?**

SALON III

*Presented by the Mergers & Acquisitions and Unilateral Conduct Committees*

Three decades after Bill Baxter articulated the concept of two-sided markets they are an accepted reality. The economics literature is rich and complex. The cases, not quite so much. What actual impact does the two-sidedness of markets have on antitrust decisions, and what impact should it have?

**CHAIR AND MODERATOR:**

James B. MUSGROVE, McMillan LLP, Toronto, ON, Canada

**PANELISTS:**

Christian AHLBORN, Linklaters LLP, London, United Kingdom

David S. EVANS, Global Economics Group, Boston, MA

Renata B. HESSE, Deputy Assistant Attorney General for Criminal & Civil Operations, U.S. Department of Justice, Antitrust Division, Washington, DC

Joseph J. SIMONS, Paul Weiss Rifkind Wharton & Garrison LLP, Washington, DC

**3:45-5:15 pm**

**COMPETITOR COLLABORATIONS—U.S. & EU JOINT VENTURE LAW**

SALON G

*Presented by the Compliance & Ethics and Transportation & Energy Industries Committees*

The term "joint venture" embraces a variety of collaborative activity by which separate, and sometimes competing, firms pool resources in pursuit of a common objective. Enjoy a refresher on the basics of the antitrust law treatment of JVs, then delve into the developing issues in the U.S. and EU with a distinguished panel of U.S. and EU practitioners and government enforcers.

**CHAIR:**

Nicholas GRIMMER, McDermott Will & Emery LLP, Houston, TX

**MODERATOR:**

Christine S. WILSON, Kirkland & Ellis LLP, Washington, DC

**PANELISTS:**

Scott A. MARTIN, Greenberg Traurig, New York, NY

James R. MODRALL, Cleary Gottlieb Steen & Hamilton LLP, Brussels, Belgium

Melanie SABO, Assistant Director of the Anticompetitive Practices Division, Bureau of Competition, Federal Trade Commission, Washington, DC

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**DAUBERT IN CLASS CERTIFICATION HEARINGS: THE STANDARD AFTER COMCAST**

SALON IV

*Presented by the Economics and Trial Practice Committees*

The use and misuse of expert testimony in class certification hearings is a hotly debated subject. This term the Supreme Court has sought to resolve key issues in the Comcast case. Both sides of the debate will be presented by economists, as well as plaintiff and defense counsel. Practical guidance will be given for future class certification hearings.

**CHAIR AND MODERATOR:**

Layne E. KRUSE, Fulbright & Jaworski LLP, Houston, TX

**PANELISTS:**

Barry C. BARNETT, Susman Godfrey LLP, Dallas, TX  
Cari K. DAWSON, Alston & Bird LLP, Atlanta, GA  
Ramsey D. SHEHADEH, Nera Economic Consulting, New York City, NY  
Robert H. TOPEL, University Of Chicago, Chicago, IL

**LESSONS FROM THE AUO TRIAL**

SALON I

*Presented by the Cartel & Criminal Practice and Trial Practice Committees*

This panel will examine the trial of the first company to litigate an international criminal cartel case to verdict in many years. Topics discussed will include the proof of gain or loss after *Southern Union*; FTAIA calculations; sentencing issues, and whether there is a lesson in the acquittals of two executives.

**CHAIR AND MODERATOR:**

Douglas M. TWEEN, Baker & McKenzie LLP, New York, NY

**PANELISTS:**

Anne Marie CUSHMAC, Group Vice President and Managing Attorney, SunTrust Bank, Richmond, VA  
Megan DIXON, Hogan Lovells US LLP, Washington, DC  
James M. GRIFFIN, King & Spalding, Washington, DC  
Christopher A. NEDEAU, Nossaman LLP, San Francisco, CA

**3:45-5:15 pm**

**MOCK LANHAM ACT PI/DAUBERT ARGUMENTS ON FALSITY EXPERTS**

**BALLROOM, NATIONAL PRESS CLUB**

*Presented by the Civil Practice & Procedure, Private Advertising Litigation, and Trial Practice Committees*

Seeking a preliminary injunction claiming false advertising established by necessary implication without any consumer perception evidence, counsel will cross examine an expert on advertising communication who contends that consumer perception evidence is necessary to establish the claimed implication offered by the defense, who must convince an actual Federal Judge that he cannot determine this.

**CHAIR:**

Christopher A. COLE, Crowell & Moring LLP, Washington, DC

**MODERATOR:**

Daniel S. BLYNN, Kelley Drye & Warren LLP, Washington, DC

**PANELISTS:**

The Honorable Timothy C. BATTEN SR, Federal Judge, U.S. District Court for the Northern District of Georgia, Atlanta, GA  
Jessie F. BEEBER, Frankfurt Kurnit Klein & Selz PC, New York, NY  
Leslie SHIFRIN, Fashion Institute of Technology, New York, NY  
Steven A. ZALESIN, Patterson Belknap Webb & Tyler, New York, NY



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**NAVIGATING CFPB ENFORCEMENT ACTIONS**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Corporate Counseling and Insurance and Financial Services Committees*

This session will explore the CFPB enforcement process from a client counseling perspective, providing advice for how to respond to CFPB investigations. Our panelists will examine the CFPB's investigation process and recent enforcement actions, comparing and contrasting to other processes and giving practitioners key information about this new agency's evolving operations.

**CHAIR:**

Joseph TIPOGRAPH, The Capitol Forum, Washington, DC

**MODERATOR:**

Joel C. WINSTON, Hudson Cook LLP, Washington, DC

**PANELISTS:**

Nessa FEDDIS, Vice President/Senior Counsel, American Bankers Association, Washington, DC  
Kent R. MARKUS, Director of Enforcement, Consumer Financial Protection Bureau, Washington, DC  
Jonathan L. POMPAN, Venable LLP, Washington, DC

**3:45-5:15 pm**

**THE ART OF SUCCESSFUL COMPETITOR COMPLAINTS**

**SALON II**

*Presented by the Civil Practice & Procedure, Federal Civil Enforcement, and International Committees*

Successful competitor complaints can lead to blocked mergers, prolonged conduct investigations and global remedies that benefit competitors and competition. But regulators may question the merit of such complaints. How can counsel best present these issues to regulators and in which forums should such complaints be made?

**CHAIR:**

Joyce E. CHOI, Linklaters LLP, Brussels, Belgium

**MODERATOR:**

Bernard A. NIGRO JR., Fried Frank Harris Shriver & Jacobson LLP, Washington, DC

**PANELISTS:**

The Honorable Julie BRILL, Commissioner, Federal Trade Commission, Washington, DC  
D. Martin LOW, McMillan LLP, Toronto, ON, Canada  
Cecilio MADERO VILLAREJO, Deputy Director General for Antitrust, European Commission, DG Competition, Brussels, Belgium  
Steven C. SUNSHINE, Skadden Arps Slate Meagher & Flom LLP, Washington, DC

**5:15-6:15 pm**

**WELCOME RECEPTION**

**BALLROOM FOYER**

Mix and mingle with the leadership of the Section of Antitrust Law. Representatives from each committee will be available at designated tables to answer your questions regarding the Section, committee activities and membership. Your badge is your ticket to attend.

**5:30-6:30 pm**

**PLAINTIFFS BAR RECEPTION**

Ticketed Event

Registered Spring Meeting plaintiffs' bar attorneys are invited to join their peers and the Section Reach Task Force members for an opportunity to make connections and discuss issues of common interest. *A ticket to attend will be included in the registration materials for Plaintiffs.*

**61<sup>ST</sup> ABA SECTION OF ANTITRUST LAW SPRING MEETING**  
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**THURSDAY, APRIL 11, 2013**

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**8:15-9:45 am**

**A BUMPER CROP OF ATTACKS ON CAPPER-VOLSTEAD**

SALON I

*Presented by the Agriculture & Food, Exemptions & Immunities, and Trade, Sports & Professional Associations Committees*

Many of the nation's 3,000 agricultural cooperatives are organized around the Capper-Volstead Act's antitrust immunity. While untested for several decades, several multi-billion dollar class actions are currently challenging conduct under the Act. Learn about why these cases were filed, their potential impact on U.S. Agriculture, and predictions for the future.

**CHAIR:**

Carla A.R. HINE, McDermott Will & Emery LLP, Washington, DC

**MODERATOR:**

Mark J. BOTTI, Squire Sanders, Washington, DC

**PANELISTS:**

Peter C. CARSTENSEN, University of Wisconsin Law School, Madison, WI

Christopher E. ONDECK, Crowell & Moring LLP, Washington, DC

James J. PIZZIRUSSO, Hausfeld LLP, Washington, DC

Vivian TSENG, Vice President, General Counsel, Welch Foods Inc., Concord, MA

**8:15-9:45 am**

**ADVISING DECISION-MAKERS ON ANTITRUST RISKS GLOBALLY**

SALON G

*Presented by the Compliance & Ethics, Corporate Counseling, and International Committees*

Our panel of in-house counsel will share insights on practical, legal and ethical issues that come up when advising the business on antitrust risks and strategies for multi-jurisdictional merger reviews, government and internal investigations, developing consistent standards for practices in light of divergent competition rules, dealing with differences in the culture of compliance issues, and managing communications to maximize privilege protection.

**CHAIR:**

Matthew HALL, McGuireWoods LLP, Brussels, Belgium

**MODERATOR:**

Fiona A. SCHAEFFER, Jones Day, New York, NY

**PANELISTS:**

Noah J. HANFT, General Counsel, Corporate Secretary, Chief Franchise Integrity Officer, Mastercard Worldwide, New York, NY

Karen LINEHAN, Senior Vice President, Legal Affairs and General Counsel, Sanofi, Paris, France

Julian MIEZITIS, Head of Legal Services - Global Competition, Compliance and Iberia, Associated British Foods Inc., London, United Kingdom

Ron A. STERN, Vice President and Senior Competition Counsel, General Electric Company, Washington, DC

**8:15-9:45 am**

**AROUND THE WORLD IN 80 MINUTES (OR SO): AN UPDATE FROM KEY ENFORCEMENT AGENCIES**

SALONS II & III

*Presented by the International Task Force & International Committee*

This program provides a unique opportunity to learn about important recent international developments directly from heads of six key agencies. The panel will explore enforcement trends around the world and the extent to which the growth of antitrust regimes is accompanied by increasing convergence or heightened risks of dissonance.

**CHAIR:**

Randolph W. TRITELL, Director, International Affairs, Federal Trade Commission, Washington DC

**MODERATOR:**

Kenneth L. GLAZER, Sidley Austin LLP, Washington, DC

**PANELISTS:**

Phillip COLLINS, Chairman, Office of Fair Trading, London, United Kingdom

Michiyo HAMADA, Commissioner, Japan Fair Trade Commission, Tokyo, Japan

John PECMAN, Interim Commissioner, Competition Bureau Canada, Ottawa, Canada

Eduardo PÉREZ-MOTTA, President, Federal Competition Commission and Chair, International Competition Network, Mexico City, Mexico

Shan RAMBURUTH, Commissioner, Competition Commission South Africa, Pretoria, South Africa

Marcos Paulo VERISSIMO, Commissioner, Administrative Council for Economic Defense, (CADE), Brasília, Brazil

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**8:15-9:45 am**

**BREAKFAST WITH THE STATE ENFORCERS**

**FIRST AMENDMENT, NATIONAL PRESS CLUB**

*Presented by the State Enforcement Committee*

State enforcers have been making their mark, including on merger, civil enforcement and consumer protection matters. A panel of distinguished state enforcers will describe their recent accomplishments, current actions and enforcement priorities, focusing on individual state efforts as well as multi-state matters.

**CHAIR AND MODERATOR:**

David S. TURETSKY, Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, Washington, DC

**PANELISTS:**

Jill S. ABRAMS, Assistant Attorney General, Office of The Vermont Attorney General, Montpelier, VT  
Lizabeth A. BRADY, Chief, Multistate Antitrust Enforcement, Office of the Florida Attorney General, Tallahassee, FL  
Victor J. DOMEN JR., Senior Counsel, Assistant Attorney General, Office of the Tennessee Attorney General's Office, Nashville, TN  
Blake L. HARROP, Senior Assistant Attorney General, Office of the Illinois Attorney, General, Chicago, IL

**8:15-9:45 am**

**FROM CONCEPT TO CONTRACT: ALLOCATING MERGER ANTITRUST RISK**

**SALONS D & E**

*Presented by the Corporate Counseling and Mergers & Acquisitions Committees*

Long before a transaction is reviewed by authorities, parties need to identify and allocate antitrust risk. Transaction execution, closing conditions and covenants are increasingly significant, as highlighted when AT&T paid T-Mobile A \$3 billion+ break fee. This panel provides critical insights and strategic guidance in developing effective risk allocation mechanisms.

**CHAIR AND MODERATOR:**

Julie A. SOLOWAY, Blake Cassels & Graydon LLP, Toronto, ON, Canada

**PANELISTS:**

Stephen M. AXINN, Axinn Veltrop & Harkrider LLP, New York, NY  
W. Dale COLLINS, Shearman & Sterling LLP, New York, NY  
Frederic DEPOORTERE, Skadden Arps Slate Meagher & Flom LLP, Brussels, Belgium  
Marvelle SULLIVAN, Group Head of M&A Execution, Novartis International AG, Basel, Switzerland

**8:15-9:45 am**

**LITTLE JOY OR GUIDANCE FOR BUNDLING DISCOUNTERS**

**SALON F**

*Presented by the Distribution & Franchising, Pricing Conduct, and Unilateral Conduct Committees*

Courts and regulators disagree on the proper legal standard for bundled pricing. LePage's, Cascade Health, the Antitrust Modernization Commission, and the DOJ represent four different views. Foreign law is no clearer. What are the appropriate competitive and economic considerations, and what's a global seller to do in today's patchwork environment?

**CHAIR AND MODERATOR:**

Deena J. SCHNEIDER, Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

**PANELISTS:**

Carel MASKE, Senior Attorney, Microsoft, Brussels, Belgium  
Evan H. SCHOUTEN, Analysis Group Inc., Boston, MA  
Steve D. SHADOWEN, Hilliard Shadowen LLC, Mechanicsburg, PA  
Scott A. WESTRICH, Orrick Herrington & Sutcliffe LLP, San Francisco, CA

**8:15-9:45 am**

**PRIVACY IN THE CLOUD—WILL IT FLOAT?**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Corporate Counseling, Media & Technology, and Privacy & Information Security Committees*

What is Cloud Computing? Where does the data in a Cloud go? Is your data management outsourced to another country? Will the Cloud protect or compromise Privacy? Is it time for international coordination on Privacy in the Cloud? Learn more from those at the forefront of this new frontier.

**CHAIR AND MODERATOR:**

Atleen KAUR, Senior Corporate Counsel, Compliance and Regulatory Specialist, Yazaki North America, Inc., Canton, MI

**PANELISTS:**

Aryeh S. FRIEDMAN, Assistant General Counsel & Chief Privacy Officer, Dun & Bradstreet, Short Hills, NJ  
Alysa Z. HUTNIK, Kelley Drye & Warren LLP, Washington, DC  
Maneesha MITHAL, Associate Director, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC  
Harriet PEARSON, Hogan Lovells US LLP, Washington, DC

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**8:15-9:45 am**

**SECTION 2 TREBLE DAMAGES LITIGATION—ALIVE AND WELL**

**BALLROOM, NATIONAL PRESS CLUB**

*Presented by the Civil Practice & Procedure and Unilateral Conduct Committees*

Despite limited government enforcement, Section 2 remains important for treble-damage litigants, as the recent *Novell v. Microsoft* trial demonstrates. The speakers will review recent claims, from product bundling, to exclusive dealing, to loyalty discounts, to pure exclusionary conduct, and will weigh how and to what extent Section 2 serves plaintiffs' antitrust arsenal.

**CHAIR AND MODERATOR:**

Thomas J. COLLIN, Thompson Hine LLP, Cleveland, OH

**PANELISTS:**

Jay N. FASTOW, Dickstein Shapiro LLP, New York, NY  
John E. SCHMIDTLEIN, Williams & Connolly LLP, Washington, DC  
Stephen WEISSMAN, Baker Botts LLP, Washington, DC  
Margaret M. ZWISLER, Latham & Watkins LLP, Washington, DC

**8:15-9:45 am**

**WHEN IS DISGORGEMENT IN THE PUBLIC INTEREST?**

**SALON IV**

*Presented by the Economics, Federal Civil Enforcement, and Transportation & Energy Industries Committees*

With DOJ's recent enforcement actions and the FTC withdrawing its "overly restrictive" policy statement, disgorgement is on center stage. We will explore the likely use of this aggressive remedy, drawing on lessons from the Mylan and Lundbeck mergers and the Keyspan conduct cases, and the impact on plaintiffs and defendants.

**CHAIR:**

William H. STALLINGS, Chief, TEA Section, U.S. Department of Justice, Antitrust Division, Washington, DC

**MODERATOR:**

Paula W. RENDER, Jones Day, Chicago, IL

**PANELISTS:**

Michelle M. BURTIS, Cornerstone Research, Washington, DC  
John D. GRAUBERT, Covington & Burling LLP, Washington, DC  
Mary N. LEHNER, Attorney Advisor to Chairman Ramirez, Federal Trade Commission, Washington, DC  
Joseph F. WAYLAND, Simpson Thacher & Bartlett LLP, New York, NY

**10:00 am-noon**

**CHAIR'S SHOWCASE SESSION—THE POLITICAL HAND IN AMERICAN ANTITRUST: INVISIBLE, INSPIRATIONAL OR IMAGINARY**

**GRAND BALLROOM**

This interactive program will explore the many ways politics has been thought to inhabit or be deflected from antitrust policy, enforcement, practice and scholarship in the United States. The well balanced panel combines relevant experience from the agencies, the Hill, the Bar and Academe.

**CHAIR & CO-MODERATOR:**

Theodore VOORHEES JR, Covington & Burling LLP, Washington, DC

**CO-MODERATOR:**

Marina LAO, Seton Hall University School of Law, Newark, NJ

**PANELISTS:**

William E. KOVACIC, George Washington University Law School, Washington, DC  
The Honorable Jon LEIBOWITZ, Immediate Past Chairman, Federal Trade Commission, Washington, DC  
James F. RILL, Baker Botts LLP, Washington, DC  
Steven C. SALOP, Georgetown University Law Center, Washington, DC

**12:15-1:15 pm**

**LUNCHEON RECEPTION FOR IN-HOUSE COUNSEL**

TICKETED EVENT

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

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**1:30-3:00 pm**

**INTERNATIONAL CASE COOPERATION FROM THE INSIDE OUT**

SALONS F & G

*Presented by the Cartel & Criminal Practice, International, and Mergers & Acquisitions Committees*

With over 120 competition agencies worldwide, international case cooperation is critical. Yet questions remain. What information is exchanged, with whom and when? How is it used? Why waive confidentiality and how do waivers impact case management? Our enforcer and practitioner panelists will demystify international cooperation and address its practical realities.

**CHAIR AND MODERATOR:**

Elizabeth F. KRAUS, Deputy Director for International Antitrust, Federal Trade Commission, Washington, DC

**PANELISTS:**

Ilene KNABLE GOTTS, Wachtell Lipton Rosen & Katz, New York, NY

Carles Esteve MOSSO, Director for Policy and Strategy, European Commission, DG Competition, Brussels, Belgium

Sheridan E. SCOTT, Bennett Jones LLP, Ottawa, ON, Canada

WU Zhenguo, Deputy Director General, Anti-Monopoly Bureau, MOFCOM, Beijing, PR China

**1:30-3:00 pm**

**RPM COUNSELING IN A LEEGIN/NON-LEEGIN WORLD**

SALONS II & III

*Presented by the Corporate Counseling, International, and Pricing Conduct Committees*

In light of mounting pressure to repeal *Leegin* as well as state law developments in the U.S., the Canadian Competition Bureau's RPM case and the EU's continuing hardcore approach, this panel will explore practical strategies for counseling global clients to take advantage of *Leegin* while complying with the variety of approaches to RPM.

**CHAIR:**

Jerome A. SWINDELL, Assistant General Counsel, Johnson & Johnson, New Brunswick, NJ

**MODERATOR:**

Suzanne E. WACHSSTOCK, VP & Chief Antitrust Counsel, American Express, New York, NY

**PANELISTS:**

Kathleen E. FOOTE, Senior Assistant Attorney General, California Department of Justice, San Francisco, CA

Mary Erin MARIANI, Corporate Counsel, Dupont Legal, Wilmington, DE

Richard M. STEUER, Mayer Brown LLP, New York, NY

Omar WAKIL, Torys LLP, Toronto, ON, Canada

**1:30-3:00 pm**

**SEALS OF APPROVAL: CONSUMER PROTECTION AND ANTITRUST IMPLICATIONS**

HOLEMAN, NATIONAL PRESS CLUB

*Presented by the Consumer Protection and Private Advertising Litigation Committees*

Third-party seals and certifications are powerful marketing tools for companies but they also carry significant legal risks. Learn about the consumer protection and antitrust concerns raised by the use of industry standards and certification programs. Explore the impact of the recently issued FTC Green Guides and challenges in supply chain management.

**CHAIR AND MODERATOR:**

David G. MALLEEN, Deputy Director, National Advertising Division, New York, NY

**PANELISTS:**

Robert P. DAVIS, Venable LLP, Washington, DC

James A. KOHM, Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC

Cassie PHILLIPS, Vice President, Sustainable Forests & Products, Weyerhaeuser, Seattle, WA

Laura A. WILKINSON, Weil Gotshal & Manges, Washington, DC

**1:30-3:00 pm**

**STATE ACTION OVERREACH? FROM PARKER TO PHOEBE**

SALONS D & E

*Presented by the Exemptions & Immunities, Health Care & Pharmaceuticals, Mergers & Acquisitions, and State Enforcement Committees*

The state action doctrine has become a flashpoint in health care antitrust, the site of a collision between state regulatory initiatives and competition policy. This panel will discuss the doctrine and the implications of *Phoebe Putney*, the Supreme Court's first case on state action in decades.

**CHAIR AND MODERATOR:**

Elinor R. HOFFMANN, Assistant Attorney General, Office of the New York State Attorney General, New York, NY

**PANELISTS:**

Kevin J. ARQUIT, Simpson Thacher & Bartlett LLP, New York, NY

The Honorable Maureen K. OHLHAUSEN, Commissioner, Federal Trade Commission, Washington, DC

Christopher L. SAGERS, U.S. Cleveland-Marshall College of Law, Cleveland, OH

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**1:30-5:00 pm**

**MOCK TRIAL**

**BALLROOM, NATIONAL PRESS CLUB**

*Presented by the Trial Practice Committee*

Sit in on a mock trial of a Sherman Act case presented by leading antitrust litigators and economists. The trial will involve a live argument and testimony by both fact and expert witnesses in front of a mock jury and a federal judge. Following the trial, you will be able to watch as the jury deliberates and renders its verdict.

**CHAIR:**

Edward B. SCHWARTZ, Steptoe & Johnson LLP, Washington, DC

**JUDGE:**

The Honorable Susan ILLSTON, District Judge, U.S. Northern District Court of California, San Francisco, CA

**PANELISTS:**

Kathryn D. KIRMAYER, Crowell & Moring LLP, Washington, DC  
William A. ISAACSON, Boies Schiller Flexner LLP, Washington, DC  
Dina OLDER AGUILAR, Cornerstone Research, San Francisco, CA  
Christopher A. VELLTURO, Quantitative Economic Solutions LLC, Cambridge, MA  
Allan VAN FLEET, McDermott Will & Emery LLP, Houston, TX  
Robert C. WALTERS, Gibson Dunn & Crutcher LLP, Dallas, TX

**JURY CONSULTANT:**

Gil CALVILLO, FTI Consulting, Los Angeles, CA

**3:15**

**HOT TOPICS**

SALONS II & III

**SPRING MEETING CO-CHAIRS:**

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

Hartmut SCHNEIDER, WilmerHale, Washington, DC

**PANELISTS:**

George S. CARY, Clearly Gottlieb Steen & Hamilton LLP, Washington, DC  
Sharis A. POZEN, Skadden Arps Slate Meagher & Flom LLP, Washington, DC  
Gerwin VAN GERVEN, Linklaters, Brussels, Belgium  
The Honorable Joshua D. WRIGHT, Commissioner, Federal Trade Commission, Washington, DC

**3:15-5:00 pm**

**INTERNATIONAL RULES FOR ADVERTISING: CONFLICT OR CONVERGENCE?**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Consumer Protection Committee*

Green Guides, childhood obesity, privacy and data protection—each are subject to standards that differ by jurisdiction, and international standards (or emerging standards) may or may not be consistent with U.S. standards. From a practitioner's perspective, how can an advertiser best adapt to the myriad regulations that affect a campaign?

**CHAIR:**

John P. FELDMAN, Reed Smith LLP, Washington, DC

**MODERATOR:**

Sheila A. MILLAR, Keller & Heckman LLP, Washington, DC

**PANELISTS:**

Edward J. CAPOBIANCO, Vice President and General Counsel, Swarovski North America, Cranston, RI  
August T. HORVATH, Kelley Drye & Warren LLP, New York, NY  
Wendy REED, Heenan Blaikie LLP, Toronto, ON, Canada

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**3:15-5:00 pm**

**THE NEW ECONOMY: DOMINANCE IN NOVEL MARKETS**

SALONS F & G

*Presented by the Media & Technology and Unilateral Conduct Committees*

Apple, Google, Intel, Microsoft. Who is next? Why are firms whose products are largely dependent on intellectual property rights center stage in monopoly cases? Is it coincidence or causation? Where are the abuse of dominance disputes of the future—and why?

**CHAIR:**

Johannes ZÖTTL, Jones Day, Düsseldorf, Germany

**MODERATOR:**

Kim VAN WINKLE, Chief, Antitrust Section, Texas Attorney General's Office, Austin, TX

**PANELISTS:**

Nicholas BANASEVIC, Head of Unit, Antitrust: IT, Internet and Consumer Electronics, European Commission, DG Competition, Brussels, Belgium  
Aaron HOAG, Assistant Chief, Networks & Technology Enforcement Section, U.S. Department of Justice, Antitrust Division, Washington, DC  
Robert P. MAHNKE, Global Competition Counsel, Ebay Inc., San Jose, CA  
James A. MURRAY, Director, Antitrust and Competition Policy, Intel Corporation, Santa Clara, CA

**3:15-5:00 pm**

**THE WRONG PARADIGM? REFORMING PATENT POOL GUIDELINES**

SALONS D & E

*Presented by the Intellectual Property Committee*

The agencies' patent pool guidelines have taken on a life of their own. Though not intended, the guidelines in practice are often used as a cookbook, limiting the utility of pools. In the age of massive patent wars, should the guidelines be reformed? Do we need a paradigm shift?

**CHAIR AND MODERATOR:**

Sean P. GATES, Morrison & Foerster LLP, Los Angeles, CA

**PANELISTS:**

Garrard R. BEENEY, Sullivan & Cromwell LLP, New York, NY  
Anne LAYNE-FARRAR, Charles River Associates, Chicago, IL  
Roger ROSS, President, Via Licensing Corp, San Francisco, CA

**7:30 pm**

**SECTION DINNER**

TICKETED EVENT
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GRAND BALLROOM

Our dinner speaker this year will be Dr. James B. Garvin, who serves as Chief Scientist of NASA's Goddard Space Flight Center and a member of the Mars *Curiosity* rover science team. A veteran Earth and planetary scientist whose career has spanned more than 28 years at NASA, Dr. Garvin will use extraordinary and rarely seen videos from the ongoing *Curiosity* Mars Rover mission to demonstrate both the technological challenges that faced the US Space Agency in landing a heavy mobile laboratory safely on the ground of a planet ~50 million miles from Earth, and the extraordinary discoveries that mission has made to date. Dr. Garvin will also discuss and illustrate the ambitious plans NASA has for its next generation of missions into Outer Space and showcase how our present-day space-age has evolved since its birth in the 1950s. *[Garvin is a veteran communicator about Space science and has appeared on Late Night with David Letterman and other widely-viewed programs over the past 20 years. Garvin is a graduate of Brown and Stanford Universities and never met a rock that lied to him]*

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**FRIDAY, APRIL 12, 2013**

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**8:15-9:45 am**

**AGENCY UPDATE WITH THE FTC BUREAU DIRECTORS**

SALONS D, E, F & G

*Presented by the Federal Civil Enforcement Committee*

Hear directly from the 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.

**CHAIR:**

Robert P. DAVIS, Venable LLP, Washington, DC

**MODERATOR:**

Christine A. VARNEY, Cravath Swaine & Moore LLP, New York, NY

**PANELISTS:**

Richard A. FEINSTEIN, Director, Bureau of Competition, Federal Trade Commission, Washington, DC

Howard A. SHELANSKI, Director, Bureau of Economics, Federal Trade Commission, Washington, DC

Charles A. HARWOOD, Acting Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC

**8:15-9:45 am**

**MONOPSONY: WHAT'S THE LATEST ON (TOO) LOW PRICES?**

BALLROOM, NATIONAL PRESS CLUB

*Presented by the Economics and Unilateral Conduct Committees*

Monopsony theory and case law applicable to unilateral conduct and mergers continues to develop post-Weyerhaeuser and after the 2010 Horizontal Merger Guidelines. What are the bounds of monopsony claims and how is this concept applied to real life industries?

**CHAIR AND MODERATOR:**

Patricia BRINK, Director of Civil Enforcement, U.S. Department of Justice, Antitrust Division, Washington, DC

**PANELISTS:**

A. Neil CAMPBELL, McMillian LLP, Toronto, ON, Canada

Jonathan M. JACOBSON, Wilson Sonsini Goodrich & Rosati PC, New York, NY

Joshua H. SOVEN, Gibson Dunn & Crutcher LLP, Washington, DC

**8:15-9:45 am**

**SHARED MONOPOLY, COLLECTIVE DOMINANCE & OLIGOPOLY BEHAVIOR**

SALON I

*Presented by the International and Unilateral Conduct Committees*

The concept of shared monopoly or joint dominance is inherently complex. Some jurisdictions accept the concept with enthusiasm, while others find it a baffling contradiction. What is the latest thinking—legal and economic—from leading international jurisdictions? Can the approaches be reconciled? Is this a theory in need of root-and-branch reform?

**CHAIR AND MODERATOR:**

Mary Anne MASON, DLA Piper LLP, Washington, DC

**PANELISTS:**

Melanie L. AITKEN, Former Commissioner, Competition Bureau Canada, Toronto, ON, Canada

Susan JONES, Head Corporate Legal Antitrust, Novartis International AG, Basel, Switzerland

Caio Mario S. PEREIRA NETO, Pereira Neto Macedo, São Paulo, Brazil

Warren ROSBOROUGH, McDermott Will & Emery, Washington, DC

**8:15-9:45 am**

**THE DARK SIDE: DEFENDING INTERNATIONAL CARTELS WITHOUT LENIENCY**

SALON IV

*Presented by the Cartel & Criminal Practice and International Committees*

Antitrust enforcers and civil plaintiffs cast the net broadly to ensure that no potential wrongdoer escapes investigation. But many companies under scrutiny must defend themselves without an expectation of leniency. What tactics and strategies can secure the best outcome? Is cooperation really beneficial? How can this strategy be implemented in a multi-jurisdictional investigation?

**CHAIR AND MODERATOR:**

John M. TALADAY, Baker Botts LLP, Washington, DC

**PANELISTS:**

J. Mark GIDLEY, White & Case LLP, Washington, DC

Richard G. PARKER, O'Melveny & Myers LLP, Washington, DC

Brent SNYDER, Trial Attorney U.S. Department of Justice, Antitrust Division, San Francisco, CA

Antoine WINCKLER, Cleary Gottlieb Steen & Hamilton LLP, Brussels, Belgium



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**FRIDAY, APRIL 12, 2013**

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**8:15-9:45 am**

**THE IMPACT OF INTERNATIONAL PRIVACY ON DISCOVERY**

**HOLEMAN, NATIONAL PRESS CLUB**

*Presented by the Privacy & Information Security Committee*

U.S. and foreign privacy regimes affect litigants' ability to fulfill discovery obligations. What do you do if a foreign governmental authority says "you can't" at the same time that a federal law or judge says, "you must"? Find out what every practitioner needs to do to manage the inconsistencies.

**CHAIR AND MODERATOR:**

Erika M. BROWN LEE, Fulbright & Jaworski LLP, Washington, DC

**PANELISTS:**

Lisa CAMPBELL, Deputy Commissioner, Fair Business Practices Branch, Competition Bureau Canada, Gatineau, QC, Canada

Susan B. HARTY, Vorys Sater Seymour & Pease LLP, Columbus, OH

Michael B. MILLER, Morrison & Foerster LLP, New York, NY

John W. O'TUEL III, Assistant General Counsel, Glaxosmithkline, Research Triangle Park, NC

**8:15-9:45 am**

**WHEN IS A MERGER A MERGER?**

**SALONS II & III**

*Presented by the International and Mergers & Acquisitions Committees*

Antitrust authorities worldwide, anxious to limit excessive concentrations of market power, have interpreted or expanded their jurisdiction to review not only simple acquisitions of control but also joint ventures, asset acquisitions and on many occasions shareholdings that fall short of control. What are and should be the limits to that jurisdiction?

**CHAIR AND MODERATOR:**

Stephen KINSELLA, Sidley Austin, Brussels, Belgium

**PANELISTS:**

Per HELLSTROM, Head of Unit Mergers, European Commission, DG Competition, Brussels, Belgium

J. Robert KRAMER II, General Counsel, U.S. Department of Justice, Antitrust Division, Washington, DC

Amadeu C. RIBEIRO, Mattos Filho Advogados, Rio De Janeiro, Brazil

Annette L. SCHILD, Arnold & Porter LLP, Brussels, Belgium

**10:00 am - noon**

**ENFORCERS ROUNDTABLE**

**GRAND BALLROOM**

Traditional Interview of Enforcers

**CHAIR:**

Theodore VOORHEES JR., Covington & Burling LLP, Washington, DC

**QUESTIONERS:**

William BLUMENTHAL, Clifford Chance, Washington, DC

Gail F. LEVINE, Vice President & Associate General Counsel, Intellectual Property, Verizon Communications, Inc., Arlington, VA

**PANELISTS:**

Joaquin ALMUNIA, Vice-President and Commissioner for Competition, European Commission, DG Competition, Brussels, Belgium

The Honorable William J. BAER, Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

Kathleen E. FOOTE, California Department of Justice, Senior Assistant Attorney General, San Francisco, CA

Andreas MUNDT, President, Bundeskartellamt, Bonn, Germany

The Honorable Edith RAMIREZ, Chairwoman, Federal Trade Commission, Washington, DC

**Noon - 12:15 pm**

**NY ATTORNEYS TO PICK-UP CUSTOMIZED CLE CERTIFICATES**