

AMERICAN ANTITRUST INSTITUTE

**International
Antitrust Roundtable**

**CRITICAL ISSUES IN GLOBAL ANTITRUST:
COMITY, INTELLECTUAL PROPERTY, AND DUE PROCESS**

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National Press Club, Washington, D.C.

SPEAKER BIOGRAPHIES

Donald I. Baker, Founding Partner, Baker & Miller PLLC

Donald I. Baker, a former head in the Antitrust Division of the U.S. Department of Justice, established with Todd Miller in 1995 an independent in Washington firm specializing in antitrust, competition policy and international law issues. His firm works closely, on a team basis, with corporate law departments, governments and law firms in handling litigations, appeals, arbitrations, transactions and government civil and criminal investigations. Mr. Baker was educated at: the Woodrow Wilson School, Princeton University; Corpus Christi College, University of Cambridge; and Harvard Law School. Mr. Baker is the only modern member of the career Antitrust Division staff to be appointed Assistant Attorney General in Charge of the Antitrust Division. He was a trial attorney and then Section Chief (1966-1971), and Deputy Assistant Attorney General for Regulated Industries, Appeals and Foreign Commerce (1972-1975), before becoming Assistant Attorney General (1976-1977). In 1972, he was the first member of the Antitrust Division staff to receive the newly created Attorney General's Distinguished Service Award. During his time in the government, Mr. Baker became a very active participant in successfully urging deregulation of US airlines, eliminating cartel pricing on stock exchanges, and in bringing the antitrust case that ultimately broke up the AT&T telephone monopoly. He was Professor of Law at Cornell Law School (1975-1978), where he taught courses on antitrust law, utility regulation, financial services regulation, and international business transactions. Thereafter, he was a Washington partner of two major law firms (1978-1994), before starting Baker & Miller in 1995.

Richard Brunell, Vice President & General Counsel, American Antitrust Institute

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

Law School, where he was an editor of the Harvard Law Review. He has taught as an adjunct and visiting professor at Boston University School of Law and Boston College Law School.

John DeQ. Briggs, Partner, Axinn, Veltrop & Harkrider LLP

John DeQ. Briggs has long been regarded as one of the most accomplished competition lawyers of his generation. For over 35 years, Mr. Briggs has been the antitrust and litigation counsel of choice for major companies in the United States and abroad. Mr. Briggs is currently Co-Chair of Axinn's Antitrust Group and Managing Partner of the firm's Washington, DC office, where his practice is focused on antitrust and other complex civil litigation. Prior to joining Axinn, Mr. Briggs served for more than 10 years as the Chair of the antitrust practice for Howrey LLP, during that time the largest private antitrust practice in the world. Mr. Briggs is also a past Chair of the American Bar Association's nine thousand member Section of Antitrust Law. Mr. Briggs has served as an expert witness on U.S. antitrust law at the behest of companies and law firms in proceedings around the world, including Australia, Canada, Switzerland, the United Kingdom and the United States.

Stephen Calkins, Professor of Law, Wayne State University

Professor Stephen Calkins returned to Wayne Law in fall semester 2015 after being on leave since 2011. During his leave, Calkins served as a member of The Competition Authority of Ireland and director of its Mergers Division and later as a member of the melded Competition and Consumer Protection Commission of Ireland. He also served as an adjunct professor at University College Dublin Sutherland School of Law. From 2008 to 2011, Calkins served as Wayne State University's associate vice president for academic personnel, while continuing to teach at Wayne Law on a limited basis. From 1995 to 1997, he served as general counsel of the Federal Trade Commission, a position to which he was nominated by FTC Chairman Robert Pitofsky. At Wayne Law, Calkins taught courses and seminars that drew on this experience - Antitrust and Trade Regulation, and Consumer Law - plus Torts and occasionally Corporations. He has taught at the universities of Michigan, Pennsylvania and Utrecht (The Netherlands) and served as Wayne Law's interim dean.

Jorge L. Contreras, Associate Professor, College Of Law, University of Utah

Jorge L. Contreras is an Associate Professor of Law at the University of Utah S.J. Quinney College of Law and a Senior Policy Fellow at the Program on Information Justice and Intellectual Property at American University Washington College of Law. He has written and spoken extensively on the institutional structures and policy implications of intellectual property, technical standardization and scientific research. Professor Contreras serves as Co-Chair of the ABA Section of Science & Technology Law's Interdisciplinary Division, a member of the American National Standards Institute (ANSI) IPR Policy Committee, and NIH's Council of Councils. He previously served as a member of the U.S. National Academy of Science's (NAS) Committee on IP Management in Standard-Setting Processes, which produced the 2013 report *Intellectual Property Challenges for Standard-Setting in the Global Economy*, the Advisory Councils of the National Center for Advancing Translational Science (NCATS) and the National Advisory Council Human Genome Research. Professor Contreras edited the ABA's *Technical Standards Patent Policy Manual* (2007) and is the editor of the forthcoming *Cambridge Handbook of Technical Standardization Law* (2 vols.). He has published more than fifty scholarly articles and book chapters in a range of scientific, policy and legal books and journals including *Science*, *Nature*, *Georgetown Law Journal*, *North Carolina Law Review*, *Antitrust Law Journal*,

Harvard Journal of Law and Technology, *Berkeley Technology Law Journal* and *Journal of Competition Law and Economics*. He is the founding editor of SSRN's *Law, Policy and Economics of Technical Standards* e-journal, and was the winner of the Standards Engineering Society's (SES) 2011 and 2015 scholarly paper competitions. Before entering academia, Professor Contreras was a partner at the international law firm Wilmer Cutler Pickering Hale and Dorr LLP, where he practiced international corporate and intellectual property transactional law in Boston, London and Washington, DC. Professor Contreras holds degrees from Rice University (BA, BSEE) and Harvard Law School (JD).

Maurits Dolmans, Partner, Cleary Gottlieb Steen & Hamilton LLP (Brussels)

Maurits Dolmans' practice focuses on EU, UK, and international competition law, especially in high-tech and EU intellectual property law. He has extensive experience in information technology, Internet, telecom, media and entertainment, as well as in energy, medical devices, and financial services. He appeared in proceedings before the EU Commission and the EU courts, national courts and national competition authorities of several Member States, and ICC and NAI arbitrations. Many of his competition cases involve multi-sided platforms, high-tech products, new economy services, licensing or refusals to license, standardization, IP strategy, access to networks, mergers, joint ventures and other transactions, intellectual property arbitration and litigation, abuses of dominance, vertical agreements and cartels. Mr. Dolmans joined Cleary Gottlieb in 1985 and became a partner in 1994.

Eleanor Fox, Walter J. Derenberg Professor of Trade Regulation, New York University School of Law

Eleanor M. Fox is the Walter J. Derenberg Professor of Trade Regulation at New York University School of Law. Before joining the faculty of NYU Law, Fox was a partner at the New York law firm Simpson Thacher & Bartlett. She has served as a member of the International Competition Policy Advisory Committee to the Attorney General of the U.S. Department of Justice (1997-2000) (President Clinton) and as a commissioner on President Carter's National Commission for the Review of Antitrust Laws and Procedures (1978-79). She has advised numerous younger antitrust jurisdictions, including South Africa, Kenya, Egypt, Tanzania, The Gambia, Indonesia, Russia, Poland and Hungary, and the common market COMESA. Fox received an honorary doctorate degree from the University of Paris-Dauphine in 2009. She was awarded an inaugural Lifetime Achievement award in 2011 by the *Global Competition Review* for "substantial, lasting and transformational impact on competition policy." Her books include *The Design of Competition Law Institutions: Global Norms, Local Choices*, with Michael Trebilcock (Oxford 2013), *US Antitrust Law in Comparative Context, cases and materials* (3rd ed. West/Reuters 2012), and books on European Union law and on developing countries and competition. Her recent articles include "Extraterritoriality and Input Cartels: Life in the Global Value Lane—The Collision Course with *Empagran* and How to Avert It," *CPI Antitrust Chronicle* (Jan. 2015-2), "When the State Harms Competition – The Role for Competition Law," with Deborah Healey, 79 *Antitrust L.J.* 769 (2014), "Monopolization and Abuse of Dominance: Why Europe Is Different," 59 *Antitrust Bull.* 129 (2014), and "The Efficiency Paradox" in *How the Chicago School Overshot the Mark: The Effect of Conservative Economic Analysis on US Antitrust* (Pitofsky, ed., Oxford 2008).

Dina Kallay, Director of Competition and Intellectual Property, Ericsson

Dina Kallay is Director of Competition and Intellectual Property at Ericsson, a world-leading provider of telecommunications equipment and services. Prior to joining Ericsson in 2013, Dr. Kallay served over six years as Counsel for Intellectual Property and International Antitrust at the U.S. Federal Trade Commission. At the FTC, Dr. Kallay focused on worldwide antitrust-intellectual property matters, including standard-setting issues, as well as on Asian and multilateral competition matters. She worked closely with Asian and other fellow competition agencies and has also spent a year with the FTC Bureau of Competition, working on antitrust conduct and merger enforcement matters. Prior to joining the FTC, Dr. Kallay practiced antitrust and intellectual property law at a couple of law firms, most recently with the Washington DC office of Howrey LLP. She also worked as in-house antitrust counsel for Microelectrónica Española, where her work focused on the I.P. policy of the European Telecommunications Standards Institute. Before that she clerked at the European Commission Directorate General for Competition unit for Information Industries and Consumer Electronics, where she worked on antitrust investigations and policy matters involving intellectual property.

Lisa Kimmel, Senior Counsel, Crowell & Moring LLP

Lisa Kimmel is a senior counsel in Crowell & Moring's Antitrust Group. She resides in the firm's Washington, D.C. office. Her practice covers merger and civil nonmerger antitrust investigations and antitrust counseling. Ms. Kimmel also advocates for clients on competition policy matters before federal and state antitrust agencies, focusing in particular on the technology and digital commerce sectors. She joined Crowell & Moring in 2015 from the Federal Trade Commission, where she worked for nearly five years as an attorney advisor on antitrust and competition policy matters for Commissioner and later, Chairwoman, Edith Ramirez. During her time at the FTC, she advised the chairwoman on antitrust enforcement and policy matters across a broad range of sectors, and was her lead advisor on antitrust enforcement and competition policy matters in the technology sector, including matters related to industry standards and the acquisition or assertion of intellectual property rights. Before joining the FTC, Ms. Kimmel practiced with the antitrust group at an AmLaw 100 firm, where she worked in the firm's San Francisco and Washington, D.C. offices.

Elizabeth Kraus, Deputy Director for International Antitrust, Federal Trade Commission

Elizabeth Kraus is Deputy Director for International Antitrust of the U.S. Federal Trade Commission's Office of International Affairs. She leads the team that coordinates the FTC's international antitrust policy, bilateral cooperation and case coordination work, and represents the Federal Trade Commission in multilateral fora, actively participating in the International Competition Network and the OECD Competition Committee. Ms. Kraus previously served as Counsel to the Director of the FTC's Bureau of Competition and, prior to that, as Counsel for Multilateral Affairs for the Bureau's International Antitrust Division, where she represented the FTC in a number of international fora related to competition policy and law enforcement. Prior to joining the FTC in 2002, Ms. Kraus practiced EU competition law in the Brussels office of Weil, Gotshal & Manges LLP, focusing on merger-related work in the telecommunication and Internet technology fields.

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

Daryl Lim is the Director of the Center for Intellectual Property, Information & Privacy Law. He teaches courses in IP law as well as antitrust law. His courses are Patent and Trade Secret Law, Trademark and Copyright Law, Antitrust Law, IP and Antitrust Law, and the IP overview course. Professor Lim's book, *Patent Misuse and Antitrust: Empirical, Doctrinal and Policy Perspectives* was published by Edward Elgar Publishing in 2013. The book has been highly praised among patent and antitrust experts internationally. It has also been cited to the Supreme Court by lawyers for both sides in their briefs in *Kimble v. Marvel Enterprises, Inc.*, a case concerning post-expiration patent royalty payments. Professor Lim's work has also been cited in a number of reports, including those by the Organization for Economic Cooperation and Development, the World Intellectual Property Organization, and the Canadian government.

Kristen C. Limarzi, Chief of Appellate Section, U.S. Department of Justice

Kristen C. Limarzi joined the Appellate Section of the Antitrust Division, U.S. Department of Justice, in 2008 and has been Chief of the Section since 2013. Before joining the Justice Department, Ms. Limarzi practiced antitrust law at King & Spalding in Washington, D.C. Ms. Limarzi began her career as a law clerk for the Honorable Leonie M. Brinkema, U.S. District Judge for the Eastern District of Virginia. Limarzi received her B.A. from Swarthmore College and her J.D. magna cum laude from Georgetown University Law Center.

Diana Moss, President, American Antitrust Institute

Diana Moss became the President of the American Antitrust Institute in January 2015. An economist, Dr. Moss has developed and expanded the AAI's advocacy channels and strategies, and strengthened communications with enforcers, Congress, other advocacy groups, and the media. Her work spans both antitrust and regulation, with industry expertise in electricity, petroleum, agriculture, airlines, telecommunications, and healthcare. Before joining AAI, Dr. Moss was a senior staff economist at the Federal Energy Regulatory Commission where she coordinated competition analysis for electricity mergers. From 1989 to 1994, she consulted in private practice in the areas of regulation and antitrust at the National Economic Research Associates and Putnam Hayes and Bartlett. Dr. Moss has spoken widely on various topics on antitrust and regulation, testified before Congress, appeared before state and federal regulatory commissions, and made numerous radio and television appearances. She has published articles in a number of economic and legal academic journals, including: *American Economic Review*, *Journal of Industrial Organization*, the *Energy Law Journal*, and the *Antitrust Bulletin*. She is editor of *Network Access, Regulation and Antitrust* (2005). Dr. Moss is Adjunct Faculty in the Department of Economics at the University of Colorado at Boulder. She holds a M.A. degree from the University of Denver and a Ph.D. from the Colorado School of Mines.

Eduardo Pérez Motta, Economic Consultant, Agon Consulting

Eduardo Pérez Motta was president of the Federal Competition Commission from 2004 to 2013. In 2012, he was elected president of the International Competition Network that groups together over 130 competition agencies worldwide. Between 2001 and 2004, he was Mexico's Ambassador to the WTO, and previously he was head of the negotiation of the free trade agreement between Mexico and the European Union. He has also been chief of staff to the Minister of Trade and Industry, Director General of Industrial Policy and chief of staff of the Vice Minister for Revenue at the Finance Ministry. He holds a BS in economics from the Instituto Tecnológico Autónomo de México and has undertaken doctoral studies at UCLA. He is also a member of the editorial board of Competition Policy International and of the American Antitrust Institute's Advisory Board.

Suzanne Munck, Chief Counsel for Intellectual Property and Deputy Director of Office of Policy Planning, Federal Trade Commission

Suzanne Munck is Chief Counsel for Intellectual Property for the United States Federal Trade Commission (FTC) and Deputy Director of its Office of Policy Planning, where she focuses on the FTC's policy and enforcement efforts at the intersection of antitrust and intellectual property. She is the lead author of the FTC's October 2016 report, "Patent Assertion Entity Activity: An FTC Report." She also led the FTC's recent revision of its "Antitrust Guidelines for the Licensing of Intellectual Property," issued earlier this year with the Department of Justice. Ms. Munck has significant litigation experience managing IP issues that arise during the FTC's enforcement efforts in the high-tech and healthcare sectors. For example, she was the lead patent attorney in the FTC's pay-for-delay action against Cephalon, Inc., which resulted in a \$1.2B settlement for U.S. consumers. In recognition of her work, Ms. Munck has received the Commission's Paul Rand Dixon and Janet D. Steiger Awards. Before joining the FTC, she was an antitrust and IP litigator in Los Angeles. She received her BA in mathematics from Bryn Mawr College and graduated cum laude from the University of Minnesota Law School, where she was a managing editor of the Minnesota Law Review.

Henri Piffaut, Fellow, Weatherhead Center for International Affairs, Harvard University; former Head of Unit for Merger Control, DG Competition, European Commission

Henri Piffaut has most recently served as a head of unit for merger control at DG Competition of the European Commission. He has spent most of his career in the competition policy field. At DG Competition of the European Commission and in an economic consultancy firm, he dealt with many important issues, including pay-for-delay cases in the pharmaceutical industry; conduct and merger cases in the IT and telecom industries; payment systems; State intervention in the transport industry; and merger cases in a variety of industries. He holds degrees in science and engineering, political science and economics. While at Harvard he is pursuing research on the interaction of competition policy and platform industries.

Greg Slater, Vice President and Associate General Counsel, Intel Corporation

Greg S. Slater is vice president in Law and Policy Group and general counsel of Intel China. He is responsible for the company's legal, public policy, corporate and government affairs functions in China. His organization supports Intel's broad operations in the country, which include chip manufacturing, assembly and testing, research, product development, sales and marketing, and Intel Capital. Previously, Mr. Slater was senior director of global trade and competition policy. In that role, he directed Intel's trade strategies to ensure global market access for the company's products and services, and was responsible for Intel's influencing efforts on relevant competition policy developments worldwide. Mr. Slater also has been the group counsel for Intel's Corporate Services Division and managed various other policy directors in areas such as health IT, workforce policy, education, immigration, and Asia legal policy. Mr. Slater joined Intel in 1997. Before that, he served in private practice with the law firms of Steptoe & Johnson and Latham & Watkins in Washington, D.C. Mr. Slater received Bachelor of Science and Juris Doctor degrees from Brigham Young University, where he graduated Summa Cum Laude from the J. Reuben Clark Law School.

Randy Stutz, Associate General Counsel, American Antitrust Institute

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