



ANTITRUST AND 21st CENTURY BIGNESS: DEALING WITH TECH PLATFORMS IN A GLOBALIZED WORLD

Friday, February 24, 2023 | 8:00am – 5:45pm

NYU School of Law, Greenberg Lounge, Vanderbilt Hall, 40 Washington Square South

CLE: This event was approved for up to eight (8) New York credits of CLE in the Areas of Professional Practice category. The credit will be both transitional and non-transitional and is appropriate for both newly admitted and experienced attorneys.

Big Tech and Bigness. These issues continue to dominate the antitrust agenda in the United States and throughout the world. Three years ago, we examined these issues at a conference held at NYU Law School, at a time when US enforcement agencies had yet to act. We now return for a second edition of that conference, at a time when antitrust agencies around the world—including in the US—are taking on the challenge. We will ask, what progress has been made? What obstacles have been encountered? What are the prospects for the future? The panelists—scholars, practitioners, and enforcers, from the US and Europe—will discuss antitrust as it is being applied in the courts and as it is playing out legislatively in the US and abroad.

AGENDA

8:00 am – 8:30am

Registration & Breakfast

8:30am – 8:45am

Welcome

Harry FIRST | Professor, NYU School of Law

8:45am – 9:30am

Opening Keynote

Doha MEKKI | Principal Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division
In conversation with **Eleanor FOX** | Professor Emerita, NYU School of Law

9:30am – 11:00am

Panel 1 - MONOPOLIZATION AND ABUSE OF DOMINANCE: Is Big Tech Bad?

What is the case against the Big Tech platforms? Do the concerns about Big Tech focus on specific abuses, and, if so, which abuses, or is there a more general social or political case to be made against these companies? If there is a monopoly/abuse of dominance problem, is competition law and economics as we know it up to the task? Or are there distinctive characteristics of platforms and digital markets, and the business models of these companies, that require special antitrust treatment?

Andrew GAVIL | Professor, Howard University School of Law

Thomas HÖPPNER | Partner, Hausfeld Rechtsanwälte LLP

Thomas KRAMLER | Head of Unit - Antitrust: E-commerce and Data Economy, DG Competition, European Commission

Nancy ROSE | Professor, MIT Department of Economics

Moderator: Harry FIRST | Professor, NYU School of Law

11:00am – 11:30am

Coffee Break

11:30am – 1:00pm

Panel 2 - MERGERS: Are Big Tech Acquisitions Different?

How should Big Tech acquisitions be evaluated, including the acquisition of nascent upstarts?

Cristina CAFFARRA | Co-Head, Keystone Strategy Europe

John NEWMAN | Assistant Director Bureau of Competition, Federal Trade Commission

Pierre RÉGIBEAU | Chief Economist, DG Competition, European Commission

Vaughn WALKER | United States District Judge (ret.), Northern District of California

Moderator: Scott HEMPHILL | Professor, NYU School of Law

12:45pm – 2:00pm

Luncheon Discussion

Professors Wu and Calkins will discuss developments in antitrust enforcement in the Biden administration, including Professor Wu's experience in the White House in developing antitrust policy with regard to Big Tech platforms and other key administration initiatives.

Tim WU | Professor, Columbia University Law School

In conversation with **Stephen CALKINS** | Professor, Wayne State University Law School

2:00pm – 3:30pm

Panel 3 – EXISTING LAW: Solutions?

Can current competition laws reach—and remedy—anticompetitive conduct by Big Tech firms?

Alexandre de STREEL | Academic Director, CERRE; Professor of European Law, University of Namur

Daniel FRANCIS | Professor, NYU School of Law

Ian SIMMONS | Partner, O'Melveny & Myers LLP

Diane WOOD | Senior Circuit Judge, Court of Appeals, Seventh Circuit; Senior Lecturer, University of Chicago Law School

Moderator: Michael HAUSFELD | Chair Emeritus, Hausfeld LLP

3:30pm – 3:50pm

Coffee Break

3:50pm – 5:15pm

Panel 4 - THE FUTURE – PROPOSED CHANGE: LEGISLATIVE AND REGULATORY, DOMESTIC AND THE WORLD

If competition laws need to be updated to address anticompetitive conduct by Big Tech firms, what legislative and/or regulatory changes are desirable? Should institutional arrangements expand the boundaries of antitrust, possibly including unfair competition, consumer protection and data/privacy protection? What are the implications of the varying national solutions for world competition?

Matthew BRAOVAC | Director - Digital Markets Unit, UK Competition and Markets Authority

Evan CHESLER | Partner, Cravath, Swaine & Moore

Andrew HEIMERT | Counsel for Asian Competition Affairs, Federal Trade Commission

Diana MOSS | President, American Antitrust Institute

Moderator: Eleanor FOX | Professor Emerita, NYU School of Law

5:15pm – 5:45pm

Closing Keynote

Joseph STIGLITZ | University Professor, Columbia University

5:45pm

Cocktail Reception

SPEAKER BIOGRAPHIES

Welcome Speaker Bio

PROFESSOR HARRY FIRST (MODERATOR)

Harry First is the Charles L. Denison Professor of Law at New York University School of Law and has served as Co-Director of the law school's Competition, Innovation, and Information Law LL.M. Program. He was twice a Fulbright Research Fellow in Japan and taught antitrust as an adjunct professor at the University of Tokyo. From 1999-2001 he served as Chief of the Antitrust Bureau of the Office of the Attorney General of the State of New York. Professor First's scholarly writing includes a study of the Microsoft litigation, *The Microsoft Antitrust Cases: Competition Policy for the Twenty-first Century* (co-authored with Andrew Gavil), the casebook *Free Enterprise and Economic Organization: Antitrust* (co-authored with John Flynn and Darren Bush), and various book chapters and law review articles. Professor First is a contributing editor of the *Antitrust Law Journal*, foreign antitrust editor of the *Antitrust Bulletin*, a member of the Executive Committee of the Antitrust Section of the New York State Bar Association, and a member of the Advisory Board of the American Antitrust Institute. Professor First is a graduate of the University of Pennsylvania (BA) and the University of Pennsylvania Law School (JD) and is a member of the New York State bar.

Opening Keynote Speaker Bios

DOHA MEKKI

On January 14, 2022, Doha Mekki was appointed Principal Deputy Assistant Attorney General for the Antitrust Division of the U.S. Department of Justice. As Principal Deputy Assistant Attorney General, Ms. Mekki supervises more than 350 attorneys who investigate and prosecute civil and criminal violations of federal antitrust and other competition laws. She is responsible for overseeing the Division's civil enforcement, criminal enforcement, litigation, domestic and international policy, advocacy, and economic analysis programs, as well as the Division's operations. Ms. Mekki joined the Antitrust Division in 2015 as a Trial Attorney. In that capacity, she led investigations and litigated merger challenges in the rail, commercial vehicle, aviation, and healthcare industries, among others. She later served as Counsel to the Assistant Attorney General for Antitrust. In that role, she focused on civil antitrust enforcement in healthcare, sports, and digital markets, as well as criminal enforcement in labor markets. From 2020 until 2021, she served as an Assistant Chief in the Antitrust Division's Defense, Industrials, and Aerospace Section, where she provided legal and policy guidance to attorneys and paralegals working on the section's merger and anticompetitive conduct investigations and enforcement. Beginning in 2021, she served concurrently

as the Antitrust Division's Special Counsel for Labor. In that capacity, she helped advance the Division's civil and criminal enforcement in labor markets. She is a two-time recipient of the Assistant Attorney General's Award of Distinction and she has testified before Congress about competition in labor markets. She was previously an associate in the antitrust and financial services groups of an international law firm in New York, NY, where her antitrust practice focused on federal antitrust litigation, government investigations, and counseling. Ms. Mekki holds a B.A. from Duke University, a J.D. from the University of Pennsylvania Law School, and an M.B.E. in Bioethics from the Department of Medical Ethics at the University of Pennsylvania Perelman School of Medicine.

PROFESSOR ELEANOR M. FOX (MODERATOR)

Eleanor M. Fox is the Walter J. Derenberg Professor of Trade Regulation Emerita at New York University School of Law. She is an expert in antitrust law and international and comparative competition policy, particularly including European Union law, developing countries' law, and globalization and markets. She was a partner in the New York law firm Simpson Thacher & Bartlett. She served as a member of President Carter's antitrust commission and President Clinton's international competition advisory committee. Fox received her law degree from New York University School of Law in 1961 and 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 and practice." She received the inaugural award for outstanding contributions to the competition law community in 2015 by ASCOLA, the world network of professors of antitrust law and economics. She was awarded the Lifetime Achievement Award of the Antitrust & Economic Regulation Section of the Association of American Law Schools in 2017. Her books include *Making Markets Work for Africa*, with Mor Bakhoom, and a U.S. antitrust casebook and *Antitrust Global Issues* book, with Dan Crane.

Panel 1 Speaker Bios

PROFESSOR ANDREW GAVIL

Professor Andy Gavil has been a member of the faculty at the Howard University School of Law since 1989 and currently teaches courses on antitrust law, civil procedure, complex litigation, federal courts, and Supreme Court Jurisprudence (seminar). He has written, lectured, and commented extensively on antitrust law and procedure and is a co-author with Professors William E. Kovacic, Jonathan B. Baker, and Joshua D. Wright, of *Antitrust Law in Perspective: Cases Concepts and Problems in Competition Policy* (4th ed. 2022), and with Professor Harry First, of *Microsoft and the Globalization of Antitrust Law: Competition Policy*

for the Twenty-First Century (2014). From September 2012 to December 2014, Professor Gavil served as the Director of the Office of Policy Planning at the U.S. Federal Trade Commission. Professor Gavil received his B.A. magna cum laude in 1978 from Queens College of the City University of New York, and his J.D. in 1981 from Northwestern University School of Law, where he was a member of the Law Review. Professor Gavil is also Senior Of Counsel at Crowell & Moring LLC.

PROFESSOR THOMAS HÖPPNER

Thomas Höppner is a partner with Hausfeld, working from the offices in Brussels and Berlin. Since 2009, he has spearheaded competition complaints and private enforcement actions against digital gatekeepers. Amongst others, he successfully represented several complainants in the EU Commission's cases "Google Shopping" and "Android" including the subsequent court proceedings. He is currently acting for complainants in the landmark investigations relating to Apple ATT (Germany), Google AdTech (EU) and Google Privacy Sandbox (UK) and is litigating damages claims in the hundreds of millions following on abuses of dominance in digital markets. Professor Höppner is also advising companies and associations adverse to Amazon, Meta and Microsoft, and he is deeply involved in the reforms of competition laws and ancillary regulation to better reflect the challenges posed by Big Tech.

As a professor of business law, he has published 90 articles and five books on economic regulation, including his latest book on "Digital Advertising And The Google Ecosystem" (2023). He was appointed as an external expert on digital policy by the European Parliament, the German Parliament, and the Monopoly Commission, and is ranked as a Thought Leader and Global Leader by Who's Who Legal.

Professor Höppner received a Ph.D. on competition law and an LL.B., both summa cum laude, from Humboldt-University Berlin and an LL.M. on economic market regulation from Dundee University in the UK. For a selection of his articles, see https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=2359514.

THOMAS KRAMLER

Thomas Kramler is head of the unit Digital Platforms III, dealing with e-commerce and data economy in the European Commission's Directorate General for Competition. The unit is responsible for the enforcement of the Digital Markets Act. Before that, he was Head of the Digital Single Market Task Force responsible for the e-commerce sector inquiry. He holds a law degree and a PhD from the University of Vienna, Austria, and has graduated with a Master's degree in European Community Law from the College of Europe (Bruges). Previously Mr Kramler was deputy

head of the unit responsible for antitrust cases in the information industries, internet and consumer electronics sectors. Before joining the European Commission Mr Kramler worked as agent representing the Austrian government before the European Courts in Luxembourg.

PROFESSOR NANCY ROSE

Nancy L. Rose is the Charles P. Kindleberger Professor of Applied Economics in the Massachusetts Institute of Technology Economics Department, and Visiting Scholar at the Harvard Kennedy School Mossavar-Rahmani Center for Business and Government. Rose served as Economics Department Head at MIT from 2017 - 2020, Deputy Assistant Attorney General for Economic Analysis in the Antitrust Division of the U.S. Department of Justice from 2014 - 2016, and director of the National Bureau of Economic Research (NBER) research program in Industrial Organization from its creation in 1991 until her appointment to the Department of Justice in 2014. Her research and teaching focus on industrial organization, competition policy, and the economics of regulation. Her published work includes analyses of antitrust law and economics, economic regulation, and firm behavior in a variety of transportation and energy markets, as well as of labor rent-sharing and determinants of executive pay. Professor Rose received her Ph.D. in Economics from MIT and an A.B. in Economics and Government from Harvard University.

PROFESSOR HARRY FIRST (MODERATOR)

Harry First is the Charles L. Denison Professor of Law at New York University School of Law and has served as Co-Director of the law school's Competition, Innovation, and Information Law LL.M. Program. He was twice a Fulbright Research Fellow in Japan and taught antitrust as an adjunct professor at the University of Tokyo. From 1999-2001 he served as Chief of the Antitrust Bureau of the Office of the Attorney General of the State of New York. Professor First's scholarly writing includes a study of the Microsoft litigation, The Microsoft Antitrust Cases: Competition Policy for the Twenty-first Century (co-authored with Andrew Gavil), the casebook Free Enterprise and Economic Organization: Antitrust (co-authored with John Flynn and Darren Bush), and various book chapters and law review articles. Professor First is a contributing editor of the Antitrust Law Journal, foreign antitrust editor of the Antitrust Bulletin, a member of the Executive Committee of the Antitrust Section of the New York State Bar Association, and a member of the Advisory Board of the American Antitrust Institute. Professor First is a graduate of the University of Pennsylvania (BA) and the University of Pennsylvania Law School (JD) and is a member of the New York State bar.

Panel 2 Speaker Bios

CRISTINA CAFFARRA

Dr Cristina Caffarra is Managing Partner and Co-Head of Keystone Europe since July 2022, after heading for 15 years the Competition Team of CRA in Europe. She is an expert in the application of modern industrial economics to competition and regulation questions – with particular focus on digital industries, telecoms and media. She advised on the most high-profile landmark competition cases of the last 20 years before the EC and national agencies (across Europe as well as Australia, South Africa, the Middle East, South East Asia and the US) – on behalf of clients like Microsoft, Apple, Amazon, Uber, Liberty Global, Sky, Samsung, Visa and many others. She has advised on over 200 mergers in diverse sectors before the EC and other agencies, as well as on the full range of competition issues again before agencies and regulators. Over the last three years she has advised (or is advising) on EU mergers including Microsoft/Activision, Amazon/MGM, Microsoft/Nuance, Liberty Global/Telefonica UK, LSEG/Refinitiv, Boeing/Embraer, Liberty Global/Vodafone Deutschland, Fox/Disney and others; UK mergers like Amazon/Deliveroo, Uber/Autocab, Sabre/Farelogix, Paypal/iZettle and multiple others; US mergers such as Uber/Postmates, Uber/Drizly and Spirit/Frontier; EU conduct cases like investigation of the App Store, of Amazon's data and self preferencing practices, all the EC Google investigations including Shopping and Android and AdSense, plus Local Search and Digital Ad-tech in the EU, France and the UK, as well as the US. She is involved in advising multiple parties on the implementation of the Digital Markets Act before the EC. She has advised Apple, Amazon and Microsoft in multiple investigations before national European agencies. She has been advising the State Attorneys General in the US on their Google complaints. She is recognised as a thought leader in the regulation of the digital economy globally, advising companies but also regulators. She is a frequent public speaker and regularly presents at top events on competition, regulation and digital policy. She is also a convener who gathers senior agency, policy and academic speakers for the most high-profile events in Europe on competition, regulation, and digital policy. She has written multiple contributions to the field of competition and regulation of digital markets, lectures in competition economics as an Honorary Professor at UCL, and is also Associate Fellow of the Centre for Economic and Policy Research (CEPR) in London and Deputy Director of the CEPR Competition Research Policy Network. Dr. Caffarra holds a B.A. Economics from the University of Modena and a Ph.D Economics from the University of Oxford.

PROFESSOR JOHN NEWMAN

John Mark Newman is currently an associate professor at the University of Miami School of Law. Prior to joining academia, Professor Newman practiced as an Honors Program trial attorney with the U.S. Department of Justice Antitrust Division. He received his B.A. from Iowa State University and his J.D. with highest honors from the University of Iowa College of Law, where he served as research assistant to Herbert Hovenkamp and as managing editor of the Iowa Law Review. He has an active bar license in Iowa.

PROFESSOR PIERRE REGIBEAU

Pierre Régibeau is currently the Chief Competition Economist at DG Competition. He specializes in the field of Industrial Organisation, law and economics and international business. Dr Régibeau holds a BA in Economics from the University of Liège in Belgium and a PhD in Economics from the University of California at Berkeley. Since 1987 he held teaching positions at the Sloan School of Management (MIT), the Kellogg School of Management (Northwestern University), the University of Barcelona and the University of Essex, where he is currently a visiting honorary professor. In the last few years, his work has mostly focused on network industries and high-tech industries. Dr Régibeau has written extensively on intellectual property rights with an emphasis on the interface between IPRs and competition policy. From 2006 to 2011, he was a member of the Economic Advising Group on Competition Policy, a group of academics advising DG Comp. In 2011, he joined Charles River Associates as a Vice President. Dr Régibeau has worked on numerous cases involving mergers, competition inquiries at the European Commission and national competition authorities. Cases include the Newscorp/Telepiù merger, the UK Premier League football case, the Microsoft case, the Ryanair cases, Servier and the review of BskyB's position within the wholesale Pay TV market by the OFT.

HONORABLE VAUGHN R. WALKER

The Honorable Vaughn R. Walker is a retired U. S. District Judge who served in the U.S. District Court for the District of Northern California from 1990-2011, where he was Chief Judge from 2004 to 2010. A graduate of the University of Michigan and Stanford Law School, he currently acts as a mediator and arbitrator from his own office, and has resolved numerous U.S. and international disputes. He also serves with Bentham Capital, LLC. Judge Walker has been a Lecturer at Duke Law School, the University of California, Berkeley, and Hastings Law School. He is the author of many articles and has given speeches and educational presentations throughout the U.S. and in many countries Vaughn practices in the U.S. District Court, Northern District of California and the U.S. Court of Appeals, Ninth Circuit.

PROFESSOR SCOTT HEMPHILL (MODERATOR)

Scott Hemphill is the Moses H. Grossman Professor of Law at NYU School of Law and co-director of the Engelberg Center on Innovation Law and Policy. He teaches and writes about antitrust and intellectual property. His scholarship ranges broadly, from drug patents to digital platforms to the use of trademark law to thwart competition. His writing has appeared in leading law reviews and peer-reviewed journals of economics, science, and law, and he has testified before the US Congress about mergers and proposals to incentivize new drug development, among other matters. Hemphill received a Ph.D. in economics and a J.D. from Stanford, where he was a Nathan Abbott Scholar, graduating first in his law school class. He also holds an B.A. from Harvard and an M.Sc. in economics from the London School of Economics, where he studied as a Fulbright Scholar. Hemphill clerked for Judge Richard Posner and Supreme Court Justice Antonin Scalia. On public service leave from academia, he served as antitrust bureau chief for the New York Attorney General. Hemphill joined NYU from Columbia University, where he was a professor of law.

Luncheon Conversation Bios

PROFESSOR TIMOTHY WU

Timothy Wu a professor at Columbia Law School, recently returned from the Biden White House, where he served as Special Assistant to the President for Competition and Technology Policy. In academia and in government, he has been a leader in the revitalization of American anti-monopoly law and policy, and is also widely known for coining the term net neutrality in 2002.

Wu is the author of several books including *The Curse of Bigness: Antitrust in the New Gilded Age* (2018), he argues that corporate and industrial concentration can lead to the rise of populism, nationalism, and extremist politicians. His previous books include *The Attention Merchants: The Epic Scramble to Get Inside Our Heads* (2016), *The Master Switch: The Rise and Fall of Information Empires* (2010), and *Who Controls the Internet? Illusions of a Borderless World* (2006), which he co-authored with Jack Goldsmith. He has been named one of America's 100 most influential lawyers by the National Law Journal; has made Politico's list of 50 most influential figures in American politics (more than once), and has been included in the Scientific American 50 of policy leadership. Wu is a member of the American Academy of Arts and Sciences. He served as a law clerk for Justice Stephen Breyer of the U.S. Supreme Court and Judge Richard Posner of the U.S. Court of Appeals for the 7th Circuit. He graduated from McGill University (B.Sc.), and Harvard Law School.

PROFESSOR STEPHEN CALKINS (INTERVIEWER)

Stephen Calkins is Professor of Law at Wayne State University Law School; he has also served as the University's associate provost and as the Law School's interim dean. From 2011-2015 he served as a Member of Ireland's Competition and Consumer Protection Commission and its predecessor organization; previously he served as General Counsel of the U.S. Federal Trade Commission. During that first stay in Ireland he served as Adjunct Professor at University College Dublin ("UCD") Sutherland College of Law; then in 2020 (until the COVID hit) he was a Sutherland Fellow at UCD. Professor Calkins lectures widely throughout the U.S. and abroad, is a journal editor, and has authored many publications on competition and consumer law and policy and related subjects, including the co-authored 5th edition of *Antitrust Law and Economics in a Nutshell* and the co-edited *Consumer Protection Law Developments*. He is a life member of the American Law Institute, a Fellow of the European Law Institute and a Life Fellow of the American Bar Foundation, and a member of the advisory board of the American Antitrust Institute ("AAI"). In 2019 the AAI awarded him its Alfred E. Kahn Award for Antitrust Achievement. He is a former chair of the Association of American Law School's Antitrust and Economic Regulation Committee. He holds degrees from Yale (B.A.) and Harvard (J.D.).

Panel 3 Speaker Bios

ALEXANDRE DE STREEL

Alexandre de Streel is the Academic Director of the digital research program at CERRE and Professor of European law at the University of Namur where he chairs the Namur Digital Institute (NADI). Alexandre is also visiting professor at the College of Europe (Bruges) and Sciences Po Paris. Besides, he chairs the expert group on the online platform economy advising the European Commission and is a part-time judge at the Belgian Competition Authority. His main areas of research are regulation and competition policy in the digital economy as well as the legal issues raised by the developments of artificial intelligence. Previously, Alexandre held visiting positions at New York University Law School, European University Institute in Florence, Barcelona Graduate School of Economics and University of Louvain. He also worked for the Belgian Deputy Prime Minister, the Belgian Permanent Representation to the European Union and the European Commission. Alexandre received his Ph.D. in Law from European University Institute, Master's degree from Université libre de Bruxelles, and another Master's from Université catholique de Louvain.

PROFESSOR DANIEL FRANCIS

Daniel is a Professor of Law at NYU School of Law. From 2019-2021, Daniel Francis served as the Deputy Director of the Federal Trade Commission's Bureau of Competition, where he helped to direct and coordinate the Bureau's full range of antitrust enforcement and policy activities. He directly oversaw the Mergers III and Mergers IV Divisions, the Anticompetitive Practices Division, and antitrust matters in the Seattle and San Francisco regional offices. Before assuming the Deputy Director role, Daniel served at the Commission as Senior Counsel to the Bureau Director (2018-19) and then Associate Director for Digital Markets (2019), reflecting his particular interest in competition in digital and high-technology markets. Before joining the FTC, Daniel was a Climenko Fellow and Lecturer in Law at Harvard Law School, and spent ten years in the private practice of antitrust law with two multinational law firms, where his work focused on the defense, aerospace, and oil and gas sectors. Daniel's academic interests include U.S. and EU constitutional law and federalism as well as antitrust. He previously taught a course on European Union constitutional law and political history at Harvard College; has published on public law, antitrust, and related topics; and served as Associate Editor of the *International Journal of Constitutional Law* from Fall 2016 to Spring 2018 as well as a Visiting Researcher at Harvard Law School in Spring 2014. Daniel holds degrees in law from Trinity College, Cambridge, and Harvard Law School.

IAN SIMMONS

Ian Simmons is a Partner at O'Melveny & Myers LLP where he serves at the Co-Chair of the Firm's Antitrust and Competition Practice. Ian Simmons has been lead counsel in more than 35 multi-district litigation (MDL) antitrust proceedings and has achieved precedent-setting results. In addition to his extensive experience with cartel cases, Ian litigates matters involving high technology and intellectual property issues, including the competitive implications of standard essential patents and FRAND obligations. He recently was on the trial team in the first jury trial of a two-sided platform market case, winning a successful monopolization verdict. He has argued before the US Court of Appeals for the Second, Third, Fourth (twice), Sixth, Seventh, Ninth (twice) and Tenth Circuits, and the highest courts in New York and South Dakota. Ian has tried seven cases to verdict and has taken more than 30 expert economist depositions. Ian received his J.D. from University of Pennsylvania Carey Law School, Master of Arts from Yale University, and Bachelor of Arts from McGill University. He is barred in the District of Columbia, Pennsylvania, US Supreme Court, and the US Court of Appeals for the Second, Third, Fourth, Sixth, Seventh, Ninth, Tenth, and District of Columbia Circuits. Ian has been

recognized in Who's Who as an antitrust thought leader. He has participated in or moderated several panels at the ABA Antitrust Spring Meeting; this March he will moderate a panel on trying a monopolization case with Doug Melamed (Stanford Law School), Christopher Yoo (University of Pennsylvania Law School), Bonny Sweeney (U.S. Department of Justice, Antitrust Division) and John Roberti (Cohen Gresser). He recently published an article involving monopolization litigation, "Thou Art Weighed In The Balance-And Found Wanting? Evidence in Government Merger and Monopolization Litigation" (<https://awards.concurrences.com/en/awards/2023/business-articles/thou-art-weighed-in-the-balance-and-found-wanting-evidence-in-government-merger>).

HONORABLE DIANE P. WOOD

Diane P. Wood was appointed to the United States Court of Appeals for the Seventh Circuit by President William J. Clinton on June 30, 1995; she served as chief judge from October 1, 2013, to July 4, 2020, and took senior status in September 2022. Diane attended the University of Texas for both college and law school, receiving her BA with highest honors and special honors in English in 1971, and her JD with high honors in 1975. After graduation, she clerked for Judge Irving L. Goldberg of the Fifth Circuit and for Justice Harry A. Blackmun of the US Supreme Court. She then worked briefly for the US State Department on international investment, antitrust, and transfer of technology issues. Moving on to Covington & Burling, Judge Wood continued a more general antitrust and commercial litigation practice until June 1980. From 1980 to 1981, she was an assistant professor at the Georgetown University Law Center. In 1981, she joined the faculty of the University of Chicago Law School. She spent 1985 to 1986 as a Visiting Professor at Cornell Law School, and in 1986 she worked on the project to revise the Department of Justice Antitrust Guide for International Operations. She served as Associate Dean at the University of Chicago Law School from 1989 through 1992. From 1993 until 1995, she was deputy assistant general in the Antitrust Division of the US Department of Justice with responsibility for the Division's International, Appellate, and Legal Policy matters. Before becoming a judge of the US Court of Appeals for the Seventh Circuit in 1995, Judge Wood was the Harold J. and Marion F. Green Professor of International Legal Studies at Chicago. Since joining the court, she has continued to teach at the University of Chicago Law School as a senior lecturer. She is a Fellow of the American Academy of Arts & Sciences, whose Council she chaired from 2013 through 2022. In January 2023, she was named Director-Designate of the American Law Institute; she will become the ALI's seventh Director on May 1, 2023.

MICHAEL D. HAUSFELD (MODERATOR)

Michael Hausfeld is the Founder and Chair Emeritus of Hausfeld LLP. He is widely recognized for his leadership on competition matters and his groundbreaking results in human rights law. He has a long record of successful antitrust litigation in cases involving monopolization, tie-ins, exclusive dealing and price fixing claims. Of particular note, in the landmark *O'Bannon v. NCAA* litigation, he successfully represented a class of current and former Division I men's basketball and FBS football players against the NCAA and its member institutions, obtaining an injunction against rules foreclosing athletes from receiving compensation for the use of their names, images, and likenesses, which was affirmed on appeal. He has been co-lead counsel in antitrust cases against manufacturers of genetically engineered foods, managed healthcare companies, bulk vitamin manufacturers, technology companies, and the world's largest banking institutions. He was the only private lawyer permitted to attend and represent the interests of consumers worldwide in the 2003 closed hearings by the EU Commission in the Microsoft case. Among his numerous honors, the American Bar Association's Antitrust Law Section has bestowed Michael with a special Lifetime Achievement Award, the National Law Journal has recognized him as one of the "Top 100 Influential Lawyers in America," and the Legal Times has named him among the top 30 "Visionaries" in the Washington legal community. He has a B.A. degree from Brooklyn College, and a J.D. degree with honors from the George Washington Law School. Michael has bar admissions in the District of Columbia and New York.

Panel 4 Speaker Bios

MATTHEW BRAOVAC

Matthew Braovac is a Director in the Digital Markets Unit within the Competition and Markets Authority with particular responsibilities for the DMU's relationships with other competition agencies and regulators around the world, the operational readiness of the DMU for the UK's planned pro-competition regime for digital markets and the Digital Regulation Cooperation Forum which brings together the CMA with the ICO, FCA and Ofcom to work collaboratively to improve the coherence of the different regulatory regimes that impact digital markets and build capabilities across its member regulators. Before joining the CMA, Matthew had a long career in the private sector leading legal, regulatory and public policy teams at Sky (now part of Comcast) and Vodafone. Previously, Matthew trained and practiced as a competition lawyer at a leading City firm. Matthew is a qualified solicitor in England and Wales. He received his BA from Simon Fraser University and his post-graduate competition law qualification from King's College London.

EVAN CHESLER

Mr. Chesler is a Litigation Partner at Cravath, Swaine & Moore LLP, NYU's Chairman of the Arts & Science Board, and is the incoming Chairman of the NYU Board of Trustees (effective September 1, 2023). He has broad experience in both trial and appellate courts, and has tried numerous cases in federal and state courts all over the country. He was Cravath's Presiding Partner from 2007 through 2012, and Chairman from 2013 through 2021, the first person to be given that title in the Firm's history. Mr. Chesler handles a wide variety of litigation, including securities, shareholder derivative, intellectual property, general commercial, environmental, ERISA, contractual disputes and antitrust. His practice also includes the representation of clients in government and internal investigations. Mr. Chesler has represented companies and their management in virtually every industry including technology, media, pharmaceuticals, manufacturing and financial services. Evan received his J.D., from New York University School of Law, his M.A., from Hunter College, and his A.B. from New York University. He is currently barred in the state of New York.

ANDREW HEIMERT

Andrew Heimert is the Counsel for Asian Competition Affairs at Federal Trade Commission based in United States. He coordinates FTC's relationship with competition agencies in several Asia-Pacific countries and the United Kingdom, works with other U.S. government agencies to develop broader intellectual property, trade, and competition policy approaches and prepares papers for International Competition Network and Organization for Economic Cooperation and Development on unilateral conduct and other topics. From May 2004 to May 2007, he served as Executive Director and General Counsel of the Antitrust Modernization Commission. Mr. Heimert holds a B.A. from Stanford and a J.D. from Yale Law School. Andrew is a member of the D.C and Arkansas bars.

DIANA MOSS

Diana Moss became the President of the American Antitrust Institute in January 2015. An economist, Dr. Moss has developed and expanded AAI's advocacy channels and strategies, and strengthened communications with enforcers, Congress, other advocacy groups, and the media. Her work spans both antitrust and regulation, with industry expertise in electricity, petroleum, agriculture, airlines, telecommunications, and healthcare. Before joining AAI in 2001, Dr. Moss was at the Federal Energy Regulatory Commission, where she coordinated the agency's competition analysis for electricity mergers. From 1989 to 1994, she consulted in private practice in the areas of regulation and antitrust. Dr. Moss has spoken widely on various topics involving competition policy

and enforcement, testified before Congress, appeared before state and federal regulatory commissions, and made numerous radio and television appearances. She has published articles in a number of economic and legal academic journals, including: American Economic Review, Journal of Industrial Organization, the Energy Law Journal, and the Antitrust Bulletin. She is editor of Network Access, Regulation and Antitrust (2005). Dr. Moss is Adjunct Faculty in the Department of Economics at the University of Colorado at Boulder. She holds a M.A. degree from the University of Denver and a Ph.D. from the Colorado School of Mines.

PROFESSOR ELEANOR M. FOX (MODERATOR)

Eleanor M. Fox is the Walter J. Derenberg Professor of Trade Regulation Emerita at New York University School of Law. She is an expert in antitrust law and international and comparative competition policy, particularly including European Union law, developing countries' law, and globalization and markets. She was a partner in the New York law firm Simpson Thacher & Bartlett. She served as a member of President Carter's antitrust commission and President Clinton's international competition advisory committee. Fox received her law degree from New York University School of Law in 1961 and 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 and practice." She received the inaugural award for outstanding contributions to the competition law community in 2015 by ASCOLA, the world network of professors of antitrust law and economics. She was awarded the Lifetime Achievement Award of the Antitrust & Economic Regulation Section of the Association of American Law Schools in 2017. Her books include Making Markets Work for Africa, with Mor Bakhoom, and a U.S. antitrust casebook and Antitrust Global Issues book, with Dan Crane.

Closing Keynote

PROFESSOR JOSEPH E. STIGLITZ

Joseph E. Stiglitz is an American economist and a professor at Columbia University. He is also the co-chair of the High-Level Expert Group on the Measurement of Economic Performance and Social Progress at the OECD, and the Chief Economist of the Roosevelt Institute. A recipient of the Nobel Memorial Prize in Economic Sciences (2001) and the John Bates Clark Medal (1979), he is a former senior vice president and chief economist of the World Bank and a former member and chairman of the (US president's) Council of Economic Advisers. In 2000, he founded the Initiative for Policy Dialogue, a think tank on international development based at Columbia

University. He has been a member of the Columbia faculty since 2001 and received that university's highest academic rank (university professor) in 2003. In 2011 he was named by Time magazine as one of the 100 most influential people in the world. Known for his pioneering work on asymmetric information, Professor Stiglitz's work focuses on income distribution, risk, corporate governance, public policy, macroeconomics and globalization. He is the author of numerous books, and several bestsellers. His most recent titles are People, Power, and Profits, Globalization and Its Discontents Revisited, The Euro and Rewriting the Rules of the American Economy. Joseph received his PhD from the Massachusetts Institute of Technology and his BA from Amherst College.

Documents related to Panel 1

MONOPOLIZATION AND ABUSE OF DOMINANCE: Is Big Tech Bad?

What is the case against the Big Tech platforms? Do the concerns about Big Tech focus on specific abuses, and, if so, which abuses, or is there a more general social or political case to be made against these companies? If there is a monopoly/abuse of dominance problem, is competition law and economics as we know it up to the task? Or are there distinctive characteristics of platforms and digital markets, and the business models of these companies, that require special antitrust treatment?

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- Andrew I. Gavil, Competitive Edge: Crafting a monopolization law for our time, Washington Center For Equitable Growth, March 27, 2019, <https://equitablegrowth.org/competitive-edge-crafting-a-monopolization-law-for-our-time/>.
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- Thomas Höppner, Antitrust remedies in digital markets: lessons for enforcement authorities from non-compliance with EU Google decisions (Nov. 19, 2020), <https://www.hausfeld.com/en-us/what-we-think/competition-bulletin/antitrust-remedies-in-digital-markets-lessons-for-enforcement-authorities-from-non-compliance-with-eu-google-decisions/>
- Cristina Caffarra, The EU General Court confirms Android abuse of dominance through tying, with the real legacy of the case extending far beyond (Google Android), The EU General Court confirms Android abuse of dominance through tying, with the real legacy of the case extending far beyond (Google Android) (concurrances.com)
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Documents related to Panel 3

EXISTING LAW: Solutions?

Can current competition laws reach—and remedy—anticompetitive conduct by Big Tech firms?

- Ian Simmons, Thou Art Weighed In The Balance—And Found Wanting? Evidence in Government Merger and Monopolization Litigation, <https://www.omm.com/our-firm/media-center/in-the-news/american-bar-association-thou-art-weighed-in-the-balance-and-found-wanting-monopolization-litigation/>

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MERGERS: Are Big Tech Acquisitions Different?

How should Big Tech acquisitions be evaluated, including the acquisition of nascent upstarts?

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- Cristina Caffarra, "Follow the Money" - Mapping issues with digital platforms into actionable theories of harm, "Follow the Money" - Mapping issues with digital platforms into actionable theories of harm (concurrances.com)

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Documents related to Panel 4

PROPOSED LEGISLATIVE AND REGULATORY CHANGES

If competition laws need to be updated to address anticompetitive conduct by Big Tech firms, what legislative and/or regulatory changes are desirable? Should institutional arrangements expand the boundaries of antitrust, possibly including unfair competition, consumer protection and data/privacy protection? What are the implications of the varying national solutions for world competition?

- Global
 - OECD 2022 open competition day site: Ex Ante Regulation and Competition in Digital Markets (which includes a background note, videos, and country submissions by 10 countries), <https://www.oecd.org/daf/competition/ex-ante-regulation-and-competition-in-digital-markets.htm>
- US
 - Eleanor Fox and Harry First, We Need Rules to Rein in Big Tech, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3724595
 - S.2992 - American Innovation and Choice Online Act 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/senate-bill/2992/text>
 - S.2710 - Open App Markets Act 117th Congress (2021-2022), <https://www.congress.gov/bill/117th-congress/senate-bill/2710/text>
 - Diana Moss, Anticipating the Next Generation of Powerful Digital Players: Implications for Competition Policy, <https://www.antitrustinstitute.org/wp-content/uploads/2022/01/NextGenDigitalAAIReport.1.18.22-1.pdf>
- American Antitrust Institute: Moss says US Needs a Digital Market Regulator to Curb Big Tech's Power, [https://www.antitrustinstitute.org/moss-says-u-s-needs-a-digital-market-regulator-to-curb-big-techs-power/#:~:text=If%20the%20U.S.%20intends%20to%20reel%20in%20the,Charlotte%20Slaiman%2C%20competition%20policy%20director%20at%20Public%20Knowledge.](https://www.antitrustinstitute.org/moss-says-u-s-needs-a-digital-market-regulator-to-curb-big-techs-power/#:~:text=If%20the%20U.S.%20intends%20to%20reel%20in%20the,Charlotte%20Slaiman%2C%20competition%20policy%20director%20at%20Public%20Knowledge.;); and see various other analyses, testimony, reports and proposals on the AAI website (<https://www.antitrustinstitute.org/issues/digital-technology/>)
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 - A new pro-competition regime for digital markets - government response to consultation, <https://www.gov.uk/government/consultations/a-new-pro-competition-regime-for-digital-markets/outcome/a-new-pro-competition-regime-for-digital-markets-government-response-to-consultation>
- Australia
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- Japan
 - Guidelines Concerning Abuse of a Superior Bargaining Position in Transactions between Digital Platform Operators and Consumers that Provide Personal Information, etc., Japan Fair Trade Commission, 191217DPconsumerGL.pdf (jftc.go.jp)
- China
 - Platform Players Bracing for Tighter Antitrust Scrutiny in China, by Zhong Lun law firm, <https://www.lexology.com/library/detail.aspx?g=66511bac-0f66-4aa8-b263-3c78a9492f7b>



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