

GEOFFREY A. MANNE

CURRENT POSITIONS

International Center for Law and Economics, 2009-Present <i>Founder and Executive Director</i>	Portland, OR
TechFreedom, 2011-Present <i>Senior Fellow</i>	Washington, DC

PREVIOUS ACADEMIC APPOINTMENTS

Lewis & Clark Law School, 2008-2013 <i>Lecturer in Law</i>	Portland, OR
Lewis & Clark Law School, 2003-2008 (on leave 2006-08) <i>Assistant Professor of Law</i>	Portland, OR
University of Chicago Law School, 1999-2000 <i>Bigelow Fellow & Lecturer in Law</i>	Chicago, IL
University of Virginia School of Law, 1998-1999 <i>John M. Olin Fellow in Law</i>	Charlottesville, VA
University of Arkansas at Little Rock Law School, 1998 <i>Adjunct Professor of Law</i>	Little Rock, AR

OTHER PROFESSIONAL EXPERIENCE

Hoover Institution (Stanford Univ.) Project on Commercializing Innovation, 2009-2012 <i>Contributor</i>	Palo Alto, CA
Microsoft Corporation, 2006-2008 <i>Academic Relations Director for Law & Economics</i>	Redmond, WA
Latham & Watkins LLP, 2000-2003 <i>Attorney, Global Competition and Litigation Groups</i>	Washington, DC
United States Court of Appeals for the 8 th Circuit, 1997-1998 <i>Law Clerk to the Honorable Morris S. Arnold</i>	Little Rock, AR
U.S. Federal Trade Commission, 1996 <i>Summer Honors Program</i>	Washington, DC

EDUCATION

University of Chicago Law School

J.D., 1997

Research Assistant to Judge Richard Posner

Comment Editor, University of Chicago Law School Roundtable

Staff Member, University of Chicago Legal Forum

Vice-President, Federalist Society

Mont Pèlerin Society Hayek Essay Contest winner

University of Chicago

A.B. (Honors), 1993

Interdisciplinary degree with focus on political theory and economics

Thesis: Mixed Government, Tyranny and the Rule of Law in Plato's *Laws* and Machiavelli's *Discourses*

IHS Claude Lambe Fellowship recipient

RESEARCH INTERESTS

Antitrust Law and Economics

Telecommunications Law, Economics & Policy

Privacy and Data Regulation

Intellectual Property Law

Consumer Protection Law

Corporate Governance Law

Financial Regulation

BOOKS, BOOK CHAPTERS & JOURNAL ARTICLES

The Market Realities that Undermined the FTC's Antitrust Case Against Google

HARVARD JOURNAL OF LAW & TECHNOLOGY (2013) (Online Symposium Issue) ([Link](#)) (with William Rinehart)

International Signals: The Political Dimension of International Competition Law

57 ANTITRUST BULLETIN 485 (2012) (with Seth Weinberger)

If Search Neutrality Is the Answer, What's the Question?

2012 COLUMBIA BUSINESS LAW REVIEW 151 (with Joshua D. Wright)

COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATING INNOVATION

Cambridge University Press (2011) (with Joshua D. Wright, ed.)

Institutions and the Regulation of Innovation

in COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATING INNOVATION (Cambridge University Press, 2011) (with Joshua D. Wright)

Google and the Limits of Antitrust

34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 171 (2011) (with Joshua D. Wright)

The Problem of Search Engines as Essential Facilities: An Economic and Legal Assessment

in THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET (2011) (Berin Szoka & Adam Marcus, eds.)

Review of Michael Carrier's *Innovation for the 21st Century*

61 ALABAMA LAW REVIEW 553 (2010)

Innovation and the Limits of Antitrust

6 JOURNAL OF COMPETITION LAW & ECONOMICS 153 (2010) (with Joshua D. Wright)

The Hydraulic Theory of Disclosure Regulation and Other Costs of Disclosure

58 ALABAMA LAW REVIEW 1 (2007)

Backdating Options and Why Executive Compensation is Not All about Norms

2 CORPORATE GOVERNANCE LAW REVIEW 385 (2006) (with Joshua D. Wright)

Hot Docs vs. Cold Economics: The Use and Misuse of Business Documents in Antitrust Enforcement and Adjudication

47 ARIZONA LAW REVIEW 609 (2005) (with E. Marcellus Williamson)

Agency Costs and the Oversight of Charitable Organizations

1999 WISCONSIN LAW REVIEW 227

TESTIMONY, FILINGS & AMICUS BRIEFS

Testimony before United States House of Representatives, Energy & Commerce Committee, Communications & Technology Subcommittee Hearing on "The FTC at 100"

Upcoming (February 28, 2014)

Reply Comments In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184

Filed November 7, 2013 with the FCC ([Link](#)) (with Berin Szoka & William Rinehart)

Comments In the Matter of Connect America Fund Universal Service Gigabit Communities Race-to-the-Top Program Petition, WC Docket No. 10-90, RM-11703

Filed September 26, 2013 with the FCC ([Link](#)) (with Ben Sperry & Berin Szoka)

Comments In the Matter of Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184

Filed September 6, 2013 with the FCC ([Link](#)) (with Berin Szoka)

Amicus Brief of Alliance for Natural Health-USA and TechFreedom

Filed August 20, 2013 in *POM Wonderful LLC, et al. v. FTC*, USCA Case #13-1060 (D.C Cir.) ([Link](#)) (with Gus Hurwitz, Ben Sperry & Berin Szoka)

"The Future of Video Marketplace Competition," Testimony before United States House of Representatives, Energy & Commerce Committee, Communications & Technology Subcommittee Hearing on "The Satellite Television Law: Repeal, Reauthorize or Revise?"

Presented June 12, 2013 ([Link](#))

Amicus Brief of TechFreedom, International Center for Law & Economics and Consumer Protection Scholars

Filed May 3, 2013 in *FTC v. Wyndham Worldwide Corp., et al.*, Civil Action No. 2:13-cv-01887 (D.N.J.) ([Link](#)) (with Gus Hurwitz, Paul Rubin, Berin Szoka & Todd Zywicki)

"An Error Cost Approach to Competition Issues in Closed gTLDs," Comments on "Closed Generic" gTLD Applications

Filed March 7, 2013 with ICANN ([Link](#)) (with Berin Szoka)

"How the FCC Can Lead the Way to Internet Everywhere by Enabling the IP Transition," Reply Comments In the Matter of the Technological Transition of the Nation's Communications Infrastructure, GN Docket No. 12-353

Filed February 25, 2013 with the FCC ([Link](#)) (with Matthew Starr, Berin Szoka and Larry Downes)

Comment Regarding the Proposed Consent Order, *In the Matter of Motorola Mobility LLC and Google, Inc.*, File No.121-0120

Filed February 22, 2013 with the FTC ([Link](#))

"Toward Modern, Modest Regulation for the IP Transition," Comments In the Matter of the Technological Transition of the Nation's Communications Infrastructure, GN Docket No. 12-353
Filed January 28, 2013 with the FCC ([Link](#)) (with Matthew Starr & Berin Szoka)

"The Spectrum Must Flow!: The Need for Rule of Reason Analysis of Spectrum Transfers at the FCC,"
Comments In the Matter of Policies Regarding Mobile Spectrum Holding, WT Docket No. 12-269
Filed November 28, 2012 with the FCC ([Link](#)) (with Matthew Starr & Berin Szoka)

Comments In the Matter of Application of Cellco Partnership & SpectrumCo LLC for Consent to Assign Licenses, WT Docket No. 12-4
Filed March 26, 2012 with the FCC ([Link](#)) (with Berin Szoka)

Testimony before United States House of Representatives, Committee on the Judiciary, Subcommittee on the Courts and Competition Policy Hearing on "Competition in the Evolving Digital Marketplace,"
Presented September 16, 2010 ([Link](#))

"Intellectual Property, Concentration and the Limits of Antitrust in the Biotech Seed Industry,"
Comments on Agricultural and Antitrust Enforcement Issues in Our 21st Century Economy, DOJ/USDA
Joint Workshops on Antitrust Issues in the Agricultural Sector
Filed December 31, 2009 with the DOJ ([Link](#)) (with F. Scott Kieff, Michael E. Sykuta & Joshua D. Wright)

Comments on Horizontal Merger Guidelines Review Project, FTC File No. P092900
Filed November 5, 2009 with the FTC ([Link](#))

WORKING PAPERS

The Law & Economics of the FCC's Transaction Review Process
(Draft available at [SSRN](#)) (with William Rinehart, Ben Sperry, Matt Starr & Berin Szoka)

Captive Economics: The Misunderstood Economics of Vertical Integration in Broadband and Content
(with Ben Sperry)

Gap-Filler or Over-Regulator?: An Empirical Analysis of the FTC's "Common Law" of Data Security
(with Ben Sperry and Elise Nelson)

Toward an Antitrust Theory of Data and Privacy (with Ben Sperry)

Evaluating Antitrust Foreclosure in the Online Product Search Market

Uncertainty, Evolution and Behavioral Economic Theory (with Todd Zywicki)

WHITE PAPERS, ESSAYS & COMMENTARY

Various blog posts (several hundred) on:

Truth on the Market Blog (Founder and Contributor) ([Link](#))

Forbes (Contributor) ([Link](#))

Technology Liberation Front (Contributor) ([Link](#))

The Feds Lost on Net Neutrality, But Won Control of the Internet
Wired (January 2014) ([Link](#)) (with Berin Szoka)

Consumer Protection & Competition Regulation in a High Tech World: Discussing the Future of the Federal Trade Commission

FTC: Technology & Reform Project Report ([Link](#)) (with multiple co-authors)

Credit Where It's Due: How Payment Cards Benefit Consumers and Merchants and How Regulation Can Harm Them
Macdonald-Laurier Institute Report (October 2013) ([Link](#)) (with Ian Lee, Julian Morris & Todd Zywicki)

The U.S. Court of Appeals for the D.C. Circuit Questions the FCC on 'Net Neutrality' Suggesting Antitrust Framework
e-Competitions Bulletin No. 57718 (October 2013) ([Link](#)) (with Ben Sperry)

Wireless Spectrum: Free Market or Rigged Market?
RedState (October 2013) ([Link](#))

The Second Century of the Federal Trade Commission
TechDirt (September 2013) ([Link](#)) (with Berin Szoka)

Stuck in Low Gear?
"The Sound of Ideas" on NPR Radio (September 2013) (Debate with Susan Crawford, Berin Szoka & Lev Gonick) ([Link](#))

U.S. Commissioner Wright Offers Proposed Policy Statement to Guide the FTC's Section 5 Unfair Methods of Competition Enforcement
e-Competitions Bulletin No. 53118 (June 2013) ([Link](#)) (with Ben Sperry)

The U.S. FTC Applies Questionable Principles to the Enforcement of Fair Reasonable and Non Discriminatory - Obligated SEPs Through Injunction in its Settlement with Leading Web Search Engine
e-Competitions Bulletin No. 51474 (April 2013) ([Link](#)) (with Kevin Ohlhausen)

Microsoft, the EU Fine, and a Browser Ballot No One Missed
C-Net (March 2013) ([Link](#)) (with Berin Szoka)

A Signaling Theory of Law: A Comment on Orin Kerr's "A Theory of Law"
16 Green Bag 2d 221 (2013) ([Link](#))

The FCC's Reign of Terror on Transaction Reviews
Bloomberg BNA Daily Report for Executives (December 2012) ([Link](#)) (with Larry Downes)

The Market Realities that Undermine the Antitrust Case Against Google
ICLE White Paper (November 2012) ([Link](#))

The FCC's Unstructured Role in Transaction Reviews
October 2012 (1) CPI ANTITRUST JOURNAL ([Link](#)) (with Larry Downes)

The US e-Books Case Against Apple: The Procompetitive Story
CONCURRENCES COMPETITION LAW JOURNAL, No 3-2012 ([Link](#)) (September 2012) (with William Rinehart)

The Ugly Truth Behind the FCC's Verizon-spectrum Approval
C-Net (August 2012) ([Link](#)) (with Berin Szoka)

Not Feeling Lucky: Why Europe's Antitrust Charges Against Google Won't Stick
FOREIGN AFFAIRS (June 2012) ([Link](#)) (with Berin Szoka)

Recipes for Mischief
Webcast discussion on "This Week in Law" (April 2012) ([Link](#))

Interview on Verizon/Cable Companies Spectrum Deal
Marketplace Tech Report (December 2011) ([Link](#))

Will the 2010 Merger Guidelines Survive the DOJ's Complaint in *U.S. v. AT&T*?
October 2011 (2) CPI ANTITRUST JOURNAL ([Link](#)) (with Joshua D. Wright)

First Microsoft, Now Google: Does the Government Have it in for Consumers?
C-Net (July 2011) ([Link](#)) (with Berin Szoka & Joshua D. Wright)

What's Really Motivating the Pursuit of Google?
Main Justice (June 2011) ([Link](#))

FCC Mobile Competition Report Is One Green Light for AT&T/T-Mobile Deal
BNA Daily Report for Executives (June 2011) ([Link](#)) (with Larry Downes)

A First Principles Approach to Antitrust Enforcement in the Agricultural Industry
April 2010 (2) CPI ANTITRUST JOURNAL ([Link](#)) (with Joshua D. Wright)

Interview on Google's Possible Antitrust Probes
"InsideTrack" on Bloomberg TV (March 2011) ([Link](#))

The Next Digital Decade: How Will the Internet Change by 2020?
"Ideas in Action with Jim Glassman" on PBS TV (March 2011) (Conversation with Jim Glassman & Larry Downes) ([Link](#))

The FTC's Misguided Rationale for the Use of Section 5 in Sherman Act Cases
February 2010 (2) CPI ANTITRUST JOURNAL ([Link](#))

Reverse Payments Settlements and Upcoming Congressional Action
Federalist Society New Federal Initiatives Project (August 2009) ([Link](#)) (with Joshua D. Wright)

Antitrust Pricing War: Congress v. the Court
Federalist Society New Federal Initiatives Project (June 2009) ([Link](#)) (with Joshua D. Wright)

The Return of "Big Is Bad"
The Deal Magazine (May 2009) ([Link](#)) (with Keith N. Hylton & Joshua D. Wright)

US Antitrust Becomes More European
Forbes (May 2009) ([Link](#)) (with Keith N. Hylton & Joshua D. Wright)

Understanding World Trade
ABA Insights on Law & Society (Spring/Summer 2004)

PRESENTATIONS & CONFERENCES

FTC: Technology & Reform Conference, December 2013 ([Link](#)) (speaker, moderator and organizer)

Aspen Institute Roundtable on Spectrum Policy, "Spectrum Policy for the Wired Network," November 2013 (participant and rapporteur)

"Uncertainty, Economics & Behavioral Economic Theory," George Mason Law & Economics Center Conference, "The Unique Contributions of Alchian, Bork and Buchanan to Law & Economics," November 2013 ([Link](#)) (presenter)

"Regulating Standards: The Benefits of Injunctions and the Perils of Antitrust," W3C TPAC 2013 (Shenzhen, China), November 2013 (presenter)

"The Law & Economics of the FCC's Transaction Review Process," TPRC 41, September 2013 ([Link](#)) (presenter)

ICLE and TechFreedom Event, "The FTC's 100th Year: The Federal Technology Commission," September 2013 ([Link](#)) (moderator and organizer)

TechFreedom Panel, "The FTC's Data Security Cases: What LabMD & Wyndham Mean for Internet Regulation," September 2013 ([Link](#)) (moderator)

Federalist Society Courthouse Steps Teleforum, "FCC Regulation of the Internet: *Verizon v. FCC*," September 2013 ([Link](#)) (presenter)

ICLE & TechFreedom Panel, "Net Neutrality Oral Argument Recap," September 2013 ([Link](#)) (participant and organizer)

Truth on the Market Blog Online Symposium: "Regulating the Regulators: Guidance for the FTC's Section 5 Unfair Methods of Competition Authority," August 2013 ([Link](#)) (participant and organizer)

ABA Antitrust Section Intellectual Property Committee Panel: "The Fundamentals of Hot Topics in Antitrust-IP," March 2013 ([Link](#)) (panelist)

ABA Antitrust Section Webinar: "The FTC's Investigation of Google," January 2013 ([Link](#)) (presenter)

"The Antitrust Treatment of Data," George Mason Law Review Annual Symposium on Antitrust Law: "Privacy Regulation and Antitrust," January 2013 ([Link](#)) (presenter)

AALS Annual Meeting, Session: "Google and Antitrust," January 2013 (panelist)

"Is There a Place for Privacy in Antitrust?," Federalist Society Annual Faculty Conference, January 2013 (presenter)

ICLE, CEI & TechFreedom Capitol Hill Panel Discussion: "CopyRIGHT: Can Free Marketeers Agree On Copyright Reform?," December 2012 ([Link](#)) (panelist)

"Is Google Monopolizing Something, and, if so, What?," University of Missouri-Columbia Law School Federalist Society Presentation, October 2012 (presenter)

TechFreedom Debate: "Should the FTC Sue Google Over Search?" September 2012 ([Link](#)) (panelist)

"Dynamic Efficiencies and Merger Analysis," George Mason University Law & Economics Center Conference: "Dynamic Competition and Current Merger Policy," December 2011 ([Link](#)) (presenter)

ABA Antitrust Section Roundtable Discussion: *United States v. AT&T*, September 2011 ([Link](#)) (panelist)

Technology Policy Institute Capitol Hill Panel: "Online Search, Antitrust and Google," September 2011 ([Link](#)) (panelist)

"Competition in the Search Engine Marketplace," National Association of Attorneys General Annual Meeting, June 2011 (presenter)

TechFreedom Capitol Hill Panel: "Search Engine Regulation: A Solution in Search of a Problem?," June 2011 ([Link](#)) (panelist)

"The Absence of Network Effects in Search Engine Markets," George Mason University Law & Economics Center Conference: "The Law & Economics of Search Engines and Online Advertising," June 2011 ([Link](#)) (presenter)

"Interesting Does not Mean Policy Relevant," Truth on the Market Blog Online Symposium on Behavioral Law and Economics: Free to Choose?, December 2010 ([Link](#)) (participant)

"The Economics of Credit Cards," George Mason University Mercatus Center Capitol Hill Campus Presentation, June 2010 ([Link](#)) (co-presenter with Todd Zywicki)

ICLE Conference: "The Economics and Regulation of Payment Card Interchange Fees," June 2010 ([Link](#)) (organizer, panelist and moderator)

Federalist Society Panel: "Is Google Monopolizing Something, and If So, What?" December 2009 ([Link](#)) (panelist)

Truth on the Market Blog Online Symposium: "The Law & Economics of Interchange Fees and Credit Card Markets," December 2009 ([Link](#)) (organizer and participant)

Truth on the Market Blog Online Symposium: "The Joint Merger Guidelines," October 2009 ([Link](#)) (organizer and participant)

"Innovation and the Limits of Antitrust," Searle Center Conference: "*The Limits of Antitrust Revisited*," October 2009 ([Link](#)) (presenter)

The Kauffman Foundation Summer Legal Institute, July 2009 (participant)

Truth on the Market Blog Online Symposium: "Sherman Act Section Two and the Section Two Report," May 2009 ([Link](#)) (organizer and participant)

"Bargaining in the Shadow of the Commons," The George Mason/Microsoft Annual Conference on the Law & Economics of Innovation: "Online versus Traditional Markets," May 2009 ([Link](#)) (co-presenter with F. Scott Kieff & Joshua D. Wright)

The George Mason/Microsoft Annual Conference on the Law & Economics of Innovation: "Online versus Traditional Markets," May 2009 ([Link](#)) (conference series creator, organizer and moderator)

Truth on the Market Blog Online Symposium: "Michael Carrier's INNOVATION IN THE 21ST CENTURY," May 2009 ([Link](#)) (participant)

The George Mason/Microsoft Annual Conference on the Law & Economics of Innovation: "Patents and the Commercialization of Innovation," May 2008 ([Link](#)) (conference series creator, organizer and moderator)

"The Political Dimension of International Antitrust Harmonization," Faculty Workshop, University of Washington Law School, May 2008 (presenter)

"The Uses and Abuses of Intellectual Property," Silicon Flatirons Conference: "Innovation, Intellectual Property and Entrepreneurship in the Information Industries," University of Colorado Law School, March 2008 ([Link](#)) (panelist)

"The Law and Economics of Intellectual Property," Hitotsubashi University (Tokyo) Conference: "The Law and Economics of Intellectual Property," February 2008 (presenter)

Searle Center Research Roundtable: "The Law and Economics of Innovation," January 2008 ([Link](#)) (participant)

"The Political Dimension of International Antitrust Harmonization," Korea Law & Economics Association Faculty Workshop, October 2007 (presenter)

Lewis & Clark Law School Business Law Forum: "Obviousness—The Shape of Things to Come," October 2007 ([Link](#)) (organizer, commenter and moderator)

The George Mason/Microsoft Annual Conference on the Law & Economics of Innovation: "The Regulation of Innovation and Economic Growth," May 2007 ([Link](#)) (conference series creator, organizer and moderator)

"The Costs of Disclosure," Faculty Workshop, Lewis & Clark Law School, January 2006 (presenter)

Lewis & Clark Law School Business Law Forum: "Behavioral Analysis of Corporate Law: Instruction or Distraction?," September 2005 ([Link](#)) (organizer and commenter)

Lewis & Clark Law Review print symposium: "Federalism after *Gonzales v. Raich*," Fall 2005 ([Link](#)) (organizer)

"The Political Dimension of International Antitrust Harmonization," International Studies Association Annual Convention, March 2005 (co-presenter with Seth Weinberger)

"Contemporary Issues in International and Regional Trade Law," International Studies Association Annual Convention, March 2005 (invited respondent)

"Hot Docs vs. Cold Economics," Faculty Workshop, Lewis & Clark Law School, February 2005 (presenter)

Lewis & Clark Business Law Forum: "*Markman*: A Decade of Experience," October 2004 ([Link](#)) (moderator)

Liberty Fund Conference: "Property Rights, Freedom & Responsibility," April 2004 (participant)

"Nonprofits and the Arts," Lewis & Clark Law School Business Law Roundtable: "The Business of Entertainment," March 2004 (participant)

"Evolution and the Efficiency of Government: A Modest Reconceptualization of Rational Choice Theory," Canadian Law & Economics Association Annual Meeting, September 1999 (presenter)

"The Governance of Nonprofit Universities," Faculty Workshop, University of Virginia School of Law, August 1999 (presenter)

PROFESSIONAL MEMBERSHIPS

Bar Memberships

Virginia State

U.S. Court of Appeals for the Federal Circuit

E. D. Va. Bankruptcy Court

Academic/Professional Memberships

American Law and Economics Association

Canadian Law and Economics Association

International Society of New Institutional Economics

American Bar Association

Sections on Antitrust and Intellectual Property

Federal Communications Bar Association

ABA Silver Gavel Awards Screening Committee (2003-2005)