

ROBERT DAVIS

LEGAL EXPERIENCE

Of Counsel, Venable LLP

December 2011 – Present

Representations before the FTC and DOJ including: draft policy white paper, develop and participate in presentations in the Internet technology and media sectors, draft white paper in pharmaceutical sector, counseling and representation at the Commission regarding late-process medical services merger, counseling regarding investigations before BCP. Antitrust counseling of trade and professional associations. Counsel CEO of professional association as a third party witness in antitrust litigation and represent witness at deposition. Development of antitrust complaint in technology/entertainment market. Analyze issues and provide counsel regarding potentially anticompetitive activity in a number of sectors including hospitals, pharmaceuticals, manufacturing and cargo shipping. Provide merger analysis in various sectors. Review technology transfer and other joint venture agreements for anticompetitive issues. Draft industry comments regarding patent assertion entities to the FTC and Department of Justice, and develop strategies for engaging FTC consumer protection staff in the issue on behalf of trade associations.

Attorney Advisor

Office of the Chairman

March 2009 – December 2011

Office of FTC Commissioner Jon Leibowitz

September 2005 – March 2009

Mergers and Conduct Cases: Reviewed and evaluated recommendations from managers and staff from the Bureau of Economics, the Bureau of Competition and outside parties; and advised Chairman on merger and conduct matters in a number of industries including Internet and digital technology, industrial components and materials, building materials, retail, energy, software, cable television, and hospitals and medical devices. Evaluated and edited press materials regarding cases and settlements. Reviewed and helped draft Commission decisions, appellate briefs and memos to the Solicitor General. Particular matters included:

- Google/DoubleClick and Google/AdMob merger investigations
- Intel conduct investigation and settlement
- N-Data conduct investigation and settlement relating to standard-setting
- Commission decisions in *Chicago Bridge and Iron*, *Evanston Northwestern Healthcare Corporation*, *North Carolina Board of Dental Examiners* and *Polypore*
- Thoratec/Heartware, CCC Holdings/Mitchell, and Dun & Bradstreet/QED merger investigations
- Aspen Technology, Toys R Us and Brian Roberts compliance investigations and settlements
- Advised Chairman on antitrust issues before the Supreme Court, including *linkLine*, *Rambus*, *Dagher* and *American Needle*.

Policy, Congressional and International: Drafted speeches, congressional testimony and statements for Chairman. Reviewed and edited Commission reports and submissions to US and international agencies, letters to members of Congress, and other Commission documents. Worked with staff from other agencies including the FCC, DOJ and the CFTC. Helped organize workshop on pure Section 5 violations and conduct at standard-setting organizations. Participated in ICN proceedings and in unilateral conduct working group between the FTC, the antitrust division of DOJ and the European Commission competition agency. Coordinated with ABA Antitrust Section leadership. Particular matters included:

- 2011 Commission Report: The Evolving IP Marketplace
- 2010 Update of the FTC/DOJ Horizontal Merger Guidelines
- 2010 FTC Workshop: How Will Journalism Survive the Internet Age
- 2008 Unfair Methods of Competition Workshop

Attorney, FTC Bureau of Competition

2001 – 2005

Division of Anticompetitive Practices: Active in all phases of Commission's Rambus case, from investigation through trial and appeal, focusing on economics and technology issues in case. Managed economics expert and interviewed and helped choose economics and technology experts. Direct examination of five witnesses; cross-examined two witnesses, including a DRAM industry technical expert; supervised direct examination by junior attorney; second-chaired cross examinations of company founders and cross and direct examinations of economics experts; helped develop testimony and prepared fact and expert witnesses for trial; conducted depositions including deposition of technical expert; drafted motions and briefs. Ran investigations including Virginia Board of Funeral Directors matter, negotiated settlement that led to changes in Board rules for advertising discounts.

Litigation Group: Supervised investigation in doctor price fixing case, helping staff to develop strategies to discover facts that would support economics expert's position on clinical integration; trained junior attorneys to take depositions; helped develop facts in Commission's SCI/Alderwoods merger investigation.

Associate, Crowell & Moring, Washington, DC

1989 – 1994

Assisted in two administrative trials; managed pro bono federal litigation involving disability rights, deposed prison warden, defended deposition of technical expert involving disability rights, prepared and defended depositions of state prisoners. Helped manage products liability multiparty case.

TEACHING EXPERIENCE

Instructor, Seattle University Albers School of Business

1998 – 2000

Instructor, University of Washington Economics Department

1995 – 1998

EDUCATION

University of Washington, M.A. in Economics, awarded 1998 (Industrial Organization, Intl. Trade)

Research Interests: Economic analysis of intellectual property and antitrust

New York University School of Law, J.D. awarded 1989

Review of Law and Social Change, Editor for Colloquium on Rights of People with Disabilities

State University of New York at Albany, B.S. awarded 1986, *magna cum laude* Economics

PRESENTATIONS

"Seals and Certifications and Anticompetitive Conduct" at the 2013 ABA Antitrust Spring Meeting

Chair and moderator, "Agency Update with the Bureau Directors" at the 2013 ABA Antitrust Spring Meeting

"Antitrust Issues for Associations" at ASAE's Association Law Online Conference

"Internet Mergers and the Federal Antitrust Agencies" for the IT, Privacy and E-Commerce Committee of the Association of Corporate Counsel

"Antitrust in Media & Entertainment: The Fine Line between Survival and Monopoly" for the National Association of Recording Merchandisers

"Pro-Competitive Rationales and Efficiency Justifications" at the 2010 ICN Unilateral Conduct Workshop

PROFESSIONAL ASSOCIATIONS

Admitted to practice and in good standing before the Bars of the State of New York and the District of Columbia

ABA Section of Antitrust Law

Federal Civil Enforcement Committee, Vice Chairman

2011 – Present

Antitrust Source, Editor

2009 – 2011