

## John Thorne

John Thorne is a partner with Kellogg, Hansen, Todd, Figel & Frederick in Washington DC, where he represents plaintiffs and defendants in commercial litigation in federal and state courts and before law enforcement agencies.

Prior to joining Kellogg Hansen, he was Verizon's SVP and Deputy General Counsel in charge of competition, intellectual property, and privacy. Global Counsel Awards named his IP group one of the top five in the world in 2008 and 2010, and the world's best in 2011. Global Counsel Awards named him the world's best corporate competition lawyer in 2009.

In antitrust cases, he won Supreme Court decisions affirming that dominant firms may freely switch suppliers (*Discon*) and may make investments without sharing (*Trinko*), and that antitrust complaints must be plausible (*Twombly*). *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007); *Verizon v. Trinko, LLP*, 540 U.S. 398 (2004); and *NYNEX v. Discon*, 525 U.S. 128 (1998). He led a successful effort to preserve plaintiffs' challenges to tying claims in *Eastman Kodak Co. v. Image Technical Services, Inc.*, 504 U.S. 451 (1992).

He currently represents media companies, publishers, financial services providers, app developers, and consumer products companies in pending antitrust cases. He won two dozen consumer antitrust class actions and half a dozen competitor antitrust cases. *E.g.*, *Siti-Sites.com v. Verizon*, No. 11-65 (2d Cir. July 5, 2011); *The New Phone Co. v. Verizon*, No. 06-5276-CV (2d Cir. Dec. 7, 2009); *Covad v. Bell Atlantic Corp.*, 398 F.3d 666 (D.C. Cir. 2005); *Cavalier Tel., LLC v. Verizon*, 330 F.3d 176 (4th Cir. 2003); *In re Wireless Tel. Servs. Antitrust Litig.*, 385 F. Supp.2d 403 (S.D.N.Y. 2005); *Greco v. Verizon*, 2005 WL 659200 (S.D.N.Y. 2005); *Robinson v. Verizon*, No. 01-98-KSF (E.D. Ky. 2003); *Verizon v. Ntegrity Telecontent Servs., Inc.*, 219 F. Supp.2d 616 (D.N.J. 2002); *Yellow Page Solutions v. Bell Atlantic Yellow Pages Co.*, 2001 WL 1468168 (S.D.N.Y. 2001). With then-Kellogg partner Neil Gorsuch, he won a fraud case against one of the antitrust plaintiffs. *Verizon v. Covad Communications Co.*, 377 F.3d 1081 (9th Cir. 2004).

He represented telecom firms in approximately 100 motions and appeals involving the Bell breakup decree. He won elimination of line-of-business restrictions against Bell companies providing information services. *United States v. Western Elec. Co.*, 900 F.2d 283 (D.C. Cir. 1990). He won a First Amendment case striking down a statutory line-of-business restriction banning telephone company video programming. *Chesapeake & Potomac Tel. Co. v. United States*, 830 F. Supp. 909 (E.D. Va. 1993), *aff'd*, 42 F.3d 181 (4th Cir. 1994), *dismissed as moot*, 516 U.S. 415 (1996).

He has helped to initiate antitrust investigations, including Section 2 cases, by the competition agencies. He brought offensive plaintiff antitrust cases in 1994 and 1997 against AT&T and Lucent. He brought an antitrust case in 1999 against AirTouch, eliminating a wireless noncompete. He brought an antitrust case in 2001 against Sumitomo for copper price fixing. He brought an antitrust and First Amendment case in 2006 against Montgomery County, Maryland for restricting Verizon's offering of a competitive video service.

He is representing media companies in obtaining merger approvals. He obtained clearance for the mergers of Bell Atlantic, NYNEX, AirTouch, GTE, MCI, Alltel, and Terremark that created Verizon and Verizon Wireless.

In patent cases, he was lead trial counsel for complainant Corning Optical Communications in the USITC's first evidentiary trial during the pandemic. *Certain High-Density Fiber Optic Equipment*, Inv. No. 337-TA-1194 (2020). He was lead trial counsel for the defendant in *Audio MPEG v. Dell Inc.* (E.D. Va. 2017). He won one of the first injunctions following *eBay*; he has represented tech companies in seeking to improve patent quality; he represented patent owners and defendants in numerous cases in district court and at the USITC. In other IP cases, he won a decision overturning ICANN's refusal to award Amazon the domain name ".amazon." *Amazon EU S.à.r.l. v. ICANN*, Final Declaration (July 11, 2017). He won a first-ever rate reduction at the Copyright Royalty Board. His copyright client, "iHeartRadio, the second-largest webcaster in the country, got a *big win*." Billboard, *Inside the CRB's New Streaming Rates* (Dec. 17, 2015) (original emphasis).

He represents the State of Oklahoma in Johnson & Johnson's appeal to the Oklahoma Supreme Court from the first trial – and \$572 million win – against a prescription opioids oversupplier.

In 1983 he represented pro bono Harold Washington, the first African-American mayor of Chicago. He was the founding board chair of the Bishop John T. Walker School for Boys, a tuition-free private school for boys living southeast of the Anacostia River, which was started in part with funds paid by the losing plaintiff in *Trinko* and the losing defendant in *Verizon v. Vonage Holdings Corp.*, 503 F.3d 1295 (Fed. Cir. 2007).

He co-authored the principal telecom law treatises and published antitrust articles in the University of Chicago Law Review, the George Mason Law Review, and the Federalist Society's *Engage*. He taught telecom law for ten years at Columbia Law School and for two years at Georgetown University Law Center.

Two of his speeches on antitrust policy were reprinted in *Vital Speeches of the Day*. He testified in 2005 before the Antitrust Modernization Commission regarding antitrust in regulated industries; in 2007 before a joint hearing of the Department of Justice Antitrust Division and Federal Trade Commission regarding antitrust remedies; in 2010 before a joint hearing of the Antitrust Division and the Federal Trade Commission regarding the revised horizontal merger guidelines; in 2010 before the House Subcommittee on Courts and Competition Policy regarding antitrust in regulated industries; in 2016 before the House Subcommittee on Courts, Intellectual Property and the Internet regarding patent litigation at the International Trade Commission; and in 2017 before the House Subcommittee on Courts, Intellectual Property and the Internet regarding patent venue.

Mr. Thorne has an A.B., summa cum laude with high honors in mathematics from Kenyon College, and a J.D. cum laude from Northwestern University School of Law, where he was Order of the Coif and law review articles editor. He clerked for Chief Judge Walter J. Cummings of the U.S. Court of Appeals for the Seventh Circuit. He is a member of the Illinois and District of Columbia bars, the bars of the U.S. Supreme Court and the DC, Federal, Second, Fifth, Seventh, and Ninth Circuits, and a member of the Northern District of Illinois trial bar.