



WILMER CUTLER PICKERING LLP

# Antitrust and Competition Law Update

FEBRUARY 12, 2004

## Antitrust & Competition Practice: 2003 in Review

We wanted to update you on some of the more significant developments in Wilmer Cutler Pickering LLP's Antitrust and Competition Practice during the year 2003. Last year, we had a string of important victories, including successes in defending clients in antitrust lawsuits and criminal cartel investigations, winning cases in the United States Supreme Court, and obtaining clearances for major mergers in both the United States and Europe. For these successes, WCP was once again recognized as one of the leading global antitrust and competition practices by *Who's Who Legal*, *Chambers Global: The World's Leading Lawyers*, and *The Legal 500*, among others.

### PEOPLE

WCP now has over 55 full-time antitrust and competition lawyers, plus many more litigators with substantial antitrust litigation experience. We have lawyers with antitrust and competition experience in nearly all of our United States offices (Washington, DC; New York; Northern Virginia) and in all of our European offices (Berlin, Brussels, and London). Seven members of WCP's Antitrust and Competition Practice are named in *Who's Who Legal*: **Marco Bronckers** (Brussels), **Christian Duvernoy** (Brussels),

**Claus-Dieter Ehlermann** (Brussels), **Doug Melamed** (Washington, DC), **Karlheinz Quack** (Berlin), **John Ratliff** (Brussels), and **Chuck Stark** (Brussels).

In January 2004, **Suyong Kim**, a leading UK competition practitioner, joined the firm in our London office. As noted in *Chambers Global*, Suyong has won praise from clients as "a clear communicator and a calming influence." Suyong began her legal career at Lovells and has been a partner in Denton Wilde Sapte for the past four years, where she focused on the full range of UK and EC competition issues, from mergers and joint ventures to abuse of dominance. She has particular experience in the media, telecommunications, financial services, transportation, and energy sectors. Suyong has practiced extensively before the European Commission, Office of Fair Trading, Competition Commission, and European Courts.

In January, the firm also promoted two litigators with substantial antitrust experience to partner: **Edward DuMont** in Washington, DC, and **Fraser Hunter** in New York. A former Assistant to the Solicitor General, Ed's practice focuses on Supreme Court and appellate litigation, and Ed has been part of the joint defense team that

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persuaded the Supreme Court to grant certiorari to review a DC Circuit decision in *F. Hoffman-LaRoche v. Empagran S.A.*, which concerns the extraterritorial application of the U.S. antitrust laws to transactions occurring entirely outside U.S. commerce. Fraser's practice focuses on litigation, and he was part of the team that represented one of our major investment banking clients in securing the dismissal of a class action claiming antitrust violations in the IPO allocation process in *Initial Public Offering Antitrust Litigation*.

In addition, seven of our associates were promoted to counsel: **Nicole Berry** and **James Frost** in Washington, DC; **Axel Gutermuth** and **Anne Vallery** in Brussels; and **Jörg Karenfort**, **Stefan Ohlhoff**, and **Ruediger Schütt** in Berlin. We also hired a seasoned litigator with substantial antitrust experience, **Robert Trenchard**, as counsel in New York. Seven new associates joined our practice: **Barbara Blank**, **Andrew King**, **Alexander Krulic**, and **Jennifer Morrison** in Washington, D.C; **Naboth van den Broek** and **David Reingewirtz** in Brussels; and **Alexander Juengling** in Berlin.

We have significantly strengthened our civil and criminal litigation capability in the United States through the addition of three highly experienced litigation partners: **Jamie Gorelick**, **Charles Platt**, and **Doug Curtis**. A former President of the DC Bar and one of Washington's best-known litigators, Jamie brings to WCP an unparalleled experience in the top levels of government and the corporate sector from her tenures as Deputy Attorney General, Vice Chair of Fannie Mae, and General Counsel for the Department of Defense. Charles, who before joining our New York office was the head of the litigation department at LeBoeuf, Lamb, Greene & MacRae LLP, is a leading class action defense lawyer with more than 20 years of experience in complex commercial litigation. Doug, who was formerly Executive Vice President of Reuters, brings extensive experience in white collar criminal, intellectual property, and copyright issues, as well as a unique knowledge of the media sector. He, too, will be practicing out of our New York office.

Our European Competition practice continues to benefit from the 2002 addition in Berlin of two of the leading competition lawyers in Germany, **Karlheinz Quack** and **Ulrich Quack**, both formerly with the Quack firm in Berlin, and in Brussels of **Claus-Dieter Ehlermann** (the former Director-General of the Directorate-General for Competition and Director-General of the Legal Service of the European Commission), and **Marco Bronckers**, **Frédéric Louis**, and **Yves Van Gerven** from the Stibbe firm. They bring to WCP a wide experience in European law, particularly strengthening WCP's litigation and cartel expertise. In addition, **John Trenor**, an international arbitration lawyer with substantial antitrust experience who we just promoted to partner, will be relocating to London where he will be available to represent clients in arbitrations involving competition-related issues.

## DEVELOPMENTS IN OUR PRACTICE

### U.S. LITIGATION

- In *Initial Public Offering Antitrust Litigation*, we combined our securities and antitrust expertise to secure dismissal on implied immunity grounds of a consolidated class action accusing ten investment banks, which underwrote the majority of technology-related IPOs during the late 1990s, of conspiring through a variety of practices to inflate IPO share prices. The case is now on appeal to the Second Circuit.
- In *Twombly v. Bell Atlantic Corporation*, we combined our antitrust and telecommunications expertise to obtain dismissal of a private class action alleging that our client and the other former Regional Bell Operating Companies conspired to stay out of each other's territory and to restrict competition from Competitive Local Exchange Carriers (CLECs). This case also is now on appeal to the Second Circuit.

- In *Berlyn v. The Washington Post*, we successfully defended on appeal a grant of summary judgment that we obtained on Section 1 restraint of trade and Section 2 monopolization claims accusing our clients of attempting to monopolize the community newspaper market in the Maryland suburbs of Washington, DC.
- In *Hall v. United Air Lines*, we successfully resolved claims brought in a private class action alleging that our client, a major foreign airline, had conspired with other airlines to reduce and eliminate base commissions paid to travel agents, which plaintiffs claimed to be worth \$50 billion. Following the settlement, the district court granted summary judgment in part based on work we had done for the joint defense team.
- In the *Rambus* case, we acted as co-counsel for the Respondent in the longest FTC administrative trial in recent years. The case involves alleged antitrust violations involving patents and standard setting. The matter is now pending before an Administrative Law Judge.

## U.S. SUPREME COURT PRACTICE

In 2003, WCP represented clients in five significant antitrust matters in the Supreme Court, including victories in *Verizon v. Trinko* and *Qwest v. MetroNet*. WCP had a banner year overall in the Supreme Court, scoring landmark victories in two of the most highly publicized cases in the past decade: the decisions upholding the student selection process at the University of Michigan Law School and the McCain-Feingold campaign finance legislation. *The New York Times* hailed the latter as a “stunning victory.” In both cases, we represented the winning parties at both the trial and appellate levels.

- In *Verizon v. Trinko*, we helped secure an important Supreme Court decision that limited the circumstances in which a

company is liable under the antitrust laws for refusing to deal with its competitor.

- In *Qwest v. Metronet*, we persuaded the Supreme Court to vacate and remand an adverse decision from the Ninth Circuit holding that Qwest could be held liable for increasing the price at which it sold Centrex services to competing resellers.
- We are part of the joint defense team that persuaded the Supreme Court to grant certiorari to review a DC Circuit decision in *F. Hoffman-LaRoche v. Empagran S.A.* That case will decide whether plaintiffs injured entirely outside U.S. commerce can sue under U.S. antitrust laws. We are also part of a joint defense team that is petitioning for a grant of certiorari in another case, *Bank Austria AG v. Sniado*, that presents the same issue.
- We persuaded the Supreme Court to review a Ninth Circuit opinion in *Intel Corporation v. Advanced Micro Devices*, which held that a private party can obtain discovery in the United States to develop support for a competition-related complaint before the European Commission, even though no litigation had commenced and the private party was not a litigant.
- We are representing *amici curiae* supporting the petition for certiorari in *3M v. LePage's*. The petition asked the Supreme Court to review a Third Circuit holding that a dominant firm’s above-cost, bundled discount violated Section 2 of the Sherman Act. The Supreme Court issued a request for briefing from the Solicitor General.

## U.S. MERGER CLEARANCE

- We secured clearance in the United States, France, and Germany for the merger of **Andrew Corporation** and **Allen Telecom**, creating one of the world’s leading suppliers of wireless telecommunications infrastructure equipment.

- We represented **Danaher Corporation** and its subsidiary **Gilbarco Veeder-Root**, a leading manufacturer of retail gasoline dispensers, in obtaining antitrust clearance for their acquisition of **Gasboy International**, which manufactures fuel dispensing equipment for non-retail uses.
- We represent **Qwest** in seeking antitrust clearance for its proposed acquisition out of bankruptcy of **Allegiance Telecom**, a CLEC with operations throughout the United States.

### U.S. AND EC CARTEL INVESTIGATIONS

WCP has represented numerous clients this past year in nonpublic grand jury and European Commission proceedings. In matters that are now public, our accomplishments this past year included:

- We represented a major Norwegian chemical tanker company negotiating a plea agreement in one of the Justice Department's most highly publicized multinational cartel investigations of the last year. The government recommended a substantial downward departure from the Sentencing Guidelines in recognition of the company's exceptional cooperation with its investigation. We continue to represent the company in numerous class action suits that have been filed in the wake of the government case.
- We represented a European copper tube producer in a European Commission investigation in cartel proceedings related to alleged price-fixing and market-sharing. The producer cooperated with the Commission, obtaining a 50% reduction in the fine under the EC leniency programme and a further reduction for disclosing the whole duration of the cartel.

### EC AND NATIONAL MERGER PROCEEDINGS

- We are representing **Oracle** before the European Commission in its Phase-II investigation of Oracle's \$8 billion bid for **Peoplesoft**, the first major hostile bid in the software industry.
- We helped secure approval of **Tetra Laval's** acquisition of **Sidel** in Phase-I after a successful challenge to the Commission's initial prohibition decision before the Court of First Instance. This is the first time that a company has successfully used litigation before the Community Courts to close a transaction that was initially prohibited by the Commission.
- We helped secure approval by the European Commission of a joint venture between major Austrian power generator **Verbund AG** and the members of the so-called **Energie Allianz**. The joint venture combined a substantial part of electricity production and distribution in Austria. The Commission gave its approval subject to a remedies package after a contested Phase-II procedure.
- In a decision featured in *Global Competition Review*, we secured approval without conditions in Phase-I for **Outokumpu's** restructuring, in which it moved its copper and zinc mining and smelting operations into **Boliden** in return for a stake in Boliden and various fabrication and technology assets.
- We obtained on behalf of **Time Warner** worldwide antitrust clearance outside the U.S. for the \$1 billion sale of its CD and DVD production business to Cinram International and the \$2.6 billion sale of its recorded music and music publishing businesses to a group of investors including Edgar Bronfman, Jr.

- We secured approval for various acquisitions and joint ventures of **TUI**, one of the largest travel groups in the world, including TUI's acquisition of a shareholding in a company that runs one of the leading travel agency networks in Germany.
- We secured approval for numerous acquisitions by **Danaher Corporation**, including Danaher's \$720 million acquisition of Danish diagnostics company **Radiometer** in January 2004.
- We continue to provide strategic merger control advice to **British Petroleum** concerning the mergers of BP/VEBAÖL (Aral) and E.ON/RuhrGas, which will shape the German gas industry.

#### EUROPEAN COMMISSION INVESTIGATIONS AND OTHER EC-RELATED MATTERS

- We are defending **Deutsche Lufthansa AG** against charges of predatory pricing lodged by the German Federal Cartel office. Deutsche Lufthansa's prices exceeded the prices of its competitor, but the German Federal Cartel Office objected on the ground that Deutsche Lufthansa's prices were predatory given the superior quality of its services.
- We continue to represent **Deutsche Telekom** in the Commission investigation and ensuing litigation before the European Court of First Instance concerning Deutsche Telekom's wholesale and retail charges for access to the local loop. This is a landmark case for applying a price squeeze test under EU law in the telecommunications industry.
- We represent **FIFA** (Fédération Internationale de Football Association) in a pending appeal before the Court of First Instance against a Commission decision that rejected objections against FIFA's players agent's obligations.

- We represented a corresponding member (**Bogaert & Vandemeulebroeke**) of Landwell before the Belgian Supreme Court against the Flemish Bar regulation that prohibited cooperation between attorneys and other professions. The Court squashed the regulation on the ground that it infringed European competition law.

#### STATE AID PROCEDURES

- We represent **Nomura International plc** in a state aid complaint Nomura brought before the EU against Czech aid granted to the banking sector prior to the Czech Republic's accession to the EU. The Czech banking aid cases are among the highest profile and most controversial cases of state aid granted by the EU's new Member States prior to accession.
- We represent leading German stationary producer **Herlitz AG** in the Commission's in-depth investigation into debt forgiveness by public entities in the context of Herlitz's restructuring, the first successful Chapter 11-type restructuring of a public company in Germany.
- WCP represents the **Belgian authorities** in the notification of state aid schemes to promote transport of goods over the inland waterways.

#### PUBLICATIONS

In 2003, attorneys in our Antitrust and Competition Practice Group wrote numerous published articles in addition to our regular series of client updates. These include:

Robert B. Bell and Leon B. Greenfield, *US Regulatory Aspects of Transnational Defence Mergers*, GLOBAL COMPETITION REVIEW, March 2003, at 9.

Leon B. Greenfield, *Defence and Competition*, GLOBAL COMPETITION REVIEW, March 2003, at 8.

William J. Kolasky and Andrew R. Dick, *The Merger Guidelines and the Integration of Efficiencies Into Antitrust Review of Horizontal Mergers*, 71 ANTITRUST LAW JOURNAL 207 (2003).

William J. Kolasky and Richard Elliott, *The European Commission Notice on the Appraisal of Horizontal Mergers*, ANTITRUST, Summer 2003, at 64.

Eric Mahr, Simon Bishop, and Mette Alfter, *The Commission's Draft Notice on Horizontal Mergers: An Opportunity for Change*, LAWYERS' EUROPE: THE JOURNAL OF THE LAW SOCIETY'S EUROPEAN GROUP, Autumn 2003, at 16.

Eric Mahr and Deirdre Waters, *Member State Derogation Rights in the Area of Defence Mergers*, GLOBAL COMPETITION REVIEW, March 2003, at 12.

Douglas Melamed, Robert Bell, and Leon Greenfield, *American Airlines: Post-Chicago Meets Predatory Pricing in the Courtroom*, GLOBAL COMPETITION REVIEW, September 2003, at 30.

John Ratliff, *Major Events and Policy Issues in EC Competition Law 2001-2002 - Part 1*, 14 INTERNATIONAL COMPANY AND COMMERCIAL REVIEW 39 (2003).

John Ratliff, *Major Events and Policy Issues in EC Competition Law 2001-2002 - Part 2*, 14 INTERNATIONAL COMPANY AND COMMERCIAL REVIEW 87 (2003).

Yves Van Gerven, Frédéric Louis, and Pablo Charro, *Litigating Merger Decisions: Over to the Judges*, EUROPEAN ANTITRUST REVIEW 2004, at 43.

Yves Van Gerven and Lorelien Hoet, *Commentary Belgian Competition Law*, COMPETITION LAW IN WESTERN EUROPE AND THE USA, forthcoming supplement January 2004, at 38.

Yves Van Gerven, *Overview of Case Law European Business Law, Sections EU State Aid Law*

*and EU Competition Law and State Undertakings*, REVUE DE DROIT COMMERCIAL BELGE, forthcoming 2004, at 31.

Sven Voelcker, *Never the Twain Shall Meet: State Aid Considerations in EC Merger Control*, 4 EUROPEAN STATE AID QUARTERLY 531 (2003).

Sven Voelcker, *Leveraging as a Theory of Competitive Harm in EU Merger Control*, 40 COMMON MARKET LAW REVIEW 581 (2003).

Sven Voelcker and Pablo Charro, *EC Modernisation Regulation — A First Analysis of the Practical Consequences of Regulation 1/2003 for the International Business Community*, COMPETITION LAW INSIGHT 2003, at 20.

## SPEECHES AND OTHER ACTIVITIES

WCP, in conjunction with the Centre for European Policy Studies and Lexecon, hosted a hugely successful seminar in Brussels on November 18, 2003, *Efficiencies and Competitive Effects: Evaluating and Arguing Efficiencies in Merger Control*. This seminar focused on both the practical and policy aspects of efficiencies analysis in merger control following the European Commission's announcement that it intended to integrate efficiencies considerations into future merger reviews. WCP was honored that Lars-Hendrik Röller, the first Chief Economist of the Directorate-General for Competition at the European Commission, made his initial public appearance in his new role at the seminar. **Claus-Dieter Ehlermann** delivered the opening remarks for the seminar, **Bill Kolasky** spoke on the Heinz/BeechNut case, and **John Ratliff** was a moderator for the panel on "Will Efficiencies Help or Hurt?"

**Robert Bell** was a panelist on the topic of "Second Requests: Avoiding, Complying and Everything in Between" at the ABA Business Law Section Spring Meeting in April in Los Angeles. In May, he spoke to the National Advertising and Promotional Allowance Association on "Words from Washington -- Legal News and Views."

**Claus-Dieter Ehlermann** chaired the Inaugural Meeting of the Association of Competition Economics in Madrid in November.

**Lee Greenfield** and **Thomas Mueller** were appointed adjunct Professors of law at Georgetown Law Center. They co-taught a course in the Fall on U.S. and EU competition law. Lee was a panelist for a discussion on “Sarbanes-Oxley and its Implications for Antitrust Practice” at the ABA Antitrust Section Spring Meeting in Washington, DC last April. He was also a panelist on the topic, “European Competition: The Changing Roles of the EU and National Authorities” at the Defense Symposium, “The Defense Industry a Decade After the Last Supper,” sponsored by the Johns Hopkins University School of Advanced International Studies, held on November 3-4, 2003.

**Veronica Kayne** was a panelist for a discussion on “Ethical and Practical Challenges in Representing Trade Associations and Their Members” at the ABA Antitrust Section Spring Meeting in Washington, DC last April. Later that month, she chaired and moderated a panel on “Second Requests: Avoiding, Complying and Everything in Between” at the ABA Business Law Section Spring Meeting in Los Angeles. In May, she spoke on Robinson-Patman Act compliance at the National Advertising & Promotional Allowance Association’s annual meeting in Scottsdale, Arizona. In October, she brought “The Report from Official Washington” to the Association’s Fall Seminar in Pittsburgh, addressing issues ranging from antitrust to Sarbanes-Oxley. In November, she spoke about antitrust rules and risks for manufacturers and distributors engaged in e-commerce as part of an ABA Antitrust Section teleseminar on statutory and contract barriers to selling products over the Internet.

**Bill Kolasky** spoke in February on “Effectively Advocating Efficiencies in Merger Reviews” at the ABA International Program panel on multinational merger clearance in New York City. Later that month, he discussed the role of privilege in the exchange of information between enforcement authorities at the Insight Antitrust Confer-

ence Panel on Information Sharing in Cartels in Toronto. In March, he gave an overview of the International Competition Network (ICN) to the Conference Board’s Workshop on the ICN. In April, he spoke on “Rethinking Conscious Parallelism” at the Atlas Information/2003 Competition Law Invitational Forum. In May, he delivered the keynote after-dinner speech at the BIICL’s Third Annual International & Comparative Competition Law Conference and participated in a panel discussion on the GE/Honeywell merger at the Nyenrode University in the Netherlands. In June, he participated in a panel discussion on the role of non-governmental advisors at the ICN sponsored by the International Bar Association. Also in June, he participated in a panel at the University of California Workshop on International Antitrust on “The Jurisdictional Reach of Antitrust Regimes -- International Competition Issues.” In September, he spoke on the FTC’s Three Tenors decision at a teleseminar sponsored by the ABA Section of Antitrust Law.

**Frédéric P. Louis** spoke at a session on “Business or Entertainment? The Role of Antitrust in Sports” at the IBA conference in San Francisco last September. He chaired the panel on “Trade Associations and EU Competition Law” at the Euroconference on “The Current EU Agenda and Business Associations” in October in Brussels.

**Jim Lowe** moderated a panel discussion on “Parallel Criminal and Civil Proceedings in Conspiracy Cases” at the ABA Antitrust Section Spring Meeting in Washington, DC last April.

**Doug Melamed** chaired the ABA Antitrust Section Fall Forum in Washington, DC in November, and was the moderator for a panel on “Antitrust and Public Choice.” In January, he spoke about antitrust and industrial organization economics at the George Mason University Symposium. In February, he spoke on antitrust and standard setting at a conference at the University of Colorado Law School. In March, he moderated a panel on economics in the courtroom at the Conference Board in New York City. At the ABA Antitrust Section’s Spring Meeting in April, he was a panelist for the Chair’s

Showcase Program, “Just When Do Horizontal Agreements Reasonably Restrain Trade?” Also in April, he spoke at the ABA Business Law Section’s panel on “Microsoft and the State Attorneys General.” In June, he participated in a panel at the University of California Workshop on International Antitrust on “The Jurisdictional Reach of Antitrust Regimes -- International Competition Issues.” And in December, he spoke on a PLI teleconference on standard setting and antitrust.

**Ulrich Quack** spoke on Pressefusionsklausen Schlechten Zeiten (Press Merger Control in Germany in Difficult Times) at a forum discussing Qualität und Preis (Quality and Price) held by the Arbeitsgemeinschaft Medientage Mitteldeutschland in Leipzig.

**John Ratliff** spoke on “Competition Law and the Environment” at the Industrial Economics Faculty of the University of Toulouse, in February. In March, he spoke on “Competition in an Enlarged Europe” at the International Media Conference held at the European Parliament in Brussels. In April, he spoke on “What Every M&A Lawyer Should Know About EC Merger Control” at the Spring Meeting of the ABA Section of Business Law in Los Angeles. In June, he spoke on “Abuse of a Dominant Position and Pricing Practices -- A Practitioner’s Perspective” at the European University Institute’s Eighth EU Competition Law and Policy Workshop in Florence. In November, he gave his annual review of “Major Events and Policy Issues in EC Competition law” at the IBC’s 10th Annual Conference on Advanced EC Competition Law in Brussels.

**Chuck Stark** was a panelist at the ABA Antitrust Section Spring Meeting in Washington, DC last April for a discussion on “Dominant Firms under U.S. and EU Competition Law: Convergence or Divergence?” In February, he spoke on behalf of the International Chamber of Commerce at a symposium on Trade and Competition Policy organized in Geneva, Switzerland by the World Trade Organization. In March, he spoke on EC and U.S. Approaches to Efficiencies in Merger

control at the annual antitrust conference of the German Federation of Industry, held in Innsbruck, Austria. In June, he was a panelist for a discussion on “New Frontiers on Anti-Cartel Enforcement” at the AmCham EU Committee’s 20th Annual Competition Conference in Brussels. In October, he spoke on the impact of the activities of the ICN, WTO, and OECD on Canadian practitioners as well as recent EU and U.S. developments in cartel investigations and merger enforcement at the Canadian Bar Association’s Fall Competition Law Conference. Also in October, he spoke on EC and U.S. Approaches to Essential Facilities and related abuse of dominance issues at the ABA Section of International Law and Practice in Brussels.

**Yves Van Gerven** gave a lecture on competition law and state-owned companies for the “Government and Law” Program 2002-2003 at the Catholic University of Louvain. In the second half of 2003, he was an active member in the working group of competition lawyers based in Brussels that developed legislative proposals to implement the modernization of EU competition law in Belgium. These proposals will soon be submitted to the Belgian government.

**Sven Voelcker** spoke on Tetra Laval at the Competition Law Practitioner Workshop last January in London. In October, he spoke on new developments in the field of state aids at the IBA Section of Business Law’s 7th Annual Competition Conference in Fiesole, Italy. In November, he discussed EU competition policy at the ECPAB’s “Working with the EU: Institutional Relations and Public Affairs” in Brussels.

**Axel Desmedt** gave a guest lecture on February 18, 2003, at Amsterdam University on legal remedies before the European Court of Justice. He spoke on “Roaming Market Definition -- Maintaining Profitability in a Regulated Roaming Market” at the 6th Annual European Congress sponsored by Vision in Business, Analysis, and Networking, Ltd., which was held in Brussels on July 16-17, 2003. On October 7 and 8, 2003, he spoke on the “The Principle of Legitimate



Expectation” and “Interpretation of National Laws in Conformity with Community Law” at a seminar in Ankara, Turkey, sponsored by TAIEX (Technical Assistance Information Exchange) Office in cooperation with the Turkish Ministry of Justice. **Jörg Karenfort** and **Andreas Zuber** gave a lecture on German and European competition law and media concentration law on July 15, 2003, at the legal department of the University of Potsdam.

WCP’s lawyers will speak on antitrust topics at numerous events in 2004:

- **Veronica Kayne** will be a panelist for the Ethics Program at the ABA Antitrust Section’s Spring Meeting in Washington, DC this April. As Program Chair, she will moderate a panel on “Antitrust and Distribution: How to Avoid the Billion Dollar Judgment” on April 3 at the ABA Business Law Section Spring Meeting in Seattle.
- **Bill Kolasky** spoke on February 5, 2004, at the ABA Antitrust Section International Cartel Workshop in New York. Later this month, he will be a panelist for a discussion on the revised European Merger Control Regulation at an IBC conference in Brussels on “The Reform of EU Merger Control -- All Change for EU Merger Control in Europe,” and he will speak at the IBA 3rd Annual Corporate Counsel Conference in Rome on “Discussion on Recent Developments in US and EU Merger Enforcement” and “Efficiencies under the FTC/DOJ Horizontal Merger Guidelines, the EU Draft Horizontal Merger Guidelines and Recent US and EU cases.” In March, Bill will speak in New York at the Conference Board 2004 Antitrust Conference: Antitrust Issues in Today’s Economy. In April, he will chair the panel on cartels and leniency at the 2004 Competition Law and Policy Forum in Cambridge, Ontario.
- **Jim Lowe** will co-chair a panel on “Licensing of Intellectual Property: A Practical Perspective on American and European Approaches” at the ABA Antitrust Section’s Spring Meeting in Washington, DC this April. Also in April, he will be a panelist on “Antitrust and Distribution: How to Avoid the Billion Dollar Judgment” at the ABA Business Law Section Spring Meeting in Seattle.
- **Doug Melamed** spoke about *LePage’s v. 3M* before the New York City Bar Association on January 7, 2004, and he will be a panelist at a conference on “The Digital Broadband Migration: Towards a Regulatory Regime for the Internet Age” at the Journal on Telecommunications and High Technology Law and The Silicon Flatirons Telecommunications Program on February 8, 2004 in Boulder, Colorado. On February 18, 2004, he will speak at an FTC/DOJ workshop on market definition in merger analysis. He will speak about recent developments in merger enforcement at a UCLA conference in Los Angeles on February 27, 2004. On March 3, 2004, Doug will moderate a panel on “Challenges to Dominant Firm Exclusionary Conduct” in New York at the Conference Board 2004 Antitrust Conference: “Antitrust Issues in Today’s Economy,” and will speak about exclusive dealing agreements at a DOJ workshop on March 18, 2004.
- **Thomas Mueller** will be a panelist on “Licensing of Intellectual Property: A Practical Perspective on American and European Approaches” at the ABA Antitrust Section’s Spring Meeting in Washington, DC this April.
- **Ulrich Quack** will be a panelist on “Airline Predation Around the World: Trying to Prove Below-Cost Pricing in an Industry with Low Marginal Cost” at the ABA Antitrust Section’s Spring Meeting in Washington, DC this April.

- **John Ratliff** will speak in March at the Annual Czech Bar Association Competition Conference in Prague on “EC Competition Law and May 2004.” In April, he will speak on “EC Competition Law and the Liberal Professions” at the IBC’s Advanced EC Competition Law Conference in London.
- **Chuck Stark** will speak on February 10, 2004, at the ABA Antitrust Section International Cartel Workshop in New York on “Cartel Investigation: The Decision Whether to Settle or Fight.” He will speak on “Airline Mergers” at the ABA’s forum on Air and Space Law in March in Washing-

ton, DC. In April, he will speak on “Cartel Enforcements” at the IBC’s Advanced EC Competition Law Conference in London.

- **Sven Voelcker** will speak on “Comparing and Contrasting U.S. and EU Developments in Market Concentration and Unilateral Effects Under the FTC/DOJ Horizontal Merger Guidelines, the EU Draft Horizontal Merger Guidelines, and Recent US and EU cases” at the First Annual Institute on U.S. and EU Antitrust Aspects on Mergers & Acquisitions in Marina del Rey, California on February 27, 2004.