

James C. Burling

RETIRED PARTNER

BOSTON

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Jim Burling joined the firm in 1979 after two years with the Federal Trade Commission, and retired in 2016. He concentrated his practice in antitrust litigation and merger clearance for high technology clients, particularly in the computer, Internet, biotech and pharmaceutical industries. His practice included representing clients in private litigation, in responding to government antitrust investigations, and before the Department of Justice and Federal Trade Commission in Hart-Scott-Rodino (HSR) review of mergers and acquisitions.

Community Involvement

- Member of the Board of Directors, Center for Public Representation
- Member of the Board of Directors, New England Center for Children

Professional Activities

- Member, American Bar Association (ABA) Antitrust Section
- Former vice-chair, ABA Antitrust Section Intellectual Property Committee
- Fellow, Massachusetts Bar Association
- Member, Boston Bar Association Antitrust Committee

Experience

LITIGATION

- Defended a wireless communication device vendor against infringement claims brought by a wireless device competitor, asserting standard essential patents, in N.D. Cal. (Based on standard setting deceit, FRAND commitments, and patent exhaustion.)
- Defended a computer manufacturer against unfair competition, interference and contract claims in the C. D. Cal.
- Defended a branded drug company in a variety of "reverse payment" Hatch Waxman patent settlement cases pending in the E. D. Pa., including those brought by the FTC, generic competitors, and purported purchaser classes.
- Defended a manufacturer of semiconductor chips in Federal Trade Commission Part 3 litigation, where the FTC alleged unlawful monopolization of markets for computer microprocessors and graphics processing.
- Pursued monopolization and patent exhaustion claims on behalf of a wireless communication chip manufacturer against a competitor in S. D. Cal.
- Obtained dismissal of antitrust counterclaims against a pharmaceutical company in patent litigation in E. D. Pa.
- Defended a cranberry cooperative against monopolization claims in D.D.C., D. Mass., and Cal. Super.
- Defended an audio/video technology company against monopolization and conspiracy claims in C.D. Cal. and the Ninth Circuit.
- Defended an animal health technology company against exclusive dealing claims in D. Conn. and the 9th Cir.
- Defended an open software joint venture against monopolization and conspiracy claims in D. Mass and the 1st Cir.
- Defended an analog semiconductor chip manufacturer against exclusive dealing claims in N.D. Cal. and the 9th Cir.
- Defended a telecommunications equipment company against monopolization and tying claims in D. Mass.

MERGER CLEARANCE/GOVERNMENT INVESTIGATIONS

- Represented a wireline communications company in an investigation by the Antitrust Division.
- Represented two pharmaceutical companies in separate investigations by the FTC.
- Represented an overseas holding company in a number of US and global sales and acquisitions, several involving second request proceedings.
- Represented a pharmaceuticals company through FTC second request proceedings reviewing an exclusive license agreement.
- Represented Internet company in acquisitions under HSR review.

Recognition

- Recognized as a Massachusetts leader in the field of antitrust in each edition of *Chambers USA: America's Leading Lawyers for Business* since 2003
- Listed in the 2014 edition of *Expert Guides* as a leading economist in Boston in the area of Competition/Antitrust Law
- Listed in the 2010 edition of *Benchmark Litigation* for his leading antitrust practice
- Recognized as a leader in his field in the 2009-2015 editions of *Who's Who of Competition Lawyers and Economists*
- Recommended as one of the world's leading competition/antitrust attorneys in the 2006-2007 and 2009-2010 editions of *PLC Cross-border Competition Handbook*
- Selected by peers for inclusion in *The Best Lawyers in America* in the area of antitrust law (2006, 2008-2017), and was named Boston Antitrust "Lawyer of the Year" in 2010, 2012, 2014, 2016 and 2017.
- Named a "New England *Super Lawyer*" (formerly "Massachusetts *Super Lawyer*") in antitrust litigation in the 2004-2016 issues of *Boston Magazine*
- Recognized by his peers as one of the world's leading competition and antitrust attorneys in Legal Media Group's *The Best of the Best*

Credentials

EDUCATION

JD, Harvard Law School, 1976

AB, Grinnell College, 1972

Phi Beta Kappa

ADMISSIONS

Massachusetts

US Supreme Court