



Mark A. Ford

PARTNER

BOSTON

+ 1 617 526 6423

MARK.FORD@WILMERHALE.COM

Mark Ford is an experienced antitrust litigator who represents clients in state and federal courts and in agency investigations in matters concerning alleged monopolization, restraints of trade, price fixing, bid rigging, price discrimination, and other forms of anticompetitive and exclusionary conduct. His competition practice is nationally recognized: rated as a “Next Generation Lawyer” by *The Legal 500 United States* for his antitrust civil litigation practice; ranked as a “Band 1” lawyer in *Chambers USA: America’s Leading Lawyers* for antitrust and competition law; and recently named “Lawyer of the Year” by *Best Lawyers in America* for his antitrust litigation practice in Boston. Mr. Ford has successfully represented defendants in national class action litigation and plaintiffs in challenging predatory conduct by dominant industry players. In addition to this litigation practice, Mr. Ford is a lecturer at Boston University School of Law and a member of the Executive Committee of Greater Boston Legal Services.

Mr. Ford is a leading antitrust litigator and counselor for clients in the pharmaceutical and biopharmaceutical industry. He has litigated matters and regularly counsels clients concerning brand-generic settlements as well as defending allegations of sham litigation, *Walker Process* fraud, alleged “patent thickets,” improper “Orange Book” listings and “product hopping.” His clients are among the leading pharmaceutical and biopharmaceutical firms in the world, and he has represented those companies and their employees in federal and state courts, before the Federal Trade Commission, and in matters brought by the European Commission. He regularly speaks and publishes on antitrust issues facing life sciences companies and teaches “Antitrust and Health Care” at Boston University School of Law, which focuses on pharmaceutical and biopharmaceutical antitrust law and policy.

Mr. Ford also represents companies, including smaller and emerging businesses, hindered by anticompetitive or exclusionary conduct. On behalf of these firms, Mr. Ford has successfully pursued claims of monopolization and attempted monopolization, restraints of trade, price discrimination, unfair competition and tortious interference. Many of these cases involve clients targeted by abusive enforcement of intellectual property, including by bringing antitrust counterclaims on behalf of companies that are targeted by sham intellectual property litigation.

In addition, Mr. Ford has extensive experience litigating antitrust matters arising from the assertion of standard-essential patents (SEPs). He has litigated several SEP antitrust claims in federal courts on behalf of clients alleging that SEP holders have violated commitments to license SEPs on fair, reasonable and non-discriminatory terms, representing some of the leading technology companies in the world. Mr. Ford has also appeared before the Department of Justice to address issues of SEP abuse.

Professional Activities

Mr. Ford is a member of the Executive Committee of the Board of Directors for Greater Boston Legal Services. He is a former co-chair of the Antitrust Committee of the Boston Bar Association. He is a lecturer at Boston University School of Law, teaching antitrust law. Mr. Ford is admitted to practice before the First, Second and Third Circuit Courts of Appeals, the US District Court for the District of Massachusetts, and the US District Courts for the Eastern and Western Districts of Michigan. Mr. Ford is the former chair of the Zoning Board of Appeals for the Town of Marshfield, Massachusetts, and is currently serving on the Town's Advisory Board.

Solutions

Antitrust and Competition

Intersection of Antitrust and IP
Trials

Antitrust Litigation
Litigation

Commercial Litigation
Life Sciences

Experience

- Successfully moved to dismiss “product hopping” claims brought by state attorneys general against a major pharmaceutical company
- Defeated bid rigging claims asserted against medical imaging company, resulting in settlement involving no payment to plaintiff
- Successfully moved to dismiss sham litigation claim brought by putative class of indirect purchasers against Braintree Laboratories, Inc.
- Served as lead counsel for an international auto parts manufacturer in US civil antitrust litigation following a finding of cartel activity in Europe, securing favorable settlement of all class actions.
- Served as lead antitrust litigation counsel for a major company in the oil industry accused of monopolization based on allegations of *Walker Process* fraud, securing favorable settlement of all claims
- Authored amicus briefs to the Second and Third Circuit Courts of Appeals and the United States Supreme Court on key antitrust issues facing the pharmaceutical industry, including reverse payments and product hopping claims.
- Secured summary judgment dismissing conspiracy claims brought against multiple pharmaceutical companies arising from Hatch-Waxman settlement agreements.
- Successfully briefed and argued a motion to exclude damages theories asserted by a generic drug company against innovator client, eliminating nearly \$300 million in potential liability.
- Represented Braintree Laboratories, Inc. in defense of federal antitrust claims arising from alleged sham litigation, prevailing at trial before the United States District Court for the District of Delaware.
- Represented leading technology companies in antitrust claims and agency investigations arising from allegedly anticompetitive assertions of standards-essential patents.

Recognition

- Named Boston Lawyer of the Year by *Best Lawyers in America* for antitrust law (2024); selected by peers for antitrust litigation (2020–2024) and antitrust law (2023–2024).
- Regularly recognized by *Chambers USA Guide* in Massachusetts for his antitrust practice, with clients noting that he is a “next generation” lawyer who is “very responsive and thorough, [and is] an excellent lawyer.”
- Named to *Boston Magazine*’s inaugural Top Lawyers list in 2021 in the area of civil litigation/defense and in 2022 and 2023 in antitrust law.

- Recommended by *The Legal 500 United States* in 2016–2022 for his antitrust civil litigation practice, named a "Next Generation Lawyer" in antitrust civil litigation in 2019, 2020 and 2022, and named a "Next Generation Partner" in antitrust civil litigation in 2023.
- Named to the Lawdragon 500 Leading Litigators in America list.

Credentials

EDUCATION

JD, Boston University School of Law, 2003

summa cum laude

William L. and Lillian Berger Achievement Prize; Article Editor, Boston University Law Review

BA, Political Science, University of Pennsylvania, 1998

ADMISSIONS

Massachusetts

US Court of Appeals for the First Circuit

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US District Court for the District of Massachusetts

US District Court for the Eastern District of Michigan

US District Court for the Western District of Michigan