

Joshua D. Wright
Antonin Scalia Law School at George Mason University
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Arlington, VA 22201

CURRENT POSITIONS

University Professor, Antonin Scalia Law School, George Mason University

Executive Director, Global Antitrust Institute, Antonin Scalia Law School

Professor (Courtesy), George Mason University Department of Economics

Co-Chair, Federalist Society Regulatory Transparency Project, Antitrust & Consumer Protection Group

APPOINTMENTS, POSITIONS, AND AFFILIATIONS

Commissioner, Federal Trade Commission (January 2013 – August 2015)

Chairman, Consumer Financial Protection Bureau, Academic Research Council (2020 – 2021)

- Vice Chairman, Academic Research Council (2019 – 2020)

Member, Washington Legal Foundation Legal Policy Advisory Board (August 2019 – present)

Model Government Service and Public Affairs Initiative Distinguished Policy Fellow,
University of Pennsylvania School of Law (2018-2019)

Professor of Law, George Mason University School of Law (August 2011 – August 2016)

Associate Professor, George Mason University School of Law (August 2010 – August 2011)

Assistant Professor, George Mason University School of Law (January 2005 – August 2010)

Visiting Assistant Professor, George Mason University School of Law (2004)

Visiting Professor, University of Texas School of Law (August 2008 – May 2009)

Scholar in Residence, Federal Trade Commission (January 2007 – July 2008)

EDUCATION

University of California, Los Angeles, Department of Economics (1999-2003)

- Ph.D., Economics (2003)
- Fields: Industrial Organization, Microeconomic Theory, Economic History
- Advisors: Benjamin Klein, Harold Demsetz, Armen Alchian, John Wiley, Jr.

University of California, Los Angeles, School of Law (1998–2002)

- J.D. (May 2002)
- Managing Editor, UCLA Law Review

University of California, San Diego (1995–1998)

- B.A., Economics (with highest departmental honors) (June 1998)

Patrick Henry High School, San Diego (1992–1995)

RESEARCH INTERESTS

- Antitrust Law and Economics
- Industrial Organization
- Consumer Protection
- Administrative Law
- Law and Economics
- Regulation
- Intellectual Property
- Contracts

OTHER TEACHING EXPERIENCE

Adjunct Professor, Pepperdine University Graduate School of Public Policy (2003)

- Graduate course in Law and Economics

Lecturer, UCLA Department of Economics

- Undergraduate course in Law and Economics

Teaching Assistant, UCLA Department of Economics

- Introductory, intermediate, advanced, and graduate microeconomics courses
- Departmental Teaching Assistant Award (2001, 2002, 2003)

HONORS, GRANTS, AND AWARDS

2019 Concurrences Antitrust Writing Award, Best Business Article in the General Category, *Hipster Antitrust Meets Public Choice Economics: The Consumer Welfare Standard, the Rule of Law and Rent Seeking* (with Elyse Dorsey and Jan M. Rybnicek)

2017 Concurrences Antitrust Writing Award, Reader's Vote in Procedure Category, *The Costs and Benefits of Antitrust Consents* (with Douglas H. Ginsburg)

Recipient, 2016 Global Competition Review Academic Excellence Award for the Global Antitrust Institute

Recipient, 2014 Federalist Society Paul M. Bator Award, recognizing promising faculty members under the age of 40 who demonstrated excellence in legal scholarship, a commitment to teaching, a concern for students, and who has made a significant public impact

Concurrences Antitrust Writing Award, Academic Article of the Year, *The Goals of Antitrust: Welfare Trumps Choice* (with Douglas H. Ginsburg), 81 FORDHAM LAW REVIEW 2405 (2013)

Principal Investigator, Searle Center on Law, Regulation, and Economic Growth Civil Justice Institute Project on State Consumer Protection

Co-Principal Investigator (with Bruce H. Kobayashi), Tilburg Law and Economics Center Research Grant

BOOKS AND BOOK CHAPTERS

Antitrust Exemptions and Immunities in the Digital Economy (with Bruce H. Kobayashi), in THE GLOBAL ANTITRUST INSTITUTE REPORT ON THE DIGITAL ECONOMY (2020)

Antitrust and Ex-Ante Sector Regulation (with Bruce H. Kobayashi), in THE GLOBAL ANTITRUST INSTITUTE REPORT ON THE DIGITAL ECONOMY (2020)

Introduction and Executive Summary (with Douglas H. Ginsburg), in THE GLOBAL ANTITRUST INSTITUTE REPORT ON THE DIGITAL ECONOMY (2020)

Resale Price Maintenance Analysis in China After 12 Years (with Ian W. Fraser & Ying Zhou) (2021)

Antitrust and Economic Inequality (with Jonathan Klick), forthcoming in WHO WINS AND WHO LOSES: INEQUALITY AND THE DISTRIBUTION OF REGULATORY IMPACTS (Cary Coglianese, ed., Brookings Institution Press, forthcoming Mar. 2022)

Douglas H. Ginsburg: Antitrust's Economic Ambassador in DOUGLAS H. GINSBURG: AN ANTITRUST PROFESSOR ON THE BENCH – LIBER AMICORUM (Nicolas Charbit, Carolina S. Malhado, and Ellie Yang, eds., Institute of Competition Law, 2018)

FRAND in India (with Koren W. Wong-Ervin, Douglas H. Ginsburg, and Bruce H. Kobayashi) in COMPLICATIONS AND QUANDARIES IN THE ICT SECTOR: STANDARD ESSENTIAL PATENTS AND COMPETITION ISSUES (Ashish Bharadwaj et al. eds., 2018)

ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS, AND PROBLEMS IN COMPETITION POLICY (with Andrew I. Gavil, William E. Kovacic, and Jonathan B. Baker) (West Academic Publishing, 3rd ed. 2016)

Co-Editor, GLOBAL ANTITRUST ECONOMICS – CURRENT ISSUES IN ANTITRUST AND LAW & ECONOMICS (with Douglas H. Ginsburg) (Institute of Competition Law, 2016)

Co-Editor, RESEARCH HANDBOOK ON THE ECONOMICS OF FAMILY LAW (with Lloyd R. Cohen) (Edward Elgar Publishing, 2013)

Co-Editor, COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATING INNOVATION (with Geoffrey A. Manne) (Cambridge University Press, 2011)

Co-Editor, PIONEERS OF LAW AND ECONOMICS (with Lloyd R. Cohen) (Edward Elgar Publishing, 2009)

The Missing Role of Economics in FTC Privacy Policy in CAMBRIDGE HANDBOOK OF CONSUMER PRIVACY (Evan Selinger, Jules Polonetsky, & Omer Tene, eds. Cambridge University Press, 2017)

Federalism and the Rise of State Consumer Protection in the United States in RESEARCH HANDBOOK ON THE LAW AND ECONOMICS OF FEDERALISM (J. Klick, ed., Edward Elgar Publishing, 2016)

Behavioral Law and Economics: Its Origins, Fatal Flaws, and Implications for Liberty (with Douglas H. Ginsburg) in *THE ECONOMICS OF LEGAL RELATIONSHIPS* (Aristides N. Hatzig and Nicholas Mercurio, eds., Routledge, 2015)

Outside In or Inside Out? Counting Merger Efficiencies Inside and Out of the Relevant Market (with Jan M. Rybnicek) in *2 WILLIAM E. KOVACIC: AN ANTITRUST TRIBUTE – LIBER AMICORUM* (Nicolas Charbit and Elisa Ramundo, eds., Institute of Competition Law, 2014)

The Dramatic Rise of Consumer Protection Law (with Eric Helland), in *THE AMERICAN ILLNESS: ESSAYS ON THE RULE OF LAW* (F.H. Buckley ed., Yale University Press, 2013)

Antitrust Settlements: The Culture of Consent (with Douglas H. Ginsburg) in *1 WILLIAM E. KOVACIC: AN ANTITRUST TRIBUTE – LIBER AMICORUM* (Nicolas Charbit and Elisa Ramundo, eds., Institute of Competition Law, 2012)

Antitrust, Multi-Dimensional Competition, and Innovation: Do We Have an Antitrust Relevant Theory of Competition Now? (with Geoffrey A. Manne), in *COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATING INNOVATION* (Cambridge University Press, 2011)

Intellectual Property and Standard Setting (with Bruce H. Kobayashi), in the American Bar Association *HANDBOOK ON ANTITRUST ASPECTS OF STANDARD SETTING* (2010)

Antitrust Analysis of Tying Arrangements and Exclusive Dealing (with Alden F. Abbott), in *THE LAW AND ECONOMICS OF ANTITRUST* (Keith N. Hylton ed., Edward Elgar Publishing, 2010)

The Chicago School, Transaction Cost Economics, and Antitrust, in *THE ELGAR COMPANION TO TRANSACTION COST ECONOMICS* (Peter Klein and Mike Sykuta, eds., Edward Elgar Publishing, 2009)

Benjamin Klein's Contribution to Law and Economics, in *PIONEERS OF LAW AND ECONOMICS* (Cohen and Wright, eds., Edward Elgar Publishing Limited, 2009)

ARTICLES AND ESSAYS (BY SUBJECT MATTER)

Industrial Organization and Law and Economics

Burdens and Balancing in Multisided Markets: The First Principles Approach of Ohio v. American Express (with John M. Yun), 54 REVIEW OF INDUSTRIAL ORGANIZATION 717 (2019)

Ohio v. American Express: Implications for Non-Transaction Multisided Platforms (with John M. Yun), 3 (2) COMPETITION POLICY INTERNATIONAL 29 (2019)

Platforms in the Spotlight at the FTC Hearings (with John M. Yun), COMPETITION POLICY INTERNATIONAL NORTH AMERICA COLUMN (2018)

The Effect of Regulation on Broadband Markets: Evaluating the Empirical Evidence in the FCC's 2015 "Open Internet" Order (with Thomas W. Hazlett), 50 REVIEW OF INDUSTRIAL ORGANIZATION 487 (2017)

The Effect of Any Willing Provider and Freedom of Choice Laws on Prescription Drug Expenditures (with Jonathan Klick), 17 (1) AMERICAN LAW AND ECONOMIC REVIEW 192 (2015)

Behavioral Law and Economics: Its Origins, Fatal Flaws, and Implications for Liberty (with Douglas H. Ginsburg), 106 (3) NORTHWESTERN LAW REVIEW 1033 (2012)

The Law and Economics of Network Neutrality (with Thomas W. Hazlett), 45 INDIANA LAW REVIEW 767 (2012)

Alcohol, Antitrust, and the 21st Amendment: An Empirical Examination of Post and Hold Laws (with James C. Cooper), 32 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 379 (2012)

The Law and Economics of Online vs. Traditional Markets (with Geoffrey A. Manne), 19 SUPREME COURT ECONOMIC REVIEW 1 (2011)

The Economics of Slotting Contracts (with Benjamin Klein), 50 JOURNAL OF LAW AND ECONOMICS 421 (2007)

Antitrust Law and Economics

The Easterbrook Theorem: An Application to Digital Markets (with Murat C. Mungan), 130 YALE LAW JOURNAL FORUM 622 (2021)

What Is an Independent Agency To Do? The Trump Administration's Executive Order on Preventing Online Censorship And the Federal Trade Commission (with Alexander Krzepicki), 6

ADMINISTRATIVE LAW REVIEW ACCORD 29 (2020)

Rethinking Foreclosure Analysis in Antitrust Law: From Standard Stations to Google (with Alexander Krzepicki), LE CONCURRENTIALISTE (Dec. 17, 2020)

Antitrust Populism: Towards a Taxonomy (with Aurélien Portuese), 25 (1) STANFORD JOURNAL OF LAW, BUSINESS, AND FINANCE 131 (2020)

Use and Abuse of Bargaining Models in Antitrust (with John M. Yun), 68 KANSAS LAW REVIEW 1055 (2020)

Consumer Welfare & the Rule of Law: The Case Against the New Populist Antitrust Movement (with Elyse Dorsey, Geoffrey A. Manne, Jan M. Rybnicek & Kristian Stout), 47 PEPPERDINE LAW REVIEW 861 (2020)

Section 2 Mangled: FTC v. Qualcomm on the Duty to Deal, Price Squeezes, and Exclusive Dealing (with Lindsey M. Edwards & Douglas H. Ginsburg), 8 (2) JOURNAL OF ANTITRUST ENFORCEMENT 335 (July 2020)

The Impulse to Condemn the Strange: Assessing Big Data in Antitrust (with Alexander Krzepicki & John M. Yun), 2 (2) CPI ANTITRUST CHRONICLE 16 (Feb. 2020)

All of That in One Page: The Application of the 2015 FTC Unfair Methods of Competition Policy Statement to Net Neutrality Disputes (with Jay S. Kaplan), 17 COLORADO TECHNOLOGY LAW JOURNAL 311 (2019)

What's Next in Apple v. Pepper? The Indirect Purchaser Rule and the Economics of Pass-Through (with Bruce H. Kobayashi), 2018–19 CATO SUPREME COURT REVIEW 249 (2019)

Antitrust Out of Focus: The FTC's Myopic Pursuit of 1-800 Contacts' Trademark Settlements (with Geoffrey A. Manne and Hal J. Singer), 18 ANTITRUST SOURCE 5 (2019)

US v. AT&T Time Warner: A Triumph of Economic Analysis (with Jan M. Rybnicek) 6 JOURNAL OF ANTITRUST ENFORCEMENT 3 (2018)

Requiem for a Paradox: The Dubious Rise and Inevitable Fall of Hipster Antitrust (with Elyse Dorsey, Jan M. Rybnicek, and Jonathan Klick), 51 ARIZONA STATE LAW JOURNAL 293 (2019)

Towards a Better Understanding of Concentration: Measuring Merger Policy Effectiveness, OECD

COMPETITION COMMITTEE HEARING ON MARKET CONCENTRATION (2018)

The Economic Analysis of Antitrust Consents (with Douglas H. Ginsburg), 46 (2) EUROPEAN JOURNAL OF LAW AND ECONOMICS 245 (2018)

Hipster Antitrust Meets Public Choice Economics: The Consumer Welfare Standard, Rule of Law, and Rent-Seeking (with Elyse Dorsey and Jan M. Rybnicek), 1 COMPETITION POLICY INTERNATIONAL 21 (2018)

Antitrust Provides a More Reasonable Framework for Net Neutrality Regulation, 12 THE FREE STATE FOUNDATION 27 (2017)

State Licensing Boards, Antitrust, and Innovation (with James C. Cooper and Elyse Dorsey), THE FEDERALIST SOCIETY: REGULATORY TRANSPARENCY PROJECT (2017)

Antitrust Analysis of Big Data (with Elyse Dorsey), 2 COMPETITION LAW & POLICY DEBATE 35 (2016)

Monetary Penalties in China and Japan (with Koren W. Wong-Ervin, Douglas H. Ginsburg, Ariel Slomin, and Bruce H. Kobayashi), AMERICAN BAR ASSOCIATION SECTION OF ANTITRUST LAW CARTEL & CRIMINAL PRACTICE 12 (Fall 2016)

The Death of Antitrust Safe Harbors: Causes and Consequences (with Lindsey M. Edwards), 23 (5) GEORGE MASON LAW REVIEW 1205 (2016)

Unfair Methods of Competition after the 2015 Commission Statement (with Angela M. Diveley), 15 ANTITRUST SOURCE 1 (2015)

Conditional Discounts and the Law of Exclusive Dealing (with Derek Moore), 22 GEORGE MASON LAW REVIEW 1205 (2015)

Actavis and Multiple ANDA Entrants: Beyond the Temporary Duopoly (with Bruce H. Kobayashi, Douglas Ginsburg, and Joanna Tsai), 29 (2) ANTITRUST 89 (2015)

Philadelphia National Bank: Bad Economics, Bad Law, Good Riddance (with Douglas H. Ginsburg), 80 ANTITRUST LAW JOURNAL 201 (2015)

Standard Setting, Intellectual Property Rights, and the Role of Antitrust in Regulating Incomplete Contracts (with Joanna Tsai), 80 (1) ANTITRUST LAW JOURNAL 157 (2015)

Enjoining Injunctions: The Case Against Antitrust Liability for Standard Essential Patent Holders Who Seek Injunctions (with Douglas H. Ginsburg and Taylor M. Owings), 14 (1) ANTITRUST SOURCE 1 (2014)

Defining Section 5 of the FTC Act: The Failure of the Common Law Method and the Case for Formal Agency Guidelines (with Jan M. Rybnicek), 21 (5) GEORGE MASON LAW REVIEW 1287 (2014)

Patent Assertion Entities and Antitrust: A Competition Cure for a Litigation Disease? (with Douglas H. Ginsburg), 79 ANTITRUST LAW JOURNAL 201 (2014)

Recalibrating Section 5: A Response to the CPI Symposium, 11 (2) COMPETITION POLICY INTERNATIONAL 1 (2013)

Revisiting Antitrust Institutions: The Case for Guidelines to Recalibrate the FTC's Section 5 Unfair Methods of Competition Authority, 4-2013 CONCURRENCES (2013)

The Goals of Antitrust: Welfare Trumps Choice (with Douglas H. Ginsburg), 81 FORDHAM LAW REVIEW 2405 (2013)

Evidence-Based Antitrust Enforcement in the Technology Sector, COMPETITION POLICY INTERNATIONAL 1 (March 2013 Special Issue)

Antitrust Courts: Specialists Versus Generalists (with Douglas H. Ginsburg), 36 FORDHAM INTERNATIONAL LAW JOURNAL 788 (2013)

Antitrust Settlements: The Culture of Consent (with Douglas H. Ginsburg), 2-2013 CONCURRENCES 56 (2013)

Do Expert Agencies Perform Better Than Generalist Judges? Evidence from the Federal Trade Commission (with Angela M. Diveley), 1 (1) JOURNAL OF ANTITRUST ENFORCEMENT 82 (2012)

The Antitrust/Consumer Protection Paradox: Two Policies at War with Each Other, 121 YALE LAW JOURNAL 2216 (2012)

If Search Neutrality is the Answer, What's the Question? (with Geoffrey A. Manne), 2012 COLUMBUS BUSINESS LAW REVIEW 151 (2012)

Dynamic Analysis and the Limits of Antitrust Institutions (with Douglas H. Ginsburg), 78 (1)
ANTITRUST LAW JOURNAL 1 (2012)

Misbehavioral Economics: The Case Against Behavioral Antitrust (with Judd E. Stone), 33 (4)
CARDOZO LAW REVIEW 1517 (2012)

Abandoning Antitrust's Chicago Obsession: The Case for Evidence-Based Antitrust, 78 (1)
ANTITRUST LAW JOURNAL 301 (2012)

The Limits of Antitrust and Patent Holdup: A Reply to Cary et al. (with Bruce H. Kobayashi), 78 (2)
ANTITRUST LAW JOURNAL 701 (2012)

Moving Beyond Naïve Foreclosure Analysis, 19 (5) GEORGE MASON LAW REVIEW 1165 (2012)

What Would Predatory Pricing Law Be Without John McGee? A Reply to Professor Leslie, 85 (3)
SOUTHERN CALIFORNIA LAW REVIEW, POSTSCRIPT (2012)

Still Rare Like A Unicorn? The Case of Behavioral Predatory Pricing (with Judd E. Stone), 8
JOURNAL OF LAW ECONOMICS AND POLICY 859 (2012)

From: ACSBLOG Debate on Antitrust Scrutiny of Google (with Benjamin G. Edelman) 2
JOURNAL OF LAW: A PERIODICAL LABORATORY OF LEGAL SCHOLARSHIP 445 (2012)

Defining and Measuring Search Bias: Some Preliminary Evidence, INTERNATIONAL CENTER
FOR LAW & ECONOMICS (2011)

*Does Antitrust Enforcement in High Tech Markets Benefit Consumers? Stock Price Evidence from
FTC v. Intel*, 38 REVIEW OF INDUSTRIAL ORGANIZATION 387 (2011)

The Sound of One Hand Clapping: The 2010 Merger Guidelines and the Challenge of Judicial Adoption
(with Judd E. Stone), 39 REVIEW OF INDUSTRIAL ORGANIZATION 154 (2011)

Google and the Limits of Antitrust: The Case Against the Case Against Google (with Geoffrey A.
Manne), 34 HARVARD JOURNAL OF LAW & PUBLIC POLICY 171 (2011)

*Is Antitrust Too Complicated for Generalist Judges? The Impact of Economic Complexity and Judicial
Training on Appeals* (with Michael R. Baye), 54 JOURNAL OF LAW AND ECONOMICS 1
(2011)

Antitrust Sanctions (with Douglas H. Ginsburg), 6 (2) COMPETITION POLICY INTERNATIONAL 3 (2010)

A First Principles Approach to Antitrust Enforcement in the Agricultural Industry (with Geoffrey A. Manne), 4 (2) COMPETITION POLICY INTERNATIONAL 1 (2010)

Antitrust Formalism is Dead! Long Live Antitrust Formalism!: Some Implications of American Needle v. NFL (with Judd E. Stone), 2009-10 CATO SUPREME COURT REVIEW 369 (2010)

Antitrust, Economics, and Innovation in the Obama Administration, GLOBAL COMPETITION POLICY (2009)

Can Bundled Discounting Increase Consumer Prices Without Excluding Rivals? (with Daniel A. Crane), 6 COMPETITION POLICY INTERNATIONAL 209 (2009)

An Evidence-Based Approach to Exclusive Dealing and Loyalty Discounts, GLOBAL COMPETITION POLICY (2009)

Antitrust Pricing War: Congress v. the Court (with Geoffrey A. Manne), NEW FEDERAL INITIATIVES PROJECT (2009)

Overshot the Mark? A Simple Explanation of the Chicago School's Influence on Antitrust, 5 COMPETITION POLICY INTERNATIONAL 179 (2009)

Antitrust Analysis of Category Management: Conwood Co. v. U.S. Tobacco, 17 SUPREME COURT ECONOMIC REVIEW 311 (2009)

Antitrust (Over-?) Confidence (with Thomas A. Lambert), 20 (2) LOYOLA CONSUMER LAW REVIEW 219 (2008)

The Roberts Court and the Chicago School of Antitrust: The 2006 Term and Beyond, 3 (2) COMPETITION POLICY INTERNATIONAL 25 (2007)

The Roberts Court's Antitrust Jurisprudence: The Chicago School Marches On, 8 (4) ENGAGE 29 (2007)

Slotting Contracts and Consumer Welfare, 74 (2) ANTITRUST LAW JOURNAL 439 (2007)

MasterCard's Single Entity Strategy, 12 HARVARD NEGOTIATION LAW REVIEW 225 (2006)

Antitrust Law and Competition for Distribution, 23 YALE JOURNAL ON REGULATION 169 (2006)

Sui Generis?: An Antitrust Analysis of Buyer Power in the United States and European Union (with Richard Scheelings), 39 AKRON LAW REVIEW 207 (2006)

Singing Along: A Comment on Goldberg and Muris on the Three Tenors, 1 (3) REVIEW OF LAW AND ECONOMICS 4 (2005)

Von's Grocery and the Concentration-Price Relationship in Grocery Retail, 48 UCLA LAW REVIEW 743 (2001)

Intellectual Property & Antitrust

Growing Convergence: The Limited Role of Antitrust in Standard Essential Patent Disputes (with Douglas H. Ginsburg and Camila Ringeling), COMPETITION POLICY INTERNATIONAL (2021).

Extra-Jurisdictional Remedies Involving Patent Licensing (with Douglas H. Ginsburg, Bruce H. Kobayashi, and Koren W. Wong-Ervin), COMPETITION POLICY INTERNATIONAL (2016)

The FTC PAE Study: A Cautionary Tale About Making Unsupported Policy Recommendations (with Douglas H. Ginsburg) AMERICAN BAR ASSOCIATION INTELLECTUAL PROPERTY COMMITTEE (November 2016 Special Edition)

Intellectual Property and Standard Setting (with Koren W. Wong-Ervin), 17 (3) THE FEDERALIST SOCIETY REVIEW 52 (2016)

'Excessive Royalty' Prohibitions and the Dangers of Punishing Vigorous Competition and Harming Incentives to Innovate (with Douglas H. Ginsburg, Bruce H. Kobayashi, and Koren W. Wong-Ervin), 4 (3) COMPETITION POLICY INTERNATIONAL ANTITRUST CHRONICLE (2016)

The Troubling Use of Antitrust to Regulate FRAND Licensing (with Douglas H. Ginsburg and Koren W. Wong-Ervin), 10 (1) COMPETITION POLICY INTERNATIONAL ANTITRUST CHRONICLE 2 (2015)

Product Hopping and the Limits of Antitrust: The Danger of Micromanaging Innovation (with Douglas H. Ginsburg and Koren W. Wong-Ervin), 12 COMPETITION POLICY

INTERNATIONAL ANTITRUST CHRONICLE 1 (2015)

SSOS, FRAND, and Antitrust: Lessons from the Economics of Incomplete Contracts, 21 GEORGE MASON LAW REVIEW 791 (2014).

FTC v. Actavis and the Future of Reverse Payment Cases, 4-2013 CONCURRENCES (2013)

Whither Symmetry? Antitrust Analysis of Intellectual Property Rights at the FTC and DOJ (with Douglas H. Ginsburg), 9 (2) COMPETITION POLICY INTERNATIONAL 41 (2013)

Innovation and The Limits of Antitrust (with Geoffrey A. Manne), 6 (1) JOURNAL OF COMPETITION LAW AND ECONOMICS 153 (2010)

Patent Holdup, Antitrust and Innovation: Harness or Noose? (with Aubrey N. Stuempfle), 61 ALABAMA LAW REVIEW 559 (2010)

Reverse Payment Settlements and Upcoming Congressional Action (with Geoffrey A. Manne), NEW FEDERAL INITIATIVES PROJECT (2009)

Why the Supreme Court was Correct to Deny Certiorari in FTC v. Rambus, GLOBAL COMPETITION POLICY (March 2009, Release Two)

Federalism, Substantive Preemption, and Limits on Antitrust: An Application to Patent Holdup (with Bruce H. Kobayashi), 5 JOURNAL OF COMPETITION LAW AND ECONOMICS 469 (2009), reprinted in *COMPETITION POLICY AND PATENT LAW UNDER UNCERTAINTY: REGULATION INNOVATION* (with Geoffrey A. Manne) (Cambridge University Press, 2011)

Missed Opportunities in Independent Ink, 2005-06 CATO SUPREME COURT REVIEW 333 (2006)

Contracts and Contract Theory

Backdating Options and Why Executive Compensation is Not All About Norms (with Geoffrey A. Manne), 2 CORPORATE GOVERNANCE LAW REVIEW 385 (2006)

Behavioral Law and Economics, Paternalism, and Consumer Contracts: An Empirical Perspective, 2 NYU JOURNAL OF LAW AND LIBERTY 470 (2007)

Consumer Protection

How to Economize Consumer Protection (with Michael R. Baye), 18 ANTITRUST SOURCE 1 (2018)

Judicial Cost-Benefit Analysis Meets Economics: Evidence from State Consumer Protection Acts (with Elise M. Nelson), 81(3) ANTITRUST LAW JOURNAL 997 (2018)

Stop Chug-a-lug-a-lugin 5 Miles an Hour on Your International Harvester: How Modern Economics Brings the FTC's Unfairness Analysis Up to Speed with Digital Platforms (with John M. Yun), 83 GEORGE WASHINGTON LAW REVIEW 2130 (2015)

State Consumer Protection Acts: An Empirical Investigation of Private Litigation, SEARLE CIVIL JUSTICE INSTITUTE PRELIMINARY REPORT, 2009 (2010).

Are State Consumer Protection Acts Really Little FTC Acts? (with Henry N. Butler), 63 FLORIDA LAW REVIEW 163 (2010)

The Effect of the Consumer Financial Protection Agency Act of 2009 on the Availability of Consumer Credit (with David S. Evans), 22 (3) LOYOLA CONSUMER LAW REVIEW 279 (2010)

A Response to Professor Levitin on the Effect of the Consumer Financial Protection Agency Act of 2009 on Consumer Credit (with David S. Evans), 22 (3) LOYOLA CONSUMER LAW REVIEW 277 (2010)

Three Problematic Truths About the Consumer Financial Protection Agency Act of 2009 (with Todd J. Zywicki), 1 (12) LOMBARD STREET (September 2009)

How the Consumer Financial Protection Agency Act of 2009 Would Change the Law and Regulation of Consumer Financial Products (with David S. Evans), 2 BLOOMBERG LAW REPORTS: RISK AND COMPLIANCE (2009)

Global Antitrust Institute Comments

Comment to the New York Senate Committee on Consumer Protection in Connection with Its Pending Consideration of the Twenty-Fist Century Antitrust Act (S.933) (with Tad Lipsky, Douglas H. Ginsburg, Bruce H. Kobayashi, and John M. Yun) (2021)

Comment Before the Federal Ministry of Economic Affairs and Energy “GWB Digitalization Act” (with Tad Lipsky, Douglas H. Ginsburg, John M. Yun, and Bruce H. Kobayashi) (2020)

Comment on the European Commission’s Notice on Definition of Relevant Market for the Purposes of Community Competition Law (with Camila Ringeling, Tad Lipsky, Douglas H. Ginsburg, and Bruce H. Kobayashi) (2020)

Comment on the Noncompete Clauses Used in Employment Contracts (with Camila Ringeling, Douglas H. Ginsburg, John M. Yun, and Tad Lipsky) (2020)

Comment on the DOJ/FTC Draft 2020 Vertical Merger Guidelines (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2020)

Comment on the Swedish Competition Authority’s Proposed Market Study of Digital Platforms (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2019)

Comment on the Infocommunications Media Development Authority (IMDA): Convergence of Competition Code for the Media and Telecommunications Markets (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2019)

Comment on Deception, Materiality, and the Economics of Consumer Protection (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2019)

Comment on the Federal Trade Commission Hearings on Competition and Consumer Protection in the 21st Century: Consumer Privacy (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2019)

Comment on the Australian Competition & Consumer Commission’s Digital Platforms Inquiry, Preliminary Report (with John M. Yun, Douglas H. Ginsburg, and Tad Lipsky) (2019)

Comment on the Federal Trade Commission’s Hearings on Competition and Consumer Protection in the 21st Century: Privacy, Big Data, and Competition (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the Federal Trade Commission’s Hearings on Competition and Consumer Protection in the 21st Century: Reverse Payment Settlements (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the Federal Trade Commission's Hearings on Competition and Consumer Protection in the 21st Century: Innovation and Intellectual Property Policy (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

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Comment on the Federal Trade Commission's Hearings on Competition and Consumer Protection in the 21st Century: The Consumer Welfare Standard in Antitrust Law (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the Federal Trade Commission's Hearings on Competition and Consumer Protection in the 21st Century: Vertical Mergers (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the United States Federal Trade Commission Hearings on Competition and Consumer Protection in the 21st Century: Concentration and Competitiveness in the U.S. Economy (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the Federative Republic of Brazil, Before the Administrative Council for Economic Defense (CADE), Draft Guidelines Concerning Antitrust Remedies (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the United States Department of Justice, Antitrust Division Public Roundtable Series on the Relationship between Competition and Regulation, Third Roundtable – on Anticompetitive Regulations (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the United States Department of Justice, Antitrust Division Public Roundtable Series on the Relationship between Competition and Regulation, Second Roundtable – on Consent Decrees (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the Japan Patent Office (JPO) Guide to Licensing Negotiations Involving Standard Essential Patents (with Tad Lipsky, Douglas H. Ginsburg, and John M. Yun) (2018)

Comment on the United States Department of Justice, Antitrust Division Public Roundtable Series on Competition and Deregulation, First Roundtable on State Action, Statutory Exemptions and Implied Immunities, (with Tad Lipsky, Douglas H. Ginsburg, Bruce H. Kobayashi, and John M. Yun) (2018)

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United States House of Representatives Committee on the Judiciary Subcommittee on Intellectual Property, Competition and the Internet Hearing on “How Will the Proposed Merger Between AT&T and T-Mobile Affect Wireless Telecommunications Competition?” (May 2011)

PROFESSIONAL ACTIVITIES

Co-Director, Robert A. Levy Fellowship in Law & Liberty at George Mason (2011-2013; 2016-2020)

Co-Editor, Supreme Court Economic Review (Volume 20-22)

Senior Editor, *Antitrust Law Journal* (until January 1, 2013)

Associate Editor, *International Review of Law and Economics* (until January 1, 2013)

Referee, *Journal of Law and Economics*, *American Law & Economic Review*, *Review of Law and Economics*; *Supreme Court Economic Review*, *International Review of Industrial Organization*, *Review of Industrial Organization*, *Journal of Legal Studies*, *Yale Law Journal*, *Harvard Law Review*

PRIOR PROFESSIONAL EXPERIENCE

Senior Consultant, Charles Rivers Associates, Inc. (October 2009 – January 2013)

Consultant, Federal Trade Commission (July 2008 – April 2009)

Law Clerk to the Honorable James V. Selna, U.S. District Court for the Central District of California (2003-2004)

Consultant, Economic Analysis, LLC (1998 – 2002)

Summer Associate, Latham and Watkins (2001)

Summer Associate, Jones Day Reavis & Pogue (2000 and 2001)

Honors Paralegal, Federal Trade Commission, Bureau of Competition (1998)

Intern, Federal Trade Commission, Bureau of Economics (1997)

BAR MEMBERSHIP

California Bar Association

Washington D.C. Bar Association