

Ballard Spahr
LLP

ANTITRUST AND COMPETITION COURSE CATALOG



COMMON SALES PRACTICES THAT PRESENT ANTITRUST PROBLEMS

Certain sales practices can land your company in hot water. We will discuss how to tell if your company is a victim of anticompetitive behavior and how to determine if you have an antitrust claim. We also examine the civil and criminal implications of allocating customers, bundling, and exclusionary conduct.

ANTITRUST ISSUES IN HIRING AND COMPENSATION DECISIONS

Employee-related antitrust enforcement is on the rise. We will review current antitrust hiring and compensation issues, such as no-poaching agreements, wage-fixing, non-solicitation agreements, and the exchange of salary and compensation information.

COMMON ETHICAL ISSUES FOR IN-HOUSE ANTITRUST COUNSEL

In-house counsel can face ethical challenges during antitrust investigations and litigation. This program will examine privilege issues and disclosure obligations when communicating with employees, addressing conflicts and concerns involving governmental subpoenas and interviews, and managing ethical dilemmas during discovery.

BACK TO THE FUTURE: ANTITRUST BASICS, THE EVOLUTION OF ANTITRUST LAW, AND ETHICAL PITFALLS

Refresh your knowledge of antitrust basics, analyze current developments, and take a look into the future of antitrust law and enforcement. This program provides information that every in-house lawyer should know about antitrust law—from litigation to corporate transactions and general business. Topics include: the intersection of patent law and antitrust, compliance programs, privilege and ethical issues, initiating or defending against litigation, responding to government inquiries, and the antitrust implications of mergers and acquisitions.

EXCLUSIONARY PRACTICES CASES: LESSONS LEARNED FOR PLAINTIFFS AND DEFENDANTS

Companies with large market share can face antitrust litigation based on claims of exclusionary practices—and companies harmed by these practices can bring their own cases. We will examine the issue from both sides, using insight gained from experience handling these suits for clients as both plaintiff and defendant, including the victorious jury trial that resulted in a \$500 million settlement for plaintiffs in *ZF Meritor v. Eaton*.

**KEEPING A WATCHFUL EYE: THE
UNIQUE ASPECTS OF THE DOJ'S
ANTITRUST DIVISION**

The DOJ's Antitrust Division has become more active in bringing criminal prosecutions across a range of industries—resulting in prison sentences and fines far exceeding those historically associated with antitrust prosecutions. We will examine the unique aspects of investigations and prosecutions by the Division as well as advocacy before it. Topics include: how the Division decides whether to investigate; how the “rule of reason” factors in; avoiding claims of misconduct and responding to inquiries; self-reporting; and volume of commerce.

**WHERE ARE WE ON CLASS
CERTIFICATION? EXAMPLES
FROM HEALTH CARE AND
PHARMACEUTICAL CASES**

Drawing on our experience working for plaintiffs and defendants in class certification issues in the health care and pharmaceutical markets, we will discuss current class certification law, related policies issues, current standards, and strategic considerations.

**DEALMAKING IN AN ERA
OF INCREASED ANTITRUST
ENFORCEMENT**

It is important to consider the antitrust implications during a merger or acquisition. We will discuss merger enforcement, premerger filings, recent enforcement activities, and ways you can avoid problems with documents and through post-closure planning.

**LET'S MAKE A DEAL – PUBLIC
AND PRIVATE ANTITRUST
CHALLENGES TO HEALTH CARE
COMBINATIONS**

Health care reform has spurred new transactions and affiliations between health systems, hospitals, physician groups, and other providers. That uptick has been accompanied by increased antitrust scrutiny from the FTC and state attorneys general—and spotlights the importance of proactively assessing antitrust risks. We will review current federal and state challenges and provide practical advice on the antitrust issues facing health care providers as they—and their competitors—consider consolidation.

**ANTITRUST CHALLENGES TO
PATENT SETTLEMENTS AFTER
*FTC v. ACTAVIS***

The U.S. Supreme Court's decision in *FTC v. Actavis* has an enormous impact on how pharmaceutical companies prosecute and settle patent infringement lawsuits against one another. The opinion holds that district courts should apply the “rule of reason” standard in assessing antitrust liability for so-called reverse payment patent settlements. This program examines the ruling and its broader industry implications.

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