

Antitrust West Coast 2022

3rd and 4th March 2022 – The Marker Hotel, San Francisco

Day One

08.30 **Conference Welcome**

09.00 **Chair's Welcome**

The Future of Antitrust

09.10 **A New Era of Federal Enforcement?**

- New staff, new approach, new budget: will enforcement be transformed?
- Reviewing the use of criminal indictments
- Analyzing the interplay between FTC-DOJ and their approaches

09.50 **Key European Updates and Implications for the West Coast**

- Key insights regarding the implementation of the Digital Markets Act
- CMA updates: could the enforcer become a key influencer and power broker in merger deals?
- Reviewing significant developments among EU Member State activity

10.30 **The Future of Mergers**

- Has a new era for M&A officially begun?
- Is a review of standards and theories of harm on the cards?
- Assessing the potential for retroactive breakups/remedies?
- Looking at key merger developments in the EU whether they shed light on the future of the US?

11.10 **Morning Break**

Big Tech & New Tech

11.40 **Antitrust and Platforms: Defining Markets and Competition**

- Platform and market definition
- Assessing competition risks relating to online platforms managed by tech and non-tech companies
- Platform expansion and complementary services

12.20 **How Will Competition Play Out in Web 3.0?**

- Antitrust and trending technologies: crypto, blockchain, AR, VR and green tech.
- Previewing data, systems and interoperability issues surrounding the next evolution of tech

13.00 **Lunch**

Antitrust in Practice

14.10 **Insights from Discovery Tussles**

- Is discovery out of control in tech cases?
- Reviewing key cases and the role and expectations around discover
- Managing the burden of discovery as an in-house practitioner

14.50 **Learning points from Hyperactivate Healthcare**

- Reviewing DOJ activity. Does intense activity in the sector signal a new era of enforcement?
- Updates on criminal prosecution. Will the trend spill over to other industries?
- Reviewing developments in healthcare and hospital mergers

15.30 Afternoon Break

16.00 **Where Antitrust meets Sustainability**

- What role can sustainability metrics and analytics play in antitrust?
- Vulnerable communities and consumer protection: how does antitrust intersect?
- The competition challenges arising for businesses looking to collaborate on sustainability

16.40 **Vertical Mergers Centre Stage**

- Thoughts on the FTC vertical merger guideline withdrawal.
- Reviewing recent enforcement
- How to counsel in the landscape?

17.20 **Chair's Closing Remarks**

17.30 **Day One End Drinks**

Day Two

08.30 **Conference Welcome**

09.00 **Chair's Welcome**

The Future of Antitrust

09.10 **Law Making: New Enforcement Tools on the Horizon?**

- Reviewing how potential antitrust law-making fits into wider trends around standards and policy setting for science and technology
- Current proposals and their potential implications for big tech and beyond.
- Could new laws create fertile grounds for more plaintiff activity
- Does bipartisanship in the US go any deeper than the desire to restrict platforms?

09.50 **Increasing Global Convergence**

- Are we witnessing a global march towards regulation of the digital space?
- With the consumer welfare standard constantly being questioned, what will take its place?
- Is “The Brussels Effect” inevitably incremental or could this be a transitory trend?
- What does it all mean for internal counselling?

Big Tech & New Tech

10.30 **Keeping up with Enforcement in the Tech Space**

- Review key developments within the major GAFA cases currently under way
- Insights from state led enforcement activity
- Updates from EU enforcement activity in the tech space

11.10 **Morning Break**

11.40 **Navigating the Intersection between Antitrust and Data**

- Exploring the intersection of competition law, data privacy and consumer protection
- Data as a source of market power: developments around interoperability & data access
- Digging into dark patterns and consumer choice

12.20 **High-Tech Focus: IP and Antitrust**

- Reviewing standards and essential patents and the role of industry bodies
- FRAND and SEPs
- Technology licensing including cross licensing and settlements
- Monopolization cases, patents prosecuted through inequitable / fraudulent conduct / sham litigation

13.00 **Lunch**

Antitrust in Practice

14.10 **Private Enforcement on the Rise**

- Trends behind the growing use of private enforcement
- Are Federal enforcers facilitating private action?
- Lessons learned from key cases

14.50 **Key Trends in State Attorney General Antitrust Enforcement**

- State enforcement, with and without the feds
- Best practices in dealing with overlapping state-federal investigations
- A look at legislative activity at state level

15.30 **Afternoon Break**

16.00 **Mergers: “Close at your own risk”**

- What have learned so far on new approaches to merger enforcement?
- Reviewing recent procedural updates and the challenges arising
- Key considerations for multijurisdictional mergers

16.40 **Challenges for Global Compliance**

- Key insights on building a strong global compliance program
- Working across a patchwork of jurisdictions with disparate approaches to enforcement
- Complying with antitrust rules pertaining to vertical and horizontal transactions in major markets in a unified manner.

17.20 **Chair’s Closing Remarks**

17.30 **Farewell Drinks**