

## **CURRICULUM VITAE**

### **MARINA LAO**

Seton Hall University School of Law  
One Newark Center  
Newark, NJ 07102  
(973) 642-8835

Email: [Marina.Lao@shu.edu](mailto:Marina.Lao@shu.edu); [Marina.Lao@gmail.com](mailto:Marina.Lao@gmail.com)

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## **ACADEMIC EXPERIENCE & GOVERNMENT APPOINTMENT**

### **SETON HALL UNIVERSITY SCHOOL OF LAW**

- Edward S. Hendrickson Professor of Law, 2008-present
- Professor of Law, 1999-present.
- Associate Professor of Law, 1994-1999. Tenured in 1999.

### **HONORS & AWARDS**

#### **SCHOLARSHIP:**

- Maury Cartine Research Endowment Fellow (2010-2014)
- Fulbright Award, Sept. 2007-Feb. 2008, University of Munich & Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, Germany.
- Researcher of the Year Award, 2008-2009 (University-wide award).
- Dean's Fellow, 2003-2005; 2000-2001

#### **TEACHING:**

- Andrea J. Catania Teaching Fellow for Excellence in Teaching, 2003-2005
- Nominated Professor of the Year, Seton Hall Law School -- 2009, 2006

#### **COURSES TAUGHT:**

- Antitrust Law, Business Associations, Administrative Law, Commercial Law, Securities Regulation, Business Torts, Antitrust Issues in Healthcare.
- Established student externships with the U.S. Securities & Exchange Commission, and the New York Stock Exchange; faculty advisor 1997-2000.

### **FEDERAL TRADE COMMISSION**

- Director, Office of Policy Planning, February 2015-June 2016  
(on leave from Seton Hall)

**UNIVERSITY OF NAVARRA, PAMPLONA, SPAIN.** Visiting Professor of Law, Summer 2009. Taught U.S. Business Law

**UNIVERSITY OF MUNICH, MUNICH, GERMANY, & MAX PLANCK INSTITUTE FOR INTELLECTUAL PROPERTY, COMPETITION, AND TAX LAW, MUNICH, GERMANY.** Fulbright Professor, Senior Researcher & Senior Lecturer, Sept. 2007—Feb. 2008. Taught U.S. Antitrust Law.

**UNIVERSITY OF CONNECTICUT SCHOOL OF LAW.** Visiting Professor, Fall 2000.

**UNIVERSITY OF INTERNATIONAL BUSINESS AND ECONOMICS, SCHOOL OF LAW, BEIJING, CHINA.** Visiting Professor, Summer 1999. Taught U.S. Business Associations.

**TEMPLE UNIVERSITY SCHOOL OF LAW.** Hon. Abraham L. Freedman Fellow and Lecturer in Law, 1992-1994.

## **PUBLICATIONS**

### ARTICLES & BOOK CHAPTERS:

- *Ideology Matters in the Antitrust Debate*, 79 ANTITRUST L. J. 649 (2014).
- “Neutral” Search as a Basis for Antitrust Action?, HARV. J. L. & TECH. OCCASIONAL PAPER SERIES -- JULY 2013.
- *Search, Essential Facilities, and the Antitrust Duty to Deal*, 11 NW. J. TECH. & INTELL. PROP. 275 (2013).
- *The Perfect is the Enemy of the Good: The Antitrust Objections to the Google Books Settlement*, 78 ANTITRUST L.J. 201 (2012).
- *Internet Retailing and “Free Riding”: A Post-Leegin Antitrust Analysis*, 14 No. 9 JOURNAL OF INTERNET LAW 1 (2011).
- *Editor’s Note, Symposium, The Effect of Economic Crises on Antitrust Policy*, 76 ANTITRUST LAW JOURNAL 213 (2010).
- *Resale Price Maintenance: The Internet Phenomenon and “Free-Rider” Issues*, 55 ANTITRUST BULLETIN 473 (2010).
- *Resale Price Maintenance: A Reassessment of its Competitive Harms and Benefits*, in MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW 59 (JOSEF DREXL ET. AL EDS., EDWARD ELGAR 2011).
- *Networks, Access, and “Essential Facilities”: From Terminal Railroad to Microsoft*, 62 SMU L. REV. 557 (2009) (symposium).
- *Leegin and Resale Price Maintenance: A Model for Emulation or for Caution for the World?*, 39 INT’L REV. OF INTELL. PROP. & COMP. LAW 253 (2008).
- *Free Riding: An Overstated, and Unconvincing, Explanation For Resale Price Maintenance*, in HOW THE CHICAGO SCHOOL OVERSHOT THE MARK: THE EFFECT OF CONSERVATIVE ECONOMIC ANALYSIS ON U.S. ANTITRUST 196 (ROBERT PITOFKY, ED., OXFORD UNIV. PRESS 2008).
- *Defining Exclusionary Conduct Under Section 2: The Case for Non-Universal Standards*, in FORDHAM INTERNATIONAL ANTITRUST LAW & POLICY 433-68 (BARRY HAWK, ED. 2006).
- *Aspen and Trinko: Antitrust Intent and “Sacrifice”*, 73 ANTITRUST L.J. 171 (2005).

- *Reclaiming a Role for Intent Evidence in Monopolization Analysis*, 54 AM. U. L. REV. 151 (2004).
- *Reforming the Noerr-Pennington Antitrust Immunity Doctrine*, 55 RUTGERS L. REV. 965 (2003)
- *Law School Accreditation: The Applicability of State Action and Noerr Exemptions, and First Amendment Principles*, 14 LOY. CONSUMER L. REV. 439 (2002) (symposium).
- *Discrediting Accreditation?: Antitrust and Legal Education*, 79 WASH. U. L. Q. 1035 (2001).
- *The Rule of Reason and Horizontal Restraints Involving Professionals*, 68 ANTITRUST L.J. 499 (2000).
- *Unilateral Refusals to Sell or License Intellectual Property and the Antitrust Duty to Deal*, 9 CORNELL J.L. & PUB. POL'Y 193 (1999) (symposium).
- *Federalizing Trade Secrets Law In An Information Economy*, 59 OHIO STATE L.J. 1633 (1998).
- *Tortious Interference and the Federal Antitrust Law of Vertical Restraints*, 83 IOWA L. REV. 35 (1997).
- *Mergers In A Declining Defense Industry: Should the Merger Guidelines Be Reassessed?*, 28 CONN. L.R. 347 (1996).
- *Jurisdictional Reach of the U.S. Antitrust Laws: Yokosuka, Yokota, and "Footnote 159" Scenarios*, 46 RUTGERS L. R. 821 (1994).

OTHER:

- Invited participant, *Blog Symposium: The FTC Section 5 Unfair Methods of Competition Authority*, TRUTHONTHEMARKET.COM, Aug. 1, 2013, <http://truthonthemarket.com/2013/08/01/marina-lao-on-the-ftc-section-5-unfair-methods-of-competition-authority/>.
- *Op-ed, The Google Question*, MAIN JUSTICE, Oct. 19, 2012, <http://www.mainjustice.com/2012/10/19/the-google-question/>
- Invited Participant, *Blog Symposium: Is there a basis in antitrust law for requiring 'neutral' search results*, Antitrust & Competition Policy Blog, May 22, 2012, [http://lawprofessors.typepad.com/antitrustprof\\_blog/2012/05/is-there-a-basis-in-antitrust-law-for-requiring-neutral-search-results-comments-by-marina-lao.html](http://lawprofessors.typepad.com/antitrustprof_blog/2012/05/is-there-a-basis-in-antitrust-law-for-requiring-neutral-search-results-comments-by-marina-lao.html).
- Tribute: *Bob as Scholar*, SYMPOSIUM IN HONOR OF ROBERT PITOFSKY (FORMER DEAN, GEORGETOWN LAW; FORMER CHAIR, FTC), Georgetown Law School, May 30, 2012.

## **CONGRESSIONAL & AGENCY APPEARANCES**

- *Litigation as Predatory Practice* (invited testimony), HOUSE JUDICIARY COMMITTEE, SUBCOMMITTEE ON INTELLECTUAL PROPERTY, COMPETITION AND THE INTERNET, Feb. 17, 2012.
- Invited Discussant, Federal Trade Commission Workshop on Resale Price Maintenance, FTC, Washington, D.C., Feb. 17, 2009.
- Invited Presenter, U.S. DEPARTMENT OF JUSTICE & FEDERAL TRADE COMMISSION HEARINGS ON SINGLE-FIRM CONDUCT, Washington, DC, March 29, 2007.

## **SELECTED PROFESSIONAL PRESENTATIONS:**

- Speaker, *Workers in the “Sharing” (or “Gig”) Economy: The Case for Extending the Antitrust Labor Exemption to Them*, U.S. DEPT. OF JUSTICE, ANTITRUST DIVISION, Washington, DC, Mar. 9, 2017.
- Panelist, *What To Do About Concentration in the Health Care Sector: Antitrust and Beyond*, SECTION ON ANTITRUST & ECONOMIC REGULATION AND SECTION ON LAW, MEDICINE AND HEALTH CARE, 2017 AALS ANNUAL MEETING, San Francisco, CA, Jan. 7, 2017.
- Panelist, *Antitrust: The Centrality of Innovation to the Competition Discourse*, SECTION ON ANTITRUST & ECONOMIC REGULATION AND SECTION ON INTELLECTUAL PROPERTY, 2017 AALS ANNUAL MEETING, San Francisco, CA, Jan. 4, 2017.
- Speaker, *Federal Antitrust Limits on State Licensing Boards*, SETON HALL LAW SCHOOL CLE PROGRAM, Newark, NJ, Nov. 17, 2017.
- Panelist, *Innovation Economics and New Business Models: Which Consequences for Antitrust Policy?*, SEARLE CENTER ON LAW, REGULATION, AND ECONOMIC GROWTH (CO-SPONSOR: CONCURRENCES), THE GLOBAL ANTITRUST ECONOMICS CONFERENCE, NORTHWESTERN PRITZKER SCHOOL OF LAW, Chicago, Oct. 7, 2016.
- Panelist, *The Sharing Economy: Disrupting, Sharing, and Building a New Way Forward*, THE BETTER BUSINESS BUREAU 2016 ANNUAL CONFERENCE, Washington, DC, April 22, 2016.
- Panelist, *The On-Demand Economy and Challenges to Existing Regulatory and Competition Frameworks*, STANFORD INSTITUTE FOR ECONOMIC POLICY RESEARCH CONFERENCE ON ANTITRUST & INTELLECTUAL PROPERTY IN HIGH TECH INDUSTRIES, STANFORD UNIVERSITY, CA, April 19, 2016.
- Speaker, *The Supreme Court’s Ruling in N.C. Board of Dental Examiners v. FTC*, 2016 ADEA (AMERICAN DENTAL EDUCATION ASS’N) ANNUAL SESSION, Denver, CO, March 14, 2016.
- Keynote Speaker, *Emerging Competition Issues: Keeping Pace in a Changing World*, CANADIAN COMPETITION BUREAU, Ottawa, Canada, Jan. 19, 2016.

- Panelist, *Antitrust and the State*, ANTITRUST & ECONOMIC REGULATION SECTION, 2016 AALS ANNUAL MEETING, NYC, NY, Jan. 8, 2016.
- Keynote Speaker, *The Sharing Economy and Competition Advocacy*, INSIGHT SHARING ECONOMY SYMPOSIUM, Toronto, CA, Dec. 2, 2015.
- Speaker, *Competition Advocacy at the FTC*, CONGRESO INTERNACIONAL DE LIBRE COMPETENCIA ECONOMICA, *INDUSTRIA Y COMERCIO SUPERINTENDENCIA* (hosted by the Colombia Competition Bureau), Colombia, Oct. 21-23, 2015.
- Panelist, *State Regulation: Changes Will Continue—How to Impact Change*, AMERICAN TELEMEDICINE ASSOCIATION FALL FORUM, Washington, DC, Sept. 17, 2015.
- Speaker, *The Sharing Economy: Lessons Learned and Possible Parallels to Renewable Energy*, U.S. SMART GRID TASK FORCE MEETING, Washington, DC, Sept. 16, 2015
- Panelist, *Mavericks Wrestling with Regulation: Tesla, Uber, and AirBnb*, ABA ANTITRUST SECTION 2015 ANNUAL MEETING, Washington, DC, April 15, 2015.
- Panelist, *Debate Update: Defining Section 5 Unfair Methods of Competition*, ABA ANTITRUST SECTION 2014 ANNUAL MEETING, Washington, DC, March 27, 2014.
- Discussant, *Market for “Bigness”*, NEXT GENERATION OF ANTITRUST SCHOLARS’ CONFERENCE, NYU SCHOOL OF LAW, Jan. 17, 2014.
- Panelist, *FTC v. Actavis: Seminar on Impact of the [Supreme Court] Ruling*, SIDLEY, AUSTIN LLP, NY, June 26, 2013.
- Presenter, *Internet Search and Antitrust*, SEARLE CENTER ON LAW, REGULATION, AND ECONOMIC GROWTH, FOURTH ANNUAL CONFERENCE ON INTERNET SEARCH AND INNOVATION, NORTHWESTERN LAW SCHOOL, June 21, 2013.
- Co-Moderator, *Chair’s Showcase Session – The Political Hand in American Antitrust: Invisible, Inspirational or Imaginary*, ABA ANTITRUST SECTION 2013 MEETING, Washington, D.C., April 11, 2013
- Panelist, *Google and Antitrust*, SECTION OF ANTITRUST AND ECONOMIC REGULATION, 2013 AALS ANNUAL MEETING, New Orleans, LA, Jan. 5, 2013.
- Presenter, *Current Issues in Vertical Restraints*, LEGAL AND ECONOMIC ISSUES FOR EXPERIENCED COMPETITION AUTHORITY OFFICIALS AND JUDGES, FORDHAM COMPETITION LAW INSTITUTE, New York, July 12, 2012.
- Panelist, *Search, Duties to Deal, and Essential Facilities*, HENRY G. MANNE PROGRAM IN LAW & ECONOMICS SECOND ANNUAL CONFERENCE ON COMPETITION, SEARCH, AND SOCIAL MEDIA, George Mason Law School, May 16, 2012.

- Presenter, *The Google Books Settlement*, at the 12TH ANNUAL LOYOLA ANTITRUST COLLOQUIUM, INSTITUTE OF CONSUMER ANTITRUST STUDIES, Chicago, April 27, 2012.
- Discussant, *Antitrust and Intellectual Property*, NEXT GENERATION OF ANTITRUST SCHOLARSHIP CONFERENCE II, NYU School of Law, Jan. 20, 2012
- Presenter, *The Google Books Settlement*, HENRY G. MANNE PROGRAM IN LAW & ECONOMICS STUDIES RESEARCH ROUNDTABLE: THE LAW & ECONOMICS OF SEARCH ENGINES AND SEARCH ADVERTISING, George Mason Law School, Nov. 3, 2011.
- Presenter, *Free-Riding*, ANTITRUST CHALLENGES OF MULTI-CHANNEL DISTRIBUTION IN THE INTERNET AGE, AMERICAN ANTITRUST INSTITUTE ANNUAL INVITATIONAL SYMPOSIUM, Washington, D.C., June 22, 2011.
- Presenter, *Implications of Leegin on Internet Commerce and Retail Innovations*, PROGRAM ON POST-LEEGIN RESALE PRICE FIXING, AMERICAN BAR ASSOCIATION, SECTION OF ANTITRUST LAW, New York, Jan. 19, 2011.
- Moderator and Chair, *Scholars' Showcase Program*, AMERICAN BAR ASSOCIATION, SECTION OF ANTITRUST LAW, 58TH ANNUAL SPRING MEETING, Washington, DC, April 22, 2010.
- Discussant, *Antitrust Censorship of Economic Protest*, NEXT GENERATION OF ANTITRUST SCHOLARSHIP CONFERENCE I, NYU Law School, New York, Jan. 29, 2010.
- Moderator, *The Impact of Economic Crises on Antitrust Policy*, SECTION ON ANTITRUST & ECONOMIC REGULATION, AALS ANNUAL MEETING, New Orleans, LA, Jan. 9, 2010.
- Presenter, *Reassessing the Procompetitive and Anticompetitive Effects of Resale Price Maintenance*, ASCOLA CONFERENCE: MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW?, Washington, D.C., June 16-17, 2009.
- Presenter, *Vertical Restraints, The "Free Rider" Explanation, and Competition Law Policy*, MARKET ACCESS, INTELLECTUAL PROPERTY RIGHTS, AND COMPETITION POLICY, LAW & SOCIETY IN THE 21<sup>ST</sup> CENTURY, 2007 LAW & SOCIETY ASSOCIATION ANNUAL CONFERENCE, Berlin, July 25-28, 2007.
- Presenter, *Has The "Free Rider" Explanation for Vertical Arrangements Been Unrealistically Expanded?*, KIRKPATRICK ANTITRUST CONFERENCE, CONSERVATIVE ECONOMIC INFLUENCE ON U.S. ANTITRUST POLICY, GEORGETOWN UNIVERSITY LAW SCHOOL, Washington, DC, April 16-17, 2007.
- Roundtable, *General Approaches to Defining Abusive/Monopolistic Practices*, 33<sup>RD</sup> ANNUAL CONFERENCE ON INTERNATIONAL ANTITRUST LAW & POLICY, FORDHAM COMPETITION LAW INSTITUTE, New York, NY, Sept. 14-15, 2006.

- Panelist, *The Role of the Academic in Shaping Competition Policy in the United States*, SYMPOSIUM, EMERGING COMPETITION LAW REGIMES IN THE PACIFIC RIM, Beijing, China, June 2-3, 2005.
- Moderator, *Scholars' Showcase Program*, AMERICAN BAR ASSOCIATION, SECTION OF ANTITRUST LAW, ANNUAL SPRING MEETING 2005, Washington, DC, Mar. 30-Apr 1, 2005
- Presenter, *Scholars' Showcase Program: Antitrust Application to Law School Accreditation*, AMERICAN BAR ASSOCIATION, SECTION OF ANTITRUST LAW, ANNUAL SPRING MEETING 2002, Apr 25, 2002.
- Commentator, *The "Strange" Case of U.S. v. Brown University*, SECOND ANNUAL MIDWEST ANTITRUST COLLOQUIUM, INSTITUTE FOR CONSUMER ANTITRUST STUDIES, Loyola Univ. Chicago School of Law, April 5, 2002.
- Presenter, *Guilds at the Millennium: Antitrust and the Professionals*, AALS, SECTION OF ANTITRUST & ECONOMIC REGULATION, ANNUAL MEETING, New Orleans, LA, Jan. 4, 2002.
- Presenter, *Reconciling Tortious Interference and the Antitrust Law*, AMERICAN BAR ASSOCIATION, SECTION OF ANTITRUST LAW, ANNUAL MEETING 2001, Mar. 28, 2001.
- Commentator, *The Future Course of the Rule of Reason*, SECTION OF ANTITRUST & ECONOMIC REGULATION, AALS ANNUAL MEETING, Washington, D.C., Jan. 2000.
- Panelist, *Intersections in the Law: Antitrust and Intellectual Property*, SYMPOSIUM, CORNELL JOURNAL OF LAW & PUBLIC POLICY, CORNELL LAW SCHOOL, April 9-10, 1999.

## **PRACTICE EXPERIENCE**

WILSON, COBB, LICHTENSTEIN & LAO, Atlanta, GA. Partner, 1989-1992. General civil practice with emphasis in corporate transactional law.

1985—1989. Business-related litigation and transactional work.

- Significant case: *Swenson et al. v. Hendrix et al.*, No. 1:87-cv-896 (N.D. Ga.) (lead counsel for plaintiffs in securities fraud case; resulted in \$4.8 million judgment in favor of plaintiffs).

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Honors Program Trial Attorney, Atlanta Field Office and Washington, D.C., 1980-1984.

- Significant case: *United States v. Georgia Waste Systems, Inc. et al.* (N.D. Ga), *aff'd*, 713 F.2d 1580 (11<sup>th</sup> Cir. 1984)—second chair at trial; on the brief on appeal. Successful criminal prosecution of all defendants for federal antitrust violations in the waste disposal industry.

- Represented the United States in grand jury investigations and prosecutions of criminal antitrust violations in the southeastern states, appearing in federal courts in Georgia, Florida, Alabama, and South Carolina.

U.S. DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, WASHINGTON, D.C.,  
HONORS PROGRAM, Honors Intern, Summer 1979.

## **EDUCATION**

- LL.M., 1994 Temple University School of Law, Philadelphia, PA.
- J.D., 1980 Albany Law School, New York; recipient of three-year full scholarship.
- B.A., 1974 Stony Brook University (formerly known as the State University of New York at Stony Brook).

## **SERVICE & HONORS**

### SETON HALL LAW SCHOOL:

- Chair: Faculty Appointments Committee (2003-2006, 2017-); Special Projects Committee (2009-2011); Faculty Colloquium Series (2009-2014).
- Member: Faculty Appointments, Lateral Appointments, Rank & Tenure, Contract Renewal, Budget, Admissions, Curriculum, Diversity Council; Journals Committee (various years).
- Member, Strategic Planning Committee, Board of Advisors, Seton Hall Law School, 2010-2014.
- Faculty Advisor, Asian-Pacific-American Law Students Association (APALSA), 1995 to present.
- Faculty Advisor, Seton Hall Legislative Journal, 2013-2104

### ACADEMIC & PROFESSIONAL:

- Member, Advisory Board, AMERICAN ANTITRUST INSTITUTE (AAI), Washington, D.C., 2009 – 2015; July 2017 – present.
- Chair, SECTION OF ANTITRUST & ECONOMIC REGULATION, AALS, 2009-2010 (Executive Board member 2003 to 2009).
- Peer Reviewer (occasional) for the ANTITRUST LAW JOURNAL.
- Member, ANTITRUST AND TRADE REGULATION COMMITTEE, ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, 1997-2000.
- Member, CONSUMER AFFAIRS COMMITTEE, ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, 1994-1996.
- Fulbright Scholar Program, Discipline Peer Reviewer (2010, 2011, 2012).



- Member, SPECIAL COMMITTEE ON WOMEN & MINORITIES IN THE PROFESSION, GEORGIA STATE BAR. 1991-1992.
- Member, Advisory Board, ATLANTA LEGAL AID SOCIETY, Atlanta, Georgia. 1991-1992.

COMMUNITY SERVICE & HONORS:

- Member, Board of Trustees, Literacy Volunteers of New Jersey. 2005 – 2009.
- Honoree, Asian-American Law Fund of New York, October 2004.
- Keynote Speaker, U.S. Attorney's Office, District of New Jersey, Asian Pacific American Heritage Celebration, 2000.
- General Counsel, Organization of Chinese-Americans, Georgia Chapter, 1989-1991.

**BAR ADMISSIONS:**

Georgia, New York, District of Columbia  
United States Court of Appeals for the Eleventh Circuit  
United States Court of Appeals for the District of Columbia Circuit  
United States District Court, Northern District of Georgia  
United States District Court, District of Columbia