

## MARINA LAO

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### **PRESENT ACADEMIC APPOINTMENT**

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

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

#### **HONORS & AWARDS**

- **Edward S. Hendrickson Professorship**, 2008.
- **Fulbright Award**, Sept. 2007-Feb. 2008, University of Munich & Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, Germany.
- **Dean's Fellow**, 2003-2005; **Dean's Research Fellow**, 2000-2001
- **Andrea J. Catania Teaching Fellow for Excellence in Teaching**, 2003-2005
- **Nominated Professor of the Year**, Seton Hall Law School -- 2009, 2006.

#### **SUBJECTS**

- Current Courses: Antitrust Law; Comparative US and EU Antitrust Law; Business Associations; Commercial Law.
- Other Courses: Securities Regulation, Antitrust Issues in Healthcare; Business Torts.
- Established student externships with the U.S. Securities and Exchange Commission and the New York Stock Exchange; advisor for externships 1997-2000.

### **OTHER ACADEMIC EXPERIENCE**

#### **UNIVERSITY OF NAVARRA, PAMPLONA, SPAIN.**

- Visiting Professor of Law, Summer 2009

- Course: U.S. Corporate 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
- Course: U.S. Antitrust Law
- Research: Comparative US and EU competition law issues

**UNIVERSITY OF CONNECTICUT SCHOOL OF LAW**

- Visiting Professor, Fall 2000.
- Courses: Corporations, Securities Regulation

**UNIVERSITY OF INTERNATIONAL BUSINESS AND ECONOMICS, SCHOOL OF LAW, BEIJING, CHINA.**

- Visiting Professor, Summer 1999
- Course: U.S. Corporate Law

**TEMPLE UNIVERSITY SCHOOL OF LAW**

- Hon. Abraham L. Freedman Fellow and Lecturer in Law, 1992-1994
- Courses: Legal Research and Writing; Commercial Law

**SELECTED PUBLICATIONS:**

- *Resale Price Maintenance: A Reassessment of its Competitive Harms and Benefits*, in MORE COMMON GROUND FOR INTERNATIONAL COMPETITION LAW? (Edward Elgar 2009) (forthcoming).
- *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 PITOFSKY, 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).
- *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).
- *Federalizing Trade Secrets Law In An Informational 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).

**SELECTED PROFESSIONAL PRESENTATIONS:**

- Presenter, Reassessing the Procompetitive and Anticompetitive Effects of Resale Price Maintenance, ASCOLA Conference, Washington, D.C., June 16-17, 2009.

- Discussant, Federal Trade Commission Hearings on Resale Price Maintenance, FTC, Washington, D.C., Feb. 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.
- Testimony, U.S. DEPARTMENT OF JUSTICE & FEDERAL TRADE COMMISSION HEARINGS ON SINGLE-FIRM CONDUCT, Washington, DC, March 29, 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, held in 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 AND 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*, AALS, SECTION OF ANTITRUST AND ECONOMIC REGULATION, 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 in 1989)
- 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 Department of Justice, Antitrust Division, 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 State University of New York at Stony Brook, New York  
Majors: History and Economics

**SELECTED PROFESSIONAL ACTIVITIES, COMMUNITY SERVICE & HONORS**

Chair, Association of American Law Schools (AALS), Section of Antitrust Law, 2009-2010; Member of Executive Board, 2003 to 2009.

Member, Advisory Board, American Antitrust Institute (AAI), Washington, D.C, 2009 – present.

Member, Antitrust Law Committee, New Jersey State Bar Association, 2008 - present.

Honoree, Asian American Law Fund of New York, October 2004.

Member, Antitrust and Trade Regulation Committee, Association of the Bar of the City of New York, 1997-2000.

Keynote Speaker, U.S. Attorney's Office District of New Jersey, Asian Pacific American Heritage Celebration, 2000.

Member, Consumer Affairs Committee, Association of the Bar of the City of New York, 1994-1996.

Faculty Advisor, APALSA (Asian-Pacific-American Law Students' Association), Seton Hall Law School, 1996 to present.

Chair, Faculty Appointments Committee (2003-2006); service on Faculty Appointments, Lateral Appointments, Rank & Tenure, Contract Renewal, Budget, and Admissions Committees (various years), Seton Hall Law School.

Member, Special Committee on Women & Minorities in the Profession, Georgia State Bar. 1991-1992.

Member, Advisory Board, Atlanta Legal Aid Society, Inc., Atlanta, Georgia. 1991-1992.

Member, Board of Trustees, Literacy Volunteers of New Jersey. 2005 – 2009.

General Counsel, Organization of Chinese-Americans, Georgia Chapter, 1989-1991.

**BAR ADMISSIONS:**

Georgia (1980), New York (1981), District of Columbia (1984)  
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