

**Robert A. Lipstein**Partner
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Washington, DC 20004-2595
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- Antitrust
- International Trade
- Intellectual Property
- Product Risk Management
- International Business
- Trade Associations
- Distribution Management & Brand Stewardship
- Retail Law

Rob Lipstein is a partner in Crowell & Moring's Antitrust, International Trade, and Intellectual Property Groups, and is co-chair of the Antitrust Group and chair of the International Trade Group Steering Committee. As chair of the Finance and Contingent Fee Review Committees, Rob also leads the firm's value-based billing initiatives, working across practice areas to craft and implement a wide range of alternative fee agreements.

In private practice in Washington, D.C. since 1978, Rob counsels clients on all aspects of antitrust and trade regulation issues, with particular expertise on mergers and acquisitions, including pre-merger notification and pre-merger integration planning procedures; product distribution; and the interaction of antitrust and intellectual property laws. Rob has industry specialization in telecommunications, chemicals and industrial gases, hazardous waste, consumer electronics, and musical instruments. Rob is the architect of distributor and dealer agreements that have become the standards in several industries, and has assisted companies to establish and enforce unilateral Minimum Advertised Price and Minimum Retail Price policies.

Rob has been recognized by *Chambers USA 2010* as a leading lawyer who is "highly regarded for his litigation skills, as well as his skill in guiding clients through FTC investigations." He has been named by his peers for more than 10 consecutive years as one of *The Best Lawyers in America* in the area of International Trade and Finance Law, is also named in *Best Lawyers* in the area of Antitrust Law, and was featured in the 2004, 2006 and 2010 *Guide to the World's Leading Competition and Antitrust Lawyers*.

Rob regularly counsels and represents clients before the FTC and the Antitrust Division of the DOJ regarding mergers, acquisitions, joint ventures, competitor collaborations, and compliance with the Hart-Scott-Rodino Act. Recent transactions include representing Reed Elsevier Group plc in connection with its \$4 billion purchase of ChoicePoint, Inc., its \$4 billion sale of Harcourt Education Group, and its \$950 million sale of Harcourt

Assessment, Inc., as well as SBC's \$16 billion acquisition of AT&T, and AT&T's \$86 billion acquisition of Bell South. Rob also represented Yamaha Corporation of America in the FTC's investigation into MAP prices for musical instruments, and the Air Liquide group in connection with the termination of a decades-old consent decree applicable to the distribution and sale of carbon dioxide.

In addition to his M&A and distribution focus, Rob specializes in counseling at the intersection of antitrust and intellectual property, advising leading patent pool administrators on antitrust issues. And with twenty-five years of trademark and copyright prosecution and litigation experience, Rob also assists clients to protect their valuable intellectual property rights, and to enforce those rights against misuse, particularly on the Internet.

Rob also represents clients in antidumping and countervailing duty investigations and reviews before the Department of Commerce and the International Trade Commission, as well as the Court of International Trade and the Court of Appeals for the Federal Circuit. He has written several commentaries on the antidumping law, and on the interaction of the antidumping and antitrust laws, and has also spoken on international panels on these topics.

Rob graduated Phi Beta Kappa from Stanford University in 1975, and obtained his law degree in 1978 from Stanford Law School, where he was Associate Managing Editor of the Stanford Law Review. Rob is a fourth degree black belt and volunteer instructor in tae kwon do.

Education

- Stanford University, B.A. (1975) Economics (with Distinction) - Phi Beta Kappa
- Stanford Law School, J.D. (1978)

Affiliations

Admitted to practice: District of Columbia

Publications

- "Guide to Value-Based Billing," Association of Corporate Counsel and Crowell & Moring (May 2012). Author: Robert A. Lipstein.

- "How Tomorrow Moves: CSX Uses Scorecards to Help Outside Counsel Stay on Track," *ACC Docket* (October 2011). Co-Authors: Thomas I. Anderson, Kathryn D. Kirmayer and Robert A. Lipstein.
- "Unintended Consequences for Innovation in Modern U.S. Vertical Merger Review," *The Antitrust Counselor* (Winter 2011). Co-Authors: Robert Lipstein, Ryan Tisch and Mika Clark.
- Antitrust Special Report: "In Hard Times, Companies Look to Joint Ventures," *The National Law Journal* (November 2, 2009). Co-Authors: Robert A. Lipstein, Wm. Randolph Smith and Shawn R. Johnson.
- "The revised merger remedies notice - some comments," *ECLR 2009*, p. 281. (May 1, 2009). Co-Authors: Werner Berg and Rob Lipstein.
- "Merger Remedies in the US and Europe," *Comparative Legal Guide to: Merger Control 2009*. (March 1, 2009). Co-Authors: Robert A. Lipstein and Werner Berg.
- "Intellectual Property & Antitrust 2009 - USA," *Getting the Deal Through - Global Competition Review* (2008). Co-Authors: Robert A. Lipstein, Jeffrey Blumenfeld, Olivier N. Antoine and Timothy Carson.
- "Observations On Brand Name-Generic Sham Litigation Disputes and Settlements," *AIPLA Antitrust News* (May 2008). Co-Authors: Robert A. Lipstein, Karen A. Gibbs and Valerie Hinko O'Such.
- "Good Things for Antitrust & IP: Will *Leegin* Bring GE to Life?," *Distribution*, the newsletter of the Distribution and Franchising Committee, ABA Antitrust Section, Vol. 12, No. 1 (February 2008). Co-Authors: Robert Lipstein and Ryan C. Tisch.
- "RPM in IP: RIP To Per Se?," *Competition Law and IP Law360* (April 2007). Co-Authors: Robert Lipstein and Ryan C. Tisch.
- "The Next Telecom Frontier: A 'Net Neutrality' Primer," *Global Competition Review of the Americas* (October 2006). Co-Authors: Robert Lipstein and Jeffrey Blumenfeld.
- "Complicated Confessions: With Regulators in Multiple Jurisdictions, a Rush for Global Amnesty Gets Tricky," *Legal Times*, Vol. XXIX, No. 12 (March 20, 2006). Co-Authors: Jeffrey Blumenfeld, Robert Lipstein and Volker Soyez.

Alerts & Newsletters

- ""Toto – We Can't Be In Kansas": Kansas Supreme Court Scuttles Rule of Reason for Resale Price Agreements Under State Law," *Antitrust Law Alert* (May 7, 2012). Contacts: Robert A. Lipstein, Ryan C. Tisch, Daniel A. Sasse, Chahira Solh.
- "FTC Increases HSR and Section 8 Thresholds," *Antitrust Law Alert* (January 26, 2012). Contacts: Robert A. Lipstein, Shawn R. Johnson.
- "Mandatory Indian Merger Control: What You Need to Know," *Antitrust Law Alert* (July 15, 2011). Contacts: Robert A. Lipstein, Jeane A. Thomas, Olivier N. Antoine.

- "FTC Requires More Documents With Revised HSR Notification Form," *Antitrust Law Alert* (July 7, 2011). Contacts: Wm. Randolph Smith, Robert A. Lipstein, Shawn R. Johnson.
- "Hidden Discount Judgment of \$2 Billion Against Ford: Implications for Pricing Systems," *Antitrust Law Alert* (June 22, 2011). Contacts: Robert A. Lipstein, Mark A. Klapow, Christie L. Stahlke.
- "Antitrust Division Issues Updated Policy Guide to Merger Remedies," *Antitrust Law Alert* (June 21, 2011). Contacts: Robert A. Lipstein, Jeane A. Thomas, Lauren B. Patterson.
- "Robust State Enforcement of Minimum Resale Price Maintenance May Require New Approaches to Pricing," *Antitrust Law Alert* (January 24, 2011). Contacts: Robert A. Lipstein, Daniel A. Sasse, Chahira Solh.
- "Federal Circuit's En Banc *Princo* Decision Limits Patent Misuse Doctrine," *Antitrust Law Alert* (September 2, 2010). Contacts: Robert A. Lipstein, Jeffrey Blumenfeld, Astor Heaven.
- "FTC and DOJ Issue Final Version of Revised Merger Guidelines," *Antitrust Law Alert* (August 20, 2010). Contacts: Wm. Randolph Smith, Robert A. Lipstein, Shawn R. Johnson, Robert B. McNary.
- "FTC Notices Proposed Changes To HSR Form," *Antitrust Law Alert* (August 17, 2010). Contacts: Robert A. Lipstein, Michael G. Van Arsdall, Shawn R. Johnson.
- "FTC Settles Charges That Intel Violated Section 5 of the FTC Act," *Antitrust Law Alert* (August 4, 2010). Contacts: Robert A. Lipstein, Michael G. Van Arsdall, Robert B. McNary, Andrew Slade.
- "Privilege does not extend to in-house or foreign lawyers in EU antitrust cases says Advocate General of European Court of Justice," *Antitrust Law Alert* (May 3, 2010). Contacts: Robert A. Lipstein, Werner Berg, Sean-Paul Brankin, Olivier N. Antoine.
- "European Commission Adopts New Competition Rules For Distribution Of Goods And Services," *Antitrust Law Alert* (April 26, 2010). Contacts: Werner Berg, Thomas De Meese, Robert A. Lipstein.
- "FTC, DOJ Issue Revised Merger Guidelines," *Antitrust Law Alert* (April 20, 2010). Contacts: Robert A. Lipstein, Wm. Randolph Smith, Shawn R. Johnson.
- "Third Circuit Clarifies Robinson-Patman Act's Competing Purchaser Requirement in Bid Situations," *Antitrust Law Alert* (January 12, 2010). Contacts: Robert A. Lipstein, Ryan C. Tisch, Timothy (Ty) Carson.
- "Federal Trade Commission Charges Intel With Anticompetitive Conduct; Commits to Expedited Administrative Trial and Decision," *Antitrust Law Alert* (December 16, 2009). Contacts: Robert A. Lipstein, Jeffrey Blumenfeld, Ryan C. Tisch.
- "FTC, Whole Foods Reach Agreement on Wild Oats Acquisition," *Antitrust Law Alert* (March 9, 2009). Contacts: Wm. Randolph Smith, Robert A. Lipstein, Ryan C. Tisch.

- "New FTC Settlement with Music Industry Trade Association Provides Important Guidance For Associations That Conduct Industry-Wide Meetings," *Antitrust Law Alert* (March 4, 2009). Contacts: Robert A. Lipstein, Christopher E. Ondeck.
- "FTC's Bureau of Competition Issues Report and Statement Emphasizing Continued Scrutiny of Pharmaceutical Agreements," *Antitrust Law Alert* (May 27, 2008). Contact: Robert A. Lipstein.
- "Antitrust/IP Interface: D.C. Circuit Reverses FTC in *Rambus* Case Involving Alleged Deception of Standards Development Organization," *Antitrust Law Alert* (April 24, 2008). Contacts: Robert A. Lipstein, Wm. Randolph Smith.
- "Practical Considerations Arising From Supreme Court's *Leegin* Decision Overturning *Per Se* Treatment of Minimum Resale Price Maintenance Agreements," *Antitrust Law Alert* (June 28, 2007). Contacts: Wm. Randolph Smith, Robert A. Lipstein, Ryan C. Tisch.
- "Senators Grill Antitrust Officials over Lax Merger Enforcement," *Antitrust Law Alert* (March 9, 2007). Contacts: Robert A. Lipstein, Wm. Randolph Smith.
- "Supreme Court Brings Law on Predatory Buying into Line with Existing Rule on Predatory Selling," *Antitrust Law Alert* (February 22, 2007). Contacts: Jeffrey H. Howard, Robert A. Lipstein, Ryan C. Tisch.
- "International Trade Bulletin - Volume 2, Issue 1," *International Trade Bulletin* (January 26, 2007). Contacts: Jeffrey L. Snyder, Robert A. Lipstein, Barry E. Cohen, Werner Berg, Carrie F. Fletcher.
- "FTC Reaches Settlement With Major Weight-Control Pill Marketers," *Antitrust Law Alert* (January 5, 2007). Contacts: Robert A. Lipstein, Bridget E. Calhoun.
- "The Latest in AT/IP: FTC Rules Against Rambus -- Lack of Disclosure Leads to Finding of Violation of the Sherman Act," *Antitrust Law Alert* (August 2, 2006). Contacts: Robert A. Lipstein, M. Brinkley Tappan.
- "International Trade Bulletin - Volume 1, Issue 8," *International Trade Bulletin* (June 26, 2006). Contacts: Jeffrey L. Snyder, Robert A. Lipstein, Alexander H. Schaefer, Donald E. Sovie, Michael J. Songer.
- "FTC/DOJ Open Joint Hearings on Single Firm Conduct," *Antitrust Law Alert* (June 21, 2006). Contacts: Robert A. Lipstein, Ryan C. Tisch.
- "FTC and DOJ Hold Initial Hearing on Predatory Pricing," *Antitrust Law Alert* (June 6, 2006). Contacts: Ryan C. Tisch, Robert A. Lipstein.
- "International Trade Bulletin - Volume 1, Issue 5," *International Trade Bulletin* (May 16, 2006). Contacts: Jeffrey L. Snyder, Robert A. Lipstein, Jeffrey Blumenfeld, Melissa Coyle, Lorraine B. Halloway, R. Bruce Keiner Jr., Alexander H. Schaefer, Carrie F. Fletcher.
- "Court Dismisses Resident Match Antitrust Lawsuit," *Health Law 'In The News'* (August 16, 2004). Contacts: Arthur N. Lerner, Robert A. Lipstein, Ryan C. Tisch.

Speaking Engagements

- "Antitrust Distribution: Up All Night: Distribution Risk as a Leading Cause of Insomnia," Crowell & Moring Product Risk Management Seminar (October 19, 2011). Moderator: Ryan Tisch. Panelists: Melanie Sabo (Federal Trade Commission); Laura Jones (Avaya); Sean-Paul Brankin; Robert Lipstein.
- "Negotiating and Drafting Effective Alternative Fee Arrangements," ACI's 5th National Forum on Reducing Legal Costs (October 22, 2010). Co-Presenter: Robert A. Lipstein.
- "Using Value-Based Billing To Align Outside Counsel and Client Incentives," National Constitutional Center (September 15, 2010). Presenter: Robert A. Lipstein.
- "Project and Matter Management," Pilot Project on Value-Based Skills: Equipping the Next Generation of Latina Corporate Practice Leaders, presented by the ACC and the HNBA Commission on Status of Latinas in the Legal Profession (September 9, 2010). Presenter: Robert A. Lipstein.
- "What Happens When the FTC Calls: An Antitrust Primer for Retailers Focused on Pending Mall Consolidation," National Retail Tenants Association Webinar (March 23, 2010). Moderator: Gregory D. Call; Panelists: Robert A. Lipstein and Wm. Randolph Smith.
- "Resale Price Maintenance Post-Leegin: Avoiding Anti-Competitive Conduct in an Uncertain Legal Environment," Strafford Publications Teleconference (October 14, 2009). Faculty Member: Robert A. Lipstein.
- "Collaborate, Consolidate or Die?: Corporate Development and Antitrust Enforcement in a Global Economic Crisis," Crowell & Moring Webinar (September 22, 2009). Co-Presenters: Wm. Randolph Smith and Robert A. Lipstein.
- "Resale Price Maintenance Post-Leegin: Avoiding Anti-Competitive Conduct in an Uncertain Legal Environment," Strafford Publications Teleconference (May 7, 2009). Faculty Member: Robert A. Lipstein.
- "Antitrust Pitfalls in Internet Distribution: Minimizing Antitrust Risks in Manufacturer-Retailer E-Commerce Competition," Stafford Teleconference (February 24, 2009). Faculty: Robert A. Lipstein.
- "Antitrust and SSO Developments," 4th Annual Advanced Patent Law Institute at USPTO (November 14, 2008). Co-Presenters: Jeffrey Blumenfeld and Robert A. Lipstein.
- "Antitrust Update," ABA Corporate Counseling Committee (October 11, 2007). Presenters: Wm. Randolph Smith, Kent A. Gardiner, Jeane A. Thomas, Robert Lipstein, Christopher E. Ondeck, Bridget E. Calhoun, Daniel A. Sasse, Werner Berg and Thomas De Meese.