



Douglas F. Broder

Senior Of Counsel

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OVERVIEW

Douglas Broder, a former chair of the firm's antitrust practice group, has practiced for over 40 years in federal and state courts throughout the United States and abroad. His practice includes litigating antitrust matters, including criminal matters, as well as a wide variety of commercial matters for national and international clients in numerous industries. Douglas also assists clients in obtaining antitrust clearance for mergers, acquisitions and joint ventures and provides antitrust compliance counseling to major corporations and trade associations. Douglas has an extensive appellate practice and has had primary responsibility for more than 45 appeals to the U.S. Court of Appeals for the Second Circuit alone.

Douglas was lead antitrust attorney on the trial team that secured a groundbreaking antitrust jury verdict for Continuant, Inc./Telecom Labs, Inc. (TLI), an independent provider of maintenance services for telephone equipment, in the U.S. District Court for the District of New Jersey. Following a six-and-a-half month trial, a New Jersey federal jury returned a \$20 million antitrust verdict (which was automatically trebled to \$60 million) in favor of the client. (*Avaya Inc. v. Telecom Labs Inc. et al.*) The case was the first antitrust claim of its type (single product aftermarket) to make it to trial and to a successful verdict since the plaintiffs in *Eastman Kodak v. Image Technical Services* tried their case to verdict after the Supreme Court first recognized this type of claim in 1992. In a subsequent landmark ruling, the New Jersey federal court awarded TLI \$2.6 million in prejudgment interest. This is the first time in history prejudgment interest has been awarded in a federal antitrust lawsuit.

Douglas recently completed the third edition of his book, *U.S. Antitrust Law and Enforcement: A Practice Introduction*, (Oxford University Press, 3d ed. 2016). He also authored: *A Guide to U.S. Antitrust Law* (Sweet & Maxwell, London, 2005); and *Antitrust Law Desk Book* (Aspen Law & Business, New York, 2001). Mr. Broder authored a chapter in *Inside the Minds: Antitrust Laws* (Aspatore Press, 2005) and was the principal editor of, and a contributing author to, *International Joint Ventures* (Professional Information Publishing, Ltd., 1996). Mr. Broder has published numerous articles on antitrust, legal writing, and written advocacy and is a member of the editorial board of, and the U.S. law reporter for, the monthly *European Competition Law Review*.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Douglas was a partner in the New York office of a major international law firm, where he headed the firm's antitrust practice.

PROFESSIONAL / CIVIC ACTIVITIES

- Pro Bono Panel, United States Court of Appeals for the Second Circuit, 1982-2017
- American Bar Association (Antitrust and International Law Sections)
- Association of the Bar of the City of New York (Antitrust and Trade Regulation Committee)
- International Bar Association (Competition Law Section)
- Rated AV® Preeminent™ by Martindale-Hubbell® and named a *2012 Top Rated Lawyer® in Appellate Law*
- Recognized by peers since 2007 as New York *SuperLawyer* in the areas of antitrust litigation, business litigation and appellate litigation
- Listed: *Who's Who in the World, Who's Who in America, Who's Who in American Law, Who's Who in the East*

SPEAKING ENGAGEMENTS

Douglas has presented numerous talks and continuing legal education seminars on antitrust/competition law topics and on effective brief writing and appellate advocacy.

EDUCATION

- J.D., Boston University School of Law, 1977 (*cum laude*; *Editor, Boston University Law Review*)
- B.A., Vassar College, 1970

ADMISSIONS

- Bar of New York
- Supreme Court of the United States
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York
- United States Tax Court

THOUGHT LEADERSHIP POWERED BY HUB

- 7 December 2016, Judge Rejects Joint Defense Privilege Claim; Orders Would-be Merger Partners to Produce Sensitive Emails to DOJ (*Alerts/Updates*)

OTHER PUBLICATIONS

- Co-author, Vertical Price Fixing in the United States — Who's in Charge?, *European Competition Law Review*, April 2013
- U.S. Antitrust Law and Enforcement: A Practice Introduction, 2010

AREAS OF FOCUS

- Antitrust, Competition, and Trade Regulation
- Appellate Litigation
- Capital Markets
- Complex Commercial Litigation and Disputes
- Corporate Governance
- Internal Investigations
- Investigations, Enforcement, and White Collar
- IP Procurement and Portfolio Management
- Mergers and Acquisitions
- White Collar Crime