

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Makan Delrahim

2. **Position**: State the position for which you have been nominated.

Assistant Attorney General, Antitrust Division, Department of Justice

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: 1600 Pennsylvania Avenue NW, Washington D.C.

Residence: Washington, D.C.

4. **Birthplace**: State date and place of birth.

November 2, 1969; Tehran, Iran

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

UCLA School of Theater, Film and Television, Professional Programs; 2009 to 2016;
Cert., September 2009.

Johns Hopkins University; 1994 to 2002; M.S. Biotechnology, May 2002.

George Washington University School of Law; 1993 to 1995; J.D., December 1995.

American University; 1992 to 1993; no degree.

UCLA; 1987 to 1991; B.S. Kinesiology (Physiological Sciences), June, 1991.

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

Affiliations (Compensated):

January 2017 to Present

The White House

1600 Pennsylvania Avenue NW

Washington, D.C.

Deputy Assistant to the President and Deputy Counsel to the President

August 2005 to January 2017

Brownstein Hyatt Farber Schreck, LLP

2049 Century Park East

Los Angeles, CA

Shareholder/Partner

Est. September 2013 to January 2017

Preconcile, LLC

8 Market Place

Baltimore, MD

Co-Founder

August 2011 to December 2015

Pepperdine University

24255 Pacific Coast Highway

Malibu, CA

Adjunct Professor of Law

Est. January 2008 to May 2010

U.S. Patent and Trademark Office

600 Dulany Street

Alexandria, VA

Member, Trademark Public Advisory Committee

July 2003 to August 2005

U.S. Department of Justice

Antitrust Division

950 Pennsylvania Avenue NW

Washington, D.C.

Deputy Assistant Attorney General

April 2003 to April 2007

U.S. Antitrust Modernization Commission

No Address

Commissioner

May 1998 to July 2003

U.S. Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C.
Counsel (May 1998 to November 2000)
Staff Director and Chief Counsel (December 2000 to July 2003)

January 1996 to May 1998
Patton Boggs, LLP
2550 M Street, NW
Washington, D.C.
Associate Attorney
Summer Associate (May 1995 to July 1995)

Est. November 1992 to Est. May 1995
National Institutes of Health
Office of Technology Transfer
9000 Rockville Pike
Bethesda, MD
Technology Licensing Analyst (Est. February 1993 to May 1995)
Internship (Est. October 1992 to February 1993)

Est. May 1994 to January 1995
Office of the United States Trade Representative
600 G. Street, NW
Washington, D.C.
Deputy Director, Intellectual Property Rights (on Detail from National Institutes of Health)

November 1991 to July 1992
Mom's Grill Restaurant (No Longer Operational)
Port Hueneme, CA
Restaurant Host and Chef

July 1991 to December 1991
Agoura Hills Fitness Center
27040 Malibu Hills
Agoura Hills, CA
Fitness Trainer

Affiliations (Uncompensated):

December 2016 to January 2017
Trump-Pence Transition Team
1800 G Street N.W.
Washington, D.C.
Volunteer Attorney

Est. March 2012 to December 2015
Chrysalis
522 S Main Street
Los Angeles, CA
Member, Board of Directors

Est. April 2012 to January 2017
World Poker Tour Foundation
5700 Wilshire Boulevard, No. 350
Los Angeles, CA
Member, Board of Directors

August 2005 to August 2015
American Bar Association
1050 Connecticut Avenue NW, No. 400
Antitrust Section Leadership – Long Range Planning Committee (2014 to 2015)
Legislation Committee – Chair or Vice Chair (2005 to 2014)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. .

N/A

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association, Section on Antitrust, 2005 to Present.

I have served on Long Term Planning Committee and on Leadership of the Legislation Committee, as either Chair or Vice Chair from 2005 to 2014.

L.A. County Bar Association, 2009 to Present.

Beverly Hills Bar Association, 2010 to 2015.

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California

1997 to Present (inactive status during federal employment 1999 to 2005)

District of Columbia

1998 to Present

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court

Admitted in January 2011

United States District Court for the Central District of California

Admitted in December 2003

United States Patent and Trademark Office

Admitted in 2000

I have also been admitted *pro hac vice* to the United States District Court for the Northern District of New York and the United States Court of Appeals for the Second Circuit.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Pacific Counsel on International Policy 2014 to 2017

Milken Institute, 2009 to 2017

Member of Young Leaders Circle and Milken Associates

Chabad of Malibu, 2008 to Present

Republican Jewish Coalition, Member, 2010 to Present

World Poker Tour Foundation, Director, 2012 to 2017

Chrysalis Organization, Director, 2013 to 2015

United States Department of Commerce's Patent & Trademark Office, Trademark

Public Advisory Committee, 2008 to 2010

Member

United States Department of Justice, Attorney General's Intellectual Property Task Force, 2004 to 2005

International Competition Network, Merger Working Group, 2003 to 2005
Chairman

Johns Hopkins Alumni Association, 2002 to 2005

UCLA Alumni Association, 1991 to Present

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

"The Basics of a Successful Anti-Cartel Enforcement Program," Paper Presented at the Seoul Competition Forum, 2004.

"Facing the Challenge of Globalization: Coordination and Co-Operation Between Antitrust Enforcement Agencies the US and EU," ABA Administrative Law Section Fall Meeting, Washington, D.C., October 22, 2004.

"Maintaining Flexibility in Antitrust Analysis: Meeting the Challenge of Innovation in the Media and Entertainment Industries," 28 COLUM. J.L. & ARTS 343 (2005). Copy supplied.

"Interacting with the Government on Technology Transactions," Chapter Published in "Technology Law Client Strategies: Leading Lawyers on Strategizing for Cases, Resolving Disputes & Effectively Working with Clients (Inside the Minds)," 2007.

"Antitrust Modernization Commission Report and Recommendations," Antitrust Modernization Commission, April 2007. Copy supplied.

"Oversight and Overwork: What the Change in Control of Congress Means for Antitrust Enforcement and Policy," ANTITRUST, Vol. 21, No. 2, at 17 (Spring 2007). Copy supplied.

“Is Private Equity on Steroids?” Daily Deal/The Deal, October 1, 2007 (co-authored with Alexander Dahl). Copy supplied.

“Congress v. Supreme Court on Antitrust,” Law360, November 9, 2007. Copy supplied.

“Patently Unfair,” National Review, April 25, 2008. Copy supplied.

“Let Free-Market Principles, Not OPEC, Determine the Price of Oil,” The Hill, September 16, 2008. Copy supplied.

“A Music Industry Case,” The New York Times, February 15, 2010. Copy supplied.

“What Does Obama’s Punt on Holder’s Replacement Mean?” The Hill, October 17, 2014. Copy supplied.

“Upcoming Supreme Court IP Cases Will Have Big Impact,” Executive Counsel, February 2015 – March 2015. Copy supplied.

“To Save the Supreme Court, Vote Trump Over Clinton,” The New York Post, March 9, 2016. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

As noted in my response to Question 9, I have served on various committees. To my recollection and through searches of publicly available databases, materials related to my service on those committees are included in Appendix 12(b).

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Remarks, Diverse Perspectives on Patents, The Federal Trade Commission/United States Department of Justice Joint Hearings on Competition and Intellectual Property Law and Policy in the Knowledge-Based Economy, March 19, 2002.

Remarks, Tribute to Ed Haden, 48 Cong. Rec. S. 11245, November 18, 2002. Copy supplied.

Letter of Support for the Nomination of Samuel A. Alito, Jr. to be Associate Justice for the United States Supreme Court, January 24, 2006. Copy supplied.

Letter of Support for the Nomination of Ronald Weich to be the Assistant Attorney General for Legislative Affairs, March 27, 2009. Copy supplied.

Letter of Support for the Nomination of Eric Holder to be Attorney General of the United States, January 7, 2009. Copy supplied.

Comments to California State Parks Regarding the Topanga State Park Preliminary General Plan/Draft Environmental Impact Report, 2012. Copy supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

November 30, 2000: Panelist, "Digital Networks," Transnational Crime, Corruption, and Information Technology, American University, Washington D.C. I have no notes, transcript, or recording. The address for American University is 4400 Massachusetts Ave. NW, Washington, D.C.

June 11, 2001: Speaker, "House on the Hill: The View from the Capitol," McCormack Place Convention Center, Chicago, IL. I have no notes, transcript, or recording. The address for the McCormack Place Convention Center is 2301 S King Dr., Chicago, IL.

August 20, 2001: Panelist, "Globalism and Antitrust: New Rules of a New World Economy," Aspen Summit, Progress and Freedom Foundation, Aspen, CO. I have no notes, transcript, or recording. The address for the Progress and Freedom Foundation (no longer operational) was 1444 Eye Street, NW, Suite 500, Washington, D.C.

March 19, 2002: Panelist, "Diverse Perspectives on Patents," Economic Perspectives and Real-World Experiences with Patents, Federal Trade Commission, Washington, D.C. I have no notes, transcript, or recording. The address for the Federal Trade Commission is 600 Pennsylvania Avenue NW, Washington, D.C.

August 20, 2002: Speaker, Aspen Summit hosted by the Progress and Freedom Foundation, Aspen, CO. I have no notes, transcript, or recording. The address for the Progress and Freedom Foundation (no longer operational) was 1444 Eye Street, NW, Suite 500, Washington, D.C. 20005

September 10, 2003: Speaker, "Pricing and Dominance," Competition Law Forum, The British Institute of International and Comparative Law. I have no notes, transcript, or recording. The address for The British Institute of International and Comparative Law is Charles Clore House, 17 Russell Square, London, England.

October 3, 2002: Speaker, Conference on Cybercrime Issues hosted by the Federalist Society and National Center for Technology & Law. George Mason University Law School. I have no notes, transcript, or recording. The address for George Mason University Law School is 3301 North Fairfax Dr., Arlington, VA.

November 18, 2003: Speaker, "Department of Justice Perspectives on International Antitrust Enforcement: Recent Legal Developments and Policy Implications," ABA Antitrust Law Section Fall Meeting, Washington, D.C. Notes available at <https://www.justice.gov/atr/speech/departments-justice-perspectives-international-antitrust-enforcement-recent-legal>.

November 20, 2003: Panelist, "The Outcome of Asbestos Litigation and How Competing Parties are Responding," Fifteenth Annual Conference of the Property-Casualty Industry, New York, NY. The address for the Property Casualty Insurers Association of America is 8700 West Bryn Mawr, Suite 1200S, Chicago, IL.

December 18, 2003: Speaker, "Antitrust Enforcement in the Entertainment and Media Industries," Recording Artists' Coalition, Los Angeles, CA. Notes available at <https://www.justice.gov/atr/speech/antitrust-enforcement-entertainment-and-media-industries>.

March 19, 2004: Speaker, "Willful Patent Infringement." George Washington University Law School, Washington, D.C. I have no notes, transcript, or recording. The address for George Washington University Law School is 2000 H St NW, Washington, D.C.

March 21, 2004: Speaker, "International Antitrust and Intellectual Property: Challenges on the Road to Convergence," ABA Antitrust Law Section on Antitrust & Intellectual Property: The Courts, the Enforcers, and the Business World, San Francisco, CA. Notes available at <https://www.justice.gov/atr/file/518066/download>.

April 1, 2004: Speaker, "US and EU Approaches to the Antitrust Analysis of Intellectual Property Licensing: Observations from the Enforcement Perspective," American Bar Association Section of Antitrust Law Annual Meeting, Washington

D.C. Notes available at <https://www.justice.gov/atr/speech/us-and-eu-approaches-antitrust-analysis-intellectual-property-licensing-observations>.

April 20, 2004: Speaker, "The Basics of Successful Anti-Cartel Enforcement Program," Seoul Competition Forum, Seoul, Republic of Korea. Notes available at <https://www.justice.gov/atr/speech/basics-successful-anti-cartel-enforcement-program>.

April 21, 2004: Speaker, "The Merger Review Working Group: Fulfilling the Promise of the International Competition Network," International Competition Network, Seoul, Korea. Notes available at <https://www.justice.gov/atr/speech/merger-review-working-group-fulfilling-promise-international-competition-network>.

May 10, 2004: Speaker, "Forcing Firms to Share the Sandbox: Compulsory Licensing of Intellectual Property Rights and Antitrust," British Institute of International and Comparative Law, London, England. Notes available at <https://www.justice.gov/atr/speech/forcing-firms-share-sandbox-compulsory-licensing-intellectual-property-rights-and>.

August 8, 2004: Speaker, "Current Developments at the Antitrust Division," Leadership Council, ABA Antitrust Law Section, Atlanta, GA. Notes available at <https://www.justice.gov/atr/speech/current-developments-antitrust-division>.

October 6, 2004: Speaker, "The Long and Winding Road: Convergence in the Application of Antitrust to IP," George Mason Law Review Symposium, Arlington, VA. Notes available at <https://www.justice.gov/atr/speech/long-and-winding-road-convergence-application-antitrust-intellectual-property>.

October 22, 2004: Speaker, "Facing the Challenge of Globalization: Coordination and Cooperation Between Antitrust Enforcement Agencies the U.S. And E.U.," ABA Administrative Law Conference Fall Meeting, Washington, D.C. Notes available at <https://www.justice.gov/atr/speech/facing-challenge-globalization-coordination-and-cooperation-between-antitrust-enforcement>.

November 5, 2004: Speaker, "Drawing the Boundaries of the Sherman Act: Recent Developments in the Application of the Antitrust Laws to Foreign Conduct," New York University Annual Survey of American Law Symposium, New York, NY. I have no notes, transcript, or recording. The address for New York University is 70 Washington Square South, New York, NY.

November 10, 2004: Speaker, "Contemporary Issues at the Intersection of Intellectual Property and Antitrust," The Fair Competition and Market Economy, 2004 Shanghai International Forum, Shanghai, China. Notes available at <https://www.justice.gov/atr/speech/contemporary-issues-intersection-intellectual-property-and-antitrust>.

November 15, 2004: Speaker, "Antitrust Enforcement Priorities and Efforts Towards International Cooperation at the U.S. Department of Justice," Taipei, Taiwan. Notes available at <https://www.justice.gov/atr/speech/antitrust-enforcement-priorities-and-efforts-towards-international-cooperation-us>.

January 25, 2005: Panelist, "Global Rumble: Monopolization vs. Dominance," The American Bar Association Section on Antitrust Law International Antitrust Forum, Miami, FL. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Ave. NW Ste. 400, Washington, D.C. 20036.

March 30, 2005: Speaker, "The Reality of International Antitrust Convergence," American Bar Association, Section of Antitrust Law Spring Meeting, Washington D.C. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Ave NW Ste. 400, Washington, D.C. 20036.

May 18, 2005: Panelist, "Intellectual Property and Competition Policy", Broader Middle East and North Africa Trade and Investment Finance Conference Hosted by the Governments of Jordan and the United States, Amman, Jordan. I have no notes, transcript, or recording.

June 7, 2005: Speaker, "Setting The Pace of International Convergence," The ICN Merger Working Group, ICN Fourth Annual Conference, Bonn, Germany. Notes available at <https://www.justice.gov/atr/speech/setting-pace-international-convergence-icn-merger-working-group>.

June 29, 2005: Speaker, "A New Competition Policy for the 21st Century," Chatham House Competition Policy Conference, Location Unknown. I have no notes, transcript, or recording. The address for the Chatham House is 10 St James's Square, London SW1Y 4LE.

September 11 – 13, 2005: Speaker, Intellectual Property Owners Association's 33rd Annual Meeting, Seattle, WA. I have no notes, transcript, or recording. The address for the Intellectual Property Owners Association is 1501 M St. NW #1100, Washington, D.C.

December 7, 2005: Panelist, "Antitrust and the New Economy: Transatlantic Turmoil," The American Enterprise Institute for Public Policy Research. I have no notes, transcript, or recording. The address for the American Enterprise Institute for Public Policy Research is 1789 Massachusetts Avenue, NW, Washington, D.C.

September 5, 2007: Panelist, "The Intellectual Property/Antitrust Nexus," Federal Communications Bar Association Rocky Mountain Chapter Conference on the Antitrust Modernization Commission Report, Denver, CO. I have no notes, transcript, or recording. The address for the Federal Communications Bar Association is 1020 19th Street NW, Suite 325 Washington, D.C.

September 25, 2007: Panelist, "Ramifications for Intellectual Property Rights and Innovation," The Microsoft Judgment Conference, the British Institute of International and Comparative Law. The address for the British Institute of International and Comparative Law is 17 Russell Square, London, England.

September 14, 2008: Panelist, "Developing a Political Voice in American Politics," Jewish Community Foundation of Los Angeles. I have no notes, transcript, or recording. Recording available at <https://www.youtube.com/watch?v=mBidNBmeFAI>.

January 26, 2009: Panelist, "Strategic Planning, Institutional Strategies, and Toward a Research Agenda for Competition Policy," Antitrust Law for the New Administration Co-Sponsored by the American Antitrust Institute and the University of Colorado Silicon Flatirons Center, Denver, CO. I have no notes, transcript, or recording. The address for the American Antitrust Institute is 1730 Rhode Island Avenue, NW, Suite 1100, Washington, D.C. The address for the University of Colorado Silicon Flatirons Center is 2450 Kittredge Loop Road, Boulder, CO.

March 9, 2010: Panelist, "The Filibuster and the Pace of Judicial Confirmations," American Constitution Society, Washington, D.C., March 9, 2010. Notes available at <http://www.acslaw.org/news/video/acs-panel-discussion-the-filibuster-and-the-pace-of-judicial-confirmations>.

February 1, 2011: Panelist, "Judicial Nominations in 2011," American Constitution Society for Law and Policy, Washington, D.C. Recording available at <https://www.c-span.org/video/?297787-1/judicial-nominations-2011>.

May 15, 2015: Panelist, "Regulatory Capture and Technological Entrepreneurship: Protecting Consumer Interests?" Journal of Business, Entrepreneurship & the Law, Pepperdine University. I have no notes, transcript, or recording. The address of Pepperdine University is 24255 Pacific Coast Highway, Malibu, CA.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

June 17, 2001: "At High Court, a Retirement Watch; Rehnquist, O'Connor Top List of Possibilities as Speculation on Replacement Grows," The Washington Post. Copy supplied.

August 31, 2001: "Trial Lawyer Blasts Judge Nomination," Deseret News. Copy supplied.

November 1, 2001: "States May Be Cut Out of Microsoft Settlement," National Journal's Technology Daily. Copy supplied.

March 20, 2002: "CIA Chief Discusses Threats to National Security," Washington Post. Copy supplied.

September 13, 2002: "Key Senators Exchange Drafts of E-music; Legislation," National Journals' Technology Daily. Copy supplied.

November 8, 2002: "Bush's Judicial Picks Are Back – Exiled for Their Conservative Views, Nominees Will Get Another Shot in GOP-Run Senate," Wall Street Journal. Copy supplied.

December 4, 2002: "Burns Eyes 'Radical' Approach to Spectrum Allocation, Aide Says," Communications Daily. Copy supplied.

December 5, 2002: "GOP Firm Attracts Democratic Duo," The Washington Post. Copy supplied.

February 3, 2003: "High Court to Congress: Say What you Mean," The Hill. Copy supplied.

May 16, 2003: "1995 Memo Warned of Terror Vulnerability," AP Online. Copy supplied.

June 8, 2003: "Battle for Top Court Likely; The Fight Over the Next Vacancy on the Supreme Court Promises to Redefine 'Fractious,'" The Washington Times. Copy supplied.

June 9, 2003: "Continuity Gains Steam Hatch Seeks Amendment Preparing for Catastrophe," Roll Call. Copy supplied.

June 12, 2003: "Congress Girds for Possible High Court Exit—As Speculation Swirls, Senators Hasten Agenda to Clear Decks for a Nomination Fight," The Wall Street Journal. Copy supplied.

November 2003: "Interview with Makin Delrahim, Deputy Assistant Attorney General, Antitrust Division, U.S. Department of Justice," The Antitrust Source. Copy supplied.

November 25, 2003: "Asbestos Trust Fund Still Is 'Right Idea,' Negotiators Say," Best's Insurance News. Copy supplied.

December 7, 2003: "Insurance Executives Skeptical of Chances for Asbestos Reform," Business Insurance. Copy supplied.

December 8, 2003: "Insurance Executives Skeptical of Chances for Asbestos Reform 15th Annual Executive Conference," Business Insurance. Copy supplied.

May 20, 2005: "Start of Filibuster Fire Can Be Traced Back to Schumer," Newsday. Copy supplied.

September 6, 2005: "Hill Calls on Heavyweight Advisers in Supreme Court Battle," The Washington Times. Copy supplied.

November 7, 2005: "Chuck's New Role Is War Senator – On Bush Nominee," New York Observer. Copy supplied.

January 7, 2006: "Spitzer Goes Digital," Billboard. Copy supplied.

March 21, 2006: "Bush: Friend or Foe to Antitrust Enforcement?" Law 360. Copy supplied.

March 25, 2006: "Class-Action Suit Eyes Major-Label Pricing," Billboard. Copy supplied.

March 25, 2006: "Legal Matters: The FYI on MFN Clauses," Billboard. Copy supplied.

March 28, 2006: "Supreme Court to Hear Patent Injunction Case; Tech Industry Hopes Case Brought by eBay Will Put the Kibosh on Patent Trolls by Making Injunctions More Difficult," CNET News.com. Copy supplied.

June 21, 2006: "Senate Committee Probe of Short Selling Misses the Point," MarketWatch. Copy supplied.

June 28, 2006: "Hearing Aide – Controversial Biovail Lawyer Finagles Hill Audience," New York Post. Copy supplied.

June 30, 2006: "U.S. Views on European Competition Rules Are Mixed," Technology Daily. Copy supplied.

June 30, 2006: "Senators Defend Export Trading Firms Before Antitrust Commission," Inside U.S. Trade. Copy supplied.

July 17, 2006: "Film Industry's Screenings in D.C. A Ticket to Access," Chicago Tribune. Copy supplied.

July 20, 2006: "Tech Group Applies Lobbying Techniques to Court Case," The Hill. Copy supplied.

November 20, 2006: "The One That Got Through ...," New York Observer. Copy supplied.

February 2, 2007: "Drug Price Furor Could Hamper Express' Caremark Bid," Reuters. Copy supplied.

March 23, 2007: "90210 Persians for Hilary," Washington Post. Copy supplied.

March 10, 2007: "Legal Matters: The Urge to Merge," Billboard. Copy supplied.

March 27, 2007: "U.S. Attorneys; Tell Me Something Goodling," The Hotline. Copy supplied.

March 27, 2007: "Sampson Returns to Hill as Star Witness," Roll Call. Copy supplied.

December 28, 2007 – January 3, 2008: "Was This Really an Accident?" Washington City Paper. Copy supplied.

January 1, 2009: "Exclusive Podcast Interview: U.S. Senator Arlen Specter," Jewish Journal. Copy supplied.

January 16, 2009: "Drescher, 30 Years After Greet Sen. Specter," Jewish Journal. Copy supplied.

February 4, 2009: "Mixed Martial Arts: UFC Fights Against Federal Regulation," The Salt Lake Tribune. Copy supplied.

February 9, 2009: "Ultimate Fighting Championship Comes Out Fighting," Kansas City Star. Copy supplied.

May 1, 2009: "Democratic Margin on Judiciary Panel Likely Means Smooth Road for Nominee," CQ Today. Copy supplied.

May 4, 2009: "GOP Preparing for Court Fight," Roll Call. Copy supplied.

August 3, 2009: "Microsoft-Yahoo Venture Faces Scrutiny," Roll Call. Copy supplied.

November 3, 2009: "FTC Charges Firm Deceived Credit Card Customers," Dow Jones International News. Copy supplied.

January 27, 2010: "High-Decibel Criticism Greet Completion of Live Nation Merger," The Wall Street Journal Online. Copy supplied.

November 17, 2009: "Second Thoughts on Eric Holder," National Review Online. Copy supplied.

February 15, 2010: "Stealth War Over Judges," Judicial Network. Copy supplied.

March 21, 2010: "Judge Appointments Held Hostage to Politics," Providence Journal. Copy supplied.

April 15, 2010: "High Court Nomination for '10th Justice' Would Be Rare," Daily Journal. Copy supplied.

April 22, 2010: "Ultimate Fighting Championship Defending Newfound Political Influence with Aggressive Federal Lobbying Efforts," Capital Eye Blog. Copy supplied.

May 3, 2010: "United, Continental Deal May Face Regulatory Hurdles," International Business Times – U.S. Edition. Copy supplied.

May 6, 2010: "Casino Jack Bets on Lobby Reform, Take Part." Copy supplied.

May 11, 2010: "GOP Faces Kagan Conundrum," The Hill. Copy supplied.

May 18, 2010: "Airline Deal Faces Tough Review," The Wall Street Journal Online. Copy supplied.

May 24, 2010: "Antitrust Lawyers React to NFL's High Court Loss," Law 360. Copy supplied.

August 2, 2010: "U.S. Chamber Doesn't Endorse Kagan," Blog of LegalTimes. Copy supplied.

September, 2010: "Filibuster Reform?" Washington Lawyer. Copy supplied.

October 12, 2010: "Mixed Martial Arts Promoters Flex Hill Muscle; Cash, Lobbyists Put Smackdown on Statehouses," The Washington Times. Copy supplied.

February 1, 2011: "White House Pushes Contentious Court Picks Amid 'Judicial Emergencies,'" CQ Today. Copy supplied.

February 11, 2011: "Can Politics Save Google From Heat?" Politico.com. Copy supplied.

March 21, 2011: "AT&T Merger Faces Antitrust Hurdle," Politico.com. Copy supplied.

March 28, 2011: "Lobbyists Dial Into Debate on AT&T Deal," Financial Times. Copy supplied.

April 10, 2011: "Feds Gear Up for Google Investigation," Politico.com. Copy supplied.

June 17, 2011: "At High Court, Retirement Watch," Washington Post. Copy supplied.

August 31, 2011: "Ahead of the News," Daily Deal/The Deal. Copy supplied.

September 6, 2011: "Sprint Sues to Block AT&T, T-Mobile Merger," Seattle Times. Copy supplied.

September 7, 2011: "Sprint Sues to Block AT&T Deal," Bloomberg News. Copy supplied.

November 11, 2011: "Makan Delrahim '91," UCLA Department of Integrative Biology and Physiology Alumni News. Copy supplied.

November 28, 2011: "AT&T Hits Wall in Effort to Rebuild," Politico.com. Copy supplied.

December 20, 2011: "AT&T's Lobbying Turned Back on Bid," Politico.com. Copy supplied.

January 10, 2012: "Delrahim on Kodak Lawsuit Against Apple," Bloomberg West. Recording available at <https://www.bloomberg.com/news/videos/b/96d92cef-c07f-442a-b379-43e4116e4651>.

March 30, 2012: "Movers & Shakers: Lobbying AT&T-T-Mobile, Express Scripts-Medco," The Deal Pipeline. Copy supplied.

April 25, 2012: "SEC Probe of Movie Studios over China Dealings," Bloomberg West. Recording available at <https://www.youtube.com/watch?v=fePBx6I1nOI>.

June 30, 2012: "Is Google Blocking Rivals' Access to Smartphone Technology?" Bloomberg News. Copy supplied.

August 9, 2012: "Can Google Be Trusted?" Politico.com. Copy supplied.

May 2, 2013: "Mixed Martial Arts Take Fight to Capitol Hill," The Huffington Post. Copy supplied.

May 30, 2013: "Is Comey FBI Pick a Slam Dunk?" CQ News. Copy supplied.

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October 21, 2014: "10 Questions for Eric Holder's Replacement as Attorney General," Roll Call. Copy supplied.

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November 10, 2014: "Grassley Outlines Approach to Judicial Confirmations," Legal Times. Copy supplied.

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March 18, 2016: "After Labeling Garland 'Moderate,' CBS Now Calls Him 'Solid Liberal,'" Newsbusters.org. Copy supplied.

March 18, 2016: "The Vermont Senator Is Also Offering a Critique of the President's Supreme Court Pick," CBS News. Copy supplied.

April 26, 2016: "Antitrust Questions Would Follow Gannett-Tribune Tie-Up," TheStreet.com. Copy supplied.

May 6, 2016: "New Malibu Negotiator Appointed," Malibu Surfside News. Copy supplied.

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July 22, 2016: "Trump Paints Bleak Picture of America in Speech at Republican National Convention," ABC News 7. Recording available at <http://abc7news.com/politics/trump-paints-bleak-picture-of-america-in-speech-at-rnc/1437976/>

August 17, 2016: "Russia Launches Syria Airstrikes from Iran; Trump Makes Direct Appeal to African-American Voters; Olympic Highlights; Crime Casts," International Wire. Copy supplied.

August 18, 2016: "Trump Gives Law and Order Speech in Wisconsin; FBI Sends Clinton E-mail Server Report to Congress; Russia Launches Syria," CNN. Copy supplied.

August 30, 2016: "Trump Links Weiner Sexting Scandal to Clinton; Trump Supporter Tweets Blackface Cartoon of Clinton; Report: Explosion at Chinese Embassy in Kyrgyzstan; Boko Haram Kidnapped 276 Girls in 2014; NFL QB Colin Kaepernick Defends National Anthem Protest; Freak Storm in Norway Kills Reindeer; NASA Completes HI-Seas Project," CNN. Copy supplied.

August 30, 2016: "Turkish Warplanes Slam Targets in Syria, Iraq; Choice for President; Colin Kaepernick Defends National Anthem Protest," International Wire. Copy supplied.

September 16, 2016: "Trump is a Birther No More; Clinton Back on the Campaign Trail; Trump Unveils Revised Tax Plan; U.S. Responds to Growing Russian Cyber Threat," CNN. Copy supplied.

October 24, 2016: "No Big Worries in AT&T Deal for Time Warner," Business News Network. Copy supplied.

November 4, 2016: "After Big Drop in Generics, Ride the Rebound," TheStreet.com. Copy supplied.

November 24, 2016: "At Least 40 Dead In Tower Platform Collapse In China; Trump Nominates First Two women To Cabinet; Stein & Others Demand Voting Hack Investigation; Activists & Doctors Beg Help In Eastern Aleppo; Iraqi Forces Have Mosul Surrounded; ISIS Fighters Trapped Within City Of Mosul; U.S. Service Members Spend Holidays In Battle," CNN. Copy supplied.

March 15, 2017: "Inside the Trump White House: Iranian-American Makan Delrahim is Deputy Counsel to the President," Kayhan London. Copy supplied.

The following articles also mention interviewing me, though they contain no direct quotes from me:

October 3, 2001: "Compromise on Antiterrorism Proposals Looks Likely, but Thorny Issues Remain," The Wall Street Journal. Copy supplied.

December 4, 2002: "Burns Eyes 'Radical' Approach to Spectrum Allocation, Aide Says," Communications Daily. Copy supplied.

March 29, 2007: "Colleagues Call Former Gonzales Aide A Man of 'Strong Integrity,'" USA Today. Copy supplied.

November 23, 2007: "Overstock Lobbies to Fight Short-Selling," The New York Post. Copy supplied.

August 13, 2012: "Wells Fargo's Home Loan Hegemony Spurs Stability Risk: Mortgages-Bloomberg," US Fed News. Copy supplied.

August 20, 2012: "Wells' Home Loans Dominance Worries Government Officials," Bloomberg News. Copy supplied.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 2016, the City of Malibu City Manager appointed me to serve on the Santa Monica-Malibu Unified School District, Malibu Unification Committee.

In 2003, Senate Majority Leader Bill Frist appointed me to serve as a Commissioner on the U.S. Antitrust Modernization Commission.

In July 2003, President George W. Bush appointed me to serve as Deputy Assistant Attorney General for the Antitrust Division of the Department of Justice.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Trump-Pence Transition, Volunteer Attorney, Presidential Transition Team (2016 to 2017)

Marco Rubio for President, Volunteer Legal Policy Advisory Team (2016)

Scott Walker for President, Volunteer Legal Policy Advisory Team (2015)

Young Professionals for Mitt, D.C., Volunteer (2007)

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk, but did serve as a legal extern for D.C. Circuit Judge James L. Buckley in 1995.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

January 2017 to Present
The White House
1600 Pennsylvania Avenue NW
Washington, D.C.
Deputy Assistant to the President and Deputy Counsel to the President

August 2005 to January 2017
Brownstein Hyatt Farber Schreck, LLP
2049 Century Park East
Los Angeles, CA
Shareholder/Partner

Est. September 2013 to January 2017
Preconcile, LLC
8 Market Place
Baltimore, MD
Co-Founder

August 2011 to December 2015
Pepperdine University
24255 Pacific Coast Highway
Malibu, CA
Adjunct Professor of Law

Est. March 2008 to March 2010
U.S. Patent and Trademark Office
600 Dulany Street
Alexandria, VA
Member, Trademark Public Advisory Committee

July 2003 to August 2005
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue NW
Washington, D.C.
Deputy Assistant Attorney General

April 2003 to April 2007
U.S. Antitrust Modernization Commission
Washington, D.C.
Commissioner

May 1998 to July 2003
U.S. Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C.
Counsel (May 1998 to November 2000)
Staff Director and Chief Counsel (December 2000 to July 2003)

January 1996 to May 1998
Patton Boggs, LLP
2550 M Street, NW
Washington, D.C.
Associate Attorney

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant

matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I began my career as a litigation and regulatory associate at Patton Boggs, LLP, where I worked on a range of matters in my first year, but began to focus on antitrust merger filings and counseling. I then began my service as an attorney on the Senate Judiciary Committee and later at the Department of Justice, at the Antitrust Division. When I left for private practice, I began advising clients on merger and antitrust counseling, as well as appellate strategy for specific patent and antitrust matters. My practice grew in breadth, ranging from some white collar defense matters and congressional investigations as well as helping merger participants prepare for congressional review of their mergers, including preparation of testimony.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my tenure at the U.S. Senate Judiciary Committee working first as Counsel, where I assisted then-Chairman Hatch with various antitrust oversight matters and general civil legislation, and then as Staff Director and Chief Counsel, I supervised the Committee's staff and advised the Chairman/Ranking Member Hatch and other Republican members of the Committee on all legal policy and oversight matters under the Committee's jurisdiction including terrorism, intellectual property, and judicial and executive branch confirmations. My client was the Senate Judiciary Committee during this period of proud service. While in private practice at Brownstein Hyatt Farber Schreck, LLP, my practice focused on antitrust, appellate litigation and counseling on legal policy issues mostly for corporations that were parties to a merger or a government investigation.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The majority of my practice was in counseling on litigation, mergers or legal policy. I had some litigation, of which most was appellate.

- i. Indicate the percentage of your practice in:

1. federal courts: 50% (Occasionally Appeared)
2. state courts of record: 0%
3. other courts: 0%
4. administrative agencies: 50% (Occasionally Appeared)

ii. Indicate the percentage of your practice in:

1. civil proceedings: 90%
2. criminal proceedings: 10%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not tried cases to verdict. My appellate advocacy practice has been largely amicus filings and appellate litigation strategy. In those cases, I was the lead attorney from my firm and either attorney of record or co-counsel with other attorneys.

i. What percentage of these trials were:

1. jury: 0%
2. non-jury: 0%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Merits Briefs:

Nos. 04-277, 04-281, *Federal Communications Comm'n v. Brand X Internet Services* (petition for writ of certiorari; brief for petitioner)

Amicus Briefs:

No. 15-1408, *Masimo Corporation v. Ruhe* (amicus brief for Medical Device Manufacturers Association supporting petitioner)

No. 10-290, *Microsoft Corporation v. i4i Limited Partnership* (amicus brief for Intellectual Ventures Management, Dr. Ananda Chakrabarty and the Honorable Dr. G. William Foster supporting respondents)

No. 05-130, *eBay Inc. v. MercExchange, LLC* (amicus brief for American Innovators' Alliance supporting petitioners)

No. 04-905, *Volvo Trucks North America, Inc. v. Reeder-Simco GMC, Inc.* (amicus brief for the United States supporting petitioner)

Nos. 04-805, 04-814, *Texaco, Inc. v. Dagher* (amicus brief for the United States supporting petitioners)

No. 04-31, *McFarling v. Monsanto Co.* (amicus brief for the United States supporting denial of petition)

No. 03-724, *F. Hoffman-La Roche LTD., et al. v. Empagran, S.A., et al.* (amicus brief for the United States supporting petitioners)
 No. 02-1865, *3M Company v. Lepage's Incorporated, et al.* (amicus brief for the United States supporting denial of petition)
 No. 01-618, *Eldred v. Ashcroft* (amicus brief for Senator Orrin G. Hatch supporting respondent)
 No. 96-1470, *Quality King Distributors, Inc. v. L'Anza Research Int'l, Inc.* (amicus brief for Beauty and Barber Supply Institute Inc. and Sebastian Int'l, Inc. supporting respondent)
 Nos. 95-1858, 96-110, *Vacco v. Quill* (amicus brief for The American Geriatrics Society supporting urging reversal of the judgements below)

Petitions for Writ of Certiorari:

No. 04-1168, *Federal Communications Comm'n v. Prometheus Radio Project* (conditional cross-petition for a writ of certiorari)
 Nos. 04-12, 04-15, 04-18, *National Ass'n of Regulatory Utility Comm'rs v. United States Telecom Ass'n* (brief for the respondent in opposition of petition)
 Nos. 03-1521, 03-1532, *Visa USA, Inc. v. United States* (brief for the respondent in opposition of petition)

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Khobian*, No. 10-cr-523 (N.D.N.Y.) (Judge Gary L. Sharpe).

From 2010 to 2015, I represented Jacob Khobian. Khobian was charged with fraud in the sale of certain real-estate—he plead and cooperated with the government. Over five years, however, while the matter was pending, issues of the limits and contours of *Brady* arose, which required various filings and negotiations, resulting in a published opinion by Judge Sharpe. Khobian's plea was ultimately accepted.

Co-Counsel:

Michael L. Koenig
Hinkley Allen
30 South Pearl St., Ste. 901
Albany, NY
(518) 396-1301

Paul G. Cassell
Hatch, James & Dodge
10 W. Broadway, Ste. 400
Salt Lake City, UT
(801) 839-4811

James G. Flood
Crowell & Moring
1001 Pennsylvania Ave., NW
Washington, D.C.
(202) 624-2716

Opposing Counsel:

Jeffrey C. Coffman
Sean K. O'Dowd
Office of the United States Attorney for the Northern District of New York
445 Broadway, Rm. 218
Albany, NY
(518) 431-0247

Michael Olmsted
U.S. Department of Justice
Brussels, Belgium

2. *Zuffa LLC v. Justin.tv, Inc.*, No. 11-cv-114 (D. Nev.) (Judge Roger L. Hunt).

I represented Zuffa, which does business as the Ultimate Fighting Championship ("UFC") brand, in its lawsuit against Justin.tv for copyright and trademark infringement seeking damages and injunctive relief. Justin.tv, an Internet video management platform, was allowing its members and users to distribute and stream live UFC events without Zuffa's authorization. The balance of Zuffa's complaint survived Justin.tv's motion to dismiss, and the parties entered into a favorable settlement shortly thereafter.

Co-Counsel:

Donald J. Campbell
J. Colby Williams
Philip R. Erwin
Campbell & Williams
700 S. 7th Street

Las Vegas, NV
(703) 382-5222

Opposing Counsel:

Maura L. Rees
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd.
Palo Alto, CA
(650) 493-9300

Richard Gordon
Snell & Wilmer
3883 Howard Hughes Pkwy, Ste. 1100
Las Vegas, NV
(702) 784-5210

Casey G. Perkins
Foran Gelnon
7455 Arroyo Crossing, Ste. 220
Las Vegas, NV
(702) 761-6571

3. *Billing v. Credit Suisse First Boston Ltd.*, 426 F.3d 130 (2d Cir. 2005)
(Judges James Oakes, Robert Katzmman, and Richard Wesley).

The Second Circuit sought the Antitrust Division's views as to whether investment banks were entitled to implied antitrust immunity in a suit alleging that the banks had conspired to inflate the aftermarket prices for certain securities because of the Security and Exchange Commission's regulation of the initial public offering process in which the alleged anticompetitive activity occurred. I worked on the Division's response to that request, which took the position that claims alleging that defendants engaged in "practices that are strictly prohibited under the securities laws and that the SEC has never permitted or proposed to permit[,] should not be dismissed on implied immunity grounds." After I left the Division, the case was heard by the Supreme Court, which held that the banks were entitled to implied antitrust immunity because all four elements of *Gordon v. New York Stock Exchange's* "plain repugnancy" test were met.

Co-Counsel:

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Rd.
San Ramon, CA
(925) 842-1000

Catherine O'Sullivan (Retired)

Opposing Counsel:

Robert B. McCaw
Wilmer Hale
7 World Trade Center
250 Greenwich St.
New York, NY
(212) 230-8800

Giovanni P. Perzioso
Cleary Gottlieb
2000 Pennsylvania Ave., NW
Washington, D.C.
(202) 974-1650

4. *McFarling v. Monsanto Co.*, No. 04-31 (S. Ct.) (Chief Justice William Rehnquist, Associate Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer)

From 2004 to 2005, I represented the United States. Monsanto sued a farmer for patent infringement for planting seeds containing patented technology in multiple planting seasons, in violation of the license that the farmer had purchased the seeds under. At the Supreme Court, the case presented the questions whether the farmer could validly assert a defense of patent misuse and whether the limitations imposed by Monsanto as part of the license amounted to tying in violation of Section 1 of the Sherman Act. The Supreme Court requested the views of the Acting Solicitor General in the case, and I helped to prepare the government's response recommending that the Court deny certiorari. The Court denied certiorari.

Co-Counsel:

Paul D. Clement
Kirkland & Ellis LLP
655 Fifteenth Street, NW
Washington, D.C.
(202) 879-5000

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA
(925) 842-1000

Thomas G. Hungar

Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C.
(202) 225-9700

Kannon K. Shanmugam
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, D.C.
(202) 434-50505

John M. Whealan
George Washington University Law School
2000 H Street, N.W.
Washington, D.C.
(202) 994-2195

Linda Moncys Isacson
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C.
(202) 275-8000

Mary L. Kelly
U.S. Patent & Trademark Office
600 Dulany Street
Alexandria, VA
(571) 272-9035

Catherin G. O'Sullivan (Retired)
David Seidman (Retired)
James A. Toupin (Retired)

Principal Counsel for Other Parties:

Jim Waide
Waide & Associates
PO Box 1357
Tupelo, MS
(662) 842-7324

Seth Waxman
WilmerHale
1875 Pennsylvania Avenue, N.W.
Washington, D.C.
(202) 663-6000

5. *Texaco, Inc. v. Dagher*, 547 U.S. 1 (Chief Justice John Roberts, Associate Justices John Paul Stevens, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer)

In 2005, I represented the United States. Gas station owners in the western United States sued Shell and Texaco, alleging that the two companies had violated the antitrust laws by agreeing that a joint venture between the two, Equilon, would unify the price of Shell and Texaco brands of gasoline. The case presented the question whether an agreement between owners of a lawful joint venture with respect to the pricing of the joint venture's products may be treated as a per se violation of the Sherman Act when the joint venture's owners do not compete in the market for those products. The Supreme Court requested the views of the Acting Solicitor General in the case, and I helped to prepare the government's response recommending that the Court grant certiorari and reverse the Court of Appeals. The Court ultimately granted certiorari and, after I left the Department of Justice, reversed, holding that it is not per se illegal for a lawful joint venture to set the prices at which the joint venture sells its products.

Co-Counsel:

Paul D. Clement
Kirkland & Ellis LLP
655 Fifteenth Street, NW
Washington, D.C.
(202) 879-5000

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA
(925) 842-1000

Thomas G. Hungar
Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C.
(202) 225-9700

Jeffrey P. Minear
Supreme Court
1 First Street, N.E.
Washington, D.C.
(202) 479-3000

William Blumenthal
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C.
(202) 736-8030

Catherin G. O'Sullivan (Retired)
Adam D. Hirsh (Retired)

Principal Counsel for Other Parties (Not Including Other Amici):

Craig E. Stewart
Jones Day
555 California Street, 26th Floor
San Francisco, CA
(415) 875-5714

Ronald L. Olson
Munger, Tolles & Olson LLP
355 South Grand Avenue
Los Angeles, CA
(213) 683-9100

Daniel R. Shulman
Gray Plant Mooty
80 South 8th Street
500 IDS Center
Minneapolis, MN
(616) 632-3000

6. *F. Hoffman-Laroche v. Empagran*, 542 U.S. 155 (2004); *Empagran v. F. Hoffman-Laroche*, 417 F.3d 1267 (D.C. Cir. 2005) (Chief Justice William Rehnquist, Associate Justices John Paul Stevens, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer (Supreme Court)); (Judges Harry Edwards, Karen LeCraft Henderson, and Judith Rogers (D.C. Circuit)).

From 2004 to 2005, I represented the United States. In the wake of government investigations revealing that vitamin companies had engaged in a conspiracy to fix the price of and allocate the market for bulk vitamins, private parties sued the vitamin companies for treble damages under the antitrust laws. A group of foreign domiciled corporations brought a class action alleging Sherman Act violations on behalf of purchasers of "vitamins abroad . . . for delivery outside the United States." The case presented the question whether under the Foreign Trade Antitrust Improvements Act of 1982 ("FTAIA"), 15 U.S.C. 6a, the Sherman Act applies to claims of foreign plaintiffs whose injuries do not arise from the effects of antitrust violations on United States commerce. At the Supreme Court, I helped to prepare

the government's amicus brief supporting petitioners and arguing that the FTAIA does not extend the Sherman Act's reach to the claims of foreign plaintiffs arising solely from effects on foreign commerce. The Supreme Court adopted the government's view and remanded the case back to the Court of Appeals, and I also helped to prepare the briefing on remand.

Co-Counsel (Supreme Court):

Edwin S. Kneedler
Robert B. Nicholson
Steven J. Mintz
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C.
(202) 514-2000

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA
(925) 842-1000

Lisa S. Blatt
Arnold & Porter Kaye Scholer
601 Massachusetts Avenue, N.W.
Washington, D.C.
(202) 942-5842

William H. Taft, IV
Fried Frank
801 Seventeenth Street, NW
Washington, D.C.
(202) 639-7164

John D. Graubert
Covington & Burling
850 Tenth Street, N.W.
Washington D.C.
(202) 662-5938

Co-Counsel (D.C. Circuit):

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Rd.
San Ramon, CA
(925) 842-1000

Robert B. Nicholson
Steven J. Mintz
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington D.C.

John D. Graubert
Covington & Burling LLP
850 Tenth Street, N.W.
Washington, D.C.
(202) 662-5938

Principal Counsel for Other Parties (Supreme Court. Not Including Other Amici):

Arthur F. Golden
Davis Polk & Wardell LLP
450 Lexington Avenue
New York, NY
(212) 450-4388

Stephen M. Shapiro
Mayer Brown
71 South Wacker Drive
Chicago, IL
(312) 701-7327

Michael D. Hausfeld
Hausfeld LLP
1700 K Street, N.W., Suite 650
Washington, D.C.
(202) 540-7200

Thomas C. Goldstein
Goldstein & Russell P.C.
7475 Wisconsin Avenue, Suite 850
Bethesda, MD
(202) 362-0636

Principal Counsel for Other Parties (D.C. Circuit):

Arthur F. Golden
Davis Polk & Wardell LLP
450 Lexington Avenue
New York, NY
(212) 450-4388

Stephen M. Shapiro
Mayer Brown

71 South Wacker Drive
Chicago, IL
(312) 701-7327

Michael D. Hausfeld
Hausfeld LLP
1700 K Street, N.W., Suite 650
Washington, D.C.
(202) 540-7200

Thomas C. Goldstein
Goldstein & Russell P.C.
7475 Wisconsin Avenue, Suite 850
Bethesda, MD
(202) 362-0636

7. *United States v. Mosallem*, No. 03-1730 (2d Cir.) (Judges John M. Walker, Jr.,
Amalya Kearse, and Jose Cabranes)

I represented the United States in 2003. Mitchell Mosallem pled guilty to participation in a conspiracy to rig bids and allocate contracts for the supply of photographic retouching and separation services to Brown & Williamson Tobacco. After Mosallem had been sentenced and judgment had been entered against him in late November 2003, the District Court ordered Mosallem free on bail until late December 2003. I worked on the Antitrust Division's emergency motion to the Second Circuit to vacate the District Court's conditional release order and argued the case. The Second Circuit denied the motion, but ordered Mosallem to wear an electronic ankle bracelet as a compromise measure, which was acceptable to the United States.

Co-Counsel:

James M. Griffin
King & Spalding
1700 Pennsylvania Avenue, N.W.
Washington D.C.
(202) 661-7971

Robert B. Nicholson
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C.
(202) 514-2000

Rebecca Meiklejohn
U.S. Department of Justice
26 Federal Plaza

New York, NY
(212) 335-8016

Principal Counsel for Other Parties:

Paul B. Bergman
Law Office of Paul B. Bergman, P.C.
950 Third Avenue, 32nd Floor
New York, NY
(212) 755-5509

8. *Federal Communications Commission v. Brand X Internet Services*, 545 U.S. 967 (2005) (Chief Justice William Rehnquist, Associate Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer)

I represented the United States from 2004 to 2005. The FCC had classified broadband Internet access as an “information service” under the Communications Act. The Ninth Circuit disagreed, declining to defer to the FCC’s conclusion and instead applying its own circuit precedent that classified broadband Internet as partly an information service and partly a “telecommunications service”. The FCC and United States sought and were granted certiorari on the question whether the Court of Appeals had erred. The Supreme Court held that the FCC’s initial determination that broadband is an “information service” was a lawful construction of the statute under Chevron and the Administrative Procedure Act.

Co-Counsel:

Paul D. Clement
Kirkland & Ellis LLP
655 Fifteenth Street, NW
Washington, D.C.
(202) 879-5000

R. Hewitt Pate
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA
(925) 842-1000

Thomas G. Hungar
Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C.
(202) 225-9700

James A. Feldman
Law Office of James A. Feldman
5335 Wisconsin Avenue, N.W.
Washington, D.C.
(202) 686-6607

John Rogovin
Warner Brothers
4000 Warner Boulevard
Burbank, CA
(818) 954-6000

Austin Schlick
Google
25 Massachusetts Ave., N.W.
Washington, D.C.
(202) 346-1100

Jacob M. Lewis
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C.
(888) 225-5322

Nandan M. Joshi
Consumer Financial Protection Bureau
1625 Eye Street, N.W.
Washington, D.C.
(855) 411-2372

Daniel M. Armstrong (Retired)

Principal Counsel for Other Parties (Not Including Amici):

Michael K. Kellogg
Kellogg Hansen Todd Figel & Fredrick
1615 M Street, N.W., Suite 400
Washington, D.C.
(202) 326-7902

John W. Butler
World Shipping Council
1156 Fifteenth Street, N.W.
Washington, D.C.
(202) 589-1230

Thomas C. Goldstein

Goldstein & Russell P.C.
7475 Wisconsin Avenue, Suite 850
Bethesda, MD
(202) 362-0636

Ellen S. Levine
State of California
505 Van Ness Avenue
San Francisco, CA
(415) 703-2047

Andrew G. McBride
Perkins Coie
700 Thirteenth Street, N.W., Suite 600
Washington, D.C.
(202) 654-6268

Harvey L. Reiter
Stinson Leonard Street
1775 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C.
(202) 728-3016

Mark David Schneider
Service Employees International Union
1800 Massachusetts Avenue, N.W.
Washington, D.C.
(202) 350-6571

9. *Masimo Corp. v. Tyco Health Care*, 350 F. App'x 95 (9th Cir. 2009) (Judges
Melvin Brunetti, Barry Silverman, and Carlos Bea)

I represented Masimo Corp. from 2009 to 2010. Masimo filed suit against Tyco Health Care Group and two of its subsidiaries alleging that in the pulse oximetry market violated the Sherman and Clayton Acts; specifically, their providing loyalty discounts, entering into sole-source exclusive dealing arrangements with hospitals, and offering bundled rebates. The Ninth Circuit affirmed the District Court's vacatur of a \$420 million jury verdict against Tyco. In doing so, however, the Court affirmed the jury's finding Tyco's sole-source arrangements and market share commitment agreements violated the antitrust laws. I was brought in by Massimo after the Ninth Circuit's decision to achieve a positive resolution for the parties.

Co-Counsel:
M. Laurence Popfsky
Deborah K. Croyle
Orrick Herrington & Sutcliffe LLP

405 Howard Street
San Francisco, CA
(415) 773-5700

Scott Westrich
U.S. Department of Justice
950 Pennsylvania Ave.
Washington, D.C.

Stephen D. Susman
Susman Godfrey LLP
1000 Louisiana, Suite 5100
Houston, TX
(713) 651-9366

Stephen E. Morrissey
Susman Godfrey LLP
1201 Third Avenue
Seattle, WA
(206) 373-7380

Principal Counsel for Other Parties (Not Including Amici):

Theodore B. Olson
Gibson Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W., Suite 200
Washington, D.C.
(202) 955-8668

10. *Masimo Corp. v. Ruhe*, No. 15-1408 (S. Ct.)

In 2016, I represented the Medical Device Manufacturers Association. I submitted a certiorari-stage amicus brief in support of petitioners on behalf the Medical Device Manufacturers Association. The case presented the question whether an arbitrator's refusal to refer a disqualification motion to a neutral decisionmaker and reliance on a party's disqualification motion as a basis for imposing punitive damages constituted evident partiality that would entitle a District Court to vacate the arbitration award consistent with the Federal Arbitration Act, 9 U.S.C. [S] 10. The Supreme Court denied certiorari in the matter.

Co-Counsel:

Kerry LeMonte
Brownstein Hyatt Farber Schreck
410 Seventeenth Street, Suite 2200
Denver, CO
(303) 223-1244

Principal Counsel for Other Parties:

Gregory G. Garre
Latham & Watkins LLP
555 11th Street, N.W., Suite 1100
Washington, D.C.
(202) 637-2207

Kathryn Burkett Dickson
Dickson Geesman LLP
1999 Harrison Street
Oakland, CA 94612
(510) 899-4670

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While at the Judiciary Committee, I am proud of all the work I did, but single out several specific activities with which I was personally involved. First, I am proud of my contributions to the bi-partisan 2003 PROTECT Act, which banned child pornography over the internet. The U.S. Supreme Court in *United States v. Williams*, upheld key parts of this legislation after several prior attempts were struck by the Court as a violation of the First Amendment. Second, I am proud of my work advising the Committee in the bi-partisan passage of the first major changes to the Hart-Scott-Rodino antitrust laws to update the merger filing thresholds for the first time since 1976, resulting in more efficient use of government and private sector resources, as well as a greater focus on the so-called second-request review process by requiring the antitrust enforcement agencies to create internal procedures to streamline the process. Finally, I am proud of the work I did in response to the 9/11 terrorist attacks in updating our criminal and intelligence capabilities in the bi-partisan passage of the USA Patriot Act of 2001.

At the Justice Department, in my prior service in 2003 to 2005, I am proud of the work I did in helping guide the U.S. international efforts in establishing Intellectual Property working groups with Taiwan, Korea, and other foreign trading partners to ensure that the proper respect and attention is paid to intellectual property rights.

In my practice representing parties to mergers or parties that have concerns about particular pending mergers, in addition to legal counseling, I have registered to lobby, often taking a broad reading of the Lobbying Disclosure Act on the advice of outside counsel. My involvement in these mergers for which I registered as a lobbyist involved assisting the company in presenting the transaction or its interest in the transaction before members of the Senate Judiciary Committee or before the DOJ or FTC, as needed. I would also help

prepare the company representative in her testimony before the Senate or House Judiciary Committees. Specifically, to the best of my recollection, I represented Google in its merger with Doubleclick in 2007, I also assisted U.S. Airways in its failed attempt to acquire Delta Airlines in 2007. I represented the Ultimate Fighting Championship before the Federal Trade Commission as it investigated the company's licensing practices after its acquisition of StrikeForce. I represented Anthem (and am recused from any further involvement) in 2016 in its attempts to merge with Cigna. I have also represented Caesar's Entertainment in seeking a clarification of the Trust Indentures Act in response to a case, now resolved by the Second Circuit Court of Appeals, in *United States v. Marblegate*. I also represented CVS in 2007 in its acquisition of Caremark. I represented Warner Music Group in expressing its concerns about the Universal-EMI merger in 2012. I also advocated on behalf of America Unites for Kids, for the removal and remediation of cancer-causing PCBs from public school buildings. I was not paid for this work, and therefore was not required to register. I have also advocated for federal funding from the Department of Justice and Congress for Chrysalis, a non-profit organization dedicated to decreasing homelessness and reentry for formerly incarcerated individuals. I was similarly not paid for this and therefore was not required to register. From time to time, I would lend my expertise in the Senate or Justice Department to other clients of my firm, though I may not have been required to register as I did not make a contact.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have taught two classes at Pepperdine Law School: International Trade / WTO Litigation: Fall of 2012, and Government & Regulation of Sports and Entertainment: Fall of 2014 and 2015. Syllabi are attached in Appendix 17.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I am executive producer and investor in a feature film, Trash Fire, through the entity Trash Fire, LLC. Under a prior agreement, I anticipate recovery of my investment of \$125,000, plus returns on the investment depending on distribution income from the film.

I co-founded a technology company, Preconcile, LLC, which seeks to provide easier access to litigants of small claims who may not get resolution due to legal fees or inconvenience. As of 1/20/17, I have no formal role with the company, but do retain a 50% equity ownership, which will be subject to dilutions. The value of this company is undetermined as it is a start-up.

I am a creator of, and will receive executive producer credit for, a television concept, which I optioned to Pilgrim Films, a producer of reality television shows. The show is tentatively titled "Ultimate Justice" and is a legal reality concept. I anticipate passive royalty fees once and if the show airs. My compensation will depend on a number of factors, but generally is based on 50% of the adjusted revenues Pilgrim receives.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

No.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See OGE-278, which will be submitted to the Committee by the Office of Government Ethics.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Even though I have no further affiliation with my former law firm, Brownstein, Hyatt, Farber, Schreck, I anticipate that I will have recusals resulting from my prior affiliation with them. I have not yet consulted with the Department of Justice's ethics office, but I intend to through the confirmation process and, if confirmed, will recuse from any matter in which the ethics office advises me to do so or otherwise I am required to so be recused.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will consult with the Department of Justice's ethics office and will recuse from any matter in which it is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I take my responsibility to serve the disadvantaged seriously. As an associate attorney earlier in my career, I volunteered with the organization, CARECEN, in partnership with the Lawyer's Committee for Civil Rights, by providing volunteer citizenship services to Central American immigrants. I also volunteered to provide pro bono services to local artists throughout the Washington Area Lawyers for the Arts. More recently, I have been actively involved with the Aleph Institute, a national organization, based in Los Angeles, which provides free assistance to the imprisoned in providing religious relief during high-holidays to Jewish (as well as some non-Jewish) prisoners. I have also been involved for the past seven years in providing pro bono legal assistance to seek the reversal of the conviction of a religious prisoner in the case of *United States v. Sholom Rubashkin*. Finally, I have provided pro bono legal, strategic and legislative services to the organization, America Unites for Kids, in seeking to rid cancer-causing chemicals (PCB) from public school buildings nationwide.