

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Jonathan Seth Kanter

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

Assistant Attorney General, Antitrust Division, U.S. 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:

The Kanter Law Group
1717 K Street, NW
Suite 900
Washington, DC 20006

Residence:

Bethesda, Maryland

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

July 30, 1973, New York, NY

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.

Washington University School of Law (1995-1998)
J.D., May 1998

State University of New York at Albany (1991-1995)
B.A., May 1995

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.

The Kanter Law Group
1717 K Street, NW
Suite 900
Washington, DC 20006
Partner: September 2020-present

Paul, Weiss, Rifkind, Wharton & Garrison LLP
2001 K Street, NW
Washington, DC 20006
Partner: August 2016-September 2020

Cadwalader, Wickersham & Taft LLP
700 Sixth Street, NW
Washington, DC 20001
Partner: January 2007-August 2016
Special Counsel: April 2007-December 2007

Fried, Frank, Harris, Shriver & Jacobson LLP
Now at: 801 17th Street, NW
Washington, DC 20006
Associate: November 2000-April 2007

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Attorney: October 1998-November 2000
Summer Intern (Paid): June 1997-August 1997
Summer Intern (Unpaid): June 1996-August 1996

Bear Stearns & Co.
Summer Legal Assistant: June 1995-July 1995

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 timely 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.

Chambers and Partners: Individually ranked since 2010

Global Competition Review: "45 under 45" (2017)

Legal 500: Recognized in antitrust category (Dates unknown)

Variety Impact Legal Report: Top Attorneys in the Entertainment Business (2019)

Law 360: Top 5 Antitrust Lawyers Under the Age of 40 (2011)

Washingtonian: Top Lawyers in Washington, DC (Dates unknown)

Super Lawyers (2016 and other years unknown)

Best Lawyers (2021 and other years unknown)

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, Antitrust Section

District of Columbia Bar Association

New York Bar Association

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.

New York, July 1999

Washington, DC August 2001

- 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.

U.S. District Court for the District of Columbia

2011-Present

Southern District of New York

2019-Present

United States Court of Appeals for the Second Circuit

2010-2015

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.

Mlex Advisory Board (2016-present)
Temple Sinai, Washington, DC (2008-2014)
Temple Beth Ami, Rockville, MD (2013-present)
River Falls Swim and Tennis, Potomac, MD (2013-present)
Mohican Pool, Bethesda, MD (2018-present)
Parent Service Association of Georgetown Day School, Washington, DC (2013-present)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

To 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.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Co-author of chapter in “Chambers Legal Practice Guide: Merger Control” (unable to locate).

Takeaways from Senate Antitrust Enforcement Hearing, LAW360 (October 22, 2018). Copy supplied.

Big Data and Antitrust: A Regulatory Outlook, PAUL, WEISS, RIFKIND, WHARTON & GARRISON (November 16, 2017). Copy supplied.

Op-Ed, *Don't Hand Our TVs Over to Google*, NEW YORK TIMES (May 30, 2016). Copy supplied.

FTC Announces 2016 Thresholds for Merger Control Filings Under HSR Act and Interlocking Directorates Under the Clayton Act, CADWALADER WICKERSHAM & TAFT (January 26, 2016). Copy supplied.

Takeaways from the Ninth Circuit's Opinion Affirming the FTC's Victory Against the St. Luke's/Saltzer Merger, Cadwalader Wickersham & Taft (February 18, 2015). Copy supplied.

United States: FTC Announces 2015 Thresholds for Merger Control Filings Under HSR Act and Interlocking Directorates Under the Clayton Act, CADWALADER WICKERSHAM & TAFT (January 19, 2015). Copy supplied.

FTC Continues Antitrust Focus on Health Care Sector With Upcoming Two-Day Health Care Competition Workshop, CADWALADER WICKERSHAM & TAFT (February 22, 2014). Copy supplied.

United States: Takeaways from Government Victories in Recent Antitrust Merger Trials, CADWALADER WICKERSHAM & TAFT (February 4, 2014). Copy supplied.

What a Difference a Year Makes: An Emerging Consensus on the Treatment of Standard-Essential Patents, Competition Policy International (December 30, 2013). Copy supplied.

Settlement of the U.S. Airways/American Airlines Merger Litigation Highlights Changing Antitrust Landscape, CADWALADER WICKERSHAM & TAFT (November 20, 2013). Copy supplied.

FTC Expands Reporting Requirements for Transfers of Pharmaceutical Patent Rights, CADWALADER WICKERSHAM & TAFT (November 12, 2013). Copy supplied.

United States: Lessons Learned from Recent Penalties for Failures to File HSR Notification, CADWALADER WICKERSHAM & TAFT (July 23, 2013). Copy supplied.

United States: HSR Thresholds Increased for 2013, CADWALADER WICKERSHAM & TAFT (January 21, 2013). Copy supplied.

The Issue: Competition In Online Search: What Role For Antitrust, WASHINGTON LEGAL FOUNDATION (Winter 2012). Copy supplied.

United States: FTC/DOJ Announce Significant Changes to HSR Premerger Notification Form, CADWALADER WICKERSHAM & TAFT (September 18, 2011). Copy supplied.

Antitrust Merger Review in a Volatile Economy, LAW360 (February 20, 2009). 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive material.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

I testified before the Rhode Island House Committee on Innovation, Internet, & Technology regarding Rhode Island House Bill 6055 (March 2021). Notice of hearing available at <https://status.rilegislature.gov/documents/agenda-17247.aspx>. There is no video or audio available and I did not submit written testimony.

I testified before the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights as an expert in a hearing to examine the differences between the U.S. and European Union regarding the enforcement of antitrust and competition law. (December 19, 2018). Transcript supplied.

I testified before the Federal Trade Commission in connection with its Hearings on Competition and Consumer Protection in the 21st Century. I participated in the following panel: Nascent Competition: Are Current Levels of Enforcement Appropriate? (October 17, 2018). Transcript 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.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outlines that I did not retain.. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

Confronting America's Monopoly Crisis: Taking on Tech's Titans & Reinvigorating Antitrust to Safeguard Democracy, AMERICAN ECONOMIC LIBERTIES PROJECT (October 21, 2020). <https://youtu.be/I-3--JVFyWo>

GCR Live: Telecoms, Media, Technology in London (March 2020). I participated in a panel discussion regarding competition law policy in connection with the digital sector. No notes or transcripts retained.

Panel on Changing Structures of the Media Market, CAPITOL FORUM (December 6, 2019). No notes or transcripts retained. Press coverage supplied.

Briefing on H.R. 20154, *Protecting Journalism in the Online Ecosystem*, NEWS MEDIA ALLIANCE (June 7, 2019). <https://youtu.be/tHVZBluaWBQ>

Understanding the Basic Economics of the Internet, GEORGETOWN CENTER FOR BUSINESS AND PUBLIC POLICY AT GEORGETOWN UNIVERSITY'S McDONOUGH SCHOOL OF BUSINESS (May 17, 2018). <https://youtu.be/RO8Yuz7SsN0>

U.S. vs. Microsoft: 20 Years Later, Lessons Learned & the Path Forward, YELP (May 14, 2018). <https://www.c-span.org/video/?445473-9/yelp-conference-antitrust-law-technology-panel-2>

The New Gatekeepers: Journalism in the Era of Platform Monopolies, OPEN MARKETS INSTITUTE (June 14, 2018). <https://youtu.be/40HXpi0IzDk>

Making Partner in Big Law, DC BAR (February 7, 2018). Press release supplied.

Trump vs. Tech Giants: In the Media Market, What are the Implications of Potential Enforcement Against Facebook and Google?, THE CAPITOL FORUM (December 13, 2017). <https://www.youtube.com/watch?v=Y0mWEEF0nbo>

The Digital Duopoly: Deterring Competition, Professional Journalism and Political Discourse, STATE PRESS ASSOCIATION (December 4, 2017). Press release supplied.

The Future of Antitrust, THE FEDERALIST SOCIETY (November 17, 2017). <https://youtu.be/DLqzv6-xX2Y>

Unlocking the Promise of Antitrust Enforcement Conference, *Antitrust and Effective FRAND Commitments Panel*, AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW (October 27, 2017). Press release supplied.

Challenging the Titans of Technology Panel, NEW CENTERS IDEAS SUMMIT (September 17, 2017). Press release supplied.

Extra! Extra! Do Newspapers Need an Antitrust Exemption?, AMERICAN BAR ASSOCIATION (August 29, 2017). Press release supplied.

Competition and Innovation in Online Markets, CONFERENCE OF WESTERN ATTORNEYS GENERAL (July 30, 2017). Press release supplied.

Washington Bytes, *The Future Of Antitrust Enforcement: Innovation, Wage Inequality and Democracy*, FORBES (June 2017). Copy supplied. <https://www.forbes.com/sites/washingtonbytes/2017/06/15/the-future-of-antitrust-enforcement-innovation-wage-inequality-and-democracy/?sh=4066f3ac145d>

Is There a Concentration Problem in America? Winner Take All Digital Platforms, THE UNIVERSITY OF CHICAGO, BOOTH SCHOOL OF BUSINESS, THE STIGLER CENTER, (March 27, 2017). No notes or transcripts retained. Event description and press coverage supplied.

Trump, Gorsuch, and the Concentration of Economic Power, CENTER FOR AMERICAN PROGRESS, (March 14, 2017). <https://www.americanprogress.org/events/2017/03/07/427631/trump-gorsuch-concentration-economic-power/>

Digital Platforms, Diversity of Voice, and Potential Enforcement, THE CAPITOL FORUM FUTURE OF BROADBAND AND TECH COMPETITION CONFERENCE, (December 16, 2016). Press release supplied.

Moderator, *Q&A with FCC Commissioner Jessica Rosenworcel* (October 24, 2017). Press release supplied.

Is Antitrust the Proper Remedy for Search Bias? CAPITOL FORUM (September 27, 2016). <https://youtu.be/Abjx02koEfg>

Dominant Platforms Under the Microscope: Policy Approaches in the U.S. and E.U., THE GEORGE WASHINGTON INSTITUTE OF PUBLIC POLICY (September 19, 2016). Press release supplied.

Jonathan Kanter Sits Down with the Capitol Forum, CAPITOL FORUM (May 10, 2016). No notes or transcript retained. Press release supplied.
<https://www.youtube.com/watch?v=5mPWVkJBlqM>

Antitrust, Tech, and Book Publishing, DIGITAL BOOK WORLD CONFERENCE (March 7, 2016). Event description and press coverage supplied.

Amazon and The Law, NEW AMERICA (January 27, 2016).
https://youtu.be/15_DWJqGMr8

Antitrust, Privacy, and Big Data, CONCURRENCES (February 3, 2015). No notes or transcripts retained. Event report supplied.

Telecoms, Media, & Privacy, GCR LIVE (June 26, 2014). Event program supplied.

Patent Assertion, "Privateering," and Antitrust, WASHINGTON LEGAL FOUNDATION, (May 22, 2014). <https://youtu.be/hRgbzTef01Y>

Second Annual Law Leaders Forum 2013, GCR LIVE (March 15, 2013). Event coverage supplied.

Expert Panel Reacts to Google's Victory Over FTC, AMERICAN BAR ASSOCIATION SECTION OF ANTITRUST LAW (March 4, 2013). No notes or transcripts retained. Press coverage supplied.

Panel, ASSOCIATION FOR COMPETITIVE TECHNOLOGY (September 19, 2011). Press release supplied.

Searching for Unfairness? Debating What Antitrust Probes of Google Mean for Business and Consumers, THE WASHINGTON LEGAL FOUNDATION (September 19, 2011). No notes or transcripts retained. Press release supplied.

Capitol Hill Briefing, *Discussion on Google's Proposed Acquisition of AdMob* (April 15, 2010). No notes or transcripts retained. Press coverage supplied.

The Google/Yahoo! Agreement and its Implications for Future Antitrust Enforcement in Online Advertising, ABA BROWN BAG LUNCH (January 30, 2009). Event description supplied.

Panel discussion with senior government officials on the merger review process at the Department of Justice and the Federal Trade Commission, DC BAR PANEL (March 2002). Event description supplied.

American Economic Liberties Project: *Confronting America's Monopoly Crisis: Taking on Tech's Titans & Reinvigorating Antitrust to Safeguard Democracy* (October 2020) <https://youtu.be/I-3--JVFyWo>

GCR Live: *Telecoms, Media, Technology in London* (March 2020). I participated in a panel discussion regarding competition law policy in connection with the digital sector. No video available.

News Media Alliance (Briefing on Capitol Hill): *Protecting Journalism in the Online Ecosystem* (June 2019) <https://youtu.be/tHVZBluaWBQ>

Georgetown Center for Business and Public Policy at Georgetown University's McDonough School of Business: *Understanding the Basics of the Internet* (May 2018) <https://youtu.be/RO8Yuz7SsN0>

Yelp Conference on Antitrust Law and Technology (May 2018) <https://www.c-span.org/video/?445473-9/yelp-conference-antitrust-law-technology-panel-2>

Open Markets Institute: *The New Gatekeepers: Journalism in the Era of Platform Monopolies* (June 2018) <https://youtu.be/40HXpi0IzDk>

The Federalist Society: *The Future of Antitrust* (November 2017) <https://youtu.be/DLqzv6-xX2Y>

The University of Chicago, Booth School of Business, The Stigler Center; *Is There a Concentration Problem in America? Winner Take All Digital Platforms* (March 2017) <https://www.chicagobooth.edu/research/stigler/events/march-27-2017-is-there-a-concentration-problem-in-america> (No video available) (press coverage available at <https://www.thenation.com/article/archive/this-budding-movement-wants-to-smash-monopolies/>)

Capitol Forum: Search Bias Panel (September 2016) <https://youtu.be/Abjx02koEfg>

New America: *Amazon and The Law* (February 2016) https://youtu.be/I5_DWJqGMr8

Digital Book World Presentation (February 2016) <https://whattheythink.com/news/76756-digital-book-world-conference-expo-speakers-focus-publishings-digital-transformation/>; (no video available); description available at <https://www.bookbusinessmag.com/post/publishers-can-fight-four-horsemen-amazon-apple-google-facebook/>

Concurrences: *Antitrust, Privacy, and Big Data* (February 2015)
<https://www.concurrences.com/en/conferences/antitrust-privacy-big-data-82922>

GCR Live TMT (June 2014) <http://gcr.live/tmt2014>

Washington Legal Foundation: *Patent Assertion, "Privateering," and Antitrust* (May 2014) <https://youtu.be/hRgbzTef01Y>

GCR Live: *Second Annual Law Leaders Forum 2013* (March 2013) Description available at <https://globalcompetitionreview.com/gcr-live-second-annual-law-leaders-forum-2013>

ABA Brown Bag Lunch: *The Google/Yahoo! Agreement and its Implications for Future Antitrust Enforcement in Online Advertising* (June 2009) Description available at <http://allthingsd.com/20090130/miss-yahoogoogle-try-a-brown-bag-lunch-on-the-topic-today/>

DC Bar Panel (March 2002) Description available at https://www.friedfrank.com/sitefiles/fffiles/alert_040502.pdf

- 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.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Ryan Tracy and John McKinnon, *Google Foes Widen Claims*, WALL STREET JOURNAL (October 23, 2020). Copy supplied.

Blumenthal Asks FTC, DOJ to Probe Amazon Pricing, CONSUMER ELECTRONICS DAILY (December 20, 2018). Copy supplied.

Interview, REYNOLDS JOURNALISM INSTITUTE (October 31, 2018).
<https://youtu.be/Vj1T40JHDOc>

Tony Romm, *Europe Hits Google with Record \$5 Billion Antitrust Fine Over Bundling of Its Apps on Android*, WASHINGTON POST (July 18, 2018). Copy Supplied.

Adam Satariano and Jack Nicas, *E.U. Fines Google \$5.1 Billion in Android Antitrust Case*, THE NEW YORK TIMES (July 18, 2018). Copy supplied.

Martin Giles, *28 Rein in the Data Barons*, TECHNOLOGY REVIEW (July 1, 2018). Copy supplied.

Ryan Grim and Lee Fang, *As John Conyers Departs from Judiciary Committee Spot, the First Battle of the Anti-Monopoly Era Begins*, THE INTERCEPT (November 28, 2017). Copy supplied.

The New Center, NO LABELS PODCAST (September 20, 2017). Press release supplied. Unable to locate.

Danny Vinik, *Inside the New Battle Against Google*, POLITICO (September 19, 2017). Copy supplied.

Jim Rutenberg, *News Outlets to Seek Bargaining Rights Against Google and Facebook*, THE NEW YORK TIMES (July 9, 2017). Copy supplied.

Natalie Sherman, *Are Google, Amazon, and Others Getting Too Big?*, BBC (June 9, 2017). Copy supplied.

David Dayen, *Be Careful Celebrating Google's New Ad Blocker. Here's What's Really Going On*, The Intercept (June 5, 2017). Copy supplied.

A Shift Toward Increased Antitrust Scrutiny of Tech Companies, PAUL, WEISS (October 20, 2016). <https://www.law360.com/articles/853890>

Diane Bartz, *U.S. House Votes to Approve Bill to Change How FTC Challenges Mergers*, REUTERS (March 23, 2016). Copy supplied.

Big Data and Antitrust: A Regulatory Outlook, DIGITAL BOOK WORLD/BEYOND THE BOOK PODCAST (March 13, 2016). Copy supplied.

Amazon Critics Renew Push for Federal Antitrust Enforcement Action Against Online Retailer, WASHINGTON INTERNET DAILY (January 28, 2016). Copy supplied.

Brent Kendall and Tripp Mickle, *FTC Turns Up Scrutiny on Reynolds-Lorillard Deal with Questions on Imperial*, DOW JONES NEWS (March 13, 2015). Copy supplied.

Rachel Ensign, *The Morning Risk Report: SNC-Lavalin Wants U.S.-Style Bribery Outcome*, DOW JONES NEWS (February 23, 2015). Copy supplied.

Q&A: Cadwalader's Jonathan Kanter, GLOBAL COMPETITION REVIEW (November 2014). Copy supplied.

Michele Lerner, *Smooth Moves, With Experts' Help*, THE WASHINGTON POST (May 9, 2014). Copy supplied.

Chris Kenneally, *The Good, The Bad & The Monopoly: Q&A with Jonathan Kanter*, DIGITAL BOOK WORLD (March 14, 2016). Copy supplied.

Brent Kendall, *Will Antitrust Unravel the Jos. A. Bank/Men's Wearhouse Tie-Up?*, WALL STREET JOURNAL BLOG (March 11, 2014). Copy supplied.

Vipal Monga, *DJ Firms Gird for Merger Trouble*, WALL STREET JOURNAL BLOG (September 24, 2013). Copy supplied.

Apple Fights U.S. E-Books Pricing Claims in Antitrust Trial, POSTMEDIA (June 3, 2013). Copy supplied.

Lawyers Defending Google Say Favoring Own Content Over Rivals' in Search Wouldn't Violate Antitrust Rules, WASHINGTON INTERNET DAILY (October 7, 2011). Copy supplied.

Dan Levine, *Google Wins Antitrust Victory in Ohio Case*, REUTERS (September 1, 2011). Copy supplied.

Brian Baxter, *Google Readies Antitrust Team to Meet Possible FTC Probe*, THE AMERICAN LAWYER (June 28, 2011). Copy supplied.

Ian Thoms, *Rising Star: Cadwalader's Jonathan Kanter*, LAW360 (March 11, 2011). Copy supplied.

Seth Hettena, *The Google-Slayers*, THE AMERICAN LAWYER (May 1, 2010). Copy supplied.

Antitrust Review of Google AdMob Deal Debated, WASHINGTON INTERNET DAILY (April 16, 2010). Copy supplied.

John Letzing, *Yahoo Investors Unimpressed with Microsoft Deal*, MARKETWATCH (August 28, 2009). Copy supplied.

Miguel Helft, *Lawsuit Says Google was Unfair to Rival Site*, THE NEW YORK TIMES (February 18, 2009). 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.

I have not run for public office.

- 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.

I have never worked for a political campaign or election committee.

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 clerked for a judge, but I completed a judicial externship during my third year of law school for Judge Mary Ann Medler of the United States District Court for the Eastern District of Missouri.

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

I have not 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.

The Kanter Law Group
1717 K Street, NW
Suite 900
Washington, DC 20006
Partner: September 2020-present

Paul, Weiss, Rifkind, Wharton & Garrison LLP
2001 K Street, NW
Washington, DC 20006
Partner: August 2016-September 2020

Cadwalader, Wickersham & Taft LLP
700 Sixth Street, NW
Washington, DC 20001
Partner: January 2007-August 2016
Special Counsel: April 2007-December 2007
Fried, Frank, Harris, Shriver & Jacobson LLP
Now at: 801 17th Street, NW
Washington, DC 20006
Associate: November 2000-April 2007

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Attorney: October 1998-November 2000

- 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.

b. Describe:

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

I am an antitrust attorney and I have been practicing antitrust law continuously since my admission to the bar.

Following my graduation from law school, I worked as an antitrust attorney at the Federal Trade Commission, Bureau of Competition. My primary responsibilities related to investigations of mergers and acquisitions.

From Fall 2000 until September 2020, I worked in private practice as an antitrust attorney. Until approximately 2007, the primary focus of my practice was to represent clients in investigations and related litigation by the Federal Trade Commission, Department of Justice, Antitrust Division, and state attorneys general. I provided antitrust counseling as well.

Starting in 2007 and until September 2020, the balance of my practice shifted, and a substantial portion of my work involved the representation of clients as non-parties to investigations by the Federal Trade Commission, Department of Justice, Antitrust Division, and state attorneys general. Many of my clients were industry participants advocating in favor of vigorous enforcement. During this period, I also represented clients as parties to investigations involving mergers and anticompetitive conduct. I have also represented clients seeking amnesty in criminal antitrust investigations. I also provided antitrust counseling during this period. Occasionally, I advised on non-antitrust matters involving privacy and consumer protection.

In September 2020, I founded my current law firm, which is an antitrust boutique focused on advocacy in favor of antitrust enforcement. My current firm does not represent targets of government antitrust investigations or defendants in antitrust matters. Our firm focuses on matters involving media and technology, although the firm handles matters in other industries as well. Our clients include both companies and foundations.

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

At the Federal Trade Commission, my client was the United States. Following my graduation from law school, I worked as an antitrust attorney at the Federal Trade Commission, Bureau of Competition. My primary responsibilities related to antitrust investigations of mergers and acquisitions.

From Fall 2000 until September 2020, I worked in private practice as an antitrust attorney. As noted above, until approximately 2007, the primary focus of my practice was to represent clients in investigations and related litigation by the Federal Trade Commission, Department of Justice, Antitrust Division, and state attorneys general. I provided antitrust counseling as well.

Starting in 2007 and until September 2020, the balance of my practice shifted, and a substantial portion of my work involved the representation of corporate clients as non-parties to investigations by the Federal Trade Commission, Department of Justice, Antitrust Division, and state attorneys general. Occasionally, I advised clients in non-antitrust matters involving privacy and consumer protection.

In September 2020, I founded my current law firm, which is an antitrust boutique focused on advocacy in favor of antitrust enforcement. Our clients include both companies and foundations.

- 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 primary focus of my practice relates to antitrust legal analysis and advocacy before antitrust enforcement authorities, including the Department of Justice, Federal Trade Commission, and state attorneys general. From time to time, these matters result in litigation. Additionally, I also have represented third-party witnesses to antitrust litigation matters, often in support of government enforcement authorities or private plaintiffs.

- i. Indicate the percentage of your practice in:

1. federal courts:	10%
2. state courts of record:	0%
3. other courts:	0%
4. administrative agencies:	90%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	95%
2. criminal proceedings:	5%

- 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.

Although I have been involved in many litigation matters throughout my career, I have not tried cases to a verdict. I have, however, been the lead attorney in scores of investigations by the federal and state antitrust authorities.

- 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.

I have not argued before the Supreme Court.

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. FTC v. BP Amoco et al.,

No. 00-00416 SI

The Honorable Susan Illston

Northern District of California

1999-2000

The FTC filed a lawsuit to block BP Amoco's proposed acquisition of ARCO. I was a member of the FTC's litigation team. I worked on various aspects of the investigation and litigation. Among other things, I was responsible for conducting depositions of nonparty witnesses and deposing BP's efficiency expert. The matter settled shortly before trial.

Co-Counsel: There was an extensive FTC Complaint Counsel. My primary supervisors are retired: Joseph Brownman, Phill Broyles, and Richard Libeskind. The lead trial lawyer was then the Director of the Bureau of competition and he is now available at:

Richard Parker

(Formerly at FTC)

Now at: Gibson, Dunn & Crutcher LLP

202-955-8503

Opposing Counsel

Margaret Pfeifer

Sullivan & Cromwell LLP

202-956-7540

2. U.S. v. 3D Systems Corporation

Civil No: 1:01CV01237

The Honorable Gladys Kessler

U.S. District Court for the District of Columbia

2002

The Department of Justice filed in federal court to block the proposed acquisition of DTM Corp. by 3D System Corp. I was the primary associate for the team representing DTM and worked on every aspect of the matter for DTM. The parties settled the matter before trial.

Co-Counsel

Charles F. (Rick) Rule
(Formerly at Fried, Frank LLP)
Now at: Paul, Weiss LLP
202-223-7320

Opposing Counsel

Dando Cellini (Deceased)
(Formerly at U.S. Department of Justice)

3. U.S. v. Microsoft Corporation

Civil Action No. 98-1232
The Honorable Coleen Kollar-Kotelly
U.S. District Court for the District of Columbia
2002-2011

I was one of Microsoft's lead outside counsel regarding its compliance with the Final Judgment. Over a period of roughly 10 years, I worked many aspects of the complex antitrust settlement. Among other things I appeared in court on a regular basis and authored many submissions to the court.

Co-Counsel

Charles F. (Rick) Rule
(Formerly at Fried Frank LLP)
Now at: Paul, Weiss LLP
202-223-7320

Opposing Counsel

Aaron Hoag
U.S. Department of Justice
202-307-6153

4. New York v. Microsoft Corp.,

Civil Action No. 98-1233
The Honorable Coleen Kollar-Kotelly
U.S. District Court for the District of Columbia
2002-2011

I was a primary member of the team that litigated issues relating to compliance and that were distinct from issues raised by the Department of Justice. Over a period of roughly 10 years, I worked many aspects of the complex antitrust settlement. Among other things I appeared in court on a regular basis and authored many submissions to the court.

Co-Counsel

Charles F. (Rick) Rule
(Formerly at Fried Frank LLP)
Now at: Paul, Weiss LLP
202-223-7320

Opposing Counsel

Jay Himes (Formerly of New York Attorney General's Office)
646-808-6135

5. TradeComet.com LLC v. Google, Inc.,

693 F. Supp. 2d 370
The Honorable Sidney Stein
Southern District of New York
2009-2010

I was a member of the team that filed the complaint against Google in this antitrust matter. I worked on substantive legal aspects of this matter. I did not appear in court.

Co-Counsel

Charles F. (Rick) Rule
(Formerly at: Cadwalader LLP)
Now at: Paul, Weiss LLP
202-223-7320

Opposing Counsel

Jonathan Jacobson
Wilson Sonsini Goodrich & Rosati
212-497-7758

6. Google, Inc., Plaintiff, v. MyTriggers.Com, Inc., et al., Defendants.,
09CV-14836
The Honorable Judge John Bessey
Franklin County Court of Common Pleas
2010-2011

I was a member of the team that filed the complaint against Google in this antitrust matter. I worked on substantive legal aspects of this matter. I did not appear in court.

Co-Counsel
Charles F. (Rick) Rule
(Formerly at: Cadwalader LLP)
Now at: Paul, Weiss LLP
202-223-7320

Opposing Counsel
Jonathan Jacobson
Wilson Sonsini Goodrich & Rosati
212-497-7758

7. In the Matter of 1-800 Contacts, Inc.,
FTC Docket No. 9372, FTC File No. 141 0200
The Honorable D. Michael Chappell, Administrative Law Judge
U.S. Federal Trade Commission
2016-2017

I was lead counsel to a non-party witness in this matter. I worked on various aspects of discovery and prepared sworn statements for both the plaintiffs and the defendants on behalf of my client's witness. The litigation involved allegations by the FTC regarding agreements between competitors to limit keyword search advertising.

Co-Counsel
Mark Meador
(Formerly Paul, Weiss LLP)
Now at: Counsel to Senator Mike Lee, House Judiciary Committee
202-225-3951

Opposing Counsel (Plaintiffs)
Joshua Gray
(Formerly at FTC)
Now at: Kenny Nachwalter
305-373-1000

Opposing Counsel (Defendants)
Justin Raphael
Munger, Tolles & Olson LLP
415-512-4085

8. U.S. v Anthem

236 F. Supp. 3d 171 (D.D.C. 2017)
The Honorable Amy Berman Jackson
U.S. District Court for the District of Columbia
2016-2017

DOJ challenged Anthem's attempt to acquire Cigna. I was a member of the litigation team for Cigna. I defended depositions and prepared witnesses for trial.

Co-Counsel
Charles F. (Rick) Rule
Paul, Weiss LLP
202-223-7320

Opposing Counsel
Ryan Kantor
(Formerly at U.S. Department of Justice)
Now at: Morgan, Lewis, & Bockius LLP
202-739-5343

9. New York v. Deutsche Telekom AG,

439 F. Supp. 3d 179
The Honorable Victor Marerro
(S.D.N.Y. 2020)

The case involved an attempt by numerous state attorneys general to block the proposed acquisition of Sprint by T-Mobile. I was lead counsel to a significant non-party testifying witness. Among other things, I defended the witness deposition and prepared the witness for trial.

Co-Counsel
Brandon Kressin
(Formerly at Paul, Weiss LLP)
Now at: Kanter Law Group LLP
202-455-4244

Opposing Counsel (Plaintiffs)
Glenn Pomerantz
Munger, Tolles, & Olson LLP
213-683-9132

Opposing Counsel (Defendants)
David Gelfand
Cleary, Gottlieb, Steen & Hamilton LLP
202-974-1690

10. Epic Games v. Apple Inc.,
Case No. 4:20-cv-05640-
The Honorable Yvonne Gonzalez Rodriguez
Northern District of California
2019-2021

The case is pending and includes allegations that Apple has monopolized markets relating to mobile app distribution. I was lead counsel to multiple non-party testifying witnesses in response to compulsory subpoenas. Among other things, I defended witness depositions and prepared witnesses for trial testimony.

Co-Counsel
Shyla Alonso
Perkins Coie LLP
206-359-3980

Opposing Counsel (Plaintiffs)
Hon. Katherine B. Forrest
Cravath, Swaine & Moore LLP
212-474-1151

Opposing Counsel (Defendants)
Michelle Lowery
McDermott, Will & Emory LLP
310-551-9309

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.)

I have represented clients in major antitrust investigations and litigation matters for over 20 years.

I have advised and represented numerous clients with concerns about the practices of companies with monopoly power. This includes investigations of both mergers and allegations of anticompetitive practices. I have advocated on behalf of these clients before federal and state antitrust authorities.

On behalf of my clients, I have worked to promote enforcement against large companies in a variety of industries. The vast majority of my representations are not public; however, the most notable industry is big tech, where for over a decade I have advocated in favor of vigorous enforcement. Other industries include, without limitation, healthcare, pharmaceuticals, and telecom. By way of example, I have worked on behalf of clients to oppose mergers, acquisitions, and joint ventures, including: Google's acquisition of DoubleClick, Advocate Healthcare's proposed acquisition of NorthShore University HealthSystem, and T-Mobile's acquisition of Sprint.

I have counseled clients and provided risk assessments in connection with mergers, acquisitions, joint ventures, and other business arrangements in a wide variety of industries over the course of my career, including technology, transportation, healthcare, media, retail, and others.

I have also represented companies and individuals in criminal antitrust investigations. This includes clients seeking immunity under the Department of Justice's amnesty program.

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 not taught any courses on a full-time basis. From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics. I have described those lectures in response to Question 12(d) above.

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 have no arrangements in the future to be compensated for any financial or business interest.

I currently have an HR-10 Account at Paul, Weiss. Please see my SF-278 as provided by the Office of Government Ethics for details.

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).

Please see my OGE-278 as provided 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.

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

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal 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.

Throughout my career I have been committed to performing *pro bono* legal service. I have represented clients in landlord-tenant disputes and a variety of other matters. Notably, in 2020, I led a team to develop resources for individuals and small businesses seeking support from local and federal governments in connection with the COVID 19 crisis. I have also provided extensive pro-bono services to public interest organizations advocating for antitrust enforcement.