

CONDITIONAL Pricing Practices

economic analysis & policy implications
An FTC - DOJ workshop

Agenda June 23, 2014

8:30 Welcome & Introduction

WELCOME

William J. Baer

Assistant Attorney General
Antitrust Division
U.S. Department of Justice

INTRODUCTION

Maureen K. Ohlhausen

Commissioner
Federal Trade Commission

8:45 Overview of the Economics of Conditional Pricing Practices

PRESENTERS

Michael Waldman

Charles H. Dyson Professor of
Management and Professor of
Economics
Samuel Curtis Johnson Graduate
School of Management
Cornell University

Michael Whinston

Professor of Economics
Sloan Fellows Professor of
Management
Department of Economics and Sloan
School of Management
Massachusetts Institute of Technology

9:30

The Economics of Conditional Pricing Practices

PRESENTERS

Timothy J. Brennan

Professor of Public Policy and
Economics
University of Maryland, Baltimore
County

Benjamin Klein

Professor of Economics
University of California, Los Angeles

Michael A. Salinger

Jacqueline J. and Arthur S. Bahr
Professor in Management
School of Management
Boston University

Abraham L. Wickelgren

Bernard J. Ward Centennial Professor
of Law and Economics
University of Texas Law School

DISCUSSANTS

Randal Heeb

Partner
Bates White

Francine Lafontaine

William Davidson Professor of
Business Economics and Public Policy
Stephen M. Ross School of Business
University of Michigan

MODERATORS

Patrick DeGraba

Economist
Bureau of Economics
Federal Trade Commission

Patrick Greenlee

Economist
Economic Analysis Group
Antitrust Division
U.S. Department of Justice

10:45

Break

11:00

The Economics of Conditional Pricing Practices, Continued

PRESENTERS

Kusum Ailawadi

Charles Jordan 1911 TU'12 Professor
of Marketing
Tuck School of Business
Dartmouth College

Miguel de la Mano

Head of Economic Analysis of
Financial Markets
European Commission

Joseph Farrell

Professor of Economics
Affiliated Professor
Haas School of Business
University of California, Berkeley

Julie Holland Mortimer

Associate Professor of Economics
Boston College
Faculty Research Fellow
National Bureau of Economic
Research

DISCUSSANTS

Matthew Bennett

Vice President
Charles River Associates
London

C. Scott Hemphill

Professor of Law
Columbia Law School

MODERATORS

Michael G. Vita
Deputy Director for Research and
Management
Bureau of Economics
Federal Trade Commission

Matthew C. Mandelberg
Attorney
Legal Policy Section
Antitrust Division
U.S. Department of Justice

12:15 Lunch

1:15 **Roundtable Discussion on the Economics of Conditional Pricing Practices**

PARTICIPANTS

Matthew Bennett
Vice President
Charles River Associates
London

Benjamin Klein
Professor of Economics
University of California, Los Angeles

Francine Lafontaine
William Davidson Professor of
Business Economics and Public Policy
Stephen M. Ross School of Business
University of Michigan

Julie Holland Mortimer
Associate Professor of Economics
Boston College
Faculty Research Fellow
National Bureau of Economic
Research

Michael Waldman
Charles H. Dyson Professor of
Management and Professor of
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Samuel Curtis Johnson Graduate
School of Management
Cornell University

MODERATORS

Daniel P. O'Brien
Senior Economic Policy Advisor
Bureau of Economics
Federal Trade Commission

Patrick Greenlee
Economist
Economic Analysis Group
Antitrust Division
U.S. Department of Justice

2:00 **Integrating the Economics of Exclusion with Current Legal Policy: Two Paradigms**

PRESENTER

Steven C. Salop
Professor of Economics and Law
Georgetown University Law Center

2:30 The Law of Conditional Pricing Practices

PRESENTERS

Daniel A. Crane

Associate Dean for Faculty and
Research
Frederick Paul Furth, Sr. Professor of Law
University of Michigan Law School
Counsel
Paul, Weiss, Rifkind, Wharton &
Garrison LLP

Randal Heeb

Partner
Bates White

Robert O'Donoghue

Barrister
Brick Court Chambers
London

Einer R. Elhauge

Carroll and Milton Petrie Professor of Law
Harvard Law School

DISCUSSANTS

Richard Brunell

General Counsel
American Antitrust Institute

Willard K. Tom

Partner
Morgan, Lewis & Bockius LLP

MODERATORS

Michael J. Bloom

Assistant Director
Office of Policy and Coordination
Bureau of Competition
Federal Trade Commission

Robert A. Potter

Chief
Legal Policy Section
Antitrust Division
U.S. Department of Justice

3:30 Break

3:45 The Law of Conditional Pricing Practices, Continued

PRESENTERS

Leah Brannon

Partner
Cleary Gottlieb Steen & Hamilton, LLP

Jonathan Jacobson

Partner
Wilson Sonsini Goodrich & Rosati

Sean P. Gates

Partner
Morrison & Foerster LLP

Fiona M. Scott Morton

Professor of Economics
Yale University School of
Management

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MODERATORS

Andrea E. Zach

Attorney
Bureau of Competition
Federal Trade Commission

Samuel N. Weinstein

Attorney
Legal Policy Section
Antitrust Division
U.S. Department of Justice

4:45

Where Do We Go From Here: Open Questions and Policy Considerations

PARTICIPANTS

Jonathan Baker

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American University
Washington College of Law

Fiona M. Scott Morton

Professor of Economics
Yale University School of
Management

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Richard M. Steuer

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Michael Whinston

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Sloan Fellows Professor of
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Department of Economics and Sloan
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Massachusetts Institute of Technology

MODERATORS

Deborah L. Feinstein

Director
Bureau of Competition
Federal Trade Commission

Renata B. Hesse

Deputy Assistant Attorney General for
Criminal and Civil Operations
Antitrust Division
U.S. Department of Justice

5:45

Closing Remarks

Andrew I. Gavil

Director
Office of Policy Planning
Federal Trade Commission

Robert A. Potter

Chief
Legal Policy Section
Antitrust Division
U.S. Department of Justice
