

**Conditional Pricing Practices: Economic Analysis and Legal Policy Implications**  
**An FTC–DOJ Joint Public Workshop**

**Date and Location**

Date: Monday, June 23, 2014  
8:30 a.m. to 6:00 p.m.

Location: Federal Trade Commission  
(Ground Floor) Conference Center  
Constitution Center  
400 Seventh Street, SW  
Washington, DC 20024

**Workshop Agenda**

8:30-8:45 a.m.      **Welcome and Introduction**

*Welcome Remarks*

William J. Baer

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

*Introduction*

Maureen K. Ohlhausen

Commissioner, Federal Trade Commission

8:45-9:30 a.m.      **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

9:30-10:45 a.m.      **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 Professorship in Management,  
School of Management, Boston University

Abraham L. Wickelgren  
Bernard J. Ward Centennial Professor, 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

10:45-11:00 a.m.

**Break**

11:00-12:15 p.m.

**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, Berkley

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

12:15-1:15 p.m.

**Lunch**

1:15-2:00 p.m.

**Roundtable Discussion on the Economics of Conditional Pricing Practices**

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 Economics,

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

2:00-2:30 p.m. **Integrating the Economics of Exclusion with Current Legal Policy:  
Two Paradigms**

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

2:30-3:30 p.m. **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

Einer R. Elhauge  
Carroll and Milton Petrie Professor of Law, Harvard Law School

Randal Heeb  
Partner, Bates White

Robert O'Donoghue  
Barrister, Brick Court Chambers, London

*Discussants*  
Richard Brunell  
General Counsel, American Antitrust Institute

Willard K. Tom  
Partner, Morgan, Lewis & Bockius LLP

*Moderators*  
Michael J. Bloom  
Associate Director, Office of Policy and Coordination,  
Bureau of Competition, Federal Trade Commission

Robert Potter  
Chief, Legal Policy Section, Antitrust Division,

U.S. Department of Justice

3:30-3:45 p.m.

**Break**

3:45-4:45 p.m.

**The Law of Conditional Pricing Practices, Continued**

*Presenters*

Leah Brannon

Partner, Cleary Gottlieb Steen & Hamilton, LLP

Sean P. Gates

Partner, Morrison & Foerster LLP

Jonathan Jacobson

Partner, Wilson Sonsini Goodrich & Rosati

Fiona M. Scott Morton

Professor of Economics, Yale University School of Management

*Discussants*

Steven C. Salop

Professor of Economics and Law, Georgetown University Law Center

Abraham L. Wickelgren

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

*Moderators*

Andrea Zach

Attorney, Bureau of Competition, Federal Trade Commission

Samuel N. Weinstein

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

4:45-5:45 p.m.

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

Jonathon Baker

Professor of Law, American University, Washington College of Law

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

C. Scott Hemphill  
Professor of Law, Columbia Law School

Fiona M. Scott Morton  
Professor of Economics, Yale University School of Management

Richard M. Steuer  
Partner, Mayer Brown

Michael Whinston  
Professor of Economics, Sloan Fellows Professor of Management,  
Department of Economics and Sloan School of Management,  
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

5:45-6:00 p.m.

**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