

Susan Creighton

PARTNER

Antitrust and
Competition
Washington, D.C.

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FOCUS AREAS

Antitrust Civil Enforcement
Antitrust Compliance and
Business Strategy
Antitrust Litigation
Antitrust Merger Clearance
Antitrust and Competition
Antitrust and Intellectual
Property
Federal Trade Commission
Supreme Court and
Appellate
Third-Party Merger and
Non-Merger Antitrust
Representation

HIGHLIGHTS

- Respected Antitrust and Regulatory Veteran**
Susan previously served at the FTC as Director of the Bureau of Competition and Deputy Director of the Bureau.
- Associated with Landmark Antitrust Matters**
Susan serves as co-lead outside counsel for Google in the DOJ's recently filed monopolization case. Previously, she also represented Google in the FTC's high-profile investigation of the company. She represented Qualcomm in advocacy before the FTC, and Netflix in the DOJ's review of the proposed Comcast/TWC merger.
- Netscape Versus Microsoft**
Susan's work with Netscape is credited with triggering the DOJ's lawsuit against Microsoft for illegal monopolization.
- A Recognized Practitioner**
Susan has been named "Lawyer of the Year" by *Global Competition Review* and one of *The National Law Journal's* "Outstanding Women Lawyers."

EXPERIENCE

Susan Creighton leads the firm's antitrust and competition practice. Susan's practice focuses on merger review, government conduct investigations, and antitrust litigation and counseling. Representative matters include serving as co-lead outside counsel for Google in the U.S. Antitrust Division's recently filed conduct case; representing Qualcomm in advocacy before the FTC; representing Netflix in connection with the Justice Department's investigation of the proposed Comcast/TWC merger; and representing Deutsche Telekom in connection with T-Mobile's successful merger with Sprint Corporation.

Susan has been consistently listed in both *Chambers Global* and *Chambers USA*. She has testified before the Antitrust Modernization Commission, the Federal Trade Commission, and the Senate on antitrust-related issues. She also has written a number of widely cited articles, including on issues related to mergers, intellectual property, and unilateral conduct.

From 2003 through the end of 2005, Susan served at the Federal Trade Commission as Director of the Bureau of Competition. From 2001 to 2003, she served as Deputy Director of the Bureau under then-Director Joe Simons. Prior to joining the FTC, Susan wrote the white paper for Netscape that is credited with triggering the Department of Justice's investigation and eventual suit against Microsoft for illegal monopolization.

Susan has served in a variety of leadership roles within the firm, including on the board of directors.

Prior to joining the firm, she was a law clerk to U.S. Supreme Court Justice Sandra Day O'Connor. She also served as a law clerk to Federal District Judge Pamela Ann Rymer.

CREDENTIALS

Education

- J.D., Stanford Law School, 1984
Order of the Coif
- A.B., Harvard University, 1981
Magna Cum Laude, Phi Beta Kappa

Associations and Memberships

- Member, Christian Legal Society
- Member, Section of Antitrust Law, American Bar Association

Honors

- Named a 2021 "Thought Leader" by *Global Competition Review/Who's Who Legal – Competition*
- Recognized as one of the top 50 women lawyers in Washington, D.C., in the 2018 edition of *Washington DC Super Lawyers*
- Selected for inclusion in the 2015-2018 editions of *Best Lawyers in America*
- Named to *The National Law Journal's* list of "Outstanding Women Lawyers" in 2015
- Honored as "Lawyer of the Year" at the 2013 GCR Awards
- Recipient of "Best Academic Unilateral Conduct Article" award at the 2013 Antitrust Writing Awards for her co-authorship of "Twenty-Five Years of Access Denials"
- Named in the 2007-2022 editions of *Chambers USA: America's Leading Lawyers for Business*
- Recognized in the Competition/Antitrust category of the 2012-2022 editions of *Chambers Global: The World's Leading Lawyers for Business*

Admissions

- Bar of the District of Columbia
- State Bar of California
- U.S. Supreme Court

INSIGHTS

Select Publications

- Co-author with J. Ferris, T. Hoang, and R. Maddock, "Innovations Market Analysis: Twenty Years On" chapter, *Douglas H. Ginsburg: An Antitrust Professor on the Bench*, Vol. 1, Institute of Competition Law, 2018
- Co-author with J. Jacobson, "Twenty-Five Years of Access Denials," *Antitrust*, Vol. 27, No. 1, pp. 50-55, Fall 2012
- "2010 Horizontal Merger Guidelines: The View from the Technology Industry," *The Antitrust Source*, October 2010
- Co-author with S. Sher, "Resolving Patent Disputes through Merger: A Comparison of Three Potential Approaches," 75(3) *Antitrust Law Journal* 657-690, 2009
- Co-author with T. Krattenmaker, "Appropriate Role(s) for Section 5," *The Antitrust Source*, February 2009
- Co-author with J. Jacobson, "Bundled Pricing and Antitrust," 2007 ABA Section of Antitrust Law Fall Forum, November 15, 2007
- Co-author with S. Sher, "Resolving Patent Disputes Through Merger: An Analytical Approach," LSI Technology M&A Conference, September 2007
- "Patent Settlements and Standard-Setting: No Legal Consensus in Sight," PLI 12th Annual Institute on Intellectual Property Law, October 5, 2006
- "New Evidentiary Burdens in Mergers: The View from the U.S.," GMU Law Review Antitrust Symposium, September 13, 2006
- Co-author with B. Hoffman, T. Krattenmaker, and E. Negata, "Cheap Exclusion," 72 *Antitrust Law Journal* 975-995, 2005

Select Speaking Engagements

- Speaker, 46th Annual Conference on International Antitrust Law and Policy, Fordham University School of Law's Competition Law Institute, September 12–13, 2019
- Speaker, "What Can U.S. v. Microsoft Teach About Antitrust and Multi-Sided Platforms?" FTC Hearings on Competition and Consumer Protection in the 21st Century, George Mason University, Arlington, Virginia, October 16, 2018
- Speaker, "Understanding Exclusionary Conduct in Cases Involving Multi-Sided Platforms: Issues Related to Vertically Integrated Platforms," FTC Hearings on Competition and Consumer Protection in the 21st Century, George Mason University, Arlington, Virginia, October 15, 2018
- Speaker, "Generational Impact of *The Antitrust Paradox*," The Federalist Society Antitrust Paradox Conference, Capitol Hill Club, Washington, D.C., June 22, 2018
- Speaker, "Non-Price Effects of Mergers," OECD, Paris, June 6, 2018
- Speaker, "Big Data: Big Deal or No Deal?" ABA Antitrust Spring Meeting, April 11, 2018
- Speaker, "Change at the FTC and Its Effect on the Innovation Economy," WSGR Event, Menlo Park, California, April 5, 2018
- Speaker, "Common Ownership and Passive Investments: The Next Frontier for Section 7?" George Mason Law Review's 21st Annual Antitrust Symposium, February 16, 2018
- Speaker, "The United States Federal Trade Commission (FTC)," Trump Antitrust Policy after One Year, The Heritage Foundation, Washington, D.C., January 23, 2018
- Speaker, "Pharmaceutical Mergers and Innovation—Incentivizing v. Suppressing Development," ABA Antitrust Spring Meeting, March 29, 2017
- Panelist, "Regulatory Issues Important to Fintech Companies and Investors in Fintech," WSGR Fintech Conference: Current Issues Facing Fintech Companies and Investors, Menlo Park, California, February 9, 2017
- Moderator, "Public Interest v. Competition Policy in the Appellate Courts," ABA Fall Forum, November 17, 2016
- Moderator, "Taming the Beast—Corporate Counsel Speak," ABA Antitrust Spring Meeting, April 7, 2016
- Speaker, "Google and Android—The Case for and Against Antitrust Intervention," GCR Live Third Annual New York, September 21, 2015
- Speaker, "Innovation: Can It Ever Be Anticompetitive?" ABA Antitrust Spring Meeting, April 16, 2015
- Panelist, "Enforcement and Litigation," Federal Trade Commission 100th Anniversary Symposium, November 2014
- Moderator, "Defining Section 5 Unfair Methods of Competition," 62nd ABA Section of Antitrust Law Spring Meeting, March 2014
- "Future of Unilateral Conduct Enforcement and Policy: A U.S. Perspective," 40th Annual Fordham University Competition Law Institute Conference on International Antitrust Law and Policy, September 2013
- "Section 2 Litigation: Is Aspen Still Viable?" ABA Antitrust Law Spring Meeting, March 2012