

Brendan J. Coffman

PARTNER

Antitrust and
Competition
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FOCUS AREAS

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

HIGHLIGHTS

■ Industry Expert

Brendan is an experienced antitrust lawyer who frequently speaks on a diverse range of antitrust matters and industries. Most recently, he appeared on Wilson Sonsini's Electronic Gaming Podcast to discuss "Antitrust in the Gaming World."

EXPERIENCE

Brendan Coffman is a partner in the Washington, D.C., office of Wilson Sonsini Goodrich & Rosati, where he is a member of the antitrust and competition practice. Brendan represents the world's most innovative companies in connection with mergers and acquisitions, joint ventures, government investigations, private litigation, and distribution practices. His clients include stalwarts and emerging firms in electronic gaming and entertainment, ridesharing and ADAS/Autonomous Driving, semiconductor and connectivity, pharmaceutical, healthcare, and financial services. Representative matters include the following:

Mergers:

- Bungie in its acquisition by Sony
- Qualcomm in its acquisitions of Veoneer, Skyhook, and Cellwize
- Element Biosciences as a third party in the FTC's challenge of Illumina/Grail
- Lyft in its sale of L5 Assets to Toyota's Woven Planet
- Plaid in its \$5.3 billion acquisition by Visa
- Careem in its \$3.1 billion acquisition by Uber
- Lumentum in its \$1.8 billion acquisition of Oclaro and its attempted \$5.7 billion acquisition of Coherent
- NetSuite in its \$9.3 billion acquisition by Oracle
- Trulia in its \$3.5 billion acquisition by Zillow
- FanDuel in its merger of equals with DraftKings
- Fiserv, Inc. in its \$700 million acquisition of Elan Financial Services
- Google in its acquisitions of Waze and Nest

Antitrust Litigation:

- Open To The Public Investing, Inc. ("Public.com") in *In re January 2021 Short Squeeze Trading Litigation*; obtained voluntary dismissal
- Mylan Pharmaceuticals as plaintiff against Teva Corporation alleging monopolization of the market for multiple sclerosis treatment Copaxone
- Dr. Reddy's Laboratories as plaintiff against Amarin alleging monopolization in market for cholesterol treatment

- Mylan Pharmaceuticals as plaintiff against Celgene Corporation alleging monopolization of the markets for cancer Thalomid and Revlimid; prevailed at summary judgment and obtained favorable monetary settlement
- Mylan Pharmaceuticals in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*
- Lupin Pharmaceuticals in *In re Glumetza Antitrust Litigation*
- Non-party health insurer in *Anthem Inc. v. Cigna Corp.*

Government Investigations:

- Represented cooperating witness in *U.S. v. Usher et al.*, the Department of Justice's investigation and criminal prosecution in the foreign exchange market
- Represented four other traders across three financial instruments in connection with government investigations in the United States and internationally
- Responded to numerous CIDs, subpoenas, and requests for voluntary provision of information from federal agencies including the Department of Justice, Federal Trade Commission, Commodities and Futures Trading Commission, Board of Governors of the Federal Reserve, and the Securities and Exchange Commission
- Responded to subpoenas and requests for voluntary provision of information from many state enforcers including California, Florida, Maryland, New York, Rhode Island, Tennessee, Texas, Virginia, and Washington

Antitrust Counseling:

- Range of intellectual property issues, including standard-essential patents, participation in standard-development organizations, patent pooling, and other competition risks associated with patent assertion and aggregation
- Pricing practices including price discrimination, most favored nation clauses (MFNs), minimum requirements, exclusivity, and conditional payment terms

CREDENTIALS

Education

- J.D., George Mason University Antonin Scalia Law School, 2011
Articles Editor, *George Mason Law Review*, 2010-2011; *Presidential Management Fellow*
- B.S.F.S., International Politics, Georgetown University, 2005

Associations and Memberships

- Vice Chair, Health Care and Pharmaceuticals Committee, Section of Antitrust Law, 2021-present
- Vice Chair, Trial and Practice Committee, Section of Antitrust Law, American Bar Association, 2018-2020
- Young Lawyer Representative, Health Care and Pharmaceuticals Committee, Section of Antitrust Law, American Bar Association, 2016-2017

Admissions

- Bar of the District of Columbia
- Virginia State Bar

INSIGHTS

Select Publications

- Co-author with A. Keck and S. Sher, *Risk Allocation in Merger Agreements in an Era of Increased Enforcement*, Wilson Sonsini Goodrich & Rosati Report, October 2020
- Co-author with T. Hoang and N. Mendelsohn, "Turing the Screws on Illegal 'Comprehensive Schemes': The FTC and States' Bold Complaint Regarding Daraprim," *Competition Policy International*, May 18, 2020
- Editor, *Antitrust Law Developments*, 2017-Present
- Co-author with S. Silber and J. Bank, "A Return to Republican Antitrust Policies for Pharma," *Law360*, January 24, 2017
- Co-author with M. Rosman, S. Silber, J. VanHooreweghe, and J. Bank, "Update on the DOJ's Criminal Investigation into Generic Pharmaceuticals," *WSGR Alert*, March 24, 2015
- Co-author with S. Silber and J. Lutinski, "Citizen Petitions Aimed at Delaying Generic Competition Remain a Concern," *WSGR Alert*, February 11, 2015
- Co-author with S. Silber, M. Rosman, J. VanHooreweghe, and K. Kemp, "DOJ Investigation into Generic Pharmaceutical Pricing Signals Potential Criminal Exposure," *WSGR Alert*, November 12,

2014

- Co-author with Mark Rosman and J. VanHooreweghe, “DOJ’s Antitrust Division Reverses Policy on Individual Carve-Outs in Company Plea Agreements,” *WSGR Alert*, April 17, 2013
- “A One-Stop Shop for Outlining Patent Abuse,” *Patent Progress*, February 6, 2013

Select Speaking Engagements

- Panelist, “PBM Tactics: Tough Competition or Antitrust Violation?” 2022 ABA Antitrust in Healthcare Conference, June 2, 2022
- Panelist, “Antitrust Considerations in Structuring Pharmaceutical Settlements,” Berkley Law 2022 Advanced Life Sciences Institute, April 22, 2022
- Panelist, “What’s New in Reverse Payment Litigation,” Antitrust in Healthcare Virtual Conference, February 2021
- Panelist, “The 2020 Candidates’ Views on Competition & Antitrust,” American Bar Association, New York, New York, November 4, 2019
- Panelist, “Antitrust Enforcement in the Pharmaceutical Industry,” 2019 Antitrust and Consumer Law Institute, Washington D.C., September 26, 2019
- Moderator, “Recent Issues in Reverse Payments Litigations,” American Bar Association, New York, New York, September 14, 2017
- Moderator, “The Use of Structural Presumptions in Merger Analysis,” American Bar Association, Washington D.C., June 26, 2015