



Scott Schaeffer

Counsel

Washington, DC

D: +1-202-383-5366

sschaeffer@omm.com

Scott Schaeffer is a counsel in O'Melveny's Antitrust and Competition Group. His diverse practice spans the globe and involves complex civil litigation, criminal cartel matters, antitrust counseling, and regulatory investigations. He also defends proposed and consummated mergers before antitrust agencies around the world and in merger litigation.

Scott's varied expertise includes representing US and Asian clients in transactions in the technology, financial services, semiconductor, airline, biotech, foodservice, telecommunications, and manufacturing industries, among others. It also involves cutting edge monopolization and price fixing litigation.

Scott's recent successes include the complete acquittal of the chief executive officer for a multi-billion dollar corporation following three criminal trials in which the Department of Justice alleged price fixing and bid rigging; merger clearance for Charles Schwab's \$26 billion acquisition of TD Ameritrade; defeating class certification on a multi-billion-dollar price fixing claim involving Optical Disk Drives; and the dismissal of various monopolization and conspiracy claims in the energy, financial services, real estate, and telecommunications industries.

Scott's work has been recognized by leading publications around the world. In the US, *Law 360* named Scott an antitrust "Rising Star" and the *American Bar Association* named Scott one of the "Top 40 Young Lawyers." In Asia, *The Legal 500 Asia-Pacific* named Scott a "Rising Star" for antitrust and competition in China. Scott is a frequent author and speaker on a variety of subjects, including antitrust enforcement, foreign sovereignty, and the intersection of antitrust and intellectual property law.

Admissions

Bar Admissions

California

Illinois

District of Columbia

Court Admissions

US District Court, Northern District of Illinois, District of Colorado

US Court of Appeals, Fifth, Seventh and District of Columbia Circuits

Education

Stanford Law School, J.D.

University of Notre Dame, B.A.,
Political Science

Prior to joining O'Melveny, Scott was a law clerk for the Honorable A. Raymond Randolph on the US Court of Appeals for the DC Circuit and the Honorable Gary Feinerman on the US District Court for the Northern District of Illinois.

Experience

Criminal and Civil Litigation

- Secured acquittal of the chief executive officer of a multi-billion dollar company following three criminal trials, including two mistrials, in which the government alleged antitrust violations in the broiler chicken industry
- Counsel to Wells Fargo in multiple actions alleging price fixing of bonds issued by government sponsored entities. Secured dismissal with prejudice via successful motion to dismiss
- Representing multinational technology company in litigation alleging monopolization and tying
- Representing the Fair Standards Alliance in various matters involving the intersection of antitrust and standard essential patents
- Representing multinational telecommunications company against restraint of trade and monopolization allegations
- Successfully defended a leading global investment firm against civil conspiracy and breach of contract claims
- Successfully represented Impax Laboratories at trial in a Federal Trade Commission enforcement action challenging an alleged "reverse-payment" patent settlement
- Represented dozens of the nation's top antitrust and economics scholars in *Federal Trade Commission v. Qualcomm, Inc.*, a landmark monopolization case involving antitrust analysis of standard essential patents
- Defended NextEra Energy against antitrust conspiracy and monopolization claims in federal court. All federal antitrust claims were dismissed with prejudice via successful motions to dismiss
- Represented Honeywell International in various antitrust matters, including distributor disputes
- Successfully represented Samsung Electronics Co. against class action allegations of an international price-fixing conspiracy in *In re Optical Disk Drives Antitrust Litigation*
- Represented American Airlines in connection with a series of class action complaints alleging collusion in the United States airline industry
- Defended a leading pharmaceutical manufacturer against claims of monopolization and exclusive dealing of an FDA-approved pharmaceutical product
- Represented major pharmaceutical and medical device manufacturers against unfair competition claims brought by numerous State Attorneys General
- Defended Asiana Airlines against class action allegations of an international price-fixing cartel in *In re Air Cargo Shipping Services Antitrust Litigation*

Mergers and Acquisitions

- Representing Penguin Random House in defense of challenge to its acquisition of Simon & Schuster
- Obtained clearance for Charles Schwab's \$26 billion acquisition of TD Ameritrade

- Advised Time Warner regarding Asian antitrust considerations during its \$100 billion merger with AT&T
- Obtained regulatory clearances on behalf of Finisar for its acquisition by II-VI
- Representing a major manufacturer of optical communication products in the implementation of remedies imposed by China's SAMR
- Provided China merger control advice to companies in the energy, technology, and pharmaceutical industries
- Successfully defended Alaska Airlines against a suit intended to block its acquisition of Virgin America
- Represented Sysco Corporation at trial in connection with the Federal Trade Commission's suit to block its merger with a competitor
- Counseled and successfully obtained clearance for an Asian genome-sequencing company in its acquisition of a company that provided complementary, innovative services

Compliance and Investigations

- Defended major corporations in criminal antitrust investigations in the finance, consumer goods, and technology industries
- Counseled multinational corporations regarding the intersection of antitrust and standard essential patents
- Advised multinational corporations in antitrust investigations throughout greater China
- Represented a leading Asian electronics manufacturer in response to a Department of Justice Civil Investigation Demand
- Counseled major Asian corporations and trade associations regarding antitrust compliance programs
- Conducted internal investigations for a major healthcare organization concerning compliance with state and federal healthcare laws and regulations
- Counseled a major financial services institution regarding its compliance programs
- Directed a nationwide antitrust investigation in the transportation industry

Professional Activities

Clerkships

- Honorable Gary Feinerman, US District Court, Northern District of Illinois
- Honorable A. Raymond Randolph, US Court of Appeals, DC Circuit

Co-Author

- The Future of the Past: Taking Stock of SEP Policy at the Outset of the Biden Administration, *Antitrust* (Summer 2021)
- FTC v. Qualcomm and the Potential Implications for Section 2, ABA's *Monopoly Matters* (Fall 2020)
- Common Ownership and Its Competitive Impact: Is It Real and What's at Stake?, *Antitrust* (Spring 2020)
- China's Recent Competition Developments: 2019 in Review, *Antitrust Source* (April 2020)
- Trade Association Survey Subject to Hong Kong Competition Ordinance, *Lexology* (Nov. 28, 2019)

- Immunity, Sanctions & Settlements in Hong Kong, *Global Competition Review* (2019, 2020)
- Hong Kong Competition Commission Considers Request to Exempt Trade Association Survey from Competition Ordinance, *Lexology* (May 6, 2019)
- Extraterritoriality After *Vitamin C*: Are We Between a Rock and a Hard Place?, *Antitrust* (Fall 2018)
- Hong Kong Competition Commission Releases 2017/2018 Annual Report, *Lexology* (Dec. 11, 2018)
- Competition Commission Rules Hong Kong Code of Banking Practice is Subject to Competition Laws, *Lexology* (Nov. 13, 2018)
- Hong Kong Competition Commission Brings Charges Against Individuals, *Hong Kong Lawyer* (Oct. 19, 2018)
- Hong Kong Competition Tribunal Clarifies Competition Commission's Discovery Obligations, *Hong Kong Lawyer* (July 6, 2018)
- Viewing *FTC v. Actavis* Through the Lens of Clayton Act Section 4, *Antitrust* (Fall 2013)

Contributing Author

- Antitrust Law Developments, American Bar Association (8th Edition 2016)

Select Presentations

- "Information Exchanges in the Digital Era," Latest Developments in International Anti-Monopoly Law, China Institute of International Antitrust and Investment (2019)
- "Merger Control in the Current US Administration," Frontier Issues in China's Competition Policy and AML Enforcement (United Nations Conference on Trade and Development, China University of Political Science and Law), Beijing, China (2018)

Honors & Awards

- Recommended by *The Legal 500 US* for Cartel (2022)
- "Rising Star," Antitrust & Competition: Foreign Firms (China), *The Legal 500 Asia-Pacific* (2021 and 2022)
- "Top 40 Young Lawyer," *American Bar Association* (2020)
- "Rising Star," Competition, *Law360* (2019)