

## SAMUEL N. WEINSTEIN

Benjamin N. Cardozo School of Law  
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### ACADEMIC APPOINTMENTS

#### **Benjamin N. Cardozo School of Law**

*Professor of Law* 2022-Present  
*Associate Professor of Law* 2020-2022  
*Assistant Professor of Law* 2017-2020  
*Co-Director, Heyman Center on Corporate Governance* 2018-Present  
Courses: Antitrust; Antitrust, IP & The High-Tech Economy (seminar); Business Law Colloquium; Contracts; Corporations  
Service: Adjuncts Committee (spring 2024, 2022-23 (Chair), 2017-18); Appointments Committee (2024-25 (Chair), 2021-22, 2019-20); Clerkship Committee (2018-19); Faculty Development Committee (2017-18)

#### **University of California, Berkeley, School of Law**

2015-17

Berkeley Center for Law & Business

*Academic Fellow*

- Research in antitrust, securities and financial regulation, contracts, intellectual property, and legal history.

#### **University of California, Santa Cruz, History Department**

1997

*Lecturer in American History*

- Taught lecture courses and senior seminar.

#### **University of California, Berkeley, History Department**

1992-95

*Graduate Student Instructor*

- Taught senior seminar and led discussion sections.

### EDUCATION

#### **University of California, Berkeley, School of Law, J.D., May 2002**

- Order of the Coif
- First-Year Moot Court Advocacy Award
- *California Law Review*, Notes and Comments Editor
- *Berkeley Journal of Employment and Labor Law*, Executive Editor

#### **University of California, Berkeley, Ph.D., U.S. History, December 1996**

- Dissertation: *The Cause of Our Hard Times: Popular Economic Belief, Popular Economic Movements, Professional Economists, and the Expansion of the American State, 1877-1941*
- Mellon Foundation Dissertation Fellowship
- University of California Max Farrand Fellowship
- University of California Humanities Research Grant
- Distinction on the Ph.D. Examination

#### **University of California, Berkeley, M.A., American History, May 1992**

Haverford College, B.A., History, May 1989

## **SELECTED PUBLICATIONS**

*Antisocial Innovation* (with Christopher Buccafusco), 58 *GEORGIA LAW REVIEW* 573 (2024)

*Venture Predation* (with Matthew Wansley), 48 *JOURNAL OF CORPORATION LAW* 813 (2023)

- Featured on the HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE Blog (May 25, 2023)

*Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response* (with Alexander MacKay), 100 *WASHINGTON UNIVERSITY LAW REVIEW* 111 (2022)

*Anticompetitive Merger Review*, 56 *GEORGIA LAW REVIEW* 1057 (2022)

- Selected for the 2022 Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2022)

*Addictive Technology and its Implications for Antitrust Enforcement* (with Fiona Scott Morton & J. Niels Rosenquist), 100 *NORTH CAROLINA LAW REVIEW* 431 (2022)

*Blockchain Neutrality*, 55 *GEORGIA LAW REVIEW* 499 (2021)

*Financial Regulation in the (Receding) Shadow of Antitrust*, 91 *TEMPLE LAW REVIEW* 447 (2019)

- Selected for the 2018 Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2018)

*Rigged Results? Antitrust Lessons from Keyword Auctions*, 91 *TULANE LAW REVIEW* 629 (2017)

*When Systemic Risk Meets Antitrust: Dodd-Frank's Impact on Competitive Markets in the Wake of an Economic Crisis*, 21 *STANFORD JOURNAL OF LAW BUSINESS & FINANCE* 286 (2016)

*Fact-Finding in Administrative and Judicial Proceedings: Perspectives of the U.S. Department of Justice* (with Rachel Brandenburger & Anne Newton McFadden), *INTERNATIONAL ANTITRUST LAW & POLICY: FORDHAM COMPETITION LAW* (2011)

*Bundles of Trouble: The Possibilities for a New Two-Product Rule in Technology Tying Cases*, 90 *CALIFORNIA LAW REVIEW* 903 (2002) (Student Comment)

*United States v. Microsoft: Maintaining the Balance between Innovation and Competition*, 17 *BERKELEY TECHNOLOGY LAW JOURNAL* 273 (2002) (Student Note)

## **BOOK CHAPTERS**

*Antitrust, Private Equity & Venture Capital* (with Matthew Wansley), in *RESEARCH HANDBOOK ON THE STRUCTURE OF PRIVATE EQUITY AND VENTURE CAPITAL* (Brian Broughman & Elisabeth de Fontenay eds.) (forthcoming).

## **SHORTER WORKS**

*Pricing Algorithms—What Role for Regulation?*, *COMPETITION POLICY INTERNATIONAL* (February 2024)

*Understanding the DOJ's Decision To Seek a Jury Trial in the Google Ad Tech Case*, *PROMARKET* (April 26, 2023)

*The Antitrust Cases against Facebook and Google: The Search for a Smoking Gun*, PROMARKET (Jan. 31, 2021)

*Addictive Social Media: Why We Need Regulation and Competition for Digital Platforms* (with Ariel Hsieh, Fiona Scott Morton, & J. Niels Rosenquist), PROMARKET (Oct. 22, 2020)

*The New U.S. Horizontal Merger Guidelines and International Competition Policy Convergence* (with Alden F. Abbott), ANTITRUST (Fall 2010)

## **WORKS IN PROGRESS**

*Disfavored Consumers*

*Antitrust Crimes*

*The NFL as a Bid-Rigging Cartel* (with Tai S. Milder)

*FERC Merger Review: A Critical Appraisal* (with Menesh Patel)

RESEARCH HANDBOOK ON ANTITRUST & FINANCE (co-edited with Marco Corradi)

## **SELECTED PRESENTATIONS**

### **PAPER PRESENTATIONS**

Presenter, *Disfavored Consumers*

- Competition, Antitrust Law, and Innovation Forum, Antitrust Roundtable, U.C. Irvine School of Law (October 2023)

Presenter, *Antitrust, Private Equity & Venture Capital*

- Book Conference: Research Handbook on the Structure of Private Equity and Venture Capital, Vanderbilt Law School (October 2023)

Presenter, *Antisocial Innovation*

- Law & Entrepreneurship Conference, Vanderbilt Law School (October 2023)
- Conference of the Society for Institutional & Organizational Economics, Goethe University, Frankfurt, Germany (August 2023)
- National Business Law Scholars Conference, University of Tennessee School of Law (June 2023)

Presenter, *Venture Predation*

- New York City Bar Association, Antitrust & Trade Regulation Committee (November 2023)
- American Law & Economics Association Annual Meeting, Boston University School of Law (June 2023)
- National Business Law Scholars Conference, University of Tennessee School of Law (June 2023)

Presenter, *Dynamic Pricing Algorithms, Consumer Harm, & Regulatory Response*

- Cambridge-USC Virtual Antitrust Workshop (May 2022)

- U.S. Department of Justice, Antitrust Division, Competition Law & Policy Speaker Series (April 2022)
- Thurman Arnold Project, Antitrust Workshop, Yale University (October 2021)
- National Business Law Scholars Conference, University of Tennessee College of Law (June 2021)
- Inframarginalism & Internet: An Online Conference on Markets as Wealth Distributors and the Implications for Tech Policy, University of Kentucky Rosenberg College of Law (February 2021)

Presenter, *Anticompetitive Merger Review*

- Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2022)
- National Business Law Scholars Conference (June 2020)
- 2020 University of Pennsylvania Journal of Business Law Symposium: The Interplay of Antitrust Laws and our Current Business Environment, University of Pennsylvania Law School (February 2020)

Presenter, *Blockchain Neutrality*

- Boston University School of Law Cyber Alliance (March 2020)
- National Business Law Scholars Conference, University of California, Berkeley (July 2019)
- Governing Innovation and Emerging Technology in Finance Writing Workshop and Roundtable, University of California, Berkeley (July 2019)
- University of Richmond School of Law Junior Faculty Forum (June 2019)
- Junior Faculty Workshop, Benjamin N. Cardozo School of Law (March 2019)

Presenter, *Financial Regulation in the (Receding) Shadow of Antitrust*

- Corporate Law & Finance Meets Antitrust Policy: Old & New Questions Conference, Lund University (June 2018)
- Next Generation of Antitrust Scholars Conference, New York University School of Law (January 2018)
- National Business Law Scholars Conference, University of Utah Law School (June 2017)

Presenter, *Rigged Results? Antitrust Lessons from Keyword Auctions*

- The Fellows' Workshop, Stanford Law School (July 2016)
- National Business Law Scholars Conference, University of Chicago Law School (June 2016)
- U.C. Berkeley/University of San Diego Business Law Conference (May 2016)

Presenter, *When Systemic Risk Meets Antitrust: Dodd-Frank's Impact on Competitive Markets in the Wake of an Economic Crisis*

- Bay Area Corporate/Transactional Workshop, U.C. Berkeley School of Law (July 2015)

## **OTHER PRESENTATIONS**

Panelist, Seton Hall Law School, "Legal Responses to Addictive Technologies: Addressing the Impact of Screens, Social Networks and Online Games on Kids" (April 2024)

Panelist, Temple Law Review Symposium, “Competition/Regulation: Controlling Corporate Power in the Digital Economy,” Temple University School of Law (October 2023)

Panelist, American Bar Association, “The ABC of Antitrust & Blockchain” (January 2023)

Panelist, Global Competition Review Connect, “Antitrust in the Digital Economy” (June 2021)

Panelist, N.Y. Bar Association, Antitrust Law and Corporate Counsel Sections Joint Annual Meeting, “What Role Will Consumer Litigation Play in the Antitrust Fight Over Tech Platforms” (January 2020)

Panelist, U.C. Berkeley School of Law, “The Future of Antitrust” (October 2015)

Panelist, American Bar Association, Intellectual Property Committee, panel on current issues in antitrust and intellectual property law (June 2015; April 2014)

Presenter, “Analyzing Intellectual Property Licensing Arrangements,” National Judicial Academy of India, National Conference of Newly Elevated High Court Judges (January 2015)

Moderator, Joint Department of Justice/Federal Trade Commission Conditional Pricing Practices Workshop (June 2014)

### **SELECTED MEDIA APPEARANCES**

*As Closing Arguments in Google’s Monopoly Trial Wrap Up, Other Tech Giants Watch Closely*, NATIONAL PUBLIC RADIO: WEEKEND EDITION INTERVIEW (May 4, 2024)

*Monopoly Case Pits Justice Department Against Apple’s Antitrust Winning Streak*, WALL ST. JOURNAL (March 22, 2024)

*Google’s Antitrust Loss to Epic Could Preview its Legal Fate in 2024*, NEW YORK TIMES (Dec. 12, 2023)

*Justice Authorities Increasing Effort to Create Competition*, WISCONSIN PUBLIC RADIO INTERVIEW (Nov. 16, 2022)

*Juul E-Cigarettes Could Be Targeting a More Mature Audience*, NATIONAL PUBLIC RADIO: MARKETPLACE MORNING REPORT INTERVIEW (Sept. 7, 2022)

*Dynamic Pricing Leaves Consumer Facing Exorbitant, Fluctuating Costs*, CANADIAN BROADCASTING CORPORATION RADIO INTERVIEW (August 2, 2022)

*Why 30 Years of Defense Consolidation May Be at an End*, WALL ST. JOURNAL (Jan. 29, 2022)

*Apple Judge’s Warning Suggests App Store Fight Is Far From Over*, WALL ST. JOURNAL (Sept. 10, 2021)

*Rulings in Facebook, Apple Antitrust Cases Show How Tough It Is To Define a Monopoly in The Age of Big Tech*, WASHINGTON POST (Sept. 12, 2021)

*Yahoo! Finance Live*, television interview regarding *Epic v. Apple* lawsuit (Sept. 10, 2021)

*Apple Cedes Ground as Larger Fights Over App Store Brew in Court, Congress* WALL ST. JOURNAL (Sept. 2, 2021)

*Amazon-MGM Slammed by Tech Foes on Likely Path to Approval*, BLOOMBERG (May 27, 2021)

*After Suing Facebook, The FTC Has a Chance to Show Critics It’s Not Toothless*, CNBC (Dec. 19, 2020)

*Proving that Facebook has a Monopoly is Harder When It’s Free*, BLOOMBERG LAW (Dec. 10, 2020)

*Win, Lose or Settle: Facebook Lawsuits Will Take Years to Resolve*, REUTERS (Dec. 9, 2020)

*Bloomberg Law Podcast* (interview regarding Google antitrust litigation) (Nov. 24, 2020)

*The Justice Department Just Slapped Google with a Landmark Antitrust Lawsuit. That Could Be Bad News for Amazon, Facebook, and Apple*, BUS. INSIDER (Oct. 20, 2020)

*Google Up Against Laws That Thwarted Microsoft (and Others Since 1980)*, NEW YORK TIMES (Oct. 20, 2020)

*Google Employees Are Free to Speak Up. Except on Antitrust*, NEW YORK TIMES (Oct. 13, 2020)

*California Regulators a Potential Obstacle to T-Mobile, Sprint Merger*, WALL ST. JOURNAL (January 26, 2020)

*Amazon Falls after Report that the Company Prioritized Profit in its Search Listings*, BLOOMBERG NEWS (September 16, 2019)

*U.S. Approves T-Mobile-Sprint Merger*, WALL ST. JOURNAL (July 26, 2019)

*Justice Department Opens Antitrust Review of Big Tech Companies*, NEW YORK TIMES (July 23, 2019)

*Senate Tech Disclosure Bill Unlikely to Prompt an Antitrust Breakup*, BLOOMBERG LAW (June 26, 2019)

*Sprint, T-Mobile Merger Chances Take Another Hit*, WALL ST. JOURNAL (June 12, 2019)

*Sprint and T-Mobile Still Face Their Toughest Hurdle*, WALL ST. JOURNAL (June 10, 2019)

*Big Tech Braces for Antitrust Crackdown*, THE HILL (June 5, 2019)

*Facebook's Plans to Integrate WhatsApp, Instagram Raise Antitrust Concerns*, KCBS RADIO INTERVIEW (March 10, 2019)

*Zuckerberg to Integrate WhatsApp, Instagram and Facebook Messenger*: NYT, REUTERS (JAN. 25, 2019)

*Trump May Push Antitrust Probe into Google, Facebook*, NEW YORK POST (Sept. 22, 2018)

## **PROFESSIONAL EXPERIENCE**

**Curtis, Mallet-Prevost, Colt & Mosle** April 2017-Present  
*Senior Competition Counsel*

- Maintain limited practice providing antitrust counsel.

### **Consulting Expert**

- Advise plaintiffs in *Zunum Aero, Inc. v. The Boeing Company* No. C21-0896 (W.D. Wash.); No. 20-2-17056-9 (Wash. Sup. Ct.) Nov. 2020-Dec. 2021

### **U.S. Department of Justice, Antitrust Division**

*Attorney, Legal Policy Section* 2007-12; 2014-15  
*Counsel to the Assistant Attorney General* 2012-14

- Counseled Assistant Attorney General in charge of the Antitrust Division and other Division leaders on significant investigations, enforcement actions, and policy matters, with particular expertise in financial services, regulated industries, and intellectual property.
- Advised congressional staff and federal regulatory agencies on competition policy and antitrust compliance.

- Pursued investigations and enforcement actions involving financial markets, potential abuse of intellectual property rights, and standard-setting organizations. Formulated Division policy regarding financial services reform.
- Drafted reports, enforcement policy statements, guidelines, and speeches.

**Munger, Tolles & Olson LLP** 2003-07

*Litigation Associate*

- Practiced complex antitrust and regulatory litigation and counseling.

**U.S. Court of Appeals for the Third Circuit** 2002-03

*Law Clerk to Chief Judge Edward R. Becker*

**Microsoft Corporation, Redmond, WA** 1998-99

*Statistics Editor*

- Led production of Microsoft's *Encarta Almanac* product. Planned, researched, and wrote product content.

### **OTHER ACTIVITIES**

- Member, Antitrust and Trade Regulation Committee, New York City Bar Association
- Referee, COMPUTER LAW & SECURITY REVIEW: THE INTERNATIONAL JOURNAL OF TECHNOLOGY LAW AND PRACTICE

### **BAR ADMISSIONS**

Member of the California Bar