



## Neil Ray

Associate

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### PRACTICE AREAS

- International Practice
- Antitrust and Trade Regulation
- Communications
- Litigation

### INDUSTRIES

- Communications

### OVERVIEW

Neil Ray is dual qualified as an English solicitor and a California attorney in the Antitrust and Trade Regulation Practice Group of Sheppard Mullin's San Diego office. Mr. Ray's practice is focused on counseling clients on a broad range of complex international commercial and business transactions with an emphasis on antitrust matters.

### Areas of Practice

#### Antitrust

Prior to joining Sheppard Mullin, Mr. Ray worked in the London office of one of the UK's leading business law firms. He has represented numerous international companies, both as principal parties and complainants, before the U.K.'s Office of Fair Trading and the Competition Commission, the European Commission, and the European Community Courts. Mr. Ray's antitrust practice also includes defending corporations under U.S. federal grand jury investigation for alleged price-fixing and other anti-competitive conduct; litigating cases under state, federal and international antitrust laws; and counseling on a broad spectrum of international competition matters including mergers and acquisitions, joint ventures, licensing, and distribution systems. Mr. Ray is currently an Adjunct Professor of EU Law at The Thomas Jefferson Law School in San Diego.

#### International Business

Mr. Ray also provides legal advice on international business matters. He has advised clients on a wide range of issues, including the US-EU Safe Harbor Framework concerning the transfer of personal data; the EU's trade sanctions regime; international export and import of encryption and telecommunications technology; and, customs compliance matters. Counseling telecommunications companies on domestic and international regulatory issues has been a significant part of his practice, and he has represented clients before UK's OFCOM, the European Commission, and ETSI.

### EDUCATION

- LL.B., London School of Economics and Political Science, 1998
- Postgraduate Diploma in Legal Practice, The College of Law, London, 1999

### LANGUAGES

- French

**EXPERIENCE****Representative Matters****Antitrust**

Representing Samsung Electronics in TFT-LCD DOJ Antitrust Division grand jury criminal price fixing including coordinating defense of related international enforcement investigations.

Representing Samsung SDI America, Inc. and related entities in DOJ Antitrust Division grand jury criminal price fixing and foreign enforcement investigations involving cathode ray tubes.

Represented Samsung Electronics in Flash memory chips DOJ Antitrust Division grand jury criminal price fixing investigation.

Represented Samsung Electronics in SRAM memory chips DOJ Antitrust Division grand jury criminal price fixing investigation including coordinating defense of related international enforcement investigations.

Represented Samsung Electronics in DRAM memory chip antitrust price fixing DOJ criminal investigation, and related national federal MDL civil class actions and state indirect purchaser class actions.

Represented an international shipping transport company in a criminal grand jury investigation involving price fixing allegations in the tank container industry.

Represented an Asian Airliner in a criminal grand jury investigation involving price fixing allegations in the international airline cargo industry.

Representing MasterCard International Incorporated in a series of actions challenging foreign currency conversion practices under California's Unfair Competition Law.

Representing risk arbitrage managers of various institutional investors and investment funds in connection with US and EU antitrust and regulatory advice on strategic investments and sophisticated trading strategies in the securities of publicly traded companies that are parties to either hostile or friendly mergers.

Representing US corporations on EU antitrust compliance programs, and on the application of Article 81 and the EU block exemption for vertical agreements to distribution agreements with European retailers.

Represented numerous US and international corporations on Form CO merger filings with the European Commission, and merger notifications to the UK's OFT.

**International Business**

Assisted a U.S.-based medical device manufacturer with worldwide export of products incorporating encryption features.

Counseled the U.S. subsidiary of a multibillion dollar consumer and luxury brand

company concerning EU e-commerce regulation and the US-EU Safe Harbor Framework for the transfer of personal data.

Counseled multinational telecommunications provide in Asia concerning the latest EU sanctions affecting telecommunications operations in Iran.

Counseled a leading global licensor of 3D visual technology concerning EU customs compliance and agreements with European licensees.

Represented KPMG on international telecommunications litigation against German and U.S. telecommunication carriers.

Represented Easynet, a major pan-European telecommunications provider, on various carrier agreements and telecommunications regulatory matters.

Represented Einstein Channel in the negotiation of a Digital Satellite Transmission Agreement with SC4 for the transmission of science and technology programs on UK's Sky Digital.

Represented CityReach International and DigiPlex, owners of carrier neutral collocation facilities, on contracts for the installation of carrier communications equipment, the provision of telecommunications and data services in their internet hotels and coordinating the rollout of their European internet hotels exchanges.

## **ARTICLES**

- Author, "Regulating VoIP: An Overview of the Main Regulatory Challenges Governing the Deployment of VoIP Services in the US and EU", Telecom Law Best Practice: Leading Lawyers on Regulatory Compliance, Tax Planning, and the Federal Communications Commission, Aspatore Books, January 2006.
- Co-Author, "Role of Customer Complaints and Testimony in Merger Enforcement Post-Arch Coal and Oracle", The Sedona Conference Journal 2005.
- Co-author, "E.U. Electronic Communications Law," Richmond Law & Tax, London, August 2004.
- Author, "Modernizing the UK Competition Regime", Chartered Secretary Magazine, May 2002.
- Contributor, "Regulatory Aspects of Acquisitions in the UK and EU", Tolly's Company Acquisitions Handbook, June 2001.

## **Antitrust Law Blog Articles**

- "U.S. Film Studios Agree to Modify "Most Favored Nations" Clause in EU Contracts to Encourage Financing and Installation of Digital Equipment", March 11, 2011
- "Government Targets Agriculture Industry for Increased Antitrust Scrutiny", March 11, 2011
- "Extradited Foreign Executive Jailed for Obstructing DOJ Antitrust Investigation", December 28, 2010
- "EC Investigates Google for Potential Abuse of Dominance in Online Search Market", December 6, 2010
- "European Commission Objects to Oracle-Sun Deal", December 16, 2009
- "Technology Sector Comes Under Increased Antitrust Scrutiny", November 10, 2009

- "EC Declines to Follow DOJ's Lead, Opens In-Depth Investigation of Oracle-Sun Deal", October 12, 2009
- "EC Launches Consultation on Distribution Rules", September 3, 2009
- "Top EU Court Rules That Single Meeting Between Competitors Can Be Breach Of European Antitrust Laws", August 12, 2009
- "ICN Adopts Recommended Practices To Improve Merger Analysis", July 9, 2009
- "EC Imposes \$1.45 Billion Antitrust Fine on Intel", June 12, 2009
- "English High Court Strikes Out "Class Action" Against British Airways", May 13, 2009

#### **Climate Change and Clean Technology Law Blog Articles**

- "EU's Proposals for Global Pact on Climate Change at Copenhagen", September 4, 2009

#### **Global Trade Law Blog Articles**

- "EU's New Sanctions Target Iran's Oil Industry," January 30, 2012

#### **Government Contracts Law Blog Articles**

- "The Long Arm Of The Crown: New U.K. Anti-Bribery Law Reaches Private Sector Bribery And Creates Offence Of "Failing To Prevent" Bribery," June 14, 2010

#### **SPEECHES**

- "Maximizing Opportunities...and Minimizing Risk," Swedish American Chamber of Commerce, San Diego, January 12, 2012
- "A Gathering Storm: How Competition Issues Threaten California's Agricultural Operations," California Farm Bureau's Annual Conference, Sparks, Nevada, December 5, 2011

#### **EVENTS**

- EU Debt Crisis Seminar: M&A and Expansion in Europe (Palo Alto)
- EU Debt Crisis Seminar: M&A and Expansion in Europe (San Diego)
- Social Media: How to Minimize Legal Risks and Maximize Commercial Success
- Social Media: How to Minimize Legal Risks and Maximize Commercial Success