



## Tyler M. Cunningham

Associate

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### PRACTICE AREAS

- Litigation
- Antitrust and Trade Regulation

### OVERVIEW

Tyler Cunningham is an associate in the Antitrust and Trade Regulation Practice Group in Sheppard Mullin's San Francisco office.

#### Areas of Practice

Mr. Cunningham's practice focuses on antitrust and unfair competition litigation and complex commercial class actions. His practice encompasses a wide array of industries including semiconductors, electronic equipment, consumer credit and media.

Mr. Cunningham was formerly a journalist for the San Francisco Daily Journal and the Oakland Tribune, among other local publications.

### EDUCATION

- J.D., Golden Gate University, 2006, J. Lani Bader Award for Academic Excellence, Journalist, San Francisco Daily Journal and The Oakland Tribune among other local publications
- B.A., College of the Holy Cross, 1993, English

### ADMISSIONS

- California
- United States District Court for the Northern District of California

### EXPERIENCE

#### Representative Engagements

Represented manufacturing companies in connection with industry-wide criminal antitrust investigations and related civil actions into the Dynamic Random Access Memory (DRAM) industry, including defense of direct and indirect purchaser class actions and opt-out actions asserting price fixing violations under federal and state antitrust and unfair competition laws (In re Dynamic Random Access Memory (DRAM) Antitrust Litigation).

Participated in successful defense of MediaNews Group and California Newspapers Partnership against private antitrust challenge to acquisition of Contra Costa Times and San Jose Mercury News.

Representing major multinational semiconductor manufacturers in state antitrust actions

against a high-profile intellectual property firm designing computer memory and interface technology.

Participated in defense of MasterCard International Incorporated against class action under state unfair competition statute, based on allegedly anticompetitive tying practices.

Defended major electronics company against claims of false and misleading advertising of hard disk drives under California's Unfair Competition Law, False Advertising Law and Consumers Legal Remedies Act.

Actively involved in defense of industry-leading consumer electronics companies in multi-district class actions alleging violations of state and federal antitrust and consumer protection statutes, in connection with liquid crystal display; flash memory; SRAM; and cathode ray tube industries.

## **MEMBERSHIPS**

- Member, Antitrust Section, American Bar Association
- Member, Antitrust and Unfair Competition Law Section, State Bar of California
- Member, Bar Association of San Francisco

## **ARTICLES**

- Contributor, California Antitrust & Unfair Competition Law (Fourth), State Bar of California Antitrust and Unfair Competition Law Section (2008)

### **Antitrust Law Blog Articles**

- "Grocers' Revenue-Sharing Deal Deserves More Than a Quick Look, Ninth Circuit Holds", August 2, 2011
- "NFL Fans - Are You Ready for Some... Antitrust Litigation? Players Sue, Claiming Lockout is a Group Boycott", March 29, 2011
- "Come Together: DOJ Approves Merger of Concert-Industry Giants", February 17, 2010
- "Voter-Approved Standing Requirements For California's UCL Apply Only To Class Representatives, Not Class Members, State Supreme Court Rules", June 12, 2009
- "Ninth Circuit Revives Sherman Act Claim Against Oil Companies, Recasting Conspiracy Under Rule of Reason", May 13, 2009
- "Court Dismisses Short Sellers' Price-Fixing Claims", February 7, 2008
- "Broken Promise to Standard-Setting Organization May Be Anticompetitive, Third Circuit Rules", October 8, 2007
- "British Airways, Korean Air Lines to Plead Guilty to Passenger and Cargo Price-Fixing Conspiracies", August 6, 2007
- "Massive Trades May Reveal Copper Conspiracy", June 6, 2007
- "Vaultmaker Claims Exclusive Dealing, but SBC Need Not Accept the Charges", April 5, 2007
- "Ties That Bind Users to Their iPods Might be Anticompetitive, District Court Finds", February 8, 2007
- "Deep Discounts! No Price Discrimination! (Or, If You Prefer) Seventh Circuit Upholds Price Discrimination Verdict", October 6, 2006
- "Seventh Circuit Rejects Monopoly Leveraging Theory", September 7, 2006