



Eric S. O'Connor

Associate

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PRACTICE AREAS

- Antitrust and Trade Regulation
- Litigation

OVERVIEW

Eric O'Connor is an associate in the Business Trial and Antitrust Practice Groups in the firm's New York office.

Areas of Practice

Mr. O'Connor specializes in complex litigation, with particular expertise in antitrust, unfair competition, intellectual property, and class actions. He has first-chair trial experience in federal court, including a successful trial to verdict in a copyright matter. Mr. O'Connor's practice includes all forms of Alternative Dispute Resolution, focusing particularly on international arbitration and also is a Court-appointed mediator for the U.S. District Court for the Southern District of New York.

Mr. O'Connor also is the author of a comprehensive chapter on U.S. antitrust and federal civil procedure in *International and Comparative Competition Litigation*, a treatise comparing the competition laws in over 20 jurisdictions world-wide. The treatise will be published by Kluwer Law International in the Fall of 2011.

EDUCATION

- J.D., UCLA School of Law, 2002
- B.A., Duke University, cum laude, 1998

ADMISSIONS

- New York, 2006
- California, 2002
- U.S. Court of Appeals for the Second and Ninth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York
- U.S. District Courts for the Central and Northern Districts of California

EXPERIENCE

Lead trial attorney for a modeling school in a two-week federal jury trial involving copyright infringement. Won a directed verdict as to most of the works and damages, and ultimately received a very favorable jury verdict.

Member of litigation team for a semiconductor company in one of the largest ever civil antitrust cases.

Obtained dismissal, with no payments to plaintiff, of a kitchen-sink intellectual property

complaint against a media company and its partners.

Represented internet advertising company in multidistrict nationwide direct and class action attacks on company's internet advertising business model under the Copyright Act, the Lanham Act, and state unfair competition laws.

Represented indigent defendant at a high-stakes evidentiary hearing and during a federal habeas appeal.

Represented a multinational conglomerate corporation in an international arbitration concerning an advanced technology distribution and licensing agreement.

Represented multinational conglomerate corporation in horizontal boycott and price fixing class action litigation.

Successful Summary Judgment in Lieu of Complaint in New York Superior Court based upon a \$5 million promissory note. At oral argument, obtained judgment for the full value of the promissory notes and our attorneys' fees, and obtained dismissal of defendants' counterclaims.

Represented major foreign financial institution in an internal investigation and related RICO class action litigation.

Obtained a favorable settlement for a major foreign technology company in an international arbitration arising from the breach of an exclusive distribution contract.

Represented hotel managers and owners in arbitrations and litigations concerning the termination of hotel management agreements.

Obtained injunctive relief at international arbitration on behalf of a major international financial institution for the breach of confidentiality and non-disparagement provisions. Later defeated a temporary restraining order and won a dismissal in a related litigation.

Obtained a favorable settlement against operator of several nuclear power plant stations based upon claims for breach of contract and liens.

Represented major Brazilian manufacturers of retail and food products in multimillion dollar loan dispute.

Represented marketing company in month-long trial regarding breach of joint marketing and agency agreement and fraud.

Obtained judgment and a related settlement against several employment agencies and their president for breach of an insurance contract. Later obtained successful settlement against the same and related companies for breach of the settlement agreement, conversion, and fraud.

Successfully defended a national retail chain at trial in an unfair practices class action based upon alleged excess collection of sales tax reimbursements when merchandise certificates distributed pursuant to a rewards program were redeemed.

Represented a global leader in stored energy solutions in a product liability case arising out of the sale of batteries to an electric scooter manufacturer. The Court dismissed all fraud claims with prejudice.

Drafted Terms of Service Agreement and Privacy Policy for online community website, and drafted a Release of Liability Form for an online sporting company.

HONORS

- In 2007, Mr. O'Connor received the Sheppard Mullin Richter & Hampton Pro Bono Attorney of the Year Award for his outstanding commitment to working in the community and providing legal services to the indigent.

MEMBERSHIPS

- Court-appointed mediator, U.S. District Court for the Southern District of New York
- Member, Intellectual Property Committee of the Antitrust Section, American Bar Association
- Member, Horizontal Restraints Committee of the Antitrust Law Section, New York State Bar Association
- Member, Association of the Bar of the City of New York

ARTICLES

- Ninth Circuit Curtails Enforceability of Mandatory Employment Arbitration Agreements, May 30, 2003

Antitrust Law Blog Articles

- "Prevailing Antitrust Defendants Recover \$367,000 in e-Discovery Costs," May 24, 2011
- "Supreme Court Rejects Single Entity Treatment for the National Football League's Licensing Activities," August 3, 2010

Class Action Defense Strategy Law Blog Articles

- "Second Circuit Rejects the Use of "Aggregate Proof" of Causation in a Putative Consumer Class Action," October 15, 2010

New York Commercial Division Round Up Blog Articles

- "NYC Condo Refinance Collapses Because There Was No 'Meeting of the Minds'," July 6, 2011
- "Yelp! Wins Dismissal of Claims for New York Deceptive Acts and Practices and Defamation Based upon Alleged Manipulation of User Reviews," November 29, 2010
- "Motion to Dismiss Based Upon Forum Non Conveniens Denied, Despite Presence Of Foreign Defendants And Application Of Foreign Laws," August 9, 2010
- "Worldwide Economic And Credit Crisis Does Not Provide A Basis To Force A Renegotiation Of Loan Documents," June 9, 2010

SPEECHES

- Recently participated in presenting a MCLE program entitled "Social Networking Websites: The Emerging Litigation Tool, Strategies for Using Facebook, Google, and Other Online Content in Litigation Practice."