



## → Dylan I. Ballard

### Partner

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Dylan Ballard is a partner in the Antitrust and Competition Practice Group in the firm's San Francisco office, where he leads the firm's San Francisco Recruiting Committee. He is an Adjunct Professor at UC Hastings College of the Law, where he teaches legal writing and oral advocacy, and is on the Board of Directors of the Western Center on Law & Poverty.

### Areas of Practice

Dylan is a trial lawyer who specializes in litigating antitrust and competition cases arising under the federal Sherman and Clayton Acts, as well as state antitrust, consumer protection, and unfair competition statutes. He has more than a decade of experience successfully resolving every variety of antitrust and competition matter, from government investigations, to criminal prosecutions and government enforcement actions against businesses and individuals, to class actions and other private civil actions. His practice encompasses matters civil and criminal, state and federal, before both trial and appellate courts, as well as various international arbitration tribunals. He also routinely counsels businesses on antitrust risks and best practices for avoiding them.

Dylan has served as counsel in some of the largest and most complex antitrust cases of all time. He has successfully represented key defendants in major government cartel investigations, federal criminal prosecutions, state Attorney General actions, and multi-district class actions involving dealer management software, canned tuna, DRAM, SRAM, and flash memory chips, automotive parts, LCD panels, cathode ray tubes, lithium ion batteries, and many other industries. He frequently represents companies, as both plaintiffs and defendants, in lawsuits brought by competitors or customers alleging conspiratorial conduct or unlawful monopolization.

Dylan also has extensive experience in the area of overlap between antitrust and intellectual property laws, including cutting-edge antitrust and competition issues arising from the use and licensing of standard-essential patents. His work often involves international issues requiring close collaboration with clients and counsel located around the world.

### Honors

Recommended Lawyer- Antitrust, *The Legal 500*, 2019-2021

Next Generation Lawyer, *Legal 500*, 2019-2020

Global Competition Review Award, Litigation of the Year - Cartel Defense, *Motorola Mobility LLC v. AU Optronics Corp.*, 2015

## Experience

### Antitrust Multi-District Litigation

Defending The Reynolds and Reynolds Company against state and federal antitrust claims relating to data management system access. *In re Dealer Management Systems Antitrust Litig.*, MDL No. 2817 (N.D. Ill.).

Defended leading manufacturer in price-fixing actions concerning lithium ion rechargeable batteries. *In re Lithium ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.).

National counsel defending industry-leading multinational electronics companies in price-fixing class actions, individual plaintiff actions, and state attorney general actions regarding cathode ray tube products. *In re Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D. Cal.).

Defended Samsung entities in consolidated class actions and individual actions alleging price-fixing of flash memory products. *In re Flash Memory Antitrust Litig.*, MDL No. 1852 (N.D. Cal.).

Represented international electronics companies in private and governmental price-fixing actions concerning thin film transistor liquid crystal display products. *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 1827 (N.D. Cal.).

Defended Samsung Electronics companies in civil price-fixing class actions and related U.S. and foreign enforcement agency proceedings regarding static random access memory chip products. *In re Static Random Access Memory (SRAM) Antitrust Litig.*, MDL No. 1819 (N.D. Cal.).

National counsel defending civil price-fixing and government enforcement actions regarding dynamic random access memory chip products. *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, MDL No. 1486 (N.D. Cal.).

Representing MasterCard International Incorporated in coordinated class actions and related settlement appeals concerning alleged payment card tying and network exclusionary practices. *In re Credit/Debit Card Tying Cases*, Cal. Jud. Council Coord. Proc. No. 4335.

### Competitor Litigation

Prevailed on behalf of one of world's largest technology companies in multi-billion dollar ICC arbitration against client's largest global competitor (2021).

Representing Jain Irrigation as plaintiff in action alleging group boycott conspiracies among manufacturers of micro-irrigation products in violation of California's Cartwright Act and Unfair Competition Law. *Jain Irrigation, Inc., et al. v. Netafim Irrigation, Inc., et al.* (San Diego Superior Court).

Representing telescope manufacturer against price-fixing, market allocation, monopolization and attempted monopolization claims. *Optronics Technologies, Inc. v. Ningbo Sunny Electronic Co., Ltd.* (N.D. Cal.)

Defending leading international provider of cybersecurity products against antitrust boycott and refusal to deal claims regarding testing standards development. *NSS Labs v. CrowdStrike, Inc.* (N.D. Cal.).

Represented the largest independent publisher of yellow pages phone directories in California as plaintiff in below cost pricing, loss leader and secret rebate action under California's Unfair Practices Act, favorably settling for a confidential amount. *AGI Publishing, Inc. v. YP Western Directory* (Fresno Superior Court).

Antitrust counsel for Samsung Electronics defending IP-related antitrust claims in multi-billion dollar litigation with Rambus, coordinating with patent counsel in worldwide related proceedings. *Rambus Inc. v. Micron Technology, Inc., et al.* (San Francisco Superior Court).

Obtained complete dismissal at pleadings stage on behalf of CFN Holding Co. in action alleging antitrust conspiracy among providers of fueling networks. *Truck.Net LLC v. CFN Holding Co.* (San Diego Superior Court).

## **Antitrust/Intellectual Property Matters**

Obtained complete dismissal with prejudice on behalf of ACT of actual monopolization claim under Section 2 of the Sherman Act alleging product disparagement and misuse of trademarks and copyrights. *ACT, Inc. v. Worldwide Interactive Network, Inc.* (E.D. Tenn.).

Representing Samsung Electronics in global patent and standards related antitrust governmental proceedings, and private antitrust actions involving major technology companies including Qualcomm and Apple.

Secured complete dismissal of all claims against Samsung Electronics in boycott and monopsonization case relating to smartphone patent licensing, based on lack of antitrust standing and failure to allege a plausible conspiracy. Obtained affirmance of defense judgment on appeal to the Ninth Circuit Court of Appeals. *Cascades v. RPX Corp.* (N.D. Cal.).

Obtained complete dismissal of sham litigation, predatory pricing and state unfair competition counterclaims in patent infringement action concerning electric grid voltage optimization technology. *RGA Varentec, Inc. v. GridCo, Inc.* (D. Del.).

## **Criminal Antitrust Prosecutions and Investigations**

Defended information technology services company and top executives with respect to criminal Sherman Act bid-rigging charges and related false claims and unfair competition civil action by California Attorney General.

Defended senior executives in DOJ antitrust grand jury investigations of auto parts industry.

Defending the chief executive of a major consumer facing branded manufacturer in a United States Department of Justice criminal price fixing investigation.

Represented key targets and defendants in DOJ antitrust prosecutions regarding DRAM memory chips, cathode ray tubes, and others.

Represented executive in DOJ antitrust grand jury investigation and criminal prosecution regarding alleged antitrust violations in real estate foreclosure market.

## **Other Representative Litigation Matters**

Obtained complete dismissal on behalf of Samsung SDI America of product liability class actions alleging battery defects with Samsung Galaxy Note 7 smartphone. *Schmidt, et al. v. Samsung Electronics America, et al.* (W.D. Wash.).

Prevailed on summary judgment on behalf of Samsung's Netherlands and Central European subsidiaries in embezzlement action against former employees; successfully recovered nearly the entirety of stolen funds. *Samsung Electronics Central Eurasia, LLP v. Nauruzbayev* (Santa Cruz Superior Court).

Prevailed in AAA arbitration on behalf of The Presidio Trust in action asserting breach of commercial lease at historic property in San Francisco's Presidio. *Mason Street Warehouse Venture, LLC v. The Presidio Trust* (AAA Commercial Arbitration).

Represented Seagate Technology in class actions challenging disclosures about computer hard drive storage capacity, including leading case regarding class action settlements, *Cho v. Seagate Technology Holdings, Inc.*, 177 Cal. App. 4th 734 (2009).

Represented Taiwanese business owner before China International Economic and Trade Arbitration Commission (CIETAC) in series of disputes arising out of sale of textile-related businesses.

Represented a national bank in an action brought by franchisees of a tax preparation service in which plaintiffs asserted unfair business practices and sought to certify a nationwide class; obtained a complete dismissal of the action before any discovery had occurred.

Conducted a highly publicized internal investigation of a 20+ billion dollar insurance provider.

## Articles

- Amnesty and Its Punishments: ACPERA and the Future of U.S. Antitrust Cartel Enforcement  
*The Legal 500 Country Comparative Guides Hot Topic*, 04.2020
- Why aren't there more California below-cost pricing cases?  
*Los Angeles & San Francisco Daily Journal*, 04.15.2019
- Between a Rock and a Hard Place: Vitamin C and the Future of U.S. Antitrust Enforcement Against Chinese Companies  
*The Legal 500 - Cartels Country Comparative Guide*, 04.03.2019
- Algorithms, Artificial Intelligence and Joint Conduct  
*Competition Policy International*, 05.16.2017
- When Illinois Brick Goes Abroad, *Law360*, March 13, 2015
- Mask For The Guilty And Shield For The Innocent: The Privilege Against Self-Incrimination In Federal and California Antitrust Cases, *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 22, No. 2, Fall 2013
- The Case For Eliminating ACPERA's Supplemental Cooperation Requirement For Amnesty Applicants, *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 20, No. 2, Fall 2011

## Memberships

American Bar Association, Section of Antitrust

State Bar of California, Antitrust and Unfair Competition Law Section

Bar Association of San Francisco, Antitrust Section

## Podcasts & Webinars

Nota Bene Episode 96: Examining Amnesty Conditions Under the U.S. Antitrust Leniency Scheme with Dylan Ballard and Mike Scarborough  
09.09.2020

## Practices

Antitrust and Competition

Litigation

International Reach

International Arbitration

White Collar Defense and Corporate Investigations

Antitrust Counseling and Compliance

California Antitrust and Unfair Competition Law

Cartel Investigations and Litigation

Consumer Protection

Government Merger and Civil Conduct Investigations

Intellectual Property / Antitrust

International Counseling

Korea

Private Civil Antitrust Litigation

## Industries

Esports & Games

## Education

J.D., University of California, Hastings, 2007, *Hastings Law Journal*

B.A., University of California, Santa Barbara, 2003, *with highest honors*

## Clerkships

Extern for the Honorable Maxine M. Chesney, District Judge, U.S. District Court for the Northern District of California, 2005

## Admissions

California

U.S. District Court, Eastern District of California

U.S. District Court, Central District of California

U.S. District Court, Northern District of California

U.S. District Court, Southern District of California

U.S. Court for the Ninth Circuit