

Jarod Bona

La Jolla, California

Member Firm – Bona Law PC

Jarod Bona, who is “of counsel” to our firm, is an antitrust lawyer who has acquired superb professional experience of the kind that only elite antitrust practitioners attain. He received his law degree cum laude from Harvard Law School in 2001, and after law school he served as a law clerk in federal court to Chief Judge James B. Loken of the United States Court of Appeals for the Eighth Circuit. In this role, he heard various cases that were appealed in the Eighth Circuit.

Mr. Bona has provided antitrust counseling on cutting-edge and critical issues to a broad range of clients, including multinational corporations, standard-setting organizations, private firms, investors, and others. He has provided this counsel on the full range of antitrust issues, helping his clients to accomplish their objectives while avoiding antitrust complications, and also helping them to identify and complain against antitrust abuses committed by their competitors. In particular, he has provided extensive antitrust counseling on intellectual property disputes and settlements, agreements among competitors, loyalty discounts, exclusionary conduct, mergers and acquisitions, resale-price maintenance, Noerr-Pennington issues, state-action immunity issues, labor-exemption issues, Robinson-Patman Act issues, and government investigations. In addition, Mr. Bona was the attorney who developed the formal antitrust policy now followed by a widely renowned international trade association.

Mr. Bona has also attained significant success as a trial lawyer, winning a bench trial involving fraud accusations and \$2.5 million at stake. Moreover, in 2012 Mr. Bona and his colleagues at DLA Piper obtained summary judgment for their client, which had been sued for alleged antitrust abuses that arose from the client’s loyalty discount programs. The Federal Trade Commission then dropped its multi-year investigation of the client with no action.



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Education

Harvard Law School
J.D., 2001, cum laude

Illinois Wesleyan University
B.S., 1998, Political Science and Government

Bar Admissions

California

Court Admissions

Supreme Court of the United States,
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. Court of Appeals for the Third Circuit
U.S. District Court for the District of Minnesota
U.S. District Court for the Northern District of California
U.S. District Court for the Southern District of California

Notable Representations

Represented client in case alleging vertical and horizontal antitrust conspiracy by union and hospital to eliminate or weaken non-union hospital competitor (Prime Healthcare Services, Inc. v. Service Employees International Union, et al.)

Represented client in case alleging predatory conduct under Section 2 of the Sherman Act. (Church & Dwight v. Mayer Laboratories)

Represented major producer of packaged ice in state court and federal multidistrict litigation involving allegations of market allocation and price-fixing (In re Packaged Ice Litigation)

Represented financial brokerage company in federal multidistrict litigation involving alleged conspiracy in municipal derivatives industry (In re Municipal Derivatives Antitrust Litigation)

Represented company in multi-district class action antitrust and RICO lawsuit challenging the insurance and insurance brokerage industries in both district court and the Third Circuit (In re Insurance Brokerage Antitrust Litigation)

Represented company in various state attorney general unfair competition and antitrust actions throughout the country involving the insurance brokerage industry

Represented company in class action antitrust and unfair competition suit involving the energy industry (In re Wholesale Electricity Antitrust Litigation)

Represented clients in several matters in state and federal appellate courts

Represented clients in pre-merger Hart-Scott-Rodino filings

Counselled clients on resale-price maintenance issues under state and federal antitrust laws

Represented clients in breach of contract and business tort actions

Represented plaintiffs in malicious prosecution actions in state and federal court following unsuccessful antitrust claims

Represented client in securities class action in the Ninth Circuit Represent various technology companies in commercial litigation Represent client in "Winstar" action in the Federal Circuit

Publications

Author, "Your loyalty discounts and rebates may violate antitrust and competition laws," DLA Piper Antitrust Alert (February 5, 2014)

Co-author, "Actavis Court Requires Case-by-Case Analysis of Anticompetitive Effects Of Reverse-Payment Settlements," Bloomberg BNA Antitrust & Trade Regulation Report (July 12, 2013)

Co-author, "Justices say pay-for-delay deals with generic drug makers subject to antitrust 'rule of reason,'" Daily Journal (June 21, 2013)

Co-author, "Supreme Court in Actavis: analyze reverse-payment settlements' anticompetitive effects case by case," DLA Piper Antitrust Alert (June 19, 2013)

Author, “Book Review – The Global Limits of Competition Law (Global Competition Law and Economics),” *European Competition Law Review*, Volume 34 Issue 6 (2013)

Author, “US High Court Takes on State Antitrust Action Removability Case,” *Los Angeles Daily Journal* (June 6, 2013)

Author, “New FTC Commissioner Prioritizes Transparency in Enforcement,” *Los Angeles Daily Journal* (April 23, 2013)

Author, “Road to Class Certification Gets Bumpier,” *Los Angeles Daily Journal* (April 3, 2013)

Co-author, “Chapter 5: Exclusive Dealing,” *International Competition Network, Unilateral Conduct Workbook* (April 2013)

Author, “US High Court Scales Back Major Antitrust Exemption,” *Los Angeles Daily Journal* (February 28, 2013)

Co-author, “FTC v. Phoebe Putney Health System, Inc.: Supreme Court rules state law does not offer blanket protection from antitrust laws,” *DLA Piper Antitrust Alert* (February 21, 2013)

Co-author, “Third Circuit Rekindles Uncertainty in Patent Settlements Under Hatch-Waxman Act,” *DLA Piper Antitrust Alert* (July 25, 2012)

“The Antitrust Implications of Licensed Occupations Choosing Their Own Exclusive Jurisdiction,” *5 University of St. Thomas Journal of Law & Public Policy* 28 (Spring 2011)

Co-author, “State Licensing Agency Must Also Face Antitrust Scrutiny FTC Rules,” *The Legal Intelligencer* (March 7, 2011)

Co-author, “State Antitrust Law Fills Federal Void,” *Executive Counsel* (December 2010/January 2011)

Co-author, “Practicing as a competition lawyer in the 21st Century,” *The Legal Intelligencer* (November 1, 2010)

Co-author, “Can I Settle My Patent Litigation with a Reverse Payment Without Violating Antitrust Laws?” *DLA Piper Intellectual Property and Technology News*, Issue 6 (June 2010)

Co-author, “Does My Reverse-Payment Settlement Violate the Antitrust Laws?” *Pharmaceutical Law & Industry Report*, (June 2010)

“Loyalty Discounts and the FTC’s Lawsuit against Intel,” *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 19, No. 1 (Spring 2010)

Co-author, “FTC seeks to break new ground in lawsuit against Intel Corporation,” *Antitrust Alert* (6 Jan 2010)

Co-author, “Section 5 Action Against Intel Shows FTC Seeks to Expand Power,” *The Legal Intelligencer* (January 4, 2010)

Contributor, *Insurance Section of California Antitrust & Unfair Competition Law Treatise* (Fourth) (2009)

Co-author, "Administration's New Antitrust Policy Is on Collision Course with High Court," The Legal Intelligencer (June 2, 2009)

Co-Author, "Department of Justice officially departs from Bush antitrust policies," Antitrust Alert (12 May 2009)

Co-author, "High Court's Recent Linkline Decision Casts Doubt on Vitality of LePage's," The Legal Intelligencer (May 4, 2009)

Co-author, "Court Adds Teeth to 'Rigorous Analysis' Requirement for Class Certification," The Legal Intelligencer (March 2, 2009)

Co-author, "FTC Files Complaint Against Ovation," Mergers and Acquisitions Newsletter; Antitrust Alert (24 Feb 2009)

Co-author, "FTC Files Complaint Against Ovation Challenge To Consummated, Nonreportable Acquisition Of Orphan Drug Followed By Price Increase," Antitrust Alert (15 Jan 2009)

Co-author, "The Diminishing Role of the Private Attorney General in Antitrust and Securities Class Action Cases Aided by the Supreme Court," 4 J. Bus. & Tech. L. 167 (University of Maryland School of Law) (January 2009)

Co-author, "Recent High Court Rulings Don't Deserve 'Pro-Business' Label," The Legal Intelligencer (April 7, 2008)

Co-author, "Supreme Court Decisions Weaken Antitrust Laws," Executive Counsel, (March/April 2008)

Co-author, "IPO Underwriting Practices Are Immune from Antitrust Claims," Antitrust Alert (21 Jun 2007)

Contributor, 2007 Annual Review of Antitrust Law Developments, American Bar Association Section of Antitrust Law

Principal Contributor, "Joint Ventures: Antitrust Analysis of Collaborations Among Competitors," American Bar Association Section of Antitrust Law (2006) "Recent Legislation: School Vouchers," 37 Harv. J. on Legis. 607 (2000)

"Efficiency, Entitlements, and the Value of Consent," Res Publica, Illinois Wesleyan University (1998)

Seminars

Presenter, "Antitrust Laws and the Real Estate Industry," California Association of Realtors, Legal Affairs Forum, January 24, 2014

Panelist, "A question of loyalty: How to analyse loyalty rebates and discounts" International Competition Network, December 9, 2013

Moderator, "FTC v. Actavis, Inc., Practical Implications of the Landmark Supreme Court Decision," Law Seminars International, July 16, 2013

Panelist, "Spring 2013 Town Hall Meeting," American Bar Association Unilateral Conduct Committee teleconference, June 5 2013

Speaker, “FTC v. Phoebe Putney Health System, Practical Implications of the Landmark Supreme Court Decision,” Law Seminars International, March 1, 2013

Speaker, “Licensing from an Antitrust Perspective,” Occupational Licensing: Protecting the Public or Protectionism?, University of St. Thomas School of Law symposium, hosted by the University of St. Thomas Journal of Law and Public Policy, Minneapolis, February 11, 2011

Awards

Burton Award for Legal Writing Achievement, 2010

Rising Star, the 2013 edition of Minnesota Super Lawyers