



**Mike Cowie**

Partner

Mike Cowie is a Partner in Howrey’s Antitrust practice and has held leadership positions in the Federal Trade Commission. As Assistant Director of the FTC’s Bureau of Competition, Mr. Cowie supervised a 25-attorney unit responsible for antitrust merger investigations and litigation in a range of industries including healthcare, retail, and food and beverage. Mr. Cowie also served as the FTC’s Senior Litigation Counsel responsible for directing the FTC’s antitrust litigation. Mr. Cowie received the FTC’s Superior Service Award for overall contributions to antitrust enforcement, the FTC’s Meritorious Service award for leading the Vlassic/Claussen merger enforcement action brought in US district court, and the FTC’s Outstanding Team Award for contributions to the *MSC Software* consummated merger litigation.

Mr. Cowie has represented Fortune 500 companies and other industry leaders facing high-stakes government antitrust investigations and antitrust litigation. Representative clients have included American Airlines, Boston Scientific, Cargill, Fortune Brands, Hexcel, International Speedway, Linde, Medco, Navteq, Procter & Gamble, Sun Microsystems, Whirlpool, and Xerox. Mr. Cowie has provided commentary on antitrust and competition law matters for CNBC, CNN, the Wall Street Journal, the Financial Times, the New York Times, and the Washington Post, and regularly presents to industry groups on antitrust law developments.

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**ADMISSIONS**

District of Columbia

**EDUCATION**

Georgetown University Law Center (JD, 1989), *cum laude*

*The Georgetown Law Journal*, Editor

Hobart College (BA, 1986), *Honors in Economics, magna cum laude, Phi Beta Kappa*

**REPRESENTATIVE MATTERS**

- *FTC v. Evanston Northwestern*. At the FTC, directed the investigation resulting in the successful litigation challenging the Evanston Northwestern/Highland Park hospital merger.
- *FTC v. Nestle/Dreyers*. At the FTC, directed the investigation resulting in enforcement action challenging merger of leading national retail ice cream brands.
- *FTC v. MSC Software*. At the FTC, led the successful litigation focusing on consummated mergers of the leading suppliers of software for military and aerospace applications.
- *FTC v. Vlassic*. At the FTC, directed the antitrust investigation resulting in a US district court antitrust enforcement action enjoining the combination of the two leading national retail pickle brands.
- *FTC v. Quest Diagnostics*. At the FTC, directed the antitrust investigation resulting in an enforcement action challenging the combination of leading US clinical lab providers.
- *Cargill/Continental Grain*. Represented Cargill in a Justice Department

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investigation focusing on market power in grain-handling businesses.

- *Whirlpool/Maytag*. Represented Whirlpool in a Justice Department investigation focusing on market power in appliances.
- *Fortune Brands/Allied Domecq*. Represented Fortune Brands in an FTC investigation focusing on market power in distilled spirits.
- *Nokia/Navteq*. Represented Navteq in Justice Department and European Commission vertical merger investigations focusing on GPS technology.
- *Xerox v. Media Sciences*. Served as lead antitrust counsel for Xerox in successful defense of monopolization claims focusing on color printer technology.

## PROFESSIONAL AFFILIATIONS

- Vice Chair, American Bar Association, Antitrust Law Section (2008–present), Mergers & Acquisition Committee
- Chair, Antitrust Committee, American Bar Association, Administrative Law Section (2004–2005)
- Editor, American Bar Association, Antitrust Law Section (2004–2005), Antitrust Magazine
- Editor, American Bar Association, Antitrust Law Section (2001–2004), Antitrust Source
- Editor, American Bar Association, Antitrust Law Section (1997–2001), Antitrust Law Journal
- Contributor, American Bar Association, Antitrust Law Section (1992–present), Antitrust Law Developments, 3rd Ed. 1992
- American Health Lawyers Association, Antitrust Committee
- Georgetown Law Reunion Committee

## PRO BONO

- *United States v. McIntosh*. Obtained acquittal following trial for defendant charged with theft.
- *United States v. Chappelle*. Represented at trial a defendant charged with theft and felony distribution of narcotics.

## PUBLICATIONS & SPEAKING ENGAGEMENTS

### ARTICLES

"Health Insurance and Federal Antitrust Law: An Analysis of Recent Congressional Action." *The Antitrust Source* Vol. 9, No. 2 (December 2009).

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"Misguided Attempts to Restrict Competition from Authorized Generics." *Health Lawyers News* Vol. 11, No. 7 (July 2007). Co-authored with Melissa Jensen.

"Antitrust Enforcement and Litigation in the Pharmaceutical Sector. Developments in the United States and Europe." *Euromoney's Competition and Antitrust Review 2004* (January 2005). Co-authored with Howard Rosenblatt, Stephen Weissman.

"Patents Covering Industry Standards: The Risks to Enforceability Due to Conduct Before Standard-Setting Organizations." *American Intellectual Property Law Association Quarterly Journal* (Winter 2002): 95. Co-authored with Joseph P. Lavelle.

**SPEECHES**

"Hospital Mergers and Joint Ventures: More Transactions and More Antitrust Enforcement." American Health Lawyers Association, Washington, DC (December 2, 2009).

"The FTC v. Whole Foods Antitrust Challenge." International Bar Association, Antitrust in a Global Economy, New York, NY (June 25, 2009).

"Patent Misuse and Abuse in the US and Europe: The Case of Pharmaceuticals." ABA Section of Antitrust Law Health Care and Pharmaceuticals Committee and The Competition Law Center George Washington University Law School, Washington, DC (November 20, 2008).

"Patent Settlements and Antitrust: Ciproflaxin and Other Developments." Practising Law Institute, Washington, DC (November 10, 2008).

"The Economics of FTC v. Whole Foods." ABA Antitrust Section (October 7, 2008).

"Innovation and the Regulation of Dominant Firms." Georgetown Law, Global Antitrust Enforcement Symposium, Washington, DC (September 23, 2008).

"Assessing Market Power in Health Care Markets: Developments in Private Litigation and Government Enforcement." American Health Lawyers Association (AHLA) Annual Meeting, San Francisco (June 30, 2008).

"Antitrust and Standard Setting: Recent Developments." Licensing Executive Society Int'l Conference, Chicago, Ill (May 7, 2008).

"Recent Pharmaceutical Antitrust Developments: Government Enforcement and Private Litigation." PLI, Washington, DC (April 24,

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2008).

"FTC Investigations: Best Practices." FTC Hearings, Merger Best Practices, San Francisco, CA and Washington, DC (June 2002).

"Antitrust and Contracting Practices in Healthcare." FTC and Justice Department Healthcare Hearings, Washington, DC (May 27, 2003).