



William M. Rubenstein

PARTNER

Bill Rubenstein is a skilled counselor and litigator, having 25 years of experience in all aspects of antitrust, trade regulation, consumer protection and related intellectual property law. He regularly represents clients before the Federal Trade Commission, the Antitrust Division of the United States Department of Justice, state attorneys general offices and federal courts throughout the country. Bill's experience as a government enforcer, at both federal and state levels, provides valuable insight for clients facing governmental investigations.

Bill has litigated a wide-range of issues, including monopolization, boycotts, mergers, joint ventures, Robinson-Patman Act violations, resale price maintenance, intellectual property, unfair and deceptive practices and various business torts. Recently, Bill achieved a complete dismissal for his client Yeshiva University and its Albert Einstein College of Medicine in an antitrust class action brought on behalf of medical residents complaining about the matching system that pairs medical graduates with residency programs, *Jung v. Association of American Medical Colleges*, 300 F. Supp. 2d 119 (D.D.C. 2004). Bill also defended Oracle Corporation against the Connecticut Attorney General's suit to enjoin Oracle from acquiring PeopleSoft, Inc., filing motions to dismiss that challenged the standing and authority of the Connecticut Attorney General to interfere with the tender offer process. He successfully represented The Hartford Courant Company in a lawsuit that created a rule of "presumptive lawfulness" for exclusive dealing arrangements in the publishing industry, *Journal Publ'g Co. v. Hartford Courant Co.*, 261 Conn. 673 (2002). On behalf of Enron International Korea, in an antitrust suit challenging a rigged auction for foreign energy assets, Bill was able to obtain expedited international discovery that led to a favorable business settlement. Bill also successfully defended against a challenge to Times Mirror's acquisition of New Mass Media, convincing the District Court to deny a preliminary injunction and

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Practice Areas

- » Antitrust & Trade Regulation
- » Antitrust Counseling
- » Antitrust Litigation
- » BioMedical Practice Group
- » Complex Litigation
- » Intellectual Property
- » Mergers and Acquisitions/Hart-Scott Rodino

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ultimately securing a dismissal of the lawsuit. Bill represented Qwest Communications in a class action alleging violations of the Federal Communications Act and RICO.

Bill understands the interface between intellectual property rights and the antitrust laws and regularly counsels clients on avoiding antitrust risks associated with IP licensing, joint development arrangements and the settlement of IP litigation. As part of the firm's BioMedical Practice Group, Bill brings his IP and antitrust experience to bear in assisting clients in litigation associated with the intricacies of FDA approval, Orange Book listings and Hatch-Waxman exclusivity issues.

Prior to joining the firm, Bill served as a trial attorney with the Federal Trade Commission and as Assistant Attorney General, Antitrust, for the State of Connecticut. Bill was lead attorney in major antitrust and consumer protection litigation matters in a wide variety of industries, including: insurance, banking, healthcare, petroleum, auto parts, tools and publishing. He argued in the trial court on behalf of all nineteen plaintiff states in the seminal *Hartford Fire Ins. Co. v. California*, 509 U.S. 764 (1993), a case concerning boycotts in the insurance industry and the international reach of United States antitrust law. In the healthcare area, Bill brought the first successful challenge to the formation of a Physician-Hospital Organization, *Connecticut v. HealthCare Partners, Inc.*, 1996-1 Trade Cas. ¶71,337 (D. Conn.). He also litigated price discrimination cases against major oil refiners and was instrumental in obtaining a settlement with the National Basketball Association that eliminated the cable television blackout of New York Knicks games in Connecticut. Among his enforcement efforts in the merger area were Bill's successful challenge, on behalf of the State of Connecticut, of an attempted hostile takeover of The Stanley Works, *Connecticut v. Newell Co.*, 1992-2 Trade Cas. (CCH) ¶70,008 (D. Conn.) and the forced divestitures in an oil terminal merger, *Connecticut v. Wyco New Haven, Inc.* 1990-1 Trade Cas. ¶69,024 (D. Conn.).

Bill has appellate experience at all levels, having submitted briefs and participated in arguments before the United States Supreme Court, the United States Court of Appeals and the Connecticut Supreme Court.

Bill is currently the Chair of the Antitrust Section of the Connecticut Bar Association and a Sustaining Life Fellow of the James W. Cooper Fellows of the Connecticut Bar Foundation. He has been a lecturer in programs sponsored by the American Bar Association, the Practising Law Institute, the National Association of Attorneys General, the New York State Bar Association and the Connecticut Bar Association. For eight years, Bill served as an adjunct professor in the Masters of Business Administration Program at the University of Connecticut, teaching graduate courses in antitrust and trade regulation. Bill is listed in the current edition of *The Best Lawyers in America*.

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Bar & Court Admissions

- » Connecticut
- » U.S. Supreme Court
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Ninth Circuit
- » U.S. Federal Courts

Education

- » Western New England College School of Law, Springfield, Massachusetts, 1981 J.D. magna cum laude.
- » Montclair State University, Upper Montclair, New Jersey, 1977 B.A.

Publications

- » Hell's Angles, The Deal, February 14, 2005
- » State Attorneys General: Old Cops Walking a Wider Beat, Global Competition Review Special Report: The United States Antitrust Review 36, 1998
- » Antitrust Review of Mergers By State Attorneys General: The New Cops On the Beat, 67 Conn. B.J. 1, 1993

Seminars & Classes

- » Adjunct Professor, MBA Program , University of Connecticut, School of Business Administration, 1990 - 1997
- » Lecturer, American Bar Association
- » Lecturer, Practicing Law Institute
- » Lecturer, National Association of Attorneys General
- » Lecturer, Connecticut Bar Association

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Professional Activities

- » American Bar Association, Antitrust and Litigation Sections
- » Connecticut Bar Association, Chair, Antitrust Section
- » Connecticut Bar Foundation, James W. Cooper Fellow

Recent News

- » AV&H Wins 7-0 Summary Judgment in Connecticut Supreme Court
- » AV&H Attorneys Named to Super Lawyers Corporate Counsel Edition - January/February 2010
- » AV&H Attorneys Named Connecticut Super Lawyers 2010
- » AV&H Attorneys Named New England Super Lawyers 2009
- » AV&H Attorneys Named Connecticut Super Lawyers 2009
- » Francis Morrison, William Rubenstein and Stephen Axinn included in the 25th anniversary edition of Best Lawyer in America
- » AV&H Serving as Patent Counsel for ADHD and Pain Relief Medications
- » AV&H Represents URL/Mutual Companies in Launch of Guaifenesin Products
- » AV&H Files Lawsuit to Compel Attorney General to Maintain the Confidentiality of Subpoenaed Materials
- » AV&H Successfully Concludes Foreign Auction Bid Rigging Case
- » AV&H Wins Dismissal of Yeshiva University from Antitrust Conspiracy Class Action
- » AV&H Wins Newspaper Comics Case
- » Stanley Defends Its Colors, Trade Turfs
- » New York State Attorney General's Office Retains AV&H