

# WILSON SONSINI

## Brendan Coffman

PARTNER

Antitrust and  
Competition  
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## FOCUS AREAS

Antitrust Civil Enforcement  
Antitrust Compliance and  
Business Strategy  
Antitrust Criminal  
Enforcement  
Antitrust Litigation  
Antitrust Merger Clearance  
Antitrust and Competition  
Antitrust and Intellectual  
Property  
Federal Trade Commission  
Third-Party Merger and  
Non-Merger Antitrust  
Representation

## HIGHLIGHTS

### ■ Industry Expert

Brendan navigates the world's most innovative companies through merger clearance, antitrust litigation, government investigations and strategic day-to-day counseling.

## EXPERIENCE

Brendan Coffman is a partner in the Washington, D.C., office of Wilson Sonsini Goodrich & Rosati, where he is a member of the antitrust and competition practice. Brendan represents the world's most innovative companies in connection with mergers and acquisitions, joint ventures, government investigations, private litigation, and distribution practices. His clients include stalwarts and emerging firms in electronic gaming and entertainment, ridesharing and ADAS/Autonomous Driving, semiconductor and connectivity, pharmaceutical, healthcare, and financial services. Representative matters include the following:

### Mergers:

- Hawaiian Airlines in its \$1.9 billion acquisition by Alaska Airlines, the first airline merger cleared by the antitrust agencies in nearly a decade
- Recursion Pharmaceuticals in its \$700 million acquisition of Exscientia
- Silk Road in its \$1.16 billion acquisition by Boston Scientific
- Vizio in its pending \$2.3 billion acquisition by Walmart
- Dren Bio in its strategic collaboration with Novartis
- Bungie in its \$3.6 billion acquisition by Sony
- DTx Pharma in its acquisition by Novartis, valued up to \$1 billion
- Qualcomm in its acquisitions of Veoneer, Skyhook, and Cellwize
- Element Biosciences as a third party in the FTC's challenge of Illumina/Grail
- Lyft in its \$500 million sale of L5 Assets to Toyota's Woven Planet
- Plaid in its \$5.3 billion acquisition by Visa
- Careem in its \$3.1 billion acquisition by Uber
- Lumentum in its \$1.8 billion acquisition of Oclaro
- NetSuite in its \$9.3 billion acquisition by Oracle
- Trulia in its \$3.5 billion acquisition by Zillow
- Fiserv, Inc. in its \$700 million acquisition of Elan Financial Services
- Google in its acquisitions of Waze and Nest

### Antitrust Litigation:

- Mylan Pharmaceuticals in several matters pertaining to insulin glargine, including as lead counsel in affirmative litigation against Sanofi alleging illegal monopolization of the insulin glargine

- market
- Open To The Public Investing, Inc. (“Public.com”) in *In re January 2021 Short Squeeze Trading Litigation*; obtained voluntary dismissal
- Mylan Pharmaceuticals as plaintiff against Teva Corporation alleging monopolization of the market for multiple sclerosis treatment Copaxone
- Reddy’s Laboratories in monopolization case against Amarin pertaining to Vascepa
- Mylan Pharmaceuticals as plaintiff against Celgene Corporation alleging monopolization of the markets for cancer Thalomid and Revlimid; prevailed at summary judgment and obtained favorable monetary settlement
- Mylan Pharmaceuticals in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*
- Lupin Pharmaceuticals in *In re Glumetza Antitrust Litigation*
- BlueCross BlueShield of Tennessee as a non-party in *Anthem Inc. v. Cigna Corp.*

#### Government Investigations:

- Represented cooperating witness in *U.S. v. Usher et al.*, the Department of Justice’s investigation and criminal prosecution in the foreign exchange market
- Represented four other traders across three financial instruments in connection with government investigations in the United States and internationally

#### Antitrust Counseling:

- Represent many leading technology companies in connection with regulatory investigations touching upon all areas of antitrust jurisprudence
- Range of intellectual property issues, including standard-essential patents, participation in standard-development organizations, patent pooling, and other competition risks associated with patent assertion and aggregation
- Pricing practices including price discrimination, most favored nation clauses (MFNs), minimum requirements, exclusivity, and conditional payment terms

## CREDENTIALS

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### Education

- J.D., George Mason University School of Law, 2011  
*Articles Editor*, George Mason Law Review, 2010-2011; *Presidential Management Fellow*
- B.S.F.S., International Politics, Georgetown University, 2005

### Associations and Memberships

- Vice Chair, Health Care and Pharmaceuticals Committee, Section of Antitrust Law, 2021-present
- Vice Chair, Trial and Practice Committee, Section of Antitrust Law, American Bar Association, 2018-2020
- Young Lawyer Representative, Health Care and Pharmaceuticals Committee, Section of Antitrust Law, American Bar Association, 2016-2017

### Admissions

- Bar of the District of Columbia
- State Bar of Virginia

## INSIGHTS

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### Select Publications

- Co-author with A. Keck and S. Sher, *Risk Allocation in Merger Agreements in an Era of Increased Enforcement*, Wilson Sonsini Goodrich & Rosati Report, October 2020
- Co-author with T. Hoang and N. Mendelsohn, “Turing the Screws on Illegal ‘Comprehensive Schemes’: The FTC and States’ Bold Complaint Regarding Daraprim,” *Competition Policy International*, May 18, 2020
- Editor, Antitrust Law Developments, 2017-Present
- Co-author with S. Silber and J. Bank, “A Return to Republican Antitrust Policies for Pharma,” *Law360*, January 24, 2017
- Co-author with M. Rosman, S. Silber, J. VanHooreweghe, and J. Bank, “Update on the DOJ’s Criminal Investigation into Generic Pharmaceuticals,” WSGR Alert, March 24, 2015
- Co-author with S. Silber and J. Lutinski, “Citizen Petitions Aimed at Delaying Generic Competition Remain a Concern,” WSGR Alert, February 11, 2015

- Co-author with S. Silber, M. Rosman, J. VanHooreweghe, and K. Kemp, “DOJ Investigation into Generic Pharmaceutical Pricing Signals Potential Criminal Exposure,” *WSGR Alert*, November 12, 2014
- Co-author with Mark Rosman and J. VanHooreweghe, “DOJ’s Antitrust Division Reverses Policy on Individual Carve-Outs in Company Plea Agreements,” *WSGR Alert*, April 17, 2013
- “A One-Stop Shop for Outlining Patent Abuse,” *Patent Progress*, February 6, 2013

### Select Speaking Engagements

- Panelist, “PBM Tactics: Tough Competition or Antitrust Violation?” 2022 ABA Antitrust in Healthcare Conference, June 2, 2022
- Panelist, “Antitrust Considerations in Structuring Pharmaceutical Settlements,” Berkley Law 2022 Advanced Life Sciences Institute, April 22, 2022
- Panelist, “What’s New in Reverse Payment Litigation,” Antitrust in Healthcare Virtual Conference, February 2021
- Panelist, “The 2020 Candidates’ Views on Competition & Antitrust,” American Bar Association, New York, New York, November 4, 2019
- Panelist, “Antitrust Enforcement in the Pharmaceutical Industry,” 2019 Antitrust and Consumer Law Institute, Washington D.C., September 26, 2019
- Moderator, “Recent Issues in Reverse Payments Litigations,” American Bar Association, New York, New York, September 14, 2017
- Moderator, “The Use of Structural Presumptions in Merger Analysis,” American Bar Association, Washington D.C., June 26, 2015