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**James G. Dinan University Professor**

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**PROFESSIONAL POSITIONS AND AFFILIATIONS**

James G. Dinan University Professor, Penn Carey Law and the Wharton School, the University of Pennsylvania (since 2017)

Ben V. & Dorothy Willie Professor, Univ. of Iowa College of Law (1986-2017)

Fellow, American Academy of Arts and Sciences

Fellow, American Council of Learned Societies

Professor (Zero Time), University College London, Faculty of Laws (2009-)

Professor (distance learning), Ohio State Univ., Moritz College of Law (2013-2017)

John Sherman Award, United States Dept. of Justice, Antitrust Division (see

[http://www.justice.gov/atr/public/press\\_releases/2008/235516.htm](http://www.justice.gov/atr/public/press_releases/2008/235516.htm) (2008)

Member, American Society for Legal History

Mark DeWolfe Howe Fellow, Harvard Law School (1980)

Harvard Fellow, Harvard Law School (1979-1980)

**TEACHING**

Law: Antitrust, Torts, Law in American History, IP/Antitrust, Innovation and Competition

Policy, Introduction to Intellectual Property Law; Wharton: the Constitution and Free Enterprise,

Innovation and Antitrust; Antitrust Policy Seminar

**PUBLICATIONS:**

**For working papers see my SSRN author's page at:**

[http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=23858](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=23858)

***BOOKS***

ANTITRUST LAW (New York: Kluwer/Aspen, with the late Phillip E. Areeda & the late Donald F. Turner) (21 volumes, 4th & 5<sup>th</sup> editions + annual supplement + end matter volume, 1978-2021) (vol. 2A with Roger D. Blair & Christine Piette Durrance)

THE OPENING OF AMERICAN LAW: NEOCLASSICAL LEGAL THOUGHT, 1870-1970 (New York and London: Oxford Univ. Press, 2015) (honorable mention, Scribes Award, ABA, 2015)

CREATION WITHOUT RESTRAINT: PROMOTING LIBERTY AND RIVALRY IN INNOVATION (New York and London: Oxford Univ. Press, 2012) (with Christina Bohannon)

FEDERAL ANTITRUST POLICY: THE LAW OF COMPETITION AND ITS PRACTICE (West Academic Hornbook Series, 6th ed., 2020) (1st ed., 1994; 2d ed. 1999; 3d ed. 2005; 4<sup>th</sup> edition, 2011; 5<sup>th</sup> ed. 2015).

PRINCIPLES OF ANTITRUST (West Academic, 2d ed. 2021)

THE MAKING OF COMPETITION POLICY: LEGAL AND ECONOMIC SOURCES (ed., with Dan Crane, New York and London: Oxford Univ. Press, 2013)

THE ANTITRUST ENTERPRISE: PRINCIPLE AND EXECUTION (Cambridge, Mass.: Harvard Univ. Press, 2006)

ENTERPRISE AND AMERICAN LAW: 1836-1937 (Cambridge, Mass.: Harvard Univ. Press, 1991) (winner, Littleton-Griswold Prize).

IP AND ANTITRUST: AN ANALYSIS OF ANTITRUST PRINCIPLES APPLIED TO INTELLECTUAL PROPERTY LAW (Kluwer/Aspen, with Mark D. Janis, Mark A. Lemley, Christopher Leslie, & Michael Carrier) (3d ed. 2017-2020, supplemented annually).

INNOVATION AND COMPETITION POLICY: CASES AND MATERIALS (Open Source, 2d ed., 2013, approximately 700 pp.), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1937207](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1937207)

FUNDAMENTALS OF ANTITRUST LAW (Kluwer/Aspen, 2002, 2d ed. 2003, 3d ed. 2005; 4<sup>th</sup> ed. 2011) (2013-2021 Supp.)

ANTITRUST LAW, POLICY AND PROCEDURE (Lexis, 1st ed. 1984; 2d ed. 1989; 3d ed. 1994; 4th ed. 1999; 5th ed. 2003; 6<sup>th</sup> ed. 2009; 7th ed. 2014; 8<sup>th</sup> ed. 2019 & 2020 Supp. (with E. Thomas Sullivan, Howard Shelanski, and Christopher Leslie); teachers' manual.

ECONOMICS AND FEDERAL ANTITRUST LAW (West Pub. 1985)

AMERICAN PROPERTY LAW (West Casebook Series, with Sheldon F. Kurtz, 1st ed. 1987; 2d. ed. 1993; 3d ed. 1999; 4th ed. 2003; 5<sup>th</sup> ed. 2007; 6<sup>TH</sup> ed. 2012 (with Carol Brown); 7<sup>th</sup> ed. 2019 (with Christopher Odinet) (with teacher's manual).

THE LAW OF PROPERTY: AN INTRODUCTORY SURVEY (West Hornbook Series, 7th ed. 2018) (with Kurtz and Gallanis)

SCIENCE AND RELIGION IN AMERICA: 1800-1860 (Philadelphia: Univ. of Pennsylvania Press, 1978)

**ARTICLES, ESSAYS, & BOOK CHAPTERS**

Antitrust and Platform Monopoly, 130 Yale L.J. (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3639142](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3639142)

Digital Cluster Markets, \_\_ Col. Bus. L. Rev. (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3820062](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3820062)

Vertical Control, NYU L. Rev. Online (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3793733](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3793733).

Competitive Harm from Vertical Mergers, \_\_\_ Rev. Indus. Org. \_\_\_ (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3683386](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3683386).

The Looming Crisis in Antitrust Economics, \_Boston Univ. L. Rev. (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3508832](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3508832)

Antitrust Harm and Causation, \_\_ Wash. Univ. L. Rev. (2021) (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3771399](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3771399).

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The FTC's Antitrust Case Against Facebook: Injunction, Divestiture, or Breakup, (Promarket, Chicago Stigler Center, Dec. 18, 2020) (short essay), available at <https://promarket.org/2020/12/18/ftc-antitrust-case-facebook-divestiture-breakup-solution/>

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Controlling Platform Monopoly Without Excessive Harm, Machine Lawyering (Sep. 4, 2020) (short essay), available at <https://www.legalanalytics.law.cuhk.edu.hk/post/controlling-platform-monopoly-without-excessive-harm?postId=5f50c858f50db100170a7018>

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Platforms and the Rule of Reason: the *American Express* Case, 2019 Col. Bus. L. Rev. 35 (2019), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3334635](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3334635) (winner, Jerry S. Cohen Memorial Fund Writing Award)

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Horizontal Shareholding and Antitrust Policy (with Fiona Scott Morton), 127 Yale L.J. 2026 (2018), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3046203](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3046203) (winner, Jerry S. Cohen Memorial Fund Writing Award)

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Buying Monopoly: Antitrust Limits on Damages for Externally Acquired Patents (with Erik N. Hovenkamp), 25 Tex. Intel. Prop. L.J. 39 (2017), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2767098](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2767098).

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ANTITRUST (West Black Letter Series, 1986; 2d ed. 1993; 3d ed. 1999; 4th ed., 2005; 5<sup>TH</sup> ed. 2011; 6th ed., 2016) (7<sup>th</sup> ed, under contract, 2021)

"Substantive Due Process" and "Economics and Law," *Oxford Companion to American Law* (James Ely of Vanderbilt, ed. 2001)

Review of *Kaiser Steel v. Mullins*, 1981 *Preview of United States Supreme Court Cases*  
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Correspondence, on Public Choice, 57 Univ. Chicago L. Rev. 840 (1990)

Tribute to Lawrence Sullivan, 79 Calif. L. Rev. 1224 (1992)

## PREVIOUS EMPLOYMENT HISTORY

- 1985-2017: Ben V. & Dorothy Willie Professor of Law, Univ. of Iowa College of Law  
 1980-1985: Associate Professor of Law, University of California, Hastings College of the Law  
 Spring 1986: Visiting Professor, Univ. of Michigan Law School  
 1979-80: Rockefeller Foundation Humanities Fellow, Harvard Law School, Cambridge, MA  
 1976-79: Lecturer, History and American Studies, University of Texas  
 1972-76: Assistant Instructor, English and American Studies, University of Texas

## EDUCATION

- J.D., 1978, University of Texas School of Law  
 Ph.D., 1976, American Civilization, University of Texas  
 M.A., 1971, American Literature, University of Texas  
 B.A., 1969, Calvin College, Grand Rapids, Michigan

## Professional Activities and Awards

- 2019 Univ. of Pennsylvania Law School LLM Teaching Award  
 2018 Lifetime Achievement Award, *Global Competition Review*  
 2015 Scribes Award (ABA, American Socy' Legal Writers), Honorable Mention, best legal books of 2015, *The Opening of American Law*  
 2015 Academic Excellence Award, *Global Competition Review* (antitrust scholar of the year, worldwide)  
 2012-2013 Member, ABA Transitional Task Force to Advise the President Elect on Antitrust and Consumer Protection Policy  
 2012- Member, Board of Advisors George Mason Univ. School of Law Global Antitrust Institute  
 2010- Advisory Board, Centre for Law, Economics, and Society, University College London (UCL)  
 2012- Board Member, The Source for Competitive Healthcare (UC Hastings Consortium on Law, Science and Health Policy)  
 2008 John Sherman Award, United States Dept. of Justice, Antitrust Division  
 2008- 2010 Membership Panel, American Academy of Arts and Sciences (Section III, Law)  
 2010- Editorial Board, *Competition Policy International*  
 2008- Advisory Board, *Journal of Competition Law and Economics*  
 2008-2012 Faculty Advisor, *Journal of Corporation Law*

- 2008- Faculty Advisor, Supervisor, *Iowa Medical Innovation Group* (IMIG, Law Component)
- 2007- Fellow, American Academy of Arts and Sciences
- 2005- *Referee*, Harvard University Press, Oxford University Press, Yale University Press, Aspen Publishers, MIT Press, Routledge, Edward Elgar Pub., Journal of Legal Studies, Yale Law Journal, Harvard Law Review, Stanford Law Review, Iowa Law Review
- 1993 University of Iowa Outstanding Teachers Award
- 1992 Littleton-Griswold Prize, American Historical Association (for *Enterprise and American Law: 1836-1937*)
- 1990 Univ. of Iowa Regents Award for Distinguished Faculty Scholars
- 1988 Univ. of Iowa Faculty Scholars Award
- 1988-91 Chair, Antitrust Section, AALS
- 1987-89 Faculty Advisor, *Journal of Corporation Law*
- 1984-88 Member, Executive Committee, Antitrust Section, AALS
- 1981-84 Faculty Advisor, *Hastings Law Journal*
- 1981-98 Board of Editors, *The Journal of Legal History*
- 1985 Roger J. Traynor Award for Scholarly Publications
- 1979 Choice Award, *Library Journal* (for *Science and Religion in America: 1800-1860*)

### Endowed Lectures

- 2016 Dunwoody Lecture, Univ. of Florida, "Antitrust and Information Technologies"
- 2012 Milton Handler Lecture, "Competition for Innovation"
- 2010 Bayard Wickliffe Heath Memorial Lecture (Univ. of Florida), "The Federal Trade Commission and the Sherman Act"
- 2008 IP and Antitrust, NYU Law School
- 2008 "Patent Exhaustion and the *Quanta Computer* Case," Michigan State University School of Law
- 2008 Meador Lecture, Univ. of Alabama, "Innovation and the Domain of Competition Policy"
- 2007 Bauer Lecture, Cardozo Law School, "Restraints on Innovation"
- 2005 Kirkpatrick Lecture, Georgetown, "Do the Antitrust Laws Need Modernization?"
- 2003 Milton Handler Lecture, "Antitrust and the Regulatory Enterprise"
- 2000 Strong Lecture, Ohio State Univ.: "The Monopolization Offense"
- 1999 Lockhart Lecture, Univ. of Minnesota: "Knowledge About Welfare"
- 1988 Milton Handler Lecture, "Antitrust's Protected Classes"
- 1996 Fulton Lecture, Univ. of Chicago: "Law and Morals in Classical Legal Thought"
- 1995 Presidential Lecture, Univ. of Iowa: "The Mind and Heart of Progressive Legal Thought"

