



Mike Cowie

Partner

Mike Cowie

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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*

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 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. During his tenure at the FTC, Mr. Cowie received the FTC’s Meritorious Service award for leading a merger enforcement action brought in US district court and the FTC’s Superior Service Award for overall contributions to antitrust enforcement,

Mr. Cowie represents Fortune 500 companies and other industry leaders facing high-stakes government antitrust investigations and antitrust litigation. Mr. Cowie has been called upon to give expert testimony at government hearings on antitrust matters, including the Justice Department and FTC Healthcare Competition Hearings and the FTC Merger Best Practices Hearings. He has testified in Congress regarding antitrust policy and has provided commentary on antitrust matters for CNBC, CNN, the Wall Street Journal, the Financial Times, the New York Times, and the Washington Post.

Merger control matters handled by Mr. Cowie include Whirlpool/Maytag (cleared following Justice Department second request investigation focusing on appliances), Fortune Brands/Pernod (cleared unconditionally following FTC second request investigation focusing on bourbon), Nokia/Navteq (cleared unconditionally following EC and US investigations focusing on GPS technology), and Cargill/Continental Grain (cleared subject to divestiture following Justice Department second request investigation focusing on grain distribution).

Litigation matters where Mr. Cowie served as lead counsel or lead antitrust counsel include Xerox/Media Sciences (representing Xerox in antitrust-IP monopolization case), Medco/Tomeldon (representing Medco in national class action challenging compound drug pricing), Corning/Shin Etsu, (representing Corning in monopolization case focusing on abusive patent practices), and Fortune Brands/Marsh (representing Fortune Brands in bid rigging case).

PROFESSIONAL AFFILIATIONS

- Vice Chair, American Bar Association, Antitrust Law Section (2008–present), Mergers & Acquisition Committee

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- 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
- Executive Committee, Leukemia & Lymphoma Society, Leukemia Ball
- Reunion Committee, Georgetown Law School
- Red Mass Committee, John Carroll Society

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

"Indecent Pricing Exposure: State Healthcare Laws Mandating Publication of Price Discounts Could Harm Consumers." *Life Sciences, American Health Lawyers Association* Vol. 4, No. 1 (March 2010). Co-authored with James F. Rill.

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

"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

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to Conduct Before Standard-Setting Organizations." *American Intellectual Property Law Association Quarterly Journal* (Winter 2002): 95. Co-authored with Joseph P. Lavelle.

SPEECHES

"Transparency in Healthcare and Pharmaceutical Pricing, Testimony before the US House of Representatives." Energy & Commerce Committee (May 6, 2010).

"Government Antitrust Enforcement: What Industries and Conduct Is of Greatest Concern to the Agencies?" LSI, Antitrust Enforcement in Global Markets Conference, Seattle, Washington (June 17, 2010).

"When You Thought The Review Was Done (Or Wouldn't Begin): Investigations of Consummated and Non-Reportable Mergers." ABA Section of Antitrust Spring Meeting (April 24, 2010).

"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

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Enforcement and Private Litigation." PLI, Washington, DC (April 24, 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).