

Debra D. Bernstein

Partner

404.881.4476

debra.bernstein@alston.com

Atlanta | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424



Debra Bernstein is a trial lawyer with a national practice, working principally in the areas of complex commercial litigation with an emphasis on antitrust matters and class action defense. Debra has been retained by both corporate plaintiffs and corporate defendants to prosecute or defend large claims throughout the U.S.

Debra has represented clients in antitrust-related counseling and commercial litigation matters in many fields, including the advertising, agriculture, automotive, banking, chemical, computer, education, food additive, insurance, manufacturing, publishing, pharmaceutical, health care, retail, shipping, textile, and telecommunications industries. She also routinely counsels corporate clients on a variety of antitrust issues related to pricing, mergers, joint ventures, trade organizations, standards-setting bodies, patent pools, distribution, franchising, licensing, and antitrust compliance.

Debra received her J.D., cum laude, in 1998 from the University of Georgia School of Law and her B.A., magna cum laude, in 1995 from the University of Pennsylvania with a major in American history. Before joining Alston & Bird, Debra was a law clerk for the Honorable Orinda D. Evans, chief judge of the U.S. District Court for the Northern District of Georgia.

Debra has contributed chapters to the *Georgia Appellate Practice Handbook*, and she has spoken at conferences on antitrust topics, such as the intersection of intellectual property and antitrust law. She has been recognized for her antitrust experience by *Chambers USA: America's Leading Lawyers for Business*.

Representative Experience

- Represented a Fortune 500 company against antitrust claims in the ITC alleging price fixing, group boycott, and monopolization in the first antitrust case ever instituted in the ITC.
- Representing a Fortune 500 company against antitrust claims alleging price fixing, group boycott, and monopolization filed in federal court.
- Represented Dell in the prosecution of antitrust claims over price-fixing by LCD screen suppliers, obtaining favorable settlements.
- Represented Dell in the prosecution of antitrust claims over price-fixing by cathode ray tube suppliers, obtaining favorable settlements.
- Represented Dell in the prosecution of antitrust claims over price-fixing by optical disk drive suppliers, obtaining favorable settlements.
- Represented Dell in the prosecution of antitrust claims over price fixing by lithium ion battery suppliers, obtaining favorable settlements.
- Defeated a motion for preliminary injunction alleging a Section One claim for per se price fixing, attempting to enjoin Interactive Communications International Inc. from operating its Vanilla Reload network, and obtained dismissal of the complaint.

- Defended AMVAC Chemical Corp. against monopolization and attempted monopolization claims related to AMVAC's acquisition of multiple IP rights and alleged refusal to license IP to a competitor.
- Defeated a motion for preliminary injunction and obtained a TRO enjoining a competitor from infringing AMVAC's IP.
- Representing a major manufacturer of musical instruments against class action price-fixing claims consolidated in the U.S. District Court for the Southern District of California. Defended the manufacturer in an FTC investigation involving similar allegations.
- Represented a large Korean trading corporation in 12 state antitrust indirect purchaser class action lawsuits alleging a price-fixing conspiracy.
- Represented a major newspaper in a state court class action lawsuit alleging it overstated the paper's circulation in order to increase the cost of advertising in breach of contract and in violation of the Deceptive Trade Practices Act.
- Represented the largest microprocessor manufacturer in antitrust litigation and government investigations alleging monopolization.
- Represented one of the largest wholesale tire distributors in the country in commercial and antitrust litigation.
- Provided merger and antitrust counseling to one of the largest minerals manufacturers in the world.
- Served as antitrust and outside general counsel for a wireless data systems trade association.

Publications & Presentations

Publications

- "Proceedings Subsequent to Decisions," *Georgia Appellate Practice Handbook*, 7th ed., 2012.

Professional & Community Engagement

- State Bar of Georgia
- American Bar Association, Antitrust Section
- Georgia Bar Association, Antitrust Section

Court Admissions

- U.S. District Court for the Northern District of Georgia

Education

- University of Georgia (J.D., 1998)
- University of Pennsylvania (B.A., 1995)

Admitted to Practice

- Georgia

Related Services

Litigation | Antitrust | Commercial | Technology & Telecommunications Litigation | Corporate Plaintiff's Litigation | Class Action & Multidistrict Litigation