

## Teresa T. Bonder

Partner

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Teresa Bonder is co-leader of Alston & Bird’s Antitrust Team and partner-in-charge of the San Francisco office. She focuses her practice on high-stakes antitrust and other complex commercial litigation. She has litigated antitrust claims in courts across the country on behalf of clients in the pharmaceutical, financial services, and other industries. In addition, she has defended multiple financial services institutions in connection with antitrust, FCRA, RESPA, RICO, and other claims brought by classes of consumers, competitors, and trade associations.

Teresa also regularly advises clients on anticipating and resolving potential antitrust liability in all aspects of their sales and marketing activities. In addition, she has assisted many clients with investigations and challenges by the U.S. Department of Justice and Federal Trade Commission in connection with proposed business combinations and other activities.

Teresa is recognized as one of California’s top antitrust litigators in the *Daily Journal’s* “Top Antitrust Attorneys 2020” supplement, ranked in *Chambers USA: America’s Leading Lawyers for Business* in antitrust for California, and listed in *Georgia Super Lawyers* magazine as one of Georgia’s leading antitrust lawyers.

### **Representative Experience**

- Lead antitrust counsel defending a telecommunications and consumer electronics company against federal and California antitrust claims related to the licensing of standard-essential patents.
- Lead counsel for a major pharmaceutical company in a putative class action in the Middle District of Tennessee alleging antitrust violations stemming from patent litigation proceedings. Challenged the initial complaint, and defeated the initial motion for class certification after an evidentiary hearing.
- Lead counsel for a major pharmaceutical company in an antitrust lawsuit in the District of Massachusetts alleging a conspiracy to exclude generic competition through a patent injunction in a related proceeding. As part of a favorable settlement of the antitrust matter, obtained vacatur of an underlying patent litigation judgment.
- Lead antitrust counsel in investigations brought by the DOJ Antitrust Division and a state attorney general’s office into proposed plant acquisitions by a major dairy company. Closed the transaction without challenge or delay based on the rarely successful “failing firm defense.”
- Defended a major pharmaceutical company in a Department of Justice (DOJ) investigation into alleged price fixing and market allocation in the generic pharmaceutical industry. Resolved the allegations with a deferred prosecution agreement and no guilty plea.
- Lead counsel for a Georgia municipality accused of monopolization based on an ordinance related to utility services. Obtained dismissal on motion.

- Defended a major pharmaceutical company in 15 “reverse-payment” putative federal and state antitrust class actions related to alleged reverse-payment settlements consolidated for pretrial proceedings in the District of Massachusetts.
- Replacement counsel for a major pharmaceutical company in the prosecution of a federal antitrust action seeking damages based on sham litigation, fraud on the USPTO, and “product hopping” allegations in the District of Delaware.
- Counsel for a major pharmaceutical company in MDL proceedings in the Northern District of Georgia defending state and federal antitrust claims asserted by numerous putative classes and the Federal Trade Commission based on alleged reverse-payment settlements.
- Lead counsel representing a major dairy cooperative. Obtained dismissal of antitrust claims related to an alleged herd retirement program.
- Lead counsel for a major generic pharmaceutical company responding to investigatory demands and subpoenas from 11 state attorneys general.
- Defended a leading domestic airline in multiple antitrust class actions consolidated for pretrial proceedings in the Northern District of Georgia.
- Lead counsel for a major dairy cooperative in connection with multiple DOJ antitrust investigations and inquiries into acquisitions and other activity, as well as antitrust litigation brought by competitors.
- Lead counsel for a national settlement services company. Defeated antitrust and RESPA claims brought by a putative class challenging its business practices.
- Lead counsel obtaining dismissal of RICO claims brought against a major financial institution and national title insurance companies by a putative class of borrowers.
- Lead counsel for a national provider of settlement services in a state-agency investigation; obtained termination of the investigation.
- Represented one of the world’s largest floor covering manufacturers in multiple antitrust matters, including governmental investigations and consumer class actions seeking billions of dollars in damages.
- Defeated all claims, including antitrust, RESPA, and state-law claims, in a consumer class action brought against a multiple listing service provider and an alleged defendant class of real estate service providers.
- Representing a major financial institution in federal antitrust class and individual actions alleging that the payment card practices of the defendant card networks and financial institutions constitute an unreasonable restraint of trade and illegal monopolization.
- Defended one of the world’s largest consumer credit information bureaus in multiple antitrust litigation matters, including class actions brought by competitors, distributors, and consumers in federal courts in California, Minnesota, Ohio, Georgia, and Maryland. Defeated class claims of monopolization and antitrust conspiracy, obtaining dismissal of the majority of claims on motion and voluntary dismissal of the remaining claims after discovery. Defended the same client in commercial litigation matters brought by business partners claiming commercial disputes. Defeated a motion for preliminary injunction after hearing seeking to prevent the client’s business change, resulting in dismissal of antitrust claims.
- Defeated RICO and related claims against a financial services institution in federal district court, Eleventh Circuit Court of Appeals, and Georgia state court.
- Retained as replacement trial counsel for a major manufacturer in multibillion-dollar antitrust class actions brought by direct- and indirect-purchaser classes in the Eastern District of Pennsylvania. The week before voir dire, we settled the case for a small fraction of the claimed damages.

- Defended a telecommunications local exchange carrier in connection with securities fraud and ERISA claims brought by a class of shareholders seeking billions of dollars in damages.
- Represented the world's leading provider of technology and marketing services to the travel and transportation industry in a DOJ investigation into a multibillion-dollar outsourcing, asset acquisition, and marketing transaction with a leading global technology services company; resolved the DOJ's antitrust concerns with only minor adjustments to some of the original agreements, having no material effect on the value of the deal to either party.
- Represented the second-largest movie and game rental company in its effort to acquire a competitor, challenging a competing hostile takeover effort and allowing the client to complete the acquisition.

## ***Publications & Presentations***

### ***Publications***

- "Diversity & Inclusion," in *Successful Partnering Between Inside and Outside Counsel*, Thomson Reuters and Association of Corporate Counsel, April 2020.

### ***Presentations***

- "Recent Antitrust Developments in Health Care & Pharma Q1 2022," American Bar Association, webinar , May 13, 2022.

## ***Professional & Community Engagement***

- American Bar Association, Antitrust Law Section
- State Bar of Georgia, Antitrust Law Section
- National Association of Women Lawyers
- Georgia Association for Women Lawyers

## ***Education***

- University of California, Berkeley (J.D., 1991)
- Amherst College (B.A., 1987)

## ***Admitted to Practice***

- California
- Georgia

## ***Related Services***

Litigation | Antitrust | Class Action & Multidistrict Litigation | Financial Services Litigation | Technology & Telecommunications Litigation | State Attorneys General Practice Team | Antitrust: Mergers, Compliance, and Investigations