

Michael E. Hamburger

Partner

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Industries

Life Sciences

Consumable Goods

Manufacturing

Practice Areas

Business & Commercial Litigation

Antitrust & Trade Regulation

Appellate

Class Actions

Trial Work

White Collar & Investigations

Bar Memberships

New Jersey

New York

Mike is a seasoned litigator, trial lawyer, and business adviser focused on complex civil and criminal litigation. He has represented clients in some of the largest antitrust trials over the past 15 years, advised them on antitrust compliance issues, defended them against criminal investigations, worked to secure clearance from global competition authorities for their mergers or acquisitions, and led them through all phases of civil litigation, including on appeal. His practice focuses on defending domestic and international clients against actual or potential claims brought by class-action plaintiffs, state attorneys general, large opt-out plaintiffs, and competition agencies such as the U.S. Department of Justice. Where appropriate, he has also represented multinational corporations bringing claims against their competitors for anticompetitive practices.

Mike's experience covers a wide spectrum of antitrust and consumer-protection claims, including price fixing, monopolization, attempted monopolization, alleged abuse of the pharmaceutical regulatory system (such as reverse-payment, *Walker Process* fraud, sham patent litigation, and product-hopping claims), and government challenges to proposed mergers. His work has involved claims targeting multiple industries, including the pharmaceuticals, healthcare, manufacturing, electronics, higher education, and technology platform sectors, among others. And his work has cut across borders, involving litigation in state and federal courts across the country, as well as collaborating with foreign attorneys to

defend clients in civil litigation and government investigations in Europe, South America, and Asia.

Because of Mike's broad experience representing companies in multijurisdictional, bet-the-company investigations and trials, he approaches matters with a focus on reducing potential liability and keeping costs down while laying the groundwork to achieve victories at each stage of a matter, including before claims are ever brought. This approach has resulted in successes both earlier in the lifecycle of a case, such as through novel victories on motions to dismiss or at class certification, as well as in later stages such as summary judgment and trial.

In addition to his work on antitrust investigations, litigations, and arbitrations, Mike is committed to giving back to the community through representing clients pro bono, and to advancing the law in positive directions by authoring amicus briefs on behalf of professors and trade associations.

Other Info About Michael

Experience

In re HIV Antitrust Litigation: Briefed and argued successful motions to dismiss several named plaintiffs and class-certification oppositions – the class plaintiffs abandoned their request to certify a class of consumers and dropped their damages claims for dozens of products – then won summary judgment against the plaintiffs' product-hopping theory.

In re Loestrin 24 Fe Antitrust Litigation: Briefed class-certification oppositions and led the defense presentation during an evidentiary hearing on class-certification issues, securing an order denying the plaintiffs' motion to certify a consumer damages class.

In re Lithium Ion Batteries Antitrust Litigation: Lead author on behalf of a joint defense group in opposing class-certification motions brought by putative classes of direct and indirect purchasers, where the court denied three separate motions for class certification.

In re Namenda Indirect Purchaser Antitrust Litigation: Lead author of opposition to class-certification motion that forced the plaintiffs to withdraw their request to certify a consumer damages class and convinced the court not to certify any class pursuing product-hopping claims.

United States v. Anthem: Represented a leading health insurance company in its defense at trial and on appeal against claims brought by the U.S. Department of Justice to block the company's $54 billion acquisition of another insurer.

In re TFT-LCD (Flat Panel) Antitrust Litigation: Defended a large, multinational manufacturer in a matter involving domestic and international criminal investigations and dozens of private and state attorney general civil lawsuits concerning the alleged price-fixing of LCD panels, resulting in no criminal charges against the client and favorable verdicts for the client in two separate jury trials in the Northern District of California, among many other successes.

Motorola Mobility v. AU Optronics: Worked with a team of co-defendant counsel to secure a landmark decision from the U.S. Court of Appeals for the Seventh Circuit that affirmed summary judgment for the defendants on billions of dollars in claimed damages due to the Foreign Trade Antitrust Improvements Act (FTAIA), which places extraterritorial limits on potential liability under the U.S. antitrust laws for companies that allegedly engaged in anticompetitive acts abroad.

Merger control work: Obtained clearance from competition authorities in the United States, the European Union, and other foreign jurisdictions, for a variety of transactions, including a leading pharmaceutical company's sale of a multibillion-dollar business unit with global operations and assets.

Business-to-business disputes: Represented pharmaceutical and technology companies in suits against their rivals due to the rivals' anticompetitive conduct, including their abuse of U.S. intellectual property laws, designed to prevent the clients from successfully entering certain markets.

Other litigation: In addition to this antitrust work, Mike has experience in other types of civil and criminal litigation, including (1) representing an investor group in its successful effort to purchase the Texas Rangers baseball club out of Chapter 11 bankruptcy; (2) representing a leading credit union in arbitration over an insurance dispute stemming from a data breach; (3) overturning a pro bono client's conviction on appeal and securing an order requiring that all restitution paid by the client be remitted to her; and (4) representing a student and his family for many years in order to secure tuition reimbursement from the New York Department of Education due to its failure to comply with the Individuals with Disabilities Education Act.

Education

Fordham University School of Law, J.D., magna cum laude

- Order of the Coif
- Jessup International Law Moot Court Competition Team (Best Brief)
- National Moot Court Competition Team (Regional Champions)

Lafayette College, B.A., Government and Law, Philosophy

Courts

United States Supreme Court

United States Court of Appeals for the First Circuit

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Ninth Circuit

United States District Court for the Eastern District of New York

United States District Court for the Southern District of New York

United States District Court for the Western District of New York

United States District Court for the District of New Jersey

Recognition

New York Metro Super Lawyers Rising Stars – Antitrust Litigation, 2024

New York Metro Super Lawyers – Antitrust Litigation, 2026

Professional Affiliations

Chair, New Jersey State Bar Association Antitrust Law Committee, 2026-2027

Law360 New York Editorial Advisory Board Member, 2025

Voting Member, New York City Bar Association Antitrust and Trade Regulation Committee, August 1, 2023 – July 31, 2026

American Bar Association, Antitrust Law Section

Major Publications

The Inefficient Treatment of the Efficiencies Defense – 2023

Featured Articles

Ninth Circuit Lets Stand Robinson-Patman Ruling That May Expose Manufacturers to Liability for Trivial Pricing Differences

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