

Erika M. Douglas

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PROFESSIONAL EXPERIENCE**Temple University, Beasley School of Law** **Philadelphia, Pennsylvania**

Associate Professor of Law (2022-present), *Assistant Professor of Law* (2018-2021)

- Teaching: Contracts, Patent Law and New Technology Regulation
- Service: Intellectual Property Moot Coach (2018-present), Experiential Learning Supervisor (2018-present), Hiring Committee Technology Regulation Institute Inaugural Executive Director (2021) and various Curriculum, Administrative and other Committees (2018-present)

Covington & Burling LLP **Redwood City, California**

Associate, 2016-2018

- Internal investigation into culture, diversity and inclusion at Uber Technologies Inc. on a team led by Eric Holder
- Seconded to Facebook, Inc.'s in-house antitrust team
- Successfully represented the University of California in challenging the rescission of the Deferred Action for Childhood Arrivals (DACA) program; obtained a temporary injunction that enabled 700,000 young immigrants to remain in the United States

Davies Ward Phillips & Vineberg LLP **Toronto, Ontario**

Associate, Competition and Foreign Investment, 2010-2015

- Counseled Google Inc. (Alphabet Inc.) on various matters
- Delivered competition and foreign investment clearance for Fortune 100 clients in high-profile transactions, including: Google Inc. in its \$12.5 billion acquisition of Motorola Mobility Holdings, Inc., Covidien Plc. in its \$42.9 billion acquisition by Medtronic Inc. and Burger King Worldwide, Inc. in its \$12.5 billion acquisition of Tim Hortons Inc. (awarded Global M&A Deal of the Year by *The American Lawyer*)

EDUCATION**Stanford Law School** **Stanford, California**

LL.M., Law, Science and Technology, June 2016

John Hart Ely Prize for Outstanding Performance in Intermediary Liability with Professor Mark Lemley

Western University **London, Ontario**

J.D., May 2010

Western University **London, Ontario**

Richard Ivey School of Business, B.A., Business Administration (Honors) (with distinction), May 2007

B.Sc., Medical Sciences (Honors) (with distinction), May 2007

PROFESSIONAL AFFILIATIONS AND APPOINTMENTS

Fellow, Thurman Arnold Project, Yale School of Management (2020-present), Retained as co-designer of materials for a new, open-access antitrust course

American Bar Association Leadership, Section of Antitrust Law (2014-present), Privacy and Information Security Committee (Co-Chair), Women.Connected Advisory Board. Recent projects include establishing a new writing prize in data privacy and cybersecurity law for students and creating *Privacy Mavens* a podcast series celebrating top women privacy attorneys

American Antitrust Institute, Advisory Board (2022-present), an independent, nonprofit organization that advances U.S. competition policy and research

Competition Policy Council Member, C.D. Howe Institute (2020-present), Appointed expert contributing to nonpartisan, evidence-based position statements on Canadian competition law and policy

Bar Admissions

- California (2017-present)
- Law Society of Upper Canada (2011-present)

SCHOLARLY PUBLICATIONS AND WORKS-IN-PROGRESS

Antitrust Abandonment (work-in-progress)

Antitrust Remedies and Privacy in U.S. Law, RESEARCH HANDBOOK ON COMPETITION LAW AND DATA PRIVACY, University College London (Despoina Mantzari, ed.) (invited, work-in-progress)

What is Privacy—To Antitrust Law (UNIVERSITY OF CALIFORNIA IRVINE L. REV. (2023), forthcoming)

Reconsidering the “Rule” Against Cross-Market Effects, JUDGING BIG TECH: INSIGHTS ON APPLYING U.S. ANTITRUST LAWS TO DIGITAL MARKETS, Washington Center for Equitable Growth (ed. Laura Alexander)

Constructing the Digital Regulatory Ecosystem: Agency Collaboration, 26 VIR. J. L. & TECH. 1 (2023) (invited)

Data Privacy as a Procompetitive Justification: Antitrust Law and Economic Analysis, 97 NOTRE DAME L. REV. REFLECTION 430 (2022)(invited)

The New Antitrust/Data Privacy Interface, 130 YALE L. J. F. 647 (2021)(invited)

An Industry-Contextual Approach to Predatory Innovation, 62 SANTA CLARA L. REV. (2022)

FUNDAMENTALS OF CANADIAN COMPETITION LAW (4th Edition), Carswell, *Civil Conspiracy and Other Economic Torts* (book chapter with Charles Tingley) (2021)

INTERNATIONAL INVESTIGATIONS AND MERGER REVIEW (1st Edition), American Bar Association, *Protection of Attorney-Client Communications and Data Security* (book chapter with Mark Krotoski and Jeffrey Schomig) (2021)

Monopolization Remedies and Data Privacy, 24 VIR. J. L. & TECH. 1 (2020)

Online Payment Processors: Safe Harbors and the Risk of Secondary Copyright Infringement, 22 J. OF INTERNET L. 1 (2018)

PayPal is New Money: Extending Secondary Copyright Liability Safe Harbors to Online Payment Processors, 24 MICHIGAN TELECOMM. & TECH. L.R. 45 (2017)

FUNDAMENTALS OF CANADIAN COMPETITION LAW (3rd Edition), Carswell, *Abuse of Dominance* (book chapter with Mark Katz) and *Civil Conspiracy and Other Economic Torts* (book chapter with Adam Fanaki) (2015)

POLICY REPORTS AND SELECTED OTHER PUBLICATIONS

Comment, *Response to the Federal Trade Commission's Solicitation for Public Comments on the Business Practices of Cloud Computing Providers* (June 21, 2023)

Book Review, *Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power* by Ari Ezra Waldman, Law & Society Review (May, 2022)

Is Data Privacy a Procompetitive Justification?, The Antitrust Source, American Bar Association (December 2021)

Global Privacy Assembly, *Digital Crossroads: The Intersection of Competition Law and Data Privacy* (2021) (report on international interactions between antitrust law and data privacy for the Global Privacy Assembly, which is comprised of 130 national privacy law enforcers)

Retaining and Advancing Women in National Law Firms, White Paper, Stanford Law School (with Anna Jaffe et. al.) (2016)

Trolls, Hopping, Ambush and Hold-up: Emerging International Approaches to the Intersection of Competition and Patent Law, Policy Report, Consultant to Industry Canada (with George Addy) (2015)

Making the Case for an Antitrust Compliance Program, The Antitrust Counselor, American Bar Association (with John Bodrug) (2013)

SELECTED SPEAKING ENGAGEMENTS

Speaker, International Computers, Privacy and Data Protection (CPDP) Conference- LatAm, *Antitrust, Data Protection and Privacy: What Has Happened so Far?* (July 19, 2023)

Speaker, University College London (virtual), *Competition Law and Policy in a Data-Driven Economy* (April 27, 2023)

Interview of FTC Commissioner Rebecca Slaughter, American Bar Association, Gender Roundtable, Quick Hits: Algorithmic Biases and Economic Harms (January 26, 2023)

Speaker, University of Toronto, Faculty of Law, *The Intersection of Competition Law and Data Privacy* (January 25, 2023)

Speaker, University of California Irvine School of Law, *The Antitrust Law, and Innovation Forum Roundtable* (November 18, 2022)

Speaker, Boston University School of Law, *Law and Technology in a Changing World: Competition, Dignity, Innovation, and Privacy* (October 28, 2022)

Speaker, 44th Annual Global Privacy Assembly, *Interaction between the Consumer Rights, Competition and Privacy* (Istanbul, Turkey, October 25, 2022)

Speaker, Brigham Young University, *Tech Platforms in a New Age of Competition Law* (October 21, 2022)

Speaker, Organization for Economic Cooperation and Development, *Expert Roundtable on Cross-Border Co-operation in the Enforcement of Laws Protecting Privacy*, (October 4, 2022)

- Speaker, University of Toronto, *Canadian Competition Law & Policy in the Digital Era* (September 16, 2022)
- Speaker, The American Antitrust Institute, 23rd Annual Policy Conference, *Antitrust as a Tool in a Bigger Toolkit: The Public Policy Approach to Protecting Competition* (June 15, 2022)
- Speaker, Northeastern University, Privacy Law Scholars Conference, *What is Privacy—To Antitrust Law?* (June 3, 2022)
- Speaker, University of Virginia School of Law, Regulating Digital Platforms Conference, *Privacy and Antitrust Law* (April 1, 2022)
- Speaker, Cornell Information Science, Information Policy: Applied Research and Analysis Course, *The New Antitrust/Data Privacy Interface* (March 23, 2022)
- Speaker, Georgia State Law Review 27th Annual Symposium, *Rethinking Antitrust: Adapting Competition Doctrine to Contemporary Problems* (April 21, 2022)
- Speaker, Notre Dame Law Review, Data Privacy Symposium, *Data Privacy as a Procompetitive Justification: Antitrust Law and Economic Analysis* (March 11, 2022)
- Speaker, Cardozo Law, Intellectual Property Colloquium, *Data Privacy as a Procompetitive Justification: Antitrust Law and Economic Analysis* (March 7, 2022)
- Speaker, The George Washington University Law School, *Business Justifications in Modern Antitrust Decisions* (March 16, 2022)
- Speaker, New York University School of Law/American Bar Association Antitrust Law Section 2022 Next Generation of Antitrust, Data Privacy and Data Protection Scholars Conference (January 28, 2022)
- Speaker, American Association of Law Schools Annual Meeting, *Antitrust and Tech Giants* (January 9, 2022)
- Speaker, Yale University School of Management, The Thurman Arnold Project/Information Society Project Law & Technology Speaker Series, *The Golden Mean: Competition and Privacy in the Digital Economy* (November 11, 2021)
- Speaker, Global Privacy Assembly, *Digital Crossroads: The Intersection of Competition Law and Data Privacy*, Webinar for Antitrust and Data Privacy Agency Leadership (November 3, 2021)
- Speaker, *Competition Law & Policy Speaker Series*, U.S. Department of Justice, Antitrust Division, (October 25, 2021)
- Speaker, *Collaboration and Collision: Competition, Consumer and Privacy Law*, Privacy Laws and Business, 34th Annual International Conference: Resetting Privacy & Winning Trust (July 7, 2021)
- Speaker, 9th Annual Symposium on the Law and Economics of Privacy and Data Security, George Mason University (June 10, 2021)
- Moderator, *Blurring Regulatory Lines: The Intersection of Privacy, Consumer Protection and Competition*, International Association of Privacy Professionals (IAPP) Global Privacy Summit (with FTC Commissioner Noah Phillips, May 13, 2021)
- Panelist, *The Future of U.S. Privacy Law*, ABA Antitrust Law Section Annual Spring Meeting (March 26, 2021)

Speaker, The Thurman Arnold Project Works-in-Progress, *Global Privacy Assembly Academic Review: The Intersection of Data Privacy and Competition Law*, Yale University (March 8, 2021)

Speaker, *The New Antitrust/Data Privacy Interface*, Antitrust Virtual Workshop Series, University of Cambridge Centre for European Legal Studies/University of Florida Levin College of Law (February 11, 2021)

Panelist, *When Regulatory Worlds Collide: The Intersection of Privacy, Competition and Consumer Protection*, International Computers, Privacy and Data Protection (CPDP) Conference (January 28, 2021)

Speaker, *Antitrust, Meet Data Privacy*, Big Tech & Antitrust Conference, Yale Law School (October 4, 2020)

Speaker, *The Predatory Innovation Paradox*, Academic Society for Competition Law Annual Conference (June 27, 2020)

Speaker, *Antitrust Remedies, Meet Data Privacy*, Richmond University Colloquium Series (March 2020)

Speaker, *Dangerous Beasts: Antitrust Remedies and Data Privacy*, Marquette University Law School Junior Faculty Conference (October 4, 2019)

Speaker, *Antitrust and Data Privacy Law*, Conference on the Governance of Emerging Technologies, Arizona State University, Sandra Day O'Connor College of Law (May 23, 2019)

Speaker, *Privacy and Property* Panel, University of Richmond Junior Faculty Forum (May 21, 2019)

SELECTED CITATIONS AND MEDIA APPEARANCES

Statement of FTC Chair Lina M. Khan Regarding the Report to Congress on Privacy and Security, Federal Trade Commission File No. P065401, October 1, 2021 (cited)

Dissenting Statement of FTC Commissioner Noah Joshua Phillips Regarding the Report to Congress on Privacy and Security, Federal Trade Commission, October 1, 2021 (cited)

Featured Guest, *Dovetail or Discord? The Evolving Relationship Between Antitrust and Data Privacy Law*, Our Curious Amalgam Podcast, ABA Antitrust Law Section, July 2021

Gilad Edelman, *Antitrust and Privacy Are on a Collision Course*, WIRED, April 12, 2021