

Speaker Biography



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Practice Focus

Litigation

Antitrust and
Competition

Education

- J.D., [Harvard Law School](#), 1976
- A.B., [Grinnell College](#), 1972, Phi Beta Kappa

Bar Admissions

- Massachusetts
United States
Supreme Court

James C. Burling

Partner | james.burling@wilmerhale.com

Co-Chair, Antitrust and Competition Department, WilmerHale

Jim Burling is a co-chair of the Antitrust and Competition Department and a member of the Litigation Department of WilmerHale. He previously chaired Hale and Dorr's Executive Committee, Litigation Department and Antitrust Group. He joined the firm in 1978 after two years with the Federal Trade Commission. While Mr. Burling's principal office is in Boston, he spends considerable time working from the firm's Washington, DC office.

Practice

Mr. Burling concentrates in antitrust litigation and merger clearance for high technology clients, particularly in the computer, Internet, biotech and pharmaceutical industries. His practice includes representing clients in private litigation, in responding to government antitrust investigations, and before the Department of Justice and Federal Trade Commission in Hart-Scott-Rodino (HSR) review of mergers and acquisitions.

Recent Highlights

Litigation

- Defending Ocean Spray Cranberries, Inc. against monopolization claims in D.D.C., District of Massachusetts and California Superior Court
- Defending Avid against monopolization and conspiracy claims in C.D. Cal. and the Ninth Circuit
- Defending IDEXX Laboratories against exclusive dealing claims in D. Conn. and the Second Circuit
- Defending The Open Software Foundation against monopolization and conspiracy claims in D. Mass and the First Circuit
- Defending Analog Devices against exclusive dealing claims in N.D. Cal. and the Ninth Circuit
- Defending Nortel Networks against monopolization and tying claims in D. Mass

Merger Clearance/Government Investigations

- Representing two pharmaceutical companies in separate investigations by the FTC
- Representing an overseas holding company in a number of US and global sales and acquisitions, several involving second request proceedings
- Representing a pharmaceuticals company through second request proceedings reviewing an exclusive license agreement
- Representing Internet company in acquisitions under HSR review

Professional Activities

- Member, American Bar Association (ABA) Antitrust Section
- Former vice-chair, ABA Antitrust Section Intellectual Property Committee

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- Fellow, Massachusetts Bar Association
- Member, Boston Bar Association Antitrust Committee

Honors and Awards

- Recognized as a leader in the field of antitrust in each edition of [*Chambers USA: America's Leading Lawyers for Business*](#) since 2003. Described by the Bar as "highly capable" and a "clear leader" in the [2004 edition](#).
- Selected by peers for inclusion in [*The Best Lawyers in America 2006*](#), in the area of antitrust law
- Recognized in the November 2004 edition of [*Boston Magazine*](#) as a "Massachusetts Super Lawyer" in antitrust litigation

Speaking Engagements

- American Conference Institute Prescription Drug Pricing Seminar – "Litigation Regarding Orange Book Patent Listings" – 2002
- MCLE Criminal Law Conference: Spend A Day With The Experts – "Demonstrative Evidence" – 2001
- MCLE Managing Antitrust Issues: A Practical Guide for In-House and Outside Corporate Counsel – "Managing Antitrust Issues for Joint Ventures" – 1997
- MCLE 30th Annual New England Antitrust Conference – "Antitrust Guidance for The Innovative Enterprise" – 1996
- Antitrust and Tort Limits on Marketplace Rivalry, ABA Section of Antitrust Law – "Special Issues in Competitor Litigation: Expert Witnesses in Litigation Between Competitors" – 1995

Publications

- James C. Burling and Allen C. Nunnally, *Litigation Regarding Orange Book Patent Listings*, American Conference Institute Prescription Drug Pricing Seminar, 2002.
- James C. Burling and Rebecca J. Lewin, *Demonstrative Evidence*, MCLE Criminal Law Conference: Spend A Day With The Experts, 2001.
- James C. Burling, William F. Lee, and Anita K. Krug, *The Antitrust Duty to Deal and Intellectual Property Rights*, 24 J. Corp. L. 527 (1999).
- James C. Burling and Ahavia D. Glaser, *Managing Antitrust Issues for Joint Ventures*, MCLE Managing Antitrust Issues: A Practical Guide for In-House and Outside Corporate Counsel, 1997.
- *Antitrust Guidance for The Innovative Enterprise*, MCLE 30th Annual New England Antitrust Conference, 1996.
- *DOJ and FTC Antitrust Guidelines for the Licensing of Intellectual Property: Selected Topics*, MCLE 30th New England Antitrust Conference, Antitrust Guidance for the Innovative Enterprise, 1996.
- *Special Issues in Competitor Litigation: Expert Witnesses in Litigation Between Competitors*, Antitrust and Tort Limits on Marketplace Rivalry, ABA Section of Antitrust Law, 1995.

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- James C. Burling, William F. Lee, and James L. Quarles, " *State Action*" *Antitrust Immunity – A Doctrine In Search of Definition* 1982 BYU L. Rev. 809 (1982).

Community Involvement

- Member of the Board of Directors, Center for Public Representation
- Member of the Board of Directors, New England Center for Children