

MVP: Latham's Alfred Pfeiffer

Law360, New York (December 11, 2017, 2:10 PM EST) -- Latham & Watkins LLP's Alfred Pfeiffer helped Cox Communications Inc. defeat a tying antitrust suit over set-top box sales that threatened an industrywide business model, earning him a place among Law360's 2017 Competition MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

Pfeiffer represented Cox as the Tenth Circuit reviewed — and in September upheld — a decision tossing a \$6.3 million jury verdict based on claims that the cable company illegally tied the rental of its set-top boxes to its premium interactive cable services.

"It's a business model challenge," Pfeiffer said. "They were challenging the way not just Cox but cable companies in general do business."

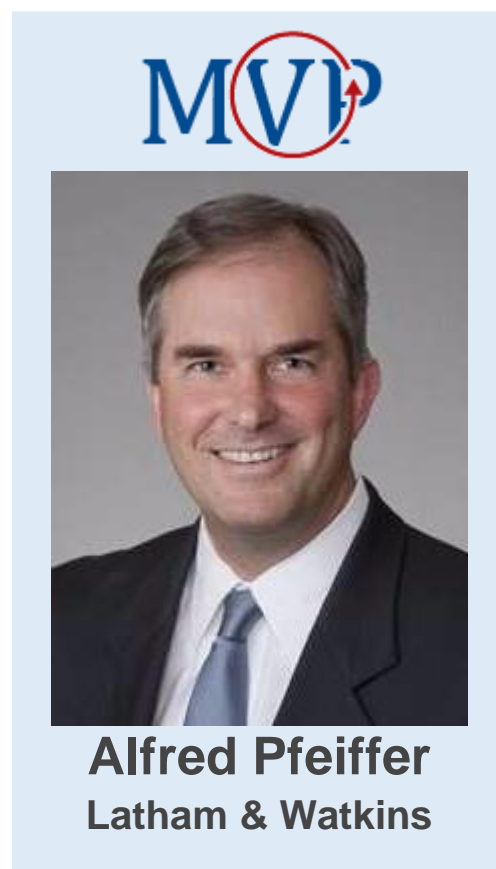
The plaintiffs had pushed for their claims to be treated as a type of per se illegal conduct that would have held that it didn't matter whether the company's conduct actually affected competition, according to Pfeiffer.

"The Tenth Circuit recognized that and said it actually does matter whether the defendant has actually done something that forecloses competition," Pfeiffer said. "It is an important clarification of what had been a somewhat unclear per se tying standard in the Tenth Circuit."

HIS BIGGEST CHALLENGE OF 2017:

Pfeiffer, the vice chair of Latham's litigation and trial department, has been trying to balance his broader responsibilities at the firm with a heavy upcoming trial load that includes what is expected to be a two-phase private merger challenge slated for early 2018 in Richmond.

"The biggest issue there has been to make sure we don't have completely overlapping teams so people can still be preparing for the second trial while trying the first case, but also make sure two teams are



sufficiently well integrated that the left hand knows what the right hand is doing," Pfeiffer said. "It's been a big challenge, but I think it's worked out extremely well."

HIS OTHER NOTABLE CASES OF THE YEAR:

Outside of cable television and private mergers, Pfeiffer has been keeping busy dealing with the antitrust issues that arise with agricultural cooperatives in a pair of cases, one involving Ocean Spray, the other Dairy Farmers of America.

"There are interesting issues because agricultural cooperatives are a unique economic organization under the law," Pfeiffer said.

WHY HE'S AN ANTITRUST LITIGATOR:

Pfeiffer always knew he wanted to be in the courtroom, but it was his work after law school for Jim Hunt at a firm that eventually became part of the now-defunct Bingham McCutchen LLP that led him to antitrust.

"When I got out I started working for a guy now sadly passed away who was a great trial lawyer and happened to be doing antitrust cases at the time I was assigned to him as a baby lawyer," Pfeiffer said.

The work not only played to his love of economics, but it also showed him the "clarity of thought" that comes from being immersed in an antitrust case.

"Every time as I start getting ready to take a case to trial, my mind works differently," Pfeiffer said. "You know every detail of it, you're thinking three steps ahead. For me at least, I'm thinking better and more strategically and creatively."

HIS ADVICE TO ASPIRING ANTITRUST ATTORNEYS:

Study — and get involved with the American Bar Association's antitrust section.

"Antitrust is actually an area where there's a lot you can learn. There's a lot of law out there. Go out and learn it," Pfeiffer said. "The ABA antitrust section is a tremendous way for people to get involved in the educational opportunities."

— *As told to Melissa Lipman*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.