

# Daily Journal

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## AL PFEIFFER

LATHAM & WATKINS  
SAN FRANCISCO  
LITIGATION & TRIAL

For more than three decades, Al Pfeiffer has achieved antitrust trial and pre-trial success at every level of the legal system for clients from a broad array of industries, including healthcare, agriculture, music licensing and communications markets.

As first-chair trial defense counsel for California-based biotech company GRAIL, Pfeiffer helped make history by defeating a U.S. Federal Trade Commission (FTC) challenge. *In the Matter of Illumina, Inc., a corporation and GRAIL, Inc., a corporation*, docket number 9401 (FTC, filed March 30, 2021).

Following a four-week trial in the spring of 2021, he led the Latham trial team that persuaded the administrative law judge to rule in September 2022 in

favor of GRAIL and its acquirer Illumina, marking “the first time an FTC judge ruled against the FTC” in a full merger challenge.

“The GRAIL technology is designed to save lives by detecting cancer early,” Pfeiffer said. “That was our whole point in the case. The judge asked about it in the closing arguments — was slowing it down costing lives? We were really gratified seeing the court recognizing that.”

Pfeiffer also represents the Dairy Farmers of America (DFA), which, having grown up working on the same corn farm every summer, brings him “great joy doing something that benefits farmers.”

The biggest challenge Pfeiffer faces with DFA cases is helping the court understand that it is a farmer-owned cooperative, not a corporation. According to him, “the antitrust rules and justifications for co-ops are different and don’t come up as often, so we always work to familiarize judges with them.”

“The key to what we do is always finding a way to make what can be very complicated economic concepts intuitive and understandable,” Pfeiffer said. “That’s the key to everything.”

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— ERIC PARKER