ZELLE LLP

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PRACTICE AREAS

- Antitrust and Unfair Competition
- Antitrust Counseling & Compliance
- Breach of Contract
- Class Actions
- Commercial Litigation
- Corporate Plaintiff Affirmative Recovery
- Indirect and Direct Purchaser Class Actions
- Products Liability

BAR AND COURT ADMISSIONS

- State Court: California
- U.S. Court of Appeals: Ninth Circuit
- U.S. District Court: Northern District of California

EDUCATION

- University of California, Hastings College of the Law, J.D., *magna cum laude*, 2007: *Order of the Coif*, Thurston Society, Hastings Law Journal

Erics practice focuses on complex litigation, primarily in antitrust and competition matters. This includes frequently representing and counseling large commercial clients in pursuing affirmative recoveries. Since joining the firm in 2007, Eric has represented both plaintiffs and defendants in multidistrict litigation involving claims of price fixing, pay-for-delay schemes, monopolization, unfair business practices, and products liability.

Eric has also represented various parties on both sides of the aisle in an array of commercial disputes, including cases arising from allegations of trademark infringement, trade secret misappropriation, price discrimination, and breach of licensing agreements. Erics experience includes pre-trial motion practice (including regular and extensive brief writing), discovery, trials, as well as appellate advocacy.

Eric also represents and assists corporate clients in responding to subpoenas, Civil Investigative Demands (CIDs), and other third-party discovery obligations.

REPRESENTATIVE MATTERS

Antitrust, Unfair Competition, and Consumer Protection

Represents United HealthCare Services, Inc. in its individual antitrust actions against the makers of more than 200 generic pharmaceutical drugs and alleging a widespread price-fixing and market allocation conspiracy; these matters have been consolidated with *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724.(*United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al*.)

Represents United HealthCare Services, Inc. in an individual antitrust matter against Gilead, the branded manufacturer of several HIV cART pharmaceutical drugs, alleging it entered into unlawful agreements to maintain artificially inflated prices of multiple drugs (including Truvada and Atripla), and for entering other anticompetitive conduct thwarting generic competition. (*United HealthCare Services, Inc. v. Gilead Sciences, Inc., et al*., 3:21-cv-9202-EMC (N.D. Cal.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against the manufacturers of the branded pharmaceutical drug, Zetia, and its

- University of California, Santa Barbara, B.A., *highest honors*, 2003

generic equivalents, alleging they entered into an unlawful pay-for-delay agreement that prevented lower-priced generics from entering the market for several years. (*United HealthCare Services, Inc. v. Merck & Co., Inc., et al.,* No. 20-cv-01909 (D. Minn.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against the manufacturers of the branded pharmaceutical drug, Xyrem, and its generic equivalents, alleging they entered into unlawful pay-for-delay and market share-allocation agreements to maintain artificially inflated supracompetitive prices of Xyrem for several years. (*United HealthCare Services, Inc. v. Jazz Pharmaceuticals plc, et al.,*No. 5:21-cv-02710-RS (N.D. Cal.))

Represents United HealthCare Services, Inc. in an individual antitrust matter against Celgene, alleging it engaged in generic exclusion tactics to maintain its monopoly pricing of the drugs Revlimid and Thalomid. (*United HealthCare Services, Inc. v. Celgene Corp.,*No. 0:20-cv-00686-DSD-ECW (D.N.J.))

Represented United HealthCare Services, Inc. and resolved on confidential terms an individual antitrust matter against the makers of the branded pharmaceutical drug, Provigil, and its generic equivalents, alleging a successful pay-for delay scheme that kept the lower priced generics off the market for several years. (*United HealthCare Services, Inc. v. Cephalon, Inc., et al*., No. 2:17-cv-00555-MSG (E.D. Pa.))

Represented El Pollo Loco, Inc. in an individual antitrust matter against the nations major broiler chicken suppliers, alleging a capacity-reduction and price-fixing conspiracy; this matter has been consolidated with*In re Broiler Chicken Antitrust Litigation*, No. 1:16-cv-08637-TMD (N.D. Ill.))

Represented PABCO Building Products LLC in its defense of claims filed by several individual home builders that accuse the domestic suppliers of drywall of engaging in a nationwide price-fixing conspiracy. (*Ashton Woods Holdings L.L.C., et al. v. USG Corp., et al*., No. 4:15-cv-01247-HSG (N.D. Cal.))

Represented multinational defendants through trial in antitrust price-fixing class actions implicating foreign sovereign compulsion and state action immunity issues, resulting in successful resolution before verdict*(In re Vitamin*

C Antitrust Litigation)

Represented large integrated energy company in multidistrict consumer protection litigation challenging industrywide sales practices*(In re:Motor Fuel Temperature Sales Practices Litigation)*

Represented franchisor in California class action concerning personal identification information and fraud protection in retail transactions*(Flores v. ConocoPhillips Company)*

Other Complex Commercial Disputes

Represented major transit company in software licensing dispute before the Ninth Circuit Court of Appeals, as well as in subsequent petitions to the U.S. Supreme Court*(Education Logistics, Inc. v. Laidlaw Transit, Inc.)*

Represented entrepreneurial and philanthropic technology company in trade secret misappropriation action against gaming and entertainment corporation*(The Just Game Company, LLC v. Sony Computer Entertainment America, LLC, et al.)*

ARTICLES & PRESENTATIONS

"Patent Prosecution History Key to FTC Summary Judgment Win Against Abbvie on Claim of Sham Patent Litigation Delaying Generic," *The State Bar of California Antitrust, UCL and Privacy Section*, November 2017, author

"Discovery Rule is Better Accrual Standard for Antitrust Claims," *Competition Law360*, February 8, 2017, co-author

"Competitors Push Back With False Advertising Laws,"*Competition Law360*, August 31, 2015, author

"California State Antitrust & Unfair Competition Law," 2009, co-author

PROFESSIONAL AFFILIATIONS

California Lawyers Association Antitrust and Unfair Competition Law Section

American Bar Association

ZELLE LLP

Eric W. Buetzow

San Francisco Bar Association

NOTEWORTHY

Named Northern California Super Lawyer for antitrust litigation, 2024-2026.

Recognized *by The Legal 500* as a key contributor to the antitrust practice, 2022-2024.

Eric was named a Northern California "Rising Star" in2017 (Antitrust Litigation, Intellectual Property, Class Action/Mass Torts, and Business Litigation) by *San Francisco* magazine.

NEWS

Zelle Attorneys Named Among 2026 Northern California Super Lawyers and Rising Stars