ERIK HOVENKAMP

Professor, Cornell Law School

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CONTACT INFORMATION

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ACADEMIC POSITIONS

Cornell Law School
Professor — 2024–Present

USC Gould School of Law
Associate Professor — 2022–2024
Assistant Professor — 2019–2022

Harvard Law School
Qualcomm Postdoctoral Fellow in Private Law and Intellectual Property, Project on the Foundations of Private Law — 2017–2019

Yale Law School
Visiting Fellow, Information Society Project — 2017–2019

Boston University School of Law
Visiting Lecturer — Spring 2018

EDUCATION

Ph.D., Economics, Northwestern University, 2017
- Kauffman Dissertation Fellow, Ewing Marion Kauffman Foundation, 2016-2017

J.D., Northwestern University Pritzker School of Law, 2016, *Cum Laude*

B.A., Mathematics & Economics, University of Iowa, 2009, *Highest University Distinction*
- Frank Knight Award in economics
- Completed in 3 years

Research Interests & Teaching

- **Research Areas:** Antitrust and competition policy; patents and innovation policy; law and economics; industrial organization.
- **Courses:** Antitrust; Torts; Antitrust, Innovation, and Big Tech (seminar).
- **Teaching Awards:** Rutter distinguished teaching award, 2023.

Selected Works in Progress

The Evolution of Experiential Legal Education, conditionally accepted, American Law and Economics Review (with Adam Chilton, Kyle Rozema, & Peter Joy).

Incomplete Patent Pools, (with Jorge Lemus & John Turner).

Published Articles and Book Chapters

The Competitive Effects of Search Engine Defaults, Journal of Law and Economics (forthcoming).

Monopoly Causation, 80 Vanderbilt Law Review (forthcoming).

Antitrust Analysis of Search Engine Defaults, Antitrust Law Journal (forthcoming) (with Douglas Melamed).

Platforms and Antitrust: What Amex *Could Learn from* Microsoft, Antitrust Law Journal (forthcoming).

Counterfactual Conduct as an Antitrust Defense?, Network Law Review (forthcoming).

Economics or Populism? The Battle for the Future of Antitrust, 93 University of Chicago Law Review 413 (2026).

Should Antitrust Pursue Multiple Welfare Goals?, 33 George Mason Law Review 709 (2026) (with Brian Albrecht).

AI, Data, and Leveraging Strategies: Implications for Antitrust, Network Law Review (fall 2025).

Product Development with Lurking Patentees, 56 RAND Journal of Economics 127 (2025) (with Jorge Lemus and John Turner).

Antitrust's Refusal-to-Deal Doctrine: The Emperor Has No Clothes, Antitrust Chronicle (2024).

Platform Exclusion of Competing Sellers, 49 Journal of Corporation Law 299 (2024) (invited).

Restraints on Platform Differentiation, 25 Yale Journal of Law and Technology 271 (2023).

Litigation with Inalienable Judgments, 52 Journal of Legal Studies 1 (2023) (with Steven C. Salop).

Antitrust and Trademark Settlements, 85 Antitrust Law Journal 67 (2023) (with C. Scott Hemphill).

► Winner: Antitrust Writing Awards, Best Article of 2022-23 on Antitrust & IP
► Winner: American Antitrust Institute, Jerry S. Cohen Memorial Fund Writing Award for best article of 2022-23 on Anticompetitive Settlements.

Trinko *Meets* Microsoft: *Leverage and Foreclosure in Platform Refusals to Deal*, ANTITRUST CHRONICLE (2023).

Post-Grant Adjudication of Drug Patents: Agency and/or Court?, 37 BERKELEY TECHNOLOGY LAW JOURNAL 139 (2023) (with Arti Rai, Jorge Lemus, & Saurabh Vishnubhakat).

The Antitrust Duty to Deal in the Age of Big Tech, 131 YALE LAW JOURNAL 1483 (2022).
► Winner: American Antitrust Institute's Jerry S. Cohen Memorial Fund Writing Award for the best antitrust article of 2022 (cash prize)

Antitrust Limits on Patent Settlements: A New Approach, 70 JOURNAL OF INDUSTRIAL ECONOMICS 257 (2022) (with Jorge Lemus) [Online Appendix].
► Lead article
► Winner: Antitrust Writing Awards, Best Article of 2021-22 on Antitrust & IP
► Winner: Young Economist Award, JEI Conference on Industrial Organization, 2018.

Has the PTAB Made a Difference in Drug Settlements and Generic Entry?, 40 NATURE BIOTECHNOLOGY 1569 (2022), (with Jorge Lemus, Arti Rai, & Saurabh Vishnubhakat).

Proposed Antitrust Reforms in Big Tech: What Do They Imply for Competition and Innovation?, ANTITRUST CHRONICLE (2022).

Startup Acquisitions, Error Costs, and Antitrust Policy, 87 UNIVERSITY OF CHICAGO LAW REVIEW 331 (2020) (with Kevin Bryan) (invited).

Antitrust Limits on Startup Acquisitions, 56 REVIEW OF INDUSTRIAL ORGANIZATION 615 (2020) (with Kevin Bryan).
► Winner: Best Junior Publication of 2020, Industrial Organization Society.

Tying and Exclusion in FRAND Licensing: Evaluating Qualcomm, 19 ANTITRUST SOURCE 1 (2020) (with Timothy Simcoe).

Platform Antitrust, 44 JOURNAL OF CORPORATION LAW 713 (2019).

Antitrust Law and Patent Settlement Design, 32 HARVARD JOURNAL OF LAW & TECHNOLOGY 417 (2019).
► Winner: American Antitrust Institute's Jerry S. Cohen Award for the best article of 2019 on antitrust and intellectual property.

Demystifying Patent Holdup, 76 WASHINGTON & LEE LAW REVIEW 1501 (2019) (with Tom Cotter & Norman Siebrasse).

Vertical Mergers and the MFN Thicket in Television, 2 ANTITRUST CHRONICLE 21 (2018) (with Neel Sukhatme).

Delayed Entry Settlements at the Patent Office, 54 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 30 (2018) (with Jorge Lemus).

Competition, Inalienability, and the Economic Analysis of Patent Law, 21 STANFORD TECHNOLOGY LAW REVIEW 33 (2018).

Tying, Exclusivity, and Standard-Essential Patents, 19 COLUMBIA SCIENCE AND TECHNOLOGY LAW REVIEW 79 (2018).

Buying Monopoly: Antitrust Limits on Damages for Externally Acquired Patents, 25 TEXAS INTELLECTUAL PROPERTY LAW JOURNAL 39 (2018) (with Herbert Hovenkamp) (invited).

How Patent Damages Skew Licensing Markets, 36 REVIEW OF LITIGATION 379 (2017) (with Jonathan Masur) (invited).

Patent Pooling and Related Technology Sharing, *in* CAMBRIDGE HANDBOOK ON ANTITRUST AND INTELLECTUAL PROPERTY (Daniel Sokol & Roger Blair, eds.) (2017) (with Herbert Hovenkamp).

Challenge Restraints and the Scope of the Patent, 1 ANTITRUST CHRONICLE 48 (2016).

Anticompetitive Patent Injunctions, 100 MINNESOTA LAW REVIEW 871 (2016) (with Tom Cotter).

Tying Arrangements, *in* OXFORD HANDBOOK OF INTERNATIONAL COMPETITION POLICY, (Daniel Sokol & Roger Blair, eds.) (2014) (with Herbert Hovenkamp).

The Viability of Antitrust Price Squeeze Claims, 51 ARIZONA LAW REVIEW 273 (2009) (with Herbert Hovenkamp).

Tying Arrangements and Antitrust Harm, 52 ARIZONA LAW REVIEW 925 (2010) (with Herbert Hovenkamp).

Complex Bundled Discounts and Antitrust Policy, 57 BUFFALO LAW REVIEW 1227 (2009) (with Herbert Hovenkamp).

Exclusionary Bundled Discounts and the Antitrust Modernization Commission, 53 ANTITRUST BULLETIN 517 (2008) (with Herbert Hovenkamp).

PUBLICATIONS IN POPULAR MEDIA

Appraising the Google Search Antitrust Remedies, (with Doug Melamed), ProMarket (Sept. 23, 2025).

What Does the Google Antitrust Decision Mean and Where Will It Take Us?, ProMarket (Aug. 8, 2024).

Big Tech 'Self-Preferencing' Bills May Hurt—Not Help—Antitrust Reform, PROMARKET (June 8, 2022).

Antitrust Needs Reform, But These Two Proposed Bills Miss the Mark, THE HILL (March 21, 2022) (with D. Daniel Sokol)

Tech Platforms and the Antitrust Duty to Deal, PROMARKET (Oct. 28, 2021).

FTC v. Qualcomm: New Frontiers in the Antitrust-IP Interface, REGULATORY REVIEW (June 11, 2019).

GRANTS

● "Monopoly Pricing and the Patent Trial and Appeals Board," Arnold Foundation, Principal Investigator on Subcontract ($47,209).

ACADEMIC FELLOWSHIPS

Yale School of Management, Thurman Arnold Project
Fellow 2019–Present

Yale Law School, Information Society Project
Affiliated Fellow 2019–Present

Innovators Network Foundation
Antitrust Fellow 2022–2023

Ewing Marion Kauffman Foundation
Kauffman Dissertation Fellow 2016-2017

JOURNAL SERVICE

● **Referee:** American Economic Review; Journal of Political Economy; RAND Journal of Economics; American Economic Review: Insights; American Economic Journal: Microeconomics; Journal of Law, Economics, and Organization; Journal of Law and Economics; Management Science; Journal of Industrial Economics; American Law and Economics Review; International Journal of Industrial Organization; Economics Letters; Journal of Economic Behavior & Organization; Journal of Legal Studies; Journal of Empirical Legal Studies; Journal of Antitrust Enforcement; Journal of Competition Law and Economics; International Review of Law and Economics.

OTHER ACADEMIC SERVICE

AALS Section on Antitrust and Economic Regulation
Executive Committee Member (2023–present)

Cornell University School of Law
Tech Campus Committee (2024–present)
Appointments Committee (2025-26)
Clerkship Committee (2024–25)

American Law and Economics Association Annual Conference
Area Organizer, Antitrust & Competition Policy (2023, 2026)

Annual Northwestern Conference on Antitrust Economics and Competition Policy
Article Selection Committee (2025)

USC Gould School of Law
Admissions Committee Member (2019, 2022)

RESEARCH PRESENTATIONS AND PUBLIC SPEAKING

● Panel on antitrust cases involving tying and refusal to deal, George Mason University Law School, February 2026.
● Panel on the *Google AdTech* Antitrust Case, Information Technology & Innovation Foundation, May 2025 (online).
● Symposium: Law and Economics versus Law and Political Economy, University of Chicago Law School, *Economics or Populism? The Battle for the Future of Antitrust*, April 2025.
● Panel on AI and Antitrust, BYU Law School Future of Antitrust Series, March 2025 (online).
● Law and Technology Seminar, Columbia Law School, *Is Antitrust Law Keeping Up with Platform Economics?,* March 2025.
● Panel on the antitrust economics of *Microsoft*, *Microsoft* @ 25 Symposium, NYU School of Law, February 2025
● Panel on refusals to deal in antitrust, New York State Bar Association Antitrust Section Annual Meeting, January 2025
● Law and economics workshop, Columbia Law School, November 2024, *The Competitive Effects of Search Engine Defaults.*
● Law and economics workshop, UC Berkeley School of Law, November 2024, *The Competitive Effects of Search Engine Defaults.*
● Panel on the economics of AI and antitrust enforcement, American Bar Association, October 2024
● Northwestern Conference on Antitrust Economics and Competition Policy, Northwestern University, September 2024, *The Competitive Effects of Search Engine Defaults*
● Law and economics workshop, Boston University School of Law, April 2024, *Platforms and Antitrust Reform*.
● Law and economics workshop, University of Virginia Law School, March 2024, *The Competitive Effects of Search Engine Defaults.*
● Center for Law and Social Science (CLASS) Workshop, USC, October 2023.
● Faculty Workshop, Cornell Law School, October 2023.
● Faculty Workshop, Duke University School of Law, October 2023.
● Faculty Workshop, Georgetown University Law Center, October 2023.
● Ruled by Reason Podcast, guest interviewee, July 2023.
● Junior Innovation Economics Conference, Harvard Business School, May 2023, *Nonprice MFNs in Platform Markets*.
● Webinar on Frontiers of Antitrust Policy, Northwestern Center on Law, Business, and Economics, May 2023 (roundtable moderator).
● Faculty Workshop, Cornell Law School, April 2023, *Restraints on Platform Differentiation.*
● The New Age of Antitrust (online symposium), NYU Law school, November 2022, *Platform Discrimination Against Rivals: An Economic Framework for Antitrust Enforcement.*
● Antitrust Roundtable, UC Irvine, October 2022, *Platform Discrimination Against Rivals: An Economic Framework for Antitrust Enforcement.*
● Law, Economics, and Organization Workshop, Yale Law School, September 2022, *Platform Discrimination Against Rivals: An Economic Framework for Antitrust Enforcement.*
● Roundtable on Digital Platforms and Regulation, London School of Economics, May 2022.
● Antitrust West Coast conference, Keeping Up with Enforcement in the Tech Space, May 2022 (panelist).
● Fair Standards Alliance, webinar on Promoting Competition: A Talk on the Draft Policy Statement on SEPs, April 2022 (panelist).
● Federalist Society, panel on Securing Innovation: How Patent Law Shapes U.S. National and Economic Security, April 2022 (panelist).
● Faculty Workshop, University of Minnesota Law School, March 2022, *Antitrust and Trademark Settlements*
● IP seminar, Cardozo School of Law, February 2022, *Antitrust and Trademark Settlements.*

● Workshop on Pharma and IP, HEC Lausanne, Columbia University, and HEC Paris, February 2022, *Drug Settlements and Generic Entry: Has the PTAB Made a Difference?*
● Next Generation of Antitrust, Data Privacy, and Data Protection Scholars Conference, NYU Law School, January 2022, *Antitrust and Trademark Settlements*.
● Faculty workshop, Northwestern University Pritzker School of Law, January 2022, *The Antitrust Duty to Deal in the Age of Big Tech*.
● Public Law Seminar, University of Chicago Law School, November 2021, *The Antitrust Duty to Deal in the Age of Big Tech.*
● Antitrust roundtable Speaker Series, UC Irvine, October 2021, *The Antitrust Duty to Deal in the Age of Big Tech.*
● U.S. Department of Justice, Antitrust Division, Competition Law and Policy Speaker Series, September 2021, *The Antitrust Duty to Deal in the Age of Big Tech*.
● Global Competition Review, virtual conference on Antitrust in the Digital Economy, June 2021, Panel: Antitrust & Platform Competition (panelist).
● Boston University, Technology & Declining Economic Dynamism Virtual Conference, September 2020, *Antitrust Limits on Startup Acquisitions*.
● University of Florida Antitrust Law Online Workshop, June 2020, *Asymmetric Stakes in Antitrust Litigation*.
● Organization for Economic Coordination and Development, Conference on Startups, Killer Acquisitions, and Merger Control, June 2020, speaker and panelist.
● Center for Law and Social Science (CLASS) Seminar, USC Gould School of Law, November 2019, *Startup Acquisitions, Error Costs and Antitrust Policy*.
● Antitrust Roundtable, UC Irvine Law School, November 2019, *Startup Acquisitions, Error Costs, and Antitrust Policy*.
● Searle Center Conference on Antitrust Economics, Northwestern University, September 2019, *Antitrust Limits on Startup Acquisitions.*
● IP Day, Boston University School of Law, July 2019, Panel on *FTC v. Qualcomm* antitrust litigation.
● Symposium: Reassessing the Chicago School of Antitrust, University of Chicago, May 2019, *Startup Acquisitions, Error Costs, and Antitrust Policy*.
● NBER Productivity Seminar, March 2019, *Antitrust Limits on Startup Acquisitions.*
● Symposium: The Antitrust-IP Interface, University of Florida, Department of Economics, March 2019, *Antitrust Limits on Startup Acquisitions*.
● Law and Economics Workshop, Boston University School of Law, September 2018, *Platform Antitrust.*
● Intellectual Property Scholars Conference (IPSC), UC Berkeley School of Law, August 2018, *Antitrust Law and Patent Settlement Design.*
● The Administrative-Private Law Interface in IP, Harvard Law School, March 2018, Panel on Antitrust and Intellectual Property (panel moderator).
● TILEC Conference on Competition, Standards, and Innovation, Tilburg University, Netherlands, December 2017, *Tying, Exclusivity, and Standard-Essential Patents*.
● Law and Economics Workshop, Georgetown University Law Center, November 2017, *Proportional Restraints and the Patent System*.
● Harvard Law and Economics Seminar, Harvard Law School, October 2017, *Tying, Exclusivity, and Standard-Essential Patents.*
● Searle Conference on Antitrust Economics and Competition Policy, Northwestern University Pritzker School of Law, September 2017, *Proportional Restraints and the Patent System*.
● Industrial Organization Lunch Seminar, The Wharton School, University of Pennsylvania, August 2017, *Proportional Restraints and the Patent System*.
● IP Day, Boston University School of Law, July 2017, *How Patent Damages Skew Licensing Markets.*
● American Law and Economics Association Annual Conference, Yale Law School, May 2017, *Competition, Inalienability, and the Economic Analysis of Patent Law.*
● Edward D. Manzo Seminar in Patent Law, DePaul University College of Law, April 2017, *Competition, Inalienability, and the Economic Analysis of Patent Law*.
● IP Colloquium, Boston University School of Law, March 2017, *Challenge Restraints and the Scope of the Patent.*
● Symposium on Reverse Settlement Post-*Actavis*, Notre Dame Law School, October 2016, *Reverse Settlement and Holdup at the Patent Office*.

● Intellectual Property Scholars Conference, Stanford University, August 2016, *Pay for Go-Away: Reverse Payment Settlements and Holdup Under PTAB.*
● Law Faculty Seminar, Northwestern University Pritzker School of Law, August 2016, *Competition, Inalienability, and the Economic Analysis of Patent Law.*
● Texas Conference on Patent Damages, University of Texas Law School, June 2016, *Reliable Problems from Unreliable Patent Damages*.
● Texas Conference on Patent Damages, University of Texas Law School, June 2016, *Buying Monopoly: Antitrust Limits on Damages for Externally Acquired Patents*.
● American Law and Economics Association Annual Conference, Harvard Law School, May 2016, *Patent Licensing and Antitrust Inference*
● Kauffman Emerging Scholars Conference, Ewing Marion Kauffman Foundation, February 2016, *On the Law and Economics of Prospective Patent Remedies.*
● Intellectual Property Scholars Conference (IPSC), DePaul University, August 2015. *Anticompetitive Patent Injunctions.*
● Intellectual Property Scholars Conference (IPSC), University of California at Berkeley, August 2014, *Predatory Patent Litigation: How Patent Assertion Entities Use Reputation to Monetize Bad Patents.*
● Max Plank Institute Conference on Intellectual Property and Competition, August 2013, *Predatory Patent Litigation.*