



Andrew G. Berg
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Practice Areas

Antitrust and Competition, Litigation and Arbitration

Education

Vanderbilt University Law School (J.D., 1980); Harvard College (A.B., *cum laude*, 1977)

Bar Admissions

Pennsylvania; District of Columbia; Supreme Court of the United States; U.S. Court of Appeals for the Third Circuit; U.S. District Court for the Eastern District of Pennsylvania

Andrew G. Berg is senior counsel at Cohen & Gresser, where he brings more than four decades of experience advising clients on complex antitrust, competition, and consumer protection matters. He has represented clients before the Federal Trade Commission (FTC), the Antitrust Division of the U.S. Department of Justice (DOJ), state attorneys general, and in private litigation, offering strategic counsel on merger reviews, regulatory investigations, enforcement actions, and litigation.

Andrew's practice focuses on antitrust and competition law, including merger control, competitor collaborations, monopolization, and pricing practices under the Sherman, Clayton, and Robinson-Patman Acts. He also advises on unfair and deceptive trade practices involving advertising, marketing, financial services, and data privacy, with extensive experience in regulatory compliance, investigations, and enforcement actions under the Federal Trade Commission Act and state analogues. His work spans both transactional and litigation contexts, including self-regulatory proceedings and Lanham Act disputes.

Prior to joining Cohen & Gresser, Andrew served as Chair of the Global Antitrust Litigation & Competition Regulation Practice at Greenberg Traurig and held senior roles at several other prominent law firms. He also served as Senior Attorney Advisor to a Federal Trade Commissioner, where he helped shape enforcement policy and authored several Commission opinions. He is widely recognized for his deep knowledge of U.S. competition law and his ability to manage multi-jurisdictional enforcement risks.

Andrew is a frequent speaker and author on antitrust and consumer protection issues, with numerous publications and media citations to his credit. He holds a J.D. from Vanderbilt University Law School, where he was Associate Articles Editor of the *Vanderbilt Law Review*, and an A.B., *cum laude*, from Harvard College.

Deal Representations Involving Competitively-Relevant Product Overlaps (excludes non-competitively relevant HSR filings and representations)

Represented United Communications Group in its sale of its Oil Price Information Service division to IHS, Inc.

Represented Vizient, Inc. in its purchase of the SCM operations of MedAssets, Inc. from Pamplona Capital.

Represented Trafigura/Puma Energy in its purchase of the mid- and downstream operations of Chevron in Puerto Rico and the U.S. Virgin Islands.

Represented Trafigura/Puma Energy in its purchase of the refining and terminal assets of Gulf Oil/Capeco in Puerto Rico.

Represented Rentokil in the sale of its North American pest control operations to Steritech.

Represented Platform Systems/McDermid Chemical in its purchase of the industrial chemicals operations of OM Group.

Represented Platform Systems/McDermid in its purchase of the agricultural chemicals operations of Arysta.

Represented AstraZeneca in the sale of its Astrotech division to Dentsply Inc.

Represented Brentwood Associations in its separate purchases of Sundance, Soft Surroundings, Allen Edmonds, and J McLaughlin.

Represented Pet Supermarket in its sale to Roark Capital Group.

Represented QIAGEN Shared Services in its purchase of Enzymatics, Inc.

Represented Bzinfin S.A. in its sale to Ener1.

Represented Metropolitan Health Networks in its purchase of Continucare Corp.

Represented Metropolitan Health Networks in its sale to Humana Inc.

Represented Engineering Solutions & Products, Inc. in its sale to Berkshire Hathaway.

Represented Grupo TACA in its sale to Avianca.

Represented Canon Inc. in its purchase of Molecular Imprints, Inc.

Represented Optimal Solutions Integration in its sale to NTT Data.

Represented AB Volvo in the sale of its Volvo Aero division to GKN Plc.

Represented AB Volvo in the sale of its North America heavy equipment rental operations to Platinum Equity.

Represented Jarden Corporation in its purchase of Waddington Group.

Represented LifeLock in its separate acquisitions of ID Analytics, Inc. and Lemon Wallet.

Represented KRU Medical Ventures in the sale of its kidney dialysis operations to DaVita Inc.

Represented RK Net Media/Manwin in its sale to Playboy Enterprises.

Represented Jarden Corporation in the sale of its propane gas canister operations of its Coleman Outdoor Products division to Worthington Industries.

Represented Indiana Downs Casino in its sale to Centaur/Hoosier Park.

Represented iGPS in its sale to Brambles/CHEP (pending and non-public).

Represented Mid Oaks Investments in its purchase of CM Packaging by its D&W Fine Pack division.

Represented Love's Travel Stops & Country Stores, Inc. in its billing card joint venture with several retail competitors (pending and non-public).

FTC and DOJ Merger/Transactional Matters and Investigations

Apatech Limited in its acquisition by Baxter International Inc.

Grupo TACA Holding Limited in its acquisition by Aerovias Del Continente American S.A. Avianca.

Liquid Container LP in its acquisition by Blackstone Group and Graham Packaging.

Alamo Car Rental's acquisition of National Car Rental.

Delhaize America's separate acquisitions of the Hannaford, Harvey's, and Kash 'n Karry supermarket chains.

Envirotest's acquisition of Systems Control Inc.

Georgetown Partners' acquisition of the automobile emissions testing assets of General Motors/Hughes.

Giant Eagle's separate acquisitions of Dave's and the Rini Rigo supermarket chains, and certain stores of Topps Supermarkets.

Griffith Oil's separate acquisitions of Shore Stop and Petro.

GTE's acquisition of Puerto Rico Telephone Company.

Matsushita's asset acquisition of semiconductor chip fabrication facilities in Puyallop, WA.

Matsushita's acquisition of MCA.

Ohio Edison's acquisition of Centerior Energy.

Republic Industries/AutoNation's separate acquisitions of Alamo Car Rental, Snappy Car Rental, Spirit Rent-a-Car and Value Rent-a-Car.

Ritchie Brothers acquisition of Forke Brothers.

RSI's acquisition of Sterigenics.

Starbuck's retail joint venture with Kraft General Foods.

Tenet Healthcare's acquisition of St. Mary's Hospital.

The Belk Stores' separate acquisitions of the Proffitt/McCrae's and Parisian divisions of Sak's Fifth Avenue.

S. Filter's acquisition of Culligan.

Viacom's acquisition of Paramount.

Hindalco's acquisition of Novelis.

National Car Rental's sale of its Europcar division to Eurazeo and its global marketing joint venture with Eurazeo.

Pueblo International in the acquisition of Amigo Supermarkets by a *Fortune*50 Retailer.

Secure Computing's acquisition of CipherTrust.

Multiple separate Waste Management Inc. acquisitions of local and regional waste haulers.

Multiple separate AutoNation acquisitions of local retail automobile dealerships.

Boater's World in connection with the FTC investigation of West Marine's acquisition of the BoatUS retail stores.

Multiple separate proposed acquisitions by Mesa Petroleum/T. Boone Pickens-affiliated entities.

Hoylake/Sir James Goldsmith's proposed acquisition of British American Tobacco.

Georgetown Partners' acquisition of cellular phone licenses and spectrum from Ameritech.

Georgetown Partners' proposed licensing of satellite radio spectrum in connection with Sirius Radio's acquisition of XM Satellite Radio.

SP Newsprint in connection with the DOJ investigation of Abitibi's acquisition of Bowater and separately in connection with the acquisition of SP Newsprint by White Birch Company.

William Farley in connection with the FTC Hart-Scott-Rodino compliance investigation of the acquisition of West Point Pepperil.

Matheson Trigas in connection with the FTC investigation of the AirLiquide/BOC merger.

American Stores in its acquisition of Lucky Stores.

FTC and DOJ Non-Merger/Non-Transactional Matters and Investigations

Represented Putnam-Berkeley in the FTC's Robinson-Patman Act book publishing investigation and administrative litigation.

Represented Lotus Development and Adobe in multiple FTC and DOJ investigations of Microsoft.

Represented Winn-Dixie and Albertson's in the FTC's separate slotting fee investigations.

Represented Lotus Development in the FTC's software GSA price-fixing investigation.

Represented Sidmak Laboratories in the FTC's generics pricing investigation.

Represented Shell Oil in the FTC's price-gouging investigation following Hurricanes Katrina and Rita.

Represented Stamps.com in the Department of Justice's Sherman Act investigation of Pitney Bowes.

Unfair and Deceptive Acts and Practices

Represented LifeLock, Inc. and Richard Todd Davis in the FTC and multi-state Attorneys General investigations of their marketing and advertising practices for the LifeLock identity theft protection services.

Represented Engineering Services Products Inc. in conjunction with a non-public regulatory investigation.

Represented Risk Management Alternatives in the FTC's Fair Debt Collection Practices Act/Fair Credit Reporting Act financial practices investigation.

Represented Savvier Inc. in the FTC's federal court advertising practices enforcement action.

Represented Motion Picture Association of America in the FTC's media violence marketing practices investigation following the Columbine High School massacre.

Represented Samsung in several FTC, California Attorney General and California District Attorney investigations and follow-on class action litigation in the computer monitor cases.

Represented National Car Rental in multiple separate marketing, advertising and financial practices investigations by the FTC.

Represented Revlon in two separate advertising practices investigations and FTC Act Section 5 litigation by the FTC.

Represented IBM and Time Warner in FTC rulemakings under the Telemarketing Sales Rule.

Represented Billing Concepts and Billing Services Group in multiple separate marketing practices investigations and enforcement litigations by the FTC, numerous state Attorneys General, and numerous state public service and public utility commissions.

Represented ILD Communications in the FTC's 800 number investigation.

Represented Sidney Frank Inc. in the FTC's marketing practices investigation.

Represented Samsung in Lanham Act 43(a) complaint brought by a competitor for various Samsung computer monitor advertising performance claims.

Represented a national debt collections agency in connection with a pending FTC multiyear investigation of its compliance with the Fair Debt Collection Practices Act.

Represented Chantal Pharmaceutical in connection with the FTC investigation of its advertising practices.

Represented William Shell and NutraCorp in connection with an FTC order compliance investigation.

Activities and Affiliations

Member, American Bar Association