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TRAILBLAZERS

LITIGATION



PETER T. BARBUR
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PIONEER SPIRIT Peter Barbur has dabbled in different areas. “We were all trained as generalists at Cravath, but my first case involved Continental Airlines suing United and American over computer reservations systems. While I have some loyal clients whose work is not always antitrust, I do work mostly on antitrust investigations and private antitrust litigation.”

TRAILS BLAZED Barbur’s antitrust clients include American Express. “The Department of Justice was just starting an investigation into credit cards around 2010 and sued all three major credit card companies. Visa and MasterCard settled, but American Express did not. We did a full-court press to present our best answers to the government investigation based on the fact that Amex competes

on two fronts—with merchants and cardholders.” Eventually, a seven-week bench trial took place in the Eastern District of New York. “The judge more or less disagreed with us. In appeals to the Second Circuit, we proved that the government did not meet its burden. The government petitioned for a rehearing, but didn’t get it. Cravath ultimately argued the case before the U.S. Supreme Court, where AmEx prevailed.” Barbur also represented Time Warner in its 2000 merger with AOL and other matters. “In 2016, they decided to be acquired by AT&T. I worked on the merger clearance process. The Justice Department surprised us by deciding to sue. There again, we did a full-court press, and the whole team basically moved to Washington due to expedited discovery. Ultimately we got the decision in June 2018 approving the merger.”

FUTURE EXPLORATIONS There are many high-tech investigations right now into companies such as Facebook, Google and Amazon. “The examination of high-tech in antitrust will likely continue. The current administration is a bit hard to pin down in terms of antitrust enforcement, which creates an uncertain environment.”

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