



Peter T. Barbur

PARTNER, LITIGATION

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Peter T. Barbur handles a wide variety of antitrust, intellectual property and securities litigation, as well as internal corporate investigations, antitrust-related government investigations, international arbitrations and Foreign Corrupt Practices Act matters.

Mr. Barbur won dismissal for American Express (“Amex”) of a civil lawsuit filed in New York federal court by the U.S. Department of Justice (DOJ) and 17 state attorneys general alleging that Amex’s nondiscrimination provisions in its merchant agreements violate antitrust laws. This case—one of the largest and most significant cases arising under Section 1 of the Sherman Act that the Government has brought to trial in over a decade—culminated in a nearly two-month bench trial. The Second Circuit reversed the district court’s determination that Amex’s merchant acceptance rules violated federal antitrust law and remanded the case “with instructions to enter

judgment in favor of Amex.” Mr. Barbur also represented Amex in the appeal before the U.S. Supreme Court, which affirmed the Second Circuit’s judgment in favor of Amex. He previously represented Amex and certain of its directors and officers in a shareholder derivative lawsuit arising from the DOJ’s enforcement action; defendants’ motion to dismiss the complaint was granted with prejudice.

Mr. Barbur continues to represent Amex in numerous matters, including in class action litigation brought in New York federal court by classes of debit card and non-rewards credit card users in multiple states alleging that Amex’s “anti-steering” rules inflated prices paid for goods and services sold by merchants across the country. He also represents Amex in class action litigation brought by merchants alleging that Amex and numerous other credit and charge card issuers conspired to shift certain costs of fraudulent charges from the card issuers to merchants by the implementation of standards replacing swipe cards with chip cards. In addition, Mr. Barbur is representing Amex in a putative class action brought on behalf of more than 5,000 merchants in Rhode Island federal court challenging Amex’s anti-steering rules as anticompetitive, and in arbitrating more than 1,200 similar claims brought by merchants in separate JAMS and AAA arbitrations.

Mr. Barbur previously represented Amex in a putative class action brought on behalf of all U.S. merchants alleging that Amex improperly tied acceptance of certain of its card products to acceptance of other Amex card products. He also represented Amex in a series of putative class actions and individual lawsuits brought by large supermarket and pharmacy chains alleging that Amex’s anti-steering rules violated Sections 1 and 2 of the Sherman Act, which settled following Amex’s victory in the Supreme Court. Mr. Barbur won motions to compel arbitration and to dismiss similar claims brought by two additional putative classes of smaller merchant plaintiffs. The Second Circuit affirmed the dismissal.

Mr. Barbur represented Epic Games in its appeal against Apple on Sherman Act claims alleging anticompetitive behavior in the distribution of mobile apps and the handling of in-app payments, and Apple’s cross-appeal from a nationwide permanent injunction entered by the district court against Apple’s anti-steering policies.

Mr. Barbur represented Louis Dreyfus Company and its subsidiary Imperial Sugar in an action brought by the DOJ in Delaware federal court seeking to enjoin U.S. Sugar’s proposed acquisition of Imperial Sugar from Louis Dreyfus. The court issued a post-trial ruling in favor of the defendants, denying the DOJ’s request for an injunction to block the acquisition, and the Third Circuit unanimously affirmed the ruling.

Mr. Barbur represented Sabre, a leading travel technology company, in its successful appeal of a \$15 million jury verdict in antitrust litigation brought by US Airways alleging that certain of Sabre’s contract provisions restrained airfare competition. The Second Circuit vacated the jury verdict and remanded for further proceedings.

Mr. Barbur represented Time Warner as trial counsel in an antitrust lawsuit brought by the DOJ seeking to block the company’s \$109 billion sale to AT&T—the government’s first challenge to a vertical merger in decades—securing a victory following a six-week trial. Mr. Barbur also represented Time Warner on regulatory clearance issues in connection with the merger, which closed two days after the trial decision.

Mr. Barbur also represented Warner Media on antitrust issues in connection with its investment in NewTV as part of its \$1 billion initial funding round. NewTV is a mobile-first media platform led by Meg Whitman and Jeffrey Katzenberg.

Mr. Barbur represented Viacom International and Black Entertainment Television in a lawsuit brought by Cablevision in New York federal court, alleging that Viacom's licensing agreement with Cablevision constituted illegal tying and block-booking in violation of the Sherman Act and New York's Donnelly Act.

In addition to his antitrust work, Mr. Barbur won a summary judgment victory for Keppel, a Singapore-based shipbuilding company, dismissing an action brought by EIG Energy in New York federal court alleging claims for fraud, aiding and abetting fraud and conspiracy. EIG claimed Keppel failed to disclose it was engaged in a bribery scheme with Petrobras—allegedly causing EIG to lose its \$221 million investment in a Petrobras-controlled offshore drilling company. The victory followed Mr. Barbur's earlier win dismissing EIG's additional RICO claim as barred under the PSLRA.

Mr. Barbur also represented International Business Machines Corporation ("IBM") in a DOJ Foreign Corrupt Practices Act (FCPA) investigation relating to IBM's operations in Poland, Argentina, Bangladesh and Ukraine, which closed without any enforcement action. He also represented IBM in an investigation by the Securities and Exchange Commission (SEC) relating to IBM's operations in China and Korea, which settled.

Mr. Barbur previously represented Time Warner in connection with government investigations and private securities litigation concerning financial reporting and disclosure issues arising out of Time Warner's merger with America Online.

Additionally, Mr. Barbur represented a special committee appointed by the Eli Lilly Board of Directors to respond to shareholder derivative demands and lawsuits relating to the marketing of Zyprexa.

Mr. Barbur has been recognized by numerous professional publications, including *The National Law Journal*, which named him a "Litigation Trailblazer." *The Legal 500 US* has recommended him for his antitrust, financial services, patent and media and entertainment work, and *The Best Lawyers in America* has also recognized him as a leader in antitrust litigation. *Benchmark Litigation* has included Mr. Barbur on its list of the "Top 100 Trial Lawyers in America" and has repeatedly recognized him as a "National Star" in antitrust litigation, as well as a "Litigation Star" in the New York area. In addition, *Lawdragon* has named Mr. Barbur a nationwide "Legend" and included him in its "500 Leading Lawyers in America," "500 Leading Litigators in America," "500 Leading Global Litigators" and "500 Leading Global Antitrust & Competition Lawyers" lists.

Mr. Barbur is a member of the Board of Trustees of the Aperture Foundation and a member of the Photography Committee at the Whitney Museum of American Art. He was previously a member of the Board of Directors of Lambda Legal.

Mr. Barbur received a B.A. *magna cum laude* from Dartmouth College in 1983, where he was elected to Phi Beta Kappa, and a J.D. *cum laude* from New York University School of Law in 1987, where he was Articles Editor of the

Law Review, a Root-Tilden Scholar and elected to the Order of the Coif. Following his graduation, he served as a law clerk to Hon. Hugh H. Bownes of the U.S. Court of Appeals for the First Circuit.

Mr. Barbur joined Cravath in 1988 and was elected a partner in 1994. He is a partner liaison to the Firm's LGBTQ+ Affinity Group.

EDUCATION

- J.D., 1987, New York University School of Law
Order of the Coif, Root-Tilden Scholar, cum laude
- B.A., 1983, Dartmouth College
Phi Beta Kappa, magna cum laude

CLERKSHIPS

- Hon. Hugh H. Bownes, U.S. Court of Appeals for the First Circuit

ADMITTED IN

- New York

PROFESSIONAL AFFILIATIONS

New York City Bar Association

- Former Chair, Civil Rights Committee

ORGANIZATIONS

Aperture Foundation

- Board of Trustees

Museum of Modern Art

- Photography Council

RANKINGS

Benchmark Litigation

- Antitrust Litigation Star - National (2025-2013)
- Litigation Star - New York (2025-2013)

- Top 100 Trial Lawyers in America (2019)
- Future Star (2014, 2013)

Best Lawyers in America

- Antitrust Law (2025-2015)
- Litigation: Antitrust (2025)

Lawdragon

- Legends of the 500 Leading Lawyers in America (2021)
- 500 Leading Global Litigators (2024, 2023)
- 500 Leading Global Antitrust & Competition Lawyers (2025)
- 500 Leading Lawyers in America (2025-2012)
- 500 Leading Litigators in America (2025, 2024, 2023)

The Legal 500 US

- Antitrust (2023-2012)
- Financial Services Litigation (2021)
- Media and Entertainment Litigation (2020, 2019)
- Patent Litigation: Full Coverage (2013)

The National Law Journal

- Litigation Trailblazers (2019)

Super Lawyers - New York

- Business Litigation (2021-2011)