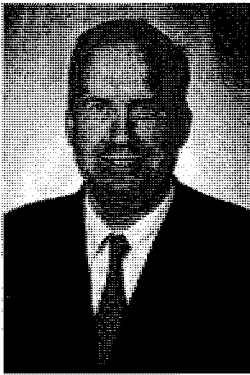


R. Mark McCareins, Partner



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LAW SCHOOL

Washington University
JD, 1981

ADMISSIONS

Mark McCareins is a litigation partner in Winston & Strawn's Chicago office. Mr. McCareins' trial practice concentrates on antitrust, trade regulation, intellectual property, and unfair competition.

Mr. McCareins has handled commercial litigation in over 40 federal district and appellate courts. He has been counsel of record in such landmark decisions as *Spray-Rite Service Co. v. Monsanto Corp.* (U.S. S. Ct.); *N.V. Phillips v. Windmere Corp.* (Fed. Cir.); *Western Union v. Olympia Equipment Leasing Corp.* (7th Cir.); *Baxter Healthcare v. Abbott Laboratories* (7th Cir.); and *Abbott Laboratories v. Baxter* (Fed. Cir.).

Mr. McCareins has represented the following clients in trade regulation and patent matters: Ameritech Corp., Tropicana Products, Inc., Abbott Laboratories, Monsanto Company, Hallmark Cards, Titan Wheel Co., Spiegel Co., The Marmon Group, RockTenn Corp., Windmere Corp., Gannett Co., Hyatt Hotel Corp., Hinckley & Schmitt Co., Keebler Company, Western Union Corp., Luxottica Group (LensCrafters, Inc.), The Interlake Corp., Barr Laboratories, Dell Computer Co., Universal Outdoor, Marsulex Corp., Waste Management Corp., Treehouse Foods, New Archery Products, Summation Legal Technologies, Integrated Machinery Systems, Inc., Sears Holdings Corp., and Metals Service Center Institute.

Honors and Awards

Mr. McCareins received The President's Volunteer Service Award from the President's Council on Service and Civic Participation in 2008. He has been listed as a leading antitrust attorney by *Chambers USA: Best Lawyers in America*, 2005-2013, *The Legal 500*, and was selected by *Leading Lawyers' Network* in both antitrust and commercial litigation for 2005-2012. He was also elected to *Best Lawyers in America* and *Illinois Super Lawyers* in antitrust law and antitrust litigation for 2005-2012, and was endorsed for antitrust in the 2012 *PLC Competition and Cartel Leniency* guide. Mr. McCareins was nominated for the Lavengood Outstanding Professor of the Year Award at Kellogg in both 2009 and 2010.

Mr. McCareins is also rated AV Preeminent for Intellectual Property Law by Martindale-Hubbell; it is the highest level in the Martindale-Hubbell Peer Review Ratings. He is a fellow of the American Bar Foundation and a member of the American Inns of Court. In 2003, he was named a Washington University Distinguished Law Alumnus, and also received a distinguished alumnus award from Northwestern University in 1994. He received the Gene B. Meier Award for Outstanding Service to Lawrence Hall Youth Services on May 19, 2010.

Activities

Mr. McCareins is a member of the firm's Litigation Department Advisory Committee and Library Committee. Mr. McCareins is also a senior lecturer of antitrust and business law at Northwestern University's Kellogg Graduate School of Management and is an instructor with the National Institute of Trial Advocacy (NITA). He is general counsel to the Metals Service Center Institute (www.mscli.org) and corporate secretary and member of the Board of Trustees of Lawrence Hall Youth Services (www.lawrencehall.org).

McCareins has served as vice chair of the Advocacy Committee of the American Bar Association's Antitrust Section. He currently serves on the Illinois State Bar Association's Antitrust Section Council. A member of the California Bar, Mr. McCareins also is active in the antitrust section of the State Bar of California. In addition, he is a member of the Illinois, Chicago, Federal Circuit, and Seventh Circuit Bar Associations. He is a member of the Regional Board of Regents and the School of Law National Council at Washington University. Mr. McCareins is former chair of the advisory board of the school's Center for Interdisciplinary Studies. He also serves on the Parent Advisory Council of Hamilton

Illinois
California

COURT ADMISSIONS

USCA - 10th Circuit
USCA - 11th Circuit
USCA - 1st Circuit
USCA - 3rd Circuit
USCA - 4th Circuit
USCA - 7th Circuit
USCA - 9th Circuit
California Supreme Court
Federal Circuit Court of Appeals
Northern District of Illinois
U.S. Supreme Court

College.

Other activities include: Former Vice Chairman, American Bar Association, Programs Committee, Antitrust Section; Vice Chairman, ABA Antitrust Section, Civil Practice and Procedure Committee; Former Member, Task Force on Civil Antitrust Litigation, Antitrust Section; Former Chairman, Private Antitrust Litigation Committee; Past President, NGN, Northwestern University Football; Member, American Inns of Court; Fellow, American Bar Foundation; Board of Directors, Northwestern University Fast Break Club (men's basketball), 2006-2010; and Board of Advisors of Catholic Charities of the Archdiocese of Chicago.

Education

Mr. McCareins received a B.A., with honors, from Northwestern University in 1978. He received a J.D. from Washington University in 1981 and was editor-in-chief of the *Washington University Law Quarterly*.

Speeches and Publications

Mr. McCareins has published more than 30 articles and books on antitrust issues, and is a frequent speaker at trade regulation seminars. For example, he is a co-editor of the California State Antitrust and Unfair Competition Law Treatise, recently published (2010) by the Antitrust Section of the California Bar Association. His most recent book, *Inside the Minds: Leading Lawyers on Food and Drug Law*, was published by Aspatore Books in 2006. He served as the senior editor for the *Handbook on Civil Discovery*, American Bar Association, Antitrust Section, 2003; a member of the board of editors for *The Health Care and Antitrust Manual* from 1994-2001; and editor for the *Private Antitrust Litigation News*, American Bar Association, from 1992-1994. He currently serves on the *Washington University Law Quarterly's* Advisory Board.

Other published works and presentations include:

Speaker, "Antitrust Risks in E-Commerce Distribution: Avoiding RPM, MAP and Other Antitrust Pitfalls in Online Sales and Pricing," November 2012; Author, "Lessons From Omnicare Antitrust Litigation," *Law360*, April 2012; Speaker, "Drafting Agreements to Avoid Antitrust Violations," Law Seminars International TeleBriefing, February 2012; Moderator, inaugural Business-Law Conference, Kellogg Graduate School of Management, Evanston, Ill., February 2012; Co-Author, "Mergers and Acquisitions: Recent Changes to the Antitrust Division's Policy Guide to Merger Remedies Mark a Shift in Stance on Conduct Remedies," ISBA's *Antitrust & Unfair Competition Law Newsletter*, September 2011, Vol. 50, No. 1; "Current State of Patent False Marketing Litigation," *Intellectual Property and Technology Law Journal*, Vol. 23, No. 5 at 3, May 2011; "The Application of the Federal Rules and *Daubert* and its Progeny to Antitrust Litigation," presented on May 10, 2011, before the Chicago Bar Association Antitrust Committee; "Multi-district Antitrust Litigation," presented on March 25, 2009, at the ABA Antitrust Section Spring Meeting in Washington, D.C.; "Antitrust Opt Out Litigation: Practical Considerations," a seminar which was presented by the American Bar Association's Section of Antitrust Law, Civil Practice and Procedure and Sherman Act Section One committees in February 2006; "Reflections of an Intellectual Property and Antitrust Litigator on Pharmaceutical Disputes," chapter, *Inside the Minds* series, Aspatore Books, 2006; Co-Author, "The Rules of the Road in Arbitrating Antitrust Disputes," *ABA Antitrust Magazine*, Vol. 19, No. 1 at 15, Fall 2004 (with Elizabeth B. McCallum); Author: "Report of the Task Force on Civil Litigation," American Bar Association, Section on Antitrust Law, September 2001; "Evaluating Secular/Non-Secular Hospital Affiliations: Lessons from Poughkeepsie," *Antitrust Health Care Chronicle*, Vol. 14, No. 3, Fall 2000; "The Application of Antitrust to Non-Traditional Health Care Affiliations: Pounding a Square Peg Into a Round Hole," *Private Antitrust Litigation News*, Spring 1999; "Understanding the Impact of Emerging Anti-trust Regulations on Healthcare Consolidation and Integration," International Quality and Productivity Conference, Atlanta, Ga., Nov. 18, 1996; *ABA Antitrust Section Practice Guide on Predatory Pricing Under Section 2(a) of the Robinson-Patman Act*, 1995; "Terminated Dealers Adopt New Tactics," *National Law Journal*, June 7, 1993; Co-editor: *ABA Antitrust Monograph*, No. 18 on Non-Price Predation Under Section 2 of the Sherman Act, 1991; "Transshipping Under the Antitrust Laws," 3 *DePaul B.L.J.* 285, 1991; "State Law Alternatives to Federal Sherman Act Predatory Pricing Actions, Antitrust and Unfair Competition Law at 5," Illinois State Bar Association, Vol. 29, No. 2, December, 1990; "State Tort Law: A Reasonable Alternative to a Federal Antitrust Predatory Pricing Claim," *Competition*, California State Bar Association, Vol. 1, No. 2, Fall, 1990; "The Antitrust Ramifications of Refusing to Deal with a Transshipper," *National Law Journal*, March 27, 1989; "Sanctions and Rule 11, Rule 11 and Other Sanctions: New Issues in Federal Litigation," at 219, *PLI*, 1987; "Issues Confronting the Terminated Dealer and Defensive Recommendations for the Manufacturer Post-Spray-Rite," *Distribution, National Law Journal Seminar Press* at 417, 1987; "Antitrust Legal Research: A Practitioner's Viewpoint," Vol. 6, No. 3-4 at 1-3 *Legal Information Alert*, 1987; "Business Information for Today's Practicing Lawyer," *Utilization of Databases and Information Resources in Antitrust Litigation and Counseling* at 405, *PLI*, 1984; "New Dimensions in the Robinson-Patman Act After Vanco Beverage," 1983 *Duke Law Journal* 1308; and Note, "Carve-Out: An Answer to the Contribution Question in Private Antitrust Litigation," 58 *Washington University Law Quarterly* 975, 1980.