

Jarod M. Bona

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📍 San Diego



Jarod M. Bona is the founder and CEO of Bona Law PC. He graduated *cum laude* from Harvard Law School in 2001, then clerked on the United States Court of Appeals for the Eight Circuit for Judge James B. Loken in Minneapolis, Minnesota. He then practiced antitrust law for a dozen years at DLA Piper and Gibson, Dunn & Crutcher. Applying his knowledge of markets and competition to his own industry, Mr. Bona founded Bona Law in 2014 because he understood how he could offer a better experience for both clients and firm attorneys.

In addition to his firm leadership role, Mr. Bona has represented national and global clients in a wide variety of antitrust and competition matters, including issues arising from intellectual property disputes, agreements among competitors (i.e. price fixing, bid rigging, market allocation, and group boycotts), [exclusionary conduct](#) (i.e. [loyalty discounts](#), bundling, exclusive dealing, [refusal-to-deal](#)), mergers and acquisitions, and government investigations. Mr. Bona has also developed global antitrust policies for international trade associations and corporations and has advised standard-setting organizations on antitrust and competition issues. He has also regularly advised companies at all points in the supply chain on antitrust and distribution issues.

Mr. Bona frequently [publishes](#) and speaks on antitrust and competition developments, and is the editor of The [Antitrust Attorney Blog](#). He has also served as a Non-Governmental Advisor for the Unilateral Conduct Working Group of the International Competition Network, an international body whose members represent numerous national and multi-national competition authorities. As part of that role, Mr. Bona was an author of the Exclusive Dealing chapter of the group's *Unilateral Conduct Workbook* for competition authorities. Mr. Bona has also contributed or authored chapters of the ABA's Antitrust Law Developments, the ABA's handbook on Joint Ventures, the California Antitrust & Unfair Competition Law Treatise, and the ABA's Antitrust Law and Economics of Product Distribution treatise (chapter on Refusals to Deal).

Education

J.D., Harvard Law School, 2001

Cum Laude

Honors and Activities: John M. Olin Law and Economics Fellow

Senior Editor of the *Harvard Journal on Legislation*

Research Assistant for Antitrust Professor Einer Elhauge

B.A., Illinois Wesleyan University, 1998

Minor in Economics

Varsity Football

Editor of *Res Publica*, Political Science Journal

Clerkships

United States Court of Appeals for the Eighth Circuit for Judge James B. Loken

Admissions

California, 2004

Minnesota (inactive), 2008

Virginia (inactive), 2001

Supreme Court of the U.S.

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Ninth Circuit

Mr. Bona also has substantial appellate experience, with outstanding early training through his clerkship on the United States Court of Appeals for the Eighth Circuit clerkship and beginning his law firm career with Gibson, Dunn & Crutcher's appellate and constitutional law practice in Washington, DC. Since that time, he has maintained an active appellate practice, including arguments in state and federal courts and amicus briefs for antitrust cases in the United States Supreme Court.

Mr. Bona lives in the San Diego area with his wife, son, and collie.

Representative Matters

- Represent client in [exclusionary conduct case involving utility management software against PowerPlan](#) (*Lucasys v. PowerPlan Inc.*).
- Represent client in [exclusionary conduct case involving mechanical insulation against Johns Manville](#) (*Chase Manufacturing Inc. v. Johns Manville Corporation*).
- [Represent nutrition supplement company in Lanham Act lawsuit](#) (*Ariix v. Nutriscience et al.*)
- [Represent client in antitrust case involving price-fixing and group-boycott conspiracies in the cement and ready-mix industries](#) (*Southeast Ready Mix et. Al. v. Argos North American, Inc., et al.*).
- Defended Japanese capacitor manufacturer against class action antitrust claims in federal Multi-District Litigation. (*In re Capacitors Antitrust Litigation*).
- Defended one of the nation's largest online contact lens retailers against class action antitrust claims in federal Multi-District Litigation. (*In re Disposable Contact Lens Antitrust Litigation*).
- [Represented one of the nation's largest online contact lens retailers as amicus curiae](#) in the Federal Court of Appeals for the Tenth Circuit challenging Utah law's prohibition on the enforcement of Uniform Pricing Policies against contact lens retailers. (*Johnson & Johnson et al. v. Reyes*).
- Represented nonprofit complementary and alternative healthcare advocacy group as [amicus curiae in federal antitrust case](#) before the U.S. Supreme Court (*N.C. State Board of Dental Examiners v. FTC*).

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the District of Minnesota

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

Accolades

Superlawyers, 2017-2022

Superlawyers, Rising Stars, 2013, 2015-16

In 2014, the **San Diego Daily Transcript** named Mr. Bona a [Top Attorney Finalist for Corporate Litigation in San Diego](#).

2010 Burton Award for Legal Writing Achievement for article, "[The Diminishing Role of the Private Attorney General in Antitrust and Securities Class Action Cases Aided by the Supreme Court.](#)"

The Burton Award is dedicated to the enrichment and refinement of writing in the legal profession and is presented by the Burton Foundation, a nonprofit cultural and academic organization devoted to promoting the legal profession. This article was also cited by Chief District Judge B. Lynn Winmill of the Federal District of Idaho in *In re Micron Technology, Inc. Securities Litigation*.

- [Filed an amicus brief](#) advocating a market-participant exception to state-action immunity to the US Supreme Court in an antitrust challenge to a hospital merger involving a sub-state entity ([FTC v. Phoebe Putney Health System, Inc.](#)).
- Represented client in case challenging anticompetitive conduct by state licensing board. (*Petrie v. Virginia Board of Medicine*)
- Represented association of rental property owners [as amicus curiae](#) in challenge to municipal rental ban. (*Dean et al. v. City of Winona*)
- Represented client in case relating to alleged antitrust conspiracies in markets for processed egg products. (*In re Processed Egg Products Antitrust Litigation*)
- Represented client in case alleging vertical and horizontal antitrust conspiracy by union and hospital to eliminate or weaken non-union hospital competitor (*Prime Healthcare Services, Inc. v. Service Employees International Union, et al.*)
- Represented client in private and FTC antitrust challenges to loyalty-discount programs (*Church & Dwight v. Mayer Laboratories*)
- Represented major producer of packaged ice in state court and federal multidistrict litigation involving allegations of market allocation and price-fixing (*In re Packaged Ice Litigation*)
- Represented financial brokerage company in federal multidistrict litigation involving alleged conspiracy in municipal derivatives industry (*In re Municipal Derivatives Antitrust Litigation*)
- Represented company in multi-district class action antitrust and RICO lawsuit challenging the insurance and insurance brokerage industries in both district court and the Third Circuit (*In re Insurance Brokerage Antitrust Litigation*)
- Represented company in class action antitrust and unfair competition suit involving the energy industry (*In re Wholesale Electricity Antitrust Litigation*)

Publications

- Editor and Author, [The Antitrust Attorney Blog](#)
- Co-author, "[State certificate-of-need laws for hospitals must go](#)," Minneapolis Star Tribune, April 28, 2020.
- Co-author, "[Are the antitrust laws any defense to the real dangers of mega-mergers and big technology power aggregation?](#)", Truth on the Market Blog, August 28, 2018.
- Co-author, "[Legislative Exactions After Koontz v. St. Johns River Management District](#)," 27 Geo. Int'l Entl. L. Rev. 539, [January 12, 2016](#) (*Georgetown International Environmental Law Review*).
- Co-author, "[Disrupting the Traditional Law Firm Model](#)," CIO Story, June 10, 2015.
- Author, "'[But the Bridge Will Fall](#)' is Not a Valid Defense to an Antitrust Lawsuit," [Competition Policy International](#) (Antitrust Chronicle) (November 11, 2014).
- Co-author, "Refusals to Deal," in [Antitrust Law and Economics of Product Distribution](#) (2d ed. 2016), American Bar Association.

- Co-author, "[The Market Participant Exception to State-Action Immunity](#)," *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 23, No. 1 (Spring 2014).
- Author, "[The Comcast-TWC Merger: Limit the Government's Options](#)," [Competition Policy International](#) (Antitrust Chronicle) (April 14, 2014).
- Author, "[Your loyalty discounts and rebates may violate antitrust and competition laws](#)," *DLA Piper Antitrust Alert* (February 5, 2014).
- Co-author, "[Actavis Court Requires Case-by-Case Analysis of Anticompetitive Effects Of Reverse-Payment Settlements](#)," *Bloomberg BNA Antitrust & Trade Regulation Report* (July 12, 2013)
- Co-author, "[Justices say pay-for-delay deals with generic drug makers subject to antitrust 'rule of reason'](#)," [Daily Journal](#) (June 21, 2013)
- Co-author, "[Supreme Court in Actavis: analyze reverse-payment settlements' anticompetitive effects case by case](#)," *DLA Piper Antitrust Alert* (June 19, 2013)
- Author, "[Book Review – The Global Limits of Competition Law \(Global Competition Law and Economics\)](#)," *European Competition Law Review*, Volume 34 Issue 6 (2013)
- Author, "[US High Court Takes on State Antitrust Action Removability Case](#)," *Los Angeles Daily Journal* (June 6, 2013)
- Author, "[New FTC Commissioner Prioritizes Transparency in Enforcement](#)," *Los Angeles Daily Journal* (April 23, 2013)
- Author, "[Road To Class Certification Gets Bumpier](#)," *Los Angeles Daily Journal* (April 3, 2013)
- Co-author, "[Chapter 5: Exclusive Dealing](#)," International Competition Network, Unilateral Conduct Workbook (April 2013)
- Author, "[US High Court Scales Back Major Antitrust Exemption](#)," *Los Angeles Daily Journal* (February 28, 2013)
- Co-author, "[FTC v. Phoebe Putney Health System, Inc.: Supreme Court rules state law does not offer blanket protection from antitrust laws](#)," *DLA Piper Antitrust Alert* (February 21, 2013)
- Co-author, "[Third Circuit Rekindles Uncertainty in Patent Settlements Under Hatch-Waxman Act](#)," *DLA Piper Antitrust Alert* (July 25, 2012)
- "[The Antitrust Implications of Licensed Occupations Choosing Their Own Exclusive Jurisdiction](#)," *5 University of St. Thomas Journal of Law & Public Policy* 28 (Spring 2011)
- Co-author, "State Licensing Agency Must Also Face Antitrust Scrutiny FTC Rules," *The Legal Intelligencer* (March 7, 2011)
- Co-author, "[State Antitrust Laws Fill Federal Void](#)," *Executive Counsel* (December 2010/January 2011)
- Co-author, "[Practicing as a Competition Lawyer in the 21st Century](#)," *The Legal Intelligencer* (November 1, 2010)

- Co-author, [“Can I Settle My Patent Litigation with a Reverse Payment Without Violating Antitrust Laws?”](#) *DLA Piper Intellectual Property and Technology News*, Issue 6 (June 2010)
- Co-author, [“Does My Reverse-Payment Settlement Violate the Antitrust Laws?”](#) *Pharmaceutical Law & Industry Report*, (June 2010)
- [“Loyalty Discounts and the FTC’s Lawsuit against Intel,”](#) *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 19, No. 1 (Spring 2010) (Article [PDF](#))
- Co-author, [“FTC seeks to break new ground in lawsuit against Intel Corporation,”](#) *Antitrust Alert* (6 Jan 2010)
- Co-author, “Section 5 Action Against Intel Shows FTC Seeks to Expand Power,” *The Legal Intelligencer* (January 4, 2010)
- Contributor to Insurance section of California Antitrust & Unfair Competition Law Treatise (Fourth) (2009)
- Co-author, [“Administration’s New Antitrust Policy Is on Collision Course with High Court,”](#) *The Legal Intelligencer* (June 2, 2009)
- Co-Author, [“Department of Justice officially departs from Bush antitrust policies,”](#) *Antitrust Alert* (12 May 2009)
- Co-author, [“High Court’s Recent Linkline Decision Casts Doubt on Vitality of LePage’s,”](#) *The Legal Intelligencer* (May 4, 2009)
- Co-author, “Court Adds Teeth to ‘Rigorous Analysis’ Requirement for Class Certification,” *The Legal Intelligencer* (March 2, 2009)
- Co-Author, [“FTC Files Complaint Against Ovation,”](#) *Mergers and Acquisitions Newsletter; Antitrust Alert* (24 Feb 2009)
- Co-Author, [“FTC Files Complaint Against Ovation Challenge To Consummated, Nonreportable Acquisition Of Orphan Drug Followed By Price Increase,”](#) *Antitrust Alert* (15 Jan 2009)
- Co-author, [“The Diminishing Role of the Private Attorney General in Antitrust and Securities Class Action Cases Aided by the Supreme Court,”](#) 4 J. Bus. & Tech. L. 167 (University of Maryland School of Law) (January 2009)
- Co-author, [“Recent High Court Rulings Don’t Deserve ‘Pro-Business’ Label,”](#) *The Legal Intelligencer* (April 7, 2008)
- Co-author, [“Supreme Court Decisions Weaken Antitrust Laws,”](#) *Executive Counsel*, (March/April 2008)
- Co-Author, [“IPO Underwriting Practices Are Immune from Antitrust Claims,”](#) *Antitrust Alert* (21 Jun 2007)
- Contributor to 2007 “Annual Review of Antitrust Law Developments,” *American Bar Association Section of Antitrust Law*
- Principal Contributor to “Joint Ventures: Antitrust Analysis of Collaborations Among Competitors,” *American Bar Association Section of Antitrust Law* (2006)

- [“Recent Legislation: School Vouchers,”](#) 37 Harv. J. on Legis. 607 (2000)
- [“Efficiency, Entitlements, and the Value of Consent,”](#) *Res Publica*, Illinois Wesleyan University (1998)

Speeches & Presentations

- Panelist, [“Sinking Your Teeth Into NC Dental,”](#) ABA Antitrust Spring Meeting, April 11, 2018.
- Panelist, [“Detecting Antitrust Red Flags in Business Dealings: Avoiding Costly Pitfalls, Identifying Potential Violations in Competitor, Supplier and Customer Interactions and Business Decisions,”](#) [Strafford CLE Webinar](#), August 26, 2014.
- Speaker, “Antitrust and Real Estate,” California Association of Realtors (CAR), Legal Affairs Forum, January 24, 2014 ([CAR Agenda](#))
- Panelist, [“A question of loyalty: How to analyse loyalty rebates and discounts”](#) International Competition Network, December 9, 2013
- Moderator, [“FTC v. Actavis, Inc., Practical Implications of the Landmark Supreme Court Decision,”](#) Law Seminars International, July 16, 2013
- Panelist, [“ABA Unilateral Conduct Committee,”](#) American Bar Association Unilateral Conduct Committee teleconference, June 5, 2013
- Moderator, [“FTC v. Phoebe Putney Health System, Practical Implications of the Landmark Supreme Court Decision,”](#) Law Seminars International, March 1, 2013
- Speaker, “Licensing from an Antitrust Perspective,” Occupational Licensing: Protecting the Public or Protectionism?, University of St. Thomas School of Law symposium, hosted by the University of St. Thomas Journal of Law and Public Policy, Minneapolis, February 11, 2011 ([Agenda](#))
- [Radio interview on behalf of NFIB Legal Foundation](#), discussing a California Supreme Court decision on frivolous lawsuits, July 18, 2007.

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