



## Thomas P Brown

Partner, Litigation Department  
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**Thomas Brown** is a partner in the Antitrust and Competition and the Global Banking and Payment Systems practices. He is based in the firm's San Francisco office.

Mr. Brown's practice focuses on competition law and legal issues affecting the financial services industry. In addition to strategically advising payment systems and financial services clients across a broad spectrum of regulatory issues, he has litigated notable antitrust cases, including class actions, in the financial services industry for more than fifteen years.

Mr. Brown was Vice President, Senior Counsel at Visa U.S.A. Inc. There he was responsible for managing the aftermath of the settlement in *In re Visa Check/MasterMoney Antitrust Litigation*, including the dozens of consumer class actions that were filed following the settlement. He was also deeply involved in the company's transformation from a co-op to a shareholder owned company.

### Recent Representations

- eBay, in its defeat of a putative class action in which plaintiffs claimed that eBay's acquisition of PayPal enabled the company to charge supracompetitive fees.
- In re eBay Derivative Litigation, argued and won a motion to dismiss a claim alleging that the eBay's board of directors breached its fiduciary duties by re-appointing a director to the board who simultaneously served on the board of the New York Times. The District Court for the District of Delaware held that plaintiffs had failed to allege facts sufficient to excuse a demand on the board prior to filing their claim. The published decision granting eBay's motion can be found at *In re eBay Derivative Litigation*, 2011 WL 3880924 (CD. Del. 2011).
- Visa U.S.A. Inc., member of the trial team that handled the defense of the then largest civil antitrust class action in U.S. history, *In re Visa Check/MasterMoney Antitrust Litigation*.

### Speaking Engagements and Publications

### San Francisco

T: 1(415) 856-7248  
F: 1(415) 856-7348

### Practice Areas

Impact and Sustainability  
Artificial Intelligence  
Emerging Growth Companies  
Privacy and Cybersecurity  
Payment Systems  
Litigation  
Fintech and Payments  
Antitrust and Competition  
Technology  
Internet of Things

### Admissions

California Bar

### Education

Columbia University, A.B.  
1992  
The University of Chicago  
Law School, J.D. 1995

## Thomas P Brown (Continued)

- Thomas Brown and Michael Wise, U.S. Merger Control in the High-Technology Sector, *The Merger Control Review* 8th (Sep. 2017)
- Author, PAEs and Antitrust—A Brief Introduction, 79 *Antitrust L. J.* 395 (2014);
- Co-Author with Sam Zun, *Cascades Computer Innovation, LLC v. RPX Corporation—Can't We At Least Agree that There's No Per Se Claim Here?* *Antitrust Magazine* 36 (Summer 2013);
- Author, *Keeping Electronic Money Valuable: The Future of Payments and the Role of Public Authorities* (2009);
- Co-Author, with Professor Richard Epstein, "Cybersecurity in the Payment Card Industry," 75 *U. Chi. L. Rev.* 203 (2008).

### Professional and Community Involvement

- Law Clerk, Honorable Diane P. Wood, U.S. Court of Appeals, Seventh Circuit
- Admitted to Practice, U.S. Court of Appeals, Seventh and Ninth Circuits; U.S. Supreme Court
- Professor, Adjunct Professor at Boalt Hall School of Law, University of California at Berkeley, in the Law and Policy of Modern Consumer Payments
- Editorial Board, ABA's *Antitrust Law Developments* (Seventh) and *Antitrust Law Journal* (Vol. 79-80)
- Member, American Bar Association, The American Law Institute
- Member, Working Group for the World Economic Forum Project on Disruptive Innovation in Financial Services

### Education

- University of Chicago Law School, J.D., 1995
- Columbia University, A.B., 1992

### News

#### November 30, 2018

Paul Hastings Secures Top Rankings in Chambers' FinTech Guide for 2019

#### June 05, 2017

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2017

#### December 14, 2016

New Research by Paul Hastings Shows Non-Cash Payments Across U.S. and UK to Soar by 2026

#### June 08, 2016

## **Thomas P Brown** (Continued)

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA  
2016

### **May 20, 2015**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA  
2015

### **May 27, 2014**

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA  
2014

### **January 06, 2014**

Paul Hastings Represents Childrens Hospital & Research Center Oakland in an  
Affiliation with the University of California

### **June 05, 2013**

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United  
States 2013

### **May 27, 2013**

Paul Hastings Employment Practice Honored with Chambers "Award for  
Excellence" and Firms Leading Practices and Lawyers Ranked in Chambers  
USA 2013

### **November 29, 2012**

Financial Times Recognizes Paul Hastings as Third Top Innovative Law Firm of  
2012

### **July 13, 2012**

Paul Hastings Payments Expert Testifies Before Senate Banking Committee

### **June 01, 2012**

Paul Hastings Continues Antitrust and Competition Expansion with Former  
Department of Justice Executive in DC

### **January 05, 2012**

Paul Hastings Continues Antitrust and Competition Expansion with Addition of  
Prominent Partner in San Francisco

## Thomas P Brown (Continued)

### Insights

**March 26, 2019**

Containing Risk and Seizing Opportunity: The In-house Lawyer's Guide to Artificial Intelligence

**August 09, 2018**

U.S. Proposes a National Framework for the Regulation of Fintech

**July 11, 2018**

California Consumer Privacy Act of 2018 Set to Dramatically Change Privacy Landscape Across the Country

**January 24, 2018**

Antitrust Division Signals Criminal Cases on No Poach Agreements Among Employers

**September 11, 2017**

US Merger Control In The High-Technology Sector

**July 20, 2017**

See You in Court: CFPB Final Arbitration Rule Opens the Door to Class Action Lawsuits

**March 15, 2017**

Madden Remand Muddles Contract Law: A SDNY Decision or Sign of a National Trend?

**March 06, 2017**

Madden Matters: Structuring Bank-Origination Partnerships

**December 13, 2016**

The OCC's Proposed Fintech Charter: If It Walks Like a Bank and Quacks Like a Bank, It's a Bank

**November 30, 2016**

Back to the Future—Trump Administration Seeks to Roll Back Financial Services Regulation

**November 04, 2016**

The CFPB's Project Catalyst: Is It Worth the Risk?

## Thomas P Brown (Continued)

**September 29, 2016**

Online Lenders Beware—CashCall Decision another Example of True Lender Risks

**June 14, 2016**

CFPB Proposes New Rule Targeting Small Dollar Loans, Relies on UDAAP Rulemaking Authority for First Time

**April 09, 2015**

CFPB Releases its First Regulatory Proposals Under its UDAAP Authority - Proposing to Level the Playing Field for Payday Loans, Vehicle Title Loans, and Certain High-Cost Installment and Open-End Loans

**March 11, 2014**

FTC v. St. Lukes: A Successful Challenge to a Hospital/Physician Group Merger Vertical or Horizontal?

**December 02, 2013**

Recent Song-Beverly Act Cases Highlight Divide Between Online and Offline Commerce

**June 03, 2013**

Virtual Currencies - Legal and Regulatory Challenges

**May 13, 2013**

Trends in Electronic Payments

**February 27, 2013**

Supreme Court Limits State-Action Immunity in Hospital Merger

**February 06, 2013**

California Supreme Court Rules in *Apple Inc. v. Superior Court* That Online Retailers May Request Personal Identification Information From Purchasers of Electronic Downloads

**August 01, 2012**

Patent Aggregation: Guidance from the DOJ's Recent Approval Of Three Major Patent Portfolio Acquisitions

**Rankings & Awards**

## **Thomas P Brown** (Continued)

**November 30, 2018**

Recognized in the Chambers FinTech Guide

**June 05, 2017**

Recognized by Chambers USA 2017

**June 08, 2016**

Recognized by Chambers USA 2016

**March 09, 2015**

Global Competition Review's California Survey

**September 10, 2014**

Daily Journal "Top 100 Lawyers in California"