WIGGIN
WIGGIN AND DANA



Benjamin H. Diessel

PARTNER

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Ben is a Partner in Wiggin and Dana's Litigation Department and Chair of the firm's Antitrust and Technology Disputes Practice Group. The Antitrust Group, under Ben's leadership, was recognized as the Antitrust Department of the Year by the *New England Legal Awards*. Ben has a national reputation within the antitrust bar, and has been appointed to leadership of the ABA's Antitrust Section.

An experienced litigator, Ben has devoted his practice to helping clients navigate a broad range of complex legal issues, including antitrust litigation and advising, intellectual property litigation and licensing, commercial litigation, securities litigation, regulatory matters and internal investigations. Ben assists clients with cutting edge technology issues, drawing on his undergraduate and masters degrees in computer science and engineering, and engineering experience working for a major Fortune 25 company.

Ben has been actively litigating some of the largest and most impactful antitrust and technology cases in recent years. He currently represents clients in three separate and significant multi-party antitrust litigations involving technology platforms, generic drugs, and real estate brokerage rules. Ben was part of the core trial team representing Epic Games that secured a jury verdict against Google in federal court in California, a win which *Global Competition Review* awarded the firm "Litigation of the Year." Ben was also part of the core trial team that won a first-of-its-kind permanent injunction against Apple. He was also part of the trial team that achieved a victory in the International Trade Commission and a favorable settlement for Qualcomm on the first day of trial in federal court. He currently also serves as lead counsel representing a large generic pharmaceutical company in the generics pricing MDL, and serves as lead counsel representing the interests of real estate brokerage firms in connection with the real estate brokerage antitrust litigation.

Leading innovators have sought Ben's expertise in connection with technology litigation and licensing matters concerning standard essential patents (SEPs) in a wide range of standardized technologies, including cellular communications (3G, 4G/LTE, 5G), video coding, WiFi, Bluetooth and other standardized technologies. Ben is the first author of a leading chapter, *FRAND Licensing of Standard Essential Patents*, in PATENTS AND STANDARDS:

PRACTICE, POLICY, AND ENFORCEMENT (*Bloomberg* 2022), which is frequently cited favorably by courts and academics. Ben's experience spans the entire lifecycle of antitrust trial litigation, including pre-litigation, pleadings, discovery, expert discovery, dispositive motions, trial and appeals.

Ben routinely represents clients before the United States Department of Justice and the Federal Trade Commission, including in connection with proposed mergers and acquisitions, civil investigative demands, subpoenas and criminal investigations and plea negotiations. He has successfully represented clients before federal agencies in connection with proposed mergers in several areas. He also has experience working with the DOJ to successfully resolve alleged criminal bid-rigging and price-fixing by a corporate client.

Ben also represents clients in connection with prospective corporate transactions. He works hand-in-hand with clients to assess antitrust considerations related to potential regulatory reporting and establish best practices for due diligence information flow (such as establishing and executing "clean team" protocols). He has substantial experience implementing and training on antitrust compliance policies. He also counsels clients concerning pricing matters, including reviewing, developing, and enforcing pricing strategies, minimum advertising price ("MAP") policies, authorized reseller policies, so-called *Colgate* policies (i.e., unilateral resale price maintenance or "RPM" policies) and other vertical pricing policies.

Ben has been recognized as a leading litigator. He received the award for New England Attorney of the Year, Finalist, in 2024, and for Connecticut Attorney of the Year, Finalist, in 2022. He was also recognized as a "Litigation Star" by *Benchmark Litigation* in 2021-2024.

Before joining Wiggin and Dana, Ben practiced in New York at Cravath, Swaine & Moore LLP, where he represented multinational companies in complex litigation and regulatory matters.

Ben received his J.D. *magna cum laude* from the University of Michigan Law School, where he was Articles Editor for the *Michigan Law Review*. Ben earned his M.S. and B.S. degrees in Computer Science & Engineering from the University of Michigan, where he studied Artificial Intelligence and Machine Learning, among other topics.

Following graduation from law school, Ben clerked for Judge Ronald M. Gould of the U.S. Court of Appeals for the Ninth Circuit. Prior to attending law school, Ben worked as a software engineer for a startup company and at Ford Motor Company.

Education

- University of Michigan Law School (J.D., 2008)
    - magna cum laude
- University of Michigan Rackham School of Graduate Studies (M.S., Computer Science and Engineering, 2008)
- University of Michigan (B.S., Computer Science, 2002)

Bar Admissions

- New York
- Connecticut

Court Admissions

- U.S. Court of Appeals for the Second Circuit

- U.S. District Court (District of Connecticut)
- U.S. District Court (Eastern District of New York)
- U.S. District Court (Southern District of New York)
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit

Memberships and Affiliations

American Bar Association, Antitrust Law Section

- Vice Chair of Books and Treatises

Connecticut Bar Association, Antitrust and Trade Regulation Section

- Treasurer

South Asian Bar Association of Connecticut

- Member
- Former Board of Directors Member
- Former Director of Communication

Publications

August 5, 2026
Recent Significant Federal Merger Enforcement Developments

May 28, 2026
DOJ Settlement with Agri Stats and Recent Speech Signal Heightened Scrutiny for Information Sharing Among Competitors and Algorithmic Pricing Tools

May 19, 2026
NCAA Settlement Sets Aside Rule Banning Student Athletes From Accepting Outside Prize Money

May 14, 2026
FTC Settles With Watchdog Journalism Non-Profit “Media Matters for America”

April 20, 2026
Fifth Circuit Holds FTC’s Internal Administrative Adjudication of Deceptive Advertising Claims Unconstitutional

March 31, 2026
FTC Foregoes Administrative Proceeding Option, Indicating Procedural Changes to Merger Enforcement are Underway

March 27, 2026
FTC Reverts to Long-Standing HSR Reporting Requirements

March 16, 2026
Uptick in DOJ Antitrust Division Statements of Interest

February 18, 2026
District Court Vacates HSR Reporting Requirements

January 12, 2026
2025 Antitrust Round-Up

December 24, 2025
FTC Sets Aside Rytr LLC Final Order, Citing the Trump Administration's AI Action Plan

October 30, 2025
Merger Remedies Are Back in Play: Recent Developments

September 25, 2025
The FTC Intends to Challenge Non-Competes on a Case by Case Basis

September 24, 2025
Live Nation Faces New Challenge from FTC regarding Deceptive Ticket Prices

August 18, 2025
D.C. District Court Blocks FTC Investigation Into Watchdog Journalism Non-Profit, "Media Matters for America"

July 23, 2025
D.C. District Court Finds President Trump's Firing of FTC Commissioner Illegal

July 7, 2025
Merger Remedies are Back in Play under Trump 2.0

June 23, 2025
Settled Yet Uncertain: Final Approval of NCAA NIL Settlement Opens Doors to More Antitrust Challenges

April 30, 2025
Federal Judge Allows FTC's Robinson-Patman Act Suit Against Southern Glazers Wine and Spirits to Continue Beyond Motion to Dismiss Stage

February 21, 2025
2024 M&A Year-End Report

February 14, 2025
Private Merger Challenges and SAEVA – What Merging Parties Need to Know

November 27, 2024
Trump 2.0 – Back to the Future?

October 11, 2024
FTC Finalizes Dramatic Changes to HSR Premerger Filing

April 29, 2024
Federal Trade Commission Issuing Non-Compete Clause Rule

April 4, 2024
Staying in Commission: Guidance for Real Estate Companies Facing Potential Antitrust Litigation

March 4, 2024
Recent Developments Concerning So-Called ‘Algorithmic Collusion’

February 15, 2024
2023 M&A Year-End Report

October 23, 2023
New DOJ Safe Harbor Policy Aims to Incentivize Timely Disclosure of Criminal Misconduct Discovered During Mergers and Acquisitions

August 21, 2023
The FTC has Recently Substantially Elevated its Focus upon Both Private Equity and Interlocking Directorates

July 28, 2023
FTC Proposes Dramatic Changes to HSR Premerger Filings, as Agencies Unveil New Merger Guidelines

March 10, 2023
The FTC to Vigorously Enforce The Robinson-Patman Act

February 14, 2023
US DOJ Antitrust Division Withdraws Safety Zones

February 10, 2023
2022 M&A End Year Report

August 29, 2022
Senior Counsel Robert Langer and Partner Benjamin Diessel Published an Article in ABA Antitrust Law Section’s Antitrust Magazine

January 14, 2022
“FTC Merger Policy Shifts May Spur Uncertainty And Risk”
Law360

December 7, 2021
The FTC’s Recent Unilateral Changes in Its Merger Policies Creates Both Uncertainty and Increased Risk

8/10/2021
“Does the Sherman Act Preempt State ‘Post-and-Hold’ and Other Liquor Pricing Laws?”
American Bar Association

October 21, 2020
Remembering a Blissful Summer for SEP Owners
IAM

May 4, 2020

100 Million Dollar Criminal Antitrust Penalty Paid By Florida Oncology Practice

May 4, 2020

Attorneys Robert M. Langer, Benjamin H. Diessel and Timothy Cowan's Advisory Published By The National Law Review

The National Law Review

February 26, 2020

Recent Developments in Intellectual Property Law

November 6, 2019

Important New Guidance – How an Effective Antitrust Compliance Program Could Prevent Criminal Charges Against Your Company

September 19, 2019

MAP Policies

June 11, 2019

Why Correctly Understanding Antitrust Risk is Crucial to Properly Addressing Brand Dilution in the E-Commerce Age

The National Law Review