

SULLIVAN & CROMWELL LLP

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PRACTICES & CAPABILITIES

Antitrust

Intellectual Property &
Technology Litigation

Intellectual Property &
Technology Transactions

Litigation

Mergers & Acquisitions

Technology, Media &
Telecommunications

Renata Hesse is co-head of the Firm's Antitrust Group. Her practice focuses on antitrust counseling, cartels and merger clearance. Ms. Hesse is frequently recognized as a leading and influential antitrust lawyer, with a particular emphasis on the intersection of antitrust and intellectual property matters in high-tech industries. In addition to her work on civil antitrust matters, Ms. Hesse also has an active practice involving criminal antitrust investigations, including advising clients on no-poach agreements and other wage-fixing and labor market investigations. She currently is the International Officer of the American Bar Association's Antitrust Section and is a frequent speaker at antitrust and legal forums.

Ms. Hesse counsels some of the world's biggest companies on a range of high-stakes antitrust matters. Most recently, she advised:

- Amazon on its \$13.7 billion acquisition of Whole Foods Market;
- Amgen Inc. in its \$1.9 billion acquisition of Five Prime Therapeutics, Inc.;
- Amgen in its \$13.4 billion acquisition of Otezla from Celgene;
- Canadian Pacific Railways Limited (CP) in its \$31 billion deal to acquire Kansas City Southern, defeating a competing bid by Canadian National. Renata was part of the S&C team that successfully persuaded the Surface Transportation Board—an agency that oversees competition in the freight rail industry—to allow CP to use a voting trust, a key component of CP's successful bid;
- Fiserv, Inc. in its \$22 billion acquisition of First Data Corporation;
- Guardant Health in connection with Illumina's \$8 billion acquisition of GRAIL;
- Integra LifeSciences in its acquisition of ACell for up to \$400 million;

EDUCATION

1990, UC Berkeley School of
Law, J.D.

1986, Wellesley College,
B.A.

BAR ADMISSIONS

California

District of Columbia

- Merck KGaA on its \$6.5 billion acquisition of Versum Materials;
- Novartis in its \$9.7 billion acquisition of The Medicines Company;
- Parkland Corporation in its acquisition of Conrad & Bischoff and its related companies;
- Praxair, Inc. in its \$80 billion merger of equals with Linde AG;
- Royal Philips in its acquisitions of BioTelemetry and of the Healthcare Information Systems business of Carestream Health;
- Tenaris S.A. in its \$1.2 billion acquisition of IPSCO Tubulars, Inc., the U.S. subsidiary of PAO TMK, a Russian company;
- Tiffany & Co. in its acquisition by LVMH Moët Hennessy – Louis Vuitton SE for approximately \$16 billion;
- Multiple clients on the implications of potential “no-poach” agreements, including providing assessments of and advice on conduct that could implicate the antitrust laws;
- A large industrial company based in Latin America on confidential criminal antitrust matters; and
- Volkswagen in a Department of Justice investigation into four automakers that had sided with California in its dispute with the federal government over reducing climate-warming vehicle pollution. In February 2020, the DOJ dropped its investigation, finding that the companies had violated no laws.

Ms. Hesse joined Sullivan & Cromwell following a distinguished career in government, including leading the Antitrust Division at the Department of Justice twice as Acting Assistant Attorney General and serving that division for more than 15 years. During her time at the Division, Ms. Hesse worked on a number of high profile transactions, as well as other key initiatives related to the licensing and enforcement of standards-essential patents. While serving as Acting Assistant Attorney General, Ms. Hesse, in collaboration with the FTC, was responsible for the issuance of the DOJ’s and FTC’s landmark “Antitrust Guidance For Human Resource Professionals”, which lays the groundwork for criminal prosecution of antitrust violations stemming from wage-fixing or no-poaching agreements. She also had oversight of the criminal program as the Principal Deputy Assistant Attorney General, where she was a decision-maker on a range of significant criminal matters. Ms. Hesse was previously Chief of the Networks and Technology Section (now the Technology and Financial Services Section) and a Trial Attorney in two Division sections, and has worked extensively with antitrust and competition law enforcement agencies at the highest levels across Asia, Europe, Australia and Latin America.

Ms. Hesse also served as Senior Counsel to the Chairman of the Federal Communications Commission, where she advised Chairman Genachowski on transactions pending FCC approval. She co-authored the United States chapter of “The Intellectual Property and Antitrust Review” in 2017-2020.

Rankings and Recognitions

- Named to the last three editions of *Global Competition Review’s* Women in Antitrust (2013, 2016, 2021)
- *Concurrences Review* – Best Antitrust Business Article: Intellectual Property Category (2020)
- *Profiles in Diversity Journal* — Women Worth Watching (2020)
- *Chambers USA* – Recognized for Antitrust - District of Columbia (2019-2021) and Antitrust - Nationwide (2021)

- *The National Law Journal* – Antitrust Trailblazer (2018)
- Euromoney’s *Benchmark Litigation* – Top 250 Women in Litigation (2018-2021); Local Litigation Star (2020-2022)
- Euromoney’s *Americas Women in Business Law Awards* – Best in Antitrust/Competition (2018-2019)
- *The International Who’s Who of Competition Lawyers* (2020-2021)
- *The Legal 500 United States* – Recognized for Antitrust: Merger Control (2018)
- *Super Lawyers* – Recognized for Antitrust Litigation (2019-2020)
- *Best Lawyers* – Recognized for Antitrust Law (2019-2022)
- Lead partner on the Amazon/Whole Foods deal, which was recognized as the “2018 Merger control matter of the year – Americas” by *Global Competition Review*