

# Andrew L. Foster

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Antitrust/Competition



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## Education

LL.M., University of Edinburgh, 2005  
(with distinction)

J.D., University of Michigan Law  
School, 2004 (Clarence Darrow Scholar;  
*cum laude*)

B.A., Yale University, 1999

## Bar Admissions

Hong Kong  
New York

Andrew Foster is head of the firm's international competition practice for Asia Pacific. He advises on competition regimes around the globe, focusing on China, the EU and the U.S. Mr. Foster has practiced in Skadden's New York, Brussels, Beijing and Hong Kong offices, representing multinational firms in international merger control, private litigation, and U.S. and EU enforcement matters, including cartel and monopolization/dominance investigations. Repeatedly selected for inclusion as a leading competition lawyer in *Chambers Global*, *Chambers Asia Pacific*, *IFLR1000 Asia Pacific* and *Who's Who Legal: Competition*, Mr. Foster also has been published widely on international competition issues, including contributing chapters to *Competition Law in Asia-Pacific: A Practical Guide* and *EU and US Antitrust Arbitration: A Handbook for Practitioners*.

Notable recent merger control work includes:

- **Axiata Group** in Celcom Axiata's US\$12 billion merger with Digi.com, a subsidiary of Telenor Asia, which is the largest-ever telecoms transaction in Malaysia;
- **Grab Holdings Inc.** (Singapore) in its US\$40 billion merger with Altimeter Growth Corp. As a result of the merger, Grab will become a publicly traded company in the largest-ever de-SPAC transaction globally and the largest-ever U.S. equity offering by a Southeast Asian company, with PIPE proceeds of US\$4.04 billion;
- **SK Hynix Inc.** (South Korea) in its US\$9 billion acquisition of the NAND memory and storage business of Intel Corporation;
- **WABCO Holdings Inc.** (Belgium) in its US\$7 billion merger with ZF Friedrichshafen AG. The transaction was named Merger Control Matter of the Year — Asia-Pacific, Middle East and Africa at the 2021 GCR Awards;
- **Xilinx, Inc.** (U.S.) in its US\$35 billion acquisition by Advanced Micro Devices, Inc.;
- **Willis Towers Watson** (U.K.) in its US\$30 billion acquisition by Aon plc.;
- **Cisco Systems, Inc.** (U.S.) with certain antitrust and regulatory aspects of its US\$2.6 billion acquisition of Acacia Communications, Inc.;
- **NXP Semiconductors N.V.** (the Netherlands) in its US\$1.76 billion acquisition of Marvell Technology Group Ltd.'s wireless connectivity portfolio;
- **Red Hat, Inc.** (U.S.) in its US\$34 billion acquisition by International Business Machines Corporation;
- **Hewlett Packard Enterprise** (U.S.) in its US\$1.3 billion acquisition of Cray Inc.;
- **Rockwell Collins, Inc.** (U.S.) in its US\$30 billion acquisition by United Technologies Corp.;
- **Cavium Inc.** (U.S.) in its US\$6 billion acquisition by Marvell Technology Group Ltd.;
- **E. I. du Pont de Nemours and Company** (U.S.) in its combination with The Dow Chemical Company in an all-stock merger of equals with an announced value of US\$130 billion;
- **EMC Corporation** (U.S.) in its US\$67 billion acquisition by Denali Holding Inc., the parent company of Dell Inc.;
- **NXP Semiconductors N.V.** (the Netherlands) in its proposed but terminated US\$47 billion acquisition by Qualcomm Incorporated;
- **ABB** (Switzerland) in its US\$2.6 billion acquisition of GE's Industrial Solutions business;
- **Becton Dickinson and Company** (U.S.) in its US\$24 billion acquisition of C.R. Bard Inc.;

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- **Konecranes plc** (Finland) in its US\$10 billion business combination with U.S.-based Terex Corporation;
- **SanDisk Corp.** (U.S.) in its US\$19 billion acquisition by Western Digital Corporation;
- **Air Products and Chemicals, Inc.** (U.S.) in its US\$3.8 billion sale of the performance materials division of its materials technologies segment to Evonik Industries AG;
- **HP Inc.** (U.S.) in its US\$1 billion acquisition of Samsung Electronics Co.'s printing business;
- **Nokia Corp.** (Finland) in its US\$16.6 billion combination with Alcatel-Lucent in the wireless telecommunications infrastructure industry and in the US\$7.2 billion sale of its handset business to Microsoft Corp.;
- **Broadcom Corp.** (U.S.) in its US\$37 billion acquisition by Avago Technologies Limited in the semiconductor industry;
- **Freescale Semiconductor Ltd.** (U.S.) in its merger with NXP Semiconductors, N.V. in a transaction valuing the combined enterprise at just over US\$40 billion;
- **General Electric** (U.S.) in its US\$14 billion acquisition of Alstom SA and its US\$4.3 billion acquisition of Avio S.p.A., an aviation engine parts supplier; and
- **Merck KGaA** (Germany) in its US\$17 billion acquisition of Sigma-Aldrich Corporation, a chemical company for the life science industry.

Mr. Foster also has significant experience in representing multinational firms in U.S. and EU enforcement matters, involving both cartel and monopolization/dominance investigations. He has assisted in obtaining conditional immunity with the European Commission and other competition law agencies, and has substantial experience representing clients in Article 101 and 102 investigations, as well as U.S. private litigation and class action matters.

## Publications

Co-Author, "China Publishes Draft Amendments to Anti-Monopoly Law," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 27, 2020

Co-Author, "Merger Review Procedures Undergo Global Modifications," *Skadden, Arps, Slate, Meagher & Flom LLP*, March 30, 2020

Co-Author, "Asia-Pacific Antitrust Review (Merger Control)" *GCR Insight*, 2019

Co-Author, "Southeast Asian Competition Regulators Ramp Up Merger Control Enforcement," *Skadden, Arps, Slate, Meagher & Flom LLP*, July 16, 2018

"China's Antitrust Regime: Retooled, Retrenched and (Potentially) Ready for Battle," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 19, 2018

"Antitrust Compliance Tools for In House Lawyers," *ACC Docket*, Asia March Issue 2018

"Merger Control: China," *International Finance Law Review*, March 2018

Co-Author, "The Hidden Risks of MOFCOM's Simplified Procedure," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 21, 2017

"Navigating the Unique Features of China's Competition Landscape," *American Bar Association*, Spring 2017

"The Asia-Pacific Antitrust Review 2016 (Merger Control)," *Global Competition Review*, 2016

"MOFCOM Lifts Hold-Separate Remedies for the First Time," *Skadden, Arps, Slate, Meagher & Flom LLP*, October 26, 2015

"MOFCOM Cracking Down on Failures to Notify Qualifying Mergers, Acquisitions and Joint Ventures," *Skadden, Arps, Slate, Meagher & Flom LLP*, October 12, 2015

"Substantive Analysis in China's Horizontal Merger Control: A Six-Year Review and Beyond," *Journal of Antitrust Enforcement*, 2015, 0, 1-23, August 12, 2015

Co-Author, "Navigating Chinese Merger Control: MOFCOM Prohibits P3 Shipping Alliance," *Skadden, Arps, Slate, Meagher & Flom LLP*, June 19, 2014

Co-Author, "China Merger Control: New Carrots and a Bigger Stick," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 23, 2014

Co-Author, "China Introduces Simplified Merger Review Provisions to Improve Process," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 23, 2014

Author "China," *Competition Law in Asia-Pacific: A Practical Guide* (ed. K. Groshinski, C. Davies) *Wolters Kluwer*, 2014

Co-Author, "Competition Remedies for M&A and Joint Ventures: China's Diverging Practice from EU & U.S. Agencies," *VCExperts*, June 2012

Co-Author, "Expanding EU Acceptance of Conduct Remedies in Vertical and Conglomerate Mergers" (Chapter 16), *International Antitrust Law & Policy: Fordham Competition Law*, 2011

Co-Author, "The Essentials of US Antitrust Practice," EU and US Antitrust Arbitration (ed. G. Blanke, P. Landolt) *Wolters Kluwer* 2011

Co-Author, "Enhancing Competition Compliance: The Limits of Fining and Some Potential Complementary Incentives to Compliance," *European Competition Law Annual 2011* (ed. C.D. Ehlermann, M. Marquis) Hart Publishing