

Overview

Your business now faces more aggressive enforcement of competition and antitrust laws and regulations worldwide from regulators, competitors, suppliers, distributors and consumers. Our global footprint includes a multijurisdictional team of more than 100 competition and antitrust lawyers spanning Dentons' offices in Asia Pacific, Australia, Canada, Central Asia, Europe, Latin America and the Caribbean, the Middle East, Russia, CIS and the Caucasus, the UK and the US. All understand the business and legal issues you will encounter and have the legal experience to create innovative solutions to manage any type of antitrust challenge.

Operating across the United States, Dentons' US Competition and Antitrust team works on the full spectrum of antitrust matters, complex competition investigations and trial and counseling in all types of competition matters, merger proceedings and litigation. For decades, our lawyers and professionals have worked on cutting-edge antitrust cases and high-profile class actions. Dentons lawyers can advise you on federal antitrust laws—the Sherman Act, the Clayton Act, the Robinson-Patman Act and the Federal Trade Commission Act—as well as on various unfair competition laws at the state level.

Whether representing in grand jury proceedings or conducting internal audits and investigations to forestall a US Department of Justice (DOJ) government investigation, civil and criminal charges or penalties, Dentons defends our clients every step of the way. We litigate and defend antitrust cases involving diverse industries, including agribusiness, energy, financial services, health care, manufacturing, retail and technology, among others.

Our key experience spans across all areas of antitrust, including:

- Antitrust counseling
- Competitor collaborations
- Compliance programs and advice
- Distribution issues
- E-commerce
- Exclusive dealing
- Government antitrust litigation and investigations
- Internal audits
- IP licensing
- Merger control / competition filings
 - Hart-Scott-Rodino Act
- Minimum advertised pricing issues and programs
- Monopolization claims / Section 2

- Price-fixing and market allocation investigations
- Private antitrust litigation
- "Secret" rebates
- Trade associations
- Tying
- Unfair competition practices

Members of our team have held leadership positions in national organizations such as the American Bar Association Section of Antitrust Law, the Bureau of National Affairs' Antitrust and Trade Regulation Advisory Board, the *Law360* Competition Editorial Advisory Board, the Illinois Franchise Advisory Board and the Practising Law Institute's Annual Antitrust Institute.

Recognition for excellence

Clients, peers and legal trade publications recognize Dentons for being on the cutting edge of antitrust defense. In publications such as *Chambers USA*, *Global Competition Review* and *Best Lawyers in America*, we have been singled out for praise in numerous areas of antitrust law.

Representative Experience

- **accesso Technology Group, plc:** Defeating an antitrust suit seeking more than US\$54 million in damages against Taos, NM-based Siriusware, Inc., and its UK parent, accesso Technology Group. The plaintiff, a competitor, brought the action in the Eastern District of New York, alleging that Siriusware, a provider of ticketing technology solutions, monopolized the ski resort software market, conspired to freeze plaintiff out of the electronic ski pass scanner market and engaged in unlawful tying arrangements. We obtained a judgment of dismissal with prejudice, affirmed by a three-judge panel of the Second Circuit Court of Appeals, which found no Sherman Antitrust Act violations and that Siriusware's "conduct was reasonable as a matter of law."
- **Global electronic manufacturer:** Provided Hart-Scott-Rodino advice on several deals involving plants in Europe, Mexico and Asia, including whether the transactions required US clearance since the plants sold a substantial amount of goods into the US.
- **Global manufacturer:** Representing senior executives in federal grand jury criminal investigations relating to alleged price-fixing and bid-rigging conspiracies with other Japanese companies for the sale of wire harnesses, speedometers and other gauges in Japanese automobiles manufactured in the US. Our antitrust lawyers are also advising other companies who have received grand jury subpoenas from the US Department of Justice, Antitrust Division, investigating alleged price-fixing and bid-rigging in the automobile parts industry.
- **Health care:** Representing and favorably settling a suit brought by a community hospital client against a large health care system, alleging monopolization and attempted monopolization in the acute care hospital market.
- **Insurance company:** Playing a leading role in the successful defense of an antitrust class action filed in California federal court against a long-time insurance client and several other large insurers. The putative class plaintiffs alleged that the defendants conspired to supply inferior aftermarket repair parts and charge anticompetitive premiums to policyholders in violation of antitrust laws. The court granted defendants' Daubert motion, declaring the plaintiffs' proposed methodology for identifying the allegedly inferior aftermarket repair parts inadmissible. The court also denied plaintiffs' third motion for class certification—this time with prejudice. We also played a central role in obtaining summary judgment in favor of the defendants and an affirmance from the US Court of Appeals for the Ninth Circuit.
- **Matsuo Electric:** Defended manufacturer of aluminum and tantalum electrolytic capacitors in antitrust class actions brought on behalf of direct and indirect purchasers, and in US criminal proceedings, including sentencing evidentiary proceedings, alleging international price fixing and market allocation conspiracies.
- **Molex Inc.:** Advising this long-time client, an electronics manufacturer, on antitrust issues and multiple worldwide competition filings in connection with its US\$7.2 billion sale to Koch Industries.
- **Monsanto Company:** Won a significant class action litigation for Monsanto in 13 different corn-and soy-growing states. The original master class actions complaint alleged wide-ranging price fixing conspiracy between Monsanto

and other defendants relating to genetically modified soybean seed products, plus a range of patent and antitrust violations by Monsanto. We successfully opposed certification of a settlement class and, shortly thereafter, a settlement was reached on individual basis.

- **Multiple health care providers:** Representing dozens of hospital systems and accountable care organizations with antitrust analysis and strategy implementation relating to competitor collaborations, joint ventures, exclusive dealing arrangements and M&A.
- **Shinyei Kaisha:** Representing electronic film capacitor manufacturer in criminal investigation by the DOJ Antitrust Division alleging an international cartel to fix prices and allocate markets in the film capacitor industry.
- **Spa control manufacturer:** Representing the plaintiff in an antitrust action against a competitor alleging monopolization, attempted monopolization and conspiracy to restrain trade. The case settled favorably for our client prior to trial.
- **Trade association:** Representing the association, its officers and directors and its members and affiliates. Defeated a US\$47 million antitrust damages claim and obtained dismissal of all 16 alleged causes of action, including for price-fixing, customer allocation and unfair trade practices.
- **Worldwide health care company:** Providing distribution and product protection advice to a manufacturer of global health and nutrition products managing multiple supply and distribution chains across many nations and seeking to combat unfair competition by companies taking legitimate products from the country where they are authorized for sale to countries where they are not so authorized.

Your Key Contacts

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