



ANTITRUST AND COMPETITION LITIGATION

Our Clients

Katten's Antitrust and Competition Litigation attorneys provide effective representation to clients in dozens of industries including health care, financial services, aviation, consumer products, industrial goods, construction, pharmaceuticals, electronics, media and transportation services. With a deep understanding of the increasingly competitive and litigious environment in which our clients operate, we help to advance their business and litigation objectives with insight, sophistication and efficiency.

Our Services

Katten's experienced antitrust attorneys regularly obtain favorable results in antitrust investigations as well as in civil and criminal cases. Our team has handled the complete spectrum of antitrust matters, including price-fixing, bid-rigging, monopolization, tying arrangements, price discrimination and competition disputes arising out of the exercise of intellectual property rights. We have extensive experience responding to grand jury and administrative subpoenas and defending government investigations. Frequently our work involves complex parallel proceedings in multiple jurisdictions where civil class action litigation and domestic and foreign government investigations are being prosecuted simultaneously. We have represented many clients in multidistrict litigations, class actions and "opt-out" cases.

RECOGNIZED BY

- U.S. News – Best Lawyers® "Best Law Firms"
 - Antitrust Law (Chicago) 2019, 2018
 - Litigation – Antitrust (Chicago) 2019, 2018



Our antitrust litigators develop efficient strategies to protect our clients' interests in each proceeding. Our practice includes several former Assistant US Attorneys and Department of Justice attorneys who focus on resolving disputes prior to litigation, and, when required, serve as champions of our clients' positions in court.

While our goal is always to avoid prosecution, enforcement actions or civil litigation against our clients, the members of Katten's Antitrust and Competition Litigation team act as powerful advocates, from the first request for information through trial and the appellate courts.

Our Experience

- Lead counsel to Apotex, a global pharmaceutical drug company, regarding antitrust and patent claims—including *Walker Process* fraud, the *Therasense* standard for inequitable conduct and reverse-payment liability theories—in relation to being illegally excluded from the billion-dollar-a-year market for a narcolepsy drug. Katten successfully established that the relevant patent was invalid, not infringed and procured by fraud.

- Defense of a national commercial bank against claims that it and several other large banks conspired to stifle competition in the market for interest-rate swaps by blocking companies from successfully launching public exchanges of the derivatives.
- Representation of an electronics company in connection with certain opt-out actions.
- Representation of a pharmaceutical company in an antitrust and contract breach suit against Reckitt Benckiser over the right to sell generic Mucinex.
- Defense of a big-box store against claims that it conspired with a leading spice company regarding the packaging and pricing of black pepper sold to consumers.
- Defense of two of the nation's largest cement manufacturers against alleged violations of the Sherman Antitrust Act and the Robinson-Patman Act by charging lower prices for the same ready-mix cement products to preferred buyers than they charged to other purchasers. The case was dismissed for not meeting the US Supreme Court's *Twombly* pleading standards.
- Representation of an indicted Japanese auto parts executive in a federal criminal antitrust case brought by the Antitrust Division of the DOJ in the US District Court for the District of Columbia; Katten won a grant of immunity for the client.
- Defense of a manufacturing conglomerate against claims that it monopolized or attempted to monopolize the sale of disposable training pants.
- Representation of an executive of a Japanese company in a federal criminal antitrust investigation.
- Defense of a major recorded music company in antitrust suit brought by association of record retailers alleging various antitrust violations. After moving to dismiss the plaintiffs' complaint, the district court requested the Department of Justice Antitrust Division to submit its views on the complaint and motion to dismiss. The Department of Justice supported Katten's motion and the plaintiffs ultimately withdrew the case.
- Successful defense of Speedo USA, the US distributor of the Speedo brand swimsuit, in a false advertising, Lanham Act, antitrust and unfair competition case brought by a competitor in connection with the marketing and promotion of the Speedo LZR, the revolutionary competitive racing suit worn by more than 70 percent of the medalists at the 2008 Summer Olympics in Beijing. Plaintiff, Speedo's primary competitor in the sale of competitive racing swimsuits, sued Speedo in the US District Court for the Central District of California for false leading advertising, Lanham Act violations, monopolization, exclusive dealing and other alleged torts. Plaintiff claimed that Speedo misrepresented the test results of swim time improvements achieved using the LZR Racer. Plaintiff also claimed that Speedo's sponsorship of USA Swimming—the national governing body for amateur swimming in the United States—and its head coach gave Speedo an unfair advantage in marketing its suits to elite swimmers and other swimmers who race. After a motion to dismiss, in which some of plaintiff's claims were dismissed, the parties engaged in extensive discovery. After two motions for summary judgment, plaintiff's remaining claims were dismissed. Plaintiff did not appeal.
- Representation of TEAC, a manufacturer of retail music components, in litigation relating to resale price maintenance allegations in federal district court.
- Defense of an investment bank/broker-dealer in class action alleging price fixing by market makers in the purchase and sale of publicly traded securities on the NASDAQ stock market. At the time the case was brought, it was the largest antitrust class action in history; the litigation involved more than 30 major investment banking firms and broker-dealers. After several years of litigation, the case settled for a small percentage of potential total damages.
- Defense of a major foreign supplier of carbon graphite products in multi-district litigation class action and opt-out litigation in federal district court in New Jersey alleging international price fixing by client and its competitors. After approximately three years of litigation in which major portions of the plaintiffs' claims were dismissed, the cases brought by direct and opt-out purchasers of client's products were favorably settled.
- Representation of a large class member in antitrust class action in the US District Court for the Eastern District of New York alleging price fixing of air cargo

shipping services by the world's 30 largest air carriers.

- Successful defense of Children's Memorial Hospital in class action suit on behalf of almost 20,000 putative class members in the US District Court for

the Northern District of Illinois against five Chicagoland hospitals alleging a conspiracy to depress registered nurse wages. Successful defense of the plaintiffs' request for class certification after a four-day hearing.