Antitrust and Competition Litigation

As the markets in which companies operate become more global and dynamic, the rules of competition that govern those markets — antitrust law — become increasingly important. With extensive experience in all aspects of antitrust litigation, Katten is a keen and pragmatic advocate for companies engaged in private and government actions regarding anticompetitive or monopolistic behavior.

Protecting your competitive stance

Our experience spans the spectrum of antitrust matters, including price fixing, market allocation, bid rigging, monopolization, tying, group boycotts and price discrimination. Acting on behalf of both defendants and plaintiffs, we bring our skills and judgment to bear on the competitive issues at hand.

When antitrust claims arise, whether from the government or initiated by private parties, Katten's antitrust litigation team provides counsel to and advocates on behalf of clients. Whether it be a hearing on a preliminary injunction, responding to a government inquiry or a full trial on the merits, our attorneys work together as zealous champions of our clients' positions. Our private practice and government-side insights lead to practical, sophisticated responses and outcomes for plaintiffs and defendants in:

- Civil class actions
- Competitor lawsuits
- Criminal investigations
- Department of Justice, Federal Trade Commission and state attorneys general investigations
- Grand jury and administrative subpoenas
- Multidistrict litigation
- Opt-out cases

Katten litigates to achieve clients' goals. From responding to subpoenas or requests for information through trial and (if necessary) appeal, we advance your business and litigation objectives in tandem. We address complex issues arising in antitrust litigation, and we do so with focused consideration of your business outlook.

Key Contacts



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Strategic counsel in parallel proceedings

Parallel proceedings, in which civil, administrative and/or criminal matters proceed simultaneously, are increasingly common in the antitrust arena. These matters often involve multiple jurisdictions. Our antitrust attorneys develop efficient strategies to protect your interests in each proceeding. We have extensive experience responding to grand jury and administrative subpoenas and defending government investigations. And we have managed antitrust concerns across numerous transactions and industries — from consumer goods, basic materials, retail and pharmaceuticals to healthcare, aerospace, satellite, software and financial services.

Our Experience

- Represent filament manufacturer in investigation of unlawful patent pool and abuse of dominance accusations.
- Lead counsel on behalf of a generic pharmaceutical manufacturer asserting claims of monopolization in which it was shown that a competing firm procured a patent for a narcolepsy drug through fraud, thereby establishing the existence of predatory behavior.
- Defend leading 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.
- Lead counsel for one of the primary software suppliers to the mobile telecommunications industry. We obtained dismissal of nine-figure claims for unlawful monopolization of a critical software solution.
- Represented pharmaceutical company in antitrust and contract breach suit against Reckitt Benckiser over the right to sell generic Mucinex. The case serves as a new marker in how antitrust laws can be used to limit what brand pharmaceutical companies can do to keep generic challenges out of the market. A settlement agreement has been executed and the parties are proceeding with agreement milestones.
- Represented leading US retailer in successful dismissal of antitrust action alleging output restrictions, horizontal price fixing and unlawful resale price maintenance on consumer goods.
- Defended one of the primary suppliers of cement in the United States against claims that it violated the Robinson-Patman Act by engaging in price discrimination in the sale of cement. Case dismissed on summary judgment.
- Represented indicted Japanese auto parts executive in federal criminal antitrust case brought by the Antitrust Division of the DOJ in

the US District Court for the District of Columbia. We obtained a grant of immunity for the client.

- Defended leading consumer goods company against claims that it attempted to monopolize the sale of disposable childcare products through the purported fraudulent procurement of patents and the bad faith enforcement of such patents. Case dismissed for failure to state a claim.
- Defended 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 submit its views on the complaint and motion to dismiss. The DOJ supported our motion and the plaintiffs ultimately withdrew the case.
- Successfully defended sportswear distributor against claims for monopolization and exclusive dealing in the marketing and sale of sportswear to the public and to top athletes.
- Defended 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.
- Represent 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.
- Defended 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. Alleged five Chicagoland hospitals conspired to depress the wages of registered nurses. Successfully defended against plaintiffs' request for class certification after a four-day hearing.
- Represented US airline company in successful dismissal of section 2 monopolization action asserted by charter airline competitor.
- Represented DRAM manufacturers in six-week trial concerning unlawful monopolization of market through a purported scheme to set a "patent trap" at a standard setting organization.*
- Represented flash memory manufacturer in obtaining dismissal of alleged class action concerning price fixing.*

*Experience prior to Katten

Recognitions

Recognized or listed in the following:

- *Best Law Firms*
  - Antitrust Law
    - Chicago, 2014–2020
    - National, 2020
  - Litigation – Antitrust Law
    - Chicago, 2016–2020