Antitrust Cases

Bartlit Beck is one of the premier firms for high stakes antitrust cases. Its lawyers have extensive experience investigating, crafting, defending, and trying antitrust cases. Bartlit Beck has handled both plaintiff and defense side antitrust cases in a variety of industries, including the computer software and hardware industries, the aircraft engine industry, various pharmaceutical industries, the digital media equipment and satellite industries, and a variety of traditional manufacturing industries. We have also represented the United States Department of Justice. We have tried both Section 2 monopolization and Section 1 conspiracy claims.

Bartlit Beck’s representative antitrust clients have included Bayer (A.G.), Carrier Corp., Sabre Holdings, Inc., Echostar, Micron, Real Networks, United Technologies, and the United States Department of Justice.

Bartlit Beck’s lawyers have distinguished themselves among the antitrust bar as the lawyers who routinely try complex antitrust cases. The firm’s history is deeply rooted in the practice of high profile antitrust cases: Fred Bartlit, the firm’s senior founder, tried at least 13 antitrust cases to verdict, virtually unprecedented among even the most seasoned antitrust lawyers, and has argued landmark criminal and civil price fixing cases before the U.S. Supreme Court (United States v. United States Gypsum Co., 438 U.S. 422 (1978) (economic intent required for criminal conspiracy antitrust defendants); and Monsanto Co. v. Spray-Rite Serv. Corp., 465 U.S. 752 (1984) (new standard for proof of § 1 vertical conspiracies).

Bartlit Beck’s other partners have continued the practice of representing clients in high profile antitrust matters. On the Plaintiff’s side, Bartlit Beck obtained multi-million dollar settlements on behalf of RealNetworks against Microsoft, as well representations of Hewlett Packard as a plaintiff in opt-out price fixing cases against foreign suppliers in the TFT-LCD and ODD industries.

Because of their nationally recognized experience in the area, Bartlit Beck attorneys Phil Beck and Chris Lind were also appointed Special Trial Counsel to represent the Department of Justice in connection with the remedies phase and Tunney Act proceedings of the Microsoft case. Before the remedies phase of the Microsoft case, Karma Giulianelli served as trial counsel in United States v. Microsoft at the Antitrust Division of the Department of Justice. She has continued her antitrust practice at Bartlit Beck on a broad range of cases.

The firm’s lawyers have also been selected to try some of the most high profile antitrust cases in the nation, including, most recently, defending Sabre Holdings, Inc, a Global Distribution System, in both Texas and New York in cases brought by American Airlines and US Airways.

Below are summaries of some of Bartlit Beck’s representative antitrust cases:

Lead trial counsel for Sabre in antitrust action relating to contract between U.S. Airway and Sabre concerning Sabre's Global Distribution System. Won motions to dismiss monopolization and declaratory judgment claims. Won summary judgment on claim for injunctive relief, and on damages representing a reduction of over 75% of Plaintiff's damages claim. Won $6 million costs/attorneys' fees award. Two-month jury trial resulting in defense verdict on one claim and damages of 1% of what Plaintiff had sought on second claim.

**American Airlines v. Sabre Inc.** (Tarrant County, TX, and N.D. Tex., 2010-2012)


Represent OtterBox Products LLC in antitrust cases brought by former distributors alleging violations of Section 1 in connection with distribution agreements and an alleged group boycott. Motion to dismiss pending.

**In re Drywall MDL** (U.S. District Court, E.D. Pennsylvania)

Defending a drywall manufacturer against Sherman Act price fixing claims related to its drywall business. The plaintiffs allege that the defendants violated Section 1 of the Sherman Act by conspiring to fix, raise, maintain, and stabilize prices for gypsum drywall. This multidistrict litigation matter was consolidated in the U.S. District Court for the Eastern District of Pennsylvania.

**In Re Flat Panel LCD Antitrust Litigation** (U.S. District Court, N.D. California, 2011-2013)

Represented Hewlett-Packard in litigation against several defendants relating to claims of price fixing by major foreign manufacturers of flat-panel LCD displays. (N.D. Cal., Judge Illston) The cases settled.

**In re ODD (Optical Disk Drive Products) Antitrust Litigation** (U.S. District Court, N.D. California, 2013-2015)

Represented Hewlett-Packard in connection with antitrust litigation against suppliers based on price fixing in the market for Optical Disc Drives. Major claims were settled and the remaining claims were consolidated with another case.

**In Re Ciprofloxacin Hydrochloride Antitrust Litigation** (E.D. N.Y., Fed. Cir.)

Represented Bayer AG and Bayer Corporation in nationwide class action antitrust litigation related to Bayer's settlement of patent litigation against Barr Laboratories. The antitrust plaintiffs consist of a class of direct purchasers of Cipro (drug store chains) and a class of indirect purchasers (consumers). They alleged it is an
antitrust violation for a brand to pay a generic challenger to settle Hatch-Waxman litigation. Plaintiffs moved for summary judgment on the ground that Bayer’s settlement payment to Barr was a per se antitrust violation. Bayer defeated summary judgment. Thereafter, the Eleventh and Second Circuits adopted Judge Trager’s reasoning. Following his per se ruling, Judge Trager invited Bayer to file a motion for summary judgment, which Judge Trager granted. Plaintiffs appealed to the Second Circuit, which transferred the Indirect Plaintiffs’ appeal to the Federal Circuit. Bayer prevailed in the Federal Circuit.

**RealNetworks Inc. v. Microsoft Corp. (U.S. District Court, N.D. Ca.)**

Represented RealNetworks in antitrust suit concerning digital media and operating system markets. Resulted in $761 million settlement for RealNetworks.

**Chromalloy Gas Turbine v. United Technologies Pratt & Whitney** (District Court of Bexar County, Texas)

Represented Pratt & Whitney in suit brought by world’s largest independent engine-repair company for alleged monopolization. Chromalloy sought $600 million in trebled damages. After a three and a half month jury trial, the jury came back with a verdict for Pratt & Whitney of no damages. Judgment affirmed on appeal.

**Sutrak v. Carrier (U.S. District Court, Denver)**

Represented Carrier in antitrust and patent-infringement case. Partial summary judgment was granted in Carrier’s favor, dismissing the antitrust claims of monopoly leveraging, attempt, and monopolization. The patent and federal anti-dumping claims were tried to a jury, which resulted in a verdict for Carrier.

**United States v. Microsoft (D.D.C.)**

Special Government Counsel to the United States in antitrust enforcement action against Microsoft. Represented Department of Justice in Tunney Act hearings.


Represented RealNetworks in antitrust case involving a joint agreement between the movie studios to prohibit the individual authorization to copy studio content.

**Micron Technology v. Rambus Inc. (D. Del.)**

Represented Micron in connection with antitrust claims relating to Rambus’ misconduct in standard setting.

**Sabre Inc. and Sabre Travel International Ltd. v. Northwest Airlines, Inc. (N.D. Texas)**
Represented Sabre in prosecuting breach of contract claim involving its computerized reservation system used by travel agents, and in defending against antitrust claims by Northwest. Case settled favorably.

**Confidential pharmaceutical mediation**

Represented pharmaceutical company in connection with allegations of anticompetitive conduct in the market for certain drugs, with claimed damages of $1 billion. Case settled favorably for company after mediation, without payment of any claimed damages and a supply agreement providing present and future payments to our client of at least $30 million.