

— ANTITRUST



Bartlit Beck is widely recognized for its work in high stakes antitrust cases under Sections 1 and 2 of the Sherman Act, the Clayton Act, and other federal and state antitrust and trade regulation statutes.

Bartlit Beck has successfully represented both plaintiffs and defendants in antitrust cases involving technology and internet commerce platforms, computer software and hardware, aircraft engines, pharmaceutical products, digital media and internet services, digital data transmission and satellite systems, and a variety of traditional manufacturing and service industries. We have represented clients in major price fixing litigation, monopolization cases, as well as other disputes arising out of allegedly anticompetitive contracts and other arrangements. The cases we handle routinely have exposures of hundreds of millions or billions of dollars.

The firm's lawyers have been selected to try some of the highest profile antitrust cases in the nation, including representation of the United States in the remedies phase of the Microsoft antitrust litigation, and most recently defending global distribution system Sabre Corporation at trial in cases brought by major airlines. We have tried to verdict cases involving allegations of conspiracy, unreasonable restraints of trade, and monopolization.

Our trial focus and preparation puts our clients in a position of strength – ready to try the case if necessary or to leverage our trial readiness to obtain a favorable settlement.

EXPERIENCE

U.S. Airways v. Sabre

Represent Sabre in antitrust action in S.D. New York 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. Also won denial of declaratory and injunctive relief. The Second Circuit subsequently vacated the jury's liability finding and remanded the case for a new trial.

RealNetworks Inc. v. Microsoft

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

American Airlines v. Sabre

Represented Sabre in federal and state antitrust actions relating to the display of airline flights and fares in Sabre's Global Distribution System. American claimed \$1 billion dollars in damages. Jury trial in Texas state court. Case settled favorably during trial.

United States v. Microsoft

Special government counsel to the United States in antitrust enforcement action in D. D.C. against Microsoft. Represented Department of Justice in Tunney Act hearings.

Chromalloy Gas Turbine v. United Technologies & Pratt & Whitney

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 four-month jury trial in district court of Bexar County in Texas, the jury returned a verdict for Pratt & Whitney of no damages. Judgment affirmed on appeal.

Foreign Trade Corp. v. Otter Products

Represented OtterBox in D. Colorado cases brought by former distributors alleging antitrust, trade secret misappropriation, and Lanham Act violations. Plaintiffs sought approximately \$100 million in damages. Won motion to dismiss all antitrust claims. Favorable settlement of remaining claims immediately before trial.

In re Flat Panel LCD Antitrust Litigation

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

In re Domestic Drywall Antitrust Litigation

Represent USG in E.D. Pennsylvania Sherman Act MDL. Plaintiffs allege defendants conspired to fix, raise, maintain, and stabilize prices for gypsum drywall.

In re Ciprofloxacin Hydrochloride Antitrust Litigation

Represented Bayer in nationwide class action antitrust litigation in E.D. New York related to Bayer's settlement of patent litigation against Barr Laboratories. Plaintiffs alleged it is an antitrust violation for a brand to pay a generic challenger to settle Hatch-Waxman litigation. Bayer won summary judgment. Affirmed on appeal.

In re ODD (Optical Disk Drive Products) Antitrust Litigation

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

Sutrak v. Carrier

Represented Carrier in antitrust and patent infringement case in D. Colorado. Won partial summary judgment, dismissing antitrust claims of monopoly leveraging, attempt, and monopolization. Jury verdict for Carrier in trial of patent and federal anti-dumping claims.

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 our client after mediation, without payment of any claimed damages. Also obtained agreement providing payments to our client of at least \$30 million.

RealNetworks v. DVD Copy Control Association, Disney Enterprises, Paramount Pictures, Sony Pictures, Twentieth Century Fox, NBC Universal, Warner Bros, and Viacom

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

Micron Technology v. Rambus

Represented Micron in connection with antitrust, fraud, and patent infringement claims brought in D. Delaware relating to Rambus' misconduct in industry standard-setting activities.

Bradburn Parent Teacher Store v. 3M

Represented 3M in antitrust litigation brought by class of retailers concerning transparent tape. Litigation favorably resolved prior to trial.

Mailers Data, et al. v. NCR, et al.

Represented NCR in antitrust class action in Florida state court. Litigation resolved favorably.

Sound Solution v. Pratt & Whitney, et al.

Represented Pratt & Whitney in antitrust action in N.D. Illinois based on joint venture arrangements among Pratt, Boeing, and the maker of noise-control device for the Pratt engines on Boeing's 737-200 airplane. Litigation resolved favorably on eve of trial.

Barr Laboratories v. DuPont

Represented DuPont in antitrust litigation in D. Delaware and E.D. New York challenging DuPont's lobbying and marketing activities concerning the anticoagulant medication Coumadin®. Litigation resolved favorably.