

— ANTITRUST CASES



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 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 in the 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 focus on and preparation for trial places clients in a position of strength – enabling us to try the case if necessary but also leverage our readiness to obtain a beneficial settlement.

EXPERIENCE

***U.S. Airways v. Sabre Inc.* (U.S. District Court, S.D. New York 2011-2016)**

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)

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.

Foreign Trade Corp., d/b/a Technocel v. Otter Products, LLC, et al; Otter Products, LLC v.H.L. Dalis, Inc.,; Otter Products, LLC v. Wireless Xcessories Group, Inc., (D.C. Co. 2016-present).

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. 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.

***RealNetworks v. DVD Copy Control Association, Inc., Disney Enterprises, Inc., Paramount Pictures, Corp., Sony Pictures Enter Inc., Twentieth Century Fox Firm, NBC Universal Inc. Warner Bros, and Viacom* (N.D. Ca.)**

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.