

Antitrust and Competition Representative Matters - Litigation

Price-fixing and Cartels

Our experience includes:

- Defense of criminal grand jury investigations into alleged price-fixing in the following industries:
 - Air Cargo
 - Automotive After Market
 - Carbon Fiber
 - Chemical Parcel Tankers
 - Crude Oil Purchasing
 - Defense Contractors Providing Computer Services
 - Electrical Contracting
 - Explosives
 - Fresh and Frozen Fish Distribution
 - Fresh Fish Processing
 - Generic Pharmaceuticals
 - Highway Contracting
 - Nickel Alloy Manufacturing
 - Pipe Fabrication
 - Plastics
 - Powdered Metal Manufacturing
 - Roofing Manufacturing
 - Soil De-watering
 - Solid Waste Collection

- Defense and prosecution of qui tam, class action and other civil claims involving allegations of domestic and international cartels in the following industries:
 - Airline Passenger Service
 - Carbon Fiber
 - Credit Card Membership Rules
 - Crude Oil
 - Electric Utility Territories
 - Graphite Electrodes
 - Internet Facsimile Services
 - Metals Alloying Materials
 - Pipe Fabricators
 - Powdered Metal
 - Roofing Materials
 - Steel

Monopolization

We have defended and prosecuted monopolization, attempted monopolization, predatory pricing, and related claims involving the following industries:

- Airline Passenger Service
- Beer Wholesaling
- Building Products Manufacturing
- Container Manufacturing
- Diamond Importing
- Direct Mail Advertising
- Electrical Equipment Distribution
- Electric Utilities
- Electric Utility Supply
- Environmental Recycling
- Glass Products Manufacturing
- Groceries
- Healthcare
- Motion Picture Production
- Newspaper Publishing
- Pilotage
- Railroad Electronics
- Solid Waste Services
- Software
- Taxi Service
- Water Sports

We have prosecuted monopolization, attempted monopolization, and related claims against, among others, the following:

- a natural gas utility
- an interstate natural gas pipeline transportation company
- a photographic equipment manufacturer
- printer manufacturers
- a credit card company
- a telecommunications equipment manufacturer
- an electronic instrument manufacturer
- a manufacturer of security paper
- a provider of electronic facsimile services
- a rural telephone cooperative

We successfully represented a national service industry client in multiple state monopolization investigations.

We have obtained the dismissal of antitrust claims for monopolization, conspiracy to monopolize, and group boycott brought against a pilotage association by a former member.

Mergers and Acquisitions

We have defended:

- an FTC challenge to the acquisition of one soft drink manufacturer by another
- clients against administrative investigations of mergers in the chemical, cement, pharmaceuticals, water and wastewater treatment, newspaper and steel industries
- an electric utility against claims that its proposed merger with another utility violated Section 7 of the Clayton Act
- a specialty dairy foods producer against an investigation by the Antitrust Division regarding whether the sale of a significant stock interest to a leading industry producer would substantially reduce competition
- clients against Justice Department lawsuits challenging mergers in the machine tool, software and solid waste industries

We have successfully represented clients in hundreds of transactions whose purchase or sale of stock or assets either has not been challenged by a federal antitrust agency or whose transaction has been allowed by virtue of a consent decree. These include clients in the following industries:

- Airlines
- Airport Fixed Base Operators
- Agricultural Products
- Chemicals
- Electric Utilities
- Interstate Trucking
- Ocean Shipping
- Solid Waste
- Software
- Textiles

We have:

- on behalf of an active target of a hostile takeover, coordinated antitrust and policy initiatives that led to public opposition; the take over was abandoned
- pursued claims that acquisitions of a pump manufacturer and a food conglomerate would violate the antitrust laws
- assisted clients in presenting to the Federal Trade Commission and the Antitrust Division objections to mergers involving newspapers, chemical procedures and mining equipment, steel companies, operating system software, semiconductor manufacturing equipment, railcar control devices, polyethylene production licensing, electric utilities, and airline passenger service among others
- represented an academic medical center with respect to claims that dominant academic medical center's acquisition of control over pediatric hospital would result in substantial lessening of competition in advanced hospital services for adults

- provided antitrust advice to a parent company in connection with the sale of multi-national operations of its manufacturing subsidiary to a competing manufacturer of industrial supplies, including assistance in identifying foreign countries where competition filings would be necessary and coordination of domestic and international filings
- negotiated on behalf of a railroad electronics client to be approved as the purchaser of assets invested in a merger of two competitors
- persuaded a state to narrow its broad-based merger and conduct investigations relating to a sale of assets to evaluation of a single limit so that the transaction could be permitted to proceed.

Robinson-Patman

We have defended price discrimination claims in the beer industry, the baking supply industry and in the computer data storage and disk drive industry.

We have prosecuted price discrimination claims involving retail gasoline.

Franchisor-Franchisee Relations K&L Gates lawyers have:

- defended automobile manufacturers/distributors against claims of wrongful termination, unlawful refusals to approve transfers of ownership, and add-point disputes
- defended industrial equipment manufacturer from claims of wrongful termination by alleged distributor
- defended a wholesale grocery distributor from claims by independent retailers that the licensing of trade names, provision of fee services (e.g., accounting, insurance), and retail sales advice resulted in a franchisor-franchisee relationship as a matter of law
- counseled and defended automobile distributors in nationwide retail dealer reorganizations
- pursued claims against a wholesale beer distributor accused of wrongfully terminating subdistributors
- prosecuted actions against manufacturers of malt and brewed beverages for wrongful interference with the transfer of distribution rights
- prosecuted claims of wrongful termination on behalf of building products distributor

California and State Antitrust Law

We maintain an active state court practice that handles all manner of antitrust issues, from merger investigations to monopolization. State antitrust laws often establish different and more onerous standards than the Sherman or Clayton Acts and have become an increasingly important source of litigation in both state and federal courts. The California antitrust laws have been a model for those of many other states. K&L Gates' antitrust lawyers have extensive experience litigating under California's Cartwright Act and Unfair Competition Act, reaching favorable settlements and winning jury verdicts when necessary.

- We successfully defended against a state investigation into the sale of a waste services client's statewide operations.