

Competitive Practices/Unfair Competition

Our Competitive Practices/Unfair Competition team has extensive experience litigating unfair competition and antitrust cases in state and federal courts throughout the United States. These matters have involved claims of unlawful monopoly, price fixing, tying, anti-competitive network activities, and concerted refusals to deal, among others. The clients represented have ranged from hospitals involved in health network and joint venture arrangements, exclusive managers of patented technologies, manufacturers with distributors of agricultural equipment, and drug companies selling pharmaceutical drugs, among others. By way of example, our team has achieved the following outcomes for various clients:

- Favorable settlement in cases alleging price fixing by electrical contractors, monopolization in the outdoor advertising industry, and price-fixing and/or other anti-competitive activities in the auto glass industry
- Affirmance by the United States Court of Appeals for the Fifth Circuit of a summary judgment in favor of a company and related auto glass network in a case where the plaintiffs' alleged price-fixing, concerted refusals to deal, and other anti-competitive conduct
- Dismissal of certain claims, summary judgment on others, and sanctions in a case where plaintiffs' alleged monopolistic and other anti-competitive conduct against a private company joint venturing with a research university inventor of a new, patented product
- Representation of a major pharmaceutical company as local counsel in a case in which the defendant pharmaceutical companies received summary judgment and dismissal of plaintiffs' claims of price-fixing and other anti-competitive conduct

We provide counseling to help ensure that clients and their employees and representatives comply with all aspects of federal and state antitrust laws. We also counsel clients concerning Hart-Scott-Rodino Act filing issues and filings required under that Act.

Our unique combination of trial and transactional lawyers with deep experience in various industries, including hospitality, manufacturing, information technology, fitness, consumer products and franchising, allows us to handle multi-jurisdictional investigations and litigation before antitrust enforcement agencies and tribunals wherever needed for our business partners worldwide. We provide counseling on compliance, sales and distribution, trade association activities, pricing practices, unfair competition issues, mergers and acquisitions and intellectual property issues.

We have particular expertise in analyzing and advising clients on antitrust issues unique to the hospitality industry, including advice regarding call arounds, CVB meetings, joint ventures with competitors, setting industry standards, group RFPs, group sales contracting, sales team training, revenue management contracting and training, and design and implementation of sales and revenue management systems. We have also analyzed and negotiated antitrust issues and agreements in connection with major mergers, acquisitions and divestitures.