

Antitrust Litigation



HIGHLIGHTS

■ 360-Degree Strategic Insight

With extensive experience representing clients on both the defense and plaintiff sides of highly sensitive and reputationally impactful antitrust litigation, we have honed our ability to assess nuanced claims and craft tailored strategies unique to each case.

■ Advocacy Backed by Industry Knowledge

Our practice provides clients with extensive experience across industries, including technology, life sciences and pharmaceuticals, industrials, media, transportation, retail, gaming, and cutting-edge AI-enabled software platforms, among others. Our team's comprehensive understanding of market dynamics enables us to deliver powerful advocacy to secure positive outcomes.

■ Entrusted with High-Profile Matters

Clients trust our team with their highest-profile matters, including defending against complex class actions, opt-out cases brought by significant customers, and cases brought by the Federal Trade Commission, U.S. Department of Justice (DOJ), or State Attorneys General. On the plaintiff side, Wilson Sonsini is viewed as the go-to firm for bringing tough cases and getting successful results.

■ Proven Litigation Talents Valued by Clients and Recognized in the Market

Clients commented in *Chambers USA*: "Their litigation skills are exemplary. They demonstrated unparalleled advocacy, preparation, and confidence in the courtroom." Wilson Sonsini's antitrust litigation practice has been recognized across leading industry publications, including by *AmLaw* "Antitrust Litigation Department of the Year," *Law360* "Competition Group of the Year," and *Global Competition Review* "Litigation of the Year" and "Litigation of the Year (Non-Cartel Prosecution)."

OVERVIEW

Wilson Sonsini's Antitrust Litigation practice brings extensive and diverse experience across a wide range of antitrust claims, including monopolization, price fixing, exclusive dealing, tying arrangements, predatory pricing, and other forms of restraint of trade. Our attorneys are routinely hired to represent companies facing their most critical challenges, whether defending against antitrust allegations, leading joint defense groups in expansive class actions, or pursuing claims against competitors. We are consistently called upon to represent clients in high-profile matters involving cutting-edge antitrust issues, including but not limited to, algorithmic pricing, labor and no-poach, self-preferencing, group boycotts, standard-setting, pricing and distribution practices, and the scrutiny of platforms. Wilson Sonsini's antitrust litigators:

- **serve** as trial counsel for company plaintiffs and defendants, including a significant docket of federal class actions and "follow-on" cases after government enforcement;
- **defend** companies and secure dismissals or summary judgment in competitor litigation, class actions, and non-class actions;
- **represent** company plaintiffs in cutting-edge litigation matters brought against competitors;
- **rely** on substantial government experience to solve problems for clients and support their business goals; and
- **coordinate** across jurisdictions to ensure clients' global strategies are aligned.

Wilson Sonsini's Antitrust Litigation practice consistently wins cases brought under the Sherman Act Sections 1 and 2, Clayton Act, Robinson-Patman Act, and state competition and consumer protection statutes. We have successfully represented clients in defense of

antitrust claims seeking large treble damages awards that threaten the viability of their businesses. We've won motions to dismiss and motions for summary judgment, defeated class certification, and successfully handled appeals, and we stand ready to represent companies at every phase of litigation.

In addition to a successful track record in class action and treble damages cases—particularly in multidistrict litigation (MDLs), our attorneys have a wealth of experience in antitrust cases that raise novel and complex intellectual property issues. Our knowledge, in combination with Wilson Sonsini's unparalleled [patent litigation](#) experience, has led to numerous client victories. We have represented clients in cases where we defended business practices that raised cutting-edge antitrust concerns, including claims challenging IP licensing practices, standard-setting activities, and patent pools.

REPRESENTATIVE MATTERS

Representative Matters

- Representing **Mylan** in high-stakes civil litigations as both a plaintiff and a defendant, including in *In re Generics*, one of the largest alleged conspiracy cases ever, where our firm serves as one of four liaison counsel for over 50 defendants in the matter. *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.) In another action, Wilson Sonsini successfully represented Mylan as a plaintiff against Celgene in a monopolization case that was resolved when Celgene agreed to pay Mylan \$62 million in settlement. *Mylan Pharmaceuticals, Inc. v. Celgene Corporation* (D.N.J.) Wilson Sonsini is also currently representing Mylan in two plaintiff-side monopolization matters against competitors, in which Mylan was delayed or foreclosed from competing. *Mylan Pharmaceuticals, Inc. v. Teva Pharmaceuticals Industries Ltd. et al* (D.N.J.) | *Mylan Pharmaceuticals, Inc. et al v. Sanofi-Aventis U.S. LLC et al* (W.D. Pa.)
- Representing **Morgan Properties Management Company, LLC** in an ongoing multidistrict class action brought by private plaintiffs and a related action brought by a State Attorney General alleging the defendants engaged in a conspiracy to fix and inflate multifamily rental housing prices through the common use of third-party algorithmic pricing software. *In re RealPage, Inc., Rental Software Antitrust Litigation (No. II)* (M.D. Tenn.); *State of Maryland v. RealPage, Inc. et al* (Md. Circuit Court)
- Representing **Seagate Technology** as a plaintiff against certain Japanese manufacturers accused of price-fixing on suspension assemblies used in hard disk drives. *Seagate Technology, LLC et al v. NHK Spring Co., Ltd. et al.* (N.D. Cal.)
- Defending the **former CEO of healthcare company** in alleged no-poach case brought by putative class of employees. *In re Outpatient Medical Center Employee Antitrust Litigation* (N.D. Ill.)
- Represented **Google** in a lawsuit filed by the DOJ and several state attorneys general alleging unlawful monopoly maintenance in connection with the search and search advertising markets. *United States of America et al v. Google Inc.* (D.D.C.)
- Secured the dismissal of antitrust claims against **Continental Tire** in a multidistrict price-fixing litigation brought by three putative classes of plaintiffs who alleged that Continental conspired with other major tire manufacturers to artificially inflate the price of new replacement vehicle tires in the United States. *In re Passenger Vehicle Replacement Tires Antitrust Litigation* (N.D. Ohio)
- Secured the dismissal of claims against **Google** in litigations filed by KinderStart, Person, TradeComet, and MyTriggers. In each case the plaintiffs challenged Google's Search rankings and AdWords quality score adjustments as acts of monopolization. *TradeComet.Com LLC v. Google, Inc.* (S.D.N.Y.)
- Secured the dismissal of claims against **Google** in an antitrust and contract litigation filed by Dreamstime, a stock photo website. Dreamstime alleged that Google reduced its rankings and entered into promotional deals with other stock photo websites, including Getty and Shutterstock, which favored those sites. The U.S. Court of Appeals for the Ninth Circuit affirmed that the district court properly dismissed the Section 2 claims. *Dreamstime.com, LLC, LLC v. Google LLC* (N.D. Cal.) | *Dreamstime.com, LLC v. Google LLC* 20-16472 (9th Cir.)
- Secured a favorable outcome for pharmaceutical company **Amphastar** in related antitrust and patent cases that were resolved in a global settlement after a successful First Circuit appeal. In June 2019, Amphastar announced that it has entered into a settlement agreement with Momenta/Sandoz, under which Momenta and Sandoz agreed to pay Amphastar \$59.9 million. *Amphastar Pharmaceuticals, Inc., et al v. Momenta Pharmaceuticals, Inc., et al* (D. Mass; 1st Cir.)
- Secured the dismissal of antitrust claims against **Symantec** in an antitrust litigation filed by plaintiff NSS Labs, a cybersecurity testing vendor. NSS Labs alleged refusal to deal claims against Symantec and CrowdStrike, manufacturers of cybersecurity platform products known as endpoint protection products, other testing vendors, and the Anti-Malware Testing Standards Organization. *NSS Labs, Inc. v. CrowdStrike, Inc., et al.* (N.D. Cal.)
- Secured the dismissal of antitrust counterclaims against **Twin America LLC** and its affiliates, Gray Line New York Tours, Inc., and Sightseeing Pass LLC, in a New York state law antitrust and tortious interference case. The claims alleged a conspiracy between Gray Line and rival tour bus and ticketing companies to pressure tourist attractions into not partnering with Go New York on package ticket deals. Wilson Sonsini's motion to dismiss was granted and later appealed. The firm briefed and argued the appeal, resulting in the Appellate Division, First Department, affirming the dismissal. *Go New York Tours, Inc. v. Gray Line New York Tours, Inc. et al* (S.D.N.Y.) | *Go New York Tours, Inc. v. Gray Line New York Tours, Inc.* 20-1022 (2d Cir.)
- Secured a favorable outcome for **Hebei Welcome Pharmaceutical and North China Pharmaceutical Group (NCPG)** in a closely watched case concerning vitamin C exported from China. Wilson Sonsini successfully persuaded the U.S. Court of Appeals for the Second Circuit to overturn a \$150 million judgment against Hebei and NCPG. When the U.S. Supreme Court later granted cert to hear the appeal, Wilson Sonsini filed the respondents' brief and argued before the Court. The case was then remanded to the Second Circuit, which again handed our client a win. The plaintiffs again sought review in the Supreme Court, but their petition was denied without dissent on October 3, 2022, bringing the case to a final end. *In re Vitamin C Antitrust Litigation* (E.D.N.Y.)
- Secured a favorable outcome for **Hitachi** and two subsidiaries in follow-on litigation relating to global price-fixing investigations by the DOJ and other foreign agencies. Wilson Sonsini coordinated with counsel around the world, and successfully guided Hitachi through complex strategic decisions raised by the parallel nature of the ongoing criminal investigations and civil litigation.

Ultimately, after years of litigation, and a key win on an FTAIA issue, we were able to negotiate favorable settlements with the class plaintiffs and numerous opt-out plaintiffs. *In re Capacitors Antitrust Litig.* (N.D. Cal.)

- Secured a favorable outcome for **Walgreens** in a consolidated class action litigation regarding 1-800 CONTACTS's allegedly unlawful search advertising bidding agreements. The plaintiffs alleged that some of those agreements between Walgreens (and its former subsidiary Vision Direct) and 1-800 CONTACTS, entered into in order to settle trademark litigation, unlawfully caused the prices of contact lenses sold online to increase. Wilson Sonsini negotiated a favorable settlement, resolving all actions against Walgreens. *Thompson et al v. 1-800 Contacts, Inc. et al* (D. Utah)
- Secured a favorable outcome for **Transitions** in a long-running litigation in which class action plaintiffs and a competitor-plaintiff alleged that Transitions engaged in unlawful exclusive dealing and a refusal to deal. Wilson Sonsini successfully represented Transitions in defeating class certification in the multidistrict litigation. The competitor-plaintiff Vision-Ease's refusal to deal claims were dismissed on summary judgment, and the parties settled the remaining claims on the eve of trial. *In re Photochromic Lens Antitrust Litigation* (D. Del.)
- Secured the dismissal of claims against **Netflix** in a major victory in the U.S. Court of Appeals for the Ninth Circuit, which affirmed the dismissal of all claims by a class of subscribers that accused Netflix of conspiring with Walmart to illegally allocate and monopolize the online DVD rental market. Wilson Sonsini also successfully obtained a dismissal of claims by Blockbuster subscribers that they were allegedly harmed by indirect effects of the same conduct. *In re Online DVD Rental Antitrust Litigation* (N.D. Cal.)
- Secured the dismissal of antitrust claims brought against **Live Nation** by a rival concert promoter and venue operator It's My Party. The plaintiff claimed that Live Nation had engaged in anticompetitive tying of promotion and venue services in order to monopolize the market for concert promotion. After the lower court granted Live Nation's motion for summary judgment, Wilson Sonsini also fended off the plaintiff's appeal to the U.S. Court of Appeals for the Fourth Circuit. *It's My Party, Inc. et al v. Live Nation, Inc.* (D. Md.)
- Secured the dismissal of claims against **Live Nation** in a case brought by classes of concertgoers alleging that the company had monopolized a market for live rock concerts. Wilson Sonsini defeated class certification, and the district court's ruling was affirmed by the U.S. Court of Appeals for the Second Circuit. Wilson Sonsini then secured dismissal of claims brought by concertgoers from two cities, resulting in all plaintiffs dismissing their claims. *Live Concert Antitrust Litigation* (C.D. Cal.)