

Competition Group Of The Year: Wilson Sonsini

By Eric Kroh

Law360, Fort Wayne (January 26, 2017, 2:25 PM EST) -- For obtaining key wins in antitrust litigation, including an international comity case before the Second Circuit, and seeing major mergers to completion, such as Altera Corp.'s \$16.7 billion purchase by Intel Corp., the competition team at Wilson Sonsini Goodrich & Rosati PC is one of Law360's Practice Groups of the Year.

The group represented Hebei Welcome Pharmaceutical Co. Ltd. and North China Pharmaceutical Group Corp. before the Second Circuit, which handed down a ruling in September vacating a \$147 million district court judgment against the two Chinese companies some 10 years after they were accused of fixing the price of vitamin C.

The Wilson Sonsini team persuaded the appeals court that the companies were required to comply with the price-fixing regime under Chinese law, and they should not be faulted for their actions by American courts.

Observers have called the ruling a landmark for comity, and perhaps one of the most important decisions in the area in decades.

Wilson Sonsini partner Jonathan Jacobson, who joined the companies' defense team for the appeal, said the win showcases the group's prowess in international competition policy.

"It's not just that we have offices overseas — everyone tends to — but we have devoted a lot of time and energy into thinking, speaking and writing about policy issues," Jacobson said. "I really do think that played very importantly into our strengths and allowed us to make arguments that were very well received by the court of appeals."

The practice is made up of 65 attorneys, who are spread out among the group's offices in Washington, D.C., New York, San Francisco and Brussels. Wilson Sonsini partner Scott Sher, who started the firm's antitrust practice from scratch in 2000, said the group's wide geographical footprint lends it an advantage in matters that span the globe, such as its defense of Hitachi in cases brought by American and European competition authorities over an alleged price-fixing scheme for electrolytic capacitors.

In the last year, the group also helped Live Nation Entertainment Inc. escape a monopolization case



brought by a rival concert promoter in Maryland when the Fourth Circuit upheld the dismissal of that case in February.

Jacobson said the case highlighted another of the practice's strengths: punching holes in the testimony of the other side's economist.

"The other side's economists tend not to want to get deposed by us," Jacobson said. "Part of that is so many of us in the group have really taken the time to understand the economic underpinnings of antitrust law."

The group also includes several people with serious government experience in agencies such as the U.S. Department of Justice's Antitrust Division, the Federal Trade Commission and the European Commission's Directorate-General for Competition, Jacobson said. Member Joshua D. Wright, for example, recently served a stint as an FTC commissioner and headed the antitrust transition team for President Donald Trump.

From its initial specialty in handling antitrust work for technology companies, the group has since branched out into industries such as pharmaceuticals and retail. But the technology expertise still lands the group high-profile clients. Fantasy sports firm FanDuel Inc. recently tapped Wilson Sonsini to represent it in its merger with rival DraftKings Inc.

"The reason that FanDuel asked us to represent them is we really understand how these markets work," Sher said.

On merger matters, the group saw Altera's acquisition by Intel to the finish line in December 2015. The firm is also representing Broadcom Ltd. in its \$5.9 billion acquisition of networking solutions provider Brocade Communications Systems Inc., announced in November; NetSuite in its \$9.3 billion purchase by Oracle Corp., inked in July; and vacation rental company HomeAway Inc. in a \$3.9 billion sale to Expedia Inc., announced in November 2015.

Jacobson and Sher partly attributed the practice's success to a decision made last decade to do away with individual business origination credits and institute a group credit instead. The policy allows the group's attorneys to avoid infighting and focus on casework.

"That's one of the features that has led us to be as collegial as we are without the typical looking over your shoulder to make sure you're getting the credit," Jacobson said. "Everyone in our group generally likes each other."

Although Wilson Sonsini in general emphasizes collaboration among its attorneys, the antitrust group has taken the concept to another level, Sher said.

"We know that we're here to work really hard and do good work and we've tried to do everything we possibly could to eliminate other stress," he said. "I enjoy coming into the office, talking with my partners and collaborating with them."

--Editing by Stephen Berg.

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