Antitrust

Antitrust issues are a major concern in many industries, whether you're in a highly regulated industry or a highly competitive market. Federal and state antitrust enforcers are increasingly active, and private litigation, whether by competitors or consumer representatives, is a daily occurrence. Mintz Levin views your antitrust issues as business issues that need to be resolved efficiently and effectively. We can help you advance your business goals without running afoul of federal and state antitrust laws.

We offer comprehensive antitrust counseling services on transactions and business practices, including acquisitions, divestitures, and joint ventures. We also provide antitrust advice on relations with competitors, suppliers, and customers as well as on licensing and distribution relationships. With offices on the US coasts and a network of local counsel in every state, Mintz Levin is well positioned to handle any antitrust litigation matter, including major government investigations and multistate class actions.

We advise, in cooperation with our securities litigation group, large companies and institutional investors as they face the decision whether to “opt-out” of antitrust and securities class action litigation to pursue their own claims against the class defendant.

We also regularly advise clients on how to comply with state and federal antitrust laws, consumer protection laws, and other business regulations. And we help clients avoid litigation by successfully guiding them through the transaction review process before the Department of Justice (DOJ) and Federal Trade Commission (FTC).

Areas of Focus

• Antitrust counseling
• Antitrust litigation
• Bundling of services
• Competitor collaborations
• Consumer protection matters
• Government investigations
• Hart-Scott-Rodino merger approval process
• Mergers and acquisitions
• Monopolization
• Trade Association Regulatory Matters
• Unfair/deceptive trade practice issues

Quick Facts

• Nationwide practice representing clients in complex litigation, class action, and unfair/deceptive trade practice issues under both federal and state competition laws
• Attorneys who have held key positions in antitrust enforcement agencies
• Effectively challenged government decisions in court and in administrative proceedings
• Obtained FTC clearance for the largest competitive cable television merger ever approved by federal antitrust agencies
• Industry focus on health care and telecommunications sectors
• Attorneys who regularly present at FTC and DOJ workshops
Representative Experience

- Provide ongoing representation for one of the nation’s most prestigious health care providers and hospital groups, since its creation over 20 years ago, to help it make smooth and efficient acquisitions and respond effectively to government investigations.

- Represent a defendant major electronic component manufacturer in class action cartel antitrust litigation.

- Represented a major cable television provider in connection with a high-profile merger proceeding before the Department of Justice and state attorneys general.

- Represented a private equity company before the Federal Trade Commission in connection with its investment in a large midstream company and provided advice regarding consent decree compliance.

- Represented one of the nation’s most prominent record labels in various antitrust investigations of the record industry.

- Secured antitrust clearance, without an extended investigation, for a $1.3B pharmaceutical merger.

- Represented retail pharmacy in $2.7B acquisition of competitor.

- Obtained early termination of the HSR waiting period for an exclusive license pharmaceutical deal in a concentrated market.

- Provided antitrust advice to a leading global pharmaceutical manufacturer regarding a joint venture with another pharmaceutical company.

- Advised an international pharmaceutical client on the antitrust implications of certain patent litigation settlements.

- Defended manufacturer of popular plush toys in putative class actions alleging violations of the antitrust laws and UCL based on the alleged tying of less popular products to purchases of "core line" products. We obtained a class-wide settlement reached through mediation.

- Served as lead counsel for national cable provider in multidistrict litigation involving 20 separate antitrust class action suits that have been consolidated. The suits allege that the cable industry’s practice of leasing set-top boxes to customers who also purchase cable television services constitutes an illegal tying arrangement under antitrust laws. We defeated class certification on a nationwide class theory, and defended the win at the 10th Circuit. A preliminary settlement has been approved by the court.

- Developed and facilitated implementation of clinical integration programs for two nationally renowned systems with academic medical centers and community hospitals.

- Represented a nationwide cell phone carrier before the Federal Communications Commission in a petition related to data roaming.

Rankings & Recognitions

- Attorneys recognized by Chambers USA, Best Lawyers, and Super Lawyers

- Nightingale’s Healthcare News: Practice Chair named “Outstanding Healthcare Antitrust Lawyer” for several years in a row