

Antitrust

Antitrust compliance and defense are a top concern across every component of the U.S. economy. As the Federal Trade Commission (FTC) and DOJ Antitrust Division increase scrutiny of transactions and enforcement through civil and criminal investigations, Wiley's antitrust practitioners frequently assist clients through these complicated and nuanced matters. Bringing together a team of former FTC and DOJ lawyers, Wiley's Antitrust Practice has the relationships and credibility to make sure our clients are heard and understood by the government. Wiley's antitrust team has significant experience counseling clients to ensure proper compliance with changing federal and state laws and regulations regarding competition. In response to the government's increased focus on preventing procurement collusion, our antitrust attorneys collaborate with our nationally recognized Government Contracts Practice to assist clients both in transactional work and in responding to government investigations.

Our lawyers have antitrust experience across a variety of industries resulting in practical and realistic advice – taking regulatory, market, and business concerns and objectives into consideration while staying on top of the latest enforcement trends and developments. We stand ready to help our clients navigate some of the most complex competition law investigations and litigation.

Antitrust Investigations and Litigation

Working closely with Wiley's White Collar Defense & Government Investigations Practice, our team has decades of experience defending clients in criminal and civil investigations. In particular, we counsel and represent companies facing:

- Criminal Grand Jury investigations
- Congressional investigations
- FTC and DOJ investigations

Additionally, we have a team of nationally recognized litigators who have represented companies in high-stakes matters that often involve bet-the-company issues. Our team effectively advocates for clients facing antitrust and competition litigation under federal and state laws, including the Sherman Act, Clayton Act, and FTC Act.

Antitrust Counseling

In addition to handling government inquiries, we regularly advise clients on antitrust and competition compliance, including:

- Competitor collaborations and joint ventures
- Dealings with customers and distributors
- Mergers and acquisitions, both international and domestic
- Membership rules and member discipline, information exchange, and other trade association activities
- Participation in standard-setting organizations and the competitive impact of proposed standards
- Patent-antitrust issues

Why we are Different.

Wiley's Antitrust team offers a sophisticated and comprehensive approach to solving any small or large antitrust needs for clients. Recent representative experience on behalf of our clients includes:

- Representation of government contractors in criminal antitrust investigations related to the U.S. Small Business Administration (SBA) 8A program.
- Representing large manufacturer of industrial products in responding to DOJ Antitrust Division criminal investigation involving alleged collusion.
- Representing former senior sales executive in DOJ Antitrust Division criminal investigation into collusion in the construction products industry.
- Successfully defended a branded pharmaceutical manufacturer in one of the largest civil antitrust cases in history, with \$5 billion in alleged damages. Case involved alleged bundling of a monopoly product with a competitive product. Representation involved litigation of preliminary injunction and ultimate liability phases, in addition to ongoing compliance monitoring in a dynamic market with complex CMS overlays.
- Successfully represented an industry-leading international manufacturer in federal and state civil actions alleging price fixing in the memory chip market, as well as in related grand jury proceedings and criminal investigation.
- Successfully represented the nation's largest scrap metal company in an investigation related to price fixing and market allocation. Structured a compliance policy and conducted training of the company's executive and nationwide sales and marketing force to ensure compliance with federal and state regulatory requirements moving forward.
- Successfully represented a senior Korean executive in an investigation conducted by the DOJ relating to allegations of price fixing concerning airline ticket pricing. Worked closely with the client to ensure that the company put into place effective remedial and compliance measures.

- Drafted an antitrust compliance program, conducted training, and provided advice on the DOJ Antitrust Division's Leniency program for a generic pharmaceutical company.
- Provided counsel to a health insurer related to governmental investigations of industry mergers, and in response to subpoenas.
- Developed antitrust compliance programs and provided related trainings and advice for trade associations in the health care and entertainment industries.
- Successfully represented a senior corporate executive of a Japanese company in an international antitrust investigation, involving allegations of price fixing and bid-rigging, conducted by the DOJ and foreign jurisdictions relating to the sale of automotive products.
- Provide counsel to several trade associations on antitrust-related issues. Help formulate policies and guidance designed to address meetings of each association and its members.
- Long-standing Washington, DC and antitrust counsel to world's largest airline trade association.
- Long-standing counsel to world's leading international satellite services provider.
- Represented a major airline in antitrust civil litigation and merger investigations.
- Conducted internal investigation for large international generic pharmaceutical company relating to its Medicaid and Medicare government price reporting for pharmaceutical products, as well as antitrust compliance.
- Advising clients on horizontal competitor collaborations, data sharing arrangements, and tying analysis under antitrust laws.
- Counseling clients on compliance on vertical distribution restrictions under antitrust law.
- Advising clients on ongoing revisions and changes to DOJ/FTC merger guidelines.
- Advocating in FTC proceedings regarding "unfair methods of competition" proposals.

Contact Us

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