

Antitrust

Antitrust is about balance—achieving competitive goals within the boundaries of the law. Andrews Kurth lawyers understand that running a successful business means recognizing and seizing your opportunities. We have a common sense approach to antitrust law that helps clients keep problems from happening, respond to regulatory inquiries with confidence and achieve their business goals. When you successfully complete your transaction or implement your growth strategy, it means we have done our job.

Taking a real-world perspective

Our antitrust team includes lawyers who counsel on a variety of merger, joint venture and distribution issues, and who have handled numerous antitrust civil and criminal investigations and trials. We have experience in numerous global industries, including:

- Chemical
- Electric power
- Financial services
- Food and beverage
- Health care
- Internet and e-commerce
- Mining
- Oil, natural gas and propane
- Oil field services
- Manufacturing
- Publishing
- Transportation

With this breadth of industry experience, we know how to assess competitive initiatives and develop antitrust compliance strategies in the context of everyday business decisions.

Counseling to avoid problems

A proactive antitrust compliance program helps you prevent problems from occurring—and mitigates the penalties if problems do occur. Our lawyers develop a thorough understanding of your business so that we can identify and help forestall actions that could violate the law.

We conduct antitrust seminars and programs for clients so that employees can understand their legal obligations. We help clients create document and record retention guidelines that permit an effective audit of an antitrust compliance program.

Helping you get the deal done

Many mergers, acquisitions and joint ventures do not raise antitrust concerns. For those that do, Andrews Kurth guides the transaction through the Hart-Scott-Rodino (HSR) review process at the Federal Trade Commission and U.S. Department of Justice. Our recent experience includes:

- Representing a large energy company in its sale of pipeline and processing assets to another major energy company.
- Representing a large dairy processor in its purchase of thirty processing plants.
- Representing a manufacturing joint venture established by competitors to provide a source of supply.

Advocating for our clients' rights in antitrust disputes

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We have the experience and resources to litigate any antitrust matter—whether in a courtroom or before a government agency, whether the dispute involves defending you against alleged anti-competitive conduct or asserting your rights against the unfair conduct of others. Our record in antitrust litigation is impressive for its scope and its effectiveness. Our lawyers have:

- Tried and won an antitrust price-fixing case against more than 52,000 class members
- Defended major insurance companies accused of price-fixing of premiums
- Defended a natural gas company's pipeline capacity contract against allegations of price collusion
- Pursued an attempted monopolization claim involving publishing industry distribution rights
- Tried antitrust claims relating to promotional activities in the grocery industry
- Obtained pre-trial dismissal of federal and state antitrust claims against a beverage distributor and successfully defended the dismissal on appeal
- Obtained pretrial dismissal of claims against investment bankers accused of price-fixing in the after market for initial public offerings.

Protecting valuable intellectual property assets

Many business combinations focus on competitive advantage from the acquisition, use or licensing of patents and trademarks. We use our broad intellectual property experience in disputes involving patent misuse, exclusive licensing and monopoly leveraging. In licensing arrangements, joint ventures or strategic alliances, we handle the regulatory and antitrust implications as well as the patent or trademark application issues.

Responding to government investigations

The Sherman Antitrust Act, Robinson-Patman Act and many state laws give antitrust regulators the power to investigate restraint of trade, monopolization or price discrimination allegations against companies and individuals. Helping you create an effective compliance program is always our first defense, but if you receive civil investigative demands, subpoenas or information requests, we work with you to craft a direct and credible response. For example, we represented an oil refiner subpoenaed in an FTC investigation of Midwest gasoline price increases.

Making it work

You know the transactions and programs that will make your company stronger. The last thing you need is a lawyer who tells you why you can't do them. At Andrews Kurth, we make antitrust law work for you. If there are compliance problems with your competitive strategies, we'll help you fix them. If you're observing the law, we'll encourage your good faith efforts—and vigorously defend you against complaints from competitors or regulators.

Antitrust compliance advice requires straight talk, and that's what you get from us.