King & Spalding is among the leading Antitrust and Trade Regulation Practices in the United States. Our antitrust attorneys have been recognized by *Chambers USA* as “a sharp, practical, and business-oriented group” and have been singled out for excellence by *The American Lawyer* and *The Best Lawyers in America*, among others. Our antitrust group includes several lawyers who have served in significant positions within the U.S. antitrust enforcement agencies, including the former Deputy Assistant Attorney General for Criminal Enforcement and former Assistant Chief at the Antitrust Division of the Department of Justice.

**Superior Trial Lawyers**

Our antitrust litigation experience runs the gamut, from massive civil consumer class actions pending in federal and state courts to sensitive (and often simultaneous) civil and criminal government investigations to strategic litigation among competitors raising issues about distribution, marketing, pricing, advertising and other business practices. We have particular expertise in cartel litigation, and our lawyers have played lead roles for corporate and individual clients in many of the leading cartel actions over the past decade, including the *Vitamins Antitrust Litigation* — the largest pharmaceutical cartel action in antitrust history; the *Municipal Derivatives Antitrust Litigation*; the *Graphite Electrode Antitrust Litigation*; the *Lysine/Corn Syrup/High Fructose investigations*; the *Ocean Shipping Litigation*; the *Market Makers Antitrust Litigation*; the *IPO Flipping* and the *IPO Allocations Litigation*.

Additionally, we have represented clients in key noncartel antitrust actions, including representing the U.S. Postal Service in antitrust class action tying litigation; representing InterContinental Hotels Group in antitrust class action litigation; successfully defending The Coca-Cola Company in antitrust litigation by PepsiCo, Inc., challenging certain distribution practices; representing a cable set-top box manufacturer in a series of suits against a key competitor involving patent and antitrust claims relating to interactive television program guides; defending Michelin North America, Inc., in litigation claiming price discrimination in the sale of tires; representing a major financial institution in litigation involving fees associated with mortgage transactions; and defending pharmaceutical manufacturers against foreclosure claims.

**Skilled Business Partners**

Our antitrust lawyers are equally skilled at planning and implementing strategies to gain U.S. and international approval of transactions, including complex, large-scale mergers in concentrated industries. We advise clients on collaborations with competitors and customers to ensure that joint ventures and strategic alliances are structured and operated lawfully under U.S., European and other international antitrust laws.
Skilled Business Partners (cont’d)

Our lawyers regularly appear before all key competition authorities, including the U.S. Department of Justice, the Federal Trade Commission, state attorneys general and the European Commission.

Our clients also turn to us for counseling on a variety of competition law issues, including pricing, marketing, distribution and trade association issues. We routinely provide training programs for clients on antitrust compliance issues, including criminal antitrust matters and other concerns, such as “gun-jumping.” Our practice also includes expertise on consumer protection issues, and we regularly counsel clients on such concerns.

Recent Examples of Civil Antitrust Litigation Matters

- Representing the **U.S. Postal Service** in successful defense of class action litigation pending in the U.S. District Court for the District of Colorado in which plaintiffs alleged antitrust tying claims in connection with the provision of postal services and supplies. The federal court in Colorado granted the Postal Service’s motion to dismiss antitrust claims.
- Representing Bank of America and Merrill Lynch in the *In re Municipal Derivatives Antitrust Litigation* in the Southern District of New York. This matter has consolidated over 30 federal class and individual actions from around the country filed on behalf of states, cities and municipalities alleging an illegal conspiracy to fix, maintain or stabilize the price of and to rig bids and allocate customers and markets for municipal derivatives.
- Representing InterContinental Hotels Group in antitrust class actions currently pending in several federal district courts across the U.S. The class action complaints allege anticompetitive agreements between major hotels operating in the U.S. and online travel agencies, in violation of federal and state statutes.
- Represented Sanofi-Aventis and Bristol-Myers Squibb Sanofi Pharmaceuticals Holding Partnership in successful defense of civil antitrust cases filed in the Southern District of Ohio related to proposed settlement of patent litigation. The federal court granted a motion to dismiss the case brought by indirect purchasers.
- Representing Avondale Mills, Inc., in class actions consolidated in federal court in Greensboro, North Carolina, alleging price-fixing and market allocation in the sale of certain cotton and polycotton yarn.
- Represented Federal Home Loan Mortgage Corporation (Freddie Mac) in class action filed in federal court in the District of Columbia alleging a conspiracy to fix guarantee fees for mortgage-backed securities.
- Represented The Coca-Cola Company in the successful defense of an antitrust action brought by PepsiCo, Inc., alleging monopolization of the fountain soft drink business served by certain independent foodservice distributors. The federal court in New York granted Coca-Cola’s summary judgment, which was affirmed by the Second Circuit Court of Appeals.
- Representing Kemira Oyj and Kemira Chemicals Inc. in federal and state class actions alleging price-fixing and customer allocation in the sale of hydrogen peroxide.
- Represented Grafix Technologies International Ltd. (formerly UCAR International Inc.) in criminal and civil litigation resulting from an alleged global cartel in the sale of graphite electrodes. The successful resolution of the U.S. and international criminal and civil actions was recognized by The American Lawyer as “an exemplary job” in its annual Litigation Department of the Year issue.
- Represented The Home Depot, Inc., in an antitrust action against both Visa and MasterCard alleging violations of Sections 1 and 2 of the Sherman Act, challenging unlawful antitrust tying arrangements involving credit and debit cards.
- Represented Michelin North America, Inc., in an antitrust action in federal court in Atlanta alleging price discrimination and conspiracy in the sale of tires to retail establishments. The court rejected the conspiracy claims on a motion to dismiss, and the parties ultimately settled the remaining claims.
- Represented UCB S.A., a Belgian chemical and pharmaceutical manufacturer, in federal and state litigation arising from the vitamins price-fixing investigation, which arose from the largest criminal antitrust investigation in history.