



Technology Antitrust

As society and business become even more digitalized, technology and intellectual property (IP) have become key focal points for businesses. Our Technology Antitrust Group combines the cross-practice and cross-office experience of our lawyers to assist clients in successfully navigating the dynamic convergence of technology, antitrust, and IP law. We understand the challenges presented by the ever-changing digital landscape and are committed to providing our clients with tailored solutions to address their specific needs.

Our group is composed of lawyers with significant—possibly unmatched—experience representing clients in connection with issues relating to the convergence of technology, IP, and antitrust law. The group comprises seasoned litigators, including several esteemed Fellows of the American College of Trial Lawyers, corporate attorneys with deep experience working with technology companies, and members of our nationally ranked Antitrust and IP Practices—a dozen of whom hold advanced technical degrees. The Technology Antitrust Group is supported by our extensive in-house team of specialists who provide comprehensive economic, statistical, and data analysis services.

We advise on business strategy and transactions, help identify and mitigate litigation and enforcement risks, and provide vigorous representation in antitrust disputes—including unflinching trial and government advocacy. Within our broad scope, we represent both plaintiffs and defendants across a range of matters, including monopolization claims, conspiracy cases, unfair competition disputes, regulatory reviews of mergers and acquisitions, governmental investigations, and enforcement actions. We address emerging issues at the evolving intersection of technology, IP, and antitrust, such as the development and use of high-tech products; risks surrounding artificial intelligence and algorithmic pricing; portability and interoperability concerns; leveraging or tying of interrelated technology products; competitor collaborations; licensing agreements; standard-setting processes; patent pools; and fair, reasonable, and non-discriminatory (FRAND) issues.

Key Contacts

Aldo A. Badini

Susannah Torpey

Areas of Focus

Antitrust Litigation & Investigations

We represent technology companies in government antitrust/competition investigations and handle civil antitrust litigation for both plaintiffs and defendants focusing on technology-related issues. We counsel clients on technology, patent, and antitrust compliance, ensuring they navigate the complex landscape of antitrust/competition regulations effectively. The group offers strategic legal advice, evaluating risks associated with technology and antitrust/competition litigation and investigations.

Market Dominance

Our team asserts and defends monopolization claims in litigation, handling a wide range of cases involving patent licensing, standard-essential patents (SEPs), and FRAND issues. The group provides confidential advocacy before antitrust/competition agencies, assists with federal and state regulatory investigations, and offers robust defense strategies. We also counsel on pricing and licensing programs, helping our clients minimize risk effectively.

M&A, Joint Ventures & Strategic Alliances

In collaboration with our corporate practice attorneys, we deliver comprehensive merger and acquisition and transactional guidance tailored specifically to high-tech markets and products. We offer assessments to identify potential antitrust/competition concerns in IP-driven or high-tech joint ventures, licensing arrangements, strategic alliances, and other business combinations. We provide guidance on structuring complex technology transactions to optimize outcomes, as well as transactional due diligence related to IP assets for joint ventures, mergers and acquisitions, and other transactions. We manage transactional notifications, secure clearance in jurisdictions globally, and represent clients in regulatory reviews and merger-enforcement actions within high-tech sectors or involving technology-based IP. We leverage our experience to ensure seamless and successful transactions within the evolving technology landscape.

Patent Pools, Patent Misuses & Cross-Licensing

With decades of experience, we have established an excellent track record in successfully defending patent licensors, shaping favorable legal precedent through hard-fought victories. We offer guidance on navigating complex IP licensing arrangements, including portfolio licensing, cross-licensing, and patent pools. The group provides defense of patent misuse claims and representation in investigations or disputes regarding whether bundled patents constitute impermissible tying, as well as disputes concerning the activities of patent pools, licensing platforms, and SSOs. Our attorneys also offer strategic counseling regarding antitrust risks associated with R&D collaborations and efficient management of package licensing of multiple separate technologies.

Trade Associations & Standard Certification Bodies Trade (SSO)

We offer comprehensive counseling related to industry standard-setting and certification bodies and their activities. Our range of services includes assistance with data collection and reporting programs; guidance on effective strategies to address assertions of declared SEPs, including negotiating licenses and other resolutions; and trade association counseling and compliance. The group represents clients in government enforcement actions regarding SEP portfolios and handles disputes relating to FRAND or RAND licensing term requirements.

Related Capabilities

Antitrust/Competition

Antitrust Transactions

Class Actions & Group Litigation

Intellectual Property

Patent Litigation

Cryptocurrencies, Digital Assets & Blockchain Technology

Technology, Media & Telecommunications

Recent Experience

Secured High-Profile Fifth Circuit Dismissal for Avanci of Closely Watched Technology-Antitrust Case

Related Insights & News

WEBINAR

Decoding AI Law

JANUARY 24, 2024

WEBINAR

Emerging Antitrust and IP Challenges in the Age of Artificial Intelligence and Algorithms

DECEMBER 5, 2023

RECOGNITIONS

Susannah Torpey Named to Women We Admire's List of Top 50 Women Leaders in Technology 2023

AUGUST 28, 2023

BLOG

Algorithmic Pricing: A Recipe for Antitrust Disaster?

MAY 22, 2023

BLOG

Joint Statement on Automated Systems: A Reminder of the Potential Harms of AI

APRIL 28, 2023

BLOG

Consumer Data Monetization: The Antitrust Risks You Need to Know

APRIL 18, 2023

BLOG

Department of Commerce Calls for Change to Mobile App Stores

FEBRUARY 10, 2023

RECOGNITIONS

Susannah Torpey Named to *Women We Admire's* Top 50 Women Leaders in Technology of 2022

OCTOBER 13, 2022

PODCAST

New Kids on the Blockchain: Antitrust Trends in Web3.0 and FashionTech

OCTOBER 6, 2022

BLOG

American Innovation and Choice Online Act

SEPTEMBER 20, 2022

SPEAKING ENGAGEMENT

Susannah Torpey Provides Insights on Enforcement of Antitrust Law in the Digital Age at The 2022 World Technology Law Conference

MAY 25, 2022

SPEAKING ENGAGEMENT

Susannah Torpey Speaks at 2022 Antitrust West Coast Conference

MAY 20, 2022