

Winston & Strawn Launches New Technology Antitrust Group

FEBRUARY 3, 2021

CHICAGO – February 3, 2021 – Winston & Strawn is pleased to announce the formation of a new, fully integrated Technology Antitrust Group. A dedicated team within Winston’s Antitrust/Competition Practice, this group works in collaboration with the firm’s Intellectual Property (IP) Practice, Corporate M&A Practice, and the Technology, New Media, and Telecommunications (TNT) Industry Group.

“As technology and the digital marketplace continues to create new opportunities for growth, organizations are faced with complex legal challenges to create and maintain an even playing field for fair competition,” said Susannah Torpey, Co-Leader of the Technology Antitrust Group. “The group offers not only the experience and insight necessary to navigate these challenges as either a plaintiff or defendant in litigation, but also a pragmatic business approach to facilitate opportunities to compete and innovate in the short term as well as long-term strategic planning amidst rapidly evolving regulatory initiatives affecting tech around the world.”

Successful work completed by the group on behalf of clients includes:

- In a historic trial, the Winston team successfully represented Microsoft at trial in connection with the remedy phase of federal and state enforcement actions relating to claims that Microsoft abused its monopoly power on Intel-based personal computers by bundling its flagship Internet Explorer® web browser software with its Windows® operating system.
- Successfully represented Panasonic in obtaining complete dismissals with prejudice of several antitrust litigations alleging state and federal antitrust violations relating to a patent pool for SD card technology that allegedly imposed an “entry fee” that raised the cost for competitors to enter the market.
- Successfully represented plaintiff Metaswitch in monopolization litigation relating to the abuse of standard-setting processes, false assertions of purported patent rights, sham litigation, and failure to abide by FRAND obligations.

“The increasingly rapid pace of innovation has reshaped competitive dynamics for companies operating in technology markets and across digital platforms,” said Aldo Badini, Co-Leader, Winston & Strawn Technology Antitrust Group. “The Technology Antitrust Group provides clients with the focused expertise and litigation experience necessary to address evolving issues related to the convergence of technology, IP, and antitrust law.”

Aldo Badini is Co-Leader of the Technology Antitrust Group and a first-chair trial lawyer with more than 35 years of experience, focusing on antitrust and patent matters and representing clients in engagements stemming from the intersection of the two. His experience in antitrust–IP convergence matters includes successfully defending clients in patent pool and FRAND disputes, litigating antitrust counterclaims in patent infringement matters, and representing clients in monopolization, conspiracy, and tying matters relating to high technology products.

Susannah Torpey, Co-Leader of the Technology Antitrust Group, has more than 15 years of experience representing leading companies in litigation, trials, appeals, and government investigations in connection with issues at the evolving intersection of antitrust, IP, and technology, including monopolistic, collusive, and anticompetitive conduct involving high-tech products, platforms, data, code, apps, interoperability degradation, standard-setting and standard-essential patents, patent-licensing and pools, patent-misuse, FRAND obligations, and fraud-on-the-PTO claims. She routinely advises clients on tech design and development, pricing, competitor collaborations, and licensing issues, many of which are key to a company’s global strategy.

Neely Agin focuses her practice on antitrust and competition matters. She has steered hundreds of transactions through the U.S. and global merger control review process and regularly represents clients in merger and other antitrust investigations by the DOJ, FTC, and state attorneys general, as well as in Hart-Scott-Rodino (HSR) matters. Neely uses her deep experience to counsel clients on a variety of antitrust issues, including distribution restrictions, the formation and operation of joint ventures, trade association activities, information exchanges, and pricing practices.

Peter Crowther is leader of the firm’s UK and EU Competition Practice and Managing Partner of the London and Brussels offices. Peter is widely recognized as a leading competition and trade lawyer who focuses on advising companies in a wide variety of regulatory and disputes matters. He has significant experience of securing major merger clearances as well as advising on competition and other disputes, regulatory investigations, trade/sanctions laws, and EU law. In addition to a broad sector focus, Peter has a long track record of advising on a wide variety of matters in the technology, sports, and financial services (including insurance) industries.

Jeffrey Kessler is Co-Executive Chairman of Winston & Strawn and Co-Chair of the Antitrust/Competition Practice. Jeffrey is one of the world’s foremost antitrust, sports law, and trial lawyers, having served as lead counsel in some of the country’s most complex antitrust, sports law, and IP law cases, including major jury trials. He has been lead counsel in numerous antitrust/IP cases and government investigations at the cutting-edge of antitrust and technology, including antitrust issues arising out of patent pools, licensing platforms, standard-essential patents, monopolization of technology markets, streaming platforms and social media companies.

George Lombardi, renowned trial lawyer and Co-Chair of the firm’s Litigation Department, is one of the country’s foremost IP and complex commercial litigators. His IP litigation practice has concentrated on patent infringement, trade secret, and claims arising at the intersection of IP, technology and antitrust law, while the balance of his litigation practice focuses on defending the full range of complex commercial litigation claims including product liability, mass tort, consumer fraud, and false advertising matters.

Dan Webb, Co-Executive Chairman of Winston & Strawn, is one of the most distinguished and sought-after trial lawyers in the United States. Dan Webb’s trial practice concentrates in the areas of major commercial, civil, regulatory, and white-collar criminal cases. He has tried more than 100 jury cases, including numerous successful complex commercial and white-collar criminal trials, representing, on several occasions, large corporations in jury trials lasting two months or longer.

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