

**quinn emanuel trial lawyers**  
quinn emanuel urquhart & sullivan, llp

## **Recent Antitrust and Trade Regulation Representations**

- We successfully defended **Micron Technology, Inc.** in a true “bet-the-company” antitrust case involving random access memory chips during a three month jury trial in San Francisco Superior Court against Rambus, Inc. Rambus asserted claims for violations of the Cartwright Act and sought \$4 billion in compensatory damages, trebled to \$12 billion under the Cartwright Act, as well as other relief. The jury rejected Rambus’ claims and awarded no damages.
- In a significant ruling reaffirming the principle that disgruntled product distributors generally cannot bring antitrust claims against the product manufacturer, the firm won a complete dismissal of all claims against client **Honeywell International, Inc.**, that had been filed by a disgruntled former distributor of Honeywell’s Notifier fire safety systems. The plaintiff distributor, terminated by Honeywell, alleged that Honeywell had conspired with other distributors to foreclose competition. The Court’s decision is something of a primer on the circumstances when a distributor may or may not invoke the antitrust laws. The firm had earlier won a stay of all discovery pending a ruling on the motion to dismiss.
- We represented **Samsung** in two price-fixing class actions, brought by direct and indirect purchasers of NAND flash memory, in the Northern District of California; although classes had been certified in similar cases in the same district, we successfully defeated class certification motions in both actions, causing the direct purchaser representative to agree to voluntary dismissal.
- We are serving as Court-appointed co-lead interim class counsel for **Dust Pro** and other plaintiffs in the federal multidistrict litigation alleging that the major United States railroads (BNSF, Union Pacific, CSX and Norfolk Southern) conspired to fix the prices of fuel surcharges imposed on rail freight shipments.
- We are serving as Court-appointed co-lead interim class counsel for plaintiffs in the federal multidistrict litigation alleging that defendant Comdata illegally monopolized the markets for the credit cards used by truck fleets at truck stops and for processing transactions on those cards.
- We represented a **global telecommunications company**—the world’s largest manufacturer of mobile cellular hand sets—in a case before the European Union, in which our client alleged that the defendant’s licensing practices were anticompetitive and in violation of the antitrust laws. This case is a companion case to various cases against this defendant in what is probably the largest intellectual property litigation in the world. The case was ultimately settled in our client’s favor.

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Prior results do not guarantee a similar outcome.

- We are defending **Micron Technology** against Cartwright Act claims by Rambus in San Francisco Superior Court in a case based on an alleged group boycott and price fixing conspiracy. We filed a cross-claim on behalf of Micron alleging that Rambus engaged in a conspiracy to monopolize certain DRAM-related markets. Rambus alleges damages in excess of one billion dollars. Trial is set for January 2008.
- We are representing **Bally Technologies** in a Sherman Act case alleging a pattern of bad faith enforcement of intellectual property relating to progressive slot machine technology.
- We have been retained by **Texas Instruments** to provide antitrust counseling with respect to the markets for wireless telephone chipsets. TI is one of several companies that have filed claims in the European Union and elsewhere alleging that Qualcomm Incorporated has breached its commitments to wireless telephone standards setting bodies and engaged in anticompetitive practices intended to preclude a level playing field for competition in the sale of mobile telephone chipsets. Our work for TI has included representing the company as a third party witness in federal antitrust litigation between Broadcom Corporation and Qualcomm.
- We represented **IBM** in defense of price fixing class action claims related to the market for Static Random Access Memory, and convinced the class action plaintiffs to drop IBM as a defendant with prejudice.
- We represented **Tele Atlas, N.V.** and **Tele Atlas, N.A.** in an antitrust lawsuit against NAVTEQ Corporation in the Northern District of California. Our clients alleged that NAVTEQ illegally monopolized various markets for digital map data used in navigation devices in violation of Sections 1 and 2 of the Sherman Act, Section 3 of the Clayton Act and the analogous California antitrust and unfair competition laws. After defeating NAVTEQ's motions for summary judgment, Tele Atlas reached a favorable settlement of its claims.
- One of our partners was retained by the **Antitrust Division of the Department of Justice** to assist it in its litigation against Microsoft.
- We represented **Johnson Controls** in a trade secret misappropriation and patent infringement case brought against Graham Packaging concerning the technology for making PET containers. In an antitrust counterclaim against CI, Graham alleged that JCI fixed prices via a geographic market agreement with a Japanese competitor. The case settled for an eleven-figure payment to JCI shortly after JCI obtained summary judgment that Graham infringed two patents which went to the core of Graham's products.
- We successfully settled Sherman section 1 and Texas Free Enterprises Act claims against two **Micron** entities brought by Tessera, Inc. in the Eastern District of Texas. Tessera alleged that Micron and other DRAM companies engaged in a group boycott

and price fixing conspiracy. Tessera sought almost \$300 million in damages. Although the settlement is confidential, it was a fraction of the claimed damages.

- We represented **DIRECTV** in two separate consumer class actions in which the plaintiffs sued DIRECTV and the NBA, and DIRECTV and the NHL, alleging various antitrust violations, including vertical and horizontal price fixing, monopolization, and illegal restraint of trade, arising out of the sale and distribution of DIRECTV's NBA League Pass and DIRECTV's NHL Center Ice Programming Packages. The Southern District of California granted DIRECTV's motion to dismiss and stayed discovery granting leave to amend. The District Court then granted DIRECTV's Motion to Dismiss the Amended Complaint, this time with prejudice as to all claims.
- We represented **Shell Oil Products** in a case brought by station owners alleging that Shell engaged in price discrimination when setting the wholesale prices of its gasoline. After a 4-week jury trial, the Court awarded judgment as a matter of law in Shell's favor.
- We obtained an early and favorable settlement for **Shell's subsidiary Coral** in a case alleging that Coral violated the Cartwright Act by conspiring to manipulate the market for natural gas.
- We represented the **Philippines Long Distance Telephone Company, Tier Technologies, Inc.**, the president of **DSI**, and the president of a leading electronics company in connection with a Department of Justice investigation into alleged price fixing.
- We represented **DIRECTV** in a notable victory when the Ninth Circuit Court of Appeals affirmed the dismissal of all claims asserted against DIRECTV in a RICO class action lawsuit. The unanimous opinion affirmed the district court's complete dismissal of the claims against DIRECTV, and established that the *Noerr-Pennington* doctrine protects pre-litigation demand letters, even when those demand letters allegedly constitute extortion, mail fraud or other RICO predicate acts. The issue had not been squarely addressed by any federal appeals court except for the Tenth Circuit, which had recently ruled *en banc* that *Noerr-Pennington* does not protect pre-litigation demand letters sent between private parties outside of the antitrust context because such letters do not involve any direct petitioning of the government.
- We represented **Litton** as lead trial counsel against Honeywell in which it charged Honeywell with monopolizing the market for the ring laser gyro inertial navigation systems used in Boeing and Airbus commercial air craft and many executive jets. This case was a companion case to a patent infringement case between the same parties where we obtained a \$1.2 billion verdict. We were asked to participate as co lead counsel shortly before the trial and obtained a trebled damage award of over \$700 million for Litton, now a part of Northrop Grumman Corporation

- We represented the **Michigan State Podiatric Society** against Blue Cross and Blue Shield of Michigan, alleging the doctors conspired with Blue Cross to manipulate "screens" or prices which Blue Shield paid for in procedures commonly performed by podiatrists. The case settled favorably.