

White & Case antitrust “firsts”

White & Case’s antitrust team develops innovative, energetic strategies—leading to a long list of antitrust “firsts”:

- First jury trial loss of the Antitrust Division in a financial institutions benchmark case – *U.S. v. Usher* (S.D.N.Y. 2018)
- First Seventh Amendment defeat of class certification – *In re Asacol Antitrust Litigation* (1st Cir. 2018)
- First U.S. product hopping case won on a full factual record – *Mylan v. Warner Chilcott* (E.D. Pa. 2015)
- First use of FRE 502 to defeat sham antitrust counterclaims – *Shionogi v. Mylan* (D. Del. 2011)
- First jury trial defeat of a monopolization reverse payment case – *Kaiser v. Abbott* (C.D. Cal. 2006)
- First antitrust jury case to demonstrate that “last man standing” defendants are protected by other settlements – *In re TFT-LCD Antitrust Litigation* (Toshiba) (N.D. Cal. 2012)
- First and only successful annulment of liability in TV tubes appeal before EU Court – *Toshiba v. Commission* (2015)
- First challenge to ECJ on boundaries of EC and national antitrust advisory jurisdiction – *Toshiba v. Commission* (2015)
- First to litigate and defeat the Antitrust Division using an amnesty agreement – *Stolt-Nielsen v. U.S.*; *U.S. v. Stolt-Nielsen* (E.D. Pa. 2007)
- First injunction against an amnesty criminal prosecution – *Stolt-Nielsen v. U.S.* (E.D. Pa. 2005)
- First extradition case brought by U.S. DOJ Antitrust Division – *U.S. v. Ian Norris* (E.D. Pa. 2010)
- First *Hartford Fire* extraterritorial reach civil jury trial – *Dee-K v. Heveafil* (W.D.N.C. 2001)
- First *Hartford Fire* extraterritorial class action jury trial – *In re TFT-LCD Antitrust Litigation* (Toshiba) (N.D. Cal. 2012)
- First trial loss for FTC in a reverse payment monopolization case (defeating the FTC in front of its own Administrative Law Judge, an employee of the FTC) – *FTC v. Upsher-Smith* (FTC 2002)
- First and second monopolization patent settlement appellate wins – *Valley Drug* (11th Cir. 2003) & *Upsher-Smith* (11th Cir. 2005)
- First and second patent settlement trial wins – *Kaiser* (C.D. Cal. 2006), *K-Dur* (FTC 2002)
- First FTC loss at Supreme Court on cert. in 25 years – *K-Dur* (2013)

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- Smallest pharmaceutical drug antitrust class action settlement – *In re Botox Antitrust Litigation* (C.D. Cal. 2018)
 - First merger case in U.S. history to receive a full expedited appeal in such a compressed time frame at the U.S. Court of Appeals – *U.S. v. Anthem* (D.C. Cir. 2017)
 - First federal district court loss for FTC's monopolization attack on reverse payments – *In re AndroGel Antitrust Litigation* (N.D. Ga. 2010)
 - First software merger trial victory – *U.S. v. SunGard* (D.D.C. 2001)
 - Fastest merger trial in U.S. history – *U.S. v. SunGard* (D.D.C. 2001)
 - First class action defeats via arbitration clause enforcement – *JLM Indus. v. Stolt-Nielsen* (2d Cir. 2004)
 - First forced patent license cases – *IMS Health* (EC 2003)
 - First successful challenge to the European Union's Dawn Raid procedure – *Nexans v. Commission* (2012) (our defense case created the modern right of "search and seizure" in all of Europe)
 - First cartel case trial within a merger trial – *U.S. v. UPM-Kymmene* (N.D. Ill. 2003)
 - First simultaneous merger-patent settlement agreement – *Sepracor-Arrow* (2009)
 - First EU case on misuse of standards – *Rambus* (EC 2009)
 - First decision to hold the U.S. Antitrust Division violated Due Process Rights – *U.S. v. Stolt-Nielsen* (3d Cir. 2006)
 - First FOIA loss for the U.S. Antitrust Division – *Stolt-Nielsen v. U.S.* (D.C. Cir. 2008)
 - First consent decree patent settlement agreement – *In re AndroGel Antitrust Litigation* (N.D. Ga. 2014)
 - First defeat of class action arbitration – *Stolt-Nielsen v. AnimalFeeds* (U.S. Supreme Court 2010)
 - First successful challenge of European Commission – *Microsoft Corp. v. Commission* (EC 2007)
 - First loss in market definition case for European Commission in 40 years – *Servier SAS and Others v. Commission* (EC 2018)