

COMPETITION & TRADE

STRONG MARKET INSTINCTS. COMPETITIVELY AGILE.

We work with clients daily to help them better compete in their marketplace, whether that be local, national, global or virtual. Our goal is to understand our clients' businesses and challenges and help them navigate the business and legal obstacles to success. Understanding antitrust, competition, and trade rules are critical to our clients' success, whether those arise in a mergers and acquisition context, or through licensing and distribution issues.

FMJ attorneys have advised clients on a variety of issues, including:

- Non-compete, non-solicitation and other restrictive covenants in business and employment transactions
- Hart-Scott-Rodino filings in high value acquisitions
- Intellectual property licensing and sales representative and distribution agreements
- Participation in trade associations, organizations and permissible sharing and use information exchanges among competitors in the same marketplace
- Cooperative research and development programs and collective purchasing agreements
- Defense of civil investigative demands and defense and prosecution of antitrust and competition issues and securities investigations
- Implementation with clients of antitrust and other regulatory compliance manuals and programs
- Purchases of assets and businesses divested through antitrust lawsuits and bankruptcies

Special challenges sometimes arise in the aviation industry, and our attorneys have been involved in key industry issues, from the development of the First Open Skies agreements between airlines to obtain antitrust immunity to the litigation of whether a carrier possesses monopoly power in its hub. (The jury said no, it didn't.) Our attorneys have been involved in regulatory rulemakings regarding airline global distribution systems and cases that saw the demise of the essential facilities doctrine under the Sherman Act.

FMJ Professionals

James J. Seifert
Kevin J. Johnson
Shannon M. McDonough
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