
WilmerHale Plays a Key Role in Landmark Antitrust Victory in US Supreme Court

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We participated in a landmark victory in the US Supreme Court on behalf of our client, BASF Corporation. On June 14, the Court issued an historic antitrust decision in *F. Hoffman-LaRoche Ltd. v. Empagran S.A.* that limits the extraterritorial reach of the US antitrust laws under the Foreign Trade Antitrust Improvements Act. The Court unanimously held that purchasers in overseas markets claiming injury from price fixing (or other antitrust violations) cannot sue in United States Courts by alleging that they were harmed by conduct that also injured consumers in the United States, at least absent allegations that injury to US consumers facilitated the harm to them. In addition to the statutory language and legislative history, the Court relied heavily on its practice of reading ambiguous statutes to avoid unreasonable interference with the sovereign authority of other nations. It gave particular weight to amicus curiae briefs filed by the United States and several foreign countries arguing that giving purchasers in foreign markets a cause of action in US courts would undermine other nations' enforcement programs against international antitrust conspiracies.

We appeared on the briefs for BASF. We also played a key role in soliciting the amicus curiae support that proved so instrumental in the Supreme Court's analysis.

William Kolasky and Edward DuMont represented BASF Corporation in the victory.