
WilmerHale Wins Victory In Antitrust Suit, An Important Test of the Supreme Court's Recent *Twombly* Decision

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In an early test of the Supreme Court's recent decision in *Bell Atlantic Corp. v. Twombly*, WilmerHale won an important victory for its client Philips Electronics and all patent-holding members of standard-setting organizations.

The District Court for the Central District of California dismissed an antitrust challenge to the DVD standard holding that the plaintiff, International Norcent Technology, had failed to allege adequately the existence of an anticompetitive conspiracy between the members of the standard-setting group that developed the DVD standard.

The victory represents an important application of the pleading standards the Supreme Court announced in their May 21, 2007 *Twombly* decision. WilmerHale obtained dismissal of the plaintiff's original complaint in April, then used the intervening *Twombly* decision to rebut the new allegations in the plaintiff's amended complaint.

Doug Melamed argued the motion to dismiss, assisted on the briefs by Philips' in-house attorneys and a WilmerHale team that included [Steve Hut](#), [Danielle Conley](#), [Daniel Matheson](#) and Ryan Phair.