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## *Intersection of Antitrust and IP*

WilmerHale is uniquely positioned to provide counseling, strategic advice and litigation representation to clients confronting issues involving both antitrust and intellectual property law—and the intersection between the two.

Our lawyers are skilled in evaluating issues at the intersection of antitrust and intellectual property law, including standard setting, collaborations with competitors, distribution and licensing arrangements, licensing disputes, mergers and acquisitions, and settlements of disputes. We typically build our case teams to include antitrust and IP litigators who have years of experience collaborating across disciplines. These interdisciplinary teams function as cohesive units, helping us to achieve extraordinary results for our clients.

*Chambers USA* has described our Antitrust and Competition Group as having “[a] national antitrust practice with global reach, highly regarded for its particular expertise in tackling disputes at the junction of antitrust and intellectual property law.” *The American Lawyer*, which consistently recognizes WilmerHale as a top firm in its Intellectual Property Litigation Department of the Year contest, has cited the firm’s success in global patent infringement battles—involving significant competition issues—as a major reason for the honor.

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## *Key Contacts*



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## *Related Solutions*

Antitrust and Competition

Antitrust Litigation

Intellectual Property  
Counseling and Prosecution

Intellectual Property Litigation

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## *Areas of Focus*

Competition Aspects of  
Commercial Transactions  
Involving Intellectual Property

Hatch-Waxman and "Reverse  
Payment" Settlements

Patent Pools and Cross-  
Licensing

Standard Setting and Declared  
Standard-Essential Patents

Walker Process and Sham  
Litigation

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## *Experience*

In federal and state courts across the United States, we have a strong record of success in litigating cutting-edge cases at the intersection of antitrust and IP, both at trial and on appeal. We have litigated Sherman Act claims, patent misuse, and many other varieties of federal and state law claims raising cross-disciplinary issues.

We have achieved an unparalleled record of success in International Trade Commission (ITC) matters, the outcomes of which are determined not only by patent merits but also by the ITC's statutory mandate to consider the public interest, including competition concerns.

Outside the United States, we work with our international offices and other law firms to represent clients in multi-jurisdictional litigated disputes involving antitrust, intellectual property and the intersection between those disciplines to ensure international coordination of winning strategies for our clients. We also regularly engage with US, European and Asian competition agencies to discuss both policy and specific matters at the intersection of antitrust and IP that are of concern to our clients—drawing on the experience of our partners and senior counsel who have served in high levels of government in the United States and elsewhere.

