Paolo Morante

Partner

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Paolo Morante's practice focuses on antitrust and trade regulation law.

Paolo represents clients in commercial litigation in federal and state courts, US and international transactions, and regulatory matters before the US Department of Justice, the Federal Trade Commission and offices of the attorneys general of several states.

Paolo has substantial experience in matters relating to US and international merger enforcement, including regulatory review of complex cross-border transactions and compliance with the Hart-Scott-Rodino Antitrust Improvements Act.

LANGUAGES SPOKEN

- English
- French
- German
- Italian
- Spanish

RELATED SERVICES

- Antitrust and Competition
- International Trade, Regulatory and Government Affairs
- Corporate
- Mergers and Acquisitions
- Litigation, Arbitration and Investigations

LANGUAGES SPOKEN

English French German Italian Spanish

EXPERIENCE

Paolo regularly represents clients as antitrust counsel in merger enforcement proceedings before the US antitrust agencies. Significant recent merger enforcement and civil antitrust investigation engagements include:

- Synergy Health plc merger with STERIS Corporation
- CAE Inc. in acquisition of Bombardier flight-training assets
- HCL Technologies acquisition of assets from IBM
- TrendKite acquisition by Cision
- Dunbar Armored acquisition by Brink's
- Verifi acquisition by Visa
- Takeda acquisition of TiGenix

- Server Technology acquisition by Legrand S.A.
- Maxwell Technologies acquisition by Tesla
- Emergent Biosolutions acquisition of smallpox vaccine from Sanofi
- VisionEase sale to Hoya Corporation
- John Menzies acquisition of BBA Aviation
- Polynt in merger with Reichhold
- QUALCOMM acquisition of EPCOS
- INEOS acquisition of Calabrian Corporation
- Xchanging plc sale to Computer Sciences Corporation
- Exelon acquisition of ConEd retail energy business
- DTS Sale to Tessera Technologies
- Owens Corning acquisition of InterWrap
- Ovivo sale to Skion Water International
- QUALCOMM acquisitions of Emu and Capstone
- Vertellus sale to Black Diamond
- Blackhawk acquisition of GiftCards.com
- MediaOcean sale to Vista Equity Partners
- EagleView Technology Corporation sale to Vista Equity Partners
- InterContinental Hotels Group acquisition of Kimpton Hotels
- Emergent BioSolutions acquisition of Cangene Corporation
- EdgeCast Networks acquisition by Verizon
- OptiMedica sale to Abbott Laboratories
- Orchard Supply sale to Lowe's
- BioFire Diagnostics sale to Biomérieux S.A.
- Convio, Inc. merger with Blackbaud, Inc.
- Hypercom Corporation merger with VeriFone Systems, Inc.
- PopCap Games acquisition by Electronic Arts
- Qualcomm sale of spectrum assets to AT&T
- Radiant Systems acquisition by NCR
- Applied Signal Technology acquisition by Raytheon
- Life Technologies Corporation sale of mass spectrometry joint venture to Danaher Corporation
- JDA Software Group acquisition of i2 Technologies
- The Hain Celestial Group acquisition of Gourmet Marketing
- ZeniMax acquisition of id Software
- Chesapeake Sciences Corporation acquisition by L3 Communications
- Invitrogen (nka Life Technologies) acquisition of Applied Biosystems
- JDA Software acquisition of Manugistics
- Swedish Match acquisition of Cigars International and formation of a joint venture with Scandinavian Tobacco
- Aggregate Industries acquisition by Holcim
- Cross Match acquisition by Smiths Group

Significant antitrust litigation engagements include:

- *In re A2P SMS Antitrust Litigation* Defense of an SMS messaging aggregator in private class action alleging price-fixing and concerted boycott conspiracy in connection with application-to-person SMS transmissions

- *In re Optical Disk Drive Products Antitrust Litigation* Defense of an optical disk drive supplier in private class actions alleging price-fixing conspiracies in violation of the Sherman Act
- *In re Linerboard Antitrust Litigation* Represented a major US poultry processor in multi-district litigation alleging price-fixing and output restrictions among major US linerboard producers
- *In re Methionine Antitrust Litigation* Obtained substantial recovery for a major US poultry processor in multi-district litigation alleging an international price-fixing conspiracy among feed additives suppliers
- *In re Vitamins Antitrust Litigation* Advised a major US poultry processor in a complex class action alleging price-fixing among suppliers of vitamins and obtained reduction in class counsel fees as a percentage of the client's recovery
- *Avitech, LLC v. Embrex, Inc.* Successfully defended a patentee against monopolization counterclaims in a patent dispute. Counterclaims were dismissed
- *East Side Vend Distributors v. Coca-Cola Enterprises Inc., et al.* Represented a major US bottling company in defending a price discrimination lawsuit brought by a regional distributor
- *Kelley v. Thompson McCully Co., et al.* Successfully defended a multinational construction materials supplier against a private lawsuit alleging price-fixing and market allocation agreements

CREDENTIALS

Admissions

- District of Columbia
- New York

Recognitions

Legal 500 US recognizes Paolo for his antitrust practice.

Clerk Experience

- The Honorable Benson E. Legg, US District Court for the District of Maryland (1997 – 1998)

Education

- J.D., Harvard Law School 1997
  cum laude
- B.A., Stanford University 1987
  with distinction

Memberships

- American Bar Association, Antitrust Law Section
- New York State Bar Association, Antitrust Law Section
- The District of Columbia Bar
- Maryland Bar Association

INSIGHTS

Paolo is a co-author of the Maryland chapter of *State Antitrust Practice and Statutes* (Fourth Ed.) (ABA 2009), of the United States chapter of *Cartel Enforcement Worldwide* (Cameron May 2011) and has been a guest lecturer in antitrust law at the University of Maryland School of Law.

Publications

All quiet on the merger front…right? US antitrust agencies issue joint 2020 Vertical Merger Guidelines

6 July 2020

The Guidelines focus heavily on two primary concerns – foreclosure or raising rivals' costs and access to competitively sensitive information.

US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic

27 March 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

The US Department of Justice and Federal Trade Commission issued a Joint Antitrust Statement Regarding COVID-19, in which they announced an expedited procedure for evaluating proposed collaborations among competitors and other businesses working to address the pandemic.

[UPDATED] Antitrust enforcement continues amid coronavirus, but with important changes (United States)

20 March 2020

Antitrust and Competition: Novel Issues in a Post-Coronavirus World

As the coronavirus disease (COVID-19) emergency played out this week, the US Department of Justice and Federal Trade Commission issued important guidance on changes to merger review procedures, as well as ongoing antitrust investigations and litigation.

FTC announces annual revisions to HSR Act thresholds

19 FEB 2019

Reportable threshold, when Size-of-Persons Test applies, filing fee tiers.

Big or small, it's all hardball: merger enforcement actions *below* the HSR threshold - top ten tips in non-reportable transactions

23 JUN 2014

No anti-competitive deal is immune from challenge, even if it is small - 10 important points to keep in mind in M&A transactions

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- US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic, March 27, 2020
- US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic, March 27, 2020
- Antitrust enforcement continues amid coronavirus, but with important changes (United States), March 20, 2020
- FTC announces annual revisions to HSR Act thresholds, January 28, 2020
- Antitrust Matters - July 2018

NEWS

DLA Piper advises Edifecs in growth investment from TA Associates and Francisco Partners

24 September 2020
DLA Piper represented Edifecs, Inc. in a recent growth investment from TA Associates and Francisco Partners.

DLA Piper advises MEDNAX in its US$885 million sale of MEDNAX Radiology Solutions to Radiology Partners

15 September 2020
DLA Piper represented MEDNAX, Inc. in the sale of MEDNAX Radiology Solutions to Radiology Partners for US$885 million.

DLA Piper advises First Solar, Inc. in sale of O&M Business to NovaSource Power Services

13 August 2020
DLA Piper is representing First Solar, Inc. in connection with its pending sale of First Solar's North American Operations and Maintenance Business to NovaSource Power Services, a portfolio company of Toronto-based private equity firm Clairvest Group Inc. The sale is for an undisclosed amount.

DLA Piper acted for Charlotte's Web in its acquisition of Abacus Health

11 JUN 2020
On June 11, 2020, Charlotte's Web Holdings, Inc. and Abacus Health Products, Inc. announced the completion of their previously-announced arrangement. Under the terms of the Arrangement, Charlotte's Web acquired all of the issued and outstanding shares of Abacus. DLA Piper was pleased to have acted for Charlotte's Web on this transaction.

DLA Piper advises court-appointed receiver in sale of Essai, Inc. to US subsidiary of Advantest Corporation

11 February 2020
DLA Piper represented Andrew Hinkelman of FTI Consulting, Inc. as a court-appointed independent receiver in the sale of Essai, Inc. to Advantest America, Inc. for more than US$300 million.

DLA Piper advises CIRCOR in US$172 million sale of Instrumentation and Sampling business to Crane Co.

6 January 2020

DLA Piper represented CIRCOR International, Inc. in the US$172 million sale of its Instrumentation and Sampling business to Crane Co.

DLA Piper advises Act II Global Acquisition Corp. in combination with Flavors Holdings Inc. subsidiaries Merisant Company and MAFCO Worldwide LLC

26 December 2019

DLA Piper represented Act II Global Acquisition Corp. in a business combination with Flavors Holdings Inc. subsidiaries Merisant Company and MAFCO Worldwide LLC.

DLA Piper advises Seaspan Corporation in its US$750 million acquisition of APR Energy Limited

2 December 2019

DLA Piper represented Seaspan Corporation in its acquisition of APR Energy Limited.

DLA Piper advises WH Smith in its US$400 million acquisition of Marshall Retail Group

18 October 2019

DLA Piper advised UK retailer WH Smith in its US$400 million acquisition of Marshall Retail Group.

DLA Piper advises emids on New Mountain Capital partnership

26 September 2019

DLA Piper represented emids in its partnership with New Mountain Capital.

DLA Piper represents Compagnie du Ponant in acquisition of Paul Gaugin

24 September 2019

DLA Piper represented Compagnie du Ponant, a French cruise ship operator, in the acquisition of Paul Gauguin Cruises.

DLA Piper advises Stellex Capital Management in its US$352 million sale of Morbark LLC

13 September 2019

DLA Piper represented Stellex Capital Management in its US$352 million sale of Morbank LLC, a leading manufacturer of high-performance equipment and aftermarket parts for forestry, tree maintenance, biomass, land management and recycling markets, to Alamo Group Inc.

DLA Piper advises Spur Energy Partners LLC in its US$925 million acquisition of New Mexico oil and gas properties

4 September 2019

DLA Piper represented Spur Energy Partners LLC in its US$925 million acquisition of oil and gas properties in New Mexico from Concho Resources.

DLA Piper advises Vungle in proposed acquisition by Blackstone

17 July 2019

DLA Piper represented Vungle, Inc., a mobile video advertising company, in the negotiation of an agreement to be acquired by private equity firm Blackstone.

DLA Piper advises Summit Infrastructure Group in majority investment by SDC Capital Partners

18 APR 2019

DLA Piper represented Summit Infrastructure Group, Inc. (SummitIG), a network solutions and bandwidth infrastructure provider, in the sale of a majority stake in the company to SDC Capital Partners.

DLA Piper advises OMRON in US$893 million sale of automotive electronics division to Nidec

16 APR 2019

DLA Piper is representing OMRON Corp. in the ¥100 billion (US$893 million) sale of its automotive electronics division, OMRON Automotive Electronics Co. Ltd., to Nidec Corp., headquartered in Kyoto, Japan.

DLA Piper advises Custom Ink in its recapitalization by Great Hill Partners

5 APR 2019

DLA Piper represented Custom Ink, a leader in custom apparel for groups, companies and communities, in its recapitalization by private equity firm Great Hill Partners.

DLA Piper advises Neopost on both the acquisition of Parcel Pending and the sale of Satori Inc.

30 JAN 2019

DLA Piper represented Paris-based Neopost, a global leader in digital communications, logistics and mail solutions, in two recent merger and acquisition matters.

DLA Piper advises Amynta in acquisition of ClearView Risk Holdings

28 JAN 2019

DLA Piper represented the Amynta Group, a group of warranty, managing general agent and specialty risk companies and portfolio company of Madison Dearborn Partners, in its acquisition of ClearView Risk Holdings, LLC.

DLA Piper advises CIRCOR in US$85 million sale of Reliability Services business to RelaDyne

28 JAN 2019

DLA Piper represented CIRCOR International, Inc., a provider of flow control solutions and other highly engineered products for the industrial, energy, aerospace and defense markets, in the sale of its Reliability Services business to an affiliate of RelaDyne LLC for approximately US$85 million.

DLA Piper advises Summit Infrastructure Group in its majority recapitalization by SDC Capital Partners

11 JAN 2019

DLA Piper represented Summit Infrastructure Group, Inc., a network solutions and bandwidth infrastructure provider, in its majority recapitalization by SDC Capital Partners.

DLA Piper advises BuildingConnected in US$275 million sale to Autodesk

27 DEC 2018

DLA Piper represented BuildingConnected, a construction software provider, in its sale to software company Autodesk for US$275 million.

DLA Piper advises ResMed in acquisition of Propeller Health

4 DEC 2018

DLA Piper represented ResMed (NYSE: RMD), a world-leading connected health company, in its entry into a definitive agreement to acquire Propeller Health, a digital therapeutics firm, for US$225 million.

DLA Piper advises Avison Young in acquisition of GVA

9 NOV 2018

DLA Piper represented Avison Young, a Toronto-based global commercial real estate services firm, in its acquisition of GVA.

DLA Piper advises ResMed in agreement to acquire MatrixCare for US$750 million

7 NOV 2018

DLA Piper represented ResMed, a world-leading connected health company, in a definitive agreement to acquire privately held MatrixCare, a leader in US long-term post-acute care software, for US$750 million.

DLA Piper advises Zensho Holdings on US$257 million acquisition of Advanced Fresh Concepts Corp.

7 NOV 2018

DLA Piper has advised Zensho Holdings, the largest food service company in Japan by sales, known for its beef bowl restaurant chains "Sukiya" and "Nakau", on its acquisition of California-based Advanced Fresh Concepts Corp., an in-store sushi chain with more than 4,000 locations throughout the United States, Canada and Australia. The purchase price was US$257 million, the largest acquisition ever made by the Japanese restaurant chain operator, which is also one of the top-ten food service companies in the world.

DLA Piper advises Cimpress in US$280 million acquisition of BuildASign

28 SEP 2018

DLA Piper represented Cimpress N.V. in its US$280 million acquisition of BuildASign, a Texas-based online provider of canvas wall décor, business signage and other large-format printed products.