



Daniel S. Bitton

Partner

San Francisco

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SPOTLIGHT

"A trusted adviser and go-to for a range of antitrust matters from counseling to M&A and litigation."

– *Chambers USA 2022*

"Daniel is extremely attentive to his clients and understands very complex products and markets."

– *Chambers USA 2022*

"Our company's executives appreciated Daniel's practical, but knowledgeable advice."

– *Chambers USA 2022*

Who's Who Legal ranked Daniel as one of the five "most highly regarded" Future Leaders in Competition in North America. (2017, 2018)

"Daniel Bitton is a 'very hard-working' lawyer who is endorsed for his 'excellent analytical ability, strong client skills and excellent commercial awareness.'"

– *Who's Who Legal 2019*

"Daniel Bitton impresses with his 'practical approach and in-depth knowledge' of competition law."

– *Who's Who Legal Future Leaders 2018*

"His handling of the multi-jurisdictional antitrust filings in Dell-EMC was the most efficient that I have seen."

PROFILE

Trained in the EU and U.S., Daniel Bitton navigates Fortune 500 clients through antitrust litigation, government investigations and merger clearance processes across the globe. For a second consecutive year, *Who's Who Legal* named him one of the five "most highly regarded" Future Leaders in Competition in North America (2017 & 2018). He has also been named a Rising Star by both *Super Lawyers* and *New York Law Journal*. Daniel has earned high praise from clients for his role in resolving high-stakes competition matters, most recently including:

- Co-leading the defense and highly favorable resolution of an international cartel litigation for three companies of the Danfoss Group
- Leading efforts on behalf of Johnson Controls to secure global clearance for its \$2 billion sale of Scott Safety to 3M
- Leading efforts to secure clearance from DOJ for McKesson's \$3.4 billion health care technology joint venture with Change Healthcare
- Leading efforts to secure global clearance for Dell Technologies' \$67 billion acquisition of EMC Corporation in 20 jurisdictions
- Negotiating and securing global clearance for Thermo Fisher Scientific's \$13.6 billion acquisition of Life Technologies (Nominated for 2014 GCR "Matter of the Year" award)
- Advising Google in its \$2.35 billion sale of Motorola Home to ARRIS
- Advising Google in antitrust litigation and government investigations of its business practices across the world
- Representing Google in its \$700 million acquisition of ITA Software (Winner of 2012 GCR "Merger Control Matter of the Year" –

– *Who's Who Legal Future Leaders*
2018

"Smart and ambitious," and "incredibly energetic."

– *Chambers USA* 2019

PRACTICE AREAS

Antitrust

Litigation

EDUCATION

LLM – New York University School of Law (2004) Stibbe full scholarship and Noorthey scholarship

University of California Berkeley School of Law, Visiting Student (2000)

MA, Netherlands Law – Free University (2001)

ADMISSIONS

California

New York

U.S. District Court Eastern District of New York

U.S. District Court Southern District of New York

U.S. District Court Western District of New York

U.S. District Court Northern District of California

U.S. District Court Eastern District of Michigan

U.S. Supreme Court

Americas" award)

- Helping Tomkins plc prevail in a landmark case before the European Court of Justice about parent liability for a former subsidiary's cartel violations (Nominated for 2013 GCR "Behavioural Matter of the Year – Europe" award)
- Litigating novel monopolization claims around misuse of patents and FDA regulations on behalf of Actavis
- Representing Take-Two before the FTC in connection with Electronic Art's \$2 billion hostile tender offer for Take-Two

Clients and peers have referred to Daniel as "one of the most talented antitrust lawyers I know," "amazing at what [he does]," "an absolute pleasure to work with," "...gifted...when handling high-profile, international mergers," "He possesses excellent analytical ability with strong client skills and commercial awareness," and have called out Daniel's "incredible work ethic," and "dedication, intensity and competence."

Prior to joining Axinn, Daniel interned at the Federal Trade Commission and served as an advisor to the Independent Post and Telecommunications Authority and the Netherlands Competition Authority, in The Hague, The Netherlands. In that capacity, he worked on matters involving bid-rigging and monopolization, as well as various regulatory matters, including disputes about fixed and mobile interconnection rates, cable-access and local loop unbundling.

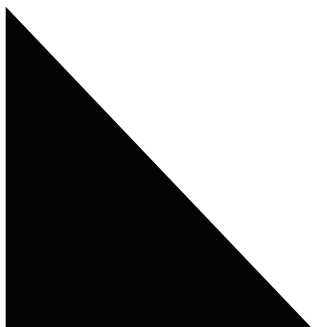
PROFESSIONAL ACTIVITIES

- American Bar Association
- New York Bar Association
- California Lawyers Association – Antitrust Section

EXPERIENCE

- Representing McKesson subsidiary RelayHealth in federal antitrust class actions involving electronic prescribing and in the FTC's case against Surescripts.
- Representing Google in various investigations of its business practices in the U.S. and other jurisdictions.
- Representing Shintech Inc. and Shintech-Etsu Chemical Co., Ltd. in federal antitrust class action.

- Global antitrust lead for Stanley Black & Decker in its acquisition of a 20% stake in MTD Products.
- Global antitrust lead for Johnson Controls in the \$2 billion sale of its Scott Safety business to 3M.
- Regular antitrust counsel to McKesson, including (among other matters) leading efforts to secure clearance for McKesson's \$3.4 billion health care technology joint venture with Change Healthcare (which entailed a 6+ month Second Request investigation), its \$1.4 billion acquisition of CoverMyMeds, its \$800 million acquisition of Medical Specialties Distributors (MSD), its \$735 million acquisition of RxCrossRoads from CVS, its acquisitions of Labsco and Biologics, and the sale of its Enterprise Information Solutions business to Allscripts.
- Acted as lead global coordinating antitrust counsel to Dell Inc. in connection with its \$67 billion acquisition of EMC Corporation.
- Represented Danfoss A/S, Danfoss Flensburg GmbH and Danfoss LLC in a federal class action opt-out case alleging price fixing of household refrigerant compressors.
- Represented H.I.G. Capital and recycled paperboard manufacturer Caraustar Industries, Inc. before the DOJ in 6+-month investigation of their \$362.5 million acquisition of The Newark Group.
- Represented Thermo Fisher before the FTC in its \$13.6 billion acquisition of Life Technologies. (Nominated for 2014 GCR "Matter of the Year" award.)
- Advised Google in the \$2.35 billion sale of its Motorola Home division to ARRIS.
- Advised Google in litigation and government investigations of its business practices.
- Advised Tomkins plc in European Court of Justice proceeding about parent liability for alleged price fixing by a former subsidiary. The ECJ found in favor of Tomkins plc. (Nominated for 2013 GCR "Behavioural Matter of the Year – Europe" award.)
- Represented Google before the DOJ in its \$700 million acquisition of ITA Software. (Winner of 2012 GCR "Merger Control Matter of the Year – Americas" award.)



- Represented Omnicare in its \$700 million hostile takeover bid for Pharmacia.
- Prosecuted antitrust counterclaim for Actavis in a patent litigation. Defeated motion to dismiss on novel monopolization claims.
- Represented The Affinia Group & Wix Filtration in a multi-district price fixing class action.
- Represented Take-Two before the FTC in connection with Electronic Art's \$2 billion hostile tender offer for Take-Two.
- Defended Actavis in trade dress litigation, securing a favorable settlement shortly before trial.

HONORS

- *Chambers USA* – California: Antitrust (2019, 2022 - 2023)
- *Chambers USA* – New York: Antitrust (2018)
- *The Legal 500 United States* (2022 – 2023)
- *Lawdragon*, 500 Leading Litigators in America (2023-2024)
- *Who's Who Legal: Thought Leaders – Competition* (2024)
- *Who's Who Legal: Competition* (2019 – 2023)
- *Who's Who Legal: Competition Future Leaders* (2017, 2018)
- Named to *The Recorder's* list of California Trailblazers (2020)
- *Daily Journal* - Top Antitrust Lawyers (2022)
- *New York Law Journal* – Rising Star (2015)
- *Super Lawyers* – New York Metro Rising Star (2014, 2015)
- Axinn nominated for 2014 “Matter of the Year,” *Global Competition Review*
- Axinn nominated for 2013 “Behavioral Matter of the Year – Europe,” *Global Competition Review*
- Axinn winner of 2012 “Merger Control Matter of the Year- Americas” by *Global Competition Review*

