

Axinn Obtains Dismissal of Portion of Treble-Damages Claim for Danfoss Group Companies

October 21, 2016

ATTORNEYS

Bitton, Daniel
Briggs, John
Lee, Kenina
Oppenheimer, Brooke

PRACTICE AREAS

Antitrust

Axinn won dismissal for various Danfoss Group companies of a portion of a treble damages antitrust claim brought by General Electric. GE's claim was in part based on purchases by a 48%-owned GE subsidiary in Mexico of allegedly price-fixed refrigerator components. Axinn moved to dismiss the claims based on those purchases under the Foreign Trade Antitrust Improvements Act and the *Illinois Brick* indirect purchaser rule, arguing that GE's case was significantly weaker than the plaintiff's claim in the highly publicized Seventh Circuit case *Motorola Mobility LLC v. AU Optronics Corp.* The Court wholly adopted our team's arguments, including that GE was not entitled to discovery on the issue, and even incorporated in the opinion a demonstrative exhibit from our brief, which the court described as a "helpful graphic." The Axinn team included John Briggs, Daniel Bitton, Kenina Lee, and Brooke Oppenheimer.

While the opinion is significant and material, there still remain claims associated with direct purchases made in the United States from alleged cartelists.