



→ Helen C. Eckert

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Helen Eckert is a Special Counsel in the Antitrust and Competition Practice Group in the San Francisco office of Sheppard Mullin.

Areas of Practice

Helen's practice focuses on antitrust and unfair competition litigation, and representing international corporations in antitrust investigations by the U.S. Department of Justice and follow-on MDL litigation. She is also experienced in counseling companies on a variety of antitrust issues, including standard setting, vertical pricing and distribution practices, and mergers and acquisitions.

Helen represents corporations in large antitrust litigations, including direct and indirect class actions and multi-district litigations, involving allegations of price fixing, monopolization, and a variety of other exclusionary conduct. She has also represented corporations in criminal antitrust investigations by the U.S. Department of Justice, managing high-volume electronic discovery and review in foreign languages and coordinating parallel investigations in foreign jurisdictions.

Helen is also the pro bono liaison for the antitrust practice group, and is dedicated to advancing the goals of ABLE (Active Bystandership for Law Enforcement) Project formed in partnership between Georgetown Law's Innovative Policing Program and Sheppard Mullin.

Honors

Southern California Rising Star, *Super Lawyers*, 2009, 2013-2016

Recommended Lawyer: Antitrust - Civil Litigation/Class Actions: Defense, *Legal 500*, 2023

Experience

- Representing The Reynolds and Reynolds Company against federal and state antitrust claims relating to data management access in the automobile dealer industry.
- Representing major retailer in connection with price gouging investigations brought by state attorneys general during COVID-19 crisis.
- Represented foreign telescope manufacturer and U.S. subsidiary in Sherman Act Section 1 and 2 claims and Clayton Act Section 7 claims through summary judgment, a six-week trial and post-judgment litigation.

- Representing Samsung against direct purchaser actions in federal court involving claims of price fixing of cathode ray tubes (CRT).
- Representing Samsung SDI against multi-billion dollar price fixing claims brought by Motorola Mobility involving thin film transistor liquid crystal display products (TFT-LCDs).
- Represented Samsung Electronics in multi-billion dollar group boycott claims brought by Rambus under California's Cartwright Act concerning DRAM products.
- Providing antitrust counseling to U.S. subsidiary of international corporation regarding negotiations with market participant involving access to inputs.
- Providing antitrust counseling to interested third party corporation in connection with Federal Trade Commission's evaluation of proposed acquisition in the commercial audio sector.
- Represented Lions Gate Entertainment and Summit Entertainment in federal court against monopolization and attempted monopolization claims involving The Twilight Saga movies. All claims against Lions Gate and Summit were voluntarily dismissed by the plaintiff in response to a motion to dismiss the antitrust claims.
- Represented Diamond Electric and its U.S. subsidiary in international price fixing investigation by the U.S. Department of Justice in the automotive parts sector.
- Provided antitrust counseling to non-U.S. corporation and U.S. subsidiary with respect to contemplated collaborative arrangements with leading competitor in semiconductor sector.
- Provided antitrust counseling to trade association in footwear and apparel industry regarding development of supplier compliance testing.
- Represented Paramount Petroleum in state court action alleging trade libel and intentional interference claims against leading competitor in asphalt industry.
- Provided antitrust counseling to leading mobile service carrier group in China regarding standard setting and patent pool issues.
- Represented Memorial Health Services in state court antitrust action alleging a conspiracy among hospitals to maintain compensation levels for nurses in response to overtime legislation.
- Represented Asiana Airlines in a federal multi-district class action in the Eastern District of New York of direct and indirect purchasers alleging a global conspiracy by air cargo carriers to fix fuel and other surcharges. Also coordinated representation in parallel Canadian class actions.
- Represented Asiana Airlines in a federal multi-district class action in the Central District of California of indirect purchasers alleging a conspiracy among air carriers to fix fares on flights along the United States-Korea route.
- Defended Asiana Airlines in a criminal Department of Justice investigation alleging price fixing conspiracies in the air cargo and passenger industries.
- Represented Korea Kumho Petrochemical Company in competitor antitrust action in the Northern District of California alleging monopolization, group boycott, intentional interference with prospective economic advantage and unfair competition.
- Represented Philip Morris in indirect purchaser class action in Kansas state court alleging Price fixing in the cigarette industry.
- Represented LifeLock in federal action in the Central District of California alleging unfair competition in the credit-reporting industry.

Articles

- Between a Rock and a Hard Place: Vitamin C and the Future of U.S. Antitrust Enforcement Against Chinese Companies
The Legal 500 - Cartels Country Comparative Guide, 04.03.2019
- There Is Potential Federal Inconsistency Over ACOs
Law360, 06.16.2015
- Supplier Beware of California's Equipment Dealers Act Before Deciding on Termination of Dealers
Bloomberg BNA, 12.05.2014
- Calif. On Board As Health Care Antitrust Enforcer
Law360, 09.27.2012
- No Mandatory Antitrust Review For ACOs
The Recorder, 11.10.2011
- Levels of antitrust scrutiny for ACOs
The Recorder, 04.18.2011
- Health Care Reform May Prompt Antitrust Violations
The Recorder, 02.21.2011
- "The US FTC Reaches a Settlement With a Pharmaceutical Company and Continues March to Set a Standard for the Industry in Pay-for-Delay Settlements Cases (*Cephalon*)," *e-Competitions Bulletin*, May 28, 2015
- "The FTC's Continuing Challenge to Reverse Payment Patent Settlements in the Pharmaceutical Industry", *Pharmaceutical Law & Industry Report*, 7 PLIR 749, June 26, 2009
- "Is Obama the New Trust-Buster?", *Los Angeles Daily Journal*, June 12, 2009
- "District Court Certifies Class in Foundry Resins Price-Fixing Conspiracy Case," *Sherman Act Section 1 American Bar Association Volume 5*, Spring 2008.
- Co-Author, "Setting A Higher Standard: The FTC Takes a Tougher Stand on the Ways IP Owners Try to Influence Standard-Setting Organizations"

Antitrust Law Blog Posts

- "Federal Trade Commission Continues March "to Set a Standard for the Industry" with *Cephalon* Settlement," June 3, 2015
- "State Regulatory Scheme Offering Antitrust Immunity to Healthcare Collaborations Creates Tension Between Federal and State Antitrust Enforcement," May 20, 2015
- "California Supreme Court Delineates a Structured Rule of Reason Analysis for Evaluating Reverse Payment or Pay-for-Delay Settlements," May 12, 2015
- "Eleventh Circuit Affirms FTC Finding that Rebate Program Served to Unlawfully Maintain Monopoly Power," April 22, 2015
- "In Highly-Anticipated Decision, Ninth Circuit Affirms That Hospital-Physician Group Merger in *St. Luke's* Violated Section 7 And Casts Serious Doubt on Viability of Efficiencies Defense," February 18, 2015
- "CMS' Proposed Regulations Include Significant Antitrust Implications For Entities Interested In Forming ACOs," January 5, 2014

- "Supplier Beware Before Terminating Dealers: California's Equipment Dealers Act," November 18, 2014
- "District Court Weighs in on Level of Integration Required to Shield Health Care Collaborations from Section 1 Scrutiny," November 14, 2014
- "Ninth Circuit Once Again Affirms That Malicious Actions To Destroy A Competitor Do Not State An Antitrust Claim Unless Accompanied By Injury To Competition," February 27, 2014
- "Large General Acute-Care Hospital Abandons Acquisition Of 15-Bed Surgical Specialty Center As A Result Of FTC Challenge," November 26, 2012
- "District Court Dismisses Follow-On Suit Challenging Blue Cross's 'MFN-Plus' Contracts Under Both *Per Se* and Rule of Reason Standards," April 11, 2012
- "Ninth Circuit Rejects Consumer Antitrust Challenge To Cable Television Bundling", June 16, 2011
- "First Section 2 Monopolization Case Of the Obama Administration Targets Dominant Texas Health Care Provider", March 11, 2011
- "FTC Gets Shut Down - Once Again - In Its Bid To Change How Courts View Reverse Payment Settlements," June 3, 2010
- "District Court Breathes New Life Into Predatory Pricing and Refusal to Deal Claims After *Linkline* and *Trinko*," February 17, 2010
- "Supreme Court's *Linkline* and *Trinko* Decisions Result in Tenth Circuit Dismissal of Section 2 Monopolization Case," November 10, 2009
- "DOJ Formally Aligns Itself With FTC In Opposition To Reverse Payment Settlements," August 12, 2009
- "The FTC's Latest Remarks In Opposition To Reverse Payment Settlements: Banning Them Would Save Consumers \$35 Billion," July 9, 2009
- "The Latest Advance in the Debate Over Reverse Payment Settlements: Will the Supreme Court Punt, Again?" June 12, 2009
- "Sherman Act Claims Against Credit Reporting Agency Equifax Tossed Out of Court for Lack of Antitrust Injury," May 13, 2009
- "FTC and California AG Join in Challenging Reverse Payment Settlements in the Pharmaceutical Industry," March 6, 2009
- "Ninth Circuit Finds Genuine Issues Relating to Possible Walker Process Fraud Arising from Counsel's Omissions in Patent Application Process," February 10, 2009

Healthcare Law Blog Posts

- "FTC Stands Down in Latest Head-to-Head Battle Between Federal and State Oversight of Healthcare Collaborations," July 8, 2016
- "FTC Suffers Setback in Campaign to Slow the Rising Tide of Healthcare Consolidations," May 16, 2016

Memberships

Member, Antitrust Section, American Bar Association

Member, Antitrust and Unfair Competition Law Section, State Bar of California

Member, Antitrust and Unfair Business Practices Section of the Los Angeles County Bar Association

Practices

Antitrust and Competition

Antitrust Counseling and Compliance

California Antitrust and Unfair Competition Law

Consumer Protection

Criminal Antitrust and Cartel Investigations

Government Merger and Civil Conduct Investigations

Governmental Practice

Healthcare / Antitrust

Intellectual Property / Antitrust

International Reach

Korea

Private Civil Antitrust Litigation

Education

J.D., University of California, Los Angeles, 2005; Co-chair, First National Sexual Orientation Moot Court Competition; Associate Editor, *Asian Pacific American Law Journal*; Judicial Office, Moot Court Board

B.S., University of California, Berkeley, 2001, U.C. Regents Scholar

Externship: Honorable Erithe Smith, U.S. Bankruptcy Court for the Central District of California, 2003

Admissions

California

Washington

U.S. District Court, Central District of California

U.S. District Court, Northern District of California

U.S. District Court, Western District of Washington