

Pat Pascarella

PARTNER / GENERAL COUNSEL

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📍 Dallas



Pat Pascarella is an antitrust attorney. He has served with the U.S. Department of Justice Antitrust Division, spent a dozen years in-house as Chief Antitrust Counsel at AT&T, and most recently was an antitrust partner at two big law firms, including eight years as the chair of the antitrust and competition law group at one of those firms.

Pat describes his practice as protecting and enabling clients and believes his diverse background contributes significantly to his effectiveness and efficiency. On the protection side, Pat's practice includes representing clients in litigation in federal and state courts and in responding to government inquiries and investigations both civil and criminal. He has represented clients before the DOJ, FTC, states' attorneys general, as well as foreign competition enforcers and other governmental authorities in Europe, Mexico, and Colombia. Pat has successfully concluded numerous investigations, with results that include, for one example, the revocation of a billion-dollar fine imposed by the Mexican antitrust authority in an alleged abuse-of-dominance case.

Pat also has represented clients in numerous landmark antitrust cases, including *PacBell Telephone v. linkLine*, *Bell Atlantic v. Twombly*, and *United States v. Microsoft*, and defended (and occasionally opposed) some of the largest mergers in U.S. history.

On the enabling side of his practice, Pat regularly advises clients on all manner of business activities from pricing and distribution to mergers and joint ventures. Pat pioneered the pre-merger planning concept that enables clients to accelerate the capture of merger efficiencies and has developed antitrust compliance programs for companies of all sizes. Pat has counseled and defended clients in a multitude of industries including telecommunications, content and media, cryptocurrency, online platforms, e-commerce, cyber-security, pharmaceuticals, manufacturing, sports, cement, weapons systems, and ice cream.

Education

**J.D., George Washington University
National Law Center**

B.A., The Ohio State University

Government Service

Antitrust Division, U.S. Department of
Justice D.C. (1993-1996)

Lecturer, National Defense University,
Industrial College of the Armed Forces
D.C. (1995, 1996)

Summer Associate, U.S. Attorney's Office
D.C. (1982)

Admissions

District of Columbia

Texas

Ohio (inactive)

Representative Matters

- Defending national trucking company in Section 1 “no poach” class action in Central District Court of California.
- Defended medical device manufacturer in Section 1 and 2 Sherman Act lawsuit (exclusive dealing and refusal to deal) brought by generic drug manufacturer.
- Prosecuted a Noerr sham litigation action on behalf of a major international telecommunications firm.
- Defended a wireless network infrastructure provider in the text-messaging price-fixing litigation in the Southern District of New York
- Defended government contractors in conspiracy and attempt to monopolize lawsuit in Northern District of Ohio.
- Assisted international telecommunications company in convincing Mexico’s Federal Competition Commission to revoke a billion dollar fine for alleged abuse of dominance.
- After assuming defense of a US carrier in ongoing litigation, convinced federal judge in Northern District of California to reverse her prior adverse summary judgment ruling in a Sections 1 and 2 antitrust action.
- Defended regional sports governing body against conspiracy and monopolization cases in federal district court.
- Unanimous jury verdict rejecting tying and monopolization claims against a US carrier in California state court.

Publications

- Practical Advice for In-House Counsel Amid the Antitrust Sound and Fury, The Antitrust Attorney Blog (September 1, 2021)
- *New York’s Proposed Antitrust Laws Are Out of Sync with US Law*, Law360 (September 14, 2020)
- *Antitrust Compliance Can Help Cut Costs*, Law360 (July 17, 2020)
- *KTS Client Alert: Antitrust Compliance During the Pandemic*, KTS (May 28, 2020)
- *Pat Pascarella Named to Law360’s Competition Editorial Advisory Board*, Law360 (March 13, 2019)
- *Interlocking Directorates – Not Just a Section 8 Issue*, Law360 (October 6, 2017)
- *The Resale Price Maintenance Two-Step*, DRI’s For the Defense (October 1, 2017)
- *Product-Hopping Cases: A Bad Prescription for Consumers*, Law360 (August 14, 2015)
- *Major Makeover in the Works for Mexican Competition Law*, Law 360 (March 18, 2013)

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