

Transactional Regulatory: Antitrust, HSR & CFIUS

Antitrust enforcement and foreign investment review are increasingly top of mind for today's dealmakers. As high-growth companies remain private longer, many are able to raise larger funding rounds, engage in more cross-border activity and acquire new companies. Our company clients, all of which are on the cutting-edge of their industry, are also often attractive merger and acquisition targets. Exit strategies involving strategic acquirers have become more challenging, particularly in the technology sectors.

Disruption generates value for consumers; dynamic competition drives markets across the globe.

Transactional opportunities often face exposure to U.S. antitrust and global competition regulations intended to ensure market competition. Antitrust and foreign investment regulations can arise in a range of unintuitive circumstances. Therefore, our antitrust and foreign investment team is closely integrated with our deal teams, enabling us to seamlessly provide clients with the proactive antitrust, Hart-Scott-Rodino (HSR) and Committee on Foreign Investment in the United States (CFIUS) counseling they need to continue to meet their objectives in a more complex economy.

Antitrust Litigation & Enforcement

We advise on HSR and global pre-merger counseling, CFIUS risk assessment, and compliance planning pre- and post-transaction. When additional resources are needed, we routinely leverage antitrust litigators from across our network of law firms to support clients through agency merger investigations, HSR Second Requests, and litigation. In addition to transactional work, we also advise companies on antitrust compliance with pricing, distribution, non-competes, licensing, trade association participation and other operational areas that are governed by antitrust laws.

Foreign Investment & CFIUS Issues

Clients that operate in the U.S and receive investment from foreign investors may find themselves under scrutiny from the Committee on Foreign Investment in the United States (CFIUS), an inter-agency committee that advises the President of the United States on matters of national security.

We regularly support clients early in transactions involving foreign investment in U.S. companies to help identify whether there are CFIUS-related risks. We guide clients through the CFIUS filing and review process, as well as manage client responses to CFIUS investigations of non-notified transactions.

Experienced Counseling & Compliance Support

Our number one goal is your transaction's success. Our regulatory team has extensive insight into the concerns and hot-button issues that motivate the Department of Justice and Federal Trade Commission to question a transaction. We will work closely with you and your deal team to address any financing terms or pre-merger issues that could trigger Hart-Scott-Rodino (HSR) or other antitrust regulation scrutiny.

And if your transaction does require compliance with HSR or other U.S. or foreign antitrust regulations, we can help you to navigate approval processes, resolve potential concerns of regulatory authorities and reduce delays to closing. Further, post-transaction, we can help you develop pragmatic, actionable compliance policies and practices. Our deep understanding of your industry means that we can mitigate potential regulatory risks for your business today and in the future.