



→ Thomas Dillickrath

Senior Counsel

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Thomas Dillickrath is senior counsel in the Antitrust and Competition Practice Group in the firm's Washington, D.C. office.

Areas of Practice

Tom focuses on antitrust litigation and merger investigations. Prior to joining the firm, he served as Deputy Chief Trial Counsel at the Federal Trade Commission's (FTC's) Bureau of Competition. During his time at the FTC, Tom litigated antitrust cases brought by the FTC involving mergers and acquisitions and other business practices affecting U.S. consumers. In particular, he was lead trial counsel in the agency's successful federal court litigations blocking the Wilhelmsen-Drew Marine and Sanford-Mid Dakota Clinic mergers, as well as playing significant roles in the agency's cases against 1-800 Contacts and Schein/Benco/Patterson in the FTC's administrative court. Tom also was the lead trial attorney on several merger cases where the parties abandoned the transaction prior to trial, including DraftKings-FanDuel.

Prior to joining the FTC, Tom was a partner in the antitrust practice groups at two international law firms, where he worked with clients and competition agencies globally on a wide variety of high profile antitrust matters, from litigation and appeals to merger clearances and other government investigations. In mergers and investigations, he represented clients before domestic and foreign competition agencies and across a wide band of industries, including oil and gas, chemicals, consumer goods, airlines, high tech and telecommunications.

Tom advocates for clients before U.S. and foreign courts and competition agencies across the globe, including investigations and third-party matters. He has also represented clients in investigations of possible cartel and bid-rigging activities.

Tom also works with clients to prevent them from going to court. He conducts internal antitrust audits and investigations for multinational corporations, and has developed antitrust compliance programs and presented antitrust training for clients in the U.S. and abroad.

Experience

Federal Trade Commission Matters

- *Sanford Health/Mid Dakota Clinic* (D. N.D. Western Div.): Lead trial counsel in obtaining preliminary injunction of anticompetitive merger in physician services market. Preliminary injunction granted, currently on appeal.

- *FTC v. Wilh. Wilhelmsen et al* (D.D.C.): Lead trial counsel in obtaining preliminary injunction of anticompetitive merger in marine chemicals market. Preliminary injunction granted, parties abandoned transaction.
- *FanDuel/Draft Kings* (D.D.C): Lead trial counsel in seeking preliminary injunction of anticompetitive merger in the daily fantasy sports market; parties abandoned transaction prior to trial.
- *In re 1800 Contacts* (D.D.C): Played significant role in administrative trial including cross-examination of respondent's survey expert, with decision in favor of FTC, on appeal.
- *Benco/Schein/Patterson* (D.D.C): Cross-examination of respondent's expert economist and direct examination of several fact witnesses in administrative trial, with decision in favor of FTC.

Private Practice Mergers

- Representing clients in high-profile mergers before U.S. agencies (DOJ, FTC and FCC) across a wide spectrum of industries.
- Representing third-parties on matters involving mergers.
- Representing clients in high-profile mergers before foreign competition authorities (European Commission, India, China, Mexico, Brazil, Taiwan, Korea, UK and others), including in-person advocacy.
- Leading competition oversight of integration projects involving significant mergers in chemicals and energy sectors.

Private Practice Litigation

- Representing clients in high-stakes litigation before federal and state courts, federal and state agencies and foreign competition authorities.
- Representative engagements include several major multinational technology companies; multiple international chemical companies; and consumer good companies.

Private Practice Counseling

- Advising clients across a broad spectrum of industries as to antitrust implications of existing and potential business practices.
- Developing and implementing antitrust compliance programs.
- Undertaking internal investigations to identify potential areas of antitrust risk.
- Developing and presenting antitrust training programs from C-suite executives to field sales personnel, in the U.S. and around the world.

Articles

- Two Important Antitrust Cases Decided by US Supreme Court
Global Competition Review, July 2021
- GCR US Courts Annual Review: Supreme Court
Global Competition Review, 07.2020
- "The Best of All Possible Tests," *The Price Point*, Winter 2014
- Co-Author, "Blind Umps and Blown Calls: The Troubling Decision to Ignore 'Arguably Manipulable' Evidence in *United States v. Bazaarvoice*," *Competition Policy International*, March 1, 2014

- Co-Author, "Letting the Cat Out of the Box: Noerr-Pennington Immunity and Consent Decrees," *Competition Policy International*, January 14, 2014
- Co-Author, "Injunctive Relief and the Noerr-Pennington Doctrine: The Search for Clarity on a Muddied Pitch," *Competition Policy International*, March 19, 2013 (nominated as Best of 2013 and republished December 30, 2013)
- Co-Author, "Standard Essential Patents: The Intersection of IP Rights, Competition and Collaboratively Set Standards in the U.S. and Europe," *Competition Counselor Newsletter*, Fall 2012
- "Trends in Private Federal Antitrust Litigation," *Global Competition Review*, 2010
- Co-Author, "Type 1 Error and Uncertainty: Holding the Antitrust Enforcement Pendulum Steady," *Global Competition Policy*, November 12, 2009

Antitrust Law Blog Posts

- "FTC Votes to Ban Noncompete Agreements," April 24, 2024
- "The Wait is Over: DOJ and FTC Issue Final Merger Guidelines," December 20, 2023
- "FTC Seeks to Ban Noncompete Agreements in Employment Contracts," January 6, 2023
- "Executives Beware: DOJ Antitrust Division is Taking a Hard Look at a Wide Spectrum of Potential Criminal Violations," March 7, 2022
- "Antitrust Scrutiny Heating Up in Oil and Gas Industries," December 15, 2021
- "U.S. Courts Annual Review: Supreme Court," August 5, 2020
- "Maybe the FTC Can't Take That to the Bank: The Supreme Court's Decision in Liu v. SEC and Its Implications for the FTC's Ability to Seek Equitable Monetary Relief," July 13, 2020
- "DOJ and FTC Issue Joint Statement Regarding COVID-19 and Antitrust Violations," April 22, 2020
- "DOJ and FTC To Focus On Antitrust and Consumer Protection Violations Relating to Coronavirus," March 11, 2020
- "Axon Sues FTC Over Use of Administrative Adjudication in Merger Investigations," January 14, 2020

Labor & Employment Law Blog

- "Buyer (and Seller) Beware: The FTC Is Coming for Your M&A Non-Competes," June 21, 2022

Media Mentions

Antitrust Counseling on Competitor Collaborations and Price Gouging during COVID-19
American Bar Association, Antitrust Section, 04.01.2020

Dillickrath Returns to Private Practice
FTCWatch, 04.11.2019

Sheppard Mullin Brings Aboard FTC Antitrust Lawyer
Big Law Business, 03.19.2019

Speaking Engagements

"Looking at the Future: FTC in the Biden Administration," *OliveTree Financial*, Webinar, February 19, 2021

"Playing the Game: China Investigates Mergers in the E-Sports Industry," *US-China Council*, Webinar, January 21, 2021

"Antitrust Counseling on Competitor Collaborations and Price Gouging during COVID-19," American Bar Association, Antitrust Section, April 1, 2020

"Federal Civil Enforcement : FTC Enforcement Authority: Recent Challenges," American Bar Association, Antitrust Section, March 18, 2020

GCR Live Pharmaceuticals Forum, Washington D.C., February 28, 2019

"Lessons from Bazaarvoice," (with former Deputy Attorney General Fiona Scott Morton), New York Bar Association, May 21, 2014

"Recent Developments at the IP/Antitrust Intersection," Taipei, Seoul and Tokyo, May 2014

"Re-writing the Rules: Civil Procedure and E-Discovery Principles," ABA Masters Conference, August 2011

Events

Inaugural Ad Law Symposium
Webinar, 01.27.2021

Antitrust Counseling on Competitor Collaborations and Price Gouging during COVID-19
Webinar, 04.01.2020

Webinar - The "Key" to the FTC Loot Box Hearings – What You Need to Know
via GlobalMeet, 05.23.2019

Podcasts & Webinars

Nota Bene Episode 116: Challenging the U.S. Big Tech Antitrust Debate Assumptions: A Deep Dive with Thomas Dillickrath and Bill Margeson
03.10.2021

Inaugural Ad Law Symposium
01.27.2021

Nota Bene Episode 98: The U.S. Supreme Court's Mark on U.S. Antitrust Law for 2020 with Thomas Dillickrath and Bevin Newman
09.23.2020

Nota Bene Episode 46: America's Existential Antitrust Crisis with Thomas Dillickrath
07.31.2019

Practices

Antitrust and Competition
Antitrust Counseling and Compliance
Consumer Protection
Criminal Antitrust and Cartel Investigations
Government Merger and Civil Conduct Investigations
Governmental
Intellectual Property / Antitrust
International Counseling
Private Civil Antitrust Litigation

Industries

Energy, Infrastructure and Project Finance
Healthcare
Transportation

Education

J.D., University of Miami, 2002, *summa cum laude*, *Order of the Coif*, Dean's Scholar, Articles and Comments Editor, *University of Miami Law Review*

M.A., American History, George Mason University, 2011, Award - Outstanding History Graduate Student, 2009

B.A., Florida Atlantic University, 1998

University of Edinburgh Post-Graduate Diploma in Philosophy (with honors), 2019

Clerkships

Judicial Extern to Federal Magistrate Judge Stephen Brown of the U.S. District Court for the Southern District of Florida, 2001

Admissions

District of Columbia