



Matthew D. Kent

Partner

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Related Services

Litigation ■ Antitrust ■ Commercial ■ Health Care ■ State Attorneys General Practice Team ■ Antitrust: Mergers, Compliance & Investigations

Matthew Kent is co-leader of Alston & Bird's Antitrust Team and a partner in the firm's Litigation & Trial Practice Group who focuses on bet-the-company antitrust litigation and counseling. Matthew and his team have recovered nearly \$1 billion in settlements for clients.

Matthew has defended Fortune 100 companies alleged to have participated in global price-fixing cartels in DOJ criminal investigations and follow-on civil litigation. He has a deep experience with the competition issues at the forefront of the pharmaceutical industry and has litigated cases in federal courts throughout the country.

He advises clients on antitrust issues related to joint ventures and mergers and acquisitions, including filings under the HSR Act and international premerger notification regimes. Matthew assists clients with substantive merger reviews by the U.S. Department of Justice, the Federal Trade Commission, and foreign competition authorities in a host of industries.

Matthew has been recognized for his antitrust acumen by *Georgia Super Lawyers*, *Who's Who Legal*, and *Chambers USA*. Clients say he is their "go-to lawyer for creative and practical solutions to the most complex legal issues." For over a decade, he has been active in the leadership of the American Bar Association's Antitrust Law Section, serving three-year terms as co-chair of the Unilateral Conduct Committee and the Business Torts and Civil RICO Committee. He was recently appointed to the Antitrust Section's Reserve Task Force.

Representative Experience

Antitrust and Commercial Litigation

- Lead counsel for a generic pharmaceutical manufacturer in an antitrust lawsuit against a branded pharmaceutical company and medical device manufacturer alleging conspiracy to exclude generic competition through a variety of exclusionary conduct. (D.N.J.).
- Lead antitrust counsel for a Fortune 100 company defending against antitrust claims over alleged sham patent litigation, exclusivity provisions, and Robinson-Patman Act violations. (N.D. Tex.).
- Replacement trial counsel for a major pharmaceutical company in the prosecution of a federal antitrust action seeking damages based on sham litigation, fraud on the USPTO, and product hopping allegations. (D. Del.).
- Representing a generic pharmaceutical manufacturer in multiple pay-for-delay lawsuits alleging violations of federal and state antitrust and consumer protection laws. (S.D.N.Y.).

- Represented a major pharmaceutical company in a putative class action in the Middle District of Tennessee alleging antitrust violations stemming from patent litigation proceedings. Challenged the initial complaint and defeated the initial motion for class certification after an evidentiary hearing. (M.D. Tenn.).
- Represented a leading technology company in the prosecution of antitrust claims over price fixing by cathode ray tube suppliers. (N.D. Cal.).
- Represented major pharmaceutical company in more than 15 alleged reverse-payment putative class action lawsuits. (D. Mass.).
- Represented a major pharmaceutical company in an antitrust lawsuit in the District of Massachusetts alleging a conspiracy to exclude generic competition through a patent injunction in a related proceeding. As part of a favorable settlement of the antitrust matter, obtained vacatur of an underlying patent litigation judgment. (D. Mass.).
- Represented a leading technology company in the prosecution of antitrust claims over price-fixing by LCD screen suppliers. (N.D. Cal.).
- Represented academic institutions in antitrust lawsuits involving accreditation and physician privileges. (N.D. Ga.).
- Represented a joint venture in a lawsuit alleging various antitrust claims, including monopolization, group boycott, and related California state law claims. (N.D. Cal.).
- Represented a group purchasing organization facing antitrust claims raised by a disgruntled potential supplier that was denied a contract. (E.D. Tex.).
- Served as lead counsel to a Fortune 100 insurance company in commercial litigation matters across the United States.

Antitrust Counseling and Investigations

- Defended a major pharmaceutical company in a Department of Justice (DOJ) investigation into alleged price fixing and market allocation in the generic pharmaceutical industry. Resolved the allegations with a deferred prosecution agreement and no guilty plea.
- Represented a multinational medical device company in a Federal Trade Commission (FTC) investigation into the acquisition of a competitor, negotiating a consent decree that allowed the client to complete the acquisition.
- Represented the nation's largest manufacturer of paper packaging products in a DOJ second request and merger investigation.
- Represented branded and generic pharmaceutical companies in private litigation and government investigations of so-called reverse payment settlement agreements. Represented an inventory management company in an FTC investigation into its business practices.
- Advised a major pharmaceutical company on compliance with the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and worked with the client to prepare and file required documentation with the FTC.
- Advised major hospitals on the antitrust ramifications of different types of collaborative transactions, including mergers, virtual mergers, joint operating relationships, joint ventures, and networks.

Publications & Presentations

Publications

- "Negotiating for Certainty in an Uncertain World," *Emory Corporate Governance and Accountability Review*, April 2024.
- "Preservation Obligations for Ephemeral Messaging Will Not Disappear," *Privacy & Cybersecurity Law Report*, May 2024.

- “Diversity & Inclusion,” in *Successful Partnering Between Inside and Outside Counsel*, Thomson Reuters and Association of Corporate Counsel, April 2020.

Presentations

- “Recent Antitrust Developments in Health Care & Pharma Q1 2022,” American Bar Association, webinar, May 13, 2022.

Professional & Community Engagement

- ABA Section of Antitrust Law, Section Reserves (2020–current)
- ABA Section of Antitrust Law, Unilateral Conduct Committee, co-chair (2017–2020)
- ABA Section of Antitrust Law, Business Torts & Civil RICO Committee, chair (2014–17)
- ABA Section of Antitrust Law, Ethics & Compliance Committee, vice-chair (2011–14)

Education

- Georgia State University (J.D., 2007)
- Mercer University (M.B.A., 2004)
- University of Georgia (B.B.A., 2003)

Admitted to Practice

- Georgia