



Commercial and Competition Law

Reinhart Boerner Van Deuren's Commercial and Competition Law Group handles many types of matters concerning the supply and distribution of products and services on a national and international scale. Our unique, multidisciplinary team includes litigators and corporate attorneys who combine their experience from courtrooms and boardrooms to effectively serve clients facing supply chain and product distribution challenges. Working collaboratively, we develop solutions that are practical and cost-effective.

Our Commercial and Competition Law Group has significant experience in virtually every area of commercial and competition law, and frequently provides counsel on the following matters:

- Antitrust compliance and disputes
- Complex commercial disputes
- Dealer and distributor disputes
- Internet distribution issues
- Sales representative and agency laws
- Supply chain counseling
- Pricing and advertising law compliance
- Product recalls
- Contract negotiation, review and counseling
- Franchise law compliance, counseling and disclosures
- Software licensing and software development
- Termination and nonrenewal of business relationships
- Warranty disputes
- Wisconsin Fair Dealership Law and other dealer laws

Our attorneys help remove complexity and mitigate risk for a wide range of businesses. We have deep experience advising clients about many types of contract and distribution matters, including:

- Buying and selling businesses



- Designing distribution networks
- Structuring licenses
- Creating sales and purchase documents
- Helping navigate complex state and federal regulations
- Counseling on Internet sales and other types of distribution
- Handling supply chain issues
- Advising on pricing laws and programs

We make it a point to understand our clients' businesses and goals. This helps us to provide effective and practical advice. Our experience has enabled us to develop model sales documents, sales representative agreements, franchise agreements, dealer agreements, supply agreements, sales terms and conditions, warranties and other forms and policies designed to anticipate the kinds of problems companies have been forced to litigate.

Our attorneys provide advice to many types of businesses, including those in the agricultural, chemical, consumer good, food and beverage, material handling, industrial equipment, lawn and garden, outdoor power, marine, vehicle and recreational product industries.

Our goal is to help clients address potential challenges before problems arise. We regularly counsel clients about sales and marketing programs, dealer and franchise laws, trade secrets and other distribution issues to help proactively avoid problems. We work collaboratively and stay in constant communication with multiple practice areas, including [Corporate Law](#) and [Litigation](#), to ensure a seamless handling of the case. Our litigation team's insight helps our corporate attorneys prevent litigation, and our corporate team helps our litigation attorneys better understand transactions and other complex corporate issues.

In the event of a dispute that does involve litigation, we provide our clients with our depth of experience litigating cases resolve the matter efficiently and cost-effectively. We have represented clients throughout the world in all types of litigation, including mediations, arbitrations and trials.

Matters

- **Franchise Disputes.** A client paid more than \$1 billion to purchase a competitor and unknowingly acquired a group of disgruntled franchisees who claimed the right to hundreds of millions of dollars of the client's historical sales into their "exclusive" territories. Reinhart's Commercial and Competition Law Group persuaded



the Federal District Court to grant our client summary judgment rejecting the franchisees' argument and avoiding a six-week jury trial.

- **FTC and State Attorney General Investigations.** Occasionally, the FTC brings an investigation against a company concerning its distribution methods or proposed acquisitions. Reinhart's Commercial and Competition Law Group members have persuaded federal and state investigators and prosecutors to "close the books" without pursuing formal claims on several occasions. These included federal antitrust investigations and investigations by state attorneys general.
- **Dealer Network Consolidations.** A client bought one of its major competitors and consolidated the two companies' distribution networks. When a disappointed distributor sued, Reinhart's Commercial and Competition Law Group successfully defended the consolidation from the first complaint in New Jersey State Court through the last appeal to the Eighth Circuit Federal Court of Appeals, winning a judgment of no liability.
- **Internet Distribution and Protection of Trademarks.** Several retailers began misusing some of our client's trademarks and engaged in "cybersquatting." Reinhart's Commercial and Competition Law Group was able to help the client stop the misuse of its trademarks and implement internet marketing policies to help prevent future problems.
- **Sales Representative Disputes.** We represented one of the nation's largest chocolate producers after a former sales representative claimed the exclusive right to all business in Mexico, and sued in California alleging a laundry list of statutory, tort and contract violations. Reinhart's Commercial and Competition Law Group won a no-liability decision for our client.
- **Trade Secret Claims.** After losing an important supply relationship with a Reinhart manufacturing client, a supplier alleged theft of its trade secrets, claimed \$250 million in damages and hired as its counsel an attorney who had recently won a similar \$100 million trade secret award against a major U.S. automobile manufacturer. Reinhart's Commercial and Competition Law Group won a defense verdict rejecting all claims against its client.
- **Warranty Disputes.** One of the world's largest crane manufacturers sued our client, a component supplier, for allegedly supplying out-of-spec components that caused a recall of an entire fleet of construction equipment. Reinhart's Commercial and Competition Law Group successfully defended the supplier and ultimately won an attorney-fee award.

Key Contacts



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