

Derek A. Sutton

Partner

Raleigh
+1.919.743.7331

Derek.Sutton@klgates.com

OVERVIEW

Derek Sutton is a partner focused on antitrust litigation and complex commercial disputes.

Derek represents businesses in high-stakes litigation involving federal and state antitrust and unfair competition laws. He has particular experience defending companies in class action and multidistrict litigation, and in enforcement actions and merger reviews by the US Department of Justice Antitrust Division (DOJ), Federal Trade Commission (FTC), and state attorneys general.

Derek also represents clients in complex commercial and intellectual property litigation, including contract disputes, deal litigation, patent licensing disputes, and trade secrets litigation. He has tried multiple cases to verdict, and has significant appellate experience in federal and state appellate courts throughout the United States.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Derek was a litigation associate at law firms in New York and Raleigh.

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association, Antitrust Section
- North Carolina Bar Association, Antitrust and Complex Business Disputes Law Section, Pro Bono Committee, 2024

EDUCATION

- J.D., New York University School of Law, 2017
- B.A., University of Michigan, 2012

ADMISSIONS

- Bar of New York
- Bar of North Carolina
- United States District Court for the Eastern District of New York
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Southern District of New York
- United States District Court for the Western District of North Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- 18 July 2025, US Department of Justice Antitrust Division Introduces Whistleblower Reward Program to Encourage Disclosure of Antitrust Violations
- 21 May 2024, Judge Dismisses FTC Case Against Welsh Carson but Enforcement Focus on Private Equity in Healthcare Continues
- 20 September 2023, Antitrust and AI: US Antitrust Regulators Increasingly Focused on the Potential Anticompetitive Effects of AI
- 20 July 2023, FTC and DOJ Release Draft of Updated Merger Guidelines: What this Means for Companies' M&A Plans Now and in the Future

OTHER PUBLICATIONS

- Co-author, "Competitive Implications of Pricing Algorithms Under the United States Antitrust Laws," CPI Antirust Chronicle, 28 February 2024
- Co-author, "Ninth Circuit: Apple Case Leads to Additional Clarity on Section 1 Claims," GCR US Courts Annual Review, Ch. 7 (4th ed.), 2023
- "No-Poach Guilty Plea Flags How to Mitigate Risks," *Bloomberg Law*, 22 September 2022

NEWS & EVENTS

- 15 April 2026 , "Under the Wire" CLE Seminar | Navigating the AI Landscape: Regulatory Shifts, Executive Mandates, and Algorithmic Risk
- 6 January 2026, K&L Gates Names More Than 25 New Partners Across Firm

- 9 May 2023, K&L Gates Advises SPX Technologies on Agreement to Purchase Electrical Heating Solutions Leader

AREAS OF FOCUS

- Antitrust and Competition
- Class Action Defense
- Commercial Disputes

INDUSTRIES

- Healthcare
- Life Sciences
- Technology

REPRESENTATIVE EXPERIENCE

ANTITRUST – CLASS ACTION & PRIVATE LITIGATION

- Defending HVAC manufacturer in a series of consolidated, nationwide price-fixing class actions.
- Negotiated voluntary dismissal of software companies in multidistrict litigation alleging unlawful conspiracy to implement minimum advertised price policies in the archery industry.
- Defending international containerboard manufacturer in price-fixing class action.
- Defending leading healthcare provider in labor market class action challenging hiring practices for pharmacy residents.
- Won complete dismissal of attempted monopolization counterclaims asserted in wide-ranging IP litigation between biopharmaceutical companies.
- Defending revenue management software provider in multiple nationwide antitrust class actions involving allegations of algorithmic price-fixing in the hotel industry.
- Representing Seattle, Washington-based property developer, owner, and operator in consolidated nationwide class actions alleging algorithmic price-fixing and information sharing conspiracies.
- Represented Japanese electronic components manufacturer and its US subsidiary in multidistrict litigation alleging a global price-fixing cartel.
- Defended contact lens manufacturer in multidistrict litigation involving allegedly unlawful resale price maintenance policies.

ANTITRUST – GOVERNMENT ENFORCEMENT

- Represented a global trading company and its US affiliate in *parens patriae* action brought by state attorney general alleging anticompetitive manipulation of spot market for gasoline in California.
- Represented an investment firm in response to a DOJ grand jury subpoena concerning anticompetitive "no-poach" agreements.
- Represented a leading specialty metals company in responding to Civil Investigative Demand issued by FTC.
- Represented a cellular technology company, through trial and on appeal, in action brought by FTC alleging anticompetitive practices involving standard essential patent (SEP) licensing and sales of chips used in mobile devices.

ANTITRUST – MERGER CLEARANCE

- Represented a medical technology company in Second Request, successfully securing FTC's clearance of its US$3 billion+ sale to a global medical device manufacturer.
- Represented a global supplier of infrastructure equipment in its US$400+ million acquisition of electrical heating solutions business.
- Represented a leading global EdTech and workforce solutions provider in its US$190 million acquisition of workforce assessment service provider.

COMMERCIAL LITIGATION

- Representing a court-appointed receiver in trial court and appellate proceedings in connection with multibillion-dollar insolvency of portfolio of insurance companies.
- Represented a senior living community in contract dispute in the North Carolina Business Court regarding a complex series of financing transactions. The case settled favorably before discovery.
- Represented a consumer products company in US$40 billion merger appraisal litigation in the North Carolina Business Court. The case involved the first judicial appraisal of a public company merger tried to decision outside of Delaware. The Business Court's favorable verdict was subsequently affirmed by the North Carolina Supreme Court, in its first decision interpreting North Carolina's appraisal statute.
- Represented a cellular technology company in wide-ranging antitrust, contract, tortious interference, and patent licensing dispute with the world's largest smartphone maker. The case settled favorably on the first day of trial.
- Represented a global chemical manufacturer in a week-long ICC arbitration regarding various disputes stemming from a multibillion-dollar merger.