

Christopher S. Finnerty

Partner

Boston
+1.617.261.3123

chris.finnerty@klgates.com

OVERVIEW

Christopher Finnerty is a partner in the firm's global brand equity and strategic distribution team, representing clients in antitrust and competition litigation as well as internet strategy, retail price maintenance, and distribution matters. He focuses his practice on the design and implementation of resale price maintenance strategies, focusing on limiting online price erosion and gray market disruption in North America, Europe, Asia, and Australia for manufacturers. For the past 20 years, the brand equity team at K&L Gates has worked exclusively with product manufacturers designing and implementing innovative and effective distribution strategies that anticipate and combat the global gray market in order to support retail pricing goals. Christopher and his team have worked hand in hand with over one hundred of the world's largest and most recognized corporations, designing go-to-market price strategies representing the distribution of hundreds of billions of dollars in products. Christopher consults on the impact of strategy variants globally and their potential pricing implications and product lifecycles. Christopher routinely litigates antitrust actions involving monopolization, exclusive dealing, the Robinson Patman Act, and unfair trade practices.

The K&L Gates global brand equity and strategic distribution team has been the market leader in the development of optimized, global, go-to-market designs which encompass the realities of cross-border trade, ensure compliance with local regulatory regimes, and account for the bespoke goals and challenges of each manufacturer and its products in several distinctive ways:

- We focus on strategy and actual results as opposed to simply compliance and non-impactful takedown numbers, with a view to delivering significant and measurable returns on investment for clients in terms of marketplace control, price stabilization, and brand value.
- We comprise a fully integrated team of dynamic, creative distribution architects with proven experience in designing multi-region price preservation and online marketplace strategies.
- We are recognized as thought leaders who are not afraid to make difficult judgment calls in regions where the laws remain unclear or involve greater potential risk. We are constantly evolving our cutting-edge proprietary know-how and ideas, which have proven highly effective in achieving our client's objectives.
- We are pragmatic and flexible, designing structures and mechanisms reflective of partner sophistication, numbers, and existing business sensitivities, in order to facilitate project buy-in, implementation, and

management. These include, for example, developing highly simplified retailer terms and basic registration mechanics (as opposed to full-scale authorization) where these are considered more workable.

- Finally, we assist in all aspects of a brand and price strategy: from deep-dive diagnosis and strategy design, through communication strategy, execution and implementation mechanics, company and partner training and guidelines, to monitoring and enforcement (with targets and tracking) for long-term value and accountability.

For these reasons, we are trusted by some of the world's most successful brands to advise on highly complex pricing questions and network design. These range from high-tech and high-fashion brands—where authorized reseller and pricing strategies have been commonplace for some time—to branded commodity manufacturers, where more creative legal solutions and careful communication strategies might be required.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Christopher was a partner at a national law firm.

ACHIEVEMENTS

- Named a *Thomson Reuters* Stand-out Lawyer, 2026
- Named to New England Rising Stars list, 2011-2018

EDUCATION

- J.D., Suffolk University Law School, 2003
- B.A., Gettysburg College, 2000

ADMISSIONS

- Bar of Massachusetts
- Supreme Court of the United States
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the First Circuit
- United States District Court for the District of Massachusetts

THOUGHT LEADERSHIP *POWERED BY HUB*

- 2 August 2024, What Really Is Surveillance Pricing? The FTC Is Trying to Figure It Out
- 20 September 2023, Ninth Circuit Finds That Costco Is Not Just a Retailer, but Actively Competes With Wholesalers With Respect to Robinson-Patman Price Discrimination Claims

- 26 July 2023, Between a Bock and a Hard Place: Does Europe's Resale "Pint" Maintenance Decision Mean More Resale Pricing Control for Suppliers?
- 16 June 2023, Rum and Coke: The FTC Targets Soft Drinks and Alcohol in the Revival of Robinson-Patman Act Enforcement- What's Next?
- 2 June 2023, FTC to Scrutinize Commercial Use of Biometric Information Moving Forward
- 13 July 2022, The FTC's "New" Tool: Greater Enforcement of the Robinson-Patman Act
- 25 January 2022, Surge of Antitrust Enforcement Against Manufacturers of Branded Consumer Goods
- 17 May 2021, Resale Price Maintenance May Carry More Risk Than Originally Thought in Canada, Eh?
- 22 February 2021, Does the French Lego Case Threaten the Building Blocks of Your Pricing Policy for Online Sellers?
- 13 January 2021, Hong Kong's New Campaign to Combat Price Fixing Cartels
- 28 October 2020, Vertically Challenged - Insight into the EU Commission's Efforts to Update the EU Rules on Vertical Agreements
- 8 September 2020, E-Concessions and Competition Law
- 7 July 2020, Enforcement of Customer-Competitor Infringements and Price Monitoring Tools Intensifies
- 20 April 2020, COVID-19: Price Gouging Enforcement in the United States - Key Considerations
- 20 April 2020, COVID-19: Beware Illegal Use of Price Monitoring Tools
- 2 April 2020, COVID-19: Preserving Brand Equity and the Health of a Go-To-Market Strategy During the Pandemic and Beyond
- 25 March 2020, COVID-19: COVID-19 Crisis Increases Risk of Antitrust and Price Gouging Violations: Practical Guidance and Mitigation Strategies
- 20 March 2020, COVID-19: Taking Extraordinary Measures at Times of Crisis- COVID-19 and the Boundaries of Cooperation Under European Competition Law
- 20 March 2020, COVID-19: The European Commission Sets Out State Aid Strategy – Opportunities and Challenges for EU Businesses
- 30 January 2020, Heightened Enforcement Against Brands' Control of Resale Pricing by Competition Authorities Worldwide
- 13 November 2019, P2B Regulation: Commission Consults Industry on Ranking Guidelines
- 8 November 2019, Swedish Sector Inquiry into Digital Platforms
- 23 October 2019, Global Distribution Strategies in a Digital Era: Price Erosion Strategies, Platform Regulations, Algorithms, Use of Data

- 19 September 2019, The VBER Consultation - Stakeholders Call For an Update to Reflect the Realities of the E-Commerce Market
- 27 June 2019, Developing Mitigation Strategies to Combat Online Erosion and Gray Market Selling in the EU
- 7 June 2019, The Pitfalls of Price Monitoring in the EU
- 3 June 2019, Unilateral Policies Are 99 Years Old And Still the Safest And Most Effective Form of Resale Price Maintenance
- 13 November 2018, Opportunity for Product Manufacturers to Comment on EU Distribution Rules
- 7 August 2018, Continued Antitrust Enforcement Against Non-Compliant Manufacturers in Europe: Significant Penalties Imposed for Fixing Resale Prices
- July 2018, November 2018: China's Inaugural Import Expo
- 24 May 2018, Formerly named "Competition Commission of Singapore" Takes on a New Name in Light of Expanded Consumer Protection Role
- 21 May 2018, Supplying Products & Managing Margin Down Under: Online Price Erosion Strategies for Product Manufacturers in Australia and New Zealand
- 8 May 2018, Distribution Strategies in Hong Kong: A New, but Familiar Landscape for Product Manufacturers
- 2 May 2018, EU Selective Distribution Update: Recent Developments Regarding Marketplace Bans and The Requirement for a Physical Point of Sale
- 17 April 2018, Optimizing Your Brand Equity and Distribution Strategy
- 4 April 2018, Putting China on the MAP
- 14 February 2018, Disfavored Retailers Turning Up the Volume on Robinson-Patman Litigation
- 01 February 2018, EU Judgment On Banning Sales Via Online Marketplaces - What Does It Mean For Non-Luxury Brands?
- 8 March 2017, Supreme Court Declines to Hear Seventh Circuit Case Holding That Bulk Packaging Does Not Constitute a Promotional Service Under the Robinson-Patman Act
- 2 June 2016, Behind the Curtain: Technical Advisors in Complex Litigation
- 28 March 2016, Second Circuit Affirms Dismissal of Sherman Act Claims Due to Failure to Allege a Plausible Geographic Market
- 21 March 2016, No Rule of Reason Here: State AG Reminds Manufacturers That Minimum Retail Price Agreements Are Illegal Per Se in Maryland with Latest Suit
- 3 March 2016, 7th Circuit Not Convinced That Bulk Packaging Constitutes a Promotional Service Under The Robinson-Patman Act

OTHER PUBLICATIONS

- "A Look At New Vertical Laws, Their Opportunities And Pitfalls," *Law360*, 23 January 2023
- "Businesses Should Prepare For FTC Use Of Robinson-Patman," *Law360*, 20 July 2022
- "Mitigating Antitrust Risks With DOJ-FTC Pandemic Guidance," *Law360*, 31 March 2020
- "Disfavored Retailers Turn Up Volume On Robinson-Patman," *Law360*, 20 February 2018
- "Price Check: Uncertain Outcomes In Advertised Price Cases," *Law360*, 29 June 2016
- "Behind The Curtain: Technical Advisers In Complex Cases," *Law360*, 27 May 2016
- "What To Expect From 7th Circ. In Robinson-Patman Case," *Law360*, 16 March 2016
- "Experts: Global Price Maintenance Requires More than MAP Policy," *Quoted by Bicycle Retailer and Industry News, Vol. 24, No. 3*, March 1, 2015
- "Consumer Product Marketing, Advertising, Distribution and Sales Law," *Suffolk University Law School, Advanced Legal Studies*, March 23, 2012
- "A Swing at Infringement," *New England In-House,* November 1, 2011
- "Boston lawyers secure judgment vs. SEO company in golf-club case," *Massachusetts Lawyers Weekly,* October 7, 2011
- "Roger Cleveland Golf Company, Inc. v. Prince," *Landmark IP Litigation Series,* October 4, 2011
- "Business as Usual," *Corporate Counsel,* May 2011
- "Toys R Us settles lawsuit over Web Price Pressure," *Internet Retailer,* March 29, 2011
- "Ignorance no longer Bliss for ISPs," *Managing Intellectual Property,* March 28, 2011
- "Web Host Liable for Contributory Infringement," *National Law Journal,* March 17, 2011
- "Court Holds SEO Responsible for Sales of Counterfeit Goods," *Internet Retailer,* March 15, 2011
- "State Law Targets 'Minimum Pricing'," *Wall Street Journal,* April 28, 2009
- "Maryland Prohibit Manufacturers from setting Minimum Retail Prices," *Internet Retailer,* March 28, 2009
- "How the Supreme Court Fractured Online Pricing," *Internet Retailer,* October 30, 2008
- "Resale Price Maintenance and Long Term Distribution," *Industry Week,* August 20, 2007

NEWS & EVENTS

- 2 February 2026, Nearly 50 K&L Gates Lawyers Recognized on *Thomson Reuters* Stand-out Lawyers List
- 3 December 2024, ISPO Munich 2024, Hosted by ISPO Munich

- 21 June 2022, Brand Distribution Strategies in Europe

OTHER MEDIA MENTIONS

- Quoted, “Ski Cartel Probe Casts Shadow Over Winter Olympics Brands,” *Bloomberg*, 6 Feburary 2026
- Quoted, “FTC urged to address Instacart “price discrimination,” *Global Competition Review*, 10 December 2025
- Quoted, “Antitrust Cases And Issues To Watch In 2024,” *Law360*, 1 January 2024
- Quoted, "Companies Pushing Back Against FTC's Voluminous Records Requests," *Law.com*; *Corporate Counsel*, 17 May 2023
- Mentioned, "GOOGLE LLC: Sandofsky Appeals FCRA Suit Dismissal to 1st Cir.," *Class Action Reporter*, 5 October 2021

AREAS OF FOCUS

- Antitrust and Competition
- IP Litigation

INDUSTRIES

- Apparel and Footwear
- Consumer Beauty and Aesthetics
- Consumer Electronics
- Consumer Goods and Services
- General Manufacturing
- Household Goods
- Luxury Products and Fashion
- Manufacturing
- Manufacturing Technologies

REPRESENTATIVE EXPERIENCE

- Represented premium home automation systems manufacturer in civil antitrust litigation involving monopolization claims under the Sherman Act. Case resulted in a confidential settlement.
- Obtained US$5 million sanction and adverse inference for defendant’s spoliation of evidence.

- *Roxul USA, Inc. v. Armstrong Worldwide Industries*, Delaware Federal District Court. Defeated motion to dismiss and motion for summary judgment in lawsuit alleging improper monopolization of acoustical ceiling tile marketplace. Case resulted in a confidential settlement.
- *MLW Media LLC v. World Wrestling Entertainment, Inc.,* USDC Northern District of CA, San Jose Division, Case no. 5:22-cv-00179-EJD.