

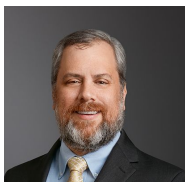
Axinn Obtains Dismissal of Monopolization and Attempted Monopolization Suit Against Rapid Aid, Ltd.

NEWS | 1 MIN READ

October 1, 2014

Axinn successfully obtained the dismissal with prejudice of a monopolization and attempted monopolization suit brought against Rapid Aid, Ltd., a Canadian manufacturer of hot-cold therapy products, by its rival Therapearl. Therapearl had alleged that Rapid Aid had filed a sham lawsuit against Therapearl in the Federal Court of Canada. Moving quickly, the Axinn team filed a motion to dismiss the complaint in its entirety within 10 days of being retained, arguing both that the antitrust claims were fatally flawed and that any action arising out of the parties' Canadian dispute should be heard in Canada. In its decision, the U.S. District Court for the District of Maryland agreed with Rapid Aid that the plaintiff's proposed market definition was facially insufficient and that its complaint also failed to allege either monopoly power or a dangerous probability of successful monopolization, and therefore dismissed the plaintiff's Sherman Act claim with prejudice. It also dismissed the plaintiff's request for a declaratory judgment and its state law claims, leaving Rapid Aid free to pursue its original Canadian claims without the overhang of U.S. litigation.

Related People



Russell M. Steinthal

Related Services

Antitrust

To subscribe to our publications, [click here](#).

Featured Insights

- American Bar Association 2025 Asia-Pacific Conference
SPEAKING ENGAGEMENT ANTITRUST
- NBA Commercial Law Section 38th Annual Corporate Counsel Conference
SPONSORSHIP ANTITRUST
- GCR Live: Law Leaders Global 2025
SPEAKING ENGAGEMENT ANTITRUST
- The 32nd Annual Marketing Partner Forum
EVENT
- SABA North America Corporate Counsel Retreat 2025
SPONSORSHIP ANTITRUST
- Axinn Antitrust Insight: FTC Announces Revised HSR Thresholds for 2025
CLIENT ALERTS ANTITRUST
- Four Axinn Thought Leadership Pieces Nominated for the Antitrust Writing Awards
AWARDS & RECOGNITIONS ANTITRUST

- Merger Remedies Back in Vogue Under Trump

MEDIA MENTIONS ANTITRUST

- Three Takeaways from the Initial Determination at the ITC Regarding Standard Essential Patents in the 1380 Investigation

AXINN VIEWPOINTS INTELLECTUAL PROPERTY

- A POSA's Motivation Is Not Required To Be the Same as the Inventor's in Evaluating Obviousness

AXINN VIEWPOINTS INTELLECTUAL PROPERTY

© 2025 Axinn, Veltrop & Harkrider LLP. All Rights Reserved