

Denver  
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## Glen E. Summers

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### PROFESSIONAL PRACTICE

Glen Summers has been with Bartlit Beck since 1997, and has been a partner since 1999. Before joining Bartlit Beck, he clerked for U.S. Supreme Court Justice Antonin Scalia and the Chief Judge of U.S. Court of Appeals for the Ninth Circuit. Glen was also previously an associate at Sullivan & Cromwell from 1995-1996.

During his 14-year tenure at Bartlit Beck, Glen has tried numerous cases in a variety of jurisdictions, including federal and state courts in California, Colorado, Delaware, Florida, Kansas, Missouri and Texas. He has represented clients in a wide range of high stakes commercial litigation, including intellectual property, antitrust, employment, products liability, securities fraud and legal malpractice disputes.

In addition to his trial practice, Glen has handled a number of appeals. He has argued and briefed appeals to the U.S. Court of Appeals for the Federal Circuit, Second Circuit, Eighth Circuit, Ninth Circuit and Tenth Circuit.

Chambers USA has recognized Glen as a leading business litigator, describing him as a “skilled trial lawyer who has had some high-profile victories.” He has also been selected by Thompson Reuters as a Colorado “Super Lawyer.”

Glen is a member of the California and Colorado bars and has been admitted to practice in state and federal courts across the country, including the United States Supreme Court.

### REPRESENTATIVE CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

***In re Genetically Modified Rice Litigation*** (U.S. District Court, Eastern District of Missouri)

Member of national trial team for Bayer in multi-district litigation relating to the unintended low level presence of genetically engineered rice in commercial rice shipments. Thousands of actions are pending in six states. Served as trial counsel in a series of bellwether trials in 2009 and 2010.

### EDUCATION & HONORS

University of Pennsylvania  
Law School, 1994, J.D.,  
*magna cum laude*

Order of the Coif  
National Moot Court  
Team

Editor, *University of  
Pennsylvania Law Review*

Senior Editor, *Harvard  
Journal of Law and Public  
Policy*

P. Pemberton Morris Prize  
(highest grades in  
evidence, pleading &  
practice)

George Shechtman Prize  
(highest grade in  
contracts)

University of California at  
Berkeley, 1991, A.B., with  
Highest Honors

*Phi Beta Kappa*

*Alpha Delta Phi* Memorial  
Scholarship

President, Undergraduate  
Political Science  
Association

### GOVERNMENT SERVICE

Judicial Law Clerk,  
Honorable Antonin Scalia,  
Associate Justice, United  
States Supreme Court,

[www.bartlit-beck.com](http://www.bartlit-beck.com)

1996-1997

Judicial Law Clerk,  
Honorable J. Clifford  
Wallace, Chief Judge,  
United States Court of  
Appeals for the Ninth  
Circuit, 1994-1995

## AWARDS & RECOGNITION

Ranked by *Chambers USA*  
as one of the leading  
General Commercial  
Litigators in Colorado, 2011

Recognized by *Chambers  
USA* as a leading business  
litigator

Recognized in *Colorado  
Super Lawyers*

## BAR ADMISSIONS

Colorado

California

***Edward Keely v. Janus Management Holdings Corp.*** (District Court, Denver, Colorado)

Lead trial counsel for former Janus portfolio manager in action for fraud, breach of employment contract and related claims against mutual fund company. Won \$4.8 million jury verdict, which was later increased to over \$7 million due to statutory enhancements, interest and attorneys fees. The jury found that Janus committed fraud, and that finding is believed to have precipitated the ouster of Janus's CEO.

***Applied Medical Resources Corp. v. United States Surgical Corp.***  
**("Applied III")** (U.S. District Court, Central District of California)

Trial counsel for defendant United States Surgical Corporation, a subsidiary of Covidien, in patent infringement suit. Applied Medical alleged that U.S. Surgical infringed a medical device patent and sought up to \$300 million in damages plus an injunction. Won non-infringement jury verdict after five-week trial. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to willfully infringe the same patent. The judgment was subsequently affirmed on appeal by the U.S. Court of Appeals for the Federal Circuit.

***Applied Medical Resources Corp. v. United States Surgical Corp.***  
**("Applied II")** (U.S. District Court, Central District of California)

Lead trial counsel for defendant United States Surgical Corporation, a subsidiary of Covidien, in connection with a trial on damages and willfulness after patent infringement had already been established prior to Bartlit Beck's involvement.

***C&W Fabricators, Inc. v. Meriwether Capital Corp.*** (AAA arbitration, New York)

Lead trial counsel for buyers of company that manufactures intake and exhaust systems for gas turbine power plants in arbitration against the sellers for indemnification for warranty obligations. Case won after one-week arbitration.

***Gore v. Bush*** (Circuit Court, Leon County, Florida)

Member of President George W. Bush's Florida election recount trial team. Represented President Bush in election contest filed by former Vice President Al Gore contesting the results of the 2000 Presidential election in Florida, and in separate case seeking recognition of disqualified overseas military ballots.

***Nystrom v. Nieslanik*** (District Court, Garfield County, Colorado)

Lead trial counsel for defendant Carbondale Corporation in action by real estate developers seeking establishment of public right-of-way across client's ranch near Aspen, Colorado. Complete defense verdict won after 7-day bench trial.

***Sosa v. Glikshtern*** (Superior Court, San Francisco, California)

Lead trial counsel for defendant in civil rights action alleging discrimination and other civil rights violations against Latinos. Complete defense verdict won after 2-week jury trial.

***William I. Koch v. Koch Industries, Inc.*** (U.S. District Court, Kansas)

Member of trial team that represented plaintiff William I. Koch in 3-month jury trial involving billion-dollar securities fraud claim.

***United Technologies Corp. v. Chromalloy Gas Turbine Corp.*** (U.S. District Court, Delaware)

Member of trial team that represented United Technologies Corp. (Pratt & Whitney Division) in 3-week bench trial involving the interpretation of a licensing agreement relating to jet engine technology.

## OTHER REPRESENTATIVE CASES

Representative Intellectual Property Litigation

***Tandberg Data Corp. v. Hewlett-Packard Company*** (U.S. District Court, Colorado)

Represented defendant and counterclaim plaintiff HP in patent infringement action relating to data storage technology. Action settled prior to trial.

***Micron Technology, Inc. v. Rambus, Inc.*** (U.S. District Court, Delaware)

Represented plaintiff Micron Technology in action seeking a declaratory judgment that Rambus patents relating to Dynamic Random Access Memory ("DRAM") chips are invalid, unenforceable and not infringed. Case also involves antitrust and fraud claims relating to Rambus misconduct in connection with industry standard-setting activities.

***Siemens, AG v. LG Semicon Co.*** (U.S. District Court, Delaware)

Represented Siemens in patent infringement litigation relating to semiconductor circuitry and manufacturing processes.

***Hyundai Electronics Industries Co. v. Infineon Technologies A.G.*** (U.S. District Court, Northern District of California)

Represented defendant Infineon Technologies in patent infringement litigation relating to semiconductor circuitry and manufacturing processes.

## Representative Commercial Litigation

***Charter Communications, Inc. v. Irell & Manella, LLP*** (U.S. District Court, Central District of California)  
Represented plaintiff Charter Communications in \$150 million legal malpractice action against well-known national law firm arising out of negligent documentation of substantial corporate acquisition. A confidential settlement was reached in February 2009.

***IDT Corporation. v. Telefonica, S.A.*** (U.S. District Court, New Jersey)  
Represented plaintiff IDT in securities fraud action relating to the termination of a joint venture between IDT and Terra Networks and Terra Network's acquisition of internet portal Lycos. Action resulted in highly favorable settlement for IDT.

***Barr Laboratories, Inc. v. DuPont Pharmaceuticals Company*** (U.S. District Courts, Delaware and Eastern District of New York)  
Represented DuPont Pharmaceuticals Company in antitrust litigation challenging DuPont's lobbying and marketing activities concerning the anticoagulant medication Coumadin®. Case settled favorably.

***EchoStar Communications Corporation v. News Corp.*** (U.S. District Court, Colorado)  
Represented plaintiff in action for breach of contract against The News Corporation seeking several billion dollars in damages. Case settled favorably.

## ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

*Comment, Private Property Without Lochner: Toward a Takings Jurisprudence Uncorrupted by Substantive Due Process*, 142 U. Pa. L. Rev. 837 (1993)