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## Hamilton H. Hill

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### PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2001-Present, Partner  
(since 2007)

### EDUCATION & HONORS

University of Chicago Law School, 2001, J.D., with Honors

*University of Chicago Law Review*

University of Kansas, 1998, B.G.S.

Perfect GPA at Kansas  
1st-Team Academic All Big XII, 1997 (one of four Big XII football players to letter and have 4.0 GPA)

### AWARDS & RECOGNITION

Named one of the top 40 Illinois Attorneys Under Forty for 2011

Illinois Super Lawyers Rising Star: 2008, 2009 and 2010

### BAR ADMISSIONS

Illinois

In the fall of 2011, Hamilton was named one of the top 40 Illinois Attorneys Under Forty.

### CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

***Rolls-Royce v. United Technologies*** (U.S. District Court, E.D. Va.)  
Represented United Technologies and its Pratt & Whitney division in an alleged multi-billion dollar patent case brought by Rolls-Royce. The technology at issue related to the jet engines (particularly the fan blades) used on the world's largest airplane, the Airbus A380. Rolls-Royce sought almost \$4 billion in damages and an injunction preventing further sales of the accused engines, which are sold by a joint venture between United Technologies and General Electric. The Court granted summary judgment in United Technologies' favor, finding that United Technologies' engine did not infringe the Rolls-Royce patent.

Led United Technologies' defense on damages issues. Prior to the summary judgment decision, the Court struck Rolls-Royce's nearly \$4 billion damages theory. In the damages ruling, the Court found that Rolls-Royce's multi-billion dollar claim for "price erosion and lost profits damages is based on misstatements of the law, a lack of sound evidence, and unsupported economic assumptions, and its paid up royalty theory is similarly flawed. [Rolls-Royce's expert's] report reads more like a lawyer's brief advocating for the highest conceivable damages award rather than an expert trying to assist the trier of fact reach a reasonable damages figure. Because of this extensive overreaching, the entire report is undermined."

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

## PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Northwestern School of Law - Adjunct Professor (Spring 2009): Taught "High Tech Trial Techniques" class on the use of technology at trial and in preparation for trial

***Treasurer of the State of Connecticut v. Forstmann Little, et al.*** (Superior Court, Rockville, Connecticut)

Represented Forstmann Little in a lawsuit brought by one of Forstmann Little's limited partners, the State of Connecticut pension funds. Connecticut claimed damages of over \$125 million for itself and over \$1 billion in derivative claims, alleging violations of the securities laws, breaches of contract, and breaches of fiduciary duties. The suit was the first ever filed by a limited partner against a major private equity firm, and it was closely followed by every major financial publication. After two month jury trial in small town of Rockville, Connecticut, jury came back with verdict for Forstmann Little. The jury awarded the State no damages, and found that the State had been fully informed of the investments and had approved them at the time they were made, and that Forstmann Little was fully justified in relying on the advice of its counsel when making the investments.

***Smith v. Merck*** (U.S. District Court, E.D. Louisiana)

Represented Merck in the third federal trial against Merck since it withdrew Vioxx from the market in 2004. Plaintiff Garry Smith alleged that Merck's Vioxx caused him injuries, including a heart attack. After a two-and-a-half week trial, the jury deliberated for less than three hours before returning a complete defense verdict for Merck.

***Barnett v. Merck*** (U.S. District Court, E.D. Louisiana)

Represented Merck in the second federal trial against Merck since it withdrew Vioxx from the market in 2004. Plaintiff Gerald Barnett alleged that Merck's Vioxx caused him injuries, including a heart attack. After a three week trial, the jury returned a verdict for Plaintiff. Judgment substantially reduced following post-trial briefing.

***Krippelz v. Ford Motor Company*** (U.S. District Court, N.D. Illinois)

Represented inventor Jacob Krippelz, Sr. in patent infringement action against Ford Motor Co. involving automotive exterior mirror lighting systems. Jury returned verdict in client's favor in the amount of \$23 million. District Court then found willful infringement and awarded an additional \$33 million in enhanced damages and prejudgment interest for a total award of \$56 million. Federal Circuit reversed on invalidity grounds.

***United States v. United Technologies Corp.*** (U.S. District Court, S.D. Ohio, Western Division at Dayton)

Represented United Technologies in 10-week bench trial of False Claims Act case brought by the Department of Justice. Government sought \$624 million,

alleging price inflation on jet engine sales by UTC division Pratt & Whitney to the Air Force from 1985-1991. Trial court's judgment rejected the government's \$624 million damages claim, held that the government suffered no actual damages, and imposed statutory penalties of \$7 million. On appeal, the Sixth Circuit affirmed in part, reversed in part, and remanded the case to the District Court for further proceedings.

***Nicor Gas Co. v. J.F. Edwards Construction Co.*** (Circuit Court, Kane County, Illinois); ***Nicor Gas Co. v. R.W. Dunteman Construction Co.*** (Circuit Court, DuPage County, Illinois)

Represented Nicor in two separate cases to recover for damage to Nicor's gas lines caused by construction companies. First chaired both two day jury trials. Complete victory for Nicor in each case. In the case against J.F. Edwards, the jury awarded Nicor 100% of its claimed damages, and denied J.F. Edwards' counterclaim in full. In the case against R.W. Dunteman, the jury found Dunteman was liable for hitting all four of Nicor's gas lines, and awarded Nicor 98.75% of its claimed damages.

***BJ Services v. Halliburton*** (U.S. District Court, S.D. Texas)

Represented Halliburton in patent infringement matter involving a patent on methods for fracturing subterranean formations to stimulate oil and gas recovery. Hired to try case ninety days before trial, after all discovery and pre-trial filings were complete. After month-long jury trial, judgment for BJ Services for less than 25% of damages sought.

## OTHER REPRESENTATIVE CASES

***Neology v. Federal Signal Corporation*** (U.S. District Court, D. Delaware)

Lead trial counsel (along with my partner Adam Mortara) for Federal Signal defending patent infringement suit brought by Neology relating to various RFID technologies. Case pending.

***Neil F. Sullivan, et al. v. E-One Inc., et al.*** (Superior Court, Middlesex County, Massachusetts)

Lead counsel for defendant fire truck manufacturer E-One (and its former parent, Federal Signal) in a product liability action alleging personal injuries stemming from a fire scene accident where a firefighter was injured. Plaintiffs alleged negligent design, breach of the implied warranty of merchantability and violations of Massachusetts General Law 93A. Case settled shortly before trial.

***Morgan Stanley v. Discover Financial Services*** (Supreme Court, New York County, NY)

Represented Discover in dispute concerning division of proceeds from Discover's recovery of \$2.75 billion in a settlement of its antitrust litigation against Visa and MasterCard. Morgan Stanley and Discover disputed what portion of the settlement proceeds were due Morgan Stanley, which spun off Discover while the antitrust suit was pending. Case settled before trial with Morgan Stanley agreeing to an approximately \$85 million reduction in its share of the proceeds.

***United Technologies v. PerkinElmer, Inc. and Eaton Corp.*** (U.S. District Court, New Haven, Connecticut)

Represented United Technologies in patent infringement lawsuit brought by UTC. The case involved a UTC patent relating to brush seals on UTC's PW4000 engine. The case settled shortly after complete Markman victory for UTC.

**Confidential Arbitration** (San Jose, CA)

Represented former owners of software company in breach of contract action against the purchaser of the company. Case settled two weeks prior to arbitration hearing.

**Lazo v. Mercury Marine** (Circuit Court, Miami-Dade County, FL); **Barnot v. Mercury Marine** (District Court, Harris County, Texas)

Represented Mercury Marine in purported class actions in Texas and Florida state courts brought by purchasers of OptiMax outboard engines. Plaintiffs alleged misrepresentation, breach of warranty, and product defect. The parties settled their dispute, and the nation-wide settlement was approved by the Circuit Court in Dade County, Florida.

**Honeywell International, Inc. v. Goodrich Corporation** (U.S. District Court, D. Delaware)

Represented Goodrich in patent infringement matter involving patents on aircraft Terrain Awareness Warning Systems ("TAWS"), which provide pilots with warnings of possible collision hazards in aircraft's flight path. Case settled prior to trial.

**Schwartz v. QUALCOMM** (District Court, Boulder County, Colorado)

Represented QUALCOMM in action brought by 87 former employees alleging fraud and breach of contract in connection with unvested stock options. Assisted mainly during the discovery phase of case, taking the deposition of 20 of the named plaintiffs. Bartlit Beck obtained dismissal or summary judgment as to 81 plaintiffs. Remaining plaintiffs settled before or during trial.

**Newsome v. McCabe** (U.S. District Court, N.D. Illinois)

Assisted during the appeal phase in representation of James Newsome in Section 1983 civil rights action. Newsome, an African-American male, alleged that two Chicago police officers framed him for a murder he did not commit, causing him to spend 15 years in prison. Jury returned \$15 million verdict on Newsome's behalf. Verdict was upheld in its entirety by the 7th Circuit.

## NEWS

Hamilton Hill Recognized as Top 40 Under Forty

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit

ABA Journal excerpt: "In Grim Times, a Search for Joy in Law Practice Gains Ground"

Bartlit Beck Wins Enhanced Damages For Willful Patent Infringement Against Ford Motor Company

Mark Ferguson, Adam Mortara, and Hamilton Hill Obtain Finding of Willful Patent Infringement Against Ford

Mark Ferguson, Adam Mortara, and Hamilton Hill Win \$23 Million Patent Verdict for Individual Inventor Against Ford Motor Company

Phil Beck Prevails in Third Federal Court Vioxx Case

Bartlit Beck Wins Jury Victory for Forstmann Little & Co. in Case Closely Watched by Wall Street

## **BIG WINS**

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit, *Rolls Royce PLC v. United Technologies Corporation (d/b/a Pratt & Whitney) (2011)*

Bartlit Beck Wins \$56 Million for Inventor Against Ford, *Jacob Krippelz, Sr. v. Ford Motor Company (2009)*

Bartlit Beck Successfully Defends Pratt & Whitney Against \$624 Million Claim, *United States v. United Technologies Corp. (2008)*

Bartlit Beck Wins 5 Jury Verdicts in Vioxx Trials, *Vioxx Trials (2006)*

Bartlit Beck Defeats Billion Dollar Claim, Wins Jury Trial for Forstmann Little, *Connecticut v. Forstmann Little & Co. (2004)*