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Jason L. Peltz

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PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, Partner (1996-Present)

Jenner & Block, Associate (1993-1996)

Jason Peltz has a national litigation practice, regularly arguing cases before state and federal courts, arbitrators and mediators across the country. He has extensive experience in a wide variety of complex commercial litigation, including matters involving patent infringement, product liability, breach of contract, antitrust, fraud and securities litigation, breach of fiduciary duty and other business torts, deceptive and unfair trade practices, insurance coverage, ERISA, employment discrimination, and RICO. He has been admitted to practice in state and federal courts across the country.

EDUCATION & HONORS

University of Chicago Law School, 1992, J.D., with Honors

Mulroy Award for Oral Advocacy

University of Michigan, 1989, B.A., with High Distinction

James B. Angell Scholar

GOVERNMENT SERVICE

Judicial Law Clerk,
Honorable Gerald E. Rosen, United States District Court for the Eastern District of Michigan, 1992-1993

BAR ADMISSIONS

Illinois and Michigan

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

American Bar Association, Litigation and Intellectual Property Sections

Chicago Bar Association, Commercial Litigation and Intellectual Property Law Committees

REPRESENTATIVE CASES

Rolls-Royce v. United Technologies (E.D. Virginia)

Represented United Technologies and its Pratt & Whitney division in an alleged multi-billion dollar patent case brought by Rolls-Royce in the Eastern District of Virginia. 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. This ruling was the culmination of a string of successes in which United Technologies also won summary judgment of no willful infringement (by which Rolls-Royce was seeking treble damages up to over \$11 billion) and the Court struck Rolls-Royce's damages theory. In the ruling precluding Rolls-Royce's damages theory, the Court found that Rolls-Royce's multi-billion dollar "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

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Adjunct Professor of Law:
Taught "Trial Technology"
class on the use of
technology in the practice
of law at trial and in
preparation for trial,
*Northwestern University
School of Law*

Jewish Community Centers
of Chicago, Board of
Directors

Jewish United Fund of
Chicago, Lawyers Division
leadership and member of
various committees

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."

Phoenix v. DIRECTV (Federal Circuit Court of Appeals and Central District of California)

Represented DIRECTV in a patent infringement suit filed in the Central District of California. The accused technology involved the Interactive Voice Response (IVR) system that answers customer calls. Plaintiff Phoenix Solutions claimed over \$40 million in damages. After a Markman hearing and discovery, DIRECTV moved for summary judgment on the ground that it outsourced its IVR to a third-party vendor and therefore could not be liable for direct infringement. The district court agreed, holding that DIRECTV "is not liable for an infringing 'use' of the asserted claims because it does not exercise the requisite direction or control over the way that [the vendors] configure and operate the Accused Technology." Phoenix appealed. Two days after oral argument, the Federal Circuit Court of Appeals issued a per curiam decision affirming summary judgment for DIRECTV.

TicoFrut v. DuPont (Miami-Dade County, Florida)

Represented DuPont in jury trial of product liability claims involving the fungicide Benlate®. TicoFrut, the main citrus grower and processor in Costa Rica, sued DuPont claiming that Benlate® hurt the production of orange trees in Costa Rica. TicoFrut sought \$172 million compensatory damages and an undisclosed amount of punitive damages. Trial lasted six weeks in Miami-Dade County Court. The jury deliberated for five hours before returning a verdict for DuPont, finding no liability.

Onyx Pharmaceuticals v. Bayer, et al (Northern District of California)

Represent Bayer entities in breach of contract and breach of fiduciary suit. Onyx claims entitlement to proceeds from regorafenib, Bayer's newest potential anti-cancer drug. Discovery ongoing.

Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc. et al.
(Northern District of New York)

Represented Canadian government in prosecution of civil RICO claim against R.J. Reynolds seeking more than \$1 billion in damages caused by tobacco companies' scheme to smuggle tobacco into Canada and avoid Canadian taxes. Case dismissed from U.S. court and is pending in Canadian court.

United Technologies and Pratt & Whitney v. Chromalloy (D. Delaware, Federal Circuit Court of Appeals)
Represented United Technologies and Pratt & Whitney in a patent infringement and breach of contract action filed in the U.S. District Court for the District of Delaware. Case won in the U.S. Court of Appeals for the Federal Circuit.

Super Helechos, et al. v. DuPont (Miami-Dade County, Florida)
Represented DuPont in 10-week Miami jury trial of product liability claims involving Benlate fungicide. Plaintiffs, 27 Costa Rican farms, claimed \$396 million damages. Trial court entered directed verdicts for DuPont on all claims of the largest plaintiffs (constituting 60% of plaintiffs' total claimed damages). Jury awarded other plaintiffs a small fraction of amounts sought. Florida court of appeals (1) affirmed directed verdicts for DuPont on claims of the largest plaintiffs, and (2) reversed all jury verdicts for other plaintiffs due to numerous trial court errors.

Chromalloy v. United Technologies Corporation and Pratt & Whitney (Bexar County, Texas)
Represented United Technologies and Pratt & Whitney in an antitrust action filed in the District Court of Bexar County, Texas. Case won after four-month jury trial. Case recognized by *National Law Journal* as Honorable Mention Defense Victories in 1996.

Confidential Breach of Contract Arbitration (San Jose, CA)
Represented former owners of software company in breach of contract action against the purchaser of the company. Case settled on favorable terms shortly before trial.

Confidential Pharmaceutical Mediation
Opposing party claimed substantial damages stemming from alleged antitrust violations, breach of contract, tortious interference, and fraud involving the alleged monopolization of the active ingredient used to manufacture client's medicine. Case settled on favorable terms involving a supply agreement providing present and future payments to our client of at least \$30 million.

GTE Corp. v. Allendale Mutual Insurance Co., et al. (District of New Jersey)
Represented GTE in suit to recover sue and labor expenses under its insurance contracts stemming from Y2K remediation efforts. Case dismissed on summary judgment.

In re Jolley (Federal Circuit Court of Appeals)
Represented The Lubrizol Corporation in its appeal from an adverse ruling in a patent interference action filed before the Patent & Trademark Office. Case affirmed.

Panaras v. Liquid Carbonic and CBI (Northern District of Illinois and Seventh Circuit Court of Appeals)
Represented Liquid Carbonic Industries and CBI Industries in an ERISA and breach of contract action. Case dismissed. Argued appeal. District court decision affirmed on appeal.

Locke v. Farley and Fruit of the Loom (Northern District of Illinois)

Represented William Farley and Fruit of the Loom's other officers and directors in securities fraud class action. Case settled on favorable terms after completion of discovery.

Tabankin v. Kemper Financial Services (Northern District of Illinois)

Represented Kemper in a securities fraud class action. Case dismissed. Appealed to the U.S. Court of Appeals for the Seventh Circuit. Case settled on favorable terms while appeal pending.

Mailers Data, et al. v. NCR, et al. (Pinellas County, Florida)

Represented NCR in antitrust class action. Case settled on favorable terms just prior to class certification hearing.

Johnson Products v. Guardsmark (Northern District of Illinois)

Represented Johnson Products in a breach of contract and fraud action. Case settled on favorable terms.

Panaras v. Liquid Carbonic and CBI (Northern District of Illinois and Seventh Circuit Court of Appeals)

Represented Liquid Carbonic Industries and CBI Industries in an age discrimination action. Case dismissed. District court decision affirmed on appeal.

India Breweries, Inc. v. Miller Brewing Co. (Eastern District of Wisconsin)

Represented India Breweries in a breach of contract action in the U.S. District Court for the Eastern District of Wisconsin. The case concerned breach of a license agreement for the sale of Miller beer in India. Case pending.

Johnson Products v. Pro-Line (Northern District of Illinois)

Represented Johnson Products in a patent infringement action. Case settled on favorable terms, after obtaining favorable *Markman* ruling.

CityScope v. LaSalle Bank (Cook County, Illinois)

Represent CityScope in action based on promissory estoppel, breach of fiduciary duty, and violation of the Consumer Fraud and Protection Act, stemming from LaSalle's conduct concerning CityScope's desire to seek a loan to finance the making of a movie.

Market Makers v Jeneric (Wayne County, Michigan)

Advised Jeneric in an equitable redemption and tortious interference action. Case settled on favorable terms.

Chicago Milwaukee v. United States (U.S. Court of Federal Claims and Federal Circuit Court of Appeals)

Represented Chicago Milwaukee Corporation in a tax refund action. Appeal won, case remanded and settled on favorable terms.

People v. Luckett (Cook County, Illinois)

Represented Darryl Luckett in a first degree murder suit. Client pleaded guilty on favorable terms.

Reed v. Farley (United States Supreme Court)

Represented Orrin Reed in a habeas corpus suit filed in the U.S. District Court for the Northern District of Indiana. Case dismissed and affirmed by the U.S. Court of Appeals for the Seventh Circuit. Case briefed and argued in the United States Supreme Court, which affirmed the dismissal.

Chicago Council of Lawyers v. Supreme Court of Illinois (Illinois Supreme Court)

Represented the Chicago Council of Lawyers and other bar associations in a petition for reconsideration of the Illinois Supreme Court's administrative ruling limiting the number and length of appellate court opinions. Petition denied.

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

2010 BTI Client Service All-Star (165 lawyers in the United States chosen exclusively by corporate counsel for providing extraordinary client service and counsel)

Rated AV® Preeminent™ 5.0 out of 5 by Martindale-Hubbell

Practising Law Institute (October 2011): Patent Litigation 2011: Demonstration of Direct and Cross-Examinations of Damages Expert

Practising Law Institute (October 2011): Federal Circuit Practice Update 2011: A Practical Guide to New Developments, Procedures & Strategies

Expert Witnesses, *Successful Partnering Between Inside and Outside Counsel*, Chapter 62 of treatise that is joint project of West and the Association of Corporate Counsel (2009) (with Charles Gill, Joseph Santos, and Jeffrey Mandell)

American Conference Institute (March 2010): Navigating the Intersection of Antitrust and IP Law: Current Issues Impacting on Licensing Transactions

Mobile Voice Conference (April 2010): Patent Strategy: Considerations in Filing a Patent Infringement Suit and in Defending Such a Suit

Illinois Institute for Continuing Legal Education (April 2000): Leveraging Technology In Your Law Practice, Electronic Presentations: Making Your Point Effectively

American Lawyer, quoted in article *Former Partner's Lawsuit Against Kasowitz Benson Prompts Talk of One-Man Firing Machines* (June 10, 2008)

Los Angeles Times, quoted in article *Tobacco Case Judge Had Industry Ties* (September 9, 2002)

BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

ABA Commission on Billable Hours Report 2001-2002, quoted in *Firm thrives on alternative fee arrangements* (August 2002)

Law.com, quoted in *Rule Clouds E.U. Tobacco Suit* (July 31, 2000)

NEWS

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

Jason Peltz Prevails In Patent Infringement Suit In Federal Circuit For DIRECTV

Bartlit Beck Attorneys Named Client Service All-Stars

Bartlit Beck Prevails For DuPont In Benlate Case

Jason Peltz and Mike Valaik Win Summary Judgment For DIRECTV In Patent Infringement Suit

Bartlit Beck Wins Jury Verdict for DuPont

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 Prevails For DuPont In Benlate Case, *Super Helechos, et al. v. DuPont* (2009)

Bartlit Beck Defeats Product Liability Claim Where Plaintiff Sought \$172 Million Plus Punitive Damages, *TicoFruit v. DuPont* (2005)

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