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## Mark L. Levine

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### PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 1993-Present, Partner (since 1995)

Kirkland & Ellis, 1990-1993

### EDUCATION & HONORS

Yale Law School, 1989,  
J.D.

Princeton University, 1986,  
A.B., *summa cum laude*

### GOVERNMENT SERVICE

Judicial Law Clerk,  
Honorable Nathaniel R.  
Jones, United States Court  
of Appeals for the Sixth  
Circuit, 1989-1990

### AWARDS & RECOGNITION

*Benchmark Litigation: The  
Definitive Guide to  
America's Leading  
Litigation Firms and  
Attorneys* ("Local  
Litigation Star",  
Illinois) (2011)

### BAR ADMISSIONS

Illinois

### CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

#### ***Chultem v. Ticor/Coletta v. Chicago Title***

Co-lead counsel for Defendants in purporting class action relating to title insurance policies in Illinois. Defeated motion for class certification. On appeal.

#### ***Sensormatic v. The TAG Company US LLC et al.***

Lead trial lawyer for Sensormatic in patent and trade secret trial in U.S. District Court in West Palm Beach, Florida in August and October 2008. Won bench trial on all claims. Appeal pending.

#### ***Schindler Elevator v. Otis Elevator***

Lead counsel for Otis in patent infringement lawsuit concerning elevator controls. Won on summary judgment. Appeal pending.

#### ***Carrier Class Action Litigation***

Lead counsel for Carrier in four consumer class-action lawsuits relating to secondary heat exchangers in furnaces manufactured by Carrier. Won Wisconsin case on summary judgment. Other lawsuits settled.

#### ***Honeywell International, Inc. v. Hamilton Sundstrand Corporation*** (D. Del. 2004)

Lead trial counsel for United Technologies' Hamilton Sundstrand division in patent infringement matter involving patents on methods for controlling surge in auxiliary power units used on large commercial airplanes. Hired to try case relating to Festo issue after case remanded to trial court. Won complete defense judgment and reversal of prior \$46.5 million jury verdict. Affirmed by Federal Circuit and cert. denied by U.S. Supreme Court.

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Honeywell \$46.58 Million Jury Verdict Overturned

Honeywell Rebuffed by U.S. Supreme Court on \$47 Million Award

***Honeywell International, Inc. v. Hamilton Sundstrand Corporation*** (D. Del. 2005)

Lead trial counsel in successful defense of United Technologies' Hamilton Sundstrand division in a patent infringement trial. Honeywell alleged that Hamilton Sundstrand infringed a patent relating to the starting of an Auxiliary Power Unit for an airplane. Honeywell sought \$135 million in damages (including interest and treble damages). Jury verdict in client's favor, finding that Hamilton Sundstrand did not infringe Honeywell's patent and that the patent was invalid.

Honeywell \$46.58 Million Jury Verdict Overturned

***Elbex v. Sensormatic***

Lead counsel for Sensormatic in patent infringement case against Sensormatic. Won on summary judgment of non-infringement in favor of Sensormatic. Largely affirmed on appeal by the Federal Circuit.

***Novartis Arbitration***

Co-lead counsel for Novartis in two-week ICC arbitration hearing.

***Elbex v. Tyco International***

Lead counsel for Tyco in patent infringement and tortious interference case. The parties settled the patent claim. The Court dismissed the tortious interference claims against Tyco.

***Rolls Royce v. United Technologies***

Lead counsel for United Technologies in a patent interference lawsuit. First-chaired a three-day bench trial in December 2005. Lost at trial. Case on appeal.

***Deloitte & Touche NCFE Litigation***

Represented Deloitte & Touche in lawsuits by bondholders against auditors and financial institutions in connection with the issues that led to the bankruptcy of NCFE. The majority of the claims against Deloitte settled or were dismissed.

***Safelick v. Visa International***

Represented Safelick in patent infringement lawsuit relating to Verified by Visa system. Adverse summary judgment ruling.

***DuPont v. Merck***

First-chaired in a one-week arbitration hearing representing DuPont concerning royalties owed under agreement relating to Losartin anti-hypertension drug. Favorable ruling for DuPont.

## ***Honeywell International, Inc. v. Hamilton Sundstrand Corporation***

Lead trial counsel in successful defense of United Technologies' Hamilton Sundstrand division in a patent infringement trial in Delaware. Honeywell alleged that Hamilton Sundstrand infringed a patent relating to the starting of an Auxiliary Power Unit for an airplane. Honeywell sought \$135 million in damages (including interest and treble damages). Jury verdict in client's favor, finding that Hamilton Sundstrand did not infringe Honeywell's patent and that the patent was invalid.

## ***FTD v. Teleflora and AFS***

First-chaired in a three-day arbitration hearing representing FTD against Teleflora and AFS for breach of contract, in connection with minimum annual order fees due under agreements to provide access to FTD's Mercury Network. The arbitrator issued an award in favor of FTD.

## ***Bayer Corp. v. Carlsbad Technology***

Represented Bayer in its suit for patent infringement to enjoin other generic drug manufacturers from obtaining FDA approval to market and sell a generic version of Bayer's antibiotic Cipro®. Four-week trial on issue of obviousness. Won at trial.

## ***Bayer Corp. v. Schein Pharmaceutical, et al.***

Represented Bayer in its suit for patent infringement to enjoin generic drug manufacturers from obtaining FDA approval to market and sell a generic version of Bayer's antibiotic Cipro®. Won case on summary judgment motion. Affirmed on appeal.

## ***Rheox, Inc. v. Entact, Inc.***

Represented Rheox, Inc. in patent case involving method to remediate soil contamination. Adverse Markman hearing ruling.

## ***Board of Trustees of City Colleges v. Arthur Andersen***

Represented Arthur Andersen in litigation relating to derivative securities trading. Obtained partial summary judgment as to most of plaintiff's damages claim, case settled thereafter.

## ***Chromalloy Gas Turbine Corporation v. United Technologies Corporation***

Represented Pratt & Whitney unit of United Technologies in antitrust litigation claiming Pratt & Whitney monopolized jet engine parts aftermarket. 16-week jury trial. State Court (San Antonio, Texas). Chromalloy represented by Weil, Gotshal (New York). Jury verdict for Pratt & Whitney. Chromalloy takes nothing. Affirmed on appeal.

## ***Haney v. CRL Industries***

Patent infringement case involving industrial sanders. Represented defendant CRL in federal court in Portland, Oregon. Jury verdict on damages for CRL. Advisory jury verdict on invalidity favored Haney.

***Cline, et al. v. Gerrity Oil & Gas Company***

Represented Gerrity Oil and individual officers and directors in securities fraud class action arising out of alleged nondisclosure of information relating to reserves and production. Case settled favorably after argument on dispositive motions.

***Whirlpool Financial Corp. v. W.R. Grace & Co., et al.***

Represented W.R. Grace in securities fraud action relating to acquisition financing transaction. Case won below and affirmed on appeal.

***O'Connell, et al. v. Continental Can Co.***

Represented Continental Can Co. in ERISA complaint. Dismissed by trial court and affirmed by Seventh Circuit.

## OTHER REPRESENTATIVE CASES

***Onyx v. Bayer***

Lead counsel for Bayer in breach of contract lawsuit concerning anti-cancer compound. Case pending.

***MANA v. DuPont***

Lead counsel for DuPont in patent infringement lawsuit concerning pesticide. Case pending.

***Morales v. Tigor***

Lead counsel for Tigor in purported class action relating to title insurance policies in Illinois. Case pending.

***Tyco Healthcare v. C.R. Bard***

Co-lead counsel for Tyco Healthcare in patent infringement lawsuit concerning device used in hernia repair surgery. Case pending.

***Medline Arbitration***

Lead counsel for Medline in arbitration concerning purchase of a business. Case settled.

***Tyco ERISA Litigation***

Lead counsel for Tyco in ERISA lawsuit in connection with fall in stock price in 2002. Case settled.

***Schindler Elevator v. Otis Elevator (D.N.J.)***

Lead counsel for Otis in patent infringement lawsuit concerning belts used on elevators. Case pending.

***Rembrandt v. ADT et al.***

Lead counsel for ADT in patent infringement lawsuit filed against multiple defendants in the Eastern District of Virginia relating to high-speed dial-up modems. Defendant settled.

***Brazen v. Tyco International***

Represented Tyco in securities law claim relating to registration statement issued by Tyco in connection with the merger with Mallinckrodt. Case settled.

***DuPont v. Cardinal Health***

Represented DuPont in case for breach of contract and promissory estoppel relating to DuPont's business that makes fabric for surgical drapes and gowns. Case settled just before trial with settlement worth over eight figures.

***3Com Corp. v. Cambia Networks***

Represented 3Com against Cambia Networks in trade secrets misappropriation and breach of contract case involving 3G wireless technology. Case settled.

***Coleman Holdings v. Arthur Andersen***

Represented Andersen in negligence and fraud action in connection with Andersen's audit of Sunbeam. Case settled.

***DuPont v. Dyneon***

Represented DuPont in patent infringement action against Dyneon subsidiary of 3M. Case settled prior to Markman hearing.

***Sportvision, Inc. v. Princeton Video Image, Inc.***

Represented Princeton Video Image, Inc. in patent case concerning insertion of video images, such as billboards and first & ten line, into live broadcasts. Case settled.

***Siemens Canada, Ltd. v. Lectron Products, Inc.***

Represented Siemens Canada in patent litigation concerning electronically controlled fuel vapor management valve technology. Case settled.

***Johnson Products Co. v. Pro-Line Corporation***

Represented plaintiff Johnson Products in federal court in Chicago. Patent infringement litigation involving chemical compositions used in hair treatment products. After evidentiary Markman hearing, all patent claim interpretation issues resolved favorably to client. Case settled on favorable terms.

***Gas Turbine Contract Litigation***

Represented Pratt & Whitney in Paris commercial arbitration against Korean company.

***Brantman et al. v. MFS Communications Co., et al.***

Represented MFS Communications Co. in securities fraud lawsuit. Settled favorably on second day of trial.

# BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

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***Figgie International, Inc. v. Crown Beverage Packaging Inc., et al.***

Represented Continental Can Company, Inc. in dispute concerning asset purchase agreement as responsibility for clean-up of plants. Settled favorably on first day of trial.

***DuPont Arbitration***

Represented DuPont in arbitration relating to non-compete clause. Case settled prior to hearing.

***Sound Solution, L.P., et al. v. United Technologies Corporation, et al.***

Represented Pratt & Whitney in antitrust lawsuit. Case settled prior to trial.

***Compuware v. Dynasty Technologies***

Represented Dynasty Technologies in trade secret misappropriation lawsuit. Settled prior to preliminary injunction hearing.

## ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

Managing Patent Litigation: Successful Results at Reasonable Cost, *Mark L. Levine and Alan Littmann, Bartlit Beck Herman Palenchar & Scott LLP*

## NEWS

Mark Levine Writes Article on Managing Litigation Costs

Mark Levine, Mark Ouweleen, Sean Grimsley and Shayna Cook Win Patent Infringement Lawsuit for Sensormatic

U.S. Supreme Court Refuses to Review Judgment Won by Mark Levine, Chris Lind and Brian Swanson

Honeywell \$46.58 Million Jury Verdict Overturned, IP Law 360, Mark Levine and Chris Lind Win Remand Trial

Mark Levine, Chris Lind and Brian Swanson Win Jury Verdict for Hamilton Sundstrand

## BIG WINS

Bartlit Beck Secures Sensormatic's Patents, Trade Secrets with Complete Plaintiff-Side Security Tag Verdict, *Sensormatic Electronics Corp. v. The TAG Company US LLC et al. (2008)*

Bartlit Beck Wins Back-to-Back Trials Against Honeywell and Kirkland & Ellis, *Honeywell v. Hamilton Sundstrand (2005)*

Bartlit Beck Defends Patent on Blockbuster Antibiotic Cipro, *Bayer v. Carlsbad (2002)*

Bartlit Beck Defeats Antitrust Challenge to Pratt & Whitney, *Chromalloy v. United Technologies (1996)*

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