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PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2006-Present, Partner (since 2010)

EDUCATION & HONORS

University of Texas School of Law, 2004, J.D., with High Honors

Notes Editor, *Texas Law Review*

Chancellors (top sixteen GPAs after second year)

Order of the Coif

Dean's Achievement Awards (highest grade in course)

Champion, Thad Hutchison First Year Moot-Court Competition

Teaching Assistant, Legal Research and Writing

University of Texas, Plan II Honors & Economics, 2000, B.A., with Special Honors

Dean's Distinguished Graduate

University of Texas Friar Society (highest and oldest honor society)

Editor-in-Chief, *The Daily Texan* (largest college newspaper in the United States)

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Pioneer Hi-Bred International v. Agrigenetics, Inc. (S.D. Ind. 2009-2011)

Trial counsel for Pioneer in a dispute with Agrigenetics and its parent Dow AgroSciences concerning the marketing of Pioneer seed genetics through particular distribution channels. Case settled during trial after Pioneer prevailed on a *Daubert* challenge to Plaintiffs' damages expert, and after openings and cross examination of plaintiffs' first witness.

ICE Corporation v. Hamilton Sundstrand Corporation et al. (10th Cir., 2010-2011)

Counsel for Hamilton Sundstrand and Ratier-Figeac in appeal of adverse jury verdict on a misappropriation of trade secrets claim under Kansas law. Successfully obtained reversal of \$9 million punitive damages award. Case currently on remand.

Bayer Schering Pharma et al. v. Barr Laboratories (D.N.J., 2007-2009)

Trial counsel for Bayer Schering in Hatch-Waxman litigation against challenger seeking to market generic version of leading oral contraceptive Yasmin®. Bench trial held November-December 2007. Ruling in favor of Barr at trial level. Affirmed 2-1 by Federal Circuit with dissent by Judge Newman.

Applied Medical Resources Co. v. U.S. Surgical Corp. et al. (C.D. Cal, 2005-2008)

Represented defendant United States Surgical Corporation, a subsidiary of Covidien, in pretrial-phase of patent infringement suit. Applied Medical alleged that U.S. Surgical infringed a medical device patent and sought up to \$300 million in damages and an injunction. Bartlit Beck trial team eventually won non-infringement jury verdict after five-week trial, which was affirmed unanimously on appeal to the Federal Circuit. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to willfully

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BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

GOVERNMENT SERVICE

Judicial Law
Clerk, Honorable Paul W.
Green, Texas Supreme
Court, 2005-2006

Judicial Law Clerk,
Honorable David M. Ebel,
United States Court of
Appeals for the Tenth
Circuit, 2004-2005

BAR ADMISSIONS

Texas

Colorado

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

**Albright v. Colorado
Dep't of Corrections** (10th
Cir. 2007)

Pro bono representation of
pro se inmate in a § 1983
civil rights case. Appointed
sua sponte by the Tenth
Circuit.

Volunteer, Lawline 9 Legal
Hotline

infringe the same patent.

OTHER REPRESENTATIVE CASES

American Airlines v. Sabre Inc. et al. (N.D. Tex., Tarrant County, Tex.,
2011-Present)

Trial counsel for Sabre in breach of contract and antitrust actions relating to
the display of American's fares in Sabre's Global Distribution System.

U.S. Airways v. Sabre Inc. et al. (S.D.N.Y., 2011-Present)

Trial counsel for Sabre in breach of contract and antitrust actions relating to
the display of U.S. Airways' fares in Sabre's Global Distribution System.

Bayer Schering Pharma et al. v. Watson Laboratories et al. (D. Nev.,
2007-Present)

Trial counsel for Bayer Schering in Hatch-Waxman litigation against
challengers seeking to market generic versions of oral contraceptive YAZ®.
Cases pending.

Bayer Schering Pharma AG v. Sandoz, Inc. et al. (S.D.N.Y., 2007-Present)

Trial counsel for Bayer Schering in Hatch-Waxman litigation against
challengers seeking to market generic versions of oral contraceptives Yasmin®
and YAZ®. Cases pending.

Mercury Companies, Inc. et al. v. The First American Company et al. (D.
Colo. 2008-2010)

Represented counter-defendant Fidelity National Financial, Inc. and four
plaintiff title agents in breach of contract and tortious interference action. The
plaintiff title agents alleged breach of contract against defendants. Defendants
allege that Fidelity tortiously interfered with defendants' attempted purchase of
the four title agents. Case settled favorably after preliminary injunction phase.

In re Generically Modified Rice Litigation (E.D. Mo., 2008-Present)

Represented Bayer CropScience LP during class-certification phase of
multi-district litigation concerning alleged presence of genetically engineered
rice in commercial rice shipments. Successfully obtained ruling denying class
certification from District Court. Eighth Circuit denied interlocutory appeal.

Hoover Co. v. Bissell Homecare, Inc. (N.D. Ill., 2007)

Represented BISSELL in false advertising claims pending in federal court in
Illinois and Michigan. Case settled night before opening statements in
preliminary injunction trial.

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Natterman et al. v. Bayer Corp. et al. (E.D. Pa., 2006-2007)

Trial counsel for Bayer in and patent litigation relating to recombinant Factor VIII concentrates used in treatment of hemophilia. Cases settled on very favorable terms immediately after Bayer won motion for early bifurcated trial of Bayer's affirmative license defense.

NEWS

Bartlit Beck Obtains Immediate Relief For Bayer In Lanham Act False Generic Drug Advertising Case

Fred Bartlit, Glen Summers, Sean Grimsley and Bryan Leach Win Complete Defense Verdict for Covidien in \$400 Million Patent Infringement Action