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## Sean C. Grimsley

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### PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2004-Present, Partner (since 2007)

Sean recently also served as Deputy Chief Counsel to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling in Washington D.C. Sean and Fred Bartlit investigated and presented findings to the President's Commission regarding the root causes of the worst oil spill in the nation's history.

Prior to joining Bartlit Beck, Sean served as an Assistant Federal Public Defender in Washington, D.C. from 2001 to 2003.

### CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

#### Intellectual Property

***Sensormatic Electronics Corp. v. The TAG Co., et al.*** (S.D. Fla., Fed. Cir. 2008-2010)

Represented plaintiff Sensormatic Electronics Corporation, a subsidiary of Tyco International, in patent infringement, trade secret misappropriation and breach of contract suit. Sensormatic sued defendants for infringing two of its patents and misappropriating trade secrets. Following a three-week bench trial, the Court entered judgment in favor of Sensormatic on all counts and enjoined defendants from continuing to infringe Sensormatic's patents. Affirmed on appeal in the Federal Circuit.

***Applied Medical Resources Corp. v. United States Surgical Corp.*** (C.D. Cal., Fed. Cir. 2005-2009)

Represented 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 and an injunction. Won non-infringement jury verdict after five-week trial, which was affirmed on appeal in the Federal Circuit. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to

### EDUCATION & HONORS

University of Michigan Law School, 2000, J.D., *summa cum laude*

Articles Editor, *Michigan Law Review*

Darrow Scholar

Bates Memorial Award

Internship for Bruno Simma of the United Nations International Law Commission

University of Texas, 1994, B.A., with Highest Honors, Biology and Plan II Honors Liberal Arts

### GOVERNMENT SERVICE

Law Clerk, Honorable Sandra Day O'Connor, United States Supreme Court, 2003-2004

Law Clerk, Honorable Harry T. Edwards, Chief Judge, United States Court of Appeals for the District of Columbia Circuit, 2000-2001

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## BAR ADMISSIONS

Colorado

California

## PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Board of Directors,  
Colorado Lawyers  
Committee

willfully infringe the same patent.

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

Represented defendant United Technologies' Hamilton Sundstrand division in patent infringement trial in Delaware. Honeywell alleged that Hamilton Sundstrand infringed an airplane engine patent and sought \$135 million in damages. Jury verdict in the client's favor, finding no infringement and that asserted patent was invalid.

### ***Mallinckrodt, Inc., et. al v. Masimo Corp.*** (Fed. Cir. 2005-2006)

Represented cross-appellants Mallinckrodt and Nellcor-Puritan Bennett subsidiaries of Tyco International in appeal of jury verdict of infringement of four of Masimo's pulse oximetry patents.

## Products Liability and Mass Tort

### ***Lead Paint Litigation*** (2005-present)

Represented defendant NL Industries in trial and appellate proceedings in Rhode Island. The AG sued to declare past sale of lead paint a "public nuisance" throughout State of Rhode Island, seeking compensatory and punitive damages as well as abatement. In a landmark decision, the Supreme Court of Rhode Island in June 2008 ordered dismissal of the AG's lawsuit after nine years of litigation, resulting in a complete defense victory. Currently representing NL in products liability actions in Illinois and Wisconsin state courts.

## Criminal

### ***United States v. Goree*** (D.C. Cir. 2003-2004)

Briefed appeal for federal criminal appellant in successful appeal of denial of motion to suppress before the D.C. Circuit. Panel vacated and remanded to district court, which granted the motion to suppress.

### ***United States v. Jones*** (D.D.C. 2003)

Second chair trial counsel for federal criminal defendant charged with firearms and marijuana possession offenses. Facing multiple years in prison for firearms offense. Won jury verdict of not guilty on firearms charge. Sentenced to time served.

***United States v. Taylor*** (D.D.C. 2003)

Lead trial counsel for federal criminal defendant charged with narcotics trafficking and firearms offenses. Facing ten years in prison. Case dismissed with prejudice by government following briefing and argument of motion to suppress.

***United States v. Johnson*** (D.D.C. 2003)

Lead trial counsel for federal criminal defendant charged with firearms offenses. Facing fifteen years in prison as an armed career criminal. Successfully briefed and argued motion to suppress before the district court. Government dismissed case with prejudice.

***United States v. Anderson*** (D.D.C. 2002-2003)

Lead trial counsel for federal criminal defendant charged with firearms offense facing up to five years in prison. Tried case to verdict, winning favorable sentencing determination.

## OTHER REPRESENTATIVE CASES

### Intellectual Property

***Tyco Healthcare Group LP v. C.R. Bard, et al.*** (D. Del. 2009-present)

Representing plaintiff Tyco Healthcare in patent suit alleging that Bard's SorbaFix and PermaFix hernia mesh fixation products infringe one of Tyco Healthcare's patents and that Bard's infringement has been willful.

***Rembrandt Data Technologies, LP v. ADT Security Services, Inc. et al.*** (E.D. Va. 2008-2009)

Represented defendant ADT in patent infringement lawsuit filed by Rembrandt against ADT and seven other defendants. Rembrandt alleged that various products and services provided by defendants infringed four patents related to dial-up modem technology. Case resolved on confidential terms.

***Edge Capture L.L.C. et al. v. Citadel Investment Group, LLC et al.*** (N.D. Ill. 2007-2008)

Represented defendant Citadel, an investment group, in patent infringement suit brought by Edge Capture. Edge alleged that various Citadel trading strategies infringed two of Edge Capture's trading system and method patents. Case resolved on confidential terms.

***SanDisk Corp. v. Infineon Technologies AG*** (N.D. Cal. 2004-2007)

Represented Infineon in patent litigation involving flash memory devices. Infineon accused SanDisk's CompactFlash products of infringing two of Infineon's CMOS circuitry patents. Case resolved on confidential terms.

***Hewlett-Packard Co. v. EMC Corp.*** (D. Mass. 2004-2005)

Represented defendant Hewlett-Packard in damages phase of infringement suit filed by EMC. EMC had sued Hewlett-Packard alleging infringement of various EMC data storage patents. Case resolved on confidential terms.

## **Products Liability and Mass Tort**

### ***Vioxx Litigation*** (2007-2009)

Represented Merck in state court cases brought in New Jersey and federal MDL by health insurance companies and health and welfare funds seeking reimbursement for payments insurance companies made for Vioxx. Plaintiffs were seeking billions in damages. Merck announced favorable settlement for \$80 million.

## **General Commercial Litigation**

### ***BP Oil Supply Co. v. ConocoPhillips Co.*** (Del. Super. Ct. 2010); ***ConocoPhillips Co. v. BP Oil Supply Co.*** (Harris Cty Tex. Ct. 2010)

Represented ConocoPhillips in contract dispute with BP Oil Supply in Delaware and Texas state courts. BP alleged that ConocoPhillips had breached a crude oil buy-sell agreement in the wake of Hurricanes Ike and Gustav. Case resolved on confidential terms.

### ***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 alleged that Fidelity had tortiously interfered with defendants' attempted purchase of the four title agents. Case resolved on confidential terms.

### ***Adelphia Communications Corp. v. Deloitte & Touche LLP v. John Rigas et al.*** (Philadelphia Ct. Common Pleas 2006-2007)

Represented defendant Deloitte & Touche in multi-billion dollar accounting malpractice case brought by Adelphia, with third-party claims against the Rigas family. Case resolved on confidential terms.

### ***LSI Logic Corp. v. Broadcom Corp. et al.*** ( Colo. D. Ct. 2005)

Represented defendant Broadcom Corporation and seven of its employees in suit by LSI Logic alleging trade secret misappropriation, improper solicitation, breach of contract, and tortious interference. Case resolved for \$0.

## **Pro Bono**

### ***Holte et al. v. Titan Chair et al.*** (D. Colo. 2010)

Represented small business owner plaintiff in patent infringement and false advertising lawsuit against company selling cheap knockoffs of plaintiff's products. Case resolved on confidential terms.

### ***State v. Peters*** (Douglas Cty. Ct. 2005-2006)

Lead trial counsel representing defendant in criminal trial in Douglas County Court in Colorado. Defendant charged with seven criminal counts. Case resolved by favorable plea deal during trial.

# BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

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## NEWS

Presidential Oil Spill Commission Releases Report from Chief Counsel, Fred Bartlit

Fred Bartlit and Sean Grimsley Present Preliminary Findings to BP Oil Spill Commission

Fred Bartlit Named Chief Counsel To The National Commission On The BP Deepwater Horizon Spill

Following Bartlit Beck Wins in Milwaukee and Rhode Island, Ohio Dismisses Lead Paint Public Nuisance Case

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

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

## 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 Complete Defense Verdict in \$400 Million Patent Case, *Applied Medical v. United States Surgical (2008)*

Bartlit Beck Wins Defense Verdict in High-Stakes Patent Infringement Case Involving Medical Devices, *Applied Medical v U.S. Surgical (2004)*

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