

## CHRISTOPHER D. LANDGRAFF

PARTNER

54 West Hubbard Street, Chicago, IL 60654 | 312.494.4477 | [chris.landgraff@bartlitbeck.com](mailto:chris.landgraff@bartlitbeck.com)

Chris has tried jury trials, bench trials and arbitrations across the country in a variety of practice areas, including professional liability, intellectual property, product liability and general commercial disputes. He recently co-lead DuPont's trial team to victory in its patent infringement suit against Unifrax and argued the appeal before the Federal Circuit, leading to the affirmance of DuPont's victory.

### EDUCATION & HONORS

UCLA School of Law, 1994, J.D.

Editor, *UCLA Law Review*

University of North Carolina, 1991, B.A., Honors

*Phi Beta Kappa*

### ADMISSIONS

Illinois

Second Circuit Court of Appeals

Third Circuit Court of Appeals

Seventh Circuit Court of Appeals

Federal Circuit Court of Appeals

### CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

***FDIC & Colonial BancGroup v. PwC*** (M.D. Ala. 2017-2018)

Defended PwC against Colonial Bank and the FDIC in a suit filed after the collapse of PwC's audit client Colonial Bank. Colonial Bank sought several hundred million dollars in damages. The FDIC sought over \$2 billion in actual damages, plus unspecified punitive damages. Following a bench trial on liability, the court ruled for PwC on the entirety of Colonial Bank's claim. The court ruled against PwC on some of the FDIC's claims and in favor of PwC on others. The court also ruled in favor of PwC on the FDIC's request for punitive damages. Following a bench trial on damages, the court awarded the FDIC \$625 million. Before judgment was entered, and while post-trial motions were pending, the parties settled the case for \$335 million. One member of the FDIC's board

of directors publicly dissented from the settlement because it did not contain an acknowledgment of liability by PwC.

***DuPont v. Unifrax*** (D. Del. 2017)

Lead trial counsel for DuPont in patent infringement jury trial against Unifrax in Delaware District Court. Jury verdict for DuPont. Briefed and argued appeal in the Federal Circuit. Federal Circuit affirmed the victory.

***Drake v. Allergan*** (D. Vt. 2014)

Trial counsel for Allergan in case involving claim that BOTOX® caused pediatric patient treated for muscle spasticity to experience seizures. Cross-examined treating physician and presented causation experts. Following a two-week trial, jury returned verdict for plaintiffs. Case settled during appeal.

***ICU Medical Inc. v. RyMed Technologies Inc.*** (D. Del. 2012)

Lead trial counsel for RyMed Technologies in patent litigation involving ICU Medical's claims that RyMed's IV connectors infringe ICU's '866 patent. Won jury verdict in District of Delaware of non-infringement in May 2012.

***Convolve, et al. v. Compaq and Seagate*** (S.D.N.Y.)

Lead counsel for Compaq (now Hewlett-Packard) in patent and trade secret dispute with Convolve relating to disk drive technology in which Convolve sought hundreds of millions of dollars in damages. Retained in October 2007 to handle expert discovery and trial after case had been pending for several years. Won summary judgment on all patent and trade secret claims. Briefed, argued, and won affirmance on all but one claim in the Federal Circuit. Briefed, argued, and won summary judgment in the district court on remand.

***WeightSmart® Litigation*** (D. N.J.)

Co-lead counsel in consumer fraud class actions brought against Bayer relating to a vitamin in its OneADay® franchise. On July 21, 2011, the district court in New Jersey refused to apply the New Jersey Consumer Fraud Act to a proposed nationwide class of WeightSmart® consumers and denied plaintiff's motion to certify a nationwide class. The district court later certified a Florida-only class. The Third Circuit took the 23(f) appeal and reversed and remanded to the district court based on Bayer's argument that the class was not ascertainable.

***Metropolitan Mortgage & Securities Litigation*** (Seattle and Spokane, Washington 2006-2010)

Represented Ernst & Young in federal securities class action suit and related arbitrations surrounding the collapse and bankruptcy of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate, and insurance conglomerate. Plaintiffs alleged accountants' negligence relating to audit work. Won back-to-back complete defense verdicts in separate trials involving claims for hundreds of millions of dollars in investment losses brought by Metropolitan's insurance subsidiary and the bankrupt estate. Class action case settled favorably shortly before trial.

***Grand Eagle v. ABB, Inc., et al.*** (Ohio State Court)

Represented ABB entities and individuals in breach of contract, trade secret theft, and fraud suit stemming from the sale of a business to Grand Eagle. Second-chaired five-day preliminary injunction hearing in which Judge denied Grand Eagle's motion for preliminary injunction and adopted ABB's findings of fact and conclusions of law.

***Hewlett-Packard Company v. EMC Corporation and EMC v. StorageApps*** (N.D. Cal. and D. Mass.)

Represented Hewlett-Packard in both offensive and defensive patent infringement litigation relating to networked storage systems, computer peripheral devices, printers, and other electronic data systems. Case involved assertion of numerous patent claims from thirteen different patents. Second-chaired a nine-day jury trial in the District Court of Massachusetts in suit brought by EMC against Hewlett-Packard. The jury returned a finding of infringement. Cases settled as part of a global settlement of multiple actions.

***Nicor Gas v. ComEd***

Lead counsel for Nicor Gas in arbitrations regarding cost allocation for remediation at over thirty manufactured plant sites in Illinois.

***Carbajal v. Household International, et al.*** (N.D. Ill., 7th Cir.)

Lead counsel for Morgan Stanley Dean Witter entity Greenwood Trust in class action litigation relating to refund anticipation loans. Successfully briefed and argued motion to dismiss the district court. The district court's dismissal was affirmed by the Seventh Circuit.

***Winston Laboratories v. United States Adopted Names Council, et al.*** (Illinois)

Lead counsel for USAN, the American Medical Association, the United States Pharmacopoeia, and others in litigation relating to drug naming. Briefed, argued, and won a motion to dismiss the case with prejudice.

***Vinson v. Casino Queen***

Represented Casino Queen in action arising out of alleged statutory violation for encouraging gambling by minors. Summary judgment in the district court affirmed by the Seventh Circuit Court of Appeals.

## **OTHER REPRESENTATIVE CASES**

***Elliott Associates, L.P., et al. v. AbbVie Inc.*** (Illinois)

Representing various investment funds in fraud actions arising from AbbVie's aborted \$50 billion acquisition of Shire in 2014.

***Deutsche Bank AG v. Deloitte & Touche LLP; Neil F. Luria v. Deloitte & Touche LLP; Ocala Funding, LLC v. Deloitte & Touche LLP*** (Circuit Court, Miami-Dade County, Florida)

National lead trial counsel representing Deloitte & Touche in a multi-billion dollar accounting malpractice case concerning the failure of Taylor Bean & Whitaker, formerly one of the largest mortgage origination companies in the nation.

***Turbon v. Hewlett-Packard Company*** (S.D.N.Y.)

Lead counsel for Hewlett-Packard in lawsuit brought by Turbon against HP for trade secret misappropriation and false advertising. Won motion to dismiss on key counts. Case settled after motion to dismiss granted.

***Static Control Components, Inc. v. Intersolution Ventures, Ltd., et al.*** (M.D.N.C.)

Lead counsel for Static Control in prosecuting claims for copyright infringement, Lanham Act violations, and various RICO violations related to software code on computer chips used in laser printer toner cartridges. Case settled favorably after discovery.

***E.I. du Pont de Nemours and Co. v. Cardinal Health 200, Inc.*** (M.D. Tenn.)

Represented DuPont in breach of contract case in Davidson County, Tennessee. Case involved the manufacture of fabric used to make surgical drapes and gowns. Case settled for over eight figures immediately before opening statements.

***Confidential***

Lead counsel to Fortune 500 Company in dispute and eventual mediation arising out of the disputed sale price of two companies acquired by a large private equity fund for over \$700 million. Case settled at mediation.

***E.I. du Pont de Nemours & Co. v. Dyneon***

Represented DuPont in patent infringement suit relating to DuPont's polymer sold primarily for use in semiconductor manufacturing. Successful settlement reached after filing of claim construction briefs.

***Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc. et al.***

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. Investigated claims, interviewed witnesses, and drafted briefs in the District Court and Second Circuit Court of Appeals.

***Terra International v. Commonwealth Insurance, et al.***

Represented major agribusiness in insurance coverage litigation resulting from explosion at fertilizer plant. Client recovered over \$300 million in insurance proceeds. Coordinated damages case in related proceedings.

***Ferguson Brothers, et al. v. CRL Industries, Inc.***

Represented CRL in lawsuit involving the sale of family business to client. Case settled favorably after depositions of plaintiffs.

***Gateway v. Ernst & Young***

Represented Ernst & Young in suit against E&Y stemming from E&Y's software installation at Gateway. Case settled favorably after mediation.

***Sears, Roebuck & Co.***

Acted as in-house counsel for Sears for three months while at Mayer, Brown & Platt. Oversaw over twenty-five litigation matters, including Seventh Circuit Appeal, class action settlements, contract cases, real estate disputes, and fraud claims.

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

Pro Bono work includes successful representation of applicants' Social Security Administration benefits hearings, successful representation of clients referred by the Northwestern University School of Law Children and Family Justice Center, and representation of asylum applicants.

Community service includes Board of Directors, Rogers Park Montessori School (former chair) and About Face Theatre (former chair).

## **BIG WINS**

Bartlit Beck Wins Second of Back-To-Back Complete Defense Victories for Ernst & Young

## **NEWS**

Bartlit Beck Teams Win Important Cases for Johnson & Johnson Subsidiary Ethicon and DuPont  
04.19.2019

Bartlit Beck Scores A Trio Of Patent Trial Verdicts  
07.05.2017

Bartlit Beck wins patent infringement trial for DuPont  
05.16.2017

Chris Landgraft featured in Forum magazine  
10.18.2016

Bayer Settles Carrera Class Action Case That Made Key Ascertainability Law  
04.2015

Mark Levine and Chris Landgraft Win Jury Trial on Patent Case Concerning IV Connectors  
05.2012

Bartlit Beck Defeats Nationwide Class in WeightSmart Litigation  
07.2011

Bartlit Beck Wins Second of Back-to-Back Complete Defense Victories for Ernst & Young  
11.2009

Phil Beck, Chris Lind and Chris Landgraft Win Complete Defense Victory for Ernst & Young in Accountant Malpractice Claim  
01.2008