

**J. SCOTT MCBRIDE**

PARTNER

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**EDUCATION & HONORS**

The University of Chicago Law School, 2002, J.D., with High Honors

Order of the Coif

1st Place, Hinton Moot Court

*The University of Chicago Law Review*

Northwestern University, 1994, M.S. Ed., Earned Illinois Secondary Teaching Certificate for Chemistry, Physics and German

Dartmouth College, 1992, A.B., *summa cum laude*, High Honors in Chemistry

*Phi Beta Kappa*

Rufus Choate Scholar

German Academic Exchange Service Scholarship

Chandler T. White Chemistry Research Prize

**CLERKSHIPS**

Honorable Richard D. Cudahy, United States Court of Appeals for the Seventh Circuit, 2002-2003

**ADMISSIONS**

Illinois

**INTELLECTUAL PROPERTY LITIGATION**

*ViiV Healthcare v. Gilead Sciences* (D. Del.)

Lead trial counsel for Gilead in patent infringement case related to Gilead's Biktarvy® HIV treatment. Case pending.

***Adverio Pharma GmbH v. Alembic Pharmaceuticals, Ltd. et al.*** (D. Del.)

Lead trial counsel for Adverio and Bayer in Hatch-Waxman litigation relating to Bayer's Adempas® (riociguat) treatment for chronic thromboembolic pulmonary hypertension and pulmonary arterial hypertension.

***Gilead Sciences v. Mylan Pharmaceuticals*** (D. Del.)

Lead trial counsel for Gilead in Hatch-Waxman litigation relating to Gilead's Tybost® (cobicistat) product. Case settled favorably.

***UroPep v. Eli Lilly*** (E.D. Tex.)

Lead trial counsel (with my partners John Hughes) for UroPep in patent infringement action related to Lilly's Cialis product. Trial verdict for UroPep with damages of \$20 million; affirmed on appeal.

***Regents of the Univ. of Minnesota v. Gilead Sciences*** (N.D. Cal.)

Lead trial counsel for Gilead in patent infringement action brought by the University relating to Gilead's sofosbuvir-containing Hepatitis-C treatments. Case pending.

***Bayer CropScience LP v. BASF SE*** (E.D. Va.)

Lead trial counsel for Bayer in declaratory judgment action seeking declaration that BASF's patent relating to polymorphic forms of the compound tembotrione is invalid. Case settled favorably.

***Bayer Pharma v. Watson Labs. & Lupin Ltd.*** (D. Del.)

Lead trial counsel for Bayer in Hatch-Waxman litigation against challengers seeking to market a generic version of the oral contraceptive Natazia®. Complete trial victory for Bayer.

***Endo Pharmaceutical Solutions Inc. v. Custopharm, Inc.*** (D. Del.)

Lead trial counsel for plaintiffs in ANDA litigation relating to Endo's Aveed® testosterone undecanoate injection. Complete trial victory for Endo; affirmed on appeal.

***Bayer HealthCare LLC v. Zoetis, Inc.*** (formerly Pfizer, Inc.) (N.D. Ill.)

Trial counsel for Bayer in patent infringement action that Bayer brought for damages and injunctive relief in connection with Zoetis's antimicrobial medication, Advocin, used in the treatment of bovine respiratory disease. After defeating all Zoetis's motions for summary judgment and winning cross-motions for partial summary judgment of validity against Zoetis's defenses of anticipation, obviousness, and written description, case settled favorably for Bayer.

***Stillman v. Novartis Consumer Health*** (C.D. Cal.)

Represented Novartis in patent infringement action relating to soluble fiber products. Case settled favorably for Novartis.

***Hill-RomService, Inc. v. Stryker Corporation*** (S.D. Ind.)

Represented Stryker in patent infringement action relating to Stryker's hospital beds and stretchers. Hill-Rom asserted ten patents claiming that Stryker's Zoom® Drive System on four of its hospital beds/stretchers infringed. Case settled favorably for Stryker.

### ***Guidant v. Boston Scientific***

Represented Guidant Corporation in patent infringement action relating to Guidant's coronary stent products. Case settled favorably for Guidant.

### ***Afton Chemical Corp. v. Lubrizol Corp.*** (E.D. Va.)

Represented Lubrizol in patent infringement action. Afton claimed Lubrizol willfully infringed an Afton patent on automatic transmission fluid compositions. After conducting a non-binding arbitration in front of a neutral arbitrator, Afton settled the case.

### ***Novartis Vaccines and Diagnostics v. Bayer HealthCare LLC*** (E.D. Tex.)

Represented Bayer in patent infringement action relating to Bayer's anti-hemophilia medication, Kogenate®FS. Plaintiffs claim that Bayer's Kogenate®FS product infringes a Novartis patent on the genetic materials used in the development of Kogenate®FS. Case settled favorably for Bayer.

## **OTHER REPRESENTATIVE CASES**

### ***Metropolitan Mortgage & Securities Litigation*** (E.D. Wash.)

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 brought by Metropolitan's insurance subsidiary and the bankrupt estate. Class action case settled favorably shortly before trial.

### ***Confidential AAA Arbitration***

Trial counsel for "Big Four" accounting firm in AAA arbitration against former executives of Fortune 100 company. Claimants allege that our client's tax shelter advice led to hundreds of millions of dollars in damages.

### ***Bayer PPA Litigation***

Represented Bayer in nationwide mass tort litigation involving cold medicines containing the decongestant phenylpropanolamine (PPA). Plaintiffs sued Bayer claiming its PPA-containing medications caused consumers to suffer strokes. In two Bartlit Beck jury trials, Bayer secured complete defense verdicts.

### ***Treasurer of the State of Connecticut v. Forstmann Little et al.*** (Conn. Super. Ct.)

Represented Forstmann Little in a lawsuit brought by one of Forstmann Little's limited partners, the State of Connecticut pension funds. Connecticut claimed damages of over \$125 million for itself and over \$1 billion in derivative claims, alleging violations of the securities laws, breaches of contract, and breaches of fiduciary duties. The suit was the first ever filed by a limited partner against a major private equity firm, and it was closely followed by every major financial publication. After five-week jury trial, jury came back with verdict for Forstmann Little.

***Crescent Resources Litigation Trust v. Duke Energy Corp.*** (W.D. Tex.)

Trial counsel for Duke Energy in a \$1.2 billion fraudulent conveyance case brought against it by a litigation trust created out of the bankruptcy of Duke's former wholly-owned real estate development subsidiary, Crescent Resources. The case settled on favorable terms after co-counsel at Fulbright successfully obtained a partial summary judgment dismissing the majority of federal fraudulent conveyance claims.

***Onyx Pharmaceuticals, Inc. v. Bayer Corporation*** (N.D. Cal.)

Represented Bayer in breach of contract and breach of fiduciary duty action relating to Bayer's development of new anti-cancer treatments. Onyx alleged it had rights in Bayer's new regorafenib compound under development and that Bayer had improperly blocked and obstructed development of the existing anti-cancer treatment, Nexavar. Case settled favorably for Bayer during trial.

***DuPont v. Cardinal Health 200, Inc.*** (Tenn. Circ. Ct.)

Represented DuPont in litigation against Cardinal in Davidson County, Tennessee. DuPont sued Cardinal for breaching a contract for the purchase of a next-generation nonwoven medical fabric that required DuPont build a new \$100 million factory. The case settled on the eve of trial on terms favorable for DuPont.

***QT, Inc v. Mayo Clinic*** (N.D. Ill.)

Represented Mayo Clinic in product disparagement action brought in the Northern District of Illinois by seller of "Q-Ray Ionized Bracelet." QT claimed that Mayo's clinical study of the Q-Ray bracelet, which found the Q-Ray worked no better than a placebo at relieving a wearer's pain, negligently and intentionally disparaged QT's product. Case settled favorably for Mayo.

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

United States Peace Corps Volunteer, Kenya, 1997-1999

Chemistry Teacher, New Trier High School, Winnetka, Illinois, 1994-1997

Researcher/Stipendiat, Institut für Makromolekulare Chemie at the Universität Hannover, Germany, 1992-1993

## **BIG WINS**

Bartlit Beck Wins Important ANDA Trial For Bayer & Merck KGaA

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

## **NEWS**

Bartlit Beck Earns Top Rankings by Benchmark Litigation  
10.01.2020

Bartlit Beck Wins Testosterone Injection Patent Appeal For Endo And Bayer  
07.13.2018

Bartlit Beck Scores A Trio Of Patent Trial Verdicts  
07.05.2017

John Hughes And Bartlit Beck Team Win \$20MM Plaintiff's Verdict Against Eli Lilly  
04.24.2017

Scott McBride, Nevin Gewertz, Faye Paul and Taylor Meehan win ANDA trial for Bayer and Endo  
Pharmaceuticals  
02.13.2017

Scott McBride and Cindy Sobel Win ANDA Trial For Bayer  
07.19.2016

Peter Bensinger, Jr., Kate Swift, and Scott McBride win multiple summary judgment motions for Bayer in patent  
case against Pfizer (Zoetis)  
07.07.2016

Bartlit Beck Wins Important ANDA Trial For Bayer & Merck KGaA  
08.2015

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