

JASON L. PELTZ

PARTNER

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Jason Peltz has a national litigation practice, regularly handling cases before state and federal courts, arbitrators, and mediators across the country. He has extensive experience in a wide variety of complex commercial litigation, including matters involving breach of contract, patent infringement, product liability, breach of fiduciary duty, and deceptive and unfair trade practices.

Jason joined the firm in 1996 and has served as the firm's managing partner since 2018. Prior to joining the firm, Jason graduated from the University of Michigan with high distinction, earned his law degree from the University of Chicago Law School with honors, and clerked for the Honorable Gerald E. Rosen on the United States District Court for the Eastern District of Michigan. He is a member of the bar in Illinois and Michigan and has been admitted to practice in state and federal courts across the country.

EDUCATION & HONORS

The University of Chicago Law School, 1992, J.D., with Honors

Mulroy Award for Oral Advocacy

University of Michigan, 1989, B.A., with High Distinction

James B. Angell Scholar

CLERKSHIPS

Honorable Gerald E. Rosen, United States District Court for the Eastern District of Michigan, 1992-1993

AWARDS & RECOGNITION

2017-2020 Benchmark Litigation Star (select group chosen on basis of consistent recommendations by clients and peers)

2019-2020 Lawdragon 500 Leading Lawyers in America

2015-2016 Leaders League Litigation & Int'l Arbitration "Excellent" Ranking for Commercial Litigation

2010 BTI Client Service All-Star (165 lawyers in the United States chosen exclusively by corporate counsel for providing extraordinary client service and counsel)

ADMISSIONS

Illinois

Michigan

REPRESENTATIVE MATTERS

Spirit AeroSystems v. Boeing (Superior Court, King County, WA)

Represented Spirit AeroSystems in \$365 million breach of contract dispute with Boeing relating to Boeing's underpayments and certain warranty claims associated with parts Spirit manufactured for Boeing aircraft. Shortly after Spirit defeated Boeing's motion to dismiss, the parties agreed to dismiss the suit.

General Electric v. United Technologies Corp.

Represent UTC in defense of its patents covering Pratt & Whitney's new Geared Turbofan engine (GTF) in both the U.S. and Europe. From 2016 to present, GE filed more than 30 inter partes proceedings (IPRs) in the Patent Office challenging Pratt's patents.

Spirit AeroSystems v. Gulfstream (AAA/ICDR Arbitration, New York, NY)

Represented Spirit AeroSystems against Gulfstream. Both parties alleged hundreds of millions of dollars of breach of contract damages. After a three-week arbitration hearing that included opening statements and testimony from dozens of witnesses, the case settled on favorable terms before the panel issued a ruling.

LoggerHead v. Sears (N.D. Ill)

Represented LoggerHead against Sears and Apex in a lawsuit alleging patent infringement, trademark infringement, and several tort claims arising from Sears' sales of Craftsman Max Axess Locking Wrenches. After eight-day trial, won jury verdict of patent infringement, and won jury verdict of willful infringement, entitling LoggerHead to treble damages on top of the \$5.97 million award. In post-trial briefing, the court granted a new trial and later granted summary judgment in favor of Sears and Apex, which was affirmed on appeal.

IGT v. Aristocrat (D. Nev.)

Represented IGT in 32-patent litigation relating to Aristocrat's breach of contract and infringement of IGT's patents on gaming inventions, and Aristocrat's allegations of infringement. After filing briefing on claim construction, case settled on favorable terms.

Administradora v. E.I. DuPont de Nemours & Co., Inc. (Florida, Miami Dade County State Court)

Represented DuPont in three-week jury trial of product liability action involving Benlate® fungicide. Plaintiff, a large Costa Rican citrus producer, claimed \$42 million in damages. The jury found plaintiff 60% contributorily negligent and awarded substantially reduced damages, resulting in an award of a small fraction of plaintiff's claim. Case settled on favorable terms.

Rolls-Royce v. United Technologies (E.D. Va.)

Represented United Technologies and its Pratt & Whitney division in an alleged multibillion-dollar patent case brought by Rolls-Royce in the Eastern District of Virginia. The technology at issue related to the jet engines (particularly the fan blades) used on the world's largest airplane, the Airbus A380, as well as a host of other airplanes. Rolls-Royce sought almost \$4 billion in damages and an injunction preventing further sales of the accused engines. The court granted summary judgment in United Technologies' favor, finding that United Technologies' engines did not infringe the Rolls-Royce patent. This ruling was the culmination of a string of successes in which United Technologies also won summary judgment of no willful infringement (by which Rolls-Royce was seeking treble damages up to over \$11 billion) and the court struck Rolls-Royce's damages theory. In the ruling precluding Rolls-Royce's damages theory, the court found that Rolls-Royce's multibillion-dollar "price erosion and lost profits damages is based on misstatements of the law, a lack of sound evidence, and unsupported economic assumptions, and its paid up royalty theory is similarly flawed. [Rolls-Royce's expert's] report reads more like a lawyer's brief advocating for the highest conceivable damages award rather than an expert trying to assist the trier of fact reach a reasonable damages figure. Because of this extensive overreaching, the entire report is undermined."

Phoenix v. DIRECTV (F.C. Ct. of Appeals and C.D. Cal.)

Represented DIRECTV in a patent infringement suit filed in the Central District of California. The accused technology involved the Interactive Voice Response (IVR) system that answers customer calls. Phoenix Solutions claimed over \$40 million in damages. After a *Markman* hearing and discovery, DIRECTV moved for summary judgment on the ground that it outsourced its IVR to a third-party vendor and therefore could not be liable for direct infringement. The district court agreed, holding that DIRECTV "is not liable for an infringing 'use' of the asserted claims because it does not exercise the requisite direction or control over the way that [the vendors] configure and operate the Accused Technology." Phoenix appealed. Two days after oral argument, the Federal Circuit Court of Appeals issued a per curiam decision affirming summary judgment for DIRECTV.

TicoFrut v. DuPont (Miami-Dade County, Florida)

Represented DuPont in jury trial of product liability claims involving the fungicide Benlate®. TicoFrut, the main citrus grower and processor in Costa Rica, sued DuPont claiming that Benlate® hurt the production of orange trees in Costa Rica. TicoFrut sought \$172 million in compensatory damages and an undisclosed amount of punitive damages. Trial lasted six weeks in Miami-Dade County Court. The jury deliberated for five hours before returning a verdict for DuPont, finding no liability.

Stein v. Windsor Energy, et al (District Court, Goodhue County, Minnesota)

Represented former Minnesota Timberwolves CEO Bob Stein in a case relating to a large amount of silica sand deposits in Goodhue County, Minnesota. Mr. Stein filed the case seeking a declaratory judgment that he still owns half the rights to the silica sand. Mr. Stein also alleged that Windsor Energy (and its related companies) had intentionally interfered with his contract with the landowner. In April 2013, the court granted Mr. Stein's request for a declaratory judgment. Then in June 2013, after a week-long trial, a jury found that Windsor Energy had intentionally interfered with Mr. Stein's contract with the landowner (the jury did not award damages; the sand had not yet been mined). Should the sand be mined in the future, the court has ruled that Mr. Stein will be entitled to 50% of the proceeds.

Onyx Pharmaceuticals, Inc. v. Bayer, et al. (N.D. Cal.)

Represented Bayer entities in breach of contract and breach of fiduciary duty suit in the Northern District of California. Onyx claimed entitlement to profits from regorafenib, Bayer's newest potential anti-cancer drug. Case settled favorably in second week of jury trial.

Attorney General of Canada v. R.J. Reynolds Tobacco Holdings, Inc. et al. (N.D.N.Y.)

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. Case dismissed from U.S. court and transferred to Canadian court.

United Technologies and Pratt & Whitney v. Chromalloy (D. Del., F.C. Ct. of Appeals)

Represented United Technologies and Pratt & Whitney in a patent infringement and breach of contract action filed in the U.S. District Court for the District of Delaware. The trial court ruled in favor of Chromalloy on some of the issues, but the case was reversed, resulting in a win, in the U.S. Court of Appeals for the Federal Circuit.

Super Helechos, et al. v. DuPont (Miami-Dade County, Florida)

Represented DuPont in ten-week Miami jury trial of product liability claims involving Benlate® fungicide. Plaintiffs, twenty-seven Costa Rican farms, claimed \$396 million in damages. Trial court entered directed verdicts for DuPont on all claims of most of the largest plaintiffs (constituting 60% of plaintiffs' total claimed damages). Jury awarded other plaintiffs a small fraction of amounts sought. Florida court of appeals (1) affirmed directed verdicts for DuPont on claims of the largest plaintiffs, and (2) reversed all jury verdicts for other plaintiffs due to numerous trial court errors.

United Technologies Corporation v. Chromalloy Gas Turbine Corporation (Bexar County, Texas)

Represented Pratt & Whitney division of United Technologies in suit brought by Chromalloy Gas Turbine alleging various antitrust violations in the repair market for aircraft engines. Chromalloy had sought hundreds of millions of dollars in trebled damages. After four-month trial, jury awarded Chromalloy no damages. Judgment affirmed on appeal. Case recognized by *National Law Journal* as Honorable Mention Defense Victories in 1996.

Confidential Breach of Contract Arbitration (San Jose, California)

Represented former owners of software company in breach of contract action against the purchaser of the company. Case settled on favorable terms shortly before trial.

Confidential Pharmaceutical Mediation

Opposing party claimed substantial damages stemming from alleged antitrust violations, breach of contract, tortious interference, and fraud involving the alleged monopolization of the active ingredient used to manufacture client's medicine. Case settled on favorable terms involving a supply agreement providing present and future payments to our client.

GTE Corp. v. Allendale Mutual Insurance Co., et al. (D. N.J.)

Represented GTE in suit to recover sue and labor expenses under its insurance contracts stemming from Y2K remediation efforts. Case dismissed on summary judgment.

In re Jolley (F.C. Court of Appeals)

Represented The Lubrizol Corporation in its appeal from an adverse ruling in a patent interference action filed before the Patent & Trademark Office. Case affirmed.

Panaras v. Liquid Carbonic and CBI (N.D. Ill. and 7th Cir. Ct. of Appeals)

Represented Liquid Carbonic Industries and CBI Industries in an ERISA and breach of contract action. Case dismissed. Argued appeal. District court decision affirmed on appeal.

Locke v. Farley and Fruit of the Loom (N.D. Ill.)

Represented William Farley and Fruit of the Loom's other officers and directors in securities fraud class action. Case settled on favorable terms after completion of discovery.

Tabankin v. Kemper Financial Services (N.D. Ill.)

Represented Kemper in a securities fraud class action. Case dismissed. Appealed to the U.S. Court of Appeals for the Seventh Circuit. Case settled on favorable terms while appeal pending.

Mailers Data, et al. v. NCR, et al. (Pinellas County, Florida)

Represented NCR in antitrust class action. Case settled on favorable terms just prior to class certification hearing.

Johnson Products v. Guardsmark (N.D. Ill.)

Represented Johnson Products in a breach of contract and fraud action. Case settled on favorable terms.

Panaras v. Liquid Carbonic and CBI (N.D. Ill. and 7th Cir. Ct. of Appeals)

Represented Liquid Carbonic Industries and CBI Industries in an age discrimination action. Case dismissed. District court decision affirmed on appeal.

India Breweries, Inc. v. Miller Brewing Co. (E.D. Wis.)

Represented India Breweries in a breach of contract action in the U.S. District Court for the Eastern District of Wisconsin. The case concerned breach of a license agreement for the sale of Miller beer in India.

Johnson Products v. Pro-Line (N.D. Ill.)

Represented Johnson Products in a patent infringement action. Case settled on favorable terms after obtaining favorable *Markman* ruling.

CityScope v. LaSalle Bank (Cook County, Illinois)

Represented CityScope in action based on promissory estoppel, breach of fiduciary duty, and violation of the Consumer Fraud and Protection Act, stemming from LaSalle's conduct concerning CityScope's desire to seek a loan to finance the making of a movie.

Market Makers v. Jeneric (Wayne County, Michigan)

Advised Jeneric in an equitable redemption and tortious interference action. Case settled on favorable terms.

Chicago Milwaukee v. United States (U.S. Court of Federal Claims and F.C. Ct. of Appeals)

Represented Chicago Milwaukee Corporation in a tax refund action. Appeal won, case remanded and settled on favorable terms.

People v. Luckett (Cook County, Illinois)

Represented Darryl Luckett in a first degree murder suit. Client pleaded guilty on favorable terms.

Reed v. Farley (U.S. Supreme Court)

Represented Orrin Reed in a habeas corpus suit filed in the U.S. District Court for the Northern District of Indiana. Case dismissed and affirmed by the U.S. Court of Appeals for the Seventh Circuit. Case briefed and argued in the United States Supreme Court, which affirmed the dismissal.

Chicago Council of Lawyers v. Supreme Court of Illinois (Ill. Supreme Court)

Represented the Chicago Council of Lawyers and other bar associations in a petition for reconsideration of the Illinois Supreme Court's administrative ruling limiting the number and length of appellate court opinions. Petition denied.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

American Bar Association, Litigation and Intellectual Property Sections

Chicago Bar Association, Commercial Litigation and Intellectual Property Law Committees

Sedona Conference's Working Group 10: Best Practices in Patent Litigation

Adjunct Professor of Law: Taught "Trial Technology" class on the use of technology in the practice of law at trial and in preparation for trial, Northwestern University School of Law

Jewish United Fund of Chicago, Member of Board of Directors

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

Rated AV® Preeminent™ 5.0 out of 5 by Martindale-Hubbell

Expert Witnesses, *Successful Partnering Between Inside and Outside Counsel*, Chapter 62 of treatise that is joint project of West and the Association of Corporate Counsel (2009-2018) (with Charles Gill, Joseph Santos, and Jeffrey Mandell)

American Lawyer, quoted in article *Smaller Firms' Message to Big Law on Alternative Fees: Join the Club* (August 11, 2017)

Thomson Reuters Legal Executive Institute (September 2015): Law Firm Financial Performance Forum: Assessing the Range of Law Firm Business Models

Practising Law Institute (June 2012): Taking and Defending Depositions: Using the Deposition on Summary Judgment and at Trial

Practising Law Institute (October 2011): Patent Litigation 2011: Demonstration of Direct and Cross-Examinations of Damages Expert

Practising Law Institute (October 2011): Federal Circuit Practice Update 2011: A Practical Guide to New Developments, Procedures & Strategies

American Conference Institute (March 2010): Navigating the Intersection of Antitrust and IP Law: Current Issues Impacting on Licensing Transactions

Mobile Voice Conference (April 2010): Patent Strategy: Considerations in Filing a Patent Infringement Suit and in Defending Such a Suit

Illinois Institute for Continuing Legal Education (April 2000): Leveraging Technology In Your Law Practice, Electronic Presentations: Making Your Point Effectively

American Lawyer, quoted in article *Former Partner's Lawsuit Against Kasowitz Benson Prompts Talk of One-Man Firing Machines* (June 10, 2008)

Los Angeles Times, quoted in article *Tobacco Case Judge Had Industry Ties* (September 9, 2002)

ABA Commission on Billable Hours Report 2001-2002, quoted in *Firm thrives on alternative fee arrangements* (August 2002)

Law.com, quoted in *Rule Clouds E.U. Tobacco Suit* (July 31, 2000)

The American Lawyer Profiles Bartlit Beck's Unique Model and Success at Trial (December 6, 2018)

BIG WINS

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit

Bartlit Beck Prevails For DuPont In Benlate Case

Bartlit Beck Defeats Product Liability Claim Where Plaintiff Sought \$172 Million Plus Punitive Damages

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation
10.01.2020

The American Lawyer Interviewed Cindy Sobel and Jason Peltz Regarding the Firm's Hiring Strategy and Team-Oriented Culture
10.24.2019

The American Lawyer Profiles Bartlit Beck's Unique Model and Success at Trial
12.06.2018

Bartlit Beck Scores A Trio Of Patent Trial Verdicts
07.05.2017

Bartlit Beck and Skiermont Derby Win \$5.9 MM Plaintiff's Patent Verdict Against Sears and Apex Tool Group.
05.17.2017

Bartlit Beck Wins Summary Judgment for United Technologies in Patent Infringement Suit
05.2011

Jason Peltz Prevails In Patent Infringement Suit In Federal Circuit For DIRECTV
08.2010

Bartlit Beck Attorneys Named Client Service All-Stars
01.2010

Bartlit Beck Prevails For DuPont In Benlate Case
12.2009

Jason Peltz and Mike Valaik Win Summary Judgment For DIRECTV In Patent Infringement Suit
12.2009

Bartlit Beck Wins Jury Verdict for DuPont
03.2005