

JOHN M. HUGHES

PARTNER

1801 Wewatta Street, Suite 1200, Denver, CO 80202 | 303.592.3113 | john.hughes@bartlitbeck.com

John Hughes has been with Bartlit Beck since 2006, and as a partner since 2010. John has significant trial experience in high-stakes cases in both state and federal court. Since joining Bartlit Beck, John has spent over 150 days in the courtroom, examining witnesses, arguing motions, selecting juries, and delivering opening statements and closing arguments. Most recently, John was lead counsel (along with his partner Steve Derringer) in a patent infringement case in Wilmington, Delaware. John and Steve obtained a \$137 million dollar verdict for their client, Meso Scale Diagnostics. After a six-day trial and fewer than two hours of deliberation, the jury returned a verdict finding that the defendant Roche Diagnostics had willfully infringed all of the asserted patents and awarding damages of \$137,250,000. Nosson Knobloch, Daniel Taylor, and Stacy Maione rounded out the Bartlit Beck trial team. The victory was recognized by Law360.

In 2018, John was lead trial counsel for Students for Fair Admissions in its three-week trial against Harvard University concerning Harvard's discrimination against Asian-American applicants.

In 2017, John was lead trial counsel for UroPep, the plaintiff in a patent infringement jury trial against Eli Lilly in the Eastern District of Texas. John delivered the opening statement, closing argument, and examined numerous witnesses. The jury returned a verdict for UroPep, awarding \$20 million in damages. John and his colleagues' victory was recognized by Law360.

In 2015, John was lead counsel for Amazon in a patent infringement jury trial concerning whether Amazon was liable for patent infringement when third-party sellers offer and sell infringing products on Amazon.com. John handled every aspect of the trial—conducting voir dire, delivering the opening statement, examining all the witnesses, arguing legal issues to the court, and delivering the closing argument. The jury returned a complete defense verdict for Amazon.

In 2014, John was co-lead counsel in a \$50 million damages-only breach of contract trial in Colorado for Tyco. John and his colleagues won a major victory for Tyco, holding damages to roughly 10% of what plaintiffs were seeking by convincing the jury to award the damages number sponsored by the defense.

John also has significant experience preparing cases for trial. He has taken over 200 depositions, briefed and argued dispositive motions, and worked with dozens of experts in disciplines ranging from digital rights management to structured finance to polymer chemistry to genetically modified crops to accounting and auditing standards.

Prior to joining Bartlit Beck, John clerked for Justice Clarence Thomas on the United States Supreme Court and Judge J. Michael Luttig on the Fourth Circuit Court of Appeals.

EDUCATION & HONORS

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

Order of the Coif

The University of Chicago Law Review

James Nelson Raymond Merit Scholarship

Wake Forest University, 1996, B.A., *summa cum laude*

Phi Beta Kappa

Presidential Scholar for Academics and Debate

Intercollegiate Debate Team: winner of the 1995 Rex-Copeland Award for the top-ranked debate team nationwide; semifinalist at the 1995 Intercollegiate National Debate Tournament

CLERKSHIPS

Honorable Clarence Thomas, United States Supreme Court, 2005-2006

Honorable J. Michael Luttig, U.S. Court of Appeals for the Fourth Circuit, 2004-2005

AWARDS & RECOGNITION

Recognized in Benchmark Litigation as Future Star 2018

Recognized by Law Week Colorado as one of the "Compleat Lawyers" for 2010

Recognized as one of Colorado's "Rising Stars," Colorado SuperLawyers, 2010, 2011, 2012, and 2014

Featured in the September 2007 Edition of the American Lawyer

ADMISSIONS

Colorado

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Meso Scale Diagnostics, LLC v. Roche Diagnostics Corporation

John was lead counsel (along with his partner Steve Derringer) in a patent infringement case in Wilmington Delaware. John and Steve obtained a \$137 million dollar verdict for their client, Meso Scale Diagnostics. After a six-day trial and fewer than two hours of deliberation, the jury returned a verdict finding that the defendant Roche Diagnostics had willfully infringed all of the asserted patents and awarding damages of \$137,250,000. Nossou Knobloch, Daniel Taylor, and Stacy Maione rounded out the Bartlit Beck trial team. The victory was recognized by Law360 .

SFFA v. Harvard University (U.S. District Court, D. Mass)

Lead trial counsel for SFFA concerning Harvard's discrimination against Asian-American applicants in its undergraduate admissions process. The three-week bench trial concluded in November 2018. The district court has not yet issued its ruling.

UroPep v. Eli Lilly (U.S. District Court, E.D. Tex.)

Lead trial counsel for UroPep, securing a plaintiff verdict in a patent infringement jury trial concerning Eli Lilly's sales of Cialis to treat benign prostatic hyperplasia (BPH). The jury determined Eli Lilly infringed UroPep's patent, rejected all of Eli Lilly's invalidity defenses, and awarded \$20 million in damages. Delivered the opening statement, closing argument, and examined numerous witnesses.

Milo & Gabby, LLC v. Amazon.com, Inc. (U.S. District Court, W.D. Wash.)

Lead trial counsel for Amazon, securing a complete defense verdict in a patent infringement jury trial concerning whether Amazon was liable for patent infringement when third-party sellers offer and sell infringing products on Amazon.com.

Core-Mark v. Sonitrol (Adams Cty., Colo.)

Co-lead trial counsel for Sonitrol, former subsidiary of Tyco, International, in one-week damages-only trial where plaintiffs were seeking over \$50 million in damages because Sonitrol willfully and wantonly breached its burglar-alarm monitoring contract by failing to detect three burglars in plaintiffs' warehouse who looted the warehouse and eventually lit fires that ultimately destroyed the warehouse. The jury awarded plaintiffs the damages number sponsored by Sonitrol, which was roughly 10% of what plaintiffs were seeking and included no fire-related damages.

Riceland Foods v. Bayer, et al. (Arkansas Circuit Court, Arkansas Cty.)

Second chair (Phil Beck was first chair) in a four-week jury trial in state court in Stuttgart, Arkansas in which Riceland Foods, the country's largest rice mill, sued Bayer Crop Science for damages due to the contamination of the nation's rice supply by Bayer's experimental genetically modified rice. Riceland sought \$390 million in actual damages, plus punitive damages. Judgment for Riceland for \$12.9 million. Case settled on appeal.

In Re Genetically Modified Rice Litigation (U.S. District Court, E.D. Mo.)

National trial counsel for Bayer CropScience LP in multidistrict and state court litigation concerning the alleged presence of genetically engineered rice in commercial rice shipments. Member of two trial teams that tried cases to verdict.

City of Milwaukee v. NL Industries (Circuit Court of Milwaukee, Wisconsin)

Member of the trial team that represented NL in jury trial to declare lead paint throughout Milwaukee to be a public nuisance and to hold NL liable for costs of the city's childhood lead poisoning program. NL, the former National Lead Company, was alleged to have been the largest U.S. producer of lead pigment in the 20th Century. Complete defense verdict for NL in May-June 2007.

City of Milwaukee v. NL Industries (Wisconsin Court of Appeals)

Briefed and argued NL's defense of the jury's verdict before the Wisconsin Court of Appeals. In November 2008 the court affirmed the verdict, finding that "the evidence reflected that the nuisance was unknown to NL Industries until after its conduct had ceased."

In Re Teflon® Products Liability Litigation (U.S. District Court, S.D. Iowa)

Counsel for DuPont in more than fifteen alleged intrastate class actions brought on behalf of consumers who purchased Teflon®-coated cookware. The cases have been consolidated for pretrial proceedings pursuant to an order of the panel on multidistrict litigation. The district court denied plaintiffs' motion to certify a class action.

OTHER REPRESENTATIVE CASES

ContentGuard Holdings, Inc. v. Amazon.com (U.S. District Court, E.D. Tex.)

Lead trial counsel in a patent infringement case concerning electronic content distribution and digital rights management. Case settled prior to trial.

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 Cty., Florida)

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

Confidential Arbitration

Lead trial counsel for plaintiff in a confidential patent infringement arbitration.

LaPlant v. The Northwestern Mutual Insurance Company (Mil. Cty. Ct., E.D. Wis. 2011-present)

Trial counsel for Northwestern Mutual in putative class action alleging breach of contract and breach of fiduciary duties in connection with certain Northwestern Mutual annuity products. Recently won appeal regarding application of the Class Action Fairness Act in the Seventh Circuit. Plaintiff is currently seeking class certification in the federal district court.

In Re Metropolitan Securities Litigation (U.S. District Court, E.D. Wash.)

Represented Ernst & Young in federal securities class action concerning the collapse of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate, and insurance conglomerate. Plaintiffs alleged accountants' negligence relating to audit work. Case settled prior to trial.

Tandberg Data Corp. v. Hewlett-Packard Company (U.S. District Court, D. Colo.)

Represented defendant and counterclaim plaintiff HP in patent infringement action relating to data storage technology. Action settled prior to trial.

Data Network Storage Corp. v. Hewlett-Packard Company (U.S. District Court, N.D. Tex.)

Represented HP in a patent infringement action relating to data storage technology. Action settled prior to trial.

Edge Capture v. Citadel Investment Group (U.S. District Court, N.D. Ill.)

Represented Citadel in patent infringement matter involving patents related to automated trading systems in electronic exchanges. Case settled before trial.

BIG WINS

Bartlit Beck Wins \$137 Million Verdict

Grimsley, Hughes, Hacker and Taylor Win Major Trial Victory for Tyco

Bartlit Beck Wins CAFA Appeal in 7th Circuit for Northwestern Mutual

NEWS

Bartlit Beck Earns Top Rankings by Benchmark Litigation

10.01.2020

Bartlit Beck Wins \$137 Million Verdict

11.26.2019

Bartlit Beck Scores A Trio Of Patent Trial Verdicts

07.05.2017

John Hughes, Kat Hacker and Joseph Doman secure important win for Amazon in the Federal Circuit.

05.30.2017

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

04.24.2017

Hughes, Hacker and Doman Win Major Trial Victory For Amazon

11.2015

Grimsley, Hughes, Hacker and Taylor win major trial victory for Tyco

04.2014

Bartlit Beck Wins CAFA Appeal in 7th Circuit for Northwestern Mutual

11.2012

Bartlit Beck Opens Trial For Texas In Redistricting Litigation

01.2012

John Hughes Honored By Law Week Colorado As A "Compleat Lawyer"

06.2010

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

02.2009

Bartlit Beck Wins Before the Wisconsin Court of Appeals in \$150 Million Lead Paint Public Nuisance Case

11.2008

After 20 Years, Don Scott Still Undefeated in Lead Paint Cases

07.2008

Bartlit Beck Wins \$160 Million Lead Paint Public Nuisance Case

06.2007