

**MARK S. OUWELEEN**

PARTNER

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**EDUCATION & HONORS**

Yale Law School, 1994, J.D.

Connecticut Bar Foundation Fellow

Coker Fellow

Editor-in-Chief, *Yale Journal of Law and the Humanities*

Senior Editor, *Yale Law Journal*

Oxford University, Oxford, England, 1987-1990

Rhodes Scholar

Georgetown University, 1986, B.A., *magna cum laude*

*Phi Beta Kappa*

*Alpha Sigma Nu*

Outstanding Student in Student Activities Award

Coakley Medal & Spronck Medal (recognizing greatest combination of academic achievement and extracurricular leadership, one voted by students, one by faculty)

Student Body President

**CLERKSHIPS**

Honorable Alex Kozinski, United States Court of Appeals for the Ninth Circuit, 1994-1995

**ADMISSIONS**

Illinois

## CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

### ***Network-1 v. Hewlett Packard Enterprise*** (E.D. Tex. 2017)

Trial counsel for Hewlett Packard Enterprise in a week-long patent jury trial involving Power over Ethernet technology (E.D. Tex.; Judge Schroeder). Won a defense verdict, in which all asserted claims of the patent were found not to be infringed, and also found to be invalid. On appeal, the Federal Circuit affirmed in part, reversed in part and remanded the case for further proceedings.

### ***Cloud Satchel v. Amazon.com*** (D. Del. 2014)

Represented Amazon.com in patent infringement case relating to document database and retrieval technology and the Kindle portable reader. Won summary judgment of invalidity. Affirmed by the Federal Circuit.

### ***Microsoft v. Yahoo!*** (Arbitration, S.D.N.Y. 2013)

Represented Microsoft and prevailed in an emergency arbitration seeking a preliminary injunction ordering Yahoo! to transition to Microsoft's Bing Ads in Taiwan and Hong Kong. Defeated Yahoo!'s petition to vacate award in federal court.

### ***Sensormatic Electronics Corp. v. The TAG Company US LLC et al.***

Represented Sensormatic in four-week patent trial, Summer and Fall 2008, U.S. District Court in West Palm Beach. Hired to replace former trial counsel on eve of trial. Won complete victory for our client.

### ***Dedrick v. Merck Inc.***

Represented Merck. Plaintiff claimed Merck's Vioxx pain relief medicine caused plaintiff's heart attack. Won unanimous jury verdict for Merck on all issues after two-week jury trial in New Orleans Federal Court.

### ***EMC Corporation v. Hewlett-Packard Company, Inc.***

Represented Hewlett-Packard in patent litigation relating to data storage systems. Case settled after jury trial.

### ***Combustion Engineering, Inc. v. Imetal v. ABB***

Represented Combustion Engineering and ABB in breach of contract action against Imetal arising out of assumption of liabilities in a stock purchase agreement. Obtained summary judgment in favor of CE and ABB on affirmative \$30 million-plus contract claim and dismissing all of Imetal's counterclaims. Affirmed in part and remanded in part on appeal. Remainder of case won on remand.

### ***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.

## OTHER REPRESENTATIVE CASES

### ***Xarelto Personal Injury Litigation***

National counsel for Bayer in defense of lawsuits alleging personal injuries caused by the novel oral anticoagulant Xarelto.

***Schindler Elevator v. Otis Elevator*** (D.N.J.)

Represented Otis in patent infringement lawsuit concerning belts used on elevators. Case settled.

***Vioxx® Consumer Class Action Litigation*** (Circuit Court, Jackson County, Missouri)

Represented Merck in *Plubell* class action, brought on behalf of Missouri consumers alleging economic losses relating to purchase of Vioxx®.

***YAZ®/Yasmin® Personal Injury Litigation***

National counsel for Bayer in defense of lawsuits alleging personal injuries caused by YAZ® and Yasmin® oral contraceptives. Cases pending in Federal MDL and several states.

***Sunstar, Inc. v. Alberto-Culver Co.***

Represented Sunstar, a leading Japanese manufacturer of consumer products, in trademark and contract dispute involving sale of VO5 hair care products in Japan. Took over case on appeal after client lost jury trial. Won appeal in the Seventh Circuit.

***Int'l Union of Operating Engineers Local #68 Welfare Fund v. Merck Inc.***

Represented Merck in class action lawsuit brought by payors of prescription benefits, who alleged economic losses relating to purchase of Vioxx. Case settled after New Jersey Supreme Court reversed class certification.

***RealNetworks Inc. v. Microsoft Corp.***

Represented RealNetworks in antitrust suit concerning digital media and operating system markets. Resulted in \$761 million settlement for RealNetworks.

***RealNetworks, Inc. v. DVD CCA, et al.***

Represented RealNetworks in preliminary injunction proceedings in which movie studios claim that RealNetworks "RealDVD" product violates the Digital Millennium Copyright Act, and sought to enjoin its distribution.

***Bradburn Parent Teacher Store v. 3M Company***

Represented 3M in antitrust litigation brought by class of retailers concerning transparent tape. Case settled favorably prior to trial.

***Sportvision, Inc. v. Princeton Video Image, Inc.***

Represented Princeton Video Image, Inc. in patent case concerning insertion of video images, such as billboards and first & ten line, into live broadcasts. Case settled favorably after preliminary injunction hearing.

## **PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE**

Former Adjunct Faculty, Northwestern University School of Law

Chicago Shakespeare Theater, Immediate Past Treasurer, Member of Board of Directors and Finance Committee

Jesuit Volunteer Corps, Former Member of Board of Directors

## **BIG WINS**

Mark Ferguson, Mark Ouweleen, and Faye Paul Teller win rare defense victory in EDTX patent infringement trial for Hewlett Packard Enterprise

Bartlit Beck Wins Appeal For Sunstar In Longstanding Trademark Dispute Over Sunstar's VO5 Brand

Bartlit Beck Secures Sensormatic's Patents, Trade Secrets with Complete Plaintiff-Side Security Tag Verdict

Bartlit Beck Wins 5 Jury Verdicts in Vioxx Trials

Bartlit Beck Wins \$30 Million Summary Judgment for ABB, Inc. in Patent Indemnity Dispute Arising Out of the Sale and Purchase of a Refractory Business

## **NEWS**

Bartlit Beck Sues Allianz and Aon Over Collapse of Structured Alpha Hedge Funds  
09.22.2020

Mark Ferguson, Mark Ouweleen, and Faye Paul Teller win rare defense victory in EDTX patent infringement trial for Hewlett Packard Enterprise  
11.15.2017

Bartlit Beck Wins Patent Case For Amazon  
12.2014

Bartlit Beck Partners Achieve New Kind of Record  
09.2014

Mark Ouweleen Wins Appeal For Sunstar In Longstanding Trademark Dispute  
10.2009

Mark Levine, Mark Ouweleen and Sean Grimsley Win Patent Infringement Lawsuit for Sensormatic  
12.2008

Phil Beck and Mark Ouweleen win jury verdict for Merck in fifth federal Vioxx trial  
12.2006

Bartlit Beck Aids RealNetworks in Securing \$761 Million Settlement With Microsoft  
10.2005

Bartlit Beck Files Antitrust Suit Against Microsoft for Real Networks  
12.2003