

MATTHEW R. FORD

PARTNER

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EDUCATION & HONORS

Northwestern University School of Law, 2007, J.D., *magna cum laude*

Northwestern University Law Review, Editor-in-Chief

Order of the Coif

Dean's List

University of Notre Dame, 2001, B.A., *cum laude*

CLERKSHIPS

Honorable Joel M. Flaum, United States Court of Appeals for the Seventh Circuit, 2007-2008

ADMISSIONS

Illinois

REPRESENTATIVE MATTERS

Seed CX v. Russell Anderson (N.D. Ill.)

Co-lead counsel for Seed CX. Successfully obtained a TRO relating to a crypto-currency exchange's trade secrets. Case settled on confidential terms.

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

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

Elm 3DS Innovations, LLC v. Micron Technology, Inc., Samsung Electronics Co., Ltd., SK hynix Inc. (D. Del.)

Trial counsel for Elm 3DS in a patent infringement case about stacked integrated circuits.

John Crane Inc. v. Schein Law Group; John Crane, Inc. v. Simon Greenstone Panatier Bartlett (N.D. Ill.)

Counsel for John Crane as plaintiff in civil RICO litigation arising out of alleged fraud in connection with asbestos injury litigation and corresponding claims under asbestos bankruptcy trusts.

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

Counsel for Bayer in declaratory judgment action seeking declaration that BASF's patent relating to polymorphic forms of the compound tadalafil is invalid. Case settled soon after complaint was filed.

WeightSmart® Litigation

National counsel for Bayer in consumer fraud class action lawsuits relating to OneADay® vitamins. Successfully defeated nationwide class certification motion under New Jersey Consumer Fraud Act. 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.

Las Vegas Hepatitis C Litigation (District Court, Clark County, Nevada)

Provided strategic direction and coordinated trial teams for UnitedHealthcare in litigation encompassing over 40 individual cases, pending before 20 different judges in state court. Plaintiffs were individuals who claimed to have contracted Hepatitis C during endoscopy procedures performed at clinics that were on defendants' networks of approved healthcare providers. Defendants were health plans and other entities affiliated with UnitedHealthcare. Bartlit Beck tried one case (*Martin v. PacifiCare of Nevada, et al.*), resulting in a favorable jury verdict and subsequent settlement of half of the pending cases. Bartlit Beck began trying a second case (*Paul v. Health Plan of Nevada, et al.*), which settled one month into trial, along with the other remaining cases

Rolls-Royce v. United Technologies (U.S. District Court, E.D. Va.)

Represented United Technologies and its Pratt & Whitney division in an alleged multibillion-dollar patent case brought by Rolls-Royce. 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. In addition, the court struck Rolls-Royce's damages theory. Worked on United Technologies' defense on damages, in particular the application of the Entire Market Value Rule. Prior to the summary judgment decision, the court struck Rolls-Royce's nearly \$4 billion damages theory.

Neology v. Federal Signal and 3M (U.S. District Court, D. Del.; International Trade Commission)

Counsel for Federal Signal and 3M defending patent infringement suits brought by Neology relating to various RFID technologies. Neology originally sued Federal Signal in the District of Delaware and moved for a preliminary injunction. After an evidentiary hearing and oral argument, defeated Neology's preliminary injunction motion. While district court case proceeded, Neology also brought an action against Federal Signal and 3M in the International Trade Commission. Both matters settled before trial.

Bayer v. Warner Chilcott, No. 12-1032-GMS (D. Del.)

Lead counsel in patent infringement lawsuit involving Warner Chilcott's LoLoestrin® oral contraceptive.

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.

Bayer Schering Pharma AG & Bayer HealthCare Pharmaceuticals, Inc. v. Watson Labs, et al. (D. Nev.)

Trial counsel for Bayer Schering in Hatch-Waxman litigation against challengers seeking to market generic versions of oral contraceptive YAZ®. The district court granted Bayer's motions for summary judgment of validity, infringement, and enforceability. Bayer's claims for damages are pending.

Bayer Schering Pharma AG, et al. v. Lupin Ltd., et al. (D. Nev.)

Trial counsel for Bayer Schering in Hatch-Waxman litigation against challengers seeking to market generic versions of oral contraceptive YAZ®. The district court granted Bayer's motions for summary judgment of validity.

Swift Transportation Co. v. Ernst & Young (Ariz. State Court)

Represented Ernst & Young in accounting malpractice action stemming from merger between Swift Transportation Company and M.S. Carriers, Inc.

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Confidential AAA Arbitration (Seattle, WA)

Trial counsel for aerospace manufacturer in a two-week AAA arbitration before a panel of three arbitrators. The hearing involved direct examinations. The proceedings and outcome are confidential.

Chicago Loop Parking v. City of Chicago (Chicago, IL)

Pro bono counsel for the City of Chicago in an arbitration that Chicago Loop Parking (Morgan Stanley) brought against the City in connection with the Millennium Park Garages. In 2006, Morgan Stanley paid the City \$563 million in exchange for a 99-year concession to operate the garages under Millennium Park and Grant Park on the City's lakeshore. Morgan Stanley filed a claim in arbitration for \$200 million related to the City's permitting the Aqua building (North of Millennium Park) to accept parkers whose destinations are outside of the Aqua building itself. Rebecca Weinstein Bacon co-led the arbitration in October 2012 before a panel of three arbitrators. The Panel rejected Morgan Stanley's claim for \$200 million, awarding only 25% of the amount sought.

Greater New York Automobile Dealers Association, et al. v. Tesla Motors, Inc., et al. (N.Y. Sup. Ct.)

Represented Tesla Motors, Inc. in action by Greater New York Automobile Dealers Association. New York Supreme Court dismissed action by GNYADA and Brian Miller on grounds that they had no franchise relationship with Tesla and therefore no standing to sue. Court also denied the request by the New York State Automobile Dealers Association to join the case as a plaintiff.

Bayer Schering Pharma AG & Bayer HealthCare Pharmaceuticals Inc. v. Teva, et al. (N.D. Ill.)

Counsel for Bayer in Lanham Act false advertising and patent infringement case arising out of Teva's launch of a generic version of Bayer's YAZ® oral contraceptive and product literature claiming that Teva's generic contains Bayer's patented betadex clathrate formulation. Bayer moved for a temporary restraining order on June 15, 2010. On June 16, the court heard argument. Teva contended that Bayer could not show likelihood of success on the merits of its claims and that Bayer was not entitled to emergency relief. During proceedings, the court read a tentative ruling finding that Bayer was entitled to a TRO. Teva agreed to remedial measures including a weekly e-mail blast for three months directed at pharmacists and calling attention to its false prescribing information. Court entered agreed order regarding these remedial measures and required compliance reporting from Teva.

Nicor Gas Co. v. Glenbrook Excavating and Concrete, Inc. (Circuit Court, DuPage County 2010)

Represented public utility company seeking to recover damages caused to four underground gas lines. Co-chaired three-day jury trial. Jury found for Nicor, awarding 95% of damages requested.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Academic Positions

Matt has been an Adjunct Professor of Law at Northwestern Law School teaching "High-Tech Trial Techniques."

Community and Academic Board and Other Community Service

Advisory Board Member, Kellogg Institute for International Studies

NEWS

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

Bartlit Beck Defeats Nationwide Class in WeightSmart Litigation
07.2011

Bartlit Beck Obtains Immediate Relief For Bayer In Lanham Act False Generic Drug Advertising Case
06.2010