

## SUNDEEP K. (ROB) ADDY

PARTNER

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Rob Addy specializes in all types of large, complex commercial litigation with an emphasis in patent and antitrust work. A former journalist who worked on Emmy-award winning documentaries for PBS, Rob's focus as a litigator is in finding creative ways to convey complex stories to judges and juries.

Rob is also currently serving as Special Assistant Attorney General to the State of Colorado, assisting with the Colorado AG's pattern and practice investigation of the Aurora Police Department and related entities.

### EDUCATION & HONORS

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

Notes Editor, *Texas Law Review*

Chancellors

Order of the Coif

Champion, Thad Hutchison Moot-Court Competition

University of Texas, Plan II Honors & Economics, 2000, B.A., with Special Honors

Dean's Distinguished Graduate

University of Texas Friar Society

Editor-in-Chief, *The Daily Texan*

### CLERKSHIPS

Circuit Judge David M. Ebel, United States Court of Appeals for the Tenth Circuit, 2004-2005

Justice Paul W. Green, Texas Supreme Court, 2005-2006

### GOVERNMENT SERVICE

Special Assistant Attorney General, State of Colorado, 2020-Present

### AWARDS & RECOGNITION

Rising Star, *Colorado Super Lawyers*, 2013-2016

## ADMISSIONS

Colorado

Texas

## REPRESENTATIVE MATTERS

### ***Ashton Woods L.L.C. v. USG Corp., et al.*** (E.D. Pa.; N.D. Cal.)

Defending the leading U.S. drywall manufacturer against Sherman Act and state-law price fixing claims brought by twelve of the nation's largest homebuilders. Secured summary judgment on liability in favor of clients United States Gypsum Company and USG Corp. This decision came after the court denied summary judgment to multiple co-Defendants. The case against a distributor subsidiary, L&W Supply, remains pending.

### ***Align Technology, Inc. v. 3Shape A/S and 3Shape Inc.*** (D. Del.)

Trial counsel for plaintiff Align Technology (maker of the popular Invisalign system) in action alleging 3Shape's infringement of certain Align patents that claim technology for monitoring patient progress and converting three-dimensional digital models of teeth into physical models.

### ***EEOC v. FedEx Ground*** (W.D. Pa.)

Trial counsel for FedEx Ground in an enforcement action brought by the EEOC under the Americans With Disabilities Act. EEOC filed claims on behalf of roughly 300 deaf FedEx Ground package handlers from dozens of facilities around the country, alleging that FedEx Ground failed to provide a variety of reasonable accommodations to these employees, such as ASL interpreters at meetings. Bartlit Beck was brought in to take over the matter after nearly a decade of investigation, conciliation, and litigation with EEOC. Along with a team of lawyers from three different firms, Bartlit Beck crafted a strategy that led to a favorable settlement in May 2020, prior to a single deposition being taken.

### ***U.S. Airways v. Sabre*** (S.D.N.Y.)

Trial counsel for Sabre in an antitrust action relating to a contract between U.S. Airways and Sabre concerning Sabre's Global Distribution System. After a two-month trial, the jury returned a defense verdict on one claim and damages of 1% of what plaintiff had sought on the second claim.

### ***Legal Malpractice Claim for Large Consumer Goods Manufacturer*** (Illinois State Court, Cook County)

Hired as trial counsel six weeks before trial in case alleging legal malpractice relating to advice on antidumping and countervailing duties. After two-week trial, judge permitted case to go to the jury and jury returned defense verdict.

### ***Xarelto Products Liability Litigation*** (E.D. La.)

Represented Bayer in lawsuits alleging personal injuries caused by the novel oral anticoagulant Xarelto. Responsible for case work-up in two federal bellwether cases, obtaining summary judgment of non-liability in one case.

### ***Realtime Adaptive Streaming v. Wowza Media Systems*** (U.S. District Court, Colorado; Judicial Panel on Multidistrict Litigation)

Represented Wowza Media Systems in patent litigation brought by a non-practicing entity in the District of

Colorado. Defeated a motion to centralize twenty-three patent cases into multidistrict litigation. Case settled shortly thereafter.

***Tessera Semiconductor Patent Litigation*** (U.S. District Court, E.D. Texas and N.D. California)

Trial counsel for Tessera enforcing groundbreaking patents related to semiconductor operation. Settled claims against Spansion for \$25 million and with STATS Chippac, Siliconware, AMD, ChipMOS, Freescale, ASE, and STMicroelectronics for confidential amounts.

***Cindy S. Whitmill v. Denver Housing Authority*** (Denver County Court)

Complete trial victory in pro bono case for client, a public housing resident, who was wrongfully evicted by the Denver Housing Authority.

***Angelotti Chiropractic, Inc., et al. v. Baker*** (C.D. Cal.)

Obtained preliminary injunction for a large group of medical care providers who were challenging the constitutionality of SB 863, a law that imposed dramatic new fees under California's workers compensation system.

***American Airlines v. Sabre Inc. et al.*** (N.D. Tex., Tarrant County, Tex.)

Trial counsel for Sabre in breach of contract and antitrust actions relating to the display of American's flights and fares in Sabre's Global Distribution System. American claimed \$1 billion in damages. Jury trial in Texas state court. Case settled favorably during trial.

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

Obtained summary judgment of validity, infringement, and enforceability for Bayer Schering in Hatch-Waxman patent litigation against challengers seeking to market generic versions of oral contraceptive YAZ®.

***Pioneer Hi-Bred International v. Agrigenetics, Inc.*** (S.D. Ind.)

Trial counsel for Pioneer in a dispute with Agrigenetics and its parent Dow AgroSciences concerning the marketing of Pioneer seed genetics through particular distribution channels. Case settled during trial after Pioneer prevailed on a *Daubert* challenge to plaintiffs' damages expert, and after openings and cross-examination of plaintiffs' first witness.

***ICE Corporation v. Hamilton Sundstrand Corporation et al.*** (10th Cir.)

Counsel for Hamilton Sundstrand and Ratier-Figeac in appeal of adverse jury verdict on a misappropriation of trade secrets claim under Kansas law. Obtained reversal of \$9 million punitive damages award before the Tenth Circuit and prevailed on remand before the district court. Case settled favorably during subsequent appeal of the district court's remand decision.

***In re Genetically Modified Rice Litigation*** (E.D. Mo.)

Defeated class certification in large MDL action for Bayer CropScience in litigation related to the presence of a strain of genetically-modified rice in the U.S. commercial rice supply. Ruling upheld on appeal.

***JDS Technologies, Inc. v. Exacq Technologies, Inc.*** (E.D. Mich.)

Defended Exacq Technologies, a subsidiary of Johnson Controls, against a patent infringement lawsuit in Michigan. The patents at issue relate to video monitoring technology.

***Applied Medical Resources Co. v. U.S. Surgical Corp. et al.*** (C.D. Cal.)

Represented defendant United States Surgical Corporation, a subsidiary of Covidien, in pretrial-phase of patent infringement suit. Applied Medical alleged that U.S. Surgical infringed a medical device patent and sought up to \$300 million in damages and an injunction. Bartlit Beck trial team eventually won non-infringement jury verdict after five-week trial, which was affirmed unanimously on appeal to the Federal Circuit. Prior to Bartlit Beck's representation, U.S. Surgical had twice previously been found to willfully infringe the same patent.

## PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

### ***Albright v. Colorado Dep't of Corrections*** (10th Cir. 2007)

*Pro bono* representation of *pro se* inmate in a § 1983 civil rights case. Appointed *sua sponte* by the Tenth Circuit.

### **Board of Directors, Minds Matter of Denver**

Minds Matter is a volunteer non-profit that provides weekly mentoring and college prep assistance to over 50 high-achieving, low-income students from Denver public high schools.

### **2017 Fellow, Leadership Council on Legal Diversity**

## NEWS

Second Circuit Rules in favor of Bartlit Beck Client Sabre Holdings Corp. in Antitrust Case  
09.17.2019

Bartlit Beck Defeats Centralization in Large Proposed Patent MDL  
08.01.2018

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