



Samantha Lerner

Partner
Co-Chair, Complex Commercial Litigation Practice

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Co-chair of Winston's Complex Commercial Litigation Practice and co-leader of the Chicago Litigation Group, Samantha is a trial lawyer who concentrates her practice on complex commercial and patent litigation. Her lengthy service as chair of the Chicago office chapter of Winston's Women's Leadership Initiative demonstrates her commitment to advancing gender diversity and inclusion in the legal community.

Samantha has spent her career litigating complex commercial cases for *Fortune* 500 companies. She has represented clients in a variety of industries, including agribusiness, pharmaceuticals, financial services, healthcare, and insurance, and has litigated breach-of-contract, trade-secret-theft, Commodities Exchange Act, RICO, antitrust, employment, and fraud cases. Samantha has also represented clients in patent cases in courts across the country involving medical devices and instruments, telephone and computer technology, and pharmaceuticals.

Having spent her entire career at Winston, Samantha is deeply committed to the firm, its strategic vision, and the promotion, advancement, and retention of its talented attorneys, with a particular focus on diversity and inclusion.

Key Matters

Samantha's recent representative experience includes the following:

- Currently representing a multinational food processing and commodities trading company in a suite of class action lawsuits in Illinois federal court alleging that the company's trading in ethanol and ethanol futures violated the Commodity Exchange Act and Sherman Act, in addition to several state-law claims.
- Currently representing an electronics company against allegations of patent infringement related to videoconferencing technology. Plaintiff initially asserted two patents, and Winston successfully invalidated one of the patents on the grounds that the patented concept was not patent eligible under 35 U.S.C. § 101.
- Successfully invalidated the latest expiring patent in a branded pharmaceutical company's portfolio for the drug Otezla®, effectively shortening the brand's monopoly by several years to the benefit of Winston's client, a major generic pharmaceutical company.
- Successfully defended a large financial institution against a patent infringement suit related to its mobile banking technology. After winning a favorable claim construction ruling and motions to strike the plaintiff's post claim construction infringement theories, the plaintiff agreed to a stipulated dismissal of the case and final judgment in favor of Winston's client in order to seek an appeal. The Federal Circuit affirmed, providing a decisive win for Winston's client.
- Obtained a jury trial victory on behalf of an innovator in long term care pharmacy technology in a billion-dollar bet-the-company case. Following a month-long trial, a jury in the Eastern District of Texas rendered its verdict in less than a day, finding against the plaintiff and for Winston's clients on the plaintiff's claims for trade secret misappropriation, fraud, and infringement of four patents.
- Obtained an important trial victory for a major generic pharmaceutical company against a branded pharmaceutical company in which the court found that the generic version of the brand drug Axiron® did not infringe one of three asserted patents and that the remaining two asserted patents were invalid. This ruling was upheld by the Federal Circuit.
- Obtained an 8–0 verdict on behalf of a life-sciences company in a retrial of an employment case that had previously resulted in a widely reported US\$25.7 million verdict (while being handled by other counsel). At the time, the verdict was one of the largest employment verdicts in Ohio history and was among the top 100 verdicts in the nation in 2002. Winston took over the case in 2006 and obtained two mistrials before trying it for a third time, when the jury rendered a verdict in our client's favor after an eight-day trial.

Samantha has also successfully represented one of the largest insurance companies in the US in multidistrict litigation defending against antitrust and various state law claims; won an arbitration on behalf of a global healthcare corporation on a complex breach-of-contract matter; procured the return of stolen trade secrets for large branded pharmaceutical companies and financial institutions; and defended a global healthcare corporation in a class action concerning the sale of enteral feeding and nutrition products. Her additional trial experience in the patent realm includes cases involving patents relating to the drugs Emend® IV, Lidoderm®, Temodar®, and Nasacort AQ®.

Recognitions

Samantha was recognized in *The Best Lawyers in America*® for Commercial Litigation in 2019–2023. She was also recognized within Winston for her mentorship of associates in 2020 and 2019. Most recently, Samantha was recognized as a recommended partner by *IAM Patent 1000* in 2022 and 2023.

In 2015, Winston & Strawn was named the “Chicago Litigation Department of the Year” for general litigation by *The National Law Journal*.

Activities

Samantha serves as a co-chair of Winston’s Complex Commercial Litigation Practice and co-leader of the firm’s Chicago Litigation Group. Samantha also serves as chair of the Chicago office chapter of Winston’s Women’s Leadership Initiative (WLI), for which Winston & Strawn won the award for “Outstanding Firm in Advancing Gender Diversity and Inclusion” at the 2017 Chambers USA Women in Law Awards.

Samantha serves on Winston’s Associate Evaluation Committee, the Litigation Associate Assignments Committee, and is a mentor in Winston’s mentoring program.

Samantha’s pro bono and nonprofit work includes assisting with habeas corpus appeals before the Seventh Circuit and participating in the Wills for Heroes Foundation to provide essential legal documents free of charge to first responders. Further, through the National Immigrant Justice Center, Samantha provides pro bono representation to individuals seeking to apply for or renew their status under the Deferred Action for Childhood Arrivals Act as well as to individuals seeking asylum.

Credentials

EDUCATION

Samantha received her J.D., *cum laude*, in 2007 from the University of Michigan Law School, where she was an editor on the *Journal of Law Reform*. Samantha graduated in 2003 from Stanford University with a B.A. in International Relations, with honors in Humanities. She spent the fall of 2001 at Oxford University.

ADMISSIONS

- Illinois

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OCTOBER 31, 2019

Capabilities

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- Litigation/Trials
- Patent Litigation
- Commercial Litigation & Disputes
- Medical Devices
- Health Care
- Insurance
- Financial Services