



Aldo A. Badini

Partner
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Aldo is co-chair of the Technology Antitrust Group and a first-chair trial lawyer with 40 years of experience litigating cutting-edge issues at the evolving intersection of IP, antitrust, and technology. He represents clients in the high-tech, pharmaceutical, metals/mining, and food industries. Admitted in California, New York, and D.C., Aldo has spent significant time practicing in Northern California. He is also an adjunct professor at the University of New Hampshire Franklin Pierce School of Law, teaching a class that focuses on trying cases at the antitrust–IP nexus.

Aldo's principal areas of practice include antitrust and unfair competition litigation, patent and fair, reasonable, and non-discriminatory (FRAND) litigation, complex commercial litigation, arbitration, and contract disputes. He has extensive experience in the preparation and trial of complex cases to judges and juries.

Aldo has four decades of experience litigating antitrust cases involving a wide variety of issues, including those affecting intellectual property rights. He has extensive experience litigating Sherman Act Section 1 and 2 cases in numerous industries, including the steel, coffee, pharmaceuticals, health care, and electronics industries. He has successfully defended clients against predatory pricing allegations and has litigated Robinson-Patman and state antitrust cases as well as antitrust cases involving standard essential patents (SEPs), patent pools, and FRAND disputes.

Aldo served as trial counsel for a major pharmaceutical manufacturer in a landmark 10-week Sherman Act antitrust jury trial in which the court granted defendants' motion for judgment as a matter of law. In that case (*In re Brand Name Prescription Drugs Antitrust Litigation*), potential damages in the tens of billions of dollars were sought along with injunctive relief, arising out of claims that various pharmaceutical manufacturers and wholesalers had conspired to deprive retail pharmacies of discounts for brand name prescription drugs.

As for patent litigation, Aldo has been involved in numerous software, semiconductor, biotechnology, and medical device patent matters. His experience includes jury and judge trials, *Markman* hearings, and IP due diligence and licensing negotiations including, most recently, two federal jury trial victories involving false advertising in the IP context and an ICC arbitration victory relating to a licensing dispute over a small molecule drug patent.

Key Matters

SELECT ANTITRUST EXPERIENCE

- *Continental v. Avanci* – Secured dismissal of antitrust claims, affirmed on appeal, relating to a patent licensing platform, SEPs, and FRAND issues.
- *Nucor Antitrust Litigations* – Served as lead counsel for Nucor Steel, both as plaintiff and defendant, in antitrust litigations relating to alleged monopolization and exclusive dealing causes of action in various jurisdictions.
- *TreeHouse v. Green Mountain Coffee Roasters, et al.* – Litigating monopolization, exclusive dealing, and predatory product innovation issues in the Southern District of New York, including coordination with class and competitor cases in California.
- *Volkswagen v. RPX* – Obtained dismissal for RPX in an antitrust case involving IP licensing issues.
- *Samsung v. Panasonic; Oliver v. Panasonic* – Represented Panasonic and obtained successful dismissal of antitrust and patent misuse claims in competitor and putative class cases brought in the Northern District of California challenging SD card standard setting and licensing practices.
- *In re Cathode Ray Tube (CRT) Antitrust Litigation* – Served as counsel for Panasonic in this antitrust case in the Northern District of California.
- *Thales v. Panasonic* – Obtained summary judgment in favor of Panasonic in a predatory pricing case brought in the Central District of California.
- *In re Brand Name Prescription Drug Antitrust Litigation* – Represented Novartis in a 10-week jury trial alleging Sherman Act Section 1 conspiracy to deny discounts to retail pharmacy class. Judgment as matter of law was granted to Novartis at the close of plaintiffs' case.
- *Cambridge Silicon Radio v. Bandspeed* – Represented Bandspeed in a case alleging Sherman Act Sections 1 and 2 violations in connection with alleged nondisclosure of patent applications to a standard setting organization. The case settled favorably for Bandspeed.
- *Omnicare Antitrust Litigations* – Litigated various antitrust matters for Omnicare (a leading institutional pharmacy provider), including the successful dismissal of various antitrust and Section 17200 claims brought in California courts.

SELECT PATENT LITIGATION EXPERIENCE

- *Pharmaceutical Patent Dispute* – Served as lead ICC arbitration counsel for a major pharmaceutical company involved in a patent licensing dispute. Obtained full award for the client, including attorneys’ fees.
- *Medtronic v. Guidant* – Served as lead trial counsel for Guidant in a jury trial in the District of Minnesota seeking more than US\$800M in damages, plus enhanced damages, for alleged infringement of a medical device patent. Obtained judgment as a matter of law for Guidant at the close of all of the evidence.
- *Johnson & Johnson v. Guidant* – Served as lead counsel in a case that sought to enjoin Guidant’s blockbuster US\$1B-a-year product. Successfully defeated preliminary injunction on behalf of Guidant, leading to a favorable settlement.
- *Guidant Patent Litigation* – Served as lead counsel for Guidant in a series of coronary stent and balloon catheter patent litigations in various jurisdictions over several years that settled favorably for Guidant.
- *MedImmune v. Genentech* – Served as counsel for MedImmune in the landmark U.S. Supreme Court victory involving Article III “case or controversy” issues in the context of licensing of monoclonal antibody technology.
- *MedImmune v. Centocor* – Favorably settled a declaratory judgment lawsuit brought on behalf of MedImmune.
- *Panavision v. Omnivision* – Served as counsel for Panavision in a patent infringement case in the Central District of California involving complementary metal oxide semiconductor (CMOS) imaging technology.
- *Applera v. Illumina; Illumina v. Applera* – Served as counsel for Illumina in a series of federal and state court litigations and an arbitration relating to single nucleotide polymorphism (SNP) genotyping technology and various joint venture contractual disputes. The matters settled favorably for Illumina.
- *Via v. Intel* – Served as counsel for Intel in a patent infringement litigation relating to semiconductor chip design. The matter settled favorably for Intel.
- *Rovi v. Lapis Semiconductor* – Represented Lapis in an arbitration relating to a semiconductor licensing dispute.
- *Memorial Sloan Kettering v. Errant Gene Therapeutics* – Favorably resolved for Errant Gene Therapeutics a dispute relating to a joint development agreement for a genetic treatment for beta thalassemia.
- *Uniloc v. Take-Two Interactive and 2K Games, Inc.* – Served as counsel for Take-Two and 2K Games in a patent infringement case in the Eastern District of Texas involving software activation technology. Successfully secured dismissal of Take-Two from the action before the supplier assumed responsibility for defense of remaining defendant.

Recognitions

- *The Legal 500 US* – “Key Lawyer” for Antitrust: Civil Litigation/Class Actions: Defense (2023); Team Member for the “2015 Team of the Year” in Cartel Defense
 - *The Best Lawyers in America*® – Antitrust Law (2024)
 - *New York Super Lawyers* – Intellectual Property Litigation, Antitrust Litigation, Business Litigation (2006–2008, 2011–2012, 2014–2020, 2022–2023)
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Activities

- Director, Justice Resource Center
 - Director, New York International Arbitration Center
 - Member, American Bar Association – Intellectual Property, Antitrust, and Litigation sections
 - Member, New York State Bar Association
 - Member, New York County Lawyers' Association
 - Member, Association of the Bar of the City of New York – International Commercial Disputes Committee
 - Member, Federal Bar Association
 - Member, District of Columbia Bar Association
 - Member, New York Intellectual Property Law Association
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Credentials

EDUCATION

Aldo received a J.D. in 1983 from Harvard Law School (attending his 3L year as a Visiting Student at Columbia Law School, where he was named a Harlan Fiske Stone Scholar). He received a B.A., *summa cum laude*, from Harvard University in 1980, where he was a member of Phi Beta Kappa.

ADMISSIONS

- District of Columbia
- California
- New York

Related Insights & News

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

RECOGNITIONS

Winston & Strawn's Antitrust Work Shortlisted for GCR Awards 2023

JANUARY 27, 2023

RECOGNITIONS

Winston & Strawn Antitrust/Competition Practice Recognized in 2023 GCR 100

DECEMBER 19, 2022

ARTICLE

Susannah Torpey and Aldo Badini Contribute to Seventh Edition of *The Intellectual Property and Antitrust Review*

JULY 15, 2022

BLOG

DOJ, PTO, and NIST Withdraw Their Policy Statement Withdrawing Their Other Policy Statement on Standard-Essential Patent Licensing Remedies

JUNE 22, 2022

PRESS RELEASE

Winston & Strawn Highlights Recent Court Victories for LGBTQ+ Rights

JUNE 2, 2022

RECOGNITIONS

Winston & Strawn Recognized in *Global Arbitration Review's* GAR 100 15th Edition

JUNE 1, 2022

PRO BONO IN ACTION

Winston Secures Long-Awaited Asylum for LGBTQ+ Honduran

APRIL 8, 2022

RECOGNITIONS

Winston Attorneys Highlighted in *The American Lawyer's* Litigator of the Week Column

MARCH 4, 2022

CLIENT SUCCESS

Winston Secures Dismissal of Closely Watched Technology-Antitrust Case, Reaffirming the Legality of Avanci's Business Model

FEBRUARY 1, 2022

BLOG

Competition EO: Technology Sector Expectations

AUGUST 26, 2021

Capabilities

Antitrust/Competition

Technology Antitrust

Patent Litigation

Litigation/Trials

Commercial Litigation & Disputes

International Arbitration

Intellectual Property

Technology, Media & Telecommunications

Medical Devices

Health Care