George C. Lombardi
Partner in Chicago
Co-Chair, Intellectual Property Practice
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Co-chair of the firm’s Litigation Department, and a Fellow of the American College of Trial Lawyers, George's skills have been widely recognized by a number of the leading legal directories. The American Lawyer (2014), named him a “Litigator of the Year,” and he is described by IAM Patent 1000 as a “truly gifted lawyer and one of the finest trial lawyers anywhere in the world.”

Services
Intellectual Property, Litigation, Product Liability,
White Collar, Regulatory Defense & Investigations, Federal Circuit & Other IP Appeals,
Patent Litigation

Sectors
Retail & Consumer Products, Financial Services & Banking,
Food, Beverage & Agriculture, Health Care, Pharmaceuticals & Medical Devices,
Technology

Admissions
Illinois

Court Admissions
District of Colorado, Northern District of Illinois, Southern District of Illinois,
Eastern District of Wisconsin, USCA - 4th Circuit, USCA – 7th Circuit,
Federal Circuit Court of Appeals

Education
University of Michigan, null, JD, 1984

George Lombardi is a litigation partner who concentrates his practice in patent litigation, as well as commercial, products liability, securities, and white-collar criminal cases.

Mr. Lombardi has extensive experience as lead trial attorney in jury and bench trials. He has tried cases in 14 federal and state jurisdictions across the country and appeared in cases in numerous other jurisdictions. He has argued appeals in the Seventh, Second, and Federal circuits and Illinois state courts.

Mr. Lombardi has handled and continues to handle various patent cases involving medical instruments, pharmaceuticals, and telephone and computer technology.

Representative Patent Matters

In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litigation
He served as lead counsel to Teva Pharmaceuticals in a patent litigation trial in the District of Delaware. In 2009, Teva filed an Abbreviated New Drug Application seeking FDA approval to make and sell a generic version of Amrix, a brand drug prescribed to treat muscle spasms. The patent holder sued Teva for infringement of two patents covering Amrix. After a bench trial in October 2010, the court issued a ruling
finding both patents invalid for obviousness. The judge’s ruling opens the door for generic companies to provide patients with a much lower cost alternative to Amrix.

**Eli Lilly v. Barr Laboratories** (Prozac)
He served as lead counsel to Barr Laboratories in an appeal before the Federal Circuit, which upheld a decision invalidating Eli Lilly’s patents for the anti-depressant drug Prozac®, which was Lilly’s flagship multibillion-dollar product. The press called the case the “mother of all patent challenges.” Our attorneys successfully defeated the patent with a victory that *Fortune* magazine said “stunned not only Lilly but also the entire drug industry.” On the day the decision was announced, Lilly’s market capitalization dropped by over $35 billion and Barr’s stock almost doubled. Barr has since sold hundreds of millions of dollars of generic Prozac®.

**Barr Laboratories v. Bayer Schering**
In one of the more significant cases Mr. Lombardi has litigated for Barr/Teva North America, the company filed an ANDA seeking FDA approval to market its generic equivalent of the oral contraceptive pill Yasmin® (drospirenone and ethinyl estradiol). He took the case through fact and expert discovery, argued the case during a four-week bench trial, and argued the appeal before the Federal Circuit in 2009. Bayer Schering had asserted patent infringement claims against Barr related to U.S. Patent No. 6,787,531 covering Yasmin®, which had annual U.S. sales of $575 million in 2008. The court held that the asserted claims of Bayer Schering’s ’531 patent were invalid due to obviousness, paving the way for Barr Laboratories to market and launch the first generic version of Yasmin®. Bayer Schering appealed this decision to the Federal Circuit, which was affirmed, and in October 2009, denied a petition for rehearing en banc. Bayer Schering filed a petition for certiorari in February 2010, which the U.S. Supreme Court denied on May 3, 2010.

**Cancer Research Technology Limited and Schering Corporation v. Barr Laboratories Inc. and Barr Pharmaceuticals, Inc.**
Mr. Lombardi secured a major trial victory for client Teva Pharmaceuticals. After a bench trial in March 2009, the U.S. District Court for the District of Delaware ruled in favor of Teva in a closely watched patent infringement lawsuit involving the generic version of Schering-Plough’s brain tumor treatment Temodar® (temozolomide). In January 2010, the court found that the patent at issue is not enforceable due to prosecution laches and inequitable conduct. This was only the second case on record in which the defense of prosecution laches has succeeded. The case was appealed to the Federal Circuit, which decided in favor of the Schering-Plough. A petition for rehearing is pending.

**Janssen Pharmaceutica et al. v. Barr et al.** (Razadyne IR and ER)
He represented Barr against Janssen Pharmaceutica in actions in the District of Delaware (Razadyne IR) and the District of New Jersey (Razadyne ER) against Janssen’s patent for Razadyne, which treats the symptoms of Alzheimer’s disease and related dementias. After a five-day bench trial, the District Court of Delaware ruled that the patent was invalid for lack of enablement. The District Court of New Jersey adopted the same ruling for Razadyne ER. In 2009, he argued the appeal in the Federal Circuit, which affirmed.

**Trading Technologies v. eSpeed**
He represented eSpeed in a patent infringement action involving software for electronic commodities trading. After a favorable Markman ruling, eSpeed obtained summary judgment of noninfringement on all products that were then on the market.

**Eolas v. Microsoft**
He represented Microsoft in the retrial of a patent infringement case covering Microsoft’s Internet Explorer. The case was settled shortly before the retrial was to begin.

**Abbott Laboratories v. Mylan Pharmaceutical**
He represented Abbott Laboratories, Mayne Pharmaceuticals, and NaPro Bio Therapeutics in a patent infringement case against Mylan Pharmaceuticals involving the leading cancer drug Paclitaxel. This high-stakes case involved five patents, virtually every conceivable type of infringement defense, and six expert
witnesses. Before trial, our attorneys succeeded in eliminating most of Mylan’s defenses through summary judgment motions. After a trial in the Western District of Pennsylvania, we defeated Mylan’s final defense, and the court held that Mylan had infringed Mayne’s valid and enforceable patents.

**Chiron Corporation v. Abbott Laboratories**

He represented Abbott in this patent infringement action. This case concerned an Abbott product used to screen blood supplies for the presence of the HIV virus. Abbott’s test is the leading test in a market with significant annual sales. Abbott sought, in part, a judgment that Chiron’s patent was invalid due to prior invention. After we defeated all of Chiron’s motions for summary judgment, the case settled on the eve of the trial.

**Ralston Purina v. Staley Continental**

He represented Staley Continental in invalidating a milestone patent proving fraud in connection with the patent application that rendered the patent completely unenforceable. We prevailed at both the trial court and in the U.S. Court of Appeals for the Federal Circuit.

**Non-Patent Matters**

Mr. Lombardi has an active trial practice in complex commercial, mass tort, and general litigation. Mr. Lombardi has secured numerous victories for client Philip Morris in its ongoing tobacco litigation cases. He served as lead trial counsel in *Price v. Philip Morris*, a multi-billion case that was tried before a judge in Madison County, Ill. Philip Morris prevailed in the Illinois Supreme Court. He also served as lead trial counsel in *Falise v. Philip Morris*, an eight-week trial that helped stem a wave of suits by asbestos manufacturers against the tobacco industry, and as co-lead trial counsel in *Iron Workers Local Union No. 17 Insurance Fund v. Philip Morris*, which involved a $2 billion RICO claim brought by union trust funds against the tobacco industry and resulted in a jury verdict for the defense. In addition, he was second chair in *State of Washington v. Philip Morris*, the Washington state attorney general action that was being tried to a jury at the time the National State Attorney General Tobacco Settlement was reached in November of 1998.

Mr. Lombardi also has successfully represented McDonald’s Corporation in substantial Lanham Act litigation in both the Northern District of Georgia and the Eleventh Circuit Court of Appeals, as well as in franchisee litigation in Texas state court. He has represented other clients including Abbott Laboratories, Alcoa, Dominick’s Finer Foods, Bell Atlantic/Verizon, First National Bank of Chicago, and Shearson Lehman Brothers in various types of cases.

**Honors & Awards**

**Honors and Awards** Mr. Lombardi was recently recognized at the Inaugural U.S. Benchmark Annual Awards as Litigator of the Year-Midwest. His 2013 *Benchmark Litigation* honors also include recognition as a Local Litigation Star in the Illinois chapter and a Litigation Star - United States for intellectual property. In addition, *Benchmark* recognized him in the area of product liability. He is listed in *Chambers USA*, which noted his “incredible presence in court;” and was recognized in the 2011, 2012, and 2013 *IAM Patent* directories; recognized in *Legal 500* for patent litigation, national trial lawyers, and product liability and mass tort defense: consumer products, which called attention to his “lead trial counsel capabilities on high-profile cases;” and was listed in the *Guide to the World’s Leading Experts in Patent Law Practitioners*. He was selected as a “Life Science Star” by *LMG Life Science* in 2012 and 2013, named a “IP Star” by *Managing Intellectual Property* in 2013, and *Law360* recognized Mr. Lombardi as an “Intellectual Property MVP” in December 2012. Mr. Lombardi has also been recognized as an Illinois “SuperLawyer” for numerous years.

**Activities** Mr. Lombardi is a member of the firm’s Executive Committee.

**Education** Mr. Lombardi received an A.B., *cum laude*, from Dartmouth College in 1980 and a J.D., *magna cum laude*, from the University of Michigan Law School in 1984, where he was a member of the Order of the Coif and the *Michigan Law Review*. 
Activities

George is a former member of the firm’s Executive Committee.

Credentials

George received an A.B., *cum laude*, from Dartmouth College in 1980 and a J.D., *magna cum laude*, from the University of Michigan Law School in 1984, where he was a member of the Order of the Coif and the *Michigan Law Review*. 