



Samantha Lerner

Partner
Co-Chair, Complex Commercial Litigation Practice

Chicago
+1 312-558-6463

Co-chair of Winston's Complex Commercial Litigation Practice, Samantha is a trial lawyer who concentrates her practice on complex commercial and patent litigation.

Samantha has spent her career litigating complex commercial and patent cases for *Fortune* 500 companies. She has represented clients in a variety of industries, including agribusiness, pharmaceuticals, financial services, healthcare, telecommunications, and insurance, and has litigated breach of contract, trade-secret-theft, business tort, Commodities Exchange Act, RICO, antitrust, employment, and fraud cases. She has significant experience defending clients against class actions. Samantha has also represented clients in patent cases in courts across the country (including D.N.J., D. Del., W.D. Tex., E.D. Tex, and N.D. Cal) involving complex technology such as 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.

Key Matters

Highlights of Samantha's experience include the following:

COMPLEX COMMERCIAL LITIGATION

- 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 a multinational food processing and commodities trading company in class action lawsuits in Illinois state court alleging claims of trespass and nuisance in relation to the company's use of groundwater and carbon sequestration.
- Currently representing a global insurance provider in a first-of-its-kind case challenging Illinois' Genetic Information Privacy Act (GIPA). On behalf of the putative class, plaintiff sought millions of dollars in statutory damages on the grounds that our client had unlawfully considered family medical information in connection with life insurance applications. Winston moved to dismiss the complaint, arguing that the provision of GIPA does not apply to life insurance, and the court agreed, dismissing plaintiff's claims with prejudice.
- Successfully represented a Tier 1 automotive supplier in an indemnification dispute with an OEM, resulting in a favorable settlement.
- Successfully represented a global insurance provider in a putative class action filed in Ohio state court alleging it had wrongly refused to pay amounts owed under property insurance contracts. After successfully removing the complaint to Ohio federal court, we reached a favorable settlement below the potential cost of defense.
- 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 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\$25.7M verdict (while being handled by other counsel).

In addition, Samantha has 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.

PATENT LITIGATION

- 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. (N.D. Cal.)
- Trial counsel for plaintiff Flypsi, an inventor of a novel solution for setting up and connecting telephone calls using multiple phone numbers on a single mobile device, in a dispute alleging Google infringed five of its U.S. patents. Despite Google's argument that it had launched a competing Google Voice product before Flypsi's invention, the jury rejected Google's invalidity and prior use defenses and awarded Flypsi US\$12M for Google's infringement. Samantha conducted the direct examinations of Flypsi's founder and damages expert and gave the closing argument. (W.D. Tex.)
- Trial counsel for defendant Medtronic in a patent infringement suit relating to a patent on a design for an abdominal aortic aneurysm stent graft. Samantha conducted key direct examinations of a former Medtronic employee and prior inventor of the technology at issue and cross-examined plaintiff's damages expert and a key invalidity expert. The trial resulted in a mistrial due to a hung jury but post-trial, Winston was able to get a new favorable claim construction ruling that resulted in a stipulation of noninfringement. (W.D. Tex.)

- 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. Samantha presented the direct examination of her client’s main technical expert, who was credited in the Judge’s opinion as persuading him of the patent’s invalidity. The invalidation of this patent was affirmed by the Federal Circuit. (D.N.J.)
- 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. (N.D. Tex.)

In addition, Samantha has participated in patent litigation trials relating to the drugs Emend® IV (D.N.J.), Lidoderm (D. Del.), Temodar® (D. Del.), and Nasacort AQ® (D. Del.).

Recent Experience

Winston Secures Federal Circuit Affirmance of 101 Victory for Polycom

Recognitions

Samantha was named to the 2025 *Lawdragon* 500 Leading Lawyers in America list. She was recognized by *Chambers USA* for Litigation: General Commercial and *The Legal 500 US* for General Commercial Disputes in 2024 and 2025. Samantha was recognized as a recommended patent partner by *IAM Patent 1000* from 2022–2025. She was recognized in *The Best Lawyers in America®* for Commercial Litigation from 2019–2023.

Activities

Samantha serves as a co-chair of Winston’s Complex Commercial Litigation Practice. Samantha is also Chair of the firmwide Hiring Committee, which is responsible for all associate hiring, including summer associates, lateral associates, and judicial clerks. Samantha previously served as the co-leader of the firm’s Chicago Litigation group for three and a half years and served 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, for 9 years.

Samantha also currently serves on Winston’s Associate Evaluation Committee and is a mentor in Winston’s mentoring program.

Samantha serves on the Board of Trustees of the Peggy Notebaert Nature Museum of the Chicago Academy of Sciences.

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.

ADMISSIONS

- Illinois

Related Insights & News

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2025

JUNE 12, 2025

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2025

JUNE 5, 2025

BLOG

Winston's Hiring Chair Gives Advice to Aspiring Summer Associates

JUNE 5, 2025

RECOGNITIONS

Winston Recognized in 2025 *IAM Patent 1000* Rankings

JUNE 3, 2025

BLOG

Winston Senior Associates Gather in Chicago for Leadership Training

MARCH 24, 2025

RECOGNITIONS

Winston Attorneys Featured on the 2025 *Lawdragon 500* Leading Lawyers in America List

JANUARY 14, 2025

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024

JUNE 12, 2024

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2024

JUNE 6, 2024

RECOGNITIONS

Winston Recognized in 2024 *IAM Patent 1000* Rankings

JUNE 5, 2024

RECOGNITIONS

Winston Shortlisted for *Benchmark Litigation* U.S.’s 2024 Illinois Firm of the Year

JANUARY 8, 2024

RECOGNITIONS

Winston Recognized in 2023 *IAM Patent 1000* Rankings

JUNE 26, 2023

BLOG

Chicago Litigators Spend an Afternoon Giving Back to the Community

OCTOBER 14, 2022

Capabilities

Intellectual Property

Litigation/Trials

Patent Litigation

Commercial Litigation & Disputes

Public Companies

Medical Devices

Health Care

Insurance

Financial Services