



## Brian Nisbet

Partner

Chicago

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**Brian has been recognized as a “Rising Star” by *Super Lawyers*. In his patent litigation practice and his pro bono work on behalf of the wrongfully convicted, Brian has been part of winning trial teams in state and federal courts around the country.**

Brian has achieved notable success at trial in both patent litigation and complex commercial cases. In addition to several bench trial victories for clients in Hatch-Waxman cases, he obtained two record-breaking jury verdicts resulting in his clients being awarded damages exceeding US\$94M and US\$30M. Most recently, Brian obtained a jury verdict defeating a patent infringement claim seeking more than US\$40M in damages against our client’s generic Suboxone® and Subutex® tablets.

Brian has represented companies in high stakes patent litigation involving various technologies. His practice has a strong emphasis in pharmaceutical Hatch-Waxman litigation, but Brian has also represented companies in the cable, telecommunications, transportation, recreational, and medical device industries.

In addition to his patent litigation practice, Brian has extensive experience litigating complex commercial issues, ranging from securities law violations, class action defense against claims of design defect and consumer fraud, trade secret theft, breach of contract, negligence, and wrongful death.

Brian has been recognized as a “Rising Star” in Intellectual Property Litigation in 2013 and 2015–2019 by *Super Lawyers* and published in *Chicago Magazine*.

## Key Matters

### TRIAL EXPERIENCE

- Successfully defended client in jury trial seeking US\$41M in damages for alleged patent infringement concerning generic versions of the drug Suboxone® and Subutex®.
- Successfully represented drug company in jury trial in breach of contract case that resulted in a favorable, record breaking verdict of US\$94M in damages.
- Successfully represented artificial turf company in jury trial in patent infringement case against main competitor that resulted in a favorable, record breaking verdict of US\$30M in damages.
- Successfully represented drug company in significant bench trial victory related to generic version of the drug product NuvaRing®.
- Successfully represented drug company in significant bench trial victory related to a generic version of the drug Testim®.
- Successfully represented drug company in significant bench trial victory related to a generic version of the drug Travatan Z®.

In addition, Brian’s notable Hatch-Waxman patent litigation cases have involved the drugs Jublia®, Brillinta®, NuvaRing®, Difucid®, Pataday®, Testim®, and Travatan Z®.

### COMMERCIAL, MECHANICAL, AND HIGH-TECH PATENT EXPERIENCE

- Represented a leading cable and telecommunications company in a patent infringement case concerning home security and monitoring products.
- Represented a leading cable and telecommunications company in a patent infringement case concerning Voice Over Internet Protocol (VoIP) technology.
- Represented a leading railcar manufacturer in a patent case concerning the design of gondola railcars.
- Represented a leading turf manufacturer in a patent case concerning the design and installation of artificial turf.
- Represented a leading medical device company in a patent case concerning spinal implant and related medical devices.

### COMPLEX COMMERCIAL LITIGATION EXPERIENCE

- Defended a leading private packaged foods company in a class action alleging violations of the securities laws.
- Representing a leading automotive technology company in case alleging trade secret theft and patent infringement.
- Defended drug company in case alleging negligence involving the death of a patient in a clinical trial.
- Defended front loading washing machine manufacturer in class action alleging design defect and consumer fraud.
- Defended protein shake and nutrition bars manufacturer in state and federal class actions alleging consumer fraud.

## Recent Experience

Secured Settlement for Fox on Brink of Trial in High-Profile Defamation Litigation Brought by US Dominion Voting Systems

Secured Nearly US\$105M Trial Victory Against Ford Motor Co.

Rare Noninfringement Jury Verdict for Teva N.A. in Patent Infringement Case for Suboxone® Tablets

## Recognitions

Brian was named a “Rising Star” by *Super Lawyers* in 2013, 2015–2019.

Brian received the Illinois Coalition Against Sexual Assault’s (ICASA) “Moxie Award” in 2011 for sharing his professional expertise to ensure that victims of sexual assault receive the support and assistance they deserve.

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## Activities

In 2015, Brian and attorneys with the Center for Wrongful Convictions at the Northwestern University School of Law exonerated and secured the release of a client who had been wrongfully convicted of first-degree murder and imprisoned for 15 years in the Illinois Department of Corrections. The case received significant media attention in the *Chicago Tribune* and other outlets, as being one of the very few exonerations to occur without exclusionary DNA evidence.

Brian has also represented several individuals in registering for and obtaining benefits under DACA.

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## Credentials

### EDUCATION

Brian received his J.D., *cum laude*, from Northwestern University School of Law in 2009, where he served on and was published in the *Journal of Criminal Law and Criminology*. He received his B.A. and BBA, *cum laude*, from the University of Notre Dame in 2005.

### ADMISSIONS

- Illinois

## Related Insights & News

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### RECOGNITIONS

Winston Team Led by Tom Melsheimer Highlighted in Litigator of the Week Column

SEPTEMBER 1, 2023

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## CLIENT SUCCESS

Winston Acts as Lead Trial Counsel for Fox News and Fox Corp. in US Dominion Voting Systems Defamation Cases, Settling Matter on Brink of Trial

APRIL 18, 2023

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## CLIENT SUCCESS

Winston Secures Tremendous Victory in Jury Trial of High-Stakes Contract and Trade Secrets Dispute

OCTOBER 28, 2022

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## RECOGNITIONS

Winston Team Led by Dan Webb and Matthew Carter Featured in Litigator of the Week Column

OCTOBER 28, 2022

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## NEWS

2020-2021 Pro Bono Impact Report

2020-2021

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## PRO BONO IN ACTION

Winston Secures Reduced Time for Client Sentenced as a Minor to 100 Years

MARCH 2, 2021

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## IN THE MEDIA

Winston Recognized on Law360's List of Go-To Firms for Patent Suit Targets

FEBRUARY 27, 2020

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## RECOGNITIONS

Winston Named as IAM Patent Litigation Firm of the Year

JANUARY 30, 2020

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## SPEAKING ENGAGEMENT

Jovial Wong Speaks at ACI's Paragraph IV Disputes Conference

APRIL 29-30, 2019

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## RECOGNITIONS

Winston & Strawn Wins Two *Managing IP* Americas Awards 2019

APRIL 9, 2019

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## NEWS

Winston Announces Newly Elected Partners

DECEMBER 3, 2018

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**PRO BONO IN ACTION**

Pro Bono Reporter – Fall 2018

FALL 2018

## Capabilities

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Intellectual Property

Litigation/Trials

Patent Litigation

Commercial Litigation & Disputes

Medical Devices

Life Sciences

Technology, Media & Telecommunications