

SHAUN M. VAN HORN, Partner

Shaun Van Horn counsels clients and litigates cases in intellectual property, competition law and complex commercial disputes in state and federal courts throughout the country. He also appears in arbitral forums, primarily representing publicly traded companies in high-stakes disputes. Mr. Van Horn handles all aspects of court proceedings, and has extensive trial experience.

Mr. Van Horn has experience in patent infringement, pharmaceutical and biologics litigation. Recent patent cases have involved technologies such as genetic engineering, oncology, immunology and chromatography purification. He assists client with inter partes reviews and trade secret claims involving life sciences technology. He also frequently contributes to discussions on legal developments in the intellectual property field relating to antitrust issues. For example, he is co-author of the ABA Intellectual Property Law Section's Antitrust Issues in Intellectual Property Law (2016), a multi-jurisdictional guide.

In competition law matters, Mr. Van Horn represented a Japanese client against price-fixing claims arising from the sale of cathode ray tubes, obtained dismissal of exclusive dealing claims on behalf of a French electrical parts maker, and secured agency antitrust approval for transactions in the chemical and used car auction industries. He regularly counsels clients through competition law issues, such as joint ventures, distribution agreements, pricing strategy, marketing programs, legal compliance and employee training. Mr. Van Horn also has experience coordinating antitrust matters in Europe, Asia and South America.

Mr. Van Horn's commercial disputes practice focuses on financial services industry matters, involving hedge funds, private equity and offshore investments. For example, he has helped investors in a liquidating fund secure a substantial arbitration award against their former manager, obtained injunctions to prevent violations of fiduciary and contractual obligations and handled litigation involving business torts among real estate investment trusts. Mr. Van Horn has experience with numerous asset classes, including equities, distressed debt, CLOs, life settlements, credit-default swaps and other derivative instruments.

In addition to his interdisciplinary litigation focus, Mr. Van Horn maintains an active pro bono practice, representing indigent clients accused of murder and other serious crimes. He obtained the release of his client, Jack McCullough, from Illinois prison following a 2012 murder conviction, paving the way for McCullough to be declared innocent. Mr. Van Horn also serves on the board of the National Association of Urban Debate Leagues, an organization dedicated to advancing high school policy debate in our nation's urban cores.

Highlights from Mr. Van Horn's litigation practice include:

- Represented innovator small molecule drug developer in Delaware state court proceedings relating to trade secret misappropriation.
- Represented a foreign plaintiff in patent licensing breach claims and arbitration enforcement in Ohio state court.



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PRACTICE GROUPS

Antitrust and Competition Law
Complex Commercial Litigation
Financial Services Litigation
Intellectual Property
International Arbitration
Japan Practice
Litigation
Patent Litigation and Counseling

EDUCATION

New York University School of Law, JD, 2008; Robert McKay Scholar; Winner of 2008 Orison S. Marden Moot Court Competition; Certificat du Droit Français from Université II – Panthéon-Assas (2006); Executive Editor, *New York University Journal of Legislation & Public Policy*

University of Michigan, BA, 2005; High Honors

ADMISSIONS

Illinois, 2008

COURT ADMISSIONS

US District Court, Northern District of Illinois, 2008

- Represented a foreign defendant in patent licensing breach claims in Texas state court.
- Represented manufacturer of anti-coagulation drug in Delaware federal court patent infringement lawsuit based on manufacturing processes.
- Represented biosimilar company in inter partes review application relating to product formulation for an anti-inflammatory drug.
- Represented biosimilar company in BPCIA “patent dance” and Delaware federal court patent infringement lawsuit relating to leading oncology drug.
- Represented a foreign defendant in *In re CRT Antitrust Litigation*, a suit alleging price fixing in violation of federal and state antitrust laws.
- Represented a foreign defendant in *In re Auto Parts Antitrust Litigation*, a suit alleging price fixing in violation of federal and state antitrust laws.
- Represented opt-out plaintiff purchasers of shipping services in *In re Puerto Rican Cabotage*, a suit alleging price fixing in violation of the Sherman Act.
- Represented opt-out plaintiff purchasers of processed egg products in *In re Processed Egg Products*, a suit alleging price-fixing in violation of the Sherman Act.
- Represented a fund of hedge funds in connection with emergency proceedings related to a liquidating Delaware Partnership.
- Represented a defense contractor in fraudulent transfer and breach of contract claims in Texas federal court.
- Participated in a trial victory over the US government on behalf of a defense contractor.

Highlights from Mr. Van Horn’s counseling practice include:

- Counseled pharmaceutical manufacturers on antitrust issues related to Hatch-Waxman Act and intellectual property monopolization.
- Represented a foreign chemical company at the FTC Mergers II Division in connection with its purchase of an American chemical company.
- Responded to an FTC subpoena on behalf of third-party in connection with a major merger between office supply companies.
- Prepared and filed Hart-Scott-Rodino Notification Forms and responding to Agency inquiries in numerous transactions, including in transactions involving automotive parts, electrical supply, and software industries.
- Counseled a real estate investment trust in connection with transactions impacting lease agreements and restrictive covenants.
- Provided regular in-house antitrust compliance training for sales team and executives of electrical supply company.

Highlights from Mr. Van Horn’s pro bono practice include:

- Negotiated a plea deal on behalf of a pro bono client who had previously received a life sentence for the same indictment in an attempted murder and armed robbery case.
- Represented a pro bono client through a *Frye* hearing, jury trial, and on appeal, in a first degree murder case.

- Represented a pro bono client in federal post-conviction hearings and a new trial on remand in an arson-murder case.
- Represented a pro bono client through settlement in a civil rights case based on prisoner abuse claims.
- Represented a pro bono client in federal post-conviction hearings and Illinois state clemency proceedings.

Community

- National Association of Urban Debate Leagues
Board Member, 2018-Present
Young Professional Board Member, 2011-2018
- Michigan Community Service Commission
Commissioner, 2005-2008

Publications

- Co-Author, Client Alert: Qualcomm Wins Ninth Circuit Appeal, Vacating Worldwide Injunction on Its Patent Licensing Practices, August 12, 2020
- Editor, *Summary of Covenants Not to Compete: A Global Perspective*, American Bar Association, August 6, 2020
- Co-Author, "Biologics Litigation: The Biosimilars Wars," *ANDA Litigation: Strategies and Tactics for Pharmaceutical Patent Litigators*, July 17, 2020
- Contributing Editor, *Patents 2020*, Lexology, July 16, 2020
- "How Cannabis Cos. Can Address Enhanced Antitrust Scrutiny" *Law360*, July 8, 2020
- Co-Author, Client Alert: Evaluating Force Majeure Clauses in Connection with the COVID-19 Outbreak, March 13, 2020
- Co-Author, "Biologics Litigation: The Biosimilars Wars," *ANDA Litigation 3rd Edition*, American Bar Association, Spring 2020
- Editor, "Restrictive Covenants: A Global Perspective," *American Bar Association*, Spring 2020
- Co-Author, *Antitrust Issues in Intellectual Property Law*, American Bar Association Section of Intellectual Property Law, July 2016
- Co-Presenter, Chicago Bar Association, Federal Rules Committee, June 2015, Venue Issues in Patent & Antitrust Litigation, Chicago, Illinois, June 2015
- Seventh Circuit Bars Recovery Based on Foreign Subsidiaries' Purchases Abroad in LCD Antitrust Litigation (Dec. 2014, Jenner & Block Client Alert; Feb. 2015, Jenner & Block Japanese Newsletter), December 2014
- Seventh Circuit Bars Recovery Based on Foreign Subsidiaries' Purchases Abroad in LCD Antitrust Litigation (Dec. 2014, Jenner & Block Client Alert; Feb. 2015, Jenner & Block Japanese Newsletter), December 2014
- Federal Judge Denies Pfizer's Bid for Interlocutory Appeal in Skelaxin Pay-for-Delay Suit, ABA Intellectual Property E-Bulletin, Issue 92, Nov. 2013 (ABA Antitrust Section), November 2013
- Viacom Moves to Dismiss Cablevision Network Tying Suit For Failure to State A Claim, Intellectual Property E-Bulletin, Issue 91, Oct. 2013 (ABA Antitrust Section), October 2013

- Former Commissioner Kovacic Suggests That FTC Section 5 Can Regulate IP Theft, Intellectual Property E-Bulletin, Issue 89, Aug. 2013 (ABA Antitrust Section), August 2013
- Congress Pressures FTC to Act on Patent Assertion Entities; FTC Expresses Skepticism of PAE Benefits, Intellectual Property E-Bulletin, Issue 88, Jul. 2013 (ABA Antitrust Section), July 2013
- Co-Author, “A Test for Reviewing Payments to Keep Generics at Bay,” *Daily Journal*, Summer 2015
- Panelist, Lex Mundi Antitrust Committee Meeting, Spring 2015, Mock Debate on Extraterritorial Application of US Antitrust Laws, Steptoe & Johnson, Washington, DC, Spring 2015
- Bayer Settles Cipro Pay-for-Delay Antitrust Suit; Suit Goes On Against Generics, Intellectual Property E-Bulletin, Issue 90, Sept. 2013 (ABA Antitrust Section), Fall 2013
- Contributing Author, *Proof of Conspiracy Under Federal Antitrust Laws* (Am. Bar Assoc. April 2010) (contributed to chapter on collaborative ventures), April 2010
- Contributing Author, *Navigating the Government Contracts Process, 2010 ed.: Leading Lawyers on Examining Recent Trends in Government Contracting and Understanding Their Effect on Clients (Inside the Minds)* (Aspatore Sept. 2010) (contributed to chapter by Marc A. Van Allen, "What Is 'False' Under the False Claims Act?"), September 2010
- *Illinois Civil Litigation Guide, 2007-2008 ed. (Vol. 4A, Illinois Practice Series)*, June 25, 2013
- FTC Commissioner Wright Recommends Further Research, Analysis Before Condemning Patent Assertion Entities, Intellectual Property E-Bulletin, Issue 87, Jun. 2013 (ABA Antitrust Section), Summer 2013
- "Navigating the Government Contracts Process, 2010 ed.: Leading Lawyers on Examining Recent Trends in Government Contracting and Understanding Their Effect on Clients (Inside the Minds)", September 2010
- "Proof of Conspiracy Under Federal Antitrust Laws", Spring 2010
- Contributing Editor, Jerold S. Solovy *et al.*, *Illinois Civil Litigation Guide, 2007-2008 ed. (Vol. 4A, Illinois Practice Series)*, Spring 2007

Speaking Engagements

- International Legal Alliance Summit and Awards, June 27, 2019
- Presenter, “Insurance for Life Sciences,” MSIG-Europe, November 21, 2017
- “US Patent Litigation – What To Do When Getting Sued in the United States,” TechLaw Fall Meeting, Seoul, South Korea, October 16, 2015
- “Federal Civil Practice Series,” Chicago Bar Association, October 06, 2015