

## RICHARD J. GRAY, Of Counsel

*Richard J. Gray is a litigator. For over forty years clients have sought his representation in complex civil litigation, including intellectual property, technology, antitrust, class actions and insurance coverage. He has significant experience litigating intellectual property issues, including use of procedures available before the US PTO, antitrust matters in courts and with the Justice Department and consumer class actions involving the telecommunications industry. Mr. Gray also represents insureds in coverage disputes in both federal and state courts. As Of Counsel to the firm, Mr. Gray increasingly serves as a neutral in alternative dispute resolution. He currently serves as a settlement special master in ongoing complex litigation in the US District Court for the Central District of Illinois. He has experience as an arbitrator and mediator. His service as a neutral is aided by his years of experience as a client advocate in such proceedings. In further preparation for his service as a neutral, Mr. Gray participated in [Northwestern Course]. He is certified to serve as a neutral in arbitrations and mediations in Cook, Lake and DuPage Counties.*

Mr. Gray is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability. *Law & Politics* recently named him an "Illinois Super Lawyer" in intellectual property litigation. He was also recognized as one of *Lawdragon* magazine's "3000 Leading Lawyers in America." Mr. Gray is a member of the firm's Complex Commercial Litigation Practice. He has served on the firm's Management and Diversity Committees. Committed to giving back to his profession, Mr. Gray continues to represent individuals pro bono in civil and administrative proceedings. In addition to a number of other roles in professional organizations, Mr. Gray has served as a representative on the American Bar Association's Standing Committee on Federal Judiciary, which evaluates federal judicial nominees for the Senate Judiciary Committee and the White House. He also served as chair of the ABA's Amicus Curie Committee which selects issues and prepares amicus briefs on behalf of the ABA, primarily addressed to the US Supreme Court.

Mr. Gray has significant experience in litigating intellectual property issues including use of procedures available before the US PTO. His recent work includes staying US litigation over a patent cross licensing agreement in favor of German arbitration, bringing suit to enjoin the use of trade secrets in the printing industry, counseling a foreign client on the bringing of a patent lawsuit in the United States, defending computer-based training providers against claims of trade secret misappropriation and patent infringement, undertaking a successful ex parte re-examination proceeding before the US PTO and opposing an injunction in a trademark case. He is also experienced in resolving venue disputes presented by competing declaratory judgment and patent infringement suits. Mr. Gray also contributes to the drafting of non-infringement and invalidity opinions, counsels clients on design arounds and has undertaken world-wide intellectual property due diligence evaluations in mergers and acquisitions.

Mr. Gray also has substantial experience in antitrust and consumer class actions involving the telecommunications industry. He represented MCI in the landmark *MCI v. AT&T* trial which resulted in a \$1.8 billion antitrust verdict for MCI. Mr. Gray served as court appointed lead counsel for defendants in *In Re*



## RICHARD J. GRAY Of Counsel

### CHICAGO

Office: 312 923-2939  
Fax: 312 840-7339  
Email: rgray@jenner.com

### PRACTICE GROUPS

Antitrust and Competition Law  
Complex Commercial Litigation  
Intellectual Property  
Litigation  
Patent Litigation and Counseling

### EDUCATION

University of Michigan Law School, J.D., 1974; E. Blythe Stassan Award; Member 1972-73, Staff Editor 1973-74 *University of Michigan Journal of Law Reform*

University of Michigan, A.B., 1971; *magna cum laude*; Phi Beta Kappa; Pi Sigma Alpha

### ADMISSIONS

Colorado (inactive), 1994

Illinois, 1974

### COURT ADMISSIONS

US Supreme Court, 1986

US Court of Appeals, Sixth Circuit, 1985

US Court of Appeals, Seventh Circuit, 1976

US District Court, Central District of Illinois, 2008

US Court of Appeals, Third Circuit

US District Court, Northern District of Illinois (Trial Bar), 1974

US District Court, Eastern District of Michigan, 1984

Illinois Supreme Court, 1974

*Long Distance Telecommunications Litigation*, consolidated and individual consumer class actions against virtually all the inter-exchange carriers other than AT&T. He also successfully defeated certification in a consumer class action in the California Superior Court in Sacramento and sustained that decision for MCI in the California Appellate Court. He recently defended a purported class action involving privacy and Telephone Consumer Protection Act claims. Mr. Gray's antitrust experience also includes defense of an alleged group boycott and an antitrust-based opposition to a threatened dealer termination. He has argued antitrust matters before the Seventh Circuit Court of Appeals and the Office of the Illinois Attorney General. Mr. Gray also counsels clients, including trade associations, in antitrust matters.

Mr. Gray also represents insureds in insurance coverage disputes in both federal and state courts. His recent work includes representing a medical service provider in obtaining coverage for the costs of the defense of an alleged class action complaint and a software company in obtaining coverage for the defense and settlement of patent and trade secret litigation. He represents several American railroads in long tail environmental, hearing loss and asbestos coverage litigation in which he has obtained numerous favorable settlements. He also successfully obtained a coverage settlement for an antitrust claim under comprehensive general liability policies. He has successfully invoked the coverages of third parties in multiparty underlying environmental disputes. He is familiar with the London market and its operations, and is experienced in efficiently pursuing numerous insurers in a single case. Mr. Gray also has experience in reinsurance matters.

Mr. Gray has significant experience in litigating intellectual property issues, including use of procedures available before the US PTO. His recent work includes staying U.S. litigation over a patent cross licensing agreement in favor or German arbitration, bringing suit to enjoin the use of trade secrets in the printing industry, counseling a foreign client on the bringing of a patent lawsuit in the United States, defending computer-based training providers against claims of trade secret misappropriation and patent infringement, undertaking a successful ex parte re-examination proceeding before the US PTO and opposing an injunction in a trademark case. He is also experienced in resolving venue disputes presented by competing declaratory judgment and patent infringement suits. Mr. Gray also contributes to the drafting of non-infringement and invalidity opinions, counsels clients on design arounds, and has undertaken world-wide intellectual property due diligence evaluations in mergers and acquisitions.

Mr. Gray also has substantial experience in antitrust and consumer class actions involving the telecommunications industry. He represented MCI in the landmark *MCI v. AT&T* trial which resulted in a \$1.8 billion antitrust verdict for MCI. Mr. Gray served as court appointed lead counsel for defendants in *In Re Long Distance Telecommunications Litigation*, consolidated and individual consumer class actions against virtually all the inter-exchange carriers other than AT&T. He also successfully defeated certification in a consumer class action in the California Superior Court in Sacramento and sustained that decision for MCI in the California Appellate Court. He recently defended a purported class action involving privacy and Telephone Consumer Protection

Act claims. Mr. Gray's antitrust experience also includes defense of an alleged group boycott and an antitrust-based opposition to a threatened dealer termination. He has argued antitrust matters before the Seventh Circuit Court of Appeals and the Office of the Illinois Attorney General. Mr. Gray also counsels clients, including trade associations, in antitrust matters.

Mr. Gray also represents insureds in insurance coverage disputes in both federal and state courts. His recent work includes representing a medical service provider in obtaining coverage for the costs of the defense of an alleged class action complaint, and representing a software company in obtaining coverage for the defense and settlement of patent and trade secret litigation. He represents several American railroads in long tail environmental, hearing loss and asbestos coverage litigation in which he has obtained numerous favorable settlements. He also successfully obtained a coverage settlement for an antitrust claim under comprehensive general liability policies. He has successfully invoked the coverages of third parties in multiparty underlying environmental disputes. He is familiar with the London market and its operations, and is experienced in efficiently pursuing numerous insurers in a single case. Mr. Gray also has experience in reinsurance matters.

## **Awards**

- Cystic Fibrosis Foundation, Greater Illinois Chapter  
Volunteer of the Year, 2011
- *Illinois Super Lawyer*  
Intellectual Property Law, 2005  
Intellectual Property Litigation, 2006-2020
- *Lawdragon Magazine*  
3000 Leading Lawyers in America, 2010
- Leading Lawyers Network  
Commercial Litigation, 2004-2019  
Intellectual Property Law, 2004-2019
- *Legal 500*  
Intellectual Property, 2007  
Trade Secrets, 2007

## **Community Involvement**

- Cystic Fibrosis Foundation  
Member, National Board of Trustees  
Vice Chair and Chair of the Board's Governance Committee
- Illinois Chapter Board  
Member

## **Educational**

- National Institute for Trial Advocacy

## Service To The Bar

- American Bar Association  
Member, Fund for Justice and Education Council, 2012-2015  
Chair, Standing Committee on Amicus Curiae Brief  
Standing Committee on Federal Judiciary,  
Seventh Circuit representative, 2006-2009  
Member, Presidential Advisory Council on Diversity  
in the Profession, 2002-2005  
Section Officers Conference Liaison to the Board of  
Governors Finance Committee, 2002-2003  
Member, Standing Committee on Meetings & Travel, 2002-2003  
Member, Blanket Authority Subcommittee of the  
Operations and Communications Committee, 2002-2003
- American Bar Association, Section of Litigation  
Task Force on Independence of the Judiciary Insurance Coverage  
Committee  
Co-Chair, Diversity Plan Implementation Committee, 2002-2004  
Co-Chair, Minority Judicial Intern Program, 2002-2003  
Member, Executive Committee Revenue Officer, 1998-2002  
Task Force on State Justice Initiatives Co-Chair, 1995-1998  
Member, Ad Hoc Committee  
Division Director, Division III Programs, 1994-1995  
Committee on National Institute  
Co-Chair, 1991-1994  
Vice-Chair, 1990-1991

## Publications

- "Proposed Patent Changes Could Impact Strategy and Value of Large IP Portfolio," *Chicago Lawyer*, November 1, 2004
- Co-Author, "Illinois Discovery Reform: A Rationale, Rules and Result," *Texas Litigation Journal*, Spring 1997
- "A Proposal to Prevent the Stranding of Airline Passengers," *University of Michigan Journal of Law Reform*, Winter 1973

## Speaking Engagements

- "US Patent Litigation – What To Do When Getting Sued in the United States," TechLaw Fall Meeting, Seoul, South Korea, October 16, 2015
- "Seeking a Single Settlement of Numerous Party Claims: The Experience of a 'Settlement Special Master'," CBA Alternative Dispute Resolution Committee, February 06, 2014
- "Protecting Your Business From Within," TechLaw Group, Inc. and Jenner & Block, October 09, 2013
- "Judicial Selection," Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference, May 07, 2013
- Moderator, "Saving Litigation Fees and Costs: Tools for Persuading a Judge to Impose ADR on Your Reluctant Opponent," PricewaterhouseCoopers General Counsel Forum, Chicago, IL, September 15, 2005

- American Bar Association Council On Racial & Ethnic Justice, ABA Presidential Advisory Council On Diversity and Therrell Magnet Center For Law & Government, Atlanta, GA, August 06, 2004
- "The Big Fix - Is the Patent Review and Enforcement Process Broken?" Jenner & Block and Huron Consulting Group Executive Breakfast Briefing, Chicago, IL, June 10, 2004
- Host, "Managing Security, Privacy & eBusiness Risk," Technology Executives Club, Chicago, IL, June 25, 2003
- "Recognition of Electronic Signatures: The state of the law in Europe and North America" TechLaw Group Contracting on the Net Seminar, Paris, France, September 18, 2001