

AARON A. BARLOW, Partner

Aaron Barlow is a litigator who for more than 25 years has focused his practice almost exclusively on patent litigation. He has worked on patent infringement cases involving pharmaceuticals, chemicals, computer software, electronics, biotechnology products and medical devices.

Since 2007, Mr. Barlow has been named an *Illinois Super Lawyer* in intellectual property litigation. His notable experience in patent infringement cases includes lead attorney for the defendant of a chemical company in both the district court and the Court of Appeals where he obtained a judgment of non-infringement for his client. He also has extensive experience representing clients in Hatch-Waxman litigation and in litigation over biosimilars under the Biologics Price Competition and Innovation Act (BPCIA).

Mr. Barlow is a member of Jenner & Block's Patent Litigation and Counseling and Information Technology Disputes Practices.

Mr. Barlow has litigated a number of significant cases. Most recently, he represented a chemical company, as plaintiff. After a jury trial, the client obtained a judgment of over \$75 million. The case involved polyethylene and polyethylene films. Examples of other patent infringement cases in the areas of chemicals, computer software/electronics and biotechnology/medical devices are listed below.

- Lead counsel for car manufacturer in software copyright infringement action against after-market supplier.
- Lead counsel for chemical company in obtaining summary judgment on breach of contract, unjust enrichment, fraud and other complex commercial claims in case over failed joint development agreement.
- Successfully obtained dismissal before answering complaint based on prosecution history estoppel for biosimilar company.
- Lead counsel in obtaining summary judgment of non-infringement for a chemical company; argued appeal resulting in affirmance.
- *Ortho-McNeil v. Mylan* - represented Ortho-McNeil in ANDA litigation over Topomax, an anti-convulsive medication with over \$2 billion annual sales. Obtained summary judgment on all claims and defenses and affirmance by Federal Circuit.
- Represented a chemical company in a jury trial and in the appellate court resulting in a \$153 million judgment for the client and a remand for further damages proceedings on exports that had been excluded from the jury trial by the district court. The case involved ethylene oxide catalysts and processes for making ethylene oxide.
- *PolyMASC v. Alza* - represented drug-delivery pioneer, Alza, in a patent infringement case involving a liposome-based cancer chemotherapy product. Obtained summary judgment of non-infringement.



AARON A. BARLOW Partner

CHICAGO

Office: 312 923-8308

Fax: 312 923-8408

Email: abarlow@jenner.com

PRACTICE GROUPS

Information Technology Disputes

Intellectual Property

Litigation

Patent Litigation and Counseling

Technology and Sourcing

Trade Secrets and Restrictive Covenants

INDUSTRY GROUPS

Life Sciences

EDUCATION

University of Chicago Law School, J.D.,
1989

Massachusetts Institute of Technology, B.S.
(Chemical Engineering), 1986

ADMISSIONS

Illinois, 1989

New York, 2008

COURT ADMISSIONS

U.S. Supreme Court, 2006

U.S. Court of Appeals, Federal Circuit

U.S. District Court, Northern District of
Illinois, 1989

U.S. Patent and Trademark Office, 1990

- *C.R. Bard v. Medtronic* - represented Medtronic in a case over heart blood filters. Jury found for Medtronic.
- *Advanced Software v. Reed Elsevier and Corel* - represented a pioneer in the field of computerized document management and automatic redlining in obtaining a favorable settlement.
- Represented a chemical company in world-wide litigation over the patents on the newest generation of ethylene polymers and catalysts. These cases included five patent infringement litigations in three different federal district courts and the Court of Appeals for the Federal Circuit, two patent infringement litigations in each of the United Kingdom, Germany and the Netherlands, twelve contested interference proceedings in the United States Patent and Trademark Office and patent oppositions in the European Patent Office and the Japanese Patent Office.
- Represented a chemical company in a patent infringement case involving x-ray crystallography testing of catalysts for making polyethylene.
- *LaserSight v. VISX, Inc.* - represented a pioneering laser-eye surgery manufacturer in a patent infringement suit involving several of the basic laser-eye surgery patents.
- *Richardson-Vicks v. Upjohn, McNeil Pharmaceuticals and Johnson & Johnson* - represented defendants McNeil and J&J in case involving mixtures of ibuprofen and pseudoephedrine. After trial, the Court ruled that the patent was invalid based on obviousness.

Awards

- *Illinois Super Lawyers*
Intellectual Property Litigation - 2007-2019

Publications

- Supreme Court Upholds, and Changes, IPR Administrative Patent Challenges in Oil States and SAS, April 25, 2018
- Co-Author, "MAPMAKER: An interactive computer package for constructing primary genetic linkage maps of experimental and natural populations," *Genomics*, 1(2):174-181, 1987
- Co-Author, "Mutation frequency decline in *Escherichia coli* B/r after mutagenesis with ethyl methanesulfonate," *Mutat. Res.*, 183, 241-247, 1987

Speaking Engagements

- Paragraph IV Disputes Master Symposium, American Conference Institute, September 30, 2015 to October 01, 2015
- "Patentability Issues in Life Sciences," US Patent Forum 2015, March 18, 2015
- Second Paragraph IV Litigation Strategy Congress, Momentum, October 29, 2014 to October 30, 2014
- Delegation of the China Institutes of Contemporary International Relations, Chicago, IL, October 15, 2010
- Speaker, American Intellectual Property Law Association 2008 Annual Meeting, Washington, DC, October 18, 2008 to October 20, 2008
- Volunteer Judge, National Association for the Advancement of Colored People ACT-SO Competition, Malcolm X College, Chicago, IL, April 26, 2008

