



Robert J. Palmersheim
Partner

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PRACTICES

- Antitrust and Trade Regulation
- Complex Commercial Litigation
- Professional Liability

Robert Palmersheim is an accomplished trial and appellate lawyer who represents clients across the country in complex business disputes, with particular experience in the areas of antitrust, intellectual property, mass tort, and fiduciary and professional liability litigation.

Robert advises his clients on how to achieve a total resolution to their complex business disputes by employing a number of strategies, including crafting a winning legal argument early on in the case, achieving complete victory at trial, and reaching a settlement that offers finality and closure.

His clients consist of a range of business corporations and institutions, investment ventures, partnerships, and individuals. Among other clients, Robert has represented or currently represents: Air Liquide Corporation, CenterPoint Energy, Checkpoint Systems, Church & Dwight, Consilio, Inc., Hudson Shipping Lines, Inc., Magellan Corporation, National Association of Manufacturers, Reynolds Consumer Products, Ryanair, and Southwire Company. Many national law firms have retained Robert to defend them in malpractice claims, and also to represent them in partnership disputes. Robert has first chair experience

EDUCATION

**DePaul University
College of Law, J.D.**

- Order of the Coif
- Recipient of five American Jurisprudence Awards
- National Moot Court Competition (7th Circuit Region Champion)

**University of Wisconsin-
Madison, B.A.**

**PROFESSIONAL
AFFILIATIONS**

- American Bar Association
- Chicago Bar Association
 - Young Lawyer's Section
 - Careers Committee for Young Lawyer's

in trials (jury and bench), arbitrations, and other evidentiary proceedings.

- Robert has been consistently recognized as an Illinois Super Lawyer, including as one of the top 100 lawyers in Illinois for 2014-15
- In 2016, Robert was named a BTI Client Service All-Star in the area of antitrust. According to BTI Consulting Group, Client Service All-Stars are an elite group of approximately 300 attorneys recognized by Fortune 1000 companies for outperforming all other attorneys

Section, Co-chair

- Federal Trial Bar Training Course, Instructor
- Committee on Attorney Malpractice, Co-chair

HONORS

Illinois Super Lawyers, 2005-2006 and 2013-2018

- Named as one of the Top 100 Super Lawyers, 2014-2015

Leading Lawyers Magazine Illinois, 2012-present

- Recognized in practice areas of:
 - Commercial Litigation
 - Professional Malpractice Defense Law: Including Legal/Technical/Financial

Honored by The BTI Consulting Group as a 2016 Client Service All-Star in antitrust litigation

EXPERIENCE

Antitrust Litigation

- Represents leading global consumer products manufacturers with respect to claims that several multi-national banks and metal trading companies conspired to fix the price of primary aluminum sold in North America
- Represents a technology company against monopolization and attempted monopolization claims brought by a competitor
- Defended a technology company against monopolization claims involving electronic article surveillance products and successfully resolved the lawsuit for a fraction of the original demand. Conducted a multi-day *Daubert* hearing involving the examination of several economists, which resulted in the exclusion of plaintiff's expert opinions on a majority of the claimed damages
- Defended medical device manufacturer against bid-rigging claims
- Defended telecommunications provider against claims for illegal tying in the market for high-speed data transmission
- Defended battery manufacturer against monopolization claims brought by start-up competitor in the market for industrial batteries and defeated claims on summary judgment

Intellectual Property Litigation

- Represented a technology company as appellate counsel before the Federal Circuit in multiple appeals of a district court's "exceptional case" finding under Section 285 of the Patent Act. Prevailed in the Federal Circuit under the *Brooks* standard and, following reversal by the U.S. Supreme Court, prevailed again in the Federal Circuit under the *Octane Fitness* standard—resulting in the complete reversal of the District Court's \$10.2 million fee award. This is believed to be the first case since *Octane Fitness* in which the Federal Circuit has reversed a district court's Section 285 fee award

- Represented numerous manufacturers in design patent infringement claims and lawsuits
- Represented technology company in patent infringement lawsuit against domestic and Chinese infringers that resulted in a substantial settlement
- Multiple representations of corporations and individuals in restrictive covenant and trade secret disputes, including disputes under the California, Florida, Georgia, Illinois, Minnesota, and New York Trade Secrets Acts

Professional Liability, Fiduciary, and Fraud Litigation

- Defended *Am Law* 50 law firm on claims brought by former client relating to False Claims Act litigation; obtained summary judgment on plaintiff's claims and at start of trial settled law firm's counterclaim for unpaid fees
- Defended *Am Law* 10 firm in lawsuit alleging patent litigation malpractice and successfully resolved the lawsuit prior to trial
- Defended *Am Law* 20 firm against claims that the firm's attorneys were negligent in estate planning for multimillion dollar estate and obtained dismissal of all claims, which was affirmed on appeal
- Defended *Am Law* 10 firm against claims by former partner of the firm who sought indemnification for malpractice claims brought against him (dismissal of malpractice and third-party claims was affirmed on appeal)
- Represented Spanish and U.S. steel companies in litigation against former trade lawyer claiming that lawyer's negligence resulted in Department of Commerce imposing a substantial tariff on steel imports; case settled on highly favorable terms for our clients
- Represented *Am Law* 10 law firm in claims by client that the firm was negligent in \$25 million loan transaction (matter was resolved before the firm's client filed suit)
- Defended *Am Law* 50 firm in lawsuit alleging that the firm was negligent in the negotiation of a collective bargaining agreement
- Represented former general counsel of hedge fund management company with respect to investigation and claims by hedge fund liquidators relating to the multi-billion dollar bankruptcy of broker-dealer, Refco, Inc.; the matter was resolved without our client being sued and with the liquidators paying a substantial portion of attorneys' fees that our client incurred responding to claims and investigation
- Represents trustees in breach of fiduciary lawsuit relating to the ownership of a commercial farming company
- Represents auditing firm in several suits arising from alleged Ponzi scheme orchestrated by Thomas Petters

- Obtained complete dismissal of lawsuit brought by LaSalle National Bank against accounting firm, which alleged that the accounting firm had conspired to defraud the bank in connection with loans totaling in excess of \$25 million
- Obtained complete dismissal of lawsuit brought by golf equipment manufacturer against accounting firm, which alleged that the accounting firm negligently audited company's financial statements and conspired with corporate directors to hide losses exceeding \$20 million
- Represented international shipping company in fraud and breach of contract arbitration relating to a multimillion-dollar charter-party agreement and related proceedings in London arbitration
- Obtained verdict for defendants on claims brought by trustee over the ownership of commercial farm land
- Represented metals trading company in fraud, fiduciary duty and conspiracy trial; obtained a multimillion-dollar jury verdict, including substantial punitive damages
- Represented multinational corporation in several arbitrations, including hearing, asserting securities fraud against financial and banking institutions, resulting recoveries totaling in excess of \$50 million
- Defended sellers of a privately held corporation against claims of securities fraud with purported damages in excess of \$70 million; case was successfully settled prior to trial
- Represented multinational corporation in Delaware Chancery Court on claims that defendants defrauded client in connection with a \$20 million sale of a manufacturing business; case was successfully settled
- Obtained \$1.7 million judgment for an energy services company in a breach of contract case, including more than \$500,000 in interest and attorneys' fees, and then successfully pursued fraudulent transfer and successor liability claims against the judgment debtor's principals, resulting in a judgment against them for approximately \$2.8 million, which included yet additional interest and attorneys' fees (this case was affirmed by the Court of Appeals for the Seventh Circuit)
- Defended franchisees against fraud and racketeering claims and obtained summary judgment on plaintiff's claims
- Currently defending Cayman Island real estate company and its principals in lawsuit claiming racketeering, fraud, and breach of fiduciary duty