

## Lawyers



### Dustin F. Guzior

Partner

#### New York

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Dustin Guzior is a member of the Firm's Litigation Group. His practice focuses on trials and hearings, often involving intellectual property, technology, antitrust, or complex commercial disputes. He has represented clients in patent infringement, patent licensing, trade secret, complex contract and commodities and securities disputes. He also has represented clients in connection with dozens of merger clearances before U.S. DOJ and FTC and numerous foreign agencies in a range of industries, including agriculture, pharmaceuticals, financial products and services, industrial equipment, energy, semiconductor technology and banking.

Mr. Guzior's pro bono service has included helping the ACLU invalidate as unconstitutional Arkansas' de facto ban on adoption by same-sex couples and helping the ACLU to overturn North Carolina's ban on marriage for same-sex couples. He also helped secure accommodations for a deaf prison inmate serving a life sentence in a Federal penitentiary.

#### **Selected Rankings and Recognitions**

- Intellectual Asset Management *IAM Patent 1000* (2021)
- National LGBT Bar Association & Foundation – Named to “Best LGBTQ+ Lawyers Under 40” list (2019)
- *Super Lawyers* – New York Metro Rising Star (2019)
- *Global Competition Review* – “Matter of the Year” for work on Bayer/Monsanto (2019)
- *Benchmark Litigation* – National Impact Award for the \$940 million award for BlackBerry against Qualcomm (2019)

#### **Recent Publications**

- “Hold Separate Obligations from the Bayer/Monsanto DOJ Settlement” – *The Börsen-Zeitung*, 2018
- “Identifying a Suitable Divestiture Buyer and Related Issues” – *Global Competition Review, The Guide to Merger Remedies*, 2018
- “Implicit Bias in Legal Interpretation,” – 1 *Journal of Law and Courts* 115, 2013 (with Ward Farnsworth and Anup Malani)

#### **Recent Speaking Engagements**

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#### PRACTICES & CAPABILITIES

**Antitrust**

**Intellectual Property & Technology Litigation**

**Litigation**

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#### EDUCATION

**2010, Boston University School of Law, J.D.**

**2006, The University of Chicago, B.A.**

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#### BAR ADMISSIONS

**New York**

- Speaker, “PTAB,” Fordham Law School’s Intellectual Property Law & Policy Conference (2019)
- Speaker, “Fundamentals – Antitrust IP,” ABA Antitrust Law Spring Meeting (2019)

## SELECTED REPRESENTATIONS

- **Ocado Group** as co-lead trial counsel in defense of pending ITC Section 337 investigation based on allegations of infringement of five patents and related district court proceedings involving patent infringement and antitrust claims (assertion and defense).
- **Columbia University** as co-lead trial counsel for patent infringement and misappropriation case in Eastern District of Virginia scheduled for jury trial in early 2022.
- **BlackBerry Limited** as hearing counsel in successful pursuit of its \$1 billion patent license claim against Qualcomm Incorporated in a JAMS arbitration seated in California.
- **Bayer AG** as lead hearing counsel in multi-billion euro M&A dispute in ICC arbitration, scheduled for hearing in late 2021.
- **Bayer AG** in connection with successful global antitrust clearance of Bayer’s \$66 billion acquisition of Monsanto Company. The hard-won settlement in the United States, which focused on the intersection of intellectual property and antitrust, was covered on the front page of the Wall Street Journal and heralded as a “landmark” by the Washington Post. The case won 2019 “Matter of the Year” from Global Competition Review at the 2019 ABA Spring Meeting.
- **Dolby** in connection with multiple patent infringement and licensing disputes.
- **15 U.S. Research Universities, including Harvard, Yale, and Caltech** as IP and antitrust counsel in connection with formation of a novel patent pool and related licensing activities.
- **LifeCell Corporation** in successful pursuit of a temporary restraining order and preliminary injunction in a trade secret theft case brought against a medical device company. Mr. Guzior successfully obtained an emergency TRO that blocked launch of a competing product, and participated in an evidentiary hearing that resulted in continuation of the TRO as a preliminary injunction. Mr. Guzior successfully defended the preliminary injunction on interlocutory appeal.\*
- **Cisco Systems** and **Time Warner Cable** in defense of a multi-faced patent dispute with Rockstar, a patent assertion vehicle that was formed to assert certain patents acquired out of bankruptcy from Nortel. The case involved complex work across several district courts and the bankruptcy court in Delaware, and Mr. Guzior argued several motions in bankruptcy court. Several early discovery victories led to successful global settlement.\*
- **IBM** in connection with a trade secret misappropriation claim brought against the company. Achieved dismissal with prejudice

after removing the case to federal district court in Oklahoma.\*

- **Union Bank** in connection with antitrust clearance of its acquisition of Santa Barbara Bank & Trust, which was reviewed by the DOJ and Board of Governors of the Federal Reserve. Successfully persuaded the Board of Governors to redefine a geographic banking market.
- **ASML** in connection with acquisition of Cymer, a vertical merger concerning semiconductor manufacturing equipment. Successfully managed a Second Request.
- **Intercontinental Exchange** in connection with antitrust clearance of its acquisition of the New York Stock Exchange.
- **FXI** in connection with a Section 1 price-fixing class action brought in district court against the company. Mr. Guzior conducted detailed analysis of the case that eventually led to a favorable settlement.
- **Australia New Zealand Banking Group** in connection with a securities fraud class action brought against the company. Achieved dismissal with prejudice, and the plaintiffs' firm (a prominent securities class action plaintiffs firm) was required to pay the defendant's attorneys' fees and costs.