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### Practice Areas

- » BioMedical Practice Group
- » Complex Litigation
- » Intellectual Property
- » Litigation

## Francis H. Morrison III

### PARTNER

Francis Morrison's practice includes the trial of intellectual property including pharmaceutical and electromagnetic matters, and products liability and other complex litigation matters, particularly those involving technical subjects. He has tried more than 50 cases to verdict and judgment in state and federal courts. He has represented institutional and corporate clients in connection with claims concerning patent and trade secret misappropriation, pharmaceuticals, aviation, tobacco, medical devices, insurance and manufacturing in high stakes litigation throughout the United States.

Mr. Morrison is a Fellow of the American College of Trial Lawyers (since 1993), a charter member of the American Board of Trial Advocates in Connecticut (since 1984), certified as a civil trial advocate by the National Board of Trial Advocacy (since 1986) and listed in *Chambers USA, 2009* for Litigation. Representative matters include:

Successfully co-tried opposition to Motion for Preliminary Injunction brought by plaintiff Covidien regarding launch of 7.5 mg generic Temazepam by URL Pharma in the U.S. District Court for the District of New Jersey.

Successfully First Chaired to judgment in the Southern District of New York claims of breach of contract and damages on behalf of plaintiff in a dispute between two international chemical concerns.

Lead Trial Counsel for defendant first filers in Paragraph IV Hatch Waxman litigation in ongoing matters in the U.S. District Court for the District of New Jersey relating to Ritalin LA<sup>®</sup>, Restoril<sup>®</sup> and Doryx<sup>®</sup>.

Argued Summary Judgment Motion of Non-Infringement based on Prosecution Disclaimer for defendant generic manufacturer in Paragraph IV litigation concerning Adderall XR<sup>®</sup> in the U.S. District Court for the District of Maryland.

## Francis H. Morrison III (continued)

Obtained Judgment of Dismissal for Purdue Pharma with respect to addiction and fraud claims allegedly arising out of use of Oxycontin and defendant's 2007 guilty plea to misbranding the same.

First Chaired TRO Hearing on behalf of plaintiff optical fiber manufacturer in Delaware Chancery Court in matter involving technical trade secrets leading to favorable settlement negotiations.

Defended to judgment claims of trade secret misappropriation involving Bristol Myers Squibb and Purdue Pharma concerning the launch of Oxycontin.

Argued appeal in the U.S. Court of Appeals for the Seventh Circuit for international chemical company in a matter involving billions of dollars of high technology commerce. Obtained reversal of District Court dismissal and reassignment of the case to a new presiding judge on remand.

Argued appeal in the U.S. Court of Appeals for the Second Circuit for The Northwestern Mutual Life Insurance Company and obtained an affirmance of District Court's award of summary judgment in Northwestern's favor.

Obtained summary judgment of validity and infringement for a patentee in the U.S. District Court for the Central District of California in a bet-the-company case involving electronic temperature monitors, and argued the ensuing appeal at the Federal Circuit.

Successfully co-tried to judgment *Clearwater v. Evapco et al.*, a matter involving claims of trade secret misappropriation in the field of electromagnetic water treatment.

First Chaired *Markman* hearing in a case involving patent infringement and trade secret misappropriation claims against a hand tool manufacturer, resulting in dismissal with prejudice of all claims against the client.

Successfully tried to verdict patent infringement and invalidity claims on behalf of Nidec Corporation, involving direct current brushless fans used to cool electronic devices.

First Chaired trial to verdict for Brown and Williamson Tobacco Company in wrongful death claims related to the use of tobacco products.

Defended claims against jet engine manufacturer arising out of 2003 crash of a 737-200 aircraft in Algeria.

Defended claims of addiction against GlaxoSmithKline arising out of use of Paxil.

## Francis H. Morrison III (continued)

Mr. Morrison practiced for more than 30 years with the law firms of Day Pitney LLP and Day, Berry & Howard LLP, and served as the Chair of the Executive and Partnership Compensation Committees at Day, Berry & Howard LLP.

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### Noteworthy

- » Listed in Best Lawyers in America 1993 through 2009.
- » Corporation Counsel, Town of West Hartford, CT (1983-1985).
- » Line Officer, U.S. Navy 1969-1972; USS Grand Canyon (AD-28).

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### Bar & Court Admissions

- » Connecticut
- » District of Columbia
- » Commonwealth of Massachusetts
- » U.S. Supreme Court
- » U.S. Court of Appeals for the Federal Circuit
- » U.S. Court of Appeals for the First Circuit
- » U.S. Court of Appeals for the Second Circuit
- » U.S. District Court for the District of Columbia
- » U.S. District Court for the District of Connecticut
- » U.S. District Court for the District of Massachusetts
- » U.S. District Court for the Eastern District of New York
- » U.S. District Court for the Southern District of New York
- » United States Tax Court

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### Education

- » Duke University School of Law, Durham, North Carolina, 1975 J.D. with distinction. Note and Comment Editor, Duke Law Journal, 1974-75.
- » College of the Holy Cross, Worcester, Massachusetts, 1969 A.B.

## Francis H. Morrison III (continued)

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### Publications

- » *Power Attorneys: Business Battlefields*, Corporate Connecticut Magazine, 2004.
- » *Cross Examination in the Psychology Case*. This chapter was prepared in connection with the ABA's publication entitled, *Psychological Injuries at Trial*.

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### Seminars & Classes

- » "Laboratory Corp. of America v. Chiron Corp. Past Injunction Procedure –Appeal of Injunction," The Twenty-Second Annual Joint Patent Practice Seminar, New York, NY, May 2006.
- » Price Waterhouse Coopers Intellectual Property Seminar, held at Palm Springs, California, February 2005. Panelist and Speaker, "Critical Habits of Successful Trial Lawyers."

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### Professional Activities

- » Intellectual Property Owners' Association
- » Defense Research Institute, Member
- » American Bar Association, Litigation Section
- » Connecticut Bar Association, Litigation Section

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### Recent News

- » AV&H Attorneys Named to Super Lawyers Corporate Counsel Edition - January/February 2010
- » AV&H Attorneys Named New England Super Lawyers 2009
- » AV&H Attorneys Named Connecticut Super Lawyers 2010
- » AV&H Attorney Named to Super Lawyers Corporate Counsel Edition - July 2009
- » AV&H Defeats Motion for Preliminary Injunction in Hatch-Waxman Case
- » AV&H Attorneys Named Connecticut Super Lawyers 2009
- » Axinn, Veltrop & Harkrider LLP Ranked Among Top New York Law Firms by Chambers USA
- » Law Article May Spark Patent Litigation Strategy
- » Francis Morrison, William Rubenstein and Stephen Axinn included in the 25th anniversary edition of Best Lawyer in America

## Francis H. Morrison III (continued)

- » A&VH partner listed in Connecticut Super Lawyers 2008
- » IP Litigation: Fran Morrison Comments on Qualcomm Legal Issues in Wall Street Journal and The Recorder