



Brian P. O'Donoghue

Partner / Chicago

P: 312-881-5980

bodonoghue@goldmanismail.com

Highlights of Brian's litigation practice include high-profile cases in products liability, intellectual property, complex commercial litigation, and securities litigation. He has been involved in multi-state class actions, internal investigations, and litigation matters relating to individual corporate clients in a variety of industries, including pharmaceutical, energy, manufacturing, and electronics. Clients rely on Brian's keen judgment as well as his ability to master both the key issues of the case and the often dense and difficult subject matter.

Representative Litigation

Sample mass tort matters include:

Gardasil Litigation

Represents Merck in all aspects of products liability cases involving the HPV vaccine, Gardasil.

PFAS Environmental Litigation

National counsel for chemical manufacturer in thousands of environmental and products liability claims in state and federal courts nationwide brought by individuals, municipalities, and states alleging groundwater contamination and personal injury as individual claims, consolidated proceedings, and class actions.

In re: Essure

Co-lead and national counsel for Bayer for thousands of product liability claims related to the use of Essure System for permanent birth control pending in the coordinated federal and several state court litigations.

In re Mirena IUD Products Liability Litigation

Coordination and national counsel for Bayer in thousands of lawsuits in a federal multidistrict litigation in New York and state courts around the country involving the Mirena® intrauterine device. After years of fact and expert discovery, the MDL Court excluded all of Plaintiffs' general causation expert testimony and granted summary judgment to Bayer in July 2016, dismissing more than 1200 cases.

Coordination and national counsel for Bayer in a separate federal multidistrict litigation in New York. After a multi-day *Daubert* hearing, [the Court excluded all of the Plaintiffs' general causation experts](#) in October 2018. In June 2019, the Court granted summary judgment for Bayer and dismissed all cases in the MDL.

In re Vioxx

Defended Merck & Co., Inc. against allegations that its anti-inflammatory medication Vioxx had cause heart attacks. Specific matters include:

- *State of Louisiana v. Merck Sharp & Dohme Corp.*: Represented Merck in first attorney general trial relating to Vioxx. Two-week bench trial resulted in verdict for Merck.
- *Grossberg v. Merck & Co.*: Represented Merck in first California state court trial involving Vioxx. Six-week jury trial in Los Angeles resulted in verdict for Merck.

- *In re Vioxx MDL*: Represented Merck in two separate multi-week trials alleging injuries from Vioxx in the MDL in the District of Louisiana. Both verdicts for Merck.
- *Ledbetter v. Merck & Co.*: Represented Merck in Texas state court case involving Vioxx. Summary judgment on preemption grounds granted for Merck.
- *Vioxx Governmental Action Cases*: National counsel in several actions brought by State Attorneys General against Merck relating to Vioxx. Negotiated settlements of most actions.
- *Vioxx Third-Party Payor Litigation*: Represented Merck in lawsuits brought by individual third-party payors who allege economic losses relating to the purchase of Vioxx.

In re Magnevist Products Liability Litigation

National counsel for Bayer in individual state cases regarding Bayer's Magnevist gadolinium-based contrast agent used in MRI scans.

In re Hormone Therapy Litigation

Counsel for Wyeth in product liability litigation involving Premarin and Prempro hormone replacement therapy products alleged to cause breast cancer.

Tanner v. Bayer Corp.

Represented Bayer in multi-state class action product liability litigation involving isocyanates used in polyurethane applications for underground coal mining. Negotiated settlement.

Sample intellectual property matters include:

Wireless Technology Litigation

Represented a Fortune 10 consumer electronics company in patent litigation relating to wireless communication and headphone design and operation technologies.

Teledyne Wireless v. Advantech Wireless et. al.

Lead counsel for Teledyne in non-compete and trade secret litigation involving company leadership leaving to work for a direct competitor.

Alltech Associates v. Teledyne Instruments, Inc.

Lead counsel for defendant Teledyne Instruments in multi-patent litigation brought by W.R. Grace in the District of Delaware. After winning all disputed terms at Markman hearing, a settlement was reached.

Visual Intelligence LP v. Teledyne Optech, Inc.

Lead counsel for defendant Teledyne Optech in multi-patent litigation pending in the Southern District of Texas. After Teledyne Optech's summary judgment briefing was filed, a settlement was reached.

Avionica, Inc. v. Teledyne Controls, Inc.

Lead counsel for defendant Teledyne Controls in multi-patent declaratory judgment action pending in the Southern District of Florida. After Teledyne Controls' summary judgment briefs were filed, a settlement was reached.

CEATS, Inc. v. Continental Airlines, Inc. et al.

Represented defendant Tickets.com in multi-patent infringement suit in the Eastern District of Texas. Plaintiff sued over 30 defendants. Tickets.com was the only defendant to win summary judgment of non-infringement.

Convolv et al. v. Compaq and Seagate (In re Seagate)

Counsel for Compaq (now Hewlett-Packard) in patent and trade secret dispute with Convolv relating to disk drive technology in which Convolv sought hundreds of millions of dollars in damages. Retained to handle expert discovery and trial after case had been pending for several years. Won summary judgment on all patent and trade secret claims.

Cedar Lane Technologies v. Teledyne Digital Imaging US, Inc.

Represented Teledyne Digital Imaging as lead counsel in patent infringement action. Obtained favorable settlement.

Jakuta Diodes LLC v. Teledyne Reynolds

Represented Teledyne Digital Imaging as lead counsel in patent infringement action. Obtained favorable settlement.

Sample commercial matters include:

Servcor v. Bayer Material Science LLC

Counsel for Bayer in multi-party dispute in Florida state court. Following dissolution of parties' business relationship, Plaintiff sought damages over \$100 million for breach of contract, breach of fiduciary duty, negligence, fraud, and other tort and contract claims. Over three years of litigation, Bayer won three sequential motions to dismiss after which plaintiff voluntarily dismissed all claims with prejudice.

Sportvision, Inc. et al. v. MLB Advance Media L.P.

Currently representing defendant Major League Baseball Advanced Media in lawsuit alleging breach of contract, trade secret misappropriation, and patent infringement.

In re Tyco

Represented Tyco in shareholder, securities, and ERISA litigations related to former C.E.O. Dennis Kozlowski's alleged embezzlement of company funds.

Nicor Gas Co. v. Pappas Construction Co.

After client lost in arbitration, represented plaintiff Nicor Gas in suit arising from defendant's alleged repeated destruction of underground gas lines. First chaired jury trial recovering 75% of client's damages demand.

In re Parmalat Securities Litigation

Represented Deloitte Touche in auditor liability litigation related to alleged financial fraud by an Italian multinational dairy and food corporation. Negotiated settlement.

Private Practice

Partner, Goldman Ismail Tomaselli Brennan & Baum LLP

Associate, Goldman Ismail Tomaselli Brennan & Baum LLP

Associate, Bartlit Beck Herman Palenchar & Scott LLP

Education**Yale Law School**

- Managing Editor, *Yale Law and Policy Review*
- Editor, *Yale Journal of Law and Technology*

University of Notre Dame (B.A., *summa cum laude*)

- *Phi Beta Kappa*
- *Sigma Tau Delta*
- *Phi Alpha Theta*
- Student Body President

Judicial Clerkship

The Honorable John T. Noonan, Jr., U.S. Court of Appeals for the Ninth Circuit

Of Note

Selected by *Lawdragon* as among the "all-star litigators" "who excel at representing principally corporations and other organizations" in complex litigation, especially product liability, securities, and IP, in the 500 Leading Litigators in America guide

Selected by *Super Lawyers* as an Illinois Super Lawyer (2022-2023)

Selected by *Super Lawyers* as an Illinois Rising Star (2014-2019)

Ranked by *Benchmark Litigation* as a Top Litigator Under 40 (2018)

Named to *Benchmark Litigation* Under 40 Hotlist (2017, 2019)

News

[Goldman Ismail Secures Another Zantac Victory for GSK](#)

[Goldman Ismail 2024 Chambers and Partners Rankings](#)

[Second Circuit Court of Appeals Affirms Bayer's Summary Judgment Win in the Mirena I/H MDL](#)

[Bayer Wins Dismissal of All Cases in the Mirena I/H MDL](#)

[Goldman Ismail and Partners Receive Top Rankings in Benchmark Litigation 2019](#)

[Bayer Wins Daubert Ruling Excluding All Plaintiffs' Expert Witnesses in the Mirena I/H MDL](#)

[Goldman Ismail and Partners Receive Top Rankings in Benchmark Litigation 2018](#)

[Second Circuit Affirms Orders Dismissing All 1200+ Cases in Mirena Perforation MDL](#)

[Law360 Picks Mirena IUD Products Liability Litigation MDL Ruling as One of Year's Most Significant](#)

[Federal Judge Dismisses All 1225 Cases in Mirena Multidistrict Litigation](#)

[Second Circuit Affirms Mirena MDL Dismissals](#)

[Landmark Daubert Victory for Goldman Ismail—Federal Judge Excludes Plaintiffs' Experts](#)

[Another Summary Judgment Victory for Goldman Ismail—New Jersey Court Grants Defense Motions In Major Consolidated Litigation](#)

[Goldman Ismail Lawyers Recognized for Excellence by Chambers and The Legal 500 in 2014](#)

[The Legal 500 2012 Ranks Goldman Ismail as Top Firm for Products Liability Litigation](#)

[Goldman Ismail Wins Summary Judgment of Non-Infringement for Tickets.com](#)

[Goldman Ismail Obtains Complete Defense Verdict for Merck in Vioxx Case Brought by LA Attorney General](#)

Bar & Court Admission

State of Illinois

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Northern District of Illinois

U.S. Court of Appeals for the Federal Circuit
