



John Gibson

Partner

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John Gibson focuses on antitrust, commercial, healthcare and technology litigation, including class action and multi-district litigation. He has won high-profile trials and cases in California and around the nation for healthcare and high-tech companies, as well as professional sports teams and pro bono clients. In naming John as one of *The Best Lawyers in America*, the editors summarized clients', judges' and peers' comments by describing John as "very talented and effective."

- Litigation, Arbitration and Investigations
- Class Actions
- Commercial Contracts Disputes
- Antitrust and Competition

- Healthcare
- Life Sciences
- Technology
- Media, Sport and Entertainment

Healthcare & Life Sciences

- Defending a branded-pharmaceutical innovator in confidential international arbitration involving antitrust and breach of contract claims over patent-licensing disputes upon generic entry (AAA evidentiary hearing scheduled in New York City for October 2021)
- Successfully argued motion for transfer of multiple putative class actions around the nation to N.D. Cal. for top Silicon Valley technology company (J.P.M.L. March 2021)
- Won summary judgment for industry-leading distributor of medical and surgical supplies in federal antitrust litigation over pricing policies brought by competitor and nationwide putative classes of customers (hospitals)
- Represented a top healthcare company in federal antitrust litigation over competitive business practices brought by a competitor
- Represented health insurers in multi-district and class action litigation involving pharmaceutical pricing issues and competition by generics
- Successfully represented top healthcare providers in multiple contract litigation matters

Technology & IP

- Won summary judgment for a leading technology company, defeating an unfair competition law claim in a precedent-setting antitrust and contract litigation to determine fair, reasonable, and non-discriminatory (FRAND) licensing terms for a worldwide portfolio of

standard-essential mobile-telecommunications patents. Also, helped the client win a verdict determining that the company did not breach its FRAND licensing obligations

- Won a motion to dismiss for a leading mobile-device maker in federal antitrust litigation over company's role in technical standard-setting for 4G-LTE mobile technology—thus defeating a threatened injunction against launch of the company's 4G devices
- Represented a top Web-browser maker in IP and standard-setting issues regarding the next-generation hypertext markup language (HTML) for the World Wide Web
- Represented leading technology companies in patent infringement litigation involving cellular and WiFi technologies

Commercial

- Represented more than 50 Fortune 500 companies suing major credit card issuers in multi-district antitrust litigation over credit and debit card interchange fees charged to major merchants
- Eliminated 95 percent of the largest antitrust jury verdict in the US by taking over a case, after trial, involving online advertising in the mortgage lending industry
- Defeated US\$2 billion in federal antitrust claims before trial for a Fortune 10 company in multiple cases brought by a putative class of the company's thousands of domestic distributors and retailers
- Won judgment NOV, eliminating a US\$10 million jury verdict in a commercial real estate case by taking over the matter after trial
- Won a high-profile trial defending the country's second-largest school district against a claim by a Trump partnership seeking US\$26 million in damages regarding development of an historic site in Los Angeles
- Turned the tables for a top company in Asia by taking over declaratory relief litigation that another firm had lost for the company; prevented the plaintiff from using collateral estoppel against the company in a second action for US\$30 million in damages
- Won summary judgment for a major airline in defending against the general contractor's construction delay and fraud claims in federal court. The lawsuit involved a US\$40 million project at a major international airport.
- Defeated a significant lease pass-through liability for a major bank that was the anchor tenant in a downtown office building affected by an assessment for commercial asbestos-abatement and fire-sprinkler retrofit work. Also recovered attorney's fees and costs for the client in the highly-publicized arbitration proceeding.

Sports

- Served as lead trial counsel for the Los Angeles Clippers basketball franchise in historic diversity and inclusion-related litigation against the former owner, whose allegedly racist remarks published by TMZ caused the NBA to ban him from managing the team. Winning the trial helped rescue the team by enabling a widely-acclaimed sale of the team to former Microsoft CEO Steve Ballmer. The crisis management and resolution also avoided a potential walkout of the NBA's star players.
- Led investigations relating to recent college sports scandals.

Mass Torts

- John's tort litigation experience began when he was the senior law clerk to the chief judge of the US District Court for the Eastern District of Michigan. His judge presided over all of the asbestos litigation then pending in the district. John helped the judge review the Sumner Simpson papers in camera and write several seminal opinions on theories of product liability, causation and damages at the summary judgment, directed verdict and post-trial stages.
- In practice, John has successfully defended litigation against manufacturers in the medical device, medical supplies, and metals industries as well as RCRA, CERLA and private tort litigation against owners of superfund sites.

Multi-district litigation

- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-md-01720-MKB-JO (E.D.N.Y.)
- *In re Automotive Parts Antitrust Litigation*, 2:12-md-02311-SFC-RSW (E.D. Mich.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, 2:16-md-02724 (E.D. Pa.)

Representative decisions

- *TCL Commc'n Tech. Holdings, Ltd. v. Telefonaktiebolaget LM Ericsson*, No. 8:14-cv-00341-JVS-DFM, 2018 WL 4488286 (C.D. Cal. Mar. 9, 2018): trial decision that clients did not breach their FRAND licensing commitments in negotiations over licensing of

worldwide standard-essential patent portfolio

- *TCL Commc'n Tech. Holdings, Ltd. v. Telefonaktiebolaget LM Ericsson*, No. 8:14-cv-00341-JVS-DFM, 2016 WL 7049263 (C.D. Cal. Aug. 9, 2016): summary judgment on a California Unfair Competition Law claim alleging restraint of trade for failure to license worldwide portfolio of standard-essential patents on FRAND terms
- *Suture Express, Inc. v. Owens & Minor Distribution, Inc.*, No. 12-2760-DDC-KGS, 2016 WL 1377342 (D. Kan. Apr. 7, 2016): summary judgment on federal and state antitrust claims alleging anticompetitive bundled loyalty discount pricing in medical-surgical supply markets
- *Corr Wireless Communications, L.L.C. v. AT & T, Inc.*, No. 3:12CV036-SA, 2013 WL 4829287 (N.D. Miss. Sept. 10, 2013): pleading stage dismissal of federal antitrust claims alleging that client led an antitrust conspiracy to create a baseless technical standard for 4G-LTE that restrained competition by regional wireless carriers and networks
- *Van Dyck Motors Inc v. Ford Motor Co.*, No. 5:03-cv-00133-VAP-SGL (C.D. Cal. Dec. 23, 2003): summary judgment on fraud claim and federal antitrust claim alleging restraint of trade in delivery of patented computer services to putative nationwide class of Ford and Lincoln/Mercury dealers
- *Hathaway Dinwiddie Const. Co. v. United Air Lines, Inc.*, No. 2:00cv1289 (C.D. Cal. Apr. 2, 2001): summary judgment on contract and fraud claims over construction delay in terminal improvements at Los Angeles International Airport

CREDENTIALS

Admissions

- California

Recognitions

- Won the *Burton Award* for being one of the "finest law firm writers of 2019"
- Rated AV Preeminent 5.0 out of 5.0 by Martindale-Hubbell, a top rating, reflecting practice at the highest level of professional excellence
- Listed as one of The Best Lawyers in America by *Best Lawyers*, 2013-2020 editions
- Selected as one of *Savoy's* 2018 Most Influential Black Lawyers
- Honored as the "Attorney of the Year" in 2019 by the Thurgood Marshall Bar Association
- Received the "Outstanding Community Member Award" from the University of California-Irvine Law School's Black Law Students Association

Education

- J.D., University of Michigan Law School
Associate and Contributing Editor, *Michigan Law Review*
- A.B., Harvard College
John Harvard Scholar, top 5% of undergraduate students

Memberships

- A fellow in The Litigation Counsel of America honorary society for trial lawyers

Civic and Charitable

- Served on the Executive Committee and Board of Directors of the Constitutional Rights Foundation
- Serves on the Board of Directors of the Orange County Bar Association
- Volunteers as a youth basketball coach

Publications

Common Ground, Uncommon Purpose

16 February 2021

The firm's forefront commitment to equality is all-encompassing.

- "District Court Decision In FTC v. Qualcomm Spawns Controversy: Four Issues To Watch On Appeal," *IP Litigator*, July/August 2019
- "To Cooperate, or Not To Cooperate?" *Daily Journal*, June 2019
- "Seven Ways To Prepare Your Legal Department For The Fourth Industrial Revolution," *ACC Docket*, September 2018
- "Reinvigorated Antitrust Enforcement Has Arrived," *Law360*, January 2013

Events

Previous

Global SEP licensing and litigation: A fresh look at strategies to manage risk

26 May 2021 | 4:00 p.m. BST | 5:00 p.m. CEST | 8:00 a.m. PDT | 10:00 a.m. CDT | 11:00 a.m. EDT | 11:00 p.m. CST (Shanghai)
Webinar

- Interviewer, "The Color of Money: Black Banks and the Racial Wealth Gap," *UCI Law Talks Podcast*, April 21, 2020
- Speaker, "Anti-suit Injunctions and the Future of FRAND Litigation," *Intellectual Property Owners Association Webinar*, January 9, 2020
- Speaker, "Resolving Competitor Disputes Generally and in the NBA: A Focus on NBA Game Protests." *OCBA Young Lawyers Division HoopLaw CLE & Clippers Game Night*, December 2019
- Speaker, "Summit of Managing Partners: What Works & What Doesn't?" *2019 LACBA Diversity and Inclusion Conference*, Los Angeles, September 2019
- Speaker, "Developing Standards For 3D Printing," *The Legal, Regulatory and Business Conference on 3D Printing*, Chicago, June 2018
- Moderator, "Moving the Needle on Diversity & Inclusion," *An Evening at the National Museum of African American History and Culture*, Washington, DC, March 2018
- Speaker, "Recent Developments in Patent Laws," *US - China Intellectual Property Summit*, Los Angeles, October 2017
- Presenter, "Get Your Swagger On: How to Roll with Style and Quiet Confidence," *California Minority Counsel Workshop*, Irvine, California, July 2017
- Presenter, "SEPs and FRAND: The US Approach," *EU Competition Law: Current Issues in a Global Context*, Brussels, May 2016
- Presenter, "Winning as a Team!" *California Minority Counsel Program 26th Annual Business Conference*, Los Angeles, October 2015
- Speaker, "Standard-Essential Patents and Competition Law," *Queen Mary/Crowell & Moring Global Competition Conference*, Brussels, May 2014
- Speaker, "Trying Your First Case: A Practitioner's Guide," *American Bar Association Litigation Section Annual Conference*, Scottsdale, Arizona, April 2014

NEWS

DLA Piper partner John Gibson named to the *Daily Journal*'s 2021 Top Antitrust Lawyers list

22 November 2021

DLA Piper is pleased to announce that partner John Gibson was named to the *Daily Journals* 2021 Top Antitrust Lawyers list honoring the top attorneys across the state of California who have made significant contributions in antitrust law.

John Gibson joins DLA Piper's Litigation and Regulatory practice in Los Angeles

14 July 2020

DLA Piper announced that John Gibson has joined the firm's Litigation and Regulatory practice as a partner in Los Angeles.

MEDIA MENTIONS

- "2018 Most Influential Black Lawyers," *Savoy Magazine*, June 2018
- "Big Suits," *The American Lawyer*, April 2016
- "US Judge Unseals Order Dismissing Suture Express Medical Product Tying Suit," *PaRR*, April 2016
- "\$200M Suture Antitrust Suit Nixed for Lack of Market Power," *Law360*, April 2016
- "Suture Express Tying Claims Against Rivals Rejected," *Bloomberg BNA*, April 2016
- "California's Antitrust Bar," *Global Competition Review*, March 2015
- "Health Cos. Want Antitrust Cases Consolidated In Kan.," *Law360*, July 2013
- "Cypress Family Fights for Autism Service Dogs in Schools," *ABC-7, Los Angeles*, June 2011