



John M. Owen

Partner

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In every case, I focus on a client's unique needs and interests, and I strive to identify the most effective path to accomplish that client's goals. To that end, I've negotiated favorable settlements for clients without filing a complaint. When necessary, I've successfully led cases through trial and appeal on behalf of both plaintiffs and defendants.

I focus my practice in complex commercial litigation and intellectual property law. I have represented clients in disputes involving patents, trademarks, copyrights, employment law, legal malpractice actions, contracts, class actions, and shareholder derivative actions. I am experienced in every stage of litigation from pre-filing investigations through trial and appeal. I've also successfully represented clients in mediations, arbitrations, and informal settlement negotiations.

Prior to joining Chapman Spingola, I practiced at a nationally-recognized boutique litigation firm specializing in first-party and third-party insurance disputes, where I represented clients in state and federal courts across the country. Like my colleagues, I pride myself in working closely with our clients to develop a litigation strategy that reflects their goals. Responsiveness, creativity, and results are the cornerstones of my practice.

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Education

- J.D., Berkeley School of Law (Boalt Hall) of the University of California
 - Fellow, Berkeley Technology & Law Center
 - Author of “Graduated Response Systems and the Market for Copyrighted Works,” published by Berkeley Technology and Law Journal, Annual Review 2012; subsequently reprinted by Tsinghua University, Beijing, China)
- B.A. University of Illinois, Urbana-Champaign

Representative Results

- Obtained multi-million dollar settlement on behalf of manufacturing systems designer client in legal malpractice claim arising from its former attorneys' failure to adequately address patent-related issues in a licensing dispute. In related action, defeated motion for summary judgment in Missouri federal court in legal malpractice claim against another law firm arising from patent prosecutor's failure to protect IP rights of client, leading to a favorable settlement.
- Successfully defended private equity firm against multi-million dollar fraudulent transfer claim in California state court resulting in very favorable settlement.
- Defended manufacturer of liquid cooling systems for cryptocurrency mining devices in patent infringement suit in Texas federal court and in related *inter partes* review matter before the Patent Trial and Appeal Board. Prepared non-infringement analyses and invalidity analyses, and claim construction materials.
- Brought innovative successor liability claim resulting in favorable settlement for plaintiff recycling broker in dispute with international subcontractor, without taking any depositions.
- On issue of first impression, obtained dismissal of multi-million dollar professional negligence claim against our client, a damages expert, brought by his former clients, leading to a favorable settlement.
- Obtained favorable settlement within weeks of filing complaint on behalf of plaintiff national floral distributor in claims against software company for breach of contract.

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- Defeated a motion for TRO in a contract dispute in federal court in the District of New Jersey, which resulted in the plaintiff immediately and voluntarily dismissing its claim.
- Obtained favorable settlement on behalf of news organization in legal malpractice claim arising out of its former attorneys' failure to exercise due diligence in real estate transaction.
- Obtained a dismissal without any payment to the opposing party on behalf of a law firm in a legal malpractice action in an arbitration proceeding in Chicago.
- Represented a sports league in Colorado state court in a breach of contract dispute with its insurer. Developed a mediation strategy that led to a seven-figure recovery within weeks of taking the case, without taking any discovery or filing any motions.
- Successfully defended individual against all monetary damages in a lawsuit arising out of a breach of a settlement agreement.
- Represented a global automotive supplier in a patent infringement lawsuit in Michigan federal court involving over a dozen patents and hundreds of asserted claims. Prepared non-infringement analyses, invalidity analyses, and extensive preparations for two-day *Markman* claim construction hearing.
- Successfully represented commercial landlord in real estate dispute in appeal before the United States Court of Appeals for the First Circuit.
- Helped obtain a dismissal of claims for fraud, breach of the duty of good faith and fair dealing, and collateral estoppel against a large beverage company in a trademark dispute with its former licensee.
- Defeated a motion for summary judgment in a defamation action against a major media company, which led to a settlement on the eve of trial.
- On behalf of an insurance company, obtained a full dismissal of claims brought by two former executives for hundreds of thousands of dollars in unpaid bonuses and compensation.
- Represented a general contractor in multiple lawsuits against the nation's largest insurance carriers. Defeated multiple motions to dismiss in Nebraska state and federal court which included issues of first impression involving the assignability of contractual and tort claims under Nebraska law.
- Successfully defended two wage-and-hour class actions and negotiated early and favorable settlements in each, without any payment to the putative class.

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- Defeated a motion for a TRO in federal court in a shareholder derivative action, which led to an early and favorable settlement.
- Represented a private equity firm in a multi-million dollar breach of contract dispute in Georgia state court involving multiline insurance policy with dozens of insurance carriers. Defeated the defendants' motion for judgment on the pleadings in a case involving complex issues of foreclosure and insurable interests in distressed assets.
- Represented a condominium association in a suit for breach of contract and bad faith against its insurer in Colorado federal court. Defeated the insurer's motion to dismiss, *Daubert* motion, and motion for summary judgment, which led to a favorable settlement.

Admissions

- State of Illinois
- State of Colorado
- State of Massachusetts
- First Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- District of Colorado
- Western District of Kentucky
- Northern District of Illinois
- Western District of Michigan
- District of Nebraska
- Western District of Tennessee
- Eastern District of Wisconsin