

Biography



James S. Trainor, Jr.
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Bars and Courts

US Court of Appeals for the Federal Circuit

US District Courts for the Southern and Eastern Districts of New York

US District Court for the District of Massachusetts

US Patent and Trademark Office

Massachusetts State Bar

New York State Bar

Education

JD, Suffolk University, *cum laude*, Law Review, 2000

BSCE, Tufts University, College of Engineering, 1997

Languages

English

Portuguese

Citizenship

United States

Practice Experience

Mr. Trainor is litigator with a focus on patent litigation. His practice additionally includes antitrust and commercial litigation, patent counseling, and IP-transactional services ranging from technology licensing to support of M&A and project finance deals. Mr. Trainor has successfully represented clients in all phases of litigation, through trial and appeal.

Mr. Trainor practices across the life sciences, high-tech, telecommunications, and transportation industries. Representative technologies include pharmaceuticals; genetics; drug delivery; microprocessor and circuit design; network systems and DBMS; software; solar and wind power; transit engineering; waste management; and cosmetics.

Mr. Trainor has been with White & Case since 2000. His notable patent litigation experience includes:

- *Google Inc. v. BT Americas, Inc., et al.* (C.D. Cal) - Representing Google in litigation concerning teleconferencing and QoS assurance products;
- *Professional Drug Co., et al., v. Wyeth, et al.* (and related class action cases) (D.N.J.) - Representing Wyeth in defense of multiple, patent-based class action antitrust claims concerning Wyeth's blockbuster drug, Effexor®;
- *ArrivalStar, et al., v. The Port Authority of New York and New Jersey* (S.D.N.Y.) – Lead counsel for The Port Authority in litigation concerning notification messaging;
- *Pfizer Inc. v. Teva Pharmaceuticals USA, Inc., et al* (D.N.J.) – trial counsel for Pfizer in Hatch-Waxman litigation concerning Pfizer's billion-dollar incontinence drugs, Detrol® and Detrol LA®;
- *Almirall Prodesfarma, S.A. v. Teva Pharmaceuticals USA, Inc., et al.* (S.D.N.Y.) – Represented Spanish pharmaceutical company, Almirall, in Hatch-Waxman litigation concerning the Almirall/Johnson & Johnson antimigraine drug, Axert®;
- *Massachusetts Eye and Ear Infirmary v. Novartis Ophthalmics, Inc., et al.* (D. Mass.) – Represented Novartis in litigation concerning photodynamic therapy and Novartis's Visudyne® product;
- *Novartis Pharmaceuticals Corp. v. Altaire Pharmaceuticals, Inc.* (S.D.N.Y.) – Represented Novartis in litigation concerning ophthalmic solution preservation systems; and
- *Henlopen Mfg. Co. v. Revlon Consumer Prod. Corp.* (S.D.N.Y.) – Represented Henlopen, in contract and inventorship dispute concerning cosmetics applicators.

On the commercial end of his practice, Mr. Trainor specializes in securing provisional remedies for his clients. His commercial litigation experience extends to all dispute phases, and representative cases include:

- *Ma v. iGavel* (NY Supreme) - lead counsel for plaintiff-heir in dispute with NY auction house concerning the estate of legendary Hong Kong film actress, Tina Ti;
- *International Lease Finance Corporation v. AirComet* (NY Supreme) - lead counsel for global aircraft leasing leader, ILFC, in seizure action against lessee-debtor; and
- *Enomoto v. Space Adventures Ltd.* (E.D. Va.) – represented Japanese national in contract and fraud suit concerning private International Space Station tourism.

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Among the corporate transactions in which he has advised clients, Mr. Trainor notably acted as lead IP counsel on behalf of the U.S. Department of Energy in the funding of a major solar energy initiative. He similarly advises corporates and private equity houses on IP-centric M&A transactions.

Mr. Trainor is a thought leader in the area of e-Discovery and Legal Process Outsourcing and counsels clients in this regard. Mr. Trainor is the firm's head of Practice Technology in New York.

Mr. Trainor maintains an active *pro bono* practice, which has been marked by distinction from the bench. In *McCall v. Astrue* (S.D.N.Y), he obtained reversal of the denial of a 22-year-old Social Security Disability claim on behalf of his client; in the published opinion, Hon. Gerald Lynch publicly lauded Mr. Trainor as an "extremely effective and able advocate," who made "a heroic effort" over eight years of litigation. More recently, Mr. Trainor's *pro bono* efforts have been focused in his capacity as outside general counsel for the Rett Syndrome Research Trust, which sponsors research in pursuit of a cure for the orphan neurological disease, which primarily affects girls.