

Robert J. Gilbertson *Attorney*



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Overview

Bob Gilbertson is an experienced trial lawyer who has successfully handled litigation and arbitrations across the United States in cases involving intellectual property, commercial disputes, insurance, industrial catastrophes, and products liability.

He has tried cases to verdict in all of these areas and has handled cases in 30 states around the country. He also has deep experience representing companies faced with putative class action and antitrust lawsuits, having defended 36 such actions in 16 different states around the country. Bob asks the kinds of questions that judges and jurors would ask, and enjoys making complicated ideas understandable in the courtroom.

Education

J.D., University of Michigan, *cum laude*

B.A., Carleton College, *cum laude*, Stimson Prize

Experience

Robins, Kaplan, Miller & Ciresi L.L.P., Associate; Partner

Representative Experience

Clients turn to Bob to handle commercial disputes of many kinds:

INTELLECTUAL PROPERTY

- Bob represents clients in a wide variety of industries as plaintiffs and defendants in patent, trademark, trade-secret, trade-dress, and false-advertising actions in courts around the country. His clients won a judgment of non-infringement in *Reshare Commerce, LLC v. State Farm, et al.* (D. Minn. 2013) and won a dismissal of a patent infringement action in *Ductcap Products v. J&S Fabrication* (D. Minn. 2009). He has also represented clients in infringement actions around the country and before the U.S. International Trade Commission. Bob focuses on learning the technology involved in patent infringement and other intellectual property cases in a way that will help him explain it to judges and juries who don't happen to have relevant technical training.

COMMERCIAL LITIGATION

- Bob has been handling commercial disputes for his entire career. Clients, from Fortune 100 companies to closely-held businesses, turn to him to protect their interests in disputes over supply contracts, energy and financial-services agreements, fraud claims, and antitrust issues. Bob has, for example, successfully represented a financial-services firm asserting contract and fraud claims against an investment bank, a national retailer accused of fraud in connection with a new line of business, a major railroad seeking to clarify trackage rights, and a duty-free business asserting antitrust and other claims against a competitor. In one recent case, he represented a Fortune 100 company and won summary judgment, affirmed by the Eighth Circuit, on fraud and other claims arising out of the purchase and subsequent sale of a seafood business.

CLASS ACTIONS

- Bob is frequently called upon to defend major corporations facing fraud, antitrust, RICO, and other claims asserted as putative class actions. For example, he secured summary judgment for his client in a putative nationwide consumer class action brought against his client in Tennessee in *Edwards v. Danka* (M.D. Tenn. Oct. 17, 2006). He has defended 36 putative class actions filed in 16 different jurisdictions and seeking, in some cases, billions of dollars in damages. Only one litigation class has been certified in those cases, and that certification was reversed on appeal.

INSURANCE COVERAGE

- Bob enjoys the contract interpretation challenges associated with insurance-coverage disputes and has been handling such matters involving property, liability, and other coverages since the start of his career. For example, his client prevailed in an insurance coverage dispute in *St. Mary's Foundry v. Employers Insurance of Wausau* (6th Cir. 2003).

INDUSTRIAL CATASTROPHES

- When a major industrial loss occurs, Bob is adept at handling loss investigations, insurance claims, and subsequent litigation over insurance and liability issues. He has represented clients in litigation arising out of some of the nation's largest industrial catastrophes, such as the 1991 Americold warehouse fire in Kansas, the 1999 Olympic pipeline explosion in Washington, and the 2009 North Star Foods fire in Minnesota. In 2010, his client prevailed in an Iowa Supreme Court decision (*Royal Insurance v. FM Global*, Iowa June 11, 2010) dismissing negligent-inspection and breach-of-contract claims. He has brought and defended dozens of claims arising out of such disasters and has counseled clients on how to navigate their way beyond them.

PRODUCT LIABILITY

- Bob has handled products liability cases in 19 states and has taken such cases to trial in Arizona, Illinois, Michigan, Minnesota, and Tennessee. For example, Bob successfully defended an equipment manufacturer faced with major personal-injury claims in a case arising out of an industrial accident in Ohio. As with intellectual-property cases, Bob enjoys the opportunity in products cases to learn technology from experts and teach technology to non-experts.

APPEALS

- Bob has handled or consulted on appeals in ten different states. In 2008, for example, he argued an appeal in the Second Circuit Court of Appeals in *Hackert v. BRK* (2d Cir. 2008), in which his client obtained an affirmance of a favorable district court judgment. Bob enjoys the intellectual challenge of appeals, and finds that his appellate experience is helpful when he is in the trial court as well.

PRO BONO

- For many years, Bob has represented refugees seeking asylum in the United States. For example, he represented the petitioner in *Hassan v. Reno*, a 2000 case that successfully challenged the deportation of a young man to Somalia. If you want to hear a remarkable story, ask Bob about his first asylum client.

Admissions

- U.S. Courts of Appeals for the Federal, First, Second, Sixth and Eighth Circuits

- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the District of North Dakota
- State Bar of Minnesota

Professional & Community Affiliations

PROFESSIONAL AFFILIATIONS

- Intellectual Property Owners Association (IPO)
 - IPO Patent Law Committee
- American Intellectual Property Law Association
- American Bar Association Tort Trial & Insurance Practice Section
 - Former Chair, TIPS Business Litigation Committee
 - Former Vice-Chair, Property Insurance Law Committee
- Federal Bar Association
- Minnesota State Bar Association
- ITC Trial Lawyers Association

COMMUNITY INVOLVEMENT

- Appointed by Gov. Tim Walz in 2019 to the Minnesota Commission on Judicial Selection. (2019-present)
- Member of the Board of Trustees of Laura Baker Services Association, a non-profit organization that has been serving people with developmental disabilities for over 100 years in Northfield, Minnesota. (2012-present)
- Member of the Carleton College Alumni Annual Fund Board. (2019-present)
- Former member and officer of the Board of Directors of Circle Lake Association, a non-profit organization dedicated to improving water quality and the community around Circle Lake in Forest Township, Minnesota. (2010-2018)

Thought Leadership

PUBLICATIONS

- Co-Author of *Recent Developments in Business Torts Law*, Tort Trial & Insurance Practice Law Journal (Winter 2003)
- Co-Author of *Recent Developments in Business Torts Law*, Tort Trial & Insurance Practice Law Journal (Winter 2002)
- Contributor of *Property Insurance Annotations - Fire and Extended Coverages*, 3d ed. (1998), published by the ABA TIPS Property Insurance Law Committee
- Co-Author of *For Spoliating Parties, Courts Don't Spare the Rod*, National Law Journal (September 8, 1997)

TEACHING AND LECTURING

- *Privilege in Multiparty Litigation - The Joint Defense and Common Interest Privileges*, Pressure on the Privilege, Minnesota CLE (September 2019)
- Instructor, University of Michigan Law School - Legal Writing and Advocacy (1990-1991)
- Adjunct Professor, William Mitchell College of Law - Appellate Advocacy (2004)

Recognition

- Listed in *The Best Lawyers in America* (2013-2020)
- Selected to Super Lawyers list, *Minnesota Super Lawyers* (2014-2019)
- Recognized as Minnesota State Bar Association North Star Lawyer for pro bono service (2012-2015; 2017)
- Named a "Rising Star" and a "Super Lawyer" by *Minnesota Journal of Law & Politics*
- Led teams that received the Volunteer Award, The Advocates for Human Rights (1998 and 2004)