

# Gerald P. Schneeweis

## Member

For over 35 years, Gerald Schneeweis has represented clients in state and federal trial and appellate courts. These include pharmaceutical, medical device, and other manufacturers in product liability litigation asserting claims of design and manufacturing defect, failure to warn and off-label promotion. He has acted as coordinating, regional and local counsel in federal and state-wide coordinated proceedings, asserting product liability claims against life sciences manufacturers and research entities. He served as lead coordinating counsel in multi-plaintiff product liability litigation on behalf of a dermal filler manufacturer/clinical trial sponsor and several of its former executives, officers and directors. He has also counseled manufacturers and insurers on various product liability issues, including adequacy of warnings, marketing, and FDA rules on promotion of off-label use.

In addition, Gerry has represented industrial, consumer and agricultural research companies in product liability, breach of warranty and breach of contract litigation. His experience also includes the representation of clients in design and engineering firms and retailers in commercial disputes, unfair competition and business torts, as well as IP litigation.

He is a member of the American Bar Association, Defense Research Institute and the American Board of Trial Advocates.

### Publications/Presentations

- Author, "PREP Act Update: Liability Immunity for 'Covered Countermeasures' During the COVID-19 Pandemic," *Rx For the Defense*, Defense Research Institute, July 9, 2020
- Moderator, "How Will Law Treat Science and Medicine Once the Pandemic Subsides?" American Bar Association, International Law Section, May 13, 2020
- Author, "USPTO v. Booking.com B.V.," Clark Hill Intellectual Property Update, November 26, 2019
- Author, "On the Banks of the Stream of Commerce: Why There Should Be No Individual "Product" Liability of Corporate Officers, Directors and Employees," *Rx For the Defense*, Defense Research Institute, August 12, 2019
- Author, "Federal Circuit Clarifies USPTO Requirements Regarding Adequacy of Webpage as 'Specimen of Use' in Application for Federal Registration of Trademark," Clark Hill Intellectual Property Update, April 16, 2019
- Speaker, "Food Law Court – Litigation Hot Topics," 2018 Food Law Forum, November 7, 2018
- Moderator, "There's No Place Like Home: Challenges to Jurisdiction in Life Sciences Litigation," American Bar Association Section of International Law Lifesciences Conference, June 2018
- Guest Speaker, "Legal and Regulatory Updates in the Life Sciences Industry," webinar for life sciences industry insurer, January 31, 2017
- Moderator, "Navigating Relationships with Codefendants and Third Party Witnesses," American Bar Association Section of Litigation Regional CLE Workshop - Current Issues in Pharmaceutical, Medical Device, and Biotech Litigation, November 4, 2016
- Speaker, "Life Sciences Claims and Litigation Trends," presentation to life sciences industry insurer, September 9, 2015
- Co-Author, "Supreme Court Affirms Vitality of Lanham Act Unfair Competition Claims in Two Separate Cases," International Association of Defense Counsel Business Litigation Committee Newsletter, July 2014
- Instructor, "Federal Preemption" and "Off-Label Promotion," online business litigation courses on FDA regulations of life sciences companies, San Diego State University Masters' program in Regulatory Affairs, May 2012
- Author, "Justices Limit Exposure of Foreign Businesses to US Litigation," *Los Angeles Daily Journal*, July 7, 2011
- Guest Speaker, "Best Practices to Avoid & Minimize Product Liability Litigation: a US and EU Perspective," webinar for life sciences industry insurer, May 25, 2011
- Guest Presenter, "Selected Topics in Life Sciences Products Litigation," presentation for life sciences industry insurer, February 2010
- Speaker, "Marketing and Protection of Design Professional Services on the Internet," November 2008
- Speaker, "Business Promotion on the Internet," April 2008
- Author, "Working With The Physician's Counsel in Defending 'Off-Label Use' Litigation," *Rx for the Defense*, Defense Research Institute, October 2007



### Office

San Diego

One America Plaza  
600 West Broadway, Suite 500  
San Diego, CA 92101

(619) 819-2414 (phone)  
gschneeweis@clarkhill.com

### Education

J.D., Southwestern University School of Law, Los Angeles, California

B.A., St. Mary's College of California, Moraga, California

### State Bar Licenses

California

Massachusetts

### Court Admissions

U.S. Court of Appeals, 9th Circuit

U.S. District Ct., S.D. of California

U.S. District Ct., C.D. of California

U.S. District Ct., E.D. of California

U.S. District Ct., N.D. of California

- 
- Presenter, "Advertising and Business Promotion," Lorman Education Services, Pasadena, California, October 2002
  - Author, "Working With The Physician in Defending Failure to Warn Cases," *Rx for the Defense*, Defense Research Institute, May 15, 2002
  - Speaker, Presentation on Biotech Product Liability Issues, International BIO Conference, Seattle, 1999
  - Speaker, Presentation on FDA Compliance, International BIO Conference, New York City, 1998

## Practices, Industries & Services

Construction  
Food, Beverage & Hospitality  
Food, Drug & Device Law  
Intellectual Property & Technology  
Litigation  
Pharmaceutical

## Areas of Emphasis

Commercial Litigation  
Product Liability

## Memberships

- American Bar Association - International Life Sciences and Health Law Committee of the International Law Section, Co-Chair
- American Bar Association - Litigation and IP Sections
- American Board of Trial Advocates (ABOTA)
- Association of Business Trial Lawyers
- Defense Research Institute, Drugs and Devices Committee

## Honors

- AV® Preeminent™ Peer Review Rated - Martindale-Hubbell