

Matthew C. Zorn

PARTNER

mzorn@yettercoleman.com
713.632.8064



Credentials

- Columbia University
J.D.
Harlan Fiske Stone Scholar
Articles Editor, *Columbia Journal of European Law*
- Emory University
B.A., European History and Applied Mathematics, *summa cum laude*
Phi Beta Kappa
- Judicial Law Clerk to the
Hon. Rodney Gilstrap,
U.S. District Court for the Eastern District of Texas
- Admitted to Practice:
New York
Texas
U.S. District Court for the District of Columbia
U.S. District Court for the District of Colorado
U.S. District Court for the Eastern District of Michigan
U.S. Court of Appeals for the First, Ninth, and D.C. Circuits
U.S. Court of Appeals for the Federal Circuit
U.S. District Courts for the Eastern, Southern, and Western Districts of Texas

Matt focuses on complex commercial litigation, representing clients in IP, contract, and regulatory litigation in federal and state trial and appellate courts.

He has significant expertise in federal jurisdiction and procedure. Matt is at home digging out case-changing evidence, crafting legal strategies under arcane statutes and procedures, eliciting critical deposition or trial testimony, and arguing on his feet to trial courts, appellate courts, and arbitrators.

Matt is also recognized as an authority on issues relating to the federal Controlled Substance Act and relating to cannabis regulation, even being named to the *Law360* 2020 Cannabis Editorial Advisory Board. Matt routinely speaks and publishes on issues relating to legal issues relating to controlled substances.

Matt has received national recognition for his work in IP and controlled substances litigation. The American Lawyer recently named Matt a finalist for Young Lawyer of the Year (Litigation), and the American Inns of Court named him a 2020 Pegasus Scholar. *Best Lawyers in America* named Matt "One to Watch," and Thomson Reuters' *Super Lawyers* recognized him as a "Texas Rising Star" in IP Litigation, Cannabis Law, and Administrative Law.

Before joining the firm, Matt was a judicial clerk to the Hon. Rodney Gilstrap, U.S. District Judge for the Eastern District of Texas, spending hundreds of hours in court helping manage one of the busiest trial dockets in the country. Before then he was a litigator with Paul, Weiss in New York City.

Experience

- **Global Tubing v. Tenaris Coiled Tubes.** Obtained a complete defense victory in connection with seeking a declaratory judgment that Global Tubing's quench-and-tempered coiled tubing products – key to its business – did not infringe three Tenaris patents. Over the six-year dispute, we defeated several motions to dismiss, obtained a discovery ruling that used the crime-fraud exception to order Tenaris to produce attorney-client communications related to a key prior art document, and an opinion sanctioning Tenaris for violating the protective in prosecuting follow-on patents. The district court granted our client's motion for summary judgment and found all the patents unenforceable due to Tenaris's fraud on the Patent Office.

- **Zorn v. HHS** . Lawsuit seeking to compel production of HHS recommendation relating to medicinal value of cannabis under FOIA. Two months after filing an early motion for summary judgment, agency released document in full. Lawsuit featured on front page of New York Times
- **Aggarwal v. DEA (argued)** . Part of team in petition for review proceeding in the Ninth Circuit Court of Appeals seeking order setting aside DEA decision denying petition to reschedule psilocybin. One week after oral argument, the court granted the petition for review and remanded rescheduling petition for reconsideration.
- **Scheduling 4-OH-DiPT, 5-MeO-AMT, 5-MeO-MiPT, 5-MeO-DET, and DiPT**. Lead counsel for two startup companies researching psychedelic medicine in formal rulemaking proceeding regarding proposed scheduling of five tryptamine substances into Schedule I of the Controlled Substances Act (87 FR 2376 (2022)). One month before evidentiary hearing and following exchange of witness statements, rule withdrawn by the Administrator. (87 FR 45076 (2022)).
- **Crown Distributing v. Texas DSHS**. Lead litigator in state court action asserting state constitutional and administrative law claims against state agency regarding bans on smokable hemp products. Obtained temporary injunction forestalling enforcement of ban until final trial on the merits, which was partially upheld on appeal. Obtained trial court judgment that statutory directive and resulting administrative rule were invalid, prevailing on the constitutional claim, after a bench trial on the merits. Trial court ruling partially upheld on direct appeal to Texas Supreme Court, with decision overturning ban on sale and distribution intact.
- **AIMS v. DEA** (argued). Part of team in suit in the Ninth Circuit Court of Appeals seeking order setting aside DEA decision that it lacks authority to accommodate waiver or exception to permit use of controlled substances in accordance with state and federal right to try laws. Prominent amici include ten states, the Goldwater Institute, the Cato Institute, and the ACLU of Washington.
- **Sisley v. DEA** (argued). Co-lead lawyer in pro bono suit in the Ninth Circuit Court of Appeals seeking order setting aside DEA decision related to marijuana scheduling.
- **Legacy Separators v. Halliburton**. Represented plaintiff in pursuing patent/trade-secret claims over oilfield gas separator operations. In the last Houston jury trial before the Covid-19 lockdown, we settled with one defendant and defeated Halliburton's defenses and counterclaims. The jury hung on whether Halliburton systems infringe. The case settled before the second trial.
- **Scottsdale Research v. DOJ/DEA**. Co-lead lawyer in pro bono FOIA suit to force release of a secret 2018 DOJ memo, "Licensing Marijuana Cultivation in Compliance with the Single Convention on Narcotic Drugs". Within weeks of filing complaint and without filing a FOIA request, the DOJ released the memo as part of settlement. The memo details how and why it concluded that DEA could not process medical research applications.

- **Confidential international arbitration.** Part of plaintiffs' team in a contract dispute with a large patent aggregator. Conducted cross-examination during the final hearing in New York City, as well as crafted key aspects of the team's overall strategy. Award is confidential.
- **In re Scottsdale Research.** Co-lead lawyer in pro bono suit in the U.S. Court of Appeals for the D.C. Circuit seeking to order DEA to process clinical research applications after years of delay. When the court-ordered DEA to respond, the agency capitulated, processing 33 overdue applications and announcing an intent to move forward with a comprehensive program.
- **Silver State Techs. Inc. v. Garmin Int'l, Inc.** Part of defense trial team for a GPS company against a non-practicing entity. The case resulted in jury verdict invalidating all four patents-in-suit.
- **Bluestone Innovations LLC v. Nichia Corp.** Assisted in defending Nichia in action brought by non-practicing entity concerning LED technology. The case resulted in dismissal with prejudice without payment.
- **Invidi Tech. Corp. v. Visible World Inc.** Part of defense team that represented Visible World in competitor suit concerning patents covering targeted advertising technology.

Professional Honors & Affiliations

- Young Lawyer of the Year (Litigation) finalist, *The American Lawyer*, 2022
- Pegasus Scholar, American Inns of Court, 2020
- "Ones to Watch" in IP Litigation & Commercial Litigation, *Best Lawyers in America*, 2023-2024
- "Texas Rising Star," in Intellectual Property Litigation by Thomson Reuters' *Super Lawyers*, 2023
- The Honorable Nancy F. Atlas Intellectual Property American Inn of Court, Associate (2018-2020), Barrister & Executive Committee (2021)
- Member: Law360 Cannabis Editorial Advisory Board, 2020-2021
- Member: Federal Circuit Bar Association

Presentations & Publications

- "The Controlled Substances Act: An International Private Delegation That Goes Too Far," 100 Wash. U. L. Rev. (co-author)
- "Demystifying the Crime-Fraud Exception", *The Advocate*, Winter 2022 (co-author)
- "Sue 'n the DEA: Breaking the 50-year NIDA Monopoly" South by Southwest® Conference (SXSW), March 15, 2022, (co-presenter)
- "Pills to Pot? An Investigation of the Evidence for Cannabinoids as an Opioid Substitute," Workers' Compensation Program, Arizona State Bar, September 2020 (panelist)
- "Federal Law & Policy Update," Business Issues in Cannabis & Industrial Hemp Conference, February 2020 (co-presenter)

- “Legal and Scientific Issues in Increasing Medical Cannabis Research,” Texas Marijuana Policy Conference, August 2019 (co-presenter)
- “State Anti-SLAPP In Federal Court: An Update From Texas,” *Law360*, November 1, 2018 (co-author)
- “Questions Raised By Law That Use Copyrighted Standards,” *Law360*, August 2, 2018 (co-author)
- “An Uptick in Customer-Suit Exception After TC Heartland?” *Law360*, November 9, 2017 (author)