






Neil J. McNabnay

Principal

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Overview

About Neil

Neil McNabnay is a principal in the Dallas office of Fish & Richardson P.C. His practice emphasizes patent litigation for clients in diverse industries, including software, hardware, transportation, financial services, semiconductors, telecommunications and aerospace/defense. Mr. McNabnay has substantial experience serving as defense counsel to multiple clients in large scale patent litigation. Previously, Mr. McNabnay was a clerk to the Honorable A. Joe Fish, U.S. District Court for the Northern District of Texas (1997-1998).

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation

Industries

- Aerospace and Defense
- Financial and Business Services
- Hardware

- Semiconductors
- Software
- Telecommunications
- Transportation

Education

J.D. *cum laude*, University of Michigan Law School (1997) Executive Editor, *Michigan Telecommunications and Technology Law Review*

B.S. *summa cum laude*, Aerospace Engineering, University of Michigan (1994)

Experience

Texas Instruments Incorporated v. Hyundai Electronics Industries Co., Ltd. – Represented TI in three cases in the E.D. Tex. and nine others filed around the world 1998. Obtained a settlement, valued at over \$1.2 billion, in favor of TI after taking the first of over 30 semiconductor patents to trial in the E.D. Tex. and winning.

F&G Scrolling Mouse, LLC. v. IBM Corporation (M.D.N.C. 1999) – Obtained an extremely favorable settlement for IBM in defense of a patent infringement suit concerning scrolling mouse technology.

Alcatel USA, Inc. v. Tekelec, Inc. (E.D. Tex. 2000) – Obtained a favorable settlement for Alcatel by asserting two patents related to the routing of query messages by a signal transfer point in a telecommunications network.

National Presort, Inc. v. Bell & Howell Company Postal Systems, Inc. (N.D. Tex. 2001) – Obtained an extremely favorable settlement for Bell & Howell in defense of a patent infringement suit involving mail sorting technology.

Air Measurement Technologies, Inc. v. Scott Technologies, Inc. (W.D. Tex. 2001) and *Air Measurement Technologies, Inc. v. Bacou USA Safety, Inc.* (W.D. Tex. 2001) – Counsel for Scott and Bacou. Obtained a favorable settlement in defending against five patents relating to breathing apparatuses for firefighters.

Universal Surveillance Systems, Inc. v. Sensormatic Electronics Corporation (S.D. Fla. 2002) – Obtained a jury verdict in favor of Sensormatic, including an award of damages and permanent

injunction, with respect to a Sensormatic patent covering electronic article surveillance tag technology.

Texas Instruments Incorporated v. Intergraph Corporation (Two cases in the E.D. Tex. 2003) – Obtained a favorable settlement for TI by asserting three patents related to computer clock speed control and an intelligent power switch and defending against three patents related to parallel processing.

Symbol Technologies, Inc. v. Hand Held Products, Inc. v. Avnet, Inc. (D. Del. 2003) – Obtained an extremely favorable settlement for Avnet in a patent infringement suit concerning 802.11a/g wireless cards.

Verve, LLC v. 3M Company (E.D. Tex. 2004) – Obtained an extremely favorable settlement for 3M in defending a patent infringement suit involving optical fiber network design.

Lonestar Inventions, LP v. Marvell Semiconductor, Inc. (W.D. Tex. 2004) – After successfully arguing a motion to transfer to the N.D. Cal., obtained a favorable settlement for Marvell in defense of a patent infringement suit involving a high capacitance structure in a semiconductor device.

Motorola, Inc. and Freescale Semiconductor, Inc. v. Micron Technology, Inc. (W.D. Tex. 2004) – Obtained an extremely favorable settlement for Micron in a patent infringement suit involving 34 mobile phone, semiconductor processing, and circuit patents asserted by Motorola/Freescale and Micron.

Wichita Falls Power Management, LLC v. Intel Corporation (N.D. Tex. 2005) – Obtained dismissal for Intel in a patent infringement suit involving microprocessor power management.

TronTech Licensing Incorporated v. Uniden America Corporation (E.D. Tex. 2006) – After invalidating 8 claims based on indefiniteness at *Markman* hearing, obtained favorable settlement for Uniden in patent infringement suit involving cordless telephone answering machine technology.

DDR Holdings, LLC. v. Travelocity.com LP and Site59.com, LLC (E.D. Tex. 2006); *DDR Holdings, LLC v. Internetwork Publishing Corporation d/b/a Lodging.com and Neat Group Corporation* (E.D. Tex. 2006); *DDR Holdings, LLC v. Expedia, Inc. and Hotels.com, LP* (E.D. Tex. 2006) – After reexamination of patents-in-suit, obtained settlements for Travelocity/Site 59, Lodging.com/Neat Group, and Expedia/Hotels.com in patent infringement suits involving co-branding and private labeling of a website.

Constellation IP, LLC (n/k/a Presentation Specialist Technologies, LLC) v. Travelocity.com, LP and Sabre Holdings Corporation (E.D. Tex. 2006); *Constellation IP, LLC v. Travelport, Inc., Orbitz, LLC, Orbitz Away, LLC, Trip Network, Inc. (d/b/a CheapTickets), Galileo International, LLC, and LQ Management LLC* (E.D. Tex. 2007); and *Constellation IP, LLC v. Netflix, Inc., IAC/InterActiveCorp, and Match.com, LLC* (E.D. Tex. 2007) – Obtained dismissal for Sabre and Travelport, and favorable settlements for Travelocity, Orbitz, CheapTickets, Galileo, La Quinta, Netflix, IAC/InterActiveCorp,

and Match.com, by defending patent infringement suits concerning an electronic, customized, presentation system that creates a visual impression characteristic that the customer associates with the seller.

Clear with Computers, LLC (f/k/a Orion IP, LLC) v. Isuzu Motors America, Inc. (E.D. Tex. 2007); *Clear with Computers, LLC v. Canon U.S.A., Inc., Uniden America Corporation, Kohler Co., Callaway Golf Company, Plantronics, Inc., Altec Lansing Technologies, Inc., Haier America Trading, LLC, Bed Bath & Beyond, Inc., Buy Buy Baby, Inc., Dillard's, Inc., The Gap, Inc., Banana Republic LLC, Old Navy LLC, Guess? Inc., Saks Incorporated, Club Libby Lu, Inc., Limited Brands, Inc., Victoria's Secret Stores, LLC, Urban Outfitters, Inc., Anthropologie, Inc., and Free People, LLC* (E.D. Tex. 2008); *Clear with Computers, LLC v. Apple, Inc.* (E.D. Tex. 2008); *Clear with Computers, LLC v. Bassett Furniture Industries, Inc., The Boeing Company, Brunswick Corporation, Sea Ray Boats, Inc., Boston Whaler, Inc., Cabela's, Inc., eBay, Inc., Halliburton Company, Herman Miller, Inc., Pitney Bowes, Inc., Polaris Industries, Inc., QVC, Inc., and Tommy Hilfiger USA, Inc.* (E.D. Tex. 2009); *Clear with Computers, LLC v. Hyundai Heavy Industries Co., Ltd., Chico's Brands Investments, Inc., and Pacific Sunwear of California, Inc.* (E.D. Tex. 2009); *Clear With Computers, LLC v. Kubota Tractor Corporation* (E.D. Tex. 2012); and *Clear With Computers, LLC v. Valmont Industries, Inc.* (E.D. Tex. 2013) – Obtained dismissal for Club Libby Lu and favorable settlements for Isuzu, Canon, Uniden, Kohler, Callaway, Plantronics, Altec Lansing, Haier, Bed Bath & Beyond, Buy Buy Baby, Dillard's, Gap, Banana Republic, Old Navy, Guess?, Saks, Limited Brands, Victoria's Secret, Urban Outfitters, Anthropologie, Free People, Apple, Bassett, Boeing, Brunswick, Sea Ray, Boston Whaler, Cabela's, eBay, Halliburton, Herman Miller, Pitney Bowes, Polaris, QVC, Tommy Hilfiger, Hyundai, Chico's, PacSun, Kubota, and Valmont in patent infringement suits concerning electronic proposal preparation system patents and a computer assisted part sales method patent.

Gemini IP, LLC v. Citrix Systems, Inc. (E.D. Tex. 2007) – Obtained a favorable settlement for Citrix in patent infringement suit concerning remote access software.

Accolade Systems LLC v. Citrix Systems, Inc. (E.D. Tex. 2007) – Obtained summary judgment for Citrix in patent infringement case involving remote access software by successfully arguing that Citrix had been released pursuant to a co-Defendant's settlement agreement with the Plaintiff.

MHL Tek, LLC v. Subaru of America, Inc., Subaru of Indiana Automotive, Inc., and Fuji Heavy Industries, Ltd. (E.D. Tex. 2007 and Fed. Cir.) and *MHL Tek, LLC v. Mitsubishi Motors North America, Inc.* (E.D. Tex. 2008) – Obtained dismissal of Fuji, dismissal of two of three asserted patents based on a lack of standing, and summary judgment of non-infringement with respect to the third asserted patent for Subaru of America and Subaru of Indiana Automotive in case involving tire pressure monitoring system patents. The Federal Circuit affirmed the District Court's lack of standing ruling and found the District Court's non-infringement ruling moot after holding that there was a standing problem with the third patent as well (and thus reversing the District Court's ruling on the third patent standing issue). Also obtained dismissal for Mitsubishi Motors in a separate action.

Parallel Networks, LLC v. Netflix, Inc. (E.D. Tex. 2007); *Parallel Networks, LLC v. Orbitz, LLC and Priceline.com, Inc.* (E.D. Tex. 2008); and *Parallel Networks, LLC v. Orbitz Worldwide, Inc.* (E.D. Tex. 2010) – After obtaining a favorable claim construction ruling on behalf of Netflix, Orbitz, and Priceline, which led to the effective invalidity of the two patents in suit, the Plaintiff abandoned its case two days before the Court's hearing on Netflix's, Orbitz's, and Priceline's motion for summary judgment of invalidity by filing a covenant not to sue Netflix, Orbitz, and Priceline, an emergency motion to cancel the invalidity hearing, and a motion to dismiss Netflix, Orbitz, and Priceline with prejudice. The two patents in suit relate to the concept of offloading dynamic web page generation requests from a web server to an application server.

DataTern, Inc. v. Avis Budget Group, Inc. and Hertz Corporation (E.D. Tex. 2009); *DataTern, Inc. v. ConocoPhillips Company* (E.D. Tex. 2009); *DataTern, Inc. v. The Bank of New York Mellon Corporation, Eagle Investment Systems LLC, Pershing LLC, and Goldman, Sachs & Co.* (E.D. Tex. 2010); *DataTern, Inc. v. Iron Mountain, Inc.* (E.D. Tex. 2010); *DataTern, Inc. v. URS Corporation* (E.D. Tex. 2010); and *DataTern, Inc. v. Harley-Davidson, Inc.* (E.D. Tex. 2011) – Obtained favorable settlements for Avis Budget, Hertz, ConocoPhillips, Bank of New York Mellon, Eagle Investment, Pershing, Goldman Sachs, Iron Mountain, URS, and Harley-Davidson in patent infringement suits concerning middleware software that facilitates communication between an object oriented program and a relational database.

TQP Development, LLC v. Barclays Bank PLC and Amazon.com, Inc. (E.D. Tex. 2009); *TQP Development, LLC v. Ticketmaster Entertainment, Inc.* (E.D. Tex. 2009); *TQP Development, LLC v. Delta Air Lines, Inc., BigMachines, Inc., Transamerica Life Insurance Company, and Bank of New York Mellon Corporation* (E.D. Tex. 2010); *TQP Development, LLC v. Allianz Life Insurance Company of North America, CNA Financial Corporation, Dodge & Cox, OppenheimerFunds, Inc., Nationwide Investment Services Corporation, and Nationwide Mutual Insurance Company* (E.D. Tex. 2011); *TQP Development, LLC v. CHS, Inc., New York Life Insurance Company, New York Life Insurance and Annuity Corporation, and Massachusetts Mutual Life Insurance Company* (E.D. Tex. 2011); *TQP Development, LLC v. Orbitz, LLC, Hotwire, Inc., and Expedia, Inc.* (E.D. Tex. 2011); *TQP Development, LLC v. Deere & Company* (E.D. Tex. 2011); *TQP Development, LLC v. PepsiCo, Inc.*

(E.D. Tex. 2011); *TQP Development, LLC v. Oriental Trading Company, Inc.* (E.D. Tex. 2012); *TQP Development, LLC v. Google Inc.* (E.D. Tex. 2012); *TQP Development, LLC v. Hertz Corporation* (E.D. Tex. 2012); *TQP Development, LLC v. Carestream Health, Inc.* (E.D. Tex. 2014); *TQP Development, LLC v. Bed Bath & Beyond* (E.D. Tex. 2014); *TQP Development, LLC v. Brooks Brothers Group, Inc.* (E.D. Tex. 2014); *TQP Development, LLC v. Frontier Airlines, Inc.* (E.D. Tex. 2014); and *TQP Development, LLC v. Allied Electronics, Inc.* (E.D. Tex. 2014) – Obtained summary judgment of non-infringement for Hertz in suit involving SSL technology. Also obtained dismissal of Ticketmaster, CHS, MassMutual, Oriental Trading, Carestream Health, Bed Bath & Beyond, Brooks Brothers, Frontier Airlines, and Allied Electronics and favorable settlements for Barclays, Amazon, Delta, BigMachines, Transamerica, Bank of New York Mellon, Oppenheimer, Nationwide, New York Life, Allianz, CNA Financial, Orbitz, Hotwire, Deere, PepsiCo, Expedia, and Google.

Landmark Technology, LLC v. Fossil, Inc., Coach, Inc., and Select Comfort Corporation (E.D. Tex. 2009); *Landmark Technology, LLC v. Tiffany & Co., Dillard's, Inc., Urban Outfitters, Inc., CVS Caremark Corp., and RadioShack Corp.* (E.D. Tex. 2010); *Landmark Technology, LLC v. Hastings Entertainment, Inc., Books-A-Million, Inc., Tuesday Morning Corporation, BJ's Wholesale Club, Inc., and Ulta Salon, Cosmetics & Fragrance, Inc.* (E.D. Tex. 2010); *Landmark Technology, LLC v. Tech for Less, Inc.* (E.D. Tex. 2011); *Landmark Technology, LLC v. Wolverine World Wide, Inc.* (E.D. Tex. 2012); *Landmark Technology, LLC v. Jos. A. Bank Clothiers, Inc.* (E.D. Tex. 2012); *Landmark Technology, LLC v. Fifth & Pacific Companies, Inc., Kate Spade, LLC, Juicy Couture, Inc., and Lucky Brand Dungarees, Inc.* (E.D. Tex. 2012); *Landmark Technology, LLC v. Briggs & Stratton Corporation* (E.D. Tex. 2013); *Landmark Technology, LLC v. The Jones Group Inc.* (E.D. Tex. 2013); and *Landmark Technology, LLC v. Harley-Davidson, Inc.* (E.D. Tex. 2014) – Obtained extremely favorable settlements for Fossil, Coach, Select Comfort, Tiffany, Dillard's, Urban Outfitters, CVS, RadioShack, Hastings, Books-A-Million, Tuesday Morning, BJ's Wholesale, Ulta, Tech for Less, Wolverine, Jos. A. Bank, Fifth & Pacific/Kate Spade/Juicy/Lucky, Briggs & Stratton, Jones Group, and Harley-Davidson in patent infringement actions relating to e-commerce technology.

WebMap Technologies LLC v. Travelocity.com, Inc., Expedia, Inc., TripAdvisor LLC, IAC/InterActiveCorp, Citysearch, LLC, and City Accommodations Network, Inc. (E.D. Tex. 2009) – Obtained favorable settlements for Travelocity, Expedia/TripAdvisor, IAC/Citysearch, and City Accommodations Network in patent infringement suit against Acacia entity WebMap concerning interactive website mapping technology.

EMG Technology, LLC v. Priceline.com, Inc. (E.D. Tex. 2009); *EMG Technology, LLC v. Barnes & Noble, Inc.* (E.D. Tex. 2009); *EMG Technology, LLC v. Burger King Holdings, Inc., McDonald's Corporation, and Domino's Pizza, Inc.* (E.D. Tex. 2010); *EMG Technology, LLC v. Avis Budget Group, Inc., Kohl's Corporation, and Tiffany & Co.* (E.D. Tex. 2011); *EMG Technology, LLC v. Goodyear Tire & Rubber Company* (E.D. Tex. 2012); *EMG Technology, LLC v. Romano's Macaroni Grill Inc.* (E.D. Tex. 2013); and *EMG Technology, LLC v. Doctor's Associates Inc. d/b/a Subway* (E.D. Tex. 2014) – Obtained dismissal of Domino's, Romano's, and Subway and favorable

settlements for Priceline, Barnes & Noble, Burger King, McDonald's, Tiffany, Kohl's, Avis Budget, and Goodyear, in patent infringement suits involving mobile wireless web browsing technology.

SFA Systems, LLC v. Barnes & Noble Inc., Barnesandnoble.com LLC, and J&R Electronics Inc. (E.D. Tex. 2009); *SFA Systems, LLC v. BigMachines, Inc., Carestream Health, Inc., Ricoh Americas Corporation, and Enterasys Networks, Inc.* (E.D. Tex. 2010); and *SFA Systems, LLC v. Dollar Tree, Inc.* (E.D. Tex. 2010) – Obtained favorable settlements for Barnes & Noble, J&R, BigMachines, Carestream, Ricoh, Enterasys, and Dollar Tree in patent infringement suits concerning computerized sales force automation.

Phoenix Licensing, L.L.C. v. Barclays PLC, Barclays Bank PLC, and Barclays Bank Delaware (E.D. Tex. 2009); *Phoenix Licensing, L.L.C. v. Comerica Inc., M&I Marshall & Ilsley Bank, M&I FSB, Transamerica Affinity Services, Inc., AEGON USA, Inc., AEGON Direct Marketing Services, Inc., Stonebridge Life Insurance Company, and Monumental Life Insurance Company* (E.D. Tex. 2010); *Phoenix Licensing, L.L.C. v. Colonial Penn Life Insurance Company, CNO Financial Group, Inc., CUNA Mutual Insurance Agency, Inc., CUNA Mutual Insurance Society, CUNA Mutual Life Insurance Co., and Members Life Insurance Co.* (E.D. Tex. 2011); *Phoenix Licensing, L.L.C. v. Sovereign Bank* (E.D. Tex. 2011); and *Phoenix Licensing, L.L.C. v. Nationwide Mutual Insurance Company, Nationwide Bank, Nationwide Investment Services Corporation, Nationwide Property & Casualty Company, Nationwide Lloyds Company, and Allied Property and Casualty Insurance Company* (E.D. Tex. 2012) – Obtained dismissal for Comerica, CUNA, Sovereign, Colonial, and Nationwide, and settlements for Barclays, Transamerica/AEGON/Stonebridge/Monumental, and M&I, in patent infringement suits involving e-commerce technology.

Realtime Data, LLC d/b/a IXO v. Penson Worldwide, Inc. (E.D. Tex. 2009) – Obtained dismissal of Penson in patent infringement action relating to accelerated data storage, retrieval, and compression methods.

Stambler v. Ticketmaster Entertainment, Inc., Expedia, Inc., Hotels.com, LP, Sabre Holdings Corporation, and Travelocity.com LP (E.D. Tex. 2009); *Stambler v. USAA Federal Savings Bank and MoneyGram International, Inc.* (E.D. Tex. 2010); *Stambler v. Atmos Energy Corp., Orbitz Worldwide, Inc., Orbitz, LLC, and Priceline.com, Inc.* (E.D. Tex. 2010); and *Stambler v. First Citizens Bank & Trust Company and First Citizens Bancshares, Inc.* (E.D. Tex. 2012) – Obtained favorable settlements for Ticketmaster, Expedia, Hotels.com, Sabre, Travelocity, USAA, MoneyGram, Atmos, Orbitz, Priceline, and First Citizens in patent infringement actions relating to SSL authentication and encryption.

Parallel Networks, LLC v. Netflix, Inc. (E.D. Tex. 2010 and Fed. Cir. 2013); *Parallel Networks, LLC v. Flairview Travel PTY Ltd. and Flightbookers Ltd.* (E.D. Tex. 2010 and Fed. Cir. 2013); *Parallel Networks, LLC v. TripAdvisor LLC, IAC/InterActiveCorp, Tiffany and Company, Brain Busters, LLC, Brawn, LLC, US Airways, Inc., Delta Air Lines, Inc., Oriental Trading Company, Inc., Cabela's, Inc., Barnes & Noble, Inc., Barnesandnoble.com, LLC, Onestop Internet, Inc., and Iconix Brand Group, Inc.*

(E.D. Tex. 2010 and Fed. Cir. 2013); *Parallel Networks, LLC v. Orbitz, LLC, Orbitz Worldwide, Inc., Kayak Software Corporation, Shoebuy.com, Inc., Musician's Friend, Inc., Andersen Windows, Inc., Mitsubishi Motors North America, Inc., Wolverine World Wide, Inc., Sunglass Hut Trading, LLC, The Goodyear Tire & Rubber Company, Citizen Watch Company of America, Inc., Dillard's, Inc., Subaru of America, Inc., ASICS America Corporation, Jones Investment Company, Inc., and Jones Retail Corporation* (E.D. Tex. 2010 and Fed Cir. 2013); and *Parallel Networks, LLC v. Fossil, Inc. and Brooks Brothers, Inc.* (D. Del. 2012) – In the first early *Markman*/Summary Judgment procedure ever implemented in the Eastern District of Texas, obtained summary judgment of non-infringement for Netflix, Flairview Travel, Flightbookers, TripAdvisor, IAC/InterActiveCorp, Brain Busters, LLC, Brawn, US Airways, Delta Air Lines, Oriental Trading, Cabela's, Barnes & Noble, Onestop Internet, Iconix, Sunglass Hut, Goodyear, Citizen Watch, Dillard's, Subaru, ASICS, and Jones Retail in patent infringement suits involving the dynamic generation of an applet (and Parallel's assertion that its patent reads on the use of AJAX – asynchronous JavaScript and XML). The Federal Circuit affirmed the non-infringement ruling. Also obtained second summary judgment of non-infringement for Orbitz, Kayak, Shoebuy, Musician's Friend, Andersen Windows, Wolverine World Wide, Fossil, and Brooks Brothers and favorable settlements for Tiffany and Mitsubishi.

Microlog Corp. v. CVS Pharmacy, Inc. and La Quinta Corporation (E.D. Tex. 2010) – Obtained extremely favorable settlement for CVS and La Quinta in patent infringement action relating to unified customer contact technology.

Condatis LLC v. Bombardier Inc., Brunswick Corporation, Mercury Marine, and Cummins MerCruiser Diesel Marine (E.D. Tex. 2010) – Obtained extremely favorable settlement for Bombardier, Brunswick, Mercury Marine, and Cummins MerCruiser in patent infringement case concerning realtime sensing of parameters in a powered vehicle.

Abridge Technology (f/k/a Actus, LLC) v. MoneyGram International, Inc. (E.D. Tex. 2010) and *Abridge Technology v. Doctor's Associates Inc. d/b/a Subway* (E.D. Tex. 2011) – Obtained dismissal of MoneyGram, and extremely settlement for Subway, in patent infringement suits relating to electronic token payment technology.

Ganas, LLC v. Sabre Holdings Corporation (E.D. Tex. 2010) – Obtained favorable settlement for Sabre in patent infringement case relating to Internet firewall technology.

CEATS, Inc. v. United Air Lines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., US Airways, Inc., Virgin America, Inc., Ticketmaster, LLC, Live Nation Worldwide, Inc., and TicketsNow.com, Inc. (E.D. Tex. 2010 and Fed Cir.) – Pursuant to jury trial, invalidated 4 claims from 4 patents on behalf of United, Continental, Delta, US Airways, Virgin, Ticketmaster, Live Nation, and TicketsNow based on anticipation and obviousness in patent infringement suit concerning interactive seat map technology. The Federal Circuit affirmed the jury's invalidity verdict on appeal.

Global Sessions LP v. Orbitz Worldwide, Inc., Orbitz Worldwide, LLC, Orbitz, Inc., Orbitz, LLC, and Trip Network, Inc. (d/b/a CheapTickets)

(E.D. Tex. 2010) and *Global Sessions LP v. Priceline.com, Inc.* (E.D. Tex. 2010) – Obtained favorable settlements for Orbitz and Priceline in cases concerning global session state server technology.

GeoTag, Inc. v. Dollar Tree, Inc. (E.D. Tex. 2010); *GeoTag, Inc. v. Hinkley Lighting, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Seven For All Mankind, LLC* (E.D. Tex. 2010); *GeoTag, Inc. v. Richemont North America, Inc. and Van Cleef & Arpels, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Sterling Jewelers, Inc. and Kay Jewelers, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. ASICS Corporation and ASICS America Corporation* (E.D. Tex. 2010); *GeoTag, Inc. v. Brookstone Company, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. BJ's Wholesale Club, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Tiffany & Co.* (E.D. Tex. 2010); *GeoTag, Inc. v. Chanel, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. The Sports Authority, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Cabela's, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. CiCi Enterprises, LP* (E.D. Tex. 2010); *GeoTag, Inc. v. Rhino Linings Corp.* (E.D. Tex. 2010); *GeoTag, Inc. v. Interstate Battery System of America, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Southern States Cooperative* (E.D. Tex. 2010); *GeoTag, Inc. v. Winn-Dixie Stores, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Best Maid Products, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. PIP, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Learning Express Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. TASER International, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Kohler Co.* (E.D. Tex. 2010); *GeoTag, Inc. v. Kubota Corporation and Kubota Tractor Corporation* (E.D. Tex. 2010); *GeoTag, Inc. v. Gates That Open, LLC.* (E.D. Tex. 2010); *GeoTag, Inc. v. Mexican Restaurants, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. The Boeing Company* (E.D. Tex. 2010); *GeoTag, Inc. v. Polo Ralph Lauren Corp. and Ralph Lauren Media, LLC* (E.D. Tex. 2010); *GeoTag, Inc. v. Burger King Corp.* (E.D. Tex. 2010); *GeoTag, Inc. v. Jack in the Box, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Dollar Rent A Car, Inc. and Dollar Thrifty Automotive Group, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Avis Budget Group, Inc. and Avis Rent A Car System, LLC* (E.D. Tex. 2010); *GeoTag, Inc. v. Payless Car Rental System, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. Ticketmaster, LLC, Ticketmaster Entertainment, LLC, Live Nation Entertainment, Inc., and Live Nation Worldwide, Inc.* (E.D. Tex. 2010); *GeoTag, Inc. v. RadioShack Corp.* (E.D. Tex. 2010); *GeoTag, Inc. v. Ulta Salon, Cosmetics & Fragrance, Inc.* (E.D. Tex. 2011); *GeoTag, Inc. v. American Greetings Corporation* (E.D. Tex. 2011); *GeoTag, Inc. v. Vitamin Cottage Natural Foods Markets, Inc.* (E.D. Tex. 2011); *GeoTag, Inc. v. David's Bridal Inc.* (E.D. Tex. 2011); *GeoTag, Inc. v. Formal Specialists, Ltd.* (E.D. Tex. 2011); *GeoTag, Inc. v. Guess? Inc.* (E.D. Tex. 2011); *GeoTag, Inc. v. Hot Topic Inc.* (E.D. Tex. 2011); *GeoTag, Inc. v. Luxottica Retail North America Inc.* (E.D. Tex. 2011); and *GeoTag, Inc. v. Charming Shoppes Inc.* (E.D. Tex. 2011) – Obtained dismissal for Ralph Lauren, Burger King, Jack in the Box, Dollar Thrifty, Avis Budget, Ticketmaster/Live Nation, RadioShack, Luxottica, and Charming in patent infringement suits relating to website store location technology. Also obtained favorable settlements for Dollar Tree, Hinkley Lighting, Seven For All Mankind, Richemont, Sterling Jewelers, ASICS, Brookstone, BJ's, Tiffany, Chanel, Sports Authority, Cabela's, Cici's, Rhino Linings, Interstate Battery, Southern States Cooperative, Winn-Dixie, Best Maid, PIP, Learning Express, TASER, Kohler, Kubota, Gates Than Open, Mexican Restaurants, Ulta, American Greetings, Vitamin Cottage, David's Bridal, Formal Specialists, Guess?, Hot Topic, and Boeing.

Innovatio IP Ventures, LLC v. LQ Management LLC (N.D. Ill. 2011) – Obtained favorable settlement

for La Quinta in connection with patent infringement suit involving WiFi technology.

Unified Messaging Solutions LLC v. Atmos Energy Corp., Atmos Energy Services, LLC, Reliant Energy Retail Holdings, LLC, and TXU Energy Retail Company LLC (E.D. Tex. 2011); *Unified Messaging Solutions LLC v. Match.com, Inc., eHarmony, Inc., and LinkedIn Corporation* (E.D. Tex. 2011); *Unified Messaging Solutions, LLC v. United Service Automobile Association* (W.D. Tex. 2013 and MDL N.D. III.); *Unified Messaging Solutions, LLC v. BBVA Compass Bancshares, Inc.* (W.D. Tex. 2013 and MDL N.D. III.); and *Unified Messaging Solutions LLC v. First Citizens* (N.D. Tex. 2013 and MDL N.D. III.) – After obtaining favorable claim construction resulting in non-infringement by clients USAA and BBVA Compass in cases involving web mail technology, Unified Messaging took adverse judgment. Obtained favorable settlements for Atmos, Reliant, TXU, Match, eHarmony, LinkedIn, and First Citizens.

Dexas International, Ltd. v. Dollar Tree Stores, Inc. and Greenbrier International, Inc. (E.D. Tex. 2011) – Obtained favorable settlement for Dollar Tree in patent infringement suit concerning a cutting board scoop.

Ogma, LLC v. Haier Group Company and Haier America Trading, LLC (E.D. Tex. 2011) – Obtained extremely favorable settlement for Haier in patent infringement case concerning HDTV aspect ratio technology.

H-W Technology L.C. v. Orbitz Worldwide, Inc. (N.D. Tex. 2011) – Obtained extremely favorable settlement for Orbitz in patent infringement action relating to the use of a smartphone to access a mobile website to order goods and services.

ArrivalStar S.A. v. True Religion Sales, LLC (S.D. Fla. 2011); *ArrivalStar S.A. v. Virgin America, Inc.* (N.D. Ill. 2011); *ArrivalStar S.A. v. Coach, Inc.* (S.D. Fla. 2012); and *ArrivalStar S.A. v. Gatorade* (S.D. Fla. 2013) – Obtained extremely favorable settlements for True Religion, Virgin, Coach, and Gatorade in patent infringement cases concerning vehicle monitoring and notification systems.

Alloqate, LLC v. Orbitz, LLC, Expedia, Inc., Hotwire, Inc., Travelocity.com LP, and Kayak Software Corporation (D. Del. 2011) – Obtained dismissal for Orbitz, Expedia, and Hotwire, and extremely favorable settlements for Travelocity and Kayak, in connection with patent infringement suit relating to website price alert technology.

LBS Innovations LLC v. Hotels.com, LP (E.D. Tex. 2011) – Obtained dismissal for Hotels.com in patent infringement suit relating to website geographic search locator feature.

Valmont Industries, Inc. v. Lindsay Corporation (E.D. Tex. 2011) – Obtained favorable settlement for Valmont in patent infringement suit involving variable application of irrigation water and chemicals.

Variant, Inc. v. Dollar Rent A Car, Inc. and Dollar Thrifty Automotive Group, Inc. (E.D. Tex. 2011); *Variant, Inc. v. Hertz Corporation and Avis Budget Group, Inc.* (E.D. Tex. 2011) – Obtained favorable

settlements for Dollar Thrifty, Hertz, and Avis Budget in patent infringement suits involving e-commerce technology.

Reshare Commerce, LLC v. Nationwide Mutual Insurance Company (D. Minn. 2011) – Obtained extremely favorable settlement for Nationwide in patent infringement action involving a computerized sales system.

Network Signatures, Inc. v. Nationwide Mutual Insurance Company (C.D. Cal. 2011) – Obtained extremely favorable settlement for Nationwide in patent infringement suit involving SSL encryption.

Select Retrieval, LLC v. Tiffany & Co., Oriental Trading Company, Inc., Tech for Less, Inc., and Hanover Direct, Inc. (D. Del. 2011) – Obtained dismissal of Oriental Trading, and extremely favorable settlements for Tiffany, Tech For Less, and Hanover Direct in connection with patent infringement action involving e-commerce technology.

Walker Digital, LLC v. Expedia, Inc. (D. Del. 2011) – On behalf of Expedia, obtained dismissal of one lawsuit and summary judgment in two additional lawsuits in 3 e-commerce cases against Jay Walker's Walker Digital entity.

ICON Internet Competence Network B.V. v. Travelocity LP (N.D. Tex. 2011 and Fed. Cir. 2014) – Obtained summary judgment of non-infringement for Travelocity within weeks of trial in suit involving hotel search technology. The Federal Circuit affirmed the non-infringement ruling. After an award of costs to Travelocity and facing Travelocity's motion for attorneys' fees, ICON assigned its patent to Travelocity.

DietGoal Innovations LLC v. Doctor's Associates Inc. d/b/a Subway (E.D. Tex. 2011); *DietGoal Innovations LLC v. Red Robin International, Inc.* (E.D. Tex. 2011); and *DietGoal Innovations LLC v. Chipotle Mexican Grill, Inc.* (E.D. Tex. 2012) – Obtained summary judgment of invalidity based on Section 101 in patent infringement actions relating to electronic meal planning systems.

LVL Patent Group, LLC v. Hertz Corporation (D. Del. 2011); *LVL Patent Group, LLC v. Avis Budget Group, Inc.* (D. Del. 2011); and *LVL Patent Group, LLC v. Orbitz Worldwide, LLC* (D. Del. 2011) – Obtained summary judgment of invalidity based on Section 101 in patent infringement suits concerning processing of data transmitted via a smartphone.

SmartFit Solutions LLC v. BJ's Wholesale Club, Inc. (E.D. Tex. 2011) – Obtained dismissal for BJ's in patent infringement case involving exercise equipment software.

Disposition Services LLC v. Arrow-Intechra LLC (E.D. Tex. 2012) – Obtained extremely favorable settlement for Arrow-Intechra in patent infringement action involving a method of controlled asset distribution (e.g., disassembly of computers and sale of their parts).

MacroSolve, Inc. v. LQ Management LLC (E.D. Tex. 2012) and *MacroSolve, Inc. v. Bed Bath & Beyond, Inc.*

(E.D. Tex. 2012) – Obtained extremely favorable settlements for La Quinta and Bed Bath & Beyond in patent infringement suits involving a system for collecting information from multiple computing devices.

Cronos Technologies, LLC v. Fossil, Inc. (E.D. Tex. 2012) – Obtained extremely favorable settlement for Fossil in patent infringement case involving a remote ordering system.

Interface IP Holdings LLC v. Delta Air Lines, Inc. (D. Del. 2012) and *Interface IP Holdings LLC v. LQ Management LLC* (D. Del. 2013) – Obtained extremely favorable settlements for Delta and La Quinta in patent infringement suits relating to a website drop down menu interface.

Hopewell Culture & Design LLC v. Barnes & Noble, Inc. (E.D. Tex. 2012) – Obtained extremely favorable settlement for Barnes & Noble in patent infringement case involving interactivity with electronic content via a double click.

Orientview Technologies LLC v. Spy Inc. (D. Del. 2012) and *Orientview Technologies LLC v. Seven For All Mankind, LLC* (S.D.N.Y. 2013) – Obtained extremely favorable settlements for Spy and Seven For all Mankind in patent infringement actions involving viewer specific presentation of information.

Pragmatus Telecom, LLC v. Oriental Trading Company, Inc. (D. Del. 2012) – Obtained dismissal of Oriental Trading in patent infringement case involving Internet live chat technology.

Traffic Information, LLC v. USAA Federal Savings Bank (E.D. Tex. 2013) – Obtained extremely favorable settlement for USAA in connection with patent infringement action relating to real time traffic display.

Infinite Data, LLC v. McDonald's Corporation (D. Del. 2013) – Obtained dismissal of McDonald's in patent infringement suit involving InfiniBand Remote Direct Memory Access networking technology.

CeeColor Industries LLC v. Citizen Watch Company of America, Inc. (D. Del. 2013) – Obtained dismissal of Citizen Watch in patent infringement action involving an electronic device security system with proximity sensing.

Eclipse IP LLC v. Oriental Trading Company, Inc. (N.D. Ill. 2013) and *Eclipse IP LLC v. Vitacost.com, Inc.* (C.D. Cal. 2013) – Obtained extremely favorable settlements for Oriental Trading and Vitacost in patent infringement actions concerning e-commerce notification technology.

Rotatable Technologies LLC v. TXU Energy Retail Company LLC (E.D. Tex. 2013 and Fed. Cir. 2014) – In light of favorable claim construction leading to non-infringement by client TXU in case involving smartphone screen rotation technology, Rotatable took adverse judgment and appealed to the Federal Circuit. The Federal Circuit affirmed.

Innovative Wireless Solutions, LLC v. LQ Management LLC and La Quinta Inn Worldwide, LLC (E.D. Tex. 2013) – Obtained dismissal for La Quinta in patent infringement action relating to wireless

access point technology.

Innovative Automation v. Books-A-Million, Inc. (E.D. Tex. 2013) – Obtained favorable settlement for Books-a-Million in patent infringement suit involving digital data download technology.

RPost Holdings, Inc. v. Nationwide Mutual Insurance Company (E.D. Tex. 2013) – Obtained dismissal of Nationwide in connection with patent infringement suit involving email authentication.

UbiComm, LLC v. Vitacost.com, Inc. (D. Del. 2013); and *UbiComm, LLC v. ModusLink Recovery LLC f/k/a Tech for Less LLC* (D. Del. 2013) – Obtained dismissal of Vitacost and ModusLink after Section 101 invalidity ruling in suits concerning product suggestion technology.

Geomembrane Technologies, Inc. v. URS Corporation (C.D. Cal. 2013) – Obtained extremely favorable settlement for URS in patent infringement action relating to water clarification.

Telinit Technologies, LLC v. Uniden America Corporation (E.D. Tex. 2013) – Obtained extremely favorable settlement for Uniden in patent infringement suit relating to connecting two computers on a network via an intermediary static server.

Amethyst IP, LLC v. Uniden America Corporation (E.D.N.Y. 2013) – Obtained extremely favorable settlement for Uniden in patent infringement suit concerning baby monitor technology.

Annuitek, LLC v. USAA Life Insurance Company (E.D. Tex. 2013) – Obtained extremely favorable settlement for USAA in patent infringement action relating to electronic annuity illustrations.

eDekka LLC v. Tiffany & Co. (E.D. Tex. 2014); *eDekka LLC v. Jos. A. Bank Clothiers, Inc.* (E.D. Tex. 2014); *eDekka LLC v. Coach, Inc.* (E.D. Tex. 2014); and *eDekka LLC v. The Men's Wearhouse, Inc.* (E.D. Tex. 2014) – Obtained dismissal of Tiffany, Jos. A. Bank, Coach, and The Men's Wearhouse in connection with patent infringement cases involving e-commerce shopping cart technology.

Execware, LLC v. Bed Bath & Beyond, Inc. (D. Del. 2014) – Obtained dismissal of Bed Bath & Beyond in patent infringement action involving parametric search technology.

Antennatech, LLC v. Guess? Retail, Inc. (D. Del. 2014); *Antennatech, LLC v. Doctor's Associates Inc. d/b/a Subway* (D. Del. 2014); *Antennatech, LLC v. The Sports Authority, Inc.* (D. Del. 2014); *Antennatech, LLC v. McDonald's Corporation* (D. Del. 2014); *Antennatech, LLC v. AMC Entertainment Holdings, Inc.* (D. Del. 2014); and *Antennatech, LLC v. Regal Entertainment Group* (D. Del. 2014) – Obtained dismissal of Guess?, Subway, Sports Authority, AMC Entertainment, and Regal Entertainment in connection with patent infringement actions involving Near Field Communication technology. Also obtained extremely favorable settlement for McDonald's.

Olivistar, LLC v. Uniden America Corporation (E.D. Tex. 2014); *Olivistar, LLC v. Protection One, Inc.* (E.D. Tex. 2014); *Olivistar, LLC v. Somfy Systems, Inc.* (E.D. Tex. 2014); and *Olivistar, LLC v. Loxone, Inc.*

(E.D. Tex. 2014) – Obtained dismissal for Protection One and extremely favorable settlements for Uniden, Somfy, and Loxone in connection with patent infringement actions relating to security and home automation networking.

Qommerce Systems, LLC v. Cabela's Incorporated (E.D. Tex. 2014) – Obtained dismissal for Cabela's in patent infringement suit involving e-commerce technology.

Recognition

- Selected for inclusion in *The Best Lawyers in America*® (2022)
- *Corporate LiveWire* Global Awards – Aviation (2016)
- Chosen as a candidate for America's Most Honored Professional Award by *The American Registry* (2015)
- *Corporate LiveWire* Global Awards- Intellectual Property and Aerospace & Defense (2015)
- Named to *D Magazine's* "The Best Lawyers in Dallas" (2015)
- *Corporate LiveWire* Lawyer of the Year- Aviation (2014)
- Named a "Texas Rising Star" by *Super Lawyers* (2007-2012)

Clerkships

U.S. District Court for the Northern District of Texas, The Honorable A. Joe Fish, 1997 - 1998

Memberships & Affiliations

Member, Dallas-Ft. Worth Intellectual Property Law Association

Member, Dallas Bar Association