



Wes Musselman

Senior Principal
Dallas
214-292-4030
musselman@fr.com

Overview

Wes Musselman advises clients ranging from new and emerging entities to global brands on worldwide strategic patent prosecution, protection, and portfolio management.

Wes maintains a wide-ranging practice focused on comprehensive patent counsel. He has extensive experience managing intellectual property portfolios, advising on licensing matters, and evaluating the value, risks, and rewards of patents in the context of mergers, acquisitions, business dispositions, and litigation.

When advising clients, Wes focuses on their business goals, crafting an action plan that optimizes their market position to create a competitive advantage. Whether considering patents to pursue, facing litigation, or considering a business collaboration or transaction, clients know they can rely on Wes to help determine the best strategy to further their business objective.

Wes brings uncommon perspective as a former patent examiner in the mechanical arts, a mechanical engineer at Texaco, and a practicing IP lawyer with decades of experience. He knows first-hand how patent examiners think, how to prosecute commercially valuable patents, and how to build strong patent portfolios on a global scale.

While many patent lawyers rely heavily on patent counsel in other countries to prosecute patents in non-U.S. countries, Wes takes a hands-on approach. He knows the important rules and practices in the countries of interest to his clients, enabling him personally to manage the prosecution of his clients' patent applications in other countries. Monitoring what his clients' competitors are doing and where they are heading, he analyzes the challenges his clients face and then offers forward-thinking, pragmatic counsel and tailored solutions that will work in the context of market realities.

Wes loves maintaining a diverse practice with each day bringing a wide variety of matters. A leader in the field of IP, he has represented industry-leading businesses including Microsoft, Netflix, Sears, Lands' End, Merrill Lynch, and Bank of America, and has received numerous accolades including selection by *Best Lawyers* as "Lawyer of the Year – Patent Law in Dallas/Fort Worth" in 2019-2020.

When he has the time, Wes enjoys cycling, running, and hiking. He is also a voracious reader.

Experience

Realtime Data, LLC v. Morgan Stanley, et al. (E.D. Tex. – Judge Davis) – Represented Merrill Lynch and Bank of America in a patent infringement action related to efficient compression and decompression of financial data.

DataTreasury Corp. v. Bank of America (E.D. Tex. – Judge Folsom) – Represented Bank of America in a patent infringement action related to image-based check processing.

Alcatel-Lucent v. Amazon, et. al. (E.D. Tex. – Judge Davis) – Represented Amazon, Netflix, Sears and Lands' End in a patent infringement action related to internet retailing.

JuxtaComm v. Ascential, et al. (E.D. Tex – Judge Davis) – Represented Microsoft Corporation in a patent infringement action related to transfer of data between heterogeneous databases.

Landmark Graphics Corp., et al. v. Paradigm Geophysical Corp. et al. (S.D. Texas – Houston) – Represented Halliburton entity, Landmark Graphics, in patent infringement litigation over 3-D seismic imaging; case settled.

TouchCom Technologies, Inc. v. Dresser, Inc. (E.D. Tex. – Judge Ward) – Represented Dresser, Inc. in defense of a patent infringement action involving software for touchscreen fuel dispensers; obtained summary judgment of invalidity of all claims of plaintiff's patent.

Cargill Meat Solutions Corp. v. Swift & Co. (N.D. Tex. – Lubbock) – Represented Cargill Meat solutions in a patent infringement action involving electrical stimulation to improve tenderness of beef; case settled.

Recognitions & awards

Best Lawyers in America

Best Lawyers 2016-2017, 2019-2025

IAM Patent 1000

IAM 2019-2024

IP Star

Managing IP 2013-2024

AV Preeminent Lawyer

Martindale-Hubbell 2017-2022

Dallas/Fort Worth Lawyer of the Year for Patent Law

Best Lawyers 2020

Patent Star

Managing Intellectual Property (MIP) 2020

Best Lawyers in Texas

Wall Street Journal, The 2016-2017

Best Lawyers in Dallas

D Magazine 2014

Fellow

Texas Bar Foundation

News

October 4, 2024

Fish & Richardson Ranked Highly by *Managing IP*, Attorneys Named IP Stars

August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

June 11, 2024

Fish & Richardson Receives Top Rankings in 2024 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

October 5, 2023

Fish & Richardson Ranked Highly by *Managing IP*, Attorneys Named IP Stars

August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

June 27, 2023

Fish & Richardson Receives Top Rankings in 2023 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

September 8, 2022

Fish & Richardson Receives Top Rankings in 2022 Edition of *IAM Patent 1000: The World's Leading Patent Professionals*

August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

June 2, 2022

Fish & Richardson Named a Top ITC and Life Sciences Firm by *Managing IP*, Attorneys Named IP Stars

August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

Additional insights

Publications

- The Supreme Court Agrees to Review the Federal Circuit's Festo Decision," *Corporate Counsel* (September 2001)

Speaking engagements

- "The Impact of the Proposed New USPTO Rules," *Dallas Technology Business Council* (December 2006)
 - 8th Annual Advanced Patent Law Institute (October 2003)
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Services

Patent Litigation

Post-Grant

Patent

Patent Prosecution

Strategic Patent Counseling & Opinions

Patent Portfolio Management

IP Licensing, Transactions & Agreements

Industries

Electrical & Computer Technology

Software & Internet

Energy & Chemicals

Petrochemical

Medical Devices

Transportation, Aerospace & Defense

Admissions

U.S. Patent and Trademark Office (1984)

Texas (1987)

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Northern District of Texas

Education

J.D., University of Virginia School of Law (1987)
B.S. with high distinction, *Tau Beta Pi*; Mechanical Engineering, University of Virginia (1981)