



# Claudia Frost

## Partner

Houston

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## Practice Areas

- Energy
- Complex Litigation & Dispute Resolution
- Intellectual Property

## Honors

- *Benchmark Litigation* Local Litigation Star: Appellate, ERISA and IP in Texas and the National (2020)
- *Managing Intellectual Property* (MIP) 'Top 250 Women in IP' (2013, 2014, 2016-2019)
- American Board of Trial Advocates
- American Academy of Appellate Lawyers
- Selected to the World's Leading Patent Professionals list, *Intellectual Asset Management* (Globe White Page Ltd.), 2014-2015.
- Selected as a 20 Most Influential Women in IP Law, *Law360*, 2014.
- Editor-in-Chief, *Houston Law Review*.
- Dual Board certified, TBLS

## Education

Claudia Wilson Frost is a nationally recognized trial and appellate lawyer. She has led trial teams in well over 100 cases, has tried to conclusion 40 cases as lead or co-lead counsel and has argued a like number of cases to appellate courts throughout the country. These cases include complex commercial litigation, patent litigation and appellate matters in the three areas on which Orrick focuses: Energy & Infrastructure, Technology & Innovation and Finance.

Ms. Frost has been extensively recognized for her practice. *Chambers USA* notes, "Clients admired [this] 'highly responsive and fabulous strategist' for her powers of 'brilliant analysis.' She has a trial background and a depth of appellate experience." *The Legal 500* has called her "One of Best Known Names in the Field." Ms. Frost was featured in 2016 as a "Trial Pro" by *Law360* and has been recognized in *Euromoney's Guide to Leading US Litigators*, *Guide to Leading World Litigators* and *Guide to the World's Leading Women in Business Law*. She has been named a Texas Super Lawyer for over a decade and is in the Top 50 Women Lawyers in Texas and Top 100 Lawyers in Houston. In the patent area, she was named one of *Law360's* "20 Most Influential Woman in IP Law" and has been included as an IPStar and listed in IAM Patent 1000 for many years.

Based on her trial and appellate experience, she has been elected to membership in the American Board of Trial Advocates and in the American Academy of Appellate Lawyers. She is board certified by the Texas Board of Legal Specialization in both Civil Trial and Civil Appellate Law.

Throughout her career, Claudia has given back to the profession and the community, including as a founder and former member of the Executive Committee of The Center for Women in Law at the University of Texas Law School and as a founding member and Master of the Bench (emeritus) in the Atlas IP Inn of Court in Houston. She is past president of the Texas Association of Civil Trial and Appellate Specialists (TACTAS). She has also served on Orrick's Management Committee, on the Firm's Annual Committee for two terms and as Co-Chair of the Firm's Global Energy Disputes Group.

Claudia began her career at BakerBotts in Houston, where she practiced for almost 20 years prior to forming her own litigation and

- J.D., University of Houston Law Center, *magna cum laude*
- B.A., The University of Texas

appellate boutique.

## Representative Engagements

### ENERGY & INFRASTRUCTURE SECTOR

Ms. Frost has been involved in oil and gas, petrochemical and energy industry litigation throughout her career. She has represented clients in all three segments of the industry in a wide variety of matters, including:

- breach of pooling clause provisions in lease,
- breach of implied covenants to develop, protect from drainage, market gas or oil in lease
- disputes over ownership of and title to minerals
- disputes over continued viability of leases and trespass claims
- antitrust investigations
- antitrust class actions involving pricing of crude oil royalties
- qui tam actions
- disputes involving AMI's and pref rights
- disputes involving operator status and enforcement of JOA rights and obligations
- disputes involving refinery accidents, oil field accidents and plant equipment failures
- trade secrets litigation in energy industry
- mass tort litigation in energy and petrochemical sector
- disputes involving alleged groundwater pollution from underground storage and disposal as well as from pipelines
- upstream patent litigation regarding frac fluids and upstream equipment including Coriolis flowmeter technology
- downstream patent litigation involving catalysts for making polyethylene and ethylene-based products

In these matters, her clients have included ExxonMobil, Gulf, Chevron, Marathon, Mitsui, Shell, BP Energy, Devon Energy, Occidental, Pennzoil, The Dow Chemical Company, Equistar, Schlumberger, MOEX, SG Methane, Eagle Hydrocarbons, Trail Ridge Energy and landowners including Cannon and FPL Farming.

She worked on a number of landmark oil and gas and energy cases in her career, has handled in a lead role over 50 oil and gas and energy cases, has tried dozens of cases to verdict, including oil and gas, petrochemical and energy industry cases, and has handled the appeals from numerous state and federal court judgments, including in the energy area. Some of her cases are listed below.

### Selected Commercial Cases in the Energy & Infrastructure Sector

- *Willis Conner, et ux v. Gulf Oil Corp.*, C.A. No. 4:85-cv-601, in the United States District Court for the Southern District of Texas, Houston Division (represented Gulf in oil and gas lease dispute over whether lease was breached because acreage was not included in fieldwide unit; judgment for Connor; reversed and remanded, judgment for Gulf on retrial)
- *Southern Ute Indian Tribe v. Amoco Production Co., et al.*, No. 91-B-2273, in the United States District Court for the District of Colorado (represented **SG Methane** in defendants' class

action/dispute about ownership of coal bed methane gas)  
(agreement to allow continued operations until ownership issue resolved and agreement to lease if ownership in Tribe determined/approved by Court and Tribe)

- **Marathon Oil Co., et al. v. Jimmie M. Luecke, et ux**, No. 03-98-638-CV, in the Texas Court of Appeals, Austin Division, affirmed in part, reversed in part and remanded (represented Marathon in dispute over whether pooling clause in lease had been breached and if so, what remedies were available to landowner, on whose tract the vertical portion of a dual borehole horizontal well had been drilled) (case of first impression in Texas, new trial on damages ordered in favor of Marathon)
- *In re Lease Oil Antitrust Litigation No. II*, MDL Docket No. 1206, *The McMahon Foundation, et al. v. Occidental Petroleum Corp. and OXY USA, Inc.*, C.A. No. 2:98-cv-130, in the United States District Court for the Southern District of Texas, Corpus Christi Division (represented **Oxy** in suit brought for alleged antitrust violations for underpayments of crude oil royalty based on posted price/antitrust class action)
- *United States of America, ex rel, J. Benjamin Johnson, Jr., et al. v. Shell Oil Co., et al.*, C.A. No. 9:96-cv-66, in the United States District Court for the Eastern District of Texas, Lufkin Division (represented **Oxy** in qui tam/False Claims Act by U.S. government alleging underpayment of crude oil royalties on federal lands)
- *Kaiser and Sons, Inc., et al. v. Union Carbide, et al.*, No. CV 1996-856, in the Circuit Court of Baldwin County, Alabama (environmental groundwater contamination claim; tried to verdict for **The Dow Chemical Company**)
- *Pioneer Natural Resources USA, Inc. v. Trail Ridge Energy Partners II LLC, et al.*, No. CV-51110, in the 441st Judicial District Court of Midland County, Texas (settled favorably for client prior to jury selection)
- *Complaint of Pioneer Natural Resources USA, Inc. Regarding the Trail Ridge Energy Partners II LLC, Cattail Pond Lease, Well No. 261H, Drilling Permit No. 799773, Shackelford Spraberry Unit, Spraberry (Trend Area) Field in Midland County, Texas, Oil and Gas Docket No. 7C-0297616, Texas Railroad Commission* (settled favorably prior to hearing)
- Ms. Frost has represented oil companies, owners and operators in connection with oilfield and platform accidents, including the Deepwater Horizon, as well as major chemical companies as national coordinating counsel and counsel on national scope issues including silica mass torts.

## Selected Patent Cases in the Energy & Infrastructure Sector

### Upstream:

- *Invensys Systems, Inc. v. Emerson Electric Co., et al.*, C.A. No. 6:12-cv-799, in the United States District Court for the Eastern District of Texas, Tyler Division (lead counsel for inventor and manufacturer of digital drive Coriolis flowmeters, used extensively in the upstream oil and gas industry, in patent litigation in Eastern District of Texas and related litigation in

Western District of Texas (patent infringement)

- **BJ Services Co. v. Halliburton Energy Services, et al.**, C.A. No. 4:00-cv-948, in the United States District Court for the Southern District of Texas, Houston Division (co-lead counsel for BJ Services in patent dispute over frac fluid patent) (judgment for BJ Services)
- **Effective Exploration LLC v. Devon Energy Production Company LP**, C.A. No. 2:15-cv-450, in the United States District Court for the Eastern District of Texas, Marshall Division (lead counsel for Devon in patent dispute over drilling method patent)

#### **Downstream/petrochemical:**

- **Exxon Oil Corp., et al. v. Mobil Oil Corp., et al.**, C.A. No. 4:96-cv-3795, in the United States District Court for the Southern District of Texas, Houston Division (co-lead counsel for Exxon in patent dispute over metallocene catalysts for making polyethylene) (judgment for Exxon)
- **Phillips Petroleum Co. v. Exxon Oil Corp.**, C.A. No. 1:98-cv-638, in the United States District Court for the District of Delaware (co-lead for Exxon in suit by Phillips for patent infringement regarding catalysts for making polyethylene) (judgment for Exxon)
- **Union Carbide Corp., et al. v. Shell Oil Co.**, C.A. No. 1:99-cv-274, in the United States District Court for the District of Delaware (co-lead counsel for Shell in suit by Union Carbide for patent infringement regarding catalysts used for making ethylene) (judgment for Shell) (reversed in part and remanded)
- **Data Carriers, LLC v. Western Refining Inc.**, C.A. No. 2:15-cv-119, in the United States District Court for the Eastern District of Texas, Marshall Division (lead counsel, patent infringement)
- **Data Carriers, LLC v. BP Energy Co.**, C.A. No. 2:15-cv-1013, in the United States District Court for the Eastern District of Texas, Marshall Division (lead counsel, patent infringement)

#### **Selected Appeals in the Energy & Infrastructure Sector**

- **Pyro Technologies, Inc. v. Schlumberger Technology Corp.**, No. 363-90, in the 249th Judicial District Court of Johnson County, Texas; appeal to Waco Court of Appeals, No. 10-96-186-CV (post-judgment and appellate counsel; breach of contract and alleged fraud)
- **Baker Hughes, Inc. and Envirotech Controls, Inc. v. Keco R. & D., Inc.**, appeal to the Houston Court of Appeals, petition for review to the Texas Supreme Court granted, affirmed in part, reversed in part, remanded (trade secrets/breach of contract summary judgment)
- **Exxon Oil Corp., et al. v. Mobil Oil Corp., et al.**, H-96-3795, appeal to the United States Court of Appeals for the Federal Circuit, dismissed as moot (patent infringement)
- **Union Carbide Corp., et al. v. Shell Oil Co., et al.**, Nos. 02-1001, -1020, appeal to the United States Court of Appeals for the Federal Circuit from a take nothing judgment for Shell in

ethylene oxide catalyst patent litigation (affirmed in part, reversed in part and remanded)

- **BJ Services Co. v. Halliburton Energy Services, et al.**, No. 02-1496, appeal to the United States Court of Appeals for the Federal Circuit, (aff'd), petition for certiorari to U.S. Supreme Court (denied) (patent infringement)
- **TXO Production Corp., et al. v. M.D. Mark Inc.**, appeal to the Texas Court of Appeals, Houston [14th] District, petition for review to Texas Supreme Court denied (breach of contract)
- **FPL Farming Ltd. v. Environmental Processing Systems, L.C.**, No. 09-08-00083-CV, in the Texas Court of Appeals, Beaumont District and Texas Supreme Court (subsurface trespass; argued case to Beaumont Court of Appeals and twice to Texas Supreme Court)
- **Equistar Chemicals, L.P. v. Dresser Rand Co.**, No. 14-02-874-CV, in the Texas Court of Appeals, Houston [14th] District, and appeal No. 04-0121, argued case in court of appeals and Texas Supreme Court (reversed in part trial court judgment and remanded for new trial) (products liability and professional negligence); argued against defendant's motion for summary judgment in trial court on remand; case settled favorably after motion denied
- **McFee, et al. v. Chevron International Oil Co., Inc., et al.**, No. 01-87-34-CV, in the Texas Court of Appeals, Houston [1st] District (appeal from grant of special appearance) (argued on appeal; dismissal for lack of jurisdiction affirmed)
- **Marathon Oil Co., et al. v. Jimmie M. Luecke, et ux**, No. 03-98-638-CV, in the Texas Court of Appeals, Austin District, affirmed in part, reversed in part and remanded (oil and gas alleged breach of lease), argued appeal for Marathon to Third Court of Appeals; case of first impression on applicability of rule of capture to horizontal drilling

### **Energy Sector Investigations**

Ms. Frost has also handled internal investigations involving antitrust, securities and FCPA issues for various clients particularly in the energy sector.

### **TECHNOLOGY & INNOVATION SECTOR**

Ms. Frost has extensive trial and appellate experience in patent infringement cases involving myriad technologies, with emphasis in the telecommunications, semiconductor and energy industries. In addition to the 50-plus patent cases she has handled, Ms. Frost also has significant experience with the Digital Millennium Copyright Act in cases involving pirated software.

### **Selected Commercial Cases in the Technology & Innovation Sector**

#### **Intellectual Property and Trade Secrets:**

- **Synopsys, Inc. v. Ubiquiti Networks, Inc., et al.**, C.A. No. 3:17-cv-561, in the United States District Court for the Northern

District of California (co-lead counsel, DMCA and RICO)

- *Fisher-Rosemount Systems, Inc. v. Invensys Systems, Inc.*, C.A. No. 1:13-cv-587, in the United States District Court for the Western District of Texas, Austin Division (lead counsel, patent infringement)
- *Digital Technology Licensing LLC v. Cingular Wireless LLC*, C.A. No. 2:06-cv-156, in the United States District Court for the Eastern District of Texas, Marshall Division (lead counsel, patent infringement)
- *Droplets, Inc. v. Adobe Systems Inc., et al.*, C.A. No. 2:06-cv-307, in the United States District Court for the Eastern District of Texas, Marshall Division (lead counsel, patent infringement) (counsel for numerous **Polaris Venture Partners** portfolio company defendants)
- *AT&T Corp. v. Vonage Holdings Corp., et al.*, C.A. No. 3:07-cv-858, in the United States District Court for the Western District of Wisconsin (lead counsel, patent infringement)
- *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Inv. No. 337-TA-543, in the United States Trade Commission (lead counsel for **AT&T Mobility**; patent infringement)
- *Summit 6 LLC v. Research in Motion Corp., Samsung, Multiply, Facebook and Photobucket*, C.A. No. 3:11-cv-367, in the United States District Court for the Northern District of Texas, Dallas Division (co-lead counsel, patent infringement, tried to verdict)
- *Soverain Software LLC v. Newegg Inc.*, No. 2011-1009, in the United States Court of Appeals for the Federal Circuit (appeal from C.A. No. 6:07-cv-511 in the Eastern District of Texas, Marshall Division) (appellate counsel at trial; patent infringement; tried to verdict)
- *Bandspeed, Inc. v. Sony Electronics Inc., et al.*, C.A. No. 1:11-cv-771, in the United States District Court for the Western District of Texas, Austin Division (lead counsel for intervenor manufacturer **Cambridge Silicon Radio**; patent infringement)
- *Sky Technologies LLC v. Microsoft Corp., et al.*, C.A. No. 1:11-cv-10833, in the United States District Court for the District of Massachusetts (lead counsel for **JDA Software**; patent infringement)
- *Bandspeed LLC v. Microchip Technologies Inc.*, C.A. No. 1:18-cv-519, in the United States District Court for the Western District of Texas (patent infringement)

Ms. Frost frequently represents major technology companies in the telecommunications sector in patent litigation in Texas and across the country.

#### **Selected Appeals in the Technology & Innovation Sector**

- *Freedom Wireless, Inc. v. Boston Communications Group, Inc., et al.*, C.A. No. 1:00-cv-12234, in the United States District Court

for the District of Massachusetts (counsel post-trial and on appeal for **Cingular Wireless**; patent infringement)

- *Jan K. Voda, M.D. v. Cordis Corporation*, No. 05-1238, in the United States Court of Appeals for the Federal Circuit (amicus brief for AIPLA; patent infringement)
- *Broadcom Corp. v. International Trade Commission*, No. 2007-1164, in the United States Court of Appeals for the Federal Circuit (counsel for **Cingular Wireless**; patent infringement)
- *In re Kyocera Wireless Corp., et al.*; Appeal No. 2007-1493 (consolidated), appeal to the United States Court of Appeals for the Federal Circuit (appeal from ITC section 337 exclusion order, represented **AT&T Mobility LLC**) (argued for AT&T Mobility LLC, T-Mobile and RIM) (exclusion order vacated) (Opinion dated Oct. 14, 2008)

## FINANCE SECTOR

Ms. Frost has represented companies in the financial services sector in a wide range of cases over her career ranging from securities law claims, to lender liability actions, to ERISA cases, to patent infringement actions involving encryption technology, Check 21 implementations and other software and internet applications. In 2018, *Best Lawyers* recognized Ms. Frost as “2018 Houston Litigation ERISA Lawyer of the Year,” an honor bestowed on only one lawyer in each community per year.

### Selected Commercial Cases in Finance Sector

#### ERISA Litigation:

- *Ronald E. Powell, et al. v. Ocwen Financial Corporation, et al.*, C.A. No. 1:18-cv-1951, in the United States District Court for the Southern District of New York
- *Tittle, et al. v. Enron, et al.*, filed complaint for and represented cash balance plan lead plaintiffs in class action filed in Enron securities litigation (breach of ERISA fiduciary duty and numerous violations of ERISA; represented Cash Balance Plan participants)
- *Daniel Robinson, et al. v. CSX Corp., et al.*, C.A. No. 9:89-cv-163, in the United States District Court for the Eastern District of Texas, Lufkin Division (class action ERISA pension plan spin-off; dismissed for client based on failure to state a claim)
- *DeDear, et al. v. Amoco, et al.*, C.A. No. 3:91-cv-110, in the United States District Court for the Southern District of Texas, Galveston Division (class action/ERISA benefits dispute; settled)
- *State of Texas v. MD Physicians, et al.*, No. 484,769, in the 126th Judicial District Court of Travis County, Texas, 1990 (quo warranto proceeding for injunctive relief, penalty and damages; whether creation of MEWAs sanctioned by ERISA was unauthorized business of insurance under state law; tried to verdict)
- Represented 20 companies protesting the Texas Administrative Services Tax levied on the funds maintained in their respective ERISA plans in Texas (**Textron, HL&P, Texas Commerce Bank, Pennzoil, Schlumberger, et al.**) (\$20,000,000 paid)

under protest; argued all motions for injunctive relief awarded against State of Texas) (United States District Court for the Western District of Texas), tax declared unconstitutional and preempted in *E-Systems Inc. v. Pogue*.

#### **Business Torts and Contract Disputes:**

- *Nowlin Savings, et al. v. Robert Walters, et al.*, C.A. No. 4:87-cv-278, in the United States District Court for the Northern District of Texas, Fort Worth Division (3-month RICO/lender liability/fraud trial to verdict; favorable finding against key defendant; represented plaintiff **Ben Franklin Savings**)
- *Paine Webber v. Cayman Trading*, C.A. No. 4:80-cv-679, in the United States District Court for the Southern District of Texas, Houston Division (commodities trading/breach of fiduciary duty/breach of contract; tried to verdict for plaintiff)
- *Gaile M. Henry v. Drexel Burnham Lambert*, C.A. No. 3:81-cv-1338, in the United States District Court for the Northern District of Texas, Dallas Division (Securities Act violations/breach of contract; tried to bench judgment for defendant)
- *Sansom Refining Co. v. Drexel Burnham Lambert*, before the Commodity Futures Trading Commission, and the United States Court of Appeals for the District of Columbia Circuit (commodities trading/alleged breach of duties and statutory violations; ALJ finding for plaintiff)
- *Gary Steurnagel, et al. v. Fox & Jacobs, et al.*, No. 80-29,414, in the 234th Judicial District Court of Harris County, Texas (DTPA/breach of warranty/fraud/lender liability; tried to verdict for client; represented co-defendant **United Savings**)
- *William Dennis v. Ben Franklin Savings*, in the 129th Judicial District Court of Harris County, Texas (lender liability)

#### **Patent Cases in Finance Sector**

- *Placemark Investments, Inc. v. Prudential Investments, Inc.*, C.A. No. 3:13-cv-1719, in the United States District Court for the Northern District of Texas, Dallas Division (patent infringement; summary judgment/dismissal for client in one of first § 101 cases)
- *Olivetta LLC v. BNY Mellon National Association*, C.A. No. 2:15-cv-320, in the United States District Court for the Eastern District of Texas, Marshall Division (patent infringement; favorable early settlement)
- *DataTreasury Corp. v. various financial institutions*, C.A. No. 2:06-cv-72, in the United States District Court for the Eastern District of Texas, Marshall Division (patent infringement; represented **RBS/Citizens Financial Group**; settled prior to trial)
- *LML Patent Corp. v. JP Morgan Chase & Co., et al.*, C.A. No. 2:08-cv-448, in the United States District Court for the Eastern District of Texas, Marshall Division (patent infringement; represented **RBS/Citizens Financial Group**; favorable early settlement)



- *TQP Development, LLC v. Merrill Lynch & Co., Inc., et al.*, C.A. No. 2:08-cv-471, in the United States Placemark Investments, Inc. v. Prudential Investments, Inc., C.A. No. 3:13-cv-1719, in the United States District Court for the Northern District of Texas, Dallas Division (patent infringement; summary judgment/dismissal for client in one of first § 101 cases)

### Appeals in Finance Sector

- *V. M. Wheeler III v. Kidder Peabody & Co., Inc.*, No. 91-47995, in the 190th District Court of Harris County, Texas; No. 93-41683, appeal to the United States Court of Appeals for the Fifth Circuit, and No. 93-1683, in the United States Supreme Court (contract dispute)
- *FDIC v. Trinity-Western Title Co.*, appeal to the United States Court of Appeals for the Fifth Circuit (appeal from sanctions orders against attorneys in bank fraud case) (counsel for sanctioned party)
- *Kemper Securities, Inc. v. Conticommodity Services, Inc.*, retained to handle appeal to the United States Court of Appeals for the Fifth Circuit (RICO, common law fraud and Rule 10b-5 case resulting in an actual damages award of US\$3.9 million and a punitive damages award of US\$149 million) (counsel on appeal for Kemper)

### NON-SECTOR SPECIFIC ENGAGEMENTS

Ms. Frost has handled numerous cases outside Orrick's three sectors, including products liability, personal injury, fraud, breach of contract cases and title disputes. Selected engagements are listed below.

#### Litigation:

#### Intellectual Property and Trade Secrets :

- *Lone Star WiFi LLC v. Legacy Stonebriar Hotel, Ltd., et al.*, C.A. No. 6:13-cv-530, in the United States District Court for the Eastern District of Texas, Tyler Division (co-lead counsel for **Starwood Hotels**; patent infringement)
- *Levingston Shipbuilding v. Inland West Corp.*, No. D-25,314, in the 260th Judicial District Court of Jefferson County, Texas (theft of trade secrets/defamation counterclaim; tried to verdict)

#### Personal Injury and Products Liability:

- *Brown, et al. v. Chrysler Corp., et al.*, No. A-117,967, in the 58th Judicial District Court of Jefferson County, Texas (personal injury/products liability)
- *Rosete OBO Lorna Lemence v. Period Building Materials, Inc., et al.*, No. 82-41033, in the 127th Judicial District Court of Harris County, Texas (personal injury; lead counsel for **Avis Leasing Co. and PV Holdings**) (settled after one week of jury trial, plaintiff represented by Joe Jamail)
- *Walter Scott v. Avis Leasing*, No. 83-F-2471, in the 149th Judicial District Court of Brazoria County, Texas (lead counsel;

personal injury/products liability; settled during trial)

- *Sam Benestante, et al. v. Avis Rent A Car, et al.*, No. 80-12,781, in the 334th Judicial District Court of Harris County, Texas (personal injury; settled during jury trial)
- *Cleghorn v. Ford Motor Co.*, No. 93-3146-3, in the 74th Judicial District Court of McLennan County, Texas (appellate counsel at trial; personal injury/products liability)
- *Aleman v. Ford Motor Co.*, No. 95-27835, in the 152nd Judicial District Court of Harris County, Texas (personal injury/products liability; judgment for client)
- *Robert Adams v. Chrysler Motors Corp.*, C.A. No. 4:89-cv-73, in the United States District Court for the Southern District of Texas, Houston Division (wrongful death/products liability; judgment for Chrysler; affirmed on appeal after argument in Fifth Circuit)

#### **Business Torts and Contract Disputes:**

- *Amparo Cortina, et al. v. John Doe, as Personal Representative of Gilbert Kerlin, Individually and Gilbert Kerlin, Trustee and P.I. Corp.*, No. 056154-A, in the 28th Judicial District Court of Nueces County, Texas (land title dispute)
- *Kelly-Moore Paint Co., Inc. v. Dow Chemical Co., et al.*, No. 19785-BH02, in the 23rd Judicial District (asbestos liability)
- *Penny J. Rogers v. C-Cure, et al.*, No. 86-54,593, in the 234th Judicial District Court of Harris County, Texas (lead counsel; DTPA/products liability; settled during jury trial)
- *Casa Ford v. Ford Motor Co.*, No. 93-60338, in the 234th Judicial District Court of Harris County, Texas (co-counsel at trial; legal counsel on appeal; contribution and indemnity action)
- *Romatel, Inc., et al. v. Houston Cellular Telephone Co., L.P., et al.*, No. 03-cv-1840, in the 405th Judicial District Court of Galveston County, Texas (appellate counsel at trial for **AT&T Mobility**; contract dispute) (appellate counsel at trial)
- *St. Luke's Episcopal Health System Corp., et al. v. Factory Mutual Ins. Co.*, C.A. No. 4:03-cv-5534, in the United States District Court for the Southern District of Texas, Houston Division (co-lead counsel; coverage dispute)
- *The Chancellor, Masters and Scholars of the University of Oxford and Invensys Systems, Inc. v. Shore Chan Bragalone DePumpo, LLP*, No. 13-01668, in the 192nd District Court of Dallas County, Texas (lead counsel; breach of contract and theft of services)

#### **Class Actions, Derivative Suits and MDL:**

- *Webster Golinkin, et al. v. Columbia HCA, et al.*, No. 00-08763-L, in the 193rd Judicial District Court of Dallas County, Texas (lead counsel for management team; derivative suit for breach of contract and fraud; settled during trial)
- *Bruce Simons, on behalf of himself and all others similarly*

*situated v. Dynacq Healthcare, Inc., Philip S. Chan, and Chiu M. Chan*, C.A. No. 4:03-cv-5825, in the United States District Court, Southern District of Texas, Houston Division (lead counsel for officers; class action/alleged securities fraud)

#### **Tax and Estate Litigation:**

- *In re Estate of Middleton, et al. v. Middleton, et al.*, No. 202,425, in Probate Court No. 3 of Harris County, Texas (co-lead counsel for **defendant**; estate litigation/accounting/breach of duties; settled during jury trial)

#### **Appeals:**

#### **Products Liability, Personal Injury and Non-Business Torts :**

- *The Firestone Tire & Rubber Co. v. The Honorable Rachel Littlejohn*, mandamus action to the Corpus Christi Court of Appeals and to the Texas Supreme Court (products liability/discovery sanctions)
- *Miles v. Ford Motor Co.*, retained to handle the appeal to the Texas Supreme Court (products liability; argued case, judgment against Ford reversed and remanded)
- *In re Ford Motor Co.*, mandamus action to the Texas Court of Appeals, Dallas District and the Texas Supreme Court regarding US\$10 million in monetary sanctions and exclusion of evidence ordered by Judge Candace Tyson
- *The Torrington Co. and Ingersoll-Rand Corp. v. Sharon Stutzman, et al.*, appeal to the Texas Supreme Court, affirmed in part, reversed in part and remanded (products liability and negligence)
- *Wyeth v. Jerry Coffey, Individually and as Representative of the Estate of Cynthia Cappel, Deceased and as Next Friend of Rachel Coffey, Sarah Coffey and Jennifer Coffey, Minors*, No. 09-04-344-CV, in the Texas Court of Appeals, Beaumont District (products liability) (retained after adverse \$1 billion verdict against Wyeth to be lead counsel on appeal)
- *Cesar Desiano, et al. v. Warner-Lambert & Co., et al.*, No. 05-1705(L), in the United States Court of Appeals for the Second Circuit (amicus curiae brief for PhRMA; class action/products liability)

#### **Pro Bono :**

- *Ronald Ray Brantley v. Dan McKaskle*, No. 82-1423, in the United States Court of Appeals for the Fifth Circuit (court appointed/criminal habeas/*Penry* claim) (lead counsel)
- *Marvin Lee Wilson v. Rick Thaler, Director, Institutional Division, Texas Department of Criminal Justice*, No. 09-70022, in the United States Court of Appeals for the Fifth Circuit (criminal habeas/*Atkins* claim, co-lead counsel)
- *Milton Mathis v. Rick Thaler, Director, Texas Department of Criminal Justice, Correctional Institutions Division*, No. 08-70021, in the United States Court of Appeals for the Fifth Circuit

(criminal habeas/*Atkins* claim, co-lead counsel)

- **Luis Mariano Martinez v. Charles L. Ryan, Director, Arizona Department of Corrections**, No. 10-1001, in the United States Supreme Court (amicus curiae brief for ABA)
- **Thomas Edwin Loden Jr. v. Marshall L. Fisher, Commissioner, Mississippi Department of Corrections**, No. 15-10, in the United States Supreme Court (amicus curiae brief for ABA)

## RECENT PRESENTATIONS AND PROGRAMS

### International Patent Litigation Strategy and Policy:

- “Framework for Analysis for Strategic and Tactical Considerations in Selecting Venues for International Patent Enforcement,” The Sedona Conference, Working Group 10 Member (March 28-29, 2019)
- “Global Patent Damages and Injunctive Relief,” Federal Circuit Bar Association Global Series, Ottawa, Canada (October 2018)
- “Global Patent Enforcement Strategies,” Federal Circuit Bar Association Global Series, Washington, D.C. (May 2018)
- “Global Patent Enforcement Strategies,” Federal Circuit Bar Association Global Series, London, UK (Sept. 2017)
- “Patent Litigation in the US, Compare and Contrast,” 2016 Federal Circuit Bar Association Global Series, Paris, France (Oct. 13, 2016)
- Intellectual Property & Trade 2015: Adjudication, Administration, and Innovation, Federal Circuit Bar Association Global Series, Shanghai, China (Oct. 19, 2015)
- Hot Topic in IP, Duff & Phelps IP Value Summit, Half Moon Bay, California (Dec. 3, 2015) (“Are You Prepared for the UPC: If and When it Takes Off?”)

### IP Related Presentations:

- “IPR Practice: Recent Developments, Featuring *Oil States v. Greene’s Energy*,” Claudia Wilson Frost and Jeffrey Johnson, IP Summit 2017 (Oct. 23, 2017)
- Copyright Infringement in The Cloud: Examining the Challenges of the “Digital Storage Locker,” ABA Section of Litigation IP Roundtable, Houston Club, Houston, Texas (Mar. 29, 2016)

### Trial Practice Presentations:

- “Promoting Women as Lead Counsel: From the Courtroom to the Boardroom,” Center for Women in Law, Houston, Texas (February 23, 2017)
- “Taking the Lead Lawyer Role at Trial. What Should Women Lawyers Do?,” 2016 Eastern District of Texas Bench Bar Conference, Plano, Texas (Oct. 2, 2016)

## Speeches and Programs

- “Injunction in Patent Cases - Denied?,” 2020 AIPPI World Congress Online (October 8, 2020) “Pay Equity: The Final Frontier,” 2017 Women's Power Summit, University of Texas Center for Women in Law, Austin, TX (April 26, 2017) “Buying and Selling Horses,” HBA Equine Law Seminar, Houston Police Department Mounted Patrol Facility (June 2, 2016) Copyright

Infringement in The Cloud: Examining the Challenges of the “Digital Storage Locker,” ABA Section of Litigation IP Roundtable, Houston Club, Houston, TX (March 29, 2016) Hot Topics in IP, Duff & Phelps IP Value Summit, Half Moon Bay, CA (December 3, 2015) Intellectual Property & Trade 2015: Adjudication, Administration, and Innovation, Federal Circuit Bar Association, Shanghai, China (October 19, 2015) Keeping Ahead of Privacy Issues and Navigating the Changing World of Patent Litigation, DLA Piper’s 9th Annual Women in IP Law CLE Luncheon, East Palo Alto, CA (September 22, 2015) Patent Trolls: What to Do When One Is Under Your Bridge, IATA Legal Forum, Marina del Rey, CA (September 16, 2015) Patent Values and Litigation: The New Normal?, Duff & Phelps, LES Silicon Valley Chapter Meeting, Santa Clara, CA (February 18, 2015) Systems, Challenges, Solutions: Trade, Intellectual Property, Courts, and Governance, Federal Circuit Bar Association, Geneva, Switzerland (October 21, 2014) Patent Reform: Is It Working?, DLA Piper’s 8th Annual Women in IP Law CLE Luncheon, East Palo Alto, CA (September 17, 2014) Reasonable Royalty Damages: How to Satisfy the Judge and Persuade the Jury, American Bar Association Webinar (August 19, 2014) Best Practices – Innovation and the Adjudicatory Process (Fact Development, Discovery, and Fact-Finding), Federal Circuit Bar Association, International Series 2014, Best Practices: The Global Dialogue, 2014 Update, Washington, DC (May 23, 2014) 2013 Korea-US IP Judicial Conference, Federal Circuit Bar Association, Seoul, Korea (October 21, 2013) Managing Your IP Across Borders, DLA Piper’s 7th Annual Women in IP Law CLE Luncheon, East Palo Alto, CA (September 25, 2013) Trade Secrets in a Mobile World, State Bar of Texas 35th Annual Advanced Civil Trial Course 2012, Houston, TX (October 19, 2012) The Pipeline to Equity Partnership: The Skills, Strategies and Stumbling Blocks Women Lawyers Encounter on Their Path to Reach Equity Status, National Association of Women Lawyers, Dallas, TX (September 20, 2012) Trade Secrets in a Mobile Workforce World, State Bar of Texas 35th Annual Page Keeton Civil Litigation, Austin, TX (October 28, 2011) Preserving Issues for Appeal, Houston Intellectual Property Law Association and University of Houston Law Center Institute for Intellectual Property & Information Law, 26th Annual Institute on Intellectual Property Law, Galveston, TX Federal Preemption After *Wyeth v. Levine*, State Bar of Texas 33rd Annual Page Keeton Civil Litigation, Austin, TX Energy Law Update, 4th Energy Litigation Conference, Houston, TX (The Institute for Energy Law of The Center for American and International Law) Post-Judgment Issues and Post-Verdict Strategies (University of Houston Litigation and Trial Tactics Conference) The New Rules on Appeals: Interlocutory Appeals and Stays, Conflict Jurisdiction, Appeal Bonds, and Interest Rates (University of Houston Seminar on Law Practice after HB4) Punitive Damages: Practical Tips, How to Litigate Key Punitive Damages Effectively (Products Liability and Personal Injury Law Conference) The Impact of HB4 on the Court’s Charge to the Jury (University of Texas School of Law CLE program) Changes in Trial and Appellate Practice Brought About by HB4, Including New Provisions Relating to Interlocutory Appeals and Stays, Pre- and Post-Judgment Interest, Supersedeas Bonds, and Enforcement of Foreign Judgments Pending Appeal (University of Houston Tort Reform and Insurance Laws Seminar) Winning Commercial Cases: Learn from the Experts (Houston Bar Association) Class Actions, the

Defendants' Perspective (Page Keeton Products Liability Seminar, Austin, TX) Post-Judgment Insurance Issues (Advanced Insurance Seminar, Houston, Dallas, Austin, TX) Class Actions, the Defendants' Perspective (Advanced Personal Injury Course, Houston, TX) Class Actions and Qui Tam Litigation (Southwestern Legal Foundation Oil and Gas Law and Taxation, Dallas, TX) Affirming Summary Judgments in State Court (Collecting Debts and Judgments, Dallas and Houston, TX) Recent Fifth Circuit Decisions (Fifth Circuit Appellate Practice and Advocacy Seminar, New Orleans, LA) Class Action Litigation - Defendant's Perspective (Advanced Civil Trial Law Conference, Houston, TX) Premises Liability Update (1997 Page Keeton Products Liability Seminar, Austin, TX) Texas Appellate Procedure Case law Update (1997 University of Texas Conference on State and Federal Appeals, Austin, TX) Recent Fifth Circuit Decisions (Fifth Circuit Appellate Practice and Advocacy Seminar, New Orleans, LA) Disclosure and Discovery - Practitioner's Perspective (Federal Civil Practice Seminar, Dallas, TX) Perfecting the Appeal (Appellate Practice Institute, Houston, TX) Traps in a Fifth Circuit Appeal (Fifth Circuit Appellate Practice and Advocacy Seminar, New Orleans, LA) Texas Tort Reform (Chemical Manufacturer's Association Meeting, Washington, D.C.) Southern District of Texas Meeting, Judicial Conference of the Fifth Circuit Tort Reform (Urban Land Institute and HBA Real Estate Law Section, Houston, TX) Protective Orders and Sealing Orders under Rule 76a (Houston Bar Association Litigation Section, Houston, TX) Complex Settlement Agreements (Federal Civil Litigation Update and Review, San Francisco, CA)

## Admissions

- Texas

## Court Admissions

- Supreme Court of the United States
- [United States Courts of Appeals](#) | Federal Circuit
- [United States Courts of Appeals](#) | Fifth Circuit
- [United States District Courts](#) | Eastern District of Texas
- [United States District Courts](#) | Northern District of Texas
- [United States District Courts](#) | Southern District of Texas
- [United States District Courts](#) | Western District of Texas