

# Phillip Philbin

Shareholder

**Practices:** Business Litigation; Intellectual Property; IP Litigation

**Industries:** Healthcare; Life Sciences; Higher Education; P3, Infrastructure & Project Finance

Phillip Philbin is a member of Winstead's Business Litigation Practice Group. Phillip is a seasoned trial lawyer who uses the art of persuasion to explain the science and technology in the complex cases he tries across the country. For more than 30 years, he has combined a deep understanding of technology with a practical, effective, and efficient approach to winning cases for clients ranging from large corporations to individual inventors. Creativity, precision, and attention to detail are hallmarks of his practice. From virtual reality, gaming, 3G and 4G cellular communications to the chemical composition of saw tips and shaping devices used in open heart surgery, he takes complex technology and explains it to people.

Phillip developed and teaches an advanced patent litigation course at SMU Dedman School of Law and frequently writes and lectures on a myriad of intellectual property litigation topics. He also serves in various civic and community roles.

## Representative Experience

- Obtained a record-setting verdict for ZeniMax Media and id Software in a high profile virtual reality case against Facebook and Oculus after a three-week jury trial.
- Established precedent for patent exhaustion by obtaining a summary judgment dismissal, with Federal Circuit affirmation, of a lawsuit alleging infringement of electronic highway toll collection patents in a case with broad implications both for the U.S. toll collection industry and downstream customers of licensed components.
- Obtained a final, non-appealable, take-nothing judgment against Data Treasury after a multi-week jury trial in Marshall, Texas in a lawsuit involving electronic check image processing.
- Represented the inventors and their company in obtaining a jury verdict and judgment, including enhanced damages, attorney's fees, and a broad injunction for the willful infringement of a patented method for surgically repairing the left ventricle of the human heart after a severe heart attack.
- Defended multiple technology and telecommunications clients in remote data storage claims.
- Pursued invalidity and non-infringement claims for an ANDA supplier.
- Pursued an enforcement campaign for patented website data management techniques and patented complex computer system configurators for a major computer manufacturer.
- Successfully settled patent enforcement claims on the courthouse steps just minutes before jury selection for toy inventors.
- Defended a telephone equipment manufacturer in patent infringement action involving wireless networks for mobile phones.
- Pursued an enforcement campaign for patents covering the electronic processing of call detail records.



### Dallas Office

214.745.5757 Direct

214.745.5390 Fax

pphilbin@winstead.com

### Education

Baylor Law School

– J.D., 1989

Trinity University

– B.S., 1986

- Defended a telecommunications provider in patent infringement action involving prepaid, point-of-sale activated calling cards.
- Defended a lighting manufacturer in patent and copyright infringement actions involving lamp designs.
- Defended patent infringement claims involving chemical composition of circular saw cutting tips.
- Defended various patent and trademark infringement cases involving treadmills, abdominal exercisers, and other exercise equipment.
- Represented accomplished sculptor Glenna Goodacre in the copyright enforcement campaign for the Golden Dollar featuring Sacagawea.
- Defended and prosecuted breach of contract, breach of warranty, fraud, and fraud in the inducement claims involving software licenses, development, and consulting services.

## Professional & Community Service

- State Bar of Texas
- American Intellectual Property Law Association
- College of the State Bar of Texas
- Dallas Bar Association
- M. “Mac” Taylor, Jr. American Inn of Court; Barrister, 1998-2004; Master, 2004-present
- Founding Master, Barbara M. G. Lynn American Inn of Court, 2011-present
- The Institute for Law and Technology
- Adjunct Professor, Patent Litigation, SMU School of Law, Fall 2012

## Awards & Recognition

- *The Best Lawyers in America*, Woodward/White Inc., 2006-2022
- *Chambers USA Guide to America*, Chambers & Partners Publishing, 2010-2021
- *The American Lawyer*, Top Rated Lawyer in Intellectual Property, 2021
- *The World’s Leading Patent Practitioners*, *IAM Patent 1000*, 2012, 2014, 2016, 2018-2019
- Martindale-Hubbell, Rated AV Preeminent, 2020
- Best Lawyers in Dallas, *D Magazine*, 2009, 2015-2016, 2021
- IP Star, *Managing Intellectual Property Magazine*, Euromoney Institutional Investor PLC, 2019
- Texas Super Lawyers by Thomson Reuters (Intellectual Property Litigation; Business Litigation), 2009-2019

## Admissions

- Texas
- U.S. Supreme Court
- U.S. Patent and Trademark Office
- U.S. Court of Appeals, Federal Circuit and Fifth Circuit
- Supreme Court of Texas
- U.S. District Court, Northern, Southern, Eastern and Western Districts of Texas