WINSTEAD

Phillip Philbin

Shareholder Chair, Business Litigation Practice Group

Practices: Business Litigation; Intellectual Property; IP Litigation
Industries: Life Sciences; Higher Education; P3, Infrastructure & Project Finance



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

Phillip Philbin is an experienced first chair trial lawyer who listens to his clients and then uses his trial skills to extract the truth from witnesses and the art of persuasion to explain the technology and science behind the most complex cases he tries across the country.

For more than 30 years, Phillip has made creativity, precision, intensity, and attention to detail the hallmarks of his practice.

This combination, along with his innate curiosity, a deep understanding of technology and a practical, effective, and efficient approach, has allowed Phillip to represent a wide range of clients on both sides from large corporations to individual inventors, including a major trial win against Facebook involving virtual reality technology and associated intellectual property.

Phillip and his team focus on helping clients monetize their patent and IP assets. 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 has an ability to take complex technology and explain it to judges and juries.

Winstead's unique and nimble model reduces client conflicts and affords Phillip, and his team, the opportunity to develop innovative fee arrangements, and to truly partner with his clients.

Phillip is also a teacher. He has developed and teaches an advanced patent litigation course at SMU's Dedman School of Law and frequently writes and lectures on a wide variety of intellectual property litigation topics.

Phillip is a devoted husband, the proud father of three sons and believes in giving back to the community with his time. He has served on the local planning and zoning commission, is a current city council member, and a member of the Salesmanship Club of Dallas.

Representative Experience

- Obtained a 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 claim 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.
- 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.

What Phillip's clients say

"Phillip stands out for his hard work and professionalism, and the excellence of his litigation skills and strategies. He is a tireless advocate, and was completely dedicated to our cause. In addition, he has a knowledge and familiarity with the courts in Dallas which was a valuable expertise that aided the trial effort."

– Robert A. Altman, Chairman & Chief Executive Officer,
ZeniMax Media, Inc.

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
- Sixth Innovation Hub Cohort at Texas Tech University, Mentor

Awards & Recognition

- *Chambers USA Guide to America*, Chambers & Partners Publishing, 2010-2023
- *The American Lawyer*, Top Rated Lawyer in Intellectual Property, 2021
- *The Best Lawyers in America*, (BL Rankings, LLC), 2006-2024

- *The Best Lawyers in America*, "Lawyer of the Year" - Litigation and Intellectual Property, (BL Rankings, LLC), 2024
- The World's Leading Patent Practitioners, *IAM Patent 1000*, 2012, 2014, 2016, 2018-2019
- *IAM Strategy 300: The World's Leading IP Strategists*, 2022-2023
- *IAM Strategy 300*, Global Leaders, 2024
- 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, Thomson Reuters (Intellectual Property Litigation; Business Litigation), 2009-2023

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