

Business Litigation

Whether your company is faced with frequent or occasional litigation, Winstead should be your first choice. With an in depth understanding of our clients' industries and businesses, particularly in the areas of energy, real estate, environmental, financial services, construction and insurance, Winstead attorneys guide clients through the sometimes chaotic and unpredictable litigation process as efficiently and cost effectively as possible.

Effective dispute resolution is not a one-size-fits-all proposition. When determining the best course of action, we assess our clients' time, risk tolerance, resources and business objectives. An aggressive litigation strategy might be the best option—or the worst. Alternatively, an early mediation or settlement conference may be more appropriate. Regardless of which route we take, we are in constant communication with our client.

Winstead's litigation approach includes lean staffing, better than competitive rates and a commitment to engage in work that strictly advances the ball. Winstead clients have access to trusted business advisors and experienced litigators who intuitively know that clients are not interested in the litigation "journey," but rather are focused on results and the bottom line.

We are flexible and competitive when it comes to fee structures, and we are open to alternative and innovative fee arrangements. We monitor and manage the ongoing cost of litigation and often establish budgets at the outset to help our clients eliminate surprises.

Featured Client Stories

How a Winstead client team handled a large scale environmental contamination matter before the Texas Railroad Commission, an arbitration panel and Texas courts.

Our Client's Problem: Client's property was contaminated by many decades of oil and gas operations, resulting in improper handling and disposal of radioactive drilling materials and other contaminated waste. This required our client to incur significant cleanup cost. The matter involved disputes over an oil and gas lease, a surface use agreement and an arbitration agreement.

Winstead Approach and Solution: Winstead formed a multi-disciplinary team to handle the litigation and arbitration, as well as oversee the cleanup and remediation process under the various agreements at issue.

Outcome: The Arbitration Panel rendered an award in favor of our client and further confirmed the operator's obligations under the surface use agreement at issue.

How a Winstead client avoided paying toll to a troll to use its own bridge

Our Client's Problem: Our client was sued for patent infringement relating to configuration and comparison technology used for Internet auto shopping. The client had developed the technology a decade earlier but did not patent it, all the while maintaining it as a trade secret. Our client disclosed the technology to the plaintiff under a confidentiality agreement in connection with a possible joint venture, which never materialized. Unbeknownst to our client, the plaintiff obtained patents on our client's technology and attempted to use the patents against our client to preclude it from competing in the marketplace.

Winstead Approach and Solution: Winstead went on the offensive on two fronts. First, we attacked the validity of the patent with the U.S. Patent and Trademark Office. Second, Winstead filed a counterclaim against the plaintiff for misappropriation of our client's trade secrets and violation of the confidentiality agreement.

Outcome: After a week-long trial, the jury found in favor of our client on all of the plaintiff's claims. The jury also found that the patent was invalid, and that the plaintiff had breached the confidentiality agreement and misappropriated our client's trade secrets. The jury awarded our client \$2 million, which was recently affirmed by the Federal Circuit Court of Appeals. Additionally, the USPTO invalidated the patent. As a result, our client is no longer at a competitive disadvantage and it is able to freely use its own technology.

Snapshot of Litigation Strengths

Winstead has strong trial and dispute resolution capabilities in these key areas:

- Business divorce
- Construction litigation
- Eminent domain and condemnation
- Energy litigation
- Environmental litigation
- Banking and financial institutions litigation
- Fiduciary litigation
- Insurance coverage and bad faith claims
- Intellectual property litigation
- Securities litigation and enforcement actions
- Land use, real estate and title litigation
- Water rights disputes

Next Steps

When you are confronted with litigation or if you want to avoid it, we have the trial and business experience to manage the matter, quickly and efficiently.