



McKool Smith
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EDUCATION

- J.D., with honors, University of Texas School of Law, 1974. Order of the Coif. Texas Law Review.
- B.A., *magna cum laude*, University of Notre Dame, 1971. Debate team president. Phi Beta Kappa.

COURT ADMISSIONS

- State of Texas
- The U.S. Supreme Court
- The U.S. Courts of Appeals for the First, Fifth, and Federal Circuits
- The U.S. District Courts for the Northern, Eastern, Southern and Western Districts of Texas
- The New York Supreme Court

BAR ADMISSIONS

- American Bar Association
- State Bar of Texas
- Dallas Bar Association

MIKE MCKOOL

PRINCIPAL

As a Principal and a Founder of McKool Smith, Mike McKool is trial counsel for some of the largest corporations in the world. These include major airlines, energy companies, telecommunications firms and investment banking houses.

During his legal career of more than 30 years, Mr. McKool has built a reputation for rigorous trial preparation and superlative trial skills. His ability and commitment have helped the firm earn verdicts and settlements worth billions of dollars for clients. Mr. McKool's ability to fully comprehend and control the most complex cases has earned courtroom victories for such high profile clients. He also works to protect the intellectual property rights of technology leaders.

REPRESENTATIVE MATTERS

Affiliated Computer Services. Represents Affiliated Computer Services in a suit by JPMorgan Chase regarding patented technology of processing child support payments. The suit is pending in U.S. District Court in Delaware.

American Airlines. Mr. McKool represented American Airlines in a patent suit filed by Ronald A. Katz Technology Licensing alleging infringement of patents covering interactive voice applications relating to American Airlines call centers. The U.S. District Court judge in California entered a final judgment in favor of American Airlines.

Highland Capital. Mr. McKool served as lead counsel in a case filed by James Cable alleging tortious interference with a contract and civil conspiracy. All causes of action against Mr. McKool's client were dismissed.

Toll Brothers. Mr. McKool represents Toll Brothers and five other national home builders in a case brought by Wachovia Bank, N.A. in the Southern District of New York. The suit alleges that the home builders breached completion guaranties that were executed in connection with a 1,700 acre tract of property that was purchased from the United States Department of the Interior's Bureau of Land Management for more than \$500 million in 2005.

Medtronic Vascular, Inc. *Board of Regents, University of Texas System v. Setagon, Inc. et al.* Represented Medtronic in a dispute involving patent applications for stent devices with porous layers for eluting therapeutic agents. The University of Texas alleged breach of contract, fraud, conversion, misappropriation of trade secrets, misjoinder of inventors, and correction of inventors. The case settled favorably for Medtronic, including the dismissal of all of the University of Texas's claims.

Ericsson. Mr. McKool represented Ericsson in *Ericsson v. Interdigital Communications*, a defense of patent infringement action involving mobile telephones, and in *Ericsson v. Qualcomm*, litigation involving digital wireless communications patents.

EDS. Represented Electronic Data Systems, EDS, in some of its most significant litigation, including *EDS v. Xerox*, a breach of contract matter involving a \$3 billion outsourcing contract. In *EDS v. Computer Associates*, represented EDS in case involving its right to use CA software for its outsourcing clients. In both cases, Mr. McKool negotiated settlements and licensing agreements that benefited both parties.

Excel Communications. Mr. McKool successfully represented Excel in landmark software patent litigation.

National Instruments. *National Instruments Corp. v. The MathWorks, Inc.* Represented National Instruments in patent infringement action involving software technology. Jury verdict in favor of National Instruments was upheld on appeal.

Parental Guide. Represented plaintiff Parental Guide in patent infringement action involving V-Chip technology. Case settled favorably for client. *Parental Guide v. Funai*.

Holly Corporation. Mr. McKool served as lead trial counsel for Holly Corporation in *Frontier Oil Company v. Holly Corporation*. The suit alleged that Holly wrongfully failed to perform under an agreement to merge the two companies when it invoked a material adverse change. The case was tried in the Delaware Chancery Court in February 2004, resulting in Mr. McKool's client being absolved of all wrongdoing.

PROFESSIONAL ACTIVITIES

Member, American Board of Trial Advocates; Advisory Board for the Patent Case Management Judicial Guide to promote improvements in judicial administration for all federal courts in the United States; International Network of Boutique Law Firms, National Vice President; University of Texas Law School Alumni Association, Executive Committee.

AWARDS & RECOGNITION

Named Best Lawyer in Dallas five different times by *D Magazine*; *Texas Lawyer* named him one of only five Go-To Attorneys in the field of civil litigation in Texas in 2007; featured in the guide to *The Best Lawyers in America*® in Commercial Litigation every year since 1993 and in Bet-the-Company Litigation every year since 2006; his peers named him to the list of Texas Super Lawyers in every year since 2003; he was named by the *Dallas Business Journal* as one of the five Top Business Trial Lawyers in the DFW Metroplex in 2006; and he is listed in *Chambers USA* in Intellectual Property and Commercial Litigation.