



McKool Smith
300 W. 6th Street
Suite 1700
Austin, TX 78701
Tel: 512.692.8704
Fax: 512.692.8744

EDUCATION

- J.D., summa cum laude, The Ohio State University, 1998.
- Ph.D., Electrical Engineering, The Ohio State University, 1995.
- M.S.E.E., The Ohio State University, 1992.
- B.S.E.E., The Ohio State University, 1990

COURT ADMISSIONS

- State of Texas
- The U.S. Court of Appeals for the Federal Circuit
- The U.S. District Courts for the Northern, Eastern, and Western Districts of Texas
- The United States Patent and Trademark Office

BAR ADMISSIONS

- American Intellectual Property Law Association
- American Bar Association
- Federal Circuit Bar Association
- State Bar of Texas
- Travis County Bar Association

KEVIN BURGESS

PRINCIPAL

Kevin Burgess is involved in all phases of commercial litigation in complex technical cases with a particular emphasis on patent infringement litigation.

Prior to joining McKool Smith, Mr. Burgess was an Associate at Brobeck, Phleger & Harrison. He also served as a Judicial Clerk to the Honorable William C. Bryson, U.S. Court of Appeals for the Federal Circuit.

REPRESENTATIVE MATTERS

American Video Graphics. Mr. Burgess represented plaintiff AVG in patent infringement actions involving computer graphics and operating system software. *American Video Graphics v. Microsoft*; *American Video Graphics v. Hewlett-Packard Co., et al.*; *American Video Graphics v. Electronic Arts, Inc. et al.*; *American Video Graphics v. Sony Online Entertainment Inc. et al.*

i4i Limited Partnership and Infrastructures for Information Inc. *i4i Limited Partnership v. Microsoft Corporation* (E.D. Tex.). Mr. Burgess represents i4i Limited Partnership and Infrastructures for Information Inc. in a suit filed against Microsoft Corporation for patent infringement involving a method and system for manipulating architecture and content of a document separately from each other. After an eight-day trial, the jury found the patent valid and infringed, rendering a verdict in favor of i4i Limited Partnership and Infrastructures for Information Inc.

Ericsson. Mr. Burgess represented defendant Ericsson in patent infringement actions involving digital modulation and cellular communications technologies. *Digcom v. Ericsson*; *Ericsson v. Harris*.

East Texas Technology Partners. Mr. Burgess represented plaintiff ETTP in a patent infringement action involving computer modem technology. *ETTP v. Toshiba America, et al.*

Medtronic Vascular, Inc. *Medtronic Vascular, Inc. v. Boston Scientific et al.* Mr. Burgess won a substantial jury verdict on behalf of Medtronic in a patent infringement lawsuit alleging infringement of Medtronic patents covering the design of balloon angioplasty catheters and polymers used to build those catheters. This lawsuit settled after judgment was entered by the district court.

National Instruments. Mr. Burgess represented plaintiff National Instruments in a patent infringement action involving graphical programming software. *National Instruments v. The MathWorks*.

Parental Guide. Mr. Burgess represented plaintiff Parental Guide in patent infringement action involving V-Chip technology. *Parental Guide v. Funai et al.*

Trilogy. Mr. Burgess represented plaintiff Trilogy in trade secret misappropriation action involving software technology.

EDS. Mr. Burgess represented plaintiff EDS in outsourcing contract dispute involving Internet and networking technology. *EDS v. Xerox.*

AWARDS & RECOGNITION

Named to the list of Texas Super Lawyers Rising Stars in 2007 and 2008.