



McKool Smith
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EDUCATION

- J.D., University of Houston Law Center, 1992. The Advocates, Hippard Mock Trial Team, Environmental Law Society, Immigration Law & Policy Clinic (Intern) and U.H. Health Law & Policy Institute (Intern).
- B.A., summa cum laude, St. Mary's University, 1988. Presidential Scholar. Member, Delta Epsilon Sigma Honor Society. President and Historian, Pi Sigma Alpha.
- University of Texas, 1983. Gifted and Talented Scholar. Co-authored *Water, Energy & You*, an educational primer on environmental issues.

COURT ADMISSIONS

- State of Texas
- The U.S. Courts of Appeals for the Fifth and Federal Circuits
- The U.S. District Courts for the Northern, Eastern, and Western Districts of Texas

THOMAS G. FASONE, III

SENIOR COUNSEL

Tom Fasone III is a Senior Counsel in the Dallas office of McKool Smith, whose practice deals with intellectual property and complex commercial litigation.

REPRESENTATIVE MATTERS

i4i Limited Partnership and Infrastructures for Information Inc. *i4i Limited Partnership v. Microsoft Corporation* (E.D. Tex.). 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.

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.

Medtronic Vascular, Inc. *Medtronic Vascular, Inc. v. Boston Scientific et al.* Mr. Fasone and others from McKool Smith 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.

Affiliated Computer Services. Mr. Fasone represented ACS in breach of contract litigation involving information technology service agreements, *Affiliated Computer Services v. Caremark* and *Nationwide Money Services and EFT Integration v. Affiliated Computer Services*.

American Video Graphics. Mr. Fasone 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.*

Excel Communications. Represented Excel in landmark software patent litigation, *AT&T v. Excel Communications*.

BAR ADMISSIONS

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

Ericsson. Mr. Fasone represented Ericsson in *Ericsson v. IDC*, patent litigation relating to systems for cellular networks.

EDS. In *EDS v. Computer Associates*, Mr. Fasone represented EDS in case involving its right to use CA software for its outsourcing clients.

Gulf South Pipeline Co. *Wyble v. Gulf South Pipeline Company, L.P. and GS Pipeline Company, L.L.C.* Represented Gulf South in a citizen suit brought on behalf of East Texas landowners alleging violations of the Pipeline Safety Act.

Hicks, Muse, Tate & Furst. Mr. Fasone represented Hicks, Muse in *Coho Energy v. Hicks, Muse, Tate & Furst*, a matter involving a business dispute over investments in the oil and gas sector.

Parental Guide of Texas. *Parental Guide of Texas v. Funai et al.* Mr. Fasone represented Parental Guide in a patent infringement lawsuit regarding “V-Chip” technology against several major television manufacturers.

ARTICLES

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