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#### EDUCATION

- J.D., University of Virginia School of Law, 1988. Order of the Coif. Editorial Bd. of Virginia Law Review.
- B.S., Mechanical Engineering, Northwestern University, 1985.

#### COURT ADMISSIONS

- The U.S. Supreme Court
- The U.S. Courts of Appeals for the Federal, Fifth, Fourth, Eighth and Ninth Circuits
- The U.S. District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- U.S. Patent and Trademark Office

#### BAR ADMISSIONS

- American Bar Association
- Federal Circuit Bar Association
- Dallas Bar Association
- Eastern District of Texas Bar Associations

## THEODORE STEVENSON, III

### PRINCIPAL

Ted Stevenson is a Principal in the Dallas office of McKool Smith. Ted is a trial lawyer and registered patent attorney who has been focused on patent cases for nearly 20 years. Ted has won courtroom victories in patent cases involving diverse technologies such as wireless email, balloon angioplasty catheters, integrated circuits, prepaid calling cards, drilling rigs, and entertainment lighting systems. Ted also has tried and won non-patent cases alleging Internet metatag misuse, trade secret violations, trade dress infringement and software performance. Between September 2007 and August 2009 Ted tried five patent cases, three of which resulted in nine figure verdicts in favor of his clients. Ted regularly teaches trial advocacy as a faculty member of the National Institute of Trial Advocacy.

#### REPRESENTATIVE MATTERS

***Medtronic, Inc. v. Boston Scientific.*** Ted won one of the largest jury verdicts in the history of the Eastern District of Texas on behalf of firm client Medtronic asserting patents covering the design of balloon angioplasty catheters and polymers used to build the products. The case settled pending appeal in 2009.

***Medtronic, Inc. v. Cordis.*** Ted represented Medtronic in a series of patent infringement suits related to coronary stent design. These suits, which have since been settled, included a district court infringement case in which Medtronic asserted its stent patents against Cordis as well as five separate arbitration proceedings adjudicating the terms of various license agreements between the parties.

***Ericsson v. Harris.*** Following a two-week trial in Sherman, Texas, Ted won a patent infringement verdict for Ericsson in a case involving telecommunications integrated circuits and semiconductor fabrication patents. The U.S. Court of Appeals for the Federal Circuit affirmed both the jury verdict awarding full damages over lost profits and a permanent injunction against the defendant in 2005.

***Ericsson v. Samsung.*** Ted represented Ericsson and Sony Ericsson in a 2007 dispute against Samsung involving more than 50 standard essential GSM and WCDMA cellular patents. The litigation included simultaneous proceedings pending in the Eastern District of Texas, the International Trade Commission, and foreign courts. Before the infringement trial began, Ted persuaded the Court to adopt a novel procedure of having an expedited trial on the issue of the reasonable royalty rate. This procedural ruling helped derive a favorable early settlement for Ericsson.

***Versata Software v. SAP.*** Ted represented Versata, an enterprise software company located in Austin, TX against SAP A.G., the world's leading enterprise software company in a case alleging infringement of enterprise software patents. After trial the jury found Versata's patents infringed and awarded a nine-figure damages verdict. The case is currently on appeal.

***TGIP v. AT&T and MCI.*** Following a two-week trial in Beaumont, Texas, in 2007, Ted helped firm client TGIP win a nine-figure jury verdict of willful infringement against AT&T related to two prepaid calling card patents. AT&T later settled pending appeal of a judgment as a matter of law of non-infringement. In addition to the verdict against AT&T, co-defendant MCI settled during the second day of trial for a confidential amount.

***Visto v. Seven Networks.*** Ted won a jury verdict in Marshall, Texas, in 2006, against Seven Networks based on patents covering push e-mail systems for "smart phones." The jury awarded a 20% royalty and found willful infringement. The district court entered a permanent injunction as well as enhanced damages.

***Visto v. Research in Motion.*** Ted represented Visto against RIM in a number of U.S. and foreign patent litigation matters. After Visto's patents were confirmed in a reexamination proceeding, RIM settled with Visto.

***Svedala-Reeddrill v. Drilltech.*** Ted won a jury verdict of infringement for Svedala-Reeddrill following a two-week patent trial involving blast-hole drilling technology. The court awarded full lost profits, enhanced damages, attorney fees, and a permanent injunction, which were all affirmed on appeal.

***Golden Hour v. emsCharts.*** Ted represented defendant, emsCharts, in an inequitable conduct trial in 2009. The Court found the plaintiff's patent unenforceable due to inequitable conduct, and entered a take-nothing judgment in favor of Ted's client.

***i2 v. SAP.*** Ted represented i2 Technologies, a pioneer in supply chain management software, as plaintiff against SAP asserting infringement of seven patents, in 2008. SAP settled shortly after the *Markman* hearing.

***Pioneer v. Omni Financial.*** Ted successfully defended Omni Financial, a national lending company, against allegations of trade secret and trade dress infringement. The federal court issued a take-nothing judgment following a one-week trial in 2002.

***Trans Texas v. Pacific Investment Management Co.*** Ted successfully defended PIMCO against allegations that the company had infringed a patent covering interest rate hedging strategies for bond funds.

***DataTreasury v. EDS.*** Ted successfully defended EDS against patent infringement claims against EDS's Check 21 offering. Shortly before the 2005 trial, in the face of a substantial validity challenge to its patents, the plaintiff nonsuited its claims and gave EDS an irrevocable covenant-not-to-sue.

***ReedHycalog v. US Synthetic and Halliburton.*** US Synthetic and Halliburton called on Ted to defend the companies against patent infringement claims filed by ReedHycalog based on four patents related to leached diamond drill-bit cutting elements. The case settled favorably for Ted's clients shortly after the pretrial conference in 2008.

**Vari-Lite Enforcement Cases.** Ted represented Vari-Lite, the company that created the world's first computer controlled entertainment light, in a campaign asserting its pioneering patents against industry competitors. Ted won a preliminary injunction in *Vari-Lite v. Martin Entertainment* that prevented sales of hundreds of millions of dollars worth of infringing lighting systems. Ultimately, Vari-Lite settled its litigation with Martin, High End Systems, Coemar, Clay Paky, and other infringers on very favorable terms.

### **PROFESSIONAL ACTIVITIES**

National Institute of Trial Advocacy; American Intellectual Property Law Association.