



McKool Smith  
300 W. 6th Street  
Suite 1700  
Austin, TX 78701  
Tel: 512.692.8703  
Fax: 512.692.8744

#### EDUCATION

- J.D., cum laude, Northwestern School of Law of Lewis & Clark College, 1995.
- M.S.E.E., Stanford University, 1991.
- B.S.E.E., cum laude, Washington State University, 1987.

#### COURT ADMISSIONS

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

#### BAR ADMISSIONS

- American Bar Association
- Federal Circuit Bar Association

## PETER J. AYERS

### PRINCIPAL

Peter Ayers focuses his trial practice on complex technical cases given his extensive educational and professional background in electrical engineering. He has considerable experience in patent infringement and trade secret litigation.

Mr. Ayers served as a Judicial Clerk to the Honorable S. Jay Plager at the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. Prior to law school, he worked as a development engineer for Hewlett Packard and I.B.M.

Mr. Ayers speaking engagements include "Economics of IP Litigation" on June 22, 2007 at the 2007 State Bar of Texas Annual Meeting, San Antonio, TX, "Breaking Down The Tape: How E-Discovery Impacts the Business of Litigation" July 13, 2007 at the 3rd Annual Advanced Patent Litigation Course, Lake Tahoe, NV, and "The Role of Litigation in Your IP Strategy" (*Moderator*) July 31, 2007 at Managing Intellectual Property for Maximum Returns, Millbrae, CA.

#### REPRESENTATIVE MATTERS

**American Airlines, Northwest Airlines, Korean Airlines.** Represented a number of domestic and international airlines in a patent infringement case in the Eastern District of Texas. The plaintiff stipulated to non-infringement following a favorable claim construction ruling. Mr. Ayers is now handling the appeal before the Federal Circuit.

**Trilogy Software.** Mr. Ayers has represented Trilogy in a number of intellectual property cases involving complex pricing and configuration software. Recently, he helped Trilogy obtain a multi-million dollar settlement in a patent infringement case in the Eastern District of Texas.

**EDS.** Mr. Ayers represents EDS in a patent infringement case in the Eastern District of Texas involving image-based check processing.

**Nortel Networks.** He represented Nortel in a patent infringement case concerning telecommunications technology.

**OPTi, Inc.** He currently represents OPTi in a patent infringement case pending in the Eastern District of Texas involving computer chipsets.

**TSMC.** He represented TSMC in a multi-patent suit in the District of Arizona brought by the Lemelson Foundation.

**National Instruments.** Helped National Instruments obtain a multi-million dollar jury verdict in a patent infringement action against the Mathworks company in the Eastern District of Texas.

**Parental Guide of Texas.** Mr. Ayers represented Parental Guide of Texas in a patent infringement action against essentially all of the television manufacturers in the world. The case settled on favorable terms on the eve of trial.

## **PROFESSIONAL ACTIVITIES**

President, Austin Intellectual Property Association  
Member, AIPLA

## **ARTICLES**

- The Patent Reform Legislation Debate: Damages and Interlocutory Appeal Provisions  
Presented at the AIPLA Spring Meeting, May 2008  
May 2008