

### Steve Wingard

Steve litigates intellectual property cases and complex business disputes. Steve represents clients in lawsuits involving claims of patent infringement, copyright infringement, the Lanham Act, theft of trade secrets, pharmaceutical pricing, securities fraud, insurance coverage, breach of contract, business torts, and product liability. Steve also represents lawyers and other professionals in malpractice lawsuits and professional-licensing matters.

### Recognitions & Awards

Selected for The Best Lawyers in America in Commercial Litigation, 2019, 2020

Barrister, The Honorable Lee Yeakel Intellectual Property American Inn of Court, 2017 - present

Order of the Coif, 1993

Texas Rising Star, a Thomson Reuters business, 2005 - 2006

National Merit Scholar

Texas International Law Journal, 1992

Martindale-Hubbell rating AV Preeminent 5.0 out of 5, since 2003

### Representative Matters

Defended Schlumberger in patent-infringement suit brought by a subsidiary of Acacia, a publically-traded non-practicing entity. Along with lead counsel from Latham Watkins, SDM filed a motion to disqualify plaintiff's in-house general counsel, plaintiff's entire legal department, and plaintiff's outside counsel. In addition, SDM requested that the court



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#### RELATED PRACTICE AREAS:

- Business Torts
- Commercial Litigation
- Insurance Coverage
- Insurance Litigation
- Intellectual Property Litigation
- Personal Injury and Products Liability
- Pharmaceutical and Medical Device
- Professional Malpractice Defense
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dismiss the lawsuit. The Honorable Judge Lee Yeakel granted SDM's motion, disqualified all of plaintiff's counsel, and dismissed the lawsuit. (Western District of Texas, Austin Division).

Defended Medtronic, Inc. in patent-infringement lawsuit involving biologic technology. Along with counsel from Winston & Strawn, SDM filed a Motion to Dismiss or Transfer under 12(b)(3). The Honorable Judge Lee Yeakel granted the motion to dismiss. (Western District of Texas, Austin Division).

Defended the Walt Disney Company in patent-infringement lawsuit involving video game technology. Along with co-counsel from Erise IP, filed a Motion to Dismiss or Transfer. The Honorable Judge Robert Pitman transferred the case. (Western District of Texas, Austin Division).

Defended Citrix Systems, Inc. in patent-infringement lawsuit that involved software applications to enhance teleconferences. The case favorably settled after claims construction by the Honorable Judge Lee Yeakel. (Western District of Texas, Austin Division).

Represented the plaintiff Engineered Arresting Systems Corporation in patent-infringement lawsuit involving a mechanical system to stop aircraft that overrun a runway. Along with co-counsel from Kilpatrick Townsend, secured a favorable claims construction from the Honorable Judge Lee Yeakel. The case favorably settled on the eve of trial. (Western District of Texas, Austin Division).

Defended Garmin USA in patent-infringement action that involved a system to aid proper movement during physical activity. Along with counsel from Erise IP, SDM filed a motion to dismiss under 12(b)(3). The Honorable Judge Fred Biery dismissed the case. (Western District of Texas, San Antonio Division).

Defended Garmin USA in patent-infringement action that involved systems that use Bluetooth technology. The case

Professional Malpractice,  
Licensing and Regulation

settled after favorable claims construction by the Honorable Judge Lee Yeakel. (Western District of Texas, Austin Division).

Defended Motorola Mobility in patent-infringement lawsuit involving a wireless headset. Along with co-counsel from Kilpatrick Townsend, SDM partner Paige Amstutz tried the case to a complete defense verdict. (Western District of Texas, San Antonio Division, the Honorable Judge Lee Hudspeth presiding).

Defended Motorola Mobility in patent-infringement lawsuit involving cell phone technology. Along with co-counsel from Winston Strawn, prepared the case for trial in the Honorable Judge Lee Yeakel's court. Reached favorable settlement on the day of trial. (Western District of Texas, Austin Division).

Defended Amazon in patent infringement action that involved a method for conveying email messages. Along with co-counsel from Bartlit Beck Herman, SDM filed a motion to dismiss under 12(b)(6) based on Section 101. The Honorable Judge Robert Pitman dismissed the suit. (Western District of Texas, Austin Division).

Defended Intel Corporation in patent-infringement suit involving microprocessors and chip sets. Along with co-counsel from Dewey & LeBoeuf, prepared the case for trial. Case settled the day trial was to begin. (Western District of Texas, Austin Division, the Honorable Judge Sam Sparks presiding).

Defended Denver Mattress in Lanham Act case involving claims of false advertising. Secured favorable settlement. (Western District of Texas, Austin Division, the Honorable Judge Lee Yeakel presiding).

Represented the owner of a hospital as plaintiff in a misappropriation-of-trade-secrets and breach-of-contract case. After a two-week jury trial with SDM partners Paige Amstutz and Abe Kuczaj, won a plaintiff's verdict in excess of \$11 million. In its verdict, the jury found defendants

breached their confidentiality agreement and caused damages to SDM's client. The court also awarded attorneys' fees to SDM's client. (Travis County District Court).

Represented 43 software engineers as plaintiffs in lawsuits against Seimens claiming wrongful cancellation of option agreements and breach of an employee retention agreement. Tried case and obtained multi-million dollar jury verdict on behalf of three employees in one venue. Thereafter, obtained successful settlement on behalf of remaining clients. (Travis County District Court, Dallas County District Court).

Defended law firm in legal malpractice case arising out of patent prosecution of five related patents and six separate patent infringement lawsuits. Secured favorable settlement prior to trial. (Western District of Texas, San Antonio Division, the Honorable Judge Royal Ferguson presiding).

Defended start-up company in multi-million dollar lawsuit brought by Alcatel alleging breach of contract and theft of trade secrets related to internet protocol router technology. Case settled after company successfully defeated application for temporary injunction. (Eastern District of Texas, Texarkana Division, the Honorable Judge Folsom presiding).

Represented Johnson & Johnson in lawsuit brought by the State of Texas alleging violations of the Texas Medicaid Fraud Prevention Act. Secured favorable settlement on behalf of client. (Travis County District Court).

Defended a family limited partnership, its general partner, and several individuals who owned limited partnership interests in lawsuit asserting breach of fiduciary duty. The plaintiff was the executor of the estate of a deceased limited partner who claimed the right to bring derivative claims on behalf of the limited partnership. Filed a Motion to Dismiss and court dismissed the entire case holding that the plaintiff lacked standing to bring his claims. (La Salle County District Court).

Represented plaintiff Petroplex Energy, Inc. in insurance coverage case. Won summary judgment that insurance policy covered the insured's loss. Along with SDM partners Jane Webre and Robyn Hargrove, represented Petroplex Energy, Inc. in an appeal of summary judgment orders. Finding no error, the Eastland Court of Appeals affirmed the trial court's summary judgment rulings and taxed all costs against the insurance companies. (Midland County District Court, Eastland Court of Appeals).

### **Bar Admissions & Activities**

Admitted to the State Bar of Texas and the U.S. District Courts for the Northern, Eastern, Western, and Southern Districts of Texas, and the U.S. Court of Appeals, Fifth Circuit.

### **Education**

University of Texas, B.A., with high honors, 1989

University of Texas School of Law, J.D., with honors, 1993

### **Selected Reported Cases**

*Dynamic 3D Geosolutions, LLC v. Schlumberger Limited, et al.*; Civil Action No. A-14-CV-112-LY, 2015 WL 4578681 (W.D. Tex. March 31, 2015)

*Interactive Toybox, LLC v. The Walt Disney Company, Civil Action No. 1:17-CV-1137-RP*, 2018 WL 5284625 (W.D. Tex. October 24, 2018).

*Board of Regents, The University of Texas System, et al. v. Medtronic PLC, et al.*; Civil Action No. A-17-CV-0942-LY; 2018 WL 4179080 (W.D. Tex. July 19, 2018).

*LoganTree LP v. Garmin International, Inc., et al.*; Civil Action No. SA-17-CA-0098-FB; 2017 WL 2844167 (W.D. Tex. June 22, 2017).



*St. Paul Fire & Marine Ins. Co. v. Petroplex Energy, Inc.*, Cause No. 11-13-000104-CV; In the Court of Appeals of Eastland, 2015 WL 5173035 (August 31, 2015)

*Shurberg v. La Salle Industries Limited*, Cause No. 04-15-00320-CV, 2016 WL 1128291; In the San Antonio Court of Appeals (March 23, 2016).

*Air Measurement Technologies, Inc. v. Hamilton, et al.*, 2003 WL 22143276 (W.D. Tex. 2003)

*Ace Cash Express, Inc. v. Silverman, et al.*, 2004 WL 101684 (Tex. App.—Austin 2004, no pet.)