

# **EXHIBIT 8**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

*In re K-Dur Antitrust Litigation*

This document relates to:

All Direct Purchaser Class Actions

Civil Action No. 01-cv-1652(SRC)(CLW)  
MDL Docket No. 1419

**DECLARATION OF RUSSELL A. CHORUSH IN SUPPORT OF CLASS COUNSEL'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF  
EXPENSES AND INCENTIVE AWARDS TO CLASS REPRESENTATIVES**

I, Russell A. Chorush, under penalty of perjury under the laws of the United States of America, declare as follows:

1. I am a partner of the law firm of Heim, Payne & Chorush, LLP ("HPC"). I am submitting this declaration in support of Class Counsel's motion for attorneys' fees and reimbursement of expenses in connection of services rendered by HPC and its predecessor firm<sup>1</sup> Conley Rose, P.C. ("CR") in the above-captioned litigation. A copy of my firm's resume is attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information and belief.

2. HPC and CR were responsible for issues relating to patents and intellectual property in connection with the above-captioned litigation. HPC's and CR's responsibilities included issues relating to the validity, infringement, and enforceability of United States Patent

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<sup>1</sup> This antitrust lawsuit was filed in 2001. From 2001 until January 2006, CR served as patent counsel in this case. In January 2006, three CR attorneys including myself departed that firm and founded HPC. Since January 2006, work performed on this case has been undertaken by HPC rather than CR.

No. 4,863,743. In particular, HPC and/or CR were involved in the following specific activities in this case:

- Reviewing and coding of documents;
- Preparing for and taking depositions of fact witnesses whose testimony related to patent and intellectual property issues including the depositions of Dr. Charles Hsiao, Ms. Cathy Ku, and Mr. John Maitner;
- Assessing the documentary and testimonial evidence, researching relevant legal issues, and formulating strategy and preparing memoranda on the merits of various legal positions and strategies;
- Assisting in the preparation of expert reports and in the defense of depositions for plaintiffs' expert witnesses including Dr. James Benson, Dr. Pardeep Gupta, and Mr. Jack Goldstein;
- Preparing for and taking depositions of defendants' expert witnesses whose testimony related to patent and intellectual property issues including the depositions of Mr. Anthony Figg, Mr. Nicholas Godici, Dr. Gilbert Banker, and Dr. James McGinity;
- Drafting of pleadings and briefs related to patent and intellectual property issues including drafting and responding to interrogatories, requests for admission; responding to motions to dismiss; and drafting and responding to motions for summary judgment, and *Daubert* motions;
- Attending and participating in hearings and mediations; drafting presentation materials for hearings and drafting mediation materials; and
- Preparing for trial.

3. All attorneys, patent agents, paralegals and law clerks at both HPC and CR were instructed to keep contemporaneous time records reflecting their time spent on this case.

4. As detailed in the schedule below, the amount of time expended by HPC's and CR's attorneys, paralegals, assistants, and law clerks from the inception of the litigation through February 14, 2017, the date on which the settlement with Defendants was agreed to in principal, is 6,338.06 hours, which includes 5,636.96 attorney hours, 13.50 hours spent by a patent agent;

631.10 hours spent by paralegals (or on paralegal tasks), and 56.50 hours spent by law clerks.

5. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by HPC and CR. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

<b>Name</b>	<b>Status</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Lodestar</b>
Russell A. Chorush	Partner at HPC	1,478.45	\$825.00	\$1,219,721.25
Michael F. Heim	Partner at HPC	458.21	\$875.00	\$400,933.75
Douglas R. Wilson	Partner at HPC	335.25	\$675.00	\$226,293.75
Fiona A. Bell	Former Associate at HPC	18.25	\$325.00	\$5,931.25
Chris M. Koepke	Former Associate at HPC	46.50	\$300.00	\$13,950.00
Emma W. Perry	Current Associate at HPC	13.65	\$275.00	\$3,753.75
Carrie J. Anderson	Current Paralegal at HPC	571.10	\$200.00	\$114,220.00
Amber Branum*	Current Assistant at HPC	59.00	\$165.00	\$9,735.00
Jonathan Pierce	Former Partner at CR	1,619.95	\$425.00	\$688,478.75
Jeffrey L. Johnson	Former Associate at CR	1,584.00	\$275.00	\$435,600.00
Robert Gray	Former Associate at CR	2.25	\$300.00	\$675.00
Matthew Scheele	Former Associate at CR	13.00	\$290.00	\$3,770.00
Jeremy Welch	Former Associate at CR	7.20	\$275.00	\$1,980.00
Carol Mintz	Former Patent Agent at CR	13.50	\$225.00	\$3,037.50
Charles Kulkarni	Former Law Clerk at CR	5.50	\$135.00	\$742.50
Chris Spence	Former Associate at CR	54.75	\$275.00	\$15,056.25
Colby Nuttal	Former Law Clerk at CR	32.25	\$125.00	\$4,031.25
Derek Forinash	Former Associate at CR	5.50	\$320.00	\$1,760.00
Jonna Treble	Former Law Clerk at CR	18.75	\$135.00	\$2,531.25

<b>Name</b>	<b>Status</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Lodestar</b>
Willette Norman	Former Paralegal at CR	1.00	\$190.00	\$190.00
<b>TOTAL</b>		<b>6,338.06</b>		<b>\$3,152,391.25</b>

\* time included only for paralegal tasks performed

For current employees of HPC, the hourly rate used is the employee's 2017 hourly rate. For former employees of HPC, the hourly rate used is the rate in effect the year in which the employee left HPC. For CR employees who never worked for HPC, the hourly rate used is the rate in effect the year in which the employee left CR.

6. HPC and CR have also incurred a total of \$411,445.52 in unreimbursed expenses in connection with the prosecution of the litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

<b>Expense</b>	<b>Total Amount</b>
Telephone/Teleconference/Facsimile	\$2,896.49
Photocopies - Outside	\$3,718.98
Postage/ Air Express/Messengers	\$3,835.54
Filing Fees	\$182.00
Research	\$17,633.34
Travel/Hotel/Meals	\$67,380.61
Litigation Fund Assessments	\$284,400.00
Other (miscellaneous)	\$18,238.56
Expert Consultants	\$13,160.00
<b>TOTAL</b>	<b>\$411,445.52</b>

7. The expenses incurred in this action are also reflected on the books and records of HPC and CR. These books and records are prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

Dated: June 22, 2017



Russell A. Chorush, Ph.D., J.D.  
Partner, Heim, Payne & Chorush, L.L.P.

# **Ex. 1**

**HEIM, PAYNE & CHORUSH, L.L.P.**

Founded in January 2006, Heim, Payne & Chorush L.L.P. ([www.heimpaynechorush.com](http://www.heimpaynechorush.com)) specializes exclusively in intellectual property-related litigation. The Firm's founding partners (Messrs. Heim, Payne and Chorush) previously worked together at a predecessor firm, Conley, Rose P.C. During their tenure at the predecessor firm, the Firm's founding partners handled cases for Conley Rose P.C. on several nationally publicized cases that were favorably resolved, and that success has carried over to the new Firm.

These past successes are borne out by the numbers: since 2003, the Firm's partners have represented plaintiffs in national lawsuits that have resulted in recoveries of over 1.15 Billion dollars (\$1,150,000,000).

The Firm currently has seven partners and six associates. Messrs. Heim, Payne and Chorush have each been named in H Texas Magazine's "Best Lawyers in Houston" edition, and each of the partners in the Firm has been named a Super Lawyer or a Rising Star by Texas Monthly magazine. Most of the Firm's attorneys attended top-twenty law schools and have undergraduate and graduate degrees in engineering and the sciences.

Since its formation in 2006, the Firm has hired several attorneys. Four of these hires are former clerks at the Federal Circuit Court of Appeals (Messrs. Wilson, Howe and Harris and Ms. Jones), and one of the hires will clerk at the Fifth Circuit Court of Appeals next year. Additionally, one of the Firm's attorneys (Messrs. Chorush) achieved the top-score on the Texas Bar Exam. Short bios of several of the attorneys are attached. The Firm's attorneys have extensive experience in trade secret and patent cases, which represent the majority of the Firm's docket.

In the patent and trade secret area, Dr. Chorush (along with co-counsel at another firm in Houston) successfully tried a case in California in 2007. The jury awarded Dr. Chorush's client \$30,500,000, which was one of the top 10 jury verdicts in California for 2007. A Final Judgment was entered by the Court in the amount of approximately \$36,000,000.

In general, the Firm represents plaintiffs and defendants nationwide in patent, trade secret and antitrust litigation in a broad range of technologies including microprocessors, software, computer architecture, memory control systems, cellular telephone systems, data transmission systems, Internet radio, audio and video streaming, database caching software, on-line gaming systems, computer controlled lighting, pharmaceuticals, drilling and other downhole systems, and natural gas conversion systems. Our attorneys have a wide variety of technical backgrounds and our expertise lets us handle all facets of intellectual property litigation. Our legal teams handle every aspect of the most complicated patent disputes for some of the largest energy and technology firms. In addition, we frequently represent individuals and smaller companies against Fortune 500 companies.

One of our hallmarks is that we frequently work closely with other firms in handling cases. We have served as litigation co-counsel with several of the top litigation boutique firms in the country, including Susman Godfrey, Garwin Gerstein and Fisher, Berger Montague, Odem &



desRoches, and Boies Schiller. When these firms need assistance in handling large complex patent cases, we are one of the firms that they turn to in litigating these lawsuits.



THE FIRM ATTORNEYS REPRESENTATIVE CASES CAREERS CONTACT



## Michael Heim

[ partner ]

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**Email: [mheim@hpcllp.com](mailto:mheim@hpcllp.com)**

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Michael Heim is the founding partner and managing director of the firm. He possesses a unique breadth of experience in the patent industry with more than 25 years of litigation experience, experience examining and prosecuting patents at the U.S. Patent and Trademark Office, and a scientific background. Mike's principal focus is intellectual property litigation, and he is known in the industry as a skilled litigator of patent cases. He has led litigation teams from complaint to judgment in federal district courts in the Eastern District of Texas and across the country, winning favorable settlements and judgments for his clients.

Mike has a degree in electrical engineering, and early in his career, served three years as a Patent Examiner at the U.S. Patent and Trademark Office where he specialized in electrical communications and computer software and hardware. He often litigates cases involving technology related to his expertise in the electronics field, including computer hardware and software and wireless communications. Particularly, he has handled cases in fields ranging from microprocessors to antenna technology to on-line gaming systems to wireless LAN. Mr. Heim has also litigated class action antitrust lawsuits against pharmaceutical companies misusing intellectual property laws to maintain exclusive rights to brand-name drugs in order to keep generic products from entering the market.

Mike has been recognized as a leading lawyer by Forbes Magazine, Thomson-Reuters' Super Lawyers, Chambers USA, H Texas Magazine and IP Law & Business, among others. He has served as past President of the State Bar of Texas Intellectual Property Section and the Houston Intellectual Property Law Section. Mr. Heim has frequently lectured on litigation and intellectual property matters.

### Education

The George Washington School of Law, J.D., with honors, 1986

University of Missouri, B.S. in Electrical Engineering, 1983

### Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Patent & Trademark Office

U.S. District Court for the Northern District of Texas

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

State of Texas

## Representative Cases

- ***MicroUnity Systems Engineering, Inc. v. Apple, Inc. et al*** (representing plaintiff)
- ***Fractus, S.A. v. Samsung Electronics Co., Ltd. et al*** (represented plaintiff, obtained favorable settlements from defendants and a \$23 million jury verdict against Samsung)
- ***PalTalk Holdings, Inc. v. Sony Computer Entertainment America Inc. et al*** (represented plaintiff, obtained favorable settlements shortly before trial)
- ***Commonwealth Scientific and Industrial Research Organisation v. Lenovo (United States) Inc. et al*** (represented plaintiff, obtained favorable settlements shortly before trial)
- ***Interval Licensing v. AOL, Inc. et al*** (representing plaintiff)
- ***MicroUnity Systems Engineering, Inc. v. Intel Corporation and Dell, Inc.*** (represented plaintiff and obtaining a confidential settlement of the case one month before trial, which Intel disclosed in its 2005 Q3 10-Q as \$300 million)
- ***SuperSpeed, LLC v. IBM Corp.*** (represented plaintiff and obtained a favorable confidential settlement)
- ***UniRAM Technology, Inc. v. Taiwan Semiconductor Manufacturing Co.*** (represented plaintiff and obtained a jury verdict of \$30.5 million in damages)
- ***Two-Way Media vs. AOL*** (represented plaintiff and obtained a favorable settlement during trial, and after a successful Markman ruling)
- ***In re Buspar*** (represented the Direct Purchaser class of plaintiffs and obtained a \$220 million settlement)
- ***In re Cardizem*** (represented the Direct Purchaser class of plaintiffs)
- ***In re Remeron*** (represented the Direct Purchaser class of plaintiffs and obtained a favorable settlement)
- ***In re Hytrin*** (represented the Direct Purchaser class of plaintiffs and obtained a favorable settlement)
- ***Pavilion Technologies v. Computer Associates*** (represented plaintiff and obtained a favorable confidential settlement)
- ***Vari-lite v. High End Systems*** (represented plaintiff and obtained a favorable confidential settlement)

## Awards & Honors

- Texas Super Lawyers by Thomson Reuters, as published in Texas Monthly, 2004-2017
- Best Lawyers in America (U.S. News & World Report), 2005-2017
- Chambers USA Best Lawyers in America, 2005-2017
- H Texas Magazine, Best Lawyers in Houston, 2004, 2006-2017
- IP Law & Business, Best IP Lawyers in America, 2007-2017
- Named as a leading lawyer in Texas by Forbes Magazine, 2007
- Preeminent AV Rated by Martindale Hubble

## Professional Affiliations

- Houston Intellectual Property Law Association (Past President)
- State Bar of Texas Intellectual Property Law Association (Past President)
- American Intellectual Property Law Association
- American Bar Association (Intellectual Property Section)
- Houston Bar Association



[\*The Firm\*](#) [\*Attorneys\*](#) [\*Representative Cases\*](#) [\*Careers\*](#) [\*Contact\*](#)

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## Leslie Payne

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For more than 25 years, Leslie Payne's practice has focused on the prosecution and defense of actions in Federal and State courts at the trial and appellate levels in the areas of patent infringement, unfair competition, trademark infringement, trade secret misappropriation, breach of contract, tortious interference and other areas. He has extensive experience in these areas, from the filing of a case through discovery, trial, verdict, and appeal.

In addition, Les has represented clients in many reexamination and inter partes review proceedings at the U.S. Patent and Trademark Office. He has represented clients in many different engineering and science disciplines, including the mechanical, electrical, computer and chemical arts.

### REPRESENTATIVE TRIALS AND APPEALS SINCE 2011

#### Trials and Appeals in 2015

- ***Dataquill Limited v. ZTE USA, Inc.*** (E.D. Tex): On June 18, 2015, a jury in Marshall returned a verdict in favor of Dataquill Limited on patent claims asserted against ZTE USA (the fourth largest smartphone manufacturer in the U.S.). (Other cases against Apple and Huawei were resolved before trial.) The Dataquill patents concern smartphone technology, and were asserted against ZTE's Android smartphones. The jury found that all asserted claims were valid and infringed, and awarded \$31.5 million. This was the twelfth largest verdict in Texas for 2015 and the fifty-ninth largest nationally, according to VerdictSearch. The HPC team representing Dataquill included

#### Education

Vanderbilt University School of Law,  
J.D., 1992

University of Tennessee, B.S. in  
Electrical Engineering, *magna cum  
laude*, 1989

#### Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Federal  
Circuit

U.S. Court of Appeals for the Fifth  
Circuit

U.S. Patent & Trademark Office

U.S. District Court for the Northern  
District of Texas

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

U.S. District Court for the Western  
District of Texas

State of Texas

Les Payne, Nate Davis, and Blaine Larson. HPC team worked with attorneys from Susman Godfrey, including Parker C. Folse and Joseph S. Grinstein, as well as Johnny Ward of Ward & Smith Law Firm. [Click Here To See The Jury Verdict.](#)

- **Commil USA, LLC v. Cisco Systems, Inc.** (Supreme Court of the United States): On May 26, 2015, the Supreme Court issued a 6-2 decision in favor of Commil. The trial is described further below under *Trials in 2011*. In this landmark decision, the Supreme Court held that an accused infringer's good faith belief in patent invalidity is not a defense to inducing infringement. [Click Here To See The Supreme Court Opinion.](#)

## Appeals in 2014

- **Two-Way Media, LLC v. AT&T Inc., et. al.** (Federal Circuit Court of Appeals): On March 19, 2015, the Federal Circuit affirmed the \$40 million Final Judgment in favor of Two-Way Media against AT&T, which is described further below under *Trials in 2013*. Mr. Payne argued for Two-Way Media before the Federal Circuit in December 2014. [Click Here To See The Federal Circuit Opinion.](#)

## Trials in 2013

- **Two-Way Media LLC v. AT&T Inc. et al.** (W.D. Tex.): On March 20, 2013, a jury in San Antonio returned a verdict in favor of Two-Way Media LLC, a company based in Colorado, on patent claims asserted against several AT&T entities and its related regional carriers. The TWM patents concern audio and video streaming, and were asserted against AT&T's U-verse television service (which employs Microsoft's Mediaroom software). The jury found that AT&T infringed the patent claims under the doctrine of equivalents. The jury further found that AT&T had not proven the patent claims invalid, and awarded damages of \$27.5 million. This was the seventh largest verdict in Texas for 2013, according to VerdictSearch. The Court entered a Final Judgment in favor of Two-Way Media of \$40 million, after adding pre-judgment interest. The HPC team representing Two-Way Media included Mike Heim, Les Payne, and Micah Howe. The HPC team worked with attorneys from Susman Godfrey (including Parker Folse and Max Tribble). [Click Here To See The Jury Verdict](#); [Click Here To See The Final Judgment.](#)

## Trials in 2012

- **PACT XPP technologies, AG v. Xilinx, Inc. and Avnet, Inc.** (E.D. Tex.): On May 18, 2012, a jury in the Eastern District of Texas, Marshall Division, returned a verdict finding that two patents held by PACT were valid and were infringed by Xilinx and Avnet. The jury further found that Xilinx's infringement was willful, and it awarded damages to PACT in the amount of

\$15.39 million. This was the 18th largest verdict in Texas for 2012, according to VerdictSearch. The District Court entered a Final Judgment of \$43 million in favor of PACT after awarding prejudgment interest, enhanced damages and attorney's fees. [Click Here To See The Jury Verdict](#); [Click Here To See The Final Judgment](#).

## Trials in 2011

- ***Fractus, S.A. v. Samsung Electronics Co., Ltd. et al.*** (E.D. Tex.): On May 23, 2011, a jury in Tyler returned a verdict in favor of Fractus, S.A, an antenna company based in Barcelona, Spain, on all trial claims asserted against Samsung. The claims were spread across four related patents in Fractus' Multilevel Patent family, generally covering multiband antennas used in portable communication devices, such as cell phones. The jury found that Samsung infringed the claims literally and under the doctrine of equivalents, as well as finding Samsung's infringement willful. After finding that Samsung had not proven the patent claims invalid, the jury entered a verdict in excess of \$23M. This was the tenth largest jury verdict in Texas for 2011, according to VerdictSearch. A final judgment was entered in favor of Fractus for approximately \$42 million dollars, after damages were enhanced. The HPC team representing Fractus included Michael Heim, Les Payne, and Micah Howe. The HPC team worked seamlessly with attorneys from Susman Godfrey (including Max Tribble, Justin Nelson, and Victoria Cook) and Ward & Smith (Johnny Ward) to produce this result. Prior to trial, the Fractus legal team also assisted in licensing the Fractus patent portfolio to other third parties, resulting in licensing fees approaching \$70 million. [Click Here To See The Jury Verdict](#); [Click Here To See The Final Judgment](#).
- ***Commil, USA v. Cisco Systems, Inc.*** (E.D. Tex.): On April 8, 2011, a jury in Marshall, Texas returned a verdict in favor of Commil USA, LLC on all infringement claims asserted against Cisco Systems, Inc. The jury, which deliberated less than two hours, decided Cisco induced infringement on a patent for wireless technology developed by three Israeli engineers and awarded Commil \$63.8 million dollars. This was the seventh largest jury verdict in Texas for 2011, according to VerdictSearch. Commil had purchased the infringed patent in 2006 for \$400,000.00. A final judgment was entered in favor of Commil for approximately \$74 million dollars. Mr. Payne represented Commil at trial and worked with trial counsel from Sayles Werbner (Mark Werbner & Dick Sayles) to achieve this result. [Click Here To See The Jury Verdict](#); [Click Here To See The Final Judgment](#).

## Other Representative Cases

- ***MicroUnity Systems Engineering, Inc. v. Intel & Dell:***



MicroUnity filed suit against Intel Corporation, alleging that Intel's Pentium III, Pentium 4, and Pentium M processors infringed MicroUnity's patents covering its "mediaprocessor" technology. MicroUnity also sued Dell, Inc. for Dell's use of allegedly infringing Intel processors. In October 2005, one month before trial was to commence, MicroUnity, Intel, and Dell reached a settlement. Intel publicly disclosed the financial terms of the settlement as \$300 million in its Third Quarter 2005 10-Q.

- **Commonwealth Scientific and Industrial Research Organisation v. Lenovo (United States) Inc. et al:** In 2011 and 2012, Mr. Payne and other attorneys from HPC represented the Commonwealth Scientific and Industrial Research Organisation, Australia's national science agency, in a series of patent litigation suits involving wireless local area networking technology. These cases were settled shortly before trial on terms that were very favorable to CSIRO.
- **Rock Bit International, Inc. v. Smith International, Inc.:** Mr. Payne represented Smith International in its defense of Plaintiff's claims of patent infringement. Plaintiff sought over \$100 million in damages. After a *Markman* hearing, the court granted Smith's summary judgment motion for patent invalidity. *See Rock Bit Intern., Inc. v. Smith Intern., Inc.*, 82 F.Supp. 2d 667 (S.D. Tex. 1999). The court then granted Smith's motion for attorney's fees, awarding Smith over \$2.7 million in attorneys fees and costs. *See Rock Bit Intern., Inc. v. Smith Intern., Inc.*, 82 F.Supp. 2d 677 (S.D. Tex. 1999). The case was favorably settled while on appeal to the Federal Circuit.
- **Two-Way Media vs. AOL** (S.D. Tex.): Mr. Payne and other attorneys from HPC as well as attorneys from Susman Godfrey represented Two-Way Media in a patent suit against AOL on audio and video streaming patents. The case settled during trial, and after a successful *Markman* Ruling.
- **Vasudevan Software, Inc. vs. IBM Corp. and Oracle Corp.** (N.D. Cal.): Plaintiff Vasudevan Software Inc. ("VSi") owns the rights to several database patents: U.S. Patent No. 6,877,006 B1 ("the '006 Patent"), U.S. Patent No. 7,167,864 B1 ("the '864 Patent") and U.S. Patent 7,720,861 ("the '861 Patent"). VSi alleged that IBM infringed the '006, '864 and '861 Patents by making, using, selling or importing InfoSphere Warehouse and Cognos Software products. VSi also alleged that Oracle infringed the '006, '864 and '861 Patents by making , using, selling or importing the Oracle Business Intelligence Enterprise Edition Plus, among other products. The case settled in the fall of 2011 after a *Markman* ruling.

## Awards & Honors

- H Texas Magazine, Best Lawyers in Houston, 2006, 2010-2011, 2013-2017
- Texas Super Lawyers by Thomson Reuters, 2012-2017
- Texas Rising Stars by Thomson Reuters/Super Lawyers, as published in Texas Monthly, 2004-2006



- Preeminent AV Rated by Martindale Hubble 44992

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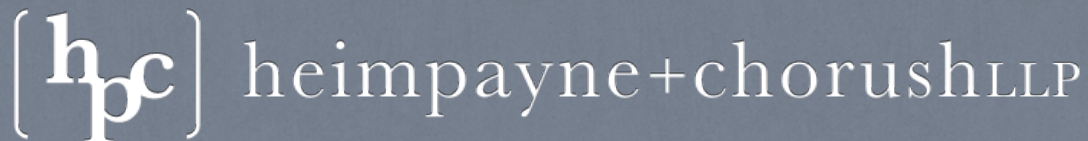
1111 BAGBY, SUITE 2100, HOUSTON, TEXAS 77002

PHONE: (713) 221-2000

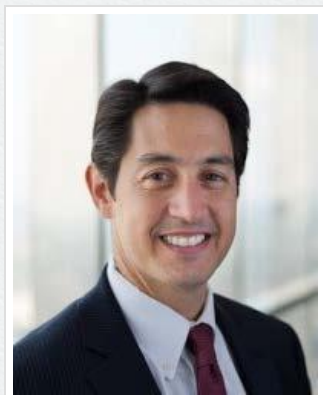
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Russell Chorush specializes in patent infringement and antitrust cases in the high technology arena. He has represented various clients in litigation in fields ranging from electronics to chemicals and focuses primarily on reverse-payment pharmaceutical cases brought under the Sherman Antitrust Act and *FTC v. Actavis, Inc.*, 133 S. Ct. 2223 (2013). The cases on which Russ has worked have achieved recoveries in excess of \$1 billion and he has prevailed in each case he has tried to a final decision. Prior to his professional law practice he graduated valedictorian from the University of Houston Law Center in May 2001 and obtained the top score on the July 2001 Texas state bar examination.

While at the University of Houston Law Center, Russ served as the Notes & Comments editor on the Houston Law Review and received the following awards: the National Burton Award for Legal Achievement, the Dean's Scholarship, the Baker Botts Award, the West Group Outstanding Scholastic Achievement Award, the Suzanne White Booker Student Scholarship, the Locke Liddell & Sapp LLP IP and Technology Scholarship, the Hutcheson & Grundy Scholarship, the Joan Garfinkel Glantz Prize, the Griggs & Harrison Award, and the LEX Awards (top score in his law school section) in civil procedure, torts I, torts II, property II, and contracts II.

Prior to law school, Russ served as a laboratory manager for Texas Instruments, Inc. ("TI") and Air Liquide Corporation. He is a co-author of the book "Handbook of Chemicals and Gases for the Semiconductor Industry" as well as a number of published articles and is a named inventor on several patents assigned to TI. Dr. Chorush is an author of six published articles in peer-reviewed journals including the Journal of the American Chemical Society, Analytical Chemistry

### Education

University of Houston Law Center,  
J.D., *summa cum laude*, 2001

Cornell University, Ph.D. in  
Chemistry, 1994

Cornell University, M.S. in  
Chemistry, 1992

University of Texas, B.S. in  
Chemistry, with honors, 1989

### Admissions

United States Supreme Court

U.S. Court of Appeals for the Federal  
Circuit

U.S. Patent & Trademark Office

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

State of Texas

and the Journal of Mass Spectrometry. He received a Ph.D. in analytical chemistry from Cornell University in 1994 and a B.S. in chemistry from the University of Texas at Austin in 1989.

## Notable Current Cases

- ***In re K-Dur Antitrust Litigation***, MDL Docket No. 01-MD-1419 (D.N.J.) (representing plaintiffs)
- ***King Drug Company of Florence, Inc. et al. v. Cephalon, Inc., et al.***, Civ. No. 2:06-cv-1797 (E.D. Pa.) (representing plaintiffs as to remaining defendants Mylan and Ranbaxy)
- ***In re Androgel Antitrust Litigation***, MDL Docket No. 1:09-MD-2084 (N.D. Ga.) (representing plaintiffs)
- ***In re Aggrenox Antitrust Litigation***, 3:14-md-02516 (D. Conn.) (representing plaintiffs)
- ***In re Lamictal Antitrust Litigation***, Case No. 2:12-cv-995 (D.N.J.) (representing plaintiffs)
- ***In re Lidoderm Antitrust Litigation***, Case No. 14-md-02521 (N.D. Cal.) (representing plaintiffs)
- ***Burlington Drug Co., Inc. v. Pfizer Inc. et al.***, Civ. No. 3:12-cv-02389 (D.N.J.) (representing plaintiffs)
- ***In re Niaspan Antitrust Litigation***, Case No. 2:13-md-02460 (E.D. Penn.) (representing plaintiffs)
- ***In re Opana ER Antitrust Litigation***, MDL No. 2580, Lead Case No. 14-cv-10150 (N.D. Ill.) (representing plaintiffs)

## Notable Past Cases

- ***King Drug Company Of Florence, Inc. et al. v. Cephalon, Inc., et al.***, Civ. No. 2:06-cv-1797 (E.D. Pa.) (representing plaintiffs, which obtained a \$512 million settlement as to defendants Cephalon, Barr and Teva)
- ***In re Tricor Antitrust Litigation***, Civ. No. 05-CV-340 (D. Del.) (represented plaintiffs, which obtained a \$250 million settlement)
- ***In re Buspirone Antitrust Litigation***, Civ. No. 01-MDL-1410 (S.D.N.Y.) (represented plaintiffs, which obtained a \$220 million settlement)
- ***In re Neurontin Antitrust Litigation***, MDL Docket No. 02-MD-1479 (D.N.J.) (representing plaintiffs, which obtained a \$190 million settlement)
- ***In re Terazosin Hydrochloride Antitrust Litigation***, MDL Docket No. 99-MDL-1317 (S.D. Fla.) (represented plaintiffs, which obtained a \$74 million settlement)
- ***In re Remeron Antitrust Litigation***, Civ. No. 2:02-CV-02007 (D.N.J.) (represented plaintiffs, which obtained a \$75 million settlement)
- ***UniRAM Technology, Inc. v. Monolithic System Technology et al.***, Civ. No. 04-CV-1268 (N.D. Cal.) (represented plaintiff, which obtained a \$30.5 million jury verdict, a \$36 million judgment, a successful bench opinion on



- inequitable conduct, and a favorable confidential settlement)
- **PACT XPP Technologies, AG v. Xilinx, Inc. and Avnet, Inc.**, Civ. No. 2:07-cv-563 (E.D. Tex.) (represented plaintiff, which obtained a \$15.4 million jury verdict, a \$40.8 million judgment, and a favorable confidential settlement)
  - **Rochester Drug Co-Operative, Inc. v. Braintree Laboratories, Inc.**, Civ. No. 07-cv-142 (D. Del.) (represented plaintiffs, which obtained a \$17.25 million settlement)
  - **In re Oxycontin Antitrust Litigation**, MDL Docket No. 04-MDL-1603 (S.D.N.Y.) (represented plaintiffs, which obtained a \$16 million settlement)
  - **ROY-G-BIV Corporation v. Fanuc Ltd. et al.**, Civ. No. 2:07-cv-418 (E.D. Tex.) (represented plaintiffs, which obtained a favorable confidential settlement)
  - **ROY-G-BIV Corporation v. ABB, Ltd. et al.**, Civ. No. 6:11-CV-00622 (E.D. Tex.) (representing plaintiff, which obtained a favorable confidential settlement)
  - **ROY-G-BIV Corporation v. Honeywell Int'l, Inc. et al.**, Civ. No. 6:11-cv-623 (E.D. Tex.) (representing plaintiff, which obtained a favorable confidential settlement)
  - **ROY-G-BIV Corporation v. Siemens Corporation et al.**, Civ. No. 6:11-CV-00624 (E.D. Tex.) (representing plaintiff, which obtained a favorable confidential settlement)

## Awards & Honors

- Texas Rising Stars by Thomson Reuters/Super Lawyers, as published in Texas Monthly, 2005-2007, 2010-2011
- University of Houston Law Center Rising Star Award, 2005
- Recipient of the highest score on the July 2001 Texas Bar Exam
- Valedictorian of the University of Houston Law Center Class of 2001

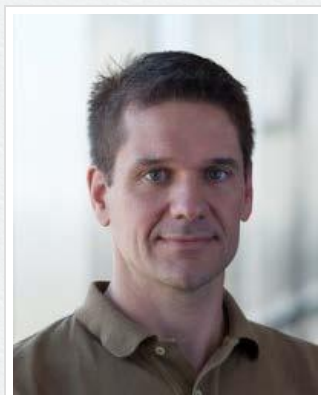
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**Douglas Wilson**  
[ partner ]

**9442 Capital of Texas Highway North  
Plaza 1, Suite 500-146  
Austin, TX 78759**

**Phone: (512) 343-3622**

**Fax: (713) 345-2924**

**Email: [dwilson@hpcllp.com](mailto:dwilson@hpcllp.com)**

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Mr. Wilson's practice focuses on patent litigation in federal district courts and Inter Partes Review. He also has represented clients in connection with cases involving trade secret litigation in both state and federal courts, patent-related antitrust litigation, and intellectual property related appeals. With his engineering degree and his many years of prior work experience as an engineer, Mr. Wilson brings a robust understanding of technical issues and an ability to engage with the technical aspects of cases. He is proficient in a broad range of technical fields, having successfully litigated both pharmaceutical technology cases and computer hardware and software technology cases involving inventions directed to processors, game software, caching software, power management, and radio communications, among others. Mr. Wilson has efficiently and effectively handled complex litigation matters including the coordination of multi-defendant patent litigation. Mr. Wilson presented trial arguments on behalf of the patentee in the first Inter Partes Review trial to result in allowance of all challenged claims.

Prior to joining the firm, Mr. Wilson clerked for the honorable Richard Linn at the United States Court of Appeals for the Federal Circuit. He served as Editor-in-Chief of the Texas Review of Law & Politics during law school.

Mr. Wilson currently serves on the executive committee of the Austin Intellectual Property Inn of Court and is a member of various professional organizations.

## Representative Cases

- **ABB Inc. v. ROY-G-BIV CORP.**: Doug and Russ Chorush as

### Education

University of Texas School of Law,  
J.D., with honors, Order of the Coif,  
2002

Lamar University, B.S. in Chemical  
Engineering, *summa cum laude*,  
1995

### Judicial Experience

Law Clerk to the Honorable Richard  
Linn, United States Court of Appeals  
for the Federal Circuit (2004-2005)

### Admissions

U.S. Court of Appeals for the Federal  
Circuit

U.S. Court of Appeals for the Fifth  
Circuit

U.S. Patent & Trademark Office

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

State of Texas

well as a team of other lawyers from Foster Peppercorn LLC and Boies, Schiller & Flexner LLP represented ROY-G-BIV Corporation in an Inter Partes Review proceeding involving two patents owned by ROY-G-BIV related to motion control software. ABB, the petitioner, sought to invalidate the patents on multiple grounds. After a trial at which Doug argued for ROY-G-BIV, the Patent Trial and Appeal Board held that ABB failed to prove that any of the challenged claims in either patent were unpatentable. This case was the first PTAB trial to result in affirmance of all challenged claims of any patent.

- ***MicroUnity Systems Engineering, Inc. v. Sony Corporation***: Doug and a team of other lawyers from HPC and Susman Godfrey represented MicroUnity in its patent infringement lawsuit against Sony Corporation in the United States District Court for the Eastern District of Texas (Marshall Division). MicroUnity alleged that Sony's Playstation 2, Playstation 3, and Playstation Portable game consoles as well as some game software infringed MicroUnity's media processor and other patents. The parties reached a confidential settlement of the case in the fourth quarter of 2007.
- ***MicroUnity Systems Engineering, Inc. v. Advanced Micro Devices, Inc.***: Doug and a team of other lawyers from HPC and Susman Godfrey represented MicroUnity in its patent infringement lawsuit against Advanced Micro Devices, Inc. in the United States District Court for the Eastern District of Texas (Marshall Division). MicroUnity alleged that AMD's general purpose processors infringed MicroUnity's media processor patents. The parties reached a confidential settlement of the case in the fourth quarter of 2007.
- ***Halliburton Energy Services, Inc. et al. v. Packers Plus Energy Services, Inc. et al.***: Wilson and a team of other lawyers from HPC and Lynch, Chappell & Alsup, PC represented Halliburton in its trade secret misappropriation and breach of contract case against both individual and corporate defendants including Packers Plus Energy Services, Inc. in the 238th District Court in Midland County, Texas. Halliburton alleged that the individual defendants breached their employment contracts with Halliburton and misappropriated trade secrets in forming and carrying on the business of Packers Plus Energy Services. The case settled favorably shortly before trial.
- ***PalTalk Holdings, Inc. v. Microsoft Corporation***: Wilson and a team of other lawyers from HPC and Susman Godfrey represented PalTalk in its patent infringement lawsuit against Microsoft in the United States District Court for the Eastern District of Texas (Marshall Division). PalTalk alleged that Microsoft's Xbox and Xbox 360 game consoles combined with its Xbox Live game service and games infringed its patents relating to shared, interactive applications. The case settled favorably shortly after the trial began.
- ***In Re K-Dur Antitrust Litigation***: Doug and a team of other lawyers from HPC and various other firms represented a class of direct purchaser plaintiffs in their antitrust case against Schering-Plough Corporation and other defendants relating to



the defendants' activities in attempting to keep generic drug companies from receiving FDA approval to market sustained release potassium chloride products in competition with K-Dur 20.

## Professional Affiliations

- Federal Circuit Bar Association
- Austin Bar Association
- Austin Intellectual Property Law Association

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## Micah Howe

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Micah Howe's practice focuses on intellectual property litigation. He has represented clients as both plaintiff and defendant in technologies ranging from computer software to telecommunications equipment.

Prior to joining HPC, Micah served as a judicial law clerk to Judge Arthur Gajarsa at the United States Court of Appeals for the Federal Circuit.

Before practicing law, Micah was a design engineer at Teco-Westinghouse Motor Company in Round Rock, Texas, where he worked in the fields of electrical engineering and electromagnetics.

### Representative Cases

- [Fractus, S.A. v. Samsung Electronics Co., Ltd. et al.](#)
- [PalTalk Holdings LLC v. Sony Computer Entertainment America Inc. et al.](#)
- [Two-Way Media LLC v. AT&T Inc. et al.](#)

### Awards & Honors

- Chancellor-at-Large of the University of Texas School of Law Class of 2003
- Texas Rising Stars by Thomson Reuters/Super Lawyers, as published in Texas Monthly, 2007-2015

#### Education

University of Texas School of Law, J.D., with high honors, 2003

Rensselaer Polytechnic Institute, M. Eng. in Electrical Power Engineering, 1998

Rensselaer Polytechnic Institute, B.S. in Electrical Power Engineering, *magna cum laude*, 1997

#### Judicial Experience

Law Clerk to the Honorable Arthur J. Gajarsa, United States Court of Appeals for the Federal Circuit (2003-2004)

#### Admissions

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

U.S. District Court for the Northern District of Texas

State of Texas

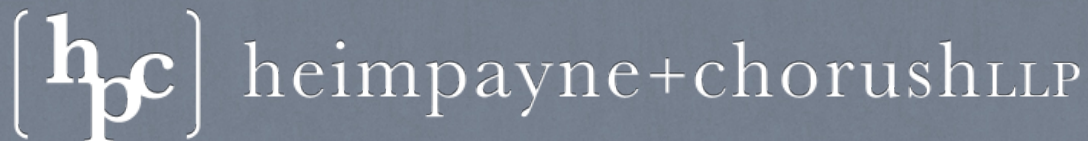
State of New York



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## Eric Enger

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Eric's practice focuses on patent litigation, where he has prosecuted and defended numerous high-tech companies in complex, multi-patent lawsuits in venues throughout the United States. Eric has also litigated trade secret misappropriation cases and counseled software companies on IP issues.

Prior to law school, Eric worked as an engineer for National Instruments and Dow Corning.

### Representative Cases

- ***ZiiLabs Inc., Ltd. v. Apple Inc. & Samsung Electronics, et al. (E.D. Tex.)***: Eric and lawyers from Susman Godfrey represented ZiiLabs in a patent infringement litigation involving graphics processors. Eric was primarily responsible for the validity issues in the case. The parties settled for a confidential sum just days before trial.
- ***Rembrandt Wireless LP v. Samsung Electronics Co, Ltd, et al. (E.D. Tex.)***: Eric and lawyers from HPC and AZA represented Rembrandt in patent infringement litigation involving Bluetooth technology. After a trial in February 2015, the jury found Samsung infringed Rembrandt's patents and awarded over \$15 million in damages.
- ***SuperSpeed, LLC. v. IBM Corp. (E.D. Tex.)***: Eric and a team of other lawyers from HPC and Susman Godfrey represented SuperSpeed in patent infringement litigation against IBM. SuperSpeed alleged that the cache management features of IBM's parallel sysplex infringed SuperSpeed's patents. The case settled in 2009 for a confidential sum shortly before trial.
- ***PACT XPP Technologies, AG v. Xilinx, Inc. et al. (E.D.***

#### Education

University of Houston Law Center,  
J.D., *cum laude*, Order of the  
Barons, 2004

University of Texas, B.S. in Electrical  
Engineering, 2000

#### Admissions

U.S. District Court for the Northern  
District of Texas

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

U.S. District Court for the Western  
District of Texas

State of Texas

- Tex.):** Eric and other lawyers from HPC and Susman Godfrey represented PACT in patent infringement litigation involving FPGAs with embedded bus systems and advanced dynamic reconfiguration capabilities. The case went to trial in May 2012 and the jury found that Xilinx willfully infringed PACT's patents and awarded over \$15 million in damages.
- **VSI v. IBM Corp. & Oracle Corp. (N.D. Cal.):** Eric and other lawyers from HPC and Susman Godfrey represented VSI in patent infringement litigation concerning software with dynamic OLAP technology. The case settled favorably nine months before trial.
  - **Saxon Innovations, LLC v. Apple, et al. (E.D. Tex.):** Eric and several other attorneys from HPC and Susman Godfrey represented Saxon in patent litigation involving microprocessors. Saxon alleged that a number of computer manufacturers, including Apple, Dell, H-P, Acer and Asus, sold infringing computers with advanced power management and wireless networking capabilities. The case settled favorably weeks after the claim construction hearing.
  - **Burst.com v. Apple (N.D. Cal.):** Eric and other attorneys from HPC and several other firms represented Burst.com in a patent suit against Apple on patents involving "faster-than-real-time" transmission of audio and video. The accused products included the iPod and the iTunes Store. The case settled favorably in 2008, after a successful Markman ruling.

## Awards & Honors

- Texas Rising Stars by Thomson Reuters/Super Lawyers, as published in Texas Monthly, 2008-2017
- HTexas Magazine, "Professionals on the Fast Track," 2008-2009; "Houston's Top Lawyers," 2015
- Barrister, The Honorable Nancy F. Atlas Intellectual Property American Inn of Court, 2012-2015
- Fellow, Texas Bar Foundation, 2011-2015
- Preeminent AV Rated by Martindale Hubble

## Client Testimonials

- "Eric was an excellent case manager and was very responsive to our concerns while coordinating the efforts of a legal team spanning two firms. His deep technical understanding of the issues in our case, allowed him to work well with experts and other witnesses. Combining his technical expertise and close working relationship with the experts allowed him to present and defend witnesses very effectively at trial. We are pleased with his representation and would be happy to work with Eric again." – **Michael Johnson, President, Rembrandt Wireless LP**
- "Working with Eric Enger has been an absolute pleasure. The successful outcome of our case is, in no small measure, due to his attention to detail, his ability to communicate with a multidisciplinary team, and his uncanny ability to distill relevant

technical details from voluminous published ~~45003~~ <sup>45003</sup>. There is nobody else that we want in our corner during any complex patent litigation.” – **Mark Vasudevan**, *President*, VSi

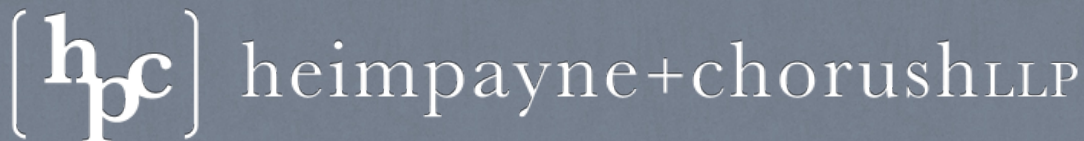
- “Eric Enger and I worked very closely together throughout the litigation process. Eric did a first class job in all areas of the tasks involved. I am proud to recommend him to any client. He was invaluable to the successful outcomes we achieved. I couldn’t ask for a more competent, hard-working, patent litigation attorney.” – **Eric Dickman**, *Managing Partner*, SuperSpeed LLC
- “Eric is a great attorney who really understands our technology. His communication skills and organizational abilities are top notch. I highly enjoy working with Eric and appreciate his tireless devotion to my case.” – **Martin Vorbach**, *Chief Technology Officer*, PACT XPP Technologies, AG

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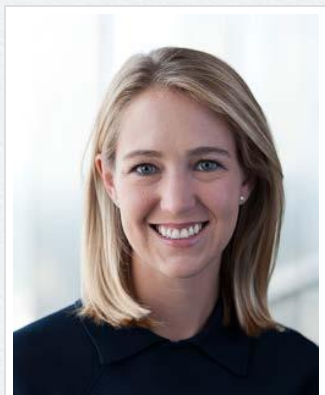
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## Miranda Jones

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Miranda specializes in patent litigation and patent-related antitrust litigation. She has handled litigation matters in a variety of technologies, including the pharmaceutical, chemical, electrical and mechanical fields.

Miranda has handled cases in federal courts in Texas, Pennsylvania, Delaware, Georgia, and Washington D.C. In addition to her trial and litigation practice, she has been involved in appeals before the United States Court of Appeals for the Federal Circuit.

Prior to joining HPC, Miranda served as a judicial law clerk to Judge Pauline Newman at the United States Court of Appeals for the Federal Circuit.

While at George Mason University School of Law, she served as Articles Editor of the George Mason Law Review and as a Symposium Executive Editor for the Harvard Journal of Law and Public Policy. She was awarded the Adrian Fischer Award for Legal Research and Writing for her article, *Permanent Injunction, a Remedy by Any Other Name Is Patently Not the Same: How eBay v. MercExchange Affects the Patent Right of Non-Practicing Entities*, 14 Geo. Mason L. Rev. 1035 (2007). In 2008, Miranda was selected to receive the Burton Award for Legal Achievement, a national award for legal writing.

### Supreme Court Experience

- **Commil USA, LLC v. Cisco Systems Inc., No. 13-0896 (U.S.):** Supreme Court counsel for Commil in appeal involving induced infringement. [Read the Opinion.](#)
- **Cuozzo Speed Technologies, LLC v. Lee, No. 15-0446**

#### Education

George Mason University School of Law, J.D., *magna cum laude*, 2008

University of Houston, B.A. in Chemistry, *magna cum laude*, 2005

#### Judicial Experience

Law Clerk to the Honorable Pauline Newman, United States Court of Appeals for the Federal Circuit (2009-2010)

Intern to the Honorable Edward Damich, United States Court of Federal Claims (2006)

#### Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Patent & Trademark Office

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Southern District of Texas

State of Texas

(U.S.): Supreme Court counsel for Amicus Law Professors in Support of Petitioner.

- ***Impression Products, Inc. v. Lexmark International, Inc.*, No. 15-1189 (U.S.)**: Submitted amicus brief to the U.S. Supreme Court on behalf of law professors.

## Appellate Court Experience

- ***Rembrandt Wireless v. Samsung Electronics*, No. 16-1729**: Appellate counsel for Rembrandt in challenge of \$16.9 million patent infringement verdict against Samsung.
- ***CSIRO v. Cisco*, No. 15-1066 (Fed. Cir.)**: Appellate counsel for CSIRO in appeal involving patent litigation.
- ***Commil USA, LLC v. Cisco Systems Inc.*, No. 12-1042 (Fed. Cir.)**: Appellate counsel for Commil in appeal involving patent litigation.
- ***Better Bags, Inc. v. Redi Bag USA, LLC*, No. 13-1064 (Fed. Cir.)**: Appellate counsel for Better Bags in an appeal involving patent infringement; obtained a Rule 36 affirmance in favor of Better Bags. [Read the Opinion.](#)
- ***Rochester Drug Co-Operative Inc., et al. v. Braintree Laboratories*, No. 11-1539 (Fed. Cir.)**: Class counsel for an appeal involving an injunction.

## Inter Partes Review (IPR) Experience

- ***LG Elecs., et al. v. Rosetta Wireless Corp.*, on IPR No. 2016-01516**: Lead counsel for the patent owner (Rosetta) in IPR proceedings. Obtained a denial of institution of IPR on behalf of the patent owner.

## Trial Court Experience

- ***In re Lidoderm Antitrust Litigation*, 14-md-02521 (N.D. Cal.)**: Class counsel representing direct purchasers in antitrust multidistrict litigation against Endo Pharmaceuticals over delays in the generic version of the drug.
- ***In re Aggrenox Antitrust Litigation*, 14-md-02516 (D. Conn.)**: Class counsel representing purchasers alleging that Boehringer Ingelheim unlawfully paid to delay entry of a generic version of the Aggrenox blood-clot medication.
- ***Red Rock Analytics, LLC v. Samsung Elecs. Co. et al.*, 2:17-cv-00101 (E.D. Tex.)**: Trial counsel for Red Rock Analytics in patent infringement litigation against Samsung Elecs.
- ***Broadcom v. CSIRO*, No. 6:09-cv-00513 (E.D. Tex.)**: Trial counsel for CSIRO in litigation for patent infringement involving 802.11 wireless LAN technology.
- ***CSIRO v. Lenovo, et al.*, No. 6:09-cv-00399 (E.D. Tex.)**: Trial counsel for CSIRO in litigation for patent infringement involving 802.11 wireless LAN technology.
- ***CSIRO v. Cisco*, No. 6:11-cv-00343 (E.D. Tex.)**: Trial

- counsel for CSIRO in litigation for patent infringement involving 802.11 wireless LAN technology.
- **CSIRO v. MediaTek, No. 6:12-cv-00578 (E.D. Tex.):** Trial counsel for CSIRO in litigation for patent infringement involving 802.11 wireless LAN technology.
  - **MicroUnity Systems Engineering Inc. v. Acer et al., No. 2:10-cv-00091 (E.D. Tex.):** Trial counsel for MicroUnity in litigation for patent infringement of MicroUnity's Media Processor patent portfolio.
  - **Rembrandt Wireless Technologies IP v. Samsung Electronics Co., et al., No. 2:13-cv-00213 (E.D. Tex.):** Trial counsel for Rembrandt in litigation for patent infringement involving Bluetooth technology.
  - **King Drug Co. of Florence, Inc., et al. v. Cephalon, Inc. et al., No. 2:06-cv-01797 (E.D. Pa.):** Class counsel for Direct Purchaser Plaintiff class in an antitrust class action stemming from an innovator drug company's assertion of a patent related to modafinil.
  - **Rochester Drug Co-Operative Inc., et al. v. Braintree Laboratories Inc., No. 1:07-cv-00142 (D. Del.):** Class counsel for litigation of an antitrust action stemming from an innovator drug company's assertion of a patent related to polyethylene glycol.
  - **Louisiana Wholesale Drug Co. Inc. v. Unimed Pharmaceuticals Inc., et al., No. 1:09-cv-00957 (N.D. Ga.):** Class counsel for litigation of an antitrust action stemming from an innovator drug company's assertion of a patent related to a testosterone gel.

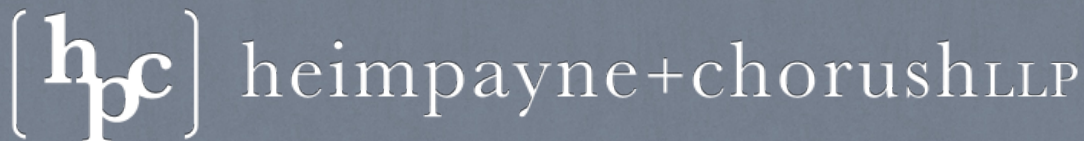


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## Allan Bullwinkel

[ associate ]

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Email: [abullwinkel@hpcllp.com](mailto:abullwinkel@hpcllp.com)

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Allan's practice focuses on patent litigation related to computer and electrical engineering technologies.

Prior to joining HPC, Allan served as a judicial law clerk to Judge Leonard Davis at the United States District Court for the Eastern District of Texas.

While attending the University of Houston Law Center, he served as the Managing Editor of the Houston Law Review. Allan was also a member of the UHLC Moot Court Team as a writer and speaker, placing second in the South Regional of the 2011 Saul Lefkowitz Moot Court Competition.

Before attending law school, Allan worked as a software developer for approximately ten years in both small start-up companies and large research institutions. During this time, his work experiences ranged from developing software in a variety of languages to leading development teams for commercial software products.

### Education

University of Houston Law Center,  
J.D., Order of the Coif, Order of the  
Barons, 2011

Mississippi State University, B.S. in  
Computer Engineering, *summa cum  
laude*, 1997

### Judicial Experience

Law Clerk to the Honorable Leonard  
Davis, United States District Court  
for the Eastern District of Texas  
(2011-2012)

### Admissions

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

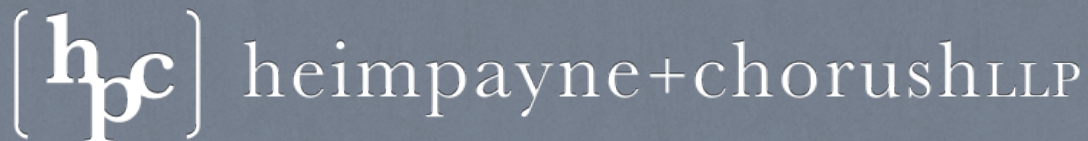
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*The Firm Attorneys Representative Cases Careers Contact*

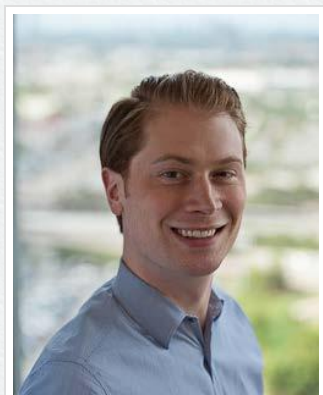
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## Alden Harris

[ associate ]

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Houston, TX 77002**

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Alden has litigated patent infringement cases in courts across the United States. His litigation experience spans a variety of technical fields including electrical and computer engineering, telecommunications, and biochemistry.

Alden served as a law clerk to the Honorable Roy Payne of the United States District Court for the Eastern District of Texas in Marshall, Texas. During his time at the Court, Alden also served as an acting law clerk to District Judge Rodney Gilstrap. During Alden's clerkship, the Marshall Division was one of the busiest federal courts in the United States and nearly half of all U.S. patent cases were filed there. Alden assisted with multiple jury trials in intellectual property, products liability, and civil rights. He also assisted with dozens of claim construction hearings.

Alden earned his law degree at the University of Texas where he was an Associate Editor of the Texas Law Review. While at UT, Alden was a finalist in the Intramural Mediation Competition, a semifinalist in the Hutcheson Moot Court competition, and received the Legal Research Board "Best Memorandum Award." He was also elected Chairman of the University of Texas Graduate Student Assembly.

### Education

University of Texas School of Law,  
J.D., with honors, 2012

Texas A&M University, B.S. in  
Physics, *magna cum laude*, 2009

### Judicial Experience

Law Clerk to the Honorable Roy  
Payne, United States District Court  
for the Eastern District of Texas  
(2015-2016)

### Admissions

State of Texas

U.S. Court of Appeals for the Federal  
Circuit

U.S. District Court for the Eastern  
District of Texas

U.S. District Court for the Southern  
District of Texas

U.S. District Court for the District of  
Colorado

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## Chris First

[ associate ]

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Chris practices complex litigation, primarily in antitrust and patent matters. He is often consulted for his ability to combine outside-the-box thinking with a unique breadth of knowledge of technology, procedure, and local practice.

### Selected Legal Successes

- When a computer security pioneer faced an adverse Federal Circuit decision in a suit against industry giant IBM, most observers thought the case was over. Instead, Chris saw an opportunity, and stepped in to design a groundbreaking strategy to allow his client to dispute the lower court's erroneous claim construction for a second time before the Federal Circuit due to the summary nature of the Court's prior decision. After accepting his argument, the Federal Circuit [reversed the lower court decision](#), saving the case and allowing Chris's client to proceed. The United States Supreme Court [denied IBM's petition](#) for certiorari. Legal commentators have since [written about the significance](#) of the Federal Circuit's decision. Chris's work on the case was a major reason he was one of the youngest attorneys ever to be selected as a "Rising Star" by Washington Superlawyers magazine.
- Chris worked with lawyers from AZA to represent a patent holder in the cutting-edge HD voice space against Motorola. Chris provided guidance through a difficult issue that required a combination of detailed technical knowledge and intimate experience with the local rules and practices of the Eastern District of Texas. With Chris' help, AZA secured a \$9 million-plus verdict against Motorola. The jury also found that the

#### Education

University of Florida Levin College of Law, J.D., *cum laude*, 2010

University of South Florida, B.S. in Computer Engineering, *cum laude*, 2007

#### Judicial Experience

Law Clerk to the Honorable Roy Payne, United States District Court for the Eastern District of Texas (2013-2015)

#### Admissions

U.S. Patent & Trademark Office

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Middle District of Florida

U.S. District Court for the Southern District of Texas

State of Texas

State of Florida

#### Honors

Rising Star, *Washington Superlawyers Magazine*, 2013



infringement was willful, allowing the judge to potentially triple the damages award. [Read more here.](#)

- A Fortune 200 financial company was sued for patent infringement in a case that was alleged to be worth over \$1 billion at the outset. Chris and his team set to work, and obtained a number of advantageous rulings and claim construction findings that were devastating to the plaintiff's case. Soon after, the plaintiff relented and decided to settle rather than risk trial. After the settlement, in an attempt to escape the specter of its prior case gone awry, the plaintiff relocated its litigation campaign against other parties to a new venue. The relocation was unsuccessful.

## Background

Chris began his career practicing at a large international law firm in Washington, DC. His practice included representing some of the largest companies in the world in high-stakes technology litigation and handling a broad array of legal matters for a growing education technology startup.

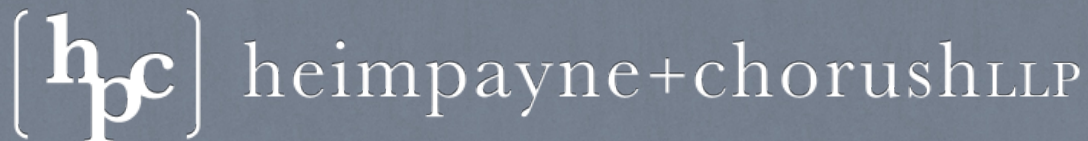
In 2013, Chris was asked to serve as a law clerk to the Honorable Roy S. Payne of the United States District Court for the Eastern District of Texas in Marshall, Texas – the busiest federal trial court in the United States at that time. While in Marshall, Chris handled over a thousand cases and assisted with large jury trials in antitrust, intellectual property, catastrophic personal injury, and civil rights matters. During his time at the Court, Chris also served as an acting law clerk to District Judge Rodney Gilstrap and then-Chief Judge Leonard Davis.

Chris graduated cum laude from the University of Florida Levin College of Law, where he earned the highest overall grade in Advanced Patent Law and Intellectual Property Litigation, as well as serving as a board member on the Journal of Technology Law and Policy. Chris was also named Pro Bono Student of the Year in 2010 for his pro bono work with indigent defendants in the 12th Judicial Circuit of Florida.

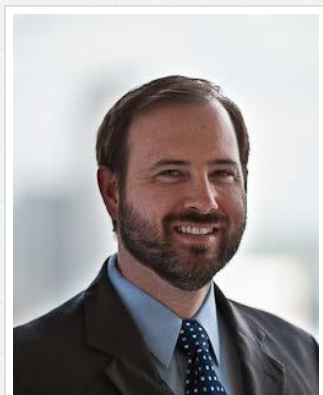
Chris obtained a breadth of experience prior to attending law school, spending a year as the only undergraduate research assistant in a groundbreaking search and rescue robotics lab, serving on the Board of Directors of a major entertainment venue, and working for two years as a management intern for the Stanley Cup champion Tampa Bay Lightning.

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## James Boone Baxter

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James Boone Baxter focuses on patent litigation in district courts and before the U.S. Patent Trial and Appeal Board (PTAB), as well as patent-related antitrust litigation. Boone has experience with matters involving electronics, software, pharmaceuticals, oilfield technology, and semiconductor processing.

Prior to joining Heim, Payne & Chorush, Boone completed judicial clerkships for two U.S. District Courts in the IP-focused Eastern District of Texas. He served as a law clerk and chief staff attorney for Chief Judge Leonard Davis and later as law clerk for Judge Robert William Schroeder III, working on intellectual property, antitrust, FLSA, and criminal matters.

Before becoming an attorney, Boone had a career as an engineer for a global oilfield services company where he worked directly with large international energy clients. In that capacity, he operated proprietary and patented technology, an experience that provides valuable business perspective and technical expertise for his litigation practice.

### Education

Emory University School of Law,  
J.D. with Honors, Dean's List, Emory  
Moot Court Society, ABA-BNA  
Award for Excellent in the Study of  
Intellectual Property Law, 2013

University of Florida, B.S. Materials  
Engineering, 2002; Master's of  
Science in Materials Engineering and  
Management, 2004

### Admissions

U.S. District Court for the Eastern  
District of Texas

Registered Patent Attorney

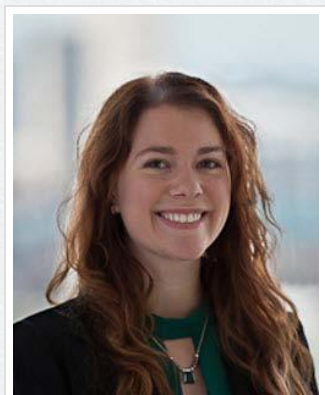
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## Emma Perry

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Emma Perry's practice includes class action antitrust litigation against pharmaceutical companies for controversial pay-for-delay reverse-payment cases brought under the Sherman Antitrust Act. The HPC antitrust litigation team has successfully represented numerous clients in disputes against pharmaceutical companies over the misuse of intellectual property laws to restrict generic products from entering the market.

Emma earned her law degree, with high honors, from The University of Texas Law School in 2016. She served as managing online content editor for the *Texas Law Review* and articles editor for the *Texas Review of Law & Politics*. In addition, she was named a University of Texas Law Chancellor, the law school's most prestigious honor society.

In 2017, she will begin a law clerkship for Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit.

Emma earned her B.A. from Baylor University, where she was a University Scholar with a concentration in Chemistry.

When she's not practicing law, Ms. Perry enjoys the physical demands and artistry of Taekwondo, and holds a black belt.

### Education

The University of Texas School of Law, J.D., with high honors, 2016

Waseda University, Tokyo, Japan, Intensive Japanese language program, September 2012 – January 2013

Baylor University, B.A., University Scholar, concentration in chemistry, *summa cum laude*, 2012

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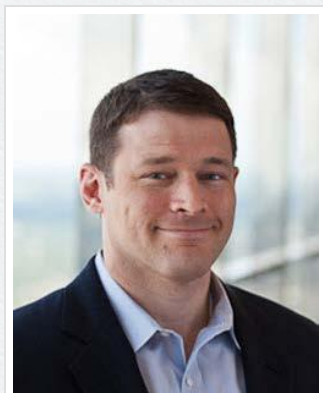
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## Chris Limbacher

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Chris Limbacher took a unique path to becoming a tech-focused patent litigator. Before joining the Heim, Payne & Chorush litigation team, Chris spent most of the past decade working as a software engineer in the health care and oil & gas industries. After multiple years developing commercial products – including enterprise software suites, real-time control systems, and automated wireless tracking systems – he decided it was time to take on new challenges as a practicing attorney. Now, Chris focuses on patent litigation for a variety of companies in cases involving the same computer technologies and electrical engineering issues that he mastered in his software engineering career.

In both technology and in law, Chris' approach to solving problems has stayed the same. He learned first-hand the value of immersion to provide the degree of expertise necessary to excel. His hands-on engineering experience in the oil & gas industry resulted in multiple invention disclosures and a pending patent for automating drill pipe tally during drilling. Similarly, his in-depth study of the health care industry led him to write and publish an article on the effects of state and national legislation on health care pricing. Chris brings that same deep-dive approach to patent litigation. "It's important to immerse yourself, both in how the technology works and how the industry works, in order to provide the best solution to a client's issue," he says.

As a student at the University of Houston Law Center, Chris served as Note and Comment Editor for the *Houston Law Review* and he was honored for authoring the year's best student article. His numerous academic awards include the Dean's Scholarship, the Stephen S. Rudolph Scholarship for Outstanding Academic Achievement, and multiple LEX Awards for top law school section scores in Contracts,

### Education

University of Houston Law Center,  
J.D., *summa cum laude*

Georgia Institute of Technology, B.S.  
in Computer Science, with honors

### Judicial Experience

Intern to the Honorable Nancy Atlas,  
United States District Court for the  
Southern District of Texas

Intern to the Honorable David  
Hittner, United States District Court  
for the Southern District of Texas

Chris' hobbies are equally ambitious. When he's not researching legal issues or learning new technologies, you'll likely find him at the gym practicing Brazilian jiu-jitsu. Chris has been involved with the popular combat sport for years and says it helps him stay focused and strive for constant improvement – important traits for any attorney.

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