

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
1-800 Contacts, Inc. v. Empire Vision Center, Inc d/b/a Lens123	Trademark Infringement & False Advertising (Keyword and metatag infringement)	Contact Lens	Unknown	Whether use 1-800 Contacts trademarks in keyword and search terms constitutes trademark infringement	D. Utah	Yes	2/25/10	Settled	Defendant	JDH , MMG & CS
Airgo v. ArvinMeritor et al.	Patent Infringement	Automatic tire inflation technology	\$240 million	Whether defendants infringed Plaintiffs 3 patents drawn to automatic tire inflation technology;	W.D. Okla.	Yes	12/2/05	Summary judgment of non-infringement granted; affirmed on appeal	Defendants	GRP, DAP
Alanric v. Centofanti	Trademark Infringement	Tomato sauces	Injunctive relief	Whether Centofanti's use of mark violates Alanric's trademarks	W.D. Tex	Yes	8/3/06	Settled	Plaintiff	JDH, MG
Avery Dennison v. Beasley	Patent Infringement	Collection on award of \$225,000 attorneys fees and costs	\$225,000	Collection issues	W.D. Tex	Yes	11/5/07	Pending	Plaintiff	JDH, MG, KL
Bauhaus v. TVPaint (Case #1)	Copyright Infringement	Animation Software	In excess of \$2 Million	Whether the software was jointly developed by parties, making the parties "co-authors" of the work	W.D. Tex	Yes	7/1/05	Settled and Dismissed	Plaintiff	JDH, LSH, AS
Beasley v. Avery Dennison	Patent Infringement, Fraud and Breach of Fiduciary Duty	Personalized Stamp Product	In excess of \$4 Million	Whether defendants committed negligence in the prosecution of the patent and breach fiduciary duties owed to Plaintiff and whether Plaintiff had standing to assert claim	W.D. Tex	Yes	10/14/04	Summary Judgment granted	Defendant	JDH, LSH
Beasley v. Avery Dennison - Appeal #1	Patent: Negligence in connection with prosecution of Patent	Personalized Stamp Product	In excess of \$3 Million	Whether Plaintiff had standing to assert Patent claim	W.D. Tex	Yes	10/30/07	Appeal Dismissed	Defendant	RM, LSH, JDH
Caltech v. MicroDexterity	Patent Infringement	Micro Surgical Robotic Devices	In excess of \$4 Million	Whether defendant's products infringed claims of Plaintiff's patent	E. D. Tex.	Yes	6/1/07	Settled	Defendant	JDH

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Cell Comp v. Cingular	Distributorship Agreement	Cellular phones	In excess of \$600,000	Whether defendant properly paid commissions owed to Plaintiff and properly terminated the relationship	State Court Houston, Harris County	Yes	1/14/04	Settled Dismissed	Defendant	JDH, MMG, EM
Circa 2K Gifts v Ty, Inc.	Copyright Infringement	Childrens' toys	In excess of \$500,000	Whether Plaintiff had created the design of toys	E. D. Tex.	Yes	2/1/02	Summary judgment for Defendant	Defendant	WFC
Clogston v. American Academy of Orthopedic Surgeons	Copyright Infringement	Photographs included in Textbook on Emergency Care	In excess of \$700,000	Whether the photographs taken by Plaintiff and incorporated into textbook entitled Plaintiff to be "co-author" of the textbook and entitled him to recovery 1/2 profits of sales	W. D. Tex.	Yes		Summary Judgment granted in favor of Defendant - Case Dismissed	Defendant	JDH, GRP
ECCA Enterprises v. Eyefinity & visionworkseyecare.org	ICANN - Domain Name & Cybersquatting Complaint	Optical Goods	Injunctive Relief & assignment of domain name	Whether defendant's use of domain name infringed on ECCA's rights in the mark VISIONWORKS	National Arbitr. Forum	Yes	5/11/09	Judgment Granted for Dr. Patterson	Plaintiff	JDH, MMG
ECCA Enterprises v. Sarah K Ito d/b/a Visionworks Optometry	ICANN - Domain Name & Cybersquatting Complaint	Optical Goods	Injunctive Relief & assignment of domain name	Whether defendant's use of domain name infringed on ECCA's rights in the mark VISIONWORKS	National Arbitr. Forum	Yes	5/22/09	Judgment Granted for ECCA	Plaintiff	JDH, MMG
EcoSmart v. Greenlight	Patent & Trademark infringement	Pesticides	In excess of \$500,000	Whether defendant's products infringed claims of Plaintiff's patent and defendant had a right to continue using certain trademarks	N.D. Georgia	Yes		Settled	Defendant	JDH, DAP
FEA, Inc. & Jimmy Buffet v. John Does,	Trademark Infringement	T-Shirt and Promotional Materials	Injunctive relief & unknown damages	Nationwide seizure order and injunction sought to prevent bootleggers from selling counterfeit merchandise outside concert venues	S. D. Tex.	Yes	4/18/07	Injunction and Seizure Order Entered and Default Judgment Granted	Plaintiff	JDH, BH

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Flaco Jimenez v. AT&T Yellow Pages	Right of Publicity	Use of Photo of Flaco Jimenez on front cover of Yellow Pages	In excess of \$500,000	Alleged unauthorized use of personality's image	W. D. Tex.	Yes	10/26/06	Settled	Defendant	JDH, JG
Garcia v. Overhead Door Company	Trademark Infringement	Garage Doors	In excess of \$500,000	Whether defendant's use of tradename "Affordable Garage Doors" infringes any trademark rights in Plaintiff's Mark "Affordable Overhead Doors"	W.D. Tex	Yes	4/15/08	Settled	Defendant	JDH, LSH
Garcia v. San Antonio Garage Door Company	Trademark Infringement and alleged breach of agreement	Garage Doors	In excess of \$500,000	Whether use word Affordable in keyword and search terms constitutes trademark infringement	W.D. Tex	Yes	1/5/10	Settled	Defendant	JDH
Gustafson, Inc. v Intersystems, Inc.	Patent Infringement	Sampler to remove samples of grain and other materials from pressurized pipe	Unspecified Amt. of Damages	Whether defendant's sampler infringed Plaintiff's patent	N.D.Tex.	Yes	10/4/83	Trial and judgment for Defendants - affirmed on appeal	Defendant	WFC
Habitat San Antonio v. Habitat International	Trademark Infringement and breach of agreement	Charitable Services	Unknown	Whether Habitat International could prevent local chapter from using Habitat for Humanity mark	W.D. Tex	Yes	5/30/08	Settled	Plaintiff	JDH
Hawkins Pro-Cuts, Inc. v DJT Hair, Inc.	Trademark Infringement, Unfair Competition and Theft of Trade Secrets	Hair care and styling	\$500,000	Whether former franchisee had continued to use trademark and trade secrets after termination	N.D.Tex.	Yes	4/5/96	Settled	Plaintiff	WFC
HBC v. Crazy Crow	Trademark Infringement	Clothing and native American products	Unknown	Whether Defendants' use of stripes on traditional blankets and clothing infringed Hudson Bay Corporation's trademarks	E. D. Tex.	Yes	12/21/07	Settled	Defendant	JDH, BH
Heartbrand Beef v. Worldwide Media	Unfair competition & trademark type case	Akaushi Beef	In excess of \$500,000	Whether Defendants use of the word Akaushi beef in its website and key word search terms infringed Plaintiff's trademarks and constituted unfair competition	W.D. Tex	Yes	6/30/08	Settled	Defendant	JDH, DK

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Illinois Tool Works v. Alcoa	Patent and Trademark Infringement Action	Plastic Bags	Injunctive relief	Whether Defendant's use of stripes on plastic back closure device infringed Plaintiff's patents and trademarks	W. D. Tex.	Yes	9/1/04	Settled	Plaintiff	JDH, MNH
Immudyne v. Donzis & Biothera	Ownership of Patent	Beta-glucan based r	In excess of \$700,000	Ownership dispute: Whether Defendant assigned all of his interest in the patents to another entity	Bexar County	Yes	7/15/07	Summary Judgment granted	Defendant	JDH, MHN, MG
Interstate Battery Systems, Inc. v Interstate Automatic Transmissions, Inc.	Trademark Infringement	Automobile batteries and oil filters	Unspecified Amt. of Damages	Whether Plaintiff's trademark was valid under secondary meaning standard and infringement	N.D.Tex.	Yes	11/5/85	Trial as a defendants' class action and judgment entered for Plaintiff	Plaintiff	WFC
Interstate Battery Systems, Inc. v Ortep, Inc.	Trademark and Servicemark Infringement, false designation of origin and trademark counterfeiting	Automobile batteries	In excess of \$500,000	Whether former franchisee had continued to use trademark and trade secrets after termination and had used real labels on counterfeit batteries	N.D.Tex.	Yes	3/10/87	Permanent Injunction entered after trial in favor of Plaintiff and award of damages	Plaintiff	WFC
James Avery Craftsman v. Cookie Lee	Copyright Infringement	Jewelry Designs	Injunctive relief & unknown damages	Whether Defendant had copied Plaintiff's jewelry design	W.D. Tex	Yes	3/10/09	Settled	Plaintiff	JDH, MG
James Avery Craftsman v. Gurnani, et. al	Copyright Infringement	Jewelry Designs	Injunctive relief & unknown damages	Whether Defendant had copied Plaintiff's jewelry design	W.D. Tex	Yes	11/15/09	Settled	Plaintiff	JDH, MG
James Avery Craftsman v. Overstock.com, et. al	Copyright Infringement	Jewelry Designs	Injunctive relief & unknown damages	Whether Defendant had copied Plaintiff's jewelry design	W.D. Tex	Yes	1/27/11	Pending	Plaintiff	JDH, MG
James Avery Craftsman v. Zale Corp., et. al	Copyright Infringement	Jewelry Designs	Injunctive relief & damages	Whether Defendant had copied Plaintiff's jewelry design		No		Settled	Plaintiff	JDH, MG

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Kelora v. Target, et al (Shopko)	Patent Infringement	web site search functionality	Unspecified Amt. of Damages	Whether defendant's website utilizes a method of parametric search functionality that infringes plaintiff's patent	W.D.Wis. & N.D. Cal.	Yes	11/8/10	Pending	Defendant	DB, JDH,
Learn 2.com v Bell	Copyright Infringement	Animation Software	In excess of \$500,000	Whether former software engineer had stolen sync code for video animation synchronization	N.D.Tex.	Yes	6/15/05	Permanent Injunction entered after trial in favor of Plaintiff and award of damages	Plaintiff	WFC
Leibinger, L.P. v KLS Karl Leibinger Surgical	Trademark Infringement, Unfair Competition, False Designation of Origin	Manufacturer of titanium plating systems and surgican instruments for caniomaxillofacial surgery	Excess of \$1 million	Whether relative could use his own name in selling medical products/priority of use	N.D.Tex.	Yes	10/1/94	Settled	Plaintiff	WFC
Lugosch v. James Avery Craftsman	Copyright Infringement	Jewelry Designs	In excess of \$700,000	Whether Defendant had access to and copied Plaintiff's jewelry design	D. Maine	Yes	6/30/06	Settled	Defendant	JDH, MG, LSH
Metalurgical Ind. V Fourtek, Inc.	Unfair competition & theft of trade secrets	Furnace	Excess of \$1 million	Whether former employee could use methodology if otherwise publically available	N.D.Tex.	Yes	8/12/84	Trial and Directed verdict for Defendants	Defendant	WFC
Mission Pharmacal v. Core Pharma	Patent Infringement	Urocit-K Potassium Citrate	In excess of \$1 Million	Whether Defendant's generic product infringed Plaintiff's drug patent	W. D. Tex.	Yes	10/13/06	Settled	Plaintiff	JDH, DH, MHN
Opheim v ICU Eyewear, Inc.	Copyright Infringement	Specialty Reading Glasses	Unspecified Amt. of Damages	Whether Plaintiff's design was subject to copyright protection and infringement	N.D. Tex.	Yes	2/27/08	Settled	Defendant	WFC
Patent Group v. Tapco	False Patent Marking	Alumniun Siding break and cutter	Statutory Damages of \$500 per item sold	Whether defentant falsely marked its product with patent numbers for 4 patents that had expired	E. D. Tex.	Yes	1/26/11	Settled & Dismissed	Defendant	JDH,CW
Paul Ware & Financial Services (Acacia) v. Valero Energy Corporation	Patent Infringement	Method patent relating to security for credit cards	Claims damages in excess of \$5 Million	Whether printing of series of transaction numbers and other information on receipt violates patent	N.D. Georgia	Yes	6/19/07	Settled	Defendant	JDH, CBA

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Progress Materials, Inc. v. Dominion Ash CCP Ltd & EMR Microwave Tech Corp.	Patent Infringement	Fly Ash	In excess of \$1 Million	Whether Defendant's method of beneficiation of fly ash infringed upon Plaintiff's patent	W. D. Tex.	Yes	6/15/06	Settled	Defendant	JDH, DAP, MK
PSI v. Airgo	Patent inventorship & ownership	Automatic tire inflation technology	Unknown	Whether defendants' 3 patents improperly named inventorship; whether plaintiffs co-owns those 3 patents	S.D. Tex	Yes	5/3/07	Pending	Plaintiff	GRP, DAP
Remy v. Wilson Auto	Patent Infringement	Automobile Starters and Alternators	In excess of \$500,000	Whether Defendant's rebuilt or refurbished starters and alternators infringed on Defendant's patents	E. D. Tex.	Yes	9/30/08	Settled	Defendant	JDH, CBA
Shell v. RMS Engineering & Tesoro Corp, et al	Patent Infringement	Fluidized Catalytic Cracking Units	In excess of \$1 Million	Whether Defendant's design of its fluidized catalytic cracking unit and riser apparatus infringes on Plaintiff's patent	S. D. Tex.	Yes	11/20/09	Pending	Defendant	JDH, DK & DAP
SIIA: Claim against Client	Copyright Infringement	Software	Unknown	Whether any software found on any computers of company employees was covered by licenses		Yes		Settled	Defendant	BH, JDH
Skullcandy, Inc. v Cardo Systems, Inc.	Patent Infringement	Portable Integrator for mobile phone	Unspecified Amt. of Damages	Whether Defendant's device infringed patent	E. D. Tex.	Yes	3/3/08	Settled	Defendant	WFC
Spectrum v. CKI	Copyright Infringement and breach of Exclusive Distribution Agreement	Lamps	In excess of \$500,000	Whether defendant breached its agreement to distribute exclusively through Plaintiff and whether Plaintiff was infringing Plaintiff's copyrights and failed to pay all amounts due and owing under the agreement	W.D. Tex	Yes	6/25/05	Withdrew	Defendant	JDH, JR, MHN
Trinity University v. Trinity Medical School	Trademark Infringement	University Educational Services	Injunctive relief	Whether Defendant infringed Plaintiff's trademark "Trinity University" by adopting the name Trinity Medical School	W.D. Tex	Yes	12/5/08	Settled	Plaintiff	JDH, MG

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Trinity University v. Trinity Washington	Trademark Infringement	University Educational Services	Injunctive relief	Whether Defendant infringed Plaintiff's trademark "Trinity University" by changing its name from Trinity College to "Trinity Washington University"	W. D. Tex.	Yes	7/26/07	Settled	Plaintiff	JDH, MG, AS
TVPaint v. Bauhaus & MyToons	Copyright Infringement and Improper access to computer information	Animation Software	In excess of \$2 Million	Whether the software was jointly developed by parties, making the parties "co-authors" of the work	W.D. Tex	Yes	1/8/08	Settled	Defendant	JDH, LSH, AS
TVPaint v. MyToons (Case #2)	Inducement to infringe copyright and contributory infringement	Animation Software	In excess of \$2 Million	Whether the software was jointly developed by parties, making the parties "co-authors" of the work	W.D. Tex	Yes	9/11/07	Settled	Defendant	JDH, LSH, AS
USPPS, Inc. v. Avery Dennison Corp. and Renner Otto	Patent: Fraud and Breach of Fiduciary Duty in connection with prosecution of Patent	Personalized Stamp Product	In excess of \$4 Million	Whether defendants committed negligence in the prosecution of the patent and breach fiduciary duties owed to Plaintiff and whether Plaintiff's claims are barred by the Statute of Limitations	W.D. Tex	Yes	11/28/07	Judgment for Defendants - Summary Judgment Granted	Defendant	JDH & LSH
USPPS, Inc. v. Avery Dennison Corp. and Renner Otto	Patent: Fraud and Breach of Fiduciary Duty in connection with prosecution of Patent	Personalized Stamp Product	In excess of \$4 Million	Issues on Appeal: whether Fifth Circuit has jurisdiction to hear appeal, whether Plaintiff's claims are barred by the Statute of Limitations, and whether No Evidence of Causation	Fifth Circuit	Yes	9/3/10	On Appeal	Defendant	JDH & LSH
Vista de Mar v. Mott's	Trade Dress and Unfair Competition	Tomato Cocktail Juice	In excess of \$500,000	Whether product packaging on defendant's product infringes Plaintiff's alleged trade dress in its product packaging and label	C.D. Calif.	Yes	11/20/08	Settled	Defendant	JDH, MH
W.L. Systems v. Nucletron	Patent Infringement	Image-guided Radiation Therapy	Injunctive Relief and Damages	Whether defendant's CT Scanning devices infringed Plaintiff's patent for a Method of Computing Tomographic Scans	W.D. Tex	Yes	8/1/08	Settled	Defendant	JDH/CBA

IP LITIGATION MATTERS

Style of Case	Nature of Case	Products or Technology Involved	Amount in Controversy	Issues Involved	Court	Lawsuit filed	Date Case filed	Disposition	Plaintiff or Defendant	Attorneys
Wolf Run Hollow v. Herring Bank	Patent Infringement	Security of Data Trasnmissions	Unspecified Amt. of Damages	Whether defendant's use of data incryptive infringes plaintiff's patent	N.D. Tex	Yes	3/8/10	Settled	Defendant	WFC, CBA, JDH
Z-Page v. Cingular	Distributorship Agreement - Alleged breach	Cellular phones	In excess of \$2 Million	Whether defendant properly paid commissions owed to Plaintiff and properly terminated the relationship	Texas - Hidalgo County	Yes	9/11/01	Summary Judgment granted and Case dismissed	Defendant	JDH, JKS