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## MATTHEW P. WHITLEY

PARTNER

Matthew's practice focuses on intellectual property disputes and commercial litigation. He excels at handling complex matters, as reflected by the numerous multi-million-dollar cases he has successfully handled for both plaintiffs and defendants (such as a \$49 million judgment he secured in late 2018 as lead counsel in an intellectual property dispute). Matthew has represented clients from the transportation, chemicals, and oil & gas industries in intellectual property cases involving misappropriation of trade secrets, patent infringement, and the enforcement of IP license agreements. Matthew has also represented companies from a variety of industries — including energy, banking, real estate and telecommunications — in commercial cases involving allegations of fraud, breach of fiduciary duty, and breach of contract.

Throughout his 16 years as a trial lawyer, Matthew has built a reputation for knowing how to simplify issues in complicated or emotionally-charged cases. An accomplished debate and public speaking champion while attending The University of Texas and Harvard Law School, Matthew thrives at telling his client's story in the courtroom. He has an instinct for recognizing that facts and themes that resonate with judges and juries.

Outside the courtroom, Matthew has distinguished himself in the legal community. He serves on the Board of Directors for the Houston Urban Debate League and on the Houston Bar Association's Administration of Justice and Continuing Legal Education committees

## REPRESENTATIVE EXPERIENCE

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### Intellectual Property Cases

Matthew is currently serving as lead counsel in multiple cases involving claims of patent infringement, misuse of confidential information, or violation of IP licensing agreements in connection with technologies used in hydraulic fracturing operations. Examples of his prior cases include the following:

**Won a \$49.2 million judgment following a four-week jury trial in an intellectual property dispute** (*SandBox Logistics vs. Arrows Up*) As lead trial counsel for SandBox, Matthew coordinated the legal strategy that resulted in a unanimous jury finding that Arrows Up and its CEO breached their contractual obligations and committed fraud by using information provided by SandBox under a non-disclosure agreement to design and market copycat products. In addition to monetary damages, the judgment awards SandBox title to and possession of the frac sand shipping containers that Arrows Up has manufactured, sold or leased since January 2015, based on the jury's finding that key features of Arrows Up's containers were derived from SandBox's design. The judgment is currently under appeal.

**Obtained a favorable settlement for a chemicals company sued for \$300 million for alleged misappropriation of trade secrets** (*Chevron Phillips Chemical Company v. INEOS Group*). As the Firm's managing attorney for this global dispute, Matthew coordinated fact investigations across the United States, the United Kingdom, France, Belgium, Italy and China. After deposing the key scientists, Matthew and Joe Redden presented our client's case in an 8-day temporary injunction hearing. The case settled on favorable terms for our client after the hearing.

**Obtained a favorable result for a national tubular goods manufacturer sued for \$53 million for allegedly breaching an intellectual property agreement** (*Torquelock v. U.S. Steel Tubular Products*). For this case related to deepwater drilling technology, Matthew developed a defense focused on simplifying complex engineering issues. The lawsuit culminated in a three-week bench trial, during which Matthew successfully excluded two of the plaintiff's three expert witnesses. The case settled on favorable terms to our client before the trial court entered a verdict.

**Recovered damages for employees accused of stealing trade secrets from their former employer** (*Rx.com v. Hruska*). Based on admissions he secured in the deposition of the plaintiff's CEO, Matthew obtained a summary judgment in federal district court in Houston that vindicated our clients of charges they had stolen trade secrets from their former employer. The court also ordered the plaintiff to pay our clients' costs and attorney's fees.

**Obtained a favorable settlement for an international chemicals company involved in a dispute over the meaning of a license agreement.** Along with David Beck, Matthew represented our client in a confidential arbitration that focused on the interpretation of a 50-year old license agreement between two global chemicals companies. The parties were able to resolve their differences following an advisory opinion from the arbitrator.

**Won a jury verdict for an automotive parts manufacturer accused of recruiting a competitor's employees to disclose confidential information.** (*L-3 Communications Corp. v. Autoliv ASP, Inc.*). Along with Joe Redden and Jeff Golub, Matthew won a full defense verdict for our client following a two-week jury trial.

## Commercial Cases

Matthew has successfully handled commercial cases across the country, including recent cases in California, Nevada and Utah. Examples of his prior cases include the following:

**Won summary judgment for a Canadian telecommunications company sued for \$35 million in damages for allegedly defrauding investors** (*Smith v. BCE*). Matthew successfully argued the case before the trial court, which granted summary judgment, and the Fifth Circuit Court of Appeals, which affirmed the judgment. Both courts found that the plaintiff's claims were barred under federal securities laws.

**Secured an injunction protecting a leading software company's right to occupy its corporate headquarters** (*Gearbox v. Frisco Square Developers*). After a building owner threatened to terminate a commercial lease, Matthew obtained a temporary injunction that preserved his client's rights to occupy its new headquarters. The case settled on confidential terms shortly after the temporary injunction hearing.

**Obtained summary judgment for the president of an oil and gas company sued for \$10 million for allegedly defrauding his business partner** (*Knowles v. Wright*). Based in large part on admissions he secured in his deposition of the plaintiff, Matthew won a summary judgment dismissing the plaintiff's claims. Matthew also argued the case before the First District Court of Appeals, which affirmed the judgment.

**Won a full defense judgment for a homebuilder accused of making false statements to consumers** (*Lauret v. Meritage Homes*). Along with David Jones, Matthew won judgment in his client's favor following a one-week jury trial. The case settled on confidential terms following a remand for additional fact-finding by the trial court.

**Obtained summary judgment for an attorney accused of negligently investigating complaints about the conduct of a business owner** (*Amin v. Wood*). After an ex-partner sued the partnership's attorney for the manner in which he investigated allegations regarding the ex-partner's conduct, Matthew obtained a summary judgment in the attorney's favor in state district court in Houston. Matthew also argued the case before the Fourteenth Court of Appeals, which affirmed the judgment.

**Retained less than a month before trial to represent an automobile manufacturer in a multi-million-dollar contract dispute** (*BSAG v. Nissan*). Along with Joe Redden, Matthew quickly learned the facts of a complex commercial case involving the sale of a dealership. Following the first phase of a bifurcated jury trial, the case settled on confidential terms.

## PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

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Texas Friars

The University of Texas Ex-Students Association

Harvard Alumni Association

Harvard University Club of Houston

Houston Bar Association Administration of Justice Committee (2014-15)

Houston Bar Association Speakers Bureau Committee (2013-14)

Texas Bar Foundation

Federal Bar Association

## ADMISSIONS

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State Bar of Texas

United States Court of Appeals for the Fifth Circuit

United States District Courts for the Southern, Western, Northern and Eastern Districts of Texas

## HONORS & AWARDS

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Recognized in *The Legal 500 United States* as a Next Generation Lawyer, Energy Litigation: Oil and Gas, 2018

Named a "Rising Star" in Business Litigation, *Thomas Reuters Super Lawyers*, 2006-2010

Named a "Future Star" in litigation by *Benchmark Litigation*, 2009

Named a "*Professional on the Fast Track*" by H Texas magazine, 2008

National Champion in Trial Advocacy, Association of Trial Lawyers of America's Mock Trial Competition, 2002

Five-Time National Champion and Eleven-Time Finalist in Public Speaking Events, American Forensic Association's Individual Events Tournament, 1994-1997

National Champion in Lincoln-Douglas Debate, National Forensic League's Debate Tournament, 1993

Texas State Champion in Lincoln-Douglas Debate, University Interscholastic League State Tournament, 1993

## COMMUNITY INVOLVEMENT

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Board of Directors, Houston Urban Debate League

## PUBLICATIONS AND PRESENTATIONS

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*Law360*: In Case You Missed It: Hottest Firms and Stories on Law360 – Top 10 Most Read Expert Analyses at #2: *3 Tips To Avoid Being On The Outs With In-House Counsel* - Matthew P. Whitley, December 2016

*Law360: 3 Tips To Avoid Being On The Outs With In-House Counsel* - Matthew P. Whitley, December 2016

*"Tips for Young Lawyers Preparing for Their First Expert Deposition,"* ABA's Section of Litigation Sound Advice, May 2016

33rd Texas Association of Defense Counsel Trial Academy, Faculty Member, April 2016

*Law360: So You Think You Want to Arbitrate? Think Again, Maybe* - Matthew P. Whitley and Alyssa B. McDaniel, June 2015

*"Adverse Expert Depositions: Achieving Success by Keeping It Simple,"* Texas Young Lawyers Association eNews, October 2014

*"The Voice of the Company: Strategies for Company Representative Depositions,"* TADC Summer Conference, July 2014

*"Expert Deposition Tips for Young Lawyers,"* Law 360, November 2013

## **EDUCATION**

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J.D., Harvard Law School, *magna cum laude*, 2002

B.A., The University of Texas, *summa cum laude*, Plan II Honors Program / History, 1997