

MAY 14, 2010

RECOGNIZING THE TOP NORTH TEXAS BUSINESS DEFENSE LAWYERS | 2010

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Philbin graduated from engineering school faced with two very different options: obtaining a Ph.D. in artificial intelligence or going to law school. In his family he had several generations of lawyers preceding him. And the idea of a career interacting more with a computer than with a live person began to seem less appealing. Ultimately, family tradition won out.

practice have taken me coast to coast. I make time for the things that matter most.

WHAT WAS YOUR GREATEST OPPORTUNITY LAST YEAR?

The positive side of being busy is that it has presented some pretty amazing opportunities. I am extremely fortunate to work for a firm that has enabled me to build a high-level, dynamic patent litigation practice. I am representing clients on exciting, precedent-setting, newsworthy cases. We get to watch the law evolve as a result of our work.

OF WHAT CAREER ACCOMPLISHMENTS ARE YOU MOST PROUD?

I had the opportunity to represent Glenna Goodacre in a copyright matter. Glenna is the artist that created the Golden Dollar Coin, or the Sacagawea dollar. What made the case unique was normally a piece of currency is not copyrighted. If the U.S. government creates the design, then it cannot be copyrighted. Since Glenna created the Golden Dollar, she owned the copyright and assigned it to the government. A knock-off mint produced an "investment" grade version of the Golden Dollar and a copyright suit followed. The copyright was upheld and the investment grade coin was removed from the marketplace.

WHAT DO YOU CONSIDER TO BE YOUR GREATEST FAILURE?

Some years ago, my role at the firm expanded to include administration. I found that the demands of firm administration required even more time, not to mention managing lawyers, which is no easy task. As a result, I learned that my core strength is in trying technical cases.

WHAT'S UP NEXT FOR YOU?

I am pleased to represent Viewpointe Archive in the DataTreasury Corp. series of cases against the banking industry. We just finished the phase one trial in Marshall involving U.S. Bank.

WHAT WAS YOUR BIGGEST CASE IN 2009?

In 2009, we set some precedent in the area of patent exhaustion in Electronic Transaction Consultants Corp. vs. TransCore. TransCore was the Goliath attempting to assert its patents against ETC, the David. ETC was a small business started by a single entrepreneur who was installing the patented products on a tollroad in Illinois. Despite having previously settled a lawsuit against the manufacturer,

TransCore brought an infringement suit against ETC for installing the equipment. In trial, we successfully defended ETC against the challenge brought by TransCore, alleging that our client infringed on four TransCore patents related to the automatic electronic collection of tolls. TransCore claimed more than \$20 million in damages. The monetary stake in the case was more than \$60 million, but the impact could have been widespread across the entire toll road

industry. A federal appeals court affirmed the dismissal of the case and affirmed the May 2008 summary judgment that dismissed the patent-infringement lawsuit.

WHAT WAS THE GREATEST CHALLENGE YOU'VE FACED OVER THE PAST YEAR?

Time management is always a challenge. It was a wonderful year to be very busy on several challenging matters. The demands of my