



## David H. Harper

**Partner**

**Dallas**

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**PRACTICES** Litigation, Intellectual Property, Intellectual Property Litigation, Texas Business Courts Task Force, Media and Entertainment Litigation, Energy Litigation, Oil and Gas, Oil and Gas Litigation, Patent Litigation, Trade Secret Litigation, Trademark Litigation, Higher Education, Media, Entertainment and Sports, Technology, Internet, Domain Name Disputes, Sports Law, Copyright, Crisis Management, Technology Contracts Litigation, Trials

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David Harper solves clients' complex business problems and implements their strategies both in the courtroom and the boardroom. A trusted business advisor, he has served as lead counsel for his clients' most significant and complex disputes, including semiconductor fabrication patent and trade secrets, partnership and private equity disputes, oil and gas transactions, public pensions, and disputes about the sale of major businesses. David has written and spoken on the creation of the Texas Business Court, serves on a Texas Business Law Foundation Task Force related to the new courts, and can advise clients concerning how it is likely to affect business litigation in Texas.

Teams that David has led or co-led have achieved remarkable litigation victories, including:

- Successfully defending a major semiconductor fabrication company in a patent infringement case in which the plaintiff conceded defeat in the trial court after a favorable Markman ruling
- Successfully defending clients in a multi-week trial and then on appeal against claims of copyright infringement regarding video distribution rights
- Defeating claims in federal court of alleged theft of software as trade secrets

David has also successfully represented clients in business disputes, including:

- Pursuing claims for fraud against sellers of a business to a major workwear manufacturing company which was then mutually settled
- Winning a multi-year battle defeating claims of alleged shareholder oppression in the Texas Supreme Court
- Defending and resolving multiple lawsuits against the prominent founder of a major independent oil and gas company from claims about buyouts of other investors

David contributes his skills to a number of boards, including that of Baylor University, where he served for several years as the chair of multiple committees. David has also served in significant leadership roles in the firm, including as the co-chair of our overall litigation practice, chair of our IP Litigation and Business Litigation Practice Groups, on our Board of Directors, and on multiple firm management committees.

David has been recognized in *The Best Lawyers in America* for intellectual property and patent litigation, 2014-2026 (Woodward/White, Inc.) and *Texas Super Lawyers*, 2003-2024 (Thomson Reuters). He was selected as one of *D Magazine's* "Best Lawyers in Dallas" in 2009 and again in 2018 (D Magazine Partners), and is AV® Peer Review Rated Preeminent by *Martindale-Hubbell® Law Directory*.

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## QUALIFICATIONS

### EDUCATION

- J.D., Harvard Law School, 1991, *cum laude*; Senior Editor, *Journal of Law and Public Policy*
- B.B.A., Economics and Finance, Baylor University, 1988, *summa cum laude*

### ADMISSIONS

- Texas

### COURT ADMISSIONS

- Texas Supreme Court
  - United States Supreme Court
  - U.S. Court of Appeals for the Fifth Circuit
  - U.S. Court of Appeals for the Tenth Circuit
  - U.S. District Court for the Eastern District of Texas
  - U.S. District Court for the Northern District of Texas
  - U.S. District Court for the Southern District of Texas
  - U.S. District Court for the Western District of Texas
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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Deacon, Park Cities Baptist Church, including service as Chairman of Deacons and President of Trustees
  - Board of Regents, Baylor University, including service as Chair, Academic and Student Affairs Committee, and member of Executive Committee (2009-2018)
  - President, Harvard Law School Association of Texas
  - Co-Editor, Libel Defense Resource Center's Annual Survey of Privacy and Related Claims Against the Media
  - Trustee, Trinity Christian Academy, including service as Chair of the Board
  - State Bar of Texas
  - American Bar Association
  - American Intellectual Property Law Association (AIPLA)
  - Dallas Bar Association (Past Co-Chair, Media Relations Committee)
  - Life Fellow, Texas Bar Foundation
  - W.M. "Mac" Taylor, Jr. American Inn of Court (Master, 2008-Present)
  - Advocates for Community Transformation (ACT), Executive Committee of Advisory Board
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## SELECTED CLIENT REPRESENTATIONS

### Intellectual Property

- Successfully resolved a seven-patent matter against MediaTek Inc. and MediaTek USA Inc. in the Western District of Texas (6:20-cv-1210). MediaTek was one of eight other chip designers sued by Ocean Semiconductor for alleged use of technology for automated process control of semiconductor manufacturing. The case proceeded through *Markman* and significant discovery, including of multiple third parties, before resolving.
- Defense of provider of police video camera technology against claims of patent infringement by competitor.
- Defense of semiconductor technology in worldwide patent litigation between competitors in multiple lawsuits including in Texas and Delaware, ultimately resulting in resolution.
- Successful defense in the trial court of Taiwan Semiconductor Manufacturing Company in patent litigation regarding lithography technology (*DSS Technology Management, Inc. v. Taiwan Semiconductor Mfg. Co., Ltd.*, No. 2:14-cv-199-RSP, 2015 WL 1737732 (E.D. Tex. April 8, 2015) (upheld by 642 Fed. App'x 1006 (Fed. Cir. 2016))).
- Successful defense of alleged theft of trade secret claims related to software (*Spear Marketing v. ARGO Data Resources*, 2013 WL 2149570 (N.D. Tex.).)
- Successful defense at trial of claims of copyright infringement, breach of license agreement and misappropriation of name brought by nationally syndicated radio show host against stage play production company and DVD distributor. (*Baisden v. I'm Ready Productions*, 693 F.3d 491 (5<sup>th</sup> Cir. 2012).)
- Part of successful TSMC trial team winning claims of theft of semiconductor trade secrets as plaintiff against Chinese fab, SMIC.
- Successfully trying claims of breach of copyright license and distribution agreement for creator of Barney<sup>®</sup> children's television series.
- Trying and defeating claims of software copyright infringement brought by former employee against major car rental company (*Wood v. Cendant Corporation and Avis Holdings Group, Inc.*, 2006 WL 2045839 (N.D. Okla.).)
- Securing summary judgment on claims that domain name registrar did not violate federal Anti-cybersquatting Consumer Protection Act of 1999 and Texas trademark anti-dilution statute (*Lockheed Martin v. Network Solutions, Inc.*, 141 F. Supp. 2d 648 (N.D. Tex. 2001)).

## Complex Business Disputes

- Successful defense of Dallas Police and Fire Pension System against multiple challenges to pension plan, including in *Degan v. Dallas Police and Fire Pension System*.
- Pursuit of claims to remove general partner of private equity fund and related damages claims for Dallas Police & Fire Pension System
- Pursuit of tort claims related to correction of transfers of oil and gas interests in sale transaction (settled)
- Pursuit of claims in arbitration related to wrongful administration and self-dealing of oil and gas minerals partnership by general partner (settled)
- Prosecution of fraud claims related to sale of business unit to major work wear manufacturer (settled).
- Successful defense of claims of shareholder oppression and breach of fiduciary duty at trial and appeal brought against privately held software company (*ARGO Date Resources v. Shagrithaya*, 380 S.W.3d 249 (Tex. App.—Dallas 2012, *pet. denied*)).
- Defending a trust against multi-million dollar claims of fraud, breach of fiduciary duty and conspiracy in a real estate transaction.

## Media, Libel and Invasion of Privacy

- Defense of libel claims against news organization related to its reporting on how a story by another news organization came about as the murder of a political staffer (*Butowsky v. NPR* (E.D.

Tex.))

- Obtained summary judgment for financial publisher over alleged violations of federal and state securities laws. *Reynolds v. Murphy*, 188 S.W.3d 252 (Tex. App.—Fort Worth 2006) and *Reynolds v. Murphy (II)*, 266 S.W.3d 141 (Tex. App.—Fort Worth 2008).
  - Multiple successful defenses of author of *Stolen Valor* in libel claims brought by individuals making false claims of military service and honors.
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## AWARDS AND RECOGNITIONS

- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation - Intellectual Property, 2014-2026; Litigation - Patent, 2026
- Named a Best Business Lawyer in Dallas for Business Litigation by *D Magazine*, D Magazine Partners, 2009, 2018
- Named in *Texas Super Lawyers*, Thomson Reuters, Intellectual Property Litigation, 2003-2024
- Named in Best Lawyers Under 40 by *D Magazine*, D Magazine Partners, 2002, 2004 and 2006
- *Martindale Hubbell Law Directory* with a Peer Review Rating of AV Preeminent