

David P. Griffith



Partner

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A partner in the firm's Litigation section, David focuses his practice on intellectual property litigation, securities and corporate disputes and commercial disputes (particularly breach of contract, DTPA and fraud). He is also experienced with accident defense, toxic tort, environmental and attorney malpractice disputes. David has an AV Preeminent rating by Martindale-Hubbell (highest rating for ethics and ability). David served in the U.S. Marine Corps (1982-1986) as the Firing Platoon Commander and the Executive Officer of a Hawk Missile Battery.

REPRESENTATIVE EXPERIENCE

- *FDIC v. Hurwitz*; United States District Court for the Southern District of Texas. Obtained \$72 million attorney fees sanction at the trial court against FDIC. After partial reversal and remand, the FDIC settled for \$10 million. Reported at: 384 F. Supp. 2d 1039, *rev'd in part and remanded*, 523 F.3d 566.
- *Ascend GEO, LLC v. OYO Geospace Corporation*; United States District Court for the Southern District of Texas. Patent infringement suit involving seismic recorders. Obtained dismissal with prejudice.
- *Ascend GEO, LLC v. OYO Geospace Corporation*; United States District Court of Nevada. Patent infringement suit. Obtained transfer to Houston, Texas.
- *Frank's Casing Crew and Rental Tools, Inc. v. Tesco Corp.*; United States District Court for the Eastern District of Texas. Patent infringement suit involving casing running tools.
- *Emtel, Inc. v. Lipidlabs, Inc.*; United States District Court for the Southern District of Texas. Patent infringement suit involving telemedicine.
- *City of Houston, Texas v. Maguire Oil Company, et al.*; In the County Civil Court at Law No. Four (4), Harris County, Texas. Inverse condemnation suit involving drilling prohibition.
- *MCAR, LLC v. Southern Co.*; United States District Court for the Northern District of Georgia. Fraudulent transfer case involving power producers and marketers.
- *Varco I/P Inc. v. Tesco Corporation (US) Inc.*; United States District Court for the Southern District of Texas. Patent infringement case involving casing running tools.
- *Varco I/P, Inc. v. Tesco Corporation (US)*; in the United States District Court for the Western District of Louisiana, Alexandria Division. Patent infringement suit. Obtained transfer to Houston.
- *VFB LLC v. Campbell Soup Co.*; United States District Court of Delaware. Fraudulent transfer case involving consumer food products.

INDUSTRIES

Biotechnology, Life Sciences and Medical Devices
Construction
Energy
Manufacturing and Sales
Real Estate
Technology

PRACTICES

Commercial Litigation
Environmental Disputes, Contested Proceedings and Litigation
Environmental Litigation
Intellectual Property Counseling and Litigation
Intellectual Property Litigation
Litigation

EDUCATION

JD, 1989, *with honors*, The University of Texas School of Law, *Texas Law Review*, Order of the Coif
BA, 1982, *magna cum laude*, Duke University

ADMISSIONS

Texas 1989
US Court of Appeals for the Federal Circuit
US Court of Appeals for the Fifth Circuit
US District Courts for the Southern, Eastern and Western Districts of Texas
US Court of Federal Claims

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- *Smith International, Inc. v. Rutherford Oil Corporation*; in the 61st Judicial District Court, Harris County, Texas. Breach of contract case involving packer liner.
- *Moore v. Moen, Inc.*; United States District Court for the Southern District of Texas. Patent infringement case involving shower rod.
- *Energy Intelligence Group Inc. v. Cheniere Energy Inc., et al.*; United States District Court for the Southern District of Texas. Copyright infringement case involving trade publications.

PUBLICATIONS

- Patents by the Numbers *IP and Technology Developments - July 2011* (July 21, 2011)
- "Lawyers for a Small Business: Why You Need Them and How to Find Them" *Houston Business Journal* (March 29, 2004)
- "Products Liability Negligence Presumed: An Evolution" *Texas Law Review* (1989)

AFFILIATIONS

- Houston Bar Association
- Houston Bar Foundation
- Texas Bar Foundation