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David B. Weaver

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Biography

David practices in all areas of intellectual property law, with particular emphasis on patent and copyright litigation. David is a skilled litigator and has extensive experience in all aspects of pre-

litigation preparation and strategy, trial preparation, patent *Markman* hearings, and all other phases of complex intellectual property litigation. David has been successful in securing dispositive claim constructions in numerous *Markman* proceedings. David also has experience and success in handling appeals to the Court of Appeals for the Federal Circuit.

While David's technical background and work experience with NASA is in the aerospace engineering field, he has successfully handled patent litigations in the mechanical, electrical, semiconductor, software, oil and gas, and chemical fields.

Representative Experience

Intellectual Property Matters

[Case Citations](#) | [View All](#)

- Served as lead counsel in securing a highly favorable settlement and licensing program for a small software development company in its copyright infringement dispute with a Fortune 50 consumer electronics company
- Served as lead defense counsel in patent infringement suits brought by Forgent Networks, Inc. related to JPEG; successfully lead a group of over forty co-defendants in resisting Forgent's claims, obtaining a winning claim construction against Forgent, and negotiating a highly favorable settlement agreement for defendants; prior to the court's claim construction ruling, Forgent had reportedly obtained licensing revenues in excess of \$120 million and reportedly contended they could extract over a billion dollars in licensing fees from the patent
- Serves as a technical advisor to judges in the United

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Partner

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Practices

[Intellectual Property Counseling](#)[Intellectual Property Licensing](#)[Intellectual Property Litigation](#)[Intellectual Property Prosecution](#)[Technology Transactions and Licensing](#)[White Collar Criminal Defense](#)

Industries

[Aviation and Airlines](#)[Technology](#)

States District Court for the Eastern District of Texas

Representative Pro Bono Matters

Case Citations

- In 2004, secured a new trial for Jim Tenny through a Federal Habeas Corpus Petition after Mr. Tenny had been convicted of murder and sentenced to 65 years in prison; the writ was granted because we established that Mr. Tenny's trial counsel had failed to represent him competently at trial in presenting defenses of self-defense and sudden passion; we obtained a unanimous decision from the Fifth Circuit in 2005, affirming the trial court's prior granting of the writ; in March 2006, we successfully represented Mr. Tenny in his re-trial by the State of Texas, obtaining an acquittal on the charge of murder and a time-served verdict on the lesser charge of aggravated assault

Prior results do not guarantee a similar outcome.

Education and Professional Background

- South Texas College of Law, J.D. *magna cum laude*, 1994
- University of Kansas, M.S. Aerospace Engineering, 1987
- University of Kansas, B.S. Aerospace Engineering with distinction, 1984 (Phi Kappa Phi; Tau Beta Pi; Sigma Gamma Tau, Outstanding Engineer Award, 1983-1984)
- NASA-Johnson Space Center, Design Engineer/Project Manager, 1985-1994
- Judicial clerk to The Honorable C. Leroy Hansen, U.S. District Court Judge for the District of New Mexico, 1994-1996
- Assistant United States Attorney, District of New Mexico, 1999-2000
- Admitted to practice: New Mexico, 1995; Texas, 1997; United States Patent and Trademark Office; U.S. Court of Appeals for the Federal, Fifth and Tenth Circuits; and various federal district courts

Professional Recognition

- "Texas Super Lawyers" in intellectual property law, *Texas Monthly*, 2006

Activities and Affiliations

- Member: American Bar Association; American Intellectual Property Law Association; Austin Intellectual Property Law Association; Federal Bar Association; Federal Circuit Bar Association

- Board Member: Austin Volunteer Legal Services

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