

## Dustin Edwards

Partner

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Dustin is an intellectual property trial litigator with experience in a broad range of technologies, including financial technology and services, oil and gas, biotechnology, pet food and treat products, cellular telephone and wireless technologies, integrated circuits, coating compositions, and mobile applications. Dustin was named as a *Houstonia* “Top Lawyer” for Intellectual Property Rights (2022–2023). He was recognized in *The Best Lawyers in America*® 2021–2024 for Intellectual Property Litigation and as a “Texas Rising Star” in Intellectual Property Litigation by *Super Lawyers* from 2010 to 2016.

Dustin is experienced in patent litigation, arbitration, and trade secret litigation. His litigation experience includes: examining witnesses at trial; preparing for and presenting at trial in federal and state courts; managing pre-trial discovery and motion practice; taking and defending fact and expert witness depositions; managing large joint defense groups; mediation; arbitration; pre-trial oral argument; examining witnesses at temporary injunction hearings; negotiating settlements; preparing fact and expert witnesses for depositions and trial testimony; managing expert witness discovery; and appellate practice before the U.S. Court of Appeals for the Federal Circuit.

His transactional experience includes preparing and prosecuting patent cases before the United States Patent and Trademark Office; preparing patent infringement, invalidity, and clearance analyses; and negotiating license matters

in diverse areas, such as oil and gas subsurface well technology, biotechnology, barber equipment, footwear, and commercial diving equipment.

## Key Matters

- Successfully defended a large financial institution against a patent infringement suit brought in the Western District of Texas (Waco) related to targeted advertising. The infringement allegations were aggressively contested and defended, including filing early summary judgment motions. The plaintiff agreed to a walk-away, stipulated to a covenant not to sue, and dismissed the case with prejudice.
- Successfully defended a large financial institution against a patent infringement suit brought in the Northern District of Texas related to mobile banking technology. After winning a favorable claim construction ruling and motions to strike the plaintiff's post claim construction infringement theories, the plaintiff agreed to a stipulated dismissal of the case and final judgment in favor of Winston's client in order to seek an appeal. The Federal Circuit affirmed, providing a decisive win for Winston's client.
- *Mars, Inc., et al. v. TruRx LLC and True Science Holdings, LLC, et al.* Trial counsel for TruRX and True Science in the Eastern District of Texas that obtained a jury verdict of non-infringement and invalidity of two Mars patents for breath-freshening dog treats; as reported by Jess Davis, "Texas Jury Invalidates Greenies Dog Treat Patents," Law360, May 9, 2016, and Jeff Bounds, "How True Science Won a Dog (and Cat) Fight Against Mars," The Texas Lawbook, May 16, 2016.
- *Frans Nooren Afd., et al. v. Amcorr Products and Services, Inc. and Dolphin Sealants, LLC.* Counsel for Amcorr Products and Services, Inc. and Dolphin Sealants, LLC in patent litigation in the U.S. District Court for the Southern District of Texas involving coating compositions comprising a polymer and a filler. After winning summary judgment of non-infringement for Amcorr and Dolphin, the case was eventually settled favorably.
- *INROCK Drilling Systems, Inc. et al. v. Darrell Klesel, et al.* Counsel for INROCK Drilling Systems, Inc. in trade secret litigation in the 215th Judicial District Court of Harris County, Texas against six former employees and two corporate defendants involving products and services in the horizontal directional drilling industry. Successfully obtained a temporary restraining order, expedited discovery, and temporary injunction against defendants. The case was quickly developed and litigated, and was settled favorably against all defendants within three months.
- *MicroUnity Systems Engineering, Inc. v. Apple, Inc., et al.* Counsel for Motorola Mobility LLC in patent litigation in the United States District Court for the Eastern District of Texas involving microprocessor core technology.
- *M-I LLC. v. Chad Lee Stelly, et al.* Counsel for M-I LLC., a subsidiary of Schlumberger Limited, in trade secret litigation against a subsidiary of Halliburton Company, in the U.S. District Court for the Southern District of Texas involving completion tools for oil and gas wells.
- *Saxon Innovations, LLC v. Nokia Corp., et al.* Counsel for Research In Motion Corporation and Research In Motion Limited (RIM) in patent litigation in the U.S. District Court for the Eastern District of Texas involving microprocessor and wireless technologies.
- *Minerva Industries, Inc. v. Motorola, Inc., et al.* Counsel for RIM in patent litigation in the U.S. District Court for the Eastern District of Texas involving telecommunications technology.
- *FMC Technologies, Inc. v. Vetco Gray Inc.* Counsel for FMC Technologies in patent litigation in the U.S. District Court for the Northern District of Texas involving subsea horizontal Christmas trees for oil and gas well production.
- *Varel International v. Graham Mensa-Wilmot, et al.* Counsel for Varel International in a case involving theft of trade secrets. Obtained permanent injunctions, the return of all company materials, and more than one million dollars in settlement payments from the individual and corporate defendants. This case was developed and litigated rapidly, and was settled shortly after a temporary injunction hearing.

- *Javelin Investments, LLC v. McGinnis*. Civil Action No. H-05-3379, 2007 WL 781190. slip op. (S.D. Tex. May 2, 2007). As counsel for residential homeowner, obtained summary judgment based on novel interpretation of a building owner’s alteration rights under copyright law (17 U.S.C. § 120(b)).
- *Burlington N. & Santa Fe Ry. Co. v. Poole Chem. Co.* Civ. Action No.5:04-cv-00047 (N.D. Tex. August 8, 2005), as reported in 49 ATLA L. Rep. 146, 170 (June 2006). As counsel for BNSF, obtained \$1.9 million settlement in CERCLA and TSWDA suit against a chemical company involving ruptured storage tank.

## Recognitions

Dustin was listed in *The Best Lawyers in America*® (2021–2024) for Intellectual Property Litigation. He was named as a *Houstonia* “Top Lawyer” for Intellectual Property Rights (2022–2023). He was selected as a “Texas Rising Star” in Intellectual Property Litigation by *Super Lawyers* every year from 2010 to 2016. The *Super Lawyers*’ list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). He was also elected to membership in the Fellows of the Texas Bar Foundation in 2017. Dustin was selected for his outstanding professional achievements and demonstrated commitment to the improvement of the justice system throughout the state of Texas.

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## Activities

Dustin is a member of the Houston Intellectual Property Law Association and a Fellow of the Texas Bar Foundation. He is a member of the Honorable Nancy F. Atlas Houston IP Inn of Court as a Master of the Bench. He also regularly handles pro bono cases for the Houston Volunteer Lawyers Program.

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## Credentials

### EDUCATION

Dustin received a B.S. in bioenvironmental sciences, Phi Kappa Phi, from Texas A&M University in 1999. He received his J.D., Phi Delta Phi, from Loyola University New Orleans College of Law in 2002, and an LL.M. from Tulane University Law School in 2003, where he was managing editor of the *Tulane Environmental Law Journal*.

### ADMISSIONS

- U.S. Patent & Trademark Office
- Texas

## Related Insights & News

- “Federal Trade Secrets Bill May Offer Little Relief to Industries in Texas,” *The Texas Lawbook*, May 6, 2016
  - “A Practical Guide to Trademarks,” Houston Inventor’s Association, Houston, TX, Jan. 2006
  - “Premises Liability in the Silica Deposition,” Harris Martin Publishing, Silica Litigation 101 Conference, Houston, TX, Feb. 2005
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## **BLOG**

Judge Albright Denies Google's Motion To Transfer To Northern District of California and Excludes Unreliable Venue Witnesses' Declarations

OCTOBER 4, 2023

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## **BLOG**

Judge Albright Orders Plaintiff to Produce Documents Related to Defendants' Marking Defense

SEPTEMBER 27, 2023

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## **RECOGNITIONS**

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

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## **BLOG**

Judge Albright Denies Sixth Joint Motion To Stay Pending Settlement After Eight Months of Staying Case Pending Settlement Discussions

JULY 26, 2023

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## **BLOG**

Waco Jury Finds Willful Infringement and Awards Plaintiff Textron \$279 Million in Drone Patent Suit

MAY 2, 2023

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## **BLOG**

Judge Albright Denied Plaintiff's Motion To Stay Pending Ex Parte Reexamination of Defendants' Asserted Patents

MAY 1, 2023

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## **BLOG**

Judge Albright Denies Defendant LG's Motion For Summary Judgment, Finding That IPR Estoppel Can Apply To System Prior Art

APRIL 26, 2023

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## **BLOG**

Judge Albright Denies Defendant's Motion to Transfer Venue in a Close Call Where Neither Party Has a Significant Presence in Waco or the Transferee District

APRIL 10, 2023

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## **BLOG**

Judge Biery Dismisses Waco Patent Infringement Case Under Rule 12(b)(6) Based on Implausible Allegations

APRIL 5, 2023

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## **RECOGNITIONS**

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2023

AUGUST 18, 2022

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**RECOGNITIONS**

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*® 2022

AUGUST 19, 2021

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**RECOGNITIONS**

Winston & Strawn Attorneys Recognized in *The Best Lawyers in America*© 2021

AUGUST 20, 2020

## Capabilities

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Intellectual Property

IP Licensing & Due Diligence

Patent Litigation

Litigation/Trials

Trade Secrets, Non Competes & Restrictive Covenants

Technology, Media & Telecommunications

Medical Devices

Financial Services

Energy

Oil & Gas

Life Sciences