



## Gary J. Fischman

Partner

### Gary J. Fischman

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### ADMISSIONS

Texas

### EDUCATION

South Texas College of Law (JD,  
1993), *summa cum laude*

University of Houston (MBA,  
1987)

Tulane University (BS, 1978)

Gary Fischman's practice focuses on civil litigation in federal and state court and the US Patent and Trademark Office, and is related to patent, trade secret and commercial disputes. He is active in all phases of litigation including pretrial, trial and appellate practice. He is experienced in a wide range of industries including those related to chemical and petroleum technologies, construction, as well as those involving electronics, medical devices, consumer products and mechanical systems. His practice also extends to commercial disputes, including the construction, manufacturing and securities industries, in which Mr. Fischman represented litigants in arbitrations in the International Chamber of Commerce and the National Association of Securities Dealers. In addition to litigation matters, Mr. Fischman also counsels clients on intellectual property enforcement matters, defensive and offensive litigation strategy, freedom to operate, settlement negotiations and technology licensing.

Prior to joining the firm, Mr. Fischman had over 11 years of experience in Engineering, procurement and construction. He worked for Fluor Daniel in Sugar Land, Texas as an engineer servicing worldwide projects in hydrocarbon processing, oil production, pipeline and chemical processing facilities projects. Prior to that, he worked for Tenneco Oil Company as an engineer, providing technical support for a crude oil refinery and petrochemicals facility where he served as a project manager overseeing an extensive engineering, procurement and construction project awarded to Fluor.

From 1995 to 1997, Mr. Fischman was an adjunct professor of law in Pretrial Civil Advocacy at South Texas College of Law in Houston, Texas.

### REPRESENTATIVE MATTERS

- *Halliburton Energy Services, Inc. v. M-I, LLC*. Obtained a summary judgment that invalidated all asserted claims of the patent-in-suit relating to M-I's premier drilling fluid. This result is extremely rare in the Eastern District of Texas, known primarily for plaintiff-friendly settlements, and among the few where a plaintiff-patentee lost all claims on summary judgment.
- *Houston Lighting and Power v. Westinghouse*. Counsel for Westinghouse defending claims of breach of contract, deceptive trade practices and breach of warranty relating to steam generators used in

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nuclear power plant.

- *Phoenix Licensing, LLC v. Chase Manhattan Mortgage Corp. et al.* Counsel for Countrywide in patent infringement suit in the United States District Court for the Eastern District of Texas for automated systems for transacting marketing and sales of financial products.
- *Constellation IP, LLC v. Allstate Corporation et al.* Counsel for Countrywide and Hilton in patent infringement suit in the United States District Court for the Eastern District of Texas concerning computer generated sales presentation system.
- *Ronald A. Katz Technology Licensing L.P. v. American Airlines, Inc. et al.* Counsel for Hilton in patent infringement suit in the United States District Court for the Eastern District of Texas concerning interactive voice response systems used for customer service call centers. Obtained favorable settlement.
- *Ronald A. Katz Technology Licensing L.P. v. American Electric Power Co., Inc, et al.* Counsel for Whirlpool in patent infringement suit in the United States District Court for the Eastern District of Texas concerning interactive voice response systems used for customer service call centers.

## COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Southern District of Texas
- United States Patent and Trademark Office

## PROFESSIONAL AFFILIATIONS

- Member, American Bar Association
- Member, American Intellectual Property Law Association
- Member, Houston Intellectual Property Law Association