



John R. Keville

Partner

John Keville is a partner in Howrey's Houston office. His practice is dedicated to intellectual property litigation, including patent, trade secret, trademark, and copyright litigation. He has been lead trial counsel in patent litigation matters in a number of technologies, including mechanical and chemical oilfield technologies, electronic devices, and digital signal processing. He has also been lead or co-counsel in a number of technology-driven litigations related to the Internet involving trade secrets, trespass, the computer fraud and abuse act, and free speech rights of Internet posters.

In addition, Mr. Keville has litigated patent-related antitrust cases, including cases involving failure to disclose patents to standard-setting organizations and *Walker Process* antitrust claims.

Mr. Keville also counsels clients on intellectual property enforcement and procurement matters, litigation strategy, settlement negotiations, and licensing.

In 2007, *Chambers USA* recognized Mr. Keville as a "true rising star" who "impressed his peers with his successes in litigation in the Eastern District [of Texas]," and in 2008 *Chambers* recognized Mr. Keville as "unbelievably talented" in the field of intellectual property. *Texas Monthly* named him a *Texas Super Lawyer* in 2007 and 2008, and in both years he was selected as one of the *Best Lawyers In America* in intellectual property.

REPRESENTATIVE MATTERS

- *Performance Aftermarket Parts Group, Ltd. v. TI Group Automotive Systems, Inc.* Obtained a judgment of patent infringement after a bench trial. Case settled prior to the damages phase.
- *Halliburton Energy Services, Inc. v. M-I, LLC.* Granted summary judgment invalidating all asserted claims of the patent-in-suit. This result not only protected the continued sales of M-I's premier drilling fluid, but also was a rare result in the Eastern District of Texas. After argument before the Court of Appeals for the Federal Circuit, the summary judgment was unanimously affirmed. Simultaneously in *M-I, LLC v. Halliburton Energy Services, Inc.*, M-I alleged that Halliburton defrauded the Patent Office and engaged in sham litigation in prosecuting the above suit. That litigation, and a second patent infringement suit later filed by Halliburton, were settled with

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ADMISSIONS

Texas

EDUCATION

St. John's University School of
Law (JD, 1995)

New York Institute of Technology
(BSME, 1988)

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Halliburton paying M-I over \$6,000,000 and covenanting not to sue M-I on any related patents.

- *Varel International v. Graham Mensa-Wilmot et al.* Obtained permanent injunctions, the return of all company materials, and over a million dollars in settlement payments from the individual and corporate defendants. In this case that was developed and litigated rapidly, all of the involved former employees ended up subject to polygraph testing, and was settled shortly after a temporary injunction hearing.
- *Javelin Investments et al. v. Angela McGinnis et al.* Obtained three summary judgments in the first copyright case to extensively analyze the junction between a building owner's rights and an architect's copyright interests. The Court dismissed plaintiffs' case and awarded defendants all of their attorneys' fees.
- *Stinger Wellhead Protection, Inc. v. Boyd's Bit Services, Inc.* Protected Stinger Wellhead's trade secrets by obtaining a settlement with a total value of over \$10,000,000 including cash, an injunction, and possession of all defendant's wellhead isolation tools.
- *Parker Barber & Beauty Supply, Inc. v. The Wella Corp.* Successfully defended a leading manufacturer of hair care products in a \$13 million dollar trade secret misappropriation suit filed by a non-renewed distributor. The take-nothing judgment was affirmed in 2006 by the Austin Court of Appeals.
- *Forney Corp. v. Reuter-Stokes, Inc. et al.* Represented a Dallas-based industrial combustion equipment company in patent infringement litigation involving digital signal processing technology applied to flame scanners, and obtained two multi-million dollar settlements for the plaintiff.
- *In re Feinberg.* In a case involving Internet defamation, obtained pre-suit discovery which enabled the plaintiff to determine that many false and improper Internet posting about the plaintiff were in fact posted by a single individual using multiple aliases. The critical discovery was obtained only after overcoming multiple motions, appeals and requests for mandamus that were filed by the website owner – who was supported and joined in the suit by the ACLU. In a later suit, a permanent injunction was entered against the individual.
- *American Airlines, Inc. v. Farechase, Inc.* Co-counsel in the first Texas case to apply trespass theories to the Internet, resulting in an injunction granted in favor of Howrey client American Airlines against the use of robots and screen scrapers on the airline's website.

COURTS & ADJUDICATIVE BODIES

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- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of Texas
- United States District Court for the Western District of Pennsylvania
- United States Patent and Trademark Office

PROFESSIONAL AFFILIATIONS

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

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Internet User Identity Privacy." *Houston Business Journal* (March 2004).

"Intellectual Property Law: A Matter of Opinion." *Texas Lawyer* (December 20, 2004).

SPEECHES

"Strategic Use of PTO Proceedings in Litigation." Managing Patent Prosecution and Litigation Seminar, Houston, TX (May 2007).

IN THE NEWS

"Modern sleuths from law offices are hot on corporate espionage trail." *Houston Business Journal* (August 8, 2008).

"Staying safe in the blogosphere takes effort and foresight." *Houston Business Journal* (April 18, 2008).

"Judge dismisses case against sheriff." *ABC 13 - Houston Eyewitness News* (February 25, 2008).

"Oil patch keeps watchful eye on patent reforms." *Dallas Business Journal* (September 14, 2007).

"Patent protest in oilpatch." *Houston Business Journal* (September 7, 2007).

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"Northern and Southern District Judges Ponder New Patent Rules."
Texas Lawyer (December 18, 2006).

"Missouri City man's blogging protest gets him sued." *ABC 13 - Houston Eyewitness News* (January 13, 2006).