



Stephen L. Lundwall

Partner

Stephen Lundwall's practice focuses on intellectual property and complex commercial litigation, including construction litigation. He has been responsible for a large variety of case matters, including cases and counseling involving patent infringement, trade secret misappropriation, copyright infringement, complex construction counseling and litigation issues, employee non-competition agreements, antitrust, fraud and unfair competition issues. His practice also includes licensing and contract consultation and negotiation.

Stephen L. Lundwall

1111 Louisiana, 25th Floor
Houston, TX 77002-5242
t. +1 713.787.1498
f. +1 713.787.1440

LundwallS@howrey.com

ADMISSIONS

Texas

EDUCATION

Brigham Young University, J.
Reuben Clark Law School (JD,
1990)

Brigham Young University (BA,
1987), *University Honors*
Designate

Mr. Lundwall's experience includes extensive expertise in resolving complex disputes outside and inside state and federal trial courts on matters ranging from billion-dollar commercial, trade secret and patent disputes for large corporations to smaller business grievances for individuals. He also is experienced in oral and written presentations to district and appellate court judges, juries, mediators and arbitrators. Mr. Lundwall is skilled in the negotiation, drafting and closing of numerous complex business agreements and transactions, including technology service agreements, asset purchase agreements, license and employment agreements and settlement agreements. He also has significant experience in pursuing damages claims and defending against damages claims in complex federal and state cases.

Mr. Lundwall serves as the primary partner for *pro bono* matters in the Houston office. He was interviewed by KHOU Channel 11 in Houston for his role in leading the Howrey HELPS program in Houston. See the full story [here](#).

He has also served as an adjunct professor teaching pretrial litigation skills at the South Texas College of Law.

REPRESENTATIVE MATTERS

- *Studiengesellschaft Kohle v. Shell Oil Co.* In a \$30 million patent and contract dispute over plastics technology, prevailed on a summary judgment for the defendant and counterclaimant.
- *Hartford Insurance Co. v. Phillip Morris.* In a misappropriation of a trade secret case against a former agent, prevailed at trial for the plaintiff for full injunctive relief.
- *FDIC v. MCorp.* In a \$100 million breach of contract suit over data processing fees, prevailed at trial for the defendant.
- *Emerson Electric v. General Electric Co.* In a patent infringement

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counter-suit, prevailed at trial for the plaintiff with a jury verdict of over \$1 million.

- *Parker Barber Beauty Supply v. Wella Corp. et al.* In a \$20 million misappropriation of trade secret and breach of fiduciary duty claim, prevailed on a summary judgment for the defendant.
- *Monsanto Co. v. Bayer AG.* In a \$1 billion patent dispute over biotech products, prevailed at trial for the plaintiff.
- *BodyBilt, Inc. v. Neutral Posture, Inc.* In a breach of contract, business disparagement and related tort claims, prevailed on a summary judgment for the defendant and obtained the second-largest sanction award discovered among Texas reported cases against the opposing counsel and plaintiff.
- *Baty v. Hartford Insurance Co.* In a breach of fiduciary duty claim, prevailed on a summary judgment at the district court and on appeal for the defendant.
- *Alcatel v. Samsung Electronics.* In a \$1 billion misappropriation of trade secrets and fraud case regarding telecommunications technology, prevailed in having the plaintiff's damages theory dismissed, eventually leading to favorable settlement of all claims for the defendant.

COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Federal 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 Western District of Michigan

PROFESSIONAL AFFILIATIONS

- Member, American Bar Association
- Member, Houston Bar Association

PRO BONO

- Supervise or handle numerous *pro bono* matters on behalf of Howrey, including helping Houston low-income neighborhoods work to obtain deed restrictions, helping low-income elderly persons negotiate with creditors and avoid bankruptcy and helping victims of torture and abuse in foreign countries obtain asylum in the United States.

COMMUNITY SERVICE

- Board of Directors, Houston Volunteers Lawyers Program, *pro bono*

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arm of the Houston Bar Association

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PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Appealing Administrative Decisions: How To Do It and What To Expect." *The Houston Lawyer* (May 1997).

"An Overview of the Draft Antitrust Guidelines for Intellectual Property." *Manuscript Presented at Legal Education Program* (March 1995).

"Alien Membership to the Constitutional Compact: Fourth Amendment Reasonableness in Foreign Lands-United States v. Verdugo-Urquidez." *BYU L. Rev.* Vol. 319 (1989).

BOOKS

Employee Non-Competition Law. Thompson/West (2005). Editor.

SPEECHES

"Damages and the Patent Reform Act of 2007." Texas Advanced Patent Litigation Course, Lake Tahoe, CA (July 2007).

"Attorney Exculpatory Opinions: Tactics and Maneuvers." Utah IP Summit, IP Section, Utah Bar, Salt Lake City, Utah (February 2005).

"Professional Responsibility and Ethics; Team Litigation; Differences in Federal and State Court Litigation." Howrey Annual New Associate Orientation and Litigation CLE Seminar (2002–2004).

"Contingency Fee Agreements." University of Texas Intellectual Property Conference, Barton Creek Resort, Austin, Texas (1999).

"Antitrust Law and Intellectual Property." University of Texas Intellectual Property Conference, Barton Creek, Austin, Texas (1996).

IN THE NEWS

"Ensuring Justice For All." *KHOU-Channel 11-Houston, TX* (July 4, 2007).