



Floyd R. Nation

Partner

Floyd R. Nation

1111 Louisiana, 25th Floor
Houston, TX 77002-5242
t. +1 713.787.1661
f. +1 713.787.1440

NationF@howrey.com

ADMISSIONS

Louisiana
Texas

EDUCATION

University of Texas School of Law
(JD, 1974), *with honors*

Georgia Institute of Technology
(BME, 1968)

For over 30 years, Floyd Nation has practiced patent law with specific expertise in patent litigation. Mr. Nation has handled patent litigation matters in the mechanical and electromechanical fields, as well as matters involving chemistry, software, business methods, biotechnology and electronics. He has litigated cases concerning a variety of medical devices, oil-field equipment, food processing, semiconductor devices, software and pharmaceuticals. In addition to serving as lead trial counsel in patent matters, Mr. Nation's practice includes counseling clients on patent mediation, licensing and infringement matters.

Mr. Nation is skilled in all aspects of patent litigation including pre-litigation analysis and strategy, case management and planning, trial preparation, jury trials and appellate work. As the lead trial counsel, he obtained a \$46 million jury award in a semiconductor patent case, settled a medical device case near the close of evidence for almost \$50 million and was awarded judgment as a matter of law, thereby avoiding a \$75 million jury verdict.

Mr. Nation has been named a "Texas Super Lawyer" every year since the award was first established. The *2007 Who's Who Legal* guide to the best attorneys in Texas described Mr. Nation as a "notable adversary" in the area of patent law. *Chambers USA* has consistently ranked him among the premier patent litigators in Texas. In 2007, Mr. Nation was once again named to the *Best Lawyers in America* list.

REPRESENTATIVE MATTERS

- *Crystal Semiconductor Corp. v. Opti Inc.* Acted as lead trial counsel in a patent infringement action regarding semiconductor chip design. The jury verdict was affirmed on appeal at the Federal Circuit.
- *Asyst Technologies, Inc. v. Empak Corp.* Acted as lead trial counsel in a patent infringement action regarding a tracking system for a semiconductor wafer fab. Obtained favorable JMOL after jury verdict.
- *Streck Laboratories, Inc. v. Beckman Coulter, et al.* Served as lead trial counsel in a patent infringement action regarding hematology instruments that was settled during trial.
- *Hill-Rom Company, Inc. v. Kinetic Concepts, Inc., et al.* Acted as lead trial counsel in a patent infringement action regarding critical care specialty hospital beds. The verdict was affirmed on appeal by the Federal Circuit.
- *Hyperion Solutions Corp. v. Outlooksoft Corp.* Acted as lead trial

Floyd R. Nation

1111 Louisiana, 25th Floor
Houston, TX 77002-5242
t. +1 713.787.1661
f. +1 713.787.1440

NationF@howrey.com

counsel in a patent infringement action involving accounting methods software. The case was settled after a jury verdict.

- *Kinetic Concepts, Inc. v. Support Systems Int'l, Inc.* Acted as lead trial counsel in a patent infringement action regarding high-tech specialty hospital beds. The case was settled after a jury verdict.
- *Storage Technology Corp. v. Quantum Corp.* Served as lead trial counsel in a multiple patent infringement action involving a magnetic tape storage device and media. The case was settled during trial after a successful preliminary injunction hearing.
- *3M v. Quest.* Acted as lead trial counsel in a patent infringement action regarding I.V. pump design. The verdict was affirmed on appeal by the Federal Circuit.
- *Hughes Tool Co. v. Dresser.* Second-chaired a patent infringement action regarding drill bit design. The verdict was reversed in part on appeal by the Federal Circuit.
- *Deborah Charms v. Guidant Corp. et al.* Acted as lead counsel in a patent infringement action regarding implantable heart defibrillators. Obtained summary judgment that was affirmed on appeal.

COURTS & ADJUDICATIVE BODIES

- United States Supreme Court
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Southern 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 Northern District of California
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the District of Nebraska
- United States District Court for the District of Arizona
- United States Patent and Trademark Office

PROFESSIONAL AFFILIATIONS

- Member, American Bar Association
- Member, American Intellectual Property Law Association
- President, Austin Intellectual Property Law Association, 1991
- Member, Houston Bar Association

Floyd R. Nation

1111 Louisiana, 25th Floor
Houston, TX 77002-5242
t. +1 713.787.1661
f. +1 713.787.1440

NationF@howrey.com

- Member, Houston Intellectual Property Law Association
- Chairman, State Bar of Texas, Intellectual Property Law Section, 1992-1993
- Life Fellow, Texas Bar Foundation

PRO BONO

- Boone and Crockett Club, Chair, Legal Committee.

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"A 'Markman' Hearing Can Determine Case Outcome: It Is Prudent to Have a Litigator Experienced in Drafting Claims and Getting Them through PTO." *The National Law Journal* (May 24, 1999).

"A Strong IP Program: A Necessity of Modern Corporate Life." *World Energy Magazine* Vol. 1, No. 2 (1998).

BOOKS

Nonobviousness-The Ultimate Condition of Patentability. Bureau of National Affairs, Inc. (1980). Part 4, "Proving Section 103 Nonobviousness," edited by John F. Witherspoon. Co-authored with Tom Arnold.