

John H. McDowell, Jr.



Partner

1717 Main Street
Suite 3700
Dallas, TX 75201
P: 214.659.4735
F: 214.915.1432
johnmcdowell@andrewskurth.com

John focuses his practice on patent litigation, and counsels clients on antitrust, intellectual property, and technology issues. He continues to represent longtime clients in complex commercial matters.

John has held various leadership roles within his law firms, including leading litigation sections and being a member of management committees.

REPRESENTATIVE EXPERIENCE

- Defended client electronics manufacturer in various patent litigations
- Defended client telephone company in various proceedings across the United States
- Defended client cell phone manufacturer in a series of patent cases in the Eastern District of Texas
- Defended client in patent matter (chip architecture and methods for efficient function) in the Northern District of Texas
- Negotiated numerous early settlements for defendants in patent litigation across the United States
- Represented patentee in sale of patent portfolio (internet related and cloud computing technologies)
- Obtained dismissal of defendant presbyopia-correcting-surgery patent holder from federal court declaratory judgment action alleging patent invalidity (lack of case or controversy)
- Successfully defended appeal of district court judgment to the U.S. Court of Appeals for the Fifth Circuit (upholding sovereign immunity of Medicare contractor)
- Obtained take-nothing arbitration award on behalf of client insurance broker against claims of international insurance company (two-week arbitration resulted in no-liability award)
- Obtained temporary restraining order for multi-level marketing company (funds on deposit in defendant bank ordered to be relinquished to company)
- Obtained temporary restraining order for oil and gas company (prevented operator from shutting in natural gas wells)
- Defended against application for temporary injunction related to significant sales territory (temporary injunction not issued and TRO lapsed after hearing)
- Tried bench trial for leasing company and defended against usury claims affecting multi-hundred million-dollar lease portfolio (obtained judgment for leasing company for all amounts sought and obtained zero judgment on usury counterclaim)

INDUSTRIES

Alternative Energy
Banking/Financial Services
Electric Energy
Health Care
Hospitality and Hotels
Insurance
Internet/E-Commerce
Manufacturing and Sales
Real Estate
Software/Electrical Technology
Technology and Emerging Companies

PRACTICES

Antitrust Counseling
Commercial Litigation
Health Care Litigation and Compliance
Intellectual Property Counseling and Litigation
Intellectual Property Litigation
Litigation

EDUCATION

JD, 1982, University of Virginia School of Law
BA, 1979, Stanford University

ADMISSIONS

Texas
US Supreme Court
US District Courts for the Eastern, Northern, Southern and Western Districts of Texas

John H. McDowell, Jr.

US Court of Appeals for
the Fifth Circuit

- Defended utilization review company at jury trial where multi-million dollar medical malpractice damages claimed on contractual and tort claims (obtained no liability, zero jury verdict)
- Tried jury trial for individuals and food and drug manufacturing companies against prior management on fraud, tort and contract theories (obtained six figure damages jury verdict and permanent injunction and prevailed (no liability verdict) on all counterclaims)
- Represented national bank in nationwide consumer class action against lender alleging violations of RESPA (Obtained dismissal prior to class certification)
- Obtained summary judgment on key damage and liability claims and favorably settled \$200 million plus claim for multi-national power tool manufacturer
- Counseled banking institutions on Y2K issues with respect to information technology contracts
- Successfully settled and avoided litigation for software and hardware provider on Y2K disputes
- Obtained favorable settlement of claims for data processing company with respect to misrepresentation in purchase of outsourced business
- Represented owners and management of hotel properties in various litigation, including claims for improper management, deidentification, fraud and other issues involving the business of the hospitality industry
- Represented numerous financial institutions in class action, collection and lender liability defense cases

PUBLICATIONS

- Author, "Antitrust 101: Section 1 of the Sherman Act," *Antitrust Litigation, Newsletter of the ABA Section of Litigation Antitrust Committee* (2007)
- Author, "Strategy in Question: The Supreme Court Weighs Antitrust Procedures," *ABA Section of Litigation Litigation Update*, February (2007)
- Co-author, "Effective Markman Presentations," chapter in *Winning Intellectual Property Strategies*, Aspatore Books (2006)

PROFESSIONAL RECOGNITION

- *Best Lawyers in America* (2009 to present)
- Best Lawyers in Dallas, Intellectual Property, *D Magazine* (2005 to present)
- Texas SuperLawyer, Intellectual Property, *Law & Politics Magazine* and *Texas Monthly* (2004 to present)
- Super Lawyers Top Attorneys in Corporate Litigation, Intellectual Property Litigation (2009)
- Member, various Who's Who organizations, including *Who's Who in America*

John H. McDowell, Jr.

BRIEFINGS, SEMINARS & SPEECHES

- Moderator, "Top 10 Privilege and Privacy Blunders in the Digital Age," ABA Section of Litigation Conference (2011)
- Moderator, "The Ten Things Every Patent and Antitrust Practitioner Must Know After Recent Supreme Court Decisions," ABA Section of Litigation Teleconference (2007)
- "Antitrust and Patent Law," Forbes Sky Radio, (2004)
- Author and Lecturer, "Patent Law and Litigation in the United States," SMU Cox Business School MBA Program (2007)
- Moderator, Antitrust and Intellectual Property Trends in the Supreme Court, "A Conversation with Deputy Solicitor General Thomas Hungar, ABA Litigation Section Teleconference Services (2006)
- "Strategies to Ensure Effective Markman Presentations," H&L IP seminar (2006)
- Panelist, Texas Lawyer Intellectual Property Roundtable (2006)
- "U.S. Intellectual Property Law Update 2005," guest lecturer, SMU Cox School of Business EMBA Program (2005)
- "Trends in Litigation Management and Dispute Resolution," Counsel to Counsel Forum (Houston, Texas) (2005)
- "The Nine Antitrust Developments You Should Know About Today," The Texas General Counsel Forum (2005)
- "Record Retention and Destruction — The Andersen Issue, Technology Pitfalls, and Other Lessons," 2002 Annual Tax Symposium (Dallas and San Antonio, Texas)
- "Intellectual Property and e-Law" (guest lecturer), SMU Cox School of Business EMBA Program (2000 - present)
- "Protecting Your Intellectual Property" (workshop co-presenter), SMU Cox School of Business (Caruth Institute), e-Startup: How to Launch The Next Great Internet Company (2000)
- "Internet Resources," Texas Association of Defense Counsel (2000)
- "Litigation Developments 1999" (speaker and author), Dallas Bar Association Corporate Counsel Section (1999)
- "High Tech Resources and Y2K From A2Z" (speaker and author), 33rd Annual Mortgage Lending Institute (1999)
- "The Legal Audit" (speaker and author), State Bar of Texas, "Year 2000 Problem: Computing The Legal Risks for Attorneys and Their Clients" (1998-99)
- "Year 2000 Issues" (speaker and author), State Bar of Texas Litigation Update Institute (1999)
- "Developing Y2000 Computer Controversies," ALI-ABA Course of Study on Civil Practice and Litigation Techniques in Federal and State Courts (1999)
- "Year 2000 Legal Considerations: Are You Doing Enough To Insulate Your Company?" (speaker and author), Corporate Counsel Series (1998)

AFFILIATIONS

- American Bar Association, 1983-present
 - Antitrust Section
 - Intellectual Property Section
 - Litigation Section
 - Antitrust Committee (Co-Chairman, 2006 - 2009)
 - Trial Evidence Committee (Co-Chairman 2009 - present)
- American Intellectual Property Law Association
 - Antitrust Committee
- Dallas Association of Young Lawyers
 - President, 1991
- Dallas Association of Young Lawyers Foundation
 - Chair, Fellows Program (2006)

John H. McDowell, Jr.

- Life Founding Fellow
- Dallas Bar Association
 - Antitrust and Business Litigation sections, 1983-present
 - Director, 1990-91
- Dallas Bar Foundation, Fellow
- State Bar of Texas
 - Antitrust and Business Litigation sections
- Texas Bar Foundation, Fellow
- Texas Young Lawyers Association
 - Director, 1991-93

PRESS RELEASES

- Litigator John McDowell Joins the Dallas Office of Andrews Kurth as a Partner (January 1, 2011)