

### Paige Arnette Amstutz

Paige represents companies in intellectual property litigation involving claims of patent infringement, copyright infringement and trademark infringement. Paige also represents individuals, business entities, professionals and governmental entities in a wide variety of complex commercial litigation, including theft of trade secrets, products liability, contract disputes, real estate disputes, partnership issues, fiduciary litigation, professional malpractice defense, business torts, and premises liability claims.

### Representative Matters

Currently defending four technology companies in patent-infringement lawsuits involving on-chip service capabilities used in integrated circuits. (Western District of Texas, Waco Division, the Honorable Judge Alan Albright presiding).

Currently defending AT&T, Inc. in a patent-infringement lawsuit involving voice-commerce applications. The case is stayed pending IPR. (Western District of Texas, Austin Division, the Honorable Judge Lee Yeakel presiding).

Currently representing record companies that produce, manufacture, distribute, sell and license the great majority of all legitimate commercial sound recordings in this country in a copyright-infringement lawsuit against internet service providers. (Western District of Texas, Austin Division, the Honorable Judge David Ezra presiding).

Defended Motorola Mobility in a patent-infringement lawsuit involving a wireless headset. Along with co-counsel from Kilpatrick Townsend, I tried the case to a complete defense verdict. (Western District of Texas, San Antonio Division, the Honorable Judge Lee Hudspeth presiding).

Defended Motorola Mobility in a patent-infringement lawsuit



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#### RELATED PRACTICE AREAS:

- Commercial Litigation
- Governmental Entity Litigation
- Intellectual Property Litigation
- Pharmaceutical and Medical Device
- Professional Malpractice Defense
- Professional Malpractice, Licensing and Regulation

involving cell phone technology. Along with co-counsel from Winston Strawn, prepared the case for trial in the Honorable Judge Lee Yeakel's court. Reached favorable settlement on the day of trial. (Western District of Texas, Austin Division).

Represented the plaintiff, Engineered Arresting Systems Corporation, in a patent-infringement lawsuit involving a mechanical system to stop aircraft that overrun a runway. Along with co-counsel from Kilpatrick Townsend, secured a favorable claims construction from the Honorable Judge Lee Yeakel. The case favorably settled on the eve of trial. (Western District of Texas, Austin Division).

Defended Schlumberger in a patent-infringement suit brought by a subsidiary of Acacia, a publically-traded non-practicing entity. Along with co-counsel from Latham Watkins, SDM filed a motion to disqualify plaintiff's in-house general counsel, plaintiff's entire legal department, and plaintiff's outside counsel. In addition, SDM requested that the court dismiss the lawsuit. The Honorable Judge Lee Yeakel granted SDM's motion, disqualified all of plaintiff's counsel, and dismissed the lawsuit. (Western District of Texas, Austin Division).

Defended A&A Jewelers Ltd. in a patent-infringement lawsuit involving bracelets. Along with co-counsel from Venable LLP, filed a Motion to Transfer. The Honorable Judge Sam Sparks transferred the case. (Western District of Texas, Austin Division).

Defended the Walt Disney Company in a patent-infringement lawsuit involving video game technology. Along with co-counsel from Erise IP, filed a Motion to Dismiss or Transfer. The Honorable Judge Robert Pitman transferred the case. (Western District of Texas, Austin Division).

Defended Citrix Systems, Inc. in a patent-infringement lawsuit that involved software applications to enhance teleconferences. The case favorably settled after claims construction by the Honorable Judge Lee Yeakel. (Western District of Texas, Austin Division).

Defended Garmin USA in a patent-infringement action that involved a system to aid proper movement during physical activity. Along with counsel from Erise IP, SDM filed a Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(3). The Honorable Judge Fred Biery dismissed the case. (Western District of Texas, San Antonio Division).

Defended Garmin USA in a patent-infringement action that involved systems that use Bluetooth technology. The case settled after favorable claims construction by the Honorable Judge Lee Yeakel. (Western District of Texas, Austin Division).

Defended a substance abuse treatment center against claims of trademark infringement and Lanham Act violations. The case settled favorably just prior to trial. (Southern District of California, San Diego Division, the Honorable Judge Cynthia Bashant presiding).

Currently representing Ethicon, Inc. and Johnson and Johnson in preparing products liability cases filed in multi-district litigation for trial once they are remanded to federal district courts in Texas. (Southern District of West Virginia, Charleston Division, the Honorable Judge Joseph Goodwin presiding).

Represented the owner of a hospital as plaintiff in a misappropriation-of-trade-secrets and breach-of-contract case. After a two-week jury trial with SDM partners, Steve Wingard and Abe Kuczaj, won a plaintiff's verdict in excess of \$11 million. In its verdict, the jury found defendants breached their confidentiality agreement and caused damages to SDM's client. The court also awarded attorneys' fees to SDM's client. (Travis County District Court).

Represented one of the largest law firms in San Antonio, prevailed after more than a week-long jury trial in a breach-of-fiduciary-duty case. Plaintiff, a former client of the San Antonio firm, sued alleging legal malpractice and breach

of fiduciary duty and sought damages in excess of \$40 million. After defeating plaintiff's legal malpractice claims and establishing the client had suffered no damages, as a matter of law, the jury trial proceeded solely on the issue of whether defendants breached their fiduciary duties. In its verdict, the jury unanimously found in favor of SDM's client. The court then entered a final judgment that the plaintiff take nothing and imposed costs on the plaintiff. Plaintiff did not appeal the judgment. (Bexar County District Court).

Represented Austin's municipally-owned utility, Austin Energy, in a complex contractual dispute over electric transmission congestion in association with a West Texas wind farm. After a nearly two-week jury trial, jury verdict in favor of Austin Energy, which was upheld on appeal. (Travis County District Court).

Represented a jewelry store in claims against an alarm-monitoring company following a burglary of the jewelry store. After a week-long jury trial with SDM partner Ryan Squires, won a plaintiff's verdict in favor of SDM's client. (Travis County District Court).

Successfully defended a large national hotel chain in premises liability and dram shop cases.

Successfully defended a large national retail chain against claims for discovery sanctions made in premises liability cases filed all over the country.

Obtained numerous summary judgments and dismissals for clients in employment-related litigation involving claims of age discrimination, race discrimination and defamation.

Represented landowners, developers, general and limited partners, landlords and tenants in all types of disputes related to real estate development, including contract, breach of fiduciary duty, fraud, lease disputes, and easement disputes.

## **Recognitions & Awards**



Selected for The Best Lawyers in America in Commercial Litigation, 2020

Super Lawyers, The Top Women Attorneys in Texas, 2020

Texas Super Lawyer, a Thomson Reuters business, Business Litigation 2014 - 2020

Texas Rising Star, a Thomson Reuters business, 2011

### **Bar Admissions & Activities**

Admitted to the State Bar of Texas, the United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas, the United States Court of Appeals, Fifth Circuit, and the United States Supreme Court.

Fellow, Texas Bar Foundation

Fellow, Travis County Women Lawyers' Foundation

Member, Civil Litigation Section, Austin Bar Association

Sustaining Member, Austin Young Lawyers Association

### **Education**

Texas A&M University, B.B.A., Management, cum laude with Foundation Honors, 1993

University of Houston Law Center, J.D., 1996

### **Selected Reported Cases**

*Interactive Toybox, LLC v. The Walt Disney Company*, Civil Action No. 1:17-CV-1137-RP, 2018 WL 5284625 (W.D. Tex. October 24, 2018).

*Dynamic 3D Geosolutions, LLC v. Schlumberger Limited (Schlumberger N.V.), Schlumberger Holdings Corporation*



*and Schlumberger Technology Corporation*, Cause No. A-14-CV-112-LV, 2015 WL 4578681 (W.D. Tex. March 31, 2015)

*Smith v. O'Donnell*, 288 S.W.3d 417 (Tex. 2009)

*FPL Energy Upton Wind I, L.P. v. City of Austin*, 240 S.W.3d 456 (Tex. App.—Amarillo 2007, no pet.)

### **Articles & Presentations**

Co-Author, "Survey of Selected Evidentiary Issues in Employment Law Litigation," 50 *Baylor Law Review* 415 (1998).