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## David E. Warden

*Background:* Born February 25, 1950 in Indianapolis, Indiana. Admitted to Bar, 1982, Texas. Licensed to practice in all Texas state courts, the U.S. District Court of Texas (Southern and Western District), the U.S. District Court of Michigan (Eastern District), the U.S. Fifth Circuit Court of Appeals, the Federal Circuit Court of Appeals, the U.S. Supreme Court, and the U.S. Patent & Trademark Office.

*Education:* University of Virginia (J.D., 1981). Purdue University (B.S. Engineering, 1972; M.S. Engineering, 1973).

*Prior Employment:* Partner, Baker Botts LLP, Houston; Engineer, Exxon Corp.

*Bar and Related Activities:* Member, State Bar of Texas, Houston Bar Ass'n, London Court of Int'l Arbitration, Int'l Bar Ass'n. Participated as arbitrator in Vis (East) Moot Competition in Vienna, Austria (2003, 2006) and Vis Moot Competition in Hong Kong (2004-06). Board of Directors, Audit Committee (Chair), Encore Bank, Houston (2001-present). Adjunct Professor, Dep't of Engineering, Rice University.

*Publications/Speeches:* "Identifying, Preserving, and Defending Trade Secrets," Journal of Petroleum Technology (2006); "Intellectual Property Litigation for Trial Lawyers," University of Houston (2006); "Don't Settle Your License Away," 69 *Texas Bar Journal* 126 (2006); "Jury Testing & Selection in the USA," Nagashima, Ohno & Tsunematsu, Tokyo, Japan (2005); "An Overview of Intellectual Property Litigation in the USA," Tsinghua Univ., Beijing, China (2004); "An Overview of Intellectual Property Litigation Issues," Univ. of Houston Law Found. (2004); "U.S. Patent Practice: Principles and Particularities for the European Practitioner," A.S.P.I., Paris, France (2004); Les Grandes Series Fonction Finances, Montreal, Canada (2002); "Trade Secrets and Patents: Comparison and Contrasts in Royalty Determination," Les Nouvelles (2000); "How to Quantify Trade Secrets Theft," Managing Intellectual Property (2000); "Trade Secret Protection for Software from Conception to Product," National CLE Conference, Law Educational Institute, Inc. (1999); "Intellectual Property Litigation: An Overview," Advanced Bus. Litigation Seminar, Univ. of Houston Law Found. (1998); "Punitive Damages: Preparing the Plaintiff's and Defendant's Case," Litigation and Trial Tactics Seminar, Univ. of Houston Law Found. (1997); "Price Erosion as Factor in Patent Damages," 30 *Les Nouvelles* 69 (1995), Licensing Executive Society.

*Reported Cases:* *Adrian v. SUPERCHIPS, Inc.*, 2007 WL 200943 (C.A. Fed. 2007); *Eddins v. Redstone*, 35 Cal.Rptr.3d 863 (Cal.App. 2005); *Wright v. Sage*, 137 S.W.3d 238 (Tex. App. 2004); *Cleveland v. Viacom, Inc.*, 166 F.Supp.2d 535 (W.D. Tex. 2001); *Bareford v. General Dynamics Corp.*, 973 F.2d 1138 (5th Cir. 1992); *Hotvedt v. Schlumberger Ltd.*, 925 F.2d 119 (5th Cir. 1991), 914 F.2d 79 (5th Cir. 1990); *Hernandez v. Houston Lighting & Power*

*Co.*, 795 S.W.2d 775 (Tex. App. 1990); *Houston Lighting & Power Co. v. Wheelabrator Coal Servs. Co.*, 788 S.W.2d 933 (Tex. App. 1990); *Southern Co. Mut. Ins. Co. v. Powell*, 736 S.W.2d 745 (Tex. App. 1987); *Kelly v. Lee*, 736 S.W.2d 750 (Tex. App. 1987); *CTS Corp. v. Dynamics Corp.*, 481 U.S. 69 (1987).

*Languages:* French.

*Certifications:* Texas Board of Legal Specialization, Civil Trial Law (1989-present).

*Honors and Awards:* Named one of State's "Super Lawyers" (Business Litigation), *Texas Monthly*; named one of Houston's Top Lawyers (Business Litigation), *H Magazine*.