



Brian Simmons

OF COUNSEL

Brian E. Simmons focuses his practice on intellectual property matters including patent and trade secret litigation; patent counseling; due diligence investigations for investments, acquisitions and divestitures; technology transfer, joint development and other research agreements; licenses; transactions involving IP; and risk consulting.

Mr. Simmons has represented clients in a variety of matters in the chemical arts, an area in which he served as a senior research chemist prior to practicing law. His experience includes matters involving complex technologies such as ethylene oxide catalysts and processes; acetic acid catalysts and processes; polymerization catalysts, products, and processes; polymeric composites; coatings; film and fiber processing; oil and gas exploration and production; medical devices and related biologic compositions; pharmaceuticals; and herbicide formulations. His non-chemical experience includes interactive voice response systems, prepaid cellular telephone systems, semiconductor manufacturing processes, speech and audio compression technologies, and other computer and software related technologies, as well as tool design and farming implements.



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Mr. Simmons has substantial experience in all aspects of managing and preparing cases for trial, including pre-filing investigations and counseling, formulating case strategy, engaging in and directing all phases of discovery, retaining and working with expert witnesses, preparation and presentation of fact and expert witnesses, claim construction briefing, preparation of dispositive motions and appellate briefing.

Mr. Simmons also counsels clients on their ability to practice their valuable technology and to recognize potential competitive advantages and licensing and acquisition opportunities vis-a-vis their competitors. He has conducted intellectual property due diligence assessments of targets for acquisition, licenses, and other transactions. Mr. Simmons analyzes and prepares opinions regarding freedom to operate, patentability, and validity, and advises clients on how to manage and assemble their patent portfolios. Prior to practicing law, Mr. Simmons worked for Dow Plastics from 1990 to 1995 as a senior research chemist in the areas of polymer design, polymer processing and additives research.

Representative Cases

- *In re Katz Interactive Call Processing Patent Litigation* – Representation of multiple defendants including GE, GM, Ford, GMAC, Marriott, Hilton, WellPoint, Safeway, ConEd, Costco, Whirlpool, Sierra Pacific, DTE, and Morgan Stanley in a case involving a large interactive voice communication systems patent portfolio. Multiple cases were consolidated by the Multi-District Litigation (MDL) Panel in the Central District of California, bringing about the largest MDL patent case in history.
- *Ronald A. Katz Technology Licensing, L.P. v. Continental Airlines, Inc.* – Representation of Continental Airlines in complex patent infringement litigation involving a large interactive voice communication systems patent portfolio, which resulted in a favorable settlement for the client. – *Ronald A. Katz Technology Licensing L.P. v. Citibank, N.A. et al.*
- Representation of Discover Financial Services in patent infringement litigation involving interactive voice response systems used for customer service call centers, which resulted in a favorable settlement for the client.



- *Chevron Phillips Chemical Company L.P. v. BASF* – Counsel for Chevron Phillips in patent infringement litigation in the Southern District of Texas concerning styrene butadiene copolymers.
- *Ronald A. Katz Technology Licensing L.P. v. Verizon Communications, Inc. and Celco Partnership d/b/a Verizon Wireless*
- Representation of Verizon Wireless in patent infringement litigation involving interactive voice response systems used for customer service call centers, which resulted in a favorable settlement for the client.
- *Verizon California Inc. v. Ronald A. Katz Technology Licensing, L.P.* – Representation of Verizon California Inc., a subsidiary of Verizon Communications, in patent infringement litigation involving a large interactive voice communication system patent portfolio, which resulted in a favorable settlement for the client.
- *Celanese International Corporation v. Millennium Petrochemicals, Inc.* – Representation of patent owner Celanese in patent infringement litigation involving acetic acid catalysts and processes, which resulted in a favorable settlement for the client.
- *Union Carbide v. Shell* – Representation of Shell in patent infringement action litigation involving ethylene oxide catalysts and processes for making ethylene oxide. After two trials and two appeals to the Federal Circuit, the case settled.

Education

- University of Houston Law Center, JD, Magna Cum Laude
- Texas Tech University, BA (Chemistry), Magna Cum Laude

Awards & Honors

- Texas Rising Star, 2006-2008
- *The Best Lawyers in America*, 2024-present
- *Texas Super Lawyers*, 2024

Professional Affiliations

- State Bar of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Southern District of Texas
- American Bar Association, Member
- American Intellectual Property Law Association, Member
- Houston Bar Association, Member
- Houston Intellectual Property Law Association, Member
- Texas Bar Foundation, Life Fellow

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