



Lucas T. Elliot

Partner

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Industries

Energy

Oil, Gas & Minerals

Technology

Practice Areas

Business & Commercial
Litigation

Acquisitions &
Divestitures

China Desk

Copyright

Intellectual Property

International Services

Latin America Desk

Litigation

Private Equity & Venture

Bar Memberships

Tennessee

Texas

Lucas represents U.S. and foreign clients as plaintiffs and defendants with their intellectual property (IP), commercial and complex tort disputes in federal and state courts, and in arbitrations throughout the United States. His clients include organizations and individuals in industries that span oil & gas, energy, entertainment, telecommunications, computer hardware and software, e-commerce, technology development and consulting, real estate and insurance. Lucas also conducts litigation and IP training seminars in the United States and Asia.

Earlier in his career, Lucas focused his practice on complex tort litigation, representing commercial property owners in premises liability litigation involving criminal acts of third parties, defending law firms and attorneys in professional malpractice litigation, and handling bad faith insurance litigation. He has also litigated matters involving bankruptcy and real estate claims.

Lucas's Relevant Experience

Loss of Well Control Litigation

Defended a multinational oil & gas services company in cases arising out of the 2010 Deepwater Horizon blowout and subsequent oil spill. The company was dismissed at the close of plaintiffs' case during the New Orleans federal court's Phase One trial.

Defended a multinational offshore drilling verification company in Houston federal court action alleging property damages exceeding \$65 million relating to a blowout on a drilling rig in the Gulf of Mexico.

Commercial Litigation

Defended world's leading educational learning company in Houston federal court action alleging inadequate earn-out payments pursuant to an Agreement and Plan of Merger between the parties.

Defended an international airline carrier in Georgia federal court class action alleging RICO violations relating to the collection of a Mexican tourism tax by the airline from passengers traveling on flights between the United States and Mexico. The Court granted defendants' motion to dismiss with prejudice, which was affirmed by the U.S. Court of Appeals for the Eleventh Circuit.

Tort Litigation

Serve as National Asbestos & Silica Coordinating Counsel for the world's largest oil & gas technology company, handling or managing hundreds of wrongful death and personal injury lawsuits in over twenty (20) states.

Defended a multinational corporation in state court action against wrongful death and survival claims alleging vicarious liability, joint enterprise liability, negligence and gross negligence relating to a multi-fatality truck accident. The Court granted summary judgment for corporation shortly before trial.

Defended an oil & gas services company in state court action against wrongful death claims alleging negligence and gross negligence relating to a multi-fatality truck accident involving allegations of distracted driving.

Defended a multinational oil & gas company in state court maritime action alleging permanent disabilities and post-traumatic stress disorder from injuries Plaintiff sustained while attempting to board a vessel in Norway in icy conditions.

Patent Litigation

Defended a leading specialty chemical supplier in Delaware federal court action brought by its largest competitor alleging infringement of multiple patents involving dry lubricant technology for use on conveyor systems in bottling plants. Following a one-week jury trial, the court entered judgment that the client did not infringe any of the asserted patents.

Defended the largest dental lab network in the United States in Houston federal court action alleging infringement of a reissued patent involving a template for drilling holes during oral surgery for dental prosthetics. The court granted judgment for our client on the eve of trial finding the patent invalid for violating the rule against recapture.

Defended a multinational oil & gas services company in Houston federal court action alleging infringement of multiple patents related to top drive technology for drilling oil and gas wells. The case settled during trial on very favorable terms.

Defended a financial trading company in New York federal court action alleging infringement of five patents relating to financial data compression technology. Following a successful *Markman* hearing, the Court granted defendants' motion for summary judgment of non-infringement, which was affirmed by the Federal Circuit.

Defended a financial data company in Delaware federal court action alleging infringement of patents relating to real time transmission of financial data to mobile devices. Following a successful *Markman* hearing, the Court granted defendants' motion for summary judgment of non-infringement, which was affirmed by the Federal Circuit.

Represented a leading provider of digital wireless telephony technology and product platforms in Dallas federal court action alleging infringement of standard essential patents involving wireless telecommunications against a major manufacturer of terminal units and infrastructure products. After 10 years of litigation, the company received a worldwide, royalty-bearing license agreement.

Defended the leading manufacturer of hand-carried diagnostic ultrasound medical devices in Houston federal court action alleging infringement of patent relating to ultrasound technology. The Court granted summary judgment of invalidity shortly before trial, which was affirmed by the Federal Circuit.

Defended Taiwan's largest PC manufacturer in Eastern District of Texas federal court action alleging infringement of patents relating to JPEG image compression technology. Following a successful *Markman* ruling, the case settled for a nominal payment.

Defended a Chinese manufacturer in Chicago federal court action alleging infringement of patents relating to plumbing products. The case settled on favorable terms following mediation.

Negotiated a favorable settlement shortly before trial for a large Korean PC manufacturer in Houston federal court action alleging infringement of 11 computer hardware and software patents held by a multinational computer company.

Copyright and Entertainment Litigation

Defended award-winning Nashville restaurant in Nashville federal court action brought by photographer alleging copyright infringement and injunctive relief for the alleged unauthorized use of copyrighted photographs in the restaurant's social media marketing and advertising. The case settled on favorable terms following mediation.

Defended global music entertainment company in Nashville federal court action brought by the estate of a well-known musical artist from the 1970s alleging breach of letters of direction, breach of artist agreements, and conversion of funds. The case settled on favorable terms following mediation.

Defended global music entertainment company in Nashville federal court class action brought by well-known musical group from the 1970s alleging breach of contract and fraud relating to the payment of digital streaming royalties. The case settled on favorable terms shortly after the Court denied Plaintiffs' motion for class certification.

Defended two renowned Hollywood film production companies in Houston federal court action against copyright claims involving *The Sixth Day*, starring Arnold Schwarzenegger. The case settled on very favorable terms shortly before trial while defendants' motion for summary judgment was pending.

Software Litigation

Defended a leading publishing company in a pre-suit claim brought by a software vendor alleging that company had used the software product in violation of the terms and conditions of the applicable license agreements.

Defended an integrated worldwide aviation product and support company that custom designs maintenance, repair, and overhaul software for use with on-ground aircraft maintenance programs in a state court action brought by two regional commercial airlines alleging breach of contract and fraud in connection with the delivery and performance of the software.

Defended an Internet website design and software implementation company in an arbitration action before the American Arbitration Association brought by a leading Internet-based provider of at-home groceries alleging negligence, breach of contract, misrepresentation, and fraud in connection with the design, development, and implementation of the hardware and software necessary to create a new Internet website.

Defended a leading systems integration and business consulting firm in a state court action brought by a diversified facilities service company alleging negligence, misrepresentation, and fraud in connection with the installation and implementation of an Oracle payroll software package and technical support services.

Defended the nation's leading provider of back office systems for the securities brokerage industry in a pre-suit dispute with a broker/dealer involving the installation and maintenance of the client's software package and related modules.

Other Info About Lucas

Education

Tulane University Law School, J.D., 1989, *cum laude*

Rice University, B.A., 1986

Clerkships

United States District Court for the Southern District of Texas, Sim T. Lake III, 1989–1990

Courts

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 Sixth Circuit

United States District Court for the Middle District of Tennessee

United States District Court for the Western District of Tennessee

United States District Court for the Northern District of Texas

United States District Court for the Southern District of Texas

United States District Court for the Eastern District of Texas

United States District Court for the Western District of Texas

Recognition

Texas Super Lawyers, 2010–2013

The Best Lawyers in America®, Commercial Litigation, 2013–2027

Professional Affiliations

American Bar Association

Federal Bar Association

Houston Bar Association

Civic Activities

Economic Club of Nashville, Member

Texas Bar Foundation, Sustaining Life Fellow

Houston Bar Foundation, Continuing Life Fellow

Featured Articles

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