

DAVID E. DUNHAM

TAYLOR DUNHAM, L.L.P.

301 Congress Avenue, Suite 1050
Austin, Texas 78701

Telephone (512) 473-2257
Facsimile (512) 478-4409
ddunham@taylordunham.com

CURRICULUM VITAE

Born August 8, 1962 in Fort Worth, Texas

Admitted 1988, State Bar of Texas

Admitted to practice before: U.S. District Court for the Western District of Texas
U.S. District Court for the Northern District of Texas
U.S. District Court for the Eastern District of Texas
U.S. District Court for the Southern District of Texas
U.S. Court of Appeals for the Fifth Circuit

Professional Associations: Austin Bar Association, Austin Young Lawyers Association,
American Bar Association

Practice Areas: Commercial Litigation, Intellectual Property Litigation, Securities
Litigation and Arbitration, Professional Liability Litigation, Labor and
Employment Litigation

AV-rated by Martindale-Hubbell Law Directory

Board Certified — Civil Trial Law — Texas Board of Legal Specialization

Recognized as Super Lawyer by Texas Monthly for five years, including 2007, 2008, 2009,
2010 and 2011.

EDUCATION

UNIVERSITY OF TEXAS SCHOOL OF LAW, Austin, Texas Doctor of Jurisprudence, <i>with honors</i>	1988
VANDERBILT UNIVERSITY, Nashville, Tennessee Bachelor of Arts, <i>magna cum laude</i>	1984

EXPERIENCE

TAYLOR DUNHAM, L.L.P. Partner	1994 – PRESENT
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. Associate in Litigation Section, Austin office	1988 – 1994

LITIGATION

Lead counsel representing plaintiff telecommunications company in contract dispute case; \$35,411,313.43 judgment entered in favor of plaintiff. Teleplus, Inc. v. Avantel, S.A., No. SA 98-CA-849 WWJ, 2003 WL 23282491 (W. D. Tex. Apr. 9, 2003); In re Avantel, S.A., 343 F.3d 311, 61 Fed. R. Evid. Serv. 1542 (5th Cir. 2003).

Lead counsel representing management buyout group in contract and fraud case; following hearing on the merits, arbitration panel awarded management buyout group \$2.5 million. Sierra Microwave Technology, Inc. v. Mitchell Family Trust; American Arbitration Association No. 70 160 0017100.

Lead counsel representing plaintiff in premises liability case; after verdict for plaintiff, judgment entered in the amount of \$9,005,206.72. Joseph Kropka v. KML, Inc.; Cause No. 98-14058; 201st District of Travis County, Texas.

\$2.4 million recovered in cash and future royalties in confidential settlement of trade secret and breach of contract case.

\$2.2 million, plus ongoing royalty arrangements, obtained in confidential settlement agreements in litigation asserting mp3-related patents.

Trial counsel for publicly traded Canadian-based company and its international subsidiaries in the defense of an \$80 million fraudulent transfer suit by a Chapter 7 bankruptcy trustee. Obtained a final judgment of no liability for our clients after a two week trial. (Ingalls v. SMTC Corp., et al., Adversary No. 06-1283, in the U.S. Bankruptcy Court, Western District of Texas, Austin Division)

Lead counsel in patent infringement case asserting keyboard and keypad patents; confidential settlement reached; Andrew Katrinecz and David Byrd vs. Adesso, Inc., and Anyware Computer Accessories, Inc., et. al.; Cause No. 2:08-CV-00236; In the United States District Court for the Eastern District of Texas.

Lead counsel in patent infringement case asserting keyboard and keypad patents; confidential settlement reached; Andrew Katrinecz and David Byrd vs. Trust International, B.V., Lighthouse Brands, LLC, and D&H Distributing Company; Cause No. 2:08-CV-00363; In the United States District Court for the Eastern District of Texas.

Lead counsel for wireless company asserting patent infringement claims; confidential settlement reached; Aerielle, Inc. vs. Monster Cable Products, Inc.; Cause No. 2:06-CV-00382; In the United States District Court for the Eastern District of Texas.

Lead counsel for wireless company asserting patent infringement claims; confidential settlement reached; Aerielle Technologies, Inc., and Aerielle, Inc. vs. Coby Electronics Corp.; Cause No. 2:07-CV-00452; In the United States District Court for the Eastern District of Texas.

Lead counsel for wireless company asserting patent infringement claims; confidential settlement reached; Aerielle Technologies, Inc., and Aerielle, Inc. vs. Philips Electronics North America Corporation and DLO Holdings, Inc.; Cause No. 2:08-CV-00270; In the United States District Court for the Eastern District of Texas.

Lead counsel for wireless company asserting patent infringement claims; confidential settlement reached; Aerielle Technologies, Inc., and Aerielle, Inc. vs. SIIG, Inc.; Cause No. 2:08-CV-00368; In the United States District Court for the Eastern District of Texas.

Lead counsel for wireless company asserting patent infringement claims; confidential settlement reached; Aerielle Technologies, Inc., and Aerielle, Inc. vs. Macally Peripherals, Inc. and Mace Group, Inc. d/b/a Macally U.S.A.; Cause No. 2:08-CV-00415; In the United States District Court for the Eastern District of Texas.

Recovered \$1.7 million for intellectual property holding company in breach of fiduciary duty, fraud and legal malpractice action.

Lead counsel representing biomedical engineer in partnership dispute regarding medical device patents and royalties; confidential settlement reached at arbitration final hearing. Christopher Boyle, derivatively on behalf of ABPS Venture One, Ltd., or alternatively in his individual capacity v. Advanced Bio Prosthetic Surfaces, Ltd., ABPS Management, L.L.C., Christopher Banas, Dr. Julio Palmaz, Oak Court Partners, Ltd., and Phillip Romano, Respondents and ABPS Venture One, Ltd., nominal Respondent; American Arbitration Association No. 70 180 Y 00655 04.

Lead counsel representing Chief Technical Officer of local technology company in confidential proceeding, resulting in the successful licensing of 57 patents owned by client.

Class counsel in statewide unfair debt collection class action involving 90,000 class members; \$7.2 million settlement approved by court. Pamela Smith v. Dean Witter, Inc.; Civil Action No. SA-97-CA-1106; United States District Court for the Western District of Texas .

Represented bankruptcy trustee against hedge fund and various related officers and directors; confidential settlement reached before trial. Joseph D. Martinic, Chapter 11 Trustee for WSNNet Holdings, Inc. v. Cerberus Capital Management LP, Stephen Feinberg, et. al., Cause No. GN 200604, 200th District Court, Travis County, Texas.

Lead counsel representing claimants in securities arbitration and obtained a \$345,000 award. Johnny J. Torrez and Sylvia A. Torrez v. Brookstreet Securities Corporation; NASD Dispute Resolution Arbitration Number 04-06327.

Lead counsel representing plaintiff in defamation and invasion of privacy case against radio station; verdict for plaintiff \$455,000; judgment affirmed on appeal. Debby Wilie v. KJFK, Shamrock Communications, Inc. and Bill Simonson; Cause No. 98-07677; 261st District Court of Travis County, Texas; Shamrock Communications, Inc. d/b/a KJFK v. Wilie, No. 03-99-00852-CV, 2000 WL 1825501 (Tex. App.-Austin Dec. 14, 2000, pet. denied) (not designated for publication).

Lead counsel representing plaintiff in age discrimination case; jury returned verdict of \$390,000 in first phase of trial and found malice for punitive damages; case settled before second phase of trial on punitive damages. Roberta Dreyer v. SCG Realty Services, Incorporated; Cause No. 95-03790; 201st District Court of Travis County, Texas.

Co-lead counsel defending semiconductor company in patent infringement case. Crystal Semiconductor Corp. v. SigmaTel, Inc.; Civil Action No. A-99-CA-558-SS; United States District Court for the Western District of Texas.

Lead counsel representing reinsurance agency against London reinsurance broker in fraud, negligent and breach of contract case; confidential settlement reached before trial. Reinsurance International Services Company, L.L.C. v. Lambert Fenchurch Group, Limited, et. al., Cause No. 99-00745, 98TH District of Travis County, Texas.

Lead counsel representing plaintiff in FLSA and defamation case; confidential settlement obtained at trial. Robin Martin v. Ralph McElroy & Associates, Ltd. d/b/a Ralph McElroy Translation Company; Civil Action No. A-94-CA-344-SS; United States District Court for the Western District of Texas.

Lead trial counsel defending semiconductor design firm in sex discrimination case; defense verdict and take-nothing judgment entered. Ruth Stott v. Industrial Design Corporation; Civil Action No. A-95-CA-618 SC; United States District Court for the Western District of Texas.

Lead counsel defending electrician in fire case; defense verdict and take-nothing judgment entered in favor of electrician. David Pickens and Barbara Pickens v. Doyle Wilson Homebuilder, Inc. and Terry Maxwell Electric, Inc.; Cause No. 96-07260; 200th District of Travis County, Texas; Doyle Wilson Homebuilder v. Pickens, et al., 996 S.W.2d 387 (Tex. App.-Austin 1999).

Lead counsel representing defendant in premises liability case; defense verdict and take-nothing judgment entered. Charles Larry Hufford, Sr. v. Bert's Dirt; Cause No. 94-11436; 201st District of Travis County, Texas.

Lead counsel representing 30 tenants in mass action and obtained confidential settlement. Jayne McCoy, et al. v. Bridge-Oak Lodge, Ltd. and Bridge Partners; Cause No. 239024; County Court at Law Number One of Travis County, Texas.