



Max L. Tribble

Partner

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Overview

Max Tribble, serving as lead counsel, **secured a jury verdict of \$706.2 million** for client, HouseCanary in a misappropriation of trade secret and breach of contract case related to HouseCanary's innovative technology for valuation, appraisal and real estate analytics. At the conclusion of the seven week trial, a 12-person jury found unanimously in favor of HouseCanary, awarding HouseCanary \$706.2 million against Title Source, an affiliate of Quicken Loans, on counterclaims in this high-stakes legal battle. The award was [finalized in October 2018](#) and in 2019, a judge confirmed the jury award in full and allowed a judgment of more than \$740 million (including prejudgment interest and attorney fees) to stand. This landmark win has been featured as a top story of the week by [Texas Lawyer](#) and covered by [The Wall Street Journal](#), [Bloomberg](#), [Dallas News](#) and [Law360](#). It was also featured on Law360's "[How They Won It](#)" series and was highlighted in Susman Godfrey's recent "[Intellectual Property Practice Group of the Year](#)" recognition by Law360. Lawdragon profiled the win in their feature story, "[Revenge of the Hatchlings: How Susman Godfrey Won Almost a Billion Dollars for HouseCanary](#)" and *National Law Journal* named Tribble a [Winning Litigator](#) (ALM) for this win. The verdict also appeared at number one on *Texas Lawyer's* 2019 [Intellectual Property Hall of Fame](#). Tribble was also recently featured on [Great Trials Podcast: Conversations with America's Leading Trial Lawyers](#) along with co-lead counsel, discussing the three-month jury trial. Read more about the case [here](#).

Max Tribble, a permanent member of Susman Godfrey's Executive Committee, is well-recognized as one of the premier trial lawyers in America. He has obtained momentous victories for plaintiffs and defendants in a diverse range of commercial lawsuits. He has handled over a hundred cases in various fields, including:

- Misappropriation of Trade Secrets
- Trusts & Estate Law
- Patent Infringement
- Insurance Law
- Breach of Contract
- Bankruptcy
- Fraud
- Shareholder Rights
- Antitrust
- Product Defect
- Unfair Competition
- Negligence
- Breach of Fiduciary Duty
- Tax Law

Tribble is widely recognized in his field.

"Max Tribble comes recommended for his highly successful litigation practice. He regularly represents clients in trade secrets and patent disputes, with notable expertise in the oil and gas and technology sectors. Sources describe him as "a terrific lawyer who handles very sophisticated matters" and highlight his "good

intuition.”

– As quoted in [Chambers USA 2020 Rankings](#)

“[Max Tribble] a true delight, very creative, and just a great lawyer.” He has a strong litigation practice, with broad experience covering disputes over patents, trade secrets and licensing issues.

– As quoted in [Chambers USA 2019 rankings](#)

“[Max Tribble’s] level of intelligence and strategic nous really sets him apart. Though formidable for opponents, he partners well and makes great use of the expert advice available to him”

– As quoted in the 2017 IAM Patent 1000 Leading Patent Professionals in Texas

“Max Tribble has an enviable record securing favorable results for plaintiffs in patent disputes, usually with an electrical engineering and software bent. Sources remark, with knowing understatement, that he “knows his way around a courtroom.”

– As quoted in the 2015 Chambers USA rankings

Note: The testimonials above and the prior case outcomes below do not constitute a guarantee, warranty or prediction regarding the outcome of your legal matter.

Tribble has taken on industry giants such as Apple, Samsung, American Express, Oppenheimer, Comcast, Lehman Brothers, Google, Microsoft, Intel, Wyeth Labs, IBM, AMD, Oracle, and TSMC.

For example, Tribble represented his client MicroUnity in a hard-fought patent infringement action against Intel and forced Intel to pay his client \$300 million to license the MicroUnity patents. In follow-up cases, Tribble represented MicroUnity in cases against Apple, Samsung, AMD, and Texas Instruments—each of which also paid to license the MicroUnity patents.

Tribble represented Barcelona-based Fractus, S.A., against the entire cell phone industry to enforce Fractus’ antenna patents. While the rest of the industry paid to license the patents before trial, defendant Samsung did not. At trial, Tribble handled opening arguments, the key witnesses, and closing arguments. The jury awarded Fractus \$38 million. The case settled during appeal. Tribble is now representing Fractus in a similar lawsuit against mobile phone technology company, ZTE. To date, Tribble has recovered over \$100 million in settlements and licenses for Fractus.

Tribble also represented Two-Way Media at trial against AT&T in a case relating to video streaming. The jury awarded \$40 million with interest. The final judgment was affirmed by the Federal Circuit Court of Appeals and was later settled.

In the Northern District of California, Tribble was lead trial attorney representing UniRam Corporation against chip giant Taiwanese Semiconductor Manufacturing Corporation (TSMC) for theft of trade secrets relating to embedded DRAM chips. The jury returned a verdict of over \$30 million, and the case settled during

Tribble is currently lead counsel for Preston Marshall in the largest will and trust dispute in the world. Tribble represents Preston in 16 cases relating to disputes over the J. Howard Marshall estate that was previously litigated by Anna Nicole Smith and related Marshall family businesses. So far, Tribble has obtained three temporary restraining orders and two temporary injunctions freezing a huge amount of assets and restraining depletion of assets from over a half dozen family trusts pending trial.

Tribble is named on Lawdragons’s List of the [Top 500 Attorneys in America](#). Benchmark Litigation has named Tribble a ‘Local Litigation Star’ in both General Commercial Litigation and Intellectual Property and he has been honored in [Best Lawyers](#) for both Intellectual Property and Patent litigation. Tribble has been named a Super Lawyer by *Texas Super Lawyer* in every year since 2005.

Education

- University of Texas, 1985
- Harvard Law School, 1988

Honors and Distinctions

- *Lawdragon* 500 Leading Litigator ([2022](#))
- [Litigation Star](#), Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- “[Legend](#)”, *Lawdragon* (Lawdragon, 2021)
- *Lawdragon* 500 Leading Lawyers (2015 – 2023)
- Leading Lawyer, Intellectual Property Litigation: Texas, Chambers USA (2015 – 2021)
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers ([2019](#), 2020, [2021](#), [2022](#))
- [Winning Litigator](#), *National Law Journal* (ALM, 2019)
- [Outstanding Intellectual Property Litigator](#) by Managing Intellectual Property’s IP Stars (2019)
- Secured Susman Godfrey’s recognition as an [Intellectual Property Practice Group of the Year](#) by *Law360* (2018)
- [Litigation Trailblazer](#), *National Law Journal* (ALM, 2018)
- Included in The Best Lawyers in America for Intellectual Property and Patent Litigation, 2011 – 2023, Commercial Litigation, 2019 – 2022 (Woodward White Inc.)
- Local Litigation Stars – Texas, Benchmark Litigation (2015 and 2016, *Euromoney*)
- Texas Super Lawyer, *Law & Politics Magazine* (2005 – 2022, Thomson Reuters)
- Top Lawyer in Houston,- Patent Litigation and Intellectual Property Litigation, *H Texas Magazine* (2006-09, Bayou City Publishing, LLC)
- Super Lawyer”, Corporate Counsel Edition Patent and Intellectual Property Litigation (2009, *Law & Politics Magazine*, Thomson Reuters).
- Rising Star, *Law & Politics Magazine* (2004, Thomson Reuters)
- Served on a special committee appointed to propose local rule changes in the Eastern District of Texas concerning discovery in patent cases.

Wins

- **Title Source Inc. v. HouseCanary Inc. fka Canary Analytics.** Tribble served as lead counsel to real estate analytics provider, HouseCanary in their high stakes misappropriation of trade secrets and breach of contract battle against Quicken Loans affiliate, Title Source. Tribble was instrumental in securing a landmark win for his client when the 12-person jury found unanimously in favor of HouseCanary, awarding HouseCanary \$706.2 million against Title Source on counterclaims in this high-stakes legal battle (fees and expenses not yet determined). This landmark win has been featured as a top story of the week by [Texas Lawyer](#) and covered by [The Wall Street Journal](#) and [Law360](#). Read more about the case [here](#).
- **Rockstar v. Google Inc.** Tribble represented the Rockstar consortium—which was owned by Apple, Microsoft, Blackberry, Ericsson, and Sony—in a lawsuit against Google over infringement of foundational patents purchased from Nortel. The case settled soon after the Markman hearing for \$900 million.

- **MicroUnity v. Intel.** Tribble represented MicroUnity in its suit against Intel relating to infringement of MicroUnity's mediaprocessor patents. Weeks before trial, MicroUnity, Intel, and Dell reached a settlement of a case that SG brought on behalf of MicroUnity for \$300 million.
- **Fractus, S.A., vs. Samsung Electronics Co., Ltd., et al.** Tribble served as lead counsel representing Fractus in its patent infringement lawsuit against Samsung in a case involving internal antennas in cell phones. A jury returned a verdict in Fractus's favor, and the district court entered judgment for over \$38 million plus interest. The parties argued an appeal to the Federal Circuit in December 2013. While the appeal was pending, the parties reached a settlement, the terms of which are confidential.
- **Two-Way Media LLC vs. AT&T, Inc.** As co-lead counsel to technology company, Two-Way Media, Max Tribble won a \$27.5 million verdict against various AT&T entities relating to the streaming of audio and video content over the Internet. The Court awarded Two-Way Media \$40 million in damages and interest. Tribble and his team successfully defended numerous post-trial motions and AT&T's appeal to the Federal Circuit. The Federal Circuit affirmed the trial court's judgment in full on March 19, 2015. In June of this 2016, the Federal Circuit denied AT&T's petition for rehearing en banc. The matter was resolved thereafter.
- **London Insurance Market Asbestos Cases.** Tribble defended groups of insurers in the London insurance market, including Equitas, a Lloyds of London runoff company, in bankruptcy actions relating to asbestos liability, asserted to be in the tens of billions of dollars. After taking one of the cases to trial and winning, the cases settled on terms that were extremely favorable to Tribble's clients.
- **PalTalk v. Microsoft.** Tribble served as lead attorney in patent trial against Microsoft on behalf of plaintiff PalTalk, an Internet audio and video conferencing company. Paltalk filed suit against Microsoft in late 2006, alleging that Microsoft was using Paltalk's patented technology for its video game systems, specifically Halo 2 and Halo 3 combined with Microsoft's Xbox Live communications network. Paltalk defeated Microsoft's motions for summary judgment, leading to a jury trial in Marshall, Texas. On the fourth day of trial, Microsoft agreed to settle the case, with Microsoft agreeing to take a license to the two PalTalk patents for a confidential sum of money.
- **First Capital Holdings v. American Express and Shearson Lehman Brothers.** Tribble represented the unsecured creditors committee of FCH in bankruptcy court against American Express and its subsidiary Shearson Lehman Brothers. After a 3-month trial the case settled for in excess of \$100 million.
- **UniRAM v. Taiwan Semiconductor Manufacturing Co. (TSMC).** Tribble led a Susman Godfrey trial team to obtain a \$30.5 million jury verdict on behalf of his client, UniRAM Technology, Inc., in a trade secrets case tried in federal court in San Francisco. The trial court later entered judgment in favor of UniRAM for approximately \$36 million. UniRAM alleged that defendant Taiwan Semiconductor Manufacturing Corp. (TSMC) had misappropriated UniRAM's trade secrets regarding specialized computer memory devices known as embedded DRAM. Tribble handled opening, closing, and the majority of witnesses. News of the verdict was reported widely in both the U.S. and Taiwan. Verdict Search listed the verdict as one of the "Top 100 Plaintiff's Verdicts Nationally" in 2007, and the Los Angeles Daily Journal pegged it as one of the "Top 10 Plaintiff's Verdicts in California" in 2007. The case settled on confidential terms while on appeal.
- **Mass Engineered Design v. Ergotron & Dell, et al.** Max Tribble, serving as lead attorney, won a jury verdict of infringement and validity on behalf of client, Mass Engineered Design. Tribble also secured a permanent injunction for his client. The case has since settled under confidential terms.
- **Sky Technologies v. IBM.** Tribble represented Sky Technologies against IBM in a lawsuit alleging patent infringement, breach of contract and misappropriation of trade secrets relating to Sky's software and technology for conducting online contract negotiations. Days before trial, IBM agreed to license Sky's patents and technology. The amount is confidential.
- **Sky Technologies v. Oracle.** Tribble also represented Sky in a lawsuit against Oracle. After a successful Markman hearing, Oracle agreed to license Sky's patents and technology. The settlement amount is confidential.
- **SuperSpeed Software v. Oracle.** Tribble, serving as lead attorney, obtained a confidential settlement for client SuperSpeed Software's patent infringement suit against Oracle Software in the Southern District of Texas. The suit alleged that Oracle's software products infringed a number of SuperSpeed patents

regarding data caching. Oracle settled soon after the District Court issued a claim construction opinion that was highly favorable to SuperSpeed.

- **SimDesk Technologies v. First Genesis.** Tribble served as lead attorney for SimDesk, successfully representing the technologies company against First Genesis in a suit alleging misappropriation of trade secrets relating to SimDesk's proprietary server-side applications and server-client communications protocol. Tribble obtained a temporary restraining order and, after a bench trial, an injunction, barring First Genesis from using the software and system at issue.
- **Pavilion Technologies v. Computer Associates.** Tribble represented Pavilion Technologies in a patent suit against Computer Associates in the Western District of Texas (Judge Samuel Sparks) regarding neural network and expert system technology. The case settled after claim construction.
- **VariLite v. High-End Systems.** Tribble defended High-End Systems in a patent and trade secret suit brought by VariLite in the Northern District of Texas regarding computer-controlled lighting systems. The case settled after claim construction.
- **Trinity Industries v. Road Systems.** Tribble served as lead attorney and defended Road Systems in a patent suit brought by Trinity Industries in the Eastern District of Texas (Judge Schell) regarding roadway safety devices. The case settled favorably after Tribble obtained a summary judgment of non-infringement.
- **Wolter v. Delgatto.** Tribble served as lead attorney while defending pro bono Joe and Madeline Delgatto, the Minister of Heights Presbyterian Church, and his wife, in a lawsuit brought by attorney John Worldpeace on behalf of his mother, Joyce Wolter, alleging various claims, including claims relating to Wolter's objection to the church participating in a project to build and operate a retirement facility in a predominately-black area of Houston. In 2004, the court dismissed the lawsuit and declared Wolter to be a vexatious litigant. Attorney Worldpeace was disbarred.
- **Western Atlas v. Garmin/Rockwell/Motorola.** Tribble represented Western Atlas in a world-wide licensing and litigation program involving patented GPS technology. Western Atlas received substantial settlements and royalties under this program.
- **GTE Sprint Communications v. GTE Sprint Communications.** Tribble successfully defended GTE Sprint Communications against a service mark infringement suit brought by Texaco v. Pennzoil attorney Joe Jamail. Tribble persuaded the court to uphold the validity of our client's "Sprint" service mark and to enter a take-nothing judgment against the plaintiff.
- **Shell Oil Shareholder Appraisal Action.** Tribble represented shareholders in a class action against Shell in a fraud and appraisal action over a squeeze-out merger by Royal Dutch. The case went to trial and the court awarded the shareholders a substantial premium over the tender offer.
- **Robert East Estate Dispute.** Tribble represented King Ranch heir Robert East in a dispute over his inheritance rights. Tribble was lead counsel at trial and prevailed. After trial, the Court awarded Tribble's client everything he was seeking, with the property being valued at over \$80 million.
- **Lisa Raphael v. McGregor Medical.** Tribble represented the widow and child of the deceased patient of a HMO that had failed to detect and treat a pheochromocytoma tumor. After handling lengthy discovery and motion practice, Tribble tried the case to a jury and obtained a substantial verdict for his clients. The proceeds of the final judgement and other settlements were placed in trust for the benefit of his minor client.

Professional Memberships and Associations

State Bar of Texas, 2009

Nancy Atlas IP Inn of Court

Notable Representations

For the last 15 years, Tribble has specialized in patent lawsuits while also handling other types of complex commercial litigation as well. Tribble has represented both plaintiffs and defendants in a broad spectrum of intellectual property cases involving a diverse range of technologies, including:

- Microprocessors and integrated circuits,
- Internet-based software & systems, both client-side and server-side,
- Microsoft Windows operating systems,
- Videogames and computer games,
- Graphics processing,
- Streaming media,
- Global-positioning systems,
- Neural network and expert system software,
- Seismic surveying systems and methods,
- Computer-controlled lighting systems, and even
- Roadway safety equipment