

# CARTER ARNETT

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Scott Breedlove is a partner at Carter Arnett. A registered patent attorney trained in electrical engineering, Scott is a trial lawyer who has represented clients in trial courts across the country and in the ITC. Before joining Carter Arnett, Scott practiced for over 20 years with the international law firm Vinson & Elkins LLP, both in commercial litigation and as a partner in intellectual property.

In commercial litigation, Scott has handled significant contract and fraud cases and a variety of business torts and unfair competition claims. He sees each judge and jury as a unique audience and tailors his communication accordingly, in both oral advocacy and legal briefing. Scott strives to be succinct, precise, and persuasive, and has managed to obtain summary judgment and other early relief in favor of his clients in courts not known for issuing summary judgments.

Scott's patent litigation success spans a wide range of technologies. He has led litigation teams representing clients large and small. In one patent case, with his client facing a damages claim exceeding \$200 million, Scott helped to obtain one of the only defense jury verdicts in a patent case in the Northern District of Texas in the last twenty years. More recently, following extensive discussions with plaintiff's counsel about their client's infringement theory, Scott secured a take-nothing voluntary dismissal for his client, while numerous other defendants paid royalties in settlement of patent infringement claims filed in the Eastern District of Texas, Marshall Division. He has also had outstanding success representing patent owners seeking to enforce their patents to ensure fair competition and compensation for unauthorized use of patented technology.

Scott has been active in the intellectual property bar as a speaker and a leader, having chaired the Intellectual Property Law sections of both the Dallas Bar Association and the State Bar of Texas. And he was a founding member of, and remains active in, the Hon. Barbara M.G. Lynn American Inn of Court.

At the University of Texas, Scott was an editor of the Texas Law Review and a member of Chancellors, the most prestigious honorary society of the School of Law. Following law school, he was a judicial clerk to the Honorable Robert E. Payne of the United States District Court for the Eastern District of Virginia.

#### **Honors and Distinctions:**

- Patexia Patent Litigation 2023 Intelligence Report: Top 100 Best-Performing Patent Litigators Overall (Representing Plaintiffs or Defendants)
- IAM Patent 1000: The World's Leading Patent Practitioners, Patent Litigation (Texas), 2013-2018 ("Scott Breedlove remains a top choice for high-stakes litigation.")
- Named to *D Magazine* Best Lawyers, 2018, 2021, 2023
- Managing Intellectual Property, IP Star, 2014-2023
- Best Lawyers®, Litigation – Patent, 2024
- Selected for inclusion in Thomson Reuters' Super Lawyers® (Texas), 2009-2013
- Selected for inclusion in Thomson Reuters' Super Lawyers® Rising Stars (Texas), 2006, 2008 & 2009
- Legal 500 U.S., Intellectual Property, Patent Litigation, Hi-Tech Electronics/IT, 2008 & 2009
- Selected as one of twelve members of the Northern District of Texas Patent Rules Task Force, 2006 (see Northern District of Texas Misc. Order No. 62 adopting patent rules for cases filed in Dallas, effective May 1, 2007)

#### **Professional Associations and Community Involvement:**

- Judge Barbara M. G. Lynn IP Inn of Court, Charter Member and Bencher, 2011-present
- State Bar of Texas
  - Intellectual Property Law Section
    - Chair, 2012-2013
    - Council Member, 2007-2014
    - Litigation Committee, Chair, 2005-2007
- Dallas Bar Association
  - Intellectual Property Law Section, Board Member, 2007-2016
    - Chair, 2015
    - Vice Chair, 2014
- Texas Bar Foundation, Fellow
- DAYL Foundation, Life Fellow

#### **Published Works and Speaking Engagements:**

- "D&O Liability in the Age of the Data Breach," Dallas Bar Association Headnotes, February 1, 2016 (co-author)
- "20/20 Hindsight? Cybersecurity Risk Management and Incident Response at the Courthouse," American Petroleum Institute 10<sup>th</sup> Annual Cybersecurity Conference, Houston, Texas, November 10-11, 2015 (co-presenter)
- "Protecting Trade Secrets in an Age of Cyber Insecurity," Corporate Counsel, November 3, 2015
- "Protecting Corporate Risk," Security Advisor Alliance Summit 2015, Frisco, Texas, October 29, 2015

- “Cyber Insecurity Meets Trade Secret Law,” Association of Corporate Counsel—Austin Chapter, Fall Signature Event, Austin, Texas, September 17, 2015
- “The Role of the Patent System and Courts in Drawing the Boundaries of Public and Private Ownership of Intellectual Property. What’s Yours? What’s Mine? What’s Public Domain?” Innovation Concatenation: Exploring the Crossroads of Invention, Commercialization and the Rule of Law, Plano, Texas, June 29-30, 2015 (panelist)
- “Teva’s Prescription To Cure What Ails Claim Construction – A Bench-Bar Brainstorming Session,” Dallas Bar Association Intellectual Property Law Section CLE program, Dallas, Texas, April 24, 2015 (moderator)
- “Design Patent Damages Might Be More Than You Expected,” Law360, October 21, 2014 (co-author)
- “Using Experts to Address Objective Indicia of Non-Obviousness and the Nexus Requirement,” State Bar of Texas 10th Annual Advanced Patent Litigation Course, San Antonio, Texas, July 17, 2014
- “Proving Objective Indicia of Non-Obviousness and Meeting the Nexus Requirement: A Multidisciplinary Approach,” Texas Bar CLE, July 2014 (co-author)
- “Courts Split on Applying Therasense to Summary Judgment,” Law360, April 22, 2014
- “How To Deal with Patent Trolls,” 49th Annual Conference on Intellectual Property Law for the Institute for Law and Technology, Plano, Texas, November 11, 2013 (moderator)
- “Divide or Conquer: When Is Infringement Divided and When Is It Joint?,” 49th Annual Conference on Intellectual Property Law for the Institute for Law and Technology, Plano, Texas, November 7, 2011
- “10 in 1: The Top 10 Developments for the Number 1 Patent Litigation District (E.D.Tx.),” V&E Intellectual Property CLE Series, May 9, 2011
- “How to Get and Stay in Federal Court,” Eastern District of Texas Bench Bar Conference, Plano, Texas, October 21, 2010 (panelist)
- “Strategies to Develop Client Relationships in the New Economy,” 23rd Annual Intellectual Property Law Course, State Bar of Texas, Austin, Texas, March 4 - 5, 2010 (author and moderator)
- “Judges Panel - IP Litigation,” Intellectual Property Law Section CLE, State Bar of Texas 2008 Annual Meeting, Houston, Texas, June 26-27, 2008 (moderator)
- “Actions By Many, Infringement By None: Divided/Joint Infringement Before and After Paymentech,” 21st Annual Intellectual Property Law Course, State Bar of Texas, Austin, Texas, March 6 - 7, 2008 (co-author and presenter)
- “Preparing for the Future of Patent Law and Litigation,” Intellectual Property Law 2008: Top Lawyers on Trends and Key Strategies for the Upcoming Year, Aspatore Thought Leadership, January 2008
- “In Re Seagate Brings a New Standard for Willful Infringement And Clarity to Privilege and Waiver Issues,” The Center for American and Intellectual Property Law’s 45th Annual Conference on Intellectual Property Law, Plano, Texas, November 12 - 13, 2007 (co-author and presenter)
- “The Scope of Privilege Waiver When Relying on the Advice-of-Counsel Defense to Willful Patent Infringement,” State Bar Intellectual Property Law Course, March 1, 2007
- “The Future of Patent Cases,” SMU IP Symposium, February 26, 2007 (panelist)
- “The Role of the Media in High-Stakes, Fast-Paced Patent Litigation,” Advanced Patent Litigation Course, Lake Tahoe, California, July 2006 (co-presenter)
- “No Comment? No Way! Strategies for Dealing with the Public and the News Media,” Advanced Patent Litigation Course, Lake Tahoe, Nevada, July 2005 (co-presenter)
- “When Patent Litigation Happens, Invest In Teamwork To Win,” Vinson & Elkins Litigation News, Fall 2004
- “Developments in Patent Litigation: Enter Inter Partes, Festo Foreseeability, and Dictionary Definitions,” V&E Intellectual Property CLE Series, Houston, Texas, July 2003

- “Clean Flicks v. Hollywood: Intellectual Property Owners Losing Control,” Intellectual Property & Technology Law Journal, June 2003
- “The Devil Made Me Do It: The Irrelevance of Legislative Motivation Under the Establishment Clause,” Baylor Law Review, Spring 2001
- “Control Your Scene, Counselor. The Risks of Communicating with Suspected Infringers,” State Bar of Texas Intellectual Property Law Section Newsletter, Summer 2006 (co-author)
- “Expert Testimony in Texas State Court,” University of Houston Law Foundation, Dallas, Texas, January 2002

**Education:**

- The University of Texas School of Law, 1994, Austin, Texas
  - Juris Doctor with High Honors
- The University of Texas, 1991, Austin, Texas
  - Bachelor of Science, Electrical Engineering, with Honors

**Admissions:**

- Texas, 1994
- U.S. Patent and Trademark Office, 2000
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

**Practice Areas:**

- Business Litigation
- Complex Commercial Litigation
- Copyright & Trademark Litigation
- Patent Litigation
- Trade Secret & Non-Compete Litigation