

David J. Gutierrez

ASSOCIATE

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Credentials

- University of Pennsylvania Law School
J.D.
Associate Editor, *University of Pennsylvania Journal of Law and Public Affairs*
- University of Pennsylvania
M.S., Social Policy
- University of California Los Angeles
B.A., History, *summa cum laude*
Phi Beta Kappa
Highest Departmental Honors
- Law Clerk to the
Hon. Jerome A. Holmes,
U.S. Court of Appeals for the Tenth Circuit
- Law Clerk to the
Hon. Drew B. Tipton,
U.S. District Court for the Southern District of Texas
- Law Clerk to the
Hon. Janis G. Jack, U.S. District Court for the Southern District of Texas
- Admitted to Practice:
Texas
District of Columbia
New York

David's practice focuses on complex commercial litigation with experience in finance, banking, bankruptcy, RMBS litigation, trade secrets, and intellectual property litigation. He received his J.D. from the University of Pennsylvania Law School where he served as Associate Editor of the *University of Pennsylvania Journal of Law and Public Affairs*. David finished his joint degree at Penn by earning a Master of Science degree in Social Policy.

David maintains an active pro bono practice with experience assisting clients with prisoner rights litigation, immigration asylum proceedings, and small business legal consulting. He also volunteers as a mentor at Hire Heroes USA and as an alumni mentor at the UCLA Alumni Association.

He clerked for Judge Jerome A. Holmes in the U.S. Court of Appeals for the Tenth Circuit, Judge Drew B. Tipton in the U.S. District Court for the Southern District of Texas, and Judge Janis Graham Jack in the U.S. District Court for the Southern District of Texas.

While clerking, David was chosen to be a participant of the Georgetown Center for the Constitution's Originalism Summer Seminar held in May 2021, the Federalist Society's James Kent Summer Academy held in August 2021, and the Heritage Foundation's Clerkship Training Academy in March 2022.

Prior to joining the firm, David practiced with Mayer Brown LLP in New York.

Experience

- **Global Tubing v. Tenaris Coiled Tubes.** Obtained a complete defense victory in connection with seeking a declaratory judgment that Global Tubing's quench-and-tempered coiled tubing products – key to its business – did not infringe three Tenaris patents. Over the six-year dispute, we defeated several motions to dismiss, obtained a discovery ruling that used the crime-fraud exception to order Tenaris to produce attorney-client communications related to a key prior art document, and an opinion sanctioning Tenaris for violating the protective in prosecuting follow-on patents. The district court granted our client's motion for summary judgment and found all the patents unenforceable due to Tenaris's fraud on the Patent Office.
- **NPIC v. Gambol Pet Group, Ltd.** Defending China-based pet treat company and its management from claims of trade secret misappropriation by a Texas-based pet treat company.
- **SnapRays v. Lighting Defense Group.** Representing patentee defending declaratory judgment suit of noninfringement. Suit was filed in response to patentee's use of Amazon's APEX process, and we obtained dismissal for lack of personal jurisdiction. Federal Circuit reversed on appeal in a "bombshell opinion." We are pursuing rehearing en banc.
- **PfP Industries v. Rockwater et al.** Representing defendant in patent infringement suit over a method for hydrating fracking fluid polymers and associated equipment.

Professional Honors & Affiliations

- The Good Counselor Fellowship, Napa Legal, 2023
- Member: The Federalist Society
- Member: Houston Young Lawyers Association
- Member: Institute for Energy Law
- Member: Christian Legal Society
- Member: St. Thomas More Society