

Jeffrey S. Lowenstein

Partner

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JEFF IS A SEASONED TRIAL LAWYER AND TRUSTED BUSINESS ADVISOR. HE HAS TRIED BUSINESS, REAL PROPERTY AND INTELLECTUAL PROPERTY DISPUTES IN STATE COURTS, FEDERAL COURTS AND ARBITRATIONS ACROSS THE COUNTRY. OUTSIDE OF THE COURTROOM, JEFF HELPS CLIENTS RESOLVE CONTENTIOUS, COMPLEX, BET-THE-COMPANY DISPUTES WITH AN EYE TOWARD RESOLUTIONS THAT ARE CONSISTENT WITH THE BUSINESS GOALS OF HIS CLIENTS.

Jeff's trial practice focuses on the representation of businesses, nonprofit organizations and individuals in a variety of complex commercial matters and business disputes. He assists clients from the prelitigation planning phase, trial and all the way through appeals. Outside of the courtroom, Jeff has played a key role in counseling clients through existing and threatened litigation risks. He frequently advises clients on internal investigations, risk assessment and avoidance, data secrecy and data security, and employment issues. He also serves in an advisory role providing litigation assessments and risks in transactional matters, including mergers and acquisitions, financing, intellectual property transactions, estate and tax planning, immigration issues and criminal/regulatory proceedings.

Complex Business Litigation

Jeff has litigated countless complex business disputes. He has substantial experience with internal business disputes amongst owners, directors, officers, employees and shareholders. He also has represented businesses in pursuing or defending claims involving breach of contract, fraud, breach of fiduciary duty and other commercial torts. Many of these disputes flow from mergers, acquisitions and financing transactions and involve issues such as post-acquisition earnout disputes, misrepresentations in disclosure schedules, breaches of loan covenants and management transition issues.

Real Property Litigation

Within the real estate industry, Jeff has substantial experience representing developers, investors, management and owners in claims involving real property, ranging from construction defects to leasing, as well as various contract and partnership disputes.

Intellectual Property Litigation

Jeff represents parties to lawsuits involving intellectual property claims, including patent, copyright and trademark infringement; misappropriation of trade secrets; and related claims. Clients have included software developers, a wind energy developer, oil and gas companies, a telecommunications provider, a jewelry manufacturer, national retailers, movie theaters and a print media outlet.

Representative Experience

Business/Commercial

- Obtained a dismissal with prejudice of a \$700 million class action lawsuit filed by more than 400 professional athletes against an investor in a professional sports league.
- Won a \$70 million arbitration award on behalf of investors against co-members in a wind energy startup arising out of breaches of a membership agreement.
- Secured a judgment of more than \$1.5 million in a breach of contract trial for the defendant and counter-plaintiff Bank of Utah in an aircraft lease dispute, including complete denial of all the plaintiff's claims and finding of liability against plaintiff's parent company and owner under alter ego and veil piercing theories of liability.
- Obtained a defense verdict in Federal court following a jury trial involving fraud claims on behalf of an international distributor of agricultural goods.
- Successfully negotiated favorable settlements on behalf of cosmetics and dietary supplement manufacturers in national class action lawsuits alleging violations of labeling laws.
- Obtained an arbitration award against a car wash franchise member/operator for breach of fiduciary duties.
- Served as national coordinating counsel for an inmate-telecommunications provider in brokering, negotiating and coordinating resolution of disputes with a competitor and involving public contracts with departments of correction throughout the United States.

Patent Disputes

- Obtained a defense verdict following a jury trial in the Eastern District of Texas in a patent infringement lawsuit on behalf of a downhole oil tool manufacturer.
- Obtained summary judgment of non-infringement on behalf of an inmate-telecommunications provider in litigation involving telephone equipment patents and upheld the summary judgment at the Federal Circuit.
- Secured a dismissal of patent infringement claims on behalf of an ice machine manufacturer.
- Attained a settlement on behalf of an inmate-telecommunications provider following a five-week jury trial in a case involving the client's alleged wrongful termination of a patent license agreement involving 15 telecommunications equipment and software patents.
- Negotiated a settlement for a design patent holder against a multinational oil company in declaratory judgment action brought to invalidate the patents.

Intellectual Property

- Secured settlement after obtaining a temporary injunction preventing interference with customer contracts based on alleged infringement of identification verification software copyrights.
- Obtained an injunction requiring return of a company domain name in ongoing litigation.
- Obtained conveyance of a trademarked domain name and trademark for a national print media company.
- Secured a favorable settlement on behalf of a national retailer accused of infringing on protected jewelry designs.

Real Estate

- Won a defense jury verdict on behalf of a golf course owner who was alleged to have caused property damages by disrupting natural water courses.
- Won a plaintiffs' jury verdict on behalf of a shopping mall operator finding a group of restaurant entities to be alter egos and jointly responsible for the tenant entities' rent.
- Obtained a favorable settlement in the middle of a bench trial on behalf of a roofing contractor accused of construction defects that resulted in catastrophic storm damage to a condominium in Galveston.
- Represented a land developer against alleged real estate fraud claims relating to purported nondisclosure of property conditions.

Noteworthy

- Jeff serves as a member of Bell Nunnally's Management Committee
- Jeff formerly served as the head of Bell Nunnally's litigation section for 9 years
- Named to *Lawdragon's* "500 Leading Litigators in America" list, 2023–2025
- Selected for inclusion in "Top 100: 2022 Dallas/Fort Worth Super Lawyers list, 2022
- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2013–2023, 2025
- Selected for inclusion in *Texas Super Lawyers*®, Thomson Reuters, 2013–2024
- Featured in *Best Lawyers*® *Texas' Best Lawyers*, 2020
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2017–2018
- Selected by attorney peers as a Texas Rising Star®, *Texas Monthly*, 2006–2007, 2009, 2012–2013
- Named one of the "Best Lawyers in Dallas Under 40" by *D Magazine*, 2006

Activities and Memberships

- Texas Bar Foundation
 - Fellow
- The Patrick E. Higginbotham Inn of Court
 - Master of the Inn
- American Bar Association
 - Litigation Section, Member
- State Bar of Texas
 - Litigation Section, Member
- Dallas Bar Association
 - Litigation Section, Member
 - Intellectual Property Section, Member

Publications

- "Texas: Dallas, Fort Worth & Surrounds: An Introduction to Litigation: General Commercial," *Chambers and Partners*, co-author; 2024.

Credentials

Education

- JD, University of California, Los Angeles, School of Law, 1998
- BA, University of California, Los Angeles, 1995

Admissions

- Texas
- Supreme Court of the United States
- United States Court of Appeals for the Fifth Circuit
- United States Federal Circuit
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas