LAWDRAGON

Translating Intellectual Property Law for the Courtroom with Beck Redden's Matthew Whitley

By Emily Jackoway

For most jurors, understanding the nuances of an intellectual property trial is no easy feat. Many lawyers who specialize in IP litigation have extensive backgrounds in science or engineering to understand the technology at the heart of the thorny patent, copyright and trade secrets cases that most people are not exposed to on an everyday basis. But a case is nothing without the jury's backing, and it takes a lawyer who can relate to a jury's understanding of the case to translate it for them.

That's where Matthew Whitley steps in.

Whitley is a partner with Houston-based litigation boutique Beck Redden, where he has focused over the past decade on IP litigation. Whitley focuses on bringing IP cases to trial, precisely because he possesses that vital ability to communicate with judges and juries. He says his undergraduate education was an invaluable aspect of building that practice: While part of the broad-based Plan II Honors Program at The University of Texas at Austin, Whitley took a range of liberal arts classes, but ventured into the world of science in physics, chemistry and biology. "Just a little," Whitley says. "Just enough to be dangerous."

Whitley explains that he has enough of a background that, with time, he can understand and then explain complicated technology. While lawyers with advanced technical degrees may understand that technology from the jump, their high-level understanding may prove a barrier in providing a simpler explanation to juries. "More often than not, I'm going to wind up with a jury panel that does not have significant scientific experience, just like I don't," Whitley says. "So, it's just a matter of communication."

That ability to communicate has paid off: In the last decade, Whitley has spearheaded significant wins on both sides of the V. On the plaintiffs' side, he obtained a $49.2M verdict in a breach of contract and fraud case related to oil and gas technology for SandBox Logistics, which was reported as one of the 20 largest verdicts in the country in 2018. In 2023, he helped secure a jury verdict and permanent injunction in a patent infringement case on behalf of U.S. Silica. He started 2025 with another plaintiff's win after a two-week breach of contract trial, and he is preparing to try separate copyright infringement and trade secret cases later this year. On the defense side, he has secured take-nothing wins in multiple cases where the plaintiff asserted eight-figure claims.

Whitley has been with Beck Redden for the last 22 years, and is currently chair of the firm's professional development committee. He was recently involved in forming a new mentor pod system for the firm's associates. He says the model is based on his early days at the firm, which allowed him the stand-up trial experience he craved as a young lawyer.

Lawdragon: Tell me about the evolution of your career at Beck Redden.

Matthew Whitley: I'm one of the lifers at Beck Redden. I started here in 2002, after clerking at several prominent litigation boutiques in Texas. I basically entered practice just saying I wanted to be a trial lawyer, not fully appreciating what that means or that when practicing in Texas, that means you're going to be doing a large amount of energy litigation, particularly in the oil and gas sector. Then, right about the time I made partner, almost by happenstance I stumbled into a couple of intellectual property cases – one of which was particularly complex. We had a European client, and all the witnesses were in Europe, all the documents were in Europe and it involved alleged misappropriation in China. So, we were globetrotters working on this case. That really prompted me to enter the world of intellectual property litigation. So, pretty much for the last 13 years or so, while I do everything, about half to three-fourths of my docket is intellectual property. My docket covers the whole spectrum of IP matters, from trade secret misappropriation to patent infringement to trademark disputes to copyright infringement.

LD: That's really interesting. And is your practice more specialized in IP compared to the rest of the region you're in?

MW: Yes and no. IP has started to be dominated really by two kinds of firms. You've got the big firms – all the large players who have big IP departments. And then you're starting to see the creation of IP boutiques. What probably sets me apart from most of these other places is I focus on being the trial lawyer in the IP case. So, for example, I've handled several patent cases as lead counsel, usually teamed up with another firm that provides the "back of house" IP services – the people who are doing the prior art searches and drafting some of the more technical patent filings. My skill set is going in and communicating first with the judge and then eventually to the jury and telling a story that is not bogged down in jargon and technicalities because that's often where people lose the audience. If you lose the audience, you lose the case.

LD: Is there a case that stands out to you as a favorite in the years that you've been doing IP litigation?

MW: Well, that's easy. My favorite out of all my IP cases would've been the SandBox/Arrows Up case, which I tried in Texas state court in Houston back in 2018. The trial lasted about a month, give or take.

SandBox was a family business in Houston, started by a father and a son, and they developed a new form of a logistics method to use in the oil and gas industry, specifically for fracking. There's an enormous amount of sand that has to be used in fracking around the country, and they developed these sandboxes and some related equipment that they used to really revolutionize the fracking industry.

They had a vendor from Chicago, Arrows Up, that they had brought in to help them with some prototypes. That relationship fizzled for a variety of reasons. After that, we alleged (and the jury agreed) that Arrows Up took the information they had learned from working with SandBox and created their own copycat product and then tried to compete against SandBox.

LD: Wow. What was it like working on that case as a younger partner?

MW: One of the great things about having small trial teams like we do at Beck Redden is that it allows younger lawyers to have direct interaction with the client. The SandBox case is a perfect illustration. The client thought they were hiring David [Beck] and Joe [Redden]. They were certainly involved; we all worked as a team. But the client came to understand that I was the one who was running the case day to day, who knew the documents, knew the witnesses, knew the issues, and that enabled them to form a good close working relationship with me for future matters. Joe is now retired, and it was a seamless transition to then have me be the relationship partner for that client. And we want the same thing for all of the associates.

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LD: How would you describe your style and strengths in the courtroom, in that case and others?

MW: My biggest strength is public speaking. It always has been. So, opening and closing statements are definitely where I thrive. If that's 1A, cross-examination is 1B. Cross-examination is all about judgment. It's knowing when to push, when to withdraw, when to attack, when to retreat, what evidence is going to be persuasive, and what things I need to cut.

As far as my style, I want the jury to always, always believe that I'm the person in the room they can trust. I'm going to acknowledge when we have weaknesses in our case, and they

can also trust that if I'm setting up a witness in cross-examination and I imply that I've got a document that says “X, Y, Z,” they're going to see it. When the other side inevitably tries to spin the truth, the jury's going to know that I'm going to call them on it. Sometimes nicely, sometimes not so nicely. Just depends on how the case is going.

LD: You say public speaking is a big strength of yours. What's your background in terms of deciding to be a lawyer growing up?

MW: I grew up in West Texas in a town called San Angelo. Because I had no musical or artistic talent and had to take a fine arts elective, I signed up for debate my sophomore year of high school. It was a life-changing experience. I was very successful, and so that got me a full scholarship to the University of Texas, where I continued to compete for the college team. I was successful in college as well, and that opened the door to Harvard Law School. So, becoming a trial lawyer has been an evolution, in some ways, of how I competed in high school and college. Only now the stakes are significantly higher!

LD: Then, looking back over the last 20 years you’ve spent at Beck Redden, what do you feel sets the firm apart?

MW: Our experience and our maturity. We know how to try cases. We know the kinds of arguments that work with judges. Sometimes we know the exact kind of arguments that work with a particular judge because we've been in front of that person. But even if it's a judge we don't have a lot of personal experience with, my colleagues and I understand the kinds of arguments that judges are going to be receptive to and the kinds of things that are going to cause them frustration and anger. We appreciate the things that will build our credibility and the things that will cause us to lose credibility.

We also operate in small teams. I constantly tell my trial teams that it's just like sports. You've got to have a quarterback who is controlling everything on the field of play. And when you have that, when everyone knows their responsibilities and you have a centralized game plan, that's how you get success. When I see other firms put lots of people on a trial team, and everyone writes their own outlines and tells their own personal view of the case without any consistent messaging, the jury will inevitably be confused. Our trial teams focus on presenting a cohesive, unified theme from beginning to end that fits the facts of the case.

