

## Michael B. Levin

PARTNER

Litigation  
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## FOCUS AREAS

Arbitration  
Litigation  
Patent Litigation

## HIGHLIGHTS

- Specialty Practice**  
Mike's practice focuses on intellectual property litigation and counseling for tech companies with a focus on patent litigation as well as FRAND licensing disputes relating to standards essential patents.
- Extensive Experience**  
Since joining the firm in 1995, Mike has represented tech companies in more than 100 intellectual property disputes across the country, including those in district courts and before the U.S. International Trade Commission.
- Client Highlights**  
Mike has represented well-known names like Bloomberg, Charles Schwab, GoDaddy, InterDigital Communications, TD Ameritrade, TIBCO Software, and TiVo, among others.
- Recognitions**  
Mike has been listed in *Intellectual Asset Management* magazine's "IAM Patent 1000 - World's Leading Patent Practitioners" guides every year since 2013 and he has also been named to the list of "IP Stars" by *Managing Intellectual Property* since 2015.

## EXPERIENCE

Michael Levin is a partner at Wilson Sonsini Goodrich & Rosati, where he specializes in intellectual property litigation and counseling for technology companies with a focus on patent litigation, especially in the areas of software, networking, cellular and wireless telecommunications, graphical user interfaces, and electronic trading, as well as FRAND licensing disputes relating to standards essential patents. Since joining the firm in 1995, Mike has represented technology companies in more than 100 intellectual property disputes across the country, including disputes in district courts and before the U.S. International Trade Commission (ITC). In addition, Mike has successfully handled more than a dozen U.S. and international arbitrations in the AAA, ICDR, and ICC, securing for his clients some of the largest IP awards of the last decade, totaling more than \$500 million.

Michael has been recognized in *Northern California Super Lawyers* every year since 2005. In addition, since 2013, Michael has been recognized every year in *Intellectual Asset Management* (IAM) magazine's *IAM Patent 1000 - World's Leading Patent Practitioners* guide, in which he has been praised for his IP litigation expertise, including his ability to bridge the gap between the contentious and non-contentious practices by specializing in licensing disputes, with commentators noting that Michael has "superb knowledge of portfolio licensing issues and is easy to work with," and "has an encyclopaedic knowledge of standard-essential patents." Michael has also been recognized every year since 2015 as an "IP Star" by *Managing Intellectual Property*.

Michael has served on the firm's Member Compensation Committee, among other committees. Prior to joining Wilson Sonsini, Michael served as a law clerk to Judge Ronald M. Whyte of the U.S. District Court for the Northern District of California. While in law school, he completed two externships—one with Justice Edward Panelli of the Supreme Court of California in the fall of 1993, and one with Judge Harry Pregerson and Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit in the summer of 1992.

## CREDENTIALS

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### Education

- J.D., UCLA School of Law, 1994  
*Order of the Coif; Editor, UCLA Law Review*
- B.A., Harvard College, 1991

### Associations and Memberships

- Master, Bay Area Intellectual Property Inn of Court
- Member, ITC Trial Lawyers Association (ITCTLA)
- Member, Association of Business Trial Lawyers (ABTL)
- Member, California State Bar, Sections on Intellectual Property and Litigation

### Honors

- Recognized in *Intellectual Asset Management* (IAM) magazine's 2013, 2014, 2015, 2016, 2017, 2018, and 2019 *IAM Patent 1000 - World's Leading Patent Practitioners* guides
- Selected for inclusion in *Northern California Super Lawyers*, 2005-2019
- Recognized in 2015-2019, 2022, and 2023 in "IP Stars" handbook published by *Managing Intellectual Property*
- Recipient, Guardian of Justice Award from the Legal Aid Society of San Mateo County for pro bono work defending a victim of domestic abuse, 1999

### Admissions

- State Bar of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of Texas
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Supreme Court

## MATTERS

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### Select Client Highlights

- *InterDigital v. Nokia Corp. et al.*; (337-TA-613; 337-TA-800; 337-TA-868) (USITC; D. Del.). Represented InterDigital on FRAND issues in three actions in the U.S. International Trade Commission, and parallel district court proceedings, relating to WCDMA, CDMA2000 and LTE wireless devices. Following evidentiary hearings, successfully obtained Initial Determinations rejecting Respondents' FRAND defenses in 337-TA-800 and 337-TA-868, and rejecting Respondents' public interest arguments in 337-TA-868. Successfully obtained Initial Determination finding a violation in 337-TA-613, rejecting Respondent's FRAND-based public interest arguments. Also, successfully obtained dismissal of Nokia's and ZTE's FRAND rate-setting counterclaims in parallel district court action to 337-TA-868.
- *InterDigital v. Samsung* (ICC; SDNY; Second Circuit). Successfully represented InterDigital in arbitrations and litigation against Samsung involving 2G and 3G wireless technology:
  - Following a week-long trial, obtained an award in September 2006 requiring Samsung to pay \$134 million in past royalties, which was reported as one of the top patent awards in 2006. Obtained order in the Southern District of New York confirming the award, and a judgment for \$150.25 million. See *In re Arbitration Between InterDigital Communications Corp. and Samsung Electronics Co., Ltd.*, 528 F. Supp. 2d 340 (S.D.N.Y. 2007).

- Successfully represented InterDigital in follow-on arbitration initiated by Samsung relating to patent license dispute, obtaining Final Partial Award in client's favor.
- Following five years of litigation, assisted InterDigital in obtaining \$400 million settlement of 2G and 3G patent disputes. See <http://online.wsj.com/article/SB122757294380954857.html>.
- *InterDigital v. Nokia* (ICC; SDNY). Prosecuted successful multi-week international arbitration in patent license dispute for InterDigital, resulting in award yielding client \$253 million. Arbitration award confirmed by U.S. District Court for the Southern District of New York. See *InterDigital Communications Corp. v. Nokia Corp.*, 407 F. Supp. 2d 522 (S.D.N.Y. 2005). Reported as one of the largest IP verdicts in 2005 by *IP Law Bulletin*, Nov. 2005.
- *Quest Licensing Corp. v. Bloomberg, LP; Charles Schwab* (D. Del.). Successfully defended online brokerage clients in patent infringement proceeding brought by non-practicing entity, obtaining rare summary judgment of noninfringement ruling from Judge Sleet, which was affirmed by the Federal Circuit.
- *Markets-Alert Pty Ltd. v. Bloomberg et al.* (D. Del.). Following successful invalidation of Markets-Alert's patent through Covered Business Method (CBM) patent review in Patent Trial and Appeal Board (PTAB) proceeding, obtained dismissal of district court action with prejudice on behalf of clients Bloomberg, Charles Schwab, TD Ameritrade, and E\*TRADE.
- *Droplets, Inc. v. E\*TRADE, TD Ameritrade, Charles Schwab, Scotttrade et al.* (S.D.N.Y). Lead counsel defending four online brokerages in suit alleging infringement of patents relating to presenting information across a network using an interactive link. Successfully obtained transfer of case from the Eastern District of Texas to the Southern District of New York, followed by a favorable claim construction ruling and summary judgment of noninfringement on one of asserted patents. In addition, invalidated second Droplets patent through PTAB IPR proceeding, which was affirmed by the Federal Circuit.
- *Datamize v. Plumtree Software and BEA Systems* (N.D. Cal.). Lead counsel in successful defense of Plumtree and BEA Systems in suits involving three patents for customized web portals.
  - Obtained summary judgment of invalidity on indefiniteness; successfully argued Federal Circuit appeal, securing complete affirmance in seminal indefiniteness decision involving phrase "aesthetically pleasing look and feel." See *Datamize v. Plumtree*, 417 F.3d 1342, 75 U.S.P.Q.2d 1801 (Fed. Cir. 2005).
  - Successfully defeated motion to dismiss of declaratory judgment action on continuation patents. See *Datamize v. Plumtree*, 473 F.3d 1152 (Fed. Cir. 2006).
  - Obtained favorable settlement and dismissal of case following successful motion to disqualify opposing counsel.
- *Protegrity, Inc. v. Voltage Security Inc.* (D. Conn.). Defended computer security vendor Voltage Security in 3-patent suit involving database encryption technology. Obtained summary judgment invalidating several claims of patents-in-suit and summary judgment rejecting plaintiff's lost profits theory.
- *Telephia v. M:Metrics, Inc.* (N.D. Cal.). Obtained summary judgment of noninfringement for client M:Metrics in suit on patent relating to collection of data on wireless devices, resulting in favorable settlement and dismissal.
- *Datamize v. Interactive Brokers Group* (E.D. Tex.). Lead counsel in successful defense of client IBG in patent infringement action, obtaining dismissal with prejudice.
- *Trading Technologies v. TD AMERITRADE and Interactive Brokers* (N.D. Ill.). Lead counsel defending on-line brokerages in suits alleging infringement of more than a dozen patents relating to graphical user interfaces used for trading securities.
- *Mesa Verde v. E\*TRADE, TD AMERITRADE, Interactive Brokers, Forex Capital Markets, and Sharebuilder* (C.D. Cal.). Lead counsel in successful defense of five on-line brokerages accused of infringing patent related to mobile trading platform, obtaining favorable settlements.
- *Broadband Graphics v. TIBCO Software Inc.* (W.D. Wash.); *Broadband Graphics v. Forex Capital Markets* (E.D. Wash.). Successfully defended TIBCO and Forex Capital Markets in suits alleging infringement of several graphical user interface patents, obtaining favorable settlements.
- *Web.com v. The GoDaddy Group* (D. Ariz.; N.D. Ga.). Defended GoDaddy in patent infringement action brought by Web.com on four patents relating to web hosting technology. Obtained dismissal of original Georgia action based on lack of personal jurisdiction. See *Web.com v. GoDaddy*, Case No. 06-cv-01461-TCB (N.D. Ga. Aug. 3, 2007, Docket No. 30). After locating and proving up key prior art, secured favorable settlement for client.
- *Epicor Software v. Bowen & Groves* (C.D. Cal.). Obtained preliminary injunction against competitor in copyright dispute for client Epicor.
- *Gilbarco v. Octel Communications* (N.D. Cal.). Successfully defended Octel in patent dispute, obtaining summary judgment of unenforceability and recovery of more than \$1 million in attorneys' fees from patentee, including affirmance of summary judgment and attorneys' fees orders on appeal to Federal Circuit. See *Gilbarco v. Octel*, 1996 WL 75304 (N.D. Cal. Feb. 15. 1996), *aff'd*, 113 F.3d 1255 (Fed. Cir. 1997) (summary judgment of inequitable conduct); *Gilbarco v. Octel*, 194 F.3d 1331 (Fed. Cir. 1999) (affirming award of attorneys' fees).

## CLIENTS

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### Representative Clients

- Bloomberg, L.P.
- Charles Schwab
- E\*TRADE
- GoDaddy
- Interactive Brokers Group
- InterDigital Communications
- TD Ameritrade
- TIBCO Software Inc.
- TiVo
- Voltage Security