

Michael B. Levin

PARTNER

Litigation
Palo Alto

mlevin@wsgr.com
650-320-4929



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 hundreds of intellectual property disputes across the country, including in district courts and before the U.S. International Trade Commission, as well as a number of high profile international arbitrations.

Client Highlights

Mike has represented well-known names like Bloomberg, Charles Schwab, GoDaddy, InterDigital, 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 and has also been named to the list of "IP Stars" by *Managing Intellectual Property*.

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 hundreds of intellectual property disputes, including disputes in U.S. district courts, before the U.S. International Trade Commission (ITC), and multi-jurisdictional international disputes, including matters relating to the licensing of standards essential patents (SEPs). In addition, Mike has successfully handled a number of U.S. and international arbitrations in the AAA, ICDR, and ICC, helping his clients collect more than \$1 billion in royalties.

Michael has been recognized in *Northern California Super Lawyers* since 2005. He has also been recognized since 2015 as an "IP Star" by *Managing Intellectual Property*. In addition, Michael has been recognized 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 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, and one with Judges Harry Pregerson and Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit.

CREDENTIALS

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, 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
- Recognized in 2015-2019 and 2022-2024 in "IP Stars" handbook published by *Managing Intellectual Property*
- Selected for inclusion in *Northern California Super Lawyers*, 2005-2021, 2024
- Selected for inclusion in *Best Lawyers*, 2024, for Litigation – 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

Select Client Highlights

- *InterDigital Lenovo* (D. Del.). Representing InterDigital in District of Delaware suit involving claims for patent infringement and FRAND-related and Sherman Act counterclaims. Our firm helped InterDigital secure a complete victory in PTAB proceedings on six of eight patents challenged by Lenovo and a partial victory on the seventh patent.
- *Asustek v. InterDigital* (N.D. Cal.). Defended InterDigital in antitrust and FRAND proceedings brought by Asustek in the Northern District of California relating to FRAND licensing.
- *u-blox v. InterDigital* (S.D. Cal.). Successfully defended InterDigital in FRAND-related antitrust case brought in the Southern District of California, defeating a motion for preliminary injunction, leading to a favorable settlement.
- *InterDigital 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 3G and 4G wireless technology. Following evidentiary hearings, successfully obtained Initial Determinations rejecting Respondents' FRAND defenses and FRAND-related public interest arguments.
- *InterDigital 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 requiring Samsung to pay \$134 million in past royalties. Assisted InterDigital in obtaining \$400 million settlement of 2G and 3G patent disputes.

- *InterDigital Nokia* (ICC; SDNY). Prosecuted successful multi-week international arbitration in patent license dispute for InterDigital, resulting in award yielding client \$253 million.
- *Trading Technologies v. Interactive Brokers* (N.D. Ill.). Defended on-line brokerage Interactive Brokers in 14-year battle against Trading Technologies in the Northern District of Illinois. Plaintiff had originally asserted a dozen patents relating to graphical user interfaces, all but two of which we helped invalidate. Our favorable trial outcome on the remaining two patents (<https://www.interactivebrokers.com/en/index.php?f=49901>) was affirmed by Federal Circuit following an appeal by plaintiff. See https://cafc.uscourts.gov/opinions-orders/22-1630.OPINION.3-27-2024_2292106.pdf.
- *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, Scottrade et al.* (S.D.N.Y.). Defended 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 patents for customized web portals.
 - Secured complete affirmance in seminal indefiniteness decision involving subjective phrase "aesthetically pleasing look and feel." See *Datamize v. Plumtree*, 417 F.3d 1342, 75 U.S.P.Q.2d 1801 (Fed. Cir. 2005).
- *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.
- *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, securing favorable settlement for client.
- *Gilbarco v. Octel Communications* (N.D. Cal.). Successfully defended Octel in patent dispute, obtaining summary judgment of unenforceability and recovery of 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

Representative Clients

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