

Michael T. Rosato

PARTNER

Litigation
Seattle

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FOCUS AREAS

Intellectual Property
Life Sciences
Litigation
Patent Litigation
Patents and Innovations
Post-Grant Review
Supreme Court and
Appellate

HIGHLIGHTS

- **A Practice Leader**
Michael leads the firm's practice involving contested proceedings at the USPTO and has extensive experience representing clients before the Patent Trial and Appeal Board, including USPTO proceedings under the America Invents Act.
- **Extensive PTAB Experience**
He has served as lead counsel in numerous *inter partes* review and covered business method review proceedings, patent interferences, and reexamination procedures, as well as corresponding appeals to the CAFC.
- **A Leading Patent Practitioner**
Michael has been ranked by Docket Navigator as the No. 1 attorney for representing litigants in *inter partes*, CBM, or post-grant review proceedings at the PTAB; honored by *Managing Intellectual Property* for filing the most petitions on behalf of petitioners; named the 2022 Post-Grant Proceedings Attorney of the Year by LMG Life Sciences; recognized by Patexia as one of the most active practitioners for *inter partes* review proceedings; and recognized by *Intellectual Asset Management* and *Washington Super Lawyers* as a leader in his field.

EXPERIENCE

Michael Rosato is a partner in the Seattle office of Wilson Sonsini Goodrich & Rosati, where he focuses on intellectual property protection and counseling, as well as intellectual property-related disputes. Michael leads the firm's practice involving contested proceedings at the U.S. Patent and Trademark Office. He has extensive experience representing clients before the Patent Trial and Appeal Board (formerly the Board of Patent Appeals and Interferences), including USPTO proceedings under the America Invents Act (AIA). Michael has served as lead counsel in numerous *inter partes* review (IPR) and covered business method (CBM) review proceedings, patent interferences, and reexamination procedures, as well as corresponding appeals to the Court of Appeals for the Federal Circuit (CAFC). He has significant experience with international and domestic patent protection and enforcement for both early- and later-stage companies, often involving a combination of mechanical technologies, software systems and electronics, and medical sciences or biotechnology.

Prior to joining the firm, Michael was an intellectual property partner in the Seattle office of Kilpatrick Townsend & Stockton (formerly Townsend and Townsend and Crew). He began his legal career at DLA Piper and previously worked as a patent agent for a microfluidics device manufacturer.

CREDENTIALS

Education

- J.D., University of Washington School of Law, 2002
- M.S., University of Washington, 1999
- B.S., Rutgers University, 1996
George H. Cook Scholar

Honors

- Named as the Post-Grant Proceedings Attorney of the Year by the LMG Life Sciences 2022 America Awards
- Recognized by Patexia as one of the most active practitioners for *inter partes* review proceedings
- Recognized by Docket Navigator as the No. 1 attorney for representing litigants in 2016 *inter partes* review, covered business method, or post-grant review proceedings at the PTAB
- Recognized by *Managing Intellectual Property* as the No. 1 attorney in the U.S. for filing the most petitions on behalf of petitioners in the first half of 2016
- Recognized in the 2013-2016 and 2022-2024 editions of *Intellectual Asset Management* (IAM) magazine's *IAM Patent 1000 - World's Leading Patent Practitioners* guide
- Named to *Washington Super Lawyers*' list of "Rising Stars" in 2007, 2008, 2010, 2011, and 2012

Admissions

- State Bar of Washington
- U.S. Court of Appeals for the Federal Circuit
- U.S. Patent and Trademark Office

MATTERS

Select Matters

- *Medtronic, Inc. v. NuVasive, Inc.* * (IPR and Reexamination Reviews, CAFC Appeals)
- *Bungie, Inc. v. Worlds Inc.* (IPR Reviews, CAFC Appeals)
- *Altaire Pharmaceuticals, Inc. v. Paragon BioTek, Inc.* * (PGR Review, CAFC Appeal)
- *Minerva Surgical, Inc. v. Hologic, Inc.* (IPR and PGR Reviews)
- *ClearCorrect Operating, LLC v. Align Technology, Inc.* * (IPR, Reexamination Reviews)
- *Fitbit, Inc. v. AliphCom, Inc. d/b/a Jawbone* * (IPR Reviews)
- *Interactive Brokers LLC et al. v. Chart Trading Development LLC*. (CBM Reviews)
- *Blue Coat Systems, Inc. v. Finjan, Inc.* (IPR Reviews)
- *Bloomberg Inc. et al. v. Markets Alert Pty Ltd* (CBM Review)
- *Salesforce.com, Inc. v. VirtualAgility, Inc.* (CBM Reviews)
- *Trulia, Inc. v. Zillow, Inc.* (CBM Reviews)
- *Voltage Security, Inc. v. Protegrity Corporation* (CBM Review)
- *E*TRADE Financial Corporation et al. v. Droplets, Inc.* (IPR Reviews and CAFC Appeal)
- *Hughes Communications, Inc. v. California Institute of Technology (Caltech)* * (IPR Reviews)
- *GTNX, Inc. v. INTTRA, INC.* (CBM Reviews)
- *Square, Inc. v. Think Computer Corporation* (CBM Review and CAFC Appeal)
- *Square, Inc. v. Protegrity Corporation* (CBM Reviews)
- *Google Inc. v. LinkedIn Corporation v. Priceplay.com, Inc.* (CBM Reviews)
- *Harmonic, Inc. v. Avid Technology, Inc.* (IPR and Reexamination Reviews)
- *Ariosa Diagnostics v. Verinata Health, Inc. (Illumina Corp.)* * (IPR Reviews and CAFC Appeal)
- *Universal Display Corp. v. Fujifilm, Inc.* (Patent Interference)
- *Alnylam Pharmaceuticals, Inc. v. Protiva Biotherapeutics, Inc. (Tekmira Corp.)* * (Patent Interference)
- *Genentech, Inc. v. Dendreon Corp.* * (Patent Interference)
- *Zymogenetics, Inc. v. Genentech, Inc.* (Patent Interference)

*Party Represented

INSIGHTS

Select Publications

- Co-author, "How 'Rocket Dockets' Are Affecting IPR Discretionary Denials," *Law360*, November 24, 2021
- Co-author, *The PTAB Review*, June 2017
- Co-author, *2016 PTAB Year in Review*, January 2017
- Co-author, "Federal Circuit Limits Petitioner Appeal Rights from the Patent Trial and Appeal Board for *Inter Partes* Reviews," WSGR Alert, January 11, 2017
- Co-author, *The PTAB Review*, November 2016
- Co-author, *The PTAB Review*, August 2016

- Co-author, "U.S. Supreme Court Decides *Cuozzo v. Lee*: Upholds General Bar Against Appealing PTAB's Institution Decisions and Affirms Use of "Broadest Reasonable Interpretation" Standard for Claim Construction," WSGR Alert, June 20, 2016
- Co-author, *The PTAB Review*, June 2016
- Co-author, *The PTAB Review*, April 2016
- Co-author, "USPTO Issues Second Round of AIA Rule Changes," WSGR Alert, April 1, 2016
- Co-author, "Federal Circuit Ruling in *Dell v. Acceleron* Limits New Late-Stage Grounds of Challenge in America Invents Act Trials," WSGR Alert, March 15, 2016
- Co-author, "USPTO Announces Second Round of AIA Rule Changes," WSGR Alert, August 21, 2015
- Co-author, "Federal Circuit Allows Judicial Review of PTAB's Determination That Patent Qualifies as 'Covered Business Method,'" WSGR Alert, July 9, 2015
- Co-author, "A Divided Federal Circuit Confirms Broadest Reasonable Interpretation for Claims in *Inter Partes* Review on Rehearing," WSGR Alert, July 8, 2015
- Co-author, "USPTO Announces Significant Reforms in Three Rounds of AIA Rule Changes—Round One: Increased Page Limits for Motions to Amend and Reply Briefs," WSGR Alert, March 30, 2015
- Co-author, "Federal Circuit Decides Appeal from First Final PTAB Decision in *Inter Partes* Review," WSGR Alert, February 4, 2015

Recent Speaking Engagements

- Moderator, "Fireside Chat with USPTO Judge Jacqueline Bonilla," CenterForce's IP Strategy Summit, Seattle, April 2025
- Moderator, "A 360 Review of the Current Status of IPR Practice," American Intellectual Property Law Association 2017 Spring Meeting, San Diego, California, May 2017
- Panelist, "Inter Partes Review and the Increasing Role of the PTAB in Invalidity Litigation," USC Gould School of Law 2017 Intellectual Property Institute, Santa Monica, California, March 2017
- Panelist, "Evidence of Prior Art at the PTAB: Rigorous Proof—or Else," IPO IP Chat Channel webinar, January 2017
- Presenter, "PTAB Proceedings: New Rules and Key Practice Tips," UT Law's 2016 Advanced Patent Law Institute, Austin, Texas, November 2016
- Faculty Speaker, "The Other Worlds: Covered Business Method (CBM) Challenges & Post-Grant Review," Practising Law Institute's USPTO Post-Grant Patent Trials 2016 webinar, April 5, 2016
- Presenter, "Patent Trial and Appeal Board (PTAB) Developments and Trial Strategy," IP Defense Summit – Seattle, October 2015
- Presenter, "Post-Grant Patent Trials 'Lessons Learned': Post Institution & Hearing," UT-Law: Advanced Patent Law Institute, Austin, Texas, November 2014
- Panelist, "Strategies for Forum Selection (District Courts v. ITC v. USPTO/PTAB)," The Sedona Conference All Voices Meeting 2014, New Orleans, Louisiana, November 2014
- Presenting Practitioner, "PTAB AIA Trial Roundtables," USPTO Roadshow, Santa Clara, California, April 2014
- Faculty Speaker, "Covered Business Method (CBM) Challenges and Post-Grant Review (PGR)," USPTO Post-Grant Patent Trials 2014, Practising Law Institute, San Francisco, California, April 2014