




# Michael A. Amon

## Principal

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## Overview

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### About Michael

Michael A. Amon is the vice office managing principal of the Southern California office of Fish & Richardson P.C. His practice emphasizes intellectual property litigation, including patent infringement and business litigation. Mr. Amon previously clerked for the Honorable James F. Stiven (2002-2003) and the Honorable Rudi M. Brewster (2003-2004) of the U.S District Court for the Southern District of California.

### Focus Areas

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### Services

- Litigation
- Commercial Litigation
- ITC Litigation
- Patent Litigation

### Industries

- Cleantech

## Education

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J.D. *cum laude*, University of San Diego School of Law (2002)

M.A., International Business Administration, University of San Diego (2001)

B.S., Biology, Trinity University (1995)

## Experience

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*Warsaw Orthopedic v. NuVasive, Inc.* – Represented NuVasive, Inc. in a series of patent infringement lawsuits filed by Warsaw and its Medtronic affiliate related to spinal access systems, spinal implants, fixation, and biologics. Mr. Amon was part of the team that successfully petitioned the Federal Circuit to vacate the \$101 million damages verdict Warsaw obtained at trial. In addition, Mr. Amon was involved in a series of *inter partes* review petitions that succeeded in invalidating several of Warsaw's asserted patents.

*NuVasive, Inc. v. Globus Medical, Inc.* – Represented NuVasive, Inc. against Globus regarding Globus's infringement of NuVasive patents related to medical devices and methods for spine surgery. Mr. Amon argued claim construction and summary judgment, and was instrumental in positioning NuVasive to negotiate a favorable settlement with Globus.

*St. Jude Medical, et al. v. Volcano Corp.* – Defended Volcano Corp. in patent litigation and jury trial related to pressure sensing guide wires used to diagnose heart problems. At trial, jury found two St. Jude patents invalid, two not infringed; a fifth patent was declared not infringed by the court on the eve of trial.

*Nicholas Colucci v. Callaway Golf Co.* — No. 08-CV-288 (E.D. TX.) Successfully defended Callaway Golf at trial against claims of patent and trade dress infringement as to certain golf club products manufactured and sold by Callaway Golf. Tried to a jury in March 2010. The jury found for Callaway Golf on no literal infringement of plaintiff's asserted patent, and no infringement of plaintiff's alleged trade dress rights. Post trial motions pending.

*Baxter Healthcare Corp and DEKA Prods. Ltd. Partnership v. Fresenius USA, Inc. et al.* — (07-1359 (N.D. Cal.) Successfully represented Fresenius at trial against claims of patent infringement related to peritoneal dialysis automated cyclers manufactured and used by Fresenius in the United States. The case was tried to a jury in July 2010. The jury returned a verdict of no infringement in Fresenius's favor.

*Callaway Golf Co. v. Acushnet Co. – No. 06-91 (D. Del.)* – Represented Callaway Golf in two-week trial asserting that Acushnet’s popular Titleist Pro V1 and Pro V1x golf balls infringe four Callaway Golf patents on golf ball construction. Tried to jury verdict in December 2007. Acushnet conceded infringement; jury found for Callaway Golf on validity of all four patents. Published at 523 F. Supp 2d 388 (D. Del. 2007).

*Data Encryption Corporation v. Microsoft Corp. – No. CV 05-05531 (C.D. Cal.)*. Part of the team that defended Microsoft against patent infringement allegations related to data encryption technology. Obtained favorable ruling of non-infringement on summary judgment.

*AVID Identification Sys., Inc. v. Philips Semiconductors Inc. – No. 2:04-cv-183 (E.D. Tex.)*. Part of the trial team that represented AVID in two-week trial asserting patent infringement (3 patents) and Lanham Act claims relating to RFID transponders and readers. Obtained favorable mid-trial settlement from two defendants and a complete jury victory against the other two defendants, including a finding of willful infringement and a damages award of over \$6 million.

*Stonebreaker v. Medical Management Int’l, Inc. – No. GIC 830293 (Cal. Sup. Ct.)*. Part of the trial team that represented Stonebreaker and AVID in trial asserting unfair competition under California Code Section 17200 and the Lanham Act. Obtained very favorable mid-trial settlement that included recovery of damages and a stipulated permanent injunction against the defendant.

## Insights

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## Publications

Mr. Amon is a contributing author to Fish's IP Law Essentials.

- "Patent Local Rules: Knowing Them Well Can Make Litigating Your Case Smoother," *Fish IP Law Essentials Blog* (April 2020)
- "Injunction Denied, Sandoz Clear to Launch" *Fish Litigation Blog* (September 2015).
- "BPCIA Dance Partners Request En Banc Rehearing and Amgen Seeks Temporary Injunction" *Fish Litigation Blog* (August 2015)
- "Amgen v. Sandoz: Federal Circuit Weighs In on the BPCIA Riddle" *Fish Litigation Blog* (July 2015)
- "Hot Topics Related to Biosimilars and the BPCIA" *Fish Litigation Blog* (June 2015)
- "Patent Dance Takes Center Stage in Amgen V. Sandoz Appeal" *Law360* (June 2015)
- "The Dangers of Having Your Expert Not Devote Sufficient Time to Your Case" *Fish Litigation Blog* (February 2015).

## Presentations

- "Patent Developments at the Supreme Court" and "Ethics: Common and Emerging Challenges," *San Diego Office CLE Event* (January 2018)
- "Short and Long-Term IP Strategies to Consider in Light of Trends and Pending Decisions," *Association of Corporate Counsel – San Diego Chapter* (December 2017)
- "Inter Partes Reviews: What Have We Really Learned?" *Daily Journal Patent Disputes Forum – South*, Beverly Hills, CA (December 2017)
- "Biosimilars – A Mid-Year Review," *Fish & Richardson Webinar*, (August 2017)

## Teaching Positions

Adjunct Professor of Law, University of San Diego School of Law 2009-present.

## Recognition

- Named to *The Best Lawyers in America* (2022)
- Named one of San Diego's Top Attorneys by *SD Metro Magazine* (2020)
- Named to *Best Lawyers Litigation – Patent* (2018-2021)

## Clerkships

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U.S. District Court for the Southern District of California, The Honorable James F. Stiven, 2002 - 2003

U.S. District Court for the Southern District of California, The Honorable Rudi M. Brewster (deceased), 2003 - 2004

## Memberships & Affiliations

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J. Clifford Wallace American Inn of Court

American Bar Association

Board member, San Diego Volunteer Lawyers Project

## Languages

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- English
- Italian
- Spanish