




Michael Headley

Principal

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Overview

About Michael

Michael Headley, managing principal of the Silicon Valley office of Fish & Richardson P.C., is a trial lawyer specializing in complex disputes related to intellectual property across a broad range of technologies. A Stanford alum with startup experience and more than a dozen jury and bench trials to date, he has tried cases and counseled clients through disputes involving patents, trademarks, trade secrets, copyrights, unfair competition, and other technology-related issues in courts from Delaware to San Francisco to China. In 2015, Mr. Headley obtained a \$139 million verdict for Power Integrations against Fairchild Semiconductor, one of the largest jury verdicts of the year. In 2016, the *California Daily Journal* named Mr. Headley one of the “Top IP Lawyers in California.”

When he is not in court, Mr. Headley works with the National Institute for Trial Advocacy (NITA), where he is a faculty member, and he has served on several advisory boards related to intellectual property issues. Mr. Headley previously served as Fish & Richardson’s firm-wide hiring principal.

Focus Areas

Services

- Litigation
- ITC Litigation
- Patent Litigation
- Trade Secret Litigation

Industries

- Electrical and Computer Technology
- Life Sciences
- Medical Devices
- Semiconductors
- Software

Education

J.D., University of California, Hastings College of the Law (2002)

B.A., Stanford University (1998)

Experience

Patent Cases

Power Integrations v. Fairchild Semiconductor – Successfully represented Power Integrations in bringing patent infringement suits in the District of Delaware and the Northern District of California. Asserted Power Integrations patents relating to circuits and high voltage transistor structures against various Fairchild chips used in power conversion applications. Juries returned verdicts awarding Power Integrations \$34 million and \$139 million in damages, respectively.

Gilead Sciences Inc. v. Merck & Co. – Counsel for Gilead in bench trial regarding equitable issues and post-trial damages claims following a March 2016 verdict against Gilead for infringement of Merck patents in a case involving Gilead's multi-billion dollar drugs Sovaldi and Harvoni, which are cures for Hepatitis C. On June 6, 2016, the Judge sided with Gilead and found Merck's patents unenforceable against Gilead, wiping out a prior \$200M verdict against Gilead.

Fairchild Semiconductor v. Power Integrations (China) – Served as lead defense counsel in this \$19 million lawsuit filed in China against Power Integrations, with responsibilities ranging from hiring and overseeing local counsel to developing trial strategy in a Chinese patent litigation matter that tested new and evolving law. After Power Integrations received a complete defense verdict at trial and invalidated more than half of Fairchild's patent claims, and continued to prevail in subsequent appeals, Fairchild ultimately dropped the case.

Power Integrations adv. Intersil and Fairchild – Represented Power Integrations as counsel in both the Eastern District of Texas and the District of Delaware in defense of patent infringement claims, and successfully moved to have the case dismissed. The technology related to high-voltage transistor structures.

Honeywell v. Sandel Avionics (Sandel I) – Successfully represented Sandel as trial counsel in securing a jury defense verdict of non-infringement. Other asserted Honeywell patent claims were previously held invalid on summary judgment, and the invalidity findings were affirmed on appeal. The patents-in-suit related to FAA-mandated Terrain Awareness and Warning Systems (“TAWS”).

Honeywell v. Sandel Avionics (Sandel II) – Represented Sandel as trial counsel in securing a jury verdict of non-infringement in the District of Delaware. The technology in this case also related to Terrain Awareness and Warning Systems for aircraft but was directed to older Ground Proximity Warning System (“GPWS”) software.

Cadence adv. Bhandari and Vanguard – Successfully represented Cadence in defending against claims for patent infringement in the Eastern District of Texas and Northern District of California. The technology at issue related to electronic design automation and verification tools. Secured summary judgment of non-infringement and dismissal of counterclaims.

National Instruments v. SoftWIRE Technology and Measurement Computing Corporation – Asserted National Instruments' pioneering patents related to graphical programming, embodied in LabVIEW®, in the U.S. District Court, District of Massachusetts. Also defended countersuit on two patents related to virtual instrumentation. Case settled.

Represented leading supplier of LCD controllers in patent infringement action. Obtained summary judgment of infringement and exceptional case attorneys' fees award for a total judgment over \$7.5 million.

Trademark and Copyright Cases

Asserted client's trademarks and copyrights against multiple defendants in the U.S. District Court, Northern District of California. Won summary judgment of infringement and obtained judgments against multiple infringers.

Trade Secret Cases

Represented leading fiber optic components company in trade secret litigation in California State Court. Case successfully resolved.

Teaching Positions

National Institute for Trial Advocacy (NITA) faculty member
U.C. Hastings College of Law, taught legal writing and moot court (2003-2007)

Government Legal Service Positions

Special Deputy District Attorney, San Benito County, California (2003-2006)

Served as a judicial extern in the Northern District of California to the Honorable D. Lowell Jensen, U.S. District Court Judge (2002), and to the Honorable Sandra Brown Armstrong, U.S. District Court Judge (2000)

Insights

Videos

Michael Headley discusses protecting and litigating IP in China.

Publications

- “AB 1688: Patients can try drugs still in clinical trials,” *Daily Journal* (January 2017)

Speaking Engagements

- “Technology Licensing 101,” *ACC San Francisco Bay Area Technology Licensing 101 CLE Event* (April 20, 2022)
- “You Violated Our IP!’ – Prevention Strategies and Responses Every In-House Counsel Should Know,” *ACC San Francisco CLE Presentation* (November 16, 2021)
- “Multinational Litigation Strategy and Coordination,” *Berkeley-Stanford Advanced Patent Law Institute* (December 2018)
- “Enforcement Issues,” *BCLT/BTLJ Annual Symposium: The Administrative Law of Intellectual Property* (April 2018)
- “Mediation of Patent Cases,” *Daily Journal Patent Disputes Forum North* (April 2018)
- “Preventing the Misappropriation of Trade Secrets: IP Counsel Responsibilities,” *Managing Intellectual Property Trade Secrets Forum* (September 2017)

Media Mentions

- Quoted, “Counsel reveal top strategies for snagging summary judgments,” *Managing IP* (May 21, 2021)

Recognition

- Named to The Best Lawyers in America (2022-2023)
- Recognized in *Best Lawyers in America* in Litigation – Patent (2020)
- Recognized in *Best Lawyers in America* Trade Secrets Law (2021)
- Recognized in *IAM Patent 1000: The World’s Leading Patent Professionals* (2019-2022)
- Named to the Advisory Board for the Stanford Center for the Legal Profession (2016-present)
- Named to the Berkeley Center for Law & Technology’s Advisory Board (2016-present)
- Named to *The Daily Journal*’s list of California’s Top IP Attorneys in (2016)
- Named to *Law360*’s Intellectual Property Editorial Advisory Board (2015-2017)
- Named a *Super Lawyers* “Rising Star” in the field of intellectual property litigation (2010-2015)

Memberships & Affiliations

President, San Francisco Bay Area IP Inn of Court

Director, San Francisco Opera BRAVO! Club (2004-2007)