






Michael J. McKeon

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Mike “is a dynamic first-chair litigator” and is “an excellent relationship partner and is terrific in the courtroom.” “Mike makes it possible to create strategies under a big picture. He plans effectively, provides valuable insight and produces excellent results.”

— *2020 Chambers and Partners*

“Mike is brilliant in court.”

— *2019 IAM Patent 1000*

“Mike McKeon made it possible to create strategies under a big picture. He planned effectively, provided valuable insight and produced excellent results.”

— *2019 Chambers and Partners*

“Mike is an excellent trial lawyer. He has high energy, is quick on his feet and has a deep understanding of the ITC. He expertly handled incredibly complex matters.”

— *2018 Chambers and Partners*

“Michael is incredibly smart, works intensely hard, has a way with people and delivers arguments and presentations with finesse. He is also outstanding in terms of developing strategy.”

— *2018 IAM Patent 1000*

“McKeon’s ‘high-energy and tenacious’ style lends itself well to ITC patent litigation, but he is ‘very comfortable in any courtroom’ and has prevailed in many a district court, as well as before the Court of Appeal for the Federal Circuit.”

— *2017 IAM Patent 1000*

“He develops cases very efficiently for trial and his broad strategic overview sets him apart as a stellar attorney. He can handle different cases in different venue – and different countries – simultaneously,

and is excellent on his feet.”

— *2016 IAM Patent 1000*

“Michael McKeon has been a key figure in the ongoing smartphone wars. He has worked tirelessly to secure the right results in some of the most bitterly fought patent spats around.”

— *2013 IAM Patent 1000*

Overview

About Michael

Michael McKeon is a principal in the Washington, D.C., office of Fish & Richardson P.C. and a member of the firm’s management committee and the firm’s award-winning intellectual property litigation group. Mr. McKeon serves as lead trial counsel representing clients in intellectual property matters in U.S. district courts throughout the country and is one of the leading authorities on litigation at the U.S. International Trade Commission (ITC). He has successfully tried dozens of cases and has led trial teams in some of the most significant disputes on behalf of the world’s most well-known high technology companies. Mr. McKeon also regularly appears on behalf of clients at the U.S. Court of Appeals for the Federal Circuit. In addition to his decades of trial work, Mr. McKeon is a highly regarded strategist with a long track record of developing areas of law on behalf of his clients.

After graduation from engineering school in 1990, Mr. McKeon started his intellectual property career as a patent examiner with the U.S. Patent and Trademark Office and continued to work full-time while attending law school in the evenings at the George Washington University Law School. Mr. McKeon was a judicial clerk to the Honorable William C. Bryson of the U.S. Court of Appeals for the Federal Circuit. Mr. McKeon has been with Fish & Richardson since completing his clerkship where he has been instrumental in the firm’s growth from 120 lawyers in a few offices to over 400 in a dozen offices nationwide.

Mr. McKeon is an adjunct professor at the George Washington University Law School where he developed and is teaching the highly successful and first law school class in the country dedicated to section 337 cases before the ITC. Mr. McKeon also serves as chair of the intellectual property advisory board at the George Washington University Law School. In 2014, Mr. McKeon was inducted into the University of Connecticut’s Academy of Distinguished Engineers and he currently serves as a member of the advisory board for the school of engineering.

Additional information

Mr. McKeon was born and raised in Niantic, Connecticut. He now lives with his wife in Alexandria, Virginia. Mr. McKeon is a music lover and running enthusiast (including completing many marathons).

Focus Areas

Services

- Litigation
- Appellate
- ITC Litigation
- Patent Litigation

Industries

- Electrical and Computer Technology
- Semiconductors
- Telecommunications

Education

J.D. *with highest honors (top 1%), Order of the Coif*, George Washington University Law School (1996)

B.S. *magna cum laude*, Mechanical Engineering, Materials Engineering, University of Connecticut (1990)

Experience

U.S. District Court Cases

Multimedia Patent Trust v. LG Electronics, Inc., et al. (SDCA) – Defended LGE through trial and appeal in a patent case accusing LG’s video-capable cellular telephones.

Parallel Networks, LLC v. Amazon.com Inc. et al (E.D. Tex/Fed Cir.) – Represented defendant

Amazon.com and others through appeal in a patent infringement action.

Zenith Electronics LLC v. Sony Corporation, et al. (E.D. Tex./N.D. Ca./N.D. Ill.) – Represented Zenith Electronics LLC in a patent case against Sony Corporation relating to digital television receivers.

LG Electronics, Inc. v. Sony Corporation (SDCA/CDCA) – Represented LGE in a patent case against Sony relating to Blu-ray disc players and digital television products.

Spansion LLC v. Samsung Electronics Co., Ltd. (E.D. Va./WD Wisc.) – Represented Samsung Electronics in a patent case related to Flash memory.

Alcatel-Lucent USA, Inc. v. Amazon.com, Inc., et al (E.D. Tex.) – Defended Amazon.com, Inc. in a patent case accusing Amazon.com's popular e-Commerce website and Kindle products.

Vizio, Inc. v. LG Electronics (D. MD) – Defended LGE in patent case accusing LGE's digital televisions.

Hitachi Plasma Patent Licensing Co. v. LG Electronics, Inc. (E.D. Tex.) – Defended LGE in a patent case accusing LGE's plasma televisions.

International Business Machine Corp. v. Amazon.com, Inc. (E.D. Tex.) — Defended Amazon.com in a patent case accusing Amazon.com's popular Internet shopping website.

LG Electronics, Inc. v. Hitachi, Ltd. (E.D. Tex.) – Represented LGE in a patent case against Hitachi relating to car audio/visual and navigation products.

Antor Media Corporation v. LG Electronics Mobilecomm USA, Inc. (E.D. Tex.) — Defended LGE in a patent case accusing to content downloads to mobile phones.

Zoltar Satellite Systems, Inc. v. LG Electronics Mobilecomm USA, Inc. (E.D. Tex/ND Cal.) — Defended LGE in a patent case accusing e911 systems in mobile phone networks.

Charles E. Hill & Associates v. AOL et al. (E.D. Tex.) — Defended AOL Time Warner, Inc. in a patent case accusing its on-line shopping services.

Ciena Corporation v. Corvis Corporation (D. Del.) — Represented Ciena in patent infringement case relating to dense wave division multiplexing optical communications systems.

Toshiba Corporation v. Juniper Networks, Inc et al. (D. Del.) — Defended Juniper in a patent case relating to router technology.

Cargill, Incorporated v. Canbra Foods, Ltd., Dow AgroSciences Canada Inc., and Dow AgroSciences LLC (D. Oregon) — Represented Cargill in a patent case relating to specialty canola oil.

Microsoft v. Ultimate Game Club, Ltd. (D. Conn.) — Represented Microsoft in a patent case relating to its XBOX video game system.

Bell Atlantic Network Services, Inc. v. Covad Communications (E.D. Va.) — Defended Covad Communications in a patent case relating to DSL technology.

Scripps International, Ltd. v. First Alert, Inc. (E.D. Va.) — Represented Scripps International in a patent infringement case relating to alarm systems.

Siemens Business Communication Systems v. Harris Corporation (E.D. Va.) — Represented Siemens in patent infringement case relating to telecommunications switching equipment.

International Trade Commission, Section 337 Investigations

Certain Wireless Consumer Electronics Devices and Components Thereof, Inv. No. 337-TA-853 – Represented LG in ITC investigation through trial and final Commission review against complainants TPL, Patriot Scientific, and Phoenix Digital System and their infringement assertion of a patent related to variable speed system clocks in microprocessors.

Certain Electronic Devices Having A Digital Television Receiver and Components Thereof (Inv. No. 337-TA-774) – Represented Complainant Zenith Electronics Ltd. against Sony entities seeking exclusion of Sony digital television receivers.

Certain Display Devices, Including Digital Televisions and Monitors II (Inv. No. 337-TA-765) – Defended Respondent LGE against patent infringement claims brought by Sony Electronics seeking exclusion of LGE's digital television products.

Certain Digital Televisions and Components Thereof (Inv. No. 337-TA-764) – Represented Complainant LGE against Sony entities seeking exclusion of Sony digital television products.

Certain Mobile Telephones and Modems (Inv. No. 337-TA-758) – Defended respondent LG Electronics in patent case brought by complainant Sony Corp. seeking to exclude LGE's mobile products implementing standard-based wireless technologies (UMTS/WCDMA, LTE, and CDMA2000).

Certain Flash Memory Chips and Products Containing Same (Inv. No. 337-TA-735)- Defended respondent Samsung Electronics against patent infringement claims brought by Spansion LLC seeking exclusion of Samsung's NAND Flash Memory Chips and downstream products containing those chips manufactured by Samsung and Samsung customers.

Certain Flat Panel Digital Televisions and Components Thereof (Inv. No. 337-TA-733) — represented respondents LG Electronics in a patent case brought by Vizio seeking exclusion of LGE's digital televisions implements QAM standard transmission technology.

Certain Video Displays, Components Thereof, and Products Containing the Same (Inv. No. ITC Inv. 337-TA-687) – Represented Complainant LG Electronics seeking exclusion of digital televisions imported by Vizio, Inc. and AmTran.

Certain Mobile Telephones and Wireless Communication Devices Featuring Cameras, and Components Thereof (Inv. No. 337-TA-663) – Defended Respondent LG Electronics against patent infringement claims brought by Eastman Kodak seeking exclusion of LGE's popular cellular telephone products.

Certain Electronic Devices Having Image Capture or Display Functionality and Components Thereof (Inv. No. 337-TA-672) – Represented Complainant LG Electronics against Eastman Kodak seeking exclusion of Kodak's digital camera products.

Certain Flash Memory Devices and Components Thereof, and Products Containing Such Devices and Components (Inv. No. 337-TA-552) — Defended respondent Hynix Semiconductor against patent infringement claims brought by Toshiba Corp. seeking exclusion of Hynix' Flash memory products.

Certain Semiconductor Devices, DMA Systems, and Products Containing Same (Inv. No. 337-TA-607) — Represented Complainant Samsung Electronics against Renesas Technology in a patent case relating to semiconductors and DMA systems.

Certain Dynamic Random Access Memory Devices and Products Containing Same (Inv. No. 337-TA-595) — Defended Respondent Samsung Electronics against patent infringement claims brought by Renesas Technology Corp. seeking exclusion of Samsung's DRAM products.

Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, including Cellular Telephone Handsets (Inv. No. 337-TA-543) – Represented LG Electronics as an intervenor through appeal in a case brought by Broadcom Corp. against Qualcomm accusing Qualcomm's baseband processor chips, which are components used in LGE's cellular telephone handsets.

Certain Display Controllers and Products Containing Same (Inv. No. 337-TA-491) — Represented complainant Genesis Microchip in a patent case against a number of Taiwanese companies seeking exclusion of display controller chips and downstream monitors containing the chips.

Certain Video Game Systems, Accessories, And Components Thereof (Inv. No. 337-TA-473) — Represented complainant Microsoft in a patent case seeking exclusion of products employing features from XBOX video game system.

Certain CMOS Active Pixel Image Sensors and Products Containing Same – (Inv. No. 337-TA-451) — Represented complainants Photobit Corporation and Caltech in a patent case seeking exclusion of camera products employing active pixel sensors.

Certain Optical Waveguide Fibers and Products Containing Same (Inv. No. 337-TA-410) — Defended respondent Plasma Optical Fibre (from the Netherlands) in a patent case brought by Corning seeking exclusion of fiber optic cables.

Insights

Selected Publications and Presentations

“MISSION: IMPOSSIBLE – Accepting the Mission: Strategies for Preventing the Theft & Misappropriation of Your Trade Secrets” (October 3, 2019 – Austin, TX)

“Willful Infringement and Damages in Patent Litigation,” The 5th Korea Intellectual Property Lawyers Association Annual International Seminar (May 27, 2019 – Seoul, Korea)

“The Good, The Bad, and the Ugly of the New (WDTX) & Dominant (EDTX) Patent Litigation Frontier – A look at venue, transfer, damages and other trends in the most notorious forums in the U.S.” (May 2019 – Seoul, Korea)

“Fuel & Fire – The Movement to Extinguish the Patent System” (November 1, 2017 – Washington, DC)

“ITC’s Powerful Patent Remedies,” *Metropolitan Corporate Counsel* (January 2017)

“Rainmaker Q&A: Fish & Richardson’s Michael McKeon,” *Law360* (September 2016)

“Keeping Up With the ITC,” interview with *The Metropolitan Corporate Counsel* (October 2014)

“The Assault on the Patent System – A Record Year of Case Developments and Trends” (June 24, 2014 – Seoul, Korea)

“The Global Dialogue – Innovation and Capital,” Federal Circuit Bench & Bar and US Chamber of Commerce (May 23, 2014 – Washington, DC)

“The Federal Circuit Year in Review – New Law and New Trends You Need to Know” (July 3, 2013 – Seoul, Korea)

“Thriving in Markman Hearings” (23rd Annual All Hands Meeting – Silicon Valley Association of General Counsel) (December 7, 2011)

“Alternatives to District Court Litigation – Section 337 Proceedings in the ITC,” 2010 IPO Annual Meeting (September 14, 2010 – Atlanta)

“Inside the Mind of an Infringer – the Scope of Liability for Induced Infringement” (July 22, 2010 – Seoul, Korea)

“Master Class: Enforcement of ITC Exclusion Orders,” American Conference Institute, ITC Litigation and Enforcement (February 24-26, 2010 – New York)

“ITC Update: Remedies, Enforcement & Other Developments,” 14th Annual Advanced Patent Law Institute,” The University of Texas School of Law (October 30, 2009 – Austin).

“Kyocera Decision and its Implications for Future Section 337 Practice,” ITC Trial Lawyers Association (May 6, 2009 – Washington, D.C.).

“E-Discovery: What You Need to Know To Avoid Sanctions, Protect Your Information and Minimize Costs” (June, 2008 – Seoul, Korea).

“Current Issues Surrounding Patent Eligibility under 35 U.S.C. 101 – Government, Academic and Private Sector Perspective,” The Federal Circuit Bar Association (May 22, 2008 – Washington, D.C.).

“Strategies for Enforcing and Defending Intellectual Property Rights,” National Asian Pacific American Bar Association (November, 2007 – Las Vegas, Nevada).

“The Current State of Re-Exams at the USPTO,” The Federal Circuit Bar Association (September 13, 2007 – Washington, D.C.).

“*Veni, Vidi, Vici*: Conquering Your Adversaries in the United States Patent Litigation Battle” (December 12, 2006 – Seoul, Korea).

“Advantages of a Section 337 Investigation at the US International Trade Commission,” IP Litigator, Vol. 12, No. 3 (May/June 2006) (co-author).

“Patent Reform & Legislative Changes on the Horizon” (November, 2005 – Seoul, Korea).

“The Eastern District of Texas: The Good, The Bad, and the Ugly of the New Patent Litigation Frontier” (November 2, 2005 – Seoul, Korea).

“The Patent Marking and Notice Statute: A Question of ‘Fact’ or ‘Act?’” *Harv. J. of Law & Tech.*, 9, 421 (Summer 1996) (Finnegan Award).

“Lotus v. Borland: Copyright Protection of Computer Software in a State of Transition,” *Copyright World*, 53, 16 (September 1995).

Recognition

Mr. McKeon has earned numerous awards and honors including being selected as a “Lawyer of the Year” by *The Best Lawyers in America* for Litigation – Patent (2021), *Best Lawyers in America* for Litigation – Patent (2008-2021), Washington, DC *Super Lawyers for Intellectual Property Litigation* (2011-2019), and “IP Star” by *Managing Intellectual Property* (2014-2020), and being recognized in *IAM Patent Litigation 250/1000 – The World’s Leading Patent Litigators* (2010-2020). He was also recognized in *Who’s Who Legal Patents Lawyers* (2016-2018, 2020). He was also one of 20 lawyers in Washington, D.C. to be selected as “Visionary” in *National Law Journal’s Legal Times* for his outstanding business foresight and legal acumen (2012). He was one of one hundred lawyers identified for *Super Lawyers’ Top 100* in the Washington, D.C. legal market (2016-2018). He was also one of 50 lawyers in the U.S. selected by the *National Law Journal* as an “Intellectual Property Trailblazer & Pioneer” for his work in intellectual property (2014). Mr. McKeon was also featured in *The American Lawyer* representing Fish & Richardson as a finalist for IP Litigation Department of the Year (2010, 2014, 2015) and featured in the *National Law Journal’s* 2014 and 2015 Appellate Hot List for his representation at the Federal Circuit. In addition, Mr. McKeon is featured in *Chambers USA* and *Chambers Global* for both Intellectual Property and ITC Section 337 cases.

Clerkships

U.S. Court of Appeals for the Federal Circuit, The Honorable William C. Bryson, 1996 - 1997