






Michael J. McKeon

Principal

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Mike “is a highly rated trial lawyer with expertise acting before the ITC and an impressive client roster featuring a number of household-name companies in the technology sector. Sources call him a ‘smart and engaging lawyer.’”

— *2021 Chambers and Partners*

Mike “is a dynamic first-chair litigator” and is “an excellent relationship partner and is terrific in the courtroom.” “He plans effectively, provides valuable insight and produces excellent results.”

— *2020 Chambers and Partners*

“Mike is brilliant in court.”

— *2019 IAM Patent 1000*

“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*

“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*

Overview

About Michael

Michael J. McKeon is a nationally recognized intellectual property and trial attorney. For more than 25 years, Mr. McKeon has represented the world's most well-known high technology companies in their most complex and significant disputes, often with billions of dollars at stake. He has successfully tried dozens of jury and bench trials leading trial teams in intellectual property matters in U.S. district courts throughout the country and at the U.S. International Trade Commission (ITC). Mr. McKeon also regularly appears on behalf of clients at the U.S. Court of Appeals for the Federal Circuit.

Mr. McKeon has a long record of success representing clients in **district court through jury trial wins**, while also working to develop **paths to victory before trial**. He has **successfully represented clients in over fifty ITC cases** both as complainants (securing ITC exclusion orders against clients' competitors) and respondents (clearing clients of alleged violation). Mr. McKeon's results for his clients are often **victory through complex, multi-forum strategies**, including parallel actions in district and state courts as well as the ITC. 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. Some notable examples include his work in the ITC and on appeal in pushing to change the well-entrenched ITC practice of issuing remedies against products of non-respondents, which resulted in the Federal Circuit's *Kyocera* decision. He has also worked across numerous ITC cases obtaining Commission clarity on the appropriate scope of the domestic industry requirement in ITC proceedings.

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 at the George Washington University Law School where he graduated in the top 1% of his class. 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 380 in a dozen offices nationwide. Mr. McKeon is a member of the firm's Management Committee.

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 UCONN's 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) and is passionate about the United States of America and its founding.

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

Confidential Client – Led a trial team in defense of a large consumer electronics company in the Southern District of California against infringement claims relating to patents asserted to be MPEG standard essential. After a two-week trial, the jury returned a verdict of no infringement clearing the

company's multi-billion dollar consumer electronics business. Also obtained summary judgment of no infringement in a follow on case. Successfully defended both victories at the Federal Circuit.

Confidential Client – Defended a large consumer electronics company in the District of Massachusetts against assertions of infringement against the company's multi-billion dollar mobile products business. After a successful *Markman* hearing, obtained judgment of no infringement. Defended the judgment on appeal and obtained a ruling of invalidity of all claims in cross-appeal.

Confidential Client – Led a team representing a large semiconductor manufacturing company as complainant against a competitor. After trial and review, obtained an order excluding competitor's Flash memory and its broad set of downstream consumer electronics products from entry into the United States. The case then favorably settled.

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

Confidential Client – Represented a large consumer electronics company against a well-known NPE that held a portfolio of mobile SEPs. Convinced the ITC to terminate an investigation based on a prior arbitration agreement, thus freeing the client of exclusion risk. Defended the ruling on appeal with the Federal Circuit reversing the ITC but the U.S. Supreme Court granting *certiorari* and vacating the appellate ruling. In parallel, brought action in the Delaware Court of Chancery for breach of contract claims and defended those claims in argument before the Supreme Court of Delaware. The multi-jurisdictional, multi-year dispute was eventually successfully resolved through settlement after an AAA arbitration initiated by Mr. McKeon in New York.

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.

Publications

- “Advantages of a Section 337 Investigation at the US International Trade Commission,” *IP Litigator*, Vol. 12, No. 3 (May/June 2006)
- “The Patent Marking and Notice Statute: A Question of ‘Fact’ or ‘Act’?” *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)

Speaking Engagements

- “MISSION IMPOSSIBLE – Accepting the Mission: Strategies for Preventing the Theft & Misappropriation of Your Trade Secrets,” Austin, Texas (October 2019)
- “Willful Infringement and Damages in Patent Litigation,” *The 5th Korea Intellectual Property Lawyers Association Annual International Seminar* (May 2019)
- “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.,” Seoul, Korea (May 2019)
- “Fuel & Fire – The Movement to Extinguish the Patent System,” Washington, D.C. (November 2017)
- “The Assault on the Patent System – A Record Year of Case Developments and Trends,” Seoul, Korea (June 2014)
- “The Global Dialogue – Innovation and Capital,” *Federal Circuit Bench & Bar and US Chamber of Commerce* (May 2014)
- “The Federal Circuit Year in Review – New Law and New Trends You Need to Know,” Seoul, Korea (July 2013)
- “Thriving in *Markman* Hearings,” *23rd Annual All Hands Meeting – Silicon Valley Association of General Counsel* (December 2011)
- “Alternatives to District Court Litigation – Section 337 Proceedings in the ITC,” *2010 IPO Annual Meeting* (September 2010)
- “Inside the Mind of an Infringer – the Scope of Liability for Induced Infringement,” Seoul, Korea (July 2010)
- “Master Class: Enforcement of ITC Exclusion Orders,” *American Conference Institute, ITC Litigation and Enforcement* (February 2010)
- “ITC Update: Remedies, Enforcement & Other Developments,” *14th Annual Advanced Patent Law Institute*, The University of Texas School of Law (October 2009)
- “Kyocera Decision and its Implications for Future Section 337 Practice,” *ITC Trial Lawyers Association*

(May 2009)

- “E-Discovery: What You Need to Know To Avoid Sanctions, Protect Your Information and Minimize Costs,” Seoul, Korea (June 2008)
- “Current Issues Surrounding Patent Eligibility under 35 U.S.C. 101 – Government, Academic and Private Sector Perspective,” *The Federal Circuit Bar Association* (May 2008)
- “Strategies for Enforcing and Defending Intellectual Property Rights,” *National Asian Pacific American Bar Association* (November 2007)
- “The Current State of Re-Exams at the USPTO,” *The Federal Circuit Bar Association* (September 2007)
- “Veni, Vidi, Vici: Conquering Your Adversaries in the United States Patent Litigation Battle,” Seoul, Korea (December 2006)
- “Patent Reform & Legislative Changes on the Horizon,” Seoul, Korea (November 2005)
- “The Eastern District of Texas: The Good, The Bad, and the Ugly of the New Patent Litigation Frontier,” Seoul, Korea (November 2005)

Media Mentions

- “A Stranger’s Guide to USITC Trade Secret Complaints,” *Managing IP* (August 12, 2022)
- Interview, “The ITC Offers Powerful Remedies In Patent Cases: While the number of cases ebbs and flows, the ITC is here to stay,” *Metropolitan Corporate Counsel* (January 2017)
- Q&A, “Rainmaker Q&A: Fish Richardson’s Michael McKeon,” *Law360* (September 2016)
- Interview, “Keeping Up With the ITC,” *Metropolitan Corporate Counsel* (October 2014)
- Interview, “Is The ITC Right For Your Patent Enforcement Actions?” *Metropolitan Corporate Counsel* (October 2010)

Recognition

- “Litigation Practitioner of the Year – DC Metro,” *Managing IP* (2022)
- Ranked “Band 1” for International Trade: Intellectual Property (Section 337) and “Band 2” for Intellectual Property by *Chambers Global* and *Chambers USA*: (2012-2022)
- *The Best Lawyers in America* for Litigation – Patent (2008-2023)
- “The World’s Leading Patent Practitioners,” *IAM Patent 1000* (2022)
- “Lawyer of the Year,” *The Best Lawyers in America* for Litigation – Patent (2021)
- *Who’s Who Legal Patents Lawyers* (2016-2021)
- “IP Star,” *Managing Intellectual Property* (2014-2022)
- Intellectual Property Litigation, *Super Lawyers*, Washington, D.C.(2011-2021)
- *IAM Patent Litigation 250/1000 – The World’s Leading Patent Litigators* (2010-2021)
- “Top 100” lawyer in Washington, D.C. by *Super Lawyers* (2016-2018)
- “Appellate Hot List,” *National Law Journal* for representation at the Federal Circuit (2014-2015)

- Finalist, “IP Litigation Department of the Year,” *The American Lawyer* (2010, 2014-2015)
- Selected among 50 lawyers in the U.S. as an “Intellectual Property Trailblazer & Pioneer” by the *National Law Journal* for work in intellectual property (2014)
- Selected among 20 lawyers in Washington, D.C. as a “Visionary” by the *National Law Journal’s Legal Times* for outstanding business foresight and legal acumen (2012)

Clerkships

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