





Michael T. Zoppo

Principal

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“For a litigator in New York, look to Michael Zoppo, an experienced first-chair trial lawyer with a glittering track record representing insurance companies, banks and exchanges in commercially consequential patent duels.”

— 2019 *IAM Patent 1000*

“Michael Zoppo has been firing on all cylinders advocating for rights holders in the financial sector. He really understands how sophisticated and innovative financial services companies do business, which gives him an edge in many ways...”

— 2018 *IAM Patent 1000*

Fish’s “New York office is a vital resource pool in terms of staffing trial teams, but in Michael Zoppo it also has someone to fill a lead role.”

— 2017 *IAM Patent 1000*

Overview

About Michael

Michael T. Zoppo focuses his practice on the IP needs of financial services companies nationwide, whether that means taking a case to trial, developing an IP portfolio, or strategic counseling.

As a trial lawyer with first-chair experience and versed in a broad range of technologies, Michael frequently serves as lead counsel in high profile cases with millions of dollars at stake. Because cases between competitors often give rise to more than just patent claims, Michael has also litigated trade secret, Lanham Act, breach of contract, defamation, and fraud claims.

Michael has scored big wins for major financial institutions, including insurance companies, banks,

and national exchanges. Some of his successes include:

- Michael represented an options exchange facing over a billion dollars in alleged damages and led pre-trial proceedings that forced the patentee to consent to adverse judgment moments before opening statements. The Federal Circuit affirmed the judgment and the District Court awarded over six million dollars in attorneys' fees to Michael's client. The *National Law Journal* profiled this win in its selection of Fish & Richardson to its 2015 Intellectual Property Hot List.
- In a case where an insurance company faced both patent and non-patent claims leading to a nine-figure damages model, Michael obtained complete summary judgment of non-infringement leading to an extremely favorable settlement of all claims against his client. When that same insurance company faced another allegation of patent infringement—this time with an eight-figure damages model—Michael was called on again to lead the defense, obtaining the invalidation of the asserted patent and affirmance by the Federal Circuit.

In addition to being a Principal in the litigation practice group, Michael is a registered patent lawyer and counsels startup companies to Fortune 100 companies regarding their intellectual property portfolios. He has been brought in to oversee the prosecution of key patent applications as well as to guide portfolio development and monetization. Utilizing his litigation and prosecution background, Michael has an active post-grant practice and has first-chaired multiple AIA trials.

Before focusing his practice on litigation and counseling, Michael spent several years prosecuting patent applications in technical disciplines such as power systems, chemistry, aircraft propulsion, and semiconductors. Prior to entering the legal field, Michael founded a startup that offered web-based auction services.

Michael lives in Cedar Grove, New Jersey with his wife and their twin sons.

Focus Areas

Services

- IP Licensing, Transactions, and Agreements
- Litigation
- Post-Grant
- Trademark
- Opinions and Strategic Counseling
- Appellate
- Commercial Litigation

- Patent Litigation
- Trade Secret Litigation

Industries

- Chemicals
- Cleantech
- Digital Media and E-Commerce
- Electrical and Computer Technology
- Financial and Business Services
- Internet
- Manufacturing
- Semiconductors
- Telecommunications
- Transportation

Education

J.D., Rutgers School of Law - Newark (2004) Managing Editor, *Rutgers Law Review*

B.E. *with honors (First in major)*, Materials Engineering, Stevens Institute of Technology (2001)

B.A. *with honors*, Philosophy, Stevens Institute of Technology (2001)

Experience

USAA v. Mitek Systems Inc. (W.D. Tex.): In a landmark case focused on remote deposit capture technology, Michael served as lead patent counsel for USAA, defending against Mitek's allegations of patent infringement. Obtained summary judgment of non-infringement for all asserted patents. Also represented USAA on claims of trade secret misappropriation, breach of contract, defamation, and fraud.

Asghari-Kamrani v. USAA (E.D. Va.): Served as lead counsel for USAA, defending against allegations of infringing a patent relating to two-factor authentication. Obtained order invalidating the patent-in-suit under *Alice*, affirmance from the Federal Circuit, and denial of *certiorari* from the

Supreme Court.

Smart Authentication IP v. USAA (E.D. Tex.): Served as lead counsel for USAA, defending against allegations of infringing a patent relating to two-factor authentication.

St. Isidore v. USAA (E.D. Tex.): Served as lead patent counsel for USAA, defending against allegations of infringing patents relating to two-factor authentication.

Annuitek LLC v. USAA Life Insurance Company (E.D. Tex.): As lead counsel, represented USAA in patent litigation concerning the pricing of annuity contracts.

Unified Messaging Solutions, LLC v. USAA (N.D. Ill. and W.D. Tex.): Represented USAA in patent litigation concerning cross-platform messaging. Final judgment entered in USAA's favor, and obtained attorneys' fees.

Novozymes A/S and Novozymes North America, Inc. v. C T E Global, Inc., (N.D. Ill.): Represented plaintiff-patentee Novozymes in litigation against U.S. importer of glucoamylase industrial enzymes (used in the manufacture of fuel ethanol) and obtained permanent injunction.

Chicago Board Options Exchange v. International Securities Exchange (N.D. Ill.): As co-lead counsel, represented the Chicago Board against ISE in litigation concerning a patent on a fully computerized exchange. ISE consented to judgment in CBOE's favor right before opening statements were to begin. Judgment of non-infringement was affirmed by the Federal Circuit, and the district court awarded over six million dollars in attorneys' fees to CBOE.

Realtime Data v. Chicago Board Options Exchange (S.D.N.Y.): As lead counsel, represented the Chicago Board against Realtime Data in a litigation concerning patents on data compression, particularly regarding financial data.

C2 Options Exchange v. International Securities Exchange (N.D. Ill.): Represented the C2 Exchange in a litigation concerning a patent on a fully computerized exchange.

Layne Christensen v. The Purolite Company (D. Kan.): Represented water purification company in litigation involving allegations of patent infringement and breach of contract.

Certain Disc Drives, Components Thereof, and Products Containing Same (USITC 337-TA-516): Represented hard disk drive manufacturer in investigation involving servo technology, magnetic media, and mechanical structures contained in micro-disc drives.

Seagate Technology LLC v. Cornice, Inc. – (D. Del.): Represented hard disk drive manufacturer in investigation involving servo technology, magnetic media, and mechanical structures contained in micro-disc drives

Represented a semiconductor manufacturer in multiple litigations concerning doping of wide band

gap semiconductors, commonly used in light emitting diodes and laser diodes.

Represented a DRAM manufacturer in litigation concerning patents directed to increasing bandwidth.

Insights

Publications

- “INSIGHT: Financial Services Patents Surviving Roller Coaster from 2014 High Court Decision,” *Bloomberg Law* (June 2019)
- “INSIGHT: Patents as Weapons in the Financial Services Industry—A New Era,” *Bloomberg Law* (March 2019)
- “Defend Trade Secrets Act | Stopping Further Leaks: Protecting Trade Secrets While Litigating Misappropriation,” *Fish Litigation Blog* (August 2017)
- “*eBay Inc. v. MercExchange, L.L.C.*: New Standard for Permanent Injunctions in Patent Cases,” *Bright Ideas* 15, 2 (Fall 2006)

Speaking Engagements

- “PTAB Developments: Intersection of Post Grant and Litigation,” *Summit on Protecting Innovations in the Financial Services Industry* (July 2019)
- “Embracing Change at the PTAB,” *Summit on Protecting Innovations in the Financial Services Industry* (July 2018)
- “Apply Best Practices in Oral Arguments Before the PTAB,” *Patents for Financial Services Summit* (July 2017)
- “Strategies that Effectively Prepare Your Case for a District Court Trial,” *Patents for Financial Services Summit* (July 2016)

Media Mentions

- Quoted, “Patent Holders Tear Devices Down to Build Infringement Cases Up,” *Bloomberg Law* (April 2018)
- Quoted, “Swelling Docket Pushing Delaware Judges to Transfer Patent Cases,” *Bloomberg Law* (September 2017)
- Quoted, “Wall Street is Trying to Beat Silicon Valley at Its Own Game,” *Bloomberg Businessweek* (February 2016)
- Quoted, “7 Ways To Survive an Alice Patent Challenge,” *IP Law360* (December 2015)
- Quoted, “IP Boutiques Adjust to Client Use of Patent Office Reviews,” *New York Law Journal* (October 2015)
- Quoted, “Protecting IP Innovation in the Financial Services Sector,” *The Metropolitan Corporate Counsel*

, Vol. 23 No. 3. (March 2015)

- Quoted, “Fish & Richardson Scores Patent Victory with Motions in Limine,” *IPWatchdog* (April 2013)
- Quoted, “How They Won It: Fish Torpedoes \$400M Patent Suit,” (April 2013)

Recognition

- “Leading Patent Professional” by *IAM Patent 1000* (2017-2021)
- “New York Rising Star for IP Litigation,” *Super Lawyers* (2013-2018)
- “Rising Star” by the *New York Law Journal* (2017)