

## Michael (Mike) S. Connor

Partner

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Mike Connor is a partner in Alston & Bird's IP Litigation Group. He handles patent infringement and other IP disputes and counseling, and for many years led the firm's national IP practice and IP litigation group.

Mike has experience in technologies such as automotive, orthopedics, cardiology, medical imaging, mobile telephony, computer networks, financial services, robotics, textiles, fiber optics, rare-earth magnets, and semiconductors. He has led trial teams in federal courts across the U.S., at the U.S. International Trade Commission (ITC), and in inter partes review and covered business method trials at the Patent Trial and Appeal Board (PTAB), and has argued appeals at the Federal Circuit.

Mike has been included in *The Best Lawyers in America*<sup>®</sup> for Intellectual Property Litigation and Patent Litigation annually since 2008. In its 2021 IPR *Intelligence Report*, Patexia ranked Mike among the top 10 best-performing attorneys representing patent owners. He is recognized in *Who's Who Legal: Patents*. He is ranked for the seventh consecutive year in *IAM Patent 1000 – World's Leading Patent Practitioners*. He has appeared in the international Legal 500 for IP Litigation and Intellectual Property Law, in *Chambers USA: America's Leading Lawyers for Business* annually since 2016, and was again named an "IP Star" by *Managing Intellectual Property* magazine in 2021.

### **Representative Experience**

#### **Litigation Experience**

- Represented the plaintiff in a patent infringement suit concerning conveyor systems. (E.D. Wis.).
- Representing an auto manufacturer in district court and IPRs concerning a fuel management system. (D. Del., PTAB).
- Representing a patent owner in district court and IPRs concerning a guidable intravascular blood pump. (D. Mass., PTAB).
- Representing a patent owner in litigation and IPRs concerning orthopedic devices. (D. Del., PTAB).
- Represented the defendants concerning alleged infringement of patents on vertical cavity surface emitting lasers and drivers, and for the plaintiff in a related antitrust matter. *Avago v. IPtronics* (N.D. Cal.).
- Represented the petitioner in IPRs concerning rare-earth magnets. *Alliance of Rare-Earth Permanent Magnet Industry v. Hitachi Metals Inc.* (PTAB; Fed. Cir.).
- Represented the accused respondent concerning patents for personal transport devices. *Certain Personal Transporters* (USITC).
- Represented the defendant in infringement claims and the petitioner in multiple IPRs concerning pole manufacturing technology. *Seamless Pole v. McWane Inc.* (N.D. Ala., PTAB).
- Represented the plaintiff in an infringement suit concerning a patent for an adaptor for a pluggable module. *Mellanox v Methode Inc.* (N.D. Cal.).

- Represented the defendants in infringement litigation concerning financial services patents and related CBM review proceedings. *TuitionFund v. Cardlytics and Regions Bank* (M.D. Tenn., PTAB).
- Represented the defendant concerning application in mobile phones. *UNILOC v. Viber Media S.a.r.l.* (E.D. Tex.); *IP Communication Solutions v. Viber* (D. Del.).
- Counsel for the plaintiff in a patent infringement suit concerning polyethylene separators for energy storage cells. *MP Assets Corp., et al. v. Entek International* (W.D.N.C.).
- Counsel for the patent owner/petitioner in ITC cases concerning ultrasound technology. *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof* (USITC).
- Brief of amicus curiae The Clearing House Association and Securities Industry and Financial Markets Association. *Global-Tech Appliances v. SEB S.A.* (U.S.).
- Represented the defendants in a patent infringement case concerning mobile telephone networks. *Celltrace LLC v. Sprint Nextel, et al.* (E.D. Tex.).
- Lead trial counsel for the defendant in an infringement suit concerning metallurgy of cardiovascular implants. We took over the case from another firm, developed a new defense, and presented that defense in a separate trial. Before the court entered judgment, the case was settled. *Medtronic Inc. v. AGA Medical Inc.* (N.D. Cal.).
- Defended a maker of medical injector pumps against a motion for preliminary injunction in 2010. *Mallinckrodt Inc. v. E-Z-Em Inc., et al.* (D. Del.).
- Defended the maker of RFID printers in a patent infringement suit. *Raylon v. Zebra Inc.* (E.D. Tex.).
- Defense counsel for a Korean company in a patent infringement suit concerning components for medical X ray machines. *Sedecal v. DRGEM Corp.* (S.D. Fla., W.D.N.C.).
- Defended major banks, airlines, and telephone providers in patent infringement suits concerning alleged marketing technologies. *Phoenix Licensing/LPL v. BB&T Corp., Wells Fargo, American Airlines, United Airlines, and Verizon* (E.D. Tex.).
- Counsel for the defendant in an infringement suit concerning a patent for a “Funds Distribution System Connected with Point of Sale Transactions.” The court granted summary judgment of noninfringement. *Every Penny Counts Inc. v. First Data Corp., et al.* (M.D. Fla.). Affirmed on appeal by the Federal Circuit. The U.S. Supreme Court declined to grant certiorari, ending the case in our client’s favor.
- Counsel for the defendant in a patent infringement suit and a related ITC Section 337 investigation concerning nitrile gloves. *Tillotson Corp. v. Cardinal Health Inc.* (N.D. Ga., USITC).
- Counsel for the patentee asserting infringement of multiple patents for medical ultrasound imaging equipment. *Volumetrics Medical Imaging LLC v. GE Healthcare, Siemens Medical, Medicon, and Toshiba Medical* (M.D.N.C., N.D. Cal.).
- Counsel for the plaintiff in cases concerning Internet-linking technology. *Picture Patents v. Aeropostale, et al.* (S.D.N.Y.).
- Counsel for the plaintiff in cases concerning dental appliances. *Medtech Products Inc. v. Ranir LLC, et al.* (S.D.N.Y.).
- Counsel for a patent exclusive licensee in an infringement suit concerning orthopedic devices. *Banyan Licensing LC v. Collections Inc., et al.* (S.D. Fla.).

- Lead counsel for defendant Lowe’s concerning alleged infringement of a patent for a “merchant specific debit card verification system.” The court entered judgment of noninfringement in favor of Lowe’s, and the Federal Circuit affirmed. *Realsource Inc. v. Best Buy Co. Inc., et al.* (W.D. Tex.; Fed. Cir.).
- Counsel for the defendant concerning patents for automated call-center systems. *Ronald A. Katz Technology Licensing v. Duke Energy, et al.* (D. Del.).
- Counsel for a defendant accused of infringing patents for a bulk dispensing closure device. The district court entered a judgment of noninfringement in favor of our client, and the court of appeals affirmed. *Spiroflow Systems v. Flexicon Inc.* (W.D.N.C.; Fed. Cir.).
- Counsel for the defendant in a patent infringement claim concerning mobile telephony. *Thomas v. Nokia Inc., et al.* (W.D.N.C.).
- Lead counsel for the plaintiff in a declaratory judgment action concerning a patent for RFID technology. *Zebra Technologies Corp. v. Datacard Corp.* (N.D. Ill.).
- Counsel for the plaintiff concerning the infringement of patents for automated paint control systems. *Dürr Systems Inc. v. Fanuc Limited* (E.D. Mich.).
- Trial counsel for the respondents in this case for alleged infringement of patents for electric robots. The ITC issued a final determination holding that our clients did not infringe. *Certain Electric Robots and Components Thereof* (USITC, E.D. Mich.; Fed. Cir.).
- Lead counsel for the defendant. The court granted summary judgment that our client’s accused product did not infringe. *Swimways v. Overbreak* (E.D. Va.).
- Lead trial counsel for the respondents in an ITC investigation. Following a trial, the ALJ ruled that our client’s products did not infringe. *American Biophysics Corp. v. Blue Rhino/Ferrellgas* (USITC, D.R.I.).
- Trial counsel for the plaintiff in this case for unfair and deceptive trade practices concerning cardiac ultrasound imaging technology. After a two-week jury trial, the court awarded a judgment for \$318.75 million in favor of our client. *Volumetrics Medical Imaging v. ATL Ultrasound Inc.* (M.D.N.C.).
- Lead counsel for the plaintiff in actions concerning a patent for an orthopedic device. Obtained summary judgments of infringement and patent validity. *Banyan Licensing v. Orthosupport* (M.D. Fla., N.D. Ohio, and other federal courts; Fed. Cir.) Affirmed on appeal.
- Defended claims for patent infringement concerning Internet music downloading. *Sightsound v. NTK and CDNow* (W.D. Pa.).
- Counsel for the defendant in this case for alleged infringement of three patents concerning robots. *FANUC Robotics North America v. Behr Systems, et al.* (E.D. Mich.).
- Counsel for the defendant concerning a patent for semiconductor manufacturing. The case was settled following our filing of a motion for summary judgment. *Hayden and HDL Machining Inc. v. Shin-Etsu Handotai America Inc.* (D. Or.).
- Lead counsel for the defendant concerning alleged infringement of patents relating to breathable polyolefin film and nonwoven composites. The plaintiff’s claim was dismissed. *Kimberly-Clark World v. Clopay Plastic Products* (D. Del.).
- Lead counsel for the plaintiff in this infringement suit relating to spread spectrum multiplexing in electronic brake systems. *Vehicle Enhancement Systems Inc. v. Intellon Corp.* (D.S.C.).
- Defended Tripath in patent, antitrust, and Lanham Act cases relating to cervical cancer screening systems and cell preservative fluids. *Cytec Corp. v. TriPath Imaging Inc.* (D. Del., D. Mass.).

- Defended accused infringers in an international case involving patent infringement and antitrust claims. *Groz-Beckert KG v. Fukuhara Industrial & Trading* (S.D.N.Y.; Fed. Cir.).
- Represented the plaintiff in a patent infringement case concerning coaxial cable technology. *Trilogy Communications Inc. v. CommScope* (W.D.N.C.).
- Counsel for the plaintiff concerning the infringement of a patent for a golf ball imaging system. *AccuSport International Inc. v. Swing Dynamics* (M.D.N.C.).
- Counsel for the defendant in a case for alleged unfair and deceptive trade practices and other claims concerning computer software. *Kaplan Inc. v. Revere Group* (M.D.N.C.).
- Defended patent infringement claims concerning optical-fiber connectors. *ADC Telecom v. Siecor* (D. Del.).
- Counsel for the plaintiff in an infringement action concerning three patents for television set-top boxes. *Superguide v. DirecTV* (W.D.N.C.).
- Counsel for the defendant in this case for patent infringement concerning kerosene heaters. *Sengoku Works v. Lowe's* (C.D. Cal.).
- Counsel for the defendant in a case concerning web technology. *Keithley v. Homestore.com Inc.* (N.D. Cal.).
- Defended a multinational technology company against a claim for patent infringement concerning ethernet network adaptor cards. *Rock Creek Networks LLC v NVIDIA Corporation.* (W.D. Tex.).

## **Publications & Presentations**

### **Publications**

- “Patent Office Provides a Powerful Tool to Combat Rampant Patent Litigation in the Financial Services Industry,” *The Banking Law Journal*, November/December 2014.

### **Professional & Community Engagement**

- Intellectual Property Owners Association (IPO)
- Fédération Internationale des Conseils en Propriété Industrielle (FICPI)
- Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI), Standing Committee on Commercialization of IP
- American Intellectual Property Law Association (AIPLA)
- Federal Circuit Bar Association
- AIPPI – US, committee co-chair

### **Court Admissions**

- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the District of Colorado
- U.S. District Court for the Western District of North Carolina
- U.S. District Court for the Middle District of North Carolina
- U.S. District Court for the Eastern District of North Carolina
- U.S. District Court for the Northern District of Georgia

## *Education*

- The University of North Carolina (J.D., 1987)
- Clemson University (B.S.M.E., 1984)

## *Admitted to Practice*

- Georgia
- North Carolina
- U.S. Patent and Trademark Office
- District of Columbia

## *Related Services*

Intellectual Property | Intellectual Property Litigation | International Litigation | Corporate Plaintiff's Litigation | ITC Section 337 | Intellectual Property - Japan Business Team | Patent Litigation | Corporate & Business Transactions | Post Grant Proceedings | International | Post Grant Review Proceedings | Appellate | Trademark & Copyright