

## Michael J. Newton

Partner

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Mike Newton is co-chair of Alston & Bird's Intellectual Property Area whose practice maintains a particular emphasis on complex patent infringement litigation and counseling.

Many of the matters Mike has been responsible for involve multiple parties and multiple jurisdictions, often within multiple countries. For example, he has represented clients in federal courts in Arizona, California, Colorado, Delaware, Illinois, Massachusetts, New York, North Carolina, Oklahoma, Oregon, Puerto Rico, Texas, Virginia, Wisconsin, and Wyoming and has handled numerous investigations before the U.S. International Trade Commission. He has also helped to coordinate litigation in Asia and Europe with U.S. litigation. He has extensive experience with cases in the Eastern District of Texas. Mike also has participated in patent license negotiations and has advised and counseled clients seeking to acquire, sell, and otherwise monetize intellectual property assets.

Additionally, Mike has extensive experience with semiconductors, telecommunications, security, consumer electronics technologies, medical devices, and biology and chemistry technologies. He received master's and bachelor's degrees in theoretical physics.

### **Representative Experience**

#### **BioD**

- *Amnio Technology LLC v. BioDlogics LLC*, No. 2:15-cv-00095-SRB (D Ariz. 2015). Represented BioD in patent case involving methods for preparing placental tissue and amniotic fluid allografts.
- *Innovative Ophthalmic Products, Inc. et al v. Biod, LLC*, No. 3:13-cv-01908-BEN-NLS (S.D. Cal. 2013). Represented BioD in patent case relating to an amniotic extracellular matrix product.

#### **Dell Inc.**

- *In the Matter of Certain Processing Hardware and Software and Products Containing Same*, Inv. No. 337-TA-969 (USITC 2015). Represented respondent Dell Inc. in an investigation before the U.S. International Trade Commission for patent infringement involving audio processing technology.
- *In the Matter of Certain Automated Media Library Devices*, Inv. No. 337-TA-746 (USITC 2010). Represented respondent Dell Inc. in an action before the U.S. International Trade Commission for patent infringement involving the moving and storing of information throughout an organization.
- *Saxon Innovations, LLC v. Apple, Inc. et al*, No. 6:08CV00265-JDL (E.D. Tex. 2008). Representing Dell in a patent infringement action involving seven patents relating to disparate functionality allegedly used in laptop computers.
- *Fenner Investments, Ltd. v. Hewlett-Packard Company et al*, No. 6:08CV00273-LED-JDL (E.D. Tex. 2008). Representing Dell in a patent infringement action relating to internet routing and filtering.

- *WIAV Networks, LLC v. 3Com Corporation et al.*, No. 5:09CV00101-DF (E.D. Tex. 2009). Represented Dell in a patent infringement action dealing with patents alleged to relate to the 802.11 wireless standards.
- *SPH America LLC v. Acer, Inc., et al.*, No. 1:09CV740-LMB-JFA (E.D. Va. 2009--transferred to S.D. Cal). Represented Dell in a patent infringement action relating to CDMA technology.
- *Lochner Technologies, LLC v. Dell Inc., et al*, No. 2:09CV177-TJW (E.D. Tex. 2009). Represented Dell in a patent infringement action relating virtual computing systems.
- *Big Baboon, Inc. v. Dell Inc. et al.*, No. 2:2009CV01198-SVW-SS (C.D. Cal. 2009). Represented Dell in a patent infringement action relating to computerized business-to-business commerce.
- *IP Innovation v. Dell Computer Corp., et al.*, No. 03CV3245 (E.D. Tex 2002, N.D. Ill. 2003). Represented Dell in a patent infringement action involving image enhancement technology allegedly used by laser printers and LCD television.
- *Intergraph Corp. v. Dell Computer Corp.*, No. 2:02CV 312 (E.D. Tex. 2002). Represented Dell in a three-patent infringement suit on patents relating to computer systems and cache memory coherency.
- *Ericsson (Wi-Fi One) v. Dell et al.*, No. No. 6:10-CV-473 (E.D. Tex. 2010). Represented Dell in a nine patent case involving various Wi-Fi related technologies.
- *Alacritech v. Dell et al.*, No. 2:16-cv-00693-JRG-RSP (E.D. Tex. 2016). Represented Dell in an eight patent case relating to network interface card technologies.
- *Andrea Electronics v. Dell*, No. 2:15-cv-209 (E.D.N.Y. 2015). Represented Dell in an ITC investigation (Inv. No. 337-TA-1053) and the related district court case) relating to audio processing technologies.
- *Trustees of Boston University v. Dell*, No. 1:13-cv-12330-PBS (D. Mass. 2013). Represented Dell in a patent case relating to LED technology.
- *Optimum Power Solutions v. Dell*, No. 6:10cv61 (E.D. Tex. 2010; transferred to N.D. Cal.). Represented Dell in a patent case related to power management of solid state memory.
- *The Quantum World Corporation v. Dell Inc., et al.*, No. 1:11-cv-00688-SS (W.D. Tex. 2011). Represented Dell in a three patent case involving true random number generators for use in encryption technologies.

### ***DIRECTV and Hughes Electronics/Hughes Network Systems***

- *Superguide Corporation v. DIRECTV Enterprises, Inc., et al.*, No. 1:00CV144-T (W.D.N.C. 2000). Represented DIRECTV and Hughes Networks Systems in a patent infringement action involving satellite television program guides.
- *IPPV Enterprises v. Thomson Consumer Electronics, Inc., et al.*, No. 97-288-JJF (D. Del. 1997). Represented DIRECTV and other defendants in defense of five patent infringement claims involving conditional access technology.
- *In the Matter of Certain Digital Satellite System (DSS) Receivers and Components Thereof*, Inv. No. 337-TA-392 (USITC 1996). Represented respondents DIRECTV and certain set top receiver manufacturers in an action before the U.S. International Trade Commission for patent infringement involving integrated receivers/decoders for satellite television broadcasts.
- *IntraVideo, Inc. v. Hughes Electronics Corporation, et al.* (S.D.N.Y.1999). Represented Hughes Electronics Corporation in a jury trial for patent infringement.
- *Broadcast Innovation, LLC. V. EchoStar Comm. Corp., et al.*, No. 1:01CV02201 RPM-BNB (D. Col. 2001). Represented DIRECTV in a case involving digital transmission standards.

- *Finisar Corp. v. The DIRECTV Group, Inc., et al.*, No. 1:05CV264 (E.D. Tex. 2006). Represented DIRECTV in a patent infringement action relating to database technology.

## **Freescale and Motorola**

- *STMicroelectronics v. Motorola and Freescale Semiconductor*, No. 4:03CV276 (E.D. Tex 2003). Represented Motorola and Freescale Semiconductor in the enforcement and defense of semiconductor patents.
- *Motorola, Inc. and Freescale Semiconductors, Inc. v. STMicroelectronics, N.V. et al.*, No. 1:03CV0407 (E.D. Tex. 2003). Represented Motorola/Freescale as the plaintiff and counterclaim-defendant in an action for the infringement of multiple patents relating to semiconductor technology.
- *Motorola and Freescale Semiconductor v. Analog Devices, Inc.*, No. 1:03CV131 (E.D. Tex. 2003). Represented Motorola and Freescale in a lawsuit involving 11 semiconductor product, packaging and process patents.
- *Information Technology Innovation, LLC v. Motorola, Inc. and Freescale Semiconductor, Inc.*, No. 04-C-7121 (N.D. Ill. 2004). Represented Motorola and Freescale against allegations of infringing a patent generally related to simulating or modeling the operation of semiconductor fabrication plants.
- *KY Data Systems, LLC v. Motorola, Inc.*, No. 04-1383 (N.D. Tex. 2004). Represented Motorola in a patent infringement dispute relating to set-top box technology.
- *Plasma Physics Corp., et al. v. Motorola*, No. CV-02-3474 (E.D. N.Y. 2002). Represented Motorola against allegations of infringement of patents relating to semiconductor manufacturing processes.
- *ProMOS Technologies v. Freescale Semiconductor, Inc.*, No. 06-788 (D. Del. 2006). Represented Freescale against allegations of infringing patents relating to the use and structure of cache memories in semiconductors and to methods for forming titanium nitride layers in semiconductor products.
- *Freescale Semiconductor, Inc. v. ProMOS Technologies*, No. 4:06CV491 (E.D. Tex. 2006). Represented Freescale Semiconductor in a patent infringement case related to semiconductor processes and circuits.

## **Micron**

- *Tessera, Inc. v. Micron Technology, Inc., et al.*, No. 2:05CV94 (E.D. Tex. 2005) and *Micron Technology, Inc. v. Tessera, Inc.*, No. 2:05CV319 (E.D. Tex. 2005). Represented Micron in patent and antitrust litigation relating to packaging technology for DRAMs.

## **MiMedx**

- *MiMedx Group, Inc. v. Tissue Transplant Technology, Ltd., et al.*, No. 5:14-cv-00719-RCL (W.D. Tex. 2014). Represented MiMedx in patent case related to amniotic tissue graft technology.
- *MiMedx Group, Inc. v. NuTech Medical, Inc., et al.*, No. 2:15-cv-00369-VEH (N.D. Ala. 2015). Represented MiMedx in patent case related to amniotic tissue graft technology

## **Nokia**

- *The PACID Group, LLC v. 2Wire, Inc. et al.*, No. 6:08CV00498-LED-JDL (E.D. Tex. 2009). Represented Nokia in a patent infringement action relating to encryption system and method.
- *Wireless v. Nintendo Co., Ltd. et al.*, No. 6:09CV00064-JDL (E. D. Tex. 2009). Represented Nokia in a patent infringement action relating to video game technology.
- *WIAV Networks, LLC v. 3Com Corporation et al.*, No. 5:09CV00101-DF (E.D. Tex. 2009). Represented Nokia in a patent infringement action dealing with patents alleged to relate to the 802.11 wireless standards.
- *Typhoon Touch Technologies, Inc. et al v. Motion Computing, Inc. et al.*, No. 6:07CV00546-LED (E.D. Tex. 2008). Represented Nokia in a patent infringement action relating to touch screen devices.

- *SPH America LLC v. Acer, Inc., et al.*, No. 1:09-CV-740-LMB-JFA (E.D. Va. 2009 --transferred to S.D. Cal). Represented Nokia in a patent infringement action relating to CDMA technology.
- *Golden Bridge Tech., Inc. v. Nokia, Inc. and Lucent Techs., Inc.*, No. 2: 05CV151-LED (E.D. Tex. 2005). Represented Nokia in a patent infringement action relating to spread-spectrum CDMA wireless telephony.
- *Motionless Keyboard Co. v. Nokia Inc.*, No. 04-CV-180-AA (D. Or. 2004); *Motionless Keyboard Co. v. Nokia Inc.*, 05-1497 (Fed. Cir. 2005). Represented Nokia in a patent infringement case relating to the ergonomic design of Nokia cellular handset keyboards.
- *DigCom v. Nokia*, No. 3:00CV1684 (N.D. Tex. 2003). Represented Nokia against a patent infringement action relating to modulation technology and signal processing.
- *Nokia Corp. v. Apple Inc.*, No. 09-cv-00791 (D. Del. 2009). Represented Nokia in patent infringement case against Apple relating to telecommunications technology
- *Parity Networks LLC v. Alcatel-Lucent USA Inc.*, No. 6:16-cv-01367 (E.D. Tex. 2016). Represented Alcatel/Nokia in patent infringement case.
- *Implicit LLC v. Nokia Solutions and Networks US LLC*, No. 6:16-cv-00079 (E.D. Tex. 2016). Represented Nokia in patent infringement case.
- *Nokia Solutions and Networks US LLC, et al. v. Huawei Techs. Co. Ltd., et al.*, Nos. 2:16-cv-00753, -754, -755, -756 (E.D. Tex. 2016). Represented Nokia in four patent cases related to numerous telecommunications technologies.
- *Huawei Technologies Co. Ltd. v. T-Mobile US Inc., et al.*, Nos. 2:16-cv-00052, -55, -56, -57 (E.D. Tex. 2016). Represented intervenor Nokia Solutions and Networks to defend against Huawei's patent infringement allegations related to 4G telecommunications technologies.
- *Certain Portable Electronic Communications Devices, Including Mobile Phones and Components Thereof*, Inv. No. 337-TA-885. Represented Nokia against HTC in patent case involving mobile phone hardware and software.
- *Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof*, Inv. No. 337-TA-847. Represented Nokia against HTC in patent case involving mobile phone hardware and software.
- *Certain Electronic Devices, Including Mobile Phones, Mobile Tablets, Portable Music Players, and Computers, and Components Thereof*, Inv. No. 337-TA-771. Represented Complainant Nokia Inc. against Apple Inc. in an investigation of the importation of consumer electronics.
- *Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710. Represented Respondent Nokia Inc. in an investigation of the importation of mobile phones.
- *Certain Mobile Communications and Computer Devices and Components Thereof*, Inv. No. 337-TA-704. Represented Respondent Nokia Inc. in an investigation of the importation of mobile phones.
- *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers*, Inv. No. 337-TA-701. Represented Complainant Nokia Inc. against Apple Inc. in an investigation of the importation of infringing consumer electronics.
- *Certain Subsea Telecommunication Systems and Components Thereof*, ITC Inv. 337-TA-1098. Represented Respondent Nokia in case related to subsea telecommunications technologies.

## **Texas Instruments**

- *Advanced Video Technologies, LLC v. Motorola and Texas Instruments*, No. 12-cv-918(CM)(HBP) (S.D.N.Y. 2012). Represented TI in patent infringement case involving a video coding technique.
- *Chip Packaging Solutions LLC v. Texas Instruments*, No. 8:13-cv-00479-AG-AN (C.D. Cal.). Represented TI in patent related to chip packaging technology.
- *DigCom v. Broadcom Corp Int'l, et al.*, No. 3:04CV00093-B-RBB (S.D. Cal. 2004). Represented Texas Instruments in a case relating to modulation technology and signal processing.
- *In the Matter of Certain Digital Processors and Digital Processing Systems, Components Thereof, and Products Containing Same* (USITC 2005). Represented Texas Instruments in a patent infringement action before the International Trade Commission relating to digital signal processors.
- *Texas Instruments Inc. v. Samsung Electronics Co., et al.*, Nos. 2:96-CV-1 and 2:96-CV-2 (E.D. Tex. 1996) and *Certain Electronic Products, Including Semiconductor Products, Manufactured by Certain Processes*, Inv. No. 337-TA-381. Represented Texas Instruments in an ITC investigation and patent infringement cases against various Samsung products made by processes that infringed TI semiconductor patents.
- *Texas Instruments v. Linear Tech. Corp.*; various Nos. (E.D. Tex. 2001). Represented Texas Instruments in enforcing various semiconductor product and process patents in four patent infringement cases against Linear Technology.
- *Tessera v. Texas Instruments, Inc.*, No. C 00:02114 CW (N.D. Cal. 2000); *In the Matter of Certain Semiconductor Chips with Minimized Chip Package Size*, Inv. 337-TA-432 (USITC 2000); and *Texas Instruments v. Tessera*, No. 2:01CV163 (TJW) (E.D. Tex. 2001). Represented Texas Instruments in the defense of patents directed to certain packages for semiconductor devices.
- *Hyundai Electronics Industries Co., et al. v. Texas Instruments*, Various 1998 Nos. (E.D. Tex. and E.D. Va. 1998). Represented Texas Instruments successfully enforcing various semiconductor patents and defended against others in a multiple-forum dispute.
- *Texas Instruments Inc. v. Analog Devices, Inc., et al.*, No. 3-90-1590-H (N.D. Tex. 1995) Represented Texas Instruments in a semiconductor patent infringement action against five defendants.

## **T-Mobile**

- *SPH America, LLC v. T-Mobile US, Inc. et al.*, No. 3:13-cv-02324-CAB-KSC (S.D. Cal. 2013). Represented T-Mobile in case related to telecommunications and Wi-Fi technologies.
- *Mobility Workx, LLC v T-Mobile US, Inc.*, No. 4:17-cv-00567-ALM (E.D. Tex. 2017). Represented T-Mobile in case related to handover technology.

## **Verizon**

- *Dynamic Hosting Company LLC v. Cellco Partnership d/b/a Verizon Wireless et al.*, No. 2:14-cv-01139-RWS-RSP (E.D. Tex. 2014). Represented Verizon in a patent case related to visual voice mail technology.
- *SPH America, LLC v. T-Mobile US, Inc. et al.*, No. 3:13-cv-02324-CAB-KSC (S.D. Cal. 2013). Represented Verizon in case related to telecommunications and Wi-Fi technologies.
- *Mobility Workx, LLC v T-Mobile US, Inc.*, No. 4:17-cv-00567-ALM (E.D. Tex. 2017). Representing Verizon in case related to handover technology and telecommunications testing equipment.
- *Fractus, S.A. v. AT&T Mobility LLC et al.*, No. 2:18-cv-00135-JRG (E.D. Tex. 2018). Representing Verizon in patent infringement case related to antenna technology.
- *Sol IP, LLC v. AT&T Mobility LLC et al.*, No. 2:18-cv-00526-RWS-RSP (E.D. Tex. 2018). Representing Verizon in case related to telecommunications and Wi-Fi technologies.

## ***Professional & Community Engagement***

- Named one of The World's Leading Patent Practitioners, recommended for litigation, by *Intellectual Asset Management* 2014

## ***Court Admissions***

- Supreme Courts of California and Texas
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Courts for the Northern, Central and Southern Districts of California
- U.S. District Courts for the Eastern, Western, Northern and Southern Districts of Texas
- U.S. District Court for the District of Colorado

## ***Education***

- The University of Texas (J.D., 1991)
- The University of Texas (M.A., 1988)
- The University of Texas (B.S., 1985)

## ***Admitted to Practice***

- California
- Texas

## ***Related Services***

Intellectual Property | Intellectual Property Litigation | Patent Prosecution, Counseling & Review | Mechanical Patents | Electrical, Software & Computer Science Patents | Trademark & Copyright | ITC Section 337 | Patent Litigation