



Michael (Mike) R. Weiner

Partner

Tel 312.474.9560
mweiner@marshallip.com

Michael R. Weiner represents clients in patent infringement matters before district courts, post-grant proceedings before the U.S. Patent and Trademark Office, and in appeals to the U.S. Court of Appeals for the Federal Circuit. Mike's litigation experience involves technologies such as endoscopic surgical instruments, pharmaceutical compositions, and mechanical devices such as mining equipment.

Since 2016, Mike has been selected for inclusion in the *Illinois Super Lawyers*[®] lists. Only five percent of the lawyers in the state are recognized each year.

Practices

- IP Litigation
- Patent Prosecution
- Post-Grant Patent Proceedings

Industries

- Chemical Sciences
- Consumer Products
- Medical Devices

Representative Experience

- In Federal Circuit Court, obtained a ruling that reversed the district court's judgment of infringement on behalf of an international manufacturer of mining equipment. The court held, in *Gillespie v. Dywidag Systems International, USA**, that under a proper claim construction our client's mine-roof-bolt product did not infringe.
- On behalf of a leading manufacturer of endoscopic electrosurgical instruments; obtained summary judgment of non-infringement and affirmance of the decision on appeal (*Canady v. ERBE Elektromedizin**).
- Obtained a favorable claim construction ruling for pharmaceutical client on a patented formulation of an injectable anesthetic product; positioning the client to reach a favorable settlement of an infringement case before trial.

Background and Credentials

Mike is experienced in patent litigation, patent interferences, chemical patent prosecution, and client counseling. He has represented clients in patent infringement matters before district courts, post-grant proceedings before the U.S. Patent and Trademark Office, and in appeals to the Federal Circuit.

Mike served formerly as a law clerk to the Honorable S. Jay Plager at the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. He earned his J.D. in 1993, *summa cum laude*, from the University of Illinois College of Law, where he served as an Articles Editor for the Law Review. He received a B.S. in chemistry in 1984 from the University of Illinois.

Education

- University of Illinois College of Law, Urbana-Champaign (J.D., *summa cum laude*)
- University of Illinois, Urbana-Champaign (B.S.)
 - Chemistry

Bar Admissions

- Illinois
- U.S. Court of Appeals, Federal Circuit
- U.S. Patent and Trademark Office

Publications and Presentations

April 24, 2018

Supreme Court Decides that IPR Final Decisions Must Address All Challenged Claims

Marshall Gerstein Alert

November/December 2017 Issue

"Fractured Federal Circuit Reallocates a Burden of Proof in AIA Trials"

IP Litigator

November 15, 2017

"Bearing the Burden" (featured quotes)

IPPro Patents

October 13, 2017

"Federal Circuit Fracture on Deference Puts USPTO in Tough Spot" (featured quotes)

Law360

October 9, 2017

"Burden of Amended Claims Falls to Petitioner, Says Federal Circuit" (featured quotes)

IPPro Patents

October 6, 2017

"Analysis: Was the Federal Circuit's Aqua Products Opinion a Wash Out?" (featured quotes)

Managing Intellectual Property

October 6, 2017

"CAFC's Aqua Products Decision Almost Certainly Guarantees PTAB Will be at Top of New USPTO Director's To-do List" (featured quotes)

Intellectual Asset Management

October 5, 2017

"Petitioners Must Prove Unpatentability of Amended Claims in IPR" (featured quotes)

World Intellectual Property Review

August 13, 2015

"En Banc Federal Circuit Extends Law on Divided Infringement"

Marshall Gerstein Alert

June 2, 2014

"Supreme Court Clarifies Requirements for Proving Inducement of Infringement"

Marshall Gerstein Alert

Representative Matters

*Card Verification Solutions, LLC v. Wells Fargo & Co.**

Northern District of Illinois

*Helperich Patent Licensing, L.L.C. v. The New York Times Company**

Northern District of Illinois

Macove v. Luxton (represent The Procter & Gamble Company)

Patent Trial and Appeal Board

Matlin v. Aries (represent ACCO Brands Corporation)

Patent Trial and Appeal Board

Regents of the University of Michigan v. St. Jude Medical, Inc.*

Eastern District of Michigan

*St. Jude Medical, Inc. v. Regents of the University of Michigan**

Patent Trial and Appeal Board

*Schott Gemtron Corporation v. SSW Holding Company, Inc.**

Patent Trial and Appeal Board

Traffic Information, LLC v. Flixster, Inc. et al. (represent Groupon, Inc.)*

Eastern District of Texas

Unified Messaging Solutions, LLC Multi-District Litigation (represent Groupon, Inc.)

*GeoTag Inc. v. Classified Ventures, LLC**

Northern District of Illinois

*Pollin Patent Licensing, LLC and Autoscribe Corporation v. Allstate Insurance Company et al.**

(represent Capital One Auto Finance, Inc.)

Northern District of Illinois

*Ben Venue Labs, Inc. v. Hospira, Inc.**

Northern District of Ohio

Charter Communications Operating, LLC v. Verizon Communications, Inc.*

Eastern District of Virginia

Chen (Bristol-Myers Squibb) v. Hester, Jr. (Pharmacia)*

U.S. Patent and Trademark Office Board of Patent Appeals and Interferences

*Chee (Affymetrix) v. Drmanac (Hyseq)**

U.S. Patent and Trademark Office Board of Patent Appeals and Interferences

*Correa (Johnson & Johnson) v. Roberts (Procter & Gamble Company)**

U.S. Court of Appeals for the Federal Circuit

*Conmed Corp. v. Erbe Elektromedizin GmbH**

Northern District of New York

Geneva Pharmaceuticals, Inc. v. Mylan Laboratories, Inc.*
District of New Jersey

Kern (Rite-Hite) v. Kalempa (Rytec)*
U.S. Patent and Trademark Office Board of Patent Appeals and Interferences

Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*
Court of Appeals for the Federal Circuit

*Solaia Tech., LLC v. Mrs. Smith's Bakery, LLC**
Northern District of Illinois

Gillespie v. Dywidag Systems Int'l*
District of Utah and Court of Appeals for the Federal Circuit

*Li (Human Genome Sciences) v. Godiska (ICOS Corp.)**
U.S. Patent and Trademark Office Board of Patent Appeals and Interferences

Hester, Jr. (Pharmacia) v. Bouchard (Aventis)*
U.S. Patent and Trademark Office Board of Patent Appeals and Interferences

Hyseq Inc. v. Affymetrix Inc.*
Northern District of California

*Jerome Canady, M.D. v. Erbe Elektromedizin GmbH**
District of Columbia and Court of Appeals for the Federal Circuit

Stevens (Sanford) v. Tamai (Seed Rubber Co.)*
Court of Appeals for the Federal Circuit

VPS, LLC v. Eastman Kodak*
Northern District of Illinois

VPS, LLC v. Shutterfly, Inc.*
Northern District of California

VPS, LLC v. Pictage, Inc.*
Northern District of Illinois

*Piersons v. Cabela's, Inc.**
Northern District of New York

*Embs v. Cabela's, Inc.**
Southern District of Ohio

*Party represented