



Michael Bittner

Partner

Dallas

+1 214-453-6464

Michael is an intellectual property trial lawyer, with an emphasis on patent litigation. He is recognized for being “superb at working up cases and delivering them in the right key for district court, Federal Circuit and PTAB judges” (*IAM Patent 1000*, 2020). Michael has extensive experience across a wide array of technologies and has also been recognized for his patent litigation work by *Chambers USA* since 2019 and *The Legal 500 US* in 2021. He has been named a *Super Lawyers’* “Rising Star” for intellectual property litigation since 2015.

Michael is experienced in all aspects of patent litigation (for both plaintiffs and defendants), including performing pre-filing investigations, handling complex discovery, preparing for and presenting at *Markman* hearings, working with fact and expert witnesses, preparing and presenting the case for dispositive motions and trial, and through appeal. He represents clients in a wide variety of technologies, including telecommunications, networking, financial services, and data management. Michael has also recently focused on cases adjudicating whether royalties for standard essential patent portfolios complied with FRAND/RAND obligations. Michael has been recognized in the area of Intellectual Property Texas in *Chambers USA* (2022–2023) and as a *Chambers USA* “Up and Coming Practitioner” (2019, 2021). He is listed as a “Key Lawyer” in *The Legal 500 US* in the area of Patent Litigation (2021), recognized in

the *IAM Patent 1000* (2019–2023), named to *Benchmark Litigation US's* “Under 40 Hot List” in Intellectual Property (2017–2020), and named as a “Rising Star” in Intellectual Property Litigation for *Texas Super Lawyers* (2015–2020).

Michael also has extensive experience representing clients in other intellectual property disputes, including trademark, trade dress, and trade secret litigation in Texas and across the nation. He has represented both Fortune 500 and small-to-medium sized business in disputes ranging from fixed fee brand enforcement actions and multi-million dollar “bet the business” cases.

Key Matters

Michael’s representative experience includes:

- *SAP America, Inc. v. InvestPic, LLC* (N.D. Tex.) – Representing plaintiff in patent non-infringement and invalidity declaratory judgment actions, and related appeal.
- *Captivate LLC v. Waitt Consulting LLC, et al.* (D. Neb.) – Representing Captivate LLC in a patent infringement suit against Waitt Consulting.
- *Ericsson, et al. v. LG, et al.* (E.D. Tex.) – Representing Ericsson in a FRAND patent suit against LG related to licensing LG’s patent portfolio of 2G, 3G, and 4G LTE wireless technology.
- *Tech Pharmacy Services, Inc. v. AlixaRx, Inc., et al* (E.D.Tex.) – Represented defendants in a trade secret and patent litigation matter. Obtained defense verdict in jury trial on claims of patent infringement, trade secret misappropriation, and fraud following a month-long trial.
- *YETI Coolers, LLC v. RTIC Coolers, LLC., et al.* (W.D. Tex.) – Represented defendants in case involving claims of trade dress, copyright, and patent infringement. Case resolved on favorable terms.
- *eDekka LLC v. 3balls.com, Inc., et al.* (E.D. Tex) – Represented multiple defendants in patent infringement case involving data management and related appeal. Obtained judgment of invalidity on motion to dismiss under *Alice* and an award of attorneys’ fees based on an exceptional case finding.
- *Clear with Computers v. Altec Indus., Inc., et al.* (E.D. Tex) – Represented defendant in patent infringement case involving internet advertising and related appeal. Obtained judgment of invalidity on motion to dismiss under *Alice*.
- *GeoTag, Inc. v. Numerous Defendants* (E.D. Tex.) – Represented over thirty defendants in patent infringement suits relating to website store location technology. Lead counsel for largest joint defense effort in the history of the Eastern District of Texas (more than 400 defendants). Case resolved on favorable terms.

Recent Experience

Seminal § 101 Win Secured for SAP in Patent Suit

Recognitions

- Recognized in the 2024 edition of *The Best Lawyers in America*® for Litigation – Intellectual Property
 - Recognized in *Benchmark Litigation US* as a “Future Star” (2023–2024)
 - Recognized in *Chambers USA* in the area of Texas Intellectual Property (2022–2023)
 - Recognized in *Lawdragon 500’s* “Leading Litigators in America” for IP & Patent Litigation (2022 and 2024)
 - Listed as a “Key Lawyer” in *The Legal 500 US* in the area of Patents: Litigation (2021)
 - Named by *Chambers USA* as an “Up and Coming Practitioner” in the area of Intellectual Property Texas (2019, 2021)
 - Recognized in *IAM Patent 1000* (2019–2023) (“plays the role of strategist, case manager and advocate to perfection”)
 - Recognized in *The Legal 500 US* in the area of Patent Litigation (2018)
 - Named to *Benchmark Litigation US’s* “Under 40 Hot List” in Intellectual Property (2017–2020)
 - Recognized by *Texas Super Lawyers* as a “Rising Star” in Intellectual Property Litigation (2015–2018)
-

“Michael is a young superstar IP litigator. He is just one of the best lawyers I have ever worked with. He is strategically aware, tactically brilliant, careful, methodical and has a command of the law that is staggering.”

Chambers USA client testimonial

Credentials

EDUCATION

Michael received his J.D., with honors, from University of Texas at Austin School of Law in 2008, where he was articles editor for *The Review of Litigation*, and received his B.A., with high honors, from the University of Texas in 2003.

ADMISSIONS

- Texas

CLERKSHIPS

- USDC - Eastern District of TX for the Honorable David J. Folsom

Related Insights & News

SPONSORSHIP

Winston & Strawn Sponsors 2023 Eastern District of Texas Bench Bar Conference

OCTOBER 25, 2023

RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

RECOGNITIONS

Winston & Strawn Partners Recognized in 2024 *Lawdragon* 500 Leading Litigators in America

SEPTEMBER 8, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024

AUGUST 17, 2023

RECOGNITIONS

Winston Recognized in 2023 *IAM Patent 1000* Rankings

JUNE 26, 2023

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2023

JUNE 6, 2023

NEWS

2022 Pro Bono Impact Report

MAY 1, 2023

NEWS

Winston Proves “Natural Cure” Patent Is Invalid at PTAB

APRIL 27, 2023

BLOG

Judge Albright Denies Defendant’s Motion to Transfer Venue in a Close Call Where Neither Party Has a Significant Presence in Waco or the Transferee District

APRIL 10, 2023

BLOG

Judge Albright Announces Changes to His Order Governing Proceedings

APRIL 5, 2023

CLIENT SUCCESS

Winston Defeats Kerry Group in IPR Involving a Patent for a Natural Meat-Cure Process, Preserving FFP's Strategic Market Share

APRIL 1, 2023

BLOG

Judge Albright Grants Increased Amount of Ongoing Royalties for Post-Judgment Infringement

FEBRUARY 13, 2023

Capabilities

Patent Litigation

Trademark Litigation, Prosecution & Brand Protection

IP Licensing & Due Diligence

Trade Secrets, Non Competes & Restrictive Covenants

Commercial Litigation & Disputes

Intellectual Property

Financial Services

Medical Devices

Technology, Media & Telecommunications

Cryptocurrencies, Digital Assets & Blockchain Technology

Oil & Gas

Life Sciences