

## Michael Bittner

Partner

Dallas

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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* (2022–2024) 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* (2019–2024), named to *Benchmark Litigation US's* “40 & Under 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

- *The Best Lawyers in America*®—
    - Recognized for Litigation – Intellectual Property (2024–2025)
    - Recognized for Litigation – Patent (2024–2025)
  - *Benchmark Litigation US*—Recognized as a “Future Star” (2022–2025) and on the “40 & Under List” in Intellectual Property (2017–2020)
  - *Chambers USA*—
    - Ranked for Intellectual Property, Texas (2019–2024)
    - Recognized as an “Up and Coming Practitioner” for Intellectual Property, Texas (2019, 2021)
  - *Lawdragon 500*’s “Leading Litigators in America”—Recognized for IP & Patent Litigation (2022–2025)
  - *The Legal 500 US*—
    - Recognized for Patents: Litigation (2021) and as a “Key Lawyer” for Patent Litigation (2018)
  - *IAM Patent 1000*—“plays the role of strategist, case manager and advocate to perfection” (2019–2024)
  - *Texas Super Lawyers* —Recognized as a “Rising Star” for Intellectual Property Litigation (2015–2018)
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“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
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## Related Insights & News

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## SPONSORSHIP

Winston & Strawn Sponsors 2024 Eastern District of Texas Bench Bar Conference

OCTOBER 23, 2024

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## RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

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## RECOGNITIONS

Winston Attorneys Featured on the 2025 *Lawdragon 500* Leading Litigators in America List

SEPTEMBER 6, 2024

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## RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*® 2025

AUGUST 15, 2024

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## RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2024

JUNE 6, 2024

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## RECOGNITIONS

Winston Recognized in 2024 *IAM Patent 1000* Rankings

JUNE 5, 2024

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## BLOG

Judge Prost Reverses and Remands Judge Albright Dismissal, Finding Constitutional Standing For Patentee Despite Patent Security Agreement Default

MAY 8, 2024

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## SPONSORSHIP

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

OCTOBER 25, 2023

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## RECOGNITIONS

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

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**RECOGNITIONS**

Winston & Strawn Partners Recognized in 2024 *Lawdragon* 500 Leading Litigators in America  
SEPTEMBER 8, 2023

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**RECOGNITIONS**

Winston Attorneys Recognized in *The Best Lawyers in America*® 2024  
AUGUST 17, 2023

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**RECOGNITIONS**

Winston Recognized in 2023 *IAM Patent 1000* Rankings  
JUNE 26, 2023

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Capabilities

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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