

Michael H. Fleck

Partner

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Michael Fleck welcomes a challenge and takes pride in relentlessly pursuing his clients' best interests. A critical thinker and creative strategist, Mike's calm and level-headedness arise from his dogged preparation and enthusiasm for tackling issues head on.

Leveraging his engineering background, Mike concentrates on intellectual property litigation and other cases involving complex technical or scientific subject matter. Mike has litigated cases involving medical devices, aircraft safety systems, telecommunications, elevator systems, cybersecurity, and more. Mike also has unique experience both pursuing and defending inequitable conduct claims in patent cases.

In addition to litigating cases around the country, Mike maintains a sophisticated patent counseling practice in which he helps corporate clients develop internal patent policies and procedures to develop litigation-ready patent portfolios and manage risks and costs. Mike also helps his clients navigate complex intellectual property ownership issues and has experience drafting and negotiating intellectual property provisions in various types of agreements.

Prior to being a litigator, Mike was a patent prosecutor. He managed global patent portfolios, drafted almost 100 utility patent applications, and successfully obtained scores of patents for his clients. Mike's experience spanned a wide range of technologies, including aircrafts, valves, process control systems, oil exploration and extraction technologies, consumer products, hand tools, stock trading software, telecommunications equipment, sensors, and tracking devices.

Mike is also dedicated to representing clients who have been wrongfully convicted. He has experience in post-conviction proceedings in the circuit and appellate courts.



EXPERIENCE

Clerkships

Judicial Extern, Hon. Rodolfo Garcia, Illinois Appellate Court, First District, Sixth Division,
(January-May 2011)

Representative Engagements

- Represented a telecommunications device manufacturer in a patent infringement case. Secured dismissal of the complaint in the district court, affirmance of the dismissal on appeal, and an award of attorneys' fees.
- Represented a community college system in parallel litigation and arbitration proceedings. During the three-week arbitration hearing, conducted direct and cross-examinations of both lay and expert witnesses.

- Represented a manufacturer of respiratory devices in a multi-forum intellectual property dispute brought against a competitor. Asserted patent infringement and claims stemming from former employee's actions acquiring patents for defendant on technologies developed by client (including claims for correction of inventorship, breach of employment contract, and unfair competition). Settled after defendant's attempts to dismiss the case and avoid discovery failed.
- Defended international manufacturer of vehicle arresting systems in a patent dispute. The case resulted in a favorable settlement after defeating plaintiff's motion for a preliminary injunction and winning a critical motion *in limine* on the eve of trial.
- Represented a furniture manufacturer asserting false advertising and unfair competition claims under the Lanham Act against a competitor who distributed commercials comparing its products to the client's products, resulting in an early, favorable settlement.
- Defended an international apparel manufacturer in a trademark dispute that ended in a favorable settlement following mediation.
- Represented a manufacturer of smartphones and smart TVs against patent infringement claims brought by a well-known patent assertion entity. Obtained dismissal without payment.
- Obtained a favorable settlement on behalf of an online coupon company accused of violating the Computer Fraud and Abuse Act.
- Represented clients in three ex parte reexaminations, resulting in all claims of their patents being allowed and the resumption of clients' district court litigations enforcing those patents.

CREDENTIALS

Education

DePaul University College of Law, J.D., 2011, *cum laude*

DePaul Law Review

CALI Excellence for the Future Award for Legal Profession, May 2010

CALI Excellence for the Future Award for Trial Advocacy II, May 2011

North Carolina State University, B.S.M.E., Mechanical Engineering, 2007, *magna cum laude*

Bar Admissions

Illinois

Supreme Court of Illinois

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Eastern District of Texas

U.S. Patent and Trademark Office

Professional Memberships

Intellectual Property Law Association of Chicago

Honors & Awards

Best Lawyers: Ones to Watch (Commercial Litigation, 2021-2024, Intellectual Property Law, 2022-2024, and Litigation-Intellectual Property, 2024), *Best Lawyers*®

Illinois Rising Stars in Intellectual Property, *Thomson Reuters' Illinois Super Lawyers* (2015-2024)

RSHC Pro Bono Award (2022)



PUBLICATIONS & PRESENTATIONS

“The USPTO Issues New Guidance on Inventorship for Artificial Intelligence-Assisted Inventions,” (author) *RSHC Client Alert* (February 23, 2024)