

Michael Berchou has litigated complex intellectual property matters for 20 years. He has served as lead counsel in multiple patent, trade secret, trademark and copyright cases in district courts across the country, as well as Inter Partes Review (IPR) and Ex Parte Reexamination proceedings at the Patent Trial and Appeal Board, and numerous opposition and cancellation proceedings at the Trademark Trial and Appeal Board. A registered patent attorney and electrical engineer, Michael has represented clients as both plaintiffs and defendants in diverse technology areas including medical devices, vibration sensors/accelerometers, computer storage and network connectivity, live streaming, ballistic fabrics, and artificial turf.

Representative Experience

- *New Era Cap vs. Pro Era* – Lead counsel in this opposition proceeding at the Trademark Trial and Appeal Board against well-known hip-hop group Pro Era. After trial, the Board issued a Precedential Decision in favor of New Era, sustaining the opposition.
- *God's Era vs. New Era Cap* – Lead counsel in this trademark infringement lawsuit in the District of Massachusetts relating to our client's collaboration with another famous clothing brand. On March 31, 2020, District Judge Talwani issued a summary judgment ruling in favor of New Era, dismissing the complaint.
- *Big Vision Pot. Ltd v. DuPont* – Lead counsel for DuPont in this \$59 Million trade secret/unfair competition action in the Southern District of New York. After a massive discovery and e-discovery effort, obtained summary judgment for DuPont dismissing all of plaintiff's claims.
- *GITS Manufacturing vs. G.W. Lisk* – Lead counsel for the Patent Owner in two related Inter Partes Review (IPR) proceedings, currently on appeal to the Federal Circuit after Patent Trial and Appeal Board confirmed patentability of several of our client's patent claims.
- *Audubon Machinery vs. PostProcess* – Lead counsel in this patent dispute in the Western District of New York relating to post-processing of parts produced by 3-D printers.
- *Barrday v. Lincoln Fabrics* – Lead counsel for the plaintiff, a Canadian manufacturer of ballistic materials, in this patent infringement action currently pending in the Western District of New York.
- *JEC Distributors v. Changer & Dresser and Kyokutoh* – Lead counsel for the plaintiffs, a distributor of welding products, tools and automation for the automotive manufacturing sector, in two patent infringement actions currently pending in the Southern District of Ohio and Northern District of Alabama.



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Admissions

New York
 U.S. Patent and Trademark Office
 U.S. District Court for all Districts of New York
 U.S. District Court for the Northern District of Illinois
 U.S. District Court for the Eastern District of Wisconsin
 U.S. Court of Appeals for the Second Circuit, Seventh Circuit, and Federal Circuit

Education

SUNY Buffalo Law School, J.D.
 University at Buffalo, M.B.A., with distinction
 University at Buffalo, B.S., Electrical Engineering

- *Safe Storage vs. ATTO Technology* – Lead counsel for defendant ATTO Technology, a global leader in storage and network connectivity and infrastructure solutions, in this patent infringement action in the District of Delaware.
- *Safespan Platform Systems v. EZ Access* – Lead counsel plaintiffs in this patent infringement matter in the Western District of New York relating to bridge platforms systems. Successfully conducted a claim construction hearing and prevailed on summary judgment motions for infringement and confirmation of the validity of the patents-in-suit. The matter concluded with a favorable settlement and permanent injunction.
- *Fieldturf v. Sportexe* – Lead counsel for the Sportexe companies in various patent and unfair competition actions in Chicago, San Francisco, Cleveland and Seattle, and managed related Canadian patent litigation. Fieldturf is a worldwide leader in artificial turf systems and Sportexe, during the course of the litigation, became the No. 2 turf company in the United States.
- *Sprinturf v. Sportexe* – Counsel in this Western District of Pennsylvania patent infringement case, which settled prior to the Court’s ruling on claim construction.
- *Astute Technology vs. Digitell* – Lead counsel for Digitell, a live streaming/content capture provider, in a patent infringement action in the Eastern District of Texas, Marshall Division.
- *Tigercat Industries v. Deere & Company* – Lead counsel for Tigercat Industries, a manufacturer of logging equipment located outside Toronto, in three separate actions against Deere & Company. These actions related to three Tigercat and Deere patents on tree felling equipment used in logging industry.
- *Keystone Manufacturing v. Jaccard* – Lead counsel for Keystone Manufacturing in a trade dress infringement case tried before Judge Skretny in the Western District of New York.
- *CareFusion v. Sigma International* – Lead counsel for Sigma International in a patent infringement action related to infusion pumps in the Southern District of California.
- *NameProtect v. BrandProtect* – Lead counsel for BrandProtect in a trademark infringement action in Madison Wisconsin with another supplier of trademark and brand monitoring services.
- *Auto Meter v. Make Waves Instruments* – Lead counsel for Make Waves Instruments in a trade dress infringement action in the Northern District of Illinois.

Professional and Civic Affiliations

- Board Member, Road Less Traveled Productions
- Board Member, Literacy New York Buffalo-Niagara
- Member, American Bar Association, Intellectual Property Law and Litigation
- Member, Bar Association of Erie County
- Volunteer, Lawyers for Learning

Honors and Awards

- Recognized by *Chambers USA* 2015, 2016 and 2017 in the field of Litigation
- Legal Elite of Western New York, *Buffalo Business First/Buffalo Law Journal*, 2017 and 2020
- AV Preeminent® Peer Review Rated by Martindale-Hubbell