



Michael N. Rader

Shareholder

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Education

Brown University, ScB,
Mechanical
Engineering, *magna cum
laude*

Harvard Law School, JD

Practice Groups

Litigation

Mechanical Technologies
Post-Grant Proceedings

Michael Rader heads the firm's [New York office](#) and is a former co-chair of the firm's [Litigation Practice](#). Mike has been with Wolf Greenfield for his entire career, since the Summer of 1997. He represents the firm's clients as lead counsel in patent, trademark and copyright litigation matters, and practices frequently before the International Trade Commission and district courts around the country, as well as the Patent Trial and Appeal Board in post-grant matters such as inter partes reviews. His disciplined approach to case management has enabled him to litigate successfully, and with great efficiency for his clients, against some of the largest law firms in the country.

Mike is an experienced trial lawyer, having tried patent infringement cases to verdict before juries and judges in jurisdictions including Massachusetts, California, Texas, Delaware, and before the International Trade Commission. Mike is sought-after for his unique ability to distill a complex case down to the most critical and persuasive themes, and is a feared cross-examiner.

Mike also serves on the firm's Public Services Committee, which oversees pro bono matters, and chairs the firm's Charitable Contributions Committee.

Experience

Mike is frequently called upon to represent technology companies in high-stakes patent cases before the International Trade Commission. For example:

- Investigation No. 1076 (ongoing): Currently representing Sony in a multi-patent ITC action brought by Fujifilm concerning magnetic data storage tapes and cartridges.
- Investigation No. 994 (2016-2017): Led Sony to [trial victory in an](#)

ITC action brought by Creative Technology Ltd. Mike and his team secured an expedited proceeding under the ITC's new "100-day program," and won the first-ever patent invalidation under that program. Sony's victory before the Administrative Law Judge was affirmed both by the full Commission and the Court of Appeals for the Federal Circuit. In parallel, Mike and his team also secured a final written decision from the Patent Trial and Appeal Board finding all claims of the asserted patent to be unpatentable over the prior art.

- Investigation No. 892 (2013-2014): Represented Sony and led respondent group in defending multi-patent ITC action. Less than two weeks before the trial, the patent-holder dropped its case.
- Investigation No. 836 (2012-2013): Represented Sony in a multi-patent ITC action involving several different technologies. Resolved favorably to Sony through confidential settlement shortly before the trial was set to commence.
- Secured [trial victory](#) for MStar Semiconductor in complex ITC action, which was then [upheld by the full Commission](#).

Mike also represents the firm's clients in district courts around the country. For example:

- Led the Wolf Greenfield team that secured a [dispositive claim construction](#) and judgment of non-infringement for E Ink (the world's largest supplier of electronic paper displays) in a suit brought by Research Frontiers Inc. Mike defended the judgment on appeal at the Court of Appeals for the Federal Circuit, which affirmed in December 2017.
- Led the Wolf Greenfield trial team that, together with EMC in-house counsel, [obtained a jury verdict in EMC's favor on May 8, 2015 against Zerto, Inc.](#) The federal jury in Delaware found that Zerto infringed four of the five patents that EMC asserted, and rejected all of Zerto's validity challenges to the patents-in-suit. Mike defended the judgment on appeal; in June 2017, the Federal Circuit affirmed the verdict in its entirety.
- In 2015-2016, Mike led the Wolf Greenfield trial team that defended Smith & Nephew in a 13-patent case brought by a competitor in the orthopedic devices market. Mike and the Wolf

Greenfield team secured institution of 14 out of 14 inter partes review petitions against the asserted patents, invalidated one asserted patent at the claim construction stage, and tried the case to a jury verdict, after which the parties reached a global settlement.

- Achieved total victory for E Ink in a lawsuit brought by CopyTele, Inc. in the Northern District of California. On July 9, 2013 the Court [granted E Ink's motion to dismiss](#). The Court held that CopyTele had earlier assigned away its rights in the patents-in-suit, and therefore lacked standing to sue E Ink.
- Defending Sony in the Eastern District of Texas, Mike and his team secured [summary judgment](#) in July 2012 that one of the two asserted patents was invalid, after which the case settled favorably for Sony. Mike architected and argued the summary judgment motion on behalf of Sony and more than a dozen co-defendants in two related cases.
- Lead counsel for The Jackson Laboratory in multiple patent litigations on transgenic mice. In one case concerning immunodeficient mice, Mike and his team secured a favorable [ruling on a novel question of claim construction](#) related to mouse nomenclature in patent claims. The Court then granted Jackson [summary judgment of no infringement](#), after which the case settled with plaintiff making a substantial cash payment to Jackson. In a second case concerning Alzheimer's disease mouse models, Mike helped Jackson achieve a rare and unusually direct intervention by the United States government to end the case. The National Institutes of Health granted Jackson retroactive "[authorization and consent](#)" to distribute the mice accused of infringement, requiring the plaintiff to proceed – if at all – against the government rather than Jackson.
- Together with Michael Albert, won Massachusetts' [largest jury verdict of 2007](#) in a patent infringement case for medical device company Diomed, Inc. in a trial against two infringers of Diomed's patent on a method for laser vein treatment.

Mike litigates pro bono unemployment appeals on behalf of clients referred to him by the Volunteer Lawyers Project of the Boston Bar Association and also trains others in the firm to handle these cases.

- In 2007, Mike won a high-profile pro bono First Amendment

case. In cooperation with the ACLU, Mike represented Alfie Kohn, a noted writer and speaker on educational issues who had been prevented from speaking at a conference by the Massachusetts Department of Education. Culminating a five-year legal battle, Mike secured judgment that the State's actions violated the First Amendment, and obtained a \$185,000 attorneys fee award and an [acknowledgement of wrongdoing](#) by the Commonwealth of Massachusetts.

Activities

- American Bar Association
- American Intellectual Property Law Association
- Boston Patent Law Association
- Massachusetts Bar Association
- ITC Trial Lawyers Association
- PTAB Bar Association

Recognition

Mike has been repeatedly named to the Massachusetts Super Lawyers list in the field of intellectual property law and was named of one the Top 100 Lawyers in Massachusetts and New England by Massachusetts Super Lawyers. He is also listed in the *Intellectual Asset Management (IAM) 1000 World's Leading Patent Practitioners*.

Interests

Mike has lived abroad in Israel. At the Hebrew University of Jerusalem, he qualified for a formal "exemption certificate" after completing the most advanced course of Hebrew language study that the University offers.

Mike also has experience in Biblical and Talmudic law and has published a peer-reviewed article comparing the obligation to rescue in Jewish law and American civil law.

Mike currently serves on the Board of Directors of the American Friends of Leket Israel (Israel's National Food Bank).

In his spare time, Mike serves as the co-manager of the Scarsdale

Youth Hockey Bantam hockey team.